

HB

960

COMMITTEE REPORT

HOUSE

5/2/78

FURTHER: FINANCE

Date: May 2, 1978

Mr. Speaker:

The Committee on RESOURCES has had HB 960'

"An Act relating to fish and game management."

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____
- and _____ new title same title
- AND attaches a Letter of Intent New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Make it do pass if amended

Chairman

Introduced: 5/1/78
Referred: The Special Committee on
Subsistence, Resources and
Finance

BY THE RULES COMMITTEE BY
REQUEST (for the Special
Committee on Subsistence)

1 IN THE HOUSE

2  HOUSE BILL NO. 960

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fish and game management."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. INTENT. The legislature finds that there is a need to
9 develop a statewide policy on the utilization, development and conservation
10 of fish and game resources, and to recognize that those resources are not
11 inexhaustible and that preferences must be established among beneficial users
12 of the resources. The legislature further determines that it is in the
13 public interest to clearly establish subsistence use as the priority bene-
14 ficial use of Alaska's fish and game resources and to recognize the needs,
15 customs and traditions of Alaskan residents. The legislature further finds
16 that beneficial use of those resources by all state residents should be
17 carefully monitored and regulated, with as much input as possible from the
18 affected users, so that the viability of fish and game resources is not
19 threatened and so that resources are conserved in a manner consistent with
20 the sustained-yield principle.

21 * Sec. 2. AS 16.05.020(1) is amended to read:

22 (1) supervise and control the department, and, except as
23 provided under sec. 93 of this chapter, he may appoint and employ divi-
24 sion heads, enforcement agents, and the technical, clerical, and other
25 assistants necessary for the general administration of the department;

26 * Sec. 3. AS 16.05.090 is amended by adding a new subsection to read:

27 (c) There is established in the Department of Fish and Game a
28 division of subsistence hunting and fishing.

29 * Sec. 4. AS 16.05 is amended by adding new sections to read:

1 Sec. 16.05.093. DIRECTOR OF THE DIVISION OF SUBSISTENCE HUNTING
2 AND FISHING. The division of subsistence hunting and fishing shall be
3 administered by a director appointed by the governor.

4 Sec. 16.05.094. DUTIES OF DIVISION OF SUBSISTENCE HUNTING AND
5 FISHING. The division of subsistence hunting and fishing shall

6 (1) compile existing data *including data from subsistence users* and conduct studies to gather
7 information on all aspects of the role of subsistence hunting and fish-
8 ing in the lives of the residents of the state;

9 *see* ~~SECTION 10150~~ *TO determine extent* (2) ~~quantify~~ the amount, value, and extent of dependence on
10 food acquired through subsistence hunting and fishing; *or results to use*

11 (3) make information gathered available to *the* legislature in
12 a form suitable for use in developing legislation relating to land *and*
13 water ~~management~~; *or results to use*

14 (4) assist the legislature to determine what uses of fish and
15 game, as well as which users and what methods, should be termed sub-
16 sistence uses, users, and methods;

17 (5) evaluate the impact of state and federal laws and regu-
18 lations on subsistence hunting and fishing and, when corrective action
19 is indicated, make recommendations to the governor and the legislature;

20 (6) make recommendations to the Board of Game and the Board
21 of Fisheries regarding adoption, amendment and repeal of regulations
22 relating to subsistence hunting and fishing.

23 * Sec. 5. AS 16.05.221 ^{(7) - (8)} is amended to read:

24 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes
25 of the conservation and development of the fishery resources of the
26 state, there is created the Board of Fisheries composed of nine [SEVEN]
27 members appointed by the governor, subject to confirmation by a majority
28 of the members of the legislature in joint session. The [APPOINTED]
29 members shall be residents of the state and shall be appointed without

delete

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regard to political affiliation [OR GEOGRAPHICAL LOCATION OF RESIDENCE].
Membership of the board shall include one user of fish for subsistence
from each of the four judicial districts of the state, two holders of
sport fishing licenses who are not users of fish for subsistence, two
holders of commercial fishing licenses, and one member at large. The
commissioner is not a member of the Board of Fisheries, but shall be ex
officio secretary.

② →

(b) For purposes of the conservation and development of the game
resources of the state, there is created a Board of Game composed of
nine [SEVEN] members appointed by the governor, subject to confirmation
by a majority of the members of the legislature in joint session. The
[APPOINTED] members shall be residents of the state, and shall be ap-
pointed without regard to political affiliation [OR GEOGRAPHICAL LOCA-
TION OF RESIDENCE]. Membership of the board shall include one user of
game for subsistence from each of the four judicial districts of the
state, two holders of hunting licenses who are not users of game for
subsistence, two master guides, and one member at large. The commis-
sioner is not a member of the Board of Game, but shall be ex officio
secretary.

* Sec. 6. AS 16.05.251 is amended by adding a new subsection to read:

(b) The Board of Fisheries shall adopt regulations in accordance
with the Administrative Procedure Act (AS 44.62) permitting the taking
of fish for subsistence uses unless the board determines, in accordance
with the Administrative Procedure Act, that adoption of such regulations
will jeopardize or interfere with the maintenance of fish stocks on a
sustained-yield basis. Whenever it is necessary to restrict the taking
or other consumptive uses of fish in order to assure the maintenance of
fish stocks on a sustained-yield basis, or ^{as a result} the continuation of subsis-
tence uses of such resources, subsistence use shall be the priority use.

1 If further restriction is necessary, the board shall establish restric-
2 tions and limitations on and priorities for these consumptive uses on
3 the basis of the following criteria:

4 (1) customary and direct dependence upon the resource as the
5 mainstay of one's livelihood;

6 (2) local residency; and

7 (3) availability of alternative resources.

8 * Sec. 7. AS 16.05.255 is amended by adding new subsections to read:

9 (b) The Board of Game shall adopt regulations in accordance with
10 the Administrative Procedure Act (AS 44.62) permitting the taking of
11 game for subsistence uses unless the board determines, in accordance
12 with the Administrative Procedure Act, that adoption of such regulations
13 will jeopardize or interfere with the maintenance of game resources on a
14 sustained-yield basis. Whenever it is necessary to restrict the taking
15 or other consumptive uses of game in order to assure the maintenance of
16 game resources on a sustained-yield basis, ^{or the} ~~the~~ continuation of sub-
17 sistence uses of such resources, subsistence use shall be the priority
18 use. If further restriction is necessary, the board shall establish
19 restrictions and limitations on and priorities for these consumptive
20 uses on the basis of the following criteria:

21 (1) customary and direct dependence upon the resource as the
22 mainstay of one's livelihood;

23 (2) local residency; and

24 (3) availability of alternative resources.

25 (c) No regulations permitting the taking of game may be adopted
26 unless the game is edible at the time of year when the taking is to be
27 permitted.

28 * Sec. 8. AS 16.05.257(a) is amended to read:

29 (a) The Board of Game, at its regularly scheduled annual meeting,

1 shall consider and may adopt regulations providing for subsistence
2 hunting in a game management unit or subunit or a portion of a unit or
3 subunit upon

4 (1) recommendation of the department, based on biological
5 evidence;

6 (2) the recommendation [MAJORITY VOTE] of the active local
7 advisory committees for that game management unit or subunit or a por-
8 tion of a unit or subunit;

9 (3) the written petition of not less than 100 interested
10 residents of that game management unit or subunit or a portion of a unit
11 or subunit; or

12 (4) the written petition of not less than 25 interested
13 residents of an area which is requested for establishment as a subsis-
14 tence area within a game management unit or subunit or a portion of a
15 unit or subunit.

16 * Sec. 9. AS 16.05.257(c) is repealed and re-enacted to read:

17 (c) No regulations may be adopted by the Board of Game under (a),
18 (b) or (f) of this section unless, in addition to the requirements of AS
19 44.62.180 - 44.62.290, the department

20 (1) holds public hearings, after reasonable notice, at least
21 30 days before the meeting at which the regulation is to be adopted,
22 with at least one of the hearings being held in close proximity to the
23 area potentially affected;

24 (2) presents at the hearings the information provided for in
25 (e) of this section;

26 (3) makes the information provided for in (e) of this section
27 available to the appropriate advisory committees and to petitioners if
28 consideration of adoption of regulations was prompted by petitions under
29 (a)(3) or (4) of this section; comments shall be received by the board

1 until 10 days before any adoption of regulations.

2 * Sec. 10. AS 16.05.257(d) is amended to read:

3 (d) A petition submitted under (a)(3) - (4) of this section shall
4 contain a complete description of the area requested as a subsistence
5 area and a specification of the species within the area considered
6 necessary for subsistence use. A petition or request made under (a)(2),
7 (3) or (4) of this section must be filed with the department at least
8 75 days before the next scheduled meeting of the board.

9 * Sec. 11. AS 16.05.257(e) is repealed and re-enacted to read:

10 (e) The department shall investigate every petition or request
11 made under (a)(2), (3) or (4) of this section and provide the following
12 information: (1) the concentration and carrying capacity of the species
13 to be affected; (2) the concentration of other species; (3) the extent
14 of competition of other species with the affected species in the area;
15 (4) the current hunting practices in the area, including numbers of
16 animals taken and by what methods and means, whether the take is sub-
17 sistence or recreational, and characteristics of the hunters; (5) the
18 past and present dependence of persons in the area for subsistence use
19 of a species; (6) the biomass of the species to be affected; (7) the
20 population trends in the area; and (8) whether the population is able to
21 support a nonsubsistence harvest. No decision denying, creating or
22 changing a subsistence hunting area may be made unless based on specific
23 written findings of fact regarding all the information provided in
24 accordance with this section. No subsistence hunting area may be
25 created if the board determines that creation of such an area will
26 jeopardize or interfere with the maintenance of game populations on a
27 sustained-yield basis.

28 * Sec. 12. AS 16.05.257(h)(1) is amended to read:

29 (1) "subsistence hunting" means the taking of game animals by

1 a state resident for subsistence uses by means defined by the Board of
2 Game [FOOD OR CLOTHING FOR PERSONAL OR IMMEDIATE FAMILY USE];

3 * Sec. 13. AS 16.05.257(h)(2) is repealed and re-enacted to read:

4 (2) "subsistence hunting area" means an area in which only
5 subsistence hunting of the affected species is permitted and which is
6 managed for maximum food potential.

7 * Sec. 14. AS 16.05.257 is amended by adding a new subsection to read:

8 (i) The Board of Game may make no decision denying, creating or
9 changing a subsistence hunting area unless based on specific written
10 findings of fact regarding all the information provided in accordance
11 with (e) of this section. No subsistence hunting area may be created if
12 the board determines that creation of such an area will jeopardize or
13 interfere with the maintenance of game populations on a sustained-yield
14 basis.

15 * Sec. 15. AS 16.05.290 is amended to read:

16 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a
17 board is entitled to travel expenses, [AND \$100] per diem, and \$100 in
18 compensation for each day going to and from and for each day in actual
19 attendance at board meetings and other meetings or conferences author-
20 ized by a board.

21 * Sec. 16. AS 16.05.345 is amended to read:

22 Sec. 16.05.345. MUSK OXEN. The department shall issue big game
23 tags for the taking of musk oxen if an open season is declared. The
24 cost of these tags is \$500 for residents and \$1,000 for nonresidents
25 unless the musk ox is to be taken for subsistence by a person residing
26 in the vicinity of the habitat of the musk ox, in which case the tag
27 shall be issued at no charge. *With notice to the general public, drawing*
28 permits shall be held in villages in the vicinity of the musk oxen habitat.
29 The department shall conduct a drawing for permits to take musk oxen.

1 No person is eligible for more than one permit a year. Each application
2 for a permit shall be accompanied by a \$10 fee.

3 * Sec. 17. AS 16.05.930(b) is amended to read:

4 (b) This chapter does not prohibit a person from taking fish or
5 game during the closed season ^{for traditional} ~~for religious purposes or in a case~~ [, IN
6 CASE] of dire emergency, as defined by regulation promulgated by the
7 appropriate board.

8 * Sec. 18. AS 16.05.930 is amended by adding a new subsection to read:

9 (e) This chapter does not prevent the traditional barter of fish
10 and game taken by subsistence hunting or fishing, except that the com-
11 missioner may prohibit the barter of subsistence-taken fish and game by
12 regulation, emergency or otherwise, if a determination on the record is
13 made that the barter is resulting in a waste of the resource, damage to
14 fish stocks or game populations, or circumvention of fish or game
15 management programs.

16 * Sec. 19. AS 16.05.940 is amended by adding new paragraphs to read:

17 (26) "subsistence uses" means the customary and traditional
18 uses in Alaska of wild, renewable resources for direct personal or
19 family consumption as food, shelter, fuel, clothing, tools, or trans-
20 portation, for the making and selling of handicraft articles out of
21 nonedible by-products of fish and wildlife resources taken for personal
22 or family consumption, and for the customary trade, barter or sharing
23 for personal or family consumption; for the purposes of this paragraph,
24 "family" means all persons related by blood, marriage, or adoption, and
25 any person living within the household on a permanent basis;

26 (27) "barter" means the exchange or trade of fish or game
27 taken for subsistence uses for valuable consideration other than money.

28 * Sec. 20. AS 24.20 is amended by adding new sections to read:

29 Sec. 24.20.600. SUBSISTENCE COMMITTEE ESTABLISHED. The Subsis-

1 lature when attending sessions, except that members of the committ
2 receive no per diem during the legislative sessions other than th er
3 diem allowance paid to other members of the legislature.

4 Sec. 24.20.650. STAFF. The Legislative Affairs Agency shall pro-
5 vide the Subsistence Committee with professional and clerical assistance
6 under the auspices of the Legislative Council.

7 Sec. 24.20.660. DUTIES. The Subsistence Committee shall

8 (1) gather information on all aspects of subsistence hunting
9 and fishing and the role of subsistence in the lives of the residents of
10 the state;

11 (2) monitor the activities of state officers and agencies
12 which affect the use of subsistence resources;

13 (3) evaluate the impact of federal laws, regulations, and
14 policies which affect subsistence;

15 (4) receive public comment on governmental action affecting
16 subsistence;

17 (5) review regulations adopted by the Board of Fish and the
18 Board of Game which affect subsistence.

19 Sec. 24.20.670. POWERS. (a) The Subsistence Committee has the
20 following powers:

21 (1) to organize and adopt rules for the conduct of its busi-
22 ness;

23 (2) to hold public hearings;

24 (3) to call upon all state officials, agencies, and insti-
25 tutions to give full cooperation to the committee and its staff by
26 collecting and furnishing information, conducting studies and writing
27 recommendations;

28 (4) to sponsor legislation in accordance with AS 24.30.-
29 060(b), including resolutions annulling regulations.

1 tence Committee is established as a permanent interim committee of the
2 legislature. The establishment of the committee is a recognition that
3 continuous and intensive legislative study and involvement in the sub-
4 sistence lifestyle is necessary to insure that the subsistence lifestyle
5 remains a viable way of life for those who live it through choice or
6 necessity.

7 Sec. 24.20.610. MEMBERSHIP. The Subsistence Committee is composed
8 of three members of the house appointed by the speaker of the house, and
9 three members of the senate appointed by the president of the senate;
10 however, two of the three members from each house shall be the chairman
11 of the standing resources committee or his designee and one other member
12 of the committee. The membership from each house shall include at least
13 one member from each of the two major political parties. The committee
14 elects a chairman from among its members.

15 Sec. 24.20.620. TERM OF MEMBERSHIP. The Subsistence Committee
16 shall be organized within 15 days after the organization of each legis-
17 lature. Members serve for the duration of the legislature during which
18 they are appointed. If they are reelected or their term of office ex-
19 tends into the next succeeding legislature, they continue to serve until
20 reappointed or the appointment of their successor.

21 Sec. 24.20.630. VACANCIES. When a vacancy occurs in the member-
22 ship of the Subsistence Committee, the presiding officer of the house
23 incurring the vacancy shall choose a successor.

24 Sec. 24.20.640. MEETINGS. The Subsistence Committee may meet
25 during sessions of the legislature and during the interim between ses-
26 sions at such times and places in the state as the chairman may deter-
27 mine. Members may receive, for the minimum time required to get to and
28 from meetings and for the period while attending meetings, the same
29 travel and per diem allowances provided by law for members of the legis-

1 (b) Nothing in secs. 600 - 680 of this chapter authorizes the
2 referral by the presiding officer of either house of legislation to the
3 committee at regular or special sessions of the legislature.

4 Sec. 24.20.680. REPORTS. The Subsistence Committee shall submit a
5 summary report of its findings and recommendations to each legislature.

6 * Sec. 21. AS 24.30.060(b) is amended to read:

7 (b) Bills introduced by the Legislative Council shall be delivered
8 with a letter of explanation to the rules committee of either house and
9 bear the inscription "Rules Committee by Request of the Legislative
10 Council"; bills introduced by the Subsistence Committee shall be de-
11 livered with a letter of explanation to the rules committee of either
12 house and bear the inscription "Rules Committee by request of the Sub-
13 sistence Committee"; bills introduced by the Administrative Regulation
14 Review Committee shall be delivered with a letter of explanation to the
15 rules committee of either house and bear the inscription "Rules Commit-
16 tee by Request of the Administrative Regulation Review Committee"; bills
17 introduced by the Legislative Budget and Audit Committee shall be de-
18 livered with a letter of explanation to the rules committee of either
19 house and bear the inscription "Rules Committee by Request of the Legis-
20 lative Budget and Audit Committee." Bills presented by the governor
21 shall be delivered with a letter to the rules committee of either house
22 and bear the inscription "Rules Committee by Request of the Governor";
23 bills so presented and inscribed shall be received as bills carrying the
24 approval of the governor as to policy and budget impact. The governor
25 may submit a statement of purpose and effect with each bill and appear
26 personally or through a representative before any committee considering
27 legislation.

28 * Sec. 22. The permanent interim Subsistence Committee established in AS
29 24.20.600, enacted in sec. 20 of this Act expires December 31, 1984.

~~Delete~~

1 * Sec. 23. Notwithstanding any other provisions of law, the terms of all
2 persons appointed to the Board of Fisheries and the Board of Game under AS
3 16.05.221 and serving on the boards on the effective date of this Act expire
4 on that date. The governor shall appoint persons to seats on the boards as
5 reconstituted under AS 16.05.221, as amended in sec. 5 of this Act, within 30
6 days of the effective date of this Act.

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FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 960
 Title An Act Relating to Fish and Game Management
 Requested by Representative Anderson Date 5/1/78

II. FISCAL DETAIL.

Agency Affected Fish and Game
 Program Category Affected NRMEC
 Budget Request Unit(s) Affected Boards of Fish and Game
plus New BRU for Division of Subsistance

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		749.7	749.7	749.7	749.7	749.7
200 TRAVEL		36.5	36.5	36.5	36.5	36.5
300 CONTRACTUAL		93.4	93.4	93.4	93.4	93.4
400 COMMODITIES		4.5	4.5	4.5	4.5	4.5
500 EQUIPMENT		35.3	3.0	3.0	3.0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						
No Inflation Adjustment		919.4	887.1	887.1	837.1	887.1

FUNDING (Thousands of Dollars)

GENERAL FUND		919.4	887.1	887.1	837.1	887.1
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SEE REVERSE SIDE FOR DETAILED EXPLANATION

IV. DATE May 2, 1978 PREPARED BY [Signature]
 AGENCY Fish and Game
 PHONE 465-4120
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

I. Sections 2-4 establish a Division of Subsistence.

In addition to a Headquarters staff of director, deputy director, secretary, and administrative assistant, work would be accomplished by regional positions with clerical support at range 18 in Juneau, Anchorage, Kodiak, Fairbanks, Barrow, Bethel, Dillingham, Galena, Kotzebue, and Nome. Range 18 is the same level as Fisheries or Game Biologist III. This is the project manager level and would be expected to have a broad range of professional experience as well as the ability to interact well with the public. Travel is provided at \$3,000 for regional positions, and \$4,000 for the director and deputy. Contractual funds are for phones, printing, advertising, and space rental. (Figures assume 600/mo. for regional space and phones; 1,000/yr. for regional printing; 700/mo for HQ space and phones; 3,000/yr for HQ printing and miscellaneous). New equipment is needed for all positions.

Line item costs for the Division of Subsistence are as follows:

100 - 699.9	400 - 4.5
200 - 38.0	500 - 35.3
300 - 93.4	

Line item 500 is reduced to 3.0 for FY '80 and beyond.

II. Section 5 adds two members each to the Boards of Fisheries and Game.

The cost of each additional Fisheries Board member would be \$1,500 in travel and \$4,500 in per diem. The cost of each additional Game Board member would be \$1,000 in travel and \$2,200 in per diem. These figures do not include the additional compensation addressed in section 15 of the bill. Total cost of section 5 is \$18,400, all in line 200.

III. Section 15 provides additional compensation for Board members.

Board members currently receive \$100 per diem per day. The effect of section 15 would be to reduce the per diem to the same as that paid other state employees (this fiscal note assumes an average of \$60), and to add compensation of \$100 per day for Board members. Actual per diem paid would be reduced from \$49,800 in FY '79 (both boards) to \$29,900 in line item 200. Compensation of \$100 per day would add \$49,800 in line item 100.

IV. Section 20 creates a permanent Interim Subsistence Committee of the Legislature. There is no fiscal impact of this action in the Department of Fish and Game. However, the Division of Legislative Affairs would be fiscally impacted by this section.

****PLEASE NOTE****

THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT
IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA
STATE ARCHIVES TO VIEW THE ORIGINAL.

DESCRIPTION:

TUNDRA TIMES, JANUARY 1978

SUBSISTENCE: TRADITION AND A WAY OF LIFE

HB 960 Sectional Analysis

- §1 Statement of legislative intent.
- §§2-4 Creates a Division of Subsistence Hunting and Fishing in the Department of Fish and Game, with a director appointed by the Governor. The division shall collect information and conduct studies on subsistence hunting and fishing and is to provide information and recommendations to the Governor, Legislature and Boards of Fisheries and Game.
- §5 The Boards of Fisheries and Game are increased from seven to nine members. Four members are to be subsistence users; two sports users; two commercial users and one at-large member.
- §6 The Board of Fisheries is required to adopt regulations allowing subsistence fishing unless allowing subsistence fishing will make it impossible to maintain fish stocks on a sustained-yield basis. When any restriction on the taking of fish is necessary, subsistence use shall be the preferred use. If restriction of recreational and commercial fishing is not adequate to assure maintenance of fish stocks on a sustained yield basis, subsistence use can be restricted or prioritized by use of the criteria set forth in the bill.
- §7 Same as Section 6 but applicable to the Board of Game. In addition, subsection (c) prohibits regulations allowing the taking of game during seasons when the game is inedible.
- §8 The Board of Game is required to consider every request to create a subsistence hunting area. The appropriate advisory committee in the area may recommend that such an area be created.
- §9 Before on a request for a subsistence hunting area the Board must hold public hearings and provide biological information to the appropriate people.
- §10 The request for creation of a subsistence hunting area must be filed with the Department at least 25 days before the next board meeting.
- §11 The Department shall investigate the request for creation of a subsistence hunting area and compile specific biological data about the species to be affected and the area. The specific information required is set forth in the bill.
- §12 "Subsistence hunting" is defined.
- §13 "Subsistence hunting area" is defined.
- §14 The Board of Game must make specific written findings of fact whenever it creates or changes a subsistence hunting area or denies a request for such an area. No such area may be created if game populations could not be maintained on a sustained-yield basis.

- §15 The compensation of members of the Boards of Fisheries and Game is increased by \$100 per day.
- §16 A musk oxen tag is to be issued free to subsistence users living near the musk oxen. Drawings for subsistence permits must be held in the local villages, with advance publicity.
- §17 Taking of fish and game during closed seasons for religious purposes is authorized.
- §18 Barter of subsistence-taken fish and game is authorized unless the commissioner finds that barter is resulting in waste, damage to fish stocks or game populations, or circumvention of fish and game management programs.
- §19 "Subsistence uses" is defined. "Barter" is defined.
- §20 A permanent interim committee of the Legislature on subsistence is created. The section sets forth the membership, terms of membership and powers and duties.
- §21 The Subsistence Committee may introduce bills through the Rules Committee.
- §22 The Subsistence Committee created in section 20 terminates in 1984.
- §23 Upon adoption of this bill, the terms of all members of the Boards of Fisheries and Game terminate and new members are to be appointed by the Governor.

BASIC ELEMENTS OF

"AN ACT RELATING TO FISH AND GAME MANAGEMENT "

- Sec. 1 INTENT Subsistence shall be the priority use
- Sec. 2 -Sec. 4 Division of Subsistence
- Sec. 5 Composition of Board of Fisheries and Board of Game
- Sec. 6 Board of Fisheries regulations
- Sec. 7 Board of Game Regulations
- Sec. 8- Sec. 13 Subsistence hunting zones
- Sec. 14 \$100 per day compensation for Board of Fisheries
and Board of Game members
- Sec. 15 Fish or game can be taken out of season in case
of dire emergency or for religious purposes
- Sec. 16 Barter
- Sec. 17 "Subsistence uses" defined
- Sec. 18-Permanent interim Subsistence Committee
Sec. 20

A M E N D M E N T #1

*Adopted
by
M*

Offered in the HOUSE

By the Special Committee
on Subsistence

TO: HOUSE BILL NO. 960

Page 3, line 27: delete "or other consumptive uses" and "in order"

Page 3, line 28: after "basis, or" insert "to assure"

Page 4, line 15: delete "or other consumptive uses" and "in order"

Page 4, line 16: after "basis, or" insert "to assure"

Page 5, lines 10 - 11: delete "or a portion of a unit or subunit"

Page 5, lines 14 - 15: delete "or a portion of a unit or subunit"

Page 7, line 27: delete "Drawings" and substitute in its place "After notice to the general public, drawings"

AMENDMENTS TO HB 960

PROPOSED TO RESOURCES COMMITTEE MAY 2

- 1) Page 2, line 6 after "data" add "including data from subsistence users".
- 2) page 2, line 9 after "amount," add "nutritional"
- 3) page 2, line 11 after "to" add "other appropriate agencies and the"
- 4) page 2 line 12 after "developing" add "policies" and delete "legislation". change "land and water management" to "land, water or resource use".
- 5) page 2 line 14 after "legislature" delete "to determine" and replace with "or the Board of Fisheries or the Board of Game in determining".
- 6) page 2 after line 22 add two new subsections to read:
 - (7) Contract with rural organizations or individuals which could provide information or services beneficial to the division .
 - (8) Participate with other divisions in the preparation of statewide and regional management plans to assure that those plans recognize and incorporate the needs of subsistence users of fish and game."
- 7) page 3 after line 1 delete new language and replace with "and shall include at least two subsistence users."
- 8) page 3 line 14 after "RESIDENCE" delete new language and add "and shall include at least two subsistence users."
- 9) page 3 line 5 after "for" add "traditional"
- 10) page 6 line 21 after "harvest." delete rest of section.

Tundra Times

Alaska's Oldest Statewide Newspaper



Den Nena Henash Our Land Speaks — Unanguq Tunuktaug The Aleuts Speak — Ut Kah neek Informing and Reporting — Yupit Kanlautci

FAIRBANKS, ALASKA

APRIL 19, 1978

● Editorial

State abandons front of subsistence support

For the better part of a year now, Alaska Native leaders have become at home in America's airspace, jetting between Barrow, Kotzebue, Bethel, Dillingham and other regional centers, and points south and east: Anchorage, Juneau and Washington, D.C.

Thousands of miles have been logged in pursuit of a pathetically simple notion: that Alaska Natives who still rely directly upon the land for their livelihood and cultural identity should be able to continue doing so. They have accepted that never again will they be totally free to pursue game without limits and restrictions. They have gone out of their way to explore with other parties ideas for dividing Alaska's fish and wildlife resources among all users, urban and rural. For their sincere efforts to cooperate with competing user groups in Alaska in developing responsible management plans, they have been repaid with condescension, suspicion

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and betrayal of the trust they placed in their adversaries to also be reasonable and sincere.

Natives Stung

Natives have been particularly stung by the complete abandonment by the Hammond Administration of even a pretense of what the subsistence needs of Alaska Natives are and how they should be met by state management policies. In a press conference last week, Hammond backed up comments made by Fish and Game Commissioner Ronald Skoog in Washington, D.C. to the effect that the State of Alaska would no longer support federal oversight of state subsistence management as set forth in the draft Alaska lands bill approved by the House Interior Committee earlier this year. Hammond's statement, coupled with similar statements made by the Board of Game and the Alaska Legislature recently have only increased, not diminished, the need for federal recognition and protection of the subsistence lifestyle.

Gruesome Detail

But let us tell the story in a little more gruesome detail.

Three state administrations—Egan's, Hickel's and Hammond's—have stated publicly their willingness to preserve the option of Native people to live basically as they have for years. This commitment strongly implied active state efforts to protect fish and wildlife resources from over-exploitation by urban users and to protect the land base so critical to the survival of wild species.

Hickel and Egan never lifted a finger to fulfill their commitments. This is borne out by the angry testimony of rural Alaskans who told U.S. Congressmen last summer they needed federal assistance not only to protect them from pressures exerted by the dominant urban population and its regular shooting sprees in the Alaska bush, but from the very state government which had pledged itself to perform that protective duty. At the very least, rural Alaskans demanded, the federal government should keep an eye on the state because historically the state had proven unwilling or unable to implement management schemes necessary to divide wildlife resources equitably among competing users.

The reluctance of the state to permit subsistence to enter the realm of everyday management of the resources is clearly demonstrated by the unwillingness of regulatory authorities to designate seasons and bag limits compatible with Native game use patterns, the lack of technical and financial support for the local advisory committees, failure to commit money from the General Fund to fish and game management and the open refusal of the Board of Game to honor the intent of a 1975 bill to restrict urban traffic to critical subsistence areas. State Fish and Game officials, from top to bottom have consistently portrayed the state's local and regional subsistence economies to this writer in the most derogatory terms, character-

izing Native cultural aspirations as shallow and insincere, and forecasting the ultimate demise of subsistence cultures as progress marches on, as if there was no need to make an effort to bolster the rural lifestyle against those forces. Earlier this month, State Fisheries Biologist Ray Baxter, of Bethel, was quoted in the Los Angeles Times as saying subsistence culture has become "so twisted and distorted in the past 100 years that you can't really recognize it as a culture.

"There's no word or concept for conservation in the Eskimo language. They exterminate any resources they can get their hands on."

Enter Hammond

So much for explaining why ruralites are hostile to state management. Enter now Jay S. Hammond, a man whose heart even now we do not wish to doubt. Hammond decided last year to put some teeth in his own administration's pledge to balance fish and game management to accommodate subsistence and sport users.

Hammond told us he was going to undertake a reorganization of the Dept. of Fish and Game in an effort to make it more responsive to the needs of subsistence users; he wanted to correct some of the more chronic problems, such as lack of rural input in policy-making. He planned to carry out this effort administratively, knowing that most state legislators like the department just the way it is—catering to the whims of trigger-happy sportsmen.

Hammond's proposed reorganization was also advanced for another reason. Rural Alaskans convinced Congressman John Seiberling and his Subcommittee on General Oversight and Alaska Lands last summer that nothing more than the barest minimum of lip service had been paid by the state to subsistence needs, even falling short of state promises, and that they could only expect a fair shake from the federal government. The Congressmen made it clear that they saw the debate over Alaska's federal land as an excellent opportunity to honor the Congressional commitment to subsistence protection made at the time the land claims act was passed in 1971. Although Congress maintained Alaska Natives would no longer enjoy an untouchable right to pursue game, it did assert that the Alaska Native subsistence lifestyle would not be allowed to die an unnatural death as a result of hostile neglect or a one-sided battle with detractors of Native culture.

Land Bill

When the Congressmen returned to Washington, they wrote a land bill for Alaska that said, among other things, that the federal government shall have the authority to oversee state management of subsistence resources. The idea is that the state should submit a plan explaining how it intends to meet federal subsistence guidelines. Hammond's departmental reorganization IS that plan, one that is being field-tested throughout the state. The fact that the plan has not been particularly well-received by

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Agriculture, with delegated authority to the state upon compliance with requirements of the Act and the appropriate secretary. Unfortunately, the state's position on this title has been misrepresented by some implying that we endorse this concept. We do not! Governor Hammond has made that position quite clear, as indicated earlier in this testimony. I might add as well that most if not all state wildlife management agencies do not support this concept either, and are strongly in favor of maintaining states' authorities and responsibilities for resident fish and wildlife."

In a phone call from Skoog to a joint meeting of the Boards of Fish and Game, Skoog elaborated on the state's reversal:

"We feel we should not deal with subsistence in this bill—but our previous recognition of it makes it difficult to back off now."

Incomprehensible

Director of the Rural Alaska Community Action Program, Phil Smith telegraphed Hammond after the governor called a press conference to confirm that he endorsed the thrust of Skoog's jagged d-2 blades, incredulous at the executive's action:

"What is incomprehensible, at best, at this point in the development of the d-2 legislation that the state would unilaterally, and without prior consultation with either AFN or Rural CAP, so completely turn the tables on this issue.

"2. Secondly, I believe the state has generally ignored the benefits to its management regime that Title VII presently offers. At the very least, we see (and have strongly encouraged) the following:

"A. State management on all federal lands, under a state plan, and with assurance of cooperative management where indicated.

"B. Federal statutory guarantees, subject only to limited federal oversight, of the state's right to manage fish and wildlife on those federal lands.

"C. Federal financial participation (beyond Pittman-Robertson and Dingle-Johnson funding) of up to 50 percent of the costs of implementing the management regime adopted by the state.

"D. Federal statutory support to the state's oft-stated priority of subsistence being the number one priority consumptive use of fish and game resources.

"By assuming the posture that Title VII abrogates the tenets of the Statehood Act and violates the principle of "state's rights," we are afraid the state is risking the loss of all the above gains. In my opinion, any alternative to Title VII as presently written would further polarize the people of Alaska on the d-2 issue."

Ted Stevens

Amen. We would only add that contrary to misinformation recently issued by states rights advocate Senator Ted Stevens, in no instance does Title VII mandate actual federal day-to-day management of Alaska's fish and game re-

sources on federal land, UNLESS the state refuses to comply with federal guidelines. We are at a loss to understand why the guidelines are so offensive, considering that most are consistent with the frequent promises by the state to accommodate subsistence use of wildlife resources in management plans.

Frustration

What makes this whole question of federal oversight so frustrating is that Native detractors insist that in demanding oversight of state game management, Natives are asking for the sun and moon. In fact, they are asking the feds for what the state has so long denied them: protection of a fair share of game and fish resources, consistent with their proveable need for those resources, against poorly managed access by other user groups to those same resources.

Those who are most eager to steal away the land and life that Alaska Natives have fought so hard to retain control of argue that Native acculturation into the mainstream of Western Civilization is inevitable. They cannot be blind to the fact that if they can successfully strangle Native efforts to gain a greater voice in the disposition of land and subsistence resources, they will have destroyed one tool that Native people can use to protect their life. Federal

urban or rural resource users, in our view, strengthens the need for federal oversight until state management competence is demonstrated.

But there is more.

In an unpublished interview with the Tundra Times on February 9, Hammond actually endorsed the federal oversight concept. Referring to Title VII, the subsistence section of the Alaska Federal land bill ultimately adopted by the full House Interior Committee, Hammond said his reaction to the subsistence language was:

"Generally favorable. I'm a little concerned with one portion of it, which would be Section 705(b) which might create a rather difficult administrative problem area in that it sets forth a prescribed procedure whereby a single regional council might compel the Secretary to go through a very lengthy process of hearings.

"I think that's perhaps overly complex. I think section (a) accomodates concerns of the regional councils that might feel boards of fish and game are not complying with the mandate of the Act, without going into that type of organized, formalized structure.

"I am not stating that the State's regional council proposal is the best answer to the question, but it does provide a means where we could implement administratively something that apparently now Congress has deemed adequate, and the-Natives, to meet their concerns. I am pleased to that extent."

When we asked if his administration would continue to support the language of the committee's Title VII, Hammond replied:

"Well yes. I was back in Washington and conveyed to Congressman Seiberling and all the other parties there what our views were in that regard and they pretty well accomodated this. So I would have no reason not to support something that we pretty well initiated.

"My only concern is that what appears to be an administrative complexity that doesn't appear necessary. I have a little concern about that particular section, but aside from that, fine."

The section of Title VII he referred to was not related to the concept of federal oversight and in fact, the committee accepted a Hammond sponsored amendment to alter Sec. 705(b).

Another Committee

This month, yet another Congressional committee took up the Alaska land issue. Fish and Game Commissioner Ronald Skoog flew to Washington, D.C. to tell the Subcommittee on Fisheries and Wildlife Conservation and the Environment that the Hammond Administration has had a change of heart:

"Within Title VII of the House Interior and Insular Affairs Committee has selected to adopt language which would revamp considerably the fish and wildlife management system for federal lands in Alaska. Under this "Subsistence Title" in H.R. 39 the authority to manage all fish and wildlife on all federal lands is vested in the Secretary of the Interior and/or the Secretary of

PLEASE TURN TO PAGE ELEVEN

It your right to say it. — Voltaire



better care



Nome children found the answer; you can too.

well in contest

evens took second place in the men's division of the Old Time Fiddlers Championship Contest, on March 25-25. Bill won a beautiful trophy

oversight of subsistence management by the state gives Alaska Natives a fighting chance to preserve their way of living, a way of living with far more cultural integrity than many critics are able to perceive.

We know that if Native people have anything to say about it, their rural lifestyle, based squarely upon the taking of fish and game, with its various regional and ethnic variations in tradition, social structure and technology, will be preserved. Not as a stopping place on the way to cultural extinction, but as a way to live freely chosen by the people, as other Americans expect to choose their paths through life; a lifestyle cherished for its simplicity, its closeness to the essential sources of all living things, its vitality in nourishing a strong sense of identity and closeness of spirit among people.

The point is, federal oversight of state subsistence management gives Alaska Natives a chance to preserve that which is rightfully theirs to keep or surrender. Unrestricted state management, considering past and present experience, virtually guarantees that Alaska Natives will lose what is rightfully theirs, whether they wish to give it up or not.

... it really be better? "I sure hope so," said one 48-year resident of Nome, who asked to remain anonymous. "We have to improve. We can't go on the way we

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