

## 1SUPPORTING STATEMENT A FOR PAPERWORK REDUCTION ACT SUBMISSION

### Federal Subsistence Regulations and Associated Forms, 43 CFR 51 OMB Control Number 1090-New

**Terms of Clearance:** This is a request for a new control number in conjunction with the Office of Subsistence Management (OSM) final rule RIN 1018-BI07 (original)/1090-AB30 (New), Subsistence Management Regulations for Public Lands in Alaska-Transfer of Regulations. In July 2024, the OSM Program was officially transferred from the Service to Interior's Office of the Secretary, Office of Policy, Management, and Budget (PMB 1090). This rule will realign the OSM regulations from 50 CFR 100 to 43 CFR 51. Upon OMB approval of this request, we will discontinue OMB Control No. 1018-0075.

The information collections described below are currently approved under the U.S. Fish and Wildlife Service (Service; FWS) Control No. 1018-0075. We are requesting the transfer of certain information collections (ICs) within this collection to a new 1090 control number under Interior's Office of the Secretary, as well as requesting approval to convert certain forms used by both Interior and U.S. Forest Service to become new common forms:

- Request to transfer ICs from OMB Control No. 1018-0075 to 1090-New: **ICR Reference No. 202509-1090-002**
- Request to convert forms currently approved under OMB Control No. 108-00075 to new common forms under 1090-New: **ICR Reference No. 202509-1090-003.**

In addition to reassigning the currently approved information collections (ICs) from 1018-0075 to 1090-New for proper management under PMB, we are also revising the collection as follows and are providing updates to the current Terms of Clearance assigned by OMB on 1018-0075:

**Revision to Split U.S. Forest Service (USFS) from Interior** – The currently approved burden under 1018-0075 includes burden for the USFS which is not allowed under the PRA. The USFS should report the burden associated with their regulations separately under their own control number. As part of this submission, we are proposing to convert all forms to be common forms managed by Interior under a new, stand-alone control number (see “Proposed Revisions” in question 2 below).

The USFS will submit a request to OMB for approval a new collection (0596-New) for their burden for all information collections (not associated with the new common forms) contained in their regulations at 36 CFR 242. The USFS will also report their burden for their use of Federal Subsistence Program forms as “Requests for Common Forms” in ROCIS for OMB approval.

**OMB's Terms of Clearance imposed on this collection in their 01/19/2021 approval:**  
*“OMB approves this information collection for 3 years, but with the request that FWS continue to work to make the whole application process available online including providing proof of rural residency. The public has requested this process be made available online and FWS should work to make it available both online and by mail to meet the needs of residents. At the next approval stage, progress toward online applications should clearly be*

*explained in the supporting statement.”*

**OMB’s Terms of Clearance imposed on this collection in their 03/30/2023 approval:**

*“In accordance with 5 CFR 1320, OMB is filing comment and withholding approval at this time. The agency shall examine public comment in response to the proposed rulemaking and include in the supporting statement of the next ICR--to be submitted to OMB at the final rule stage--a description of how the agency has responded to any public comments on the ICR, including comments on maximizing the practical utility of the collection and minimizing the burden.”*

**Agency Response to OMB’s 01/19/2021 and 03/30/2023 Terms of Clearance:** The Service’s and the Department’s (Office of Subsistence Management, Information Technology (IT), and the IT security offices) have been and are addressing this issue. The system will include the permit application process, including proof of rural residency, and all related harvest reporting. We have allocated \$500,000 in funding to correct this deficiency and meetings take place on a weekly basis with the contractor to address issues and receive updates. Based on the number of agencies involved and their individual IT security concerns, we anticipate being ready to test the system by early spring 2025 and full roll-out, after addressing issues identified during the testing, in summer/fall 2025.

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Alaska National Interest Lands Conservation Act (ANILCA) mandates that rural residents of Alaska receive priority for subsistence uses of fish and wildlife. In 1989, the Alaska Supreme Court ruled that ANILCA’s rural priority violated the Alaska Constitution. As a result, the Federal Government manages subsistence uses on Federal public lands and waters in Alaska--about 230 million acres or 60 percent of the land within the State.

Title VIII of ANILCA (16 U.S.C. 3111-3126) designates the Departments of the Interior and Agriculture as the key agencies responsible for implementing the subsistence priority on Federal public lands. To help carry out subsistence management responsibilities, the Secretaries of the Interior and Agriculture established the Federal Subsistence Management Program. Regulations implementing the Federal Subsistence Management Program on Federal public lands within Alaska are in the Code of Federal Regulations (50 CFR 100 and 36 CFR 242).

The Federal Subsistence Management Program is a multi-agency effort to provide the opportunity for a subsistence way of life by rural Alaskans on Federal public lands and waters while maintaining healthy populations of fish and wildlife. Subsistence fishing and hunting provide a large share of the food consumed in rural Alaska. The State’s rural residents harvest about 22,000 tons of wild foods each year--an average of 375 pounds per person. Fish make up about 60 percent of this harvest Statewide.

This dependence on wild resources is both cultural and economic. Alaska’s indigenous inhabitants have relied upon the traditional harvest of wild foods for thousands of years and have passed this way of life--its culture and values--down through generations. Subsistence has also become important to many non-Native Alaskans, particularly in rural Alaska. The program provides for public participation through the Federal Subsistence Board and 10 regional advisory councils (50 CFR 100.11 and 36 CFR 242.11). The Board is the decision-making body that oversees the program. It is comprised of the regional directors of the U.S.

Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and U.S. Forest Service. The Secretaries of the Interior and Agriculture appoint a public representative who serves as chair of the Board and two public members who possess personal knowledge of and direct experience with subsistence uses in rural Alaska. The regional advisory councils: (1) provide recommendations and information to the Board; (2) review proposed regulations, policies and management plans; and (3) serve as a public forum for subsistence issues.

ANILCA and regulations at 50 CFR 100 and 36 CFR 242 require that persons engaged in taking fish, shellfish, and wildlife on public lands in Alaska for subsistence uses apply for and obtain a permit to do so and comply with reporting provisions of that permit.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

**APPOINTMENT OF MEMBERS TO REGIONAL ADVISORY COUNCILS**—Based upon recommendations of the Federal Subsistence Board, the Secretary of the Interior with the concurrence of the Secretary of Agriculture appoints members to the 10 regional advisory councils. ANILCA requires members to be residents of the region in which they serve. The Board established five additional criteria for membership on the Councils. Members must have:

- Knowledge of the region's fish and wildlife resources;
- Knowledge of the region's subsistence uses, customs, and traditions;
- Knowledge of the region's commercial, sport, and other uses;
- Leadership skills; and
- Communication skills.

The member selection process begins with the information that we collect on the application. Ten interagency review panels interview all applicants and nominees, their references, and regional key contacts. The information provided by the applicant on the application form is the basis for these contacts. The information that we collect through the application form and subsequent interviews is the basis of the Federal Subsistence Board's recommendations to the Secretaries of the Interior and Agriculture for appointment and reappointment of council members.

The following forms are associated with recruitment and selection of members for regional advisory councils:

***Form DI-9008, "Federal Subsistence Regional Advisory Council Membership Incumbent Application" (Formerly FWS Form 3-2300)***—Incumbent applicants use this form for membership.

- Question 1 asks if the applicant has any changes or update to their original FWS Form 3-2321.
- Question 2 concerns the applicant's continued desire to serve on the Council and their goals.
- Question 3 is necessary to determine which user group the applicant wishes to represent.
- We request that applicants provide at least three references.

**Form DI-9009, “Federal Subsistence Regional Advisory Council Membership Application/Nomination” (Formerly FWS Form 3-2321)**—Applicants and others nominating individuals complete this form for membership.

- Questions 1 through 4 pertain to the applicant's regional knowledge of resources and uses of those resources.
- Question 5 concerns the applicant's leadership experience.
- Question 6 pertains to communication skills.
- Question 7 helps determine the applicant's knowledge of public lands.
- Questions 8 and 9 help gauge the applicant's willingness and availability to attend meetings.
- Question 10 is necessary to determine which user group the applicant wishes to represent.
- We request that applicants provide at least three references.

**Form DI-9010, “Regional Advisory Council Candidate Interview” (Formerly FWS Form 3-2322)**—Review panel members complete this form when interviewing applicants.

- Question 1 asks if the applicant is willing to serve as a volunteer with no compensation, except for travel and per diem expenses.
- Questions 2, 10, and 11 help to gauge the applicant's commitment level.
- Questions 3-9 relate to questions on the application form and provide an opportunity for discussion and gathering of more detailed information that many respondents are not able to give in writing.

**Form DI-9011, “Regional Advisory Council Reference/Key Contact Interview” (Formerly FWS Form 3-2323)**—Review panel members completed this form when interviewing references and key contacts.

- Questions 1-3 provide other perspectives of the applicant's experience and abilities.
- Questions 4 and 5 provide the agency with a better understanding of the applicant's ability to work with others and of their standing in the community and region.

**HUNTING AND FISHING APPLICATIONS, PERMITS, AND REPORTS**—Persons engaged in taking wildlife, fish, and shellfish on public lands in Alaska for subsistence uses must apply for, obtain a permit, and comply with reporting provisions of that permit. All subsistence program land managing agencies in Alaska use the five forms identified below to collect information from qualified rural residents for subsistence harvest to verify the applicant as a federally qualified user and to track take of wildlife and fish.

Staff anthropologists use the information to inform customary and traditional use determinations by describing the past human uses of resources, who has used them, and where they have been used. Staff biologists use the information to evaluate harvest success, effectiveness of season lengths, harvest quotas, and restrictions, hunting/fishing patterns and practices and overall use.

The Federal Subsistence Board uses the harvest data, along with other information, to set future season dates and bag limits for Federal subsistence resource users. These seasons and bag limits are set to meet needs of subsistence hunters without adversely impact to the health of existing animal populations.

***Form DI-9012, “Federal Subsistence Customary Trade Recordkeeping Form” (Formerly FWS Form 3-2379)***

Federally qualified subsistence users who want to take part in customary trade must complete this form. Staff anthropologists use the information to inform customary and traditional use determinations and to write an analysis based on the provisions in Section 804 of ANILCA. These analyses further reduce the pool of eligible subsistence users and may allocate harvests by community, in part, based on documented uses of the resource.

- Applicants provide information on the permit to identify:
  - (1) That they are a federally qualified subsistence user;
  - (2) Their community of primary residence for community harvest allocations;
  - (3) Season and permit number; and
  - (4) Other household members who may conduct customary trade with the permit.
- Remaining information tracks date of sales, buyers, and buyers' addresses, total dollar amount, species taken, fish parts.

***Form DI-9013, “Designated Fishing Application, Permit, and Report” (Formerly FWS Form 3-2378)***

Federally qualified subsistence users who want to harvest fish for other federally qualified subsistence users must complete this form. Federally qualified subsistence users may designate another Federally qualified subsistence user to take fish on their behalf. The designated subsistence user must obtain a designated harvest permit prior to attempting to harvest fish and must return a completed harvest report. The designated subsistence user may fish for any number of beneficiaries but may have no more than two harvest limits in their possession at any one time. Subsistence users may not designate more than one person to take or attempt to take fish on their behalf at one time. Subsistence users may not personally take or attempt to take fish at the same time that their designated subsistence user is taking or attempting to take fish on their behalf.

- Applicants provide information on the permit to identify:
  - (1) They are a federally qualified subsistence user;
  - (2) Their community of primary residence for community harvest allocations; and
  - (3) The season and permit number.
- Applicants identify both whom they fished for and their subsistence permit number. The permit number verifies they are federally qualified users and tracks usage by communities.
- The remaining information requested in the form tracks species taken, number retained and gear for biological and anthropological analysis.

***Form DI-9014, “Designated Hunter Application, Permit, and Report” (Formerly FWS Form 3-2327)***

Federally qualified subsistence users who want to harvest wildlife for other federally qualified subsistence users must complete this form.

- Applicants provide information on the permit to identify:
  - (1) They are a federally qualified subsistence user;
  - (2) Their community of primary residence for community harvest allocations; and
  - (3) The unit, season, hunt number and permit number.
- Applicants provide a list of names of other persons they hunted for, their harvest ticket/registration permit and their community to ensure they are federally qualified subsistence users.
- The remaining information provides harvest data such a unit, drainage or specific

location and number, by sex, of animals taken.

**Form DI-9015, “Federal Subsistence Fishing Application, Permit, and Report” (FWS Form 3-2328)**—Federally qualified subsistence users who want to harvest fish complete this form.

- Applicants provide information on the permit to identify:
  - (1) They are a federally qualified subsistence user;
  - (2) Their community of primary residence for community harvest allocations;
  - (3) Season and permit number; and
  - (4) Other household members that may fish with the permit.
- The remaining information identifies dates, locations, types of gear, fish species and number of fish harvested for biological and anthropological analysis.
- Depending on in-season management requirements, a condition may be included for certain fisheries that requires a time-specific reporting requirement. This management tool is only used when conservation concerns exist that may require the emergency closure of the fishery to prevent over harvest.
- The form must be completed and returned by date designated on permit.

**Form DI-9016, “Federal Subsistence Hunt Application, Permit, and Report” (Formerly FWS Form 3-2326)**—Federally qualified subsistence users who want to harvest wildlife complete this form.

- Applicants provide information on the permit to identify:
  - (1) They are a federally qualified subsistence user;
  - (2) Their community of primary residence for community harvest allocations; and
  - (3) The unit, season, hunt number, and permit number.
- Question 1 identifies whether the applicant hunted or used a designated hunter.
- Questions 2a through 2e identify success rates by time, location, and take of animal.
- Question 3 identifies date of take and biological data of animal.

**NONFORM INFORMATION COLLECTIONS**—We also collect nonform information. Regulations at 43 CFR 51 (formerly 50 CFR 100) contain procedures for the nonform information collection requirements, including required documentation:

**Petition to Repeal Subsistence Rules and Regulations**—If the State of Alaska enacts and implements laws that are consistent with sections 803, 804, and 805 of ANILCA, the State may submit a petition to the Secretary of the Interior for repeal of Federal subsistence rules. The State's petition shall:

- (1) Be submitted to the Secretary of the Interior and the Secretary of Agriculture;
- (2) Include the entire text of applicable State legislation indicating compliance with sections 803, 804, and 805 of ANILCA; and
- (3) Set forth all data and arguments available to the State in support of legislative compliance with sections 803, 804, and 805 of ANILCA.

If the Secretaries find that the State's petition contains adequate justification, a rulemaking proceeding for repeal of the regulations in this part will be initiated. If the Secretaries find that the State's petition does not contain adequate justification, the petition will be denied by letter or other notice, with a statement of the ground for denial.

***Propose Changes to Federal Subsistence Regulations***—The Board will accept proposals for changes to the Federal subsistence regulations in 43 CFR 51 according to a published schedule, except for proposals for emergency and temporary special actions, which the Board will accept according to procedures set forth in the regulations. Members of the public may propose changes to the subsistence regulations by providing:

- Contact information (name, organization, address, phone number, fax number, email address).
- Type of change (harvest season, harvest limit, method and means of harvest, customary and traditional use determination).
- Regulation to be changed.
- Language for proposed regulation.
- Why change should be made.
- Impact on populations.
- How change will affect subsistence uses.
- How change will affect other uses.
- Communities that have used the resource.
- Where resource has been harvested.
- Months in which resource has been harvested.

***Proposals for Emergency or Temporary Special Actions***—A special action is an out-of-cycle change in a season, harvest limit, or method of harvest. The Federal Subsistence Board may take a special action to restrict, close, open, or reopen the taking of fish and wildlife on Federal public lands: (1) to ensure the continued viability of a particular fish or wildlife population; (2) to ensure continued subsistence use; and (3) for reasons of public safety or administration. Members of the public may request a special action by providing:

- Contact information (name, organization, address, telephone number, fax number, email address).
- Description of requested action.
- Any unusual or significant changes in resource abundance or unusual conditions affecting harvest opportunities that could not reasonably have been anticipated and that potentially could have significant adverse effects on the health of fish and wildlife populations or subsistence users.
- The necessity of requested action if required for reasons of public safety or administration.
- Extenuating circumstances that necessitate a regulatory change before the next regulatory review.

***Requests for Reconsideration (Appeals)***—Any person adversely affected by a new regulation may request that the Federal Subsistence Board reconsider its decision by filing a written request within 60 days after a regulation takes effect or is published in the Federal Register, whichever comes first.

Requests for reconsideration must provide the Board with sufficient narrative evidence and argument to show why the action by the Board should be reconsidered. The Board will accept a request for reconsideration only if it is based upon information not previously considered by the Board, demonstrates that the existing information used by the Board is incorrect, or demonstrates that the Board's interpretation of information, applicable law, or regulation is in error or contrary to existing law. Requests for reconsideration must include:

- Contact information (name, organization, address, telephone number, fax number, email address).
- Regulation and the date of Federal Register publication.
- Statement of how the person is adversely affected by the action.
- Statement of the issues raised by the action, with specific reference to: (1) information not previously considered by the Board; (2) information used by the Board that is incorrect; and (3) how the Board's interpretation of information, applicable law, or regulation is in error or contrary to existing law.

## **OTHER PERMITS AND REPORTS**

***Traditional/Cultural/Educational Permits***—Organizations desiring to harvest fish or wildlife for traditional, cultural, or educational reasons must provide a letter stating that the requesting program has instructors, enrolled students, minimum attendance requirements, and standards for successful completion. The harvest must be reported, and any animals harvested will count against any established Federal harvest quota for the area in which it is harvested.

***Fishwheel, Fyke Net, and Under Ice Permits***—Persons who want to set up and operate fishwheels and fyke nets, or use a net under the ice may be required to consult with the in-season manager and may also be required to either provide or label the equipment with certain information such as name and contact information and other household member who will use the equipment, permittee's name and address, species of fish take, number of fish taken, dates of use, registration permit number; organization's name and address (if applicable), and primary contact person name and telephone number.

***Reports and Recommendations***—Subsistence Regional Advisory Councils are required to send an annual report to the Federal Subsistence Board informing them of regional concerns or problems pertaining to subsistence on Federal public lands. In turn, the Board is required to respond to each of the Councils annual reports and address their concerns and possible courses of actions or solutions.

***Customary Trade Sales***—The Board manages each region differently regarding customary trade, this is primarily based on cultural beliefs and traditional practices. As needed, decisions also include conservation concerns. This requirement is in place to monitor customary trade and ensure that subsistence resources are for subsistence users and not commercial trade.

***Transfer of Subsistence Caught Fish, Wildlife, or Shellfish***—This reporting requirement safeguards the harvester and individual who receives the harvested animal. It protects both parties to show that an illegal commercial enterprise is not on-going or that the animal was not poached.

***Meeting Request***—The Board shall meet at least twice per year and at such other times as deemed necessary. Meetings shall occur at the call of the Chair, but any member may request a meeting. There is no specified format to request a meeting. Usually, we (Office of Subsistence Management) recommend to the Board that they have a meeting on a special topic, such as pending litigation. This is not a common occurrence.

***Cooperative Agreements***—The Board may enter into cooperative agreements or otherwise cooperate with Federal agencies, the State, Native organizations, local governmental entities, and other persons and organizations, including international entities to effectuate the purposes and policies of the Federal subsistence management program or to coordinate respective



management responsibilities. Currently, cooperative agreements are not generally used and we are reporting a placeholder burden of 1 in question 12 due to the regulatory requirement.

**Alternative Permitting Processes**—Developing alternative permitting processes relating to the subsistence taking of fish and wildlife ensures continued opportunities for subsistence. Currently, this requirement is not generally used and we are reporting a placeholder burden of 1 in question 12 due to the regulatory requirement.

**Requests for Individual Customary and Traditional Use Determinations**—The Federal Subsistence Board has determined that rural Alaska residents of the listed communities, areas, and individuals have customary and traditional use of the specified species on Federal public land in the specified areas. Persons granted individual customary and traditional use determinations will be notified in writing by the Board. The Service and the local NPS Superintendent will maintain the list of individuals having customary and traditional use on National Parks and Monuments. A copy of the list is available upon request. Currently, this requirement is not generally used and we are reporting a placeholder burden of 1 in question 12 due to the regulatory requirement.

**Management Plans**—Management plans are not routinely used. When created by the State or Alaska Native communities for overall management of a specific area, the plans are submitted to the appropriate Federal agencies for review/comment. Currently, this requirement is not generally used and we are reporting a placeholder burden of 1 in question 12 due to the regulatory requirement.

#### **Labeling/Marking Requirements (See specific sections identified below)**

**Bear Baiting**—The requirement to mark bear baiting stations and provide contact information is for public safety since attempting to draw bears into a certain area could cause a significant hazard for the public not involved in hunting activities. Requirements to register a bait station with the State is to provide a single location that the public can go to inform themselves of possible hazards prior to using public lands.

**Evidence of Sex and Identity**—In certain areas and with certain species of both wildlife and fish, evidence of sex and identity are required for biological purposes and the data is used for future management decisions. This information is critical to assist in assessing the health of a population, the male/female ratios, ages of harvested animals, identifying different genetic populations, and other important factors needed for sound management decisions.

**Marking of Fish Gear**—The marking of various fishing gear types (fishwheels, crab pots, certain types of nets or their supporting buoys, stakes, etc.) with contact information is based on the fact that these gear types are generally unattended while catching fish. This information is used to differentiate between users harvesting under Federal or State regulations and also to protect the owners of the gear should it be damaged or carried away. The contact information can be used to return the often-expensive gear to the proper owner. Requirements as to the location of the contact information on the gear types is to ease the task of field managers so they can, if needed, identify gear from a boat and not have to land to search for the contact information. In marine waters, the information is used by the USCG for safety in navigation concerns. The above reasons also hold true regarding registering a fishwheel with the State or the Federal program.

**Marking of Subsistence Caught Fish**—Requirements in certain areas to mark subsistence caught fish by removal of the tips of the tail or dorsal fin is used to identify fish harvested under Federal regulations and not under State sport or commercial regulations. This is needed as Federal subsistence harvest limits are often larger than sport fishing bag limits and protects the user from possible citations from State law enforcement.

**Sealing Requirements**—Sealing requirements for animals, primarily bears and wolves, differ in parts of the State. This requirement not only allows biologists to gather important data to evaluate the health of the various populations but is also integral in preventing the illegal harvest and trafficking of animals and their parts.

**3<sup>rd</sup> Party Notifications (Tags, Marks, or Collar Notification and Return)**—Users must present the tags, markings, or collars to ADF&G, or the agency conducting the research. Much of this equipment may be used again, and the information regarding the take of the animal is important to management decisions.

## PROPOSED REVISIONS

In conjunction with this rule, we will seek OMB approval of the following revisions:

### (1) Reassignment of existing ICs from Control No. 1018-0075 to 1090-New (*ICR Reference No. 202409-1090-001*):

The forms and regulatory ICs described below are being reassigned, without change, from 1018-0075 to 1090-New. We updated the burden for the ICs as shown in question 12 of this SSA.

New	Current
<b>DI Form 9008</b> , “Federal Subsistence Regional Advisory Council Membership Incumbent Application”	<b>Form 3-2300</b> , “Federal Subsistence Regional Advisory Council Membership Incumbent Application”
<b>DI Form 9009</b> , “Federal Subsistence Regional Advisory Council Membership Application/Nomination”	<b>Form 3-2321</b> , “Federal Subsistence Regional Advisory Council Membership Application/Nomination”
<b>DI Form 9010</b> , “Regional Advisory Council Candidate Interview”	<b>Form 3-2322</b> , “Regional Advisory Council Candidate Interview”
<b>DI Form 9011</b> , “Regional Advisory Council Reference/Key Contact Interview”	<b>Form 3-2323</b> , “Regional Advisory Council Reference/Key Contact Interview”

### Petition to Repeal Subsistence Rules and Regulations – § 43

If the State of Alaska enacts and implements laws that are consistent with sections 803, 804, and 805 of ANILCA, the State may submit a petition to the Secretary of the Interior for repeal of Federal subsistence rules. The State's petition shall:

- Be submitted to the Secretary of the Interior and the Secretary of Agriculture;
- Include the entire text of applicable State legislation indicating compliance with sections 803, 804, and 805 of ANILCA; and
- Set forth all data and arguments available to the State in support of legislative compliance with sections 803, 804, and 805 of ANILCA.

If the Secretaries find that the State's petition contains adequate justification, a rulemaking proceeding for repeal of the regulations in this part will be initiated. If the

Secretaries find that the State's petition does not contain adequate justification, the petition will be denied by letter or other notice, with a statement of the ground for denial.

### **Propose Changes to Federal Subsistence Regulations – § 43**

The Board will accept proposals for changes to the Federal subsistence regulations in subparts C or D of Part 242 according to a published schedule, except for proposals for emergency and temporary special actions, which the Board will accept according to procedures set forth in § 242.19.

Members of the public may propose changes to the subsistence regulations by providing:

- Contact information (name, organization, address, phone number, fax number, email address).
- Type of change (harvest season, harvest limit, method and means of harvest, customary and traditional use determination).
- Regulation to be changed.
- Language for proposed regulation.
- Why change should be made.
- Impact on populations.
- How change will affect subsistence uses.
- How change will affect other uses.
- Communities that have used the resource.
- Where resource has been harvested.
- Months in which resource has been harvested.

### **Proposals for Emergency or Temporary Special Actions – § 43**

A special action is an out-of-cycle change in a season, harvest limit, or method of harvest. The Federal Subsistence Board may take a special action to restrict, close, open, or reopen the taking of fish and wildlife on Federal public lands: (1) to ensure the continued viability of a particular fish or wildlife population; (2) to ensure continued subsistence use; and (3) for reasons of public safety or administration. Members of the public may request a special action by providing:

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- The necessity of requested action if required for reasons of public safety or administration.
- Extenuating circumstances that necessitate a regulatory change before the next regulatory review.

### **Requests for Reconsideration (Appeals) – § 43**

Any person adversely affected by a new regulation may request that the Federal Subsistence Board reconsider its decision by filing a written request within 60 days after a regulation takes effect or is published in the Federal Register, whichever comes first.

Requests for reconsideration must provide the Board with sufficient narrative evidence and argument to show why the action by the Board should be reconsidered. The Board will accept a request for reconsideration only if it is based upon information not previously considered by the Board, demonstrates that the existing information used by the Board is incorrect, or demonstrates that the Board's interpretation of information, applicable law, or regulation is in error or contrary to existing law. Requests for reconsideration must include:

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#### **Other Permits and Reports – § 43**

- **Traditional/Cultural/Educational Permits**  
Organizations desiring to harvest fish or wildlife for traditional, cultural, or educational reasons must provide a letter stating that the requesting program has instructors, enrolled students, minimum attendance requirements, and standards for successful completion. Harvest must be reported, and any animals harvested will count against any established Federal harvest quota for the area in which it is harvested.
- **Fishwheel, Fyke Net and Under Ice Permits**  
Persons who want to set up and operate fishwheels and fyke nets, or use a net under the ice must provide:
  - (1) Name and contact information and other household member who will use the equipment. Fishwheels must be marked with registration permit number; organization's name and address (if applicable), and primary contact person name and telephone number; under ice nets must be marked with the permittee's name and address.
  - (2) Species of fish take, number of fish taken, and dates of use.

#### **Reports and Recommendations – § 43**

Subsistence Regional Advisory Councils are required to send an annual report to the Federal Subsistence Board informing them of regional concerns or problems pertaining to subsistence on Federal public lands. In turn, the Board is required to respond to each of the Councils annual reports and address their concerns and possible courses of actions or solutions.

#### **Customary Trade Sales – § 43**

The Board manages each region differently regarding customary trade, this is primarily based on cultural beliefs and traditional practices. As needed, decisions also include conservation concerns. This requirement is in place to monitor customary trade and ensure that subsistence resources are for subsistence users and not commercial trade.

#### **Transfer of Subsistence Caught Fish, Wildlife, or Shellfish – § 43**

This reporting requirement safeguards the harvester and individual who receives the

harvested animal. It protects both parties to show that an illegal commercial enterprise is not on-going or that the animal was not poached.

#### **Meeting Request – § 43**

The Board shall meet at least twice per year and at such other times as deemed necessary. Meetings shall occur at the call of the Chair, but any member may request a meeting. There is no specified format to request a meeting. Usually we (Office of Subsistence Management) recommend to the Board that they have a meeting on a special topic, such as pending litigation. This is not a common occurrence.

#### **Cooperative Agreements – § 43**

The Board may enter into cooperative agreements or otherwise cooperate with Federal agencies, the State, Native organizations, local governmental entities, and other persons and organizations, including international entities to effectuate the purposes and policies of the Federal subsistence management program or to coordinate respective management responsibilities. Currently, cooperative agreements are not generally used and we are reporting a placeholder burden of 1 in question 12 due to the regulatory requirement.

#### **Alternative Permitting Processes – § 43**

Developing alternative permitting processes relating to the subsistence taking of fish and wildlife ensures continued opportunities for subsistence. Currently, this requirement is not generally used and we are reporting a placeholder burden of 1 in question 12 due to the regulatory requirement.

#### **Requests for Individual Customary and Traditional Use Determinations – § 43**

The Federal Subsistence Board has determined that rural Alaska residents of the listed communities, areas, and individuals have customary and traditional use of the specified species on Federal public land in the specified areas. Persons granted individual customary and traditional use determinations will be notified in writing by the Board. The Service and the local NPS Superintendent will maintain the list of individuals having customary and traditional use on National Parks and Monuments. A copy of the list is available upon request. Currently, this requirement is not generally used and we are reporting a placeholder burden of 1 in question 12 due to the regulatory requirement.

#### **Management Plans – § 43**

Management plans are not routinely used. When created by the State or Alaska Native communities for overall management of a specific area, the plans are submitted to the appropriate Federal agencies for review/comment. Currently, this requirement is not generally used and we are reporting a placeholder burden of 1 in question 12 due to the regulatory requirement.

#### **Labeling/Marking Requirements (See specific sections identified below) – § 43**

**Bear Baiting** – The requirement to mark bear baiting stations and provide contact information is for public safety since attempting to draw bears into a certain area could cause a significant hazard for the public not involved in hunting activities. Requirements to register a bait station with the State is to provide a single location that the public can go to inform themselves of possible hazards prior to using public lands.

**Evidence of sex and identity** – In certain areas and with certain species of both wildlife and fish, evidence of sex and identity are required for biological purposes and the data is used for future management decisions. This information is critical to assist in assessing the health of a population, the male/female ratios, ages of harvested animals, identifying different genetic populations, and other important factors needed for sound management decisions.

**Marking of fish gear** – The marking of various fishing gear types (fishwheels, crab pots, certain types of nets or their supporting buoys, stakes, etc.) with contact information is based on the fact that these gear types are generally unattended while catching fish. This information is used to differentiate between users harvesting under Federal or State regulations and also to protect the owners of the gear should it be damaged or carried away. The contact information can be used to return the often-expensive gear to the proper owner. Requirements as to the location of the contact information on the gear types is to ease the task of field managers so they can, if needed, identify gear from a boat and not have to land to search for the contact information. In marine waters, the information is used by the USCG for safety in navigation concerns. The above reasons also hold true regarding registering a fishwheel with the State or the Federal program.

**Marking of subsistence caught fish** – Requirements in certain areas to mark subsistence caught fish by removal of the tips of the tail or dorsal fin is used to identify fish harvested under Federal regulations and not under State sport or commercial regulations. This is needed as Federal subsistence harvest limits are often larger than sport fishing bag limits and protects the user from possible citations from State LE.

**Sealing requirements** – Sealing requirements for animals, primarily bears and wolves, differ in parts of the State. This requirement not only allows biologists to gather important data to evaluate the health of the various populations but is also integral in preventing the illegal harvest and trafficking of animals and their parts.

**3<sup>rd</sup> Party Notifications (Tags, Marks, or Collar Notification and Return) – § 43**

Users must present the tags, markings, or collars to ADF&G, or the agency conducting the research. Much of this equipment may be used again, and the information regarding the take of the animal is important to management decisions.

- (2) Conversion of the following forms to DI common forms which are used by both the Office of Subsistence Management Program (*to be submitted to OMB under a separate ICR requesting the new 1090 control number*) and the USDA-FS (under a new separate 0596 control number):

New	Current
DI Form 9012, "Federal Subsistence Customary Trade Recordkeeping Form"	Form 3-2379, "Federal Subsistence Customary Trade Recordkeeping Form"
DI Form 9013, "Designated Fishing Application, Permit, and Report"	Form 3-2378, "Designated Fishing Application, Permit, and Report"
DI Form 9014, "Designated Hunter Application, Permit, and Report"	Form 3-2327, "Designated Hunter Application, Permit, and Report"
DI Form 9015, "Federal Subsistence	Form 3-2328, "Federal Subsistence

Fishing Application, Permit, and Report"	Fishing Application, Permit, and Report"
<b>DI Form 9016</b> , "Federal Subsistence Hunt Application, Permit, and Report"	<b>Form 3-2326</b> , "Federal Subsistence Hunt Application, Permit, and Report"

Once approved as common forms, the USDA-FS will report their burden for the use of the Federal Subsistence Program forms as RCF submissions in ROCIS.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

DI Form 9008 (3-2300), DI Form 9009 (3-2321), DI Form 9010 (3-2322), and DI Form 9011 (3-2323) are available on our forms website (<https://www.doi.gov/eforms>). However, most applicants live in remote communities and do not have Internet access. Many who do have Internet access have outdated programs and computers. Most applicants have access to fax machines through community government or Tribal offices and have generally reliable mail service. We make the application form available to the public through extensive mailings, distribution of paper copies at Regional Advisory Council meetings, Federal agency field staff, and special mailings upon request. Applicants may submit completed applications electronically, in person, by mail, or by fax. We receive very few submissions electronically. We receive most applications via mailed or during meetings.

DI Form 9012 (3-2379), DI Form 9013 (3-2378), DI Form 9014 (3-2327), DI Form 9015 (3-2328), and DI Form 9016 (3-2326) are primarily issued by local land managers in extremely rural parts of the State. Most of these areas are not located on the road system and standard land line phones and the Internet are not available to members of the public. U.S. mail service is generally reliable but can be limited during inclement weather. These forms are not available over the Internet due to the above reasons and the fact that local land managers may need to control the number of permits issued based on harvest quotas. None of these forms are completed electronically.

We accept all nonform information by mail, fax, and email.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The Federal Subsistence Program is unique to Alaska. No other office at Interior or Federal agency outside of Interior collects this information.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The collection of this information does not impact small businesses or other small entities.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If we do not collect this information, we would not be able to manage the resources and assess the needs of subsistence users. It would be impossible to address current population trends without knowing the animals/fish that were harvested in the previous season and adjustments to provide for user needs would be impossible without understanding the patterns, practices and uses.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- \* requiring respondents to report information to the agency more often than quarterly;
- \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- \* requiring respondents to submit more than an original and two copies of any document;
- \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- \* in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- \* requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Occasionally, we require hunters/fishers to report the taking of wildlife/fish within 15 days or 72 hours. This is a conservation tool used by in-season managers. By having early reporting, managers can close the season to prevent over harvest of the general population or over harvest of a certain sex of the population. For salmon harvest, depending on in-season management requirements, a condition may be included for certain fisheries that requires a 72-hour reporting requirement. This management tool is only used when conservation concerns exist that may require the emergency closure of the fishery to prevent over harvest. This is also important for managers when dealing with populations--both fish and wildlife--that migrate across vast areas of the State. There are no other special circumstances that require us to conduct this information collection in a manner that is inconsistent with OMB guidelines.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded,**



disclosed, or reported.

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

We prepared final regulations (RIN 1090-AB30) to transfer the Federal Subsistence Management Program regulations from 50 CFR part 100 to 43 CFR part 51 to align with the transfer of the Office of Subsistence Management from the Service to the Office of the Assistant Secretary for Policy, Management and Budget. This rule also revises the regulations to reflect the organizational changes and solicits public comment for a period of 60 days on the revised ICs and burden associated with the existing collections currently approved in 1018-0075. We provided a copy of the published final rule as a supplemental document in ROCIS.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

We do not provide gifts or payments to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

We do not provide any assurance of confidentiality. Information is collected and protected in accordance with the Privacy Act (5 U.S.C. § 552a) and the Freedom of Information Act (5 U.S.C. 552). We will maintain the information in a secure System of Records (Permits System - Interior, FWS-21, September 4, 2003, 68 FR 52610; modifications published June 4, 2008, 73 FR 31877), March 16, 2023 (88 FR 16277), and January 12, 2024 ([89 FR 2230](#))).

The Department of Interior is developing a new SORN due to the realignment of OSM from the U.S. Fish and Wildlife Service to Interior's Office of the Secretary. In the interim, we provided OMB with a copy of the updated Privacy Threshold Analysis (PTA) for the Federal Subsistence Management System as a supplementary document in ROCIS and will provide OMB with a copy of the SORN upon its publication in the *Federal Register*.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

We do not ask questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- \* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of**

potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- \* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.

For the revision to 1018-0075 and subsequent transfer of the ICs identified in question 2 to a new 1090 control number, we estimate a total of **385 responses** totaling **281 annual burden hours** for this collection and the dollar value of the annual burden hours is approximately **\$12,194** (rounded; see “*Question 12 – Burden Calcs*” tab in Attachment A).

For the conversion of certain subsistence management forms identified in question 2 to a new 1090 control number (*to be submitted as a separate ICR in ROCIS*), we estimate Interior’s burden to be **4,918 responses** totaling **1,231 annual burden hours** and the dollar value of the annual burden hours to be approximately **\$43,173** (rounded; see “*Question 12 – Burden Calcs*” tab in Attachment A).

The USFS will report their burden associated with their regulatory requirements in 36 CFR 242 as a new 0596 control number to separate their burden out from Interior. They will also submit RCF entries in ROCIS for their burden associated with the newly designated common forms.

The “May 2023 Occupational Employment and Wage Estimates – Alaska” lists the mean hourly wage for persons in occupational code 45-0000, “[Farming, Fishing, and Forestry Occupations](#)” as \$24.21. In accordance with Bureau of Labor Statistics (BLS) [News Release](#) USDL-24-1863, September 10, 2024, Employer Costs for Employee Compensation—June 2024, we multiplied this rate by 1.45 for individuals resulting in a total hourly cost factor of \$35.10 for individuals respondents (this rate is likely high for most subsistence users). For government respondents, we used the standard BLS hourly rate of \$61.37, including benefits.

**13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)**

- \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- \* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or

contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- \* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There is no non-hour cost burden associated with this information collection. Postage is prepaid and included in question 14 as a Federal Government expense.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.**

We estimate that the total annual cost to the Federal Government to administer this information collection is **\$462,357** (rounded) – \$323,857 (rounded) for salaries and \$138,500 for other costs (see “*Question 14 – Fed Govt Cost*” tab in Attachment A).

To calculate salary costs, we estimated the average time for each task involved in the process and multiplied by the estimated average hourly wage of the staff involved in the process. We used the Office of Personnel Management Salary Table [2025-AK](#) to determine the hourly rate and multiplied the rate by 1.62 to account for benefits, in accordance with BLS [News Release](#) USDL-24-1863.

**15. Explain the reasons for any program changes or adjustments in hour or cost burden.**

This is a request for a new control number in conjunction with the Office of Subsistence Management (OSM) final rule RIN 1018-BI07 (original)/1090-AB30 (New), Subsistence Management Regulations for Public Lands in Alaska-Transfer of Regulations published on July 18, 2025.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

We do not publish the results of this information collection.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We will display the OMB control number and expiration date on all forms and other appropriate materials.

**18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."**

There are no exceptions to the certifications required by 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).