

Regulatory Flexibility Threshold Analysis: Special Regulations for National Park Areas in Alaska

The Regulatory Flexibility Act, as amended, requires agencies to analyze impacts of regulatory actions on small entities (businesses, nonprofit organizations, and governments), and to consider alternatives that minimize such impacts while achieving regulatory objectives. Agencies must first conduct a threshold analysis to determine whether regulatory actions are expected to have a significant economic impact on a substantial number of small entities. If the threshold analysis indicates a significant economic impact on a substantial number of small entities, an initial regulatory flexibility analysis must be produced and made available for public review and comment along with the proposed regulatory action. A final regulatory flexibility analysis that considers public comments must then be produced and be made publicly available with the final regulatory action. Agencies must publish a certification of no significant impact on a substantial number of small entities if the threshold analysis does not indicate such impacts.

This threshold analysis examines impacts of the proposed special regulations for National Park Areas in Alaska. This analysis relies on the June 2015, Preliminary Cost/Benefit Analysis of the proposed action for supporting material. A qualitative threshold analysis is used to determine whether this proposed action would impose significant impacts on a substantial number of small entities.

Qualitative Analysis of Impacts

The August 2015, Preliminary Cost/Benefit Analysis of this proposed action provides a description of the anticipated costs and benefits. That analysis concludes that no significant costs are anticipated for any component of the proposed action. Consequently, no adverse impacts are expected for any sector of the economy or unit of government, including small entities. Moreover, any impacts that might occur as a result of this proposed action would be mitigated by the following factors.

- The primary effect of subsistence collections provisions implements provisions allowed by federal statute which are currently taking place in NPS units. This proposed action would benefit small entities.
- The rule would also clarify existing NPS regulations that collecting or possessing live wildlife is not considered a hunting activity and therefore is not generally allowed in NPS units. This clarity benefits the public and improves protection of park resources. This proposed action would have little to no impact to small entities. Any impact that exists would be positive.
- This rule limits the type of bait that may be used for taking bears under Federal Subsistence Regulations to fish or wildlife remains that exist from natural

mortality or remains not required to be salvaged from a lawful harvest. This would eliminate items such as dog food, grease, bread, marshmallows, etc which are currently allowed and commonly used. This is consistent with NPS regulations that prohibit feeding wildlife and the NPS legal and policy framework that provide for management of natural processes. It also furthers the NPS objective to avoid habituating wildlife to unnatural food sources, such as human foods. This proposed action will have little to no impact to small entities.

Conclusion

This threshold analysis is based on the findings of the June 2015, cost/benefit analysis that no adverse impacts are expected for any sector of the economy or unit of government, including small entities. Given those findings, this proposed regulatory action will not impose a significant economic impact on a substantial number of small entities.