



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS–R7–MB–2025–1694; FXMB12610700000–267–FF07M01000]

RIN 1018-BI70

Migratory Bird Subsistence Harvest in Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are proposing changes to the migratory bird subsistence harvest regulations in Alaska. Subsistence harvest regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and establish when and where the harvesting of certain migratory birds may occur within each subsistence region. Subsistence harvest regulations, including these proposed changes, were developed through a cooperative process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives.

DATES: We will accept comments received or postmarked on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: You may submit comments by one of the following methods:

(1) Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. FWS–R7–MB–2025–1694.

(2) U.S. Mail: Public Comments Processing, Attn: FWS–R7–MB–2025–1694, U.S. Fish and Wildlife Service, MS: JAO/3W, 5275 Leesburg Place, Falls Church, VA 22041–3803.

We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see **Public Comment Procedures**, below, for more information).

FOR FURTHER INFORMATION CONTACT: Wendy Loya, U.S. Fish and Wildlife Service, 1011 E Tudor Road, Mail Stop 201, Anchorage, AK 99503; (907) 227–2942.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point of contact in the United States. Please see Docket No. FWS–R7–MB–2025–1694 on <https://www.regulations.gov> for a document that summarizes this proposed rule.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

To ensure that any action resulting from this proposed rule will be as accurate and as effective as possible, we request that you send relevant information for our consideration. The comments that will be most useful and likely to influence our decisions are those supported by quantitative information or studies and those that include citations to, and analyses of, the applicable laws and regulations. Please make your comments as specific as possible and explain the basis for them. In addition, please include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

You must submit your comments and materials concerning this proposed rule by one of the methods listed above in ADDRESSES. We will not accept comments sent by email or fax or to an address not listed in ADDRESSES. If you submit a comment via <https://www.regulations.gov>, your entire comment—including any personal identifying

information, such as your address, telephone number, or email address—will be posted on the website.

If you mail a hardcopy comment directly to us that includes personal information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. All comments and materials we receive will be available for public inspection via <https://www.regulations.gov> under Docket No. FWS–R7–MB–2025–1694.

Background

The Migratory Bird Treaty Act of 1918 (MBTA, 16 U.S.C. 703 *et seq.*) was enacted to protect migratory birds and gives the Secretary of the Interior the authority to regulate the harvest of certain migratory birds. The law further authorizes the Secretary to issue regulations to ensure that the indigenous inhabitants of the State of Alaska may take certain migratory birds and collect their eggs for nutritional and other essential needs during seasons established by the Secretary to provide for the preservation and maintenance of these migratory birds (16 U.S.C. 712(1)).

The take of migratory birds for subsistence uses in Alaska occurs primarily during the spring and summer, a timeframe not included in the fall and winter general migratory game bird hunting regulations for the United States. Regulations governing the subsistence harvest of migratory birds in Alaska are located in title 50 of the Code of Federal Regulations (CFR) in part 92. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds and establish when and where the harvesting of certain birds in Alaska may occur within each subsistence region.

The migratory bird subsistence harvest regulations are developed cooperatively. The Alaska Migratory Bird Co-Management Council (Council or AMBCC) consists of the Service, the Alaska Department of Fish and Game (ADFG), and Alaska Native

representatives. The Council's primary purpose is to develop recommendations pertaining to the subsistence harvest of migratory birds.

The Council generally holds an annual spring meeting to review and recommend any regulatory changes for migratory bird subsistence harvest regulations in Alaska. The Council met April 9–10, 2025, and recommended changes to the subsistence harvest regulations intended to take effect beginning with the 2026 harvest season. The Council's recommendations were presented to the Pacific Flyway Council for their review and comment and subsequent submission to the Service Regulations Committee (SRC) for consideration at the SRC meeting on December 16, 2025.

Proposed Revisions to the Regulations

Under the collaborative process described above, this document proposes the following revisions to the regulations for the taking of certain migratory birds for subsistence uses in Alaska during the spring and summer.

Proposed Revision to Subpart A

In 50 CFR part 92, subpart A (general provisions), we propose to change the name of the Upper Copper River region to the Ahtna Territory region in § 92.5. The Upper Copper River region is one of 12 geographic regions (called regional management areas) in Alaska based on common subsistence resource use patterns and the 12 Alaska Native regional corporation boundaries established under the Alaska Native Claims Settlement Act (ANCSA, 43 U.S.C 1606). The Upper Copper River region has eight eligible communities whose harvest area includes Alaska State Game Management Units 11, 12, and 13. The Copper River Migratory Bird Co-Management Council submitted a proposal to the AMBCC requesting their region be renamed Ahtna Territory to reflect the desires of member communities to self-identify with an appropriate regional name. The current name inaccurately reflects the region's community membership and eligible harvest area, as the community of Cantwell is not located in the Copper River drainage

and its traditional hunting areas are within the watersheds of other major rivers (e.g., the Yukon and Susitna). Renaming this region as the Ahtna Territory will help clarify Ahtna Tribal communities included in the region and better identify those eligible to participate in the spring-summer subsistence harvest.

The AMBCC recommended an amendment to the regulations to change the name of the Upper Copper River region to the Ahtna Territory region on April 9, 2025. This regulatory amendment was supported by the Pacific Flyway Council on September 12, 2025, and the SRC on December 16, 2025, and intended for implementation beginning with the 2026 subsistence season.

Proposed Revisions to Subpart B

In 50 CFR part 92, subpart B (program structure), we propose to change the name of the Upper Copper River region to the Ahtna Territory region in § 92.11 as described above for subpart A.

Proposed Revisions to Subpart D

In 50 CFR part 92, subpart D (annual regulations governing subsistence harvest), we propose several changes for the Upper Copper River region: changing the region's name, clarifying language regarding the harvest area, and modifying the season dates.

First, we propose to change the name of the Upper Copper River region to the Ahtna Territory region in § 92.31(i) as described above for subpart A.

Second, we propose clarifying and simplifying the language in § 92.31(i) regarding which Alaska State Game Management Units (GMUs) are included in the harvest area for the Upper Copper River region. Currently, § 92.31(i) states that the harvest area for the eight eligible communities—Gulkana, Chitina, Tazlina, Copper Center, Gakona, Mentasta Lake, Chistochina, and Cantwell—includes GMUs 11 and 13. However, § 92.31(i)(3) later adds GMU 12 as a harvest area for the Copper River Basin communities listed in § 92.31(i). This creates confusion, as one of the communities

(Cantwell) is not located in the Copper River Basin. The current language implies that GMUs 11, 12, and 13 are open for the seven Copper River Basin communities, while Cantwell's harvest area is limited to GMUs 11 and 13. However, Cantwell is located north of the Alaska Range, which qualifies it as an "included area" under § 92.5(a). As such, its residents are eligible to harvest birds during the spring-summer season in areas north of the Alaska Range, like GMU 12. To clarify the regulations, we propose adding GMU 12 to the list of GMUs in § 92.31(i) for all eight communities. We also propose removing § 92.31(i)(3), as it would become redundant following this change and the proposed season date revisions described below.

Third, we propose to modify the season dates within the Upper Copper River region listed in § 92.31(i)(1) and (i)(2). This proposed change will simplify the regulations and better align season dates with bird presence in the region. The Upper Copper River region's harvest area includes GMUs 11, 12, and 13 as described above, but currently the hunting and egg gathering seasons for GMUs 11 and 13 are different from those in GMU 12. The Copper River Migratory Bird Co-Management Council proposed changing the season dates for GMUs 11 and 13 (currently: April 15–May 26 and June 27–August 31; closure: May 27–June 26) to match those in GMU 12 (season: April 2–June 14 and July 16–August 31; egg gathering May 1–June 14 only; closure: June 15–July 15). The proposed change will better align the season dates in GMUs 11 and 13 with the availability of birds in the region and improve alignment of the 30-day nesting closure with the principal nesting period. The proposed change would also simplify regulations for the region by establishing consistent season dates in all three GMUs (11, 12, and 13) and, along with the clarification described above, allows the removal of § 92.31(i)(3). The AMBCC lacked biological data to analyze the potential effects of the proposed change but instead relied on Indigenous Knowledge from the

region to substantiate the necessity of adjusting season dates. The AMBCC does not anticipate any negative effects to migratory birds from these proposed changes.

On April 9, 2025, the AMBCC recommended an amendment to the regulations to change the season dates for GMUs 11 and 13 in the Upper Copper River region to April 2–June 14 and July 16–August 31; egg gathering May 1–June 14 only; closure: June 15–July 15 to match those in GMU 12. The word "only" is used after the egg gathering season dates to be consistent with the current regulations, e.g., at 92.31(h) for the Interior region. This regulatory amendment was supported by the Pacific Flyway Council on September 12, 2025, and the SRC on December 16, 2025, and intended for implementation beginning with the 2026 subsistence season.

Compliance With the MBTA and the Endangered Species Act

The Service has dual objectives and responsibilities for authorizing a subsistence harvest while protecting migratory birds and threatened species. Although these objectives are challenging, they are not irreconcilable, provided that: (1) Regulations continue to protect threatened species, (2) measures to address documented threats are implemented, and (3) the subsistence community and other conservation partners commit to working together.

Mortality, sickness, and poisoning from lead exposure have been documented in many waterfowl species, including threatened spectacled eiders (*Somateria fischeri*) and the Alaska-breeding population of Steller's eiders (*Polysticta stelleri*). While lead shot has been banned nationally for waterfowl hunting since 1991, Service staff have documented the availability of lead shot in waterfowl ammunition for sale in communities on the Yukon-Kuskokwim Delta and North Slope. The Service continues to work with partners to increase education, outreach, and enforcement efforts to ensure that subsistence waterfowl hunting is conducted using nontoxic shot.

Conservation Under the MBTA

Based on long-term monitoring of harvest and population size of the migratory bird species taken for subsistence, we find that this proposed rule will provide for the preservation and maintenance of migratory birds as required by the MBTA.

Communication and coordination with the AMBCC and the Pacific Flyway Council have aided in the establishment of hunting regulations to ensure the long-term viability of the migratory birds exposed to harvest.

Endangered Species Act Consideration

Spectacled eiders and the Alaska-breeding population of Steller's eiders are listed as threatened species under the Endangered Species Act of 1973, as amended (ESA, 16 U.S.C. 1531 et seq.). Their migration and breeding distribution overlap with areas where the spring and summer subsistence migratory bird harvest is open in Alaska. However, neither eider species is present in the Upper Copper River region where this proposed rule applies. In addition, both species are closed to subsistence harvest and under §§ 92.21 and 92.32 the Service may implement emergency closures, if necessary, to protect Steller's eiders or any other endangered or threatened species or migratory bird population.

Section 7 of the ESA requires the Secretary of the Interior to review other programs administered by the Department of the Interior and utilize such programs in furtherance of the purposes of the ESA. The Secretary is further required to ensure that any action authorized, funded, or carried out by the Department of the Interior is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat.

The Service's Alaska Region Migratory Bird Management Program conducted an intra-agency consultation with the Service's Northern Alaska Fish and Wildlife Field Office on this proposed rule. Given the absence of listed eiders in the action area, a no effect determination was made. Therefore, the Service will not need to issue a letter of

concurrence or biological opinion, and we expect this proposed rule to comply with the ESA.

Comment Period

Implementation of the Service's 2013 supplemental environmental impact statement (SEIS) on the hunting of migratory birds resulted in changes to the overall timing of the annual regulatory schedule for the establishment of migratory bird hunting regulations and the Alaska migratory bird subsistence harvest regulations. The programmatic document, "Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Hunting of Migratory Birds (SEIS 20130139)," filed with the Environmental Protection Agency on May 24, 2013, addressed compliance with the National Environmental Policy Act by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability of the SEIS in the *Federal Register* on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376).

With the SRC meeting occurring on December 16, 2025, there is a short timeframe for finalizing the changes to the subsistence harvest regulations by the April 2, 2026, season opening. Thus, we have established a 30-day comment period for this proposed rule (see **DATES**, above), and we will be conducting Tribal consultations within Alaska simultaneously. We believe a 30-day comment period gives the public adequate time to provide meaningful comments.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the OMB will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed these proposed revisions to the CFR in a manner consistent with these requirements.

Regulatory Flexibility Act

The Department of the Interior certifies that, if adopted as proposed, this proposed rule will not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). A regulatory flexibility analysis is not required.

Accordingly, a small entity compliance guide is not required. The regulations at 50 CFR part 92 legalize a preexisting subsistence activity. The commodities that are regulated under these regulations are migratory birds, and the resources harvested are consumed. This proposed rule would make only modest changes to the current regulations.

Congressional Review Act

This proposed rule is not a major rule under 5 U.S.C. 804(2), the Congressional Review Act. This proposed rule:

(a) Would not have an annual effect on the economy of \$100 million or more. The regulations at 50 CFR part 92 legalize the subsistence harvest of migratory birds and, as such, do not involve commodities traded in the marketplace. This proposed rule would

not result in a substantial increase in subsistence harvest or a significant change in harvesting patterns.

(b) Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This proposed rule does not deal with traded commodities and, therefore, would not have an impact on prices for consumers.

(c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This proposed rule deals with the harvesting of wildlife for personal consumption. It would not regulate the marketplace in any way to generate substantial effects on the economy or the ability of businesses to compete.

Unfunded Mandates Reform Act

We have determined and certified under the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.) that this proposed rule would not impose a cost of \$100 million or more in any given year on local, State, or Tribal governments or private entities. The proposed rule would not have a significant or unique effect on local, State, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act is not required. Participation on regional management bodies and the Council requires travel expenses for some Alaska Native organizations and local governments. In addition, they assume some expenses related to coordinating involvement of village councils in the regulatory process. Total coordination and travel expenses for all Alaska Native organizations are estimated to be less than \$300,000 per year. When funding permits, the Service makes annual grant agreements available to the partner organizations and the ADFG to help offset their expenses. However, this proposed rule would not revise any regulations pertaining to participation in the regulatory process.

Takings (E.O. 12630)

Under the criteria in E.O. 12630, this proposed rule would not have significant takings implications. The proposed changes to the regulations at 50 CFR part 92 are not specific to particular landownership but instead apply to the harvesting of migratory bird resources in portions of Alaska. A takings implication assessment is not required.

Federalism (E.O. 13132)

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant federalism implications to warrant the preparation of a federalism summary impact statement. The Service worked with the State of Alaska to develop these proposed regulations. Therefore, a federalism summary impact statement is not required.

Civil Justice Reform (E.O. 12988)

The Department, in promulgating this proposed rule, has determined that it would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988.

Government-to-Government Relations With Native American Tribal Governments

In accordance with E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”), and the Department of the Interior’s manual at 512 DM 2, 512 DM 4 and 512 DM 6, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes and Alaska Native Corporations on a government-to-government basis. We will send letters via electronic mail to all 229 federally recognized Indian Tribes in Alaska. Consistent with 512 DM 5 and 512 DM 7, we also will send letters to approximately 200 Alaska Native Corporations and other Tribal entities in Alaska soliciting their input as to whether or not they would like the Service to consult with them on the proposed changes to the migratory bird subsistence harvest regulations.

We implemented the amended treaty with Canada with a focus on local involvement. The treaty calls for the creation of management bodies to ensure an effective and meaningful role for Alaska's indigenous inhabitants in the conservation of migratory birds. According to the Letter of Submittal, management bodies are to include Alaska Native, Federal, and State of Alaska representatives as equals. They develop recommendations for, among other things: seasons and bag limits, methods and means of take, law enforcement policies, population and harvest monitoring, educational programs, research and use of traditional knowledge, and habitat protection. The management bodies involve village councils to the maximum extent possible in all aspects of management. To ensure maximum input at the village level, we required each of the 11 participating regions to create regional management bodies consisting of at least one representative from the participating villages. The regional management bodies meet twice annually to review and/or submit proposals to the statewide body.

Paperwork Reduction Act of 1995 (PRA)

This proposed rule does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has previously approved the information collection requirements associated with subsistence harvest reporting and assigned the following OMB control numbers:

- Alaska Migratory Bird Subsistence Harvest Household Survey, OMB Control Number 1018-0124 (expires July 31, 2027), and
- Regulations for the Taking of Migratory Birds for Subsistence Uses in Alaska, 50 CFR part 92, OMB Control Number 1018-0178 (expires July 31, 2027).

National Environmental Policy Act Consideration (42 U.S.C. 4321 et seq.)

The regulations at 50 CFR part 92 and options are considered in the environmental assessment, “Managing Migratory Bird Subsistence Hunting in Alaska: Hunting Regulations for the 2026 Spring/Summer Harvest.” Copies are available from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Energy Supply, Distribution, or Use (E.O. 13211)

E.O. 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. This proposed rule is not a significant regulatory action under this E.O.; it allows only for traditional subsistence harvest and improves conservation of migratory birds by allowing effective regulation of this harvest. This proposed rule would not have any effect on energy supplies, distribution, or use. Therefore, this action is not a significant energy action under Executive Order 13211, and a statement of energy effects is not required.

List of Subjects in 50 CFR Part 92

Hunting, Treaties, Wildlife.

Signing Authority

Kevin Lilly, Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks, approved this action on March 5, 2026, for publication. On March 5, 2026, Kevin Lilly authorized the undersigned to sign the document electronically and submit it to the Office of the *Federal Register* for publication as an official document of the U.S. Fish and Wildlife Service.

Proposed Regulation Promulgation

For the reasons set out in the preamble, we propose to amend 50 CFR part 92 as set forth below:

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

1. The authority citation for part 92 continues to read as follows:

Authority: 16 U.S.C. 703–712.

2. Amend § 92.5 by revising paragraphs (a)(2)(i) and (d)(2) to remove the words “Upper Copper River Region” and add in their place the words “Ahtna Territory Region”.

3. Amend § 92.11 by revising paragraph (a)(11) to remove the words “Upper Copper River” and add in their place the words “Ahtna Territory”.

4. Amend § 92.31 by revising and republishing paragraph (i) to read as follows:

§ 92.31 Region-specific regulations.

* * * * *

(i) Ahtna Territory region (Harvest Area: Game Management Units 11, 12, and 13) (Eligible communities: Gulkana, Chitina, Tazlina, Copper Center, Gakona, Mentasta Lake, Chistochina and Cantwell).

(1) Season: April 2–June 14 and July 16–August 31; egg gathering May 1–June 14 only.

(2) Closure: June 15–July 15.

* * * * *

Brian R. Nesvik

Director

U.S. Fish and Wildlife Service.

[FR Doc. 2026-04559 Filed: 3/6/2026 8:45 am; Publication Date: 3/9/2026]