

**TESTIMONY OF GENE PELTOLA,
ASSISTANT REGIONAL DIRECTOR FOR THE OFFICE OF SUBSISTENCE
MANAGEMENT, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE
INTERIOR, BEFORE THE U.S. SENATE COMMITTEE ON ENERGY AND NATURAL
RESOURCES, REGARDING WILDLIFE MANAGEMENT AUTHORITY IN ALASKA**

September 19, 2013

Good morning Chairman Wyden, Ranking Member Murkowski, and Members of the Committee. I am Gene Peltola, Assistant Regional Director for the Office of Subsistence Management, with the U.S. Fish and Wildlife Service in Alaska. Thank you for the opportunity to testify before the Committee regarding harvest of subsistence resources on federal public lands in Alaska under the Alaska National Interest Lands Conservation Act (ANILCA).

The mission of the U.S. Fish and Wildlife Service is to work with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. We take management actions to ensure that these natural resources are available now, and for future generations of Americans. In Alaska, we have a special responsibility is to ensure these resources are available now and in the future for rural Alaskans who rely on subsistence harvest.

Alaska Subsistence Overview

The customary and traditional harvest and use of natural resources for food, shelter, clothing, transportation, handicrafts, and trade, commonly called “subsistence,” has a long history in Alaska. Alaska Native peoples have depended on subsistence for thousands of years. In more recent history, non-Native peoples living in rural Alaska have come to rely on natural resources for their livelihoods as well.

The management of subsistence harvests of natural resources is complicated. It is governed by many laws and statutes that are not seamless in their mandates, and have differing provisions for who is eligible to harvest. For example, management of subsistence harvest of marine mammals is governed by the Marine Mammal Protection Act (MMPA). Under the MMPA, coastal dwelling Alaska Natives may harvest marine mammals for subsistence purposes or for the creation and sale of authentic native handicrafts or articles of clothing. Management of subsistence harvest of migratory birds is governed by the Migratory Bird Treaty Act (MBTA). The MBTA was amended to allow for spring/summer subsistence harvest of migratory birds by Alaska Natives and permanent resident non-natives with legitimate subsistence hunting needs living in designated subsistence hunting areas in Alaska.

Within the MBTA Protocol Amendment of 1996, Congress charged the Secretary of the Interior to promulgate annual regulations for migratory bird subsistence hunting in Alaska for the purposes of conserving migratory birds and perpetuating subsistence hunting customs and cultures. Congress also provided Alaska Natives a meaningful role in management decisions affecting the customary subsistence hunting opportunities. The MBTA Protocol Amendment also invited the State of Alaska to participate in a management body that included Alaska

Natives and the Secretary of the Interior, represented by the U.S. Fish and Wildlife Service. This led to the creation of the Alaska Migratory Bird Co-Management Council (AMBCC).

Subsistence management of land mammals, fisheries and upland birds is governed by Title VIII of ANILCA, which allows for a subsistence preference for rural Alaskans. In addition, Alaska State laws govern management of subsistence on State lands and on private lands, including Alaska Native Corporation lands.

Historical Background

ANILCA is a wide-ranging law that established 106 million acres of federal lands as conservation units, including national wildlife refuges, national parks, preserves, national monuments in the national forest system and wild and scenic rivers, thereby enlarging federal holdings dedicated to conservation in Alaska to more than 131 million acres. Eighty percent of the lands in the National Wildlife Refuge System are in Alaska and sixty-five percent of all National Park Service lands are in Alaska. Fifty-six percent of all National Wilderness Preservation System lands (within national parks, national wildlife refuges, and national forests) are in Alaska.

Recognizing the unique characteristics of Alaska, and the unique history of subsistence users in Alaska, Congress also provided in Title VIII of ANILCA, a priority for rural subsistence uses on federal public lands in Alaska—well over 230 million acres comprising over 60 percent of the State.. It is important to note that even though subsistence is a priority use identified in ANILCA, maintaining healthy populations of fish and wildlife is the top priority. ANILCA fulfilled the intent of Congress after passage of the Alaska Native Claims Settlement Act to provide for a subsistence priority on federal public lands. That priority was provided to rural residents, rather than to Alaska Natives, an issue repeatedly raised by the Alaska Native community since the law passed.

The State of Alaska managed subsistence on federal lands until 1989, when the Alaska Supreme Court ruled that the rural residency preference required by ANILCA violated the equal access clause of the Alaska Constitution. As a consequence, from 1992 to the present, the federal government has engaged in subsistence management on federal public lands, and assumed additional subsistence responsibilities for management of subsistence fisheries in 1998.

In 2009, the Secretary of the Interior conducted a review of the federal subsistence management program. The intent of the review was to “ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII are being met.” As a result of the review, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, made recommendations for changes which were adopted by federal regulators and administrators, or are in the process of being adopted.

The Federal Subsistence Management Program

The Secretaries of the Interior and Agriculture delegated authority to manage the subsistence priority use on federal public lands to the Federal Subsistence Board (FSB). The FSB is

comprised of eight members, including: the Regional Directors of the U.S. Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; the State Director of the Bureau of Land Management; and the Regional Forester of the U.S. Forest Service. Three public members who represent rural subsistence users are also members of the board, and one serves as the FSB's chair. These board members are appointed by the Secretary of the Interior, with the concurrence of the Secretary of Agriculture.

The Federal Subsistence Management Program is multi-faceted. It involves five federal agencies, a federal and public-member decision-making board, 10 Subsistence Regional Advisory Councils, and partnerships with Alaska Native and rural organizations as well as with the State of Alaska.

The Office of Subsistence Management, administratively housed in the U.S. Fish and Wildlife Service, is responsible for facilitating and providing administrative and technical support to implement the program. In addition, the U.S. Fish and Wildlife Service provides fisheries expertise that focuses on in-season management and conducting biological assessments and monitoring to ensure that subsistence harvests are consistent with conservation goals. The U.S. Fish and Wildlife Service is also responsible for extensive outreach and tribal consultation responsibilities. Other agencies within DOI and the US Forest Service, represented on the Federal Subsistence Board, have similar conservation, enforcement, outreach, and consultation responsibilities.

The Subsistence Regional Advisory Councils are a unique feature of federal subsistence management. Each of these councils represents a region of the state. The councils have the authority to develop proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife. The councils hold two or more public meetings every year to gather local information, and make recommendations to the Federal Subsistence Board on subsistence issues. The board seriously considers council recommendations, and routinely defers to the local wisdom of these councils in making decisions about subsistence regulations affecting the councils' regions.

In addition to promulgating subsistence regulations, the Federal Subsistence Board contributes substantially to fisheries knowledge by funding research on the status of fish stocks, subsistence harvest and use patterns, and the collection and analysis of traditional knowledge.

Current Issues

The Secretaries of the Interior and Agriculture recommended that the Federal Subsistence Board revisit the process for determining rural status in Alaska. The current process for determining rural status may not accommodate demographic, economic and infrastructural changes in Alaska. The Federal Subsistence Management Program is currently involved in a review of the rural determination process, starting with public input, and will provide the Secretaries with a report and recommendations in 2014.

The federal program is also involved in a number of pressing natural resource issues. Prominent among these are declining Chinook salmon stocks within the Yukon and Kuskokwim River Drainages.

The 2013 Chinook salmon returns on both the Yukon and Kuskokwim Rivers are among the worst on record. Reasons for the unprecedented low returns are not known, although ocean conditions, by-catch in high seas fisheries, and in-river harvests are likely contributing factors. Rural Alaskans are highly dependent on salmon runs, and Chinook salmon are an especially valued and important resource. Subsistence harvests have declined in recent years, consistent with reduced runs and commensurate restrictions on harvests. In preparation for the 2013 season, the U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game worked throughout the year to ensure local people have a meaningful voice in management. The agencies held numerous public meetings, tribal consultations, and teleconferences. Nonetheless, the 2013 Chinook returns were very poor, escapement (the number of fish reaching the spawning grounds to provide for future returns) goals have not been met, and subsistence and other users have been adversely affected. Preliminary indications are that the Kuskokwim River Chinook salmon escapement may be the lowest on record and none of the tributary escapement goals will be achieved. On the Yukon River, despite the season-long restrictions on the U.S. portion of the river, the Canadian border passage and escapement goal for Chinook salmon will again not be met this year. This has consequences for the future of the run, as 50 percent of U.S. harvests are of Canadian origin.

Successes and Challenges

Since 1990, the Federal Subsistence Program has ensured that rural residents in Alaska have the opportunity to pursue a subsistence way of life, as envisioned by Congress and enacted in ANILCA. Our success has been demonstrated by our ability to hear concerns of the user groups and craft regulations that meet subsistence needs while ensuring sustainable resources. We are balancing the demands of the subsistence user with multiple legal mandates, and other public interests. Decisions are carefully weighed, with public involvement, to consider harvest limits that comply with federal and state laws and international treaties while providing subsistence use whenever possible.

Challenges regarding sustainable resource management are compounded by multiple jurisdictions (state, federal, international) governing the same resources. Management challenges shift with Alaska's changing economy, demographics, and infrastructure. Alaska is experiencing decreased runs of Chinook salmon, changes in the migration patterns of caribou, and changes in the arrival date of migrating birds to their breeding grounds. There are also changes to habitat such as the salinity of water and the successional stages of vegetation. The uncertainty of current and future effects of climate change also add to the complexity of resource management. Although future challenges are unknown, we do know they will occur and we must be responsive to them if we are to be successful in conserving fish, wildlife and their habitat for current and future generations.

Conclusion

The Department of the Interior thanks the Committee for its interest in this important issue and for its leadership in protecting our nation's natural resources. Achieving ANILCA's intent to conserve natural resources in Alaska for the long term, and to ensure that robust subsistence opportunities are also preserved, is a key component of the broader goal of maintaining America's wildlife heritage for future generations. We welcome the opportunity to work with the Committee on subsistence management issues and are happy to provide additional information at the request of the Committee. This concludes my testimony and I am happy to answer any questions the Committee may have.