

## **Wrangell-St. Elias National Park Subsistence Resource Commission**

### **Working Group on Secretarial Review of the Federal Subsistence Management Program**

Members: Dan Stevens, Mercedes Starr Knighten, Clint Marshall, Bruce Ervin, Sue Entsminger

NPS Staff: Amber Cohen

#### **Background:**

- Reviews had been conducted in 2009, 2011, and 2021/2022
- In May 2025, the Secretaries received a petition to amend the Federal Subsistence Management Program regulations at 50 CFR part 100 (which regulations were subsequently transferred to 43 CFR part 51 to align with the transfer of the Office of Subsistence Management) and 36 CFR part 242. The Secretaries subsequently received correspondence concerning this rulemaking petition.
- The focus of this review is on the regulatory and organizational changes to the Program, along with discrete areas of interest. The scope of this review is intentionally targeted to build upon and evaluate the most recent Program review and changes with the benefit of the experience gained through implementation of those changes to date.
- A subsequent process is anticipated for any regulatory changes based on this Program review.

#### **Topics:**

1. **The 2024 move of the Office of Subsistence Management, from within the U.S. Fish and Wildlife Service of the Department of the Interior, to the Office of the Assistant Secretary for Policy, Management and Budget of the Department of the Interior:**
  - Bruce attended the EIRAC/WIRAC joint meeting and heard their responses, and one that they mentioned was that this was a recent move. It was too early to change it. There was better communication, and things were working well. So far, it was a positive move. Leave it at status quo.
  - Clint said it was a good move if it moved the office closer to decision makers and increased effective communication but could prove a bad thing if the agency was further away from the subsistence users.
  - Dan agreed with Clint.

Recommendation: Leave the Office of Subsistence Management in its current situation, but agency staff should remember to stay engaged with subsistence users.

## 2. Criteria for regional advisory council membership:

- The current criteria are listed below:
  - Knowledge of fish and wildlife resources in the region
  - Knowledge of subsistence customary and traditional uses of resources in the region
  - Knowledge of fish and wildlife resources in the region
  - Knowledge of sport and commercial uses of fish and wildlife resources in region.
  - Participation in meetings regarding fish and wildlife resource issues.
  - Participation in councils, boards, committees or associations.
  - Communicating information back to people of your region.
  - Use of Federal public lands for hunting, fishing and trapping.
  - Have to be a resident of the region
- Clint wanted to hear from a RAC member's opinion. With an election as per the Fish and Game Advisory Committees, it depended on who was involved. It could turn into a popularity contest instead of someone's qualifications.
- Starr agreed with Clint.
- Clint said that on the other hand, if it is a board that picks who was best, they could put their own people into it, whomever best served their interests. For local people, an election might be better.
- Bruce said it was important to have people from the area who live that way of life. He worried about opening up membership to anybody, especially if that person did not know that region. There are also people who have to live in Anchorage or Fairbanks for health or economic reasons but still involved in their region.
- Clint said that by having elections with local people, those people know what is going on. He mentioned that at the recent SRC meeting in Tok, it was the Upper Tanana people who knew that the Tanana Chiefs Conference had been against wood bison. But there should be requirements before someone is put on the ballot.
- Bruce said at the EIRAC/WIRAC joint meeting, members had brought up issues with getting people to apply. There were open seats on the RACs. Getting the word out could be improved.
- The application for the RAC nominations could have more concise and consolidated questions.

Recommendation: Elections like the AC model could be an option but the candidates should still meet criteria before being listed on a ballot. It is important that an election does not become a popularity contest and the candidates are still qualified. RACs should be made up of local people who know their region. More outreach is needed to get people to apply for the RAC seats. OSM should consolidate questions on the application.

### **3. Membership of the Federal Subsistence Board:**

- Currently, the Board is made up of the following members:
  - A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
  - The Alaska Regional Director, U.S. Fish and Wildlife Service;
  - The Alaska Regional Director, National Park Service;
  - The Alaska State Director, Bureau of Land Management;
  - The Alaska Regional Director, Bureau of Indian Affairs;
  - The Alaska Regional Forester, U.S. Forest Service;
  - Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; and
  - Three public members nominated or recommended by federally recognized Tribal governments in Alaska and appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.
- Bruce said how it is structured brought balance and allowed for rural residents to have a voice at the table. It would be detrimental to go back to the original structure of the FSB.
- Clint said it was a positive thing that the FSB opened up to grassroots subsistence users. It is good the way it is. This reflects the democracy of this country, because instead of just appointments, there were grassroots people involved in the process. Who knew better than the people themselves. It was really good the way it is now.
- Dan said people who use it ought to have a say on what is being said. We need to know the country and the animals.

Recommendation: Keep the current membership structure of the Federal Subsistence Board because it allows more public involved in the process.

### **4. Federal regulations and state regulations for duplication and inconsistency:**

- Clint said it was important to remember that the biggest difference between the state and federal government was rural preference. Both state and federal regulations are the way they are based off court decisions.
- Bruce said the federal and state regulations are unique and cannot be boxed up into one book. With rural preference, there are different regulations that do not apply to the state. The seasons are different. These regulations help people in rural areas put food in their freezers. We have to live with dual management today, and how it is now is the best way to do it.
- Starr said the state and federal regulations have different categories for the same group of people, so they cannot be combined unless all entities change to the same categories.
- Dan said a lot of people are transplants, and those of them on the Commission have been living here all their lives. Residents should have more than anyone else.

- Bruce worried that what someone thinks is a duplication is not really a duplication. They might get rid of something that looks similar, but are there for a reason.
- Clint said this topic could open doors, and it was important that doors were opened for a good reason, not just people seeking opportunity to sway things.

Recommendation: State and federal regulations have different purposes, and federal regulations exist for the rural priority. These regulations help people in rural areas put food in their freezers. What might look like a duplication is not really one. It is in both regulations for a reason.

#### **5. Regulations applicable to special actions:**

- Bruce said special actions happen for a reason and are a valuable tool for both residents and managers.
- Clint agreed it was a valuable tool. The Nelchina caribou herd was a good example of what could happen if the state does things at their will. The ability to use a special action is important, and based off examples like the Nelchina herd, should be used more often.
- Starr said they are beneficial when used well.

Recommendation: Special actions are important tools for managers and should be used to protect resources.

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

- Bruce said the whole reason for the federal subsistence management program and the Federal Subsistence Board comes from the state being legally unable to manage subsistence with a rural preference. The State should not have the ability to vote for federal subsistence management as a member of the FSB is not on the Board of Game or Fisheries.
- Clint said he would like to know how many members of the petitioner, Safari Club International, has in Alaska and how many were in rural Alaska, and why were they given leverage to bring these issues up. Rural residents should have greater weight and leverage. They live in Alaska. Their voice should carry more weight, Alaskans and rural residents alike. He found it interesting they were even contemplating these questions.
- Dan said they should be asking Native people, the ones who have grown here and know their traditions. They know what their animals are doing and know the country. Bring it back to their people.
- Starr said Alaskans needed to speak and vote on Alaskan issues, not outside entities or people who did not live in or understand Alaska.

Recommendation: Federal subsistence management program exists because the State of Alaska cannot legally manage for a rural preference. It is important that local rural voices are heard in these processes. The voices of Alaskans and rural Alaskans should be given greater weight and leverage than those who do not live in the state. The State should not have the ability to vote for federal subsistence management as a member of the FSB is not on the Board of Game or Fisheries.

**7. Board policies and procedures for rural determinations:**

- Clint said that looking at accessibility could be detrimental as someone could look at the Copper Basin and say you have two major highways, you are not rural. He would argue this area is rural. It was a topic the Commission should pay attention to because if the policies and procedures changed, it could impact places like the Copper Basin that are accessible to larger cities by road.
- Bruce said if an area becomes designated as rural, it would be hard for resources that are only able to provide for so many people. He suggested seeking guidance from the RACs on what is considered rural as they have the knowledge of the area. He had lived in Anchorage and Fairbanks before Tok, and after living in Tok, he understood the rural preference. If he did go back to Anchorage, he would be comfortable not having the rural preference because the people that live there really need it.

Recommendation: Rural areas cannot be only determined by factors such as accessibility to larger towns or availability of roads. The Federal Subsistence Board should consult the RACs as they have the knowledge of the area. Rural preference exists because it really helps those living out in rural places.