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DEPARTMENT OF AGRICULTURE**Forest Service****50 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100****[FWS-R7-SM-2013-0126;
FXFR13350700640-145-FF07J00000]****Subsistence Management Program for
Public Lands in Alaska; Rural
Determination Process****AGENCIES:** Forest Service, Agriculture;
Fish and Wildlife Service, Interior.**ACTION:** Advanced notice of proposed
rulemaking; extension of comment
period.**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.**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.**ADDRESSES:** *Comments:* Comments on
this extension must be received or
postmarked by December 2, 2013. You
may submit comments by one of the
following methods:

- *Electronically:* Comments
addressing this notice may be sent to
subsistence@fws.gov.
- *By hard copy:* U.S. mail or hand-
delivery to: USFWS, Office of

Subsistence Management, 1011 East
Tudor Road, MS 121, Attn: Theo
Matuskowitz, Anchorage, AK 99503-
6199, or hand delivery to the Designated
Federal Official attending any of the
Federal Subsistence Regional Advisory
Council public meetings.Comments received will be available
for public review during public
meetings held by the Board on this
issue. This generally means that any
personal information you provide us
will be available during public review.*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.**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:****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.*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

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.doi.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 § __.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 § __.23(a), which defines the rural/nonrural status of communities and/or areas, needs revision. Residents 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.

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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/#/docketDetail;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.)