

NAVIGATING AMBIGUOUS REGULATIONS: AN ARTIST'S PERSPECTIVE ON  
INDIGENOUS ART MATERIALS AND RESOURCE MANAGEMENT IN ALASKA

BY

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A Project Submitted in Partial Fulfillment of the Requirements  
for the Degree of

Master of Fine Arts  
Emphasis in  
Native Arts

University of Alaska Fairbanks  
March 2020

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## Abstract

Alaska Native art is legally defined as art created by a member of a state or federally-recognized tribe of Alaska Natives or a certified non-member artisan (Indian Arts and Crafts Act). Yet this legal definition does not reference the cultural expression and application of creative skill that makes Alaska Native Art a strategic expressive resource. Alaska Native Art is a cultural resource that impacts indigenous economies, cultural social networks, natural resource utilization, and political engagement. Through the creation of native art, an individual not only expresses their culture but also becomes engaged in the natural resource utilization and management in Alaska. However, the link between natural resource management and customary material harvest and utilization has been historically underappreciated primarily due to regulatory ambiguity and broad nature of artistic creation.

The harvest and use of these customary materials are governed by multiple state and federal laws across diverse management agencies. State and federal natural resource management agencies possess different interpretations for who may harvest natural resources for art, definitions of significant modifications of natural materials to create art, and priorities governing urban and rural access. Each agency applies different administrative codes to determine proper permitting for both personal artistic creation and the manufacture of marketplace authentic Alaska Native Handicrafts. However, this ambiguous labyrinth of regulation is constantly changing and adapting to new federal and state laws, treaties, and court rules.

It is the responsibility of the native artist to navigate this complicated mosaic of regulatory authority to harvest natural materials for art. Yet the foundation from which an artist begins navigating regulatory authority is often inadequately defined. It is the purpose of this MFA thesis is to provide an artist's perspective on native art materials and resource management in Alaska



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## **Chapter 1 Complex Regulatory Narratives**

### **Introduction**

Alaska Native art utilizes a diverse range of natural materials. The harvest and use of these traditional materials are not only a vital component of cultural practices but also actively engages artists in natural resource utilization and management in Alaska (Chaussonnet 1995, Hollowell 2004, Lee 2003). Yet it is important to note that multiple natural resource agencies manage the harvest, handling, manufacture, transportation, and sale of Native Art materials and finished Alaska Native artwork. It is the responsibility of Alaska Native artists and their patrons to navigate this complicated mosaic of regulatory authority (Lee 2003, Dault and White 2016). This ambiguous labyrinth of native art material regulation is constantly changing and adapting to new federal and state laws, treaties, and court rulings. This has led many Alaska Native artists to adapt to unrestricted commercial materials or become adept in navigating the ambiguous waters of federal and state regulations within the dual natural resource management of Alaska (Chaussonnet 1995, Lee 2003).

As a certified wildlife biologist and indigenous artist, I have gained a multidiscipline approach to regulatory theory and management in regards to the harvest and use of natural art materials. Throughout my scientific work history, I have explored many natural resource management policies and regulations. Yet only through the active creation of traditional and contemporary Alaska Native Art did I achieve an understanding of the diverse cultural and economic consequences of regulatory uncertainty in Alaska natural resource management. The purpose of this MFA thesis is to provide an artist's perspective on Native art materials and resource management in Alaska.

### **Complex Regulatory Narratives**

Alaska Native art is legally defined as art created by a member of a state or federally-recognized tribe of Alaska Natives or a certified non-member artisan (Indian Arts and Crafts Act). Yet this legal definition does not reference the cultural expression and application of creative skill that makes Alaska Native Art a strategic expressive resource (Lee 2003, Hollowell 2004, Dault and White 2016). Alaska Native Art is a cultural resource that impacts indigenous economies, cultural social networks, natural resource utilization, and political engagement. Through the creation of native art, an individual not only expresses their culture but also becomes engaged in the natural resource utilization and management in Alaska (Stewart 1984, Chaussonnet 1995, Lee 2003). However, the link between natural resource management and customary material harvest and

utilization has been underappreciated. The harvest and use of these customary materials are governed by multiple state and federal laws across diverse management agencies (Gladyszewski 1995, Lee 2003, Hollowell 2004, Dault and White 2016, Fall 2018). These laws can limit or prevent the sale of Alaska Native Art in the marketplace or even restrict the creation of Alaska Native Art. State and federal natural resource management agencies possess different interpretations for who may harvest natural resources for art, definitions of significant modifications of natural materials to create art, and priorities governing urban and rural access. Each agency applies different administrative codes to determine proper permitting for both personal artistic creation and the manufacture of marketplace authentic Alaska Native Handicrafts. However, this ambiguous labyrinth of regulation is constantly changing and adapting to new federal and state laws, treaties, and court rules.

It is the responsibility of the native artist to navigate this complicated mosaic of regulatory authority to harvest natural materials for art (Dault and White 2016). Yet, where does an artist begin? What distinctions in the process of native art creation determine what management authority and permits the artist must obtain? How does an artist navigate federal and state regulations within the dual natural resource management of Alaska? As with any permitting with any of Alaska's land managers; the first steps are deterring the following aspects: creative intent behind the artwork, locations of resource harvests, artist's rural or urban residency defined by the federal subsistence board, each species of fauna or flora to be utilized in the artwork, the extent of modification of the raw resource materials to create the artwork, and potential transportation of the artwork or artistic materials.



## **Chapter 2 Inspiring Regulatory Decision Trees**

### **Creative Intent**

One of the first distinctions in terms of regulations for natural native art materials is its creative intent. An individual artist must consider carefully the creative intent of the artwork as a culturally functional object, a personal decorative adornment, or artwork that functions as a commodity (Morton 1975, Lee 2003). The harvest of natural resource materials for the creation of Alaska Native art with the intent to sell as a commercial commodity possesses additional restrictions and permitting that the creation of art for personal or cultural use does not require. With many natural resource agencies, creative intent determines priority access, permits, and harvest locations required for traditional native art material harvest.

### **Location of Harvest**

Yet, the location of the natural resources used for art can also determine the legally possible creative intent of native art. For art materials that are not harvested, rather found in places such as a shed antler or naturally shed mountain goat wool; there are different state and federal rules governing the removal and use of the material. In general, ADF&G managers found animal parts of terrestrial mammals and upland game birds. Thus, the parts of naturally deceased animals or annual sheds are available for artists to discover and utilize for art. However, any animal part is illegal to remove from a national park (36 CFR §13). Thus, if a shed antler is found in Denali National Park, it must remain in place. But a shed antler within a state park such as Chugach State Park is legal to collect and utilize for art.

Location of harvest regulations also applies to Alaska's botanical resources. For example, if rye beach grass is located on state land, it is considered a non-timber forest product (NTFP) and is managed by the State of Alaska Department of Natural Resources (DNR). The Bureau of Land Management (BLM) considers rye grass a Forest Product which harvest permits are determined by residency and intent of the artwork. In contrast, the Department of Forest Service harvest permits for rye grass depends upon the specific location within forest service lands. Artists must contact area managers with details of the planned harvest to identify if a permit is required and the general type that will suit the needs of the artist. Harvest locations are a critical determining factor for many Alaska Native Artists. Yet as the artist travels across the landscape, they can be required to meet the regulatory requirements of multiple land managers and obtain different permits, such as access permits or even transportation authorization.

## **Residency of the Artist**

Artist's residency is a contemporary limiting factor that has arisen in terms of regulatory permitting. This is a relatively modern distinction that started with the Alaska Native Claims Settlement Act (ANCSA) in 1971 that directed the Secretary of the Interior and the State of Alaska to take action to protect the subsistence needs of Alaska Natives (Gladziszewski 1995, Fall 2018). After ANCSA, the state of Alaska required the Boards of Fisheries and Game to provide a preference for subsistence uses of fish and game in 1978; but failed to define who qualified as a subsistence user. This resulted in the Alaska National Interest Lands Conservation Act (ANILCA) in 1980, which defined subsistence users as rural residents and subsistence as customary and traditional uses of fish and wildlife renewable resources (Gladziszewski 1995, Burnham 2005, Fall 2018). Thus, rural residents were given priority for access to natural resource materials used for Alaska Native art (Gladziszewski 1995, Fall 2018).

Today, both federal and state law defines subsistence to include the use of customary and traditional materials in the creation of handicrafts for sharing, barter and customary trade (AS 16.05.940[32], Title VIII of ANILCA section 803). However, rural Alaskan residents have prioritized access on federal lands to natural resources for subsistence and Alaska Native art materials. In addition, residency has become a determining factor of artistic creation as the federal subsistence management policies define Alaska Native Handicrafts as finished products made by a rural Alaska resident (36 CFR § 242.25). As such, the residency of an artist remains a defining regulatory classification for the subsistence harvest of art materials and the creation of Alaska Native Handicrafts for federal lands. In contrast to federal land managers, all Alaskan residents have equal access to all-natural resources and art materials on state land.

## **Species of Harvest**

Once an artist has considered their residency, an artist must carefully determine each species of fauna or flora that will be utilized in the artwork. Multiple international treaties and agreements can drastically limit the harvest, use, or transportation of Alaska Native artwork. One of the most straightforward regulations is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The international agreement regulates the importation and exportation of flora and fauna that are listed as threatened or endangered in the agreement. In general, CITES is unique for Alaska Native Artists as it requires both artists and patrons to obtain documentation and permits for the international transport of artwork created with parts of listed flora and fauna. For

commercial Native art, the artist must obtain an Import/Export License, complete the USFWS form 3-177, document the artwork's commercial value, and obtain CITES Import and Export permits depending on the species used in the artwork. If the authentic handicrafts include materials from a sea otter, polar bears, whales, or walrus; then special CITES Export permits are also required.

Non-commercial shipments, such as transporting personal regalia across international borders, may require some CITES documentation based on the species utilized and the overall value of the artwork (50 CFR §14.64). If a Native art piece is worth less than \$250, does not utilize listed species, is for personal use, and is hand-carried across the border, then the export generally does not require documentation. An example is an Athabascan beaded barrette with smoked moose hide backing and beaver fur trim. However, if the value of the artwork is more than \$250 or if the piece is mailed, it will require the U.S. Fish and Wildlife Declaration for Importation or Exportation of Fish and Wildlife form (USFWS form 3-177). Thus, an Athabascan beaded baby belt with smoked moose hide backing will require a USFWS form 3-177 if it is hand-carried across an international border. In general, mailing noncommercial artwork will most likely require the USFWS form 3-177, no matter the value of the artwork or species utilized.

While CITES regulated the exportation of authentic handicrafts, the 1918 Migratory Bird Treaty Act determines the harvest and use of inedible by-products. Since the 1961 "Duck In" protests, subsequent treaty renegotiations, and amendments have allowed Alaska spring subsistence migratory bird harvests for rural residents (50 CFR §92.6, Burwell 2004). Specifically, the 1975 Morton Policy allowed only Alaska Natives to harvest, sell, and resell any authentic Native article of handicraft that contains an inedible by-product of specific migratory bird species if it has been harvested during the spring subsistence harvest (50 CFR §92.6, 82 FR 34263, Johnson 2017). Thus, only Alaska Natives who qualify for the rural federal subsistence program can utilize inedible by-products of migratory birds for commercial Native art (82 FR §34263, Johnson 2017).

Urban Alaska Native artists can still use inedible avian byproducts such as feathers in the creation of native art commodities as long as the bird utilized is classified as an upland game bird or a domestic variety of birds. This means ptarmigans and grouse species can be used in the creation of art without the limitations of rural or urban residency (50 CFR §92.6, 82 FR 34263). Turkey feathers or other domestic fowl can also be modified to mimic the design of many migratory birds used in traditional art without the extensive documentation of authorized harvest and artist residency.

While the artist's residency is an important contemporary limiting factor, it is not the only one to arise during the modern age. One of the most regulated natural artistic materials used in traditional Alaska Native Arts are marine mammals. Under the Marine Mammal Protection Act (MMPA), Alaska Native People who reside in Alaska, and dwell on the coast may harvest sea otters, ice seals, sea lions, and other marine mammals in a non-wasteful manner for subsistence purposes or for the purpose of creating and selling authentic Native articles of handicrafts and clothing (16 USC 1361 - 1421h). It is important to note that the marine mammal protection act does not define who qualifies as an Alaska Native. Instead of the federal government has utilized the ANCSA definition of Alaska Native as an American citizen who is of one-fourth degree or more Alaska Indian, Yupik, Inupiaq, Aleut blood, or a combination thereof (43 U.S.C. § 1602). Therefore, harvesters and artists must possess a blood quantum of greater than one-fourth degree to handle the raw materials. Native artisans and patrons with less than the one-fourth degree blood quantum are defined as non-native and are prohibited from handling the unmodified artistic materials (43 U.S.C. § 1602).

### **Significantly Modified Art**

One of the final aspects that an artist must consider is the extent of modification of the raw resource materials to create the artwork. This degree of modification is referenced in numerous laws and regulations including CITES and MMPA. The MMPA defines authentic native articles of handicrafts as items that are composed significantly of natural materials and are created in a traditional non-wasteful practice. However, MMPA states that handicrafts that are intended for sale or transfer to non-Alaska Natives require significant alteration from its natural state (50 C.F.R. 18.23b). In general, USFWS define significantly altered handicrafts as involving considerable physical modifications with a high level of permanence for these alterations. As such, CITES utilizes the modification guidelines of USFWS when transporting marine mammal handicrafts across international borders. But, US Fish and Wildlife Service only manages polar bears, walrus, and northern sea otters. The remaining marine mammals such as ice seals and whales are managed by NMFS which possesses different definitions of significantly altered from US Fish and Wildlife Service. An example is the cleaning and polishing of baleen is sufficient to qualify as the creation of authentic Native articles of handicraft. As such, it is important for Alaska Native Artists to contact the appropriate managing agency for the species of marine mammal to be utilized in authentic native articles of handicrafts and clothing (16 USC 1361 - 1421h).

Beyond MMPA and CITES, the degree of modification is used to distinguish commercial authentic Alaska Native handicrafts. A prime example of this is the legal definition of Alaska Native Handicraft as a finished product that has been substantially altered to increase its monetary and aesthetic value from an unaltered natural material by skillful hands (36 CFR § 242.4, 50 CFR § 18.23, Hoffman 2005). In contrast, Alaska Native Art is more broadly defined as an artistic expression of creative skill by an Alaska Native individual or tribally recognized artist. This definition of Native art focuses more on the creative process and visual form of the artwork rather than the amount of material alteration or modification. Yet most land managers utilize the Alaska Native Handicraft terminology to draw distinction between commercial and personal use artwork in terms of harvest permitting and resource allocation due to substantial alteration permitting requirements for trade, barter or sale of artwork (36 CFR § 242.4, 50 CFR § 18.23, 50 CFR §92.6). Thus, we have returned to the very beginning of the regulatory decision tree in which we must consider the artist's creative intent behind the artwork.



## Chapter 3 Artist's Perspective

### **An Indigenous Artist Perspective on Complex Regulatory Narratives**

I personally congratulate anyone who was able to follow the convoluted mess that determines the very basic decision tree of regulatory permitting for Alaska Native Art. Welcome to the purgatory that is Alaska Native Art material and artistic legal research. Given the constantly shifting sands of regulations; it is little wonder why natural resource management and customary art material harvest and utilization has been neglected and simply misrepresented as a byproduct of subsistence harvest. The diverse range of legal interpretations between and within management agencies has created an ambiguous labyrinth of artistic regulatory research that even field experts find problematic. Thus, how does a modern Alaska Native Artist continue artistic cultural practices if access to the natural resource materials that comprises much of traditional art is convoluted with potential legal land mines? The Native artists of today must also navigate and monitor interstate and international regulations which directly impact the commercial sale of Alaska Native Art. A prime example is the broad ban on all commercial ivory within several states within the United States. This uncertainty and direct ban on artwork have reduced the commercial market for Alaskan ivory artwork and directly impacted many rural communities and economies. Thus, Alaskan artists must lobby and become politically active not only in their own state but across the nation to prevent further limitation and regulation of their artistic practices.

My MFA thesis draws attention to the complex regulatory narratives that all Alaska Native Artists must navigate. Through the many artistic pieces I have created, I will directly reference regulatory law or the numerous land and resource managers of Alaska. I will provide my own unique perspective and dry humor to illustrate this complex regulatory narrative as together we navigate the ambiguous waters of Alaska Native Art and natural resource management.

### **Piece: Navigating Ambiguous Waters**

Prior to western contact, decorative ornamentation of clothing by the Athabaskan people was primarily made from naturally dyed porcupine quills, goose quills, and plaited grass stitched into a geometrical grid pattern (Fair 2006). The earliest use of glass beads occurred during the mid-1700s, and actually predates European contact due to the well-established trade routes from the coastal southern and western indigenous cultures and the Russian-American Company (Fitzhugh and Crowell 1988, Fair 2006). By the mid to late nineteenth century the Hudson's Bay Company and American military forts in Interior Alaska provided a steady supply of both western fabric, beads,

and thread. European embroidery and sewing techniques were also exchanged at these trading posts by missionaries and western teachers (Fitzhugh and Crowell 1988, Fair 2006). As trade flourished; beads slowly replaced porcupine quills as beads allowed for more free flowing designs, broader assortment of colors, and relative convenience in application. Glass beads soon became a ubiquitous Native art material due to the industrial manufacturing of the modern world and the adaptability of Athabaskan artists. Regional differences between beading patterns and styles soon developed across the Interior as each indigenous community fostered its own unique beaded fashion (Fitzhugh and Crowell 1988, Fair 2006). Today, the decorative beaded collars, jackets, pouches, and gloves are still produced and worn in a similar manner as the nineteenth century.

Athabaskan beading techniques primarily utilize a couching style for the main body of the work and a zipper edging for the border trim (Fair 2006). The couching style of beading involves two separate threads and needles. The first thread is used to string the beads in a single line or curve. The second thread is used to secure the line of beads to the fabric of the piece by stitching every two or three beads. Many decorative elements are stitched onto small patches of tanned leather or commercial fabric. These beaded swatches are then stitched directly upon traditional smoked moose or caribou leather coats, mittens, and pouches (Fair 2006).

One unique beaded art form that has become less utilitarian and more fine art in the modern world is the beaded burden belt (Steinbriht 1985, Fair 2006). As the name implies, the belt was once used for carrying large burdens across a person's back during the many seasonal migrations of the Athabaskan people. Beaded burden belts are more commonly known by its modern name, the beaded baby belt. This is due to one of its original uses to support children in a large loop along the mother's back (Fair 2006). Beaded infant regalia and baby belts are still important to Athabaskan culture as family and friends still create these beadworks for children as a celebratory gift for the new family member and a traditional family treasure to be passed down to the next generation (Steinbriht 1985, Fair 2006). Today, these beaded belts are commonly used as decorative fine art rather than their original functional purpose.

Beaded burden belts are typically five feet long with a width of five to nine inches (Fair 2006). These long belts were made from a smoked hide backing of either moose or caribou with fur or hide tassels along the bottom. Traditionally, the belts were sparingly decorated with porcupine quills, goose quills, and plaited grass. As beads became more prevalent, the belts became more lavishly decorated. Contemporary flowing designs of flowers and swirls became common motif elements as compared to the traditional ridged geometric patterns utilizing quills (Fair 2006).



Beading became even more extravagant as access to commercial beads increased resulting in beaded backgrounds across the entire length of the burden belt. Many belts began to feature long ornate tassels of commercial yarn, fur, hide, and large trade beads along the bottom length of the belt.

As an avid outdoors woman, I was introduced to the diverse mosaic of jurisdictional and regulatory boundaries from an early age by my father and brother. My father used to tell me that a caribou lives by traversing the land, but only humans care exactly where a caribou is at any given moment. This is true in effect as when a caribou travels across mountain ranges and valleys it traverses the diverse jurisdictional landscape. Thus, an individual caribou is subject to different regulations and laws determined by where it happens to be standing at any given moment. Yet it is the responsibility of the hunter to ensure regulatory compliance across the landscape.

As a wildlife biologist, I became more conversant with the jurisdictional landscape of Alaska in terms of game management units (GMUs). As a fisheries research technician, I myself position regulatory markers and boundary signs based on ADF&G emergency orders (EO) to ensure salmonid biological escapement goals. Over time, I began to view the landscape in terms of jurisdiction authority and regulatory management areas rather than a connected mosaic of habitats.

Yet only when I began to search out and harvest my own natural resource materials for Native art did I start to explore the impacts of jurisdictional management across the landscape in terms of traditional natural art materials. As a Native artist, I wished to learn how to harvest and process my own artistic materials. Yet, finding these new patches of flora was coincidental or incidental during fauna harvests. Once I discovered the flora location, I spent hours researching the jurisdictional landscape to determine the necessary harvest permits and protocols.

Alaska Native Art still remains an important cultural and economic practice within Alaska. However, access to the natural resources for the creation of traditional art is subject to diverse regulations across a complicated mosaic of jurisdictional boundaries (Dault and White 2016). Thus, as a river flows from the mountains to the sea, it will cross multiple jurisdictional boundaries. Transportation regulations, access permits, and harvesting laws will change as the artist travels across the diverse regulatory mosaic of Alaska. It was the purpose of *Navigating Ambiguous Waters* to illustrate this diverse regulatory landscape by illustrating some of the important natural resource managers in Alaska.

I replicated the logos of multiple land and resource managers in the state of Alaska including both federal and state agencies. In general, the state of Alaska administers most fish and wildlife harvests across the state. This includes state lands, private lands, and Native lands. Thus, the Alaska

Department of Natural Resources manages all state water, land, and natural resources, except for fish and game, for the benefit of all Alaskans. The Alaska Department of Fish and Game manages all fisheries and game species on state-owned land. In comparison, federal public lands include lands managed by the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, National Oceanic and Atmospheric Administration, and U.S. Forest Service. Each of these land managers can possess different access and harvest regulations. Thus, the piece *Navigating Ambiguous Waters* illustrates a river itself navigating a complicated patchwork of jurisdictional agencies flowing through its watershed down to its estuary.

**Piece: *Crafting Collaborative Relationships: Kodiak National Wildlife Refuge***

Created in 1941 by President Roosevelt, the Kodiak National Wildlife Refuge encompasses 1.9 million acres of southwest Kodiak Island, Uganik Island, Ban Island, and part of Afogank Island. The original purpose of the refuge was to protect the unique natural history of the islands including the iconic brown bear, whose population dramatically decreased during the 20<sup>th</sup> century (Hensel and Berns 1967). This purpose was modified and expanded under ANILCA to provide the opportunity for local residents to continue subsistence practices while conserving fish and wildlife populations and habitats (Gladziszewski 1995, Burnham 2005, Fall 2018). Thus, USFWS works closely with local Sugpiaq and Alutiiq artists to provide access to natural materials for the creation of traditional art. Through the creation of traditional Native arts, indigenous populations strengthen cultural social networks, but also become engaged in natural resource utilization and management in the Kodiak National Wildlife Refuge.

The piece *Crafting Collaborative Relationships: Kodiak National Wildlife Refuge* reflects the collaborative nature of the refuge between USFWS and Sugpiaq and Alutiiq artists. As the Sugpiaq art renaissance continues; more artists are learning traditional techniques and material utilization. This has led modern Sugpiaq artists to acclimatize to navigating both federal and state regulations and permit requirements to acquire natural artistic materials, and supplementing artificial or novel artistic supplies in the creation of traditional art. In addition, the USFWS has also worked closely with Sugpiaq elders and artists to learn what natural materials are utilized in traditional artwork and adapt to managing artistic utilization in both fish and wildlife populations and habitats management plans and strategies as outlined in ANILCA.

Thus, *Crafting Collaborative Relationships: Kodiak National Wildlife Refuge* illustrates this collaborative nature directly by utilizing the USFWS as a direct artistic resource material for the

creation of a traditional beaded headdress. The base of the headdress is a USFWS brown uniform hat which is directly modified utilizing traditional and contemporary beads. Beads themselves possess an interesting history in terms of Sugpiaq Native Art. Some of the first beads used by the Sugpiaq were bones and ivory; but also, rare trade items from the east such as amber, copper, and dentalium shells (Bundy et. al. 2003, Fair 2006, Eagle 2010). These beads were used as decorative motifs and status markers, but also possess significant spiritual and protective qualities (Fair 2006, Eagle 2010). Within *Crafting Collaborative Relationships: Kodiak National Wildlife Refuge*, the coloration of the beads reflects collaborative relationships between USFWS and the Sugpiaq people. The colorations on the uniform base of the headdress are the traditional Sugpiaq colors of red, black, and white. The bead trail however, takes the coloration motif from the USFWS of federal red, white, and blue colors. Thus, as more Sugpiaq artists utilize natural materials from the Kodiak National Wildlife Refuge; USFWS continue to learn and adapt management strategies for the Kodiak National Wildlife Refuge for the benefit of all. In the case of *Crafting Collaborative Relationships: Kodiak National Wildlife Refuge*, the USFWS provides the base artistic material for the creation of traditional Sugpiaq art; thus, encouraging its fabrication while also directly learning from its creation.

**Piece: *National Eagle Repository***

Across the United States, bald and golden eagles hold an important cultural and religious significance to Native Americans and Alaska Native tribes. Feathers and parts of eagles are traditionally used during significant religious and ceremonial events (Chaussonnet 1995, Fair 2006, Stewart 1984). Many clans draw on the eagle as a symbol of cultural identity and directly utilize its parts to illustrate an individual's cultural affiliation and heritage. Within southeast Alaska, Tlingit cultural identity is divided between two moieties, the yeil (raven) and the ch'áak' (eagle) (Chaussonnet 1995, Fair 2006, Stewart 1984). As part of the ch'áak' moiety, individuals not only participate in ceremonial activities utilizing eagle feathers, but also wear crests that illustrate their identity as a ch'áak'.

Bald eagles were an ever-present aspect of my childhood as I lived in the village of Craig on Prince of Wales Island, the city of Kodiak on Kodiak Island, and city of Ketchikan on Revillagigedo Island. While I am a member of a federally recognized tribe called Ketchikan Indian Corporation, I do not possess any hereditary clan affiliation. This was problematic as I wished to participate in the Ketchikan Native community, but could not artistically illustrate the intellectual property of a clan that I did not belong to (Hollowell 2004, Fair 2006). I was mostly limited to illustrations that

represented humanity as a whole utilizing the Northwest Coast formline style. The only exception to this rule was the use of the American bald eagle. As I was an American citizen, artistic mentors informed me that I could use the symbol of America. The trick was to stress its Americanism rather than simply utilizing the traditional ch'áak' form. As a child I accomplished this by drawing more contemporary avian forms, or exemplifying piebald eagles using white and black rather than the traditional red and black formline colors.

Yet my childhood relationship with eagles was not only in connection to my American cultural identity. As an Alaska Fish and Wildlife Enforcement Officer, my father was responsible for the enforcement of federal and state fish and wildlife regulations. As such, my father assisted the US Fish and Wildlife Service in the enforcement of the Lacey Act of 1900, Migratory Bird Act of 1918, and Bald Eagle Protection Act of 1940. Bald eagles sometimes encounter human made objects or facilities that are quite dangerous, including: electrical posts, fish waste dumpsters, commercial fishing nets, and windows. As such, bald eagles tend to die within the village and require their carcass removal. This inglorious job sometimes fell to my father, who as an enforcement officer could handle and transport both live and dead bald eagles. Yet sometimes, bald eagles died at inconvenient locations and locals would try to expedite the relocation process. This led to the ding-dong-ditching of dead bald eagles on my front porch as a child, and a heightened awareness of the federal repository for eagle carcasses. It was my father's job to collect both live and dead bald eagles and send them to the Alaska Raptor Center for rehabilitation or shipment to the National Eagle Repository in Denver, Colorado.

My father took great care in handling the remains as he often stated that the eagles would be distributed across the United States for use in religious or cultural items. Utilizing these ding-dong-ditching events as teaching moments, my father instructed us in the laws that govern bald eagles: the Lacey Act of 1900, Migratory Bird Act of 1918, and the Bald Eagle Protection Act of 1940. Specifically, the Bald Eagle Protection Act of 1940 prohibits the harvest, commerce, or possession of bald and golden eagle parts or whole carcasses. However, U.S Fish and Wildlife Service (USFWS) provides exemptions for Federally recognized tribally enrolled Native Americans and Alaska Natives to use eagles as part of religious or cultural practices (16 U.S.C. § 668-668c, 16 U.S.C. §§ 703–712). As such, the National Eagle Repository was founded by the U.S. Fish and Wildlife Service to facilitate the lawful possession of eagle parts by acting as a central location for the receipt, processing, storage and distribution of bald and golden eagles' parts and whole carcasses. To obtain parts of an eagle, a Native American or Alaska Native can obtain a permit from the U.S. Fish and

Wildlife Service which authorizes the individual to legally receive, possess, and create religious or cultural items from eagle parts obtained from the repository.

This fusion of both cultural history and wildlife law cumulates in the piece titled the National Eagle Repository. As a child, the National Eagle Repository conjured images of a federal bank with considerable stockpiles of frozen dead eagles that my father and hometowns contributed to. As a witticism of the National Wildlife Property Repository and my diverse cultural affiliation with the bald eagle I wished to represent this little known branch of the Office of Law Enforcement and U.S. Fish & Wildlife Service.

The button blanket features three *tlakwa* (copper shield), a traditional symbol of power and wealth (Fair 2006). The *tlakwa* is often used as a decorative motif on regalia to represent wealth and the National Eagle Repository. The illustrated formline designs of the *tlakwas* are eagles representing the three main native cultures of southeast Alaska: Tlingit, Haida, and Tsimshian. Yet the eagles possess human hands and receive their own *tlakwa* in a display of distributing wealth. Each *tlakwa* directly possesses two eagle feathers within the bottom two sections of the form to illustrate the main purpose of the National Eagle Repository as a disruption center for eagle feathers and parts. In a small witticism, I also use copper shields of the United States in the form of the 2010 Union Shield pennies as decorative elements surrounding the *tlakwas* and the borders of the blanket. Similar to traditional button blankets of the early 1900s, the blanket uses coins to directly emphasize the theme of wealth and prestige which also emphasizes the theme of the repository. The coins are displayed with the American Union Shield design facing the viewer to illustrate U.S. Fish & Wildlife Service and federal law.

### **Pieces: *Inedible By-products***

Many Alaska Native cultures possess a rich history of artistic expression utilizing migratory bird feathers, beaks, feet, and skins (Chaussonnet 1995, Fair 2006). From decorative elements of masks and dance fans to bird skinned parkas, migratory birds are important to Alaska Native Art. However like many natural Native art materials, numerous regulations are involved in the artistic use of inedible avian parts. One of the first steps a Native artist must take in regards to traditional bird art materials is to consider what avian species can be utilized in the artwork.

It always struck me as odd that I could harvest migratory birds for personal use, yet I could not utilize their inedible byproducts for traditional Native art (Johnson 2017). Often I would have to toss these prized artistic materials in a trash can as my family and I process the migratory birds for

food. Yet my family and friends ensured that I still had access to feathers as an artistic material, mostly of the upland game or domestic variety. Given the abundance of Alaska's grouse and ptarmigan, I have spent countless hours salting and preserving wings and tails for native art. The first year of my MFA program I monopolized the front two tables in the Native Art Studio with salted wings, tails, feet, and skins. This resulted in three distinct studies of upland game bird feather composition, *Study of Grouse*, *Study of Ptarmigan*, and *Study of Inedible Byproducts*. The intention behind this group study is to highlight the cultural importance of utilizing inedible byproducts of upland game birds in Native art.

To accomplish this, I utilized the circle and dot motifs within the two Alaska Native Handicrafts to symbolize physical and spiritual movements between two worlds (Chaussonnet 1995, Fair 2006). The circle and dot motif is used to illustrate the cultural and social importance of subsistence harvest as more than food security but of artistic resource procurement at the core of cultural knowledge and practices. Thus, the grouse and ptarmigan move from the inedible artistic materials to spiritual and culturally significant works of art.

The piece *Study of Grouse* utilizes both ruffed and spruce grouse tails and wings and a repetitive woven circle-and-dot motif of multiple concentric circles formed of yellow cedar bark and annuli of white canvas linen. The bar patterns upon the grouse tails and wings also complement the concentric patterns of the woven disk. The focal point of the piece is the large red bead within the very center of the concentric circles. The viewer's eyes then radiate outward from the familiar artistic material to the blended natural materials of the cedar bark and linen, finally resting upon the inedible grouse art materials with their natural banded rings. Yet the central red bead draws the viewer's eyes back across the concentric circles; thus traveling repetitively across the multiple circles and worlds of natural and artificial artistic materials of Alaska Native Art.

In contrast to *Study of Grouse*, the *Study of Ptarmigan* incorporates tails, wings, and preserved snowshoe feet of willow and rock ptarmigan. The focal point of the piece is a large white disk surrounded by a woven red cedar bark cord and large red beads. The disk is framed by ptarmigan feet resting upon the contrasting bold black tail feathers. Here the feet of the ptarmigan circle around the main white disk while the large red beads act as the interconnecting joints between paired tail and legs. Layered beneath the tails, the white wings radiate outwards with their subtle bold black bands creating a swooping motion outwards from the main circle and dot motif. Similar to *Study of Grouse*, *Study of Ptarmigan* narrative focus is the circle and dot motif which draws the viewer's eyes directly upon the framing inedible byproducts that create the native handicrafts.

Both *Study of Ptarmigan* and *Study of Grouse* flank *Study of Inedible By-Products* which maintains a more scientific quality as the wings and tails are displayed under glass in their raw salted unmodified form. *Study of Inedible By-Products* distinguishes itself as an active step in artistic resource procurement, yet draws analogies with *Study of Ptarmigan* and *Study of Grouse* as part of the transference of cultural knowledge through the creation of Native art (Chaussonnet 1995, Fair 2006). The circle and dot motif is used to illustrate the cultural and social importance of subsistence harvest as more than food security but of artistic resource procurement at the core of cultural knowledge and practices. Thus, the grouse and ptarmigan move from the inedible artistic materials to spiritual and culturally significant works of art.

**Piece: *Native Art is Not Always a Handicraft***

The definitions of Native art and native handicrafts are fraught with complex regulatory narratives, which have led to confusion and indistinction between the art forms. This mired perception of native art by patrons and potential emerging artists has diminished the importance of native art and its cultural and economic importance. Yet Native art is distinct from native handicrafts in terms of not only cultural importance; but also in terms of materials and processing of resources used to create the artwork. A prime example of this is the legal definition of Alaska Native Handicraft as a finished product that has been substantially altered to increase its monetary and aesthetic value from an unaltered natural material by skillful hands (36 CFR § 242.4, 50 CFR § 18.23, Hoffman 2005). As a Native artist, we all begin humbly with unskilled hands in an attempt to create aesthetic pleasing works of art. Most of us fail in this initial attempt. Yet artistic resource procurement, artistic material refinement, and artistic creation are the core of cultural knowledge and practices of indigenous communities. The skilled hands of a Native artist are refined through numerous artistic creations that are tempered by cultural knowledge and applied skill developed over years (Stewart 1984, Chaussonnet 1995, Lee 2003, Fair 2006).

I remember weaving my first woven cedar bark basket with my mother. The monetary value of the cedar bark raw materials and dye supplies expanded upon the small basket was far more than the final monetary value of the basket. Frankly, it was a hideous lopsided mess that my mother and father absolutely adored. However under state definitions, this first basket is not a Native handicraft as it was made with unskilled hands and is worth less than the monetary value of the unaltered natural materials. Yet my mother views this basket as one of my most important works of art, as it was my first step in becoming an artist. Its cultural significance is worth more than its monetary

value. Thus, my first basket is defined under state law as a Native artwork, but not as a Native handicraft.

Over the years as I became more skilled, I began to explore the techniques of altering natural materials into aesthetically pleasing artworks with high monetary value. Oddly enough, it was not until I enrolled in the MFA graduate program at UAF did I realize I tended to over complicate my patterns and techniques with heavy modification and an almost obsessive focus on details. In the end, my artwork had somewhere shifted over time to a focus on heavily processing natural materials to create handiworks with my skilled hands.

The realization that I had over time focused upon the over processing of natural materials to create handiworks of aesthetic and monetary value came to me as a humorous appreciation of the distinguishing aspects and definitions between Native art and Native handicraft. Had my earliest unskilled pieces been more authentic as Native art as compared to my later more heavily modified works which focused more on its monetary value and aesthetic appearance? It was the blurring nature of these complex regulatory narratives that made me wonder if I could make Native artwork that was distinctly only Native art and not a Native handicraft. This led me to explore the nature of minimalistic Native art which focuses upon the essentials of the subject or art materials with as little modification or nonessential forms as possible.

Thus the *Material Studies Series* arose from my exploration of pure Native art form of limited altered natural materials. The first of this series created was the *Birch Bark Study* which focuses upon the textures and colors of natural birch bark. The birch bark was soaked, cut, and stretched over canvas and secured with heavy duty staples. The only modification within the piece is the use of decorative edge scissors for processing the strips of birch bark. The piece itself focuses upon the contrasting natural colors of the birch bark and the native flora and fauna that grow upon the exterior of the birch bark. *Birch Bark Study* emphasizes the unmodified natural material created with an emphasis on the aesthetic value of the unaltered natural material alone. Thus, the piece successfully fulfills the objective of achieving a distinction of a Native artwork that is not a Native handicraft.

*Cedar Bark Study* expands upon my original exploration of limited altered natural materials by directly contrasting a limited modified cedar bark mat with the original unstriped and split cedar bark coil. The lightly modified cedar bark matt features distinct bands of yellow and red cedar bark that is split and stripped and woven in a plated style simple matt. This mat is surrounded by a thick unprocessed coil of yellow cedar that was originally stripped from a tree. The width and height of



the coil was determined by the process of coiling the raw wet bark around my mother's forearm as she originally gathered it on Prince of Wales Island. *Cedar Bark Study* highlights the process of stripping and thinning the raw cedar bark into the more manageable pieces for weaving. The border coil illustrates the thickness of the cedar's bast or secondary phloem tissue in contrast to the typically split and thinned weaving wefts and warps seen on woven baskets. Thus the artwork emphasizes the modification process rather than the final piece by illustrating the natural material in multiple states as an unaltered natural material and a simplified woven example.

*Black Square Bear* takes the exploration even further than *Cedar Bark Study* as the main focus on the piece is the essence of the black bear hide. While one of the obvious artistic influences for this piece is Kazimir Malevich's *Black Square*; the piece also draws influences from the definition of Alaska Native Handicrafts and the numerous Alaska Native Art guides highlighting the regulatory modification of natural artistic materials (Dault and White 2016). In this respect, *Black Square Bear* takes its own radical departure in which it firmly focuses upon the essence of the raw material rather than the process of artistic creation of handicrafts. I purposely limited myself in terms of modifications and beaded embellishments that would distract from the piece. Rather, I focus instead on the pure essence of the artistic material in its most raw form and spiritual significance. There is no interpretation of handicraft within this piece, yet it's simple and raw presence draws the viewer to their own interpretations and possibilities. Like all Native artists, it is the possibilities that drive them to explore the materials. Based upon their own cultural knowledge and artistic skills they can see their own possibilities and handicrafts.



## Conclusion

The purpose of this MFA thesis was to provide an artist's perspective on Native art materials and resource management in Alaska. To accomplish this, I created both traditional and contemporary Native art that highlighted the diverse natural resource managers, complex regulatory narratives, and the legal definitions of authentic Native handicrafts. As the viewer first enters the gallery, they are presented with the numerous natural resource managers in the piece *Navigating Ambiguous Waters*. This piece sets the tone for the first exploration of the numerous agencies, but also permitting requirements and the dual nature of Alaska natural resource management. Some pieces are direct representations of management agencies such as *Tongass National Forest*, and *Crafting Collaborative Relationships: Kodiak National Wildlife Refuge*. Artistic representations of the diverse land managers span the right and back wall of the gallery.

However, as the viewer travels further along the wall back towards the front of the gallery, the pieces become more subtle in agency and more focused upon acquisition of natural art materials such as the *National Eagle Repository* and *Alaska DNR Non-Timber Forest Product*. Both require a more contemplative reflection of the title to truly understand the piece, or immediate phone web research that many artists have conducted themselves when first confronted with regulatory permitting. More of the natural colorations and individual artistic materials become readily visible or directly referenced.

Finally, the left wall closest to the gallery door, the art primarily focuses upon illustrating and exploring the natural artistic materials, and the creative process of Native art. The pieces that best represent this exploration are *Study of Grouse*, *Study of Ptarmigan*, and *Study of Inedible Byproducts*. It is at this juncture that *Study of Cedar* branches off to explore the creative process of Native art and the amount of material alteration or modification required for processed handicrafts or natural Native art. The final piece within the gallery closest to the door is *Black Square Bear*. The viewer is left with only the pure essence of raw natural art material. This directly contrasts with the first piece just adjacent to the door *Navigating Ambiguous Waters*. This drives the viewer to reflect both on the materials possibilities for Native art and handicrafts, but also remind the observer of the ambiguous waters that the artist must navigate creating Native art.

By the end of the journey, the observer will have navigated the ambiguous waters of natural artistic material harvest and utilization. As the spectator traveled through the gallery, they have gained a basic understanding of the ambiguous regulatory uncertainty in Native art creation and natural resource management. However, even if the onlooker only comes away with an appreciation

of the diverse range of land managers or artistic expression through natural materials; I have accomplished my goal.

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