

Tisha Neviq'aq Kuhns Testimony

U.S. Senate Committee on Indian Affairs, Field Hearing in Bethel, Alaska

Chairman Schatz, Ranking Member Murkowski, and Members of the Committee, thank you for convening this field hearing on the massive decline of Arctic, Yukon, and Kuskokwim salmon.

My name is Tisha Neviq'aq Kuhns, and I am from Bethel, Alaska and currently live in Anchorage. My parents are Carlton and Lucy Kuhns, and my grandfather was the late Chief Joe Lomack of Akiachak. I am a Tribal Citizen of Akiachak Native Community and a Calista Shareholder.

I currently serve as Vice President of Land and Natural Resources for Calista. Calista is the regional Alaska Native Corporation created by the Alaska Native Claims Settlement Act of 1971 to resolve the land claims of the Indigenous people of the Yukon-Kuskokwim Region. We have nearly 37,000 Alaska Native Shareholders, with approximately 20,000 Shareholders remaining on our ancestral Homelands in the Yukon-Kuskokwim Region.

One of the most important Traditional values is to share fish with our Elders and others who are physically unable to provide for themselves. Our Elders tell us that when we shared our catch, we would be fruitful in the years to come and blessed with more fish. Instead, we are experiencing a historic salmon crash. Alaska Natives have borne the brunt of the conservation burden; conservation burdens must also be shared equitably. Our Elders also taught us that the Traditional economies of hunting, fishing, and gathering are our inherent rights as Alaska Natives. Our Elders, including many who either did not understand or were not proficient in the English language, taught us that the state and federal governments cannot legislate over our right to procure food to avert hunger, they cannot legislate over our cultures.

The status quo cannot continue, and the fix must start with revising ANCSA to restore Alaska Native Traditional hunting, fishing, and gathering rights. With the expectation in ANCSA's legislative history that Alaska Native hunting and fishing rights would be upheld by any action necessary, Section 4(b) of ANCSA extinguished "any aboriginal hunting and fishing rights that may exist" in Alaska.

Congress later tried to remedy this outright robbery of our right to procure food security with ANILCA. However, ANILCA's initial Alaska Native subsistence priority was changed in the eleventh hour to a *rural* subsistence priority. This leaves urban Alaska Natives with no protections. Even the rural subsistence preference conflicts with Alaska's constitution so it can only be administered on federal lands and a broken dual-management system emerged. This checkerboard of conflicting state and federal management systems largely fails to protect Alaska Native subsistence rights and has wounded Alaska Natives

for decades. Congress's protections of Alaska Native access to marine mammals, migratory birds, and halibut in offshore waters are beneficial, but are too limited. Congress's failure to amend ANCSA to uphold Alaska Native subsistence rights is a violation of the Federal Trust responsibility.

Congress expected that the state and the Secretary of Interior would take any action necessary to uphold Alaska Native subsistence rights and over 50 years later it must be apparent that Congress cannot neglect its responsibility any longer. Studies are useful, opportunities like this to speak before this Committee are much appreciated, but what we need now is action. Too often events like this hearing today are only held to appease and quiet the Native peoples. Calista urges the Congress to take up a bill to revise ANCSA § 4(b) to restore Alaska Native subsistence rights. We need real action following this hearing to uphold Alaska Native subsistence rights.