



Tungwenuk Family Qupak Design, used with permission

KAWERAK, INC.

REPRESENTING

Brevig Mission

Sitaisaq

Council

Akauchak

Diomede

Iqalik

Elim

Neviarcuarluq

Gambell

Sivuqaq

Golovin

Chinik

King Island

Ugiuvak

Koyuk

Kuuyuk

Mary's Igloo

Iglaaruk

Nome Eskimo

Sitnasuami Inuit

Savoonga

Sivungaaq

Shaktoolik

Saktuliq

Shishmaref

Kigiqtaq

Solomon

Ajuutaq

St. Michael

Taciq

Stebbins

Tapraq

Teller

Tupqagruk

Unalakleet

Ungalaqiaq

Wales

Kinigin

White Mountain

Natchiqvik

Kara Moriarty, Senior Advisor for Alaska Affairs
Office of the Secretary
United States Department of Interior
4230 University Drive, Suite 300
Anchorage, Alaska 99508
subsistence@ios.doi.gov

January 5, 2026

RE: Federal Subsistence Management Program Review, Docket DOI-2025-0170

Dear Ms. Moriarty:

Kawerak, Incorporated provides this letter of comment regarding review of the Federal Subsistence Management Program. Kawerak, Inc. is an Alaska Native non-profit Tribal Consortium representing 20 federally recognized Tribes in the Bering Strait region, a rural area of Alaska with a population of approximately 10,000 rural residents.

Given the immense significance of this issue, and potential for irreparable harm, Kawerak, Inc. requests that before the scoping report is completed, full and meaningful Tribal Consultation with the 20 Federally Recognized Tribes and 21 Alaska Native Corporations in the Bering Strait region be conducted. Kawerak requests this to occur before the scoping report is completed, so that meaningful feedback from Tribes and Alaska Native Corporations is included in the scoping report to the Secretary.

For rural residents of Alaska, customary and Traditional Subsistence activities are central to food security, public health, cultural continuity, and long-term community sustainability in rural Alaska. The Federally Recognized Tribes of our region recognize the importance of economic development activities that can support local and regional economies. However, effective Federal policy regarding Federal lands must balance economic interests with our continued access to subsistence food on which we rely for our survival.

The Federal Subsistence Management Program provides the *only* protection for rural Alaskans to harvest subsistence food from federal lands and waters. The Secretaries of the Interior and of Agriculture set up the Federal Subsistence Management Program to implement Congress's mandate for the rural subsistence priority of fishing and hunting pursuant to Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), because the state of Alaska is unable to provide any priority for subsistence access to a subset of residents.

The Federal Subsistence Management Program and Subsistence Board serve an important function in preserving rural Alaskans' ability to have enough food to eat. The 20 Federally Recognized Tribes of Kawerak, Inc. strongly urge you to consider how changes to the Federal Subsistence Program or Federal Subsistence Board could negatively impact the rural

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preference and our access to food. Subsistence is the mainstay of the rural economy, providing almost 300 pounds of wild foods annually per person. The great majority of communities across rural Alaska are not connected to the road system, and getting food into the retail stores in rural Alaska is expensive and logistically difficult, resulting in grocery prices being ordinarily expensive. According to the State of Alaska, annually, “the cost to replace wild harvests in rural Alaska would be about \$170-340 million.”¹ Many of Alaska’s salmon runs, caribou herds, and other wild foods are already in decline. Accelerating these declines by upsetting the careful balance of subsistence regulation would have catastrophic effects on rural communities across Alaska.

I. Keep the Office of Subsistence Management in the Office of the Assistant Secretary for Policy, Management, and Budget of the Department of the Interior

Moving the Office of Subsistence Management (OSM) to the Office of the Assistant Secretary for Policy, Management, and Budget promoted efficiency in government. When OSM was under the Fish & Wildlife Service, administrative costs severely impacted the effectiveness of the Board. The move was deliberated upon and authorized by the Senate, and had the support of Alaska’s esteemed Senator, Lisa Murkowski, Alaskan Tribes, Alaska Native Corporations, and rural subsistence users. Therefore, the Secretaries must consider whether any further moves of OSM would create inefficiency and disruption to effective implementation of the Program.

II. Preserve the Board’s Public Seats

Because the Board implements the rural subsistence priority, it is critical to preserve the public seats on the Board, including the three tribally-nominated public seats. The agency leaders who sit on the Board bring valuable experience as public servants and agency experts, but as the Secretaries have previously noted, they do not have the same firsthand experience as rural Alaskans who live a subsistence way of life.²

Alaska, given its vast and varied geography, has a wide variety of subsistence uses based on place and seasons. The variations include differences in species of fish, land mammals, and marine mammals subject to harvest, in addition to seasonal availability of the same resource, such as salmon, across different areas of the State. The breadth of subsistence practices may indicate a need for a diversity of subsistence use experiences on the Board to improve Federal decision making.³

Approximately 10,000 rural Alaskans in the Kawerak region, and nearly 100,000 rural Alaskans statewide, depend on subsistence foods harvested from surrounding lands and waters. For most rural Alaskans, 80% or more of their diet is subsistence foods.⁴ Because it

¹ Alaska Dep’t of Fish & Game, Food Production and Nutritional Values of Noncommercial Fish and Wildlife Harvests in Alaska (November 2019),

https://www.adfg.alaska.gov/static/home/subsistence/pdfs/Wild_Harvest_Notebook.pdf.

² See 89 Fed. Reg. 14,008 (Feb. 26, 2024).

³ 89 Fed. Reg. 14,011 (Feb. 26, 2024).

⁴ Building Food Security in Alaska, State Commissioned Report. Ken Meter, Megan Phillips Goldberg, 2014. <https://www.akfoodpolicycouncil.org/resources/#afpc-reports> and Ahmasuk, et al., Bering Strait

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is inordinately expensive and logistically difficult to ship food to rural Alaska, protecting the ability to harvest from the lands and waters is critical to our very existence. With over seventy percent of rural Alaskan residents being Tribal members, these facts underscore the necessity for Tribes to have a meaningful and effective voice in the management of subsistence resources on which they depend.⁵

The public members of the Board bring expertise in subsistence ways of life, as required by regulation.⁶ When rural residents are able to bring multi-generational knowledge about the wild foods they rely on for food, into the decision-making space, their local knowledge and expertise help the Secretaries meet their statutory burden to protect subsistence uses. Maintaining the public seats on the Federal Subsistence Board provides critically needed voice to those whose interests are most impacted. Those public members have the requisite “knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on public lands in Alaska” as Congress declared necessary under ANILCA.⁷

In this scoping process, the Secretaries must consider maintaining public members on the board to fulfill the intent and statutory obligations of Title VIII of ANILCA.

III. The Federal Subsistence Board Cannot Defer to Alaska State Subsistence Regulations on Federal Lands

Pursuant Title VIII of ANILCA the United States Congress expressly established the rural subsistence priority as a federal program applicable to federal land and waters. The Secretaries of Agriculture and Interior established the Federal Subsistence Program to administer the rural subsistence priority on federal lands and waters because the State of Alaska cannot implement a rural subsistence priority consistent with ANILCA. As such, deference to state regulations would be contrary federal law, inconsistent with ANILCA’s mandate, and would fail to uphold the Secretaries’ responsibilities under Title VIII.

Mandating deference to State of Alaska subsistence regulations would fail to meet the requirements Congress set forth in ANILCA, counter to the needs of rural subsistence users, and an abrogation of the Secretaries’ responsibilities under Title VIII. The State of Alaska maintains a seat on the interagency working group for the Federal Subsistence Board, while Tribes do not, subsistence users do not, and the Rural Advisory Councils do not.

In this scoping process, the Secretaries must consider that it remains legally required of the federal government to maintain independent management of subsistence uses on federal lands and waters in Alaska.

Region Local and Traditional Knowledge Pilot Project – A Comprehensive Subsistence Use Study of the Bering Strait Region, North Pacific Research Board (January 2008).

⁵ Understanding Alaska’s Rural Economy. Scott Goldsmith, 2008.

https://iseralaska.org/static/legacy_publication_links/researchsumm/UA_RS10.pdf

⁶ 36 CFR 242.1-242.28, and 50 CFR 100.1-100.28

⁷ 16 U.S.C. 3111

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IV. Preserve Existing Regional Advisory Council (RAC) Membership Criteria

The ten RACs advise the Board with knowledge from each region of Alaska. The members of the RACs must be residents of the region they represent and have personal knowledge of the fish and wildlife resources, and subsistence uses in that region. The RACs were created in ANILCA to further “the encouragement of local and regional participation . . . in the decision-making process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses.”⁸

Pursuant to ANILCA, the Secretaries have thoughtfully created a system for RAC membership to represent a balance of subsistence, sport and commercial hunters.⁹ As part of soliciting applications for RAC membership, the Secretaries conduct outreach, including to commercial and sport use organizations, and carefully consider the qualifications of applicants.¹⁰ This system was created in full and meaningful consultation and with the support of all interests, and was developed over the course of several years. It has worked well, and has supported the purpose of the RACs, which is specifically to “provide a forum for interested person to advise the Board regarding any matter pertaining to subsistence uses and needs.”¹¹

The Secretaries must preserve existing RAC criteria. Loosening the criteria for RAC membership, including by removing the Secretaries’ role in appointing RAC members, would overturn this carefully crafted system and diminish the RACs ability to provide advice that helps the Board and Secretaries fulfill the purposes of Title VIII.

V. Preserve the Board’s Flexibility to Implement Special Actions

Special Actions are emergency measures the Board can undertake to respond quickly when a situation calls for it. Courts have recognized that the Board must be able to take emergency actions to protect rural Alaskans’ food supplies, especially when emergency situations arise at times out of the usual regulatory cycle. The special action process works, and should remain in its current form. In fact, Alaska recently sued over the Board’s emergency authority, and the Ninth Circuit Court of Appeals held that the Board’s actions were legally sufficient and supported by ANILCA’s mandate to protect rural Alaskan subsistence.¹² Any attempt to introduce regulations to make it more difficult for the Board to use its emergency authority will result in unnecessary hardship for rural Alaskans during times of scarcity and hunger, which is contrary to the purpose of ANILCA Title VIII and the Secretaries’ obligations.

Alaska is highly prone to powerful natural forces that often lead to significant supply chain issues. Extreme weather, flooding, volcanic eruptions, public health emergencies, and landslides have had devastating impacts to infrastructure and our ability to have food shipped to rural communities. In some cases, rural towns may be cut-off from the outside for weeks at a time, leaving store shelves empty. The ability of the Federal Subsistence Board

⁸ ANILCA § 805(3)(C), Pub. L. 96-487.

⁹ See 73 Fed. Reg. 19433 (Apr. 10, 2008).

¹⁰ *Id.* at 19436.

¹¹ *Id.* at 19435.

¹² *Alaska Dep’t of Fish & Game v. Federal Subsistence Board*, 139 F.4th 773, 784–85 (9th Cir. 2025).

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to take special action in such situations, ensuring rural towns can have access to food is critical. The Federal Subsistence Board takes their authority to issue special action decisions very seriously, with extensive consultation, data review, and adherence to regulations, to ensure fish and wildlife conservation, continued subsistence use, and public safety. The special action authority of the Federal Subsistence Board allows the Board to adapt quickly to changing conditions, and to fulfill its core mandates under ANILCA.

The Federal Subsistence Board must maintain special action authority to ensure immediate, flexible management as needed to address unexpected situations that may threaten fish and wildlife populations, continued access to subsistence use by rural Alaskans, and to protect public safety.

VI. Preserve the Board's Authority to make Rural Determinations

To be rural in Alaska is different from being in a rural area in the Lower 48. Rural Alaska is largely disconnected from the road system and dependent on air or marine logistics, which differ hugely from community to community. The Board is well equipped to determine, on a careful case-by-case basis, what areas of Alaska should be considered rural versus nonrural. This system has been carefully considered in crafting both regulation and policy.

The Board adopted an updated rural determination policy in 2017 to provide clarity and transparency while allowing the board to be flexible in making determinations that account for the significant differences among Alaskan communities.¹³ The rural determination process, as revised, is working well and does not warrant changes. In the past, Native perspectives were not considered sufficiently in the Board's processes regarding rural determinations.

The present system and makeup of the Board, including the Tribally nominated seats, ensures rural and Native residents of Alaska have meaningful participation in these processes. These processes and seats must be maintained.

Finally, Kawerak urges the Secretaries to host an All-RAC meeting as part of the scoping process, and to make opportunities available for Tribes and ANCs to engage in full and meaningful Tribal Consultation to ensure that Tribal and ANC input is considered by the Secretaries when formulating options for action.

Kawerak, Inc. is available to discuss these comments or any related issues. Please contact Brandon Ahmasuk, Vice President of Natural Resources at Kawerak, Inc. at (907) 443-4377, or via email at: bahmasuk@kawerak.org

Respectfully,

Melanie Bahnke
Melanie Bahnke
President
Kawerak, Inc.

¹³ <https://www.doi.gov/sites/doi.gov/files/uploads/nonrural-policy-revised-2020-08-04.pdf>

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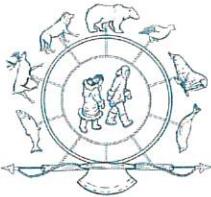
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CC: U.S. Secretary of Interior
U.S. Secretary of Agriculture
U.S. Assistant Secretary of Interior
U.S. Assistant Secretary of Interior for Policy, Management, and Budget
Alaska Area Director for the U.S. Bureau of Indian Affairs
Federal Subsistence Board (FSB)
FSB Rural Advisory Councils
Alaska Congressional Delegation

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Koyuk

Kuuyuk

Mary's Igloo

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Nome Eskimo

Sitnasuami Inuit

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Wales

Kinigin

White Mountain

Natchigvik

Kawerak Incorporated

Resolution 2025-14

A RESOLUTION IN SUPPORT OF THE DEPARTMENT OF INTERIOR MAINTAINING THE THREE TRIBALLY NOMINATED PUBLIC SEATS ON THE FEDERAL SUBSISTENCE BOARD, MAINTAINING THE OFFICE OF SUBSISTENCE MANAGEMENT IN THE OFFICE OF THE ASSISTANT SECRETARY FOR POLICY, MANAGEMENT AND BUDGET, AND MAINTAINING THE SPECIAL ACTION AUTHORITY OF THE FEDERAL SUBSISTENCE BOARD

WHEREAS, Kawerak, Inc. is a regional non-profit tribal consortium whose mission is to assist, promote and provide programs and services to improve the social, economic, educational, and cultural well-being of Kawerak region people; AND

WHEREAS, the tribes within the Kawerak region include: Brevig Mission, Council, Diomede, Elim, Gambell, Golovin, King Island, Koyuk, Mary's Igloo, Nome, Savoonga, Shaktoolik, Shishmaref, Solomon, Stebbins, St. Michael, Teller, Unalakleet, Wales and White Mountain, and the Full Board of Directors for Kawerak, Inc. consists of the tribal chiefs, council presidents, or their designees from each of the member tribes; AND

WHEREAS, Kawerak strongly urges the Secretary of Interior to maintain the three Tribally-nominated public seats on the Federal Subsistence Board, and to maintain Congressionally-directed oversight of the Federal Subsistence Management Program under the Office of Assistant Secretary for Policy, Management and Budget within the Office of the Secretary of Interior to benefit from the Department's expertise and long-standing management of related programs for effective implementation; AND

WHEREAS, consistent with the wishes of our esteemed Senator, Lisa Murkowski, the support of Tribes, and Alaska Native Corporations, the Federal Subsistence Management Program was moved from the U.S. Fish and Wildlife Service, to the Department of Interior's Management and Budget in order to better effectuate the mission of the Federal Subsistence Board as a multi-agency effort "providing opportunities for rural Alaskan residents to harvest subsistence resources while maintaining healthy populations of fish and wildlife;" AND

WHEREAS, in 1980, through passage of the Alaska National Interest Lands Conservation Act (ANILCA), Congress made clear their intent to protect the "Native physical, economic, traditional and cultural existence" by providing a rural subsistence priority and declared that because of the extinguishment of aboriginal

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hunting and fishing rights through passage of the Alaska Native Claims Settlement Act (ANCSA), Congress had to “protect and provide the opportunity for continued subsistence uses on public lands by Native and Non-Native rural residents,” AND

WHEREAS, maintaining the Tribally nominated seats on the Federal Subsistence Board, and maintaining Congressionally-directed oversight of the Federal Subsistence Management Program under the Office of Assistant Secretary for Policy, Management and Budget within the Office of the Secretary of Interior, and maintaining the special action authority of the Federal Subsistence Board provide critically needed voice to Tribes who have the requisite “knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska” as Congress declared necessary under ANILCA; AND

WHEREAS, Mr. Benjamin Payenna, is a member of the Federal Subsistence Board and hails from the Kawerak region, and we acknowledge his vast and valuable knowledge, having grown up living a subsistence lifestyle, harvesting fish and wildlife to feed his family and community, and he and the other Tribally nominated public seats on the Federal Subsistence Board have the requisite “knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska,” necessary under ANILCA; AND

WHEREAS, maintaining the three Tribally-nominated public seats on the Federal Subsistence Board, maintaining the Federal Subsistence Management Program under the Office of Assistant Secretary for Policy, Management and Budget within the Office of the Secretary of Interior, and maintaining the special action authority of the Federal Subsistence Board is consistent with Joint Secretarial Order 3403, entitled “An Order Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters” which instructs the Departments of Interior, Agriculture, and Commerce, to manage “Federal lands and waters in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes including the Native Hawaiian Community; that such management is consistent with the nation-to-nation relationship between the United States and federally recognized Indian Tribes; and that such management fulfills the United States’ unique trust obligation to federally recognized Indian Tribes and their citizens;” AND

WHEREAS, there are approximately 10,000 rural Alaskans in the Kawerak region and over 100,000 rural Alaskans statewide that depend on subsistence foods harvested from surrounding lands and waters. For most rural Alaskan families, 80% or more of their diet is subsistence foods. Because it is inordinately expensive and logically difficult to ship food to rural Alaska, protecting the ability to harvest food from the lands and waters is critical to our very existence. With over seventy percent of rural

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residents being Tribal members, these facts underscore the necessity for Tribes to have a meaningful and effective voice in management of subsistence resources on which they depend; AND

WHEREAS, Kawerak strongly urges the Secretary to maintain the Federal Subsistence Board's special action authority to address instances where special conditions necessitate such authority, in alignment with our practices of harvesting foods from our homelands to sustain us and make it possible for us to continue to have enough food to eat, exist as distinct Indigenous communities, practice our cultures, maintain our languages, customs, traditions, and relationships to the lands and waters; AND

WHEREAS, the ongoing salmon population collapse in the Norton Sound and Seward Peninsula region and the unprecedented salmon population collapse in the Yukon and Kuskokwim Rivers make clear how critically important it is for the most impacted by the decreased availability and access to salmon food resources and other subsistence resources to be meaningfully involved in the effective management of those resources; AND

WHEREAS, maintaining the three Tribally nominated public seats on the Federal Subsistence Board, maintaining the Federal Subsistence Management Program under the Office of Assistant Secretary for Policy, Management and Budget within the Office of the Secretary of Interior, and maintaining the special action authority of the Federal Subsistence Board is consistent with Kawerak's position on the fundamental importance of subsistence for both food security and the cultural, economic, and social well-being of communities in rural Alaska; AND

NOW THEREFORE BE IT RESOLVED, the 20 Federally-Recognized Tribes of the Kawerak region strongly urge the Secretary of Interior to maintain the three Tribally-nominated public seats on the Federal Subsistence Board, maintain management of the Federal Subsistence Management Program within the Office of Assistant Secretary for Policy, Management and Budget within the Office of the Secretary of Interior, and maintain the special action authority of the Federal Subsistence Board for the highest public interests of Americans who call rural Alaska home.

BE IT FURTHER RESOLVED, that Kawerak strongly urges the Secretary of Interior to provide opportunities for meaningful Tribal Consultation with Federally Recognized Tribes in Alaska, and Alaska Native Corporations consistent with requirement that federal agencies consult with Tribes when Federal actions impact Tribal interests; AND

BE IT FURTHER RESOLVED, because the Federal Subsistence Board was created to serve the interests of rural Alaskans, and given the significance of the scoping issues being considered that would directly and immediately impact rural Alaskans, Kawerak strongly urges the Secretary of Interior to host an All-RAC meeting to

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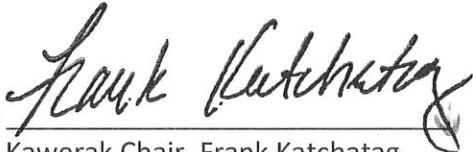
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enable the Advisory Councils to discuss the issue and receive substantive, firsthand, specific, relevant, and clear public comment from rural Alaskans, and that those comments be included in the scoping report *before* it is sent for the Secretary of Interior's consideration.

CERTIFICATION:

We the undersigned Frank Katchatag, Chair, and Kirsten Timbers, Secretary of the Kawerak Full Board of Directors, hereby certify that the foregoing resolution was adopted by a majority vote of the Executive Committee via phone poll voting with 6 for, 0 against, or 1 abstain and signed on this 23rd day of December 2025.

BY:



Frank Katchatag

Kawerak Chair, Frank Katchatag



Kirsten Timbers

Kawerak Secretary, Kirsten Timbers

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