

**Testimony of Dr. Rosita Worl  
Chair, Subsistence Committee, Alaska Federation of Natives**

**September 19, 2013**

**Before the  
Committee on Energy and Natural Resources  
United States Senate**

**Legislative Hearing: To examine wildlife management authority within  
the State of Alaska under the Alaska National Interest Lands Act and  
the Alaska Native Claims Settlement Act**

Chairman Wyden, Aanshaawatk'I, Deisheetaan, Senator Murkowski, and  
Members of the Committee:

Gunulchéesh Aan Yatgu Sáani. Thank you Noble Leaders for inviting me to  
testify today. Today I testify in my capacity as Chair of the Alaska  
Federation of Natives Subsistence Committee.

I would like to first share my identity with you to demonstrate our spiritual  
relationship to the land and wildlife and to demonstrate our ties to the land:

Ch'áak' naa xat sitee – I am Eagle

Shangukeidí áyá xát – I am a Thunderbird

Kawdliyaayi Hít áyá xát – I am from the House Lowered from the  
Sun

Lukaax.ádi áyá xát – I am a Child of the Sockeye Salmon

My Spirits are the White Bear and the Shark

The concept of “subsistence” is not an easy concept to define. No one  
definition of subsistence fully captures the meaning of the term.

Alaska Natives have simply defined subsistence as their “way of life.”  
Social scientists affirm this definition through their analyses that

demonstrate that indeed subsistence activities are integrated into the economic, cultural and social systems of Native societies.

The Alaska National Interest Lands Conservation Act of 1980 (ANILCA), uses the following definition, which is important from a legal standpoint:

The term “subsistence uses” means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.

Aside from the definition of subsistence, it is critical that we acknowledge that

Subsistence is the foundation of Alaska Native cultures.

Subsistence is the mainstay of food security in Native villages.

Subsistence contributes to the cultural and physical survival of Native communities on a daily basis.

Protection of subsistence, including traditional and customary hunting and fishing rights, is a part of federal law throughout the United States. Nowhere are these protections more critical than in the State of Alaska.

A vast majority of Alaska’s 120,000 Native people (nearly 20% of the population of Alaska) still participate in hunting, fishing and gathering for food during much of the year. The average harvest of subsistence resources in pounds per person in rural Alaska is estimated at 544 pounds annually, equivalent to 50% of the average daily caloric requirement.

Today, we are finding, more so than ever, that subsistence is threatened on multiple fronts:

- Global warming is altering our environment and diminishing the availability of subsistence resources. For example, the St. Lawrence Islanders are requesting that an economic disaster be declared since they were unable to harvest their normal number of walrus, which provide both food and a source of income.
- The management of high sea fisheries fails to consider the subsistence priority, and thousands of Natives along our major riverine systems face decreasing availability of salmon that is so vital to our food security.
- High energy costs hinder the ability of Natives to harvest subsistence foods, again diminishing a major source of food security in our communities.
- The Federal Subsistence Board<sup>1</sup> declared the Village of Saxman to be non-rural in 2007 by aggregating it with the larger community of Ketchikan and declaring the whole area non-rural. Saxman should have been evaluated on its own characteristics and population. Unless the Board revises its method of making rural/nonrural determinations, Saxman will lose its rural status, a loss that will ripple through rural Alaska as more and more of our villages face the loss of the rural preference under federal law.

These are just a few examples of the challenges we face to our way of life. Unfortunately, the Federal Government's legal framework for subsistence management in Alaska further undermines the ability of Alaska Natives to access their traditional foods.

In the 1960s, the Alaska Federation of Natives and Alaska Native leaders sought federal protections for hunting and fishing rights as part of a settlement of Alaska Native aboriginal land claims. Instead, Section 4(b) of

---

<sup>1</sup> The Federal Subsistence Board is the decision-making body that oversees the Federal Subsistence Management Program. It is made up of the regional directors of the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs and U.S. Forest Service. Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture. The Regional Advisory Councils provide recommendations and information to the Board; review proposed regulations, policies and management plans; and provide a public forum for subsistence issues. U.S. Department of the Interior, Federal Subsistence Management Program, *About the Program*, available at <http://www.doi.gov/subsistence/about/index.cfm>.

the Alaska Native Claims Settlement Act (ANCSA) of 1971 extinguished those rights:

All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting or fishing rights that may exist, are hereby extinguished.

Rather than define explicit protections for Native hunting and fishing rights in Alaska at that time, Congress in 1971 expected the State of Alaska and the Secretary of the Interior “to take any action necessary to protect the subsistence needs of Alaska Natives.” S. REP. NO. 92-581, at 37 (1971) (Conf. Rep.). Neither the Secretary of the Interior nor the State of Alaska fulfilled that expectation. As a result, Congress enacted Title VIII of ANILCA in 1980. ANILCA’s Title VIII envisioned State implementation of the federal priority on all lands and waters in Alaska through State law. Again, the Alaska Federation of Natives and Alaska Native leaders sought explicit protections for “Native” hunting and fishing rights, but the State objected.

Ultimately, ANILCA was crafted to provide a subsistence priority for “rural residents”. Again, Congress expected that the State of Alaska would enact State laws that conformed to federal requirements and manage subsistence on state and federal lands in Alaska.

Alaska did enact laws that allowed the State to manage subsistence on state and federal lands in Alaska, but that system operated for less than a decade before the Alaska Supreme Court ruled that the State Constitution precluded State participation in the program. In 1989, the Alaska Supreme Court held, in *McDowell v. State*, 785 P.2d 1 (Alaska 1989), that the Alaska Constitution’s equal access clauses, which guarantee that all Alaskans have equal access to fish and wildlife, preclude the State from implementing a rural subsistence priority consistent with ANILCA.

After the 1989 *McDowell* decision, Alaska Native leaders and leaders in the Alaska Legislature attempted to bring Alaska law into compliance with ANILCA, which would have enabled the State to reassume responsibility for managing subsistence hunting and fishing on federal lands. The Alaska

Legislature (through 20 regular sessions and six special sessions) was not able to accomplish this goal, falling just short of required number of votes. Today, State law generally prioritizes subsistence uses of fish and game but provides no preference for rural or Alaska Native residents.

Forty-two years after ANCSA passed, and 33 years after ANILCA passed, neither the Department of the Interior nor the State of Alaska has lived up to Congress's expectation that Alaska Native subsistence needs would be protected. Today, the Federal Government manages subsistence on federal lands in Alaska. The State of Alaska generally manages subsistence on state and private lands in Alaska, including private lands owned by Alaska Native Corporations formed pursuant to ANCSA.

After more than 20 years of "dual" federal and state management, it has become clear that the State will not do what is required to regain management authority over subsistence uses on federal lands and waters. The State subsistence laws have effectively been gutted—large areas of the state have been classified as "non-subsistence use areas," where subsistence users receive no priority and "all Alaskans" have been declared eligible for the subsistence priority on all remaining state and private lands. This change is completely inconsistent with ANILCA's rural preference. This inconsistency is getting worse rather than better and the purpose, intent, and "letter of the law" in both ANCSA and ANILCA are not being met.

We hope this Committee will recognize that ANCSA and ANILCA failed to provide the long-term protections for Native subsistence needs that Congress intended, and take the actions necessary to provide those protections. Subsistence harvests have been marginalized, both by competing users of fish and game and by ineffective and irreconcilable federal and state management regimes. In some cases, Alaska Natives have been made criminals for feeding their families and communities, and penalized for practicing ancient traditions. Alaska Natives were given only a very limited role in the management of their hunting and fishing rights under ANILCA—even on their own lands—undermining all efforts to protect customary and traditional uses, practices and needs. Only Congress can make the changes necessary to protect subsistence in Alaska.

## **The Administration's Role in Subsistence Reform**

In 2009, in light of the erosion of federal protections, and after more than twenty years of dual (state and federal) management of subsistence, former Secretary of the Interior Ken Salazar initiated a review of the Federal Subsistence Management Program. In doing so, he called for a “new approach”—one that would recognize and respect the voice of subsistence users in subsistence management. The Native community participated in the review, and submitted extensive comments and recommendations.

The Secretary completed his review on October 5, 2010, and subsequently outlined a number of actions which could be accomplished by Secretarial directive or policy or through regulatory changes requiring formal rule making. To date, very few of those actions have actually been implemented. AFN believes the administrative actions taken to date, as a result of the review, are inadequate. Very little has changed since the review.

AFN recommended, and continues to recommend, that the Secretary of the Interior pursue a number of administrative actions that would improve the current federal management system and better protect our way of life. We ask this Committee to join us in urging the President and his Administration to take whatever policy and administrative measures they can to better protect our subsistence way of life. Attached to my testimony is a list of the actions we believe the Administration can take right now that would require little or no funding. We shared this list with the new Secretary of the Interior, Sally Jewell, in our meeting with her in late August. Our recommendations include the following:

- **Effective Implementation of Section 809 of ANILCA:** Title VIII of ANILCA mandates that the Federal Government provide rural residents a meaningful role in the management of subsistence fisheries. To increase the quality and quantity of information available to subsistence fisheries managers, Secretary Babbitt established the Fisheries Resource Monitoring Program within the Office of Subsistence Management in 2000. While the Monitoring Program offers tremendous opportunities for partnerships and participation by Alaska's tribes and their organizations, very little of the budget goes to Alaska Native organizations. In FY 2012, the total budget for the Monitoring Program was \$4,538,150. Only 19% of that funding (\$861,526) went to Native organizations while 42% went to

the State of Alaska and another 11% to private organizations. Alaska's tribes have historically received very little of the funding under the Monitoring Program.

- **Regional Advisory Councils<sup>2</sup>:** Section 805 of ANILCA mandates that the Federal Subsistence Board follow the recommendations of the RACs unless a recommendation is “not supported by substantial evidence, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of subsistence needs.” The Federal Subsistence Board takes the position that it need only give deference to recommendations that involve the “taking” of fish or wildlife; the Board does not defer to RACs on other critical decisions, for example, whether a community should qualify as “rural”, or whether a specific practice qualifies as a “customary and traditional” use of fish or wildlife within the RAC’s region. The Federal Subsistence Board should be directed to give deference to RAC recommendations on all matters related to subsistence uses, including, among other things (1) rural determinations; (2) customary and traditional use determinations; (3) issues that arise out-of the normal regulatory cycle; and (4) special actions and emergency regulations.
- **Composition of the Federal Subsistence Board:** During the Secretarial review, AFN recommended that the Federal Subsistence Board be replaced with a federally-chartered or federally-authorized body composed of twelve subsistence users from the twelve ANCSA regions, or the chairs of each of the RACs. There is nothing in Title VIII of ANILCA that prohibits the Administration from creating a Board structure composed of non-federal members. While the Secretary recently added two public members to the Board, the majority of the members are still federal employees.

---

<sup>2</sup> The Regional Advisory Councils were formed, as required by Title VIII of ANILCA, to provide recommendations and information to the Federal Subsistence Board, to review policies and management plans, and to provide a public forum for subsistence issues. For purposes of Federal Subsistence Management, Alaska is divided into 10 geographic regions. Each region has an advisory council consisting of local residents who are knowledgeable about subsistence and other uses of fish and wildlife in their area. U.S. Department of the Interior, Federal Subsistence Management Program, *Regional Advisory Councils*, available at <http://www.doi.gov/subsistence/councils/index.cfm>.

## **The Committee on Energy and Natural Resources Should Advance Legislation to Protect Alaska Native Subsistence Rights**

We ask that this Committee commit to work with the Alaska Native community to formulate legislation that will restore and protect Native hunting and fishing rights in Alaska, and provide a co-equal role for Alaska Natives in the management of fish, wildlife and other renewable resources that we rely upon for our economic and cultural existence. Rather than simply defending and repairing a broken system that no longer serves its intended purpose, we believe it is time to consider options that reach back to Congress's original expectation that Alaska Native hunting, fishing and gathering rights be protected. Congress has the authority to enact legislation that ensures a "Native" or "tribal" subsistence preference on all lands and waters in Alaska, and to provide a co-management role for Alaska Natives.

We are not asking this Committee to undertake unprecedented action. Congress has amended federal law to provide explicit protections for Alaska Native subsistence rights in the not-so-distant past. In 1972, Congress passed the Marine Mammal Protection Act (MMPA), imposing a general ban on the taking and importation of marine mammals or their parts, and conferred jurisdiction on the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the management of marine mammals in U.S. waters. However, recognizing that Alaska Natives have relied on marine mammals for food, clothing and culture for centuries, Congress exempted from the ban those takings by Alaska Natives who dwell on Alaska's coast, provided that such takings are for "subsistence purposes" or to create "authentic Native handicrafts and clothing" and provided that such takings are not wasteful.

When the MMPA was reauthorized in 1994, Congress amended the statute to authorize the Secretaries of the Interior and of Commerce to enter into Marine Mammal Cooperative Agreements in Alaska with Alaska Native Organizations "to conserve marine mammals and provide co-management of subsistence uses by Alaska Natives." 16 U.S.C. § 1388 (Section 119 of the MMPA). Implicit in Section 119 is the belief that a cooperative effort to manage subsistence harvests that incorporate the knowledge, skills and perspectives of Alaska Natives is more likely to achieve the goals of the MMPA than is management by the federal agencies alone. And that has proved to be the case.



We are here to ask Congress to fulfill the Federal Government's trust responsibility to protect the Alaska Native subsistence culture and economy. The Committee on Energy and Natural Resources should work with the Alaska Native community to design federal legislation that will protect Alaska Native subsistence rights. By embracing co-management with Alaska Natives, the Federal Government could administer a much more responsive and cost-efficient management program. It would reduce the litigation that has plagued the implementation of Title VIII of ANILCA since its passage more than 30 years ago.

We commend Senators Lisa Murkowski and Mark Begich, and this Committee, for introducing and considering legislation targeted to resolve unique problems and to address region-specific challenges. For example

- Senators Begich and Murkowski have previously introduced legislation that would allow Alaska subsistence hunters to receive a waiver from the general requirement that hunters purchase duck stamps from the Federal Government. This legislation would enable many of our people to maintain their subsistence way of life without facing burdensome fees that many cannot afford.
- The Huna Tlingit Traditional Gull Egg Use Act, recently reported out of this Committee, would authorize the Secretary of the Interior to allow members of the Hoonah Indian Association to collect the eggs of glaucous-winged gulls up to two times a year within Glacier Bay National Park. This legislation was developed after working closely with the National Park Service, and will enable the community to continue a traditional and customary practice on the basis of sound science.

As you work with the Alaska Native community to design a comprehensive and holistic approach to federal subsistence reform, we hope the Committee will also continue to pursue smaller bills that address specific problems or region-specific challenges.

### **Subsistence Demonstration Projects: Two Focused Projects that Require Congressional Action**

Two focused demonstration projects, described below, represent important and worthwhile efforts to improve subsistence management. Both would

require federal legislation to implement. We urge this Committee to support these projects.

*A Demonstration Project Establishing Authority in Ahtna to Manage Wildlife on Ahtna Lands and a Creating a Federal-State-Tribal Co-Management Structure*

This demonstration project would authorize the tribes in the Ahtna region of Alaska to manage wildlife on lands conveyed to Ahtna under ANCSA (“Ahtna lands”) as well as on Native allotments held in trust by Ahtna tribal members. The legislation would create a Federal/State/Tribal co-management structure that would apply to Ahtna’s traditional territory.

Over the years, in order to accommodate the growing number of non-rural hunters, the State Board of Game has repeatedly taken away the Ahtna peoples’ opportunity to continue their customary and traditional (C&T) hunting way of life.

For example, under the current dual management the Alaska Board of Game, which regulates hunting on state lands and Ahtna lands, adopted a regulation limiting the hunting season in the tribes’ traditional territory to a single 7-day season, and through imposition of antler restrictions limited their take to only those moose with very large antlers or very young moose – neither of which were traditionally taken by the Ahtna people.

Less than five years ago the State Board took up a proposal to classify vital parts of Ahtna’s hunting territory as a non-subsistence use area. Under State law, in a non-subsistence use area it is illegal to provide a priority for subsistence hunting or to provide greater hunting opportunity to subsistence users to meet essential nutritional and cultural needs. While section 804 of ANILCA requires a subsistence priority on all federal lands, federal lands comprise only a small part of Ahtna’s traditional territory. Thus, Ahtna relies significantly on State lands and Ahtna lands to meet C&T hunting needs. The proposal to deny Ahtna’s basic subsistence hunting rights, even on their own lands, failed by a single vote. Each time this State Board meets the opponents of meaningful C&T hunting opportunities petition for a non-subsistence use area. Ahtna faces a continual battle to hang on to essential hunting rights.

Ahtna's problems arise from the two central facts. First, Alaska's major population centers, and the roads that connect these centers, surround Ahtna's traditional hunting area. The moose and caribou populations upon which Ahtna depends are highly desirable and accessible to these large urban populations. The competition is fierce and the hunting grounds are crowded. Urban hunting groups apply constant pressure on State institutions to optimize their sport use and minimize protection for Ahtna's C&T hunting practices. Federal law and regulations provide minimal protection due to the small amount of accessible federal lands within Ahtna's traditional hunting territory.

Second, Ahtna has no meaningful role in regulating hunting, even on Ahtna lands. Their traditional and local knowledge is given no weight in decision-making. Elders and tribal leaders are reduced to a mere three minute period of public testimony to try to influence the regulation of their C&T hunting practices. Ahtna has no influence over how the State manages wildlife populations for conservation, and federal agencies are passive and reluctant to take on the State over its management practices.

The proposed demonstration project would authorize Ahtna to manage hunting on Ahtna lands and Native allotments held in trust by Ahtna tribal members. Ahtna has created a tribal conservation district made up of the eight federally recognized Ahtna tribes that would manage hunting on Ahtna lands. All lands within Ahtna's traditional territory (State, federal and Native lands), would be managed through a co-management structure through which the mandates of State law, federal law, and the traditional knowledge of the Ahtna would be unified and coordinated to achieve the mutual goal of ensuring the conservation of wildlife populations, and to ensure that Ahtna tribal members have the hunting opportunities necessary to continue their tribal hunting way of life. The practical impact of Ahtna's proposed solution on other Alaskan hunters would be minimal since the amount of moose, caribou and other wildlife resources necessary to meet Ahtna's needs is only a small percentage of the total take of wildlife within Ahtna's traditional territory.

Ahtna's proposal would replace the ineffective dual federal-state subsistence management system with a unified Federal-State-Tribal co-management structure. Such co-management has proven highly successful for conservation and management in many parts of the U.S., for example the Northwest Indian Fisheries Commission, in western Washington State. Co-

management would be more efficient than the current dual federal-state system, thereby saving federal dollars. Co-management would advance tribal self-determination, build tribal capacity and create opportunities for tribal youth to work for their tribal communities.

*Demonstration Project Creating an Inter-Tribal Fish Commission for the Yukon River and Establishing Federal-State-Tribal Co-Management for the River*

The second demonstration project would create an Inter-Tribal Fish Commission for the Yukon River, modeled after the Northwest Indian Fish Commission and the Columbia River Inter-Tribal Fish Commission. The Commission would provide a tribal voice within a Tribal-State-Federal co-management regime for salmon management on the Yukon River. Federal legislation would be needed to establish the co-management regime and replace the current dual federal-state management system.

The Chinook salmon stocks on the Yukon River are in a steep, steady decline. If a new, more effective direction for management is not taken soon, these stocks, some of the last left in the United States, may become endangered. This would be a huge loss for many across the country, not just the tribes who depend on this resource for their way of life. There are likely several causes for the decline, global warming, for example. However, the current, ineffective and controversial system of dual federal-state management, with its checkerboard pattern of jurisdiction, is certainly a major problem, and one that should be fixed.

The Tribes located in the Yukon River drainage have depended on the Yukon salmon stocks since time immemorial to sustain their nutritional, cultural and spiritual way of life. This year's run looks like it will be the lowest on record. There has not been a commercial Chinook fishery for years, and Tribal harvests are far below the minimum required to meet their subsistence needs. Fish camps that a few years ago were alive with children, elders and extended family now sit empty. Tribal members are bearing the loss and sacrifice of this fishery. They have knowledge gained over countless generations about the river and salmon. The Lower Yukon Chinook directed commercial fishery was valued in 1992 at over \$10 million dollars. That fishery is virtually non-existent today. Given the energy crisis in rural Alaska, where Yukon villages are paying extremely high transportation costs, the absence of such a valuable fishery has far reaching

effects. Tribal members are facing choices between paying for food and fuel. Despite these impacts, and despite the availability of such a valuable knowledge base that could inform sustainable management, Tribes are completely excluded from the dual federal-state salmon management system in place today for the Yukon.

The Federal Subsistence Board manages salmon on the parts of the Yukon that flow through or adjacent to federal lands such as fish and wildlife refuges. The Board receives recommendations for management from three regional advisory councils— downriver, middle river and upriver—thus splitting the river and pitting users on one end against users on the other end. The State of Alaska manages all other parts of the river. This disjointed system of dual management is failing to conserve and rebuild the Chinook run, and has failed to provide for management of the Chinook harvest in a way that fully considers tribal needs.

The Association of Village Council Presidents, joined by the Tanana Chiefs Conference, represents the federally recognized tribes in the Yukon River Drainage. AVCP and TCC have begun the process of creating the Yukon River Inter-Tribal Fish Commission (YRITFC), which would provide the Tribal voice for a Federal-State-Tribal co-management regime for salmon management on the Yukon. Modeled after the Northwest Indian Fish Commission and the Columbia River Inter-Tribal Fish Commission, YRITFC would include a strong science arm that incorporates traditional knowledge. The Yukon tribes are already a leading partner for a Tribal-State-Federal salmon research organization, the Arctic-Yukon-Kuskokwim Sustainable Salmon Initiative, and would bring this scientific expertise to the co-management table. Billy Frank, Chairman of the Northwest Indian Fish Commission, has participated in discussions with the Yukon Tribes about forming the YRITFC and has offered his full support. The Tribes' goal is to incorporate the Canadian First Nations into the YRITFC, since they also depend upon these fish for their way of life, and because there is a treaty between the United States and Canada that informs salmon management for the Yukon.

Creating the YRITFC and authorizing a Tribal-State-Federal co-management regime for salmon management for the Yukon River will result in greater cooperation and better management, which is critical for the future of the Yukon Chinook salmon stocks. YRITFC would advance self-determination for the Yukon Tribes over a resource that is vital to their way

of life. YRITFC would help build Tribal capacity and create jobs and opportunity for young people, enabling them to stay in their villages and work for their Tribes on issues of great significance. Co-management would unify management throughout the river, thereby discarding ineffective, controversial and artificial jurisdictional boundaries that have nothing to do with the best salmon management practices.

Co-management also would allow the Tribes and First Nations throughout the drainage to come together and decide among themselves how best to share the scarce available harvest of Chinook, or to stop fishing altogether if necessary. Conservation and rebuilding of the Chinook stocks would be the controlling goal for the co-management structure, and would be the common goal for all parties, Federal, State and the Tribes. Tribal involvement and

## **CONCLUSION**

The right to food security for oneself and one's family is a human right enumerated in the Universal Declaration of Human Rights of the United Nations Charter. Article 20(1) of the United Nations Declaration on the Rights of Indigenous Peoples also provides that "Indigenous peoples have the right . . . to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in their traditional and other economic activities."

In the United States, Native hunting, fishing, and gathering rights are protected by federal law. Nowhere are those federal protections more critical than in the State of Alaska, where subsistence hunting and fishing keeps food on the table and customary and traditional hunting and fishing serves as the foundation of Alaska Native society and culture.

Unfortunately, the current dual management of subsistence uses in Alaska significantly hampers our ability to access our traditional foods. Congress did not intend this result when it passed ANCSA in 1971 or when it passed ANILCA in 1980.

Congress can fix the problem. As I have noted in this testimony, Congress has acted proactively to protect Alaska Native subsistence rights, even after ANILCA passed in 1980.

Federal legislation that provides express protections for Alaska Native hunting and fishing and gives us a co-equal role in the management of those resources would do much to fulfill the Federal Government's trust responsibility to the Alaska Native community. By embracing co-management with Alaska Natives, the Federal Government would administer a much more responsive and cost-efficient management program. It would reduce the litigation that has plagued the implementation of Title VIII of ANILCA since its passage.

We ask you to commit to work with the Alaska Native community to formulate legislation that will restore and protect Native hunting and fishing rights in Alaska, and provide a co-equal role for Alaska Natives in the management of fish, wildlife and other renewable resources that we rely upon for our economic and cultural existence.

Achieving meaningful reform of legal framework for subsistence management in Alaska may take some time. We recommend that the Committee take the following interim steps towards reform, which can be achieved during the 113<sup>th</sup> Congress:

- 1. Work with Alaska Native leaders to develop legislative language that will provide lasting protection for the Alaska Native customary and traditional hunting and fishing way of life and that will provide a co-management role for Alaska's tribes and organizations.** By embracing co-management with Alaska Natives, the Federal Government would administer a much more responsive and cost-efficient management program. It would reduce the litigation that has plagued the implementation of Title VIII of ANILCA since its passage.
- 2. Work with Alaska Native leaders to develop and quickly pass legislation to implement the two subsistence demonstration projects detailed above.** We commend Senators Lisa Murkowski and Mark Begich, and this Committee, for recent efforts to pass federal legislation targeted to resolve specific problems and to address region-specific challenges.
- 3. Require a report from the Secretary of the Interior on the status of the implementation of proposed actions outlined as a result of the 2009 Secretarial Review of the Federal Management System.**

Former Secretary Ken Salazar completed a review of the Federal Subsistence Management Program in 2010 and subsequently outlined a number of reforms which could be accomplished by Secretarial directive or policy or through regulatory changes requiring formal rule making. To date, very few of those actions have actually been implemented. The Alaska Federation of Natives believes the administrative actions taken to date, as a result of the review, are inadequate. Very little has changed since the review.

- 4. Urge the Secretaries of the Interior and of Agriculture to carefully review and, to the extent possible, implement AFN's recommendations on administrative actions that can be taken to improve the ability of Alaska's tribes to pursue their customary and traditional subsistence activities.** Attached to my testimony is a list of the actions that we believe the Administration can take right now that do not require legislation and would require little or no funding. We shared this list with the Secretary of the Interior, Sally Jewell, in our meeting with her in late August.

On behalf of our Alaska Native people and communities, which depend on subsistence hunting and fishing to maintain our health, well-being and way of life, I thank you for holding this important hearing today. It represents an important step in the journey to build a better subsistence management system in Alaska, and to protect the nutritional and cultural needs of Alaska Native people, from our elders to generations to come. We stand ready to work with you, and this distinguished Committee, to accomplish these critical objectives.