

# ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS

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## Senate Committee on Indian Affairs

### Field Hearing – *The Impact of the Historic Salmon Declines on the Health and Well-Being of Alaska Native Communities Along Arctic, Yukon, and Kuskokwim Rivers*

**November 10, 2023  
Bethel, Alaska**

Thaddeus Tikiun, Jr., Chairman  
Association of Village Council Presidents  
Written Testimony

Thank you for the opportunity to testify today. Good afternoon. My name is Thad Tikiun, and I am the chairman of the Association of Village Council Presidents – the regional tribal consortia of the 56 federally recognized Tribes in the Yukon-Kuskokwim Delta.

I would like to express our sincere appreciation to the honorable Senator Murkowski, other esteemed members of the Senate Committee on Indian Affairs, and your staff for traveling to Western Alaska for this hearing. For the past four years, we have felt as if the voices of the Tribes, communities, and families of Western Alaska don't matter. But, by coming here today, you have shown that we do matter. Thank you.

I would also like to recognize the representatives from our sister tribal organizations and the region's Tribes who have traveled here today. Our way of life is inextricably linked with our rivers and our Bering Sea ecosystem, which form the foundation of our culture, our food security, and our collective future. And all of our communities are unified by the central role that salmon play in our cultural, spiritual, and nutritional well-being.

### **AVCP is Deeply Concerned About the Health and Existence of Our Communities**

AVCP is a non-profit tribal consortium based in Bethel, Alaska, dedicated to protecting and supporting the interests of its 56 member Tribes and their tribal citizens. Founded in 1964, AVCP provides human, social, and other culturally relevant services to its member Tribes to promote self-determination and protection and enhancement of cultural and traditional values. AVCP's purpose is to promote the common good and social welfare of the region's residents through its programs related to housing, employment, environmental matters, and health services, and to advocate for the region's Tribes and residents. AVCP member Tribes and their tribal citizens speak their original languages and practice a subsistence way of life that has been continuously maintained since time immemorial.

AVCP's member Tribes are located in communities throughout the Yukon–Kuskokwim Delta (YK Delta) in an area of approximately 59,000 square miles. The YK Delta is named after the two large rivers in the area: the Yukon River and the Kuskokwim River. Many AVCP communities are located along these rivers and originated from traditional hunting areas or fish camps. The YK Delta is not accessible by roads and

**Nunaput umyuallgutkut pinirluteng-llu, Tegganerput qigcikliki pirqakluki-llu, ayagyuaput-llu ciuliqagcimaui yuuyarakun.  
Our Tribes are united and strong, our Elders are respected and valued, and our youth are guided by Yuuyaraq.**

Akiachak, Akiak, Alakanuk, Andreafski, Aniak, Atnautluak, Bethel, Bill Moore's Sl., Chefomak, Chevak, Chuathbaluk, Chuloonawick, Crooked Creek, Eek, Emmonak, Georgetown, Goodnews Bay, Hamilton, Hooper Bay, Lower Kalskag, Upper Kalskag, Kasigluk, Kipnuk, Kongiganak, Kodik, Kwethluk, Kwigillingok, Lime Village, Marshall, Mekoryuk, Mtn. Village, Napaimute, Napakiak, Napaskiak, Newtok, Nighthute, Nunakauyak, Nunam Iqua, Nunapitchuk, Ohogamiut, Oscarville, Paimiut, Pilot Station, Pitka's Point, Platinum, Quinhagak, Red Devil, Russian Mission, Scammon Bay, Sleetmute, St. Mary's, Stony River, Tuluksak, Tuntutuliak, Tununak, Umkumiut

the rivers and tributaries provide connectivity between communities as well as access to important subsistence resources, including fish like Chinook and chum salmon. Households in the region experience more food insecurity than in other areas of the state and nation. Salmon make up over 50 percent of the region's subsistence harvests.<sup>1</sup> Over half of the Chinook salmon caught for subsistence across the state are caught in the Kuskokwim region, where salmon are over 85 percent of the subsistence harvest by poundage.<sup>2</sup>

Subsistence resources, including Chinook and chum salmon, are essential for meeting the nutritional needs of YK Delta residents but their importance extends into all aspects of Yup'ik, Cup'ik, and Athabascan cultural life and identity. Sharing subsistence salmon harvests is a deeply-held cultural value in our region's communities, as it ensures that neighbors, elders, and the entire community are well cared for. Participating in subsistence activities is also fundamental for the transmission of our culture: during salmon runs, families along the Kuskokwim River and Yukon River gather at fish camps to practice and share traditional knowledge and Our Way of Life. Fish camps are where families learn essential subsistence skills, pass Traditional Knowledge through generations, enjoy kinship and cultural growth, and set aside food for leaner seasons.

### **The Loss of Salmon is a Crisis for Our Rivers, Our Communities, and Our Way of Life**

Unfortunately those days of abundance are gone and we are now in a crisis situation in Western Alaska – and I am not a person who uses the word “crisis” loosely. I have never seen salmon returns so low on the Kuskokwim River, where I have lived my whole life, or on the Yukon River, where I have traveled many times and have many friends and family members who live there. This crisis is unlike any other in living memory.

Chinook and chum salmon numbers have declined precipitously during the past several years. 2021 was the eighth year that Chinook runs were too low to support subsistence fishing needs and the first year that once-abundant chum salmon returns were lower than Chinook runs.<sup>3</sup> These low return numbers resulted in significant restrictions on fishing for both species to preserve stocks and meet escapement goals. Due to the high reliance on wild food, primarily salmon, in the region, these restrictions have a direct and outsized impact on the rural subsistence users along the Kuskokwim River and Yukon River and have increased the pressure on other fish stocks as communities sought to replace Chinook and chum salmon with other food sources.<sup>4</sup>

In 2022, the multi-species salmon collapse continued and resulted in the “complete closure of much of the coho salmon run,” making the 2022 season “the most restricted subsistence fishing season ever seen on the Kuskokwim.”<sup>5</sup> In addition, the 2022 chum salmon run appeared “to be the second lowest chum salmon return on record, better only than the 2021 return.” Not long ago chum salmon “used to return to

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<sup>1</sup> KUSKOKWIM RIVER INTER-TRIBAL FISH COMMISSION, SALMON SITUATION REPORT 4 (Sept. 2021).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 6.

<sup>4</sup> *Id.* at 7; see also Robert J. Wolfe & Joseph Spaeder, *People and Salmon of the Yukon and Kuskokwim Drainages and Norton Sound: Fishery Harvests, Culture Change, and Local Knowledge Systems*, AM. FISHERIES SOC'Y SYMPOSIUM 70, 373 (2009).

<sup>5</sup> KUSKOKWIM RIVER INTER-TRIBAL FISH COMMISSION, KUSKOKWIM RIVER SALMON SITUATION REPORT 3 (Oct. 3, 2022).

middle and headwaters tributaries in the millions, feeding more than just human subsistence users, but bears, vegetation, and other life. The lack of chum salmon in tributary valleys has the potential to significantly affect the health of the Kuskokwim ecosystem.”<sup>6</sup>

On the Kuskokwim, Yukon, and in the Bering Strait region, over 100 tribal communities are being greatly impacted by these low salmon runs. And while we are being restricted to the point of being unable to catch a single salmon, the State of Alaska and some federal management agencies are carrying on business as usual.

### **Current Fisheries Management Structures Are Unwilling to Address the Salmon Crisis**

Since time immemorial, our people relied on our Traditional Knowledge to take care of and steward the Kuskokwim River and Yukon River so that fish would return the following summer. We managed the salmon harvests in accordance with our traditional rules and values, and we managed it well. Yet now State management and disjointed federal management have resulted in this crisis.

Taking State management first, as one of the leading Alaska law treatises states, “[i]t is a fact of Alaska political life that the Alaska Department of Fish and Game is dominated by non-native urban, sport, and commercial hunting and fishing interests.”<sup>7</sup> The State has long prioritized commercial and sport fishing, to the detriment of our subsistence resources. This is not a new issue. Congress has been to Bethel before and heard the same messages from our aunts and uncles and grandparents before us.

Forty-six years ago in 1977, the House Subcommittee on General Oversight and Alaska Lands came here, to Bethel, and held an afternoon hearing at Bethel High School. At that hearing, Representative Udall told attendees that Congress wanted to make “decisions knowing what your needs are and what you think and what you believe.”<sup>8</sup> And at that hearing, our elders asked Congress to (1) protect our subsistence rights, and (2) curtail State management of subsistence resources.

For example, Charlie Kairaiiak testified that the federal refuge that was then being contemplated by Congress “should be run by cooperative management between Federal Government and the local people because we do not trust the State anymore.”<sup>9</sup> When asked about the draft bill’s proposal for local subsistence boards, Glen Fredericks testified that he thought it was a good idea because “we have better relations with the federal government,” specifically the Department of Interior and its U.S. Fish & Wildlife Service.<sup>10</sup> Harold Sparck spoke to the failures and hostility of state management: “Right now, we have our people lock-stepped into a system of laws and regulations that prohibits them from being the way they are. We have laws that make people criminals and they are only practicing their lifestyle.”<sup>11</sup>

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<sup>6</sup> *Id.* at 5.

<sup>7</sup> DAVID CASE & DAVID VOLUCK, *ALASKA NATIVES AND AMERICAN LAWS* 294 (3d ed. 2012)

<sup>8</sup> *Inclusion of Alaska Lands in Nat’l Park, Forest Wildlife Refuge, & Wild & Scenic River Sys. (1977): Hr’gs on H.R. 39 Before the Subcomm. on Gen. Oversight & Alaska Lands of the House Comm. on Interior & Insular Affs.*, 95th Cong., pt. XIII, at 2 [hereinafter GOAL Hearings, Part XIII].

<sup>9</sup> *Id.* at 21.

<sup>10</sup> *Id.* at 10 (exchange between Mr. Fredericks and Representative Seiberling).

<sup>11</sup> *Id.* at 28.

These comments left an impression. At a hearing in the Interior a week after the Bethel hearing, Representative Udall stated “[o]n this subsistence question, my bill gives priority to subsistence use. If there is one thing we have heard all over this State, it is the emphasis by the Native people on the importance of subsistence.”<sup>12</sup> Committee member Representative Seiberling likewise confirmed that in “all of the native villages” he had visited, “the natives prefer to have the” federal government “instead of the State because their experience with State management has” not prioritized subsistence users<sup>13</sup>—a criticism for which Alaska Governor Jay Hammond candidly admitted to the Subcommittee that there was “some justification, I must admit.”<sup>14</sup>

Three years later Congress enacted the Alaska National Interest Lands Conservation Act (ANILCA). In Title VIII of ANILCA, Congress expressly recognized that subsistence is “essential to the Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence.”<sup>15</sup> In order to ensure these values were protected in perpetuity, Congress provided rural residents a priority for customary and traditional subsistence uses above other purposes on federal lands and waters.<sup>16</sup>

But ANILCA’s protections apply only to federal lands and waters. On State lands and State waters (extending out to three miles offshore), State management still effectively prioritizes commercial and sport interests. For example, the State Board of Fisheries has been unwilling to take any action to reign in intercept fisheries. These State-managed fisheries continue to catch enormous amounts of salmon, while salmon returns to our rivers are at historic lows.

And even on federal lands and waters the State is not acting in the best interests of our communities and rural subsistence users. For example, the State is currently fighting federal management of the federal waters of the Kuskokwim River. In *U.S. v. Alaska*, case no. 1:22-cv-00054-SLG, the State of Alaska filed a brief on September 1, 2023, in which it argued that the *Katie John* line of cases should be overturned, which would end the federal subsistence priority, the regional advisory council framework, and local co-management of the river, all of which AVCP suggested to Congress over forty-five years ago.

As for the federal government, its salmon management is disjointed. While tribal communities in our region work cooperatively with the U.S. Fish and Wildlife Service of the Department of Interior on in-river management, fisheries management 3 to 200 miles offshore is governed by the North Pacific Fishery Management Council (NPFMC) and the Department of Commerce. Like the Alaska Board of Fisheries, the NPFMC is dominated by members who are employed by or are otherwise loyal to large, private commercial fishing interests (many of which are located out-of-state and are in some cases foreign-owned). And like the State of Alaska, the U.S. Department of Commerce has done little to protect salmon stocks and, by extension, our communities.

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<sup>12</sup> *Id.* at 114.

<sup>13</sup> *Id.* at 115.

<sup>14</sup> *Inclusion of Alaska Lands in Nat’l Park, Forest Wildlife Refuge, & Wild & Scenic River Sys. (1977): Hr’gs on H.R. 39 Before the Subcomm. on Gen. Oversight & Alaska Lands of the House Comm. on Interior & Insular Affs.*, 95th Cong., pt. XII, at 12.

<sup>15</sup> 16 U.S.C. § 3111(1).

<sup>16</sup> 16 U.S.C. §§ 3102(2), (3), 3112, 3114.

Together the Alaska Department of Fish and Game and the U.S. Department of Commerce have overseen the long-term, catastrophic decline of salmon runs in Western and Interior Alaska. Neither have taken substantial actions to preserve what is left of our salmon runs, much less restore them. There is simply no sense of urgency – both continue business as usual, and in so doing ignore the health and cultural wellbeing of our YK Delta tribal communities.

As Elder Dorothy Napoleon told Congress here in Bethel over four decades ago, “AVCP is concerned about the future of the people living here and their children’s future.”<sup>17</sup> AVCP remains committed to protecting and maintaining the region’s natural resources so that current and future generations of rural residents can continue to practice a traditional subsistence way of life. Current salmon management is fractured, inadequate, and inequitable. It is time for a new path. Please (1) amend ANILCA to protect, once and for all, Alaska Native and rural subsistence hunting and fishing rights, and ensure our peoples’ ability to co-manage these resources, and (2) consider amendments to the Magnuson–Stevens Act or other legislation that will prioritize salmon recovery, include our Traditional Knowledge, and honor the trust responsibility that the United States government owes to our tribal communities.

I see today’s hearing as turning point in this crisis, because it signals your willingness to support our region, and Our Way of Life. AVCP and the nearly 100,000 Alaska Natives who are being impacted by this crisis thank you.

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<sup>17</sup> GOAL Hearings, Part XIII, at 18.