

ALASKA FEDERATION OF NATIVES MONTHLY PRESIDENT'S REPORT



MARCH/APRIL 2014
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DEAR AFN CO-CHAIRS, BOARD MEMBERS & MEMBERSHIP,

On March 31, 2014, the Supreme Court of the United States decided to reject the State of Alaska's petition in the legal case *State of Alaska v Sally Jewell, Secretary of the United States Department of Interior et al*, widely known as one of the Katie John Cases.

We are very pleased with the Supreme Court's decision to uphold the rulings of the lower courts and finally end 19 years of litigation. This was a hard-won victory for Alaska Natives and other rural Alaskans who depend on subsistence to feed our families. This was a victory we earned through a conscious and powerful defense of our rights. We should all be proud.

Recognition of Key Individuals Who Helped

AFN is grateful for the full support of many public officials, lawyers and leadership within the Native community and Alaska community at large.

The list of who we owe a debt of gratitude is long. AFN feels it is important to list many so that their names are known to you. First of all, we thank the late Katie John and Doris Charles and their families. Without their courage and determination, we would not be where we are today. We thank the Native leadership of Ahtna and Copper River Native Association and their tribes for supporting Katie John and Doris Charles rights from the beginning. We thank the full AFN Board, and the AFN Subsistence Committee for their understanding and strength to continue the fight to protect our rights. The AFN Board and the AFN Subsistence Committee has met many times each year of the entire 19 years of litigation to discuss and strategize what was needed next. They also undertook fundraising to support the legal work and representation it took to accomplish our goals.

The Native leadership stood up for the people when it counted. And we are all in a better legal position in terms of our rights as a result of that.

AFN thanks our legal team for their commitment and expertise, which they employed so skillfully: Robert T. Anderson, University of Washington School of Law; Carol H. Daniel, AFN Counsel; Riyaz A. Kanji and Phillip H. Tinker of Kanji & Katzen, Ann Arbor, MI; Heather Kendall-Miller, Native American Rights Fund; and Carter G. Phillips and Erica Myers of Sidley Austin, Washington, D.C.

AFN thanks the tremendous US Department of Justice legal team who supported the US Government and worked with us so closely. They truly wanted to understand what subsistence means to the Alaska Native people and cared about our survival as indigenous peoples: Donald B. Verrilli Jr. Solicitor General; Robert G. Dreher, Acting Assistant Attorney General; and William B. Lazarus, Dean K. Dunsmore, and Elizabeth Ann Peterson. In addition, Rachel Kovner and Edwin Kneeder, US DOJ consulted on the efforts.

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We are thankful for the solid support of Alaska's Congressional delegation over these last 19 years – Congressman Don Young, Senator Lisa Murkowski, Senator Mark Begich, former Senator Frank Murkowski and the late Senator Ted Stevens. We are thankful for the solid support from former Governors Tony Knowles, and Steve Cowper.

Within the US Department of Interior, we thank Secretary Sarah “Sally” Jewel, and former Secretaries Ken Salazar, Dirk Kempthorne, Gale Norton, Bruce Babbitt, and Manuel Lujan Jr. Within the US Department of Agriculture, we thank Secretary Tom Vilsack, and former Secretaries Ed Schafer, Mike Johanns, Ann Veneman, Dan Glickman, and Mike Espy. Within the US Department of Justice, we thank Attorney General Eric Holder and former AG's Michael Mukasey, Alberto Gonzales, John Ashcroft, and Janet Reno.

What a long list, and this still does not include everyone who worked so hard on this legal case. AFN will plan some time at the 2014 AFN Convention to recognize these individuals and the many others who helped.

The Decision

AFN notes that the State of Alaska challenged whether ANILCA's rural subsistence priority may be applied to navigable waters in which the federal government has reserved water rights. From AFN's view, the State of Alaska in litigating this issue, already had two bites of the same apple and wanted a third. The official record of the Secretaries of Interior and Agriculture assembled over 10,500 pages of an administrative record to document their conclusion and rationale, after a multi-year rule-making process that included intense Congressional scrutiny. AFN and many Alaska Natives submitted comments and testimony to build this huge record of the importance of subsistence to the Native people and how critical fish was to our subsistence diet.

The State of Alaska asserted that Alaskans sought statehood because of concerns over a federal management scheme that was diverting much of the benefit of Alaska's fisheries to non-Alaskan interests. Our lawyers noted that the State left out the second part of the story in which the new State then took numerous actions to deprive Alaska Natives of their time-honored rights to utilize those fisheries for subsistence purposes. Our lawyers also noted to the court, that when Alaska became a state, the

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UPCOMING

HONORING OUR CHILDREN DAY

APRIL 26, 2014 | ALL DAY
ALL ALASKA
[LEARN MORE AN REGISTER AT
HONORINGOURCHILDREN.ORG](http://HONORINGOURCHILDREN.ORG)

DOE ALASKA NATIVE VILLAGE ENERGY DEVELOPMENT WORKSHOP (MORE IN PG 8)

APRIL 29-30, 2014 | ALL DAY
DENA'INA CENTER
ANCHORAGE, ALASKA

NEXT FULL BOARD MEETING

MAY 7, 2014
KODIAK, ALASKA

SPRING INTO ACTION – GOTNV

MAY 18, 2014 | 1PM-5PM
DELANY PARK STRIP
ANCHORAGE, ALASKA

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Congress conditioned statehood on Alaska's agreement not to interfere with Alaska Native aboriginal hunting and fishing.

We all know that in 1971 Congress passed ANCSA. We know that Section 4b explicitly extinguishes hunting and fishing rights based on aboriginal title. Congress did so, only after making clear it's expectation that "both the Secretary and the State would take any action to protect the subsistence needs of Natives."

As former Secretary of Interior Stewart Udall stated, "there can be no subsistence program worth the paper it's written on unless the Congress uses its power under the US Constitution and grants such rights to Alaska Natives."

Congress prefaced Title VIII of ANILCA with a declaration that "the continuation of the opportunity for subsistence uses by rural residents of Alaska... is essential to Native physical, economic, tradition and cultural existence..."

AFN noted to the court that the state's rural residents harvest about 22 tons of wild foods each year, an average of 375 pounds per person. Fish makes up nearly 60% of the harvest by subsistence users each year. Nowhere else in the United States is there such a heavy reliance upon fish and game.

We are pleased with the US Supreme Court's decision. This should end 19 years of litigation. We are hopeful that this opens a new and better chapter in our relationship with the State of Alaska. The people of Alaska overwhelmingly support subsistence and we are hopeful that we can all move forward.

Next Steps

Now that we have won this important victory, it is time to stop and reflect on our future direction. We as a Native people are very smart. We analyze the issues carefully. Our long-term survival depends on navigating the conflicts and building lasting relationships.

It is time right now to rebalance and reset our relationship with the State of Alaska. Our focus over the next few weeks and months will be to discuss: How can we reset this relationship? What is our common ground? Are there any win-win opportunities for engagement?

In future AFN President's reports, we will highlight these discussions and specific ideas as they emerge. In the meantime, AFN will continue to work with the federal government and our Congress to get meaningful support for subsistence and our people's desire to have a greater role in the management, research and science of fish and game management.



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For over 43 years of our history, since Congress passed ANCSA, our Native institutions and leadership have shown they are capable of dealing with extremely difficult and complex challenges and the constant need for transition. Our tribal history extends further back than 43 years. Together, our tribes, our corporations and associations can continue to work together and accomplish big things. We can make mistakes and external events can surprise us, but I would not bet against the determination and resolve of the Native people. Alaska is our homeland. We live here. We will continue to live here. We will strive for better lives and opportunities for our children. We will work with Alaskans to move forward. Will you join us? Let us know your ideas.

Sincerely,

Julie Kitka, President
Alaska Federation of Natives



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Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

March 31, 2014

Mr. Robert T. Anderson
Professor of Law; Director, Native American Law Center
University of Washington School of Law, William H. Gates Hall
Box 353020
Seattle, WA 98195-3020

Re: Alaska
v. Sally Jewell, Secretary of the Interior, et al.
No. 13-562

Dear Mr. Anderson:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied. The Chief Justice took no part in the consideration or decision of this petition.

Sincerely,

Scott S. Harris, Clerk

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KATIE JOHN PRESS REPORT

In the weeks leading up to the anticipated March 31st decision by the Supreme Court, AFN's communications staff prepared two versions of press releases, briefing packets, and action plans. The Supreme Court's decision on whether to review the Katie John Case would determine which version AFN used. Staff also arranged a press briefing on March 31st to respond to the Court's decision.

The press briefing was held in AFN's new pressroom on the third floor in a section of AFN's old office space. The entire briefing was recorded on video. AFN Counsel Carol Daniel, President Julie Kitka, Co-Chair Tara Sweeney, and Kathryn Martin, Katie John's granddaughter, delivered statements and answered questions from the press. Co-Chair Ana Hoffman and Subsistence Committee Co-Chair Rosita Worl participated via teleconference.

Because of the favorable Supreme Court decision, the mood at the briefing was very positive. The key message was positive and forward-looking as well: AFN will continue to work toward a solution to the subsistence management issue while always fighting to protect subsistence rights. Julie also acknowledged the excellent work of AFN's and NARF's attorneys on the case as well as the assistance of the U.S. Departments of Justice, Interior, and Agriculture.

Watch the full briefing here: <https://vimeo.com/90997369>

Coverage appeared in print, TV, radio and on-line. In addition, follow up articles using our press releases and video appeared in the Juneau Empire, Fairbanks News Miner and KIMO-TV on-line. Staff posted a news release and website/Facebook post with our response early Monday morning and live-tweeted the conference. After the press briefing an expanded news release with full statements and links to the video was issued.

The Anchorage Daily News published a letter from Former Governor Tony Knowles. It is a fine letter, putting the subsistence issue in context with his first hand account. (See attached.)

IN THE NEWS

PRESENT AT BRIEFING

KTUU (NBC)
KTVA (CBS)
AK DISPATCH
ANCHORAGE DAILY NEWS (VIA
TELECONFERENCE)
APRN (VIA TELECONFERENCE)

COVERAGE

ALASKA DISPATCH

[HTTP://WWW.ALASKADISPATCH.COM/ARTICLE/20140331/THREE-DECADES-KATIE-JOHN-LITIGATION-ENDS-SUPREME-COURT-DECLINING-REVIEW-KEY-CASE](http://www.alaskadispatch.com/article/20140331/three-decades-katie-john-litigation-ends-supreme-court-declining-review-key-case)

ADN

[HTTP://WWW.ADN.COM/2014/03/31/3402229/SUPREME-COURT-DECLINES-TO-HEAR.HTML?SP=/99/100/8IHP=1](http://www.adn.com/2014/03/31/3402229/supreme-court-declines-to-hear.html?SP=/99/100/8IHP=1)

JUNEAU EMPIRE

[HTTP://JUNEAUEMPIRE.COM/LOCAL/2014-04-01/KATIE-JOHN-RULING-WINS-NATIVE-LEADERS-APPROVAL#.U08LNA1DXZU](http://juneauempire.com/local/2014-04-01/katie-john-ruling-wins-native-leaders-approval#.U08LNA1DXZU)

KTVA

[HTTP://WWW.KTVA.COM/SUPREME-COURT-RULES-IN-KATIE-JOHN-CASE-606/](http://www.ktva.com/supreme-court-rules-in-katie-john-case-606/)

ALASKA PUBLIC MEDIA (APRN, KNBA, KSKA)

[HTTP://WWW.ALASKAPUBLIC.ORG/2014/03/31/LANDMARK-SUBSISTENCE-DECISION-STANDS/](http://www.alaskapublic.org/2014/03/31/landmark-subsistence-decision-stands/)

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SUBSISTENCE

Alaska Native Subsistence Co-Management Demonstration Act of 2014

AFN staff and Ahtna representatives traveled to Washington DC in March for a hearing before the House Subcommittee on Indian and Alaska Native Affairs on the Alaska Native Subsistence Co-Management Demonstration Act of 2014. The proposed law would create a wildlife co-management program that shares authority between federal, tribal and state officials. Through this bill, the people of the Ahtna region would be provided a meaningful role in management on their 1.7 million acres of land.

AFN Co-chair Tara Sweeney and Ahtna, Inc. President and AFN Board member Michelle Anderson testified at the hearing.

This program is a demonstration project, offering a simple solution to the persistent problem of dual federal/state management of Alaska lands. The Alaska Native community is united behind the project and supports the Ahtna region in their efforts to protect their rights.

We thank Congressman Young (chair of the subcommittee) for his leadership in holding this hearing and giving subsistence co-management fair consideration.

We also thank U.S. Representative Colleen Hanabusa (Hawaii), ranking Democrat on the House Subcommittee on Indian and Alaska Native Affairs, for her support. We look forward to continuing work with Congresswoman Hanabusa on these important issues.

With this report you will find the electronic packet of information that Ahtna has been using to educate legislators and policymakers, as well as a letter to Governor Parnell and an SCI opposition letter that we were provided while in DC for your reference.



TAKE ACTION

1) WATCH THE HEARING AND DOWNLOAD THE DRAFT LEGISLATION:

[HTTP://NATURALRESOURCES.HOUSE.GOV/CALENDAR/EVENTSINGLE.ASPX?EVENTID=371688](http://NATURALRESOURCES.HOUSE.GOV/CALENDAR/EVENTSINGLE.ASPX?EVENTID=371688)

2) REVIEW THE TESTIMONY AND AFN LETTER OF SUPPORT ATTACHED TO THIS REPORT.

3) USE THE TEMPLATE ON THE NEXT PAGE TO EXPRESS YOUR SUPPORT!



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SAMPLE LETTER

April [date], 2014

Honorable Don Young, Chairman
U.S. House Subcommittee on Indian and Alaska Native Affairs
1324 Longworth House Office Building, Washington, D.C. 20515

Honorable Colleen Hanabusa, Ranking Member
U.S. House Subcommittee on Indian and Alaska Native Affairs
1324 Longworth House Office Building, Washington, D.C. 20515

Re: Alaska Native Subsistence Co-Management Demonstration Act of 2014

Dear Congressman Young and Congresswoman Hanabusa:

The [name of your organization], [brief description of your organization], submits this letter in support of the Alaska Native Subsistence Co-Management Demonstration Act of 2014 (Act), and of the demonstration project authorizing the Ahtna people of Alaska's Copper River region to manage the wildlife on traditional Athna hunting lands, as well as other Alaska Native and federal lands within the region, through a unified Federal-Tribal co-management regime. The language of the bill leaves the door open to the State of Alaska if it wants to participate in the co-management project as well.

The federal government assumed management responsibility of subsistence uses of Alaska's wild, renewable resources on federal lands in 1990 after the State of Alaska invalidated its subsistence-use priority laws and fell out of compliance with the Alaska National Interest Lands Conservation Act (ANILCA), which recognizes a rural Alaska resident subsistence preference in the taking of fish and wildlife on public lands. The State of Alaska manages fish and game on state and private lands.

Alaska Natives, including the Ahtna people, have no formal management responsibility in Alaska's current federal and state management regime. Rather, we must rely on the complex and strained dual management system to protect our subsistence needs. A better approach by our estimation would be for the federal, state, and Ahtna tribal governments to enter into a co-management demonstration project to collectively manage the wildlife on traditional Ahtna lands.

We believe that the Ahtna region is especially suited for this demonstration project because it is a relatively small region with a relatively small number of federally recognized Alaska Native tribes. Moreover, most of the Tribes in the Ahtna region support this demonstration project, and have the capacity to participate in a meaningful manner. For these reasons, and others, we respectfully request your support of the Act and of the project.

Sincerely,

[insert the name of your organization][insert your title]

Ahtna Demonstration Project Support

APRIL 2014

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AFN COUNCIL ON THE ADVANCEMENT OF ALASKA NATIVES PRIORITIES

Resolutions 13-11, 13-16, 13-18, 13-26, 13-40, 13-8
through 13-24

PUBLIC SAFETY: WOMEN, CHILDREN, AND VULNERABLE CITIZENS

Our thanks to everyone who submitted letters and demonstrated support for the March 11th Community & Regional Affairs Committee hearing on the Indian Law & Order Commission's "Roadmap for Making Native America Safer." Draft minutes from the hearing accompany this report in PDF format.

A follow-up hearing was scheduled for April 8th from 8am-10am. This hearing specifically addressed proposed solutions and recommendations to improve public safety. **A third hearing has been requested.**

PUBLIC SAFETY: DHS & EM PREPAREDNESS CONFERENCE

AFN will host a one-day add-on to the Department of Homeland Security and Emergency Management Preparedness Conference on April 14th in Anchorage.

This day-long Emergency Management Seminar will cover best practices, known hazards and threats, FEMA support, training and a discussion of gaps in support. A draft agenda is included with this report.

Register for the conference at: <http://ready.alaska.gov/PrepConSpring2014>.

Remember to Register!
**HONORING OUR
CHILDREN DAY**

APRIL 26, 2014
HONORINGOURCHILDREN.ORG

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SAMPLE LETTER

April [date], 2014

The Honorable Gabrielle LeDoux
Co-Chair, Community & Regional Affairs
416 State Capitol, Juneau, AK 99801

The Honorable Ben Nageak
Co-Chair, Community & Regional Affairs
428 State Capitol, Juneau, AK 99801

RE: Committee presentation on the Indian Law & Order Commission's "Roadmap for Making Native America Safer"

Dear Representative LeDoux and Representative Nageak:

My name is *(your first and last name)* and I am from *(your home community)*. I understand the House Community and Regional Affairs Committee held a hearing on the Indian Law & Order Commission's report, "A Roadmap for Making Native America Safer" on April 8, 2014 to explore recommendations to improve public safety in rural areas of Alaska, and that another hearing has been requested. I appreciate your leadership in recognizing the need to educate and collaborate with your colleagues, and the public, to improve access to justice, availability of law enforcement, and public safety resources in rural Alaska.

(Include a personal story. Tell your representative why the issue is important to you and how it affects you, your family and your community. Examples: no VPSO in your community, experience waiting for a trooper/ VPSO to arrive after an incident, having to travel for court or incarceration, fear that you/your relatives would have nowhere to go if in a domestic violence situation, difficulty navigating the justice system remotely.)

I thank you for the affirmative steps being taken to improve public safety in *(your home community)* and throughout Alaska.

Sincerely,

SIGN YOUR NAME

Print your name
Street address
City, State, Zip

Cc: Members of Community & Regional Affairs Committee:
Representative Foster
Representative Herron
Representative Olson
Representative Reinbold
Representative Kito III

To Support
ILOC Follow-up
APRIL 2014

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LEGISLATION & LITIGATION

Resolutions 14-1, 14-2, 14-3, 14-7, 14-10

The AFN Legislative and Litigation Committee is chaired by April Ferguson. They meet monthly to develop positions on both federal and state legislation and monitor court cases of interest to AFN. Here are some of the issues they considered at their last meeting:

STATE ISSUES

Senate Bill 94/House Bill 194, Rights-Of-Way.

SB 94 and HB 194 propose to limit the scope of R.S. 2477 rights-of-way that cross privately owned lands, including lands conveyed to Alaska Native corporations pursuant to the Alaska Native Claims Settlement Act, by: (1) narrowing their width; (2) confining their use to transportation and emergency purposes only; and (3) re-defining the State of Alaska's authority to maintain, repair, or improve these ROW. The bills further propose to vacate certain sections of the Copper Center-Valdez R.S. 2477 ROW, RST 33, widely known as the "Klutina Lake Road" or "Brenwick-Craig Road," which lies within the lands conveyed to Ahtna, Inc. under ANCSA. AFN supports SB 94 and HB 194 because they strive to balance the rights of private landowners against the rights of public land users. In addition to submitting a letter of support and corresponding resolution to the legislative sponsors, AFN is continuing to monitor the bills and provide public testimony.

Senate Bill 64, Omnibus Crime and Correction Bill.

SB 64 proposes to implement proven practices to reduce recidivism and cut the cost of corrections by establishing a substance abuse deterrence program for certain offenders, as well as a Criminal Justice Commission to evaluate the effect of Alaska's sentencing laws on the offender, victim, and public. The bill also proposes to raise the felony threshold from \$500 to \$1,200. AFN supports SB 64 because a disproportionately high number of Alaska Natives are incarcerated, and the bill seeks to lower this number. AFN is presently working on a letter of support for SB 64, and monitoring the status of the bill.

Senate Judicial Resolution 21/House Judicial Resolution 33, Constitutional Amendment of the Alaska Judicial Council.

As previously reported, SJR 21 and HJR 33 propose to increase the Alaska Judicial Council's membership from seven to ten members, by adding three additional non-attorney members. Alaska's Constitution currently provides for three attorney and three non-attorney Judicial Council members, with the Chief Justice of the Alaska Supreme Court acting as the ex-officio Chairperson. The Council's role is to recommend candidates for state judgeships in Alaska. AFN opposes SJR 21 and HJR 33 because they seek to politicize Alaska's judiciary by permitting the non-attorney Judicial Council members to outweigh the attorney members in the selection of judges. AFN recently circulated talking points to key state legislators, including members of the Bush Caucus, and continues to

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monitor the status of the resolutions and provide public testimony. We also submitted a letter of opposition and corresponding resolution to several state legislators as part of our initial efforts. On April 8th, we circulated a call to action that mobilized the Native community to contact Senator Bishop - with great success! Thanks to your actions, the measure was tabled. Click here to view the April 8th Legislative Alert: <http://conta.cc/1eXpQzw>

Senate Bill 161/House Bill 301, A Bill Related to Autopsies and Death Certificates.

As we also previously reported, SB 161 and HB 301 propose to make minor changes in Alaska law relating the State Medical Examiner's Office to ensure that no rural Alaska Native family assents to expensive funeral home services without the benefit of full, informed consent. Families currently understand that they must release their loved one to a funeral home following State Medical Examiner review, however, this is not required. AFN supports the clarification of state law because it will lessen the stress on grieving rural families. In addition to our letter of support and corresponding resolution, AFN continues to monitor the status of the bills.

Base Student Allocation (BSA)

Education remains one of AfN's highest statewide priorities. Early last week, the Alaska Federation of Natives passed a resolution requesting the Alaska State Legislature to increase the base student allocation (BSA) in fiscal years 2015–2017.

We are disappointed in the failure of the legislature to increase the BSA funding. We will regroup with our legislative representatives and work next session. We also hope the Governor will consider a special session to address issues which didn't get completed. **We will be calling on our membership to work with both urban and rural legislators on next steps, including addressing the issue at this year's AFN Convention in October.**

AFN supports an increase to BSA of \$400 in FY 2015 and increases of \$125 in each FY 2016 and FY 2017 to replace the educational funds that have been lost to inflation since the Legislature last increased the BSA in calendar year 2011, and ensure a stable and predictable source of funding for our schools before the BSA will have to be reexamined.

Without reliable reoccurring sources of in-classroom funding, school districts are unable to do necessary strategic planning for their districts, recruit and keep teachers, and provide our children with a quality education. The legislature has opted for the bare minimum. They get a C minus.

- APRIL FURGUSON

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Jurisdiction of State and Tribal Courts in Child Protection

On April 15th, Alaska Attorney General Michael Geraghty withdrew former Attorney General Renkes 2004 opinion limiting State and Tribal Court jurisdiction in child protection matters -- a small, but promising response to AFN's recommendations. Read more at <http://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=172196>

FEDERAL ISSUES

Executive Order Mandating Co-Management.

AFN recently drafted a proposed executive order mandating federal and tribal co-management of Alaska's fish, wildlife, and other natural resources on public lands. On a recent trip back to Washington, D.C., AFN met with attorneys from the U.S. Department of Justice who agreed to work with AFN to improve the draft order.



DOE ALASKA NATIVE VILLAGE ENERGY DEVELOPMENT WORKSHOP

THIS WORKSHOP IS DESIGNED TO HELP ALASKA NATIVE VILLAGES AND CORPORATIONS UNDERSTAND THE RANGE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY OPPORTUNITIES THAT EXIST IN THEIR REMOTE COMMUNITIES. THE WORKSHOP WILL COVER TOPICS SUCH AS:

- STRATEGIC ENERGY PLANNING
- CLEAN ENERGY PROJECT DEVELOPMENT AND FINANCING
- TECHNOLOGY UPDATES
- ENERGY EFFICIENCY
- WEATHERIZATION
- WORKFORCE DEVELOPMENT

**DENA'INA CENTER
APRIL 29-30, 2014
NO COST TO ATTEND**

**ADVANCE REGISTRATION
REQUESTED.**

VISIT:
[HTTP://APPS1.EERE.ENERGY.
GOV/TRIBALENERGY/
WORKSHOPS.CFM](http://apps1.eere.energy.gov/tribalenergy/workshops.cfm)

OR EMAIL:
[TRIBAL@GO.DOE.GOV.](mailto:TRIBAL@GO.DOE.GOV)

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ECONOMIC DEVELOPMENT

AFN needs your ideas and input!

AFN is exploring ideas to support greater economic growth and greater opportunities in Alaska, especially for village Alaska. We are seeking new ideas and approaches we should focus on to increase private sector investment in the state. How can we work with the Governor and the Alaska State Legislature to change the investment climate to incentivize investment in rural Alaska? How can we work with the Obama Administration and the US Congress? How can we develop partnerships which can increase job training opportunities? How can new industries --- both big and small, be attracted to the state or homegrown right here? What are some of the structural flaws which hold back rural Alaska from having vibrant, growing economies? What major adjustments need to happen? If you have ideas or suggestions, please let us know. AFN will be putting together some very targeted economic briefing papers which include your ideas. Join in the effort to help build our community.

Examples of approaches we will explore this summer include: suggested Presidential Executive Order? Suggested Secretarial Order - US Dept of Labor? Commerce? Small Business Administration? Interior? Transportation? New tax policy? Tax credits? How might our use of the minority and disadvantaged status be updated with new tools to expand economic opportunity?

AFN's specific goal for these briefing papers is two-fold:

- 1) to engage the US Senate Indian Affairs Committee and the US House Resources, Native American subcommittee in discussions of new proposals; and
- 2) to engage the Governor and Alaska State Legislative leadership to discuss new ideas and seek their support.

Please send your ideas to afninfo@nativefederation.org before June 1, 2014!

CLIMATE REQUEST

REQUEST FOR RECOMMENDATIONS

CLIMATE RESILIENCE AND PREPAREDNESS TASK FORCE

THE TWO TRIBAL LEADERS ON THE CLIMATE CHANGE TASK FORCE, CHAIRWOMAN KAREN DIVER OF THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA AND MAYOR REGGIE JOULE OF ALASKA'S NORTHWEST ARCTIC BOROUGH, ARE SOLICITING INPUT IN DEVELOPING RECOMMENDATIONS SPECIFIC TO:

1. DISASTER RECOVERY AND RESILIENCE,
2. INFRASTRUCTURE,
3. NATURAL RESOURCES AND AGRICULTURE, AND
4. HUMAN HEALTH AND COMMUNITY DEVELOPMENT.

PLEASE CONSIDER CONTRIBUTING TO THIS PROCESS BY EMAILING YOUR VIEWS TO INDIANCOUNTRY@WHO.EOP.GOV BY MAY 2ND, 2014. PLEASE LIMIT YOUR RESPONSE TO 1000 WORDS.

**SEE THE PDF ATTACHED FOR
FURTHER DETAILS.**

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CONVENTION UPDATE

Planning and Fundraising

The Convention Committee and AFN staff have Convention planning in full swing. As with any major event, our first priority early in the planning process is fundraising. The total funds raised is the single most important determinant of the quality of our Convention's each year. Budget impacts everything from the speakers we are able to invite to our annual event, to the number of breakout sessions we can plan and the level of sophistication of our statewide broadcasts.

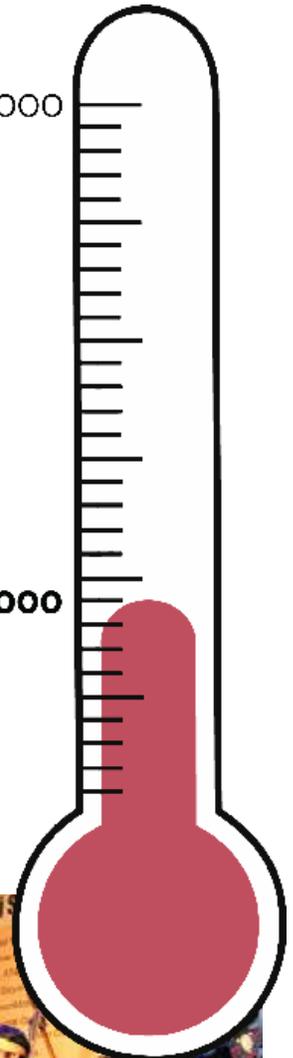
This year we need to raise \$650,000. Thanks to you, we have raised \$125,000 to-date -- a great start, but we still have a long way to go! AFN is excited to invite your organization to become a Sponsor of this year's AFN Annual Convention and to enjoy all of the benefits associated with sponsorship.

Every year, your support enables us to host the nation's largest gathering Alaska's Native leaders, national and international observers, invited guests, speakers and attendees from across the State.

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ALASKA FEDERATION OF NATIVES

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Testimony
of
Tara Sweeney
Co-Chair of the Alaska Federation of Natives
Before the House Subcommittee on Indian and Alaska Native Affairs
Alaska Native Subsistence Co-Management Demonstration Act of 2014
March 14, 2014 Washington, D.C.

Chairman Young and Ranking Member Hanabusa; thank you for the opportunity to provide comments on the Alaska Native Subsistence Co-Management Demonstration Act of 2014. I am Tara Sweeney, Co-Chair for the Alaska Federation of Natives, the largest statewide Native organization in Alaska. Our membership includes 178 villages (both federally-recognized tribes and village corporations), 13 regional Native corporations and 12 regional nonprofit and tribal consortiums.

I am also an Iñupiat Eskimo from Barrow, Alaska; tribal member of the Native Village of Barrow; and, a shareholder of Arctic Slope Regional Corporation. Iñupiat have survived thousands of years in the Alaskan Arctic by practicing our customary and traditional hunting, fishing and gathering. There are other terms for this, such as subsistence or food security. To Alaska Natives subsistence is our way of life and the foundation of our cultures. It defines why we are who we are as Alaska Natives.

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.

The proposed co-management demonstration project is new for this area of Alaska, but similar models are thriving in other parts of our state. The proposed area is located on the interior side of southcentral Alaska, approximately 1.77 million acres, also commonly known in Alaska as the "Ahtna region". Alaska Native groups continue to find innovative ways manage subsistence resources by working with the federal and local governments. We have a vested interest in managing a sustainable resource because of our dependence on game as a food source and to preserve our cultures and traditions. We have a long history of monitoring fish and game, and that information has proven invaluable in the co-management relationships we currently have. We are also growing our scientific knowledge about fish and game as we learn how to collect and analyze that type of data.

AFN Support

The Alaska Native community is united behind this bill. This legislation would create the Ahtna Wildlife Co-Management Group which aims to bring together federal, state and local entities to exclusively manage the taking of wildlife for subsistence and public uses by unifying management

of those lands within the Ahtna region. This proposed co-management structure for wildlife is a pioneering approach grounded in finding a solution to a long standing debate about food security in Alaska.

Under this bill, Ahtna Incorporated, tribes and allotment owners would have the option to include their lands in the project and participate in the Ahtna Inter-Tribal Wildlife Commission. The language of the bill also leaves the door open to the State if it wants to participate in the co-management project.

We have seen that other types of co-management agreements within Alaska have worked, and this bill allows for a similar structure to be implemented within a relatively small area of the state. The Alaska Federation of Natives stands firmly behind the Ahtna region in support of this bill.

History

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 the Alaska Native Claims Settlement Act of 1971, also known as ANCSA, extinguished those rights.

Congress expected the State of Alaska and the Secretary of the Interior “to take any action necessary to protect the subsistence needs of Alaska Natives.”¹ Neither the Secretary of the Interior nor the State of Alaska fulfilled that expectation, so Congress enacted Title VIII of the Alaska National Interest Lands Conservation Act, or 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.

ANILCA was crafted to provide a subsistence priority for “rural residents”. To comply with this law, the State of Alaska enacted State laws that conformed to federal requirements to manage subsistence on state and federal lands in Alaska.

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*² 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 amend the State constitution to enable 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.

¹ S. REP. NO. 92-581, at 37 (1971) (Conf. Rep.).

² 785 P.2d 1 (Alaska 1989).

Today, the Federal Government manages subsistence on federal lands, as well as “reserved waters” which run adjacent to or through federal lands in Alaska. The State of Alaska has jurisdiction over state and private lands in Alaska. This dual federal and state management system is highly complex and confusing, and has led to further erosion of protections for subsistence.

After more than 20 years of dual management, it has become clear that the State is not inclined to regain subsistence management authority on federal lands and waters. Moreover, 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.

Pursuant to ANCSA, 12 regional and more than 200 village Alaska Native Corporations were formed. They were given money and title to some of their traditional lands to manage for the benefit of their shareholders who, at the time of the settlement, were all Alaska Natives. Because private land in Alaska is governed by state law, Alaska Native subsistence users are not assured of hunting and fishing protection even on the 44 million acres they retained as part of the settlement for their aboriginal claims.

Our goal with projects like the one proposed in this bill is to have a meaningful seat at the management table where fish and game are concerned. Our traditional knowledge and modern science are proving invaluable in managing these resources in other situations.

Current Co-Management Structures

ALASKA ESKIMO WHALING COMMISSION (AEWC)

The structure that this bill is proposing is not new. I grew up in Barrow where an integral part of our lives is harvesting bowhead whales. Without these massive animals giving themselves to us each year, we would be hard-pressed to survive in the Arctic.

The International Whaling Commission was established by the International Convention for the Regulation of Whaling in 1946. Since the Yankee and British whaling operations of the late 19th and early 20th centuries had substantially reduced the size of the stock, the IWC initially focused only on the regulation of commercial whaling activities.

In the early 1970’s, as opposition to commercial whaling operations grew, some countries raised concerns about the status of the Bering Sea stock of bowhead whales and the Iñupiat subsistence harvest of this stock. Reacting to a report that erroneously estimated the Bering Sea stock of bowheads to have between 600 and 2,000 whales, in 1977 the IWC extended its regulation to aboriginal subsistence takes of bowhead whales and imposed a ban on the harvest of bowhead whales by Alaska Eskimos. Iñupiat hunters learned of this action after the fact. Had they been asked, the Iñupiat would have informed the IWC that there were at least 4,000 bowhead whales in the population.

As a result of the ban, Eskimo whalers established the Alaska Eskimo Whaling Commission (AEWC) to represent the whaling communities in an effort to convince the United States Government and the IWC to take action to preserve the Inupiat subsistence hunt of bowhead whales. Since 1977, representatives of the AEWC have attended every annual meeting of the IWC, providing scientific research on the bowhead whale conducted through the efforts of the AEWC, the North Slope Borough and the National Oceanic and Atmospheric Administration (NOAA).

State-of-the-art research methods are the foundation for management of the Inupiat subsistence hunt. The hunters have devoted many years of research and development to upgrades of their traditional hand-held weapons to ensure the safest, most efficient, and most humane hunt possible. The IWC has accepted the quantitative method used for establishing and updating the Alaska Native subsistence need for bowhead whales.

Since 1981, the Alaska Eskimo Whaling Commission has managed the bowhead whale subsistence hunt locally through a Cooperative Agreement with the United States Department of Commerce/NOAA. The AEWC works closely with NOAA throughout the year, and reports to NOAA on the results of each spring and fall whaling season. Key research efforts include ice-based census, aerial surveys, photo identification, age estimation, stock structure and genetics, and tracking movements via satellite tagging.

In this cooperative management arrangement, the AEWC conducts its own research, develops whaling regulations, allocates the whale quota among villages, and enforces both the quota and the regulations. These Native and federal groups working together have developed incredible scientific capacity, and have combined it with traditional knowledge in a way that is invaluable to all federal and international agencies involved in whale conservation and management.

More importantly to us, entire communities still participate in the activities surrounding the subsistence bowhead whale hunt, ensuring that the traditions and skills of our culture will be carried on by future generations. Each whale provides thousands of pounds of meat and maktak, which is shared by all the people in the community. Portions of each whale are saved for celebration at Nalukataq (annual whaling feast for successful crews), Thanksgiving, Christmas, and potlucks held throughout the year.

IPCoMM

The Indigenous People's Council for Marine Mammals (IPCoMM) was formed in 1992 to address the Marine Mammal Protection Act (MMPA) reauthorization, co-management, and to incorporate traditional knowledge into the subsistence issue. IPCoMM, is an organization of 17 marine mammal commissions, councils and other Alaska Native organizations. IPCoMM, the National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Service (USFWS) entered into an

umbrella agreement in 2006 to “provide a common foundation for negotiation of separate marine mammal management agreements under section 119 of the Marine Mammal Protection Act.”³

ALASKA NANUUQ COMMISSION

The Alaska Nanuuq Commission was formed in 1994 by Charlie Johnson who was adamant that Alaska's Native people be able to have an active and meaningful role in the conservation and management of Alaska's polar bear populations. The Alaska Nanuuq Commission represents 15 coastal villages from Kaktovik to the villages of Gambell and Savoonga on St. Lawrence Island. The Alaska Nanuuq Commission is active in most polar bear matters both national and international. The Commission is recognized in federal legislation as the co-management authority, along with the USFWS, in the management of America's shared polar bear populations.

ESKIMO WALRUS COMMISSION

Established in 1978, the Eskimo Walrus Commission represents 19 Alaska Native coastal communities in Bristol Bay, the Bering Straits, and the Chukchi and Beaufort Seas to advocate for and represent Alaska Native concerns regarding federal management of the Pacific walrus. EWC is authorized to co-manage subsistence uses of the Pacific walrus population in Alaska's coastal communities in cooperation with USFWS.

The cooperative agreements between these groups I've just mentioned have funded a wide variety of management issues, including:

- commission co-management operations
- biological sampling programs
- harvest monitoring
- collection of Native knowledge in management
- international coordination on management issues
- cooperative enforcement of the MMPA
- development of local conservation plans

These and other groups and agencies regularly hold workshops to discuss future expectations and outline a shared vision of co-management. Co-management projects have:

1. prompted environmental education and marine mammal conservation in Alaska Native communities
2. promoted the education of people outside the Native communities in the traditional ecological knowledge of marine mammals.

Self-Determination

³ Memorandum of Agreement for Negotiation of Marine Mammal Protection Act section 119 agreements (October 30, 2000). Available at <http://www.ipcommalaska.org/pdfs/Umbrella%20Agreement.pdf> (consulted February 19, 2014).

Alaska Natives have been exercising self-determination for decades and we want to continue building on that. Since the Indian Self-Determination and Education Assistance Act of 1975, (“The Act”) we have negotiated contracts and compacts to manage health care, social services, education, housing, roads, and tribal operations such as enrollment in Alaska.

The Act allows tribes themselves to assume administrative responsibility for federally funded programs designed for their benefit, primarily services which are administrated by the Bureau of Indian Affairs and by the Indian Health Service. This means that the tribes can negotiate contracts and compacts directly with the federal government to run their own programs and deliver their own services rather than the federal government doing it for them.

These kinds of arrangements serve the needs of all involved. The federal and state governments get to focus on the big picture and their administrative duties. Alaska Natives get culturally sensitive services administered by our own people and a chance to exercise their management skills.

Conclusion

As Alaska Natives we continue to struggle for right for food security at the State level even though provisions through ANILCA afford us that right. The Alaska Native Subsistence Co-Management Demonstration Act of 2014 is a step in the right direction and helps the Federal Government fulfill a slice of its obligation to Alaska Natives. This bill gives life to a pilot project in a small area of the state. If successful, this opens the door for a more productive dialogue at all levels of government for the Alaska Native community. The Alaska Federation of Natives respectfully urges Congress to support this bill.

Quyanaq, Thank you.

**Climate Resilience and Preparedness Task Force
Tribal Leaders: Chairwoman Karen Diver and Mayor Reggie Joule
Survey for Recommendations**

Background

The President's Climate Preparedness and Resilience Task Force (Task Force) was convened to develop recommendations on how the Federal government can better support local, state and tribal governments in achieving resilience through Disaster Preparedness, Built Systems, Natural Systems and Agriculture, and Community Development and Health.

The Task Force is charged with providing actionable strategies that can be implemented through existing agency authorities which: 1) remove barriers and create incentives and otherwise encourage investments in resilience; 2) provide useful tools and information, including through intergovernmental coordination; and 3) otherwise support state, local and tribal preparedness for resilience to climate change.

Request for Input

The two tribal leaders on the Climate Change Task Force, Chairwoman Karen Diver of the Fond Du Lac Band of Lake Superior Chippewa and Mayor Reggie Joule of Alaska's Northwest Arctic Borough, are soliciting input in developing recommendations specific to:

1. *disaster recovery and resilience,*
2. *infrastructure,*
3. *natural resources and agriculture, and*
4. *human health and community development.*

Please consider contributing to this process by emailing your views to IndianCountry@who.eop.gov by Tuesday, April 15, 2014. Please limit your response to 1000 words. Please also consider using the prompts below as a guide:

Consider a challenge you have encountered or an opportunity you have identified relating to climate preparedness planning and efforts to build resilience within one of the 4 topics listed above.

1. Please describe the challenge or opportunity as it pertains to the needs of tribal governments.
2. What specific actions can be taken at the federal level to encourage and support tribal governments in these efforts?

Identify the topic to which this issue most directly relates *:

- Disaster Recovery and Resilience**
- Built Systems: Transportation, Water, Energy, and Other Infrastructure**
- Natural Resources and Agriculture**
- Communities: Human Health and Community Development**

ADDITIONAL INFORMATION*

Disaster Recovery and Resilience. Recommendations related to this topic should address catastrophic and non-catastrophic hazards and the overall cycle of disaster mitigation, preparedness, response, and recovery, and how Federal, state, local and tribal policies impact decisions made. Recommendations should consider outcomes that build Federal, State, Local, and Tribal capacity to become resilient to current and future hazards and disasters. Recommendations should relate to proactive planning and preparedness measures that incorporate resilience, as well as post-disaster recovery and rebuilding.

Built Systems: Transportation, Water, Energy, and Other Infrastructure. Recommendations related to this topic should address the required outcomes by considering all built systems, especially transportation, water, and energy. Recommendations should consider 1) all built systems, including interactions between systems and concerns about cascading failures between and among systems; 2) the interaction of built and natural systems, including the use of natural infrastructure to increase resilience; 3) what drives Federal, state, local and tribal decisions on infrastructure investment; and 4) whether Federal, state, local and tribal policies can/should work together to incentivize the private sector to incorporate climate resilience into their decisions.

Natural Resources and Agriculture. Recommendations related to this topic should address impacts on water resources, agriculture, forests, ecosystems, biodiversity, and ecosystem services, as well as the impacts to human communities of changes in these systems. Recommendations should cover all aspects of natural resources and agriculture, especially the interactions and connectivity between these systems and among these systems and human communities and the built environment. Recommendations should also consider long-term strategies to protect and restore natural resources and systems and the ecosystem services they provide and to enhance overall resilience in the face of a changing climate.

Communities: Human Health and Community Development. Recommendations related to this topic should address social resilience and human health, including public health impacts of climate change from both extreme events and slow onset changes. Recommendations should also consider impacts on vulnerable communities and populations and opportunities for building social resilience in communities of all types, sizes, and demographic makeups. Recommendations on this topic should consider how multiple levels of government can work together to build social resilience at the local level and develop long-term strategies for resilient communities.

Letter: Katie John decision: Alaska's choice for self-determination

Anchorage Daily News

April 6, 2014

For two decades Katie John courageously fought state and federal governments for her right to put food on her family's table. Yet her victory, when the U.S. Supreme Court refused to grant a state of Alaska appeal, is recently described by columnist [Mike Dingman](#) as "a blow... to Alaska's self-determination." His conclusion that protection of her subsistence rights is an example of "federal overreach" ignores the historical facts of Alaska's subsistence issues.

Since the first state law in 1978 giving a subsistence priority, Alaskans have overwhelmingly supported this concept. They soundly defeated by an almost 60 percent vote a referendum to repeal that law in 1982. The federal 1980 ANILCA law that ensures a subsistence priority in federal lands and waters for rural Alaskans has been supported by the entire Alaska congressional delegation for the last 34 years. This did not change state management of all state fish and game. When the Alaska Supreme Court declared in 1989 that the federal provision was not consistent with the state Constitution the solution to continue state fish and game management was to place a constitutional amendment on the ballot. All polls showed Alaskans still overwhelmingly supported a subsistence priority.

During my term as governor I called three special sessions of the Legislature to put this issue on the ballot before the voters. Despite a bipartisan support of a majority of legislators, a small minority of senators blocked this effort and the federal government took over protecting subsistence users in federal lands and waters. When, after six years, it became clear the Legislature would not allow Alaskans to make the decision, as governor I dropped the state appeal to the U.S. Supreme Court so Katie John could provide for her family.

It's always an easy popular shot to blame our issues on "federal overreach." And often that may be true, but in this case the responsibility for protecting subsistence and "self-determination" was, and still is, our own choice and responsibility.

— *Tony Knowles*

Anchorage

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 11, 2014
8:05 a.m.

MEMBERS PRESENT

Representative Gabrielle LeDoux, Co-Chair
Representative Benjamin Nageak, Co-Chair
Representative Neal Foster
Representative Bob Herron
Representative Lora Reinbold
Representative Sam Kito III

MEMBERS ABSENT

Representative Kurt Olson

COMMITTEE CALENDAR

PREVIOUS COMMITTEE ACTION

WITNESS REGISTER

ACTION NARRATIVE

[8:05:29 AM](#)

CO-CHAIR BENJAMIN NAGEAK called the House Community and Regional Affairs Standing Committee meeting to order at 8:05 a.m. Representatives * were present at the call to order. Representatives * arrived as the meeting was in progress.

^#hcr24

[8:06:31 AM](#)

[8:06:53 AM](#)

CO-CHAIR NAGEAK announced that the first order of business would be HOUSE CONCURRENT RESOLUTION NO. 24, Recognizing, honoring, supporting, and encouraging support for dog mushing and dog mushers in the state.

[8:07:08 AM](#)

REPRESENTATIVE FOSTER, , HCR 24

[8:07:41 AM](#)

}JESSIE M., Staff* Alaska State Legislature* Juneau, Alaska* Presented HCR 24, on behalf of{ provided the following testimony

[8:08:50 AM](#)

}DIANA HAECKER* Nome, Alaska* .{ married to , musher and ... four hours ago 2014 champion reached Nome; always choke up arrival of mushers to Nome; legends; preserve the joy of mushing and its culture; Willow ... and others who ... resolution

[8:11:01 AM](#)

REPRESENTATIVE REINBOLD who crossed line this morning

MS. HAECKER Daniel Seavey won today; related the end

[8:12:46 AM](#)

CO-CHAIR NAGEAK

[8:12:51 AM](#)

[8:12:54 AM](#)

CO-CHAIR LEDOUX moved to report HCR 24 out of committee with individual recommendations and the accompanying fiscal notes. [Hearing no objections, HCR 24 was reported from the House Community and Regional Affairs Standing Committee.]

[8:13:24 AM](#)

closed public testimony

#

^Presentation: Indian Law & Order Commission Report

[8:17:16 AM](#)

CO-CHAIR NAGEAK announced that the final order of business would be a presentation regarding the Indian Law & Order Commission Report.

[8:17:41 AM](#)

}AURORA LAER(PH), Vice President* Alaska Federation Natives(AFN);* * .{ priority to increase public safety; national spot light in terms of safety, particularly in Indian culture; many reports in past, but main difference here is that Alaska faces numerous issues and thus need entire chapter for Alaska;

[8:23:41 AM](#)

}TROY EID, Chair* National Indian Law and Order Commission* * .{ appointed volunteer to review public safety and .. of the 566 Native nations; no compensation; entire month spent in Alaska; about 40 percent of recognized Native nations are in Alaska

[8:25:23 AM](#)

CO-CHAIR LEDOUX inquired as to how many of appointees on commission actually are Natives

MR. EID nine total of which four are enrolled members in Native tribes; six Democrats and three Republicans; further response, statute requires nine commissioners and advisory committees in each of the 12 regions; no Alaskans and no Native Alaskans but have two advisors who are utilized - Wilson Justin and Georgianna Lincoln

[8:27:11 AM](#)

MR. EID assisted much by those in Alaska; former state cabinet official in Colorado and ... for President Bush; thanked members for their time; report well worth read, particularly chapter 2; situation in Alaska outmoded; with growth in Alaska and the serious issues faced, suggested more local control and reliance on Native nations to address Native crime; victims of domestic violence in Alaska suffering 10 times national average and sexual assault 12 times, not including fact that underreported; highest rates of suicide in nation and Western hemisphere; all nine of commission believe Alaska is on the wrong track with

centralized system; higher proportions and wasteful financially; recommend strongly that Alaska review its system; Alaska stands out as location where more local control is necessary

[8:31:20 AM](#)

MR. EID reviewed recommendations; federally recognized nations; no Indian reservation system but steps to clarify boundaries that nations have and use territorial authority for policing and courts could result in better situation; local law enforcement and government is key; Alaska spends more money litigating suits against Native Alaska tribes than elsewhere in the nation

[8:33:45 AM](#)

REPRESENTATIVE REINBOLD passage of arming VPSOs; many of these areas are unorganized; which local government

MR. EID agreed arming VPSOs is important and supported by commission; understand that some villages can do this and some can't; first put question and have conversation with villages; Lower 48 some tribes band together to have intertribal law enforcement and courts and work with state to delineate boundaries; dialogue with villages who can't do in order to build capacity to reach ability; build up court system; consider program in which part of geographic area with public defender; get locals to do more and build ...; opposite occurs in system; central system never works

[8:37:22 AM](#)

REPRESENTATIVE REINBOLD agree with Chief Justice Fabe in this case; asked at what level: federal, state, local level; further asked what can do

[8:38:08 AM](#)

CO-CHAIR NAGEAK formal recognition of tribes in Alaska would be appropriate and first start

AURORA said she couldn't give specific answer

CO-CHAIR NAGEAK continued regarding need to recognize tribes

AURORA state does recognize that there are federally recognized tribes in Alaska; issue tends to be around ownership of land and not having reservation style

MR. EID state does not currently recognize Alaska Native nations on a government to government basis and should occur today; US Constitution clearly recognizes; once respect, more than symbolic in that starts on path of how to address

[8:41:45 AM](#)

CO-CHAIR LEDOUX inquired as to how would work practically; Lower 48 where reservations, assume that if on reservation whether member of tribe or not, subject to tribal law; in Alaska with no land that goes along with being tribe, she asked whether there could be a situation in which only members of tribe would be subject to the law or only those in vicinity

CO-CHAIR NAGEAK historically when land settlement necessary, but understand majority of people in rural Alaska wanted tribes however Congress wanted corporations, which own land; all members of tribe are shareholders in corporations; tribes do own land as most members of tribes are corporation members

MR. EID Lower 48, when Native on tribal land or its boundaries, tribe has authority over that person; tribe does not have tribal jurisdiction over non Native persons on tribal land; 1978 case, Oliphant but changed with the Violence Against Women Act, which gave tribal jurisdiction over non Natives in certain instances; both U.S. Senators support including Alaska in the aforementioned; can do this without debate over land - would have to receive clarification from Congress; all legislature has to do is work with Alaska Native nations to establish boundaries, government lines

[8:49:08 AM](#)

REPRESENTATIVE FOSTER support pushing Alaska Native justice to the lowest level; some of his communities have about 100 people - can this work at that level or need to go to hub level

MR. EID yes, commission reviewed that issue; maybe focus on big problem such as alcohol such as providing authority to combat alcohol use which could be done in small villages by having tribal court judge that serves a few villages; noted that don't have to be lawyers; state could deputation them as state's judges in the communities; many of the tribal governments in Lower 48 use Native and non-Native judges as needed; have to be realistic about what can be done now; start with something that's important

[8:53:05 AM](#)

CO-CHAIR NAGEAK opened public testimony

[8:53:21 AM](#)

}MICHELLE DEWITT, Executive Director* Bethel Community Services Foundation* Bethel, Alaska* .{ lived and worked in Bethel since 1990s with women's services; provide direct services and administration; learned from all these years working with Natives impacted by domestic violence and sexual assault, need to spend less time trying to fix broken systems; realized that need to stop being so defensive of systems that are in place as not always best way; believe that could add VPSOs and Troopers and won't address crime in the most rural tribal communities; statistics; agreed with recommendations of report from perspective of practitioner in direct services as it's time to respect and engage folks in local solutions

[8:57:13 AM](#)

REPRESENTATIVE HERRON inquired as to why Alaska didn't fight for inclusion rather than fight for exclusion, save Metlakatla

MS. DEWITT said she believes that it has to do with land; state spends significant resources around land that then impacts social policy and ability to move forward on other platforms; fear of acknowledging sovereignty and respect; stop being so defensive about broken systems and start addressing issues

[8:59:27 AM](#)

REPRESENTATIVE HERRON historically federal government has dealt with American Indians; asked if Alaska Native Claims Settlement Act (ANCSA) ...; asked if tribal rights have been ...

MR. EID ANCSA most amended federal law and thus is very different than in 1971; in some sense, creates confusion but Congress can fix with support of legislature; legislature and governor have key role as it was envisioned there would be a system in Alaska to maintain Native identity with development but today too much crime and central system not working; bold thing is to review ...; much leadership in which legislature can play role; starts with respect

[9:03:37 AM](#)

REPRESENTATIVE KITO III with over 200 recognized tribes in Alaska, asked if there is a proposed structure for the smaller communities

MR. EID emphasized that it's an issue to be worked out with the legislature and tribal entities; process isn't happening now as state's posture has been to not recognize tribes and do things from rural hubs; the legislature could establish governmental boundaries that are consistent with crime in areas

[9:06:09 AM](#)

CO-CHAIR NAGEAK regional corps have established nonprofits that receive lots of federal funding; today push back from tribal govts regarding most of money to nonprofits; territorial conflict

[9:07:36 AM](#)

REPRESENTATIVE HERRON inquired as to the intent of the co chairs

CO-CHAIR NAGEAK no idea, just wanted opportunity to bring in public; up to discussion

CO-CHAIR LEDOUX recalled that this is presentation to education and then several weeks from now might discuss what can do

[9:09:01 AM](#)

REPRESENTATIVE HERRON recommended that report be held for further consideration so when available the attorney general can share his views; wanted on record what attorney general is doing to recognize sovereignty in the state

[9:09:51 AM](#)

CO-CHAIR NAGEAK agreed great idea

[9:10:29 AM](#)

[9:10:46 AM](#)

}JAMES HOELSCHER, First Sergeant* Village Public Safety Officer (VPSO)* Hooper Bay, Alaska* .{ challenges of working with three different organizations - state, VPSO employer, and local community; conditions: all three have shared mission in that

want better public safety in community, need to network resources across the regions; scheduling; communication and networking complex; perception of duplication of services; stronger partners may dictate administrative processes that organization may not have chosen itself; financial information and control; benefits - retain sovereignty, combined resources, larger audience, improved support system; as VPSO, feel as if pulled in different directions and in conflict - sometimes more stressful than calls; work for residents of Hooper Bay

[9:16:15 AM](#)

REPRESENTATIVE FOSTER top three suggestions regarding what legislature could do to improve VPSO process in area

MR. HOELSCHER agreed to do so

[9:17:15 AM](#)

REPRESENTATIVE HERRON inquired as to what Mr. Hoelscher would order if king for a day

MR. HOELSCHER difficult question, hope that everyone listen with open ears to those educated, honest people who are trying to address community needs whether it's the VPSO, community police officer, municipal police officer, and ... finances often cause wrinkles in the system; communities should have the number one say in public safety and if they set precedent of what set, then should be met; Alaska Native in Alaska Native community - seems uphill; upset direction Alaska Native people have been led down with substances such as alcohol; wished everyone worked toward same goal

[9:21:12 AM](#)

REPRESENTATIVE HERRON inquired as to the number of Troopers he has trained to understand what it's like to live in Hooper Bay

MR. HOELSCHER over 20; found that most enjoyable aspect is to educate folks of the culture and community which is necessary to gain trust

[9:22:32 AM](#)

REPRESENTATIVE HERRON of the over 20, asked if some of those Troopers changed or some left

MR. HOELSCHER some of both

[9:24:07 AM](#)

MR. HOELSCHER resources lacking for VPSO - housing, vehicles, and office space; even if most available, a lot of times the support is missing such as office supplies or heating fuel; grateful to work in community with all three; with partnership of state, city, and nonprofit receive support; was a chief of police for Hooper Bay - certified police officer and thus carried gun; challenge with VPSO responding to emergencies is responding without backup

[9:28:27 AM](#)

}CARLA AAELKOK,

[9:29:10 AM](#)

}SHANNON JOHNSON-NANALOOK* Iliamna, Alaska* .{ Iliamna is hub community but only has one VPSO and Trooper; nine years working in Togiak as .. worker; been service provider since 1990s; worked with numerous VPSOs in region; VPSO partnership; buddy system used in Togiak; VPSO would get her to respond to domestic violence incident after VPSO dealt with case; reviewed VPSO roles in these cases; VPSO function as medical examiner to role model in which present DARE presentations; involved with tribal court and assistance with VPSO is much appreciated; understand no easy fix but hope to provide insight of importance of VPSOs and the roles they fill; VPSOs wear so many different hats and need in communities

[9:36:02 AM](#)

}MIKE MYERS, Roving VPSO* Dillingham, Alaska* .{ day-to-day seems that most villages are receptive to having VPSOs, but problem is VPSO presence is seen as who is going to arrest; misconceptions regarding how people live in villages; most common problems are alcohol and drugs; everyone wants VPSOs to do something different such as Troopers want to be police officers, but he considers himself a social worker half of the time; mental health issues - but it takes days to get someone to villages to help; small problems lead to larger problems; need to education VPSOs, Troopers as well as mental health professionals and physicians;

[9:41:05 AM](#)

}HOLLY HANDLER, Attorney* Alaska Legal Services* Alaska Federation of Natives* Juneau, Alaska* .{ Chapter 2 discusses the Tribal Law and Order Act; one of the perspectives of commission is national examination of Act that wasn't implemented in Alaska; self-determination of tribes impacted communities in Lower 48 and slower pace in Alaska; question why Alaska left out as it's the epicenter of domestic violence and sexual assault; ANCSA certainly has grey areas, long standing that ANCSA didn't extinguish tribal law in Alaska; practical implications - one of key reports examined was 2012 commission in Alaska issued a comprehensive report with suggestions regarding what to do and thus the ground work has been laid; observations of the Rural Justice and Law Enforcement Report is to examine the playing field; both commissions recognized that different playing field - most tribal courts are volunteer versus state paid courts; there is federal funding for some tribal courts in Alaska but those are predominantly are three-year grants which is problematic; most significant recommendation of report is that the report not be shelved; commission acknowledged all the work that has been done but there has not been follow through such that issues become significant priority

[9:48:57 AM](#)

REPRESENTATIVE HERRON expressed his desire to have an animated discussion with the attorney general

MS. HANDLER the more discussion the better

[9:49:49 AM](#)

REPRESENTATIVE HERRON inquired as to why reluctance to acknowledge sovereignty

MS. HANDLER don't believe right person to answer; observed in her work that there is a great deal fear of the implications of recognizing tribal governments; issue of having discussions to have fears stated and allayed; foster care funding collaboration from state to tribal courts

[9:53:02 AM](#)

REPRESENTATIVE HERRON requested that co-chairs write letter to attorney general and the cc's asking why didn't take up

[9:53:48 AM](#)

CO-CHAIR LEDOUX said she was curious as to why deputy attorney general was present

[9:54:08 AM](#)

CO-CHAIR NAGEAK hold report, write aforementioned letter

CO-CHAIR LEDOUX expressed interest in vibrant discussion

[9:54:56 AM](#)

CO-CHAIR LEDOUX once represented Lake and Peninsula Borough, community had ceded power to the community administrator and when people violated social norms of community, the traditional punishment of banishment was used; would such be available under tribal law situation

[9:56:13 AM](#)

CO-CHAIR NAGEAK ... tickets

[9:56:34 AM](#)

MS. HANDLER acknowledged that is a traditional enforcement in Native and non-Native communities; reality of what happens now regardless of what happens with reports

[9:57:57 AM](#)

REPRESENTATIVE HERRON the first Alaska Native judge, blue ...; trying to stop using phrase "local control" but rather use "local responsibility"

[9:58:54 AM](#)

CO-CHAIR NAGEAK closed public testimony

[9:59:21 AM](#)

AURORA requested clarification of holding and requesting attorney general and whether it's separate than future meeting

REPRESENTATIVE HERRON want attorney general on the record

[10:00:25 AM](#)

AURORA, in closing, appreciate members taking the time to be here and engaging in conversation and agreeing that conversation needs to happen

[10:01:12 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 10:01 a.m.



March 28, 2014

Submitted Via Email

Honorable Don Young
Chairman
U.S. House Subcommittee on Indian and Alaska Native Affairs
1324 Longworth House Office Building
Washington, D.C. 20515

Honorable Colleen Hanabusa
Ranking Member
U.S. House Subcommittee on Indian and Alaska Native Affairs
1324 Longworth House Office Building
Washington, D.C. 20515

Re: Alaska Native Subsistence Co-Management Demonstration Act of 2014

Dear Congressman Young and Congresswoman Hanabusa:

I am writing this letter on behalf of the Alaska Federation of Natives (AFN) to express our unequivocal support for the Alaska Native Subsistence Co-Management Demonstration Act of 2014 (Act). AFN is the largest statewide Native organization and continues to be the principle forum and voice of Alaska Natives in dealing with critical issues of public policy and government. AFN's members include 153 federally-recognized tribes, 134 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums.

Alaska Native corporations are the largest private landowners in the state. The Ahtna Co-Management Project would allow Native people to have a meaningful seat at the management table – something we have long sought. The dual management system, where the federal government manages hunting and fishing on federal lands and the state manages state and private lands, is not working. A better approach by our estimation would be for the federal, state, and Ahtna tribal governments to enter into this co-management demonstration project to collectively manage the wildlife on traditional Ahtna lands.

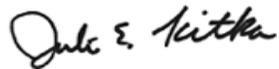
Subsistence is the lifeblood of our people, the foundation of all Alaska Native cultures, and the mainstay of food security in rural Alaska. Alaska Natives have a vested interest in managing sustainable hunting and fishing resources.

We believe that the Ahtna region is especially suited for this demonstration project because it is a relatively small region with a relatively small number of federally recognized Alaska Native tribes. Moreover, the Tribes in the Ahtna region support this demonstration project and have the

capacity to participate in a meaningful manner. For these reasons, and others, we respectfully request your support of the Act and of the project.

Attached is our testimony prepared for the House Resources hearing on March 14, 2014. If you have any questions, please let us know.

Sincerely,

A handwritten signature in black ink that reads "Julie E. Kitka". The signature is written in a cursive style with a large initial 'J'.

Julie Kitka
President

Cc: Alaska Congressional delegation
Governor Sean Parnell, State of Alaska
AFN Board of Directors



April 16, 2014

Sent Via Electronic Mail

The Honorable Pete Kelly
Co-Chair, Senate Finance Committee
Alaska State Legislature
State Capitol Rm. 516
Juneau, AK 99801
Senator.Pete.Kelly@akleg.gov

The Honorable Kevin Myer
Co-Chair, Senate Finance Committee
Alaska State Legislature
State Capitol Rm. 518
Juneau, AK 99801
Senator.Kevin.Meyer@akleg.gov

The Honorable Anna Fairclough
Vice-Chair, Senate Finance Committee
Alaska State Legislature
State Capitol Rm. 514
Juneau, AK 99801
Senator.Anna.Fairclough@akleg.gov

The Honorable Mike Dunleavy
Co-Chair, Senate Finance Committee
Alaska State Legislature
State Capitol Rm. 510
Juneau, AK 99801
Senator.Mike.Dunleavy@akleg.gov

The Honorable Click Bishop
Member, Senate Finance Committee
Alaska State Legislature
State Capitol Rm. 115
Juneau, AK 99801
Senator.Click.Bishop@akleg.gov

The Honorable Donny Olson
Member, Senate Finance Committee
Alaska State Legislature
State Capitol Rm. 508
Juneau, AK 99801
Senator.Donny.Olson@akleg.gov

The Honorable Lyman Hoffman
Member, Senate Finance Committee
Alaska State Legislature
State Capitol Rm. 111
Juneau, AK 99801
Senator.Lyman.Hoffman@akleg.gov

Re: House Bill 278, Education; Base Student Allocations for Fiscal Years 2015–2017

Dear Co-Chairs Kelly and Meyer and Senate Finance Committee Members:

The Alaska Native Federation (AFN), the largest statewide Native organization in Alaska, submits this letter, together with a copy of Resolution 14-10, in support of increasing the base student allocation (BSA) for fiscal years (FY) 2015–2017. We understand that Governor Sean Parnell, through House Bill 278, *Education*, has asked the Alaska State Legislature to increase the BSA by \$85 in FY 2015, and \$58 in each FY 2016

and 2017. However, for the reasons set out below, we believe that these numbers should be \$400 in FY 2015, and \$125 in each FY 2016 and 2017, with an inflation calculation mechanism added for FY 2018 and beyond to automatically increase the BSA without additional legislative action.

Prior to FY 2011 the Legislature steadily funded in-classroom educational expenses, providing incremental adjustments for inflation. This resulted in a 64% in-classroom increase between FY 2003 and 2011. However, the Legislature has only increased in-classroom spending by 1% since FY 2011, progressively losing value due to inflation. Accordingly, a “catch up” BSA of \$400 is required for FY 2015, followed by a \$125 BSA increase for each FY 2016 and 2017, to avoid a further educational crisis.

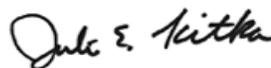
Without a meaningful increase in BSA, in-classroom positions, such as teachers, counselors, and nurses, will continue to be cut and larger, less effective classrooms will become commonplace for Alaska’s children. This is unacceptable. It also circumvents the Education Clause in the Alaska State Constitution, which requires that the Legislature “establish and **maintain** a system of public schools open to all children in the state.” (emphasis added). See ALASKA STATE CONSTITUTION, Art. VII, Sect. 1. In examining this clause, the Alaska Supreme Court, in *McCauley v. Hildebrand*, 491 P.2d. 120 (Alaska 1971) noted firmly that:

[t]he constitutional mandate for pervasive state authority in the field of education could not be more clear. First, the language is **mandatory**, not permissive. Second, the section not only requires that the legislature “establish” a school system, but also gives to that body the **continuing obligation** to “**maintain**” the system. *Id.* at 122. (emphasis added).

Please do not be persuaded by the misguided argument that educational spending has increased since FY 2011. While this is true, and the Legislature has appropriated additional funds for construction, maintenance, fuel, transportation, etc., none of these shortfall monies could be used for in-classroom purposes. Thus, even through general spending increased, in-classroom funding has decreased by roughly 7% since FY 2011.

For these reasons, and others, AFN urges the Senate Finance Committee to fund the BSA in the manner suggested above. If you have any questions or comments about the content of this letter, please contact me directly. Thank you.

Sincerely,
ALASKA FEDERATION OF NATIVES



Julie E. Kitka
President



Alaska Federation of Natives
2014 Legislative & Litigation Committee
Resolution 14-10

TITLE: SUPPORT FOR AN INCREASE TO THE BASE STUDENT ALLOCATION

WHEREAS: The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally-recognized tribes, 134 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs; and

WHEREAS: The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and

WHEREAS: The Base Student Allocation (BSA) is the basis for how state funding is distributed for students and staff; and

WHEREAS: The State has not increased the BSA since 2011, falling substantially behind inflation; and

WHEREAS: The BSA should be increased every year, because costs to run Alaska schools (*e.g.*, staff salaries, staff benefits, fuel costs, etc.) increase every year; and

WHEREAS: Without an increase to the BSA to catch up with the rate of inflation positions and programs will have to be cut every year, including teachers, counselors, nurses, and sports; and

WHEREAS: In recent years the Alaska State Legislature (Legislature) has appropriated extra funds for construction, maintenance, or fuel, which are valuable, these monies cannot be used for staffing and do not help students in the classroom; and

WHEREAS: A \$400 dollar increase to the BSA in fiscal year (FY) 2015 will replace the educational funds that have been lost to inflation since the Legislature last increased the BSA in 2011, and an addition \$125 dollar BSA increase in each (FY) 2016 and 2017 will ensure a stable and predictable source of funding for our schools before the BSA will have to be reexamined.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Alaska Federation of Natives, Inc. that AFN requests that the Legislature increase the BSA by the amounts above in order to avert the proposed district cuts.

BE IT FURTHER RESOLVED that the increases to the BSA be adjusted for inflation in FY 2018 to allow the allocation to increase each year without additional legislation.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

Passed on April 15, 2014





Alaska Federation of Natives
1577 C Street, Suite 300, Anchorage, Alaska 99501
907.274.3611 Fax: 907.276.7989
www.nativefederation.org

FOR IMMEDIATE RELEASE
March 31, 2014

CONTACT
Jeff Silverman - 907.263.1304
jsilverman@nativefederation.org

AFN APPLAUDS SUPREME COURT DECISION ON KATIE JOHN CASE

ANCHORAGE, AK – Today the Supreme Court of the United States decided to reject the State of Alaska’s petition in the legal case *State of Alaska v Sally Jewell, Secretary of the United States Department of Interior et al*, widely known as one of the Katie John Cases.

“We are very pleased with the Supreme Court’s wise decision to uphold the rulings of the lower courts,” said AFN Co-chair Tara Sweeney. “This is not only a victory for Katie John and her family, for Alaska Natives and other rural Alaskans who depend on subsistence to feed their families, but for all Alaskans who seek a prosperous, fair and equitable society.”

Governor Parnell’s lawsuit asked the Court to overturn the federal rules promulgated in 1999 that include waters subject to the federal reserved water rights doctrine in the definition of public lands in Title VIII of ANILCA. The federal rules provide a subsistence priority during times of shortage for rural Alaskans.

AFN Co-chair Ana Hoffman added, “The Parnell administration’s lawsuit was an assault upon the people of Alaska who depend upon hunting, fishing and gathering to feed their families. We are very glad that we can put that behind us and work together toward a lasting and fair solution to our state’s subsistence management problem.”

“AFN is grateful for the full support of Secretary of the Interior Sally Jewell, Secretary of Agriculture Tom Vilsack, and top Department of Justice officials, representing the federal government, who is also a party to this case, as well as the Native American Rights Fund,” said Julie Kitka, AFN President. “We still have work to do. We still struggle under a highly complex federal-state dual management system, which needs reform.”

Several recent polls show that more than two-thirds of Alaskans support a rural subsistence priority. The people of Alaska support AFN’s efforts to protect our people, who depend on fishing and hunting to feed their families..

Dr. Rosita Worl, Co-chair of AFN’s Subsistence Committee, said, “AFN and the Native leadership recommits to double our efforts to protect our peoples’ rights. We will focus on what we can do for ourselves without regard to federal and state action. We will continue to build the internal capacity of the Native community. We will continue to explore state legislative actions and further Congressional actions. Lastly, we will call upon President Obama and his Cabinet Secretaries Sally Jewell and Tom Vilsack to utilize all their Executive and Administrative authority to protect the people dependent on subsistence fishing to feed their families. There will be no slow down of our efforts.”

PRESS BRIEFING TODAY!

AFN will issue the organization’s formal response today at 1 pm an open Press Briefing in Anchorage at its offices at 1577 C Street, Suite 300. AFN Co-Chairs Ana Hoffman and Tara Sweeney, Subsistence Committee Chair Dr. Rosita Worl, Katherine Martin, the late Elder Katie John’s granddaughter, and AFN President Julie Kitka as well as lead attorney’s for Native American Rights Fund and AFN will deliver statements and then opened the floor to questions. A copy of the event can be watched on www.nativefederation.org.

There will be a call-in line if you cannot participate in person. Please contact Jeff Silverman at AFN for the number and PIN. (907) 263-1304; jsilverman@nativefederation.org

#



*AFN/State of Alaska
Committee for the Advancement of Alaska Natives
(CAAN)
Emergency Management Seminar
Monday April 14th, 2014
Skagway/Valdez Room
Marriot Hotel
Anchorage, Alaska*

Monday, April 14th, 2014

- 8:00 – 8:30 Welcome and Introductions – Melanie Bahnke & McHugh Pierre
- 8:30 – 8:35 Prayer
- 9:30 Overview of communities threats and hazards followed by a discussion of known best practices in those communities
- AVCP
 - TCC
 - Kawarek
- 9:30 – 10:00 Break and Networking
- 10:00- 11:00 Small Community Emergency Response Plan (SCERP) Presentation – Paul Valley/Kim Wiebl
- 11:00 – Noon State Disaster Process – Roles & Responsibilities, Resource Availability and Process for Resources Requests – Bryan Fisher/Claude Denver/Mark Roberts
- Noon – 1:00 Lunch
- 1:00 – 2:00 FEMA Direct Federal Support to Native Tribes – FEMA Representative
- 2:00 – 2:45 Preparedness Resources – Training, Exercise and Outreach Capability – Jeff Lafferty/Dan Belanger/Allen Hulse
- State Resources
 - FEMA Resources
 - AVCP Resources
 - TCC Resources
 - Kawarek Resources
- 2:45 – 3:15 Break and Networking

- 3:15 – 4:15 Discussion of Gaps Support – Facilitated by Mike O’Hare
- 4:15 – 4:30 Closing Remarks – Melanie Bahnke & McHugh Pierre

March 11, 2014

Alaska Chapter SCI
PO Box 770511
Eagle River, AK 99577
(907) 980-9018



The Honorable Don Young
United States Congress
2314 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Young:

We are writing to express our deep concerns over the proposed legislation that, as we read it, would cede management of a public resource to a private party, and perhaps worse, increase federal authority to manage our wildlife resources.

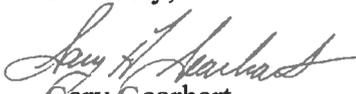
Upon close examination by our experts, it appears this Draft Legislation to set-up co-management authority for Ahtna in the Copper and Nelchina Basins potentially violates provisions in our Statehood Compact, the Alaska Constitution, ANCSA and ANILCA. Furthermore, it appears to overturn the decision in the Venetie case.

If our interpretation of the bill is correct, we are left with little option other than to oppose this effort. However, we do not wish to close any doors where there may be some hope of achieving mutually beneficial goals for all of Alaska's people. SCI and its Alaska Chapter have a long history of providing assistance in the area of wildlife related economies for indigenous peoples. We believe that history provides opportunities for discussions among factions to develop a consensus based approach to resolving some of these issues here in Alaska. For instance, we believe our approach of meaningful discussions led to greater support for the Sealaska Lands bill.

Ahtna owns a significant amount of land in the Copper Basin. Managed properly, that land could sustain some economically viable businesses that also would help maintain their cultural traditions. We understand the frustration that led to this bill; however, as much as the bill speaks to co-management, it really proscribes a management model that eliminates the State and gives control to the Secretary. We believe we can do better for all of Alaska's people and respectfully request you return to the drawing board and help facilitate an acceptable solution.

Thank you for your time and consideration on our behalf.

Sincerely,


Gary Gearhart
President

cc: Senator Murkowski
Senator Begich
Governor Parnell

SCI's Top Gun Chapter

ALASKA FEDERATION OF NATIVES MONTHLY PRESIDENT'S REPORT



MARCH 2014
PAGE 1

DEAR AFN CO-CHAIRS, BOARD MEMBERS & MEMBERSHIP,

Last week the Supreme Court of the United States decided to reject the State of Alaska's petition in the legal case State of Alaska v Sally Jewell, Secretary of the United States Department of Interior et al, widely known as one of the Katie John Cases.

We are very pleased with the Supreme Court's decision to uphold the rulings of the lower courts and finally end this phase of the many-decades-long legal battle over our subsistence rights. This was a hard-won victory for Alaska Natives and other rural Alaskans who depend on subsistence to feed our families. This was a victory we earned through a conscious and powerful defense of our rights. We should all be proud.

Governor Parnell's lawsuit was a deliberate attack on Alaska Native rights and on all Alaskans who depend on hunting and fishing to feed our families and sustain our cultures. Although we are glad that we can put this particular legal battle behind us and work together toward a lasting and fair solution to our state's subsistence management problem, Governor Parnell has demonstrated an alarming disregard for our peoples' rights and wellbeing. It will be up to us to mobilize our vote accordingly.

AFN is grateful for the full support of Secretary of the Interior Sally Jewell, Secretary of Agriculture Tom Vilsack, and top Department of Justice officials, representing the federal government, who is also a party to this case, as well as the Native American Rights Fund. We still have work to do. We still struggle under a highly complex federal-state dual management system, which needs reform. We look forward to the work ahead, with so many in the administration now engaged on the subject of subsistence.

Several recent polls show that more than two-thirds of Alaskans support a rural subsistence priority. The people of Alaska support AFN's efforts to protect our people, who depend on fishing and hunting to feed their families..

We will redouble our efforts to protect our peoples' rights in the coming months and beyond. We will build the internal capacity of the Native community to best support state legislative actions and further congressional actions. We will call upon President Obama and his Cabinet Secretaries Sally Jewell and Tom Vilsack to utilize their Executive and Administrative authority to protect the rights of our people.

Sincerely,

Julie Kitka, President
Alaska Federation of Natives

ALASKA FEDERATION OF NATIVES MONTHLY PRESIDENT'S REPORT



MARCH 2014
PAGE 2

SUBSISTENCE DEFENSE

Funding will play a major role in our ability to defend and stabilize our subsistence rights in the wake of this month's Supreme Court decision. Letters were sent this week to each village member and non-profits (with 10 envelope packets to distribute among themselves).

We hope that we can count on our community of members to support our fight for subsistence -- it is, indeed, our best and only chance at success.

Please send what you can and help us shape our subsistence priorities by sharing three specific items you'd like to see. We will prioritize those activities that are most important to you:

- o Subsistence Festival – cultural event around NCAI
- o Weekly Subsistence Cultivation Breakfasts
- o “Win a Trip to Fish Camp”
- o Establishment of a fundraising campaign around one specific Subsistence Defense Day (this would be primarily an online and social media driven campaign)
- o Subsistence Calendar (similar to Migratory Bird Calendar)



CONTENTS

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UPCOMING

DHS & EM SPRING CONFERENCE – CAAN SEMINAR

APRIL 14, 2014 | 8AM-4:30AM
DOWNTOWN MARRIOTT HOTEL,
ANCHORAGE AK

HONORING OUR CHILDREN DAY

APRIL 26, 2014 | ALL DAY
ALL ALASKA
[LEARN MORE AN REGISTER AT
HONORINGOURCHILDREN.ORG](http://HONORINGOURCHILDREN.ORG)

DOE ALASKA NATIVE VILLAGE ENERGY DEVELOPMENT WORKSHOP (MORE IN PG 8)

APRIL 29-30, 2014 | ALL DAY
DENA'INA CENTER
ANCHORAGE, ALASKA

NEXT FULL BOARD MEETING

MAY 7, 2014
KODIAK, ALASKA

ALASKA FEDERATION OF NATIVES MONTHLY PRESIDENT'S REPORT



MARCH 2014
PAGE 3

SUBSISTENCE

Alaska Native Subsistence Co-Management Demonstration Act of 2014

AFN staff and Ahtna representatives traveled to Washington DC in March for a hearing before the House Subcommittee on Indian and Alaska Native Affairs on the Alaska Native Subsistence Co-Management Demonstration Act of 2014. The proposed law would create a wildlife co-management program that shares authority between federal, tribal and state officials. Through this bill, the people of the Ahtna region would be provided a meaningful role in management on their 1.7 million acres of land.

AFN Co-chair Tara Sweeney and Ahtna, Inc. President and AFN Board member Michelle Anderson testified at the hearing.

This program is a demonstration project, offering a simple solution to the persistent problem of dual federal/state management of Alaska lands. The Alaska Native community is united behind the project and supports the Ahtna region in their efforts to protect their rights.

We thank Congressman Young (chair of the subcommittee) for his leadership in holding this hearing and giving subsistence co-management fair consideration.

We also thank U.S. Representative Colleen Hanabusa (Hawaii), ranking Democrat on the House Subcommittee on Indian and Alaska Native Affairs, for her support. We look forward to continuing work with Congresswoman Hanabusa on these important issues.

With this report you will find the electronic packet of information that Ahtna has been using to educate legislators and policymakers, as well as a letter to Governor Parnell and an SCI opposition letter that we were provided while in DC for your reference.



TAKE ACTION

- 1) Watch the hearing and download the draft legislation:**
<http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=371688>
- 2) Review the testimony and AFN letter of support attached to this report.**
- 3) Use the template on the next page to express your support!**



ALASKA FEDERATION OF NATIVES MONTHLY PRESIDENT'S REPORT



MARCH 2014
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SAMPLE LETTER

April [date], 2014

Honorable Don Young, Chairman
U.S. House Subcommittee on Indian and Alaska Native Affairs
1324 Longworth House Office Building, Washington, D.C. 20515

Honorable Colleen Hanabusa, Ranking Member
U.S. House Subcommittee on Indian and Alaska Native Affairs
1324 Longworth House Office Building, Washington, D.C. 20515

Re: Alaska Native Subsistence Co-Management Demonstration Act of 2014

Dear Congressman Young and Congresswoman Hanabusa:

The [name of your organization], [brief description of your organization], submits this letter in support of the Alaska Native Subsistence Co-Management Demonstration Act of 2014 (Act), and of the demonstration project authorizing the Ahtna people of Alaska's Copper River region to manage the wildlife on traditional Athna hunting lands, as well as other Alaska Native and federal lands within the region, through a unified Federal-Tribal co-management regime. The language of the bill leaves the door open to the State of Alaska if it wants to participate in the co-management project as well.

The federal government assumed management responsibility of subsistence uses of Alaska's wild, renewable resources on federal lands in 1990 after the State of Alaska invalidated its subsistence-use priority laws and fell out of compliance with the Alaska National Interest Lands Conservation Act (ANILCA), which recognizes a rural Alaska resident subsistence preference in the taking of fish and wildlife on public lands. The State of Alaska manages fish and game on state and private lands.

Alaska Natives, including the Ahtna people, have no formal management responsibility in Alaska's current federal and state management regime. Rather, we must rely on the complex and strained dual management system to protect our subsistence needs. A better approach by our estimation would be for the federal, state, and Ahtna tribal governments to enter into a co-management demonstration project to collectively manage the wildlife on traditional Ahtna lands.

We believe that the Ahtna region is especially suited for this demonstration project because it is a relatively small region with a relatively small number of federally recognized Alaska Native tribes. Moreover, most of the Tribes in the Ahtna region support this demonstration project, and have the capacity to participate in a meaningful manner. For these reasons, and others, we respectfully request your support of the Act and of the project.

Sincerely,
[insert the name of your organization][insert your title]

Ahtna Demonstration Project Support

APRIL 2014

ALASKA FEDERATION OF NATIVES MONTHLY PRESIDENT'S REPORT



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PAGE 5

AFN COUNCIL ON THE ADVANCEMENT OF ALASKA NATIVES PRIORITIES

Resolutions 13-11, 13-16, 13-18, 13-26, 13-40, 13-8
through 13-24

PUBLIC SAFETY: WOMEN, CHILDREN, AND VULNERABLE CITIZENS

Our thanks to everyone who submitted letters and demonstrated support for the March 11th Community & Regional Affairs Committee hearing on the Indian Law & Order Commission's "Roadmap for Making Native America Safer." Draft minutes from the hearing accompany this report in PDF format.

A followup hearing is now scheduled for April 8th from 8am-10am. This month's hearing will specifically address proposed solutions and recommendations to improve public safety. **Please consider calling in to listen (contact your local leg. affairs office to ask to be included) and sending a letter of support. A sample letter is can be found on the next page.**

PUBLIC SAFETY: DHS & EM PREPAREDNESS CONFERENCE

AFN will host a one-day add-on to the Department of Homeland Security and Emergency Management Preparedness Conference on April 14th in Anchorage.

This day-long Emergency Management Seminar will cover best practices, known hazards and threats, FEMA support, training and a discussion of gaps in support. A draft agenda is included with this report.

Register for the conference at: <http://ready.alaska.gov/PrepConSpring2014>.

**Remember to Register!
HONORING OUR
CHILDREN DAY**

**APRIL 26, 2014
HONORINGOURCHILDREN.ORG**

ALASKA FEDERATION OF NATIVES MONTHLY PRESIDENT'S REPORT



MARCH 2014
PAGE 6

SAMPLE LETTER

April [date], 2014

The Honorable Gabrielle LeDoux
Co-Chair, Community & Regional Affairs
416 State Capitol, Juneau, AK 99801

The Honorable Ben Nageak
Co-Chair, Community & Regional Affairs
428 State Capitol, Juneau, AK 99801

RE: Committee presentation on the Indian Law & Order Commission's "Roadmap for Making Native America Safer"

Dear Representative LeDoux and Representative Nageak:

My name is *(your first and last name)* and I am from *(your home community)*. I understand the House Community and Regional Affairs Committee will hold a hearing on the Indian Law & Order Commission's report, "A Roadmap for Making Native America Safer" on April 8, 2014 to explore recommendations to improve public safety in rural areas of Alaska. I appreciate your leadership in recognizing the need to educate and collaborate with your colleagues, and the public, to improve access to justice, availability of law enforcement, and public safety resources in rural Alaska.

(Include a personal story. Tell your representative why the issue is important to you and how it affects you, your family and your community. Examples: no VPSO in your community, experience waiting for a trooper/VPSO to arrive after an incident, having to travel for court or incarceration, fear that you/your relatives would have nowhere to go if in a domestic violence situation, difficulty navigating the justice system remotely.)

I thank you for the affirmative steps being taken to improve public safety in *(your home community)* and throughout Alaska.

Sincerely,

SIGN YOUR NAME

Print your name
Street address
City, State, Zip

Cc: Members of Community & Regional Affairs Committee:
Representative Foster
Representative Herron
Representative Olson
Representative Reinbold
Representative Kito III



ALASKA FEDERATION OF NATIVES MONTHLY PRESIDENT'S REPORT



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LEGISLATION & LITIGATION

Resolutions 14-1, 14-2, 14-3, 14-7

The AFN Legislative and Litigation Committee is chaired by April Ferguson. They meet monthly to develop positions on both federal and state legislation and monitor court cases of interest to AFN. Here are some of the issues they considered at their last meeting:

STATE ISSUES

Senate Bill 94/House Bill 194, Rights-Of-Way.

SB 94 and HB 194 propose to limit the scope of R.S. 2477 rights-of-way that cross privately owned lands, including lands conveyed to Alaska Native corporations pursuant to the Alaska Native Claims Settlement Act, by: (1) narrowing their width; (2) confining their use to transportation and emergency purposes only; and (3) re-defining the State of Alaska's authority to maintain, repair, or improve these ROW. The bills further propose to vacate certain sections of the Copper Center-Valdez R.S. 2477 ROW, RST 33, widely known as the "Klutina Lake Road" or "Brenwick-Craig Road," which lies within the lands conveyed to Ahtna, Inc. under ANCSA. AFN supports SB 94 and HB 194 because they strive to balance the rights of private landowners against the rights of public land users. In addition to submitting a letter of support and corresponding resolution to the legislative sponsors, AFN is continuing to monitor the bills and provide public testimony.

Senate Bill 64, Omnibus Crime and Correction Bill.

SB 64 proposes to implement proven practices to reduce recidivism and cut the cost of corrections by establishing a substance abuse deterrence program for certain offenders, as well as a Criminal Justice Commission to evaluate the effect of Alaska's sentencing laws on the offender, victim, and public. The bill also proposes to raise the felony threshold from \$500 to \$1,200. AFN supports SB 64 because a disproportionately high number of Alaska Natives are incarcerated, and the bill seeks to lower this number. AFN is presently working on a letter of support for SB 64, and monitoring the status of the bill.

Senate Judicial Resolution 21/House Judicial Resolution 33, Constitutional Amendment of the Alaska Judicial Council.

As previously reported, SJR 21 and HJR 33 propose to increase the Alaska Judicial Council's membership from seven to ten members, by adding three additional non-attorney members. Alaska's Constitution currently provides for three attorney and three non-attorney Judicial Council members, with the Chief Justice of the Alaska Supreme Court acting as the ex-officio Chairperson. The Council's role is to recommend candidates for state judgeships in Alaska. AFN opposes SJR 21 and HJR 33 because they seek to politicize Alaska's judiciary by permitting the non-attorney Judicial Council members to outweigh the attorney members in the selection of judges. AFN recently circulated talking points to key state legislators, including members of the Bush Caucus, and continues to

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monitor the status of the resolutions and provide public testimony. We also submitted a letter of opposition and corresponding resolution to several state legislators as part of our initial efforts.

Senate Bill 161/House Bill 301, A Bill Related to Autopsies and Death Certificates.

As we also previously reported, SB 161 and HB 301 propose to make minor changes in Alaska law relating the State Medical Examiner's Office to ensure that no rural Alaska Native family assents to expensive funeral home services without the benefit of full, informed consent. Families currently understand that they must release their loved one to a funeral home following State Medical Examiner review, however, this is not required. AFN supports the clarification of state law because it will lessen the stress on grieving rural families. In addition to our letter of support and corresponding resolution, AFN continues to monitor the status of the bills.

FEDERAL ISSUES

Executive Order Mandating Co-Management.

AFN recently drafted a proposed executive order mandating federal and tribal co-management of Alaska's fish, wildlife, and other natural resources on public lands. On a recent trip back to Washington, D.C., AFN met with attorneys from the U.S. Department of Justice who agreed to work with AFN to improve the draft order.

DOE ALASKA NATIVE VILLAGE ENERGY DEVELOPMENT WORKSHOP

THIS WORKSHOP IS DESIGNED TO HELP ALASKA NATIVE VILLAGES AND CORPORATIONS UNDERSTAND THE RANGE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY OPPORTUNITIES THAT EXIST IN THEIR REMOTE COMMUNITIES. THE WORKSHOP WILL COVER TOPICS SUCH AS:

- STRATEGIC ENERGY PLANNING
- CLEAN ENERGY PROJECT DEVELOPMENT AND FINANCING
- TECHNOLOGY UPDATES
- ENERGY EFFICIENCY
- WEATHERIZATION
- WORKFORCE DEVELOPMENT

**DENA'INA CENTER
APRIL 29-30, 2014
NO COST TO ATTEND**

**ADVANCE REGISTRATION
REQUESTED.**

VISIT:
[HTTP://APPS1.EERE.ENERGY.
GOV/TRIBALENERGY/
WORKSHOPS.CFM](http://apps1.eere.energy.gov/tribalenergy/workshops.cfm)

OR EMAIL:
[TRIBAL@GO.DOE.GOV.](mailto:TRIBAL@GO.DOE.GOV)

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CONVENTION UPDATE

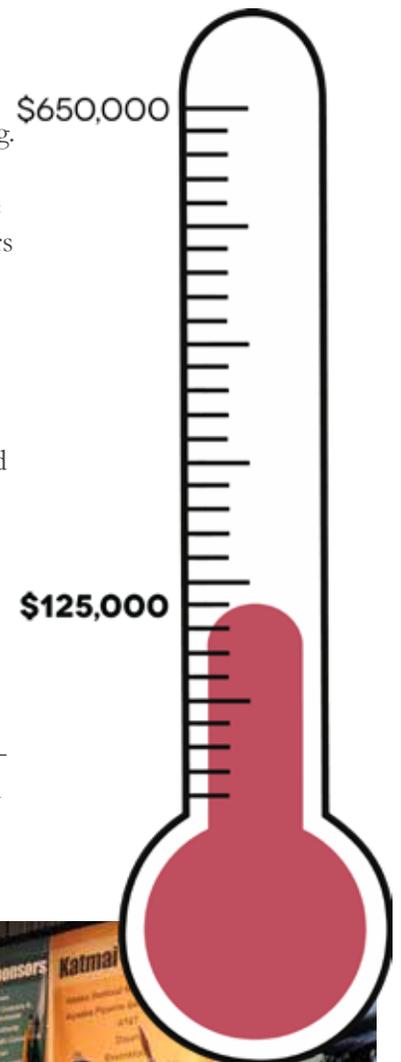
Planning and Fundraising

The Convention Committee and AFN staff have Convention planning in full swing. As with any major event, our first priority early in the planning process is fundraising. The total funds raised is the single most important determinant of the quality of our Convention's each year. Budget impacts everything from the speakers we are able to invite to our annual event, to the number of breakout sessions we can plan and the level of sophistication of our statewide broadcasts.

This year we need to raise \$650,000. Thanks to you, we have raised \$125,000 to-date -- a great start, but we still have a long way to go! AFN is excited to invite your organization to become a Sponsor of this year's AFN Annual Convention and to enjoy all of the benefits associated with sponsorship.

Every year, your support enables us to host the nation's largest gathering Alaska's Native leaders, national and international observers, invited guests, speakers and attendees from across the State.

Sponsors are provided with media acknowledgment, outreach, branding, and exhibiting depending on level of sponsorship. Please contact our office at 907-274-3611 for more information about the benefits of becoming a Sponsor, or check on our website at www.nativefederation.org.



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THANK YOU

The Supreme Court's March 31st decision was a great victory for our people and for subsistence. Perhaps most importantly, it was a shared victory, won because of our united advocacy for our people and the steadfast support of our allies in Alaska and beyond. The support we received was not a lucky coincidence, it was the result of a deliberate and powerful call to action by AFN and our Native leadership. We won this battle.

The coalitions that we mobilized in response to the state's petition are primed to support us now in reforming the broken subsistence management system once and for all. We must maintain the momentum we established early this year in defense of our peoples' rights.



ALASKA FEDERATION OF NATIVES

1577 C Street, Suite 300 | Anchorage, Alaska | 99501 | 907.274.3611 | afninfo@nativefederation.org



March 26, 2014

The Honorable Sean Parnell
Governor of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Parnell,

I write as Chairman of Ahtna, Incorporated to clear up some misconceptions about our federal legislative effort to gain a co-management role for subsistence hunting. I also invite you to meet with Ahtna to discuss the proposal.

First, I want to assure you that nothing in our proposal is intended to criticize the current members of the Board of Game or ADF&G. We believe that many of those you appointed to the Board and Department are working in good faith to solve the difficult hunting issues in GMU 13 and the other units within Ahtna's traditional territory. We appreciate the hard work involved in trying to develop a community subsistence program that works for our villages and other communities that genuinely want to participate in a community based pattern of subsistence hunting. It is a difficult job given past restrictive court interpretations of the state's subsistence laws.

However, administrations, boards and Department leadership and policy all change. We need long-term security and stability in the management of our subsistence hunting. Ahtna's co-management proposal attempts to meet our goal of ensuring that many future generations of Ahtna will have the opportunity to continue our customary and traditional hunting way of life. We believe that providing Ahtna a meaningful seat at the management table will help secure this future for our children, grandchildren and generations to come.

We mean for our proposal to be an improvement over the current system of dual state-federal management. The proposed co-management structure will help unify management, a benefit for hunters and wildlife populations.

We do not propose to lessen any current wildlife management authority the state has on lands in Alaska. The state is invited, not required to join in co-management under the proposal. We seek to strengthen Ahtna's role in managing for subsistence uses and resources on federal lands consistent with existing federal law. Therefore, the Secretary of the Interior is required to enter into co-management with Ahtna for managing subsistence hunting on federal lands.

We hope that you will come to view Ahtna's proposal as an opportunity that will help Alaska move past the current tension, dissatisfaction and litigation over subsistence management. Enhanced cooperation and communication through the partnership of co-management will improve wildlife management on all lands in Alaska.

Co-management is not new in Alaska. The state's involvement in co-management through the Alaska Migratory Bird Co-management Council, and the North Pacific Fishery Management Council is essentially co-management with federal agencies, Washington and Oregon. Co-management is in wide use throughout the lower 48, in Canada, and across the Globe. It is a proven approach that will work for Ahtna, the state, Alaskans, and to better ensure healthy wildlife populations.

Our proposal is founded on management using the best available science and incorporating the traditional knowledge of our elders. We believe this is a valuable contribution to improved wildlife management. Additionally, Ahtna is committed to forming an intertribal wildlife commission that is well staffed with biologists and other professions who can work with state and federal partners to develop management plans, including plans for improving habitat and increasing wildlife populations. These kinds of jobs and opportunities will be a wonderful motivation for our young people to get a higher education and come back to work for their people and communities.

An essential part of Ahtna's proposal is authority through federal legislation for Ahtna to manage wildlife on the lands it received as part of the settlement for Ahtna's land claims. Ahtna's leaders are guided by the goal that these lands should be managed to sustain the Ahtna people and their way of life. Congress intended for the same during the passage of ANCSA and ANILCA. Since the McDowell decision, the promises made by the state and Congress have gone largely unfulfilled, and the Ahtna people and our way of life has suffered the consequences.

We manage our lands for all other purposes. We manage our health, housing and numerous other social and economic programs and we do it successfully. We can also manage our lands to provide healthy and abundant wildlife population and to a hunting opportunity that is consistent our customary and traditional ways. We know our lands and needs better than anyone else.

Our proposal also extends the rural priority in ANILCA for federal public lands within Ahtna's traditional territory to enrolled members of Ahtna's eight federally recognized Native Villages. We are one people. We hunt, fish, gather and share as a tribal community no matter where a family resides. It is vital that our young people participate with their elders and extended families in our customary and traditional practices.

Allowing our tribal members who do not reside in the villages to join in the federal subsistence hunt on federal public lands within Ahtna's traditional territory will not diminish the federal

subsistence opportunity for rural Alaskans eligible to hunt in this area. Please note, Ahtna's proposal ensures that rural subsistence needs are met before a non-rural Ahtna member would be issued a hunting permit. In times of shortage, non-rural Ahtna members could help their rural elders and tribal community members fill their federal permits, but non-rural tribal members would not be entitled to a permit of their own.

Finally Governor, some are claiming that what Ahtna is proposing violates Alaska's Constitution. The proposal clearly does not violate either the state or federal constitution. As pointed out above, Alaska is already engaged in federal, state, tribal co-management.

Moreover, the proposal does not require the state to implement any management provision on state lands that is not approved by the Board of Game and is consistent with State laws. The proposal is clear that recommendations from the co-management partners would need to be approved by the state board for state lands and the federal board for federal lands consistent with the existing legal authorities for each.

It is also well established in federal case law that Congress can amend federal law to authorize Ahtna to manage wildlife on lands conveyed to Ahtna through ANCSA and for Native allotments held in restricted status for Ahtna tribal members. Congress also clearly has the authority to require the Secretary to enter into co-management with Ahtna for wildlife on federal lands within Ahtna's traditional territory. We plan on developing a short legal analysis for these issues and will send these along when they are complete.

We hope that this letter helps explain the fundamentals of Ahtna's proposal and the reasons why it is needed. We welcome an opportunity to sit down with you and further discuss the proposal. We think it is an innovative approach that can help Alaska move forward on subsistence management and that helps ensure abundant wildlife populations.

Sincerely,



Nicholas Jackson
Chairman of the Board

Cc: The Honorable Don Young, Congressman for All Alaskans
The Alaska Board of Game
ADF&G Commissioner Cora Campbell

Ahtna Statewide Alaskan Voter Opinion Survey

February 26, 2014



Craciun Research
Anchorage. Seattle. Washington, DC
907.279.3982
www.craciunresearch.com

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Ahtna contracted with Craciun Research Group Inc. (Craciun) an independent Alaskan based research firm since 1989, to conduct a baseline study primarily to determine Alaskans' current attitudes, opinions, perceptions and beliefs toward Alaska Native Customary and Traditional Hunting and Fishing. Secondly, Craciun was tasked with exploring in this statewide survey of Alaskan voters all aspects of current and potential wildlife management. The Craciun Team maintains the highest ethical standards in the research industry and thus will not release any data to anyone without permission from Ahtna or its agency of record Solstice Advertising.

RESEARCH METHODS

SURVEY INSTRUMENT

The survey instrument went through five revisions prior to approval by designated representatives for Solstice Advertising. Jean Craciun, as Research Director gave final approval of this survey for fielding after several pre-tests were conducted to evaluate algorithm patterns, respondent reliability and to make sure it was carefully designed to obtain thoughtful answers from respondents while avoiding instrument bias. The final questionnaire took on average 9 minutes to complete. This survey was conducted by a team of Craciun professional CATI interviewers whom were trained and monitored by a supervisor over the period from February 8-16, 2014.

THE SAMPLE

A sample of four hundred (n=400) Alaskan residents were chosen at random using registered voter lists; the sample frame design included an oversample of Glennallen. The sample was controlled so that it was proportional to the voting population historically for the electoral districts in the state; it was also controlled for gender and age.

The probability is that if the Craciun interviewers had sought to question every voter who met the specifications in every household in the State of Alaska, the findings would differ from the overall survey results by no more than 4.9 percentage points in either direction. Thus, the margin of error is +/- 4.9%. For subgroups, the margin of error is higher.

The sampling error is not the only way in which survey findings may vary from the answers that would result from talking to every voter in the population studied. Survey research is susceptible to human and mechanical errors such as interviewer recording and data handling errors.

However, the standardized procedures used by Craciun Research eliminate such errors associated with paper and pencil methods; thus keeping the human error potential to a

minimum.

DATA ANALYSIS & REPORTING

Members of the Craciun Research team, employing SPSS¹, analyzed the sample. The primary procedures reported are frequencies and cross tabulations.

Call summary reports provided by *The Survey System*² allowed supervisors and analysts to monitor the progress of the data collection process.

Up to five (5) callback attempts were made to minimize “ready access”³ bias and to assure the maximum feasible response rate.

Notes to Readers

Included in the presentation of each response is a summary or example of any significant findings, followed by relevant tables. All percentages in the narrative are rounded to the nearest whole percentage point.

Often, a few respondents fail to answer a question. Unless the percentage that failed to answer is significant, these people are not included in the totals upon which the percentages are based. Percentages in the tables occasionally do not add to exactly 100% because of rounding.

Cross tabulations describe data that may be related in some way. In many cross tabulations, categories are combined or omitted because the numbers are too small to be statistically significant. This manipulation may change the totals on which percentages are based, but does not affect the relationships between percentages.

Cross tabulations may be used to indicate differences (or lack of differences) between subgroups of people. When a lack of difference is being shown, a footnote is appended to the table indicating that the differences are not “statistically significant.”⁴

¹ Trademark registered.

² Trademark registered. Creative Research Systems, Petaluma California

³ We avoid the potential bias due to interviewing only those usually at home (e.g. homebound, elders, unemployed, etc.) by rotating days and times of calls and using aggressive call back procedures.

⁴ Statistical significance is determined by using a chi-square test with a significance factor of less than .05. The chi square test used by researchers, to determine whether a result may be due to random variation, is sensitive to sample size, since large random variations may occur in small samples.

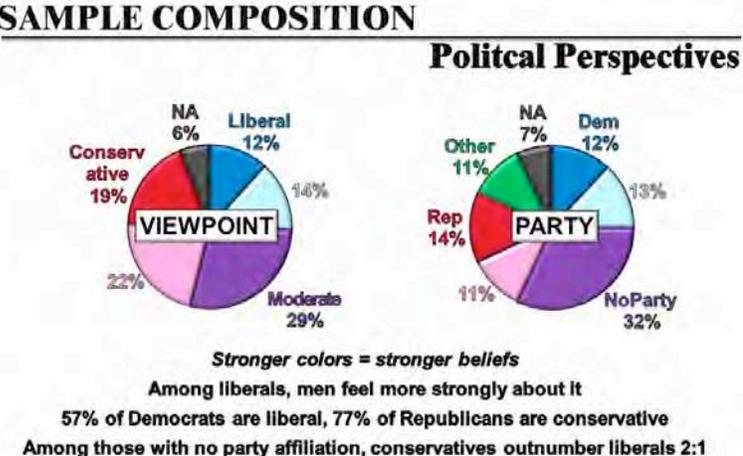
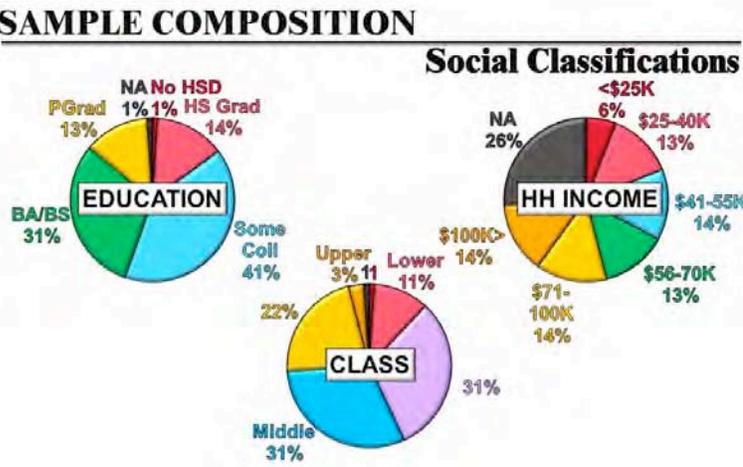
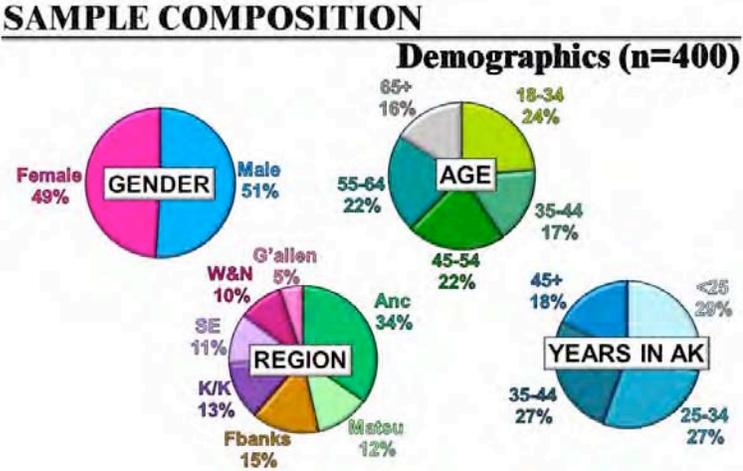
EXECUTIVE SUMMARY

General characteristics of the sample respondents

Respondents in this survey are roughly split between men and women. The largest age groups are 18-34s, 45-54s and 55-64s. As requested, Glenallen was oversampled (5%); otherwise, Anchorage was the largest area, followed by Fairbanks, Kenai/Kodiak, Matsu, SE Alaska, and Rural West and North. 18% have lived in Alaska for 45+ years; the rest are almost evenly split into three groups: under 25 years, 25-34 years, and 35-44 years.

In this survey, two measures define socioeconomic classification: income and education. Since so many (26%) declined to provide the former, the latter provides an indication of how we should classify those respondents. Accordingly, 25% are Upscale (college educated, incomes above \$70K), 31% are Middle Class (at least some college, earning \$41-70K), and the remaining 42% are Lower Class.

Only 25-26% are self-defined as Liberals or Democrats, about half of which are strongly committed. 29% define themselves as Moderate; 32% say they have no party affiliation. Of the 41% saying they are Conservative, most identify with the GOP but roughly a fourth ally themselves with other parties. 6-7% opted not to answer either of these two questions.



Outdoor recreation is a big part of life in Alaska

To get survey respondents “on topic” and prime them for considered evaluation of issues relating to the management of fish and wildlife, they were first asked a battery of questions relating to their own participation in outdoor recreational activities. As detailed at right, significant numbers of Alaskans take part in one or more of these activities:



- 70% enjoy hiking, especially younger residents and those in Fairbanks or rural West & North.
- 59% have gone fishing, mostly younger and male (peaking in Kenai/Kodiak/SE and rural W&N).
- 44% have experienced bird watching, primarily women (peaking in Fairbanks).
- 32% have tried snow machining and/or four-wheeling, an experience skewing male, younger, and somewhat downscale – more than twice as popular in rural West & North as elsewhere.
- 29% have gone hunting, mostly men, peaking in rural West & North but falling off in Anchorage.
- Only 4% have tried trapping, almost half of whom live in rural West & North.

Opinions on fish & wildlife regulation and the role of Alaska Natives in its management

Throughout the survey, there is broad agreement on the importance of Alaska Native culture and how that knowledge and experience with fish & wildlife can benefit all Alaskans for generations to come:

- 94% agree (69% strongly) that it’s important for Alaska to preserve its Alaska Native culture.
- 91% say that knowledge of the ecosystems in areas where Alaska Native peoples live is either extremely (63%) or somewhat (28%) important.
- 91% also say that sharing Alaska Native historical legacies is extremely (61%) or somewhat (30%) important.
- 87% agree (60% strongly) that knowledge of their culture and environment could help Alaska Native people work to preserve fish and wildlife for future generations.
- 86% agree (62% strongly) that something needs to be done in Alaska to safeguard the existence of fish and wildlife for all future generations.
- 85% agree (61% strongly) that Alaska Natives should have access to the wildlife on their property for customary and traditional hunting and fishing.
- This same strong sentiment extends to Alaska Natives work with state and federal agencies in managing fish and game throughout the state. 77% agree (51% strongly) that all Alaskans would benefit from such a co-management agreement.

Opinions on the value of Alaska Native culture

- Respondents acknowledged a primary value for Alaska Native people is hunting and gathering with 83% agree (49% strongly). This ranked similarly to agreement to the value of teaching art (88% agreement – 54% strongly), teaching Alaska Native languages (84% agreement – 47% strongly) and sharing Alaska Native legacies (81% agreement – 61% strongly).

Opinions regarding State wildlife management

- 56% agree (30%) strongly that the needs of rural Alaskans are not getting enough attention from State government. Of those who held a position this is a 2-to-1 ratio.
- When asked if the needs of Rural Alaska are being adequately met by the State, 43% answered in the negative, 34% answered affirmative and 23% did not know.
- 55% agree (22%) strongly that because Alaska Native Corporations have had success in running businesses and perhaps they could help with public land management issues.
- 45% disagree (25%) strongly that the challenges with land management issues would be too hard for any business in Alaska to solve with 28% stating they did not know.
- 80% agree (48%) strongly that Alaska Native people should take the initiative when needed because they understand the need to protect the land, fish and other wildlife.

Opinions about Co-management

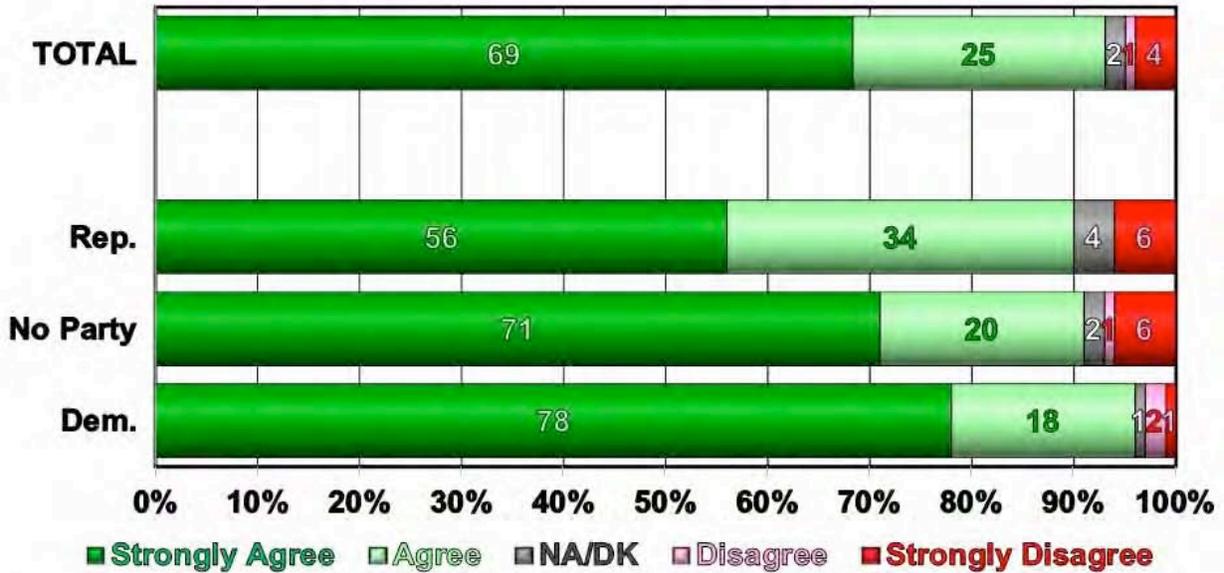
- 53% agree (27%) strongly that the present system of dual management on state and federal lands is not working for Alaska. Of those who held a position this is a 3-to-1 ratio.
- 75% agree (46%) strongly that fish and game regulations would be better if there was more cooperation between the state, federal and tribal governments.
- 65% agree (39%) strongly that fish and game populations would be healthier and more abundant if there was a co-management agreement between the state, federal and tribal governments.
- 77% agree (54%) strongly that all Alaskans would benefit from co-management agreement with fish and game. Of those who held a position this is a 7-to-1 ratio.

RESEARCH FINDINGS

A. PUBLIC POLICY MEASURE

PUBLIC POLICY MEASURE

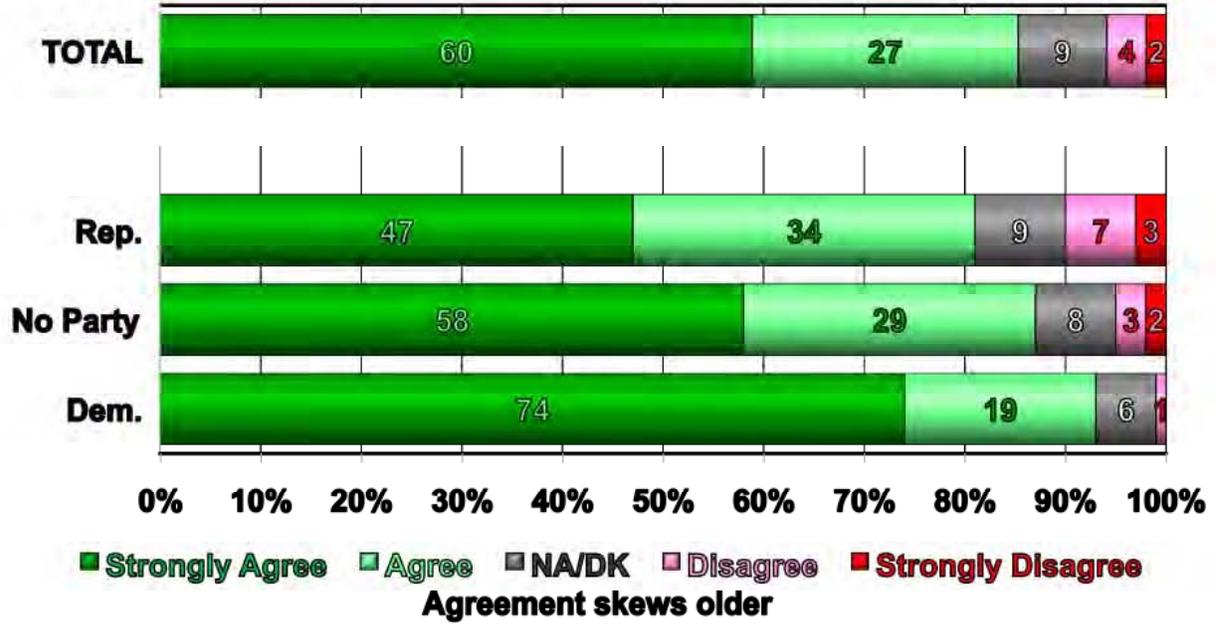
Q7 It is important for Alaska to preserve its Alaska Native culture



Agreement is highest among women, those in rural AK

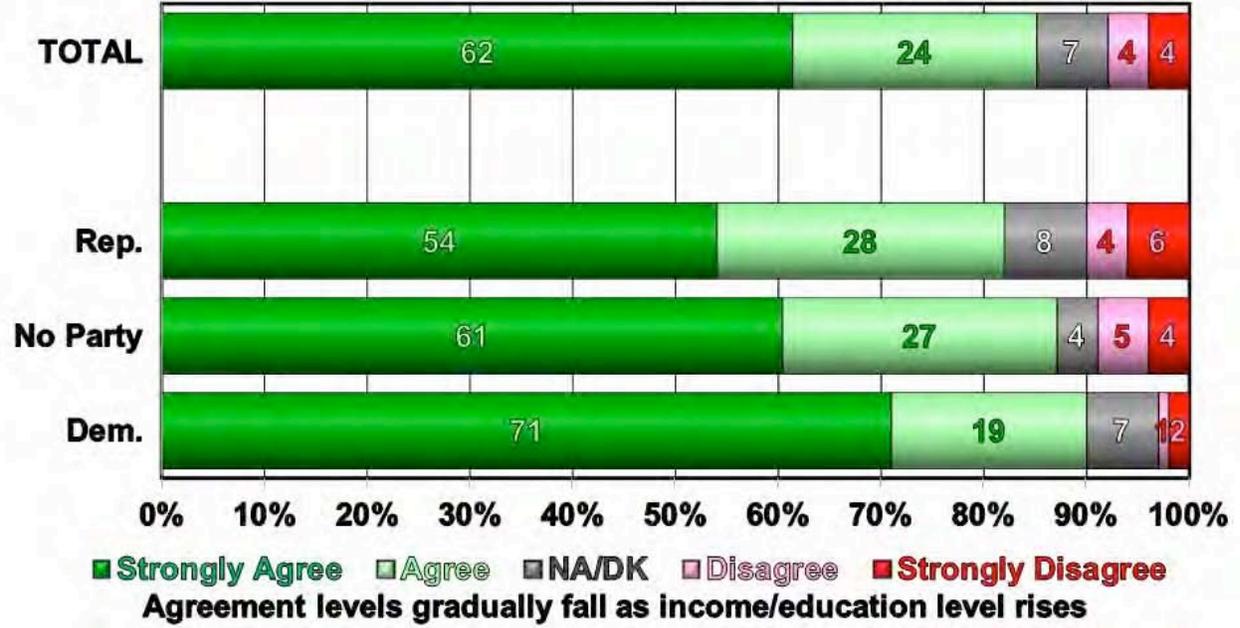
PUBLIC POLICY MEASURE

Q22 Knowledge of their culture and environment could help Alaska Native people work to preserve fish and wildlife for future generations



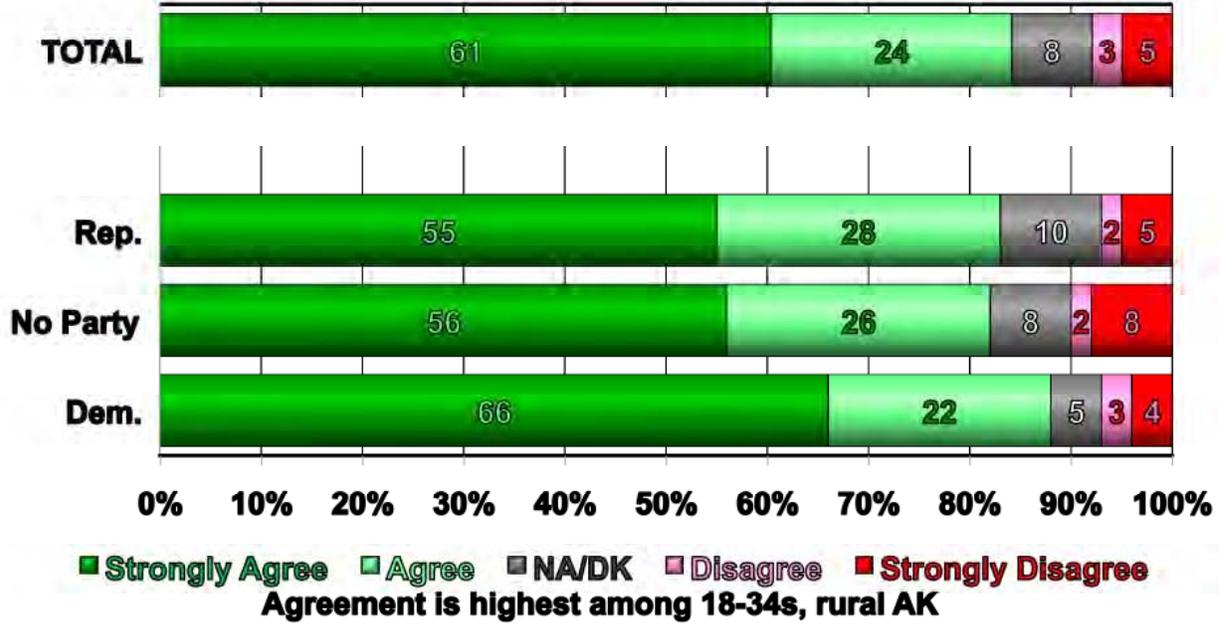
PUBLIC POLICY MEASURE

Q8 Something needs to be done in Alaska to safeguard the existence of fish and wildlife for all future generations to harvest



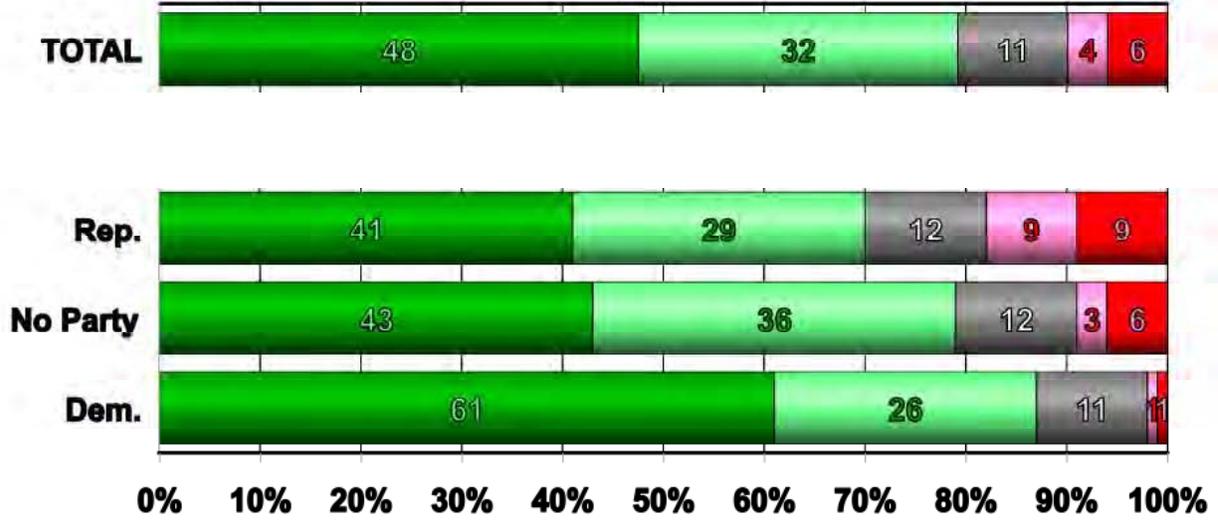
PUBLIC POLICY MEASURE

Q15 Alaska Natives should have access to the wildlife on their property for customary and traditional hunting and fishing



PUBLIC POLICY MEASURE

Q23 Alaska Native people should take the initiative, when needed, because they understand the need to protect the land, fish and other wildlife

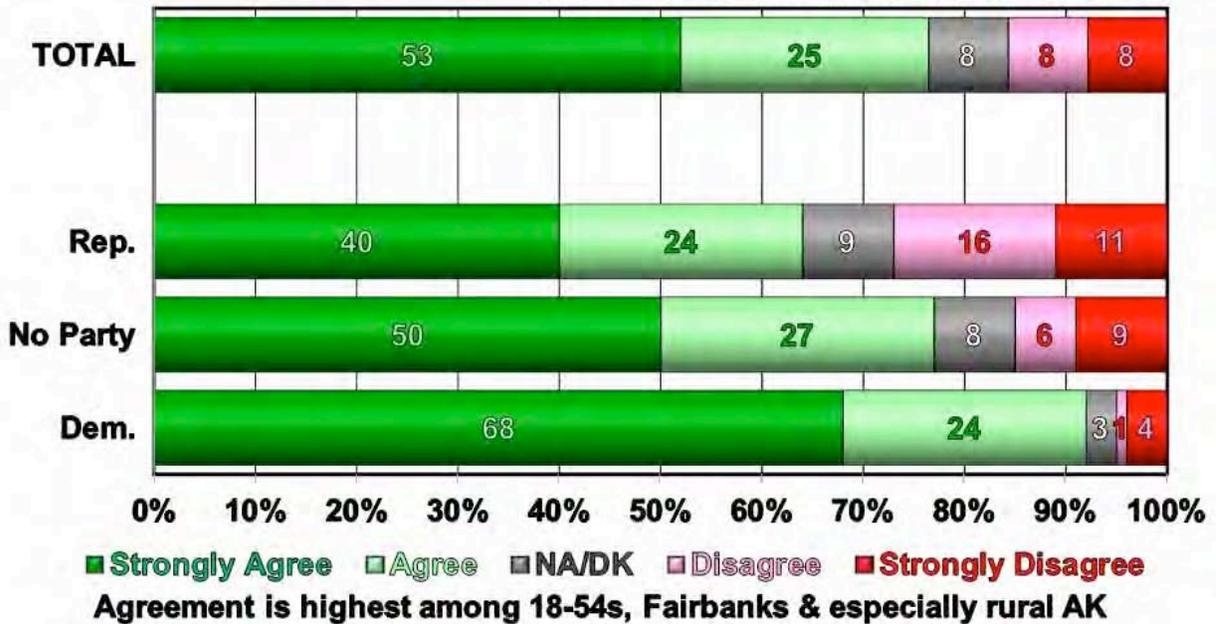


■ Strongly Agree
 ■ Agree
 ■ NA/DK
 ■ Disagree
 ■ Strongly Disagree

Agreement is highest among women, 18-54s, rural AK; lowest in K/K/Southeast

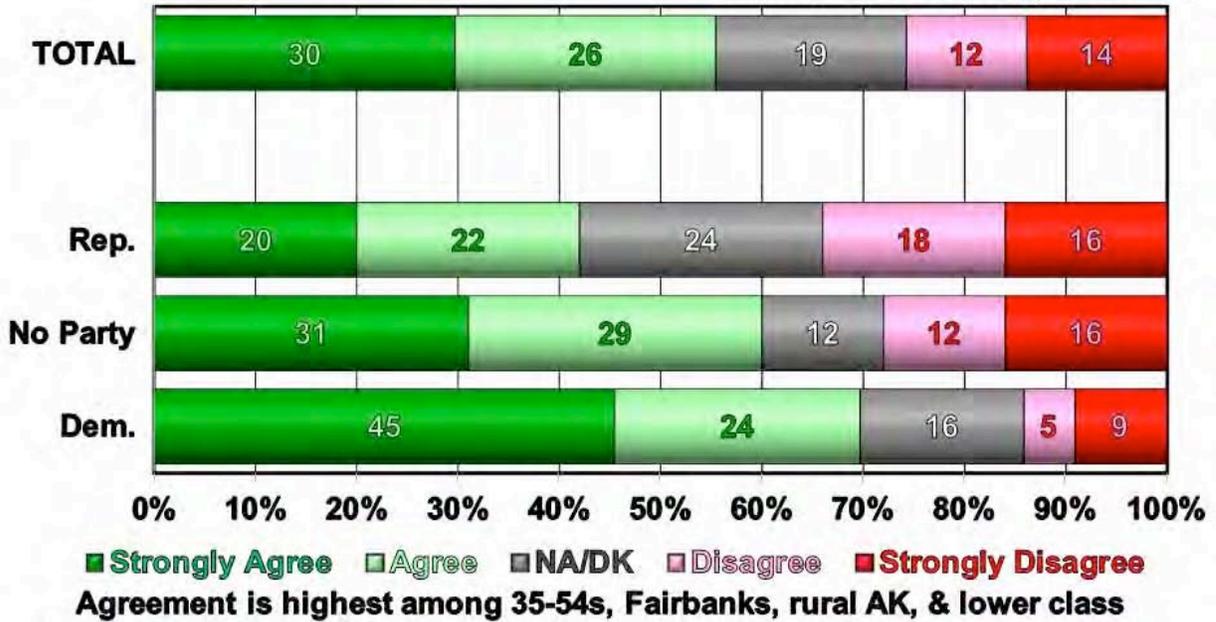
PUBLIC POLICY MEASURE

Q13 People living in rural areas whose primary food source is fish and game should have the first chance to hunt and fish



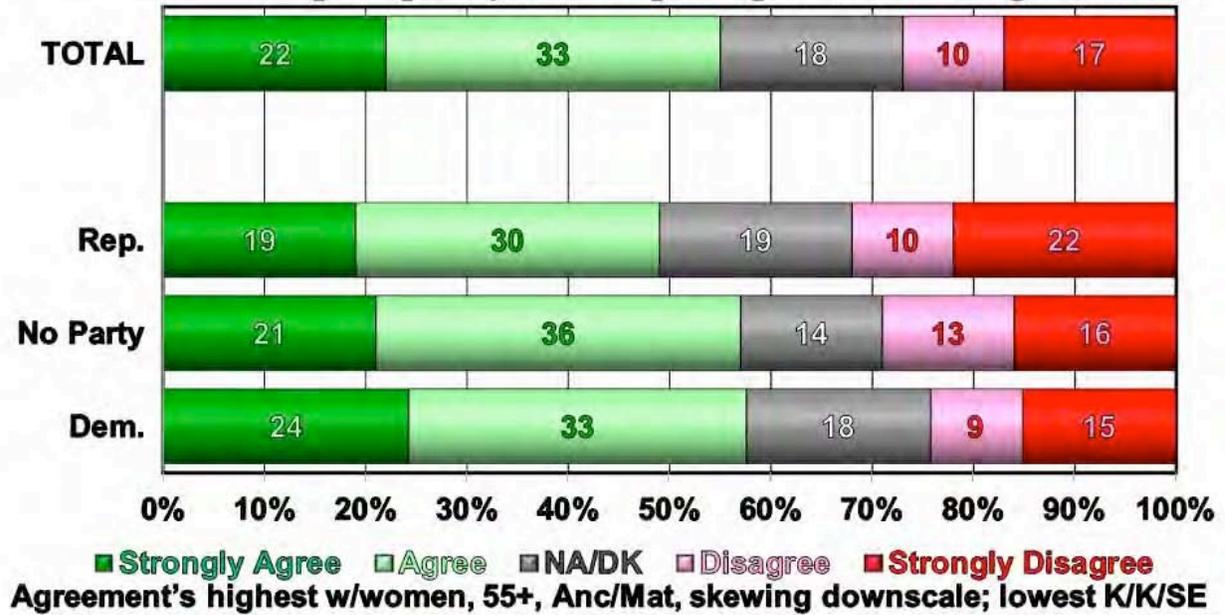
PUBLIC POLICY MEASURE

Q11 Generally speaking, the needs of rural Alaskans are not getting enough attention from State government



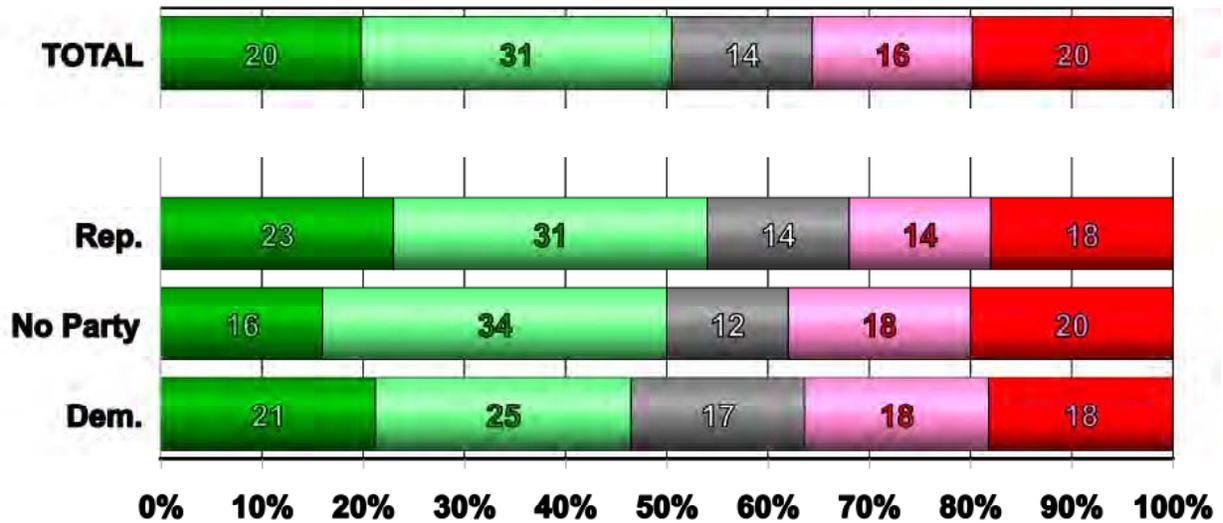
PUBLIC POLICY MEASURE

Q9 Because Alaska Native Corporations have had success in running businesses, perhaps they could help with public land management issues



PUBLIC POLICY MEASURE

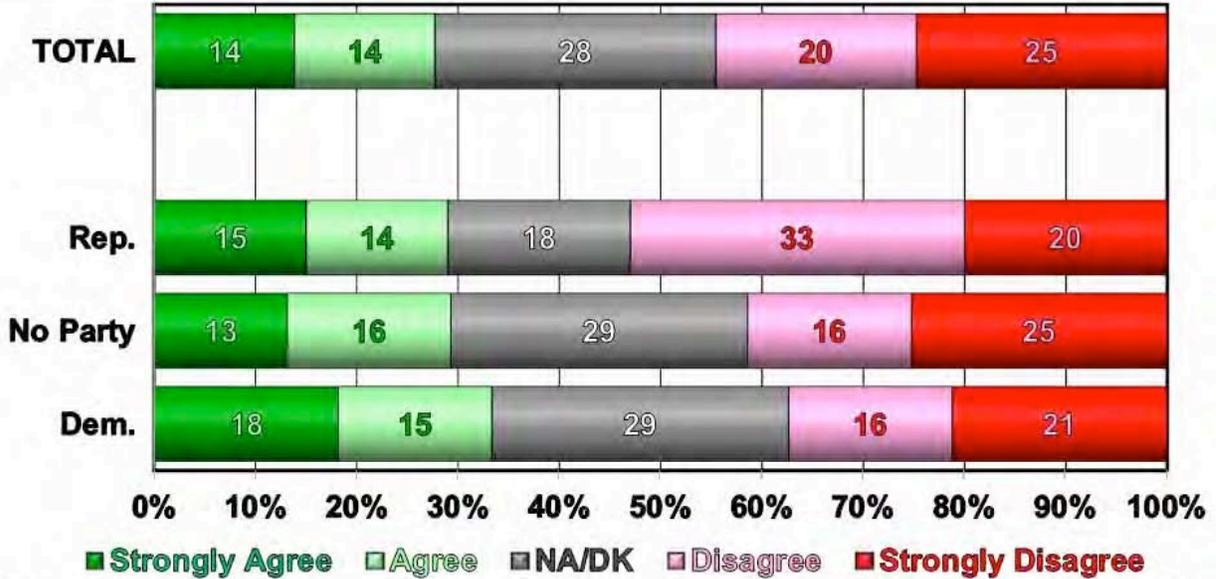
Q16 Fish and Game wildlife regulations are effectively providing access and harvests that benefit all Alaskans



■ Strongly Agree
 ■ Agree
 ■ NA/DK
 ■ Disagree
 ■ Strongly Disagree
Agreement's highest w/55+, K/K/SE, middle & upper class; lowest in rural AK

PUBLIC POLICY MEASURE

Q10 The challenges with land management issues would be too hard for any business in Alaska to solve

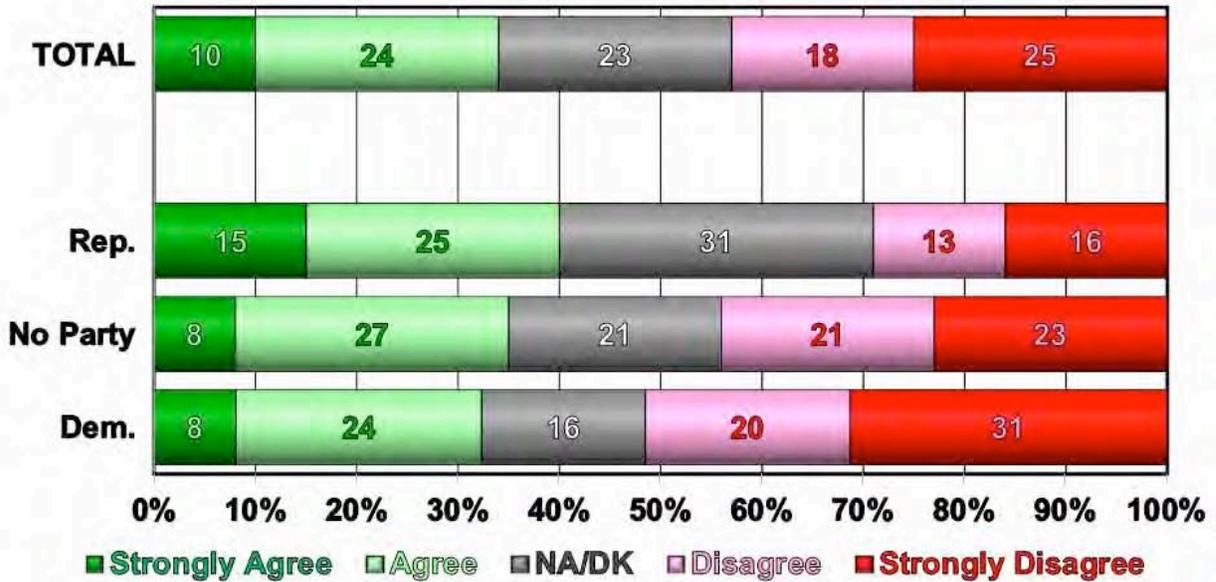


Agreement is highest among men, Kenai/Kodiak/SE & rural AK, skewing downscale

Negative score
equal affirmative
response

PUBLIC POLICY MEASURE

Q12 Rural Alaskan needs are being adequately met by the State



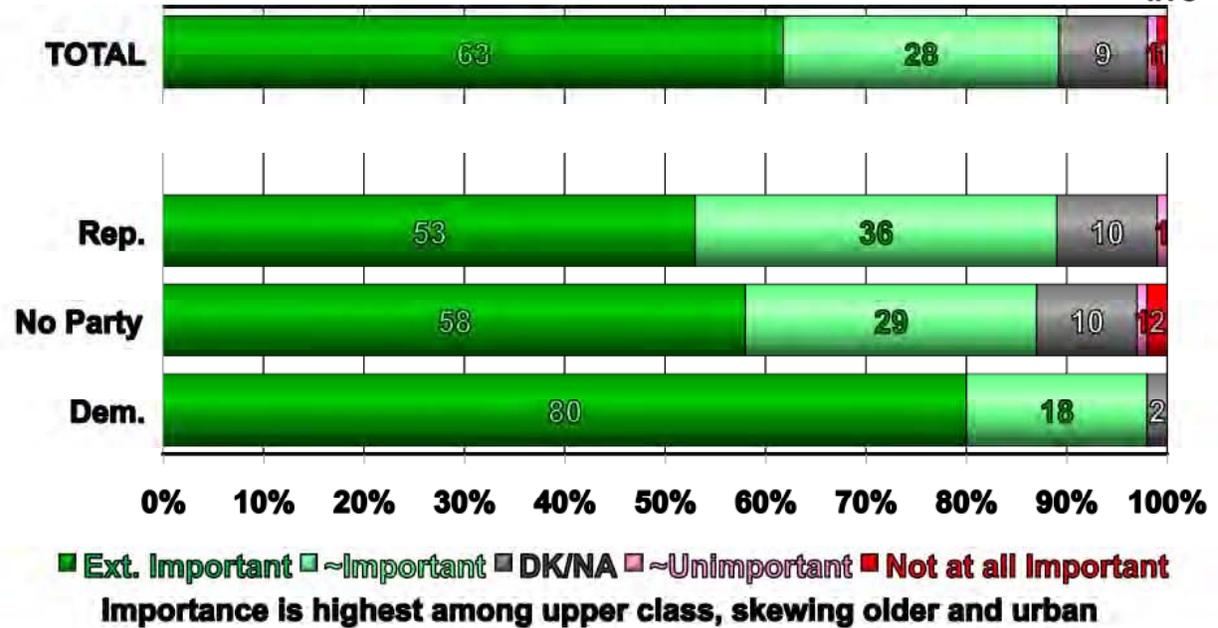
Agreement is highest among 55+, Anchorage/Matsu & Kenai/Kodiak/Southeast

Negative score
equal affirmative
response

B. CULTURAL IMPORTANCE FOR ALASKA NATIVES

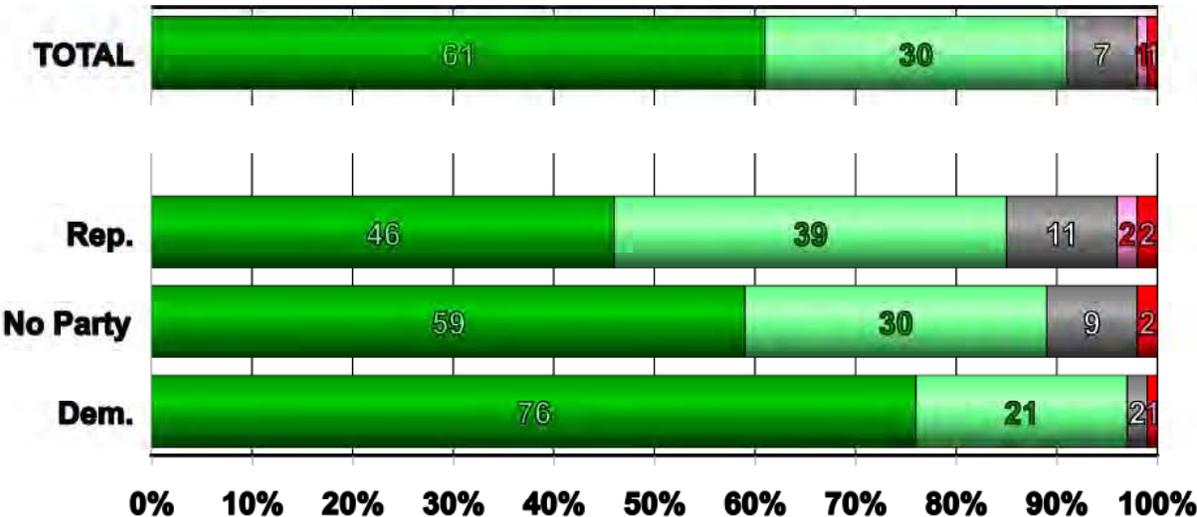
CULTURAL IMPORTANCE FOR AK NATIVES

Q21 Knowledge of the ecosystems in the areas where Alaska Native peoples live



CULTURAL IMPORTANCE FOR AK NATIVES

Q20 Sharing Alaska Native historical legacies

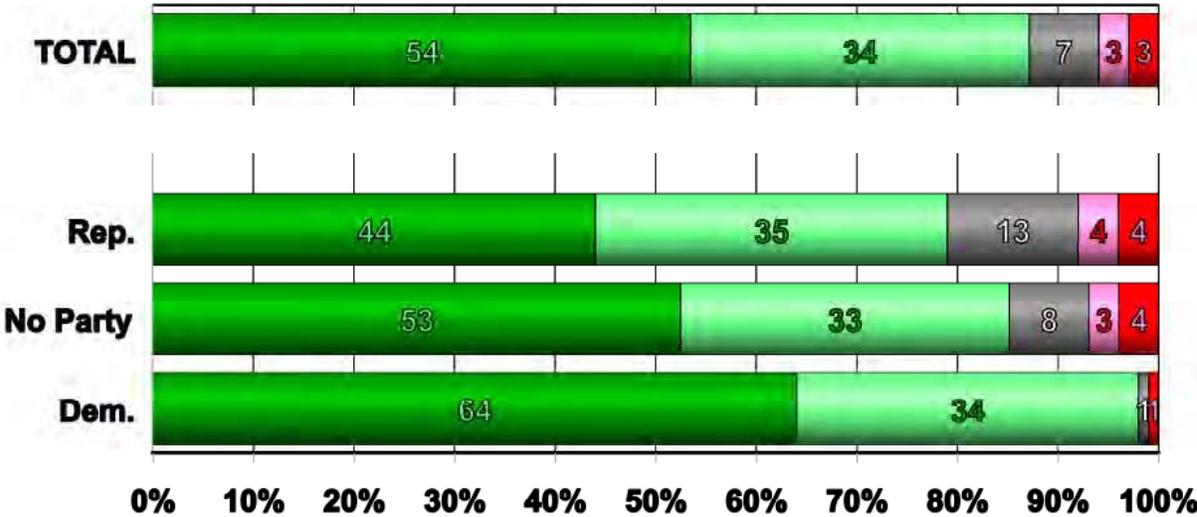


■ Ext. Important ■ ~Important ■ DK/NA ■ ~Unimportant ■ Not at all Important

Importance is highest w/rural Alaskans, lower & upper class; lowest in Fairbanks

CULTURAL IMPORTANCE FOR AK NATIVES

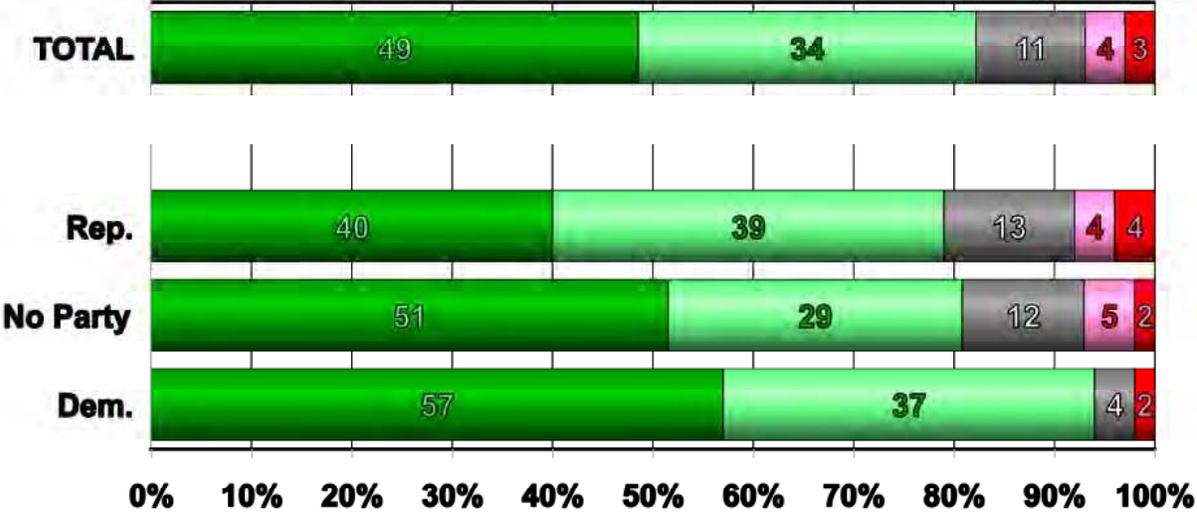
Q18 Teaching Alaska Native art to future generations



■ Ext. Important ■ ~Important ■ DK/NA ■ ~Unimportant ■ Not at all Important
Importance is highest among women, 18-54s, rural AK, lower & upper class

CULTURAL IMPORTANCE FOR AK NATIVES

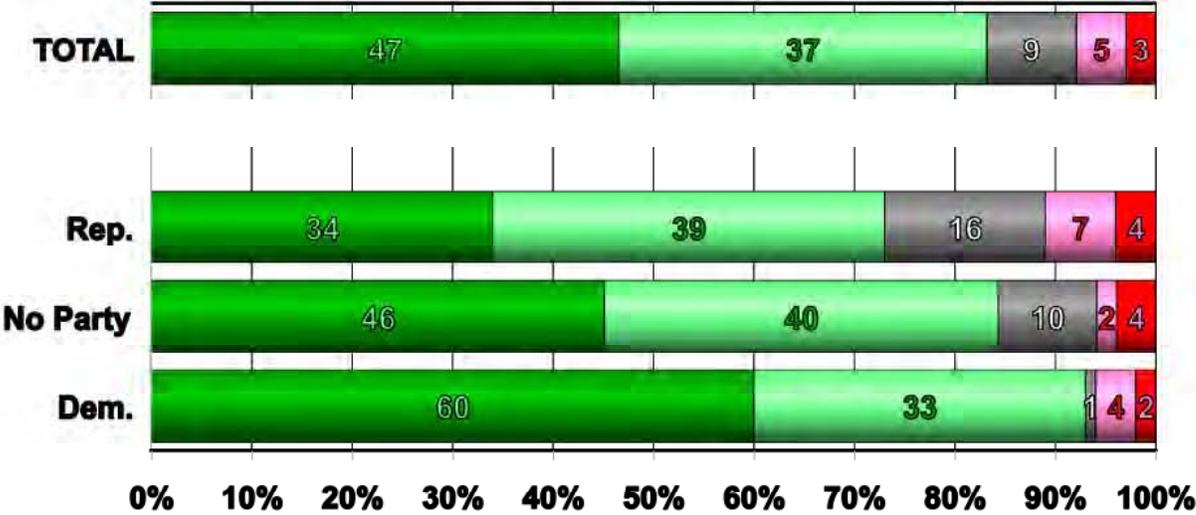
Q17 Acknowledging that a primary value for Alaska Native people is hunting and gathering



■ Ext. Important ■ ~Important ■ DK/NA ■ ~Unimportant ■ Not at all Important
 Importance is highest among men, 18-54s, Fairbanks & esp. rural AK, lower class

CULTURAL IMPORTANCE FOR AK NATIVES

Q19 Teaching Alaska Native languages

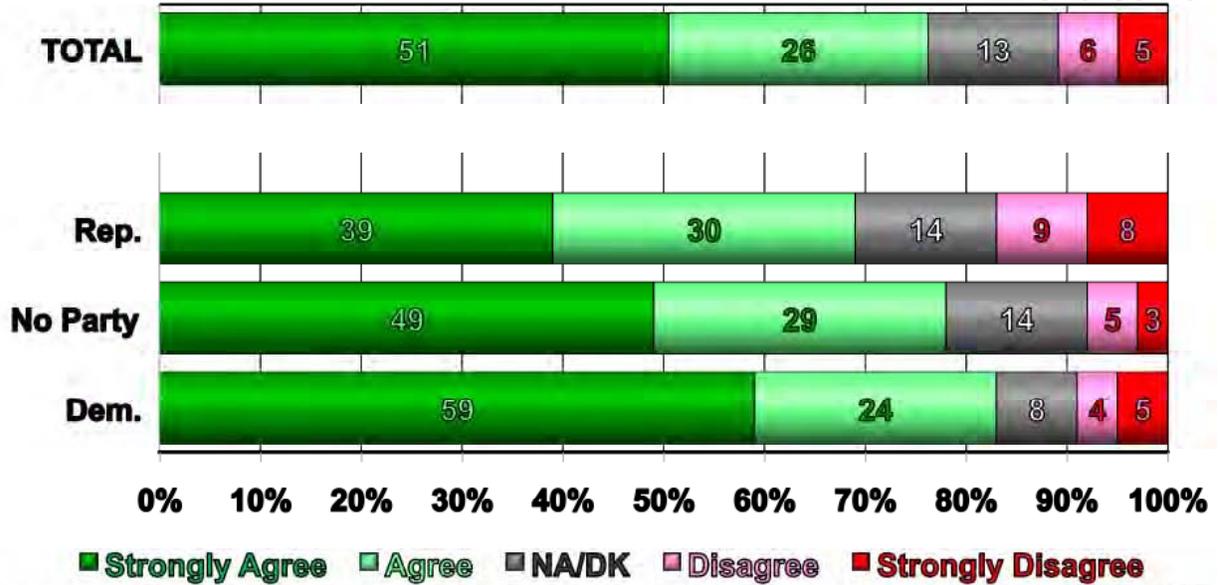


C. Importance's highest w/women, 18-54s, rural AK, lower class; lowest in Fairbanks

C. CO-MANAGEMENT OPINION MEASURE

CO-MANAGEMENT OPINION MEASURE

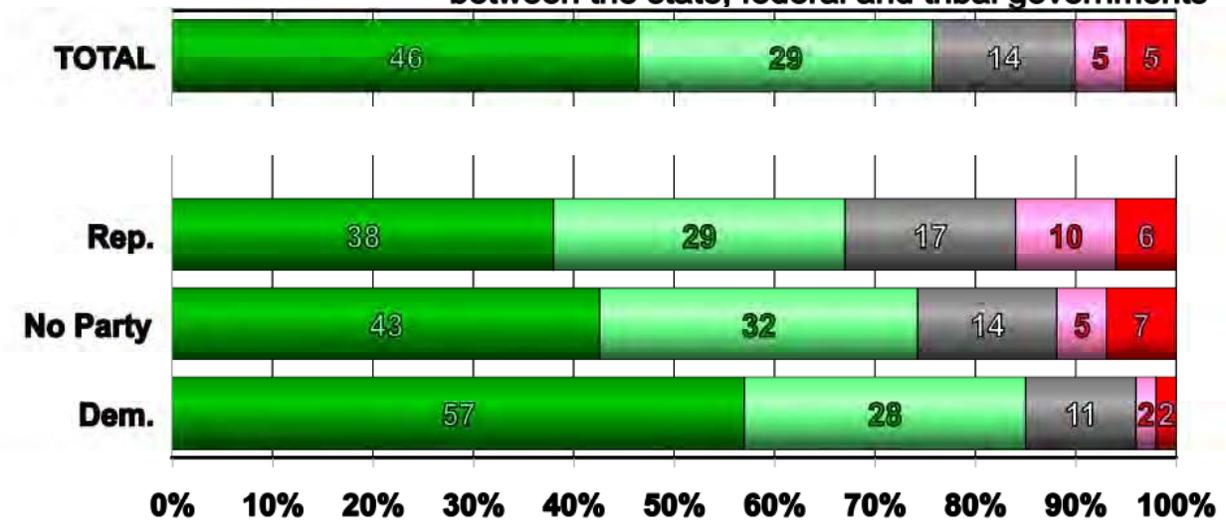
Q25 All Alaskans would benefit from a Co-management agreement with Fish and Game



Agreement's highest w/women, 18-34, rural AK, skewing downscale; lowest K/K/SE

CO-MANAGEMENT OPINION MEASURE

Q28 Fish and game regulations would be better if there was more cooperation between the state, federal and tribal governments

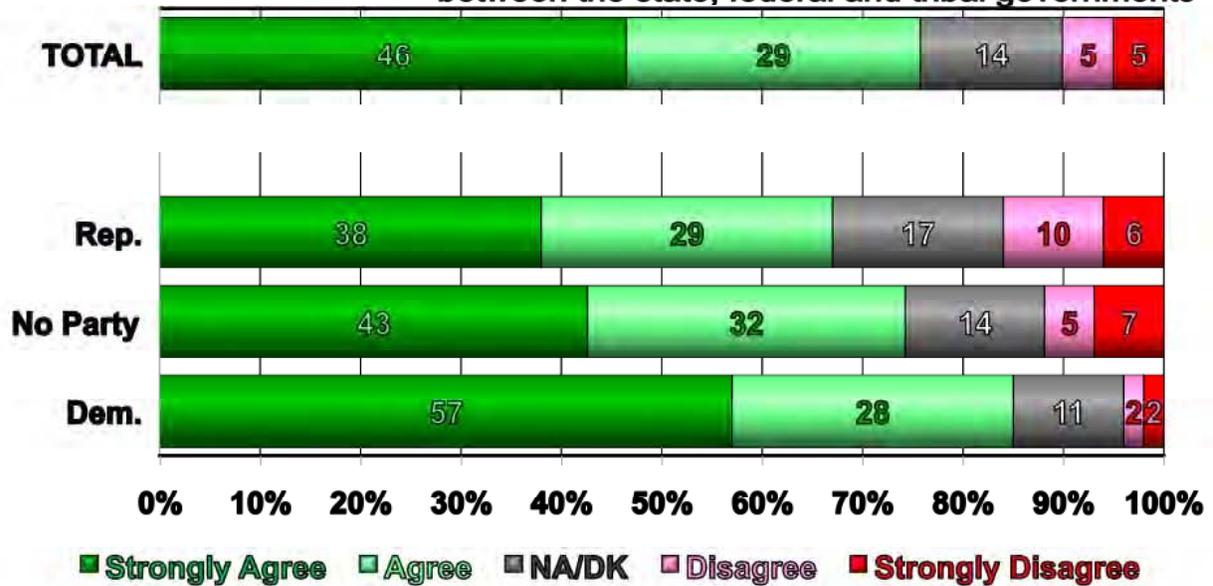


■ Strongly Agree
 ■ Agree
 ■ NA/DK
 ■ Disagree
 ■ Strongly Disagree

Agreement is highest among 18-34s, rural AK, lower class; lowest in K/K/Sotheast

CO-MANAGEMENT OPINION MEASURE

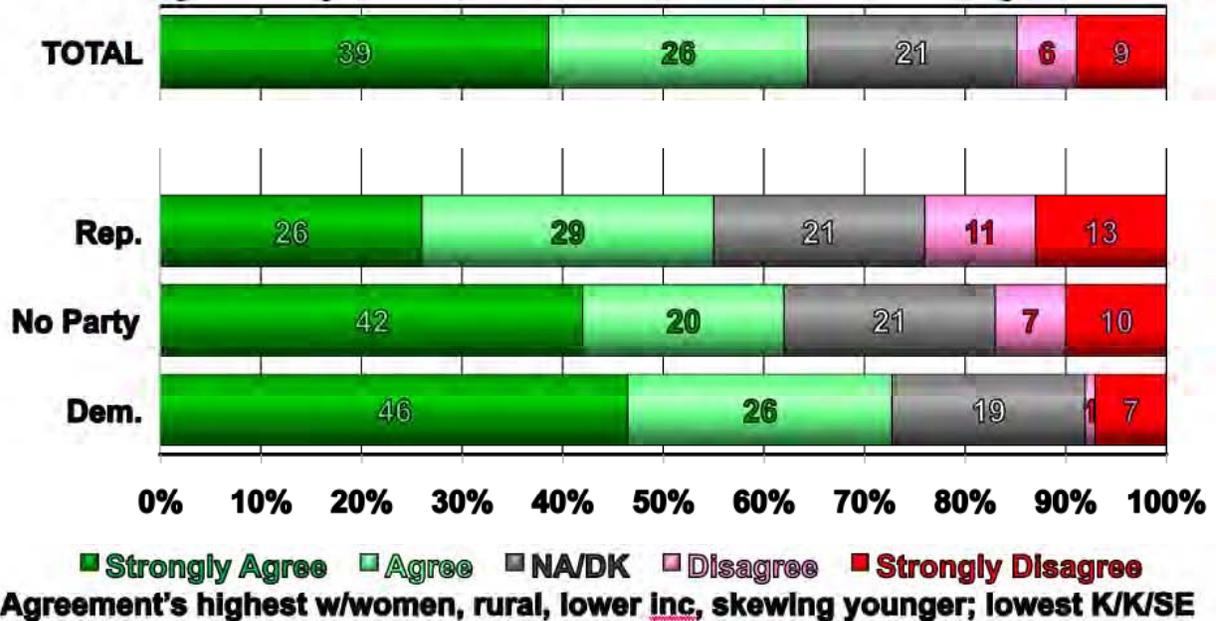
Q28 Fish and game regulations would be better if there was more cooperation between the state, federal and tribal governments



Agreement is highest among 18-34s, rural AK, lower class; lowest in K/K/Southeast

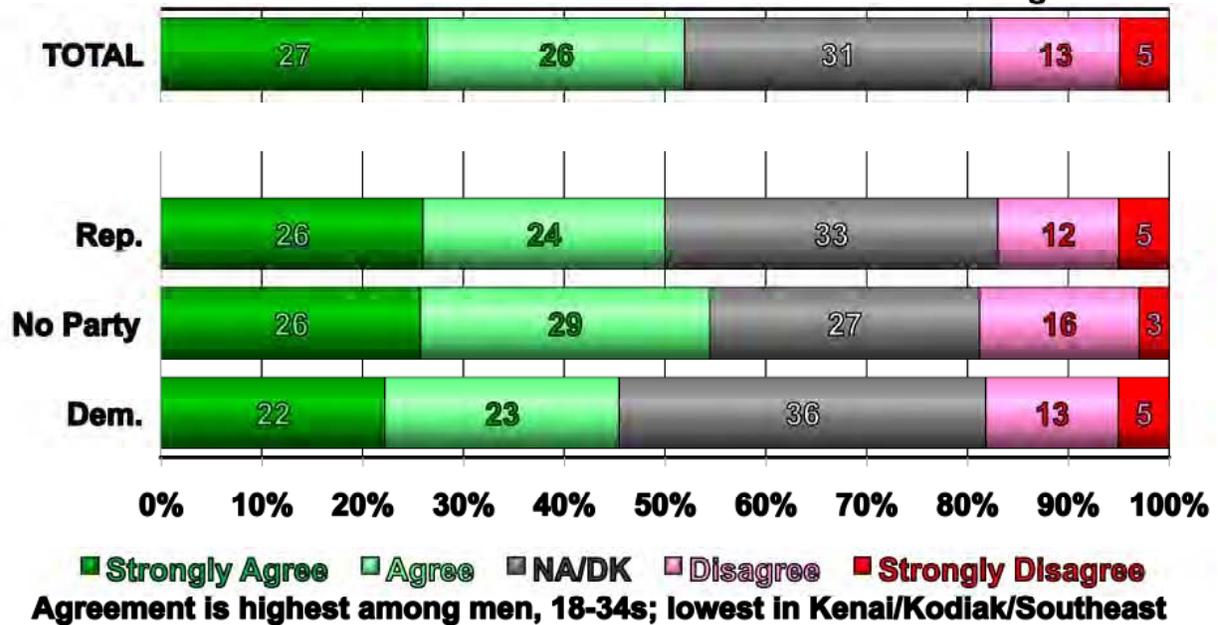
CO-MANAGEMENT OPINION MEASURE

Q26 Fish & game populations would be healthier & more abundant if there was a Co-Management agreement between the state, federal & tribal governments



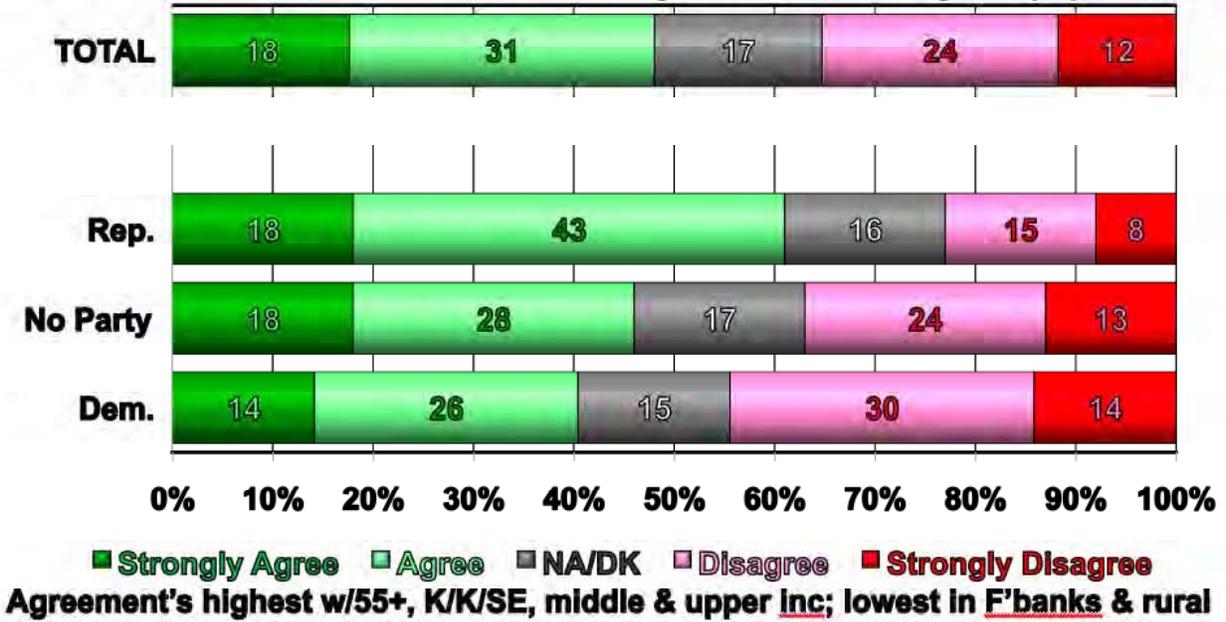
CO-MANAGEMENT OPINION MEASURE

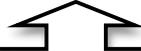
Q29 The present system of dual management on state and federal lands is not working for Alaska



CO-MANAGEMENT OPINION MEASURE

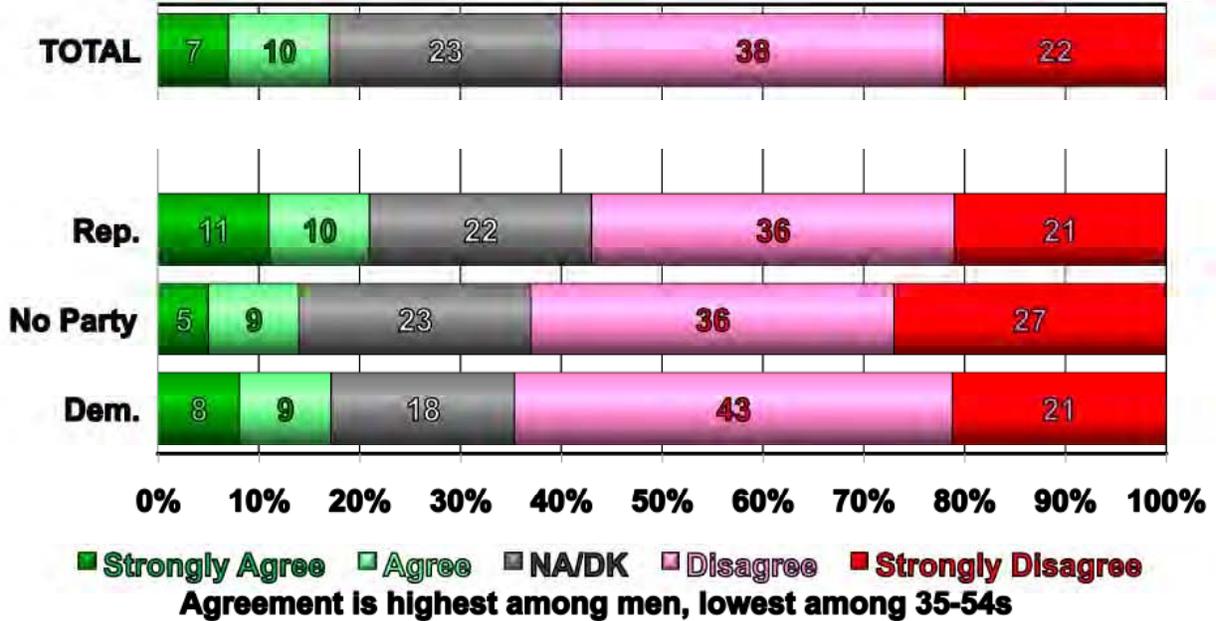
Q27 Fish and Game's present regulations are already working to preserve the health and growth of fish and game populations




 Negative score
 equal affirmative
 response

CO-MANAGEMENT OPINION MEASURE

Q24 Only rural Alaskan people would benefit from a Co-Management agreement in relation to fishing and hunting



Negative score
 equal affirmative
 response

A. SURVEY INSTRUMENT

1. Record Area from Sample
2. Hello, my name is _____ and I work for Craciun Research Group, an Alaskan-based company. We are conducting a statewide survey on issues facing Alaskans. This survey will take about 6 minutes; your answers will be kept strictly confidential.
 - 1, Male
 - 2, Female
3. In which of the following age groups do you belong?
 - 1, 18-29
 - 2, 30-39
 - 3, 40-49
 - 4, 50-59
 - 5, 60 and older
 - 6, Refused
4. How long have you lived in Alaska?
5. In the last year have you done any of the following: [READ LIST]
 - 1, Hunting
 - 2, Fishing
 - 3, Snow machining, 4-wheeler riding or both
 - 4, Hiking
 - 5, Bird watching
 - 6, Trapping

6. Here are some statements that have been made about life in Alaska. Please tell me whether you strongly agree, somewhat agree, somewhat disagree or strongly disagree with each statement.

[ANSWER CATEGORIES FOR ALL]

- 1, Strongly agree
- 2, Somewhat agree
- 3, Somewhat disagree
- 4, Strongly disagree
- 5, Don't have enough information
- 6, Not interested
- 7, Don't know/ NA

[ASK IN RANDOM ORDER]

7. It is important for Alaska to preserve its Alaska Native culture.
8. Something needs to be done in Alaska to safeguard the existence of fish and wildlife for all future generations to harvest.
9. Because Alaska Native Corporations have had success in running businesses, perhaps they could help with public land management issues.
10. The challenges with land management issues would be too hard for any business in Alaska to solve.
11. Generally speaking, the needs of rural Alaskans are not getting enough attention from State government.
12. Rural Alaskan needs are being adequately met by the State.
13. People living in rural areas whose primary food source is fish and game should have the first chance to hunt and fish.
14. Living in rural areas should not determine a priority to fish or hunt.
15. Alaska Natives should have access to the wildlife on their property for customary and traditional hunting and fishing.
16. Fish and Game wildlife regulations are effectively providing access and harvests that benefit all Alaskans.

Let's talk about the cultural importance of several aspects of life in the last frontier. As I read the following list, please tell me if you think that's extremely, somewhat, somewhat unimportant or not at all important.

[ANSWER CATEGORIES FOR ALL]

- 1, Extremely important
- 2, Somewhat important
- 3, Neutral
- 4, Somewhat unimportant
- 5, Not at all important
- 6, DK/Refused

17. Acknowledging that a primary value for Alaska Native people is hunting and gathering.

18. Teaching Alaska Native art to future generations.

19. Teaching Alaska Native languages.

20. Sharing Alaska Native historical legacies.

21. Knowledge of the ecosystems in the areas where Alaska Native peoples live.

As I read the following, Please tell me whether you strongly agree, somewhat agree, somewhat disagree or strongly disagree with each statement.

22. Knowledge of their culture and environment could help Alaska Native people work to preserve fish and wildlife for future generation?

- 1, Strongly Agree
- 2, Somewhat Agree
- 3, Neutral
- 4, Somewhat Disagree
- 5, Strongly Disagree
- 6, DK/Refused

23. Alaska Native people should take the initiative, when needed, because they understand the need to protect the land, fish and other wildlife?

- 1, Strongly Agree
- 2, Somewhat Agree
- 3, Neutral
- 4, Somewhat Disagree
- 5, Strongly Disagree
- 6, DK/Refused

And finally, Federal, State and Tribal Co-Management structure is based on the tribal

governments having a voice in the management of Alaskan lands. There are several Federal-State-Tribal Co-Management programs already in place in Alaska including for whaling and the harvesting of migratory birds.

Please tell me whether you strongly agree, somewhat agree, somewhat disagree or strongly disagree with each statement.

[ANSWER CATEGORIES FOR ALL]

- 1, Strongly agree
 - 2, Somewhat agree
 - 3, Neutral, No opinion, Don't know
 - 4, Strongly agree
 - 5, Somewhat agree
 - 6, Refused
-
24. Only rural Alaskan people would benefit from a Co-Management agreement in relation to fishing and hunting.
 25. All Alaskans would benefit from a Co-management agreement with Fish and Game.
 26. Fish and game populations would be healthier and more abundant if there was a Co-Management agreement between the state, federal and tribal governments.
 27. Fish and Game's present regulations are already working to preserve the health and growth of fish and game populations.
 28. Fish and game regulations would be better if there was more cooperation between the state, federal and tribal governments.
 29. The present system of dual management on state and federal lands is not working for Alaska.

The following questions will be used for statistical purposes only. In general, do you think of yourself as:

- 1, Very liberal or progressive
- 2, Somewhat liberal or progressive
- 3, Moderate, middle of the road
- 4, Somewhat conservative
- 5, Very conservative
- 6, Refused

30. Are you:

- 1, A strong Democrat
- 2, Leaning toward Democrat
- 3, No party
- 4, Leaning toward Republican
- 5, A strong Republican
- 6, Another party
- 7, No answer

31. How many years of formal education have you had the opportunity to complete?

- 1, Less than high school or GED
- 2, High School graduate or GED
- 3, Some college or technical school
- 4, Four Year degree
- 5, Post graduate degree
- 6, No answer

32. Which of the following categories describes your annual household income?

- 1, Less than \$25,000
- 2, \$25,000 to \$40,000
- 3, \$41,000 to \$55,000
- 4, \$56,000 to \$70,000
- 5, \$71,000 to \$100,000
- 6, Over \$100,000
- 7, No answer

Thank you for your participation.

B. SECONDARY RESEARCH SUMMARY

Co-management is an arrangement for the administration of a resource by multiple parties, typically between an established state or federal agency and local or special interest group. This type of arrangement is often adopted due to perceived mismanagement by the original agency, either directly affecting the resource or access to the resource. There are multiple organizational models for co-management that vary by the degree of integration and communication between managing partners. With a flexible definition, there are multiple instances of applied co-management in the United States and abroad, and are well represented in the administration of fisheries, wildlife, and conservation / cultural areas.

The desire for alternative resource management strategies is rooted in the perception of traditional (top-down) management as being "distant, impersonal, [and] insensitive" (Jentoft, 1998). In many situations, management by state or federal agencies is viewed by the resource users as an encroachment on personal liberty or as being ineffective or unresponsive. (Burke (2002), mentions that regulatory centralization is frequently associated with economic centralization.) In several instances these features have prompted the adoption of several new types of resource management based on the interaction and shared governance between agencies and local groups for decision making, which are generally described as co-management (Carlson, 2005). In contrast to the perception of traditional strategies, co-management is generally seen as responsive and adaptable depending on changing circumstances; this is particularly common when dealing with commercial resources (fishing).

The organization of a co-management agreement is dependent on the parties that have an interest in the resource in question, and the nature of that interest. There are many different implementations of co-management, both in membership and the relationship between the participants. Carlson & Burke (2005) describe a spectrum of organizational designs that are identified by amount of control retained by the original governing body. These range from an "exchange system," in which a government agency maintains legal control but is advised by an external panel, to a "community-nested system" in which legal or property rights are extended to resource users, moderated by regulation. They go on to stipulate that such arrangements do not exist in a vacuum, and there are often overlapping management schema governing the same resource.

Co-management has also been presented as an expansion of the traditional role of resource management by linking environmental issues to social issues. This is an acknowledgement of the dual-role of many resources as being significant culturally as well as economically. While this type of recognition can be present in traditional management systems, co-management allows for active social and cultural contributions to governance, rather than passive consideration. Particularly, these designs allow for the expanded use of Traditional Knowledge as a tool for assessment.

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C. WEIGHTED SUMMARIES

The following tables summarize respondent reaction to all of the opinion measures in this survey. For comparative analysis, the reaction to each measure has been “scored” to produce a value which reflects the *percentage* of those who agree (or who consider something to be important), less those who do not – with those who feel strongly counted three times more heavily than those who do not.

WEIGHTED OPINION MEASURE SUMMARY: Public Policy Issues	
Q7 It is important for Alaska to preserve its Alaska Native culture	72%*
Q22 Knowledge of their <u>culture and environment</u> could help Alaska Native people work to preserve fish and wildlife for future generations	66%
Q8 Something needs to be done in Alaska to safeguard the existence of fish and wildlife for all future generations to harvest	65%
Q15 Alaska Natives should have access to the wildlife on their property for customary and traditional hunting and fishing	63%
Q23 Alaska Native people should <u>take the initiative</u> , when needed, because they understand the need to protect the land, fish and other wildlife	51%
Q13 People living in rural areas whose primary food source is fish and game should have the first chance to hunt and fish	50%
Q11 Generally speaking, the needs of rural Alaskans are not getting enough attention from State government	21%
Q9 Because Alaska Native Corporations have had success running businesses, perhaps they could help with public land management issues	13%
Q16 Fish and Game wildlife regulations are effectively providing access and harvests that benefit all Alaskans	5%
Q10 The challenges with land management issues would be too hard for any business in Alaska to solve	-12%
Q12 Rural Alaskan needs are being adequately met by the State	-13%

**Weighted percentage of those who agree, less those who do not; those who do not feel strongly either way only count a third as much as those who do.*

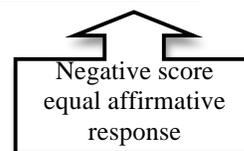


WEIGHTED IMPORTANCE MEASURE SUMMARY: Cultural Issues for Alaska Natives	
Q21 Knowledge of the ecosystems in the areas where Alaska Native peoples live	71%*
Q20 Sharing Alaska Native historical legacies	70%
Q18 Teaching Alaska Native art to future generations	61%
Q17 Acknowledging that a primary value for Alaska Native people is hunting and gathering	56%
Q19 Teaching Alaska Native languages	55%

**weighted percentage of those saying it's important, less those saying it's not; those who do not feel strongly either way only count a third as much as those who do.*

WEIGHTED OPINION MEASURE SUMMARY: Co-Management of Fish & Wildlife	
Q25 <u>All Alaskans</u> would benefit from a Co-management agreement with Fish and Game	53%*
Q28 Fish and game regulations <u>would be better</u> if there was more cooperation between the state, federal and tribal governments	49%
Q26 Fish and game populations would be <u>healthier and more abundant</u> if there was a Co-Management agreement between the state, federal and tribal governments	37%
Q29 The present system of <u>dual management</u> on state and federal lands is not working for Alaska	27%
Q27 Fish and Game's present regulations are <u>already working</u> to preserve the health and growth of fish and game populations	8%
Q24 <u>Only rural</u> Alaskan people would benefit from a Co-Management agreement in relation to fishing and hunting	-23%

**weighted percent of those who agree, less those who do not; those who do not feel strongly either way only count a third as much as those who do.*



On all of these, it's worth noting where agreement or importance really starts to fall off. For instance:

- 56% may agree that, generally speaking, the needs of rural Alaskans aren't getting enough attention from State government – but only 30% feel strongly about it (and there's 14% strong *disagreement* on this).
- 53% agree that the Alaska constitution should be amended to provide protection for the subsistence way of life, but only 33% feel strongly about it and another 16% disagree strongly.
- Looking at the very lowest score of all: only 17% agree (7% strongly) that co-management would only benefit rural Alaskans, while 60% disagree (22% strongly).

The above charts illustrate how the entire sample responded to each of these measures. As some of the most divergent opinions take place across party lines, these have been broken out separately on each chart – which also includes footnotes denoting other key differences in response patterns.

Alaska Tribal Wildlife Co-Management

Culture Unites ♦ Land Sustains

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

Statement of the Issue

The Ahtna people are fast losing the opportunity to continue their customary and traditional hunting way of life under current laws and the ineffective system of dual federal and state regulation of their traditional hunting practices. Ahtna has no role in these management systems – not even on lands Ahtna was conveyed through the Alaska Native Claims Settlement Act (ANCSA). Ahtna must be substantively involved in managing hunting throughout its traditional territory for the well-being of the Ahtna. The uncoordinated and expensive dual management system also impacts the health and conservation of the wildlife populations that know no boundaries and are suffering under the impact of global warming. A unified Tribal-State-Federal co-management structure must be established for the benefit of healthy ecosystems, wildlife population, the Ahtna way of life and all those who wish to enjoy the public lands that lie within Ahtna's traditional territory.

Examples of the hardship Ahtna has suffered under the current dual management system are numerous and constant. For example, in the recent past the Alaska Board of Game, which regulates hunting on State lands and lands conveyed to Ahtna through ANCSA, adopted a regulation limiting Ahtna's moose hunting season in the tribes' traditional territory to a single season lasting seven days. Seven days for a group of tribal people with a culture and tradition of hunting throughout the year, taking just what was needed, when it was needed, respecting the moose and understanding what was needed to maintain healthy moose numbers; limited to seven days for taking youth to hunting camp to learn from elders the art of hunting, preparing and preserving the meat, tracking, all the skills and stories that preserve knowledge and tradition, all the experience necessary to learn about their traditional lands and waters. Seven days, even on lands Ahtna selected as part of indigenous land claims settlement for hunting.

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 to 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 3-minute period of public testimony to try and influence regulations 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 United States promised during the enactment of ANCSA that Alaska Native subsistence rights would be protected. The State promised during the passage of ANILCA to manage all lands - State, Native and Federal - for a rural subsistence priority. These promises have been broken and Ahtna is left with diminishing hunting opportunity and no voice in how their way of life and the conservation of wildlife populations will be managed. This is completely at odds with the firmly established federal policy of self-determination for Native Peoples.



Alaska Tribal Wildlife Co-Management

Culture Unites ♦ Land Sustains

Proposed Solution

Federal legislation is needed to create a demonstration project through which Ahtna would be authorized to manage wildlife, including hunting, on lands Ahtna was conveyed through the ANCSA and native allotments held in trust by Ahtna tribal members. Ahtna has created a tribal conservation district made up of the 8 federally recognized Ahtna tribes. The tribal conservation district would part of the Ahtna Inter-Tribal Wildlife Commission which would manage hunting and wildlife conservation on Ahtna lands.

The legislation would also authorize Ahtna, the state and the Federal Subsistence Board to enter into a co-management agreement for the lands within Ahtna's traditional territory (state, federal and ANCSA lands). The goal of the co-management structure would be to coordinate state and federal laws and regulations, and Ahtna's ordinances and policies, to ensure conservation of wildlife populations and to provide the hunting opportunity necessary to for Ahtna tribal members to continue their tribal hunting way of life. The Secretary of Interior would be required to enter into a co-management with Ahtna. The state would be afforded the opportunity to join but not required to do so. There would be no change to the state's current authority to manage wildlife on lands owned by the state. The intent is to unify wildlife management throughout Ahtna's traditional territory to the maximum extent possible, recognizing the differences in state and federal law, and Ahtna's authority over lands it owns. 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. Moreover, Ahtna intends to increase the current moose population through enhancement of habitat on Ahtna lands.

Ahtna's proposal would greatly improve the ineffective dual federal-state subsistence wildlife management system with a Federal-State-Ahtna co-management structure. Co-management would advance tribal self-determination, build tribal capacity and create opportunities for tribal youth to work for their tribal communities. Such co-management has proven to be highly successful for conservation and management in many parts of the U.S., including Montana. Several Ahtna leaders recently visited with the Confederated Salish and Kootenai Tribes to view and discuss the tribes' co-management with the State of Montana.



Alaska Tribal Wildlife Co-Management

Culture Unites ♦ Land Sustains

Alaskans recognize that Hunting and Gathering is a primary value for Alaska Native people.

94 percent of Alaskans, with close to 70 percent indicating a strong belief, agree that it is important for Alaska to preserve its Alaska Native culture.

4 in 5 Alaskans believe people living in rural areas, whose primary food source is fish and game, should have the first chance to hunt and fish.

Just like sharing history, art and language, the vast majority of Alaskans, over 80 percent, recognize hunting and gathering is a primary value within Alaska Native culture.

The current system is not working.

84 percent of Alaskans don't agree or know if the present system of dual management on state and federal lands is working.

A majority of Alaskans believe fish and game populations would be healthier and more abundant and fish and game regulations would be better if there were a co-management and cooperation agreement between the state, federal and tribal governments.

This is not just a Native or Rural issue.

80 percent of Alaskans believe Alaska Native people should take the initiative, when needed, because they understand the need to protect the land, fish and other wildlife.

85 percent of Alaskans hold the position that Alaska Natives should have access to the wildlife on their property for customary and traditional hunting and fishing.

77 percent of Alaskans agree that all Alaskans would benefit from a co-management agreement with Fish and Game.

The Solution.

86 percent of Alaskans hold the position something needs to be done in Alaska to safeguard the existence of fish and wildlife for all future generations to harvest.

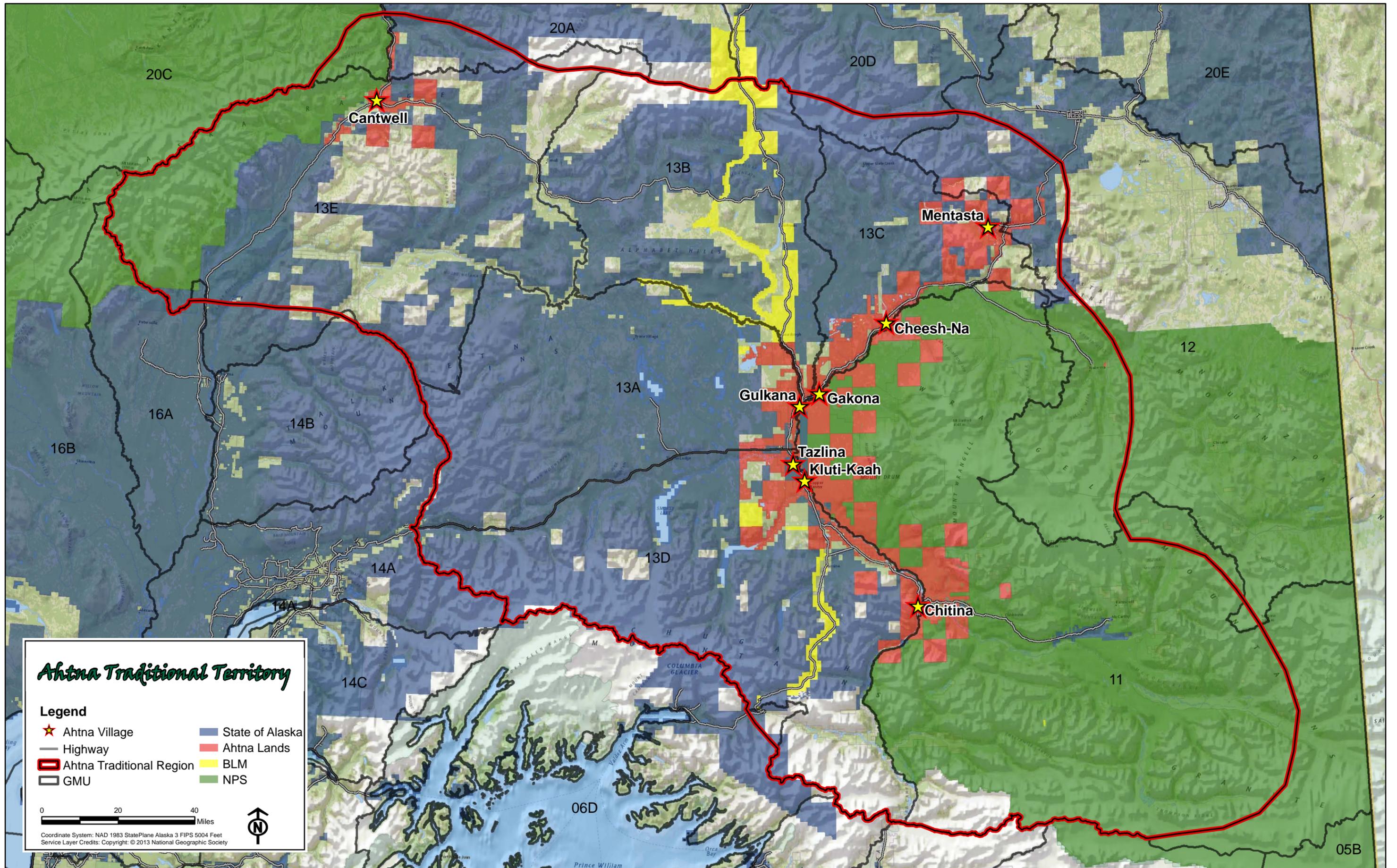
87 percent of Alaskans agree knowledge of their culture and environment could help Alaska Native people work to preserve fish and wildlife for future generations.

75 percent of Alaskans agree fish and game regulations would be better if there were more cooperation between the state, federal and tribal governments.

Data from Craciun Research, "Ahtna Statewide Alaskan Voter Opinion Survey." February 26, 2014.



news@ahтна.net



Ahtna Traditional Territory

- Legend**
- ★ Ahtna Village
 - Highway
 - ▭ Ahtna Traditional Region
 - ▭ GMU
 - ▭ State of Alaska
 - ▭ Ahtna Lands
 - ▭ BLM
 - ▭ NPS

0 20 40 Miles

Coordinate System: NAD 1983 StatePlane Alaska 3 FIPS 5004 Feet
 Service Layer Credits: Copyright: © 2013 National Geographic Society

Section-by-Section Summary of the Alaska Native Subsistence Co-Management Demonstration Act of 2014

SEC. 2. WILDLIFE CO-MANAGEMENT

(b) AITWC AND WILDLIFE MANAGEMENT ON AHTNA LAND

The Ahtna Inter-Tribal Wildlife Commissions (AITWC) is a wildlife management body formed by Ahtna Inc., the Regional Corporation established under the Alaska Native Claims Settlement Act (ANCSA), and the eight federally recognized tribes in the Ahtna region. The AITWC is provided exclusive jurisdiction to manage wildlife, including conservation and hunting, on lands conveyed to Ahtna Inc. through ANCSA, and lands held by Native Villages and Native allotments that lie within Ahtna's traditional territory. Chitina Village Corporation, the only village corporation in the Ahtna region that did not merge its ANCSA lands with Ahtna Inc., the tribes, and the holders of allotments all have the ability to opt in and out of the AITWC and thus the provisions of the Act.

(c) CO-MANAGEMENT OF WILDLIFE POPULATIONS WITHIN AHTNA'S TRADITIONAL TERRITORY

Provides for a negotiated rule-making process in which the Ahtna Wildlife Co-Management Group (AWCG) composed of the AITWC, the Secretary of the Interior and the State if it elects to join, are members. Each member is provided equal representation on the committee. The committee is charged with establishing a co-management structure to coordinate wildlife management on the public lands managed by federal agencies, Ahtna lands, and, if the state elects to join, state lands within Ahtna's traditional hunting territory. The State and AITWC have full discretion to appoint those representatives to the committee who best serve their interests. The Secretary is required to appoint as part of his representation a member of the regional advisory council (RAC) and subsistence resource committee (SRC) with jurisdiction over the public lands within Ahtna's traditional territory in order to facilitate coordination between the wildlife recommendations from these federal advisory groups and AWCG. The committee is to strive for consensus, but any member may call for a vote, each member having one vote, and a majority vote is required to carry an action.

After the co-management structure is established, the AWCG will meet at least annually to exercise its authority to develop, consistent with applicable federal law, hunting regulations, management plans, policies and programs that apply to the public lands within Ahtna's traditional territory. Such actions are to be based in sound science and the traditional knowledge of the Ahtna. A technical committee composed of representatives of all members of the AWCG is established to advise the members on the scientific, social, and traditional knowledge basis for management decisions. Recommendations of the AITWC are due deference by the Secretary similar to the deference due subsistence RACs under section 805 of ANILCA for actions related to Ahtna's customary and traditional uses of wildlife on public lands within Ahtna's traditional territory. On other wildlife management issues for these public lands, deference is due to recommendations

from the AITWC and the RAC and SRC with jurisdiction. The section clarifies that deference is due to recommendations related to management plans, programs, policies and other issues related to the management of wildlife on public lands, and that traditional knowledge is to be fully considered in determining whether a recommendation is supported by substantial evidence.

The AWCG will have as a primary goal, the coordination of wildlife management on all lands throughout Ahtna's traditional territory. There is authority to develop wildlife management plans for moose and other wildlife populations. Management plans are to intended to harmonize management throughout the traditional territory while recognizing that such plans must be consistent with federal law for public lands, state law for state lands and Ahtna's wildlife management policies for Ahtna lands. Management plans may include hunting regulations that provide for Ahtna Native Villages' customary and traditional uses of wildlife and for subsistence uses as mandated by applicable state and federal law. The goal is a management plan and hunting regulations that, to the degree possible, are consistent throughout Ahtna's traditional hunting territory. The State Board of Game, the Federal Subsistence Board, and the AITWC have the final authority to adopt the management plan recommended by the AWCG for the lands under their jurisdiction.

(d) CO-MANAGEMENT OF THE NELCHINA CARIBOU HERD

The Nelchina Caribou herd migrates across public lands, state lands and Ahtna lands and requires a unified management plan to ensure conservation and subsistence hunting opportunity. The AWCG is authorized to develop a management plan, including hunting regulations, that apply throughout the caribou herd's migratory range and is not inconsistent with applicable state and federal laws. The State is provided the opportunity to adopt the management plans, or parts of the plan, and if it does so, State regulations would apply on all lands through the herd's range. The Secretary is to use existing authority to implement part of the management plan not adopted by the State.

(e) Coordination of Subsistence Management Under Title VIII of ANILCA

The Secretary's responsibility for management of subsistence uses on public lands remains unchanged except that, on the public lands within Ahtna's traditional territory, the priority for rural residents of Alaska for taking wildlife resources for subsistence uses, mandated in sections 803 and 804 of ANILCA, is also extended to enrolled members of Ahtna tribes regardless of residency. Ahtna families are thus able to join with their tribal communities in customary and traditional uses of wildlife on public lands. The Secretary is required to adopt regulations on the public lands within Ahtna's traditional territory that provide for the customary and traditional uses of the Ahtna Villages. Regulations for the community pattern of use practiced by the Ahtna Villages may be different than regulations required to provide for the subsistence uses of other rural residents eligible to hunt in this area who do not have a similar pattern of use. Permanent residents of Ahtna Villages who are not tribal members are afforded the opportunity to hunt under

regulations the Secretary adopts for the Ahtna Villages or regulations adopted for other rural residents.

When a wildlife population, for example the Nelchina caribou herd, experiences a decline, and there is not sufficient harvest available on public lands to meet the needs of all rural residents and Ahtna members eligible to hunt the herd, the three criteria mandated by section 804 will determine who among these federally qualified subsistence users will receive a permit to hunt. The application of one of the 804 criterion, “local residency,” will result in issuing permits to those who live closest to the resources. Ahtna tribal members not residing in the villages will likely not receive 804 permits. This section authorized the Secretary, based on recommendations from the AITWC, to issue a tribal community permit for the Village that reflects all or part of the individual permits that would have been issued to tribal members residing in the village. Ahtna tribal members who did not receive a permit are allowed to participate in the permit issued to the community.

(h) Further Co-Management Authority

This section authorizes the Secretary, after reporting to Congress on the Ahtna demonstration project, to use the lessons learned, and enter into negotiated rulemaking committees with other Regional and Village ANCSA corporations and the region’s federally recognized tribes, for co-management projects. Such rules and projects are to incorporate the essential structure for co-management in the bill, but allowances are made to reflect the traditional lands to be covered by the co-management projects and the customary and traditional uses of the Native Villages included in the project. As is consistent throughout the Act, the State is invited to join such projects, and State lands are not included in the project without the approval of the State.

[DISCUSSION DRAFT]

113TH CONGRESS
2ND SESSION

H. R. ____

To authorize a demonstration program that allows for State-Federal-Tribal co-management of wildlife throughout the traditional hunting territory of the Ahtna people and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Young of Alaska introduced the following bill; which was referred to the [] Committee on []

A BILL

To authorize a demonstration program that allows for State-Federal-Tribal co-management of wildlife throughout the traditional hunting territory of the Ahtna people and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) **SHORT TITLE.**—This Act may be cited as the “The Alaska Native Subsistence Co-Management Demonstration Act of 2014”.

SEC. 2. WILDLIFE CO-MANAGEMENT

(a) **ESTABLISHMENT.**— Subchapter II of 16 U.S.C. 51 is amended by adding at the end the following new Section:

“Section 3127 - Co-management of wildlife on lands that comprise traditional Alaska Native hunting territory

(a) DEFINITIONS

(1) The definitions of terms used in this section are:

(A) SECRETARY.— The term “Secretary” means the Secretary of the Interior.

(B) AHTNA INCORPORATED.— The term “Ahtna Incorporated” means the Alaska Native Regional Corporation established for the Copper River region pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et sec).

(C) THE STATE.— The term “the State” means the State of Alaska.

(D) AHTNA INTER-TRIBAL WILDLIFE COMMISSION (AITWC) .— The term “Ahtna Inter-Tribal Wildlife Commission” means the organization designated by Ahtna Incorporated pursuant to Subsection (b) of this Section and responsible for the management of wildlife on Ahtna lands pursuant to this Section.

(E) CHITINA NATIVE CORPORATION.— The term “Chitina Native Corporation” means the Alaska Native Village Corporation in the Ahtna region established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et sec).

(F) GOVERNOR.— The term “Governor” means the Governor of the State of Alaska.

(G) AHTNA NATIVE VILLAGES.— The term “Ahtna Native Villages” means the federally recognized Native Villages of Cantwell, Mentasta, Cheesh’na, Chitina, Gulkana, Gakona, Tazlina, and Kluti Kaah which appear on the list of federally recognized tribes that is compiled pursuant to 25 U.S.C. 479a-1.

(H) AHTNA LANDS.— The term “Ahtna lands” means all lands, and the waters within or adjacent to such lands, in Alaska that:

- (i) were conveyed to Ahtna Incorporated or the eight Alaska Native Village Corporations in the Ahtna region pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et sec);
- (ii) have been selected by such Native Corporations for conveyance pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et sec) but have not yet been conveyed;
- (iii) are Alaska Native allotments located within Ahtna's Traditional Territory;
- (iv) are held on behalf of a member of an Ahtna Native Village, located within Ahtna's Traditional Territory, and subject to any federal restriction on alienation;
- (iv) are held on behalf of an Ahtna Native Village and located within Ahtna's Traditional Territory;
- and
- (v) are owned by Ahtna Incorporated, the Chitina Native Corporation, or an Ahtna Native Village and located within Ahtna's Traditional Territory.

(I) CUSTOMARY AND TRADITIONAL USES.— The term “customary and traditional uses” means the tribal and community-based patterns and practices of members of Ahtna Native Villages for taking and using wildlife that provide for the nutritional, physical, economic, spiritual, and cultural way of life of members of the Ahtna Native Villages.

(J) AHTNA'S TRADITIONAL TERRITORY.— The term “Ahtna's Traditional Territory” means all lands and waters within the boundary depicted on the map accompanying the Alaska Native Subsistence Co-Management Demonstration Act of 2014. Within 60 days of enactment of the Alaska Native Subsistence Co-Management Demonstration Act of 2014, the Ahtna Inter-Tribal Wildlife Commission shall provide a definition of Ahtna's Traditional Territory that is consistent with the boundaries depicted on the map and in a form that is consistent with the State of Alaska's

regulatory description of Game Management Units in Alaska Administrative Code 5 AAC 92.450.

(K) PUBLIC LANDS.— The term “public lands” has the same meaning as the definition under Section 3102 of Subchapter I of 16 U.S.C. 51.

(L) AHTNA WILDLIFE CO-MANAGEMENT GROUP (AWCG).— The term “Ahtna Wildlife Co-Management Group” means a group that is comprised exclusively of the Ahtna Inter-Tribal Wildlife Commission, the Secretary, and the State of Alaska, if the Governor elects for the State of Alaska to join the group.

(M) TRADITIONAL ALASKA NATIVE HUNTING TERRITORY.— The meaning of the term “traditional Alaska Native hunting territory” shall be defined by the Secretary in the final rule that is promulgated pursuant to Paragraph (2) of Subsection (g) of this Section.

(N) ALASKA NATIVE CUSTOMARY AND TRADITIONAL USES OF WILDLIFE.— The meaning of the term “Alaska Native customary and traditional uses of wildlife” shall be defined by the Secretary in the final rule that is promulgated pursuant to Paragraph (2) of Subsection (g) of this Section.

(b) AITWC AND WILDLIFE MANAGEMENT ON AHTNA LANDS

(1) ESTABLISHMENT OF AITWC.— The Ahtna Inter-Tribal Wildlife Commission shall be comprised of Ahtna Incorporated, and any Ahtna Native Villages that elect to join the commission.

(2) MEMBERSHIP OF AITWC.— Any Ahtna Native Village may elect at any time to join the Ahtna Inter-Tribal Wildlife Commission pursuant to Paragraph (1) of this Subsection if its tribal government passes a resolution that authorizes the village to join the commission and also grants the commission authorization to manage wildlife on some or all of its lands pursuant to Paragraph (6) of this Subsection. Any Ahtna Native Village may elect at any time to terminate its participation in the commission if its tribal government passes a resolution that

authorizes the village to terminate its participation in the commission.

(3) STRUCTURE OF AITWC.— Ahtna Incorporated and any Ahtna Native Villages that are members of the Ahtna Inter-Tribal Wildlife Commission shall jointly determine the governing structure of the Ahtna Inter-Tribal Wildlife Commission. The members shall establish and maintain a fair system of decision-making for operating the commission and ensuring that all members of the commission are fairly represented on the commission. The commission shall create and maintain publically-available governing documents that delineate the structure of such system.

(4) WILDLIFE MANAGEMENT.— The management of all wildlife on Ahtna lands, including the taking of wildlife and conservation of wildlife, shall be conducted exclusively by the Ahtna Inter-Tribal Wildlife Commission.

(5) CHITINA EXCEPTION.— Paragraph (4) of this Subsection shall not apply to lands conveyed to the Chitina Native Corporation unless the Chitina Native Corporation adopts a resolution authorizing some or all of such lands to be managed by the Ahtna Inter-Tribal Wildlife Commission pursuant to this Section. Chitina Native Corporation may elect at any time to terminate such authorization if it adopts a resolution that rescinds the authorization.

(6) AHTNA NATIVE VILLAGES EXCEPTION.— Paragraph (4) of this Subsection shall not apply to lands that are owned or held on behalf of an Ahtna Native Village unless the tribal government of the Ahtna Native Village adopts a resolution authorizing some or all of its lands to be managed by the Ahtna Inter-Tribal Wildlife Commission pursuant to this Section. The Ahtna Native Village may elect at any time to terminate such authorization if its tribal government adopts a resolution that rescinds the authorization.

(7) ALASKA NATIVE ALLOTMENT EXCEPTION.— Paragraph (4) of this Subsection shall not apply to Native Allotments within Ahtna’s Traditional Territory unless the Ahtna Inter-Tribal Wildlife Commission is in receipt of a written, notarized statement from the allottee/s of the land that authorizes the Ahtna Inter-Tribal Wildlife Commission to manage such lands pursuant to this Section and such statement is publically available. The allottee/s may elect at any time to terminate such authorization by providing the commission with a written, notarized statement that rescinds the authorization.

(8) EXCEPTION FOR LANDS PROTECTED AGAINST ALIENATION.— Paragraph (4) of this Subsection shall not apply to lands that are held on behalf of a member of an Ahtna Native Village and subject to a federal restriction on alienation unless the Ahtna Inter-Tribal Wildlife Commission is in receipt of a written, notarized statement from the member that authorizes the Ahtna Inter-Tribal Wildlife Commission to manage the lands pursuant to this Section and such statement is publically available. The village member may elect at any time to terminate such authorization by providing the commission with a written, notarized statement that rescinds the authorization.

(c) CO-MANAGEMENT OF WILDLIFE POPULATIONS WITHIN AHTNA’S TRADITIONAL TERRITORY

(1) NEGOTIATED RULEMAKING PROCEDURE.— Notwithstanding sections 563(a) and 565(a) of Title 5, United States Code, the Secretary shall issue the rules described in this Subsection and any rules that may be required by amendments made to this Subsection, according to the negotiated rulemaking procedure under Subchapter III of Chapter 5 of Title 5, United States Code as adapted according to this Paragraph.

(A) COMMITTEE, ESTABLISHMENT.— Not later than 60 days after the date of enactment of the Alaska Native Subsistence Co-Management Demonstration Act of 2014, the Secretary shall establish a negotiated rulemaking committee pursuant to this Paragraph that is

tasked with developing and evolving wildlife co-management regulations pursuant to this Section.

(B) COMMITTEE, ADAPTATION.— In establishing the negotiated rulemaking committee pursuant to this Subsection, the Secretary shall adapt the procedures under Subchapter III of Chapter 5 of Title 5, United States Code to ensure that:

(i) notwithstanding Section 564(b) of Title 5, United States Code, the membership of the committee include only persons who are representatives of the entities that comprise the Ahtna Wildlife Co-Management Group;

(ii) the membership of the committee be comprised of an equal number of representatives of each entity that is a member of the Ahtna Wildlife Co-Management Group;

(iii) each entity that is a member of the Ahtna Wildlife Co-Management Group shall have exclusive authority to select the persons who serve as their respective representatives on the committee;

(iv) the Secretary selects at least one person to serve as a representative on the committee who also serves as a member of the regional advisory council or subsistence resource commission that shares jurisdiction over the public lands within Ahtna's Traditional Territory pursuant to Section 3115 and 3118 of Subchapter II of 16 U.S.C. 51;

(v) notwithstanding the definition of "consensus" in Section 562(1) of Title 5, United States Code, and notwithstanding Section 566(e) of Title 5, United States Code, any member of the committee has the right bring any matter that is pending before the committee to a vote that shall be decided by simple majority and each member of the committee shall have the right to cast a single, equally-weighted vote to decide the matter;

(vi) notwithstanding Section 566(f) of Title 5, United States Code, the committee shall reach a

consensus on any proposed rule prior to the conclusion of negotiations on such rule and shall bring all matters preventing consensus on the proposed rule to a vote, pursuant to Clause (iv) of this Subparagraph, prior to the conclusion of the meeting or series of meetings that constitute a negotiation for the proposed rule;

(vii) within 30 days of the committee transmitting any proposed rule to the Secretary, the Secretary shall promulgate the proposed rule as a final rule that is identical to the proposed rule;

(viii) the Secretary and the committee shall not take any action that terminates the committee; and

(ix) notwithstanding Section 567 of Title 5, United States Code, the committee shall adjourn but not terminate upon promulgation of any final rule.

(2) ESTABLISHMENT OF A CO-MANAGEMENT STRUCTURE.— Within 180 days of the enactment of the Alaska Native Subsistence Co-Management Demonstration Act of 2014, the Secretary shall convene the first of a series of meetings of the negotiated rulemaking committee that is established under Paragraph (1) of this Subsection. During the first meeting, the negotiated rulemaking committee shall, using the procedure under Paragraph (1) of this Subsection, develop a proposed rule that establishes and implements a regulatory structure for the Ahtna Wildlife Co-Management Group to exclusively manage the taking of wildlife for subsistence uses and Ahtna Native Villages' customary and traditional uses of wildlife on all public lands within Ahtna's Traditional Territory and, if the State is a member of the Ahtna Wildlife Co-Management Group, also to coordinate the wildlife management conducted on public lands within Ahtna's Traditional Territory with wildlife management conducted on all State lands within Ahtna's Traditional Territory. The negotiated rulemaking committee shall ensure that the proposed rule:

(A) requires that the Ahtna Wildlife Co-Management Group develop and implement all wildlife management plans, policies, and programs based on:

(i) sound science and recognized principles of wildlife conservation and sustained yield management, and

(ii) the traditional knowledge of the members of the Ahtna Native Villages as conveyed through the Ahtna Inter-Tribal Wildlife Commission;

(B) provides for the opportunity for subsistence uses required under Sections 3111-3126 of Subchapter II of 16 U.S.C. 51 and the opportunity necessary for the continuation of Ahtna Native Villages' customary and traditional uses of wildlife throughout Ahtna's Traditional Territory;

(C) coordinates the management of wildlife takings that is conducted by the Ahtna Inter-Tribal Wildlife Commission pursuant to Paragraph (4) of Subsection (b) of this Section with the opportunity on public lands provided in Subparagraph (B) of this Paragraph, and, if the State is a member of the Ahtna Wildlife Co-Management Group, the opportunity provided through Alaska's subsistence and wildlife management laws;

(D) provides for the development and implementation of an innovative, effective, and comprehensive management plan for the moose populations that inhabit Ahtna's Traditional Territory, and innovative and effective management plans, programs, regulations, and policies for any other wildlife populations throughout Ahtna's Traditional Territory that the Ahtna Wildlife Co-Management Group may determine as necessary including, but not limited to, harvest monitoring, wildlife population surveying, controlling hunting access, ensuring cooperative law enforcement, promoting healthy wildlife habitat, and preventing trespass;

(E) provides for the development and implementation of a management plan for the Nelchina Caribou Herd pursuant to Subsection (d) of this Section;

(F) provides for the establishment of a technical committee to serve the Ahtna Wildlife Co-Management Group that is comprised of an equal apportionment of persons chosen by the respective members of the group and that is tasked with advising the voting members of the group on the scientific, social, and traditional knowledge basis for management decisions;

(G) provides authority for the Ahtna Inter-Tribal Wildlife Commission to perform all the actions and responsibilities of the regional advisory committees and subsistence resource commissions established under Section 3115 and 3118 of Subchapter II of 16 U.S.C. 51 for the public lands within Ahtna's Traditional Territory and requires that:

(i) recommendations by the Ahtna Inter-Tribal Wildlife Commission for establishing and implementing regulations, management plans and policies effecting the Ahtna Native Villages' taking opportunity for customary and traditional uses of wildlife on the public lands within Ahtna's traditional territory, including but not limited to bag limits, seasons, hunting methods and means, patterns, and practices shall supersede any recommendation that may be made by an another regional advisory council or subsistence resource commission established by the Secretary pursuant to Section 3115 and 3118 of Subchapter II of 16 U.S.C. 51;

(ii) recommendations by the Ahtna Inter-Tribal Wildlife Commission on all issues related to wildlife management on the public lands within Ahtna's traditional territory, including but not limited to the development and implementation of regulations, programs, policies, and management plans shall be afforded the deference mandated in Section 3115 and 3118 of Subchapter II of 16 U.S.C. 51 provided that the Secretary, when considering the factors for deferring to a recommendation, shall weight the traditional

knowledge of the Ahtna Native Villages on at least an equal basis with other considerations;

(iii) if the Secretary determines not to follow a recommendation by the Ahtna Inter-Tribal Wildlife Commission, the Secretary shall provide the Commission with an opportunity to submit a modified recommendation within 30 days of receiving the notice that a recommendation has been rejected.

(3) CO-MANAGEMENT EVOLUTION.— Subsequent to the date that the Secretary promulgates a final rule that implements the proposed rule required under Paragraph (2) of this Subsection, the Secretary shall convene regular meetings of the negotiated rulemaking committee that is established under Paragraph (1) of this Subsection at least annually. The negotiated rulemaking committee may also elect to convene meetings at any time. During these meetings, the negotiated rulemaking committee may elect to develop proposed rules for improving and enhancing the existing regulations that were promulgated pursuant to Paragraph (2) of this Subsection. If the negotiated rulemaking committee elects to develop such proposed rules, the committee shall:

- (i) develop the proposed rules using the procedure under Paragraph (1) of this Subsection; and
- (ii) ensure that the proposed rules meet all of the requirements under Paragraph (2) of this Subsection.

(d) CO-MANAGEMENT OF THE NELCHINA CARIBOU HERD

(1) MANAGEMENT PLAN.— The Ahtna Wildlife Co-Management Group shall develop a management plan for the Nelchina Caribou herd that applies throughout the herd's migratory range. If the State is a member of the Ahtna Wildlife Co-Management Group and adopts the management plan developed by the Ahtna Wildlife Co-Management Group, State regulations implementing the management plan shall govern management of the herd on all lands throughout the migratory range. If the State is not a member of the Ahtna Wildlife Co-

Management Group, or fails to adopt the management plan that is developed, or parts thereof, the Secretary shall take all necessary actions to implement the management plan to the full extent permitted under existing authority. The Ahtna Wildlife Co-Management Group shall ensure that the management plan:

- (A) provides for the conservation and sustained yield of the caribou population;
- (B) develops and implements plans, policies, and programs for harvest monitoring, population surveying, hunting access, cooperative and effective law enforcement, promotion of healthy habitat and an abundant caribou population, preventing trespass on Ahtna Lands, and other elements of management for innovative and effective co-management based on sound science and the traditional knowledge of the members of the Ahtna Native Villages;
- (C) ensures that the plans, policies, and programs implemented under Subparagraph (B) of this Paragraph are consistent with applicable state and federal law;
- (D) provides a significant role for the Ahtna Inter-Tribal Wildlife Commission in programs implementing the management plan; and
- (E) provides for the hunting opportunity required under Sections 3111-3126 of Subchapter II of 16 U.S.C. 51, the hunting opportunity necessary for the continuation of Ahtna Native Villages' customary and traditional uses of the Nelchina Caribou herd, and, if the State is a member of the group, the hunting opportunity required pursuant to the State's subsistence laws.

(e) COORDINATION OF SUBSISTENCE MANAGEMENT UNDER TITLE VIII OF ANICLA

(1) SUBSISTENCE USE PRIORITY.— The priority for subsistence uses provided for in Sections 3111-3126 of Subchapter II of 16 U.S.C. 51 shall be extended to all enrolled members of Ahtna Native Villages on the public lands within Ahtna's Traditional Territory, and:

(A) the Secretary shall adopt regulations through the Ahtna Wildlife Co-Management Group for the public lands within Ahtna's Traditional Territory that provide the opportunity necessary to continue the Ahtna Native Villages' customary and traditional uses of wildlife;

(B) permanent residents of Ahtna Native Villages who are not tribal members of Ahtna Native Villages, and who choose to engage in the Ahtna Native Villages' customary and traditional uses of wildlife, shall be afforded the opportunity to participate in the hunting opportunity established on public lands within Ahtna's Traditional Territory for enrolled members of Ahtna Native Villages; provided that permanent residents of Ahtna Native Villages shall also be afforded the option of subsistence hunting on public lands pursuant to regulations established by the Secretary for rural and local residents of the area;

(C) in implementing Section 3114 of Subchapter II of 16 U.S.C. 51, whenever it is necessary on public lands within Ahtna's Traditional Territory to restrict the taking of wildlife populations for subsistence uses in order to protect the continued viability of such populations, or to continue subsistence uses by enrolled members of Ahtna Native Villages and rural residents with customary and traditional use of the area and wildlife population, the Secretary shall, pursuant to recommendations from the Ahtna Inter-Tribal Wildlife Commission, issue a permit to each Ahtna Native Village that reflects all or part of the permits that would have been issued to the individual tribal members residing in the Village. All enrolled members of the Ahtna Native Village shall be allowed to participate in the permits issued by the Secretary to Ahtna Native Villages under conditions recommended by the Ahtna Inter-Tribal Wildlife Commission.

(D) the Secretary is authorized to enter into contracts and funding agreements with the Ahtna Inter-Tribal Wildlife Commission pursuant to Sections 3111-3126 of Subchapter II of 16 U.S.C. 51 and other applicable

authority for contracting and compacting with federally recognized Indian Tribes.

(2) **CONTRACTING AND FUNDING AGREEMENTS.**— The Secretary shall, within one year of promulgating the final rule required under Paragraph (2) of Subsection (c) of this Section, enter into good faith negotiations with Ahtna Inter-Tribal Wildlife Commission for contracts and funding agreements to administer programs on public lands within Ahtna’s Traditional Territory that are related to the programs, policies, management plans and regulations established under this Section, including but not limited to administering the co-management structure established by this Section, and programs for research, harvest monitoring, population and habitat surveys, and enforcement.

(3) **FUNDING LEVELS.**— The Secretary shall fund any contract or funding agreement under Paragraph (2) that is for administering the co-management structure established under this Section at a level consistent with the funding provided for administering, and providing adequate qualified staff for, regional advisory councils, local advisory committees, and subsistence resource commissions established under sections 3115 and 3118 of Subchapter II of 16 U.S.C. 51.

(f) **JUDICIAL REMEDY**

(1) **RIGHT TO CIVIL ACTION.**— The Ahtna Inter-Tribal Wildlife Commission and Ahtna Native Villages may file civil actions for declarative and injunctive relief in the United States District Court for the District of Alaska if the Secretary fails to:

- (A) convene meetings of the negotiated rulemaking committee required under Subsection (c);
- (B) promulgate any final rules pursuant to clause (vi) of Subparagraph (B) of Paragraph (1) of Subsection (c);
- (C) comply with any requirements under any final rules that are promulgated pursuant to Subsection (c), including, but not limited to, any requirements under final rules that provide for the continuation of Ahtna

Native Villages' customary and traditional uses of wildlife;

(D) meet any deadline under this Section;

(E) participate in good faith negotiations with all other members of the Ahtna Wildlife Co-Management Group during any negotiated rulemaking required under Subsection (c);

(F) participate in good faith in wildlife co-management as a member of the Ahtna Wildlife Co-Management Group pursuant to this Section;

(G) execute the authority provided under Subsection (g);
or

(H) comply with any other requirement or obligation under this Section.

(2) RIGHT TO INJUNCTIVE RELIEF.— If the Ahtna Inter-Tribal Wildlife Commission or any Ahtna Native Village files any civil action pursuant to Paragraph (1) of this Subsection, the court may grant injunctive relief to require the Secretary to take any actions that are necessary to remedy the Secretary's failures under Paragraph (1) of this Subsection. The court may grant preliminary injunctive relief in such civil actions if the granting of such relief is appropriate under the facts upon which the action is based. No order granting preliminary relief shall be issued until after an opportunity for hearing.

(3) COSTS AND FEES.— If the Ahtna Inter-Tribal Wildlife Commission or any Ahtna Native Village is the prevailing party in any action filed pursuant to this Subsection, the prevailing party in such action shall be awarded full reasonable costs and attorney's fees.

(f) REPORTING TO CONGRESS

(1) CO-MANAGEMENT GROUP REPORTING.— The Secretary shall, on behalf of the Ahtna Wildlife Co-Management Group, report to Congress within 30 days of the date that the negotiated rulemaking committee completes its regular meetings as required pursuant to Paragraph (3) of Subsection (c) of this

Section regarding the successes and challenges of the adapted negotiated rulemaking procedure under Subsection (c) of this Section and wildlife co-management conducted under final rules promulgated pursuant to Subsection (c) of this Section. The Secretary shall develop reports under this Subsection jointly with all other members of the Ahtna Wildlife Co-Management Group.

(g) FURTHER CO-MANAGEMENT AUTHORITY

(1) AUTHORITY.— The Secretary is authorized to convene adapted negotiated rulemaking committees pursuant to Paragraph (2) of this Subsection exclusively for the purpose of such committees promulgating regulations that establish wildlife co-management structures for public lands in Alaska within traditional Alaska Native hunting territory and, at the discretion of the Governor, state lands within traditional Alaska Native hunting territory.

(2) PROMULGATION OF REGULATIONS.— The Secretary shall, within 180 days after making the first report to Congress pursuant to Subsection (f) of this Section, consult with Alaska Native Regional Corporations, federally recognized Alaska Native Villages, and the State of Alaska and promulgate a final rule that establishes and implements a procedure for the Secretary to convene negotiated rulemaking committees modeled directly on the adapted negotiated rulemaking committee described in Subsection (c) of this Section. The Secretary shall ensure that the procedure under this final rule only provides for the convening of any negotiated rulemaking committee that:

- (A) is further adapted from the negotiated rulemaking committee model described in Subsection (c) of this Section to account for the unique wildlife management needs in the traditional Alaska Native hunting territory that is served by the negotiated rulemaking committee;
- (B) is further adapted from the negotiated rulemaking committee model described in Subsection (c) of this Section to provide for the Alaska Native customary and

traditional uses of wildlife that are practiced by the particular federally recognized Alaska Native Villages in the traditional Alaska Native hunting territory that is served by the negotiated rulemaking committee;

(C) is further adapted from the negotiated rulemaking committee model described in Subsection (c) of this Section to incorporate improvements to the model that are based on the findings of the first report and any subsequent reports that have been made to Congress prior to the date that the Secretary convenes the negotiated rulemaking committee;

(D) may only be established if an Alaska Native Regional Corporation, in cooperation with a significant number of Alaska Native Village Corporations within the region, form an Inter-Tribal Wildlife Commission with elements that are consistent with Subsection (b) of this Section and such commission elects, during the consultation required under this Paragraph, to join the wildlife co-management group that participates in the negotiated rulemaking committee;

(E) is adapted with regard to apportionment of representatives and voting to use identical procedures as the negotiated rulemaking committee model described in Subsection (c) of this Section;

(F) is adapted such that the wildlife co-management group that participates in the negotiated rulemaking committee only includes the State if the Governor elects for the State to join the group; and

(G) includes a process under which the Secretary, through consultation with the Inter-Tribal Wildlife Commission, defines the lands to be included in the region's traditional Alaska Native hunting territory and the Alaska Native customary and traditional uses of wildlife for the Alaska Native Villages in the region.

(h) LIMITATIONS

(1) RULE OF CONSTRUCTION, FEDERAL LAW.— Nothing in this Section shall be construed as:

(A) modifying or limiting the authority of Ahtna Incorporated or Chitina Native Corporation to manage corporation lands and waters;

(B) modifying or limiting the authority of an allottee, Ahtna Native Village, or member of an Ahtna Native Village to take any action on lands and waters covered by this Section that is otherwise permitted by law; or

(C) modifying or repealing the provisions of any federal law governing the conservation or protection of fish and wildlife, including but not limited to the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927- 16 U.S.C. 668dd-jj), the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4), the Fur Seal Act of 1966 (80 Stat. 1091, 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884 16 U.S.C. 1531-1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361-1407), the Act entitled “An Act for the Protection of the Bald Eagle”, approved June 8, 1940 (54 Stat. 250; 16 U.S.C. 742a-754), the Migratory Bird Treaty Act (40 Stat. 755;16 U.S.C. 703-711), the Federal Aid in Wildlife Restoration Act (50 Stat. 917- 16 U.S.C. 669-669i), the Fishery Conservation and Management Act of 1976 (90 Stat. 331; 16 U.S.C. 1801-1882), the Federal Aid in Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777-777K), or ally amendments to any one or more of such Acts.

(2) RULE OF CONSTRUCTION, STATE AND FEDERAL AUTHORITY.— Except as explicitly provided in this section, nothing herein shall be construed to expand, diminish, or otherwise modify the management authority of the State of Alaska or the federal government with respect to the management of wildlife resources in Alaska.