SUPPLEMENTARY INFORMATION:

Background

On May 26, 2006, TSA published a final rule in a separate Part II of the Federal Register (71 FR 30478), revising various regulations to enhance and improve the security of air cargo transportation. TSA inadvertently left out the amendatory instruction to remove the word “passenger” in § 1548.1. This document adds the amendatory change as instruction number 31a.

List of Subjects

49 CFR part 1548 Air transportation, Reporting and recordkeeping requirements, Security measures.

Correcting Amendment

For the reasons set forth in this document and in the final rule on air cargo security requirements published on May 26, 2006 (71 FR 30478), the Transportation Security Administration amends part 1548 of Title 49, Code of Federal Regulations, as follows:

In rule FR Doc. 06–4800 published on May 26, 2006 (71 FR 30478) make the following correction: On page 30513 add the following amendment:

PART 1548—INDIRECT AIR CARRIER SECURITY

§ 1548.1 [Amended]

31a. In § 1548.1 introductory paragraph, remove the word “passenger”.

Issued in Arlington, Virginia, on June 2, 2006.

Mardi Ruth Thompson, Deputy Chief Counsel for Regulations.

[FR Doc. E6–8852 Filed 6–7–06; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 36

RIN 1018–AU08

Refuge-Specific Public Use Regulations for Kodiak National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are opening certain private lands within the boundaries of Kodiak National Wildlife Refuge in Alaska to public use with a permit. We are taking this action to comply with our commitments made under a Conservation Easement among the United States, the State of Alaska, and Koniag, Inc. The Conservation Easement furthers the missions of the Service and the National Wildlife Refuge System and the purposes of Kodiak National Wildlife Refuge. While the Conservation Easement encompasses more than 56,000 acres, the lands affected by this rule are only those easement lands within a 1/2-mile band of land on either side of the Karluk River and lands within 1/2 mile of the shoreline of Karluk Lake on Kodiak Island, Alaska. The rule will apply as long as the Conservation Easement is in place. Without this rule, the Service would fail to comply with the terms of the Conservation Easement.

DATES: This rule is effective June 8, 2006.

FOR FURTHER INFORMATION CONTACT: Abbey Kucera, (907) 487–2600; Fax (907) 487–2144.

SUPPLEMENTARY INFORMATION: Kodiak National Wildlife Refuge was established in 1941 by Executive Order 7927 for the purpose of protecting the natural feeding and breeding ranges of brown bears and other wildlife on Uganik and Kodiak Islands. The lands now under the Conservation Easement were once refuge lands. The Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601–1624) (Act) allowed refuge lands to be conveyed to Alaska Native Corporations established under the Act, including the 56,822.61 acres now covered by the Conservation Easement. In 2002, the State of Alaska, Koniag, Inc., and the Service signed the Conservation Easement, which calls for these lands to be managed similarly to refuge lands and allows for public use of these lands consistent with 50 CFR part 36 and subject to applicable Alaska regulations for the taking of fish and wildlife. As a condition of the easement, a refuge-issued permit is required for most public recreational uses occurring within a 1/2-mile band of land on either side of the Karluk River and lands within 1/2 mile of the shoreline of Karluk Lake.

Background About Kodiak National Wildlife Refuge

The Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq., 43 U.S.C. 1602) expanded the purposes for which Kodiak National Wildlife Refuge was established: (i) To conserve fish and wildlife populations and habitats in their natural diversity, including but not limited to Kodiak brown bears, salmonids, sea otters, sea lions, and other marine mammals and migratory birds; (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and other habitats; (iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii) above, the opportunity for continued subsistence use by local residents; and (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i) above, water quality and necessary water quantity within the refuge.

Kodiak National Wildlife Refuge encompasses almost 2 million acres in southwestern Alaska, including about two-thirds of Kodiak Island. The city of Kodiak, where refuge headquarters is located, is about 250 air miles south of Anchorage, about 20 miles northeast of the refuge boundary on Kodiak Island, and about 60 air miles northeast of Karluk Lake.

Kodiak National Wildlife Refuge is characterized by a large range of habitats within a relatively small geographic area. Because of this, the refuge supports some of the highest densities of brown bears, nesting bald eagles, and spawning salmon found anywhere in North America. The mountainous interior of Kodiak Island, with several peaks over 4,000 feet in elevation, is covered by lush, dense vegetation during the summer, with alpine vegetation on the highest slopes. No place on the refuge is more than 15 miles from the ocean. Access to the refuge is primarily by float plane and boat. Karluk River and Karluk Lake have runs of five species of Pacific salmon (chinook, sockeye, coho, pink, and chum) and steelhead. Rainbow trout, Dolly Varden, and Arctic char are also found there.

Kodiak National Wildlife Refuge was established primarily to protect the brown bear. With an estimated population of 2,100 bears, the refuge contains some of the best brown bear habitat, and supports one of the highest concentrations of brown bear, in the world. These bears feed on spawning salmon and forage throughout most of the refuge. The Karluk River drainage is one of the most important feeding areas for bears, with up to 200 bears using the Karluk area from mid-June to the end of September.

Under our regulations implementing the Alaska National Interest Lands Conservation Act (50 CFR 36.31), all refuge lands in Alaska to public recreational activities as long as such activities are conducted in a...
In 2003, the Kodiak National Wildlife Refuge took over management responsibilities. The refuge limited visitor use during the limited-use period but did not impose a user fee. The Conservation Easement calls for free public use under refuge management and requires us to limit the number of recreational visitors to the area during the limited-use period to a maximum of 70 scheduled visitors on any day. This limit applied to both visitors obtaining permits from us (maximum of 28 per day) and visitors using the area as clients of guides authorized by Koniag, Inc., (maximum of 42 per day). Under the authority of temporary restrictions that the Refuge Manager issued, we required permits for visitors to the area from 2003 through 2005.

Parties of up to six people applied together for permits, and the refuge issued permits for each member of the party. Each individual was allowed to obtain only one nontransferable permit for a visit of up to 7 consecutive days during the limited-use period. Parties had to apply by a deadline that the refuge established, and the permit was selected by lottery if there were more visitors than scheduled visits available.

To date, we have not had visitor use limits applied to both visitors obtaining permits from us (maximum of 28 per day) and visitors using the area as clients of guides authorized by Koniag, Inc., (maximum of 42 per day). Under the authority of temporary restrictions that the Refuge Manager issued, we required permits for visitors to the area from 2003 through 2005.

In summary, the Conservation Easement establishes a management group composed of one representative from each of the following: Koniag, Inc., Kodiak National Wildlife Refuge, and the Alaska Department of Fish and Game. This management group is the means by which the three entities combine resources and ideas on improving habitat quality, quality of experience for visitors, and protection of fish and wildlife in accordance with the Conservation Easement.

Under the Conservation Easement, Koniag, Inc., agrees to confine use of all easement lands to fish and wildlife management and conservation activities, subsistence gathering activities, archaeological investigations, and recreational activities. We agree to establish, maintain, and enforce a permit system that imposes specific limits on the level and location of public recreational use on that portion of the easement within a ½-mile band of land on either side of the Karluk River and lands within ½ mile of the shoreline of Karluk Lake. The Conservation Easement establishes a limited-use period of June 10 through July 15, with the time of peak run for king salmon and, subsequently, greatest visitor use. The Conservation Easement also requires us to conduct a study to establish appropriate visitor use limits.

Key Provisions of the Conservation Easement

The Conservation Easement established a management group composed of one representative from each of the following: Koniag, Inc., Kodiak National Wildlife Refuge, and the Alaska Department of Fish and Game. This management group is the means by which the three entities combine resources and ideas on improving habitat quality, quality of experience for visitors, and protection of fish and wildlife in accordance with the Conservation Easement.

Required Study

We began the required study in 2002, and Koniag Inc., managed use of the Karluk River that year. During the limited-use period (June 10 through July 15), Koniag, Inc., charged a user fee of $125 per person per year but imposed no visitor limit.
This rule would require a permit for recreational activities on some Conservation Easement lands, specifically lands within a 1/2-mile band of land on either side of the Karluk River and lands within 1/2 mile of the shoreline of Karluk Lake, which are owned by Koniag, Inc., and are within the boundaries of Kodiak National Wildlife Refuge in Alaska. To access the area, visitors must: (1) Have a permit from the refuge; (2) be a concessionaire or a client of a concessionaire authorized by Koniag, Inc.; (3) be an authorized subsistence user as defined in the Conservation Easement; or (4) limit their use to public easements reserved under section 17(b) of the Alaska Native Claims Settlement Act. The baseline (status quo) is defined as the conditions before the temporary restriction was adopted. Therefore, all permits associated with the Conservation Easement land are new.

Visitation to the easement land consists primarily of anglers because of the world class king salmon fishing on the Karluk River. In addition to angling, other activities may include hiking, camping, hunting, and watching wildlife such as Kodiak brown bears. During the limited-use period from June 10 to July 15, the maximum number of recreational visitors that can access the area requiring a permit is limited to 70 people per day (28 holding refuge permits and 42 clients of guides holding Koniag, Inc., permits). Outside of this limited-use time period (July 16 to June 9), there is no limit on the number of visitors. In all of 2004, 339 visitors were guided with permits from Koniag, Inc., and 240 visitors were unguided with permits from Kodiak National Wildlife Refuge. Approximately 110 refuge permits were for the limited-use period, and 130 refuge permits were for outside of the limited-use period. Thus, 579 people visited the Karluk River and Lake Conservation Easement land where a permit was required for recreation in 2004.

During the temporary restriction on the number of recreational visitors that could access the area during the limited-use period, official monitoring of visitation has shown that no applicants have been denied access to easement lands within a 1/2-mile band of land on either side of the Karluk River and lands within 1/2 mile of the shoreline of Karluk Lake. Therefore, we do not expect that the permit requirement will have an effect on the number of users on the easement lands within a 1/2-mile band of land on either side of the Karluk River and lands within 1/2 mile of the shoreline of Karluk Lake.

There are no monetary fees for any of these permits. Any costs incurred would be due to the time needed to fill out the permit application. Please see the “Paperwork Reduction Act” section of this document for more information.

Benefits Accrued

a. This rule allows the public to continue to use the lands within a 1/2-mile band of land on either side of the Karluk River and lands within 1/2 mile of the shoreline of Karluk Lake. It provides an official system to gather the information necessary to track visitor use and help ensure visitor safety. We expect this rule will better distribute the number of visitors throughout the peak season in the future if use increases. While we do not expect the number of visitors to change in the immediate future, if use does increase in the future, visitors could continue to experience conditions similar to those today along Karluk River and Lake and the refuge could distribute the number of visitors throughout the peak season to avoid fishing congestion.

b. This rule would not create inconsistencies with other Federal agencies’ actions. This action pertains solely to the management of Conservation Easement lands within a 1/2-mile band of land on either side of the Karluk River and lands within 1/2 mile of the shoreline of Karluk Lake within Kodiak National Wildlife Refuge.

c. This rule would not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. This rule does not affect entitlement programs. There are no grants or other Federal assistance programs associated with public use of the Conservation Easement.

d. This rule would not raise novel legal or policy issues. This rule requires a permit to access the Koniag, Inc., Conservation Easement lands within a 1/2-mile band of land on either side of the Karluk River and lands within 1/2 mile of the shoreline of Karluk Lake. This rule continues the practice of allowing recreational public use of many lands managed by national wildlife refuges.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)), whenever a Federal agency is required to publish a notice of rule making for any proposed or final rule, it must prepare and make available for public comment a regulatory...
flexibility analysis that describes the
effect of the rule on small entities (i.e.,
small businesses, small organizations,
and small government jurisdictions) (5
U.S.C. 601 et seq.). However, no
regulatory flexibility analysis is required
if the head of an agency certifies that the
rule would not have a significant
economic impact on a substantial
number of small entities. Thus, for a
regulatory flexibility analysis to be
required, impacts must exceed a
threshold for “significant impact” and a
threshold for a “substantial number of
small entities.” See 5 U.S.C. 605(b).
SBREFA amended the Regulatory
Flexibility Act to require Federal
agencies to provide a statement of the
factual basis for certifying that a rule
would not have a significant economic
impact on a substantial number of small
entities.

Small businesses that may be affected
would include those located in Kodiak
Island Borough, Alaska. Because this
rule is not expected to affect
recreational activities in the area, this
rule would not have a significant effect
on small businesses engaged in
activities in the borough. Therefore, we
certify that this rule would not have a
significant economic effect on a
substantial number of small entities as
defined under the Regulatory Flexibility
Act. A final Regulatory Flexibility
Analysis is not required. Accordingly, a
Small Entity Compliance Guide is not
required.

Small Business Regulatory Enforcement
Fairness Act

This rule is not a major rule under the
Small Business Regulatory Enforcement
Fairness Act 5 U.S.C. 804(2). This rule:
a. Does not have an annual effect on
the economy of $100 million or more;
b. Will not cause a major increase in
costs or prices for consumers,
individual industries, Federal, State, or
government agencies, or geographic regions; and
c. Does 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.

Unfunded Mandates Reform Act

In accordance with the Unfunded
Mandates Reform Act (2 U.S.C. 1501 et
seq.), this rule does not impose an
unfunded mandate on State, local, or
tribal governments or the private sector
of more than $100 million per year. The
rule does not have a significant or
unique effect on State, local, or tribal
governments or the private sector. A
statement containing the information
required by the Unfunded Mandates
Reform Act is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, the
rule does not have any takings
implications. This regulation will affect
only Conservation Easement lands
within a 1⁄2-mile band of land on either
side of the Karluk River and lands
within 1⁄2 mile of the shoreline of Karluk
Lake owned by a willing participant,
Koniag, Inc., by allowing public use of
private lands.

Federalism (E.O. 13132)

This rule has no Federalism
implications to warrant the preparation
of a Federalism Assessment under E.O.
13132. Permit holders who choose to
fish are regulated by Alaska Department
of Fish and Game regulations. In
negotiating the Conservation Easement,
we coordinated with State and Tribal
governments, and the State of Alaska is
a party to the Conservation Easement.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the
Office of the Solicitor has determined
that the rule does not unduly burden
the judicial system and that it meets the
requirements of sections 3(a) and 3(b)(2)
of the Order. A violation of the rule is
classified as a misdemeanor offense.

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

On May 18, 2001, the President issued
E.O. 13211 on regulations that
significantly affect energy supply,
distribution, and use. E.O. 13211
requires agencies to prepare Statements
of Energy Effects when undertaking
certain actions. The rule has no effect on
energy supplies, distribution, and use. Therefore, this action is not a
significant energy action, and no
Statement of Energy Effects is required.

Consultation and Coordination With
Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, we
have evaluated possible effects on
federally recognized Indian tribes and
have determined there are no effects.
Koniag, Inc., consulted with area tribal
governments in drafting the
Conservation Easement. Other
provisions of the Conservation
Easement give preference for certain
visitor services on easement lands to
Koniag, Inc., shareholders who reside in
Larsen Bay or Karluk and to the tribal
governments of Larsen Bay and Karluk.

Paperwork Reduction Act

This regulation does not contain any
information collection requirements
other than those already approved by
OMB under the Paperwork Reduction
Act (44 U.S.C. 3501 et seq.) and
assigned OMB control number 1018–
0014. See 50 CFR 36.3 for information
concerning that approval. We will
amend our information collection to
include the burden hours associated
with this regulation. These burden
hours involve the time required to
complete the permit application.
Applicants need approximately 15
minutes to apply for a permit and to fax
or mail it to the refuge. The majority of
applications are completed
electronically and faxed to the refuge.
The average annual time commitment
for visitors is approximately 60 hours
(15 minutes × 240 applications). 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.

Endangered Species Act Section 7
Consultation

No species listed as endangered under
the Endangered Species Act is known to
occur within the easement lands,
including lands within a 1⁄2-mile band
of land on either side of the Karluk
River and lands within 1⁄2 mile of the
shoreline of Karluk Lake. In 2004, a
section 7 consultation under the
Endangered Species Act was conducted
for the Draft Revised Comprehensive
Conservation Plan, Kodiak National
Wildlife Refuge. This plan includes the
proposed management of all
Conservation Easement lands. The plan
was found to be fully consistent with
section 7 of the Endangered Species Act
by the Service and the National Marine
Fisheries Service.

National Environmental Policy Act

We analyzed this rule in accordance
with the criteria of the National
Environmental Policy Act of 1969 (42
U.S.C. 4332(C)) (NEPA) and 516 DM 6,
Appendix 1. This rule does not
constitute a major Federal action
significantly affecting the quality of the
human environment. An environmental
impact statement/assessment is not
required. A categorical exclusion from
NEPA documentation applies under the
Department of the Interior Manual, 516
DM 8 B(10).

Primary Author

Abby Kucera, Supervisory Natural
Resources Specialist, Kodiak National
Wildlife Refuge, is the primary author of
this document.
List of Subjects in 50 CFR Part 36

Alaska, Recreation and recreation areas, Reporting and recordkeeping requirements, Wildlife refuges.

For the reasons set forth in the preamble, we amend title 50, chapter 36, subpart E of the Code of Federal Regulations as follows:

PART 36—[AMENDED]

1. The authority citation for part 36 continues to read as follows:


2. Amend §36.39(j) by adding paragraph (3) to read as follows:

§36.39 Public use.

* * * * *

(j) Kodiak National Wildlife Refuge.

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(3) Permit requirement for Conservation Easement lands. Pursuant to the terms of a Conservation Easement held by the United States and the State of Alaska, we manage public use of certain lands owned by Koniag, Inc. These lands are inholdings within the exterior boundaries of the Kodiak National Wildlife Refuge. The Conservation Easement was recorded in the Kodiak Recording District, Alaska, on December 6, 2002, as document number 2002–003448–0. The lands subject to the Conservation Easement to which the permit requirement in this paragraph apply are all lands within 1/2 mile of the west shore of Karluk Lake, from the lake outlet to the southern boundary of T. 32 S., R. 30 W. (surveyed), Seward Meridian; all lands within 1/2 mile of the east shore of Karluk Lake, from the lake outlet to a point due east of the north end of Camp Island; and all lands within a 1/2-mile band of land on either side of the Karluk River, from the Karluk Lake outlet downstream to the refuge boundary. A map is available from the refuge showing the location of the easement lands that are subject to the permit requirement. You are prohibited from using these lands unless:

(i) You have a nontransferable permit from the refuge;

(ii) You are a concessionaire or a client of a concessionaire authorized by Koniag, Inc., to provide revenue-producing visitor services;

(iii) You are an authorized user in accordance with section 7(d) of the Conservation Easement; or

(iv) You are limiting your use of the property to public access easements established under section 17(b) of the Alaska Native Claims Settlement Act.


Matt Hogan,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E6–8873 Filed 6–7–06; 8:45 am]

BILLING CODE 4310–55–P