

# WECAN

Women's Earth & Climate Action Network, International

## Tongass Women for Forests

P.O. Box 259, Hoonah, Alaska 99829

907-209-7007

Wanda Culp , Tlingit, WECAN Tongass Coordinator  
Adrien Lee, Tlingit, WECAN Tongass Representative  
Kari Ames, Tlingit, WECAN Tongass Representative  
Rebekah Sawers, Yupik, WECAN Tongass Representative



March 26, 2020

Federal Subsistence Board  
Office of Subsistence Management  
Attention: Theo Matuskowitz  
1011 E. Tudor Road, MS-121  
Anchorage, Alaska 99503  
<http://www.regulations.gov>

### RE: New Conceptual Management Proposal to the Federal Subsistence Board

To the Southeast Advisory Council, and All This Concerns,

The WECAN Tongass Women for Forests is a part of the Women's Earth and Climate Action Network (WECAN International), an international organization established to engage women worldwide in policy advocacy, on-the-ground projects, direct action, trainings, and movement building for global climate justice. Our cultural existence derives from the land, our names, regalia, family heirlooms all ties us to who we are and where we come from. The strength of our female bloodline carries us from the past, to now, and into the future, assuring future generational existence.

As such, we are an integral part of today's Federal regulatory process and submit this proposal that would "make over" Customary and Traditional "*subsistence*" management to elevate traditional ecological knowledge into the habitat and land conservation laws that directly affect our economical use of Haa Aani, our land. In our world, very living thing is a resource connected to Nature, and our prevailing law is we do not take any more than what we need, we give back and we take care.

### FORWARD

This is not a proposal of new laws. The current Federal Subsistence system is convoluted and broken because it makes no good management sense. We are submitting a vision of proper perspective and adjustments of interpretation of laws created on behalf of the beneficiaries, not despite them. We will be using two existing laws to illustrate:

- Alaska National Interest Lands Conservation Act (ANILCA) 1980
- National Environmental Policy Act (NEPA) 1969

We are asking for a critical examination of current management and methods used to interpret laws and policies. Important is their fundamental origin and principles of capability, competence, aptitude, and appropriateness of the current dual management between the State of Alaska and Federal governments. The rules of conduct must be compatible with the intent of the laws in application and enforcement in order to be "just".

### WHOLISTIC THINKING FROM THE BOTTOM UP

An integrated and wholistic approach to analysis and treatment of lands is important, rather than as pieces to parts that do not fit together. The sciences and managements must be applicable. The use of the science to

# WECAN

Women's Earth & Climate Action Network, International

## Tongass Women for Forests

Wanda Culp , Tlingit, WECAN Tongass Coordinator  
Adrien Lee, Tlingit, WECAN Tongass Representative  
Kari Ames, Tlingit, WECAN Tongass Representative  
Rebekah Sawers, Yupik, WECAN Tongass Representative



ecology in identifying living relationships and patterns within an environment includes our traditional knowledge and use patterns throughout history within identified and respected boundaries between Alaska Native groups. AGRICULTURE is the science and practice of the enclosed cultivating of the soil in the continental United States to produce crops resulting in products for market. FORESTRY is the science of caring for multiple unenclosed landscapes thick with the growth of trees and underbrush of intertwining indigenous life. In Alaska's case, one style of management has nothing to do with the other, and to lump them in one shoe size is inappropriate and problematic in operation. Alaska's extreme wildlands requires new ideas, approaches, and integration of indigenous knowledge into the principles of capability, competence, aptitude and appropriateness.

The Forest Service, for example, has never been able to responsibly monitor "subsistence" activities on public lands, it is basically disregarded. This is an insult and negates the Alaska Native Claims Settlement Act (ANCSA) compromise, Alaska National Interest Lands Conservation Act (ANILCA) Title VIII. An accompanying example: the federal agency responsible for National Environmental Protection Act is not even on our horizon of sight! The Environmental Protection Agency is the missing link in the management and protective intent of the laws of the land in the 49<sup>th</sup> State. Why is this Agency not on the FSB? Look at the connections:

Alaska	National
National	<u>Environmental</u>
Interest	Policy
<u>Lands</u>	Act
<u>Conservation</u>	
Act	

### ALASKA NATIONAL INTEREST CONSERVATION ACT

**ANILCA**, belonging to federal public lands in Alaska, is the spawn from the Alaska Native Land Claims Act as a congressional compromise for converting Native possessory lands into private real estate holdings solely for for-profit development under State of Alaska rule. ANILCA is two-fold. One specifically addresses conservation protections of public lands, the other is for the accommodation of customary and traditional use of Alaska's land under the term "*subsistence*", a word that degrades a valued way of life. The first intent invites "**national interest**" voices, of which Alaska Native interests' voices are absorbed into. The second intent specifically addressed Customary & Traditional priority by Alaska Native groups during resource shortages. Our voices have been absorbed by the State of Alaska in the Board's current dual-management system with corporate-controlled governing that does not recognize traditional use on Native-owned, used and occupied lands that now surround our villages under Land Claims. These are mind cramping management challenges that must be properly faced, given the complexity and outreaching obligations of ANCSA and ANILCA.

The Alaska Supreme Court's 1989 McDowell v. Federal government authority on State of Alaska lands won the case on the merits that ANILCA Title VIII's "*native preference*" is unconstitutional under Alaska's state constitution. If the U S Supreme Court also rules ANILCA Title VIII illegal on Federal public lands in Alaska, then is the time that dual management of "*subsistence*" could be workable in compatibility with one another. As it is today, Alaska Natives have never won a case in State of Alaska courts, a forum we face with no legal counsel or representation in our corner. It is a one-way street. The State of Alaska is out of compliance with federal laws. There is no greater incompatibility. The FSB using ten (10) regions and the state's 26 game units, instead of the twelve (12) regions that resulted from ANCSA adds confusion to the mix and serves to accommodate the State of Alaska.

# WECAN

Women's Earth & Climate Action Network, International

## Tongass Women for Forests

### NATIONAL ENVIRONMENTAL POLICY ACT

NEPA is a **national interest** environmental law that adds strength to lands conservation and environmental protections on federal lands across America. This law assures the best use of the land by its required "environmental impact statement" (EIS) of every proposed major Federal action that would significantly affect the quality of the human environment. SE tribes became familiar with NEPA during the mass 1980-90s clear cut logging businesses that gave no notice to NEPA in the Tongass Forest. Same disregard was given to ANILCA. The only focus the state has is developing resource extraction businesses as quickly as possible on Alaska Native-owned corporation lands surrounding villages. This type of management has made us illegal within our own midst when taking fish and game to save and feed the family rather than "sport" or recreational activities. Tribal interest voices, knowledge, and recognition of traditional use areas are needed for new management ideas, approaches, and integration of laws that intertwine with one another such as ANILCA and NEPA.

### STATE GOVERNMENT BRINGS COMMERCIAL ACTIVITIES INTO THE "SUBSISTENCE" MIX

Inserting commercial activities into the "subsistence" priorities, and environmental and land conservation protections is a management weakness for the Federal Subsistence Board's structure. The State of Alaska unilaterally worked with Alaska's congressional delegation to overstep the laws in 2018, and use the Secretary of Agriculture's **Forest Service** as the vehicle to bring forward a DRAFT Environmental Impact Statement (DEIS) to weaken the 2001 ROADLESS RULE to make way for out-of-state natural resource extraction businesses. Alaska's congressional delegation was telling their colleagues in Washington D C that "everyone in Alaska is in favor" of their fast-tracking and illegal DEIS. Alaska's governor used his authority and Federal funding to create his "*citizens advisory committee*" to develop the six (6) DEIS alternatives without legal authority to do so, without scientific validity, without site specific identification upon which to determine environmental and human "impacts", without the knowledge and required involvement of the Southeast Advisory Council, the tribes, or national interest. Such a blatant disregard of the system should not have been allowed to occur.

### DUAL MANAGEMENT OPPOSES MUTUAL COOPERATION AND UNDERSTANDING

Prioritizing subsistence, and environmental and land conservation is not the business of a state government preoccupied with the drawing in of large corporate operations into Alaska. Federal public lands are not the State of Alaska business within state government boundaries. Each government have their own laws and jurisdictions to abide by. This is no different for indigenous tribal societies, we have laws of use and sustainability that are important for the FSB to draw upon in an agreement of equal stature, recognition and cooperation towards the same goals and responsibilities to the land. Effective restructuring must hold all the pieces of the wholistic picture, all connecting, all a fit. The benefits of maintaining an intact ecosystem is more profitable for other economic sectors and jobs than expanding a federal money-losing investment to targeted INDUSTRIAL sectors.

The dual and opposing characters of both the people's Federal and the State's industrial-prone governments will never see eye to eye on prioritization without constant court actions.

The State of Alaska has jurisdiction over all navigable waters, this creates management issues inside Hoonah's homeland, Glacier Bay National Park where the huge cruise line industry has 225 ship entries this season. Money, money, money! The illegal dumping of sewage, oil, and gray water into our coveted Glacier Bay's pristine waters is only a minor offense. The **Secretary of the Interior** should be outraged about the **National Park Service** playing into the State's big industry scheme priority, kicking aside the required protections enacted into the laws of the land. Eliminate the State of Alaska and businesses out of subsistence, environmental, and land conservation governing

# WECAN

Women's Earth & Climate Action Network, International

## Tongass Women for Forests

Wanda Culp , Tlingit, WECAN Tongass Coordinator  
Adrien Lee, Tlingit, WECAN Tongass Representative  
Kari Ames, Tlingit, WECAN Tongass Representative  
Rebekah Sawers, Yupik, WECAN Tongass Representative



and shift dual management to the protection of Alaska's navigable waters. This gap must be closed. The Federal Subsistence Board's dual management plan with the **National Park Service** for instance, would have to recognize the customary and traditional use of all navigable waters inside and outside Glacier Bay National Park. Each federal governing agency in Alaska must also recognize the C&T use of all navigable waters along all coasts.

### CLIMATE ACTION NETWORKING

Both ANILCA and NEPA must include climate science in all proposed action analysis, recognizing the immensity of global warming. Village Alaska has been living under these conditions longer than most and the hardships are not noticed nor prioritized in land management decision-making. Southeast is normally the wet part of Alaska, yet we were in drought conditions this past summer with Prince of Wales and lower S E suffering the most. Seeing no runoffs from the mountain tops is unnerving and cannot be ignored. The Tongass Forest becomes more important for carbon storage with the advents of human destruction of the Amazon forest in Brazil and the mass wildfires in Australia. Destruction of the forests in Africa, Asia, China, and other over-crowded countries has created biological diversities between animals and humans where humans become hosts to animal bacterial causing diseases like the Corona virus. PLANETARY HEALTH focusing on invisible connections is a new consideration for environmental governing today.

Climate change must be faced and reacted to with vigor and fear! Just as the CORO19 is being dealt with now, that is how serious we must take the changes occurring in our environments. This is where the Indigenous Women come into effective play. **Tongass Women for Forests** has been working with **WECAN International** since 2016 and have made huge steps in connecting globally through IT workshops that open our eyes holistically to the obstacles and common ground problems indigenous communities around the world is facing. We can see importance to the inclusion of the Indigenous Women's voices within the tribal self-governing arena, to the initiating of new ideas, approaches and intelligence of the management of federal laws that affect our customary and traditional uses of the land (subsistence), as well as the laws affecting land conservation and environmental protections.

### WHOLISTIC THINKING FROM THE TOP DOWN

To the Secretaries of Agriculture and the Interior, this must be said: it is time to clean house, and create a new and stronger mold of this century's reality by fitting the voices of the people and tribes into proper context and process of governing. The overwhelming American voices are letting themselves be heard individually and in groups, there is no ignoring the demands for change.

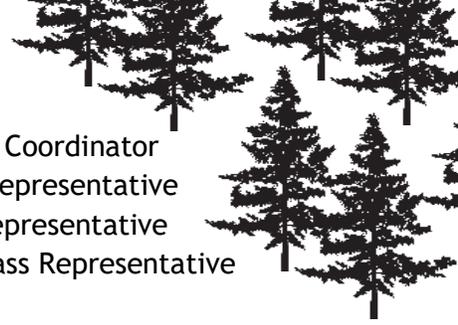
Within the **Federal Subsistence Board**, where is the **Fish & Wildlife Service** in their mandate to "*subsistence*" protections specifically for coastal Alaska Natives? Why is the Beluga Whale population near extinction? And, the **Bureau of Indian Affairs**, the agency that conducted the 1965 Native land claims enrollment, an enrollment that turned our "*BIA numbers*" into corporation shareholder certificate identification. What is the difficulty recognizing two Alaska villages as "tribes", with the 1936 Indian Reorganization Act, and the 1975 "*638*" Indian self-governance Act as guidelines? Village tribes existed before Federal Indian Law in Alaska; the path already exists. The **Bureau of Land Management** could do much in identifying those surviving Native-owned allotments and Alaska's original town site locations for the purpose of justifying indigenous connections to places of importance to the tribal, federal and state governments. Both the **Forest Service** and the **National Park Service** are under congressional pro-industry control, their purpose must be redefined and reaffirmed on behalf of American interests.

# WECAN

Women's Earth & Climate Action Network, International

## Tongass Women for Forests

Wanda Culp , Tlingit, WECAN Tongass Coordinator  
Adrien Lee, Tlingit, WECAN Tongass Representative  
Kari Ames, Tlingit, WECAN Tongass Representative  
Rebekah Sawers, Yupik, WECAN Tongass Representative



It is encouraged that the Webster's Dictionary become a tool in the proper use of the English language as well, so that all processes and purposes can be clearly understood. For instance, the responsibility of "overseeing" be interpreted as cooperatively tending to business rather than standing above authoritatively looking down.

### IN CONCLUSION

Yes, our proposal is unorthodox in structure and covers a lot of ground, yet it is filled with good reasoning and intelligence in defense of changes in interpretation and implementation of federal subsistence, land conservation and environmental policies and regulations. Inclusion of indigenous women's leadership must be respected in the decision-making within family territories equal with our tribal official's voices in cooperative understandings with the Federal Subsistence Board.

We appreciate the time you will take to examine and evaluate what we have presented here and look forward to your response.

Gunal'cheech!

---

Wanda J Culp , Coordinator

---

Adrien N Lee, Representative

---

Rebekah Sawers, Representative

---

Kari Ames, Representative