

HB

960

COMMITTEE REPORT  
SENATE

5/30/73

FURTHER: Finance

Date: 6/14/78

Mr. President:

The Committee on RESOURCES has had CSHE 960 (Fin) am  
fish and game management

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

- ( ) recommends it do pass ( ) recommends it do not pass
- ( ) recommends it do pass with attached amendment(s)
- (X) recommends it be replaced with CS for CS 1105 960 (Fin) 2/78

and \_\_\_\_\_ ( ) new title ( ) same title

( ) AND attaches a Letter of Intent ( ) New Fiscal Note

(X) reports it back without recommendation

( ) and recommends it be referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS:

[Signature]  
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OTHER RECOMMENDATIONS:

Do NOT PASS from Finance  
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 \_\_\_\_\_

Chairman

No Rec

Original sponsor: Rules Committee  
by request (for the Special  
Committee on Subsistence)

Offered: 5/19/78  
Referred: Rules

SUGGESTED CHANGES BY DEPARTMENT OF  
FISH + GAME / 5 JUN 78

Ronald D. Hory

Hal Anderson

Resources  
June 5, 78

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 960 (Finance) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

21 \* Sec. 2. AS 16.05.090 is amended by adding a new subsection to read:  
22 ~~The Commissioner shall establish in the Commissioner's office~~ 3  
~~(c) There is established in the Department of Fish and Game~~

DEPARTMENTAL SECTION

23 ~~division~~ of subsistence hunting and fishing.

24 \* Sec. 3. AS 16.05 is amended by adding new sections to read:

25 Sec. 16.05.094, DUTIES OF ~~DIVISION~~ SECTION OF SUBSISTENCE HUNTING AND  
26 FISHING. The ~~division~~ SECTION of subsistence hunting and fishing shall

27 (1) compile existing data and conduct studies to gather  
28 information, including data from subsistence users, on all aspects of  
29 the role of subsistence hunting and fishing in the lives of the resi-

1 dents of the state;

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

4 (3) make information gathered available to <sup>THE PUBLICS</sup> ~~other~~ appropriate  
5 agencies, <sup>AND OTHER ORGANIZED BODIES;</sup> ~~and the legislature in a form suitable for use in developing~~  
6 ~~policies relating to land, water or resources;~~

7 (4) assist the <sup>DEPARTMENT AND</sup> ~~legislature~~ <sup>AND</sup> of the Board of Fisheries ~~of~~ the  
8 Board of Game in determining what uses of fish and game, as well as  
9 which users and what methods, should be termed subsistence uses, users,  
10 and methods;

11 (5) evaluate the impact of state and federal laws and regu-  
12 lations on subsistence hunting and fishing and, when corrective action  
13 is indicated, make recommendations to the <sup>DEPARTMENT;</sup> ~~governor and the legislature;~~

14 (6) make recommendations to the <sup>DEPARTMENT</sup> ~~Board of Game and the Board~~  
15 ~~of Fisheries~~ regarding adoption, amendment, and repeal of regulations  
16 <sup>AFFECTING</sup> ~~relating to~~ subsistence hunting and fishing;

17 ~~(7) contract with organizations or individuals capable of~~  
18 ~~assisting the division in carrying out its duties;~~

19 (7) (N) participate with other divisions in the preparation of  
20 statewide and regional management plans so that those plans reorganize  
21 and incorporate the needs of subsistence users of fish and game.

22 \* Sec. 4. AS 16.05.251 is amended by adding a new subsection to read:

23 (13) (N) ~~The Board of Fisheries shall adopt regulations in accordance~~  
24 ~~with the Administrative Procedure Act (AS 44.62) permitting the taking~~  
25 of fish for subsistence uses unless the board determines, in accordance  
26 with the Administrative Procedure Act, that adoption of such regulations  
27 will jeopardize or interfere with the maintenance of fish stocks on a  
28 sustained-yield basis. Whenever it is necessary to restrict the taking  
29 of fish to assure the maintenance of fish stocks on a sustained-yield

1 basis, or to assure the continuation of subsistence uses of such re-  
2 sources, subsistence use shall be the priority use. If further restric-  
3 tion is necessary, the board shall establish restrictions and limita-  
4 tions on and priorities for these consumptive uses on the basis of the  
5 following criteria:

- 6 (1) customary and direct dependence upon the resource as the
- 7 mainstay of one's livelihood;
- 8 (2) local residency; and
- 9 (3) availability of alternative resources.

10 \* Sec. 5. AS 16.05.255 is amended by adding new subsections to read:

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

- 23 (1) customary and direct dependence upon the resource as the
- 24 mainstay of one's livelihood;
- 25 (2) local residency; and
- 26 (3) availability of alternative resources.

27 ~~(c) In accordance with sound game management practices, the Board~~  
28 ~~of Game shall establish open seasons for game species which coincide~~  
29 ~~with the time of year when each species is most edible.~~

*Anti-waste*

1 \* Sec. 6. AS 16.05.257(a) is amended to read:

2 (a) The Board of Game, at its regularly scheduled annual meetings  
3 shall consider and may adopt regulations providing for subsistence  
4 hunting in a game management unit or subunit or a portion of a unit or  
5 subunit upon

*or  
other  
meetings*

6 (1) recommendation of the department, based on biological  
7 evidence;

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

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

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

16 \* Sec. 7. AS 16.05.257(c) is repealed and re-enacted to read:

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

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

*BIOLOGICAL EVIDENCE REQUIRED*

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

*BIOLOGICAL EVIDENCE REQUIRED*

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

1 ~~until 10 days before any adoption of regulations.~~

2 \* Sec. 8. AS 16.05.257(d) is amended to read:

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

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

10 ~~(e) The department shall investigate every petition or request~~  
11 ~~made under (a)(2), (3) or (4) of this section and provide the following~~  
12 ~~information: (1) the concentration <sup>habitat</sup> and carrying capacity of the species~~  
13 ~~to be affected, (2) the concentration of other species, (3) the extent~~  
14 ~~of competition of other species with the affected species in the area;~~  
15 ~~(4) the current hunting practices in the area, including numbers of~~  
16 ~~animals taken and by what methods and means, whether the take is sub-~~  
17 ~~sistence or recreational, and characteristics of the hunters; (5) the~~  
18 ~~past and present dependence of persons in the area for subsistence use~~  
19 ~~of a species; (6) the biomass of the species to be affected; (7) the~~  
20 ~~population trends in the area; and (8) whether the population is able to~~  
21 ~~support a nonsubsistence harvest.~~

22 \* Sec. ~~9.~~ AS 16.05.257(h)(1) is amended to read:

23 (1) "subsistence hunting" means the taking of game animals by  
24 a state resident for subsistence uses by means defined by the Board of  
25 Game [FOOD OR CLOTHING FOR PERSONAL OR IMMEDIATE FAMILY USE];

26 \* Sec. ~~9.~~ AS 16.05.257(h)(2) is repealed and re-enacted to read:

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

1 \* Sec. ~~11.~~ AS 16.05.257 is amended by adding a new subsection to read:

2 (i) The Board of Game may make no decision denying, creating or  
3 changing a subsistence hunting area unless based on specific written  
4 findings of fact regarding all the information provided in accordance  
5 with (e) of this section. ~~No subsistence hunting area may be created if  
6 the board determines that creation of such an area will jeopardize or  
7 interfere with the maintenance of game populations on a sustained yield  
8 basis.~~ W

9 \* Sec. ~~11.~~ AS 16.05.290 is amended to read:

10 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a  
11 board is entitled to travel expenses, [AND \$100] per diem, and \$100 in  
12 compensation for each day going to and from and for each day in actual  
13 attendance at board meetings and other meetings or conferences author-

14 ized by a board.

*DISERT* **SEC 13. AS 16.05.300 IS AMENDED BY ADDING A NEW SUBSECTION TO READ: (c)**

15 \* Sec. 14. AS 16.05.930 is amended by adding a new subsection to read:

16 (e) This chapter does not prevent the traditional barter of fish  
17 and game taken by subsistence hunting or fishing, except that the com-  
18 missioner may prohibit the barter of subsistence-taken fish and game by  
19 regulation, emergency or otherwise, if a determination on the record is  
20 made that the barter is resulting in a waste of the resource, damage to  
21 fish stocks or game populations, or circumvention of fish or game  
22 management programs.

23 \* Sec. 15. AS 16.05.940 is amended by adding new paragraphs to read:

24 (26) "subsistence uses" means the customary and traditional  
25 uses in Alaska of wild, renewable resources for direct personal or  
26 family consumption as food, shelter, fuel, clothing, tools, or trans-  
27 portation, for the making and selling of handicraft articles out of  
28 nonedible by-products of fish and wildlife resources taken for personal  
29 or family consumption, and for the customary ~~use~~, barter or sharing

\* Sec. ~~14~~<sup>13.</sup> AS 16.05.300. Board Meetings (a) Each board shall hold at least one meeting a year and as many other meetings as it considers necessary. Each board shall select the time and place in the state for the transaction of business. Each board shall maintain its office at the principal office of the department.

(b) In addition, the Board of Fisheries shall hold at least one meeting or hearing a year in each of the following general areas:

- (1) Upper Yukon - Kuskokwim - Arctic
- (2) Western Alaska (including Kodiak)
- (3) Southcentral
- (4) Prince William Sound (including Yakutat)
- (5) Southeast

(c) In addition, the Board of Game shall hold at least one meeting or hearing a year in each of the following general areas:

- (1) Arctic - Yukon - Kuskokwim
- (2) Southwestern Alaska
- (3) Interior
- (4) Southcentral
- (5) Southeast.

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for personal or family consumption; for the purposes of this paragraph,  
"family" means all persons related by blood, marriage, or adoption, and  
any person living within the household on a permanent basis;

(27) "barter" means the exchange or trade of <sup>SUBSISTENCE-TAKEN</sup> fish or game, or  
their parts — *taken by subsistence users.*  
**SUBSISTENCE-TAKEN**

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items if the ex-  
change is of a limited and noncommercial nature.

*other than \$*

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# Alaska State Legislature

## House of Representatives

Special Committee  
on Subsistence

Pouch V  
State Capitol  
Juneau, Alaska 99811  
465-4986

Official Business

May 30, 1978

### MEMORANDUM

DATE: May 30, 1978

TO: All Senators

FROM: Rep. Nels A. Anderson, Jr., Chairman *N.A. Anderson*

SUBJECT: CSHB 960 (Finance) am

Attached find CSHB 960 (Finance) am, a bill outline and letter of intent for your information.

This comprehensive subsistence bill is the result of ten months of work by the Interim Committee on Subsistence and the Special Committee on Subsistence. The Administration and the Department of Fish and Game have frequently stated that subsistence should be the priority use of fish and game and yet up until this point have had no progress in coming to grips with the issue.

This bill provides the Department of Fish and Game a directive in establishing subsistence as the highest priority use and establishes a division of subsistence so that the legislature and the Department of Fish and Game can gain knowledge of this complex issue.



# Alaska State Legislature

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on Subsistence

Pouch V  
State Capitol  
Juneau, Alaska 99811  
465-4986

Official Business  
May 30, 1978

### BASIC ELEMENTS OF CSHB 960 (FINANCE) AM

- SECTION 1: Statement of Intent
- SECTION 2: Creation of a Division of Subsistence in the Department of Fish and Game.
- SECTION 3: Duties of the Division of Subsistence
- SECTIONS 4 & 5: Subsistence is the highest priority use of fish and game.
- SECTIONS 6 - 12: Amendments to the existing subsistence ~~zone~~ statutes.
- SECTION 13: \$100 per day compensation to the members of the Board of Fisheries and the Board of Game while on business.
- SECTION 14: Deletion of the current prohibition on barter of subsistence caught fish and game.
- SECTION 15: Definition of "subsistence uses" and "barter".



# Alaska State Legislature

## House of Representatives

Official Business

Special Committee  
on Subsistence

Pouch V  
State Capitol  
Juneau, Alaska 99811

### LETTER OF INTENT

CSHB 960 (FINANCE) AM: "An Act relating to fish and game management."

This bill is intended to provide a coordinated plan for clarifying what subsistence use of fish and game is and for documenting subsistence uses so that they can be integrated into fish and game management planning. The bill also provides a legislative framework for the State's policy of recognizing subsistence as the priority use of fish and game.

Section two: This section provides for the creation of a division of subsistence hunting and fishing. Presently, the Department of Fish and Game has divisions of commercial fishing, sport fishing and game. As subsistence is to be the highest priority of the Department of Fish and Game, there is an obvious need for the gathering of information about subsistence hunting and fishing and the making of informed recommendations to the boards of fisheries and game. Presently, research is not being specifically directed towards the subsistence hunting and fishing economy of the state. Rather, specific species studies are conducted to determine the health of the species and the harvest to be allowed. This method does not consider the entire range of resources available to subsistence users and therefore does not allow for realistic regulations based upon the overall needs of the subsistence users. A division of subsistence given the tasks set forth in section four would have the information to make recommendations as to the needs of the subsistence users.

Section three: Duties of the division of subsistence hunting and fishing.

Sections four and five: These two sections, which are virtually identical for the Boards of Fisheries and the Board of Game, are intended to statutorily set out the priority given to subsistence use of the fish and game resources. While there are presently regulations for subsistence fishing, there is no mechanism for the promulgation of subsistence hunting regulations except with the creation of subsistence hunting areas pursuant to A.S. 16.05.257. Section seven would allow for these regulations so that subsistence hunting could be distinguished by separate regulations from sports hunting. Further, these sections set forth a priority of users if restrictions are needed because of the unavailability of resources. The priority list is an attempt to insure that those with the most dependence upon the fish and game resource: are the last to be restricted.

If there is a need to restrict the taking of fish or game in order to avoid damaging the fish stocks or game populations, or in order to assure that subsistence users may continue to take fish or game, it is the intent of the Committee that sports or commercial use be restricted before subsistence use. If these restrictions are inadequate, restriction of subsistence use as well is authorized based upon the dependence on the resource, the local residence of the subsistence user, and the availability of alternate resources. It is the intent of the committee that decisions and determinations by the Board of Fisheries and the Board of Game will be subject to complete public scrutiny and that reasons will be given for any action or any failure to act.

Subsection C is intended to ensure that game meat is not wasted as a result of a hunt which is not allowed during a portion of the year when the meat is not edible. As the game resources are very limited, this subsection makes certain that the entire animal can be utilized.

Section six: This section does two things. First, it makes clear that the Board of Game must consider subsistence hunting area proposals at its regularly scheduled annual meeting. Second, it allows the Board of Game to consider recommendations from the active local advisory committees which are located in the area where the subsistence hunting proposal is being made without also needing a recommendation from the other advisory committees which have concurrent jurisdiction, in the game management unit or subunit affected. Therefore, if five local advisory committees have concurrent jurisdiction, it is only necessary to have the committee located in the affected area to make its recommendation rather than other committees which may not have any interest in the area being proposed.

Section seven: This section deals with the problem of not having sufficient information to present to the Board of Game when they are making their determinations. If the Board of Game is required to make investigations and present this information at the hearings, the participants will be able to make relevant comments. Subsection (C) (3) allows for the petitioners to dispute the investigations which have been made. Presently most of the hearings only deal with the participants personal observations. More meaningful hearings would be conducted if biological and user information were required.

Section eight: This section mandates a seventy-five (75) day period by which time a petition must be filed with the Department of

Fish and Game. This time period is included to enable the Department to make the investigation required under section eleven.

Section nine: This section requires the Department of Fish and Game to make detailed investigation concerning subsistence hunting area proposals. The Board of Game has rejected proposals in the past stating that they did not have enough information before them to justify their creation. The only agency which is capable of providing this information is the Department of Fish and Game. Therefore, to require the Department to make this investigation would force the Board of Game to make its decisions based upon the relevant data rather than being able to deny them out of hand. As the Board has not approved any of the proposals in the past, the changes in this section would require the Board to follow the legislative history of the law and would provide a mechanism for reviewing the Board's decision.

Section ten: This section expands the uses which can be made of game taken in subsistence areas. Presently, the uses allowed are much more restrictive than the customary and traditional uses made of fish and game.

Section eleven: The definition of subsistence hunting is changed so that non-subsistence hunting of the species which is the subject of a petition or report will not be allowed. Sports hunting of other species is allowed so long as the subsistence hunting is not interfered with.

Section twelve: This section, like section eleven is intended to assure that any decisions regarding subsistence zones made by the Board of Game are made on the basis of adequate information.

Section thirteen: This section provides for a \$100 dollar per day compensation fee to be given to members of the Board of Fisheries and the Board of Game in addition to travel expenses and \$100 per day per die.

Section fourteen: This section provides for the barter of subsistence caught fish and game as barter is defined in section seventeen, subsection 27 below. As barter is customary and traditional use of fish and game products, there is no necessity for it to be outlawed as is presently the case. However, if barter is to be allowed, the Department of Fish and Game should be allowed to control it so that there are no abuses. This is provided for in section sixteen. Barter is a means of rounding out a subsistence users diet and simply because one resource is available in an area and another is not should not force people to consume only what they can take themselves. The

Intent CS HB 960 (Finance) am  
page 4

definition of barter specifically prohibits the selling of subsistence caught fish and game but does not limit what other consideration can be given.

Section fifteen: Subsection (26) defines what uses can be made of subsistence caught fish and game. It allows it to be used for direct personal or family consumption, for barter as defined in subsection (27) and for sharing the subsistence caught fish and game with other persons. This subsistence caught fish and game which is shared can then only be used for personal or family consumption. This subsection also broadens the definition of family to include the extended family situation.

PROPOSED REDUCTIONS IN FISCAL NOTE  
FOR CS4B 960 (Fin) am.

SUBSISTENCE DIVISION

73,100	delete	Juneau regional office
73,100	delete	Kodiak regional office
73,100	delete	Kotzebue regional office
<u>219,300</u>		SUBTOTAL

61,387 delete 60% of secretarial amount for remaining seven offices

280,687  
350,000 Add 650,000 contractual

230,687  
771,157 ORIGINAL FISCAL NOTE FOR DIVISION

640,413 REVISIONS FISCAL NOTE FOR DIVISION

130,744  
510,413  
require deputy director with Research Center

# Subsistence Issue Neglected Too Long

By Joe La Rocca

Both as a matter of equity, and as a strategic move to upgrade state and federal relationships in Alaska, the bill to create a division of subsistence hunting and fishing within the State Department of Fish and Game which passed the State House last Friday is an idea whose time is long overdue.

Although it wasn't designed nor, I think, intended to do so, the bill — if enacted into law — will go a long way towards re-enforcing the state's recently-threatened right to manage resident wildlife species in Alaska.

It will also officially elevate the subsistence hunting and fishing ethics to the same practical stature as sport fishing, sport hunting and commercial fishing which have, for too long, enjoyed management priority over subsistence uses of Alaska's wildlife resources.

The state's dominant non-Native politicians have, since statehood, steadfastly ignored the urgency of the subsistence hunting and fishing issue, maintaining from the start three roughly co-equal divisions within the Department of Fish and Game to handle sport fishing, sport hunting and commercial fishing needs.

But they persistently neglected the fourth need that oozed around the edges of the other three, despite the warnings of a few foresighted individuals who, over the years, have unsuccessfully urged the politicians to give equal symbolic and tangible status to the subsistence hunting and fishing ethic.

Their failure to do so at — or soon after — statehood inevitably precipitated the bitter rift which has today corroded relationships — perhaps irreversibly — between Alaska's Native and non-Native people, and brought all wildlife in Alaska to the disastrous brink of federal control, with the active consent of Alaska's Native leaders.

Successive state administrations, including this one, have claimed that they, and their appointed boards of fish and game, have consistently recognized subsistence as the priority use of fish and game resources where there were conflicts with other consumptive uses. But their claims are largely false. Management of the state's resident fish and game species has, over the years, been pervasively biased in favor of sport and commercial interests, while subsistence uses have been systematically accorded step-child status.

The bill approved by the House last Friday purports to establish subsistence use as the priority beneficial use of Alaska's fish and game resources. But I suspect that, as a practical political matter, subsistence uses will achieve under it, at best, equal management status and treatment with sport and commercial uses if the Senate also passes, and the governor approves — and effectively implements — the statute.

Enactment of the measure should, I think, help to stem the tide of federal encroachment upon the state's right to manage resident species which drew its principal impetus in recent years from the divisive subsistence issue and the state's prolonged failure to attempt to resolve it rationally.

The bill was less than perfect when it came from committee to the floor of the House, and Friday's House action in amending the bill on the floor represented one of those rare occasions when rational considerations prevailed over political expedience.

There were two critical floor amendments which the House wisely adopted. One, authored by Rep. Sam Cotten, (D-Eagle River), removed a lengthy section which would have created a permanent interim committee of the legislature on subsistence. Supporters of Cotten's amendment correctly argued that such a move would have set a dangerous precedent that would inevitably have led to irresistible pressures for similar concessions to other special interests.

The second amendment, offered by Rep. Dick Eliason, R-Sitka, removed a provision which would have unnecessarily added two more seats to the Boards of Fisheries and the Board of Game, thus making it more difficult for both to function effectively.

Although he was justifiably motivated by ethnic self-interest, the bill's architect, Rep. Nels Anderson, (D-Dillingham), and those who supported his efforts, have served transcendent state interests as well, which have been neglected too long.

Even now, the measure is probably imperfect, and experience under it over time is likely to dictate changes needed to refine it further, or adapt it to unforeseen circumstances. But it signifies an important first step and establishes a useful framework which can be fleshed out by future legislatures, if and when necessary.

Hopefully, the Senate and governor will agree, and readily ratify the action of the House of Representatives.

Committee  
②

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

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

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
GENERAL FUND		919.4	887.1	887.1	887.1	887.1
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

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

SEE REVERSE SIDE FOR DETAILED EXPLANATION

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

*note*

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

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

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

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

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

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

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

III. Section 15 provides additional compensation for Board members.

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

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

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUBPORT BUILDING  
JUNEAU 99801

JAY S. HAMMOND, GOVERNOR

June 10, 1978

The Honorable Kay Poland  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Poland:

Yesterday you requested the Department to poll the Board of Game to determine their views regarding CSHB 960 (Finance) as written regarding the "subsistence issue" and the establishment of a "Division of Subsistence" in the Department by legislative mandate. Insofar as was possible we contacted the Board members yesterday afternoon and evening with the results as indicated below. Six of the seven members were reached--Jim Rearden, Clint Buckmaster, Charles Evans, Darrell Farmen, Pete Nelson, and Sam Harbo; Sidney Huntington was not available.

- (1) All six were opposed to the legislation as written; I feel confident in saying that I believe Sidney Huntington also would be opposed.
- (2) Four, and to that I would add Huntington to make five, were opposed to any such legislation being passed regardless of language; two--Chuck Evans and Clint Buckmaster--felt they could support CSHB 960 if the Department's suggested amendments were adopted.

In addition, we attempted to poll the Board of Fisheries as well, but were less successful. Only four of the seven were reached--Nick Szabo, Gordon Jensen, Herman Schroeder, and Calvin Fair. All were opposed to CSHB 960 as written. Szabo was opposed to any legislation being passed. Jensen, Schroeder, and Fair felt they could support the bill if the Department's suggested amendments were adopted.

I will stick my neck out and say that I think all members of the two Boards believe that there is little need for this kind of legislation and that the subsistence question can be handled quite adequately under a modified

regulatory system (which we are working on now). I believe too that all would object to the Legislature establishing any organizational unit within the Department by State law, as has been done already with regard to the Fisheries Rehabilitation, Enhancement and Development Division.

The Department would like to propose two additional amendments to CSHB 960. Again, both were overlooked in our previous review and, again, I apologize for that lack. Our proposals are as follows:

- (1) p.5 Sec. 11 (Sec. 10 as per Dept.'s earlier recommendations)  
AS 16.05.257(h)(2) lines 26-29.

We suggest the elimination of this section, and instead leave the existing language presently in the Statutes. Present language reads as follows:

(2) "subsistence hunting area" means an area designated by the board as primarily important for subsistence use and in which it is unlikely that subsistence needs will be met if recreational hunting, including hunting for trophy purposes, is permitted or if certain methods and means are continued. (s 1 ch 199 SLA 1975; am s 2 ch 269 SLA 1976)

The language stated in CSHB 960 would be too narrow and I believe not in compliance with the State Constitution because of discrimination in permitting only subsistence hunting in a "subsistence hunting area." The existing Statute language is more flexible in that control of hunting also could be handled via "methods and means," as well as by other regulatory constraints.

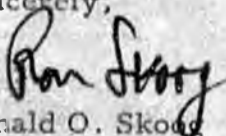
- (2) p.6 Sec. 14. AS 16.05.930(e), lines 17-18.

Language here needs to recognize the responsibility of the Boards to set regulations. I suggest that it be amended to the following:

Line 17-18 "...except that the appropriate Board or the Commissioner by delegation of the appropriate Board may prohibit...."

Thanks again for allowing us to state our views regarding this important piece of legislation.

Sincerely,

  
Ronald O. Skoug  
Commissioner

DEPARTMENT OF FISH AND GAME

Operating Budget Summaries  
(Rounded to nearest \$1,000)

	FY'77 Actual	FY'78 Authorized	FY'79 Request
Commerical Fisheries - Total	\$7,315.9	\$7,973.2	\$9,160.3
Funding: Federal Receipts	640.6	633.5	633.5
Matching General Fund	427.1	442.7	442.7
General Fund	6,217.4	6,872.0	8,059.1
Program Receipts	30.8	25.0	25.0
Game - Total	4,464.0	5,058.5	6,032.5
Funding: Federal Receipts	2,825.6	3,219.7	3,876.7
General Fund	163.9	20.0	
Fish and Game Fund	1,474.5	1,818.8	2,155.8
Sport Fish - Total	2,618.6	3,086.7	3,929.7
Funding: Federal Receipts	1,136.9	1,269.9	1,359.9
General Fund	539.9		
Fish and Game Fund	941.8	1,816.8	2,569.8
F.R.E.D. - Total	4,695.5	6,975.1	9,335.5
Funding: Federal Receipts	84.4		
General Fund	4,611.1	6,975.1	9,335.5
Administration - Total	2,290.9	2,667.8	2,824.8
Funding: Federal Receipts	365.6	319.5	350.0
General Fund	1,763.0	2,144.4	2,263.0
Interagency Receipts	139.7	75.2	75.2
Program Receipts	22.6	128.7	130.6
Vessels - Total	1,060.6	1,219.2	1,321.1
Funding: General Fund	1,072.6	1,194.2	1,311.1
Interagency Receipts	8.0	25.0	10.0
Habitat - Total	\$1,105.7	\$ 896.5	\$1,023.6
Funding: Federal Receipts	226.2	209.0	
Matching General Fund	81.7	83.5	
General Fund	722.5	604.0	814.6
Interagency Receipts	75.3		
Pipeline Monitoring - Total	867.8	952.1	1,233.0
Funding: Federal Receipts			154.0
Program Receipts	867.8	952.1	1,134.0
Boards of Fish and Game - Total	143.4	158.3	316.7
Funding: General Fund	143.4	158.3	316.7
Crab Board - Total	224.2	336.8	285.9
Funding: Program Receipts	224.2	336.8	285.9
Total Department Budget	24,806.6	29,324.2	35,518.1
Funding: Federal Receipts	5,279.3	5,651.6	6,374.1
Matching General Fund	508.8	526.2	442.7
General Fund	16,233.8	17,959.0	22,106.0
Interagency Receipts	223.0	100.2	85.2
Program Receipts	1,145.4	1,442.6	1,675.5
Fish and Game Fund	2,416.3	3,635.6	4,934.6

DISTRIBUTION OF FISH AND GAME PERSONNEL

Residing within blackened area: 509 people  
 Residing within rest of state: 33 people  
 Rest of state excluding Aleutians  
 and Bristol Bay: 14 people





Official Business

# Alaska State Legislature

## House of Representatives

Special Committee  
on Subsistence

Pouch V  
State Capitol  
Juneau, Alaska 99811

REPRESENTATIVE NELS A. ANDERSON, CHAIRMAN

June 6, 1978

Senator Kay Poland, Chairman  
Senate Resources Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Subject: CSHB 960 (Finance) am

Dear Senator Poland:

At the hearing on the subsistence bill in your committee on June 5, it was clear that one major issue was whether the proposed new Division of Subsistence Hunting and Fishing should be deleted in favor of a new section of subsistence which would operate directly out of the Commissioner's office. I would just like to reiterate my opposition to that change and explain why.

As the testimony at your hearing indicated, Commissioner Skoog's proposed amendment would cut off any meaningful communication between this section and the legislature, the Governor or the Boards of Fish and Game. The Commissioner's proposed amendments on page two, lines 5 - 6, and 7 and 13 assure that the legislature will not have the benefit of the section's expertise on subsistence, except as it is filtered through the Commissioner's office. The amendment on page two, lines 14 - 15 assures that those same subsistence experts will not have the same freedom in presenting regulation proposals to the Board of Game and Fisheries that the existing divisions presently enjoy.

During the Subsistence Committees' 4 day teleconference on the creation of a subsistence division, the major fear of the majority of the 79 people who testified was that the commissioner would stifle the activities of such a division.

For this reason, the original HB 960 required the governor to appoint the head of the subsistence division rather than the Commissioner. This provision was deleted in committee. That deletion was acceptable to me but I strongly reject the Commissioner's attempts to further erode the bill by attempting to eliminate the division and replace it with a section which would operate as personal staff to the Commissioner.

Further, without the ability to collect data on subsistence needs independent of the special interests of the other divisions, the "section" of subsistence would be dependent on information from the other divisions that has been shown in the past to be inadequate or geared toward sports and commercial interests. Independent field workers to address subsistence issues are mandatory and are only possible if a division is created.

To see how a "section" of subsistence would operate, one only need look at the existing Habitat Protection Section of the Department. According to Keith Specking, legislative assistant to the Governor, in his Organization Review of the Department in December 1977, the following finding applies to the existing Habitat Protection Section, which is seven or eight years old.

"THE ROLE OF THE HABITAT PROTECTION SECTION NEEDS TO BE MORE DEFINED.

That finding is based on the following management observation:

THERE HAS BEEN A LACK OF CLEAR DESIGNATION FOR THE HABITAT PROTECTION SECTION'S INVOLVEMENT IN THE DEVELOPMENT, REVIEW, AND MANAGEMENT OF THE TERMS OF COOPERATIVE AGREEMENTS.

... THE HABITAT PROTECTION SECTION HAS HAD INSUFFICIENT PERSONNEL TO PROVIDE A PROFESSIONAL AND COMPREHENSIVE RESPONSE TO INTENSIVE SHORT - TERM PLANNING REQUESTS.

THERE IS CURRENTLY NO MECHANISM FOR HABITAT PROTECTION SECTION'S INVOLVEMENT IN RESEARCH AND SURVEY AND INVENTORY ACTIVITIES TO FILL DATE VOIDS WHERE LINE DIVISIONS CANNOT ADEQUATELY RESPOND TO RESEARCH REQUESTS.


If this is the case with the existing habitat section, I am sure that a subsistence section would be even more loosely structured and ineffective. We should not create a section of subsistence that has no defined role, no power, inadequate personnel, and no research and data collection capability. Creating a division as provided for in the present bill would ensure that subsistence was dealt with effectively in a scientific manner rather than in a vague and politically oriented manner.

Commissioner Skoog's attempt to reduce the proposed new division to a toothless "section" is even more serious when viewed in the content of his other ill-advised proposed changes. 1) to leave to the discretion of the Department whether or not to create a subsistence preference (page 2, lines 23 - 24 and page 3, lines 11 - 12). 2) to delete the detailed information necessary to determine whether a subsistence game zone should be created and leave in the present, hopelessly general "biological evidence" provision in existing law (page 5, lines 10 - 21).

Page 3  
Senator Kay Poland, Chairman  
Senate Resource Committee

Thank you very much for your consideration of this matter.

Sincerely,



NELS A. ANDERSON, JR., CHAIRMAN  
Special Committee on Subsistence

NAA/ah

# STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

SUPPORT BUILDING  
JUNEAU 99801

June 7, 1978

The Honorable Kay Poland  
Senate Resources Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Poland:

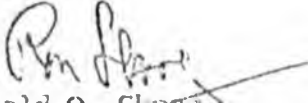
It has just come to my attention that there would be one other discrepancy in the current Title 16 statutes should the present CSIF 960 pass in the legislature. A change would be necessary in AS 16.05.940 Definitions relative to definition number (17) "subsistence fishing." Presently this definition reads as follows:

(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 of Fisheries;

It would be necessary to eliminate "or barter" from this definition in order to comply with the language in CSIF 960. Actually it would be well to eliminate these words from that definition regardless of whether the bill passes or not, because it has caused numerous problems with our enforcement people in many areas of Western Alaska where barter has been a traditional activity. If this latter action were taken, then the definition proposed for "barter" should be added to the section.

Sorry for not having addressed this problem either in my testimony or in my June 6 letter. Thank you for your consideration.

Sincerely,

  
Ronald O. Skoog  
Commissioner

# STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

SUPPORT BUILDING  
JUNEAU 99801

June 6, 1978

The Honorable Kay Poland  
Senate Resources Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Poland:

I would like to comment further upon the language in CSHB 960 (Finance) am, relative to certain sections upon which there seems to be some controversy. My comments below follow the section numbers as referred to in the Bill.

Section 2. AS 16.05.090. I would like to restate the Department's position that the duties proposed for a "subsistence group" within the Department of Fish and Game could be better served by having that "group" designated as a "Section" in the Commissioner's Office. In that position the Section would carry greater authority in dealing with the other Divisions--Sport Fish, Commercial Fisheries, and Game--in providing the necessary coordination between the staff biologists of these Divisions and the "subsistence" staff in providing for adequate regulatory proposals to the Boards.

Section 8. AS 16.05.257(e). We still are concerned that the proposed wording used presently in the Bill will be too demanding on our staff biologists to supply all of the requested information for every such request. I had recommended in my testimony yesterday that this new language be deleted and that the existing language in Title 16 remain. The eight kinds of information identified as required would create a great burden upon Department staff. In substitute I recommend instead that the following language preface the existing language in AS 16.05.257(e):

The department shall investigate every petition or request made under (a)(2), (3) or (4) of this section and provide the biological evidence needed to evaluate each such petition or request. No subsistence area may be created under this section if the Board of Game determines that biological evidence indicates that the creation

June 6, 1978

of such an area is likely to adversely affect a resource in that it would fall below the level of sustained yield determined to be adequate.

Section 15. AS 16.05.940(26). "Subsistence uses." I would recommend that if "subsistence uses" is to be defined that it might be best to follow the definition that currently is in the (d)(2) legislation now before Congress, as it seems likely that this definition will survive in whatever legislation finally emerges. That definition is as follows:

(26) "Subsistence uses" means the noncommercial, customary and traditional utilization within the State of wild, renewable resources for--

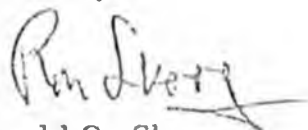
- (1) direct personal or family use for food, shelter, fuel, clothing, tools, or transportation;
- (2) the making and selling of handicraft articles (including clothing), but only out of nonedible byproducts of fish and wildlife taken for such personal or family use; or
- (3) customary trade, barter, or sharing among subsistence users for personal or family use.

Section 15. AS 16.05.940(27). I reiterate my statement that the definition of "barter" should try to exclude the commercial aspects of any exchange. In this respect I think that the definition as contained in Senator Hohman's SB 506 (shown below) is quite appropriate. It eliminates the commercial problem while recognizing the "traditional" barter or trade being carried out by rural residents.

"Barter" means to exchange, trade for, or otherwise give and receive subsistence-taken fish or game or their parts in exchange for other subsistence-taken fish or game or their parts.

We have attached a revised fiscal note to cover the suggested changes to AS 16.05.300.

Sincerely,



Ronald O. Skoog  
Commissioner

Enclosure

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 960 (Finance) am  
 Title An Act Relating to Fish and Game Management  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		747.5	747.5	747.5	747.4	747.5
200 TRAVEL		26.9	26.9	26.9	26.9	26.9
300 CONTRACTUAL		93.4	93.4	93.4	93.4	93.4
400 COMMODITIES		4.5	4.5	4.5	4.5	4.5
500 EQUIPMENT		35.3	3.0	3.0	3.0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						
No Inflation Adjustment		907.6	875.3	875.3	875.3	875.3

FUNDING (Thousands of Dollars)

GENERAL FUND		907.6	875.3	875.3	875.3	875.3
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

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

This Fiscal Note is prepared using CSHB 960 (Finance) as a base, and incorporating changes suggested by the Department of Fish and Game in testimony before the Senate Resource Committee on June 5, 1978. See reverse side for detailed explanation.

IV. DATE June 6, 1978 PREPARED BY *J. Morrison*  
 AGENCY Fish and Game  
 Original: Legislative Finance PHONE 465-4120  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Sections referred to are sections as renumbered in suggested changes to Bill by Department of Fish and Game.

- I. Sections 2-3 establish a Section of Subsistence in the Office of the Commissioner.

In addition to a Headquarters staff of section chief (24), assistant chief (22), secretary, and administrative assistant, work would be accomplished by regional positions with clerical support at range 18 in Juneau, Anchorage, Kodiak, Fairbanks, Barrow, Bethel, Dillingham, Galena, Kotzebue, and Nome. Range 18 is the same level as Fisheries or Game Biologist III. This is the project manager level and would be expected to have a broad range of professional experience as well as the ability to interact well with the public. Travel is provided at \$3,000 for regional positions, and \$4,000 for the chief and assistant chief. Contractual funds are for phones, printing, advertising, and space rental. (Figures assume 600/mo. for regional space and phones; 1,000/yr. for regional printing; 700/mo. for HQ space and phones; 3,000/yr for HQ printing and miscellaneous). New equipment is needed for all positions.

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

100 - 691.7	400 - 4.5
200 - 38.0	500 - 35.3
300 - 93.4	

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

- II. Section 12 provides additional compensation for Board members.

Board members currently receive \$100 per diem per day. The effect of section 12 would be to reduce the per diem to the same as that paid other state employees (this fiscal note assumes an average of \$60), and to add compensation of \$100 per day for Board members. Actual per diem paid would be reduced from \$49,800 in FY '79 (both boards) to \$29,900 in line item 200. Compensation of \$100 per day would add \$49,800 in line item 100.

- III. Section 13 requires the Board of Game to meet at least once in each of five specified areas of the state (this new section recommended to be added by Department of Fish and Game).

This fiscal note assumes that three board members would attend 5 additional meetings with an average of four days in travel status for each member. Average travel cost per member per meeting is assumed to be \$350; average per diem is \$60 plus \$100 per day compensation as allowed by section 12 of this bill. Total impact is as follows:

100 - 6,000
200 - 8,800

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

II. FISCAL DETAIL  
 Agency Affected Fish and Game  
 Program Category Affected NRMEC  
 Budget Request Unit(s) Affected Boards of Fish and Game  
plus New BRU for Division of Subsistence

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		749.7	749.7	749.7	749.7	749.7
200 TRAVEL		36.5	36.5	36.5	36.5	36.5
300 CONTRACTUAL		93.4	93.4	93.4	93.4	93.4
400 COMMODITIES		4.5	4.5	4.5	4.5	4.5
500 EQUIPMENT		35.3	3.0	3.0	3.0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL No Inflation Adjustment 919.4 887.1 887.1 887.1 887.1

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

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

SEE REVERSE SIDE FOR DETAILED EXPLANATION

IV. DATE May 2, 1978 PREPARED BY [Signature]  
 AGENCY Fish and Game  
 PHONE 268-2120  
 Original: Legislative Finance  
 cc: Budget and Management  
 Print Sponsor (First Legislator Named)

I. Sections 2-4 establish a Division of Subsistence

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

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

275,120

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

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

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

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

III. Section 15 provides additional compensation for Board members.

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

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

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 673

Title An Act creating a Division of Subsistence Hunting and Fishing

Requested by Elizabeth Ali, Special Committee on Subsistence Date 3-20-78

II. FISCAL DETAIL

Agency Affected Fish and Game

Program Category Affected IRM&EC

Budget Request Unit(s) Affected New BRU to be created

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		699.9	699.9	699.9	etc	
200 TRAVEL		38.0	38.0	38.0	etc	
300 CONTRACTUAL		93.4	93.4	93.4	etc	
400 COMMODITIES		4.5	4.5	4.5	etc	
500 EQUIPMENT		31.9	3.0	3.0	etc	
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>						
	No inflation adjustment	867.7	838.8	838.8	838.8	838.8

FUNDING (Thousands of Dollars)

GENERAL FUND		867.7	838.8	838.8	838.8	838.8
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

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

In addition to a Headquarters staff of director, deputy director, secretary, and administrative assistant, work would be accomplished by regional positions at range 18 in Juneau, Anchorage, Kodiak, Fairbanks, Barrow, Bethel, Billingham, Galena, Kotzebue, and Nome. Range 18 is the same level as Fisheries or Game Biologist III. This is the project manager level and would be expected to have a broad range of professional experience as well as the ability to interact well with the public. Travel is provided at \$3000 for regional positions and \$4000 for the director and deputy. Contractual funds are for phones, printing, advertising, and space rental. (Figures assume 600/mo for regional space and phones; 1000/yr for regional printing; 700/mo for HQ space and phones; 5000/yr for HQ printing and miscellaneous). New equipment is needed for all positions.

10 regional positions

*J Morrison*

IV. DATE 4/10/78

PREPARED BY Jeff Morrison

AGENCY Fish and Game

PHONE 465-4120

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

My name is Sidney Huntington. My address is P.O. Box 49, Galena, AK 99741. I've lived in Alaska for 60 years. For 35 of those years, I made my living by trapping and hunting. Presently, I own and operate a small retail business in Galena. During the summer I do commercial fishing and also buy and sell fish commercially. I am presently serving on the Game Board of Alaska. I also have served as a member of different school boards for the past 18 years. Right now I belong to the Galena City School Board.

I find myself in a rather difficult position developing testimony to what I consider counteracting our Federal Government because of some very undesirable conditions and situations they seem to want us to live by and with in the future. Conditions promoted by politicians, mostly from the Lower 48. Things such as the D-2 Bill or what have you - all brought upon us by a compromised Land Claims Settlement Bill. The results of a mass of rotten politicians maneuvering against the voting citizens of Alaska. *Since The Bill Passed*

Alaska is large and in the state there are many different conditions. At times it calls for different methods of handling situations at hand in each separate area. For instance, the Eskimo living in the Point Barrow area hasn't the slightest idea how the Eskimo in the Chevak area lives.

You have the Indians in the Interior who used early day methods and had a more primitive live that can in no way compare with either the Eskimo of the South or on the Chän. Go to the sub-areas of Anchorage or any other larger city, no one way of life is exactly the same as another. Only that he or she is alive. Yet Mr. Udal's or whoever's bill, we may have to live by, applies to all who lives on or off this land. Sounds like some quack doctor prescription - what's good for one is good for all until you are all dead.

To put subsistence into practice before attempting to define it or say how you are going to use it, where you are going to use it, and who is going to use it will make it much harder to define. Everybody needs it now and then.

There are possibly areas where you may not have much trouble applying more subsistence if it was the people's desire to eliminate what little they now have. It might do right well along coastal areas. I've never lived there, though I am sure no resource can stand up anywhere under pressures that this fast moving new way of life man has developed. It destroys the habitat and eliminates the resources. Keeping up with the Joneses takes more dollars than it use to. How you acquire those dollars, who is to care? You have the right given you by subsistence to use that God given resource until it is no more. Blame the Department of Fish and Game when it is gone. It has got to be their fault.

I can in no way see the complete management of the resources and habitats by local control, by however many regions you want. I can see it on an advisory capacity regionally or on an wide basis made up of people with a high concern for the resources and not for themselves. The people would be trained by the Department of Fish and Game to function as a board, to operate in the most productive manner and to get the most out of the habitat and fish and game resources. These resources are products that are renewable, almost yearly sometimes. They have been used as food and have been the very livelihood of people over many years in the past. With proper management and much effort, these resources would and should feed many more, for years to come.

One of the biggest factors against these very game resources is in most areas. The people themselves, living in their own areas, are over-hunting, hunting out of season, and killing unnecessarily, at times. These factors and many more boil down to destruction of our resources

Looking back over the years, I see two outstanding factors that almost eliminated two species of game. One is the geese on the Huslia and Dalby Rivers. The numbers of those geese are still not yet up to its normal level or what it used to be. We used to hunt those geese about the 20th of July when the older

geese or the goslin could not yet fly. We killed hundreds of them with clubs and ground-sluiced them with shotguns. In a very few years, there were no more. What brought this on? The outboard motor did. When an outboard motor you could cover hundreds of miles over night and see hundreds of geese. The old Indians used only birch bark canoes, only going a short distance getting just a few geese from one flock. They did not hurt the resource.

The beaver is the other animal which was almost eliminated. I remember so clearly, in the early 1900's, beaver pelts were selling at high prices, about \$6.00 each. Heavy shooting with rifles was used to take the beaver, both in the fall and the spring. The beaver was almost eliminated by 1922. At that time the law stepped in - I mean IAW - The season for harvesting beaver was closed - Period. By 1926, it reopened only to have it closed again. The take was heavy as the price was up to \$40.00 each. They opened the season again in 1929 for trapping only. Again, the expert subsistence user got his 22 rifle out and began crack shooting the beaver in the eye or the mouth leaving no bullitt mark anywhere. A high take out on the Innoko River was 140 beaver for a short spring hunt. The local Game Warden at that time was Sam White whom many people highly respected. He put into effect the now standing season, March 31 - with all beaver being tagged and sealed within 30 days. He went from camp to camp or village and taught anyone interested how to trap beaver. That set is still being used today. I do say the population of beaver is good today because, it was caught in time to make a recovery. So, I say again, be careful with subsistence. The above people were much more dependent on subsistence at that time than we are so today, but greed got the best of them. I know because, I was one of them.

To say local management and control would be sure death to our available resources. Greed alone is cutting them short. With all the high powered mechanized equipment that is readily available, the resources have nocchance. When the good Lord created Alaska, he did it so as to provide for a certain number of people who could exist on the resources this land could provide, I am sure.

With modern methods and means, a good portion of the resources have been reduced due to the high priority given the dollar. With most of the gold gone, nearly all of the salmon gone at one point, the timber going, only one noticeable item seems to grow in number each year. That is the people, demanding more from our fast depleting resources. All demanding the same right to use all of the fish, all of the game, all of the time.

With the people here now, and more coming all the time, our fish and game is not going to stand the pressure. To top it off, we even let any foreigner from other countries load up with guns and ammo to roam at will, to destruct our game and possibly the habitat. No questions asked.

The members of the Game board are unable at times to cope with do-gooders in the Lower 48 and in Alaska. We have our hands tied by Wolf lovers with warped minds- most likely warped by communistic teachings to disrupt our way of life.

The harvest of moose is heavy and getting heavier each year by adding more hunters from all directions - with the wolf taking a very healthy share. The do-gooders have done their best to disrupt our efforts to manage predator control. This control is a proven tool. To manage and maintain a good healthy number of moose and other game by thinning out a few wolves which is a very valuable fur bearing animal. Not a big game species, unless you want your dog classed as big game also.

The Federal government D-2 land or what ever concept is adopted, the management of our fish and game should be done by the State of Alaska. Preferably by a game board or whatever, to include predator control on all land in Alaska, not to eliminate but control to maintain the resources with high priority given to any part of the game resource showing signs of weakening.

I feel it is very unconstitutional to use the word subsistence to define the way of life of one person over another. Being so our government says we do just that, it seems that we are being forced to discriminate against each other both here in Alaska and other citizens who make up the U.S. A very undesirable condition.

Remember, over-practice of subsistence in some areas, when made into law, eliminates certain species in that area because

it will be over exercised and will mean ruination to most other resources and habitats also.

Those that promoted the concept of subsistence so strongly are not going to shoulder the blame, but will put the blame directly on the Department of Fish & Game whether it is in operation or not. I feel sure that the Dept. of Fish & Game is being forced to accept whatever concept is adopted - That concept could be rotten.

Who is eligible for subsistence? I am sure there is no way anyone could define it so it will be honest and fair to everyone in an area or region. If there were no one getting food stamps or on welfare, it would be somewhat easier to determine who is eligible for subsistence.

Our older people are a thousand times better off than they were in say 1925, which I am sure they deserve.

Is a man, 35 years old, with a family of ten and has a small income more eligible than a man, 50 years old, with a family of three? If a man lived in Alaska for 60 years and had a healthy income but used subsistence type food all of his life, is he cut off from subsistence? Where does the well-to-do or somewhat wealthy woman that has supplied food for her family all her life from the local resources stand?

There are many more circumstances to confront us. Each one is just as discriminative as any other you might want to bring up. I see no fair way or means to really honestly define subsistence for one citizen over another. It is a task like it would be to tell one of my children that he should get more than the other.

Our fish and game should be managed by the State of Alaska Game board and State what have you. There should be well trained advisory boards on a regional basis. They will be on an advisory capacity only. The training to be done by qualified staff or personell.

More active Field Law Enforcement officers are needed to enforce the laws. Foreigners from other countries should not be allowed to hunt without a guide to roam free our land and to destroy our game. Our game can not be killed to leave the meat rot in the field.

If, under any adopted subsistence regulation, it is found that our fish and game resources will not maintain a productive level because of over hunting by any hunters, subsistence or otherwise, ~~issuing~~ <sup>public</sup> subsistence permits could be issued, or else all hunting stopped. This would provide the <sup>desireable</sup> amount of subsistence needed. The subsistence regulation that is adopted will determine how much subsistence is needed. *hope*

I do not think any law has been made that says the State of Alaska or the Department of Fish & Game deprives anyone the use of the resource as a subsistence need. There are regulations that say you must do things in season. All seasons should be recognized if we are going to preserve our resources. Even if the subsistence law was passed, you still should have to abide with the law. I don't see any gain in not doing so. To break the laws would promote hardship on the so-called subsistence user in the future. The season for harvesting the animal resource, that is getting fewer in number would have to be closed, until their population remained to a desired level. Don't kill just because you may have the right as a subsistence user to do so.

I can't foresee our Federal Government and the people who help run our United States be so small minded as to want us citizens of the U.S. because we live in Alaska to accept such undesirable legislation. I am sure in many instances that it could be fatal to some if not all our fish and game resources.

Thank you for letting me express what I feel.

LA11 3959 17.52 06/07/78 JA01 0004 07.37 06/08/78

TO: PRESIDENT JOHN RADER AND ALL MEMBERS OF THE SENATE

FROM: RAY MC NUTT, PRESIDENT  
ALASKA PROFESSIONAL HUNTERS ASSOCIATION  
PO BOX 4-1932  
ANCHORAG AK 99509

THE FOLLOWING IS A COPY OF A TELEGRAM SENT JUNE 7, 1978, TO SENATOR  
POLAND RE HB 960 (SUBSISTENCE PRIORITY BILL):

WE URGE YOU TO DEFEAT THIS BILL IN THE SENATE.

THE IMPORTANCE OF LEGITIMATE SUBSISTENCE NEEDS HAVE BEEN ADEQUATELY  
PROVIDED FOR BY STATUTES AND POLICIES OF THE FISHERIES AND GAME BOARDS.

THIS BILL IS TOTALLY UNNECESSARY AS IT IS CUMBERSOME, EXPENSIVE, AND  
WOUD ESTABLISH AN ADDITIONAL BUREAUCRACY WHICH FURTHER COMPLICATES THE  
ALREADY COMPLICATED ISSUE OF FISH AND GAME MANAGEMENT. IF WE THINK IN  
TERMS OF SPENDING VAST SUMS OF MONEY, THE FUNDS SHOULD BE USED IN FIELD  
WORK TO ENHANCE FISH AND WILDLIFE POPULATIONS INSTEAD OF ESTABLISHING  
ANOTHER ADMINISTRATIVE DIVISION TO ADDRESS A PROGRAM THAT IS ALREADY  
BEING ADEQUATELY ADMINISTERED.

EOM/CCD/

# TELEGRAM

ALASKA ALASKA COMMUNICATIONS, INC

PHONE: 588-6440

02243 ANCHORAGE ALASKA 99501 53P ADT

PM SENATOR KAY POLAND

JUN

DEAR SENATOR POLAND, REFERENCE HR960 (SUBSISTENCE  
PRIORITY BILL)

WE URGE YOU TO DEFEAT THIS BILL IN THE SENATE.

THE IMPORTANCE OF LEGITIMATE SUBSISTENCE NEEDS HAVE BEEN  
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TO ADDRESS A PROGRAM THAT IS ALREADY BEING ADEQUATELY  
ADMINISTRATED.

RAY MCNUTT PRESIDENT ALASKA PROFESSIONAL HUNTERS ASSOC

YUKON  
ALASKA COMMUNICATIONS, INC.  
PHONE: 896-8440  
JUNEAU, ALASKA 99801

#

27007 NL BETHEL ALASKA 90 06-07 12P ADT

PMS CHAIRPERSON KAY POLAND

SENATE RESOURCE COMMITTEE

POUCH V JUNEAU ALASKA

NUNAMKITLUSISTI AS PART OF THE ASSOCIATION OF VILLAGE  
COUNCIL PRESIDENTS WHICH IS REPRESENTATIVE OF 57 VILLAGES  
IN THE YUKON KUSKOKWIM DELTA WOULD LIKE TO EXPRESS  
ITS SUPPORT OF HB960 AS IT ARRIVES IN THE SENATE RESOURCE  
COMMITTEE. WE FEEL THAT ANY AMENDMENTS TO IT WOULD WEAKEN  
ITS POWERS. AS A DIVISION WITHIN THE STATE REGULATORY SYSTEM,  
THE IMPORTANCE OF SUBSISTENCE AND RESOURCE INVOLVED WOULD  
BE ADEQUATELY PROTECTED AND EFFECTIVELY REALIZED FOR THE  
CONTINUING EXISTENCE OF THESE IMPORTANT RENEWABLE RESOURCES  
TO THE STATE OF ALASKA AND ITS RESIDENTS.

TONY VASKA, NUNAMKITLUSISTI

SENATE RESOURCES

POLAND	120	Butrovich	525
Croft	106	Huber	114
Meland	205	Colletta	107
Tillion	109		

LA21 4042 13.16 JA01 0025 20.22 06/06/78

PLEASE DELIVER THE FOLLOWING MESSAGE TO THE SENATE RESOURCE COMMITTEE:

URGE THAT YOU NOT VOTE HB960 OUT OF RESOURCES COMMITTEE. BILL IS UNCONSTITUTIONAL, UNFAIR AND VIOLATES NOT ONLY PRINCIPLES OF MODERN GAME MANAGEMENT, BUT UPSETS AN EFFECTIVE EXISTING SYSTEM.

FAIRBANKS ADVISORY COUNCIL  
P. O. BOX 669  
FAIRBANKS, AK 99707  
NO PHONE

EOM

LA21 3802 16.57 JA01 0018 17.24 06/06/78

PLEASE DELIVER THE FOLLOWING MESSAGE TO THE SENATE RESOURCES COMMITTEE:

ALASKAN HUNTERS, FISHERMEN AND TRAPPERS HAVE NOT HAD PROPER OPPORTUNITY TO TESTIFY ON HB960. WE RESPECTFULLY REQUEST AN OPPORTUNITY TO SEND A REPRESENTATIVE OR 2 BEFORE YOUR COMMITTEE. VITAL INFORMATION HAS NOT YET BEEN PRESENTED. PLEASE SCHEDULE HEARINGS NEXT WEEK IF POSSIBLE. AS WRITTEN, THE BILL IS INTOLERABLE. THANK YOU.

THE REAL ALASKA COALITION REPRESENTING THE 37 SPORTSMEN CONSERVATION ORGANIZATION THROUGHOUT ALASKA  
P. O. BOX 73478  
FAIRBANKS, AK 99707  
479-3367

EOM

# The REAL Alaska Coalition

## Regional Offices

Box 4-1932  
Anchorage, Alaska 99503  
(907) 274-4959

P. O. Box 80929  
Fairbanks, Alaska 99708  
(907) 479-4383  
(907) 479-6602

Box 3072 R 3  
Juneau, Alaska 99801  
(907) 586-6114

## Member Groups

*Alaska Chapter Safari Club  
International (Anchorage)*  
*Alaska Fur Trappers Association  
(Tok)*  
*Alaska Gun Collectors (Anchorage)*  
*Alaska Professional Hunters  
Association (Anchorage)*  
*Alaska Rifle Club (Anchorage)*  
*Alaska Sports & Wildlife Club  
(Ketchikan)*  
*Alaska State Rifle & Pistol  
Association (Anchorage)*  
*Alaska Waterfowl Association  
(Anchorage)*  
*Baranof Pistol & Rifle Club (Sitka)*  
*Chena River Sports Club  
(Fairbanks)*  
*Chitina Dipnetters (Fairbanks)*  
*Coalition of Interior Alaska  
Outdoorsmen (Fairbanks)*  
*Eagle River Sportsmen Preservation  
Association*  
*Easement Defense Fund  
(Anchorage)*  
*Interior Alaska Trappers  
Association (Fairbanks)*  
*Interior Wildlife Association of  
Alaska (Fairbanks)*  
*Isaac Walton League (Anchorage)*  
*Juneau Rifle & Pistol Association*  
*Kodiak Rifle & Pistol  
Matanuska Valley Sportsmen  
Association (Palmer)*  
*Moose Pass Sportsmen  
Association*  
*Nome Sportsmen Club*  
*Old Sitka Trap Club*  
*Petersburg Rod & Gun Club*  
*Sitka Sportsmens Association*  
*Sno Shoe Gun Club (Kenai)*  
*TVS Rifle & Pistol Club (Fairbanks)*  
*Tanana Valley Sportsmen  
Association (Fairbanks)*  
*Territorial Sportsmen (Juneau)*  
*Totem Shooters (Eagle River)*  
*Upper Kuskokwim Sportsmen  
Association (McGrath)*

Sidney Huntington, an Athabascan Indian, struck out on his own trapline, by himself, at age twelve. He earned his own living, even at that age, and is completely self-taught. His formal education stopped at the third grade.

From that beginning, Sidney has lived from the land, and grown in every aspect of human development. Today, after more than sixty years of self-teaching and application, he and his wife have a grown family of twelve sons and daughters (one son won the world's longest dog sled race, the Iditarod, a few years ago; another is on the Alaska Board of Fish; one is President of Doyon, Ltd., the largest land-holding corporation in the world; a daughter is attending the University of Alaska, etc.) Sidney runs a small, but thriving mercantile company in his home in Galena. He is still famous for his hand-crafted wooden river boats which ply the Yukon and helps hundreds of natives make a living from the fishery resource. He offers a fish-buying service for the middle Yukon.

For thirty-five years he earned a living from the land and its fish and game resources, hunting, fishing, and trapping. All of his life he has been intimately involved with individual self-sufficiency and local uses and users of fish and game. He knows the people and he knows the resources.

Just as he has shown a deep concern for proper education of future generations of Alaskans by devoting some eighteen years of service on various school boards; he likewise shows a deep concern for the fish and wildlife resources for all Alaska, and has served first on the Joint Boards of Fish and Game in 1974, and since that time on the Alaska State Board of Game.

Jim Rearden, a well-respected outdoor writer, most knowledgeable game manager, current and past member of the Alaska Board of Game pays Sidney a most worthy compliment, "I have watched and been actively involved with fish & game management policies in Alaska since statehood, both as a department employee, and for the past twelve years, as a board member. Without qualification or reservation, I can say Sidney Huntington is by far the best Native representative we have ever had on either board for nineteen years, since inception as a State." Jim goes on to explain, "to him, the resources are of primary importance, and he is equally concerned about all of Alaska."

Sidney speaks with frankness and a far-sighted wisdom which all Americans would do well to heed.

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