



***Southeast Alaska  
Subsistence Regional  
Advisory Council***

**Don Hernandez, Chairman  
1011 E. Tudor Road, MS121  
Anchorage, Alaska 99503**

**In Reply Refer To:  
OSM.B25058**

**JANUARY 30 2026**

**Anthony Christianson, Chair  
Federal Subsistence Board  
1011 E. Tudor Road, MS 121  
Anchorage, Alaska 99503-6199**

**Dear Chair Christianson,**

The Southeast Alaska Subsistence Regional Advisory Council (Council) appreciates the opportunity to provide formal comments on the review of the Federal Subsistence Management Program (FSMP), as published in 90 FR 57941. These comments reflect the Council's deliberations during its Fall 2025 regulatory meeting held December 17–18, 2025. We respectfully request that the Federal Subsistence Board forward these comments to the Secretaries before the February 13, 2026 comment deadline.

**Topic 1: The 2024 relocation of the Office of Subsistence Management (OSM) from the U.S. Fish and Wildlife Service (FWS) to the Office of the Assistant Secretary for Policy, Management and Budget**

- Support for the Move to the Secretary's Office: The Council generally supports the relocation of OSM to the Secretary's Office. This move has elevated the visibility of subsistence issues and placed them closer to the decision-making authority responsible for protecting subsistence priority under Title VIII of Alaska National Interest Lands Conservation Act (ANILCA). The Council recognizes that while this shift may expose the FSMP to greater political influence, it also aligns the FSMP with its intended mission and purpose under ANILCA Title VIII. However, the Council believes that further relocation at this time would be unnecessarily disruptive. Stability is essential to maintaining the integrity and continuity of the FSMP.

- Concerns About Political Influence and Stability: Members expressed concern that both the previous and current organizational structures are subject to political influence, given that leadership positions are appointed and may change with administrations.
- Program Performance and Staff Impact: Council members noted that the transition was executed smoothly in July 2024, with minimal disruption to services. OSM staff reported that the move streamlined processes and improved access to the Secretary's Office that the Council welcomes. Council members observed no significant changes in FSMP delivery after the move.
- Subsistence as a Way of Life: The Council emphasized that subsistence is not merely a policy issue, it is a way of life. The lack of noticeable changes in FSMP operations post-move is seen as a positive outcome, suggesting that the core mission of protecting subsistence priority remains intact.
- Need for Adequate Funding and Data Access: The Council has a recurring concern over the chronic underfunding and understaffing of the FSMP. The Council stressed that without sufficient resources, particularly for biological data collection in fish and wildlife management, the FSMP cannot fulfill its mandate effectively. Reliance on data from the State of Alaska has proven problematic, as the State has not consistently shared necessary information, leading to discrepancies in data interpretation and decision-making.
- Rural Priority and Legal Clarity: The Council expressed confusion and concern over language in the Federal Register notice that suggested parity between federal and state hunting and fishing opportunities. This appears to conflict with the rural priority mandated under ANILCA. The Council urges clarification to ensure that rural subsistence users retain their legally protected priority on federal lands and federal waters.
- Recommendation: Based on the above considerations, the Council recommends that the OSM remain within the Office of the Assistant Secretary under the Policy, Management and Budget Office. This placement supports the visibility and prioritization of subsistence issues. However, the Council strongly urges the Department to address funding shortfalls and ensure that the program has access to independent, comprehensive biological data to support sound decision-making.

## **Topic 2: Criteria for Regional Advisory Council Membership**

- Legal Foundation and Purpose of Councils: The Council underscores that the authority for Councils is firmly rooted in Section 801(5) of the ANILCA, which mandates the establishment of an administrative structure that ensures rural residents with personal knowledge of local conditions and requirements have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska. The Councils fulfill this mandate by incorporating Traditional Ecological Knowledge (TEK) and lived experience into the regulatory process, thereby advancing the protection of subsistence priorities in a step-by-step, community-involved manner.

- Concerns Regarding Representation and the 70/30 Membership Split: The Council expressed concern over the interpretation and implementation of the 70/30 membership split—assuming a strict rule that 70% of Council members must represent subsistence interests and 30% must represent commercial and sport interests. While the Council acknowledges the historical context of this split, particularly its origins in litigation involving Safari Club International (SCI), Council members emphasized that such rigid categorization does not reflect the realities of rural Alaskan communities and Council members lived experiences.

In Southeast Alaska, individuals often participate in multiple harvest activities—subsistence, commercial, and sport—making it difficult and counterproductive to categorize members strictly by user group. Council members noted that they routinely receive input from a broad spectrum of stakeholders, including sport and commercial users, and that their representation is inherently inclusive and responsive to diverse community needs. The Council believes that the current membership structure already ensures balanced and informed representation without the need for prescriptive quotas.

- Robust Selection Process and Qualifications: The Council emphasizes that the current structure and selection process for Councils' members are both rigorous and effective in ensuring qualified, knowledgeable, and representative participation in subsistence management. Council members highlighted the thorough and merit-based process for Council appointments, which includes applications, background checks, interviews, and evaluations of experience and knowledge. This process ensures that selected members possess the necessary expertise in subsistence practices, as well as familiarity with commercial/sport uses. The Council emphasized that this process is not a popularity contest, but rather a deliberate effort to identify individuals who are committed to the protection and management of subsistence resources.

The Council also expressed concern that any proposed changes to the Council membership criteria, particularly if driven by external petitions such as that submitted by SCI, could undermine the integrity of the selection process and the foundational principles of ANILCA. The assertion in the SCI petition that the Federal Subsistence Board has “stacked” the Councils is viewed as offensive and unfounded. Council members are deeply committed to their communities and to the subsistence way of life, and they bring a wealth of experience and dedication to their roles.

- State Recognition and Subsistence Priorities: The Council noted ongoing challenges with the State of Alaska's recognition of subsistence users, particularly in the context of sport and commercial regulations. Subsistence users are often subject to the same bag limits and allocations as non-rural hunters and fishers, which undermines the rural priority established under federal law. The Council emphasized that Councils are uniquely positioned to advocate for subsistence users and ensure that their needs are prioritized in federal land management decisions.
- Recommendation: The Council strongly recommends that the current criteria and selection process for Council membership be maintained. The existing system effectively

identifies qualified individuals with deep connections to their communities and a strong understanding of subsistence practices. Any changes that dilute the subsistence focus of the Councils or impose arbitrary representation quotas risk undermining the intent of ANILCA and the effectiveness of FSMP.

### **Topic 3: Membership of the Federal Subsistence Board (Board)**

- Support for Current Board Composition: The Council views the present makeup of the Board as a significant improvement over past structures that included only agency heads.
- Value of Local Knowledge & TEK: Having Board members from the subsistence communities and with the first-hand knowledge of subsistence uses ensures TEK is respected, considered, and incorporated into decision making. Past boards dominated by agency heads were reluctant to accept TEK, favoring hard data instead, which created bias.
- Importance of ANILCA Familiarity: Agency directors on the Board must understand ANILCA requirements; training of the Board members has been necessary in the past and is needed now. The Council says that having the Board members unfamiliar with ANILCA and Title VIII can be problematic.
- Balance Between Agency Influence and Subsistence Needs: Agency heads may be influenced by administrative priorities rather than true subsistence needs. Having public members on the Board with subsistence experience helps balance this.
- Need for Broader Regional Representation: The Council is concerned that some appointed voting Board members lack firsthand understanding of village life and subsistence practices. The Council appreciates the fact that there is currently a representative from Southeast Alaska on the Board, which allows for better regional perspective, and suggests maintaining this in the future.
- The Council's Overall Position: The current composition of the Board should remain, as it provides a better balance between federal agency oversight and local subsistence knowledge.

### **Topic 4: Federal and State Regulations – Duplication and Inconsistency**

- Need for Differences Between Federal and State Regulations: The Council notes that differences between federal and state regulations are necessary to uphold the rural subsistence priority mandated under Title VIII of ANILCA. The State of Alaska does not have or recognize a rural priority, making federal regulations essential to protect rural subsistence users. The Councils' decisions are made collaboratively and are bound by law, whereas State Advisory Committees (ACs) processes allow individuals to influence outcomes based on personal and political agendas. This inconsistency further complicates efforts to harmonize regulations.
- Distinct Legal Frameworks and Authority: The Council said that Councils operate under ANILCA Section 805, which provides clear authority and responsibilities for subsistence management. In contrast, State ACs function under a different system that is often political and less structured, allowing decisions based on individual interests rather than

legal mandates. These fundamental differences make full alignment between federal and state systems challenging.

- Efforts to Reduce Confusion for Resource Users: The Council noted that while Councils consider state regulations to minimize confusion for users, they retain authority to submit proposals that differ from state rules. This sometimes creates tension with state agencies, but the Council emphasized that federal regulations must remain focused on ANILCA's subsistence priority.
- Concerns About State Prioritization: The Council expressed concern that state management often favors commercial and sport interests over rural subsistence needs. For example, commercial fishers receive considerations that subsistence users do not. In king salmon (Chinook Salmon) allocation, subsistence users are grouped with sport fishers under equal bag limits, which undermines the priority intended for subsistence under federal law.
- Recommendation: The Council recommends maintaining federal regulations that prioritize rural subsistence under ANILCA, no matter if they differ from state regulations or the same. The Council strongly believes that the State does not leave up to its own mandate to prioritize subsistence and gives preference to sport and commercial users. The Council urges the State to recognize rural subsistence priority and work toward reducing user confusion without compromising the legal protections for rural subsistence users.

#### **Topic 5: Regulations Applicable to Special Actions**

- Clear Guidance and Established Process: The Council notes that Councils have been provided with clear instructions and regulatory guidelines for handling Special Actions. These procedures ensure consistency and compliance with federal regulations.
- Training and Support: The Council said that Council members receive training from regional biologists to properly evaluate and address Special Action requests. This training equips members with the necessary biological and regulatory knowledge to make informed recommendations.
- Agenda and Workflow: The Council noted that Special Actions are included on meeting agendas, allowing Councils to review and deliberate on multiple requests during scheduled sessions. This structured approach ensures transparency and accountability.
- Recommendation: The Council recommends maintaining the current process for Special Actions, as it provides clarity, training, and a systematic framework for Councils to follow when making recommendations under existing regulatory rules.

#### **Topic 6: Role of the State of Alaska and Its Department of Fish and Game in the Federal Subsistence Management Program**

- Fundamental Conflict Between State and Federal Mandates: The Council notes that the State of Alaska's constitutional mandate to provide equal access to resources for all Alaskans conflicts with ANILCA's rural subsistence priority. Because of this, the State cannot play a regulatory role without compromising the integrity of ANILCA.

- Historical Challenges and Participation: The Council said that in the past, the State received significant funding (e.g., \$1 million) to attend meetings but often opposed Councils' recommendations. The Council emphasized that if the State wishes to participate meaningfully, it should attend Councils' meetings and engage in the process rather than obstruct it.
- Concerns About State Allocation Practices: The Council observed that subsistence users receive disproportionately small allocations compared to other user groups—sometimes as little as 1%—despite State of Alaska constitutional language suggesting equal access.
- Political Influence and Governance Structure: The Council expressed concern that the Governor's authority over appointments to the Alaska Board of Fisheries, Alaska Board of Game, and the Alaska Department of Fish and Game Commissioner results in decisions aligned with political agendas rather than subsistence needs. This dynamic appears divisive and undermines collaborative management.
- Recognition of Expertise and Local Relationships: The Council acknowledged that State ACs' members possess valuable expertise that could benefit the federal process. However, the Council stressed the importance of maintaining local working relationships and avoiding actions that jeopardize cooperation.
- Overall Perspective: The Council noted that while there are good working relationships with the State at times, the underlying conflict between state and federal mandates creates ongoing tension. This struggle often pits Alaskans against Alaskans, which the Council views as counterproductive.
- Recommendation: The Council recommends that the State's role remain advisory rather than regulatory within the FSMP. The Council urges continued dialogue and collaboration where possible, while ensuring that ANILCA's rural subsistence priority is fully protected.

#### **Topic 7: Board policies and procedures for rural determinations**

- Concerns About Compliance with ANILCA: The Council notes concern that recent rural determination decisions, which changed the status of Ketchikan to rural, did not fully adhere to Title VIII of ANILCA. Council members emphasized that the intent of ANILCA, as reflected in the congressional record, was to protect rural residents and Alaska Natives, consistent with its origins as legislation tied to the Alaska Native Claims Settlement Act (ANCSA).
- Impact on Communities and Families: The Council said that rural status decisions have significant consequences for communities already struggling with high costs of living and limited economic opportunities. In rural areas, residents cannot simply "get a second job," and subsistence access is critical for family well-being.
- Contentious Process and Lack of Clarity: The Council observed that the rural determination process has been lengthy and contentious, creating frustration among communities and tribes. Council members questioned whether a clear definition of

“rural” exists, noting that past criteria were removed in favor of a holistic approach, which sometimes feels arbitrary.

- Need for Additional Factors and Tribal Consideration: The Council recommended that tribal membership and community composition be considered as factors in rural determinations. Understanding how many people live in a community year-round versus seasonally should also be part of the analysis.
- Public Testimony and Procedural Flaws: The Council expressed concern that testimony provided at Council meetings did not always carry through to Board decisions, and that additional testimony at Board meetings was allowed without prior Council review. This undermines the role of Councils and creates confusion for stakeholders.
- Tribal Consultation and Outreach: The Council emphasized that tribal consultation is essential. Tribes were not adequately informed about opportunities to testify at Board meetings, which represents a flaw in the current process. Improved outreach and communication are needed.
- Deference and Reconsideration Process: The Council noted that while the Board gives deference to Councils’ recommendations on harvest decisions, this does not apply to rural determinations. The Council suggested adding a step where, if the Board disagrees with a Council recommendation, it should identify specific issues and allow the Council to reconsider before reversing the recommendation.
- Participation and Representation: The Council recommended allowing Council members to testify on behalf of the Council when the Chair cannot attend due to circumstances such as weather, ensuring continuity and representation in decision-making.
- Recommendation: The Council recommends revising rural determination procedures to ensure compliance with ANILCA, incorporate tribal and community factors, strengthen tribal consultation, and improve transparency in testimony and reconsideration processes. Clear guidelines and definitions should be established to reduce contention and maintain trust in the system.

#### **Additional Topics:**

- Deference to Councils’ Recommendations: The Board should continue giving deference to the Councils on fish and wildlife harvest decisions, only disagreeing under specific circumstances (e.g., lack of substantial evidence).

The Council appreciates your consideration of these comments and thanks you in advance for your consideration of same. If you have any questions regarding this letter, they can be addressed through our Council Coordinator DeAnna Perry, at 907-209-7817 or [deanna.perry@usda.gov](mailto:deanna.perry@usda.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "Donald Hernandez", is written over a light gray rectangular background.

Donald Hernandez  
Chair

cc: Federal Subsistence Board  
Southeast Alaska Subsistence Regional Advisory Council Members  
Office of Subsistence Management  
Interagency Staff Committee  
Administrative Record