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EXTRACTS FROM d-2 LEGISLATION WHICH ADDRESS  
THE ISSUE OF SUBSISTENCE

H.R. 39	Udall	('Udall Bill')
H.R. 1652	Dingell	
H.R. 2082	Leggett	
H.R. 5605	Seiberling	('Angoon Bill')
S. 499	Jackson	('Morton Bill')
S. 1500	Metcalf	
S. 1787	Stevens	('Alaskan Consensus Bill')

95TH CONGRESS  
1ST SESSION

**H. R. 39**

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**A BILL**

To designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers and National Wilderness Preservation Systems, and for other purposes.

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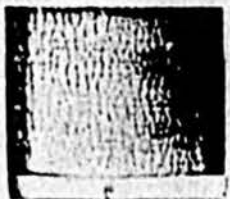
By Mr. UDALL, Mr. PHILLIP BURTON, Mr. BINGHAM, Mr. ANDERSON of Illinois, Mr. BRODHEAD, Mr. CARR, Mr. DELLUMS, Mr. DRINAN, Mr. EDGAR, Mr. EDWARDS of California, Mr. FRASER, Mr. HARRINGTON, Mr. JEFFORDS, Mr. KASTENMEIER, Mr. MINETA, Mr. MOAKLEY, Mr. MOFFETT, Mr. NOLAN, Mr. OTTINGER, Mr. RONCALIO, Mr. SEIBERLING, Mr. WAXMAN, Mr. WEAVER, and Mr. TSONGAS

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JANUARY 4, 1977

Referred to the Committee on Interior and Insular  
Affairs



## ADMINISTRATIVE PROVISIONS

1  
2       SEC. 605. Wilderness areas designated by this Act shall  
3 be administered in accordance with the applicable provisions  
4 of the Wilderness Act governing areas designated by that  
5 Act as wilderness areas, except that any reference in such  
6 provisions to the effective date of the Wilderness Act shall be  
7 deemed to be a reference to the effective date of this Act,  
8 and any reference to the Secretary of Agriculture shall be  
9 deemed to be a reference to the Secretary of the Interior.

TITLE VII—GENERAL ADMINISTRATIVE  
PROVISIONS

10  
11  
12       SEC. 701. (a) Except as otherwise prohibited by Fed-  
13 eral or State law, the Secretary shall permit the continuation  
14 of such subsistence uses of the fish, wildlife, and plant re-  
15 sources within the areas added to existing units or established  
16 by titles I, II, III, and IV of this Act. The Secretary may  
17 publish regulations prescribing conditions under which sub-  
18 sistence uses may be conducted, including, but not limited to,  
19 the establishment of limits on the number and type of wild-  
20 life species to be utilized and the length of the season during  
21 which subsistence activities may be engaged in within any  
22 such unit. After consultation with local residents and State  
23 agencies exercising jurisdiction affecting subsistence re-  
24 sources, the Secretary may designate "subsistence manage-  
25 ment zones" to include various geographical areas where

1 subsistence activities have customarily occurred in and ad-  
2 jacent to national interest lands, without regard to boundaries  
3 established for such lands by this Act. The Secretary shall  
4 establish "regulatory subsistence boards" consisting of ten  
5 persons who are subsistence users of such areas. Each Board  
6 shall be required to review and approve each subsistence per-  
7 mit application within each subsistence management zone in  
8 accordance with criteria and management procedure as  
9 promulgated by the Secretary after public hearings. Regula-  
10 tory subsistence boards shall also advise the Secretary or his  
11 designee on matters of concern to subsistence permittees and  
12 other residents within specific subsistence management zones  
13 and shall cooperate with the Secretary in the development of  
14 studies on subsistence resources.

15       The Secretary or his designee shall retain the responsi-  
16 bility to enforce, review, and where necessary under sub-  
17 section (b) of this section, overrule decisions and recom-  
18 mendations of the regulatory subsistence boards.

19       (b) Subsistence uses of national interest lands will in all  
20 cases be given preference over any competing consumptive  
21 use in a subsistence management zone. When a specific re-  
22 source cannot support all demands upon it, the Secretary  
23 shall curtail subsistence uses of that resource to the extent  
24 necessary to protect the viability and well-being of fish,  
25 wildlife, and plant species affected or otherwise restore and

1 preserve wilderness values in the subsistence management  
2 zone: *Provided, however,* That in the absence of an emer-  
3 gency, the Secretary shall first consult with the regulatory  
4 subsistence boards and publish his proposals and seek public  
5 comment.

6 (c) People who exercise and who continue to exercise  
7 customary, consistent, and traditional use of subsistence re-  
8 sources in the national interest lands established by this Act,  
9 as of December 18, 1971, and their direct descendants, shall  
10 be permitted to continue subsistence activities on these na-  
11 tional interest lands if they are primarily and directly de-  
12 pendent for the mainstay of their livelihood upon local natu-  
13 ral resources for either food, shelter, materials, firewood,  
14 clothing, tools, transportation, or handicrafts and so long as  
15 such use is consistent with the sound management of these  
16 resources.

17 (d) The Secretary, who is responsible for the admin-  
18 istration of units established by titles I, II, III, and IV  
19 of this Act, shall undertake research on the use of subsist-  
20 ence resources and shall seek data from subsistence users  
21 and consult such users frequently, and shall make findings  
22 of such research available to such users, the subsistence  
23 boards, and the public.

24 (e) Not later than ten years from the date of enact-  
25 ment of this Act, and continuing at intervals of not more

1 than five years after the submission of the first such report,  
2 the Secretary shall report to the Congress on the effect of  
3 all hunting and fishing including subsistence uses, on the  
4 flora and fauna within the lands included in this Act, and  
5 shall recommend, after consultation with the fish and game  
6 agency of the State of Alaska and the Regulatory Subsist-  
7 ence Boards authorized under subsection (a) of this section,  
8 whether changes in any or all of such uses may be necessary.

9 **SEC. 702.** The Secretary may permit hunting on lands  
10 and waters under his jurisdiction established as national  
11 preserves under title I of this Act, in accordance with such  
12 regulations as he shall prescribe. Such regulations may in-  
13 clude the designation of zones where, and the establishment  
14 of periods when, no hunting shall be permitted in any such  
15 area for reasons of public safety, administration, fish or  
16 wildlife management, or public use and enjoyment, and  
17 except in emergencies, any regulations of the Secretary pur-  
18 suant to this section shall be put into effect only after  
19 consultation with the appropriate fish and game agency of  
20 the State of Alaska.

21 **SEC. 703. (a)** All lands designated by this Act as na-  
22 tional parks, national monuments, national preserves, na-  
23 tional wildlife refuges, national wildlife ranges, and, notwith-  
24 standing the provisions of section (9) (a) (iii) of the Wild  
25 and Scenic River Act (82 Stat. 907) as amended (16 U.S.C.

95TH CONGRESS  
1ST SESSION

**H. R. 1652**

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**A BILL**

To designate certain lands in the State of  
Alaska as units of the national wildlife  
refuge system.

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By Mr. DINGELL

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JANUARY 11, 1977

Referred to the Committee on Merchant Marine and  
Fisheries



1 lished by the Act shall be published in the Federal Register  
2 and filed in the office of the Secretary of the Interior, and  
3 such description shall have the same force and effect as if  
4 included in this Act; except that correction of clerical and  
5 typographical errors in such legal description and map may  
6 be made. Descriptions shall be based on land surveys or pro-  
7 jections thereof.

8       **SEC. 5. (a)** Notwithstanding any other law, the refuges  
9 established by this Act shall be administered in accordance  
10 with the laws under which national wildlife refuges are es-  
11 tablished and administered. All lands established as national  
12 wildlife refuges by this Act are hereby withdrawn from all  
13 forms of appropriation under the public land laws including  
14 the mining and mineral leasing laws.

15       **(b)** Except as specifically provided for in this Act, the  
16 withdrawal of lands for refuges established by this Act shall  
17 **(1)** precede the selection of lands by native Alaskans under  
18 the Alaska Native Claims Settlement Act, except that one  
19 township surrounding each village within the boundary of  
20 any such refuge may be selected by the natives; and **(2)**  
21 precede the selection of lands by the State of Alaska.

22       **(c)** Nothing in this Act shall constitute an express or  
23 implied claim or denial on the part of the Federal Govern-  
24 ment as to exemption from State water laws.

25       **(d)** Nothing in this Act shall be construed as affect-

1 ing the jurisdiction or responsibilities of the State of Alaska  
2 with respect to resident wildlife and fish in the national wild-  
3 life refuges established by this Act.

4       SEC. 6. (a) In any case where State-owned or pri-  
5 vately owned land is completely surrounded by the lands  
6 of national wildlife refuges established by this Act, the State  
7 of Alaska or private owner shall be given such rights as  
8 may be necessary to assure adequate access to such State  
9 owned or privately owned land by the State or private  
10 owner and their successors in interest, or the State owned  
11 land or privately owned land shall be exchanged for fed-  
12 erally owned land in the State of Alaska of approximately  
13 equal value under authorities available to the Secretary of  
14 the Interior; except that the United States shall not transfer  
15 to the State of Alaska or a private owner any mineral  
16 interests unless the State or private owner relinquishes or  
17 causes to be relinquished to the United States the mineral  
18 interest in the surrounded land.

19       (b) In any case where valid mining claims or other  
20 valid occupancies are wholly within a national wildlife  
21 refuge established by this Act, the Secretary of the Interior  
22 shall, by reasonable regulations consistent with the preserva-  
23 tion of the area, permit ingress and egress to such surrounded  
24 areas by means which have been or are being customarily  
25 enjoyed with respect to other such areas similarly situated.

95TH CONGRESS  
1ST SESSION

# H. R. 2082

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1977

Mr. LEGGETT (for himself, Mr. DINGELL, Mr. FORSYTHE, and Mr. OBERSTAR)  
introduced the following bill; which was referred to the Committee on  
Merchant Marine and Fisheries

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## A BILL

To revise the laws relating to the establishment, administration,  
and management of the National Wildlife Refuge System,  
to establish a Bureau of National Wildlife Refuges, and  
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—NATIONAL WILDLIFE REFUGE

4 SYSTEM

5 SHORT TITLE

6 SEC. 101. This title may be cited as the "National Wild-  
7 life Refugee System Organic Act of 1977".

1 Claims Settlement Act; except that lands within the bounda-  
2 ries of any unit of the System established by this section that  
3 have been withdrawn for selection by Native Village Cor-  
4 porations or Native Regional Corporations pursuant to the  
5 Alaska Native Settlement Claims Act, but which are not se-  
6 lected by any village or regional corporation, shall become  
7 a part of such unit.

8 (g) The Secretary shall permit previously established  
9 subsistence uses to continue within the units of the System es-  
10 tablished by this section for such time as he determines that  
11 the continuation of such uses are necessary for human survival  
12 and cultural purposes and do not materially or negatively  
13 affect the fish, wildlife, and plant resources or the purposes  
14 for which the units are established. The Secretary may pub-  
15 lish regulations prescribing conditions under which subsis-  
16 tence uses may be conducted, including, but not limited to,  
17 the establishment of limits on the number and type of wild-  
18 life species to be utilized and the length of the season dur-  
19 ing which subsistence activities may be engaged in within  
20 any such unit.

21 (h) The Secretary is authorized to acquire by purchase,  
22 donation, bequest, exchange, or otherwise, lands within the  
23 perimeters of units of the System established by this section;  
24 except that—

95TH CONGRESS  
1ST SESSION

**H. R. 5605**

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**A BILL**

To establish Admiralty Island National Preserve in the State of Alaska, and for other purposes.

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By Mr. SEIBERLING

MARCH 24, 1977

Referred to the Committee on Interior and Insular  
Affairs



- 1 (i) Motorized vehicles.
- 2 (ii) Aircraft.
- 3 (iii) Fish processing waste discharge.
- 4 (iv) Aquaculture, including mariculture.
- 5 (v) Hunting, fishing, and trapping.
- 6 (vi) Other such uses as the Secretary determines  
7 must be limited or controlled in order to carry out the  
8 purposes of this Act.

9 (vii) The following uses will be prohibited within  
10 the boundaries of the preserve:

11 (A) New construction of commercial, recrea-  
12 tional, or residential facilities, except as provided in  
13 this Act.

14 (B) No mining or mineral exploration activities  
15 of any kind including oil and gas.

16 (C) No predator control harvests: *Provided,*  
17 That should an animal species be in danger of deple-  
18 tion due to hunting pressures, natural phenomena, or  
19 other cause, recreational and subsistence hunting  
20 may be banned until such time as that species has  
21 reached a strong and stable population level.

22 (D) No motorized vehicles will be permitted in  
23 the preserve, except watercraft and float planes in  
24 the waterways, and along existing rights-of-way.

25 **SEC. 5.** (a) The Secretary shall permit hunting, fishing,

1 and public entry onto the lands and waters under his juris-  
2 diction within the preserve in accordance with the applicable  
3 laws of the United States and the State of Alaska: *Provided,*  
4 That he may designate zones where, and periods when, no  
5 commercially related or recreational hunting, fishing, or  
6 entry will be permitted for reasons of public health, safety, or  
7 welfare, flora and fauna protection and management, sub-  
8 sistence activities of the Tlingit community, or administra-  
9 tion within the intents and purposes of this Act. The Congress  
10 further recognizes that some of the uses on Admiralty Island,  
11 such as wildlife photography and observation and hunting  
12 may at times be in conflict with one another, and for this  
13 reason so designates the Pack Creek and Swan Cove area,  
14 within the boundaries of Pack Creek Research Natural Area  
15 as prohibited to recreational and subsistence hunting.

16 (b) Except in emergencies, any regulations prescribing  
17 closure or restrictions relating to hunting, fishing, and public  
18 entry shall become effective only after consultation with the  
19 Fish and Game Advisory Committee of Angoon, which is  
20 the appropriate agency having jurisdiction over hunting and  
21 fishing activities. The Fish and Game Advisory Committee  
22 shall consist of seven members, all of whom must be subsist-  
23 ence users and residents of Admiralty Island and possessing  
24 such other qualifications as may be established by the Secre-  
25 tary. Membership on the committee shall be determined by

1 popular vote at any regular or special election held in  
2 Angoon, Alaska.

3 (c) Notwithstanding this section or any other provision  
4 of this Act, members of the Angoon Tribes of Tlingit Indians  
5 residing on Admiralty Island shall continue in perpetuity  
6 their usual and customary use and occupancy of public lands  
7 and waters within the preserve, including, but not limited to,  
8 hunting, fishing, trapping, gathering of fruits and shellfish,  
9 and the use of any nonendangered bird or animal species  
10 for traditional ceremonials, regalia, and native arts and crafts.

11 SEC. 6. (a) Notwithstanding any other provision of  
12 law and before entering into any contract for the establish-  
13 ment of revenue-producing visitor services—

14 (i) the Secretary shall offer to Kootznoowoo, Incor-  
15 porated, a first right of refusal to continue providing  
16 such services within the preserve subject to such terms  
17 and conditions as are reasonable and appropriate;

18 (ii) before entering into any contract or agreement  
19 to provide new revenue-producing visitor facilities or  
20 services within the preserve, the Secretary shall first  
21 offer to Kootznoowoo, Incorporated, the right to build  
22 and operate such facilities, which right of first refusal to  
23 remain in force for a period of one hundred and twenty  
24 days. Should Kootznoowoo, Incorporated, respond with  
25 proposals that satisfy the terms and conditions established

95TH CONGRESS  
1ST SESSION

**S. 499**

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**A BILL**

To provide for the addition of certain lands in the State of Alaska to the National Park, National Wildlife Refuge, National Forest, and National Wild and Scenic Rivers Systems, and for other purposes.

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By Mr. JACKSON and Mr. HANSEN

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JANUARY 28 (legislative day, JANUARY 19), 1977  
Read twice and referred to the Committee on Interior  
and Insular Affairs

1 Township 41 south, range 53 west.

2 Township 41 south, range 54 west.

3 (c) Not later than ten years from the date of enactment  
4 of this title, and continuing at intervals of not more than five  
5 years after the submission of the first such report, the Secre-  
6 tary shall report to the Congress on the effect of all hunting,  
7 fishing, and trapping, including subsistence uses, on the flora  
8 and fauna within each area added to existing units or estab-  
9 lished by parts A and B of this title, and shall recommend  
10 whether any or all of such uses shall be continued.

~~NATIONAL PARK AREAS~~

11 **SEC. 108. SUBSISTENCE USES.**—Except as may other-  
12 wise be prohibited by Federal or State law, the Secretary  
13 shall permit the continuation of such subsistence uses of the  
14 fish, wildlife, and plant resources within the areas added to  
15 existing units or established by parts A and B of this title to  
16 the extent that such uses were in effect on the date of enact-  
17 ment of the Alaska Native Claims Settlement Act. Such uses  
18 shall continue unless the Secretary determines that particular  
19 uses are materially and negatively affecting the fish, wildlife,  
20 or plant resources of such areas: *Provided, That*, for such  
21 reasons as public safety, administration, fish and wildlife  
22 management, or public use and enjoyment, the Secretary  
23 may, by regulation, prescribe conditions under which such  
24 subsistence uses shall be conducted including, but not limited  
25 to, prohibitions on takings, and the establishment of limits on

1 the number and type of resources taken, and the season when,  
2 and area within such areas where, subsistence activities can be  
3 undertaken. Regulations promulgated pursuant to this section  
4 shall be put into effect only after consultation with the appro-  
5 priate fish and game agency of the State of Alaska.

6 **SEC. 109. COOPERATIVE AGREEMENTS.—**(a) The  
7 Secretary is authorized to cooperate and seek agreements  
8 with the heads of other Federal agencies and the owners of  
9 lands and waters within, adjacent to, or related to each area  
10 added to existing units or established by parts A and B of  
11 this title, including, without limitation, the State of Alaska  
12 or any political subdivision thereof, any Native corporation,  
13 village, or group having traditional cultural or resource-based  
14 affinities for such areas, and, with the concurrence of the  
15 Secretary of State, the governments of foreign nations. Such  
16 agreements shall have as their purpose the assurance that  
17 resources will be used, managed, and developed in such a  
18 manner as to be consistent with the preservation of the en-  
19 vironmental quality of such areas. The agreements may  
20 also provide for access by visitors to the park system units  
21 to and across the lands which are the subject of the  
22 agreements.

23 (b) The head of any Federal agency, other than  
24 agencies that are parties to cooperative agreements pursuant  
25 to subsection (a) of this section, having direct or indirect

1 on the effective date of this title, or which becomes invalid  
2 thereafter. Any claim recorded pursuant to the regulations  
3 promulgated under this subsection, for which the claimant  
4 has not made application for a patent within three years from  
5 the date of recordation, shall be presumed to be invalid  
6 unless the claimant presents to the Secretary clear evidence  
7 of its validity.

8 (2) The Secretary may administratively cancel any  
9 lease or prospecting permit for violations of the terms of the  
10 lease or permit or of regulations issued pursuant to the Min-  
11 eral Leasing Act of February 25, 1920, without regard to  
12 the requirements of section 31 of such Act (41 Stat. 450,  
13 as amended; 30 U.S.C. 188), after thirty days notice to  
14 the lessee or permittee and failure of the lessee or permittee  
15 to correct the condition giving rise to the breach.

16 (c) The lands within the Noatak National Arctic Range  
17 are, subject to valid existing rights, withdrawn from location,  
18 entry, and patent under the public land laws of the United  
19 States, including all forms of appropriation under the mining  
20 laws of the United States and from the operation of the Min-  
21 eral Leasing Act of February 25, 1920, as amended and  
22 supplemented.

**WILDLIFE**

**REFUGES**

23 (d) Except as may otherwise be prohibited by Federal  
24 or State law, the Secretary shall permit the continuation of  
25 such subsistence uses of the fish, wildlife, and plant resources

1 within the refuges and the ranges to the extent that such  
2 uses were in effect on the date of enactment of the Alaska  
3 Native Claims Settlement Act. Such uses shall continue un-  
4 less the Secretary determines that particular uses are mate-  
5 rially and negatively affecting the fish, wildlife, or plant  
6 resources of the refuges and the ranges: *Provided, That*, for  
7 such reasons as public safety, administration, fish and wildlife  
8 management, or public use and enjoyment, the Secretary  
9 may, by regulation prescribe conditions under which such  
10 subsistence uses shall be conducted including, but not limited  
11 to, prohibitions on taking, the establishment of limits on the  
12 number and type of resources taken, and the season when,  
13 and area within the refuges and the ranges where, subsistence  
14 activities can be undertaken. Regulations promulgated pur-  
15 suant to this section shall be put into effect only after con-  
16 sultation with the appropriate fish and game agency of the  
17 State of Alaska.

18       **SEC. 206. WILDERNESS REVIEW.**—(a) Within three  
19 years from the date of enactment of this title, the Secretary  
20 shall report to the President, in accordance with subsections  
21 3 (c) and 3 (d) of the Wilderness Act (78 Stat. 890; 16  
22 U.S.C. 1132 (c) and (d)), his recommendations as to the  
23 suitability or nonsuitability of any area within the refuges  
24 and the Iliamna National Resource Range for preservation  
25 as wilderness, and any designation of any such areas as

95TH CONGRESS  
1ST SESSION

**S. 1500**

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**A BILL**

To designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

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By Mr. METCALF

MAY 12 (legislative day, MAY 9), 1977

Read twice and referred to the Committee on Energy  
and Natural Resources

1 TITLE VII—GENERAL ADMINISTRATIVE  
2 PROVISIONS

3 SEC. 701. SUBSISTENCE USES.—Except as otherwise  
4 prohibited by Federal or State law, the Secretaries of the  
5 Interior and Agriculture shall permit the continuation of  
6 subsistence uses of the fish, wildlife, and plant resources  
7 within the areas under their respective jurisdictions estab-  
8 lished as units, or added to existing units, of the four  
9 conservation systems pursuant to this Act (hereinafter re-  
10 ferred to as the “national interest lands”). Each Secretary  
11 may publish regulations prescribing conditions under which  
12 subsistence uses may be conducted, including, but not limited  
13 to, the establishment of limits on the number and type of  
14 wildlife species to be utilized and the length of the season  
15 during which subsistence activities may be engaged in  
16 within any such unit of the national interest lands under  
17 his jurisdiction. After consultation with local residents and  
18 State agencies exercising jurisdiction affecting subsistence  
19 resources, each Secretary may designate “subsistence man-  
20 agement zones” to include various geographical areas where  
21 subsistence activities have customarily occurred in and ad-  
22 jacent to national interest lands, without regard to bound-  
23 aries established for such lands by this Act. The appropri-  
24 ate Secretary shall establish a “regulatory subsistence  
25 board” for each subsistence management zone or combina-

1 tion of zones. Each board shall consist of ten persons who  
2 are subsistence users of the zone or zones and shall be re-  
3 quired to review and approve each subsistence permit  
4 application within the zone or zones in accordance with  
5 criteria and management procedure as promulgated by the  
6 appropriate Secretary after public hearings. Each board  
7 shall also advise the appropriate Secretary or his designee  
8 on matters of concern to subsistence permittees and other  
9 residents within the subsistence management zone or zones  
10 and shall cooperate with the appropriate Secretary in the  
11 development of studies on subsistence resources. The ap-  
12 propriate Secretary or his designee shall retain the respon-  
13 sibility to enforce, review, and, where necessary under  
14 subsection (b) of this section, overrule decisions and rec-  
15 ommendations of the regulatory subsistence boards.

16 (b) Subsistence uses of national interest lands shall in  
17 all cases be given preference over any competing consump-  
18 tive use in a subsistence management zone. When a specific  
19 resource cannot support all demands upon it, the appropriate  
20 Secretary shall curtail subsistence uses of that resource to  
21 the extent necessary to protect the viability and well-being  
22 of fish, wildlife, and plant species affected or otherwise  
23 restore and preserve wilderness values in the subsistence  
24 management zone: *Provided, however,* That in the absence  
25 of an emergency, the appropriate Secretary shall first con-

1 sult with the regulatory subsistence board or boards involved,  
2 publish his proposals, and seek public comment.

3 (c) People who exercised as of December 18, 1971,  
4 and who continue to exercise customary, consistent, and  
5 traditional use of subsistence resources in the national interest  
6 lands, and their direct descendants, shall be permitted to  
7 continue subsistence activities on these national interest lands  
8 if they are primarily and directly dependent for the main-  
9 stay of their livelihood upon local natural resources for  
10 either food, shelter, materials, firewood, clothing, tools, trans-  
11 portation, or handicrafts and so long as such use is consistent  
12 with the sound management of these resources.

13 (d) The Secretaries of the Interior and Agriculture  
14 shall undertake research on the use of subsistence resources  
15 on the national interest lands, shall seek data from subsistence  
16 users and consult such users frequently in conducting such  
17 research, and shall make the findings of such research avail-  
18 able to such users, the regulatory subsistence boards, and the  
19 public.

20 (e) The Secretary of the Interior and the Secretary  
21 of Agriculture shall jointly report to the Congress not later  
22 than ten years from the date of enactment of this Act, and  
23 continuing at intervals of not more than five years after the  
24 submission of the first such report, on the effect of all hunt-  
25 ing and fishing, including subsistence uses, on the flora and

1 fauna within the national interest lands. In each such  
2 report, the Secretaries shall recommend, after consultation  
3 with the fish and game agency of the State of Alaska and  
4 the regulatory subsistence boards, whether changes in any  
5 or all of such uses are necessary.

6 **SEC. 702. HUNTING.**—The Secretary may permit hunt-  
7 ing within the national preserves established in title I, in  
8 accordance with such regulations as he shall prescribe. Such  
9 regulations may include the designation of zones where, and  
10 the establishment of periods when, no hunting shall be per-  
11 mitted in any such area for reasons of public safety, adminis-  
12 tration, fish or wildlife management, or public use and en-  
13 joyment. Except in emergencies, any regulations of the Sec-  
14 retary pursuant to this section shall be put into effect only  
15 after consultation with the appropriate fish and game agency  
16 of the State of Alaska.

17 **SEC. 703. MINING AND MINERAL LEASING.**—(a) all  
18 lands established as units, or added to existing units, of the  
19 National Park System, the National Wildlife Refuge System,  
20 and, notwithstanding the provisions of sections (9) (a) (iii)  
21 of the Wild and Scenic Rivers Act (82 Stat. 907, as  
22 amended; 16 U.S.C. 1274 (2)), the National Wild and  
23 Scenic Rivers System by this Act are hereby withdrawn,  
24 subject to valid existing rights, from all forms of appropri-  
25 ation under the mining laws and from operation of the min-

95TH CONGRESS  
1ST SESSION

**S. 1787**

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**A BILL**

Relating to the classification of certain lands  
within the State of Alaska, and for other  
purposes.

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By Mr. STEVENS

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JUNE 30 (legislative day, MAY 18), 1977  
Read twice and referred to the Committee on Energy  
and Natural Resources

**WILDLIFE MANAGEMENT**

1  
2       SEC. 4304. The taking of fish and game on all lands  
3 subject to this Act shall be regulated by the State of Alaska  
4 in accordance with applicable State law, including, but not  
5 limited to, the regulation of seasons, bag limits, means and  
6 methods, the administrative structure for wildlife manage-  
7 ment and regulations, the determination of resource deple-  
8 tion, and the definition of subsistence use and local residency.  
9 Where there is a conflict caused by depletion, the taking of  
10 fish and game for subsistence purposes shall be given prefer-  
11 ence over the taking of fish and game for other purposes.  
12 Such preference shall be granted to the local residents of the  
13 area affected by a conflict between consumptive uses.  
14 Nothing in this section shall be construed to require that  
15 hunting or fishing be permitted where depletion of the re-  
16 source would dictate a complete prohibition of such activities.

**AGRICULTURAL DEVELOPMENT**

17  
18       SEC. 4305. Agricultural development, including but not  
19 limited to cultivation and grazing, shall be permitted in  
20 accordance with the provisions of this Act. Agricultural  
21 rights shall be allocated by means of a long-term leasing  
22 system developed jointly by the Secretary and Secretary of  
23 Agriculture, following consultation with the Commission.

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

**STATE OF ALASKA**  
**Inter-Department Route Slip**

TO: 3101  
DEPT: Legislative Affairs  
ATTN.: George Utermohle

- |  |  |
|--|--|
| <input type="checkbox"/> Approval      | <input type="checkbox"/> Note & Return       |
| <input type="checkbox"/> Signature     | <input type="checkbox"/> Initial & Return    |
| <input type="checkbox"/> Comment       | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me    | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action    |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information    |

Remarks:

From: 1100  
Dept.: Fish & Game Date 9-11-77  
By: Steve Pennayer

## STATISTICAL YEARBOOK 1976-NORTH PACIFIC COMMISSION

 TABLE 25. Subsistence catch of salmon in the United States, in numbers of fish, 1976 <sup>1/</sup>

State, region, and district	Species						Effort <sup>2/</sup>
	All Species	Sockeye	Pink	Chum	Coho	Chinook	
<b>ALASKA</b>	783,160	161,577	29,438	495,658	10,129	86,304	6,600
Western Alaska	726,120	122,022	23,704	491,465	4,886	84,043	2,224
Kotzebue <sup>3/</sup>	15,765	-----	-----	15,765	-----	-----	91
Port Clarence <sup>3/</sup>	6,780	291	436	6,026	20	7	15
Norton Sound <sup>3/</sup>	27,483	-----	18,409	7,867	1,004	203	133
Yukon <sup>3/ 4/</sup>	236,381	-----	-----	221,284	-----	15,097	758
Kuskokwim <sup>3/ 4/</sup>	291,485	-----	-----	231,150	-----	60,335	544
Bristol Bay	146,300	120,900	4,400	9,100	3,500	8,400	661
Alaska Peninsula, North Side <sup>5/</sup>	1,011	475	-----	232	304	-----	15
Aleutian Islands <sup>5/</sup>	915	356	459	41	58	1	7
Central Alaska	43,800	31,553	4,231	664	5,183	2,178	3,497
Alaska Peninsula, South Side <sup>5/</sup>	1,436	450	385	229	372	-----	30
Chignik	8,250	6,000	500	150	1,500	100	50
Kodiak	6,773	4,095	1,720	216	739	3	534
Cook Inlet	4,307	67	1,626	69	2,529	16	301
Resurrection Bay	-----	-----	-----	NO EFFORT	-----	-----	0
Prince William Sound	-----	-----	-----	NO EFFORT	-----	-----	0
Copper River	23,034	20,941	-----	-----	34	2,059	2,582
Bering River	-----	-----	-----	NO EFFORT	-----	-----	0
Southeastern Alaska <sup>7/ 8/</sup>	13,240	8,002	1,503	3,529	60	83	939
Yakutat	1,198	1,060	-----	-----	55	83	35
Fifteen (115)	2,412	1,486	39	882	5	-----	204
Fourteen (114)	305	-----	-----	305	-----	-----	56
Thirteen (113)	1,589	873	508	208	-----	-----	271
Twelve (112)	420	82	-----	338	-----	-----	31
Eleven (111)	373	351	22	-----	-----	-----	0
Ten (110)	-----	-----	-----	-----	-----	-----	1
Nine (109)	1,409	101	-----	1,308	-----	-----	61
Eight (108)	-----	-----	-----	NO EFFORT	-----	-----	0
Seven (107)	6	6	-----	-----	-----	-----	3
Six (106)	35	-----	35	-----	-----	-----	1
Five (105)	114	114	-----	-----	-----	-----	8
Four (104)	760	190	500	70	-----	-----	2
Three (103)	2,994	2,444	124	426	-----	-----	129
Two (102)	917	917	-----	-----	-----	-----	94
One (101)	708	378	275	55	-----	-----	43
<b>WASHINGTON</b>							
<b>OREGON</b>							
<b>CALIFORNIA</b>							

- <sup>1/</sup> Sources: Alaska Department of Fish and Game, Washington State Department of Fisheries, Oregon Fish Commission, and California Department of Fish and Game, Anadromous Fisheries Research Branch.
- <sup>2/</sup> Effort in number of permit holders fishing in all districts except Kotzebue, Port Clarence, Norton Sound, Yukon, Kuskokwim and Chignik where effort is reported in number of family units fishing.
- <sup>3/</sup> Formerly grouped under "Arctic-Yukon-Kuskokwim".
- <sup>4/</sup> Includes small numbers of sockeye, pink, and coho salmon.
- <sup>5/</sup> Estimated total subsistence harvest extrapolated from permit returns.
- <sup>6/</sup> Pink and Chum salmon mixed.
- <sup>7/</sup> No subsistence fishery in any districts of Southeastern except those listed.
- <sup>8/</sup> No coho or chinook subsistence fisheries in 1976 by regulation except district 15 and Yakutat.

# SPEED • Memo

BUREAU OF SPORT FISHERIES AND WILDLIFE

DATE OF MESSAGE

19 Sept. 1977

DATE OF REPLY

Subject *Subsistence use in the Refuge*

## INSTRUCTIONS

Use routing symbols whenever possible.

### SENDER:

Forward original and one copy.  
Conserve space.

### RECEIVER:

Reply below the message, keep one copy, return one copy.

To:  
→

George Utermobile  
Local Affairs Agency  
Pouch Y  
Tunun, Alaska  
99801

FOLD

USE BRIEF, INFORMAL LANGUAGE

FOLD

Dear George,

Enclosed, please find the waterfowl harvest report done by David R. Klein. This is our only one we have and it is our latest one. I hope this can help your research project. The difference in population may change in villages, but taking of waterfowl should not make that much difference. We do not have the harvest reports of marine mammals and fur-bearing animals. You need to contact the Alaska Dept. of Fish and Game on trapping harvest. Anything we can do to help, give us a "ring".

From:

James J. Akaran  
Native Liaison Specialist

BETHEL ITINERANT NURSING SERVICES  
(HEALTH TEAM DISTRICTS)

June, 1975  
1975

DISTRICT I PHN: K. Shewmake	DISTRICT II PHN: J. Jacobs PHY: L. Alward	DISTRICT III PHN: Marylou Paterson PHY: D. Alsobrook	DISTRICT IV PHN: S. Martin PHY: P. Bange	DISTRICT V PHN: D. Stroff	DISTRICT VI PHN: K. Finn PHY: L. Spielman	DISTRICT VII PHN: D. Ketelsen PHY: P. Riccardi
Akiak 195 Eek 211 Kipnuk 387 Kongiganak 201 Kwigillingok 194 Quirhagak 395 Tuntutuliak 281  1864	Atmautluk 160 Chefornak* 192 Kasigluk 306 Newtok* 151 Nightmute* 133 Nunapitchuk 312 Toksook Bay* 330 Tununak 283  1867	Marshall 225 Mt. Village* 540 Pilot Station 311 Pitkas Point 88 Russian Mission 160 St. Mary's 425  1749	Akiachuk 381 Aniak 263 Chauthbaluk 129 Kwethluk 450 Lower Kalskag 205 Mekoryuk* 202 Upper Kalskag 174  1804	Chevak* 414 Hooper Bay* 600 Napakiak 293 Napaskiak 215 Oscarville 51 Scammon Bay* 225  1798	Alakanuk 536 Emmonak 534 Kotlik* 302 Sheldon's Point 289 Tuluksak / 204  1865	Anvik 85 Crooked Creek 84 Grayling 177 Holy Cross 222 Lime Village 20 McGrath 306 Medfra 30 Nickolai 109 Red Devil 36 Shageluk 179 Sleetmute 118 Stony River 70 Takotna 35  1471

\*Medical Coverage by Dr. Spielman

/Medical Coverage by Dr. Alsobrook

3-2110

3-2456

\* Villages within the Refuges and Close Proximity

## WATERFOWL IN THE ECONOMY OF THE ESKIMOS ON THE YUKON-KUSKOKWIM DELTA, ALASKA

David R. Klein\*

**ABSTRACT.** Use of waterfowl by Eskimos on the Yukon-Kuskokwim Delta amounts to approximately 85,000 geese and brant and 58,000 ducks annually with the greatest take occurring during the spring hunting period. About 5,500 swans and 1,000 cranes are also taken throughout the area and 40,000 eggs are gathered for use as food. Egg gathering and village drives of molting, flightless adult birds have decreased in importance in recent years, but spring hunting of waterfowl continues to be important as it coincides with the period of greatest need for food by the Eskimos.

**RÉSUMÉ.** Les Oiseaux aquatiques dans l'économie des Esquimaux du Delta du Yukon et du Kuskokwim, Alaska. Chaque année, les Esquimaux du delta du Yukon et du Kuskokwim tuent environ 85,000 oies et bernaches, 58,000 canards, environ 5,500 cygnes et 1,000 grues et récoltent 40,000 œufs pour la nourriture. Les collectes d'œufs et la chasse aux oiseaux adultes en moult ont perdu de l'importance ces dernières années; mais la chasse des oiseaux aquatiques au printemps continue d'être importante, car elle coïncide avec la période des plus grands besoins alimentaires des Esquimaux.

**АБСТРАКТ. ВОДЯНЫЕ ПТИЦЫ В ХОЗЯЙСТВЕ ЭСКИМОСОВ ЮКОН-КУСКОКВИМ ДЕЛЬТЫ В АЛЯСКЕ.** Добыча водных птиц эскимосами Юкон-Кускоквим дельты достигает приблизительно 85,000 гусей и казарок и 58,000 уток в год, главным образом в весенний период охоты. Около 5,500 лебедей и 1,000 журавлей добывается также в этой местности, и 40,000 яиц собираются на пищу. Значение сбора яиц и облавы деревней на линкующую и не способную летать перелетную птицу уменьшилось за последние годы, но весенний охота на водную птицу сохраняет свое значение, так как она совпадает с периодом самой большой нужды эскимосов в пищевых продуктах.

**M**OST OF THE INHABITANTS of the Yukon-Kuskokwim Delta (Fig. 1) are Eskimos who traditionally have killed ducks and geese for food without regard to the time of year or other restriction. Historically, the harvest was accomplished by egg gathering during the nesting period, by clubbing flightless birds during the molt, and by taking on the wing with bolas and bird spears. The introduction of firearms to this region began in the early nineteenth century and today the Eskimo hunter is well equipped with modern arms and ammunition limited only by his ability to pay. Available to him are methods and means of transportation giving him greater mobility than ever before.

This study was undertaken from April to June 1964 and during February 1965 to provide basic information for an objective appraisal of the problem of seasonal use of waterfowl by Eskimos in the Yukon-Kuskokwim Delta. Letters were written in advance to each village council within the study area, explaining the nature of the study and asking their cooperation when I visited the villages shortly after the spring hunting period.

Mr. Ray Christiansen, who operates an air charter service out of Bethel and is a representative in the Alaska State Legislature, flew me to most of the villages. He was of great help too, being an Eskimo, he acted as interpreter, and the fact that many of the people in the villages were his personal friends established a rapport that otherwise would not have been possible. Samuelson Flying Service

\*M.A. Graduate, Wildlife Research Unit, College, March 1967.



Fig. 1. The Yukon-Kuskokwim Delta of Alaska.

of Bethel, which is owned, operated, and almost exclusively staffed by Eskimos, flew me to the other villages.

Upon arriving at a community, the village council president (which is the council member) was contacted and arrangements were made to visit the main part of the village, usually at the National Guard armory, the post office, the high school, and church buildings, community houses, and other places. Meetings and discussions were held at these places, generally 25 to 30 were attended. Total attendance varied from 8 at Adish to 45 at Hazy Bay. At the meetings, which were held in 23 different villages (see footnote, Table 3), the results for the study was explained; it was pointed out that everyone would benefit from an objective appraisal of the problem based on facts. Specific questions were then asked about the numbers by species of waterfowl obtained by the average hunter during the spring and fall shooting periods and their values were then related to the average take per household. Information on the number of eggs gathered per household and the primary species involved was also sought as well as the number and

species of birds caught in summer traps of Eskimo origin. The men were also questioned as to the use made of the birds, the seasons each body and the amount preserved and methods employed; trends in recent years in the take and use of waterfowl; the types and amounts of other wildlife resources available to the people, such as fish, marine mammals, moose, fur bearers, and small game.

The cooperation of the people in the villages was excellent. In one instance, in response to my preliminary letter, each hunter in the village reported his daily take of waterfowl during the spring hunt to the scribe of the local National Guard platoon. The scribe in turn tallied the total take for each man and presented the record to me when I visited the village. In another area, where the people had physically resisted enforcement attempts by U.S. Fish and Wildlife Service agents in the spring of 1961, the men were extremely cautious about divulging information about their use of waterfowl. Generally, however, the people freely provided the information I requested about their spring and fall harvest of geese and ducks. This is substantiated by comparison of these data for villages on the lower Yukon with similar data collected by Branch of River Basin Studies (BRBS) personnel during 1956 (U.S. Fish and Wildlife Service 1957). The fact that I used an interpreter who was an Eskimo, well known to the people, and further, that I was not identified with the U.S. Fish and Wildlife Service, undoubtedly contributed to the reliability of the data I collected. It is noteworthy that data from this study and the BRBS study for Eamonak and Mountain Village, where BRBS personnel spent considerable time, are similar, whereas the data for Pilot Station, where BRBS personnel had very limited contact, show wide differences. These comparisons of average waterfowl harvest per household are as follows:

	Total geese reported taken		Total ducks reported taken	
	This study	BRBS	This study	BRBS
Eamonak	30	23	15	5
Mountain Village	38	22	12	12
Pilot Station	170	23	75	11

The Eskimos of the Yukon-Kuskokwim Delta region feel strongly about their need and right to hunt geese and ducks in the spring, but they feel less justified in their spring hunting of swans and cranes, egg gathering, and summer drives of molting flightless waterfowl. This is presumably because they cannot easily justify these activities on the basis of need, and they harbour some concern about the possible harmful effects on the waterfowl populations. The data on the latter are therefore less reliable than the data on the goose and duck harvest.

Population and economic data for the study area have been obtained from the various published and mimeographed reports cited in the text; Kozely's work (1964) has been of particular value.

Ethnological and historical information about the Eskimo people of the area was obtained from the literature. Orwalt (1963a and b) gives detailed descriptions of the cultural changes taking place, the roots of origin and historical cultures of the people, and the ethnography of the Eskimo.

This report deals primarily with the seasonal use of waterfowl by Eskimos on the Yukon-Kuskokwim Delta, and the demographic, economic, sociologic, and ethnographic information presented is only that related to the problem.

### The People

The Yukon-Kuskokwim Delta area has an average population density of about one person per 3 square miles; 97 per cent are Eskimos. The area supports the largest concentration of Eskimo people existing in the world today. With the exception of less than 25 people living in 3 isolated locations, the entire population of the area, estimated at 9,521 in 1963, lives in 35 villages and the town of Bethel. The population of Bethel in 1963 was 1,538 and the other villages ranged in size from 31 to 531. In 1963 only 6 villages had a population of less than 100, whereas 13 were in the 100-200 range, 11 in the 200-300 range, 7 in the 300-400 range, and only Hooper Bay had a population in excess of 500 people (Table 1). The average annual crude rate of natural increase in the area was 4.18 per cent in 1964. This compares with 1.4 per cent for the entire United States and rates of 2 per cent for India and 3.5 per cent for Mexico during the current decade.

Table 1. Yukon-Kuskokwim Delta village populations (data from U.S. Bureau of the Census 1962, U.S. Bureau of Indian Affairs (BIA), and Kozely 1964).

VILLAGE	U.S. CENSUS 1960	BIA VILLAGE CENSUS			NO. HOUSEHOLDS 1962
		1961	1962	1963	
<i>Yukon River</i>					
Russian Mission	102			123*	20**
Marshall	166			201*	32**
Pilot Station	219	248	247	251	44
Andreasky	225			272*	44**
Mountain Village	300	316	325	351	66
Hamilton	35	31	31	31	4
Kotlik	57	119	123	165	18
Cheneliak	97	22	23	31	7
Pastolik		16		16	1***
Bill Moore Slough*		32		32	2****
Akers Slough*		12		12	1****
Emmonak (Kwiguk)	358	393	384	388	62**
Alukantuk	278	332	343	362	60
<i>Kuskokwim River</i>					
Upper Kalskau	147	155	151	121	26
Lower Kalskau	122	140	140	148*	31
Tulukak	147	146	155	165*	30
Akuk	187	180	184	194	29
Alachuk	229	237	252	277*	45
Kwethuk	328	345	356	366	63
Bethel	1,258			1,538	201**
Ogatville	54			61*	10**
Napaskiak	154	168	163	186*	35
Napokuk	190	244	246	254	43
Tuntatuliak	144	152	160	169	24
Eek	154	209	216	212	39
Kwillingok	344	310	299	318	50
Kwinzagak	278	252	264	280	45**
Nunapukuk	327	368	387	392	62
Kaskuk	214	253	345	279	39
<i>Bering Sea</i>					
Sheldon Point	125			138*	22**
Seammon Bay	115	155	163	169	26
Hooper Bay	460	482	509	531	72
Chevak	315	348	358	372	64
Newtok	129	148	146	144	20
Tanunak	183	204	215	232	36
Nightmute	237	216	262	258	47
Cheformak	138	133	143	139	30
Kipuk	221	256	265	274	45
Goodnews Bay (Muntrak)*	154	183	167	159	31****
TOTAL			9,521		1,530

\* Estimates based on average population change of other villages.

\*\* Estimates based on average household size of 6.2; in the case of Bethel, it includes only the Eskimo population.

\*\*\* 1963

\*\*\*\* 1961

\* Villages within the Refuge and close proximity.

Since the introduction of aspects of Western culture and economy there has been a general abandonment of the smaller villages where subsistence hunting and fishing were the only means of livelihood. Kozely (1964) lists over 50 villages within the study area that have been abandoned during the past 3 decades; many of these villages were on the tundra of the Delta at some distance from the 2 main rivers. As a result vast areas are now unpopulated, and the Eskimo people are now concentrated in the larger villages along the Kuskokwim and Yukon Rivers, and on the coast of the Bering Sea where there are schools, churches, and stores.

In a U.S. Public Health Service study (from Kozely 1964) of a sample of 10 villages in the Yukon-Kuskokwim Delta area, including 420 housing units; it was found that 86 per cent of the houses had only 1 room, 10 per cent had 2 rooms, and 4 per cent had 3 rooms. The typical family consisted of 8 persons; the mother's age was 25 to 29, she had 5 living children, and 40 per cent of the mothers studied had tuberculosis.

### Economic Status of Area

The basic economy of the entire Yukon-Kuskokwim Delta area is that of subsistence hunting, fishing, and gathering. The major portion of the food consumed by the people and their dogs comes from wildlife resources; virtually all the fuel for cooking and heating is locally obtained wood or seal oil, and much of the Eskimo clothing is made from hides of the marine and land mammals of the area.

By far the most important single item in the subsistence economy is salmon. All of the villages, with the exception of those in the coastal areas, are dependent for their primary food source upon the annual migratory runs of salmon up the Yukon and Kuskokwim rivers. With the beginning of the fish runs, the people disperse from the villages to fishing camps along the rivers. These are traditionally-used fishing sites each occupied by one or several families, and with permanent fish drying racks and storage sheds. People at Kasigluk and Nunapichuk annually travel down the Johnson River to its confluence with the Kuskokwim where they fish for salmon. Other fish are also available seasonally throughout the area.

The people of the coastal villages of Seammon Bay, Hooper Bay, Tanunak, Nightmute, Newtok, Kipuk, Cheformak, Kwigillingok, Kwinzagak, and Goodnews Bay (Fig. 1), derive much of their subsistence from the sea, although not to the same extent as the Eskimos on the islands of the Bering Sea or those on the Arctic coast of Alaska. Fish, primarily tomcod (*Microgadus proximus*), and seals (primarily *Phoca vitulina*) are the resources on which they draw most heavily. Other marine mammals, such as walrus (*Odobenus divergens*) and beluga whales (*Delphinapterus leucas*) are taken when available but they are not abundant in this region. Normally, a few men from the villages on the Yukon Delta, the villages of Chevak, Tuntatuliak and Eek, and as far up the Kuskokwim as Napaskiak (Fig. 1), travel by dog sled to the coastal areas to hunt seals. Seal hunting is an important winter activity and continues into the spring and early summer until the sea ice leaves the coastal areas.

Other food resources of the area include moose (*Alces alces*), ptarmigan (*Lagopus lagopus*), snowshoe and arctic hare (*Lepus americanus* and *L. othus*), carcasses of mammals taken for their pelts (such as muskrat, *Ondatra zibethica*).

and mink *Mustela vison*), berries and greens from wild plants, and the limited produce of leaf and root crops in home gardens.

The cash economy of the area is supplementary to the subsistence economy which meets many of the basic needs of the people. Nevertheless, cash is essential to purchase the many staple food items such as tea, coffee, salt, flour, milk and sugar introduced into the Eskimo diet by whites; it is also required for clothing, outboard motors and fuel, fish nets, rifles and ammunition, household items, etc. Less basic to the needs of the people, but important to their psychological well-being, are such things as food delicacies from the trading post, dress clothing to be worn at church and social events, radios, occasional air transportation, money for movies, and religious items and offerings.

Sources and amounts of cash income for 18 villages in the Yukon-Kuskokwim Delta area are presented in Table 2. Wages are derived mainly from fish-processing work, National Guard participation, work for the local village traders, maintenance work for U.S. Bureau of Indian Affairs and State school facilities, and longshoring. Commercial fishing is an important source of income on the Kuskokwim River downstream from Kwethluk, and on the Yukon River from Andraefsky to the sea. King, silver, and chum salmon are the three species of fish upon which the commercial fisheries is based. There is no commercial fishery in the coastal areas between the Yukon Delta and the Kuskokwim River.

Income is derived from the shooting of muskrats and trapping of mink for their pelts, and from the sale of seal hides. Mink trapping has been by far the most important activity of this nature and averages annually 15,000 to 20,000 mink valued at between \$375,000 and \$500,000 (Burns 1964). Mink from the Yukon-Kuskokwim Delta are among the largest and of the best quality in North America, and they command premium prices at fur auctions. Oswalt (1963b) indicates that \$250 to \$375 was the average value of mink to each trapper in 1956 at Napaskiak. In the past two years the harvest has been considerably below these levels owing to poor weather conditions during the trapping season and

Table 2. Sources and amounts of earned income within villages on the Yukon-Kuskokwim Delta, 1962 (data from Kozely 1964).

VILLAGE	WAGES	FISHING	HUNTING & TRAPPING	ARTS & CRAFTS	OTHER ACTIVITIES	PRIVATE BUSINESS	TOTAL
<i>Yukon River</i>							
Pilot Station	32,993	6,250	16,115	2,990	340	8,500	67,188
Mountain Village	37,000	150,000	15,700	770	1,600		205,070
Kotlik	19,500	5,000	10,500	1,400			36,400
Alukanuk	124,000	25,000	16,800	3,200	220	5,000	174,220
<i>Kuskokwim River</i>							
Kwethluk	21,000	40,000	21,660	21,500	3,200	1,000	108,360
Napaskiak	20,500	15,000	18,050	3,700	1,050		58,300
Napaklak	39,895	12,000	12,242	3,372	1,200		68,709
Tuntatuliak	21,035	13,090	13,641	3,611	3,268	1,900	56,545
Kwigillingok	46,225	30,000	19,810	3,000	8,970	3,000	111,095
Kasigluk	15,000	61,000	25,500	5,000	7,000	10,000	123,500
<i>Bering Sea</i>							
Scammon Bay	18,800	13,500	11,085	6,500	1,200	7,000	58,085
Hooper Bay	28,000	10,000	28,470	1,400	3,000	3,000	73,870
Newtok	19,700		5,512	1,670	575		27,457
Tanunak	70,000	6,020	15,200	5,175	1,020	7,000	104,415
Nightmute	19,900	1,600	8,150	11,100	5,500	8,500	50,750
Cheornak	26,500	12,500	22,650	2,700	700	1,000	66,140
Kipnuk	98,000	7,500	32,200	5,700	7,150	6,000	156,550
Goodnews Bay (Mumtrak)	100,000	4,400	3,860	1,620	75	400	110,355
PERCENTAGE OF TOTAL	45.7	24.9	17.9	5.1	2.5	3.8	

a pronounced reduction in the value of mink on the market. Hair seal pelts have increased in value in the last few years and now bring prices of \$20 to \$30 per pelt. Muskrats have yielded a reduced income in recent years due to low value of pelts and the consequent decreased interest in spring rat hunting. Oswalt states that during 1956, which was a poor year with local prices of only \$0.40 to \$0.85 per pelt; the range in income by Napaskiak muskrat hunters was \$20 to \$200. Other fur bearers of lower abundance and frequently only locally available throughout the area, but which contribute to the overall income from trapping, are weasel, beaver, marten, river otter, snowshoe hare, lynx, wolf, and fox.

Income from arts and crafts is derived from the sale of women's handicraft such as baskets of grasses, sedges, and roots; parkas and mukluks; dolls and beadwork. In some of the coastal villages, men do limited ivory and wood carving. Utilitarian articles constructed for local sale by some men with special craft abilities include river boats, kayaks, and dog sleds.

Total personal income within the study area can only be estimated from the incomplete data available; however, it exceeds \$4 million annually. Earned income constitutes approximately 85 per cent of the total income of the area, the remainder being welfare income from state and federal sources (Table 3). Welfare money is available mainly in the following categories: old age assistance, aid to dependent children, aid to the blind, unemployment compensation, social security, and direct Bureau of Indian Affairs and State of Alaska payments to individuals without other sources of income and unable to subsist from the land.

Table 3. Total cash income within villages on the Yukon-Kuskokwim Delta (data from Kozely 1964).

VILLAGE	1961 WELFARE VIA STATE	1962 TOTAL EARNED INCOME	PERM CAPITA INCOME	INCOME PER HOUSEHOLD
<i>Yukon River</i>				
Pilot Station	1,425	13,296		1,862
Mountain Village	256	20,312		3,419
Kotlik		6,765		2,398
Cheneliak	639	2,340		
Emmonak (Kwiguk)		13,840		
Alukanuk	798	28,552		3,193
<i>Kuskokwim River</i>				
Upper Kalskak	2,444	10,712		
Lower Kalskak	4,054			
Tuluksak	988			
Akiak	2,529	9,920		
Akiachak	84	17,608		
Kwethluk	1,983	14,344	108,360	341
Napaskiak	344	24,936	58,300	449
Napaklak	1,693	16,452	68,709	342
Tuntatuliak	480	13,752	56,545	419
Eek	666	10,572		2,958
Kwigillingok	468		111,095	
Kwinhagak	1,517	3,296		
Nunapieluk		9,081		
Kasigluk	8,828	22,568	123,500	633
<i>Bering Sea</i>				
Scammon Bay	511	9,636	58,085	401
Hooper Bay	6,191	21,412	73,870	1,109
Chevak	1,280	17,468		
Newtok	580	6,144	27,457	237
Tanunak	3,543	10,228	104,415	509
Nightmute	134	10,472	50,750	238
Cheornak	68	12,696	66,140	568
Kipnuk	2,842	20,428	156,550	656
Goodnews Bay (Mumtrak)	857	11,720	110,355	773
AVERAGE			432	2,611

Of the total welfare moneys coming into the area, approximately 80 per cent are from the State of Alaska, and most of the remainder is through the Bureau of Indian Affairs. It is interesting that the distribution of welfare money to the villages appears to be correlated with the proximity of the village to the town of Bethel, where the district welfare agency offices are located. For example, the village of Napaskiak, which is only 7 miles from Bethel, has a per capita income \$17 above the average for the area and 30.2 per cent of its income is derived from welfare. While Pilot Station, approximately 90 miles from Bethel and on the Yukon River, has a per capita income \$106 below the area average, yet only 9.1 per cent of its income is from welfare. In addition to direct welfare payments, those individuals with Eskimo blood are also given medical care through the auspices of the U.S. Public Health Service, which has a large staffed hospital in Bethel and sends nurse and doctor teams on frequent visits to the villages.

The per capita cash income for the area is obviously one of the lowest in the nation. The average per capita income of \$432 for the villages, for which complete data is available, can be compared to the 1963 averages of \$2,839 for all of Alaska, \$2,500 for all 50 states and \$1,390 for Mississippi, which has the lowest average in the nation. The contrast is obviously great and is reflected in the standard of living of the Eskimo people. However, a direct comparison of cash income of this nature does not take into consideration the value of the subsistence commodities that the Yukon-Kuskokwim Delta produces and the extent to which these commodities supplant the need for cash expenditures. The fish, wildlife, and plant resources of the area are all the more important to the Eskimo people because of the high cost of imported items which reduces the buying power of the dollar to less than one half of what it is in Seattle or other West Coast cities.

#### Patterns of Waterfowl Use

Although the bow with blunt tipped arrow, bird spear, and bolas, once used by the Eskimos for taking waterfowl on the wing, were relatively inefficient in contrast to the shotgun, a much greater effort was expended in the pursuit of waterfowl over a longer duration of time than at present. Egg gathering and drives of flightless adult birds in the summer are still undertaken in essentially the same manner as they were in the past, although the use of outboard motors has added to the mobility of the Eskimo and motor powered boats are a definite asset in conducting drives on large lakes or lake systems. The patterns of waterfowl use by the Eskimos of the Delta region vary considerably from the coastal areas to the upriver regions where the tundra intergrades with the shrub type and spruce forests. Aboriginal techniques of hunting waterfowl show remarkably little variation throughout the arctic and subarctic tundra regions. In this respect, Chard's (1965) description of methods of hunting waterfowl employed by the Nganasan of the Taimyr Peninsula of Siberia is also applicable to the Eskimos of the Yukon-Kuskokwim Delta.

#### SPRING HUNTING

During early spring (late April and early May, see Table 4), large numbers of northward-migrating eider ducks become available to seal hunters. The birds come in almost continuous flocks of a few to several hundred each and fly low over the open leads adjacent to the shore ice. Seal hunters are reluctant to shoot

Table 4. Earliest dates of arrival of waterfowl species in the Yukon-Kuskokwim Delta region (data from Gabrielson and Lincoln, 1959).

SPECIES	DATES	LOCATIONS
Cackling goose	Apr. 24	Bethel
	Apr. 29	Mt. Village
Lesser Canada goose	Apr. 17	Bethel
Emperor goose	May 13	Hooper Bay
White-fronted goose	Apr. 17	Bethel
	Apr. 17	Chevak
	Apr. 25	Mt. Village
Black brant	May 5	St. Michael*
	May 20	Hooper Bay
	May 25	Mt. Village
Snow goose	Apr. 29	Mt. Village
Mallard	Apr. 13	Bethel
	Apr. 16	Mt. Village
	Apr. 23	Pilot Station
Pintail	Apr. 14	Marshall
	Apr. 19	Eek
	Apr. 20	St. Michael*
	May 8	Hooper Bay
Whistling swan	Mid-April	St. Michael*
	Apr. 21	Mt. Village
	May 7	Bethel
Lesser sandhill crane	Apr. 29	Mt. Village
	May 2	St. Michael*
Pacific eider	May 4	Hooper Bay
King eider	May 4	Hooper Bay
Spectacled eider	May 2	Cape Romanzof
	May 5	Hooper Bay
	May 6	St. Michael*

\*Not included in Fig. 1 as at 63°29' N., 162°03' W.

eiders when seals are present in the area because they feel their shooting will frighten the seals; however, the eiders are readily taken during periods when seals may be temporarily unavailable. They are an important source of food for seal hunters in the field and are also taken back to the villages when the birds can be killed in sufficient quantity. Because the eiders are among the first waterfowl available after a long winter of living on fish and seal, their arrival is welcomed by the people as a pleasant diet variation, and in those years when winter stores are becoming depleted they are an important supplementary food.

Whereas firearms have enabled seal hunters to take larger numbers of eiders on any one hunt than was possible before, in recent years the cash economy has resulted in increased dependence on purchased foods with a corresponding reduction in the effort expended on seal hunting. Even with a substantial increase in the cash value of raw seal hides, only an average of about 20 per cent of the men of the coastal villages continue to hunt seals. Seal hunting is of greatest importance in the villages of Scammon Bay, Hooper Bay, and Tanunak.

As the spring progresses in the coastal areas, other early-arriving species become available (Tables 4, 5, 6, and 7). The cackling (*Branta canadensis minima*) and white-fronted geese (*Anser albifrons frontalis*) arrive in abundance in early May, but a few birds may be seen in late April. The emperor goose (*Philaeta emagica*) usually comes a little later except to the Goodnews Bay area where they congregate in large numbers in late April. The emperor goose is taken in greater numbers than any other goose in all of the coastal villages from Goodnews Bay to Newtok. In Chevak, Hooper Bay, and Scammon Bay, the cackling and white-fronted geese constitute the larger portion of the spring take.

Table 5. Take of geese and brant by Eskimos on the Yukon-Kuskokwim Delta.

VILLAGE	SPRING						FALL					
	Relative Importance						Relative Importance					
	TOTAL VILLAGE	TOTAL HOUSEHOLD	CANADA	WHITEFRONT	EMPEROR	SNOW	TOTAL VILLAGE	TOTAL HOUSEHOLD	CANADA	WHITEFRONT	EMPEROR	SNOW
<i>Yukon River</i>												
Russian Mission	240	12	1				120	6	1			
Marshall	1,120	35		2		1	1,600	50	3	2		1
Pilot Station	2,640	60	3	2		1	4,840	110	3	2		1
*Andrafsky	1,892	43	3	1		4	2,728	62	2	1		3
Mountain Village	1,650	25	3	1		4	858	13	2	1		1
*Hamilton	92	23	3	2		1	35	9	2	1		1
*Kotlik	414	23	3	2		1	162	9	2	1		1
*Chenellak	161	23	3	2		1	72	9	2	1		1
*Pastolik	21	23	3	2		1	9	9	2	1		1
*Bill Moore Slough	46	23	3	2		1	18	9	2	1		1
*Akers Slough	23	23	3	2		1	9	9	2	1		1
Eimonak (Kwiguk)	1,260	20	3	2		1	630	10	2	1		1
Mukanuk	1,500	25	3	2		1	480	8	1	2		3
<i>Kuskokwim River</i>												
*Upper Kalskag	520	20	1	1			130	5	1			
Lower Kalskag	620	20	1	1			155	5	1			
Tulukak	750	25	2	1			390	13	2	1		
Aklak	870	30	1	2			232	8	1	2		
Akiachak	2,250	50	1	2			450	10	1	2		
*Kwethluk	2,520	40	1	2			567	9	1	2		
*Bethel	812	4	1	2			406	2	1	2		
*Oscarville	250	25	1				100	10	1			
*Napakiak	875	25	1				350	10	1			
Napaklak	1,075	25	1				430	10	1			
*Tuntatuliak	450	20	1				170	5	1			
Ek	780	20	1	1			195	5	1			
Kwigillingok	1,250	25	2		1		500	10				
Kwinagak	810	18	2		3		135	3			1	
Nunapichuk	4,960	80	1	2			3,720	60	1	2		
*Kastulik	1,120	80	1	2			2,340	60	1	2		
<i>Bringing Sea</i>												
Sheldon Point	330	15	3	1		2	110	5	2	1		
Scammon Bay	2,600	100	1	4	2	4	2,600	100	1	3	2	
Hooper Bay	6,480	90	1	2	4	3	7,200	100	1	2	4	3
Chesak	1,114	18	1	2	3	4	819	13	1	2	3	4
*Newtok	420	21	2				240	12	1			
Tamnak	980	25					540	15	1			
*Nightmute	987	21	2				564	12	1			
Chetornak	450	15	2	3	1		240	8	1	2		
*Kipruk	1,125	25	2				675	15	1			
Goodnews Bay (Muntak)	429	11				2	165	5	1			
TOTAL	47,858						34,935					
SEASON TAKE BY SPECIES		20,000	14,500	6,500	5,100	2,500		18,200	9,100	1,700	400	5,500
AVERAGE PER HUNTER		11						23				

\*Villages not visited: the basis for extrapolating data between ecologically similar villages to obtain estimates for these villages which were not visited was as follows:

Andrafsky = average of Pilot Station and Mountain Village  
 Hamilton  
 Kotlik  
 Chenellak  
 Pastolik  
 Bill Moore Slough  
 Akers Slough  
 = average of Eimonak and Mukanuk  
 Upper Kalskag = Lower Kalskag  
 Kwethluk = average of Aklak and Akiachak  
 Bethel (native) = estimate based on FWS, BIA, and other reports  
 Oscarville  
 Napakiak  
 Napaklak  
 Tuntatuliak = Ek  
 Kastulik = Nunapichuk  
 Nightmute  
 Newtok = average of Chetornak, Tamnak, and Kipruk

Pintail ducks (*Anas acuta*) are also taken in large numbers throughout the coastal area (Table 6). They are not as eagerly sought as geese, because they represent less meat but they are the easier bird to obtain after the tundra ponds and lakes are free of ice. Mallards (*Anas platyrhynchos platyrhynchos*) are not taken in appreciable numbers by Eskimos in the coastal villages, but they are more plentiful in the areas further back from the coast.

During the early spring immediately after the birds first start arriving on the tundra, hunting is most intensive. At this time, the people are eager for a change of diet, other food is in shorter supply than at any other time of the year, and after a winter of unemployment, financial reserves are at a yearly low. The men generally travel 10 to 20 miles daily by dog team to bluffs and high cutbanks

Table 6. Take of ducks by Eskimos on the Yukon-Kuskokwim Delta.

VILLAGE	SPRING			FALL				
	Relative Importance			Relative Importance				
	TOTAL VILLAGE	TOTAL HOUSEHOLD		TOTAL VILLAGE	TOTAL HOUSEHOLD			
			MALLARD			PINTAIL		
<i>Yukon River</i>								
Russian Mission	540	27	2	1	260	13	2	1
Marshall	320	10	1	2	160	5	1	2
Pilot Station	1,100	25	2	1	2,200	50	2	1
*Andrafsky	704	10	2	1	1,188	27	2	1
Mountain Village	462	7	1	2	330	5	1	2
*Hamilton	24	6	2	1	48	12	1	1
*Kotlik	108	6	2	1	216	12	2	1
*Chenellak	42	6	2	1	84	12	2	1
*Pastolik	6	6	2	1	12	12	2	1
*Bill Moore Slough	12	8	2	1	24	12	2	1
*Akers Slough	6	6	2	1	12	12	2	1
Eimonak (Kwiguk)	315	5	1		630	10		
Mukanuk	420	7	2	1	900	15	2	1
<i>Kuskokwim River</i>								
*Upper Kalskag	260	10	1	2	130	5	1	2
Lower Kalskag	310	10	1	2	155	5	1	2
Tulukak	300	10	2	1	210	7	2	1
Aklak	870	30	2	1	495	12	2	1
Akiachak	315	7	2	1	625	15	2	1
*Kwethluk	1,134	18	2	1	1,008	16	2	1
*Bethel	609	3	2	1	203	1	2	1
*Oscarville	150	13			30	3		
*Napakiak	535	15	1		105	3		
Napaklak	645	15	1		129	3		
*Tuntatuliak	288	12	1		72	3		
Ek	468	12	3		117	3		
Kwigillingok	750	15	3	2	250	5	2	1
Kwinagak	450	10	1	2	225	5	1	1
Nunapichuk	1,860	30	2	1	930	15	2	1
*Kastulik	1,170	30	2	1	585	15	2	1
<i>Bringing Sea</i>								
Sheldon Point	110	5		1	286	13	2	1
Scammon Bay	650	25	3	2	520	20	2	1
Hooper Bay	1,080	15	1	2	864	12	1	1
Chesak	504	8	1	2	945	15	1	1
*Newtok	540	27	2	1	200	10		
Tamnak	720	20	2	1	468	13		
*Nightmute	1,269	27	2	1	470	10		
Chetornak	600	20	3	2	390	13	2	1
*Kipruk	1,800	30	1		225	5	1	1
Goodnews Bay (Muntak)	264	8		1	66	2		
TOTAL	21,740				18,815			
SEASON TAKE BY SPECIES		4,700	12,000	3,300		4,800	10,500	
AVERAGE PER HUNTER		11				10		

\*Data extrapolated from ecologically similar villages - see footnote to Table 5.

portance in the coastal tundra where nesting densities are highest (Table 7). It seems likely that in spite of the increased human population, fewer eggs are gathered now than in the past; for with most of the people concentrated in the villages, the total area searched is much less. There is no significant amount of waterfowl nesting in the shrub and forest zones adjacent to the upriver villages on the Yukon and Kuskokwim rivers, consequently, egg gathering is practised only by the few Eskimos who travel to spring hunting camps on the tundra.

Egg-gathering is undertaken primarily by the women and children of the coastal and tundra villages. Although the eggs are important as food, the traditional significance in the culture of the people and the recreational aspect of egg-gathering undoubtedly add incentive. While most of the eggs are gathered in the vicinity of these villages, it is not uncommon in favourable weather for groups of women and children to be transported several miles by boat for a day of egg-gathering in a more productive habitat. In the spring hunting camps of upriver Eskimos, eggs are also gathered by the men during their muskrat hunting excursions. The eggs of the various species of geese nesting throughout the region are preferred because of their size, but even the smallest eggs of passerine species are acceptable. In the coastal fringe of tundra from Scammon Bay to Kwinhagak, the eggs of emperor geese are readily available and constitute the major proportion of eggs taken. The eggs of cackling geese are also fairly abundant throughout this same region and at Chevak and possibly Newtok, they are most frequently taken. Those of sea gulls (*Larus* spp.) comprise a significant part of the total eggs taken; and at Scammon Bay, Tanunak, Tiksik Bay (new site of Nightmute), and Goodnews Bay, the eggs of murres (*Uria* spp.), puffins (*Fratercula corniculata* and *Lunda cirrhata*), and other sea birds may be available in limited numbers. In the tundra areas of the Delta-further back from the coast, eggs collected represent a more random assortment of species.

#### DRIVES OF FLIGHTLESS BIRDS

An important method of taking waterfowl in the past has been that of staging drives of flightless birds in midsummer when adults are molting their flight feathers and before juveniles have attained flight. These drives, involving large numbers of people (usually all those in a village who were physically able), were usually conducted among the lake systems where the ducks and geese congregate during the molt. In recent years drives have lost much of their significance to the economy of the villages and each year sees a reduction in their number.

Drives require considerable organization and advance planning within the village. Boats must be committed to transport the people to the area chosen and to be used in the actual operations on the lakes. The birds are herded into one large flock by boats and kayaks and are then forced onto the land where additional people frighten the birds ahead of them into fish nets in which they become entangled, or through a line of waiting people who kill the birds with clubs. The social aspect of the drives, the thrill of the chase, and the general excitement all contribute to making them a pleasant diversion from the summer's fishing activities. The number of birds taken in a single drive, of course, varies with the habitat in which it is conducted as well as with the number of people and boats involved and the efficiency of the organization. Generally, to be worthwhile, a drive involving most of the people of a village would have to yield at

least several hundred birds. From reports of the distribution of birds per family, the average take per drive very likely falls between one and two thousand birds. Small drives yielding from 20 to 100 birds may also occasionally be undertaken by several men with boats when they are afield in the summer and conditions are favourable.

Traditionally, at least one drive was conducted annually by the people in each of the villages of the coastal, tundra and downriver areas, but they were not generally undertaken by the people in the upriver regions because suitable areas were at too great a distance. The social and recreational aspects of drives have perhaps always been of a significance nearly equal to the actual need for food, at a time when other food is quite abundant. With the increase in wage employment in recent years, the demands of commercial and subsistence fishing, and the more frequent absence of men from the village during the summer months, there is less opportunity and incentive to organize village drives. Also, the Eskimos realize this activity is in violation of Federal laws, and because they cannot justify it in their own minds on the basis of need for food, there is increasing hesitation among them to undertake a drive which requires advance decision and planning. It is always more difficult to rationalize a questionable action before than after the fact. Furthermore, there is concern by the people that they may be apprehended by Federal agents, because an organized drive on the treeless tundra involving several boats and dozens of people is readily visible from a plane flying over the area.

Organized village drives during 1963 were apparently restricted to a few coastal villages including Scammon Bay and Cheformak, the two tundra villages of Kasigluk and Nunapichuk, and Napaskiak. The estimated total take in the Scammon Bay drive was 2,500 birds, whereas the estimated take from that at Napaskiak in 1961 was 1,400 birds. The Cheformak drive, on the other hand, appeared to involve less than 200 birds, mostly emperor geese. Other organized drives may have taken place during 1963, but we are not aware of them. In the coastal areas, emperor geese are the birds taken most frequently, while in the tundra villages and at Napaskiak, ducks (greater scaup [*Nyroca marila*] and old squaw [*Clangula hyemalis*]) apparently predominate with some lesser Canada geese also being taken.

#### FALL HUNTING

Fall hunting of waterfowl is of considerably lesser importance throughout most of the Delta region than is spring hunting (Tables 5 and 6). The exceptions are the Yukon River villages of Marshall, Pilot Station, and Andraefsky, where fall hunting results in a greater take of birds than does spring hunting, and the coastal villages of Scammon Bay and Hooper Bay where fall and spring hunting are about equal. There are several reasons for the general reduction in take of waterfowl in the fall, including the availability and abundance of other food at that time, the demands of other activities, such as subsistence fishing and fish preservation, moose hunting in upriver areas, the high cost of salt for preservation of birds for winter use, the greater wariness of the birds, and the absence of well defined flightways in the fall.

Geese are not as readily available for hunting in the fall as in the spring; consequently, there is a much greater reduction in the number of geese taken in the fall. This is particularly true in the villages of the Kuskokwim River

above Bethel. The take of swans (*Olor columbianus*) and cranes (*Grus canadensis canadensis*) during the fall is relatively insignificant in contrast to the spring take.

There are a few individuals in some of the villages who preserve birds for use during the winter, but most of the birds taken are for immediate consumption. Because of the damp rainy autumn weather, birds usually cannot be preserved by drying as is sometimes done in the spring, and cold storage facilities are not available. Instead, salt is used as a preservative and the carcasses are stored in wooden barrels. As the required salt and barrels are quite expensive in these remote villages, only the occasional, more affluent Eskimo can afford to preserve for winter use birds that are shot in the autumn.

In the past, in addition to the meat of waterfowl, use was made of unplucked bird skins for making parkas; goose and eider down was used to a limited extent as insulation in garments; show feathers were used to decorate mammal-skin parkas as well as fans and other ceremonial objects; and needles and other implements were made from bird bones. Bird-skin parkas were common throughout the Yukon-Kuskokwim Delta area as recently as 30 to 20 years ago. They were most frequently made from the ventral surface skins of geese, brant, and eider ducks, and while extremely warm, they did not wear as well as most mammal-skin parkas. Bird-skin parkas are now very rare throughout the area. Feathers are still used to some extent for decoration on parkas and in the making of ceremonial fans and masks which are exported for sale to tourists. Metal implements have completely replaced those previously made of bird bone.

### The Waterfowl Populations

Waterfowl population data for the Yukon-Kuskokwim Delta area are sketchy. For species such as the emperor and cackling geese that for the most part nest only in this area, population estimates are available based on counts of birds in their wintering areas or on aerial or ground counts of breeding pairs on the nesting grounds. For more cosmopolitan nesters, such as the lesser Canada and white-fronted geese, estimates of the Yukon-Kuskokwim component of their populations are either lacking or are empirical guesses by workers familiar with the particular species. Available population estimates for waterfowl species taken by Eskimo hunters in the Yukon-Kuskokwim Delta area are listed in Table 8 in comparison with the Eskimo harvest.

Cackling geese and white-fronted geese receive greater hunting pressure than any other waterfowl species on the Delta. The spring take by Eskimos may approach 15 per cent of the total spring population of each species. Lesser

Table 8. Comparison of waterfowl population estimates for the Yukon-Kuskokwim Delta with the estimated take by Eskimos.

SPECIES	SOURCE	WATERFOWL POPULATION	TAKE BY ESKIMOS		
			SPRING	FALL	TOTAL
Cackling geese	Nelson & Hansen 1959	(Spring) 80,000	20,000	18,200	38,200
		(Fall) 250,000			
White-fronted geese	Dzubin et al. 1964	200,000	13,500	9,100	22,600
Black brant	Hansen & Nelson 1957	100,200,000	2,500	5,500	8,000
		100,175,000			
Lesser Canada	Barry 1964	200,000	6,500	1,700	8,200
Trumpeter	Cooch 1964	500,000	3,400	400	3,800
Eider	Banks & Mackay 1964	20,900,000			

Canada geese, which are included with cackling geese in the utilization data, apparently are considerably less numerous throughout the Delta than cackling geese, and therefore represent the smaller component of the Canada goose varieties reported taken. Black brant, emperor, and snow geese are only locally available in the Delta area and harvests of these species are accordingly lower than for Canadas and white-fronts which are more widely distributed during the spring migration. Although species populations of brant, emperor, and snow geese inhabiting or passing through the Delta area are comparable to the white-fronted and cackling geese populations, the numbers harvested by Eskimos are considerably less than those of the white-fronts and cacklers. This is apparently directly related to their more restricted local availability. Probably not more than 2 per cent of the total spring population of black brant is taken by Eskimo hunters each year, while the fall harvest is perhaps 3 per cent. The maximum spring harvest of emperor geese by Eskimos would not be likely to exceed 6 per cent of the spring population of these birds, whereas the fall harvest accounts for about 1 per cent of the population at that time of the year. Snow geese do not nest on the Delta, but about 300,000 migrate in the spring along the coast and across the Yukon Delta to nesting areas on Wrangell Island and the north-west coast of the Chukchi Peninsula of Siberia (Cooch 1964). On the basis of this population estimate, the spring harvest by Eskimos on the Yukon-Kuskokwim Delta amounts to approximately 1 to 2 per cent of this segment of the total Alaska snow goose population.

No population estimates are available for the species of ducks involved in the harvest. Eiders, which are taken in significant numbers only in early spring, represent a very small percentage of the total number of the eiders that migrate northward along the coast each spring. Pintails and mallards, although taken in greater numbers than eiders, are not as eagerly sought as geese. Their harvest is both a product of availability and hunting effort. The take of over twice as many pintails as mallards is the direct result of the relative abundance of these two species throughout the Delta area. Because there is considerably less hunting effort on ducks than on geese, it is doubtful if the harvest of any species of duck approaches 5 per cent of the spring population.

Most of the harvesting of swans by Eskimos on the Yukon-Kuskokwim Delta is in the spring. As far as is known, only whistling swans are taken, as apparently there are no trumpeters (*Olor buccinator*) in the area. This harvest accounts for approximately 6 to 8 per cent of the total whistling swan population in North America.

### Acknowledgments

Financial support for this study was made available through the Alaska Cooperative Wildlife Research Unit by the U.S. Bureau of Sport Fisheries and Wildlife. I am indebted to the members of the village councils of the communities throughout the study area, without whose assistance the study would not have been possible. I am also grateful to Mr. Ray Christiansen who provided advice and background information about the area and acted as interpreter in many of the villages visited, and to Mr. Ray Woolford, Mr. Neil Argy, Mr. Ray Tremblay, Mr. Darwin Seim, and innumerable others, who provided useful advice and information. Mr. James King and Dr. Wendell Oswalt kindly read the manuscript and provided many useful comments.

THOSE WITH A V HAVE SIGNIFICANCE

6  
7-84

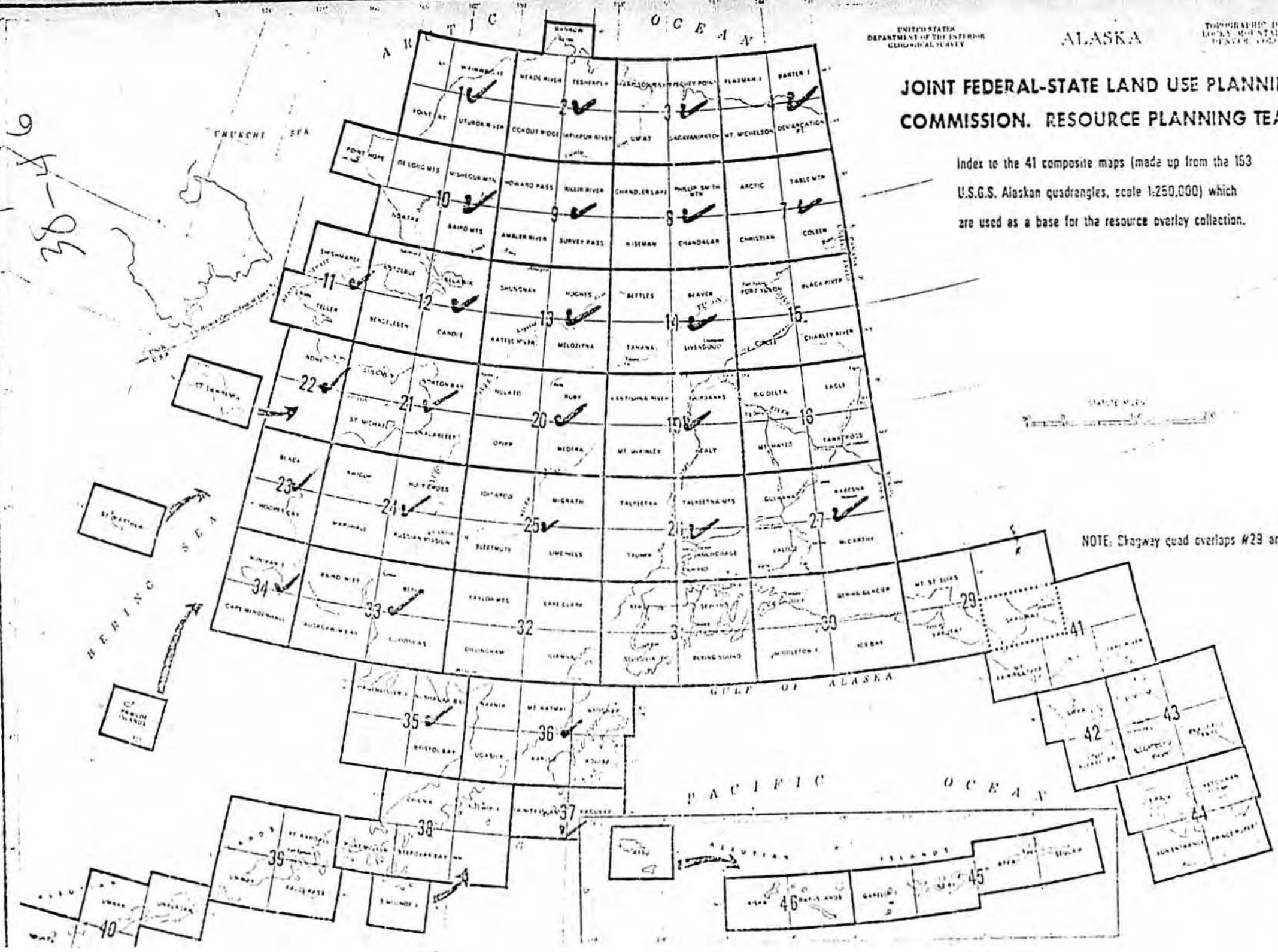
UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

ALASKA

TOPOGRAPHIC DIVISION  
LOVELL MOUNTAIN ALMA  
BUREAU, COGNAC, IND

### JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION. RESOURCE PLANNING TEAM.

Index to the 41 composite maps (made up from the 153  
U.S.G.S. Alaskan quadrangles, scale 1:250,000) which  
are used as a base for the resource overlay collection.



NOTE: Chagway quad overlaps #29 and #41.

**PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.**



JUNEAU ALASKA

# Alaska State Legislature House

## PROPOSAL FOR THE ESTABLISHMENT OF A SPECIAL COMMITTEE ON SUBSISTENCE

It is proposed that a special committee on subsistence be established to succeed the Legislative Council's Subcommittee on Subsistence Hunting and Fishing. The special committee on subsistence would continue the subcommittee's work in defining the issues surrounding subsistence and preparing legislation arising out of the public hearings, as well as assume additional responsibilities for oversight of state agencies and their handling of subsistence-related issues. The duties of the committee for the remainder of the session can be fulfilled with only additional costs for committee staff, an administrative assistant and secretary, and for committee travel to public hearings in Anchorage and Fairbanks.

### Duties

The special committee on subsistence would have the following duties:

- 1) Continue the efforts of the Legislative Council's Subcommittee on Subsistence Hunting and Fishing to gather public input on subsistence and related issues;
- 2) Continue the efforts of the subcommittee to gather all available information on subsistence;

- 3) Receive public comment through public hearings on legislation which address subsistence issues;
- 4) Draft legislation which addresses subsistence and related issues as deemed necessary by the committee;
- 5) Quantify the amount, kind, value, and importance of renewable resources harvested for subsistence purposes in Alaska;
- 6) Cooperate with the Administrative Regulations Review Committee in reviewing the regulations of the Departments of Fish and Game, Natural Resources, and Community and Regional Affairs as they relate to subsistence;
- 7) Perform oversight of the activities of the state agencies responsible for managing renewable resources which are used for subsistence purposes;
- 8) Monitor those activities of federal agencies which would affect the use of federal lands for subsistence purposes;
- 9) Evaluate the impact of proposals for federal legislation or regulations which would affect subsistence.

### Justification

During the interim the Subcommittee on Subsistence Hunting and Fishing devoted substantial time and resources to hear what the people of Alaska had to say about subsistence. This was an important first step in defining the subsistence issue and served as a starting point for a long-term and concerted effort by the legislature to address the important questions surrounding subsistence. Public hearings were held in twelve cities, towns, and villages. Approximately 500 persons attended the hearings and 150 persons presented testimony before the committee.

By the end of 1977 the interim subcommittee was able to gather much of the available material on subsistence, analyze the current proposals for federal legislation which affect subsistence, and prepare draft legislation which addresses the salient issues defined in the public hearings. There was not enough time to thoroughly understand all the factors that affect subsistence resources and influence the subsistence lifestyles of many Alaskans. The subsistence issue is a dynamic issue. The factors affecting subsistence are constantly in a state of flux as federal law and policy change, population grows, ownership of land changes, and the economy of rural areas fluctuates. Without a continuing effort by the legislature to be actively involved, the future of subsistence in Alaska will be determined by exogenous forces.

There is much more that needs to be done to understand the forces that influence the subsistence lifestyle. As an understanding of subsistence

is achieved, there will be a need for additional legislation to insure that the subsistence lifestyle remains a viable way of life for those who live it through choice or necessity.

The membership of the interim subcommittee on subsistence has developed an expertise and familiarity with the subject. Since there exists a continuing need to deal with subsistence issues at the legislative level, the optimum use of legislators' time and legislative resources would favor the establishment of a select special committee to deal with this issue. The establishment of a special committee on subsistence would ease the workload of the existing standing committees. Consideration of subsistence issues in a permanent committee, such as Resources, would place additional workloads on already burdened committees.

There are currently five bills in the House, in addition to legislation prepared by the interim subcommittee, which deal with subsistence.

#### Background

The formation of the subsistence committee stems from the interest, insistence, and persistence of many individuals and organizations who felt that subsistence is a vitally important issue that needed to be addressed by the State of Alaska, legislatively and administratively. Countless times, the term "subsistence" was broached when discussing land use policies, selection of state, federal, and Native lands, and in the management, protection, and enforcement of the fish and game resources.

Several legislators had recognized the necessity of dealing with the issue of subsistence because diminishing fish and game resources, increased population density, and changes in means and methods of harvesting subsistence resources had already led to problems of allocating the available resources. The problem of allocating the resource among the many user groups could only become worse in the future, so the legislature was faced with the task of providing a realistic approach to resource allocation that could be implemented as soon as possible.

The Interim Committee on Subsistence was established by the First Session of the Tenth Alaska Legislature for the purpose of seeking a concensus on subsistence. The committee's goals and objectives were to conduct public hearings throughout the various communities around the state, both rural and urban; to collect testimony on the issue of subsistence; to gather available information on the subject; to attempt to quantify the amounts of subsistence resources taken from the land and water; to review state statutes regarding subsistence; to review subsistence activities on federal land; and to attempt to define subsistence.

Accomplishments of the staff and committee have been to collect available data, conduct hearings and collect public testimony. After the staff and committee had assessed the amount of work, the funding, and the length of time necessary to perform the goals of the committee, the committee decided to put more emphasis on the public hearings. The meaning and importance of subsistence was put into focus by what was being brought to its attention in the testimony. It would have been

valuable to be able to quantify subsistence harvest to be able to show in dollars and cents the impact a loss of subsistence would have economically, socially, and fiscally upon the State of Alaska, but the time and money to do it was not available.

The committee briefly touched upon subsistence activities on federal lands.

The activities of the subsistence committee are reported in its final report to the Legislative Council. The final report reviews the accomplishments of the committee and contains its proposals for legislation.

BUDGET

Staff

Administrative Assistant  
\$68/day x 90 days = \$ 6,200

Secretary  
\$52/day x 90 days = 4,600

Travel

Anchorage hearings  
6 legislators x \$165 = 1,000

Fairbanks hearings  
6 legislators x \$200 = 1,200

Office space, equipment, telephone, and  
supplies would be provided from existing  
resources maintained by Legislative Affairs  
Agency with no additional cost directly  
attributable to the Special Committee

TOTAL

\_\_\_\_\_  
\$13,000



JUNEAU ALASKA

# Alaska State Legislature

## House

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JUNEAU, ALASKA

# Alaska State Legislature

## House

### INTERIM COMMITTEE ON SUBSISTENCE

NELS A. ANDERSON, JR., CHAIRMAN

P.O. Box 264 • 842-5970

Dillingham, Alaska 99576

### DRAFT OUTLINE

Report to 1978 Alaska State Legislature January 7, 1978 from  
Interim Committee on Subsistence

#### I. Introduction

##### A. Role of Committee

- 1) Goals of Committee
- 2) Budget & Operations Cost
- 3) Committee Membership

##### a. Statements from Committee members

#### II. Activities of Committee & Staff - August 1977 through December 1977

##### A. Schedule of Hearings & Meetings

##### B. Brief Summary & Overview of Hearings

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#### III. Legal Aspects Relating to Subsistence Issues

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##### B. How can & will the State protect subsistence activities and resources?

##### C. Necessity of State Government to take action on developing a Subsistence Position.

#### IV. Cultural Aspects in Subsistence Issues

##### A. Traditional Subsistence Lifestyle

##### B. Non-Native Participation in Subsistence Lifestyle

IV. Cultural Aspects in Subsistence Issues - continued

- C. Problems in Defining the Term "Subsistence"
- D. Summary of Subsistence Resource Harvests & Uses

V. Economic Aspects of Subsistence

- A. When and How does one begin to translate the traditional subsistence lifestyle to a cash economy?
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VI. Administrative Role in Subsistence Issue

- A. ADF&G Position Paper on Subsistence
- B. Funding of ADF&G and how it relates to the protection, management, and enforcement of Fish & Game regulations.

VII. Proposed Draft Legislation

- A. Brief Summary of purpose of proposed Draft Legislation

VIII. Committee Recommendations to 1978 Alaska State Legislature

- A. Review, Develop and enact Draft Legislation
- B. Review funding of ADF&G and Institute a new funding policy and level
- C. Create a Division of Subsistence parallel to the Division of Sports Fisheries & Commercial Fisheries.
- D. Create a on-going permanent Sub-Committee on Subsistence of State Legislators.
- E. Proposal for Regionalizing Boards of Fish & Game
- F. Other

IX. Conclusion

X. Bibliography



# Alaska State Legislature House

JUNEAU, ALASKA

INTERIM COMMITTEE ON SUBSISTENCE  
NILS A. ANDERSON, JR., CHAIRMAN  
P.O. Box 234 • 842-5970  
Dillingham, Alaska 99576

## MEMORANDUM

TO: To Whom it May Concern

FROM: Dorothy M. Larson, Staff Assistant *DML*

DATE: December 2, 1977

Attached is a draft outline for the report to the Alaska State Legislature from the Committee on Subsistence for your information. Any comments you may have would be appreciated.



JUNEAU, ALASKA

# Alaska State Legislature

## House

### INTERIM COMMITTEE ON SUBSISTENCE

NELS A. ANDERSON, JR., CHAIRMAN

P.O. Box 237 • 842-5970

Dillingham, Alaska 99576

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JUNEAU ALASKA

# Alaska State Legislature

## House

INTERIM COMMITTEE ON SUBSISTENCE  
NELS A. ANDERSON, JR., CHAIRMAN  
P.O. Box 234 • 842-5970  
Dillingham, Alaska 99576

### PRESS RELEASE

The Interim Committee on Subsistence Chairman Nels Anderson, Jr. of Dillingham reported that the Nome Public Hearing was very successful and well attended. Villages from outlying areas around Nome were able to testify before Anderson and Representative Al Nakak of Nome.

Anderson stated that the message he received there that Subsistence must be protected. The Subsistence resources from the land and the sea provided the major food source for the people in that area and they feel that this source is being reduced and threatened and definitely needs protection.

The Committee will be in Anchorage to conduct a public hearing on November 10th. A full committee meeting will be held on November 11th in Anchorage with the Committee attending the Alaska Federation of Natives, Inc. Annual Convention where they will receive testimony from the Convention workshops on Saturday November 12th. On November 21st the Committee will be in Galena.

Anderson said that he is pleased to see residents from the areas the committee has visited turn out to give their views on the Subsistence issue, an issue that is of great importance to both the rural and urban population. A diverse population has testified before the Committee - Native, Non-Native, seasonal workers, house wives, students, retired people, organizations, conservation groups, health organizations, Department of Fish and Game and guides and interested people.

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
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JUNEAU ALASKA

November 7, 1977

# Alaska State Legislature House

INTERIM COMMITTEE ON SUBSISTENCE  
NELS A. ANDERSON, JR., CHAIRMAN  
P.O. Box 234 • 842-5970  
Dillingham, Alaska 99576

TO: Nels A. Anderson, Jr., Chairman &  
Committee Members

FROM: Dorothy M. Larson, Staff Assistant *Dorothy Larson*

SUBJECT: Progress Report - October 1977

The activities of staff for October has been consistent with the past activities, preparation and holding public hearings in Glenallen, Fairbanks, Nenana, and Kodiak. The Staff Attorney, Joe Guthrie, has prepared several pieces of draft legislation (see attached) for your review, comments, recommendations and/or changes.

Ad Herrmann has been working on the transcription as much as possible. We have included samples of oral and written testimony in this packet. We have requested from National Oceanic and Atmospheric Administration a copy of the Kotzebue Whaling Hearing to incorporate into our testimony.

The gist of the testimony has been that most people wish to see subsistence protected. It is generally agreed that the term subsistence will be very difficult to define. Most would hesitate to see it defined on a racial basis. Some suggestions have been on a need basis, economic basis, suggestion of a "limited entry" system, distinct between commercial and subsistence use needs to be made. In our State law subsistence regulations fall under the commercial section of the law. We have made a proposal to create a Division of Subsistence parallel to the Division of Commercial Fisheries and Division of Sport Fisheries. Many people have testified on the necessity to create regional fish and game boards.

I have requested \$425.00 with the Chairman's approval from the Legislative Council for maps and overlays showing seasonal subsistence use areas in approximately 43 villages. I have also requested an additional \$600.00 for 2 weeks salary for clerical assistance in transcribing testimony.

I estimate that the tapes will all be finished by the end of November and the last 2 will be the Juneau and Barrow hearings in December. The Barrow hearing, I think, will be quite lengthy.

I expect to have a draft report on the findings and draft legislation and recommendation to you by mid December. It would be my recommendation that after the Committee members have had an opportunity to make comments or change to Nels and myself that a final report would be ready by the end of December or first week in January.

I would appreciate any comments from Committee members on the above work plan and the budget.

Page 2  
Progress Report

Another comment on the hearings - there has been quite a diverse population testifying at our hearings. Thus far, we have been to Kipnuk, Kotzebue, twice to Nome, Fairbanks, Nenana, Glenallen and Kodiak. Examples include individuals, students, housewives, retired people, Native organizations, health organizations, regional and village corporation representatives, conservationist organizations, Vista volunteer, homesteaders, Fish and Game personnel, guides, sportsmans groups, Fish and Game advisory Board Members, commercial fishermen, and others.

IN THE HOUSE

BY ANDERSON

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act regionalizing the Board of Fisheries and the Board of Game."

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

\* Section 1. AS 16.05.221 is repealed and re-enacted to read:

Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes of the conservation and development of the fishery resources of the state, there are created 12 boards of fisheries, each with jurisdiction over the area of a regional corporation established under the Alaska Native Claims Settlement Act. Each board of fisheries is composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. Each member appointed must be a resident of that area of the state over which the board to which he is appointed exercises jurisdiction. Each member appointed shall be appointed without regard to political affiliation. The commissioner is not a member of any board of fisheries, but he or his designee is ex officio secretary to each board.

(b) For purposes of the conservation and development of the game resources of the state, there are created 12 boards of game, each with jurisdiction over the area of a regional corporation established under the Alaska Native Claims Settlement Act. Each board of game is composed of seven members appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. Each member appointed must be a resident of that area of the state over which the board to which he is appointed exercises jurisdiction. Each member

1 appointed shall be appointed without regard to political affiliation.  
2 The commissioner is not a member of any board of game, but he or his  
3 designee is ex officio secretary to each board.

4 \* Sec. 2. AS 16.05.251 is amended to read:

5 Sec. 16.05.251. REGULATIONS OF THE BOARDS OF FISHERIES. Each  
6 board of fisheries [BOARD OF FISHERIES. THE BOARD OF FISHERIES] may for  
7 the area over which the board has jurisdiction make regulations it  
8 considers advisable in accordance with the Administrative Procedure Act  
9 (AS 44.62) for

10 (1) setting apart fish reserve areas, refuges and sanctuaries  
11 in the waters of the state over which it has jurisdiction, subject to  
12 the approval of the legislature;

13 (2) establishment of open and closed seasons and areas for  
14 the taking of fish;

15 (3) setting quotas and bag limits on the taking of fish;

16 (4) establishment of the means and methods employed in the  
17 pursuit, capture and transport of fish;

18 (5) establishment of marking and identification requirements  
19 for means used in pursuit, capture and transport of fish;

20 (6) classifying fish as commercial fish, sport fish or  
21 predators or other categories essential for regulatory purposes;

22 (7) engaging in biological research, watershed and habitat  
23 improvement, fish management, protection, propagation and stocking;

24 (8) investigating and determining the extent and effect of  
25 predation and competition among fish in the state, exercising control  
26 measures considered necessary to the resources of the state;

27 (9) entering into cooperative agreements with educational  
28 institutions and state, federal; or other agencies to promote fish  
29 research, management, education and information and to train persons

1 [MEN] for fish management;

2 (10) prohibiting the live capture, possession, transport, or  
3 release of native or exotic fish or their eggs;

4 (11) establishing seasons, areas, quotas and methods of har-  
5 vest for aquatic plants;

6 (12) establishment of the times and dates during which the  
7 issuance of fishing licenses, permits and registrations and the transfer  
8 of permits and registrations between registration areas is allowed; how-  
9 ever, this paragraph does not apply to permits issued or transferred  
10 under ch. 43 of this title.

11 \* Sec. 3. AS 16.05.255 is amended to read:

12 Sec. 16.05.255. REGULATIONS OF THE BOARDS OF GAME. Each board of  
13 game [BOARD OF GAME. THE BOARD OF GAME] may for the area over which the  
14 board has jurisdiction make regulations it considers advisable in  
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18 tion, subject to the approval of the legislature;

19 (2) establishment of open and closed seasons and areas for  
20 the taking of game;

21 (3) establishment of the means and methods employed in the  
22 pursuit, capture and transport of game;

23 (4) setting quotas and bag limits on the taking of game;

24 (5) classifying game as game birds, song birds, big game  
25 animals, fur bearing animals, predators or other categories;

26 (6) investigating and determining the extent and effect of  
27 predation and competition among game in the state, exercising control  
28 measures considered necessary to the resources of the state and desig-  
29 nating game management units or parts of game management units in

1 which bounties for predatory animals shall be paid;

2 (7) engaging in biological research, watershed and habitat  
3 improvement, and game management, protection, propagation and stocking;

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8 (9) prohibiting the live capture, possession, transport, or  
9 release of native or exotic game or their eggs;

10 (10) establishing the times and dates during which the issu-  
11 ance of game licenses, permits and registrations and the transfer of  
12 permits and registrations between registration areas and game management  
13 units or subunits is allowed.

14 \* Sec. 4. AS 16.05.257(a) is amended to read:

15 (a) Each board of game [THE BOARD OF GAME], at its regularly  
16 scheduled annual meeting, may adopt regulations providing for subsistence  
17 hunting in a game management unit or subunit or a portion of a unit or  
18 subunit in the area over which the board exercises jurisdiction upon

19 (1) recommendation of the department, based on biological  
20 evidence;

21 (2) the majority vote of the active local advisory committees  
22 for that game management unit or subunit;

23 (3) the written petition of not less than 100 interested  
24 residents of that game management unit or subunit; or

25 (4) the written petition of not less than 25 interested  
26 residents of an area which is requested for establishment as a sub-  
27 sistence area within a game management unit or subunit.

28 \* Sec. 5. AS 16.05.257(f) is amended to read:

29 (f) Each board of game [THE BOARD OF GAME] at any time may review

1 and change the boundaries of a subsistence area upon

2 (1) the recommendation of the department, based on biological  
3 evidence;

4 (2) the written petition of not less than 25 interested  
5 residents of that area; or

6 (3) the majority vote of the active local advisory committees  
7 for that area.

8 \* Sec. 6. AS 16.05.260 is amended to read:

9 Sec. 16.05.260. ADVISORY COMMITTEES. Each board of fisheries [THE  
10 BOARD OF FISHERIES] and each board of game [THE BOARD OF GAME] may make  
11 regulations it considers [THEY CONSIDER] advisable in accordance with  
12 the Administrative Procedure Act (AS 44.62) establishing, at places in  
13 the state designated by the individual boards, advisory committees to be  
14 composed of persons well informed on the fish or game resources of the  
15 locality. The boards shall set the number and terms of each of the  
16 members of the advisory committees, shall delegate one member of each  
17 committee as chairman, and shall give him authority to hold public  
18 hearings on fish or game matters. Recommendations from the advisory  
19 committees shall be forwarded to the appropriate board for its [THEIR]  
20 consideration but if the boards choose [BOARD OF FISHERIES OR THE BOARD  
21 OF GAME CHOOSES] not to follow the recommendations of the local advisory  
22 committee the appropriate board shall inform the appropriate advisory  
23 committee of this action and state the reasons for not following the  
24 recommendations. The commissioner shall delegate authority to advisory  
25 committees for emergency closures during established seasons. The  
26 commissioner is empowered to set aside and make null and void only  
27 opening of seasons set by the advisory committees under this section.  
28 The appropriate board shall promulgate the necessary regulations govern-  
29 ing these closures.

\* Sec. 7. AS 16.05.305 is amended to read:

Sec. 16.05.305. CLERICAL ASSISTANCE FOR BOARDS. Each board of fisheries [THE BOARD OF FISHERIES] and each board of game is [THE BOARD OF GAME ARE] authorized to hire and set the compensation for one clerical assistant for each board.

\* Sec. 8. AS 16.05.930(d) is amended to read:

(d) No nondomestic animals of any species may be transferred or transported from the state under (a) of this section unless approved by the appropriate board of game [BOARD OF GAME] in regular or special meeting. Animals transferred or transported under (a) of this section shall be animals that are certified by the department to be surplus and unnecessary to the sustained yield management of the resource. Each application for a permit under (a) of this section shall be accompanied by a statement prepared by the Department of Fish and Game examining the probable environmental impact of the action.

\* Sec. 9. AS 16.05.940(1) is amended to read:

(1) "a board" or "the board" means either a board of fisheries [THE BOARD OF FISHERIES] or a board of game [THE BOARD OF GAME];

\* Sec. 10. AS 41.99.010 is amended to read:

Sec. 41.99.010. GAME MANAGEMENT AND ENFORCEMENT. Nothing in this title denies the Department of Fish and Game or the boards of fisheries and game [BOARD OF FISH AND GAME] their management and enforcement responsibilities related to the fish and game of this state.

\* Sec. 11. AS 16.05.300(b) is repealed.

1 IN THE HOUSE

BY ANDERSON

2 HOUSE BILL NO.

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 open seasons for the taking of  
7 moose in Subunits 9(A), 9(B), 9(C), and Unit 17."

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

9 \* Section 1. The open season for the taking of moose in those areas  
10 designated Subunit 9(A), 9(B), and 9(C) by 5 AAC 90.010(9) Reg. 62, July  
11 1977, and that area designated Unit 17 by 5 AAC 90.010(17) Reg. 62, July  
12 1977, is from August 15 to September 5.

1 IN THE HOUSE

BY ANDERSON

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of subsistence hunting and  
7 fishing."

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

9 \* Section 1. AS 16.05.090 is amended by adding a new subsection to read:

10 (c) The commissioner shall establish a departmental division of  
11 subsistence hunting and fishing.

12 \* Sec. 2. AS 16.05 is amended by adding new sections to read:

13 Sec. 16.05.093. DIRECTOR OF THE DIVISION OF SUBSISTENCE HUNTING  
14 AND FISHING. The division of subsistence hunting and fishing shall be  
15 administered by a fish and game biologist.

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

18 (1) compile existing data, hold hearings, and conduct studies  
19 to gather information on all aspects of the role of subsistence hunting  
20 and fishing in the lives of the residents of the state;

21 (2) quantify the amount, value, and extent of dependence on  
22 food acquired through subsistence hunting and fishing;

23 (3) make information gathered available to the legislature in  
24 a form suitable for use in developing legislation relating to land and  
25 water management;

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

29 (5) evaluate the impact of state and federal laws and



IN THE HOUSE

BY ANDERSON

HOUSE JOINT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE - SECOND SESSION

Relating to legalizing hunting of migratory birds in the springtime.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS hunting of migratory game birds in the spring is prohibited by the terms of the conventions concluded between the United States and Great Britain for the protection of migratory birds on August 16, 1916; between the United States and the United Mexican States for the protection of migratory birds and game mammals on February 7, 1936; and between the United States and the Government of Japan for the protection of migratory birds in danger of extinction and their environment, on March 4, 1972; and

WHEREAS many residents of the rural areas of Alaska must rely on wildlife for food; and

WHEREAS the nutritional value of migratory game birds to the rural residents of Alaska is of particular significance in the springtime due to the depletion of winter food stocks and because spring thawing conditions make equivalent substitutes commercially unavailable; and

WHEREAS many otherwise law-abiding citizens have been forced to resort to illegal hunting to provide for the health and well-being of their families; and

WHEREAS the United States and the Soviet Union have completed negotiations on a treaty, now before the Senate for ratification, which leaves authority to establish those closed seasons necessary for the preservation of migratory bird stocks to the appropriate authorities in the respective nations, with provision that if the need arises special agreements may be negotiated with regard to conservation or hunting of particular species;

1 BE IT RESOLVED by the Alaska State Legislature that it requests the  
2 President of the United States to direct the Department of State to amend  
3 existing treaties to conform to the approach taken in the recent U.S-U.S.S.R.  
4 treaty, thereby allowing rural residents of Alaska to hunt migratory game  
5 birds in the springtime if consistent with the conservation of migratory  
6 game bird stocks.

7 COPIES of this resolution shall be sent to the Honorable Jimmy Carter,  
8 President of the United States; the Honorable Cyrus Vance, Secretary of the  
9 Department of State; and to the Honorable Ted Stevens and the Honorable Mike  
10 Gravel, U.S. Senators, and the Honorable Don Young, U.S. Representative,  
11 members of the Alaska delegation in Congress.

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

I. REQUEST

Bill/Resolution No. \_\_\_\_\_  
Title An Act creating a Division of Subsistence Hunting and Fishing  
Requested by Legislative Affairs Date 11-17-77

II. FISCAL DETAIL

Agency Affected Department of Fish and Game  
Program Category Affected NRMEC  
Budget Request Unit(s) Affected New BRU to be created

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES			392.5	392.5	392.5	392.5
200 TRAVEL			23.0	23.0	23.0	23.0
300 CONTRACTUAL			30.0	30.0	30.0	30.0
400 COMMODITIES			3.0	3.0	3.0	3.0
500 EQUIPMENT			20.0	1.0	1.0	1.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			468.5	449.5	449.5	449.5

FUNDING (Thousands of Dollars)

GENERAL FUND			468.5	449.5	449.5	449.5
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME			14	14	14	14
PART TIME						
TEMPORARY						

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

In addition to a Headquarters Staff of a Director, Deputy Director, Secretary, and Administrative Assistant, work would be accomplished by regional positions at Range 18 in Juneau, Anchorage, Kodiak, Fairbanks, and Nome. (One clerical position will be assigned to each regional position). Travel is provided at \$3,000 for regional positions and \$4,000 for Director and Deputy. Contractual is for phones, printing and advertising, and space rental. New equipment needed for all new positions. Fiscal note can be revised upward or downward based on further clarification of scope of duties by bill sponsor.

IV. DATE November 18, 1977 PREPARED BY Jeff Morrison  
AGENCY Fish and Game

1 IN THE HOUSE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of subsistence hunting and  
7 fishing."

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

9 \* Section 1. AS 16.05.090 is amended by adding a new subsection to read:

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14 AND FISHING. The division of subsistence hunting and fishing shall be  
15 administered by a fish and game biologist.

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

18 (1) compile existing data, hold hearings, and conduct studies  
19 to gather information on all aspects of the role of subsistence hunting  
20 and fishing in the lives of the residents of the state;

21 (2) quantify the amount, value, and extent of dependence on  
22 food acquired through subsistence hunting and fishing;

23 (3) make information gathered available to the legislature in  
24 a form suitable for use in developing legislation relating to land and  
25 water management;

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

29 (5) evaluate the impact of state and federal laws and

1 regulations on subsistence hunting and fishing and, when corrective  
2 action is indicated, make recommendations to the governor and the  
3 legislature.  
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Introduced: 2/1/78  
Referred: The Special Committee  
on Subsistence, Resources and  
Finance

1 IN THE HOUSE

BY THE SPECIAL COMMITTEE  
ON SUBSISTENCE

2 HOUSE BILL NO. 718

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a permanent interim Subsistence  
7 Committee."

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

9 \* Section 1. AS 24.20 is amended by adding new sections to read:

10 Sec. 24.20.600. SUBSISTENCE COMMITTEE ESTABLISHED. The Subsistence  
11 Committee is established as a permanent interim committee of the  
12 legislature. The establishment of the committee recognizes the need for  
13 continuous and intensive legislative study and involvement in the sub-  
14 sistence issue to insure that the subsistence lifestyle remains a viable  
15 way of life for those who live it through choice or necessity.

16 Sec. 24.20.610. MEMBERSHIP. The Subsistence Committee is composed  
17 of three members of the house appointed by the speaker of the house, and  
18 three members of the senate appointed by the president of the senate.  
19 The membership from each house shall include at least one member from  
20 each of the two major political parties. The committee elects a chair-  
21 man from among its members.

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

28 Sec. 24.20.630. VACANCIES. When a vacancy occurs in the member-  
29 ship of the Subsistence Committee, the presiding officer of the house

1 incurring the vacancy shall choose a successor. If the office of the  
2 president of the senate or speaker of the house of representatives be-  
3 comes vacant and a vacancy from the affected house occurs among the  
4 membership of the committee, the remaining committee members from the  
5 house incurring the vacancy shall appoint a new member.

6 Sec. 24.20.640. MEETINGS. The Subsistence Committee may meet  
7 during sessions of the legislature and during the interim between  
8 sessions at such times and places in the state as the chairman may  
9 determine. Members may receive, for the minimum time required to get to  
10 and from meetings and for the period while attending meetings, the same  
11 travel and per diem allowances provided by law for members of the legis-  
12 lature when attending sessions, except that members of the committee  
13 receive no per diem during the legislative sessions other than the per  
14 diem allowance paid to other members of the legislature.

15 Sec. 24.20.650. STAFF. The Legislative Affairs Agency shall pro-  
16 vide the committee with professional and clerical assistance under the  
17 auspices of the Legislative Council.

18 Sec. 24.20.660. DUTIES. The Subsistence Committee shall

19 (1) gather information on all aspects of subsistence hunting  
20 and fishing and the role of subsistence in the lives of the residents of  
21 the state;

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

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

26 (4) receive public comment on governmental action affecting  
27 subsistence.

28 Sec. 24.20.670. POWERS. The Subsistence Committee has the follow-  
29 ing powers:

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

3 (2) to hold public hearings;

4 (3) to require all state officials and agencies of state  
5 government to give full cooperation to the committee or its staff in  
6 assembling and furnishing requested information;

7 (4) to act on all bills referred to it and to report back on  
8 its actions and recommendations to the house from which the bill was  
9 referred;

10 (5) sponsor legislation in accordance with AS 24.30.060(b).

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

13 \* Sec. 2. AS 24.30.060(b) is amended to read:

14 (b) Bills introduced by the Legislative Council shall be delivered  
15 with a letter of explanation to the rules committee of either house and  
16 bear the inscription "Rules Committee by Request of the Legislative  
17 Council"; bills introduced by the Subsistence 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 Sub-  
20 sistence Committee"; bills introduced by the Administrative Regulation  
21 Review Committee shall be delivered with a letter of explanation to the  
22 rules committee of either house and bear the inscription "Rules Commit-  
23 tee by Request of the Administrative Regulation Review Committee"; bills  
24 introduced by the Legislative Budget and Audit Committee shall be de-  
25 livered with a letter of explanation to the rules committee of either  
26 house and bear the inscription "Rules Committee by Request of the Legis-  
27 lative Budget and Audit Committee." Bills presented by the governor  
28 shall be delivered with a letter to the rules committee of either house  
29 and bear the inscription "Rules Committee by Request of the Governor";

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

September 20, 1977

DEPARTMENT OF THE INTERIOR RECOMMENDED AMENDMENTS  
TO H.R. 39, PROPOSED "ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT"

On page 19, line 12, through page 22, line 20, revise section 701  
read as follows and delete section 702.

SEC. 701. (a) Except as otherwise provided by Federal law, the  
State of Alaska is authorized to permit subsistence uses of fish,  
wildlife, and plant resources within designated subsistence manage-  
ment zones by:

(1) Defining "subsistence use" to include the taking and use  
of customary or traditional wild foods and other renewable  
biological resources from lands and waters for personal or  
family consumption; provided that such taking is not accomplished  
in a wasteful manner. Such uses may also involve the customary  
trade or barter among qualified subsistence users for personal  
or family consumption;

(2) prescribing conditions under which subsistence uses may  
be permitted, including but not limited to, the establishment  
of limits on season length, take, and number and type of fish,  
wildlife, or plant species to be utilized; provided, however,  
that the level of subsistence uses may not be significantly  
expanded beyond those in existence as of December 18, 1971;

(3) determining, without regard to race or ethnic origins,  
who is qualified for subsistence uses within subsistence  
management zones based upon: customary and direct dependency

upon the use of subsistence resources as the mainstay of one's livelihood as of December 18, 1971; area of domicile; availability of alternative resources; and cultural needs;

(4) creating a system of local subsistence advisors to assist in determining who is qualified for subsistence uses within subsistence management zones; and

(5) giving subsistence uses preference over any other competing consumptive use within subsistence management zones. When actual or anticipated population declines in a specific subsistence resource would be aggravated by continued subsistence uses or other competing consumptive uses, the State shall first curtail the other consumptive uses, and as a last resort, subsistence uses, to the extent necessary to protect the viability and well being of the fish, wildlife, and plant populations affected.

(b) The Secretaries of Interior and Agriculture shall designate by regulation subsistence management zones within their respective areas added to the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems by this Act. Subsistence management zones shall include only those areas where subsistence uses were customarily occurring on December 18, 1971, and where continued subsistence uses would be consistent with the purposes for which the area was established and is being managed.

(c) The appropriate Secretary may close any subsistence management zone or portion thereof to subsistence uses for reasons of public safety, fish and wildlife management, administration, or public use and enjoyment of the area; and notwithstanding any other provision of this section, if the appropriate Secretary determines that conditions imposed by the State of Alaska under subsection (a)(2) of this section are inconsistent with the purposes for which any area was established or constitute a danger to the population of any species, he may close the area to subsistence uses.

(d) (1) Except for those subsistence uses authorized in this section all areas of the National Park System in the State of Alaska shall be closed to hunting and trapping, but shall be open to non-commercial fishing in accordance with the applicable laws of the United States and the State of Alaska; provided, however, the Secretary shall permit fishing, trapping, and non-commercial hunting within areas established by this Act as "national park preserves" and "national rivers" in accordance with the applicable laws of the United States and the State of Alaska.

(2) The Secretary may designate for all units of the National Park System, the National Wildlife Refuge System and the Wild and Scenic Rivers System in the State of Alaska areas where, and periods when, hunting, fishing, trapping or entry may be limited or proscribed for reasons of public safety; administration, protection and management of living resources, preservation of subsistence resources, or public use and enjoyment. Except in emergencies, any regulation prescribing such restrictions relating to hunting, fishing, trapping or entry shall be put into effect only after consultation with the appropriate State agency having jurisdiction over such activities.

(e) Any person who violates or fails to comply with any regulation issued pursuant to subsections (c) or (d) of this section shall be fined not more than five hundred dollars or imprisoned for not to exceed six months, or both.

(f) The Secretary, in consultation with the Secretary of Agriculture, shall prepare and submit a report every two years to the President of the Senate and the Speaker of the House of Representatives on subsistence uses within designated subsistence management zones. The report shall include among other things, the status of wildlife populations impacted by subsistence uses, the number of persons engaged in subsistence uses, the status of subsistence in the native cultures, the scope, nature and effectiveness of the State subsistence program, whether the State is in compliance with the standards set forth in this Act on subsistence use, and whether there is a need for new legislation modifying the existing subsistence use system.

(g) Nothing in this section shall be deemed to modify or repeal the provisions of the Fur Seal Act of 1966 (16 U.S.C. Sections 1151 et seq.); the Endangered Species Act of 1973 (16 U.S.C. Sections 1531 et seq.); the Marine Mammal Protection Act (16 U.S.C. Sections 1361 et seq.); or the Migratory Bird Treaty Act (16 U.S.C. Sections 701 et seq.).

(h) Notwithstanding any other provision of law or any other provision of this Act to the contrary, the Secretary may permit the use of snowmachines for subsistence purposes.

ADMINISTRATIVE PROVISIONS

1  
 2 SEC. 605. Wilderness areas designated by this Act shall  
 3 be administered in accordance with the applicable provisions  
 4 of the Wilderness Act governing areas designated by that  
 5 Act as wilderness areas, except that any reference in such  
 6 provisions to the effective date of the Wilderness Act shall be  
 7 deemed to be a reference to the effective date of this Act,  
 8 and any reference to the Secretary of Agriculture shall be  
 9 deemed to be a reference to the Secretary of the Interior.

10 TITLE VII—GENERAL ADMINISTRATIVE  
 11 PROVISIONS

12 SEC. 701. (a) Except as otherwise prohibited by Fed-  
 13 eral or State law, the Secretary shall permit the continuation  
 14 of such subsistence uses of the fish, wildlife, and plant re-  
 15 sources within the areas added to existing units or established  
 16 by titles I, II, III, and IV of this Act. The Secretary may  
 17 publish regulations prescribing conditions under which sub-  
 18 sistence uses may be conducted, including, but not limited to,  
 19 the establishment of limits on the number and type of wild-  
 20 life species to be utilized and the length of the season during  
 21 which subsistence activities may be engaged in within any  
 22 such unit. After consultation with local residents and State  
 23 agencies exercising jurisdiction affecting subsistence re-  
 24 sources, the Secretary may designate "subsistence manage-  
 25 ment zones" to include various geographical areas where

1 subsistence activities have customarily occurred in and ad-  
2 jacent to national interest lands, without regard to boundaries  
3 established for such lands by this Act. The Secretary shall  
4 establish "regulatory subsistence boards" consisting of ten  
5 persons who are subsistence users of such areas. Each Board  
6 shall be required to review and approve each subsistence per-  
7 mit application within each subsistence management zone in  
8 accordance with criteria and management procedure as  
9 promulgated by the Secretary after public hearings. Regula-  
10 tory subsistence boards shall also advise the Secretary or his  
11 designee on matters of concern to subsistence permittees and  
12 other residents within specific subsistence management zones  
13 and shall cooperate with the Secretary in the development of  
14 studies on subsistence resources.

15       The Secretary or his designee shall retain the responsi-  
16 bility to enforce, review, and where necessary under sub-  
17 section (b) of this section, overrule decisions and recom-  
18 mendations of the regulatory subsistence boards.

19       (b) Subsistence uses of national interest lands will in all  
20 cases be given preference over any competing consumptive  
21 use in a subsistence management zone. When a specific re-  
22 source cannot support all demands upon it, the Secretary  
23 shall curtail subsistence uses of that resource to the extent  
24 necessary to protect the viability and well-being of fish,  
25 wildlife, and plant species affected or otherwise restore and

1 preserve wilderness values in the subsistence management  
2 zone: *Provided, however,* That in the absence of an emer-  
3 gency, the Secretary shall first consult with the regulatory  
4 subsistence boards and publish his proposals and seek public  
5 comment.

6 (c) People who exercise and who continue to exercise  
7 customary, consistent, and traditional use of subsistence re-  
8 sources in the national interest lands established by this Act,  
9 as of December 18, 1971, and their direct descendants, shall  
10 be permitted to continue subsistence activities on these na-  
11 tional interest lands if they are primarily and directly de-  
12 pendent for the mainstay of their livelihood upon local natu-  
13 ral resources for either food, shelter, materials, firewood,  
14 clothing, tools, transportation, or handicrafts and so long as  
15 such use is consistent with the sound management of these  
16 resources.

17 (d) The Secretary, who is responsible for the admin-  
18 istration of units established by titles  $\gamma$ , II, III, and IV  
19 of this Act, shall undertake research on the use of subsist-  
20 ence resources and shall seek data from subsistence users  
21 and consult such users frequently, and shall make findings  
22 of such research available to such users, the subsistence  
23 boards, and the public.

24 (e) Not later than ten years from the date of enact-  
25 ment of this Act, and continuing at intervals of not more

1 than five years after the submission of the first such report,  
2 the Secretary shall report to the Congress on the effect of  
3 all hunting and fishing including subsistence uses, on the  
4 flora and fauna within the lands included in this Act, and  
5 shall recommend, after consultation with the fish and game  
6 agency of the State of Alaska and the Regulatory Subsist-  
7 ence Boards authorized under subsection (a) of this section,  
8 whether changes in any or all of such uses may be necessary.

9       SEC. 702. The Secretary may permit hunting on lands  
10 and waters under his jurisdiction established as national  
11 preserves under title I of this Act, in accordance with such  
12 regulations as he shall prescribe. Such regulations may in-  
13 clude the designation of zones where, and the establishment  
14 of periods when, no hunting shall be permitted in any such  
15 area for reasons of public safety, administration, fish or  
16 wildlife management, or public use and enjoyment, and  
17 except in emergencies, any regulations of the Secretary pur-  
18 suant to this section shall be put into effect only after  
19 consultation with the appropriate fish and game agency of  
20 the State of Alaska.

~~21       SEC. 703. (a) All lands designated by this Act as na-  
22 tional parks, national monuments, national preserves, na-  
23 tional wildlife refuges, national wildlife ranges, and, notwith-  
24 standing the provisions of section (9) (a) (iii) of the Wild  
25 and Scenic River Act (82 Stat. 907) as amended (16 U.S.C.~~

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.



JUNEAU ALASKA

# Alaska State Legislature House

INTERIM COMMITTEE ON SUBSISTENCE  
Nels A. Anderson, Jr., Chairman  
P.O. Box 234  
Dillingham, Alaska 99576  
Phone: 842-5970

Final Report  
of the  
Interim Committee on Subsistence  
Alaska Tenth Legislature  
Second Session

MEMBERSHIP OF THE  
INTERIM COMMITTEE ON SUBSISTENCE

Committee Members

Representative Nels A. Anderson, Jr., Chairman, Dillingham

Representative William Akers, Chuloonawick

Representative Sam Cotten, Eagle River

Representative Joe Hayes, Anchorage

Representative Al Nakak, Nome

Representative Leo Schaeffer, Kotzebue

Representative Steve Cowper, Fairbanks

Senator Pat Rodey, Anchorage

Staff Members

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JUNEAU ALASKA

# Alaska State Legislature

## House

INTERIM COMMITTEE ON SUBSISTENCE  
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### I. INTRODUCTION

By Representative Nels A. Anderson, Jr., Chairman of the Alaska State Legislative Interim Committee on Subsistence

#### SUBSISTENCE

The term "subsistence" has been a loosely defined term used to legitimize use of Alaska's land and water resources for survival in dire emergencies. Alaska's people have not placed the subsistence harvest of fish and game, birds and vegetation very high on their priority of uses until of late.

Commercial and sport interests have been the deciding voice on how our fish and game resources are regulated. Exclusive game guide areas are set up, sport fishing seasons are guaranteed by the sheer weight of numbers, commercial fishing seasons are often opened even though biological evidence dictates otherwise.

The means of travel and killing animals and fish is becoming more sophisticated. High speed planes fly far from urban Alaska cities to remote parts of rural Alaska, placing unprecedented harvest pressures on caribou and moose herds throughout Alaska. Fishing fleets travel faster and farther with more holding capacity thus extending their once limited ranges into areas that once were beyond their capabilities.

The Department of Fish and Game, the favorite scapegoat of politicians, special interest groups, and frustrated fish and game users is funded by two methods :

the General Fund and funds from the sale of licenses which are in turn matched by Federal funds. It is complex and causes concern because one's income may influence one's attitude in making decisions.

In the meantime, subsistence users are generally alarmed because there are no legislative guarantees that fish and game populations will be protected for their use. The State Legislature has addressed "Subsistence" in a haphazard manner which leaves the subsistence user twisting in the wind.

There are four primary users of our fish, game, birds, and vegetation resources in Alaska : 1) The Subsistence user 2) The Commercial user 3) The Sports user 4) The Recreation user.

The four uses of our renewable resources on the land, in the air and in the waters of Alaska must be recognized by the State of Alaska as competing uses of the above mentioned resources.

The changing land ownership patterns, diminishing fish and game resources, increased hunting and fishing technology, growing population pressures, are all factors that require our State to wrestle with and solve the problem of "Subsistence". Hopefully, the following recommendations will lead us toward a solution that will satisfy all the users of our renewable resources.

## A. Role of Interim Committee on Subsistence

### 1) Goals of Committee

The Interim Committee on Subsistence was established by the 1977 Alaska State Legislature for the purpose of seeking a consensus on subsistence. The Committee's goals and objectives were to conduct public hearings throughout the various communities around the State, both rural and urban; to collect testimony on the issue of subsistence; to gather available information on the subject; to attempt to quantify the amounts of subsistence resources taken from the land and water; to review State statutes regarding subsistence; to review subsistence activities on federal land; and to attempt to define subsistence.

Accomplishments of the Staff and Committee have been to collect available data, conduct hearings and collect public testimony from the following schedule of villages and towns and written testimony from a statewide source through letters and reports of testimony. We have collected available data that quantifies amounts of subsistence harvests in several areas. We have maps and overlays that designate land use for subsistence harvests in over 40 villages, along with surveys done by several organizations that quantifies various uses of subsistence resources. After the Staff and Committee began to assess the amount of work, the funding, and the length of time necessary to perform the ideal goals of the Committee, we decided to put more emphasis on the hearing schedule, gathering of testimony from a statewide source. In our travels, the emphasis and scope of the Committee came more into focus by what was being brought

to our attention in the testimony, though it would have been valuable to be able to quantify subsistence harvest to be able to show in dollars and cents the impact a loss of subsistence would have economically, socially and fiscally upon the State of Alaska. To accomplish these goals would mean a concentrated survey, research and a great deal of time and money expended on one aspect. This effort could be tackled at a later time, and should the Legislature choose to implement the recommendations of this Committee, this definitely would become part of the functions of the body created to attack the subsistence issue.

We briefly touched upon subsistence activities on federal lands.

It is felt that this area of concentration will be faced by the federal legislators, with input from our State government through the Steering Council for Alaska Lands, chaired by Representative Steve Cowper, who is also a member of the Interim Committee on Subsistence. In order for any governing bodies to do any planning regarding lands, it is vitally important that the status of the lands be clarified, that title to private lands through Alaska Native Claims Settlement Act and State-selected lands be conveyed. Attached to this report, as a part of the public record, is a copy of "Legal Issues in Federal Protection For Subsistence On The Proposed National Interest Lands" by Dennis D. Kelso. It is a comprehensive, indepth report regarding federal lands.

The history leading to the formation of this Committee stems from the interest, insistence, and persistence of many individuals and organizations who felt that subsistence is a vitally important issue

that needed to be addressed by the State of Alaska, legislatively and administratively. Countless times, the term subsistence was broached when discussing land use policies, selection of land, both State, federal and Native, in the management and in the protection and enforcement of the fish and game resources.

There have been several legislators who recognized the necessity of facing and dealing with the issue of subsistence because of the diminishing fish and game resources, increased population density, changes in means and methods of taking subsistence resources, and the easy access to the resources. The ANCSA had such an impact on the State of Alaska and subsistence was a constant reminder in the passage of that piece of legislation. Now, the State is faced with the task of providing a more realistic approach that can be implemented.

The Committee posed several questions to generate a response from the residents of the State relating to subsistence:

- 1) Should subsistence be taken into consideration when land and water use policy is developed?
- 2) Should subsistence be defined?
- 3) What should the State do about protecting subsistence?

The response and testimony from the public will be in the content of the public hearing testimony record attached to this report, under Section II.

## 2) Budget and Operations Cost

The first budget request for the operations for this Committee was \$100,420.00 which ideally would have accomplished much of

the work that needs to be done in the area of subsistence. The budget was pared down to \$40,400 which was the figure used to develop the hearing schedule and activities of Staff and the Committee. The office was opened in Dillingham in space provided by Representative Anderson; the only cost to the State was the cost of the fuel oil. The major expenses were salaries, travel and per diem, telephone, copy service, transcribing costs, maps, supplies, postage. At this writing, we do not have a final accounting of the exact expenditures. We do not anticipate any over expenditures and feel that we may be under what the total allocation for what the budget was.

### 3) Committee Membership

The Committee was chaired by Representative Nels A. Anderson, Jr., of Dillingham with other members as follows: Senator Patrick Rodey of Anchorage, Representative William Akers of Chuloonawick, Representative Samuel Cotten of Eagle River, Representative Joe Hayes of Anchorage, Representative Al Nakak of Nome, Representative Leo Schaeffer, Jr., of Kotzebue, and Representative Steve Cowper of Fairbanks. It is felt that a good cross section of the Legislature was represented with this Committee with urban and rural legislators alike participating.

## II. ACTIVITIES OF COMMITTEE AND STAFF

A. The Staff Assistant, Dorothy Larson of Dillingham began working full time the latter part of July and Secretary Adelheid Herrmann of Naknek began work in early August. The Committee held its first meeting in Dillingham on August 9, 1977. At this initial meeting, the Committee heard Staff Attorney Joe Guthrie, Commissioner of the Alaska Department

of Fish and Game Ron Skoog, Attorney Hank Cavallera and George Allen of RuralCap give an overview of subsistence issue. At the meeting in August, the Committee agreed unanimously that a hearing schedule would be developed with a maximum of 3 or 4 members and the Staff Assistant conducting the hearing. At most of the hearings, there was at least one other Committee member and the Committee Chairman and staff present. You will find on the hearing testimony this information.

**B. Schedule of Hearings**

The Committee adhered to the schedule below for the travel and hearing itinerary:

Kipnuk.....	Sept. 3
Kotzebue.....	Sept. 16
Nome.....	Sept. 16
Glenallen.....	Oct. 3
Fairbanks.....	Oct. 4
Nenana.....	Oct. 5
Kodiak.....	Oct. 17
Nome.....	Oct. 27
Anchorage.....	Nov. 10
Galena.....	Nov. 21
Juneau.....	Dec. 9
Barrow.....	Dec. 12

**C. Brief Summary and Overview of Hearings**

The hearing attendance was considered to be fair. It appears that during the interim period of the 1977 and 1978 Legislature, there were countless hearings and meetings held throughout the State.

There was a very good cross-section of each community represented in urban and rural areas. Approximately 500 people were in attendance at the hearings. Those testifying at the public hearings numbered 150,\*\* while others presented written testimony and letters.

When the Committee began on the hearing circuit, it was felt that in order to be objective and to gather the testimony of a broad spectrum of Alaska residents, we would have to be careful not to polarize the issue of subsistence. There was concern that this issue could become identified as a Native versus non-Native issue. It is felt that this was not the case. The testimony, on the whole, was felt to be objective and representative of the feelings of many residents of the State.

There were Native, non-Native, housewives, children, students, health officials, conservationists, environmentalists, businessmen, Fish and Game officials and personnel, retirees, guides, commercial fishermen, sports hunters and fishermen, Native organizations both profit and non-profit representatives, representatives of various State agencies, Vista Volunteers, legislators, city and borough officials, whalers, lawyers, researchers, trappers, school teachers, school board members, air taxi operators, store owners and many others.

The bulk of the testimony centered around the necessity to protect and allow for the continuance of subsistence; to protect and manage the resources; discussion on the allocation and whether priority should be given subsistence versus the sports or commercial users; pros and cons of defining the term "subsistence"; discussion of regionalizing the Fish and Game Boards into regional areas with direct authoritative power rather than only advisory powers; and the funding source and level of the Alaska Department of Fish and Game.

\*\* The 16 moderators at the Alaska Federation of Natives, Inc. Convention represented peoples views throughout Alaska.

Attached to this report is the verbatim hearing testimony, the written testimony submitted to the Committee for the record and the testimony of the Public Hearing of the Draft Environmental Impact Statement Respecting the International Whaling Commissions Deletion of the Native Exemption for the Subsistence Harvest of Bowhead Whales, more commonly known in Alaska as the Whaling hearings. This hearing was held on the same day that the Committee was in Kotzebue. We requested that this testimony be forwarded to be incorporated into our record since it deals with one aspect of a subsistence resource and harvest, though it is governed by and on an international level. There is a possibility that the whalers from the North Slope will challenge the International Whaling Commission's jurisdiction in the matter of subsistence whaling, however.

The method staff used to publicize the meetings and hearings included notifying the newspapers of the area, the radio stations, notices to regional corporations, village councils, city and borough officials, and other legislators in the hearing location and by posting in public places. We feel that the public was well aware of the subsistence issue and that an Interim Committee on Subsistence existed.

Had it been economically feasible, the Committee would have gone to more locations in rural Alaska. We had numerous requests to go to the outlying areas. The hearing locations were chosen geographically based on both urban and rural populations. On a per capita basis, more people turned out in the rural areas. The largest urban hearing was in Fairbanks. It was also the longest hearing, lasting about 4-1/2 hours. The Committee attended the Alaska Federation of Natives, Inc. Annual Convention on

November 12, 1977 and accepted testimony from the Convention regarding subsistence. The theme of the Convention was Subsistence.

It is hoped that you will take the time to read the attached testimony given to this Committee to gain a better insight and understanding of the scope of the problem of subsistence as it relates to residents of this State. This topic will be brought up time and time again in the discussion of land and water use policies, economic growth and development, in planning for the future of the State. It is NOT just one issue, it is a complex entity that necessitates its treatment be as a whole, not in any fragmented, splintered approach. The cultural, economic and legal aspects are all integral parts that are interrelated when speaking to or of the subsistence issue.

The information collected through the hearings and the available current information gathered on the subject of subsistence will be of significant value to any State body that will be charged with undertaking the task of further work in this area. The concensus gathered from the hearings is that subsistence IS an issue, a problem that is of the magnitude worthy of the State's attention. As mentioned before, it is a complex area that will take a lot of concerted effort and time, and undoubtedly, money. Any issue that affects the everyday lives of people is bound to be a tough, touchy, dynamic proposition for any body to tackle. Empathy was expressed by many in the committee's travels that the people did not envy the difficult task the Committee had.

### III. LEGAL ASPECTS RELATING TO SUBSISTENCE ISSUES

#### A. Overview by Joe Guthrie, Staff Attorney

Following is the entire contents of the report to the Committee by Joe Guthrie, Staff Attorney:

## Federal Regulation

The problem of regulating subsistence fishing and hunting now confronting the State legislature and administrative agencies will depend in large measure on whether the federal government undertakes to regulate subsistence on national interest lands. Language to this effect appears in several of the D-2 bills. If such language is enacted, state regulation inconsistent with federal law would be superseded on these national interest lands. In addition, the federal government may have the power to regulate subsistence activities on State-owned land as well, either as a necessary incident of the power to regulate subsistence on adjacent national interest lands, as a derivative of the federal government's treaty power, or as an exercise of power made necessary by the involvement of more than one state. Conceivably, Congress could not only supersede inconsistent state regulation, but also preempt the state from the field of regulation entirely.

Action or inaction on the part of the federal government is significant not only from the standpoint of restriction of the state's role, but also in terms of the substance of the regulations which could be enacted by the federal government vis a vis the state. Under the equal protection language of the fourteenth amendment to the U.S. Constitution and parallel provisions of the Alaska Constitution, the state may be prohibited from granting any preferential hunting and fishing rights on the basis of race (to be discussed below). However, a federal law linking subsistence preferences to racial status might be found to be encompassed by the trust doctrine extant between Indians and the federal government, relieving such a law from the equal protection scrutiny otherwise usually accorded under the fifth amendment to laws making racial classifications. This trust doctrine has developed from two constitutional sources: 1) Congressional power to "regulate" Commerce...with the Indian tribes" and 2) Presidential authority to make treaties, by and with the consent of the Senate. In Morton v. Marconi, 147 US 535(1974) the Supreme Court declined to view a Native hiring and promotion

preference as a racial classification, holding instead that the preference was not granted to Indians as a discrete racial group, but rather as members of quasi-sovereign tribal entities. Thus, viewing the classification as political, the court was able to find the preference reasonably and directly related to a legitimate, non-racially based goal. However, the court expressly based the finding that the preference applied only to members of "federally recognized" tribes. Since there is only one Indian reservation in Alaska, it is arguable whether a court would apply the reasoning of Morton, supra, in reviewing a subsistence preference in favor of Alaska Natives. However, numerous statutes, regulations, cases and a Solicitor General's opinion can be cited to demonstrate that Alaska Natives have long been beneficiaries of the federal trust relationship, and furthermore, that the trust relationship was not ended by ANCSA. Since the trust relationship is still extant, one might argue that a subsistence preference in favor of Natives is encompassed by the trust responsibility. If so, the reasoning of Morton could be applied, allowing a subsistence preference in favor of Natives to be regarded as political and not a racial classification. This follows because all legislation benefiting Natives, including that examined by Morton, supra, derives from the Commerce clause and the trust responsibility developed by the courts.

#### State Legislation and Equal Protection

State legislation creating a subsistence preference would be effective on private and state lands in the absence of conflicting or preempting federal legislation, and on federal lands in the absence of conflicting federal legislation. As stated earlier, a preference linked to racial status would likely be invalidated under the equal protection language of the 14th amendment of the US Constitution and Section I and III of Art. I of the Alaska Constitution. However, the Bakke case, now before the US Supreme Court, may result in dramatic changes in the law of

equal protection. Although the Bakke case and legislation creating a subsistence preference in favor of Natives both involve reverse discrimination, it might be pointed out that such a subsistence preference is not the equivalent of affirmative action, since Natives are already more fully represented in the subsistence way of life than any other group.

Even if the state legislation does not expressly tie subsistence preference to racial status, Natives would surely comprise a large proportion of persons benefited thereby, which could engender a charge of defacto discrimination. A subsistence preference could be drafted which would not be invalidated as defacto legislation if 1) the classification is not a racial classification but a user classification, 2) the classification does not infringe fundamental rights, 3) no discrimination or other disadvantage to any minority group results, and 4) the classification is rationally related to permissible governmental objectives. Kelso argues that the above criteria could be met by a subsistence preference drawn so as to select beneficiaries by reference to a common way of life, economic dependence, and area residence. He maintains that such a preference would be found non-racial because the criteria used to classify privileged users operates without reference to racial factors and reflects significant economic and lifestyle considerations that are only incidentally related to race.<sup>1/</sup>

#### Freedom of Speech and Religion

The equal protection language of the 14th amendment is not the only provision of the US Constitution which might be involved if a subsistence preference were created -- claims of violation of rights under the first amendment of the US Constitution have already arisen in connection with state regulation of subsistence activity.

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<sup>1/</sup> Kelso, Dennis D., Legal Issues in Federal Protection for Subsistence on Proposed National Interest Lands, Friends of the Earth, P.77.

In State of Alaska v. Carlos Frank, no. 75-2729, the defendant, Carlos Frank, was convicted of transporting a moose taken out of season to a funeral potlatch held on the occasion of the death of a friend. Frank is now appealing his conviction to superior court, claiming that his conviction violates his first amendment rights of freedom of speech and freedom of exercise of religion.

In order for a claim of infringement of freedom to exercise religion to prevail, 1) the religious belief must be held in good faith, 2) the conduct being justified must be necessary for the practice of the religion, and 3) there must not be a state interest of sufficient magnitude to override the interest claiming free exercise clause protection.

The district court rules against the defendant on his free exercise of religion claim, holding fresh moose meat not to be essential for a potlatch, although finding a potlatch to be a religious celebration.

The district court rules against the defendant on his freedom of speech claim also. In order for such a claim to prevail, the conduct for which protection is sought must be shown to involve elements of speech. The defendant claimed that the feast itself was a communication, and that the moose which was the center of the feast was a communication expressing reverence for the family, solidarity with the living and honoring the dead. When speech and nonspeech elements (such as transporting a moose) are combined in the same course of conduct, only a sufficiently important governmental interest in regulating the nonspeech element can justify incidental limitation of 1st amendment freedoms. However, the district court agreed with the state's contention that the conduct constituting the violation is unrelated to conduct constituting speech within the first amendment, since only transportation of moose is prohibited, not its use at the potlatch; further, even

if the defendant's conduct is related to speech, the interest underlying the regulation is a compelling governmental interest.

#### Preemption of state regulation by ANCSA

In addition to the foregoing, the defendant also argued that ANCSA preempted state regulation of subsistence activities. The court found no such intent in the Act or its legislative history, finding instead an anticipation on the part of Congressmen that the state and federal governments would "take necessary action to protect subsistence needs of Natives". Obviously, the treatment of this issue, as well as the two others, in the appellate courts could have a significant impact on the state's regulation of subsistence.

#### Other State Constitutional Provisions

The Constitution of Alaska provides, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." (Alas. Const. Art. VIII, sec. 3) The legislature is given authority to provide for "utilization, development, and conservation" of Alaska's natural resources "for the maximum benefits of its people." (Alask. Const. Art. VIII, sec. 2) However, application of this power to certain resources must meet a constitutional standard: "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." (Alas. Const. Art. VIII, sec. 4) This language indicated broad legislative power to deal with subsistence resources within the boundaries of maximum benefit for Alaska's people and sustained yield of the resource. Although subsistence resources are reserved to the people in common, the express allowance of preferences among beneficial uses suggests the constitutionality of legislation 1) granting preference to subsistence

users in taking fish and wildlife and 2) requiring the Department of Fish and Game to manage with subsistence as the highest priority.2/

In addition, according to an amicus curiae brief filed in support of the appellants in Alaska v Tanana Valley Sportsman's Association, (No. 3433) the records of the constitutional convention indicate that the language in section 2 was not meant to preclude prioritization. The same brief maintains that the records also indicate that section 3's reservation of wildlife to the people for the common use refers to the legal title of the wildlife and does not prevent allocation of game to certain groups to the exclusion of others as long as the chosen classification system is not capriciously discriminatory.

However, the constitution imposes some limits on the allocation of harvesting privileges. Art. VIII, sec. 17 provides that laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purposes to be served by the law or regulation.

Presumably, a subsistence preference not based on racial criteria would make the classifications between persons which are indicated in light of the objectives which such a law would be designed to attain and not be arbitrary.

Finally, Art. VIII, sec. 3 provides that the legislature may not create or authorize an "exclusive right or special privilege of fishery". Kelso maintains that a subsistence preference would not be an exclusive right of fishery because such a preference would merely establish subsistence as the highest priority use and would generate a management scheme to give effect to that priority. 3/

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2/ Ibid., p 109

3/ Ibid., p 110

The superior court in Tanana Valley Sportsman's Association and Mark Wartes v. State of Alaska, no. 76-1958 invalidated regulations which authorized the issuance in part on the basis of need, of permits allowing the taking of 3,000 caribou. The court held that the Board of Game lacked authority to issue permits on the basis of need in light of the provisions of Art. VIII, secs. 2,3,4, and 17.

The decision is unclear as to whether issuance on the basis of need is defective because of uncontradicted evidence that a hunt is biologically unsound, or rather because no constitutional or statutory authority exists authorizing discrimination between hunter applicants on the basis of need. The opinion itself seems to favor the former interpretation; however, subsequent court approval of redrafted regulations which continue to authorize the taking of 3,000 animals but do not allocate between hunters on the basis of need would indicate that the court found authorization to differentiate between hunters lacking. If so, a statute would be sufficient to provide the necessary authority, unless of course the court meant to say that the language of the constitutional provisions is repugnant to discrimination on the basis of need. This seems unlikely in light of the language of the decision.

### Conclusion

I think the conclusion most appropriate to this overview is to note the rapid developments in every aspect of this field of law, and to caution any reader that the foregoing information may be obsolete by the time he or she reads it.

(Above paper submitted by Joseph A. Guthrie, Staff Attorney for the Committee)

### B. How Can and Will the State Protect Subsistence Activities and Resources?

It is imperative that the State exercise its duty to the residents of this State to protect the natural resources "for the common use".

Whether or not there is a prioritization or preference, it is evident that the resources must be protected if there is to be any type of resource allocation.

Avenues the State could take are presented in the recommendations in Section VIII. An immediate and accurate assessment of the fish and game populations, the total number of users in each user classification, and decisions made based upon the above information on how and whether to begin prioritizing or granting any user classification preference would be the next step.

It would be important that this be attacked in an orderly, consistent fashion and not continue with the fragmented methods the State has used in handling subsistence or any other resource use.

An important point to look at is that each of the recommendations made by the Committee focuses on the Alaska Department of Fish and Game in some way. Since the Department is charged with the responsibility of our fish and game resources, it is logical to assume that the Legislature would begin to make an evaluation of the Department's activities to get a clearer picture of what are the priorities and the dimension of the work of the Department. Does it have the necessary fiscal level to adequately perform all the functions it is charged with? Does the Department have adequate personnel in all divisions? Is the Department able to accomplish their goals in a way that provides equal attention to each user group and the resources harvested? Is the composition of the Board of Fish and the Board of Game representative of each user classification? Can regional boards best provide the State with the expertise necessary to protect and manage the resources?

It is evident that there is rapidly increasing pressure upon the resources. A statement from Page 17 of The Summary of the Conference On Taking Fish and Game Resources to Meet Subsistence Needs is simple, but true, "The quickest ways to decimate a resource is to provide easy access to it or to commercialize the resource." This seemingly is happening in this State. With these rapid changes in all areas of the State, (this is often brought to the Committee's attention by the testimony of all rural areas, and especially those easily accessible by highway systems, i.e., Nenana and Glenallen)

We are aware of the political pressures by the special interest groups, the commercial, the sports, the conservationists, the recreation groups. Though there are advocacy groups, determined and concerned individual organizations, there does not appear to be a subsistence type of a following with the exception of RuralCap or the AFN, Inc.. Though these organizations are significant in bringing forth the subsistence issue, it takes tremendous amounts of money to gain the political clout needed. Mainly because of the money factor, those living a subsistence lifestyle are unable to spend much time organizing efforts because they are too busy making a subsistence living.

The crux of the matter is that in order to continue any on-going harvest there needs to be a resource base to draw from to fulfill the needs of the user groups. Protecting and maintaining a resource would be a #1 priority for a subsistence harvest in the estimation of this Committee.

C. Necessity of State Government To Take Action In Developing a Subsistence Position

As it has been emphasized throughout this report, the State of Alaska will find it extremely and absolutely necessary to take a good look at this

issue. Again, there will be challenges through legal actions with the increasing pressures and competing uses upon the fish and game resources.

It cannot be stressed loudly enough, that it is incumbent upon the legislative body to begin to initiate a positive plan of action regarding subsistence. The State has never had a solid plan that could be identified, because policies were so loosely implemented. With sound management and continued availability of the resource base, the residents of this State can expect to enjoy the harvest of resources as they have in the past.

The time has arrived whereby the State of Alaska must begin making solid plans for that resource. It is upon the Legislature and the Administration to work cooperatively on this issue so vital to many Alaskans.

#### IV. CULTURAL ASPECTS IN SUBSISTENCE ISSUE

##### A. Traditional Subsistence Lifestyle

In the forward by Harold Napoleon in the book, Does One Way of Life Have to Die So Another Can Live, he writes "Subsistence is often thought of as a certain kind of hunting and fishing where people go out not for the sport of it, but to get something to eat. But subsistence is really much more. It is not an isolated thing that can be set out and looked at by itself. It is interwoven into every aspect of our lives....Subsistence is really an entire way of Life. (Emphasis added.)

How DO you describe the relationship of the land to your body, your mind, and to your entire perception? Very difficult, even when it is a part of your daily life.

Helen Geisert, in her testimony (see Glenallen Testimony-October 3) said, "I don't call it subsistence, it's our way of life."

Christine Yazzie, on behalf of AHTNA, Inc. testified at the Glenallen hearing (see Glenallen Testimony, October 3, 1977) "We feel that subsistence must be recognized as a major cog in the past, present, and future cycles of our heritage. Subsistence stands today as in the past - our way, our life, our lifestyle.....Many people, I am sure, would like to take the attitude that when the Settlement Act was passed in December 18, 1971, Subsistence was surgically removed from our way of life, cleanly, effortlessly and painlessly, this was not the case."

This aspect of the report is difficult to relate in black and white. How do you portray the feelings, the intenseness, the frustration, the emotions of those people who came before the Committee? It was evident that there is a special, unique relationship with the land and the water; that there is a religious and spiritual feeling present in the relationship; that there is a traditional process of educating the young people to assist them in their pursuit of a subsistence lifestyle; that there is a great amount of pride in the culture and subsistence lifestyle.

Marian Hao describes "Subsistence living as a time of seasons." (see Fairbanks Testimony, October 4, 1977)

The elders and other Native people expressed a special concern about the loss of their culture, the traditions, the language, the changing times. A part of this process of change is in the subsistence lifestyle. Change has been rampant in Alaska with statehood, the passage of the ANCSA, the construction of the pipeline and prospect of yet other pipelines, and snowballing effect of this growth and impact. Those who have been in Alaska for a lifetime, or for a decade or two have seen the sudden change. Pioneers can remember the days gone by. Many Alaska Natives still remember the early '20s when they were granted citizenship.

In order to bring the entire picture of subsistence to the proper perspective, the cultural aspect cannot be ignored. It is necessary to review this consideration to include a segment of the State's population who, in fact and reality, are the majority numbers who are traditional subsistence users, the Alaska Native.

It is no wonder the subsistence issue has been so volatile. It deals with a complexity of issues in terms of the traditional, cultural, the economics, and the legal points of view. It deals with the every day functions in a subsistence lifestyle.

Mark Jacobs, Sr. of Sitka said, "When one is acculturated to certain foods, you cannot destroy that appetite, you can only suppress it." (see Anchorage Public Hearing Testimony - November 10, 1977).

Rosita Worl, in her paper Legislative Considerations For the Maintenance of Subsistence states, "...the deep cultural attachment to subsistence overrides economic motives....the cultural values of subsistence are perhaps the most difficult to define.....To ignore the social and cultural aspects of subsistence will facilitate the demise of subsistence. Restrictive and narrowly defined regulations can lead to the extinction of Alaska Native cultures.....The underlying rationale for certain cultural patterns of subsistence behavior is not always consciously or manifestly understood."

Throughout the testimony references have been made to culture, for the concerns for preservations of culture, of which subsistence is a part. Subsistence has been called a way of life, a lifestyle. It refers to education and knowledge passed on and acquired, spiritual practices, a unique relationship with the environment and the seasons. People who live that lifestyle refer to it as part of their cultural heritage. It

is a part of the language, the foods that are eaten, places travelled to and from, it's reflected in the stories, the games and the dances.

The threat of loss of any aspects of a subsistence lifestyle means that a part of the heritage will disappear or be altered. Predominantly involved in this lifestyle are rural Alaska Natives. In the past two decades and more recently, there have been major upheavals (passage of ANCSA, the pipeline, statehood and other happenings) causing real concern for the preservation of the cultures. A way of life is dynamic and changes are constantly in motion. These changes are usually more elusive and subtle than those experienced by the Alaska Native peoples.

The aspect of subsistence certainly cannot be ignored. It can probably best be described as the roots of this issue.

B. Non-Native Participation in Subsistence Lifestyle

As above, the subsistence lifestyle may be referred to as living in a relationship with the land, the sea, the seasons. If you've lived it traditionally, or if you've chosen it as a preference over other lifestyles, as many Alaskans have, you undoubtedly will not want to give it up. The conditions of the traditional and the newcomer to subsistence living are very similar. Many non-Natives live this way either out of choice or necessity. For some traditional users, too, it may be their choice.

The testimony we heard from Native and non-Native subsistence users alike was that race not be made a part of the criteria in determining who is or isn't allowed to use the subsistence resources. There are the pioneers, the trappers, the hunters, miners, the fishermen, and seasonal workers common to the Alaskan population. These people have adapted to a living in tune with the environment. The length or degree of dependency

upon the resources may or may not be as great as the traditional user. Nevertheless, it is a preference or a choice necessitated by where one chooses to live, a way of living made by many, many Alaskans, Native and non-Native alike.

A concensus was reached that the subsistence issue is not a Native versus non-Native issue, regardless of the fact that the majority of the users happen to be Alaska Natives. It is based on the dependency upon the resources by the user.

The non-Native users have similar complaints to those of the traditional user. They range from the use of the high powered rifles; the high speed motorized vehicles, airplanes and boats; the increased pressure from the urban areas; easy access to rural areas via highways, river and by air; all causing an increase in the hunting and fishing pressure on a state-wide basis to a rapidly declining fish and game population.

To many of the non-Native users, subsistence has been their lifestyle. They would like to be able to continue having the choice. There is a definite threat to the ability to continue living attuned to the environment becauser of the above mentioned pressures.

John Schaeffer, President of the NANA Corporation put it bluntly, (see Kotzebue Public Hearing, September 16, 1977) "We have many non-Native subsistence users....We have got to differentiate the subsistence user from the big game trophy hunter.....It is not a matter of regulating color - this is a problem with regulation that people in the State of Alaska have because in the rural area, the greatest user is Native. They tend to look at subsistence use as a Native issue - It is not a Native issue."

What will the criteria be for allowing the continued use of the subsistence resources? Will certain Alaskan residents be denied the ability to use these resources? These are extremely tough questions to answer. Yet, they will have to be addressed.

C. Problems in Defining the Term "Subsistence"

Throughout the testimony received by the Committee, when discussion centered around to define or not to define the term, it seems as if we were spinning wheels. Our task was not an enviable one.

One of the common fears expressed was that when guidelines or regulations are made, would they be too restrictive? Would there be an exclusion of certain people? What would the criteria be? Many Subsistence users are also seasonal workers, or people who work when work is available. The majority of subsistence users are from rural areas where unemployment statistics and cost of living indexes are extremely high. Their dependence upon subsistence resources is of vital importance to their daily welfare when not employed. When they are employed, it limits their capability to harvest the resource. When they are unemployed, they need the subsistence resource to survive because there is no cash income to sustain them. The procurement of the resources for food then becomes their "job".

In defining subsistence, the definition or description, would have to take into consideration the vast differences throughout Alaska. Could one definition satisfy the entire State? Some people felt that an adequate definition could not be coined for the entire State because each area is different. It's possible that a broad, flexible definition could given to subsistence with emphasis on the "description" of the activities.

Should the Legislature create a Board of Subsistence and a Division of Subsistence, the task of defining subsistence could be further researched and would fall into this realm of decision making. This would increase the awareness throughout the State on this issue. This Committee looked at tackling a definition closely. This task is going to have to come with the assistance of the entire Legislature, with continued, comprehensive work by an on-going effort to come up with a workable, applicable definition of the term "subsistence".

The creation of the above mentioned Board and Division of Subsistence would not add another layer to the problem, but would bring to bear the magnitude and importance of the issue to the residents of this State. By providing a mechanism for solution of the subsistence problems in this manner would allow those working on the issue to address it squarely rather than in a fragmented method.

This Committee inquired of the western and midwestern states, Canada, and Hawaii on how subsistence activities are handled in their areas.

In Hawaii, all fishing and hunting laws apply equally with no preferential treatment. Those over 65 are not charged for licenses.

In Washington, there are no state statutes pertaining to subsistence hunting and fishing. Indian tribes can set subsistence fishing within the confines of their respective reservations. In February 1974 the US District Court (Boldt decision) rules that certain treaty Indians were entitled to 50% of the salmon and steelhead runs. Subsequent court orders allow treaty Indians named in the case to take steelhead and salmon unrestricted for subsistence and ceremonial purposes.

Montana has no statutes providing for subsistence hunting and fishing, though there is exception that exempts violations for the purposes of preventing suffering by hunger.

North Dakota does not deal with the issue. Reservation Indians are permitted to hunt and fish on tribal lands without regard for the State hunting and fishing regulations.

Minnesota does not have statutes that apply to subsistence provisions. Likewise for Wisconsin.

In Idaho, there are no state statutes that deal specifically with subsistence hunting and fishing provisions. Indians living within state boundary have guaranteed to them by treaty certain rights which deal with hunting and fishing entered into by the the federal government.

Oregon State does have administrative rules addressing Indian subsistence fishing. Their definition of "subsistence fishing" means taking food fish for Indians' personal use, including the sale or exchange with other treaty Indians, but not for sale or trade with non-Indians.

Oregon's administrative rules also covers Ceremonial Fishing. Rules state notification must be made in advance, specifying amounts needed, the gear to be used, location of storage, exact dates of ceremonial fishing will take place, names of fisherman and helpers, location of the ceremony where fish will be used, and signature of the designated tribal official.

One area that could be researched further, possibly, is to include in the Alaska statute a provision similar to the Oregon administrative rule, to allow the sale or exchange or subsistence products with other subsistence users. Our statute prohibits this sale or barter at the present. It is a known fact there there is bartering taking place. This practice is unlawful. Pete Bobby illustrates in "...A Special Relationship With the Land" on page 3 that, "We had no more food in Lime Village, so I caught a moose.....We shared the moose meat with other people who also needed food. Someone turned me in for killing a moose out of season....and fined me \$50. I thinks it is odd that I hunt my food with moccasins on and am tried for hunting food for my family when they are hungry, and airplanes land all the time right in front of my village, shoot moose and caribou, cut off heads, and take off, leaving the meat behind. State of Alaska says that you cannot give meat away to your friend, yet it is our way of life."

To expand our present definition will have to be done with much scrutiny. It is almost an impossible task, as mentioned before. It should be made broad and flexible. In defining or describing subsistence activities,

we may find it necessary to put the cart before the horse by creating priorities and preferences for the harvest allocations because of the on-going depletion of the resources taking place. This is a political reality staring the State in the face that must be attended.

D. Summary of Subsistence Resource Harvest and Uses

The resource harvest and uses will be touched on lightly in this report, but this should not undermine their importance in the overall picture.

We have available maps and overlays showing subsistence use in over 40 rural villages. This information is valuable in relating to you how much land is utilized in a maintenance of a subsistence lifestyle. Much of this land is in private ownership, on State selected or owned land, or on federal lands. The animals are not cognizant of who that land belongs to and often the user may not even be aware of who owns the land that they are using in pursuit of their livelihood.

It has been pointed out in the testimony of Jonathan Solomon (see Fairbanks Public Hearing, October 4, 1977) that there are definite boundaries of use surrounding neighboring villages. These boundaries were respected by those involved. It is with the accessibility and availability of the urban sports hunters and fishermen to rural Alaska that causes a threat and some animosity on the part of those who are quite dependent upon the fish and game resources for subsistence purposes.

There have been studies, surveys, and a compilation of data by various state and federal agencies, organizations and individuals enumerating subsistence resource harvests. Below are some examples that will interest and may even surprise you.

In a survey by the Associated Village Council Presidents in 1976, an average per family in 47 villages showed that 9,281 pounds of fish, land mammals, sea animals, vegetation and birds

were utilized. Can you imagine 16,659,062 pounds of fish, animals, greens, berries, birds and other products and what this would be equivalent to in store bought products. This was the total amount utilized by the the 47 villages.

In a survey by Art Patterson for the Federal/State Land Use Planning Commission in 1974, entitled Subsistence Harvests in Five Native Regions There is listed below examples of some subsistence products and the estimated quantity used. This will give you an idea of the variety of land and sea animals and other resources used as you move from one area of the State to another, illustrating the vast differences.

In the Doyon Region, the Galena Subregion will be cited, since we held a hearing there on November 21, 1977.

Mammals	745,514 pounds
Fish	1,710,417 pounds
Fowl	39,700 pounds
Berry Products	<u>27,636 pounds</u>
Total Poundage	2,523,267 pounds

Also noted, a considerable amount of timber was used for firewood, homebuilding and other home uses.

Examples of the resources harvest for food are, beaver, caribou, hare, moose, muskrat, porcupine, sheep, crane, ducks, geese, ptarmigan, spruce hen, ling cod, graying, pike, salmon, sheefish, trout, whitefish, blueberries, cranberries, salmonberries and wood products.

The population of the Galena Subregion in 1974 was 1,779 with a Native enrollment of 1,845 according to the BIA Enrollment Office.

It was stated that some of the figures may have been overstated and inconsistent when determining dressed weight or the whole weight of the carcass. Some of the fish catch was used for dog feed. It was also pointed out that some of the figures may be underestimated when compared to previous studies of the area and harvest.

Approximately 1,464 pounds were utilized on a per capita basis using the 1970 population figures.

In the Bering Straits Region, using the 1970 population figures of 4,640 in 17 villages, the survey showed that approximately 1,000 pounds was utilized on a per capita basis.

Mammals	3,060,283	pounds
Fish	719,375	pounds
Fowl	121,889	pounds
Berry/Vegetation	162,930	pounds
Total Poundage	4,064,447	pounds

Examples of resources include, bear, beaver, caribou, reindeer, hare, muskrat, porcupine, squirrel, seal, walrus, whale, burbot, char, flounder, grayling, herring, ling cod, salmon, sheefish, smelt, tomcod, trout, whitefish, crab, shrimp, claims, auk, murre, puffin, crane, ducks, geese, eggs of birds, ptarmigan, spruce hen, blueberries, blackberries, cranberries, salmonberries, fireweed, sourdock, Eskimo potato, celery, onions, rhubarb, willow leaf.

An average whale, 32 feet long weighing 64,000 pounds provided approximately 48,000 pounds of meat for consumption. Species hunted and trapped for fur but not for consumption was also categorized. These animals were used for the furs, for sale, barter, arts and crafts or home use.

A comparison between 3 locations shows that people in Shismaref estimated use on a per capita basis of 2,502#, at Nome about 350# on a per capita basis, and in Golovin about 671# on a per capita basis. This shows to some extent the degree of dependency upon the subsistence resources in the rural areas versus communities have had closer access to stores and commodities.

The last example that will be portrayed is AHTNA, Inc. Region. The population figure used is the 1973 BIA enumeration of 550.

Mammals	291,631	pounds
Fish	264,820	pounds
Fowl	3,315	pounds
Total Poundage	559,766	pounds

About 1,019# was utilized on a per capita basis. This was based on the Native enumeration of the area and does not include the harvest of caribou and moose and fish from outside hunting pressure of non-Native and other Natives who have access by highway to the Ahtna Region from both Anchorage and Fairbanks and Valdez areas.

This sampling gives you an idea of the quantity and the degree of dependency upon the resources of people who rely primarily upon the land and the sea for their daily maintenance.

#### V. ECONOMIC ASPECTS OF SUBSISTENCE

In a follow-up report to the Interim Committee on Subsistence, Hank Cavallera, former Alaska Legal Services attorney presented the Committee with a summary whereby he attempted to put the "subsistence" issue in a proper policy perspective and to discuss some of the basic legal issues surrounding subsistence.

It reviews his presentation at the first meeting of the Committee in Dillingham and a review of his approach to developing a subsistence plan. Mr. Cavallera has done extensive work in the area of subsistence.

Mr. Cavallera's report will be presented in its entirety, rather than fragmenting his presentation into the economic, cultural and legal aspects presented in the outline since it deals with the issue of subsistence as a whole process. Below is the text of Mr. Cavallera's report.

"At the meeting in Dillingham, I attempted to put the "subsistence" issue in a proper policy perspective and to discuss some of the basic legal issues surrounding subsistence.

This report will review the presentation at Dillingham and review an approach to developing a subsistence plan.

#### I. Economic and Cultural Factors

##### A. What is the economic value of "subsistence" to the state's rural residents?

The rural Native economic life is centered on subsistence hunting, fishing, and gathering activities with only limited participation in the cash economy. Alvarado v State, 486 Pzd 894 (Alaska 1971). Fifty percent of the food for three quarters of the Native families in Alaska's small and medium village is acquired through subsistence and 40 percent of such families spend an average of six to seven months a year engaged in subsistence activity of some kind. "In western and northern Alaska, there is generally a greater dependence upon food gathering activities than in other regions."<sup>2</sup>

Although only fragmentary information is available on the magnitude of the subsistence dependence of rural Native people and its dollar worth, a Department of the Interior study of the Socio-economic Considerations of proposed Alaska Wildlife Refuges is helpful in understanding the economic importance of the subsistence harvest to the village economy.<sup>3</sup> The figures summarized below are drawn from that study, indicate the number of pounds of meat, fish, skins, berries, greens, roots and wild vegetable harvested yearly in a particular region and the harvest's Anchorage dollar value replacement cost. The latter figure is extremely conservative since food costs in the bush average much higher than Anchorage, and presupposes the existence of an alternate food supply.<sup>4</sup>

In the majority of villages, fresh meat, fish and produce is unavailable

at any price except through the subsistence harvest:

<u>Year of Study</u>	<u>Region</u>	<u>Native Population</u>	<u>Total Pounds</u>	<u>Dollar Value</u>
1967-72	Bristol Bay 25 Villages	3,694		\$ 1,541,246
1973	Interior 20 Villages	2,391	3,086,419	3,710,753
1972	Kotzebue 10 Villages	3,283	3,970,411	4,730,564
1973	Bethel 4 Villages <sup>5</sup>	1,097	1,063,178	<u>1,184,005</u>
TOTAL		<u>10,465</u>	<u>8,120,008</u>	\$11,166,586

B. The long range prospects of the industrial economy in rural Alaska.

The potential economic growth of rural Alaska is a matter of conjecture. The economic growth that will come will most likely be centered upon natural resource development and to a limited extent, tourism. In many small villages the only full time jobs belong to the teachers.

Economic development in rural Alaska, if centered upon the extraction of natural resources, will require the investment of large amounts of capital that may not be available to Alaska corporations.

The Native corporations themselves, have, out of necessity, invested more in the urban areas of the state than in their respective regions.<sup>6</sup>

C. The interests of the State in subsistence on Federal and State lands.

The State of Alaska, of course, has a stake in what happens to be proposed national interest lands. Further, "states have traditionally had primary control over wildlife within their borders, and federal management of subsistence on the national interest lands threatens to cut back that authority. Since subsistence resources and their habitats extend beyond federal lands, the impact of federal policies will be felt not only on the national interest lands but also on neighboring state and private (Native) lands."

The State also has an interest in subsistence because it may eventually have added social welfare responsibilities to the approximately 60,000 rural Natives of Alaska. The Alaska Native Claims Settlement Act provides as follows:

Congress finds and declares that...(b) the settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives....without establishing any permanent racially defined institutions, rights, privileges, or obligations, without creating...(a) lengthy wardship or trustship....

Thus, ANCSA is a time delayed "termination" policy. It foresees in the future that Alaska Natives will not enjoy any special privileges from the federal government. If Congress sticks with this stated purpose the State could possibly be faced with added cost in its social services budget by delivering certain programs to Natives that are now primarily paid for by the federal government.

The failure to protect subsistence may also create social costs because subsistence is so closely tied to Native culture.<sup>9</sup>

D. Maintaining subsistence as an opportunity for retaining an unbroken link with the State's and Native's cultural past.

The National Park Service's Subsistence Uses of New National Service Areas in Alaska notes that

Traditional subsistence activities, in addition to supporting the health and welfare of rural people, help to maintain ethnic identity and strong ties with linguistic and cultural ways of great antiquity. The Secretary, therefore, recognizes that the continuance of such harvest of wild food and other biological resources from lands proposed as additions to the National Park System pursuant to (the Alaska Native Claims Settlement Act) is an important opportunity for retaining an unbroken link with the nation's cultural past. Such recognition is supported by the declaration of Congress in the Historic Preservation Act of 1966 (P.L. 89-665), which states in part, "that the historic and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people."<sup>10</sup>

Subsistence provides cultural and psychological values. For example:

(T)he Kobuk people have developed a special attachment to living on and from the land. They opt for a subsistence livelihood, not just because it gives them food they most desire or allows them to live where they most prefer, but also because it permits them to be what they value most as human beings. Their sense of identity as Eskimos is fundamentally dependent upon living as hunters and gatherers. If they lose their subsistence lifestyle, they are no longer "real Eskimos."

This system of values, combined with other elements of personality, economic imperatives, and need for certain kinds of food ties the Kobuk people to their villages and subsistence livelihood. Beyond this, they are emotionally committed to this lifestyle. It gives them satisfactions that they cannot find in other places.<sup>11</sup>

The United States Department of the Interior's report on federal programs and Alaska Natives stated:

The survey of Native Views reported that over three-fourths of Natives living in small and medium sized villages rely on the land around them for their food. If these families, the majority of whom already living on incomes below the poverty level, were to lose access to subsistence resources or their harvesting rights, they could be left economically destitute. In the survey, subsistence activities were overwhelmingly identified as "the old way" which needed to be passed on to children. It was also named as the feature "best liked" in village life.<sup>12</sup>

E. ANCSA Corporations cannot be expected to provide total economic stability in rural Alaska.

Although reasonable minds may differ as to the ultimate economic viability of the ANCSA created regional "profit-making" corporations, ANCSA cannot be expected to offset the increasing diminution of the subsistence harvest. To date, ANCSA and its theoretical benefits have had a de minimuseffect on the rural village economy and the life quality of the average village shareholder. As recently noted by Perry Eaton, vice president of the United Bank of Alaska and a corporate officer of Koniag, Inc. (the ANCSA regional corporation representing the Kodiak area), a number of the regional corporations are in financial trouble, and possibly 65% of the village corporations will be bankrupt within seven years.<sup>13</sup>

The lack of any qualitatively distinctive financial benefit to the average village shareholder is apparent. For example, over the past five years the average village shareholder of the Calista Corporation (of which there are 15,444 scattered throughout the Yukon/Kuskokwim Delta in 56 subsistence dependent villages) has received the following ANCSA mandated distributions of cash:

<u>Year</u>	<u>Amount</u>
1974	\$184.98
1975	92.59
1976	79.03
1977	<u>53.23</u>
Total	\$409.83

In a recent study of the impact of ANCSA on village life commissioned by the Alaska Humanities Forum and the Alaska Native Foundation, Dr. Nancy Davis (a former anthropology professor at the University of Alaska, Anchorage) has accurately characterized the present situation:

How has life changed in small villages? Apparently little, if any, at the end of the first five years. A few more dollars have arrived, but the amounts are not large. One more organization, the "Native Corporation" has been added to the menagerie of externally-introduced institutions. The same individuals who previously were involved in village affairs now make more trips.<sup>14</sup>

It appears to me at the end of the first five years that far more money, more jobs and more people of the non-Native community are involved, and will continue to be involved, than will ever be the case with the Natives. Only a dribble of the billion dollars will reach the Natives of Village Alaska. Many million more will ultimately go to non-Natives as they are charged with trying to make the Land Claims Act work. As one Native reported in near despair in 1976, "those guys (White people) are going to get it all back anyway, so why should we try?" The delay in conveyance, the complexity of "making money", and the fear of taxes are leading some Native persons to consider this Act one more incidence of the American government inadvertently undermining the original inhabitants, this time in a long grueling

process leading to the inevitable failure of impossible concepts of profit-making corporations imposed upon a hunting and fishing population whose cultures have become increasingly fractures, with too little time for creative mending of the new with the old.<sup>15</sup>

Consequently, any analysis of the impact of H.R. 39 and subsistence generally on rural Native village life must be grounded on the realization that subsistence remains the foundation of village culture, the predominate focus of village activity and the mainstay of the village economy.

**F. Native Subsistence Activity was not adequately safeguarded by ANCSA.**

Although ANCSA is commonly identified as an unprecedented expression of Congressional concern for the economic and social well-being of Native people, protection of Native subsistence activity, the life essence of Native culture and economics, was abandoned during the eleventh hour of the legislative dance.

The first major step toward ANCSA was Senate passage of S. 1830 on July 15, 1970. Although the bill provided a grossly inadequate land settlement of only 10 million acres, the importance of Native subsistence activities was at least symbolically recognized and protected. §2(a)(7) of S.1830 articulated a Congressional intent to effectuate a just settlement of Native claims by providing:

Protection of Native subsistence hunting, fishing, trapping, and gathering rights and where it is within the power of the federal government, measures for the conservation of subsistence biotic resources.

§ 20 and 23 authorized the Secretary of the Interior to classify public lands surrounding Native villages as Subsistence Use Units, (hereinafter SUU) and in appropriate instances limit hunting, fishing and trapping to subsistence dependent local residents. However, any actual protection of Native subsistence use which would have been gained by the implementation of §§ 20 and 23 would have been largely illusory. The preservation of subsistence was viewed merely as guaranteed harvesting privileges on land proximate to individual villages, rather than as protection of ecosystems and essential wildlife habitat. The maximum duration of a subsistence priority over sport hunting and fishing in a SUU was limited to four years, and the creation of a SUU did not prevent the disposal of lands within its boundaries under the public land laws.

However, even such an obviously hollow commitment to the preservation of subsistence proved unattractive to a Department of the Interior inclined to exchange raw acreage for subsistence. In a letter to Senator Jackson dated July 25, 1969, accompanying a Department substitute for S. 1830, then Secretary of the Interior and former Alaska Governor Walter Hickel gave the following explanation for the elimination of any reference to the protection of subsistence activities in the administration's bill:

"We believe that the enlarged land area that we are supporting for each listed village will protect the biotic resources of the Natives of those villages."

Unmoved by Secretary Hickel's explanation of Interior's abrogation of S. 1830's limited protection of Native subsistence uses, the Senate passed S. 1830 with its subsistence provisions intact. The Senate Report accompanying S. 1830<sup>16</sup> reiterated an at least theoretical understanding of the threat posed to Native subsistence use by encroaching uncontrolled development and of the relationship between the preservation of subsistence and a just Native claims settlement:

The Alaska Native people as a group are among the most disadvantaged citizens of the United States in terms of income, employment, educational attainment, life expectancy, health, nutrition, housing and every important indicator of social welfare.

Without title to the lands they use and occupy, Alaska Natives are defenseless against character of and sometimes depletes subsistence resources, and against the population influx which disorganizes indigenous ways of life.

....There are millions of acres of land used by, and indispensible to, Natives as wildlife habitat and hunting ranges.

Some of the factors which the Committee considered in arriving at the present land grant provisions of S. 1830 are as follows...  
(5) the need to provide protection for subsistence uses of the land. (Emphasis added).

On January 25, 1971, progress toward a settlement was renewed in the 92nd Congress when Senator Jackson reintroduced M. 1830 as S. 35. On February 17, 1971, Senator Harris introduced S. 835, a bill supported by the Alaska Federation of Natives, which provided a 60 million acre land settlement and a considerably strengthened scheme for the protection of Native subsistence use.

§16 of the Harris bill preserved the right of Native subsistence use of Native, Federal and State land in Alaska for 100 years, and required public certification by the head of each appropriate federal agency that a proposed use of public land detrimental to subsistence was reasonably necessary for the purpose sought to be accomplished and would not unreasonably impair the ability of rural Native people to satisfy their subsistence needs.

On April 19, 1971, S. 1571 was introduced, a Nixon administration substitute, again devoid of any Congressional commitment to the preservation of Native subsistence use or of any protective subsistence management scheme.

On October 20, 1971, the House passed HR 10367, and on November 1, 1971, the Senate passed S. 35 with at least a qualified subsistence protection mechanism intact. The disparities between S. 35 and HR 10367 were successfully resolved by a Conference Committee during the first week of December 14, 1971. ANCSA then passed both houses on December 14, 1971. However, during the Conference Committee negotiations the Congressional finding supporting the preservation of Native subsistence use and its accompanying protective management scheme

inexplicably were struck from the Act. A somewhat cryptic justification for this result was included in the Conference Committee report as the only surviving expression of explicit Congressional concern in ANCSA for the protection of Native subsistence activity:

The Conference Committee, after careful consideration, believes that all Native interests in subsistence resource lands can and will be protected by the Secretary through the exercise of his existing withdrawal authority. The Secretary could, for example, withdraw appropriate lands and classify them in a manner which would protect Native subsistence needs and requirements by closing appropriate lands to entry by non-residents when the subsistence resources of these lands are in short supply or otherwise threatened. The Conference Committee expects both the Secretary and the State to take any action necessary to protect the subsistence needs of the Natives. (Emphasis added).<sup>17</sup>

Reference by the Conference Committee to a state responsibility for the protection of Native subsistence activity is significant. Although the states are ostensibly the owners of wild game within their political boundaries, Geer v. Connecticut<sup>18</sup> the United States may constitutionally exercise authority over game management on federal lands, Kleppe v New Mexico,<sup>19</sup> State of Alaska v Andrus,<sup>20</sup> a result which has led to considerable tension between competing federal and state wildlife management systems, New Mexico State Game Commission v Udall.<sup>21</sup> State concern for the preeminence of its wildlife management prerogative undoubtedly underlies the Conference Committee's relinquishment of direct federal responsibility for the protection of Native subsistence activity, and is consistent with the federal government's pre-statehood and ongoing failure to protect Native subsistence activities from competing state wildlife management priorities.

The state's rationale for such a result was aptly summarized by the Chairman of the Native Land Claims Task Force of the Alaska Chamber of Commerce in testimony before the House Subcommittee on Indian Affairs:

"We also feel that the concept of 'subsistence' lands, as contained in most of the proposed legislation, is unnecessary. Under existing State laws and regulations special subsistence hunting and fishing licenses are available.

The Alaska Department of Fish and Game has the authority to control the types of hunting and fishing allowed in various areas of the State. The needs of the subsistence licensee are thus protected. Under this type of management program no lands need be set aside specifically for this purpose."<sup>22</sup>

As a result of ANCSA's subordination of the federal commitment to the protection of Native subsistence activity to state demands for wildlife management autonomy, primary responsibility for the preservation of subsistence has devolved to the State Department of Fish and Game.

## G. Status of Subsistence

As of this date the State has done little to protect subsistence. The inaction of the State creates a situation in which an adequate resource base may be permanently ruined.<sup>23</sup>

## II. Legal Considerations in Developing a Subsistence Policy Plan

### A. Preferential Hunting and Fishing Rights for Subsistence Purposes

The State under the fourteenth amendment to the US Constitution and parallel provisions of the State constitution is clearly prohibited from initiating any type of preferential hunting and fishing rights for Alaska Natives.

The federal government's power to legislate for the benefit of Alaska Natives on federal lands was discussed in a memorandum by David L. Schooler for the Federal/State Land Use Planning Commission which has been submitted to the Committee. The basic point of the case of Morton v Mancuri is that the federal government can legislate for the members of federal Indian tribes beyond a reservation context as Alaska Natives have received the benefits of other federal legislation all of which comes under the same federal power which is basically the commerce clause and the federal trust responsibility developed by the Courts.

The problem with a federal scheme for protection which would benefit only Alaska Natives is the question of who would manage the resources. If the State managed the resources it may be an unconstitutional use of state personnel and money to manage a plan for the benefit of a group of people based on either their status as members of Indian tribes or as Alaska Natives. The issue recently emerged in the treaty fishing dispute in Washington. The Washington supreme court ruled that the State Department of Fish and Game could not manage the Indians share of the fish allocated under a federal court order. Basically, I believe that the court said this was unconstitutional under the state constitution as a denial of equal protection of the law. (The decision should be reviewed to see if the 14th amendment of the US Constitution was also a basis of the decision). Therefore, any federally mandated subsistence policy on federal lands ultimately would have to be accompanied by federal management.

### B. A State Subsistence Plan

As you know, certain legal issues pertaining to subsistence are now before the Supreme Court of the State (see, Tanana Valley Sportsmen v State). If the court upholds the right of the State to protect subsistence, I would offer the following, subject to further legal analysis, as a method of regulating subsistence. This is offered as a basic beginning point and can be refined as needed. It is also offered subject to further legal analysis.

1. Treat subsistence as economic regulation. Regulation of economic and social issues need only be rational to withstand attacks under the equal protection clause of the constitution, Dandridge v Williams \_\_\_\_\_. U.S. \_\_\_\_\_ (1969).

2. Make a legislative finding that subsistence has been and continues to be an ongoing economic system in the state.
3. Make a legislative finding that there is a lack of alternative sources of income in the small towns and villages.
4. Divide the state into the 13 regional areas or other regional management units. Allow for advisory personnel on subsistence or require that advisory boards of fish and game must include subsistence users.
5. Provide that subject to the requirements of sustained yield management that people who live in communities of less than 1,500 people (my arbitrary figure ) are entitled to subsist under the most generous limits on harvesting of the various resources (zone 1).
6. Provide that people who live in communities from 1,500 to 7,500 are entitled to a more limited harvest of biotic resources (zone 2).
7. Provide that people who live in communities of 7,500 and up are entitled to the least generous rights to harvest biotic resources (zone 3).
8. In making the calculations of what each group is entitled to receive, the ADF&G is going to have to provide the legislature on the harvest by region and species over the last 3 to 4 years to see what the harvest has been in the past. The legislature would then have to make the determination of how to allocate the harvest.

For instance people in zone 1 may be entitled to a percentage of the kill of caribou in the region, and the people residing in zones 2 and 3 would be entitled to a smaller percentage of the kill.

A variation would be to provide that license holders in zone 1 could kill X number of caribou, zone 2 license holders could kill a lesser amount and so on.

As you can see zone 3 people may need to participate in a lottery system to get a tag if the available harvest is down.

I've offered this plan as a starting point for the following reasons:

1. Protects the users who need continued access to resources the most.
2. Protects the resource base because the total harvest must be subject to sustained yield management.
3. It provides flexibility.
4. It's the easiest plan to administer.
5. There is no real need to provide a definition of subsistence.

Above report submitted by Hank Cavallera, Sitka, Alaska

Mr. Cavallera's report was given careful thought. There are points that this Committee has considered and that the Legislature will consider in the future as possible solutions for resolving the subsistence problem. The Committee certainly was looking for a method of administering a flexible subsistence plan that would protect the resource base subject to a sustained yield management that would also protect the users who need continued access to resources the most. These ideas will give the Legislature food for thought so that in time of deliberation on the subsistence issue, it will not have to begin from line one.

A. When and How Does One Translate the Subsistence Lifestyle To a Cash Economy?

It has been said by Mark Jacobs in his testimony to the Committee (see November 10, 1977 Anchorage Public Hearing) "Subsistence Hunting and fishing is something we cherish, there is no monetary value that can be placed on it."

Irene Catalone testified the same evening (see November 10, 1977 Anchorage Public Hearing) "Whether you're out in the village where there is no other economy exists, where it is your job to go out and make a living, which you'll do off the land, fishing, gathering wood, getting your water... it's a full time job making a living out there."

The State knows that there is no stable economic system in most of the rural villages. Without participation in the subsistence economy, many rural Alaskans would not be able to survive.

It would take an economist's expertise to determine what cash value could be fairly placed on a subsistence product and to make a comparison

with cash economy products. Another comparison that would have to be made, too, is to compare the nutritional value of the subsistence product with the store bought product. How does this parallel the cash economy product? What would the cost be to the rural consumer when it is finally received and consumed?

Most subsistence users directly or indirectly participate in a cash economy. The degree of participation may be more or less depending on the dependency upon a subsistence lifestyle. Some may say that subsistence supplements the income of rural Alaskans. It would seem to more accurate to assume that the limited income derived supplements the subsistence lifestyle. The major source of "income" is generally from the subsistence resources for many in rural Alaska.

We would recommend that the proposed Division of Subsistence be put to work performing the necessary research to compile comparative data on the economics of subsistence in order that an accurate and up to date view of this aspect is reported.

B. What Are Alternatives to a Subsistence Lifestyle?

Alternatives to a subsistence lifestyle are few. Welfare, a full cash economy if available. Some who have moved into a semi-subsistence lifestyle by moving more into a cash economy because of necessity are already exercising a sort of alternative. Oftentimes, this is not out of choice, but necessity to help support the participation in the subsistence economy.

Subsistence users adamantly say that welfare is no substitute for their subsistence lifestyle, their way of life. Yet, others say that subsistence users can get food stamps, welfare and use other services. Rural

residents just do not have the access to the services that urban residents have. There aren't eligibility workers, social workers, or the services or commodities available in every village. Often, there may be an area office with one staff member serving 20 or 30 villages.

Joe Clark of Clarks Point said in his testimony to the Committee (see Anchorage Public Hearing, November 10, 1977), "I rely heavily on subsistence, I raised a big family, 11 children, and I'm thankful they are all alive and in good health. And it's mainly because of subsistence that they are.....I could look to our government which is the US Government for help, for food and clothing, if this is the way I wanted to go, but like I said, I am a very proud person..."

The State will have to look at positive alternatives. Is welfare and food stamps a fair comparable alternative? Is it fair to uproot families in the pursuit of employment and a cash economy?

Again, all aspects of the subsistence lifestyle have to be evaluated to arrive at solutions that offer acceptable substitutes or alternatives.

C. Economic Impact on Social Services Should Subsistence Become Prohibited

This is an alternative that, hopefully, the State will never have to address.

Even the present decrease in subsistence has impacted the social services. There is an increase in the use of welfare and other social services in rural areas; there is an increase in health services; an increase in unemployment services; an increase and emphasis on alcohol related services; and in mental health services. The State Legislature created interim committees on alcoholism and unemployment to look at these problems this past interim period. It would be interesting to see the

correlation and to make a comparison of the findings of the other committees that deal with social problems that are not just one problem or issue, but a complexity of problems.

The economic impact on social services will continue to increase and become more burdensome, not only for the State, but for the consumer of these services. These services are not readily available in many villages, as mentioned before, those who need the services sometimes just have to give up because they are unable to either get to the person who can provide the service, or that person is unable to get to him. The best alternative to provide to Alaskan residents is the abundance and continued availability of the natural resources that they are so dependent upon.

#### VI. ADMINISTRATIVE ROLE IN SUBSISTENCE ISSUE

##### A. The Alaska Department of Fish and Game Position Paper On Subsistence

At the August meeting of the Interim Committee on Subsistence, the Commissioner Ron Skoog, newly appointed Commissioner attended and presented the following position paper on subsistence. This paper was prepared in 1973.

#### "SUBSISTENCE"

The Department of Fish and Game's role is to assure a resource base that can be exploited which at necessity, requires our assistance in working with the public and the Board to develop a regulatory framework that meets the legitimate subsistence need of the people.

#### DEFINITION:

1. Subsistence Utilization - the exploitation of renewable resources for individual, family, or local consumption by people whose location, culture, and/or income makes them dependent upon these resources for a substantial part of their food supply.

2. Subsistence - the exploitation of renewable resources for personal use.

PROBLEM:

Subsistence involves:

1. The biological productivity of the exploited resources.
2. The development of a legal framework--constitutional, statutory, and regulatory--under which the exploitation can take place.
3. The political realities of the present situation.

DEPARTMENT STRATEGY:

1. The Department of Fish and Game has and shall continue to recognize legitimate subsistence utilization of resources as a priority use.
2. Regulations governing legitimate subsistence utilization shall continue to be based on the biological productivity of the resource in concert with the public need.
3. The Department must realize that the regional and village corporation have responsibility to insure that subsistence requirements are satisfied to the greatest extent possible by their judicious selection of land under the Alaska Native Land Claims Settlement Act.
  - a. This is based on the fact that the natives have the right to select 40 million acres of land under the act and they have the right to retain that land for their exclusive use within the State's regulatory framework.
  - b. We must recognize, however, the intent of Congress was that subsistence needs shall be met on public lands as well. The Native leaders are aware of this and that is basically what they are fighting for.
  - c. Also, we must recognize that the loss of 40 million acres to public use is not in the public's interest.
4. The Department must immediately open up communications with both the Regional and Village Corporations.
5. The Commissioner's Office must establish the Department "position" to govern the conduct of the liaison group as they meet with the corporation.
  - a. We will not drop on the corporation "en masse" but will instead send out our most knowledgeable one or two people to meet with corporations.
  - b. Our basic position will consist of the following:
    1. Legitimate subsistence utilization will be conducted within the framework of maximum sustained yield.

2. Our past record show that, to date, we have provided for legitimate subsistence use. We do, however, recognize that competition between other users and subsistence is now a real (as opposed to imagined) problem and we are willing to support reasonable regulations that will reduce this conflict.
3. We recognize the native rights as private land owners; however, we must inform them that "exclusive use" will still be subject to state regulation in order to provide for an orderly harvest and adequate reproductive stocks.
4. Exclusive use foreclosed the opportunity for the natives to use these resources in revenue generating programs.

We must meet with the corporations and listen to their position. We should strive to have the define legitimate subsistence use.

Definition from Title 16 16.05.940(17)

"Subsistence fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources for personal use and not for sale or barter, with gill net, seine, fish wheel, long line, or other means defined by the Board."

The position paper above outlines what the position of the ADF&G has been on subsistence. This is basically a good working paper that needs to be updated. It is a valid position and could readily and easily be used as a basis for managing the subsistence resources. Under Department strategy, number 1. "The Department of Fish and Game has and shall continue to recognize legitimate subsistence utilization of resources as a priority use." This statement is what this committee would like to come to the forefront. The Department, the Governor's Office have stated this, yet subsistence resources are running far behind in the competition for the resources the users are dependent upon. The commercial, sports and recreation users do have a lot of influence and support backing their efforts to see their needs are met.

It was recognized in 1973, as is at the present time, that there is a definite competition between the other users and subsistence. It is "a real (as opposed to imagined) problem and we are willing to support

reasonable regulation that will reduce this conflict." This is an area where the Department could focus in on. There is a conflict arising that will force the State to act.

The "real" problem is even more real now, with the scores of sports, recreational and commercial users. As you review the regulations, there has been much emphasis placed on providing regulations for the sports and commercial fishing and hunting. That clearly is from the pressure from these users, but there has been a de-emphasis on just what the Department deems a "priority use" of the fish and game, and that is subsistence use. The subsistence aspect has been treated sporadically. The subsistence activities are mentioned briefly within the Commercial fishing regulations. The subsistence harvester would definitely dispute the fact that a subsistence take is not, cannot and never will be the same as a commercial take. These subsistence regulations must be separated from the sports and commercial interests. They are all different.

If number 1 under Department Strategy were being implemented in 1973 and to date, the subsistence "problem" may never have arisen. It has been put on simmer and is now beginning to come to a boil.

The Department, the Governor's Office, and the Legislature must work cooperatively on some alternative solutions, regulations, administration of subsistence. We have had the Alaska Public Forum and the Interim Committee on Subsistence working this year on the subsistence topic because it was pointed out as being a very real concern of the people. The Forum will have an analysis for the Governor and the Legislature and their findings should be looked at along with our recommendations.

It will take a coordinated effort to evaluate all of this information and this effort could be an activity of a committee, though temporary, such as the Interim Committee to continue to evaluate, research and to come up with a permanent, on-going plan for subsistence.

In conclusion, the Governor's Office, the ADF&G, the Legislature must then evaluate strategy, work programs, funding structure and levels and begin looking at prioritizing the allocations of resources seriously and promptly.

B. Funding of the ADF&G and How It Relates to the Protection, Management and Enforcement of Fish and Game Regulations

In order to implement any new directions within the Department of Fish and Game in the management, the research and enforcement areas, the Committee has recommended increased funding in all areas. This is made on the basis of having a sound management system with healthy fish and game populations so that the State can and will continue to satisfy and provide the needs and interests of its residents.

In addition to making recommendations for increased funding, we have included the proposal for a Division of Subsistence. A fiscal note prepared by the ADF&G would provide for a staff of 14 people in regional offices in the amount of \$468.5 for FY 1979 from the General Fund. This is merely a beginning talking paper and would need to be researched, revised and studied indepth.

The Legislature is aware of the snow-balling effect whenever new requests are made and implemented. This will certainly be true here, too, when the services and duties are expanded it will add fiscal increases. Not only the request dealing with added personnel, but for the creation of a whole new division with a new scope and dimension.

This new proposal for a newly created division is brought about by the necessity to pinpoint, to resolve and to act upon a problem that is a statewide concern. We cannot reiterate often enough that a major concern expressed by the residents of this State is that there needs to be resource base with continuing renewal of these resources so that subsistence uses and other uses can be sustained.

VII. PROPOSED DRAFT LEGISLATION & RESOLUTIONS

Immediately following this section, are attached copies of the proposed bills and resolutions drawn up by our Staff Attorney, Joe Guthrie.

- 1) For an Act creating a Division of Subsistence Hunting and Fishing.
- 2) For an Act regionalizing the Board of Fish and the Board of Game.
- 3) Resolution to create a State Subsistence Hunting and Fishing Committee.
- 4) Resolution relating to legalizing hunting of migratory birds in the spring time to be presented to the congressional delegation and to the federal government.

(We have requested that our Staff Attorney prepare a proposed bill for the creation of a Board of Subsistence, though this is not attached, it will be included for further review.)

(SEE ATTACHMENTS IMMEDIATELY FOLLOWING THIS PAGE FOR A REVIEW OF THESE PROPOSED PIECES OF LEGISLATION AND RESOLUTIONS.)

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL (for  
the Interim Committee on Sub-  
sistence Hunting and Fishing)

1 IN THE HOUSE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of subsistence hunting and  
7 fishing."

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

9 \* Section 1. AS 16.05.090 is amended by adding a new subsection to read:

10 (c) The commissioner shall establish a departmental division of  
11 subsistence hunting and fishing.

12 \* Sec. 2. AS 16.05 is amended by adding new sections to read:

13 Sec. 16.05.093. DIRECTOR OF THE DIVISION OF SUBSISTENCE HUNTING  
14 AND FISHING. The division of subsistence hunting and fishing shall be  
15 administered by a fish and game biologist.

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

18 (1) compile existing data, hold hearings, and conduct studies  
19 to gather information on all aspects of the role of subsistence hunting  
20 and fishing in the lives of the residents of the state;

21 (2) quantify the amount, value, and extent of dependence on  
22 food acquired through subsistence hunting and fishing;

23 (3) make information gathered available to the legislature in  
24 a form suitable for use in developing legislation relating to land and  
25 water management;

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

29 (5) evaluate the impact of state and federal laws and

1 regulations on subsistence hunting and fishing and, when corrective  
2 action is indicated, make recommendations to the governor and the  
3 legislature;

4 (6) make recommendations to the Board of Game and the Board  
5 of Fisheries regarding adoption, amendment and repeal of regulations  
6 relating to subsistence hunting and fishing.  
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BY THE RULES COMMITTEE BY  
REQUEST OF THE LEGISLATIVE  
COUNCIL (for the Interim  
Committee on Subsistence  
Hunting and Fishing)

1 IN THE HOUSE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act regionalizing the Board of Fisheries and the  
7 Board of Game."

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

9 \* Section 1. AS 16.05.221 is repealed and re-enacted to read:

10 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes  
11 of the conservation and development of the fishery resources of the  
12 state, there are created 12 boards of fisheries, each with jurisdiction  
13 over the area of a regional corporation established under the Alaska  
14 Native Claims Settlement Act. Each board of fisheries is composed of  
15 seven members appointed by the governor, subject to confirmation by a  
16 majority of the members of the legislature in joint session. Each  
17 member appointed must be a resident of that area of the state over which  
18 the board to which he is appointed exercises jurisdiction. Each member  
19 appointed shall be appointed without regard to political affiliation.  
20 The commissioner is not a member of any board of fisheries, but he or  
21 his designee is ex officio secretary to each board.

22 (b) For purposes of the conservation and development of the game  
resources of the state, there are created 12 boards of game, each with  
jurisdiction over the area of a regional corporation established under  
the Alaska Native Claims Settlement Act. Each board of game is composed  
of seven members appointed by the governor, subject to confirmation by a  
majority of the members of the legislature in joint session. Each  
member appointed must be a resident of that area of the state over which  
the board to which he is appointed exercises jurisdiction. Each member

1 appointed shall be appointed without regard to political affiliation.  
2 The commissioner is not a member of any board of game, but he or his  
3 designee is ex officio secretary to each board.

4 \* Sec. 2. AS 16.05.251 is amended to read:

5 Sec. 16.05.251. REGULATIONS OF THE BOARDS OF FISHERIES. Each  
6 board of fisheries [BOARD OF FISHERIES. THE BOARD OF FISHERIES] may for  
7 the area over which the board has jurisdiction make regulations it  
8 considers advisable in accordance with the Administrative Procedure Act  
9 (AS 44.62) for

10 (1) setting apart fish reserve areas, refuges and sanctuaries  
11 in the waters of the state over which it has jurisdiction, subject to  
12 the approval of the legislature;

13 (2) establishment of open and closed seasons and areas for  
14 the taking of fish;

15 (3) setting quotas and bag limits on the taking of fish;

16 (4) establishment of the means and methods employed in the  
17 pursuit, capture and transport of fish;

18 (5) establishment of marking and identification requirements  
19 for means used in pursuit, capture and transport of fish;

20 (6) classifying fish as commercial fish, sport fish or  
21 predators or other categories essential for regulatory purposes;

22 (7) engaging in biological research, watershed and habitat  
23 improvement, fish management, protection, propagation and stocking;

24 (8) investigating and determining the extent and effect of  
25 predation and competition among fish in the state, exercising control  
26 measures considered necessary to the resources of the state;

27 (9) entering into cooperative agreements with educational  
28 institutions and state, federal, or other agencies to promote fish  
29 research, management, education and information and to train persons

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL (for  
the Interim Committee on Subsistence  
Hunting and Fishing)

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 Relating to the creation of a State

6 Subsistence Hunting and Fishing Committee.

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

8 WHEREAS subsistence hunting and fishing is a means of livelihood to much  
9 of the population of rural and urban Alaska; and

10 WHEREAS the importance of this subject to these Alaskans and to all of  
11 Alaska requires special analysis and study of the subject, the needs of sub-  
12 sistence hunters and fishermen, and potential avenues of legislation relating  
13 to subsistence hunting and fishing; and

14 WHEREAS there is no present agency of the state continuously dedicated to  
15 providing the type of analysis and study necessary to the sensitive and  
16 reasonable treatment of subsistence hunting and fishing;

17 BE IT RESOLVED by the Alaska State Legislature that there is established  
18 a State Subsistence Hunting and Fishing Committee composed of the following  
19 members to identify the problems and suggest further solutions with respect  
20 to subsistence hunting and fishing:

- 21 (1) three members of the senate appointed by the president;  
22 (2) three members of the house appointed by the speaker;  
23 (3) the commissioner of fish and game or his designee; and be it

24 FURTHER RESOLVED that the committee established by this resolution shall  
25 make a final report not later than January 1, 1979 to the governor and to the  
26 Legislative Council on its recommendations with respect to a comprehensive  
27 state policy on subsistence hunting and fishing; and be it

28 FURTHER RESOLVED that, with the consent of the governor, the committee  
29 may apply for federal, state and private financial assistance to undertake

1 and complete its work.

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1 [MEN] for fish management;

2 (10) prohibiting the live capture, possession, transport, or  
3 release of native or exotic fish or their eggs;

4 (11) establishing seasons, areas, quotas and methods of har-  
5 vest for aquatic plants;

6 (12) establishment of the times and dates during which the  
7 issuance of fishing licenses, permits and registrations and the transfer  
8 of permits and registrations between registration areas is allowed; how-  
9 ever, this paragraph does not apply to permits issued or transferred  
10 under ch. 43 of this title.

11 \* Sec. 3. AS 16.05.255 is amended to read:

12 Sec. 16.05.255. REGULATIONS OF THE BOARDS OF GAME. Each board of  
13 game [BOARD OF GAME. THE BOARD OF GAME] may for the area over which the  
14 board has jurisdiction make regulations it considers advisable in  
15 accordance with the Administrative Procedure Act (AS 44.62) for

16 (1) setting apart game reserve areas, refuges and sanctuaries  
17 in the waters or on the lands of the state over which it has jurisdic-  
18 tion, subject to the approval of the legislature;

19 (2) establishment of open and closed seasons and areas for  
20 the taking of game;

21 (3) establishment of the means and methods employed in the  
22 pursuit, capture and transport of game;

23 (4) setting quotas and bag limits on the taking of game;

24 (5) classifying game as game birds, song birds, big game  
25 animals, fur bearing animals, predators or other categories;

26 (6) investigating and determining the extent and effect of  
27 predation and competition among game in the state, exercising control  
28 measures considered necessary to the resources of the state and desig-  
29 nating game management units or parts of game management units in

1 which bounties for predatory animals shall be paid;

2 (7) engaging in biological research, watershed and habitat  
3 improvement, and game management, protection, propagation and stocking;

4 (8) entering into cooperative agreements with educational  
5 institutions and state, federal, or other agencies to promote game  
6 research, management, education, and information and to train persons  
7 [MEN] for game management;

8 (9) prohibiting the live capture, possession, transport, or  
9 release of native or exotic game or their eggs;

10 (10) establishing the times and dates during which the issu-  
11 ance of game licenses, permits and registrations and the transfer of  
12 permits and registrations between registration areas and game management  
13 units or subunits is allowed.

14 \* Sec. 4. AS 16.05.257(a) is amended to read:

15 (a) Each board of game [THE BOARD OF GAME], at its regularly  
16 scheduled annual meeting, may adopt regulations providing for subsistence  
17 hunting in a game management unit or subunit or a portion of a unit or  
18 subunit in the area over which the board exercises jurisdiction upon

19 (1) recommendation of the department, based on biological  
20 evidence;

21 (2) the majority vote of the active local advisory committees  
22 for that game management unit or subunit;

23 (3) the written petition of not less than 100 interested  
24 residents of that game management unit or subunit; or

25 (4) the written petition of not less than 25 interested  
26 residents of an area which is requested for establishment as a sub-  
27 sistence area within a game management unit or subunit.

28 \* Sec. 5. AS 16.05.257(f) is amended to read:

29 (f) Each board of game [THE BOARD OF GAME] at any time may review

1 and change the boundaries of a subsistence area upon

2 (1) the recommendation of the department, based on biological  
3 evidence;

4 (2) the written petition of not less than 25 interested  
5 residents of that area; or

6 (3) the majority vote of the active local advisory committees  
7 for that area.

8 \* Sec. 6. AS 16.05.260 is amended to read:

9 Sec. 16.05.260. ADVISORY COMMITTEES. Each board of fisheries [THE  
10 BOARD OF FISHERIES] and each board of game [THE BOARD OF GAME] may make  
11 regulations it considers [THEY CONSIDER] advisable in accordance with  
12 the Administrative Procedure Act (AS 44.62) establishing, at places in  
13 the state designated by the individual boards, advisory committees to be  
14 composed of persons well informed on the fish or game resources of the  
15 locality. The boards shall set the number and terms of each of the  
16 members of the advisory committees, shall delegate one member of each  
17 committee as chairman, and shall give him authority to hold public  
18 hearings on fish or game matters. Recommendations from the advisory  
19 committees shall be forwarded to the appropriate board for its [THEIR]  
20 consideration but if the boards choose [BOARD OF FISHERIES OR THE BOARD  
21 OF GAME CHOOSES] not to follow the recommendations of the local advisory  
22 committee the appropriate board shall inform the appropriate advisory  
23 committee of this action and state the reasons for not following the  
24 recommendations. The commissioner shall delegate authority to advisory  
25 committees for emergency closures during established seasons. The  
26 commissioner is empowered to set aside and make null and void only  
27 opening of seasons set by the advisory committees under this section.  
28 The appropriate board shall promulgate the necessary regulations govern-  
29 ing these closures.

1 \* Sec. 7. AS 16.05.305 is amended to read:

2       Sec. 16.05.305. CLERICAL ASSISTANCE FOR BOARDS. Each board of  
3 fisheries [THE BOARD OF FISHERIES] and each board of game is [THE BOARD  
4 OF GAME ARE] authorized to hire and set the compensation for one clerical  
5 assistant for each board.

6 \* Sec. 8. AS 16.05.930(d) is amended to read:

7       (d) No nondomestic animals of any species may be transferred or  
8 transported from the state under (a) of this section unless approved by  
9 the appropriate board of game [BOARD OF GAME] in regular or special  
10 meeting. Animals transferred or transported under (a) of this section  
11 shall be animals that are certified by the department to be surplus and  
12 unnecessary to the sustained yield management of the resource. Each  
13 application for a permit under (a) of this section shall be accompanied  
14 by a statement prepared by the Department of Fish and Game examining the  
15 probable environmental impact of the action.

16 \* Sec. 9. AS 16.05.940(1) is amended to read:

17       (1) "a board" or "the board" means either a board of fisheries  
18 [THE BOARD OF FISHERIES] or a board of game [THE BOARD OF GAME];

19 \* Sec. 10. AS 41.99.010 is amended to read:

20       Sec. 41.99.010. GAME MANAGEMENT AND ENFORCEMENT. Nothing in this  
21 title denies the Department of Fish and Game or the boards of fisheries  
22 and game [BOARD OF FISH AND GAME] their management and enforcement  
23 responsibilities related to the fish and game of this state.

24 \* Sec. 11. AS 16.05.300(b) is repealed.  
25  
26  
27  
28  
29

BY THE RULES COMMITTEE BY  
REQUEST OF THE LEGISLATIVE  
COUNCIL (for the Interim  
Committee on Subsistence  
Hunting and Fishing)

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 Relating to legalizing hunting of migra-  
6 tory birds in the springtime.

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

8 WHEREAS hunting of migratory game birds in the pring is prohibited by  
9 the terms of the conventions concluded between the United States and Great  
10 Britain for the protection of migratory birds on August 16, 1916; between the  
11 United States and the United Mexican States for the protection of migratory  
12 birds and game mammals on February 7, 1936; and between the United States and  
13 the Government of Japan for the protection of migratory birds in danger of  
14 extinction and their environment, on March 4, 1972; and

15 WHEREAS many residents of the rural areas of Alaska must rely on wild-  
16 life for food; and

17 WHEREAS the nutritional value of migratory game birds to the rural  
18 residents of Alaska is of particular significance in the springtime due to  
19 the depletion of winter food stocks and because spring thawing conditions  
20 make equivalent substitutes commercially unavailable; and

21 WHEREAS many otherwise law-abiding citizens have been forced to resort  
22 to illegal hunting to provide for the health and well-being of their families;  
23 and

24 WHEREAS the United States and the Soviet Union have completed negotia-  
25 tions on a treaty, now before the Senate for ratification, which leaves  
26 authority to establish those closed seasons necessary for the preservation of  
27 migratory bird stocks to the appropriate authorities in the respective  
28 nations, with provision that if the need arises special agreements may be  
29 negotiated with regard to conservation or hunting of particular species;

1 BE IT RESOLVED by the Alaska State Legislature that it requests the  
2 President of the United States to direct the Department of State to amend  
3 existing treaties to conform to the approach taken in the recent U.S-U.S.S.R.  
4 treaty, thereby allowing rural residents of Alaska to hunt migratory game  
5 birds in the springtime if consistent with the conservation of migratory  
6 game bird stocks.

7 COPIES of this resolution shall be sent to the Honorable Jimmy Carter,  
8 President of the United States; the Honorable Cyrus Vance, Secretary of the  
9 Department of State; and to the Honorable Ted Stevens and the Honorable Mike  
10 Gravel, U.S. Senators, and the Honorable Don Young, U.S. Representative,  
11 members of the Alaska delegation in Congress.

## VIII. COMMITTEE RECOMMENDATIONS TO 1978 ALASKA STATE LEGISLATURE

### A. Review, Develop, and Enact Draft Legislation and Resolutions

You have had an opportunity to look at the draft legislation that was prepared by our legal staff. Please take the time to look closely at these papers and consider them during the next Legislature. The issue of subsistence will be a topic that the Legislature will and must attend to soon. As indicated by the pages and pages of testimony from Alaskan residents from Barrow to Juneau, it is an issue that will be before you with increasing pressures.

This is a topic that is sensitive in the minds and bodies of many, many Alaskans who are cognizant of subsistence because of the threat and effect this has upon their daily lives.

As you review the testimony, you will find that the quality is quite varied. It often reflects the extent of dependency of the user. Some testimony is very biased, subjective, while others look at this issue with great objectivity. On the whole the concern that the State must insure is that subsistence is protected by the protection of the resources.

It will be up to the Legislature to act upon the recommendations of this Committee along with the recommendations of Alaskan residents who testified at the public hearings. It would be ideal if this Committee could have spent more time in more villages. These are the people who do not ordinarily have access to the Legislature. Most rural people were very thankful to the Committee for coming out to the rural areas to hear what they had to say on this issue because they cannot afford to go to the traditional hearing cities and towns. Should the Legislature find it necessary, we would also recommend that more rural villages and towns be visited, if at all possible.

There is yet a tremendous amount of work to be done, research to be compiled, coordinating between federal and state agencies, priorities to be inventoried before the Legislature or the Administration can come to any conclusive, immediate plan in implementing any or all of the proposed recommendations in this section.

B. Review Funding Of ADF&G And Institute a New Funding Level And Policy

In the past, the ADF&G has been characterized by residents as the scapegoat for the shortcomings and deficiencies that have arisen surrounding the fish and game resources.

Some of the reasons for this has been due to the funding level, the management, enforcement and protection problems, the composition of the Board of Fish and Game, the increase of competitive user groups, and the pressure upon the Department from many directions.

In our hearings, this has been brought out many times. The reality of the situation is MONEY. The Department has a broad field of responsibility, a large area to manage, a Division of Commercial Fisheries, a Division of Game, a Division of Sports Fish and a Division of Fisheries Rehabilitation Enhancement and Development. Some of the money is derived from the General Fund, some from the sale of licenses, and some from federal sources. We would like to see the pressure taken off the Department to increase the sale of licenses for receipt of matching federal funding. A solution to this would be for the Legislature to begin appropriating money from the General Fund to the Department that has been heretofore been funded by the proceeds of state and federal taxes and licenses on hunters and fishermen. Jay Hogan of the Fish and Game Department has offered to perform an analysis of the ADF&G

budget indicating those areas which would benefit from an infusion of General Funds.

In the receipt of testimony, it was a consensus from the people, that even with the complaints and inadequacies of the Department, most people would like to see the management capability remain with the State of Alaska, that any preemption by the Federal government would be detrimental to Alaska.

In order for the Governor, the ADF&G, and the Legislature to come to grips with an orderly applicable plan for the State, a good place to begin is within the existing frame work and parameters of the ADF&G, the department responsible for the subsistence resources.

C. Create Division of Subsistence Parallel to the Division of Sports Fisheries and Commercial Fisheries and Division of Game

This Division would have a director with staff to compile data; hold hearings; conduct studies on subsistence activities; quantify amounts and values of subsistence resources; degree of dependency; provide information to the Legislature for use in developing legislation relating to land and water management; to determine what uses of fish and game, as well as which users and methods should be termed subsistence uses, users and methods; evaluate impact of state and federal laws and regulations on subsistence hunting and fishing and; when corrective action is indicated, make recommendations to the Governor and the Legislature.

D. Create a Committee on Subsistence

The resolution that was proposed for creation of a Committee on Subsistence is attached for your review. The intent of this committee

was to be an on-going, permanent committee, however, because the mechanism for creating such a committee with the membership we proposed (which included 3 members of the Senate, 3 members of the House and the Commissioner of ADF&G or his designee) is not provided for in our rules, this type of committee would require a legislative resolution. Thus, we have proposed the resolution for a temporary committee that could be re-created, is necessary to complete the work of the Committee.

We feel that the work of the Interim Committee must be continued. It should not stop now, for it is a dynamic field that needs attention. There is much work to be done to refine the recommendations made by this Committee, other areas that need to be researched. As we stated in our goals section, we were unable to perform many of the tasks we felt were necessary for a well-rounded informative report. These are areas that need to be expanded to provide the Legislature with the best possible information on which to base its decisions.

E. Proposal for Regionalizing Fish and Game Boards

You have reviewed the proposed Act. Basically, it provides for the creation of local, regional boards with authority to make the decisions based on a regional basis. We have proposed the regional boundaries of the Native corporations, since those are boundaries that are already used by many agencies and by the government. These Boards would then have jurisdiction to make regulations for that region. Each regional area would have Advisory Committees to advise them, similar to the local advisory committees now in existence to the Board of Fish and Board of Game.

The Committee has not had the necessary time to go over these proposals with a fine toothed comb. They are basically concepts that are presented to the Legislature to be further reviewed and analyzed. We do not expect them to be implemented immediately, though the urgency is there, but we look toward the entire legislature to begin some serious thought on enacting legislation to permit the working in the subsistence area to go on. It is not a problem that will go away. As long as there are resources, there will subsistence.

#### IX. CONCLUSION

It is a very difficult chore to make any concise brief statements on subsistence in winding down this report. This issue will have to be approached not only as a whole, but each and every facet of the subsistence question must directly and deliberately be considered. This means encompassing the cultural, the legal, the economic and the administrative aspects in the development of a workable plan, program, or policy of subsistence for the State of Alaska.

The State of Alaska must act on subsistence in 1978. Subsistence users are uneasy about the lack of positive direction given to subsistence in the past. Uncertainty must be dispelled by recognizing the need to include subsistence activities in all land and water use policy decisions.

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