

WECAN

Women's Earth & Climate Action Network, International

TONGASS WOMEN FOR FORESTS

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INTRODUCTION

The Women's Earth and Climate Action Network (WECAN) - Tongass Women for Forests - is a part of WECAN International's organization established to engage women worldwide in policy advocacy, on-the-ground projects, training, and movement building for global climate justice. WECAN Tongass Indigenous Women's cultural existence derives from the land, our family names, regalia, heirlooms, songs, dances, and stories, which all tie us to Who we are and Where we come from. The strength of our female bloodline carries us from the past, present, and into the future.

As Indigenous Women, we represent the air, land, and sea through our deep cultural connections to our land and waters— and our words provide the missing grassroots Voice from our Indigenous point of view. Our Tribal Voice and total involvement is missing from the current federal land management regime in Tlingit Aaní. Therefore, we propose: *a Food Sovereignty Management System that provides full and meaningful participation of village stakeholders within an ECOSYSTEM POLICY. This management concept will need the combined asset strengths of village self-determination, T&H Central Council, and Sealaska Corporation in developing new planning and management policies that are based in science and Indigenous sovereignty.*

It is our intent that this policy will ultimately REPLACE the current fractured land-management model of private, state, and federal authorities competing for control of our Indigenous land base.

WECAN Tongass Indigenous Women's PROPOSAL and CONCEPT stems from the Indigenous point of view with the intent of creating order and uniformity into laws that directly affect our lives, future and destinies. It is our sincerest objective to inspire a due process system with T&H Central Council that has been seriously deprived from ANILCA Title VIII's component to our ANCSA. With the Tribe taking the lead for village food sovereignty land management responsibilities with a program centered within the natural resources, land conservation, and environmental protection realms, COMMON GROUND is born.

BACKGROUND

WECAN International primarily works with women on the frontlines of climate change, low-income and underserved Indigenous women and women of color communities. Since 2016, WECAN has enabled the voices of the Women of the Tongass Forest to be heard through amazingly effective and wide-ranging media routes and advocacy meeting participation. This partnering enabled WECAN Indigenous Women's Tongass Delegations to advocate for the Roadless Rule at Congressional offices in Washington, D.C. to urge the codification of the 2001 ROADLESS RULE through face-to-face meetings with Republican (R) and Democratic (D) members of the House and Congress. This included a meeting at the Secretary of Interior's office, Sonny Perdue, and Representative – now Secretary of the Interior elect – Deb Haaland who made a point of greeting us personally. In November 2019, as two WECAN Tongass representatives participated in a hearing on the ROADLESS RULE in D.C., simultaneously we disrupted the U.S. Forest Service's "hearing" at the Hoonah Ranger Station by sending the message that we are not visitors nor immigrants, the Tongass Forest is our home. This past summer we again traveled to D.C, digitally via ZOOM, to meet with several Congressional leaders, regarding the ROADLESS RULE.

Each meeting finds us in our traditional dress, robes, tunics, head wear, drums, paddles, and we tell of our way of life, how valued the forest and each tree is to us. We present ourselves proudly as the Indigenous

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women we are, we hunt, fish, and gather our food according to well established traditional ways that we use today. Many politicians had never met Tribal members face-to-face before and were intrigued with the living history we bring forward as stewards of the land. We speak of our ancestry, our inherent rights to be who we are without interference from laws of exclusion, how de-forestation has led to climate change, how our environment is changing from the warming temperatures, how encroachment laws have made us illegal within our own midst, on our own land, and waters, how "*subsistence*" is not a word to us.

Laws interpreted and written by lawmakers from Washington, D.C. keep Alaska Natives off balance and subservient to a system ignorant of ingenious natural civilizations and economies. Indigenous values are misaligned, and our young are losing their skills in traditional food production and interconnectedness to their ancestral way of life based on a history of healthy land, water, and air.

Today, Alaska Natives are a part of an American political system through successful lawsuits and settlements that are in our toolbox – Tribal Governing and ANCSA – not everyone else's to govern. Our sovereignty crisis is due to twin focuses: Land and Food rights. Politically driven convoluted laws and regulations have made Alaska Native cultures faceless, voiceless, and without any legal, managerial or administrative protections in place. Our intelligence is excluded from front-end decisions that directly affect our ancient existence. This is not how to control our own destiny on the outside looking into the window of our own homes. We have been gutted, emptied for display only by the state of Alaska's control over Federal conservation and environmental protection laws of the land.

It is time to dismantle the U.S. Secretary of Interior and Secretary of Agriculture's ANILCA Title VIII Federal Subsistence Board away from the State of Alaska's ten (10) Department of Fish and Game regions that do not comply with sustaining our customary and traditional use for food sovereignty. This DRAFT CONCEPT restructures food sovereignty towards Alaska Native beneficiaries rather than dominated by industrial control through state governing. Alaska Natives "nations" are not foreign, not immigrant, nor are we visitors. We wish to restructure the FSB to the twelve (12) ANCSA regions instead, for relevance, expedience and connectiveness.

It is possible to maintain our identity and cultural spirit, language, history, traditions, values, and economies into this century by regaining our self-determination and Tribal right to self-governing. We are not a minority population, we did not choose to be Russian nor Europeans, we have not relinquished our way of living within proven laws of survival. We own a distinct sovereignty over a land base founded on recognition and acknowledged rights of inherent entitlements.

Alaska Native groups sued the U.S. government to maintain landholdings to ensure that our possessions remain in our control as self-determined and sovereign. 1975s P.L 93-638 Indian Self-Determination and Education Assistance Act recognizes that Alaska Natives never surrendered our desire to self-govern and control of our relationships with the outside authorities, organizations, corporations, and persons. There is no reason why tribal and public corporations and governments cannot exist side by side through creative thinking and clean cooperative managements. This DRAFT CONCEPT comes from Indigenous eco-management thinking and visions of recreating long-term stewardship mechanisms that have been shunned, ignored, and objectified to fit colonial classification categories – rather than holistically. We are seeking fair and impartial tactics and strategies that adamantly supports our sovereign destiny.

POLICY RECOMMENDATIONS

All the natural resources are important components to sustained village cultural education, spiritual connections, nutritional health, and Indigenous economies where survival skills emerged. Alaska Natives own over 40 million acres of private land divided among 200+ Indigenous villages within twelve (12) ANCSA regions.

We deserve a Food Sovereignty Management System that provides full and meaningful participation of village stakeholders within an ECOSYSTEM POLICY design. Designing such a pure management plan with a clean government-to-government partnership CONCEPT, we will need to identify a uniform protocol process on Food Sovereignty Tribal Consultation with federal agencies composing the Federal Subsistence Board. This CONCEPT will need the combined asset strengths of village self-determination, T&H Central Council, and Sealaska Corporation in developing new planning and management policies that are scientifically Indigenous based.

A. Call for Indigenous Food Sovereignty Tribal Consultation with the Federal Subsistence Board (FSB) and its S.E. Regional Advisory Council (SERAC).

The Forest Service found an Indigenous fish trap in the Mendenhall River several years ago, dated 14,000 old. That technology was not born overnight, but it reveals that our ancestry already understood the process and value of harvesting fish with mechanisms allowing for escapement. We only took what we needed and made sure we left the area in as good or better shape than we found it. During times of shortages, a sign/signal was placed to let others know not to take from this source.

Today's Federal management system is fractured with pieces of foreign and imported ideas and concepts that will never fit together. Tlingit and Haida Tribes must redesign a new system using our cultural environmental history of knowledge and abilities as the foundation for balance and stability as guidelines. As Indigenous Nations who sued the U.S. government and won, we are the beneficiaries of those settlements. We must maximize use of these tools to commit ourselves to regaining our own authority to rescue ourselves, our cultural existence to who we are, and our right to self-governing.

- ANILCA Title VIII must be legally recognized as "Federal Indian Legislation" enacted under the plenary authority of the U.S. Congress over "**Indian Affairs**", to enable effective implementation of food sovereignty.
- Amend ANILCA to provide for food sovereignty village priority.
- Draft legislation that designates Alaska Native "settlement lands" as Federal Interest for the purposes of food sovereignty under ANILCA Title VIII.
- Demand that the U.S. Forest Service reconstruct smoke houses, trapping cabins, tribal houses, and fish camps they destroyed as a matter of policy in the 1930-50s to make way for fox farmers on Tlingit and Haida land.
- Restructuring lands identification under Tribal government jurisdiction must be described as either "**Tlingit Aani**" or "**Haida Gwaii**".

In the mid-1960s, the **Bureau of Indian Affairs** conducted an enrollment for the Alaska Native Land Claims Settlement with a minimum of ¼ or more blood quantum requirement. **The Bureau of Indian Affairs**

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contracts to Tribal governments the "638" Tribal services programs requiring a standard minimum of ¼ or more blood quantum to qualify for participation. Considering that ANILCA Title VIII is a compromise spawn of ANCSA, there is no reason not to legally recognize it as Federal Indian Legislation.

B. Change FSB Authority over Federal Lands in the Tongass Forest to T&H Tribal Governing with Inclusion of ANCSA Corporations for Full Management of Food Sovereignty.

Code of Federal Regulations 36, Part 200-209, Parks, Forests, and Public Property, Subpart B, Section 242.10 – Federal Subsistence Board, states as follows:

"The Secretary of the Interior and Secretary of Agriculture hereby establish a Federal Subsistence Board, and assign it responsibility for administering the subsistence taking and uses of fish and wildlife on public lands, and related promulgation and signature authority for regulations of Subparts C and D of this part."

The FSB was not created by an act of Congress, nor is it referenced in Title VIII of ANILCA. It was created by mutual regulation of the Secretaries of Interior and Agriculture. WECAN Tongass Indigenous Women want to see ANILCA managed with the direct involvement of our Indigenous population that originally sued the Federal government not once but twice.

Within the Tongass Forest the Secretary of the Interior manages Glacier Bay National Park (**National Park Service**) where the U.S. Congress – led by Alaska's Republican delegation in D.C. – created "wilderness area designations" where Huna Tlingit "subsistence" activities and Tribal commercial fishing are banned. The same 1996 law banning Tlingit out of our homeland doubled the number of huge cruise ships into those pristine waters by up to 25 permit entries per day from May to September.

The remainder of the Tongass Forest under the Secretary of Interior's authority are the agencies: **Fish and Wildlife, Bureau of Land Management**, and the **Bureau of Indian Affairs**. The Secretary of Agriculture manages the U.S. **Forest Service** agency under an entirely different set of rules.

One management possibility:

Eliminate the S.E. Alaska Tongass Region from the FSB jurisdiction and replace it with a long-term Tribal ecosystem planning regime. The Forest Service's regional forester would still hold regulatory authority through the FSB approval process and advancement to the SOI and SOA for final approval. This structure would allow for cost effective implementation and assure timely and vital input from those dependent on Indigenous food sovereignty, including Alaska Native privately-owned lands and access to traditional waters. This would require that law enforcement and Tribal courts be established to accommodate food sovereignty protections. Under Federal law, Tribes have the authority to negotiate agreements, including with law enforcement agencies to use their services and facilities. The state legislature can pass a statute to do this, as many other states do already.

Jurisdiction over food sovereignty carries commitment and responsibilities over local control and legal administrations of natural resources protections. We hold the greatest legal interest in resource habitat and wildlife protection. Tribal management will reduce the cost of far-flung wildlife management. Alaska Natives are naturals in the outdoor environment using learned harvesting methods that protect fish and game sustainability and the land's natural resources.

Another management possibility:

Tlingit values and standards could be maintained in Glacier Bay National Park, as is done in the Lower 48 states, and NPS standards could be maintained within Huna Tlingit Aani. Further, Tribal governments must be able to contract scientific studies and research for NPS Tribal enhancement programs managing migratory fish and wildlife for food sovereignty. When settling the Tee-Hit-Taan case for Tlingit and Haida Tribes, the court judge struck out all glacial areas as "*uninhabited*", which contradicts all scientific studies to date.

C. Tribal Self-Determination to Self-Governing and Food Sovereignty.

We are Indigenously linked to the Tribe's ability to regain control over our lands, village communities, our lives, our destinies. The State of Alaska needs Alaska Natives to manage wild habitat and resources, and we need them to do the same if "*sustainability*" is to be true for conservation management. Restructuring requires that the state and the Tribes recognize a partnership for "*rural*" villages, alleviating pressure of enforcement focus to the larger "*urban*" cities. Alaska Natives are capable of effective managing and policing remote areas. Tribes must have exclusive hunting and fishing rights and jurisdiction over Native lands and access to water ways. These types of partnering already exist in the Lower 48 states where usual hunting and fishing ground stations are equally identified in common with other citizenry and private uses.

D. Call for a Regime That Fully Protects Alaska Native Interests and Rights of Access to Federal and State Lands and Waters Rightful Share Guarantee to Natural Resources.

We must seek shared enforcement jurisdiction with both Federal and state governments to fully exercise hunting, fishing, and gathering food sovereignty rights while protecting land conservation and environmental safeguards. As a pre-determined protocol, Tribal enforcement must be allowed to intervene before Federal or state authorities become involved.

An ANILCA Title VIII question must be addressed regarding moving beyond Federal public interest lands onto Alaska Native-owned private lands to extend the policy of environmental protections for migratory species of fish and wildlife. To assure sufficient supplies of food resources, the U.S. Congress must clearly establish a policy that involves land, air, and water conservation measures for fish and wildlife.

Further, by converting the State's ten (10) fish and game "subsistence" units to ANCSA's twelve (12) Alaska Native regions ties Alaska Native owned private property to ANILCA Title VIII, thus eliminating confusion and creating order and uniformity into food sovereignty.

The makeup of the Federal Subsistence Board must serve a pro-Tribal purpose designed with clear and identifiable goals and focus toward food sovereignty success. Such can be accomplished by interpreting Federal laws towards Tribal sovereignty, or land conservation, or environmental protection, depending on which law comes into play.

The following is a list of pertinent laws that governing agencies must come into land management compliance with – but are not:

- Administrative Procedures Act
- National Forest Management Act
- Multiple-Use Sustained Yield Act
- Organic Administration Act

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- National **Environmental** Policy Act
- P.L. 93-638 Indian Self-Determination and Education Assistance Act
- P.L. 96-487 ANILCA Title Federal Subsistence Program
- State of Alaska Constitution Article 12 Section 12 Disclaimer

Five Federal agency Alaska-based directors make up the FSB and is missing a key link to its purpose – environmental protection. We must question why the **SOI's Environmental Protection Agency (EPA)** is not a part of the FSB realm. Each federal agency has their own legal regiment that they must follow and organized under a central control system designed for order and uniformity. When the system has been holistically corrupted, it is time to reorganize and restructure all connecting pieces. Adding to the strength of the FSB through EPA's participation would bring to the table the National Environmental Protection Act's (NEPA) President's Council on Environmental Quality, which has led over 100 countries to enacted similar policies.

CONCLUSION

Industrial exploration discovered oil in Alaska in 1902 and overstepped the gold mining industry while, in S.E. Alaska, the logging industry was stepping itself up in the Tongass Forest through the 1907 establishment of the U.S. Forest Service under the Secretary of Agriculture. The ANB and ANS was the first Alaska Native group to sue the U.S. government to maintain our landholdings within our possession and self-determined control. And we did it!

However, both the Tee-Hit-Taan and the Alaska Native land claims settlements fall shamefully short of our expectations and deserve to be placed under the magnifying glass of scrutiny. ANCSA joined the flurry of national environmental laws (NEPA, MMPA, EPA...) through Alaska's National Interest Land Conservation (ANILCA) and its Title VIII. ANILCA law has been bastardized to the point of unrecognition or effectiveness for its legal intent by eliminating village self-governing in its management of Title VIII protections.

It was a 1962 Federal Record of Decision (ROD) signed into action following the number 4 alternative to an Environmental Impact Statement that created the FSB to manage "subsistence" on Federal public lands; and provides for a public – not Tribal - forum opportunity for proposal-generated participation. The ANILCA law has become politically invisible in the world of land conservation and environmental protection, how far-removed Alaska Natives have been cut from our land by regulations. The rare ingenious Alaska Native way of life is reduced to one insignificant word, "subsistence", an inferior description of a lower-class to a higher superiority. The current regime of the FSB's dual management system with the state of Alaska legitimizes the state land theft of Alaska Native ownership and undermines Tribal authority.

In 2009, then SOI Salazar, recognizing ANILCA as a component of ANCSA, announced to Alaska Natives of an upcoming "review" to Title VIII's FSB. The review was the result of a push from Tribal Member Shareholders. Salazar assured that the structures, procedures, operations, budgets, and other elements will be made to best meet the needs of ANILCA in its service to "**rural subsistence users**". Those three words eliminate Tribal village community presence. Therefore, the FSB "*subsistence program*" is for non-Native, non-Tribal users, as "rural" refers to agricultural country people, not Alaska Native villages. Here lies the huge misconception. Alaska Natives then looked towards the Obama administration for positive changes to "nation-to-nation" commitments of improving communication with Federally recognized tribes.

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In 2011, U.S. Alaska Democrat (D) Senator Mark Begich requested the **Senate Committee on Indian Affairs** to hold an oversight hearing on subsistence during the 112th Congress with the intention of exploring "*new innovative ways of ensuring sustainability of such an important way of life*". Accompanying Begich's letter, was the *FEDERAL REGISTER* Vol. 76, No. 29, Friday February 11, 2011, Proposed Rules: U.S. DEPARTMENT OF AGRICULTURE **FOREST SERVICE** 36 CFR Part 242, and DEPARTMENT OF THE INTERIOR **FISH & WILDLIFE SERVICE**, 50 CFR PART 100 "*Subsistence Management Regulations for Public Lands in Alaska – Subpart B, Federal Subsistence Board*", October 2009 U.S. SOI initiated: "...Department review of the Federal Subsistence Management Program in Alaska...focusing on meeting the purpose of subsistence provisions of 1980 ANILCA, and how it is serving rural subsistence users."

Regulatory and administrative changes were made to "*strengthen the FSB program*" 1) adds two "*public members*" to the FSB to increase stakeholder input in their decision-making process, and 2) divide Alaska into 10 Alaska Department of Fish & Game "*subsistence resource regions*", each to be represented by elected regional advisory councils. These latest regulations take "*coordination and consultation*" further to include the state of Alaska's Native Corporations on the same basis as Tribally owned entities by providing a "*mechanism of inclusion*" into the FSB process. Sealaska Corporation has taken this to mean that they are equal to 75 CFR 60810 list of Federally recognized tribes and has felt entitled enough to claim their corporate status as "*tribes*", enabling them to encroach on Federal funding intended for Tribal self-government services.

Five Alaska-based Federal Agencies make up the Federal Subsistence Board, each with their own set of CFRs to adhere to. Note that the above cited FEDERAL REGISTER, dated February 11, 2011, involved only two of the five agencies and their authorizing CFRs responsible for subsistence management on public lands in Alaska. It seems that three Federal agencies are as invisible as we are in ANILCA Title VIII's current structure. This unnecessarily convoluted system is so fractured that it has forgotten about its Indigenous originators and beneficiaries.

WECAN Tongass Indigenous Women's PROPOSAL CONCEPT stems from the Indigenous point of view with the intent of creating order and uniformity into laws that directly affect our lives, future and destinies. It is our sincerest objective to inspire a due process system with T&H Central Council that has been seriously deprived from ANILCA Title VIII's component to our ANCSA. With the Tribe taking the lead for village food sovereignty land management responsibilities with a program centered within the natural resources, land conservation, and environmental protection realms, COMMON GROUND is born.

T&H already has land and water interest Tribal programs that fit well with the food sovereignty PROPOSAL CONCEPT provided here. WECAN International relies on grants and donations, same as T&H does. A partnership of action networking and political action planning could develop into an all-encompassing involvement of food sovereignty from the Indigenous point of view to the Tribal governing system to the Alaska Native Corporate board room.

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