

The following document has been prepared by Robert Schroeder, Southeast Alaska Subsistence Regional Advisory Council (Council) member and the Council's Indigenous Management Working Group member. The document was prepared to summarize the working group discussions and provide this information to the Council for on-the-record discussion during their winter 2022 meeting.

Indigenous Management Working Group

Draft, Mar. 23, 2022

The following are main bullet points concerning SERAC support for indigenous/cooperative management. The Council should vote to accept these bullets to inform our communication on this topic with OSM, FS, and other Regional Advisory Councils. Final draft would be prepared by the workgroup and DeAnna Perry.

- 1. Bullet. Background on SERAC workgroup formation and meetings to address indigenous/cooperative management.**

DeAnna has this information and presented it to the Council

- 2. Bullet. Why SERAC is addressing co-management?**

Since the inception of federal management of fish and wildlife on federal public lands, federally recognized tribes in Southeast Alaska have been important participants in the Federal Subsistence Management Program. In Southeast Alaska, tribes regularly comment on regulatory proposals that come before SERAC, and they provide SERAC with information on the state of subsistence in their unceded territories. Tribes actively cooperated with SERAC in addressing proposed changes to the Roadless Rule which has served Tongass communities very well. And tribes have been active participants in Forest Service and National Park Service land use planning and actions. They have also addressed herring depletion and other issues important to their members.

SERAC has had a very positive relationship with tribes and has supported cooperative fisheries harvest and escapement data gathering/analysis projects with tribes.

In recent years, tribes are moving effectively to reestablish indigenous management of the unceded lands that have been theirs under traditional law. Tribes and tribal citizens are organizing through the Guardian project, the Sustainable Southeast Partnership, the Women's Earth and Climate Action Network, and other groups to prepare for a more active land and resource management responsibility.

In its role of providing a forum to gather and discuss matters related to subsistence, SERAC has heard from these groups. At this time, our responsibility under our Federal Advisory Committee Act charter is to report what we have learned about this movement toward indigenous management to OSM, FS, and NPS and to suggest near term program changes that may enhance subsistence protections. Our Council also embraces our responsibility to develop a policy direction for how indigenous management might take place in our region.

- 3. This bullet outlines SERAC authority to support indigenous/cooperative management and to recommend management changes to OSM, FS, and NPS.**

Authority:

The ten Regional Advisory Councils, including Southeast Regional Advisory Council (SERAC) are authorized under Sec. 8 of the 1980 Alaska National Interest Lands Act (ANILCA). In its findings Congress found that:

801 (1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence.

Sec 805(a)(3) delineates Regional Council authority:

(3) a regional advisory council in each subsistence resource region. Each regional advisory council shall be composed of residents of the region and shall have the following authority:

(A) the review and evaluation of proposals for regulations policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;

(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(C) the encouragement of local and regional participation pursuant to the provisions of this title in the decision-making process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;

(D) the preparation of an annual report to the Secretary which shall contain--

(i) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(ii) an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region;

(iii) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs

SERAC is chartered under the Federal Advisory Committee Act. SERAC regularly has provided its recommendations on fish and wildlife management proposals, rural determinations, Forest Service management plans, program customary and traditional use determinations, cultural/special use permits and regulations governing ceremonial and koo eeex use of fish and wildlife resources, and other matters. Our authority to make recommendations to the Federal Government concerning subsistence management is quite broad. In general, **under Sec 905 (c), ANILCA calls for the Federal government to accept Regional Council recommendations** unless they are 1) not supported by substantial evidence presented during the course of its

administrative proceedings, 2) violates recognized principles of fish and wildlife conservation or 3) would be detrimental to the satisfaction of rural subsistence needs.

4. This bullet highlights the long duration of the federal subsistence management program and requests examining greater incorporation of tribes in management activities.

Federal management of subsistence fish and wildlife resources on Federal public land has been in place since 1990 when the State of Alaska failed to comply with ANILCA provisions to provide a preference for subsistence. Few of us at the time thought that the Federal Subsistence Program would become a virtually permanent Federal responsibility. At **this 32** year mark, SERAC believes that the time has come to examine the management structures that have been implemented and to recommend incremental changes in Federal management of subsistence harvest and land management activities. At this time, SERAC has extensive experience in participating in field data gathering, land management issues in southeast Alaska, and working productively with our region's 20 Federally recognized tribal communities and with the Central Council of Tlingit and Haida Tribes of Alaska (CCTHITA).

Over this 32 year time period, SERAC has supported XXX fisheries monitoring projects undertaken with XXX Hoonah, Kake, Hydaburg, Sitka of our region's tribes and supported subsistence harvest surveys in most of our region's communities. SERAC led a multi year planning effort concerning Prince of Wales. The cooperative monitoring and subsistence use projects undertaken with Southeast Alaska have been particularly successful. These co-management projects have been cost effective and have resulted in tribal capacity building. (SPECIFIC DATA TO BE PROVIDED)

5. Bullet relates to what is established about land ownership under traditional law.

SERAC considers that all Southeast Alaska, including all Federal land in the Tongass National Forest, Glacier Bay National Park, the Admiralty Island and Misty Fjords national monuments, and other Federal land designations to have been under Native ownership before this ownership changed in the American colonial era.

SERAC notes that traditional Native land ownership is well documented in kwan and clan traditional law and in documentation studies done by Goldschmidt and Haas in 1946. Traditional ownership boundaries have been reaffirmed in tribal community studies undertaken with many of our region's tribes since the passage of ANILCA. This is to say that clan and kwan boundaries are generally known and established. Under traditional law access to owned land and harvest of natural resources was controlled by the owning clan as with other at oow.

6. Bullet calls for addressing tribal land issues in our region.

SERAC believes that the Federal government's approach to managing the land, water, and fish and wildlife resources of our region should begin to address the usurpation of Native land, resources, and authority that has taken place. SERAC's long term goal is to devolve most of the hands-on land and resource management activities in our region back to the tribal entities that that owned Haa Aani before the settler colonial era. This change would be similar to changes that have taken place in Indian Country where tribes actively manage land and resources with limited technical oversight by the Bureau of Indian Affairs. It is also like the devolving of the Federal government's trust obligations to tribal entities who now effectively manage health, housing, and other trust obligations and to the empowerment of tribal courts.

7. Bullet mentions existing indigenous/cooperative management activities

Over the past year and a half, SERAC has heard from the Indigenous Guardians Program and been on their monthly calls, the Sustainable Southeast Partnership, the Women's Earth and Climate Action Network, and other groups. Very broadly, these groups support co-management of our region's natural resources and insuring subsistence food security. We support these efforts. NEED TO HAVE A MORE COMPREHENSIVE LIST.

8. Bullet on our 'ask' to OSM, FS, and NPS concerning subsistence management.

In the short and near term, SERAC calls for the Office of Subsistence Management (OSM), and Forest Service (FS) and Park Service (NPS), as our region's lead Federal agencies to actively engage our region's tribes in co-management agreements concerning subsistence research and planning as well as active subsistence management. We call on OSM to enter into co-management agreements with our region's tribes to 1) monitor the status of fish and wildlife populations used for subsistence, 2) analyze regulatory proposals that may be submitted to OSM and SERAC, 3) issue licenses and permits that may be required, 4) engage their constituents on management issues, and 5) provide enforcement of Federal subsistence regulations. OSM and FS should also enter into co-management agreements to address the looming threat poised to the continuation of the opportunity for subsistence uses by the runaway climate catastrophe. We recognize that devolving some management activities to indigenous/cooperative management may require changes in the law.

9. Bullet on our 'ask' to FS and NPS concerning cooperative and co-management for land management.

In the short and near term, SERAC calls on Forest Service and Park Service to also enter cooperative co-management agreements with our region's tribes on all matters concerning **land management of traditional lands**. These would include devolving authority to prepare review materials for Federal plans and land use actions, to perform data gathering on forest resources, to assess and implement restoration activities, and to enable tribes to become effective guardians of public land resources. In the immediate, both agencies should recruit

qualified tribal residents to their internship programs to grow a new generation of natural resource managers.

10. Bullet concerns distribution of our policy statement and request.

Circulation should go to OSM, FS Region 10, FS Tongass (possibly also District Rangers), all Federal Subsistence Program Regional Councils.

11. Summary bullet

In conclusion, SERAC requests a reorientation of the now 32 year old experiment in Federal management of subsistence resources in Southeast Alaska. We believe that incorporating our region's tribes in active land and resource management will both address the wrongful usurpation of Native land AND result in greatly improved management in our region.