

## Article

# Alaska Native Subsistence Rights: Taking an Anti-Racist Decolonizing Approach to Land Management and Ownership for Our Children and Generations to Come

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**Abstract:** The colonization of Indigenous Peoples in Alaska was based on racism and founded the current systemic racism, discrimination, and marginalization they experience today. Land stewardship was in the hands of Indigenous Peoples, and through colonization their land and rights to steward that land were taken away. This paper is based on a participatory research project conducted in partnership with the Ninilchik Village Tribe (NVT) in Alaska utilizing ethnographic futures research scenario storytelling through Indigenous methodologies. Scenario interviews with community members explored land-based understandings of Indigenous sustainability and the roles that subsistence, food security, and food sovereignty have in maintaining sustainability and cultural continuity for children in the future. Due to state and federal land and water management practices, Alaska Natives are limited in their abilities to practice subsistence and steward their lands. An anti-racist approach to decolonizing land management and ownership is key to Alaska Natives regaining control of their subsistence rights for food security and cultural continuity for future generations. This paper speaks to policy makers, explaining the current racist and colonial situation and suggests an antiracist and decolonizing path forward through respecting Tribal sovereignty, prioritizing Indigenous-led stewardship, and giving land back to the Alaska Native Tribal Nations.



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**Keywords:** subsistence; food security; food sovereignty; Indigenous; Alaska Native; anti-racist practice; decolonization; land management; land stewardship; futures; land back

## 1. Introduction

The Indigenous Peoples<sup>1</sup> of what is now called Alaska are comprised of 231 federally recognized Tribes and, at a minimum, speak 20 different languages [2,3]. Alaska Natives<sup>2</sup> were colonized first by the Russians and then by the United States. This colonization was based on racism and founded the current systemic racism, discrimination, and marginalization Alaska Natives experience today [4–7]. Colonization of Alaska Natives through slavery, war, boarding schools, land grabbing, and diseases were just some of the atrocities which led to lasting historical trauma, as well as land, culture, and language loss in Indigenous communities [8–11]. Although colonization is practiced in new ways, not currently through slavery and war in Alaska, it is an ongoing process [12]. Alaska Natives were colonized and continue to live under colonization due to there never being a decolonization process, their colonizers never leaving and maintaining control of the government, and ongoing settler colonialism [13].

Land stewardship (now management and ownership<sup>3</sup>) was in the hands of Indigenous people for thousands of years, and through colonization their land was taken as was their rights to steward that land [15,16]. Efforts to rectify this are few and far between and in Alaska most traditional Indigenous lands and subsistence rights are now under state and federal jurisdiction [17,18]. Land management changed from the Indigenous relational perspective of stewardship to one of development and economic profit [4,5,14]. These racist colonial practices have led to the mismanagement of the land, water, fish, and wildlife

populations, unequal co-management policies, and lawsuits as Alaska Natives assert their rights [19,20]. Co-management and the Federal Subsistence Board [21] offer some space for Alaska Natives to have a voice in management, but this paper seeks to take an anti-racist approach [22], decolonizing land management practices and exploring Indigenous understandings of land and subsistence stewardship and recognition of subsistence rights.

This paper seeks to address the current racist and ongoing colonization practices involved in land ownership and management in Alaska, and how that affects Indigenous subsistence rights and their ability to pass on their culture to their children, grandchildren, and future generations. In this paper, I address the racialization of Alaska Natives and the colonization and racism they experienced and continue to experience. I next explain the current land ownership and management practices in Alaska. I detail the problems resulting from a lack of recognition of Tribal sovereignty and no government-to-government relationship with the state, as Alaska does not recognize the 231 Indigenous Tribal Nations<sup>4</sup> even though they are federally recognized Tribes [23,24]. My case study highlights perspectives of Ninilchik community members on current land ownership and management practices and how that affects subsistence and Ninilchik Village Tribal members being able to live sustainably and pass on their culture to their children, grandchildren, and future generations. It brings forth the Indigenous Knowledge they have around sustainable land stewardship practices based on a relational understanding of the world and thinking of the survival of future generations, and the central roles the Tribes can be playing in this regard. Finally, this paper speaks to legislators and policy makers on how they can take anti-racism decolonial approaches to land to protect Indigenous subsistence rights through, (a) acknowledging Tribal sovereignty and recognizing Tribes, (b) respecting Indigenous Knowledge and prioritizing Indigenous stewardship of the land and waters, and (c) engaging in the land back movement as Indigenous Peoples had their land stolen.

## 2. Situating the Researcher

As I am both Indigenous, and work with Indigenous people, I make sure to situate myself in my work. I address power relationships, introduce myself, demonstrate my respect to all those who participate, engage in reflexivity to understand my positionality and relationality, and understand the colonial history that brought us to where we are today [25,26]. My name is Heather Sauyaq Jean Gordon. My Iñupiaq name is Sauyaq. I was named after my paternal grand aunt, who upon her passing, my grandmother gifted me her name. Sauyaq means drum, and through my work I seek to continue the heartbeat of the Indigenous drum, making sound to advocate for Indigenous rights. I am Iñupiaq and Euro-American; however, I was raised outside Homer, Alaska on a reindeer ranch, growing up learning Iñupiat Ilitqusiat (Iñupiaq values). I am an enrolled member of the Nome Eskimo Community, a federally recognized Tribe in the U.S. I grew up learning how the Iñupiaq side of my family experienced and continue to experience colonization through such practices as forced boarding school, assimilation education, and Jim Crow racism. These atrocities directly happened to my family, and my being here demonstrates their great resilience and ability to survive. I seek to honor my ancestors through my work and provide this explanation of my background to the reader so that they understand that I approach research in a respectful way and will advocate for Indigenous rights.

## 3. Racialization and Racism: The Colonization of Indigenous Peoples in Alaska

Alaska Natives have been seen as a separate race by their Russian and American colonizers since first contact. They had a darker skin color and appeared physically different from colonizers which colonizers believed made Natives intellectually, culturally, socially, and physically inferior, justifying different and unequal treatment and oppression of the Natives [6,7]. Racism was first inflicted by the Russians as they colonized Alaska in 1741. They exploited the land and resources, warring and enslaving the Indigenous populations they encountered, seeking to acculturate and assimilate the Natives through education, religious conversion, and marriage [9,10,27].

The U.S. purchase of Alaska from Russian in 1867 [28] led to continued slavery and mistreatment [29]. In 1884, Christian missionaries and the U.S. federal government took over education from Russian Orthodox missionaries [30] and set out to “civilize” the Alaska Native populations by getting rid of their cultures, languages, and traditions [9]. Richard Henry Pratt, who founded the Carlisle Indian boarding school, is famous for saying, “Kill the Indian in him, and save the man.” Indigenous students at U.S. boarding schools were beaten, punished, underfed, and sexually abused; many children died from this while still others died of diseases [8,11].

The U.S. continued the racialization of Native people through blood quantum which they used to justify racist policies such as school segregation and land ownership [31]. The history of blood quantum goes back to treaties made with Native people in the 1800s where Native people were described as “half-bloods” and was continued during the Allotment Period, 1887–1934, where “full-bloods” were considered incompetent to conduct business [32]. In 1905, when the *Nelson Act* was passed [33], Alaska youth were required to attend public schools. This was when the Alaskan Jim Crow era took hold and “white children and children of mixed blood who lead a civilized life” were able to go to one school and Natives of pure blood had schooling separately [34]. Being civilized often meant they spoke English. The second *Organic Act* in 1912 [35] codified the racially segregated school system which remained segregated until Alaska became a state in 1959 [9]. When the *Indian Reorganization Act* (IRA) came to Alaska in 1936 [36], the Bureau of Indian Affairs built lasting systemic racism into Alaskan Tribes, guiding them through creating their governing documents and making Tribal enrollment based on blood quantum [31].

The *Alaska Native Claims Settlement Act* (ANCSA) of 1971 continued systemic racism in Alaska, allowing only people of  $\frac{1}{4}$  Native blood to sign up as shareholders in the new regional corporations [15]. The *Marine Mammal Protection Act* (MMPA) of 1972 created additional systemic racism as Alaska Natives had to be  $\frac{1}{4}$  Native blood to harvest marine mammals and work with the marine mammal products [37]. When marriages result in a child under  $\frac{1}{4}$  blood quantum, the child is unable to hunt for subsistence or work with animal skins or ivory [38]. This restricts Alaska Native families from passing on their culture to children that are “not Native enough” and raises issues of food insecurity and food sovereignty. Today, no Indigenous person in the U.S. can escape blood quantum as it is required to get a Certificate of Degree of Indian Blood card if Natives want to be eligible for a variety of types of assistance required from the U.S. due to treaties [39]. Blood quantum describes who is considered “Indian,” separating them from Whites and further promoting a White dominated racial order in the U.S.

While blood quantum continues to systemically racialize Natives, identifying Native people solely as a racial group ignores their inherent sovereignty as self-determining Tribal Nations and communities that are separate governments from U.S. state and federal governments [40]. For Alaska Natives to have a government-to-government relationship with the federal government, they need to be federally recognized, and listed as Tribes on the Department of Interior’s *Federally Recognized Tribes List Act of 1994* to qualify for aid required from the U.S. under existing treaties [2,18]. All Native Peoples in Alaska were not traditionally Tribes but instead many consisted of bands and families, and this formation of Tribal governments according to the IRA is yet another method of colonization that Native peoples had to adhere to if they wanted to have the government-to-government relationship with the federal government to get their rightful benefits from treaties. In Alaska, this is further complicated due to Alaska Supreme Court decisions and Governors of Alaska not recognizing the existence of Tribes and Tribal sovereignty [18].

Racism in Alaska has been recently explored in a study by the Alaska Advisory Committee to the U.S. Commission on Civil Rights [41]. The study was prompted by an atrocity in which three youth in 2001 videotaped themselves shooting Alaska Natives in Anchorage with frozen paintballs. In the study, the director of the Anchorage Equal Rights Commission noted the systemic racism issues and Alaska Native people provided testimony about racism in Alaska. Patten of the Copper River Tlingit stated that “Apartheid

is a very real thing here in Alaska.” Panelist Savland of the Alaska Native Coalition for Employee Training explained how the State neglects Alaska Natives, “In light of such wide disparities between the wellbeing of Natives and the wellbeing of other Alaskans, one might expect the state of Alaska to be sufficiently concerned . . . state policy, controlled by the urban non-Native majority, turn against Natives with a vengeance . . . the state is making political war on the poorest and most vulnerable of its citizens defined by race.”

This background explains how racism was built into colonization practices from the start. Racist policies sought to destroy Indigenous cultures and assimilate Indigenous children. This racism was codified into legislation that is still in practice today. ANCSA and the MMPA both utilize blood quantum and the MMPA prevents Native families from passing on their culture to their children if they are not Native enough [15,37]. This racism and colonization are embedded into land ownership and management which further limits Indigenous subsistence rights that will be explained in the next section.

#### 4. Alaska Land Ownership and Management

As explained in the section above, Indigenous Peoples had their lands taken through colonization. Colonial settlers looking at the land believed it to be untouched and in a natural state [4]. However, Indigenous Peoples did not just hunt and gather on their land, they stewarded it for thousands of years before it was taken from them [42]. Colonial settlers considered Indigenous Peoples incapable of managing land as they were not using it for profit generation and resources extraction [4,5]. Indigenous stewardship approaches to the land are relationship-based through seeing all life as sacred and seeking sustainability through connection with the natural world [14]. This stewardship has been found to be a more successful than Western management with less species and ecosystem decline [43]. Regardless, colonizers took over land management, using Western scientific models and ignoring Indigenous Peoples’ Knowledge and sovereignty, leading to a lack of sustainability of the fish, wildlife, and plants and concern for the survival of future generations resulting in issues of food insecurity for Indigenous people relying on the land and water for food.

In Alaska, the federal government had been claiming land without compensating the Alaska Natives who lived on the land since the U.S. purchase from the Russians [28], and with statehood in 1959 [44], the State of Alaska started claiming land as well [45]. Both state and federal land claims overlapped Native traditional lands which became problematic when oil was found in Alaska. At the urging of Alaska Natives, U.S. Secretary of the Interior Udall, instituted a land freeze so that the land claims could be settled [18]. Alaska Native leaders, the state, and the federal government worked to craft ANCSA in 1971 [15]. Due to the pressure to quickly pass the legislation, to develop oil and additional disagreements about subsistence, there were no subsistence protections in ANCSA, and it removed all subsistence rights. Alaska Natives ended up with only 10 percent of Alaskan land, a loss of 90 percent that they had held since time immemorial. The land Alaska Natives received was held in fee simple private ownership through the formation of twelve regional for-profit corporations and additional village corporations with no land given to the Tribal Nations.

While some Alaska Natives saw the corporate model as a way to transition Natives into “modern economic society,” other Natives found the corporate structure to be another form of assimilation and colonization [46]. ANCSA extinguished all prior reservations in Alaska except for Metlakatla [15]. In addition to receiving 10 percent of Alaska land in checkerboard fashion, the regional corporations were paid a settlement of \$962.5 million USD which Congress said was to meet the “economic and social needs” of the Natives in Alaska; not basing the money on the value of the land the government was taking [47]. Unlike land in the contiguous U.S. being held by Tribes, Tribes were not included in ANCSA, and there was no mention of Tribal sovereignty [46].

Due to ANCSA removing subsistence rights, Alaska Natives lobbied to regain these rights, and in 1980 Congress passed the Alaska National Interest Lands Conservation Act (ANILCA) [15,17]. Multiple non-Native lobbies in Alaska pushed for a lack of ethnic or racial preference, resulting in ANILCA Title VIII which did not give Alaska Natives



specifically subsistence rights but gave subsistence rights to all rural residents in Alaska [17]. Urban residents could still practice subsistence on federal lands unless there were shortages in species populations. ANILCA was challenged by the state of Alaska in 1989 [18]. The Alaska Supreme Court ruled in *McDowell v. State of Alaska* that giving a rural preference was unconstitutional under the Alaska constitution [48]. With this decision, Alaska was not complying with a federal act, so the federal government took over the management of fish and wildlife on federal land in Alaska in 1990 which over the years expanded to include fisheries on federal lands and waters as well under use by federally qualified subsistence users [18]. Federal public lands are approximately 60 percent of Alaska. The state regulates residents and nonresidents on state land (30 percent of the state). The remaining 10 percent is privately owned which includes 40 million acres of land owned by Native regional corporations and villages which is oddly not under the federal rural subsistence priority.

With federal and state jurisdiction covering approximately 90 percent of the land in Alaska, Alaska Natives organized a variety of subsistence organizations around whales, seals, walruses, polar bears, birds, and other subsistence animals so that Alaska Natives could sit at the table in discussions over harvest and protection since their survival depends so heavily on subsistence [18]. However, co-management is problematic and often pits Indigenous cultural interests and food security against economic land use interests of the federal or state government [4]. There is also often a lack of meaningful engagement and inclusion of Indigenous Knowledge and stewardship perspectives [49].

Adopting an Indigenous-led stewardship approach moves away from any exploitation and truly puts the land, water, plants, fish, and animals first, as we/they view them as nonhuman relations [50]. Approaching geese, for example, as nonhuman persons instead of manageable wildlife changes the approach to one of respect, co-existence, and personhood instead of one where humans are dominant and managing other populations. This is Indigenous Knowledge, and it takes a very different approach from Western science. For example, the approach to hunting is not one of taking the animal by force, glorifying the hunter as they hold up the animal's head to display its large antlers, demonstrating the mastery of the animal by the hunter. No, the Indigenous approach to hunting is again relational and is a reciprocal exchange between the human and the animal who has personhood, with the animal choosing to give themselves to the hunter and the hunter then honoring that sacrifice and taking the animal [51]. If non-Indigenous people would accept this approach as factual and acknowledge Indigenous Knowledge, this would greatly change how land is "managed."

The Alaska specific, Federal Subsistence Board (Board) is a space in which Alaska Natives are supposed to have an opportunity to participate in managing their subsistence rights. Prior to 2012, Alaskan rural subsistence users were not on the Board and there was not a Tribal consultation policy. Now rural subsistence users, not necessarily Alaska Native, sit on the Board, and the Board also holds Tribal consultations [21]. In addition to two public members, Alaska directors of the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, U.S. Forest Service, and a chair make up the Board. While Alaska Natives are often on the Board, they are the minority and easily outvoted by those without Alaska Native community ties.

The Board regulates species not already regulated through co-management and determines which communities qualify as rural with rights to harvest on federal lands. The definition of rural the Board has determined as of 2015 leaves out some communities with Alaska Native residents that depend heavily on subsistence as both their cultural practices and heritage as well as for food security, such as those in Juneau and Ketchikan [52]. Additionally, if a rural preference is in effect, then the many Alaska Natives who have moved from their rural communities to urban cities and travel to their rural home areas to do fish camp in the summer or hunt or gather are actually not always allowed to legally. In addition to the Board, ANILCA created ten Regional Advisory Councils which are composed of subsistence, commercial, and sport users who can make recommendations and proposals to the Board to help serve their populations' needs [17].

The State of Alaska has just recently taken an additional racist approach to land management as they sued the Board in 2020 based on special action decisions made during the COVID-19 pandemic that privileged rural subsistence communities with food insecurity, in this case, Alaska Native communities [53]. The lawsuit sets out to remove the rights of the Board to work with rural communities to make sure they have the food they need. A statement made with the support of multiple Alaska Natives said, “Though we carry thousands of years of highly evolved, data-driven and intact Indigenous Knowledge . . . we have faced tremendous obstacles. These obstacles sanctioned through structural racism and perpetuated by the institutions have prevented us from managing the land in a way we know best supports holistic and systemic health as demonstrated by the abundance present in Alaska prior to colonization” [54]. The Organized Village of Kake, one of the communities the Board gave emergency subsistence rights outside of normal seasons also joined the suit on behalf of the Board. They interpret the State’s actions as directly attacking the rights of a sovereign Tribe to provide food for their community.

## 5. Case Study: An Anti-Racist Decolonizing Approach to Land Management and Ownership for Our Children and Future Generations

### 5.1. Research Site

This case study is part of my PhD dissertation research in partnership with the Ninilchik Village Tribe (NVT) in Ninilchik, Alaska, a federally recognized Tribe and Board designated rural community. NVT has over 900 members worldwide with approximately 15 to 20 percent living in the Ninilchik area (personal communication with NVT Executive Director Ivan Encelewski, 21 August 2018). NVT is a diverse Tribe due to the intermarriage policies Russians practiced during the fur trade, the waterways Ninilchik is on, and liberal enrollment policies. NVT is comprised of Dena’ina people who originally lived in the area as well as Ahtna, Yup’ik, Alutiiq/Sugpiaq, people from Native American Tribes from the contiguous U.S., and Native Hawaiians who have moved to the area [55]. Ninilchik had a population of 749 as of 2018 when I started this project [56]. They are on the Alaskan road system, and the Board considers them a rural community. NVT and I set out to conduct a project to understand the role self-determination played in sustainability<sup>5</sup> and wellbeing in the community. During this project, I conducted ethnographic futures research story-telling scenarios with 30 people chosen by NVT, please see Table 1 for the demographics of the participants.

**Table 1.** Demographics of participants.

| Category                                   | Project Participants |            |
|--|----------------------|------------|
|  | Number               | Percentage |
| Participant Population                     | 30                   | 100%       |
| Age (participants were 26 to 79 years old) |                      |            |
| 25–34                                      | 7                    | 23%        |
| 35–44                                      | 4                    | 13%        |
| 45–54                                      | 6                    | 20%        |
| 55–64                                      | 8                    | 27%        |
| 65–74                                      | 3                    | 10%        |
| 75+  | 2                    | 7%         |
| Sex  |                      |            |
| Male                                       | 11                   | 37%        |
| Female                                     | 19                   | 63%        |
| Tribal Affiliation                         |                      |            |
| Ninilchik Village Tribal Member            | 21                   | 70%        |
| Not a Ninilchik Village Tribal Member      | 9                    | 30%        |

Table 1. Cont.

| Category  | Project Participants |            |
|---|----------------------|------------|
|   | Number               | Percentage |
| <b>Employment</b>   |                      |            |
| Work for the Tribe  | 17                   | 57%        |
| Work Elsewhere  | 9                    | 30%        |
| Retired   | 4                    | 13%        |
| <b>Where Raised</b>   |                      |            |
| Ninilchik   | 16                   | 54%        |
| Alaska-not Ninilchik  | 7                    | 23%        |
| Contiguous U.S.   | 7                    | 23%        |
| <b>Education</b>  |                      |            |
| Some High School  | 1                    | 3%         |
| GED   | 2                    | 7%         |
| High School Diploma   | 4                    | 13%        |
| Certified Nursing Assistant   | 2                    | 7%         |
| Trade School  | 3                    | 10%        |
| Some College  | 7                    | 23%        |
| Associate's Degree  | 2                    | 7%         |
| Bachelor's Degree   | 5                    | 17%        |
| Master's Degree   | 4                    | 13%        |
| <b>Ethnicity (self-identified)</b>  |                      |            |
| Russian-Alaska Native-European/white<br>(Alaska Native included Dena'ina Athabaskan,<br>Aleut, Alutiiq/Sugpiaq) | 12                   | 40%        |
| Russian-Alaska Native<br>(Alaska Native included Dena'ina and Aleut)  | 4                    | 13%        |
| Alaska Native<br>(Alaska Native included Athabaskan and Alaska<br>Native in general)                            | 2                    | 7%         |
| European/white  | 7                    | 24%        |
| European/white-Native American (tribes from<br>the contiguous U.S.)   | 4                    | 13%        |
| European/white-other  | 1                    | 3%         |

## 5.2. Theoretical Framework and Methods

It was very important to me to take an Indigenous approach to this project, something that would not carry on any racist or colonial legacies. In this regard, I did not design the study prior to approaching the community, but instead reached out to the NVT and asked if they would be interested in working with me. Over the next 12 months, we built a relationship with one another, and they assigned me a Tribal employee to work with to develop the project to explore Indigenous self-determination and the role it played in achieving sustainability and wellbeing [57]. We settled on the method of ethnographic futures research (EFR) [58] which was used through an Indigenous relational theoretical framework [59] to be in alliance with Indigenous methodologies by being participatory [57], reflexive, asset-based [60,61], engaging in co-production [62], engaged with free, prior, and informed consent as outlined in the United Nations Declaration on the Rights of Indigenous Peoples, and a space for storytelling and trust building [57,63].

The method, EFR, is a scenario methodology that goes over three possible futures, with each interview participant, the optimistic, pessimistic, and most likely futures. These futures were set in 2038, 20 years from the time of the interviews in 2018. The participant is put in the future and then they 'backcast' through looking back over the last 20 years to see how they got to the future they were in, 2038. Backcasting is important in working with Indigenous communities as making projections about the future through forecasting

is often something Indigenous cultures are not comfortable with [64]. In the final part of the interview, participants identify their role in helping their community to achieve the optimistic future they had outlined. For a full explanation of the methods, please see Gordon, 2021 [57]. The participants described futures that addressed subsistence, land stewardship, regulations, and sustainability [57]. Looking at how they described this in the optimistic versus pessimistic or most likely futures helps identify what the community needs and wants, what they fear and are trying to avoid from the pessimistic future, and how to surpass the most likely future to reach the optimistic future for their community.

Indigenous methodologies emphasize that engagement with the community does not only happen prior to the project or during the project. Engagement also happens through dissemination and in this project along with academic products I produced a 20-year roadmap for Ninilchik outlining what the participants explained in the scenarios as what they wanted for the future of their community. This was part of the Indigenous relational theoretical framework which was developed through my master's research on how to build mutually beneficial trusting relationships in research between Indigenous communities and researcher [65] and was part of my part of maintaining a reciprocal relationship with the community [66]. I used this framework to build my relationship with NVT and also used it to adapt EFR to be in alliance with Indigenous methodologies. This framework emphasized:

Knowing extensive community history, developing strong local contacts, communicating openly about the project, treating the community members as equals, displaying [culturally appropriate] manners and etiquette through honesty and reciprocity, acting ethically in [I]ndigenous cultures . . . exchanging knowledge to build . . . capital, and giving project results to the community so they can be put to practical use. ([65], p. 237)

EFR is an antiracist and decolonizing approach to research due to it being used through an Indigenous relational theoretical framework which allowed me to address power imbalances, privilege Indigenous Knowledge, built trust, and engage in a reciprocal relationship [57].

### 5.3. Storytelling Scenario Results

The first question in the project was to ask participants to describe what sustainability in the community of Ninilchik meant to them. This definition was extensively explored in Gordon, 2021, but I will briefly summarize it here [57]. A sustainable Ninilchik was described as a place that will “carry on through generations and be here . . . for those to come . . . for my kids, and my future grandchildren” (personal communication, interview 6, 26 February 2018). Participants emphasized they did not want their present actions to jeopardize the future of coming generations. They identified social, ecological, and economic aspects of sustainability and included the importance of transmitting Indigenous Knowledge, culture, and subsistence practices. Participants wanted the community to be able to have enough employment and small businesses for people to provide for their families. They described a thriving social community with a large population at the school and engaged youth staying away from drugs and alcohol. In regard to ecology, they see a sustainable Ninilchik having flourishing fish, animal, berry, and tree populations. They identified the Tribe playing an important role in a sustainable and well future for their community as they not only provide jobs but arrange social gatherings and run the subsistence fishing net. This description of a sustainable Ninilchik was more grounded in the optimistic future than the present, and to achieve it, participants identified the role of self-determination which is explored in Gordon and Datta, 2021 [67]. Ecological sustainability was closely linked to subsistence practices.

Previous studies on the population in Ninilchik demonstrate extensive involvement and reliance on subsistence for food which was further confirmed by this case study. For example, a 1998 study by the Alaska Department of Fish and Game (ADF&G) identified 96 percent of Ninilchik households involved in subsistence harvesting which included



berry picking, fishing, gathering plants, bird hunting, and moose hunting with an average harvest by household of 439.5 pounds and a per person fish harvest of 81 pounds [68]. A survey conducted in 2002 by ADF&G interviewed 100 Ninilchik households and found that 96 percent harvested fish at approximately 82 pounds per person [69]. The Ninilchik Village Tribe hired a survey company to conduct a subsistence survey in 2014 and this survey found that of the 44 people surveyed through a simple random sample, 30 people hunted, 36 people fished, 7 people trapped, and 30 people gathered [70].

Participants in the EFR storytelling scenarios confirmed this extensive reliance on subsistence. One person explained how sustainability and subsistence are tied together in Ninilchik, “There’s the sustainability of keeping the subsistence lifestyle that I think is prevalent, and should be, a cornerstone of who we are” (personal communication, interview 15, 6 March 2018). Subsistence is a cultural practice that has been handed down to each new generation and is a central part of being a member of the Ninilchik Tribe and community. Participants in Ninilchik detailed the food they hunted and gathered from the land to include multiple types of fish, moose, razor clams, and multiple types of berries. A large percentage of community members use subsistence to supplement their food purchased at grocery stores. Participants explained that without subsistence they would not get enough to eat and would either go hungry or would have to move away from the community to a larger city that had cheaper groceries. They emphasized that food security was not the only reason they valued subsistence, it was important to their wellbeing and spiritual fulfillment to be able to subsist from the land and to live sustainably and pass on cultural practices to their children and grandchildren. This is consistent with a definition of subsistence specific to Alaska Natives which identifies that it is not only about gathering food; it is an integral part of individual and community identity and culture through sharing food, storytelling, song, dance, and eating together [71].

Youth not only learn subsistence from their families but through the Tribe as well. The Tribe runs the youth education leadership program (YELP) through a Substance Abuse and Mental Health Services Administration (SAMHSA) grant to reduce suicide and substance abuse. Through utilizing culture as a protective factor from these adverse issues, youth are taken out on the land by the Elder Outreach Program Coordinator to learn subsistence activities such as fishing salmon with a set net and digging razor clams across the Cook Inlet from Ninilchik, as the Ninilchik beach is closed to clamming. Youth learn how to clean and process the fish and clams through canning as well as learning to smoke the salmon. They provide the processed subsistence food to Elders in the community that are no longer able to practice subsistence themselves. This sharing of food and youth providing to Elders is an important part of Tribal culture.

Having sustainable use of resources is of vital importance to interviewees as living off the land through subsistence practices to provide for their families brings a sense of self-worth. Subsistence is a central part of the Ninilchik Village Tribal culture. As one interviewee explained, “Our culture . . . what I was taught and how I was brought up was what you need to do to survive in this environment. And, you know, we don’t have songs necessarily or a language other than Russian. We don’t have a bunch of dances, regalia, things like that that other Tribes have” (personal communication, interview 9, 27 February 2018). Sadly, colonization resulted in a lot of cultural loss in the community and subsistence is a central aspect of culture Tribal members hold dear. One Tribal member summed up just how important subsistence is, “I can’t live without a king salmon. I can’t live without a moose. I can’t live without a clam. Okay, that’s me. That’s my DNA” (personal communication, interview 12, 1 March 2018). As many Tribal members have their identity tied to subsistence, this is one reason the Tribe has fought so hard for subsistence rights.

Participants that worked for the Tribe provided extensive information on how NVT struggled and fought legal battles, just like other Alaska Native Tribes, to maintain their sovereignty, self-determination, and subsistence rights. NVT worked for years, from 2006 to 2016, to be able to practice their subsistence rights granted to them as

rural residents though ANILCA to fish on the federal parts of the Kasilof and Kenai Rivers [17]. As explained above, this right to subsistence was not based on the fact that NVT is an Alaska Native Tribe with subsistence practices since time immemorial, but is instead based on rural preference. NVT sought to fish for Ninilchik residents (Native and non-Native) who were not able to do it themselves, only catching the number of fish allowed by the number of permits a year which depended on the number of people who signed up. At the time of my research, it was 25 fish per head of household with five additional for each family member for an approximate total of 2000 sockeye salmon total for a year to be harvested by the NVT net.

The Ninilchik Traditional Council (NTC), the governing body of the Tribe, took a proposal to the Southcentral Regional Advisory Council of the Board in early 2014 to fish on the rivers which was recommended to the Board and followed by NTC submitting operational plans for their gillnets in both rivers. The Kasilof River plan was approved for 2015, but the Kenai River plan was not [20]. NTC argued they had a right to fish; however, they were not allowed to fish in the Kenai River, and in October 2015 they sued the federal government in *Ninilchik Traditional Council v. Towarak et al.* [20]. In 2016, with their court case still ongoing, the Board allowed NTC to put a gillnet in the Kenai River on an experimental permit which was then allowed in subsequent years.

Arguments cited against the Kenai gillnet included biologists saying that it would lower fish counts, preventing fish species from swimming up the rivers to spawn [72]. While the river waters that Ninilchik sought to fish on were federal land, commercial and sport fishermen fishing at the mouth of the Kenai River in the Cook Inlet are on state managed marine waters. These same biologists were not arguing against commercial and sport fishing at the mouth of these rivers which take approximately 98 percent of the yearly fish catch with subsistence taking less than 1 percent [72]. As one participant explained, “fishing became a way to get money to buy food instead of a way to just get food and everybody got really excited about that . . . subsistence is basically outlawed on the Kenai Peninsula which is bizarre” (personal communication, interview 17, 7 March 2018). While ANILCA [17] says it prioritizes subsistence users, the State of Alaska says gives subsistence users “reasonable opportunity” and if there are only sufficient populations for subsistence use, regulations will be adopted “that eliminate other consumptive uses to provide a reasonable opportunity for subsistence uses” [73]. One participant explains their absolute frustrations:

“Sue the shit out of the state and the feds and tell them to shut it all down. If subsistence can’t happen and the subsistence users cannot go out there, *they’re causing such a burden on the fish* [emphasis mine], then shut it down. Shut sports fishing down. Shut commercial fishing down. And shut the guides down . . . I’m pretty sure, probably within 2 weeks, the state would go, hmmm, we really need to figure this out because there’s a lot of people that are pissed. And then they’d figure it out. But the problem we have is we can’t hold them [the state of Alaska] accountable (personal communication, interview 1, 21 February 2018)

The commercial and sports fishing lobbies have much more money and sway with the political appointees managing State waters than subsistence users; subsistence is not prioritized by the State and has not been for a long time [74,75].

Participants explained that there are problems in the current way fish and wildlife are managed in the Ninilchik area, managed in an unsustainable way. With colonial management decisions threatening their culture, the Tribal members were very concerned. One interviewee spoke about subsistence management not including Indigenous Knowledge and how that made them feel, “No one wants to listen to the people that actually are out here . . . They don’t listen. They’re not listening to me. I mean, I don’t have a college education, so, that goes right out the window right away, anything I say. I’m too dumb for them to listen” (personal communication, interview 1, 21 February 2018). This participant was emphasizing that perspectives actually listened to in management decisions were only those of scientists,

so even though this person was a holder of Indigenous Knowledge, they were made to feel dumb and without a college education their Knowledge was not of value.

Participants felt that management decisions are being made by officials in offices far from the community, not considering what local populations observe in their regular use of resources. The decisions are in fact made by the state or the Board, depending on what land is in question. Multiple participants shared with me a very recent example of local and Indigenous knowledge being ignored in Ninilchik around the razor clam population. NVT notified the state repeatedly over the years that the size of clams and their numbers were diminishing on the local beach. Regardless, the state kept the per person limits high, allowing not only the approximately 800 rural residents from Ninilchik to dig clams but allowing urban residents from the Kenai, Soldotna, and Anchorage areas as well, totaling over half a million people.

When the clams were finally less than half their usual size, the beaches were closed to clamming to let the populations regrow [16]. As one participant said, “Put the state in charge of the mosquito population and it’ll be gone. If you want to kill something off, put the state in charge of managing it. They managed to kill off our clams” (personal communication, interview 7, 26 February 2018). This was very hard for Ninilchik residents as clamming was a part of their culture. They had harvested clams for generations and had recipes and fond memories of family gatherings around clamming. By excluding local and Indigenous Knowledge from management decisions and not taking an Indigenous approach to stewardship, the food security of Ninilchik residents as well as their cultural traditions and subsistence practices were harmed, taking away a resource they depended upon for their food security and culture. Since beaches were closed in 2014, children from babies to 8-year-old have now not been able to participate in clamming on the beaches outside their homes and this cultural practice has not been passed down. Beaches across the Cook Inlet are available for residents with access to a boat.

Ninilchik locals believe in sustainable harvesting so that future generations will be able to still live in the area and not only gather food but be able to practice their culture of subsistence. One non-Native participant I talked to described how they see NVT participating in fish and wildlife stewardship:

The state and the federal government need to step out and let the Tribe do what the Tribe does. They’ve managed that resource since the beginning of time. They understand it. They understand the reproductive cycles. They understand the lifespan. They understand the climates that are going to be involved. They have history, and they can look back and they can see those cycles . . . The Tribe recognized the problem [low counts of clams, fish, and/or animals] a long time ago, 90 percent of the time. They don’t get surprised. They see it coming. You hear the Elders whispering about it and talking about it and nobody listening to them. You’ve got to listen to the Elders. They’re the memory in the room. (personal communication, interview 15, 6 March 2018)

When looking at the data from the 20-year optimistic future, participants were excited to talk about Tribal sustainable management practices based on Indigenous Knowledge resulting in fish and animal populations returning to levels that could be harvested. Many older participants reflected back on how populations were in their youth and how they were optimistic things could be like that again with proper management through Indigenous Knowledge. One participant explained, “We would hunt and fish and fill our freezer and not have to buy meat. That would be ideal” (personal communication, interview 11, 1 March 2018). Participants identified the return of crab, shrimp, and abalone populations for harvest from the ocean with strong salmon and halibut populations in their optimistic future scenarios. They also talked about increased abundance of berries.

At the time of the study from 2018 to 2019 and as of 2022, R. Greg Encelewski is on the Southcentral Regional Advisory Council. He is also NTC’s President of the board of directors. Yet, participant after participant I talked to explained that the current management systems run by both the state and federal governments are not considering local and

Indigenous Knowledge. Participants explained that they get laughed at when trying to provide information on animal counts that have been passed down through oral history and that, unlike biologists, they are never listened to. Indigenous Knowledge is vital to sustainable resource stewardship due to the observations people living in the areas make about how things are changing. Participants explained that the decisions the Board and state make are based on biologist input more than local observations, and biologists do not have the day-to-day observation of the fish and wildlife populations which is one thing that makes Indigenous Knowledge so powerful and valuable.

Ultimately, participants see management decisions as being politically-based and not based on the actual fish and wildlife counts. One participant explained, ‘Somehow you’re going to have to get away from political management... If we want a resource to thrive, we have to have good nonpolitical management and the state is just 100 percent political. So, when they’re managing, they’re managing by, “What does the sport fishing industry want?” ... They’ll get a call from the commissioner, from the governor, and say, “No we want this, sportfisherman are saying close this down.” So, politics unfortunately plays too much in state management’ (personal communication, interview 7, 26 February 2018). Over half of those I talked to explained that the Tribe needed to be involved in this management on a larger scale than they are currently allowed so that they can provide the generations of Indigenous Knowledge they possess on the local fish and animal populations to not only manage them sustainably but to also have subsistence rights.

## 6. Discussion and Conclusions

Alaska Natives have been racialized, experienced and continue to experience horrific acts of colonization and racism, and are still not included in the land management over lands they depend on for their food security and cultural survival through subsistence in meaningful ways. This all continues even though research has shown that Native people are more successful at stewarding land sustainably [43]. Ninilchik community members understand sustainability as an integrated part of their lifestyle that allows for future generations to flourish and continue the same cultural subsistence practices as have been practiced in the area for millennia. Ecological sustainability is one of three areas of sustainability that was important to the participants; this also includes social and economic aspects. Participants identified the Tribe as playing an important role in stewarding the land and water and fish and wildlife populations to maintain sustainable use for generations of children and grandchildren to continue cultural subsistence practices in years to come. As explained by participants in Ninilchik, the role of local and Indigenous Knowledge in land management is critical and without it, fish and wildlife populations will continue to be harvested unsustainably and lost to users as the razor clam population was [19]. With the state choosing not to regulate salmon populations in ways participants deem sustainable, Ninilchik residents fear a loss of the king salmon population and emphasize the need for the Tribe to be leading stewardship for food security and cultural continuity. This form of stewardship worked for millennia as salmon were sustainably harvested by Indigenous Peoples prior to colonization [76].

Currently, commercial and sport fishing lobbies have a lot of sway on the way things are managed, and the state of Alaska has a history of promoting commercial and sport fishing and ignoring Indigenous rights, including not recognizing the Indigenous Tribal Nations in Alaska as sovereign entities. Examples of court cases include the Katie John series of cases over Alaska Native subsistence rights which began in 1984 when Katie John and Doris Charles requested the Alaska State Board of Fisheries to open Batzulnetas for subsistence fishing and were denied even though downstream sport and commercial uses were taking hundreds of thousands of salmon [77]. *Kenaitze Indian Tribe v. State of Alaska* in 1988 is another example of a subsistence fishing case where the U.S. District Court for the District of Alaska Judge Kozinski wrote in their opinion that:

“This is a case involving a clash of lifestyles and a dispute over who gets to fish. Congress, using clear language [through passing ANILCA in 19080], has resolved this dispute in favor of the Kenaitze who choose to pursue the traditional subsistence way of life by giving them priority in federal waters. The state has attempted to take away what Congress has given, adopting a creative redefinition of the word rural, a redefinition whose transparent purpose is to protect commercial and sport fishing interests” [78].

With the State government having a history of not recognizing Tribal sovereignty with a government-to-government relationship, this limits the role NVT can have in practicing their subsistence rights and stewarding their traditional lands [18]. Without the rights to steward the land or at least being meaningfully included in management, Alaska Native communities will continue to struggle with food sovereignty issues leading to not only food insecurity but loss of culture as well due to the relational aspect and utilization of the natural world [14]. As is explained above, ongoing racism by the state of Alaska, majority non-Native state legislature, and state and federal land and water management bodies continue to hurt Alaska Native Peoples. The Alaska legislative majority enacts policies that ignore the importance of subsistence to Alaska Natives and have the effect of forcing Alaska Natives to assimilate, continuing colonial practices [79]. Racism is systemic in Alaska through past and ongoing colonization, land claims, and present land and water management practices.

Anti-racism seeks to actively oppose racism and change not only behaviors and beliefs but racist policies. Even though race has been proven to not be a biological difference, in Alaska, racism and colonization are prevalent in both state and federal management practices as explained above. Decolonization of land management practices, to create a space for Indigenous Peoples in Alaska to steward the land and build resilience around subsistence, is the main avenue through which this paper explores anti-racism. This includes Indigenous-led stewardship and acknowledging the problems of co-management in Alaska [80]. This addresses issues of food security and culture being lost as subsistence rights are taken away following a history of land being taken away. Giving the land back to the Indigenous Peoples is an even greater form of decolonization that would lead to Indigenous stewardship of the land and water they use and practice subsistence on.

In a very recent article in *Indian Country Today* titled “Can Indigenous subsistence rights still be protected in Alaska?”, decolonization of both land management and land ownership is recommended by Alaska Natives as a way forward for subsistence rights [80]. These include (1) amending ANCSA to reinstate Aboriginal fishing and hunting rights; (2) amend ANILCA to give Alaska Natives subsistence priority in addition to rural residents; (3) implement co-management that is more successful than current models and provides greater Alaska Native influence over federal and state subsistence laws. I would provide a fourth option which would be to return federal and state claimed land to the Tribes in regard to both ownership and stewardship as is being proposed about federal national parks land [81,82].

All four of these options are not easily accomplished as the racism they are working against is systemically imbedded into federal and state laws which remove Indigenous control of subsistence. An estimated \$20 million USD has been spent thus far by Alaska Natives to protect their subsistence rights which would mean that any of these four options would likely be expensive legal battles that the many small Tribes lack funding to fight, requiring the involvement of the regional for-profit Native corporations [80]. These options all seek to truly create sustainable stewardship practices that maintain food security and food sovereignty through drawing on local and Indigenous Knowledge. Legal scholar Robert Anderson explained that under both the Indian and general commerce clauses, Congress has the power to create a Native subsistence priority on all lands and waters in Alaska, including Alaska Native corporation, state, and federal lands which is seen in the MMPA which has a Native exemption [82]. Yet nothing in this regard is being done to amend ANCSA or ANILCA.



Alaska Natives have been racialized since first colonization which colonizers used as justification for their actions, including forced boarding schools, taking land, creating blood quantum, and controlling land management, impacting Alaska Native subsistence. Through this paper, I have sought to demonstrate the current systemic racism extending through both federal and Alaska state legislation that has removed land ownership and stewardship from Alaska Natives. Racist approaches to Indigenous land stewardship claim that Indigenous Peoples cannot manage land. Without rights to land management, Alaska Natives do not have priority to practice subsistence on federally or state managed land that allows them to maintain their cultures and food security. Rural preference puts at risk the rights of the large number of Natives who have moved to urban Anchorage to travel home to practice and sustain their cultures.

NVT provides an example of subsistence loss due to lack of Indigenous exclusion in management, the razor clam population, as well as examples of having to fight through the courts for their rights to fish salmon through a rural subsistence priority. Interviewees explained how they feel left out of management and explained the key role local and Indigenous Knowledge should play in management decisions. This paper is a call for an anti-racist response, a call to decolonize the history of land taking and land management in Alaska so that Indigenous children and future generations can still have food security and practice their cultures. This paper implies that by the state and federal governments engaging in antiracism and decolonization as a multistep process, Alaska Native's can steward their lands more successfully than they are currently being managed and have subsistence rights. This can be done through the state and federal governments: (1) acknowledging and respecting Tribal sovereignty and self-determination; (2), respecting Indigenous Knowledge and creating space for Indigenous-led stewardship of the land, waters, plants, and animals; and (3), giving the land back to the Alaska Native Tribal Nations through respecting their sovereignty and letting them steward it themselves to have their subsistence rights.

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**Institutional Review Board Statement:** The study was conducted in accordance with the Declaration of Helsinki and approved by the Institutional Review Board of the University of Alaska Fairbanks (protocol 1090657, approved 5 September 2017).

**Informed Consent Statement:** Informed consent was obtained from all subjects involved in the study. Consent was obtained from the Ninilchik Village Tribe to utilize the project we partnered on as the case study in this paper from the Executive Director of the Tribe Ivan Z. Encelewski.

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## Notes

- <sup>1</sup> Indigenous communities, Peoples, Tribes, and Nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their identities, as the basis of their continued existence as Peoples, in accordance with their own cultural patterns, social institutions, and legal system [1].
- <sup>2</sup> The term Alaska Native and Indigenous will be used interchangeably in this document as Alaska Natives are the Indigenous Peoples of Alaska which are comprised of 231 federally recognized Tribes [2].
- <sup>3</sup> The concepts of land management and ownership are Western as in an Indigenous relational perspective no one owned the land but instead people cared for and stewarded the land in relationship with the earth, not in dominion over it [14].

- 4 The term Tribe is used by the federal government to identify Indigenous Nations on the list of Federally Recognized Tribes that the U.S. has formally recognized as sovereign Nations and has a government-to-government relationship with. Tribe is not a term all Alaska Native Nations use and some use community or village instead of Tribe. This paper utilizes the word Tribe to help the reader understand the government-to-government relationship between Alaska Native Nations and the U.S. federal government [23].
- 5 One aspect of the original project with the Ninilchik Village Tribe and the author's dissertation was to define what sustainability meant to the participants. This is thoroughly explained in the publication Gordon, H.S.J. Ethnographic Futures Research as a Method for Working with Indigenous Communities to Develop Sustainability Indicators. *Polar Geography* 2021, 44, 233–254 [57].

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