

**Federal Subsistence Policy  
Consultation Summary Report  
June 14, 2022**

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## **I. Introduction**

Under the leadership of Secretary Haaland and Secretary Vilsack, the U.S. Department of the Interior (DOI) and the U.S. Department of Agriculture (USDA) (collectively, the “Agencies”) recognize that subsistence practices are vital to the life ways of Alaska Native communities and people. Alaska Native people depend heavily on subsistence practices for their nutritional, social, economic, and traditional cultural needs.

In November 2021, as part of the White House Tribal Nations Summit, DOI and USDA announced that the Agencies would hold joint consultations on the Federal Subsistence Management Program with the goal of announcing recommendations for changes to federal subsistence policy to better serve Alaska Native subsistence needs.

This Report summarizes comments received from subsistence users, Alaska Native Villages, Tribal Consortia, Alaska Native Organizations, and Alaska Native Corporations during a listening session and government-to-government consultations hosted by DOI and USDA in January 2022. The National Oceanic and Atmospheric Administration (NOAA) also participated in the listening session and consultations.

DOI and USDA continue to consider all comments received and announcements regarding federal policy changes based on the comments will be forthcoming.

## **II. Background**

In enacting the Alaska National Interest Lands Conservation Act (ANILCA), Congress recognized that subsistence practices are “essential to Native physical, economic, traditional, and cultural existence.”<sup>1</sup> Title VIII of ANILCA provides a preference for rural residents in the taking of fish and wildlife for subsistence uses. Initially, the State of Alaska (State) oversaw subsistence management under ANILCA. However, in 1989 the Supreme Court of Alaska ruled that the rural resident priority was not permissible under the Alaska State Constitution.<sup>2</sup> In 1990, DOI and USDA assumed management responsibility for the implementation of Title VIII with respect to wildlife on federal lands.<sup>3</sup> Following additional litigation, in 1999 federal subsistence management authority was extended to subsistence fishing in certain navigable waters in or adjacent to federal lands.<sup>4</sup>

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<sup>1</sup> Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, § 801(1), (4), 94 Stat. 2,371, 2,422 (1980).

<sup>2</sup> *McDowell v. Alaska*, 785 P.2d 1 (Alaska 1989).

<sup>3</sup> See Temporary Subsistence Management Regulations for Public Lands, 57 Fed. Reg. 27,114 (June 29, 1990); Subsistence Management Regulations for Public Lands in Alaska, 57 Fed. Reg. 22,940 (May 29, 1992) (codified at 36 C.F.R. § 242 and 50 C.F.R. § 100).

<sup>4</sup> See Subsistence Management Regulations for Public Lands in Alaska Redefinition to Include Waters Subject to Subsistence Priority, 64 Fed. Reg. 1,276 (Jan. 8, 1999).

Under federal regulations, the Federal Subsistence Board (FSB) manages the Federal Subsistence Management Program.<sup>5</sup> The FSB is led by a chair appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.<sup>6</sup> The full FSB is comprised of “two public members who possess personal knowledge of and direct experience with subsistence uses in rural Alaska to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska Regional Forester, U.S. Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Regional Director, Bureau of Indian Affairs”.<sup>7</sup>

The FSB is designed to be responsive in its decisions to ten Regional Advisory Councils (RACs). Members of the RACs are appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture based on recommendations made by the FSB.<sup>8</sup> The FSB must “strive to ensure that 70 percent of the [RAC] members represent subsistence interests within a region and 30 percent of the members represent commercial and sport interests within a region.”<sup>9</sup> Under Title VIII, the FSB may only decline to take on the recommendations of the RACs if they are “not supported by substantial evidence, violate[] recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.”<sup>10</sup>

The FSB and the RACs are administratively supported by the Office of Subsistence Management (OSM) housed within the U.S. Fish and Wildlife Service (FWS) and led by a FWS Assistant Regional Director. OSM staff include fish and wildlife biologists, anthropologists, technical and administrative staff, and liaisons to the Alaska Department of Fish and Game and the Alaska Native community.

### **III. January 2022 Subsistence Listening Session and Consultations**

On December 20, 2021, DOI Assistant Secretary – Indian Affairs Bryan Newland, DOI Senior Advisor to the Secretary for Alaska Affairs & Strategic Priorities Raina Thiele, and USDA Office of Tribal Relations Director Heather Dawn Thompson announced through a letter to Alaska Native leaders that the Agencies would be conducting a virtual listening session and formal virtual consultations on the implementation of the Federal Subsistence Management Program. The letter requested input on the following questions:

1. How has climate change affected subsistence? What changes could be made to subsistence policies, regulations, or laws to help you adapt to those changes?

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<sup>5</sup> 50 C.F.R. § 100.10

<sup>6</sup> 50 C.F.R. § 100.10(b)(1)

<sup>7</sup> *Id.*

<sup>8</sup> *See* 50 CFR § 100.11(b)(1)

<sup>9</sup> *Id.*

<sup>10</sup> Alaska National Interest Lands Conservation Act § 805(c), 94 Stat. at 2424-2425.

2. How can federal agencies better cooperate with Alaska Native Tribes, Alaska Native Consortia, Alaska Native Organizations, and Alaska Native corporations to promote subsistence harvest opportunities and protect habitat?
3. How does the state management regime affect implementation of the federal priority for rural residents?
4. How can the Federal Subsistence Board and the Federal Subsistence Program be changed to better accommodate Alaska Native subsistence needs?
5. What difficulties have you experienced in accessing subsistence resources?

Notice of the consultations was also published in the Federal Register on January 20, 2022.<sup>11</sup> The Federal Register Notice contained all of the questions above and the following additional question:

6. How should the Federal Subsistence Board define rural residents for the purposes of the subsistence priority?

DOI and USDA hosted the listening session and consultations via Zoom and telephonically. The virtual listening session was held on January 10, 2022 from 11:00 am – 1:00 pm AKST. The formal virtual consultations were held on January 20, 21, and 28, 2022 from 11:00 am – 1:00 pm AKST. Secretary Haaland participated in the consultations held on January 21 and January 28. The consultations were primarily led by Assistant Secretary Newland, Senior Advisor Thiele, and Director Thompson. Leadership from NOAA also joined the listening session and consultations, including Janet Coit, Assistant Administrator for NOAA Fisheries, and Kelly Kryc, Deputy Assistant Secretary for International Fisheries. Federal staff members from DOI, USDA and NOAA who work on federal subsistence management also participated in the listening session and consultations.

Altogether, approximately 445 individual subsistence users and representatives from Alaska Native Villages, Tribal Consortia, Alaska Native Organizations, and Alaska Native Corporations participated in the listening session and consultations.

- On January 10, there were 133 total Alaska Native representative attendees.
- On January 20, there were 104 total Alaska Native representative attendees.
- On January 21, there were 105 total Alaska Native representative attendees.
- On January 28, there were 103 total Alaska Native representative attendees.

DOI and USDA also received a total of 37 written comments in response to the December 20, 2021 letter.

#### **IV. Summary of Comments Received by Questions Posed**

##### **1. How has climate change affected subsistence?**

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<sup>11</sup> Notice of Consultation on Federal Subsistence Policy in Alaska, 87 Fed. Reg. 3116 (Jan. 20, 2022).

- The majority of commenters cited climate change as a major threat to subsistence harvests and food security for Alaska Natives, providing numerous examples of the biological, societal, and economic implications of warmer weather and changing ecosystems caused by climate change.
- A number of commenters expressed concern about the adverse impacts of climate change on the availability, location, and timing of subsistence resources, and on their traditional harvest activities and practices more broadly.
- One commenter provided specific data on the impact of climate change on Tribal communities, noting that the climate change crisis has affected over 100 federally recognized Indian Tribes and Tribal communities in the Kuskokwim, Yukon, and Norton Sound regions—equal to more than 40% of Alaska. The commenter noted that in the summer of 2021, Kuskokwim households harvested less than 5% of historical subsistence harvests, and Yukon River families harvested 0%.
- Several commenters described specific adverse changes to critical ecosystems, including ocean acidification and ocean chemistry changes resulting from increasing amounts of fresh water to the ocean system, all of which have negatively affected fish, bird, and sea mammal populations.
- One commenter noted that the formation of thick river ice and snowpack caused by warmer and icier winter conditions have prevented the use of traditional gear and harvest methods associated with ice (such as setting fishing nets under river ice) and have made it more dangerous to hunt.
- One commenter noted that harvest restrictions (short openings) have made it difficult to meet subsistence needs, while another commenter asserted that locally directed commercial fisheries are frequently the only option for Tribal members to harvest subsistence foods essential to their health and well-being.
- A number of commenters expressed concern that the warmer weather and low snowpack have affected the survival, sizes, and migration patterns of large game like caribou and moose, and that this in turn has impeded access and reduced the availability of game for subsistence hunting.
- One commenter pointed out that the changes in migration patterns caused by climate change have contributed to the increasing cost of traditional harvest as users must now take more time and expend more resources to harvest over farther distances, adding to the already high cost of living in rural communities.
- Many commenters emphasized the loss of productivity in fisheries, pointing to changes in freshwater temperatures and timing of runoff, which have had a particularly negative

effect on salmon runs as fish are either dying off pre-spawning or migrating at younger ages than usual, resulting in smaller fish and less developed eggs in returning females.

- Two commenters asserted that warming ocean temperatures are causing paralytic shellfish poisoning contaminations and shellfish mass mortality events, and another commenter noted that more returning salmon seem to have diseases or parasitic infections, making them inedible.
- Several commenters highlighted the challenges of maintaining traditional preservation methods and the spoilage losses caused by wetter/warmer weather and melting ice cellars.
- A number of commenters pointed to the harmful impacts of climate change on traditional gathering practices and how the warmer weather has introduced invasive species and crowded out berry plants, affecting the availability and size of berries and other harvestable plants.
- Several commenters pointed out that the drop in subsistence harvests and reduced food supply have led to an increasing reliance on less nutritious store-bought foods, which are cost prohibitive for many living in rural communities.
- One commenter noted the impact of climate change on domestic polar bear management, citing in particular the DOI's listing of polar bears as a threatened species under the Endangered Species Act (ESA), which has jeopardized the long-term subsistence harvest of polar bears for certain Alaska Native communities.

**2. What changes could be made to subsistence policies, regulations, or laws to help you adapt to those changes [caused by climate change]?**

- Many commenters urged federal agencies to incorporate and prioritize Indigenous knowledge into federal fish and wildlife management, monitoring, and research programs, and one commenter requested in particular the formation of an Indigenous Guardians Program or Network to assist with research, data-gathering and analysis, and enforcement of relevant laws and regulations.
- A number of commenters called for a move away from top-down approaches to subsistence resource management, and more meaningful involvement by Alaska Native stakeholders in monitoring, reporting, and the subsistence decision-making process. Several commenters requested permanent Alaska Native seats on the FSB and RACs to ensure the impacts of climate change on Alaska Native subsistence users are considered in federal decision making.

- Several commenters emphasized the need for greater cooperation with federal and state agencies on fish and game management through consultations; collaborative management agreements between agencies and Tribal governments and organizations; implementation of DOI Secretarial Order 3342 and joint DOI and USDA Secretarial Order 3403; and other cooperative arrangements.
- Several commenters urged prioritizing access to fisheries and subsistence resources for Alaska Native peoples and local communities over non-locals.
- Commenters noted failures in the federal/state dual management system, and emphasized the importance of prioritizing federal responsibilities over the State’s regulations.
- One commenter recommended changes to the process by which marine mammals are added to the list of threatened or endangered species, including enacting new regulations and policies clarifying the standards for making determinations under the ESA and revisions to Tribal consultation policies to require achievement of consensus between Tribes and Tribal organizations and federal agencies on any ESA or Marine Mammal Protection Act (MMPA)-based action that may affect subsistence use of marine mammals.
- One commenter requested requiring that federal agencies apply and include an ANILCA analysis on subsistence resources when considering environmental impacts of federal actions.
- Commenters suggested various remedial actions to help mitigate the impacts of climate change on subsistence resources, including:
  - Sanctions when the State fails to comply with rural subsistence priority requirements.
  - Allowing Tribes to issue Special Action Requests for food security reasons.
  - Allowing Tribes to apply for tags/permits on behalf of their community.
  - Designating “community priority use areas” and “local community only” game seasons.
- Several commenters emphasized the need for regulatory flexibility at both the state and federal levels, particularly with respect to hunting and fishing season openings and limits, to address fluctuations in game returns and migrations caused by climate change.
- A number of commenters emphasized the need to make real-time management decisions that are responsive to evolving, on-the-ground conditions and fluctuations caused by climate change.



- A few commenters took issue with current data collection and research methods, noting in particular the need for species-specific data and better predictive modeling for fish and wildlife population counts that address and account for landscape and habitat changes.
- Commenters suggested various changes to programs and policies to address challenges caused by climate change, including:
  - A new permitting system (federal, state, or some combination thereof) that allows for catches during short open periods that do not count towards the permit's annual allocation.
  - A more adaptive resource management paradigm that incorporates traditional knowledge and integrates local stakeholder involvement.
  - Long-term Fisheries Management Plans developed in collaboration with all interested stakeholders (including non-tribal members who are federally qualified subsistence users).
- One commenter urged greater federal support for climate change resilience and relocation programs, including support for adaptation planning, youth engagement, and capacity building for relocation and mitigation projects.
- One commenter recommended that the National Marine Fisheries Service (NMFS) review how optimum yield is determined and consider reducing the groundfish total allowable catch to mitigate the impacts of climate change.

**3. How can federal agencies better cooperate with Alaska Native Tribes, Alaska Native Consortia, Alaska Native Organizations, and Alaska Native corporations to promote subsistence harvest opportunities and protect habitat?**

- Many commenters emphasized the need to recognize inherent Tribal authority in areas of regulation and enforcement, and prioritize Tribal participation in the management of subsistence resources and their habitats.
- The majority of commenters urged greater Tribal representation in policy decision-making processes and on various council bodies and boards, including the FSB, the RACs, and the North Pacific Fishery Management Council (NPFMC). Commentors specifically requested an amendment to the Magnuson-Stevens Fishery Conservation and Management Act to place a permanent Alaska Native representative on the NPFMC.

- Many commenters recommended moving the Office of Subsistence Management from under the U.S. Fish and Wildlife Service to the direct supervision of the Office of the Secretary of the Interior.
- Commenters recommended specific legislative actions, including:
  - An amendment to Title VIII of ANILCA to clarify the right of Alaska Natives to hunt, fish, and gather.
  - An amendment to the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. 1603 Section 4(b), to restore Alaska Native aboriginal hunting and fishing rights.
  - An expansion of the Farm Bill legislation to include more subsistence-related programs.
- One commenter specifically expressed concern about a 1996 Solicitor’s Memorandum that provides guidance on the meaning of “inherently federal function” under the Indian Self Determination and Education Assistance Act (ISDEAA). In the commenter’s experience the Memorandum has been used to limit 638 contracting for subsistence management activities. The commenter recommended withdrawing the memorandum.
- Commenters recommended creating a new position that coordinates all tribal liaisons across different federal agencies to assist Tribes with navigating federal subsistence management.
- Commenters recommended increasing staff within the Office of Subsistence Management to support better consultation and collaboration with the Alaska Native community.
- Commenters recommended appointing Alaska Natives in key federal leadership positions impacting subsistence management.
- A few commenters called for a stronger role for the RACs in making recommendations and weighing in on impacts to subsistence use and management.
- Several commenters recommended strengthening resource management partnerships via cooperative agreements and co-management relationships, and ensuring that such relationships cover resources beyond marine species.
- Several commenters emphasized the need for consistent, recurring, non-competitive funding to support Tribal subsistence management, and one commenter suggested including such funding as a priority budget line item in federal agency appropriation bills.

- Commenters recommended greater use of 638 contracts to provide funding for Tribal organizations actively involved in subsistence resource management, research, assessment, and monitoring activities.
- One commenter suggested that 638 contracts are the preferred vehicle for co-management of subsistence resources rather than a co-management agreement.
- Some commenters noted that USDA should be engaged in 638 contracting and increase co-management agreements with Tribal governments.
- Commenters recommended that federal agencies provide additional funding for the restoration of salmon populations, specifically in the Yukon-Kuskokwim Delta.
- Many commenters highlighted the importance of centering Alaska Native voices in federal management decisions and processes and recognizing traditional Alaska Native ecological knowledge and observations by local stakeholders to promote sustainable subsistence harvests and protect habitats.
- Specifically, commenters recommended that the federal subsistence regulations be amended to require the incorporation of traditional Alaska Native ecological knowledge into decisions impacting Alaska Native subsistence rights.
- A few commenters emphasized the importance of ensuring that outcomes affecting subsistence use and management reflect a consensus between agencies and Alaska Native subsistence users.
- A number of commenters urged federal agencies to engage in more robust, meaningful consultation on decisions affecting subsistence resources, and to ensure that follow-up actions sufficiently explain what and why Tribal input was incorporated or rejected.
- One commenter called for a more collaborative relationship between the Indian Health Service, DOI, and USDA on issues relating to health and the availability of ancestral food sources.
- Commenters expressed concern with State authority over ANCSA lands that are selected but not yet conveyed to ANCSA corporations, noting that such lands should be either federally managed or self-managed with the opportunity to develop a co-management or management agreements with a Tribe or Tribes.

- One commenter specifically recommended that ANCSA corporation lands be under federal authority with a requirement to enter into compact or co-management agreements with Alaska Native Corporations or the lands should be managed directly by the Alaska Native Corporation with the ability to develop co-management or management agreements with Tribes.
- Commenters recommended requiring federal and State officials to take racial equity and Alaska Native governance/protocol training.

**4. How does the state management regime affect implementation of the federal priority for rural residents?**

- Many commenters expressed concern with the State’s approach to the Federal Subsistence Management Program, specifically, the rural subsistence priority mandated by ANILCA, noting the State’s longstanding hostility to the rural subsistence priority and prioritization of commercial and sport hunting and fishing over subsistence needs.
- Many commenters expressed concerns with the dual management regime and the federal/state dynamic on subsistence issues, commenting that the dominant role of the State undercuts Tribal sovereignty and traditional subsistence efforts.
- Many commenters expressed concerns with the State approach of placing limited restrictions on commercial and sport hunting and fishing while heavily restricting subsistence users.
- Several commenters raised concerns with the State’s aggressive enforcement actions against subsistence practices, characterizing it as inequitable and punitive given that subsistence users harvest less than 1% of all resources in Alaska.
- Commenters noted that the State asserts undue influence over the FSB and that DOI and USDA should develop policies to provide an equitable role for Alaska Native subsistence users in federal decision making.
- One commenter noted that in many cases the State dominates subsistence management even in areas where the federal government has jurisdiction.
- One commenter noted that the overlapping and/or split jurisdiction between the federal government and the State causes confusion for users related to subsistence management actions.

- One commenter acknowledged the jurisdictional issues with respect to the rural subsistence priority, but argued that restoring fisheries and addressing declining salmon stocks should take higher priority over sorting out the jurisdictional questions.
- Several commenters raised concerns with the State/Tribal dynamic, noting a hostile and combative environment in which subsistence users carry out their customary and traditional practices.
- Several commenters pointed out that the State system does not allow for the rural subsistence priority mandate due to the conflict with the State of Alaska's Constitution, which requires that resources be available for all residents.
- One commenter remarked that current State staff and budgets are unable to provide attention to subsistence issues and execute management responsibilities.

**5. How can the Federal Subsistence Board and the Federal Subsistence Program be changed to better accommodate Alaska Native subsistence needs?**

- As noted above, many commenters recommended moving the Office of Subsistence Management from the U.S. Fish and Wildlife Service and establishing it as an independent office within the Office of the Secretary of the Interior.
- As noted above, a majority of commenters recommended changes to the composition of the FSB and/or the RACs, including increasing the number of public members to five and adding more permanent voting members who represent Alaska Native Villages and have local knowledge and direct subsistence experience. One commenter also called for additional staff to support Alaska Native representatives on the FSB.
- As noted above, commenters recommended a number of amendments to ANCSA and ANILCA and regulatory actions, including:
  - Implementation of Title IV of the ISDEAA and Section 809 of ANILCA.
  - Ensure Tribal self-governance for subsistence management and federal conservation units within traditional territories.
  - Amendment of Title VIII of ANILCA to create a priority for Alaska Natives to hunt, fish, and gather.
  - Recognition of Tribal, hunting, fishing, and gathering permit authority in 50 C.F.R. 100.10(d)(6).
  - Amendment of ANILCA to clarify that ANILCA takes priority over the Alaska Statehood Act.

- Amendment of ANCSA, 43 U.S.C. 1603 Section 4(b), to restore Alaska Native aboriginal hunting and fishing rights.
- Enactment of a law or policy to allow Alaska Native Tribes, or secondarily Alaska Native Corporations, a right of first refusal when the federal government disposes of land or resources in Alaska.
- Commenters requested that federal agencies support legislative efforts to protect and preserve Alaska Native subsistence rights.
- Commenters called for the Memorandum of Agreement between the FSB and the State to require Tribal consultation and be made public.
- Some commenters suggested evaluating FSB personnel performance and bonuses based on how well the intent of ANILCA is followed and implemented and on their relationships with Alaska Native partners.
- Commenters suggested that all federal employees working on subsistence management receive training specifically on Title VIII of ANILCA.
- One commenter requested the employment of mid-to high-level staff on the FSB and the RACs to work on management policy initiatives.
- Some commenters recommended that the FSB Chair be required to have personal knowledge of and direct experience with subsistence uses.
- Several commenters offered suggestions for strengthening the role of the FSB and the RACs, including by requiring Alaska Native input and participation in the RAC selection process.
- Commenters recommended that the Secretary of the Interior should be provided more deference in the RAC appointment process.
- Commenters recommended that the federal subsistence regulations require the Federal Subsistence Management Program to enter into co-management agreements with Alaska Native Villages, Corporations, and Consortia.
- Commenters recommended that funding for the Office of Subsistence Management should not be at the discretion of the U.S. Fish and Wildlife Service, rather regulatory requirements should be in place to ensure funding is used to support Alaska Native subsistence needs and co-management.

- Commenters noted that the Office of Subsistence Management and the FSB should make decisions independently of the State management program.
- Commenters called for greater open communication between subsistence users and the FSB by, for example, allowing subsistence users to express concerns directly to the FSB and provide input via teleconference, videoconference, and in-person community meetings.
- A few commenters called for clarification of federal authorities over emergency subsistence harvests to ensure food security of rural communities.
- One commenter noted that there is often little distinction between the State and federal subsistence management systems and commented that the Federal Subsistence Program should research, take action, and make decisions independently rather than relying on State analyses and decisions.
- A few commenters highlighted the need for greater independence of federal agencies from the State, as well as direct Tribal management over resources on their lands.
- One commenter called for greater equity among regions and species in the context of co-management partnerships, as well as consistency in agency commitments and funding of subsistence management programs.
- Two commenters pointed out that the State receives a majority of Fisheries Resource Monitoring Program (“FRMP”) funding—up to 90%—and called for a more equitable distribution of such funds.
- One commenter expressed support for the FRMP and the Partners for Fisheries Monitoring Program and their efforts to obtain necessary management data.

#### **6. What difficulties have you experienced in accessing subsistence resources?**

- A number of commenters noted significant difficulties in accessing subsistence resources, citing factors such as failures in the federal/state dual management system; inconsistent federal policies; and competition from non-native residents and hunters engaging in sport/personal use fishing and hunting.
- Several commenters pointed to food shortages and loss of income arising from access challenges caused by fishery closures, declining salmon runs, disaster declarations, among other adverse events, and expressed concern with the long-term economic and social effects of losing the ability to express traditional subsistence practices.

- Commenters specifically noted that the lack of access to subsistence resources has severe negative impacts on the physical and mental health of Alaska Native people.
- Commenters noted the particular challenges caused by reduced fishing times and limited harvesting seasons, which have caused confusion among stakeholders and hindered their ability to rebuild salmon returns to the river.
- Two commenters raised concerns with the highway system and having to compete with outsiders with RVs, ATVs, and more advanced equipment who can travel farther and gain better access to resources needed for local communities.
- Commenters pointed to access challenges arising from the MMPA’s minimum blood quantum threshold for determining who is an “Alaska Native” qualified to harvest marine animals.
- Commenters noted concerns with State law enforcement priorities and activities in rural areas, which focus more on regulating customary and traditional practices and less on hunting trespass and other unauthorized activities.
- Commenters noted access difficulties by Tribal members who do not meet the requirements of a “qualified user,” but are regionally connected and should be allowed to return to their home regions and harvest for subsistence.
- Commenters noted difficulties they have faced in accessing subsistence resources on National Park Services lands, noting that access is very limited in many cases. Commenters noted that longstanding traditional subsistence activities should not be viewed as incompatible with the purposes of the National Park Service.
- Commenters noted that access to federal lands is inconsistent and recommended that the federal government take on a standardized approach to allow rural residents to access federal lands for subsistence uses.
- Commenters recommended that allowable subsistence seasons be adjusted to account for changing weather patterns that are the result of climate change.

**7. How should the Federal Subsistence Board define rural residents for the purposes of the subsistence priority?**

- Several commenters noted that Title VIII’s rural resident priority does not provide sufficient protections for Alaska Native subsistence needs and recommended ANILCA be amended to implement a preference for Alaska Native subsistence users or increased protections for Alaska Native subsistence users.



- Commenters recommended changing the rural resident priority to an Alaska Native priority, while some commenters disagreed, noting that an Alaska Native priority based on blood quantum could have adverse effects on marine mammal subsistence harvesting.
- Commenters noted that non-federally qualified users are in many cases permitted to hunt/fish for sport or personal use and this use should not be allowed under the rural resident priority.
- Two commenters remarked that Tribes should have the ability to determine who qualifies for the rural resident priority. Commenters also noted that the current priority is underinclusive of many Alaska Native Villages.
- Commenters argued that the subsistence priority should not be based solely on rural residency, but on other factors such as Tribal membership and/or Alaska Native Corporation shareholder status; historic use; reliance on the resource; availability of other resources; and years of Alaska residency.
- Commenters noted the need to account for people who reside outside of rural areas but seek to return to their home regions in order to partake in harvests for their families and communities.

### **Additional Comments**

- Commenters noted that internet access in rural Alaska is very limited, and therefore many Alaska Native subsistence users are not able to participate in virtual consultations.
- Commenters recommended that DOI and USDA consider hosting in-person hearings to hear from Alaska Native subsistence users from across Alaska prior to making any policy or regulatory changes.
- One commenter recommended that the agencies establish a Subsistence Disaster Relief Fund to assist rural communities that are dependent on subsistence for food security.
- Commenters urged that NOAA engage in meaningful and robust consultation on all decisions regarding subsistence.
- One commenter recommended that NMFS consult with Alaska Native groups to improve data collection and analysis systems for Alaska Native subsistence uses.
- Several commenters expressed concern that trawling, and specifically trawling bycatch, was negatively harming fish populations and fish availability for subsistence and expressed opinions regarding the need for increased bycatch regulation and/or trawling prohibitions.

- One commenter suggested that NOAA and NMFS initiate a study to evaluate the impact of destructive fishing practices (e.g., pelagic and non-pelagic trawling) on the North Pacific Marine ecosystems.
- One commenter noted that the current process for fisheries disaster declarations is centered on commercial fisheries and does not adequately consider subsistence needs. The commenter specifically noted that the Pacific States Marine Fisheries Commission is geared toward commercial fisheries and should be more inclusive of Tribal needs.
- Two commenters requested that the DOI restore, streamline, and expedite the fee-to-trust process in Alaska in support of Tribal subsistence management.
- One commenter proposed implementation of new federal programs aimed at improving fire detection and alleviating the risk of fires on federal land.
- Commenters expressed concerns with the lack of State enforcement of trespass violations on ANCSA lands and the additional expense of addressing the impacts of such violations.
- One commenter urged agencies to consider issuing emergency orders authorizing Alaska Natives to hunt land and marine mammals, waterfowl, and other sources of food on all federal lands sufficient to prevent food shortages.
- One commenter requested development and publication of a National Resources Inventory of historical and present-day wildlife, lands, and resources conducted by independent third-party specialists under the oversight of a Native American panel. The commenter noted that such an inventory has already been completed twenty-one times in the 49 states, but not once in the State of Alaska.
- One commenter noted that the federal appropriation process for fishery resources and the establishment of quota systems discriminated against Alaska Native people by not recognizing and accounting for their participation in the fisheries.

## **V. Conclusion**

Secretary Haaland and Secretary Vilsack greatly appreciate the time and effort subsistence users, Alaska Native Villages, Tribal Consortia, Alaska Native Organizations, and Alaska Native Corporations have spent to engage in this consultation process. The goal of these consultations was to hear from the Alaska Native community on how the federal government can better protect and facilitate Alaska Native subsistence needs that are at the center of the Alaska Native way of life.

DOI and USDA will continue to consider all comments received with this goal in mind. As we proceed with considering federal policy changes in response to the comments received, we will continue to consult with Alaska Native leaders and subsistence users throughout the process.