

HJR

97

HOUSE COMMITTEE REPORT

(9)

Date Referred: June 26, 1990

FURTHER REFERRALS:

Date of Committee Action: 6/27/90

The RESOURCES Committee considered:

SSHJR 97

SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 97

Proposing amendments to the Constitution of the State of Alaska relating to subsistence uses of fish and wildlife by rural residents in order to retain management of those resources by the State of Alaska; and providing for an effective date.

RECOMMENDATIONS:

- be replaced with CS SS HJR 97 the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) 6/26 ADP+G
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
Pass No Rec Amend

Cliff Davidson DAVIDSON

Steve Jacko JACKO

Richard Foster FOSTER

_____ Mike Navarre NAVARRE			X
_____ Hyman HYMAN	X		
_____ Meneard MENEARD			X
_____ Bill Hudson HUDSON	X		
_____ Don Sharp SHARP	X		

Cliff Davidson
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Subsistence
Sponsor: _____
Requestor: _____

Agency Affected: Dept. of Fish and Game
BRU: Subsistence
Components: Subsistence

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	-0-	-0-	-0-			
TRAVEL	-0-	-0-	-0-			
CONTRACTUAL	-0-	-0-	-0-			
SUPPLIES	-0-	-0-	-0-			
EQUIPMENT	-0-	-0-	-0-			
LAND & STRUCTURES	-0-	-0-	-0-			
GRANTS, CLAIMS	-0-	-0-	-0-			
MISCELLANEOUS	-0-	-0-	-0-			
TOTAL OPERATING	-0-	-0-	-0-			

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-			
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-			

POSITIONS:

FULL-TIME	n/a	n/a	n/a			
PART-TIME	n/a	n/a	n/a			
TEMPORARY	n/a	n/a	n/a			

ANALYSIS : (Attach a separate page if necessary)

Prepared by: _____ Phone: _____
Division: _____ Date: _____
Approved by Commissioner: Garrey Peska, Chief of Staff Date: 6/26/90
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

TRANSCRIPT OF TESTIMONY

OF

LEO LAND

June 27, 1990

Before Senate Resources Committee

LEO LAND: Thank you, Madam Chairman. I been involved in subsistence for fifty years, then I'm married to an Indian lady, fifty years ago. This is germane to the subject. Back then, they used to come around when they needed a quarter or fifty cents, whatever we could get, get lawyers to fight for the Indian's lands up here. So, then they wanted to drill for oil. They had to get those seats out of the court system so the way they did it was through ANILCA. That's my understanding, and in ANILCA they agreed that the Natives would have their subsistence life style continue, and anything that I've ever seen since then is trying to get watered down version of doing it. So many people in a village and then you could get it cver so many more, well you don't get it. And it's ridiculous, I've been in Fish and Game local advisory boards for many, many years and traveled around a lot. So, way my community feels, at least, Alaska Native Brotherhood up there, and my friend; I wish he was here. He's in town, Joe Hots, the Chief of Klukwan, he did a beautiful job, wrote it out and he was going to get it typed this morning, but we shuffled some place 'cause we was hitting on the same thing, and it'd be germane to what's going on, and give you a different

idea, but we're trying to change the regulations when it was happened in ANILCA. They got the pipeline, got the money and stuff. I think it's ridiculous, frankly. We can't stop the explosion of the people who come up here, 'cause as you all know it's around 18,000 back there in the world. And heck we, it's going to happen forever. We're expanding, and so when people, ideas change. You've seen it just recently, water rights in a Native tribe down below in the U.S. Supreme Court agreed. They got their water back, and that's all I can see about this. The other user groups in one way or another is trying to water down ANILCA and I don't like it. That's what I have to say. And Madam Chairman, I want to thank you, especially thank you for allowing me to testify.

Lee A. Land



Sitka Community Association

Tribal Government for Sitka, Alaska

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ORIGINAL

Design by Robert Davis

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Dr. MaryAnn Navitsky, Vice President

Laurie C. Hill, Secretary

Lawrence A. Widmark, Jr., Treasurer

Harry R. Lang

Pete A. Esquiro

Priscilla S. Peele

Murlin G. Everson, General Manager

ADDENDUM TO:

Testimony of Mark Jacobs, Jr.
to Members of the Federal Subsistence Board

Mark Jacobs, Jr. is a member of the Sitka Community Association and has been involved in the subsistence (Lifestyle) issue since it became an issue in the State of Alaska, the Association is very much in favor of his views which many families in the Sitka area support.

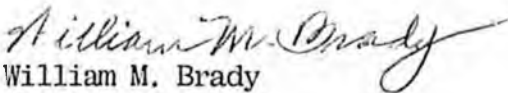
Currently, the Association is supporting a subsistence camp seven(7) miles outside of Sitka, held every summer for young people, so that they may learn the art of preserving and preparing fish for storage to be used during the long winter months, this has been going on now for several years.

Early this year, there were over four (4) hundred questionnaires sent to the community at large; there were 159 of these returned and all those returned stated that they (Sitka residents) asked that the subsistence use be continued for them; of the 159 returned, these were from heads of households; this would add up to approximately 550 individuals.

It seems that the limitations put on the number of sockeye (Red) salmon be put at a limit of 10, is much too low to be considered subsistence; particularly when the taking of the salmon resource is only four (4%) percent of the whole; although the legislatures do not control of the numbers game being played. They can certainly give direction to the Boards appointed by the Governor.

Cont'd.

Lastly; Sitka Community Association reiterates Mr. Jacobs statement that through no fault of the Sitka Indian Tribe, numbering 2500 members; Sitka has grown to over 8000 residents because of the proximity of the Pulp Mill; Sheldon Jackson College, Islands College; SEARHC Hospital and the two Cold Storage plants. Sitka natives are still very much dependant upon the natural resources that are abundant for our use; and the State Legislatures must come up with a formula to have our Alaska Natives in Sitka to continue with the life style that is generational.



William M. Brady
President
Sitka Community Association

TESTIMONY OF MARK JACOBS, JR.
P. O. BOX 625
SITKA, ALASKA 99835

Members of the Federal Subsistence Board, thank you for this opportunity to present my views. My full name is Mark Jacobs, Jr., I am a Tlingit Indian and am nearly 67 years of age. I was born and raised in Sitka and have lived there all of my life except for four years in the Navy during World War II. The following is my testimony:

Testimony of Mark Jacobs, Jr.

SITKA INDIAN VILLAGE

Sitka, Alaska, has been a Tlingit community from time immemorial. It is one of the most beautiful settings in Southeast Alaska, facing the Pacific Ocean with beautiful Mt. Edgecumbe (an extinct or dormant volcano) across Sitka Sound.

Sitka Sound has been most famous for its spring herring spawn season. Natives from far away villages would travel to Sitka for this important seasonal activity. Herring roe is harvested during this spawning period. The roe is deposited on kelp and also on a marine seaweed known as Maiden Hair, which are harvested. Also selected hemlock branches are planted for herring to spawn upon. The spawn becomes milky with milt from the male herring.

The herring roe on branches, Maiden Hair and broad kelp were air dried for preservation. It was a very important trade item for other Native foods not available in this area, i.e., ooligan, ooligan oil, mountain goat meat and by products, such as blankets, goat and sheep horns, which were made into spoons and ladles. Also moose moat, either dried or smoked, and moose and caribou hides. Copper tools and ornaments were also very desired items. High-bush cranberries and soap berries, native only to the mainland, were highly prized. Other items were also used in barter.

Modern economy and economic growth to a cash economy has had little effect on our use of all the natural resources that we have been accustomed to over the years. Non-Native spouses and other Sitkans, now living in Sitka, and some second and third generation families also enjoy this true Alaskan lifestyle. It is a cherished way of life that should not be disrupted by a jealous few.

A subsistence way of life has never been a threat to natural

Testimony of Mark Jacobs, Jr.

resources. Any depletion, ever experienced, has been caused by commercialism and uncontrolled exploitation.

We as Native people, and our Native organizations, have always used Native foods in our social gatherings, i.e., Potluck Dinner, Potlatches at which much is ceremonial. For many elders and handicapped this is the only opportunity for them to enjoy their natural Native foods. As an expert in Native foods and their preparation, I have always shared with elders who are unable to get these important resources for themselves.

Potlatches are still very much a part of our way of life. In fact, it is an obligation that must be exercised, usually after harvesting seasons are over. At a Potlatch, foods served are much more than a person can consume at one sitting, so shopping bags are brought along or are furnished. The guests are expected to take with them whatever is given to them.

U.S. Public Health survey reveals that Native foods have exceptional nutritional value. For example, where the Native traditional diet is followed, there is less incidence of diabetes. Black seaweed is also considered to counter goiter conditions. Much of the Native diet is a healthy food.

In Sitka, many young Native people today have taken a keen interest in harvesting and traditionally preparing this natural resource. They do have several camping trips a year for this special activity. It would be a terrible shame to severely restrict or outlaw the program. There is a list of elders kept on file and this is used in order to provide some Native foods to them from time to time. At Potluck dinners, transportation to the hall is usually provided for them. The Alaska Native Brotherhood (ANB) and Sisterhood (ANS) have at

Testimony of Mark Jacobs, Jr.

least two (2) picnics per year and the most popular food items are usually traditional Native foods.

The Sitka Community Association's annual or periodic social events are very similar to the ANB-ANS functions. Also, at the annual conventions, traditional Native dancing includes a variety of Native dancing includes a variety of Native foods.

Modern technology is now used in preservation of many varieties of Native foods, i.e., freezing, vacuum packing, salting, pickling and curing. Advancement into modern technology does not affect traditional and cultural diet. Yet, at some of the Fish & Game hearings, this philosophy has been used as an argument in efforts to eliminate our cherished way of life. If such a philosophy had any legal basis, then all of our ancestors lived on an illegal diet when they advanced from clubs and stones to bows and arrows and spears.

Most bag limits imposed on us have caused hardship because of fuel cost and time involved. Subsistence permits, in most cases, have time limits and a threat of losing such rights if a timely report is not made. Yet this restriction is not imposed on others. More priority is given to sportsmen than cultural and traditional users. Red salmon (sockeye) fishing at Redoubt is an example. Abalone is severely restricted for subsistence users. Yet, the regulations allow commercial harvest and this is not as Congress intended in the ANILCA Statutes.

Cultural, traditional and customary use and take should not be affected by the rural issue. In Sitka, it is not the fault of the indigenous people to have the population increase to over 7,000. Any attempts to rule by population is leading to genocide of a people who possess unique inherent rights.

I firmly believe that the intent of the United States Congress is

Testimony of Mark Jacobs, Jr.

to take care of socio-economic/socio-cultural needs. Any non-compliance with the ANILCA statutes would result in federal take over, in this event, we have anticipated a friendlier attitude from the federal agencies. Recent proposals (as leaked to the media) seems to punish the subsistence life-style.

Commercial greed and big money lobby is a fact of life in this country. The small population or small minority is of lesser political importance to Congress or bureaucratic policies or their interpretations. At times exercise of plenary powers is incompatible with human rights. It is inappropriate, culturally speaking. The individual Native American tribes are human beings and are members of this world's family of nations and, as such, retain identity and dignity. Only totalitarianism violates such human rights. The United States is termed as the great melting pot of this world. Yet, when we try to protect our rights, we become mosaic.

Interpretations, lawsuits or rule-making has been very persistent in denying us our birth rights. Yet we are a very small percentage user group.

The Fish & Game in public hearings never accommodates the people affected. Only populated centers are selected and never is adequate time allotted. In many cases (documented) the Native respondent to Fish & Game proposals are abused, because some cannot fully express themselves in the English language. It is difficult, financially, for many to fly to a populated center to testify. Even if they do, the time schedule is usually changed and when they do get a chance they are told of the very few minutes they will be allowed to speak.

We are up against attitudes that are formidable. In spite of our small percentage of use and take, the ANILCA statute allows for Native

Testimony of Mark Jacobs, Jr.

and non-Native alike to participate, yet the law has been treated as a Native-only law. It can't be helped to view this as racial rather than a government-to-government atmosphere. We have welcomed non-Natives who customarily enjoy this Alaskan life-style. We agree to resource control. We know it is a necessary policy for maintaining sustained yield, but we, as the smallest percentage users of the resources, are treated as the exploiters.

The herring roe commercial fishing is a good example. Tons of herring are caught in a brief opening. Gradually, the tonnage and hours of fishing increased. Now the seasons are extended into days. The market demand is the controlling factor. Only the roe is taken. It is like killing deer for the liver only. What a waste of the resource for commercialism. I firmly believe that this exploitation will throw nature's cycle out of balance. Herring, unlike salmon, do not die after spawning, but will keep spawning in their season until they fall prey to predators.

Government control of resource is good. But, it can become dangerous and the foreign market demands it.

Original sponsor: RULES/GOVERNOR

IN THE HOUSE

BY THE NATURAL RESOURCES COMMITTEE

CS FOR SS FOR HOUSE JOINT RESOLUTION NO. 97

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SPECIAL SESSION

Proposing amendments to the Constitution of the State of Alaska relating to subsistence uses of fish and wildlife by rural residents in order to retain management of those resources by the State of Alaska; and providing for an effective date.

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

* Section 1. Article VIII, Constitution of the State of Alaska, is amended by adding a new section to read:

SECTION 19. SUBSISTENCE USES OF FISH AND WILDLIFE.

Consistent with the sustained yield principle, the legislature may grant a preference to and among Alaska residents in the taking of fish and game for subsistence uses on the basis of community or area characteristics, geography, customary and traditional use, direct dependence, local residence, and the availability of alternative resources.

* Sec. 2. In addition to authorizing the legislature to enact laws granting a preference for subsistence uses, the amendment proposed in section 1 of this resolution (1) validates, ratifies, and reinstates state subsistence laws, including the definitions and subsistence preference for rural residents in ch. 52, SLA 1986,

that are consistent with federal laws relating to subsistence uses, and (2) enables the state to retain management of fish and wildlife on federal land.

* Sec. 3. Article XV, Constitution of the State of Alaska, is amended by adding a new section to read:

SECTION 29. EFFECTIVE DATE OF SUBSISTENCE AMENDMENT.

Section 19 of Article VIII, regarding subsistence uses of fish and game, takes effect immediately upon certification of the election returns by the lieutenant governor.

* Sec. 3. The amendments proposed in secs. 1 and 3 of this resolution, and the intent of the amendment proposed in sec. 1 of this resolution as set out in sec. 2 of this resolution, shall be placed before the voters of the state as one ballot proposition at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.