



KUSKOKWIM RIVER

INTER-TRIBAL FISH COMMISSION

OUR RIVER, OUR PEOPLE, OUR FISH

P.O. Box 190 Bethel, AK 99559-190 | Phone: (907) 543-4524 | Email: info@kritfc.org

September 15, 2020

The Honorable David L. Bernhardt, Secretary
US Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Mr. Secretary Bernhardt:

Recent litigation initiated by the State of Alaska against you and the Federal Subsistence Board, as well as correspondence from former chairmen of the Alaska Board of Game, Alaska Board of Fisheries and various outdoor sports hunting and fishing groups, have a common thread. Each contends that there are negative impacts of federal subsistence management on non-federal subsistence uses. What is omitted in these discussions is the fact that of the total estimated annual harvest of fish and wildlife in Alaska, only 0.9% is harvested under state and federal subsistence hunting and fishing regulations (ADF&G 2018).¹ An even smaller percentile is provided by Federal subsistence harvest.

We, the Kuskokwim River Inter-Tribal Fish Commission (KRITFC), therefore contend that the impact of federal subsistence management has very negligible impacts on commercial, sport, and recreational fishing and hunting activities. Federal subsistence management is not about recreation, nor a family vacation, nor a trophy hunt or fishery; federal subsistence management is about literally creating an efficiency of harvest, feeding our families, and ensuring food security. Other options to replace our nutritional, economic, cultural, and spiritual dependence on the fish and wildlife outside our traditional territories do not exist.

Recent correspondence to your office also suggests that the federal subsistence management program puts at risk the sustainable management of fisheries and wildlife in Alaska because of actions by the Federal Subsistence Board. These complaints about the impacts of federal subsistence management on the health and sustainability of federal decision-making also fail to recognize the detrimental approaches promoted by the State of Alaska on the Kuskokwim River. In May of 2020, the Alaska Department of Fish & Game (ADF&G) recommended opening subsistence Chinook salmon fishing on the Kuskokwim for 24 hours every other day without taking into consideration the large amount of uncertainty associated with the ADF&G 2020 preseason forecast. In both 2019 and 2020, ADF&G's forecasts were off by 100,000 Chinook salmon. In 2019, the ADF&G preseason forecast underestimated the Chinook run by 73%, as 100,000 more Chinook returned than were forecasted. In 2020, the ADF&G preseason forecast overestimated the return by 100,000 Chinook (about 100% error based on preliminary data), resulting in a much lower escapement than desired by KRITFC and only

¹ Alaska Department of Fish and Game, Division of Subsistence, James A. Fall. 2018. Subsistence in Alaska: A Year 2017 Update. http://www.adfg.alaska.gov/static/home/subsistence/pdfs/subsistence_update_2017.pdf.



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four 12-hour fishing opportunities during the Chinook season. The 2020 ADF&G preseason forecast also predicted an average return of chum, while, in fact, the 2020 chum run was one of the lowest on record.

Without the actions of the Federal Subsistence Board and the cooperative in-season management of the 2020 Chinook salmon run between the Yukon Delta National Wildlife Refuge and the Kuskokwim River Inter-Tribal Fish Commission, the ADF&G would have once again failed to meet the drainage-wide Chinook salmon escapement goal (of which the bottom end is only 65,000 Chinook), thus repeating the disastrous State of Alaska management of the 2013 Kuskokwim River season in which escapement was only 37,000 Chinook. Instead, federal subsistence management of the 2020 Chinook salmon season resulted in a much more sustainable management regime that would not have occurred had the State of Alaska managed the Kuskokwim River fishery.

We further want to address that the protections afforded to rural Alaskans under the Alaska National Interest Lands Conservation Act (ANILCA) are not race-based. Section 801 specifies that the cultural and social aspects of subsistence are provided for the Alaskan Native and non-Native rural residents alike. The term used while providing a subsistence preference is “Federally Qualified User” and pertains to all people who have lived in the harvest area for at least one year and intend to remain in the harvest area. On the Kuskokwim River, many of the proponents of Special Action Requests to the Federal Subsistence Board are non-native. The Kuskokwim River Inter-Tribal Fish Commission, as our name suggests, is a tribal consortium. However, three of our tribally appointed Fish Commissioners have been non-native. On the Kuskokwim River there are longtime residents that harvest salmon resources whose families immigrated from Korea, Taiwan, Albania, Macedonia, Poland and elsewhere. We also have people from across the country that share in our way of life. All people living in rural Alaska are welcome and encouraged to harvest wild foods, including during times of conservation.

Furthermore, promises made to Alaska Natives by the United States federal government to protect hunting and fishing rights associated with Alaska Statehood, Alaska Native Claims Settlement Act (ANCSA), and ANILCA continue to be broken. You, the U.S. Secretary of Interior, have been given broad authority by Congress to reserve lands and waters in Alaska to protect the food sovereignty and food security of the federally recognized tribes in Alaska:

“Native peoples’ interest in and use of subsistence resources’ could be safeguarded by the Secretary of the Interior’s ‘exercise of his existing withdrawal authority’ to ‘protect Native subsistence needs and requirements.... The Conference Committee expects both the Secretary and the State of Alaska to take any action necessary to protect the subsistence needs of the Natives.’”²

² (R. Anderson. 2016. “Sovereignty and Subsistence: Native Self-Government and Rights to Hunt, Fish, and Gather After ANCSA, 33 Alaska L. Rev. 187-227 citing H. Conf. Rep. No 92-746, at 37 (1971), as reprinted in 1971 U.S.C.C.A.N., 2247, 2250 and Pickett Act, ch.421, Pub. L. No. 61-303, 36 Stat. 847 (1910)(repealed 1976).



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We, the undersigned, call for you to exercise your authority to reserve lands and waters to ensure the continuation of rural Alaskan ways of life that are so essential to the health and wellbeing of our rural and remote communities. The State of Alaska's continuing failure to implement the Alaska subsistence preference law in state statute and regulation, and the State of Alaska's continuing failure to comply with federal law with respect to the federal rural subsistence priority has resulted in decades of dual subsistence management of hunting and fishing activities in Alaska.

More recently, the State of Alaska and the outdoor hunting enthusiasts' special interests groups are now systematically attacking the federal subsistence program to neutralize the dual subsistence management system in efforts to further erode the intent of U.S. Congress to provide a rural subsistence priority to ensure the continuation of the rural Alaskan and Alaska Native way of life. Cries of racial discrimination by such groups and the State of Alaska continue to misrepresent the Federal rights of Federally Qualified Users as well as the Federal Indian Trust obligations of the United States to the federally recognized tribal governments of Alaska, and their citizens, which serves as a political relationship recognized in the U.S. Constitution and not a relationship based on race.

The State of Alaska has only recently begun to recognize that tribes in Alaska exist during the previous gubernatorial administration. The current administration continues to disavow tribal sovereignty and the existence of tribes in Alaska. Instead, the State of Alaska and the outdoor special interests that dictate Alaska state outdoor policy, continue to promote and manage fish and wildlife for the majority coded as, "All Alaskans," and racialize the unique political relationship that is supposed to exist between the United States and the federally recognized tribes in Alaska as outlined in the U.S. Constitution, nor does it recognize the rural preference as dictated by ANILCA.

While ANCSA reportedly extinguished aboriginal hunting and fishing rights when it was passed, there was no financial compensation for the loss of those rights; Alaska Native people were compensated only for the loss of aboriginal lands. We are not requesting financial compensation for that extinguishment, but we are urging you, the Secretary of the Interior, to protect our subsistence rights. The federal subsistence management program represents the only existing authority for the U.S. federal government to fulfill its Federal Trust responsibilities to federally recognized tribal governments in Alaska through the authority granted by Congress to you, the Secretary of the Interior. Alaska tribes regularly are informed that ANILCA does not mention tribes and that the federal subsistence priority applies only to Alaskans based upon the location of their permanent residence. Therefore, in effect, the U.S. federal government is not fulfilling any part of the Federal Indian Trust obligations to Alaska tribes, except for the Metlakatla Indian Community, with respect to tribal hunting and fishing rights, self-governance, and self-determination. We plea that you, the Secretary of the Interior, take action to uphold our federal subsistence rights as rural Alaskans.

Sincerely,

TELIDA | NIKOLAI | TAKOTNA | MCGRATH | LIME VILLAGE | STONY RIVER | SLEETMUTE | RED DEVIL
GEORGETOWN | CROOKED CREEK | NAPAIMUTE | CHUATHBALUK | ANIAK | UPPER KALSKAG | LOWER KALSKAG | TULUKSAK
AKIAK | AKIACHAK | KWETHLUK | BETHEL | OSCARVILLE | NAPASKIAK | NAPAKIAK | KASIGLUK | ATMAUTLUAK
NUNAPITCHUK | TUNTUTULIAK | EEK | QUINHAGAK | KONGIGANAK | KWIGILLINGOK | KIPNUK | CHEFORNAK




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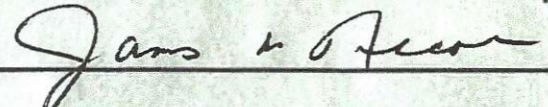
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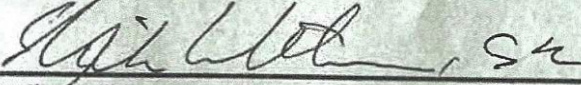
Charlene Erik, Chair
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Jonathan Samuelson, Secretary
Claude "Joe" Petruska
Gerald Kameroff
Golga Frederick
James Nicori
Megan Leary
Jacqueline Cleveland
James Charles, Elder Advisor




Charlene Erik, Chair Unit 7



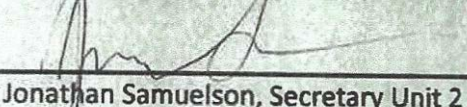
James Nicori, In-Season Manager



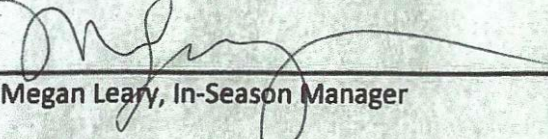
Mike Williams, Sr., Vice Chair Unit 4



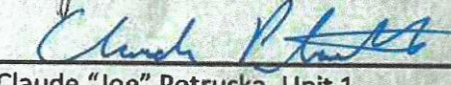
Jackie Cleveland, In-Season Manager




Jonathan Samuelson, Secretary Unit 2



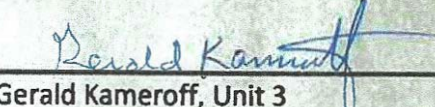
Megan Leary, In-Season Manager



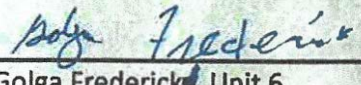
Claude "Joe" Petruska, Unit 1



James Charles, Elder Advisor



Gerald Kameroff, Unit 3



Golga Frederick, Unit 6

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