

Testimony of Michelle Anderson

Before the House Sub-Committee on Indian and Alaska Native Affairs

Hearing: Ahtna Wildlife Management Bill

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Good morning. I want to start off my testimony by thanking Congressman Don Young, Chairman of this Committee, member of the House Natural Resources Committee, and Congressman for all of Alaska. By introducing this bill, Congressman Young is initiating an important dialogue in this room but more importantly, in Alaska, which we hope will bring all Alaskans together to address the issue of wildlife management in an innovative and collaborative manner.

My name is Michelle Anderson. I am an Ahtna Athabascan tribal member from Gulkana Village. I belong to the Udzisyu (Caribou) Clan. I am a shareholder & President of Ahtna, Incorporated; the smallest of the Alaska Native Corporations established by the Alaska Native Claims Settlement Act. Protection of Customary Hunting and Fishing is Ahtna's top priority. This is an issue that our leaders have been working on since the passage of our Land Claims.

To give you some perspective, I was a toddler when Land Claims was passed. I have leaders with me today, who negotiated on behalf of Ahtna during ANCSA. One of our leaders remembers very clearly being told by the lead negotiators for Congress and the State of Alaska that Congress and the State of Alaska would take care of Alaska Native traditional hunting and fishing. 44 years later, those protections are still not in place and we are still litigating to protect our lands and protect our traditional hunting and fishing practices; practices which sustain our cultural survival. Since we started tracking our costs associated with litigation, land trespass control, and traditional hunting and fishing advocacy, we've easily spent \$6 million since 2010. That's how committed our leaders are when it comes to protecting our traditional hunting and fishing practices.

Alaska is a state that has dual wildlife management. The State of Alaska has its own system and the Federal government has its own system. The two systems make hunting very complicated and the complicated management systems have greatly increased the administrative burden to hunters, and land managers. Hunting in Alaska is fast becoming a very technical and expensive excursion. Wildlife populations know nothing of lines on maps or what agency is in charge, but they do suffer the consequences of uncoordinated and often conflicting management plans and policies.

As a matter of personal preference, and economic conditions, people living in our region prefer to raise their families on traditional foods. Traditional foods such as moose, caribou, fish, and berries are staples. These very same foods are a vital part of the Athabascan culture. We mark traditional events like death, birth, and honor with ceremonial dinners and traditional dances which we call potlatches. Moosehead soup, salmon, caribou and other wild animals are just a few of the traditional foods served during these sacred cultural events.

Today, we are dealing with a dual management system that is cumbersome, complex, and seem more interested in managing people than focusing on sustainable wildlife management. Contrary to what was promised to our leaders in 1971, Alaska Native traditional hunting and fishing needs are not guaranteed and they most certainly are not being taken care of. Traditional hunting and fishing and our historic use of our traditional lands is a major part of who we are as Native people. Our culture is being eroded by a management system that does not value the protection and preservation of Alaska Native cultures.

The Ahtna region is the only ANCSA region in which all of our villages are located on the road system. That means, during hunting season, our region is a popular hunter's destination. Recent hunting seasons show a steady rise in numbers of hunters. Our tribal members and other local residents can't compete with the numbers of hunters coming in.

The State of Alaska does not have the resources it needs to effectively administer a growing program whose users flood our traditional lands. Recently, some of our families have felt forced to not hunt on lands that were the traditional hunting areas of their fathers, grandfathers and ancestors. As you can imagine, it's concerning to be out in the woods with so many others who are unfamiliar with our lands and packing loaded firearms. Increased hunter pressure is also forcing animals further back on the land requiring larger all-terrain vehicles that can get to areas that are inaccessible to others hunting by foot or nearer to the road system. Our tribal members and other local residents don't have the expensive off road vehicles that urban hunters bring in. For the first time ever, many long-term hunters are reporting no success with the hunting season.

This issue is not only impacting tribal communities. Many residents of communities in our region who are not tribal members have expressed their growing discomfort and dissatisfaction with the circus that has become the hunting seasons on our traditional lands. The flood of new hunters trespass on Ahtna lands, they bring in their own fuel and groceries and they provide little to no economic benefit to the region. We feel it's only a matter of time before this situation boils over and becomes a public safety situation.

For those who rely on freezers full of moose and caribou to get them through the winter, the ineffective and complicated dual management system is frustrating. Many Alaskans are dissatisfied with the management system as it is today. A recent poll conducted by Craciun Research suggests that Alaskans want an improved management system and they are interested in co-management.

Ahtna is proposing a new wildlife management regime which partners Ahtna tribes with the State of Alaska and the Federal Government. Rather than a disjointed and ineffective dual management system, Ahtna's proposal would help unify management for the benefit of the wildlife populations and all Alaskan hunters. Ahtna, through an Inter-Tribal Wildlife Commission established by Ahtna Inc. and its eight federally recognized tribes, would be authorized to manage wildlife on lands Ahtna Incorporated and the Ahtna Village Corporations received under the Alaska Native Claims Settlement Act as settlement for their aboriginal title claims to all lands within Ahtna's traditional use area. A co-management structure would be established involving the representatives from the State of Alaska, the Secretary of Interior and Ahtna that would have as its goal the coordination of wildlife management on all lands throughout Ahtna's traditional territory.

The co-management structure would, for the first time, provide Ahtna with a meaningful role in determining what hunting opportunity is required to meet the cultural, nutritional and economic needs of its Villages, and in assuring that the moose, caribou and other wildlife are managed for healthy populations that will serve the best interests of all Alaskans. Ahtna will have an equal seat at the management table and participate in good faith with state and federal managers to develop recommendations for state and federal regulatory agencies and the Ahtna Inter-Tribal Wildlife Commission.

Currently, Ahtna's traditional hunting territory is divided by state and federal agencies into seven state game management units and sub-units containing a mixture of state, federal and Ahtna lands. Ahtna must engage to the fullest extent possible in two very different regulatory structures, the Federal Subsistence Board and the Alaska Board of Game, just to have some input into how hunting and wildlife will be managed – even on Ahtna's own lands. We participate as advisory committee members or we provide testimony as just another member of the general public at state board of game meetings and the federal subsistence board meetings. Our tribal status is not a consideration in state administrative forums.

The hunting opportunity we need to provide for continuation of our way of life is not secure under the current system of dual management. Often there are two different sets of hunting regulations for federal and state lands. For example, presently, two caribou may be taken on federal lands and one bull caribou taken on State lands. The federal caribou season is open and the state season is closed. Caribou do not know jurisdictional boundaries. Hunters do not always know exactly where the boundaries are since they are not marked. Management plans for wildlife populations are not coordinated. State and federal managers often do not know or share essential details such as harvest data until long after the season closes.

Past state regulations have limited our moose hunting season to seven days, even on our own lands, despite the fact that our customary needs could not possibly be met in such a short time. There is constant pressure on the State Board of Game to declare our traditional territory a non-subsistence use area where it would be illegal to regulate to provide for our customary and traditional subsistence uses.

The federal subsistence management structure has conflicting mandates depending on the federal agency in charge. There are two National Parks and BLM lands in Ahtna's Traditional Territory. The customary and traditional uses of our Native Villages are often displaced in the federal structure. In short, Ahtna does not have a seat at either the State or Federal management table and our way of life will not be secure for our children, grandchildren, and for other generations to follow unless we have a meaningful co-management role in determining how best to provide for our customary and traditional needs and to sustain the wildlife populations that are essential to our cultural, nutritional and spiritual way of being.

Please keep in mind that these unnecessarily complex and ineffective dual management practices govern lands that for thousands of years before Statehood were used by the Ahtna to sustain their way of life. We gave up our claim to over 9 million acres of land in return for the 1.7 million acres we have title to today. The House Conference Report from the passage of ANCSA made the following promise. "The Senate amendment to the House bill provided for the protection of the Native peoples's interest in and use of subsistence resources on the public lands. The conference committee, after careful consideration, believes that all Native interests in

subsistence resource lands can and will be protected by the Secretary through the exercise of his existing withdrawal authority. The Secretary could, for example, withdraw appropriate lands and classify them in a manner which would protect Native subsistence needs and requirements by closing appropriate lands to entry by non-residents when the subsistence resources of these lands are in short supply or otherwise threatened. The Conference Committee expects both the Secretary and the State to take any action necessary to protect the subsistence needs of the Natives. *See* H.R. Conf. Rep. No. 746, 92ST Cong. **I'm here to tell you today that this promise has not been kept to Alaska Natives.**

We believe our Elders selected our ANCSA lands based on their customary and traditional hunting and fishing areas. They made practical land selection decisions based on how they intended us to survive living off of the lands. We are always thankful for what the land provides. We take care of our lands, we protect our lands and we are watchful of animal and fish patterns. We observe environmental and wildlife patterns. We share our concerns with our local state and federal partners. We share our concerns with our fellow Alaska Native leaders and tribal members.

I am here asking you to provide authority for Ahtna to manage our lands the way we believe Congress intended – for the maximum benefit of our tribal members including sustain our way of life and the wildlife populations upon which we depend. We seek to test a co-management model in a small area of Alaska which would partner tribes with the State of Alaska and the U.S. Department of the Interior.

As we've shared Ahtna's experience with other states and members of Congress, they often are surprised and confused that we, unlike almost every other tribe in the United States, Canada and the rest of the world, do not have the authority to manage wildlife on our own lands. Even though our regional and village corporations selected lands as part of our claims settlement for their subsistence value, we are under the state of Alaska's wildlife management jurisdiction.

The state's claim to its right to manage wildlife on Native lands throughout Alaska is founded on a promise to Alaska Natives that the State failed to keep. The State's claim is based on the subsistence provisions of Title VIII of ANILCA. The state promised during passage of ANILCA that it would protect subsistence uses by Alaska Natives by providing a priority for subsistence uses by rural residents of Alaska on all lands in Alaska. That promise was not kept when the Alaska Supreme Court ruled in the *McDowell* case that the rural priority violated the state constitution and the state legislature failed in a least five legislative sessions to allow Alaskans to vote on a constitutional amendment allowing a rural priority. Ahtna does not bear any of the blame for this history, but has been paying the price for this mistake for more than a generation, and much damage has been suffered.

Ahtna doesn't come to the co-management table empty-handed. We have decades of experience in many areas of land management. For over 40 years, we've managed our lands for trespass control, preservation of sacred village areas, and resource & economic development. We negotiate complex land development and land use agreements. We have created an internal land protection program and have trained land protection officers. Our staff meets with our state and federal partners to collaborate on public education efforts to provide an enjoyable and safe adventure in part of Alaska. We work collaboratively on land trespass issues. We develop solutions for sustained use of areas that we know will draw large numbers of users. We

proactively plan for camping and permitted use areas that allow for outdoor recreation but also protect the interests of our respective rules and regulations.

We recently established a tribal conservation district under a program established by the US Department of Agriculture. Through the conservation district Ahtna is working with our state and federal partners to identify moose browse areas and to develop better habitat for moose and caribou. Raised by our elders to honor the animals that give their lives so that we can live, and to care for the lands we own so that our lands will take care of us, Ahtna takes land management and protection very seriously. The second line in our corporate vision is “that our land sustains us.” Ahtna is more than willing to put time and resources in developing better moose and caribou habitat and more abundant populations, but we also expect to benefit from these efforts by determining how to manage and hunt these populations while on Ahtna lands.

Alaska Native people have a proven record in delivering many vital services on behalf of the federal government including healthcare, childcare, housing, and a whole list of other community services. We are ready to be true ‘owners’ of our land. We are prepared to assume equal land and wildlife management responsibilities as the state and federal governments do on their respective lands. We envision Ahtna’s future success to include wildlife management on our lands. Based in large part on what we’ve seen in other tribal communities, we see our tribal members in careers in wildlife and land management. The more people we can keep employed and living the region, the greater the overall cultural and economic benefits for the region. The more young people who are inspired to get an education and come back to work for their people and tribes the healthier we will be.

There are many positive ripples to co-management. Families will remain in our region, our classrooms will be filled with students, our culture will thrive & survive and – working with our state and federal partners, we will improve wildlife numbers so all users benefit.

Co-Management is not a new idea. In fact, Co-Management was discussed during the early days of ANCSA. Co-Management is being practiced in other states with their Tribes. In other countries, local economies have been energized by empowering the traditional peoples who hold both their traditional land and traditional food sources sacred. They have been empowered to manage their lands for sustainability and use. We believe that given the opportunity, we can demonstrate the merits of co-management. By working with our state and federal partners, we can maximize our limited resources, end duplicative services, and provide greater management benefits to all Alaskans.

Ahtna leaders request to remove barriers that inhibit our tribal members and councils from taking full ownership and responsibility for land and wildlife decisions. Our proven track record and success in the areas of managing multi-billion dollar businesses, healthcare, the service industry, energy development, housing, and governance should show that we are very willing and ready to be decision-makers and beneficiaries of the lands that Congress deeded to us over 40 years ago.

We believe our leaders and Congress intentionally crafted a different settlement in Alaska between the Federal Government, State of Alaska and Alaska Native Tribes. We believe that our leaders and Congress meant for us to actively manage and use our lands for the benefit of our people. All we’re asking, with passage of this legislation, is the opportunity to do so. Thank you.