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U.S. Department
of Transportation
National Highway
Traffic Safety
Administration

Region X
Alaska, Idaho, Oregon
Washington

3140 Jackson Federal Building
915 Second Avenue,
Seattle, Washington 98174

March 21, 1995

Honorable Joseph Green
Alaska State Legislature
State Capitol
P.O. Box V
Juneau, Ak. 99811

Dear Representative Green:

I would like to express my gratitude and complete support for your commitment to traffic safety, particularly Graduated Driver License System for Alaska's youth. Your legislative package is well thought out and timely. I am confident that when passed, it will have very positive results in Alaska.

Enclosed is some information compiled by NHTSA for perusal of all concerned. It is encouraging to know that traffic safety is a high priority with you. Please include us as enthusiastic supporters and partners, and allow us to help in any way we can.

Cordially,

Curtis Winston
Regional Administrator

FACT SHEET

April 1994

STATE LEGISLATIVE

Graduated Driver Licensing System

The United States Department of Transportation's National Highway Traffic Safety Administration (NHTSA) believes that state graduated driver licensing systems for young drivers can materially reduce crashes, injuries and deaths. A graduated driver licensing system is a multi-tiered program designed to ease young novice drivers into the driving environment. It is implemented through controlled exposure to progressively more difficult driving experiences or driver licensing stages, prior to full licensure.

Graduated/Provisional Driver's License Systems Work

Under this system, novice drivers are required to demonstrate responsible driving behavior (no convictions or crashes for a specified period) in each stage of licensing before advancing to the next level. For example, there may be a six-month learning stage and one-year intermediate stage prior to gaining full driving privileges. Currently, 13 states have multi-tiered or graduated driver licensing entry systems. They are: California, Colorado, Indiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Oregon, Pennsylvania, Vermont, Utah, and West Virginia.

In 1977, NHTSA published a "model" entry level licensing program, Development of a Model System for Provisional (Graduated) Licensing of Novice Drivers: Final Report. The Maryland Department of Motor Vehicles then implemented and evaluated portions of a provisional licensing concept. Their program showed a five percent reduction in

crashes and a 10 percent reduction in traffic convictions for 16- and 17-year-old provisional licensed drivers.

California's provisional licensing program became operational on January 1, 1983. The California Department of Motor Vehicles reported, December 1988, that there is evidence that the provisional licensing system reduced the rate of crashes involving 15-17 year-old drivers by 5.3 percent. In 1991, the Oregon Motor Vehicle Division reported that their program reduced crashes 16 percent for male drivers under age 18 with provisional licenses. New Zealand implemented a graduated licensing system in 1987 and reported in 1992 that the program has had a continuous 8 percent crash reduction for drivers under age 25.

NHTSA, in cooperation with the American Association of Motor Vehicle Administrators (AAMVA), completed in 1989 the development of "An Improved Driver Entry System for Young Novice Drivers." It is part of the AAMVA/NHTSA "Guidelines for Motor Vehicle Administrators" series of publications. The purpose of this proposed graduated driver licensing system, based upon the NHTSA "model" entry system, is to ease young novice drivers, under more controlled conditions, into the driving environment. This is achieved by (1) increasing the amount of their behind-the-wheel driving practice, (2) increasing their exposure to progressively more difficult driving experiences, and (3) requiring novice drivers to earn their full driving privilege by demonstrating crash and conviction free driving performance prior to full licensure.

U.S.
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Graduated vs. Provisional Licensing Programs

The terms "graduated" and "provisional" licenses have been used interchangeably in past years, but they are very different programs.

Provisional License: A provisional drivers license is issued to all drivers under a certain age, for example the age of 21 (or 18), and includes persons operating during the learning or intermediate licensing stages. At a minimum, the provisional license is distinctively different from a regular driver's license to facilitate enforcement of licensing and drinking age laws. The provisional licensee is subject to an illegal per se BAC level of zero percent and quicker driver improvement actions. All occupants of a motor vehicle being operated by them must occupy only seats designed for passengers and use available seat belts (i.e., no passengers riding in the cargo compartment of a pick-up truck).

Graduated Driver Licensing System: Based upon research and the experience of the States, a graduated driver licensing system has at least three stages: learner stage; intermediate stage(s), and full license stage. It includes some or all of the following features:

- (1) Successful completion of a basic driver education course and required a learner's permit for a specified period of behind-the-wheel training.
- (2) A second level driver education program (e.g., safe driving decision making skills) after the new drivers have acquired basic driving skills.
- (3) Require that a parent, or adult licensed driver age 25 or older, supervise basic driving practice and advance practice sessions during high risk (nighttime) hours.
- (4) Lower legal blood alcohol concentration (e.g., zero BAC) requirements for under age 21 drivers.
- (5) Nighttime driving restriction (e.g., no driving from 10:00 pm to 6:00 am) either as part of an intermediate licensing stage, or as a post-licensing driver improvement action.
- (6) More rapid driver youth-oriented improvement actions for accidents and violations.

- (7) Mandatory safety belt usage by all occupants and limitations on the number of passengers in a motor vehicle being operated by a teenager.
- (8) Demonstrated safe driving performance, i.e., having no crashes or convictions for a specified period of time prior to advancing to the next licensing stage (e.g. one year prior to full licensure).
- (9) Issue a provisional license to all drivers under the age of 21 that is distinctive from the regular driver's license (e.g. marked "PROVISIONAL," different colored photo background).
- (10) Require all suspended or revoked drivers being restored for traffic safety violations to be placed in a provisional driver's license program.

While many states are already implementing some features of the graduated/provisional licensing entry system, none is implementing a major portion of the features proposed. There is a need for States to review their novice driver programs in light of the California, Maryland, New Zealand and Oregon findings. We recommend that States seriously consider implementing a young driver graduated licensing system designed to ease young novice drivers into the driving environment. NHTSA and AAMVA can provide, at no cost to the states, technical planning and implementation assistance; also, limited financial assistance may be available to plan, implement and evaluate a state's program.

Key Facts

- In 1992, it was estimated that 40 percent of all deaths for people ages 15 to 20 (over 6,500), resulted from motor vehicle crashes.
- Young drivers represent 7 percent of the total driving population, but represent 14 percent of the drivers involved in fatal crashes.

- ❑ Young drivers are four times more likely to be in a crash than an adult, per mile driven.
- ❑ Few of the specific elements of a graduated or provisional licensing system have been documented to reduce crashes. However, the California, Maryland, New Zealand, and Oregon systems reduced the rate of crashes involving 15-17 year-old drivers.
- ❑ The National Highway Traffic Safety Administration (NHTSA) is responsible for providing assistance to states, other government and public organizations to support efforts designed to promote improvement of traffic safety for the public.

Resources

NHTSA has established, through a grant to the American Association of Motor Vehicle Administrators (AA' IVA), funds to support a cadre of experts to assist states, without cost, interested in aspects of a graduated licensing system. These persons can provide expert testimony and technical planning, implementation and evaluation assistance. Should you desire additional information or assistance, contact your Governor's Representative for Highway Safety; the appropriate NHTSA Regional or National Office, or AAMVA Regional and Headquarter's staff.

Model Graduated Licensing System*

<i>Leamer Stage*</i>	<i>Intermediate Stage</i>	<i>Full Licensure</i>
✓ Pass Knowledge I & Vision Tests	✓ Pass Skills I Test	✓ Provisional License*
✓ Take Basic Driver Education	✓ Compete Basic Driver Education	✓ Clean Driver Record
✓ Restricted Driving Parent/ Driver Education Supervision	✓ Take Advanced Driver Education	✓ Complete Advanced Driver Education
✓ Parent I Activity	✓ Nighttime Restriction** Supervisor Age 25+	✓ Pass Knowledge II & Skills II Tests
✓ No Passengers	✓ Parent II Activity	✓ Parent Certification
✓ Speed/Road Limits	✓ Limited Passengers	
	✓ Clean Driver Record	
	✓ Speed/Road Limits	

* A Provisional Driver's License is issued to all drivers under age 21, to problem drivers reaching a certain negligent point threshold, and/or to problem drivers being reinstated after license suspension/revocation actions, regardless of age. Such license would be subject to the following conditions:

- Distinctively different from other driver licenses
- Illegal per se 0.0 BAC level
- Mandatory seat belts for all occupants
- Quick driver improvement actions
- Clean Driving record for one year
- Nighttime restriction**

Also, a Provisional Driver's License would be issued to problem drivers reaching a certain negligent point threshold and to problem drivers, regardless of age, being reinstated after a driver improvement suspension/revocation actions.

** Nighttime restriction can be a condition of the intermediate phase and/or as a condition of the provisional license issued as a post licensing driver improvement activity problem for drivers who have demonstrated irresponsible driving performance.

Resources (con't)

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Additional Sources of Information

*Copies of the following material are available
upon request:*

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GRADUATED DRIVER LICENSING SYSTEM QUESTIONS AND ANSWERS

This paper provides basic information about graduated driver licensing for young novice drivers. While many states have driver licensing programs which have features prescribed for a graduated licensing system, none have adopted a major portion of these features. We hope the following information will assist you in the consideration of legislation for a graduated driver licensing system and/or adoption of its various features.

1. What is a graduated driver licensing system?

A graduated driver licensing system is a multi-tiered program designed to ease young novice drivers into the driving environment through controlled exposure to progressively more difficult driving experiences or driver licensing stages, prior to full licensure. Under this system, novice drivers are required to demonstrate responsible driving behavior (no convictions or crashes for a specified period) in each stage of licensing before advancing to the next. For example, a 6 months learning stage and one year for the intermediate stage prior to gaining their full driving privilege.

2. Why a graduated driver licensing system?

Teenage drivers are over represented in traffic crashes, in fact they are twice as likely to be in a fatal crash as the average driver. The graduated driver licensing system addresses the driving problems attributed to this group by traffic safety experts: (1) driving inexperience and lack of adequate driving skills; (2) excessive driving during high risk hours, especially nighttime; (3) risk-taking; and (4) poor driving judgment and decision making. It is believed that considerable driving experience is required before young drivers achieve dependable driving know-how, skill, and judgement.

3. What is the purpose of a graduated driver licensing system?

The purpose of a graduated driver license system is to ease young novice drivers, under controlled conditions, into the driving environment by (1) increasing the amount of their behind-the-wheel driving practice, (2) increasing their exposure to progressively more difficult driving experiences, and (3) requiring them to earn full driving privileges by demonstrating crash and conviction free driving performance.

-2-

4. What evidence is there to indicate that a graduated driver licensing system will reduce young driver crashes?

In 1987 New Zealand implemented a graduated licensing system and reported in 1992 that the program continues an 8 percent crash reduction for drivers (drivers under age 25) in the program has resulted. The Maryland Department of Motor Vehicles implemented in 1979, and evaluated portions of the graduated licensing concept. The Maryland program showed a five percent reduction in crashes and a 10 percent reduction in traffic convictions for 16 and 17 year old provisional licensed drivers.

The California Department of Motor Vehicles reported, in December 1988, that there is evidence their provisional licensing system, implemented January 1, 1983, reduced by 5.3 percent the rate of crashes involving 15-17 year-old drivers. In 1991, the Oregon Motor Vehicle Division reported that their Provisional Licensing Program implemented in 1989 reduced crashes 16 percent for male drivers 16 and 17 years old with provisional licenses.

5. What are the features of a graduated licensing system?

Based upon research and the experience of the States a graduated driver licensing system is a multi-staged licensing system (learner stage, intermediate stage(s), and full License stage) which includes some or all of the following features:

- (1) Successful completion of a basic driver education course and require a Learner's Permit for a specified period of behind-the-wheel training.
- (2) A second level driver education program (e.g., safe driving decision making skills) after the new drivers have acquired basic skills.
- (3) Require that a parent, or adult licensed driver age 25 or older, supervise basic driving practice and advance practice sessions during high risk (nighttime) hours.
- (4) Lower legal blood alcohol concentration (e.g. zero BAC) requirements for under age 21 drivers?
- (5) Nighttime driving restriction (e.g. no driving from 10:00 pm to 6:00 am) either as apart of an intermediate licensing stage, or as a post-licensing driver improvement action.
- (6) Youth-oriented and more rapid driver improvement actions for accidents and violations.

-3-

- (7) Mandatory safety belt usage by all occupants and limitations on the number of passengers in a motor vehicle being operated by a teenager.
- (8) Demonstrated safe driving performance, i.e., having no crashes or convictions for a specified period of time prior to advancing to the next licensing stage (e.g. one year prior to full licensure).
- (9) Issue a provisional license to bridge the gap between a learner's permit and full licensure all drivers under the age of 21 which is distinctive from the regular driver's license (e.g. Marked "PROVISIONAL," different colored photo background).
- (10) Require all suspended or revoked drivers being restored for traffic safety violations to be placed in a provisional driver's license program (see Q&A No. 7 below).

6. What is a provisional driver's license?

A provisional drivers license is issued to all drivers under the age of 21 (or 18) and includes persons operating during the learning or intermediate licensing stages. It is distinctively different from a regular driver's license to facilitate enforcement of licensing and drinking laws and the driver would be subject to an illegal per se BAC level of zero percent and quicker driver improvement actions. All occupants of a motor vehicle being operated by a provisional licensed driver must occupy seats designed for and use available seat belts (i.e., no passengers riding in the cargo compartment of a pick-up truck).

7. What is a provisional driver's license program?

This is a new proposal taken from an early draft of the High Risk Driver Act of 1993 and provides "that any driver whose driving privilege has been restored after license suspension or revocation resulting from a traffic safety violation shall be required to enter the provisional license program and 1) successfully complete, no at-fault accidents nor convictions, a period of not less than one year (supervised nighttime driving practice, a night driving restriction between the hours of 12:00 p.m. and 6:00 a.m., unless supervised by an adult at least 25 years of age with a clean driving record), 2) subject to immediate suspension upon conviction of any moving traffic violation, and 3) deemed to be driving while intoxicated with a blood alcohol concentration of .02 percent or greater. A waiver may be granted by appropriate state authority for applicants to drive during the nighttime restricted period for purposes of work or school."

3/12/95

Dear Legislators,

The Legislative meeting in Anchorage was well attended my many local residence as well as constituents from outside of Anchorage. Thank you to the legislatures who attended and to those that followed the meeting via telecommunications.

All of those involved had important and urgent interests. The ongoing subsistence issue drew many testimonies. There is a big difference from past input on the points raised by subsistence input and now. We now have the hands on experience to see the exact direction (exclusion of Anchorage, Fairbanks, Juneau and Ketchikan and highway areas in between) of Federal and State legislation on subsistence.

Mr. Wayne Ross testified to the unconstitutional point of State and Federal law. Mr. Patrick Wright, as co-chairman of the Anchorage Advisory Board, Fish and Game, testified to how proud he was to be able to participate in a democratic process of seasons and bag limits but yet see the whole process undermined by the preference and tier II for subsistence. Mr. Al Franzmann, who flew up from Soldotna Saturday morning, testified from his experience on the Alaska Game Board how good sound management has been removed from the boards, by the agencies (A.G. office and Fish and Game Department, Subsistence Section) who's priority should be enhancing fish and game for all residents on a equal basis. I testified how Alaska residents, members of the Southcentral Area Subsistence Board, appointed by the Federal Government, ARE AWARE that they are breaking the constitution of Alaska and ignoring the McDowell I case which prohibits a subsistence priority based on residency. We have Alaska citizens on advisory boards as well as Fish and Game Boards that are proposing and passing regulations (Tier II) against their neighbors. ITS TIME TO BRING THIS TO AN END!

The following pages include:

1. Kenai Peninsula Subsistence.
2. Article from the Anchorage News on how are courts are jammed with Tier II problems, and confusion on Tier II.
3. Proposals from Alaska Board Of Game Spring Game Packet March 18 - 31, 1995 Fairbanks, for easier apprehension to jam our courts more.
4. Repeal 1986 Subsistence Law.

Please join in the repeal of the 1986 State Subsistence Law. Our citizens deserve better. A response would be appreciated.

William E. Olson
5961 ORTH CIRCLE
Anchorage, Alaska
99516

Anchorage Daily News

VOL. 1, NO. 01 70 PAGES

ANCHORAGE, ALASKA, THURSDAY, MARCH 2, 1995

PRICE 50 CENTS

Kenai towns may get subsistence rights

Panel's recommendation could limit sport hunting on Peninsula's federal lands

By TOM KIZZIA
Daily News reporter

A handful of rural communities would get subsistence hunting privileges on federal lands on the Kenai Peninsula under a recommendation made Wednesday by an important federal panel.

The decision brings to Anchorage's doorstep the subsistence controversy

splitting federal law against the state's constitution, and it sets the stage for the first major change in Alaska's hunting rules since the U.S. Interior Department took control of game animals on federal lands in 1990.

If the Federal Subsistence Board adopts the recommendation this spring, it could lead to subsistence

seasons on the Kenai Peninsula and new limits on sport hunting for moose and caribou, officials say. It could also lead to federal management of the Peninsula's coveted salmon runs and new subsistence fisheries.

The proposal by the federal subsistence regional advisory council would provide subsistence hunt-

ing rights to residents of seven Peninsula communities, including Hope, Whittier, Cooper Landing and Ninilchik. Depending on how biologists interpret the requirement, that could mean special subsistence seasons on the Kenai National Wildlife Refuge and the Chugach National Forest — federal lands where most of the Peninsula's

moose and caribou are hunted.

"I hate to see these things come up that give one person rights over another just because of where they live," said Ed Krohn, chairman of a state Fish and Game advisory committee for Kenai and Soldotna. "They've got the same access to Fred Meyer as anybody else."

The state lost a lawsuit last year that tried to block just this kind of federal game management. Gov. Tony Knowles' decision in January to drop an appeal of that court decision has subjected him to intense criticism from Republican lawmakers.

Please see Back Page,
SUBSISTENCE

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THE BACK PAGE

SUBSISTENCE: Kenai rules may change

Continued from Page A-1

Knowles said he'd rather see the state pass a constitutional amendment and set up its own rural subsistence program.

The advisory council found that the seven Kenai Peninsula communities — designated rural by the federal government four years ago — relied on subsistence hunting in the past. The council, made up of subsistence users from small communities throughout the region, advises federal land managers about traditional hunting and fishing practices.

A panel of top federal officials known as the Federal Subsistence Board will make the final decision, but the advisory group has real power. The federal board can only change its recommendations if they were based on inaccurate historical data, or could harm wildlife or subsistence users themselves, said Dick Marshall, acting deputy director of subsistence for the U.S. Fish and Wildlife Service.

The Federal Subsistence Board is set to take up the Peninsula recommendation in April.

"It's going to be an important decision with implications for the rest of the state," said Ken Pitcher, regional supervisor of the state division of wildlife conservation. "Everybody is going to be watching it closely."

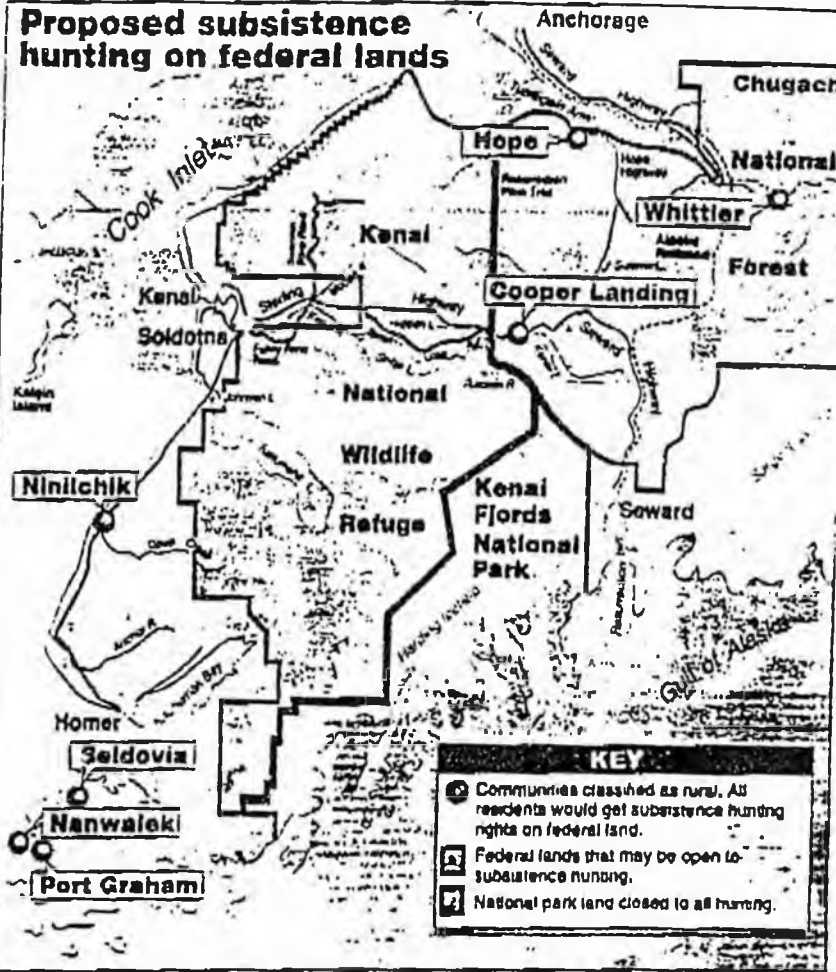
At the same time, the federal subsistence bureaucracy is considering similar questions of traditional uses in the upper Tanana River valley, where sport hunting pressure from Fairbanks may come into conflict with the subsistence needs of local communities.

A federal law passed in 1980 requires the state to give rural subsistence hunters and fishermen first priority for fish and game. Alaska law used to mirror that, but in 1989 the state Supreme Court ruled the statute unconstitutional because it discriminated in favor of rural residents.

In 1990, the federal government created the subsistence board to regulate hunting and fishing on millions of acres of federal land in Alaska. Until now, most regulatory changes have been small.

The Southcentral advisory council's proposal would allow subsistence hunting

Proposed subsistence hunting on federal lands



Source: U.S. Fish and Wildlife Service

NON ENLIGHTENED / Anchorage Daily News

blood "creole" village of the 1830s.

But newcomers in the seven communities also get to hunt, highlighting a problem of the federal subsistence priority based on rural residency. In a place like the Kenai Peninsula, a fast-growing population makes it hard to sort out longtime hunters from suburbanites. For instance, a postal service pensioner from Florida who retires to Cooper Landing would get subsistence privileges. But a Kenaitze Indian living in Kenai, descended from Natives who greeted Russian fur traders 200 years ago, would get none.

"We still need to discuss how can we allow hunting by individuals or groups who have been inundated by change but have consistent patterns of use," said Gary Oskolkoff of Ninilchik, a council member.

The council recommendation applies to mountain goats, Dall sheep and bears

One hunt likely to stir controversy would be a Ninilchik hunt of caribou in the Kenai Mountains. The council concluded that Ninilchik residents hunted caribou there in the 19th century, before the herds disappeared. That could give them first shot at a small new herd transplanted to the Killey River area a decade ago by state and federal biologists.

The recommendation could also mean special subsistence hunts for moose. Between 500 and 600 moose are killed by hunters on the Kenai Peninsula every year. Sport-hunting seasons and rules might have to be altered to accommodate local subsistence demand, Marshall said.

Oskolkoff said the effect on sport hunters shouldn't be great. "I don't believe it would be a very big change," he said. "It would simply displace hunters already in the sport hunt

sport-hunting seasons for moose on the Kenai at its meeting today. The group is meeting at the Sheraton Anchorage Hotel.

Waiting in the wings is the even-bigger issue of federal management of fishing.

The state is appealing a federal court decision allowing a federal takeover of subsistence fishing on navigable waters in Alaska. Even without a ruling there, however, the federal government claims authority to manage a handful of rivers, including the Kenai River where it flows through the Kenai National Wildlife Refuge.

The advisory council could eventually take up the question of subsistence fishing traditions in the rural communities. Having found that Cooper Landing has hunting rights, the council might be hard-pressed to deny Cooper Landing residents subsistence fishery on the upper

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Game wardens pay for shooting moose

By STEVE RINEHART
Daily News reporter

Two state game wardens were disciplined on Wednesday after one of them shot a moose illegally and on duty, and the other failed to report the violation, according to the Fish and Wildlife Protection Agency.

Col. John Glass, commander of the State Troopers fish and wildlife branch, would not specify the punishment he handed his officers. But he called it substantial and "higher than a private citizen would get."

"We all make mistakes. Believe me, they have paid for those mistakes," he said.

He said the actions of the two officers, Sven Skille and Brian Larson, undermined public confidence in the troopers.

"This kind of conduct is not going to be condoned."

Please see Back Page **WARDENS**

WARDENS: Two disciplined for shooting moose, not reporting

Continued from Page A-1

of allowed," he said. According to Glass and Sgt. Bruce Lester, the two troopers had been sent on a poaching patrol along the Susitna River near Alexander Creek in early December. Larson shot a large bull moose during duty hours, in an area that is reserved for hunters holding special "Tier II" subsistence permits. Skille helped him clean, dress and hang the carcass, which Larson later retrieved on his own time.

Shooting a moose without the required permit is against the law.

The offense can be prosecuted as a simple violation, with a fine up to \$300, or as a misdemeanor, with a maximum penalty of \$1,000, six months in jail. Glass said the troopers conducted a criminal investigation and referred the case to the Palmer district attorney's office, which declined to prosecute.

The troopers also conducted an internal investigation, which found the two guilty of policy violations. Hunting while on duty is strictly forbidden, Glass said. Furthermore, according to Lester, the officers violated policy by not reporting the incident

for several days.

"It does not really make any difference who shot it. They are dealt with equally," Glass said.

Neither Skille nor Larson could be reached for comment on Wednesday.

Lester said the incident was partly his fault. He and Larson had reviewed the hunting regulations for that area and figured no subsistence permit was required.

"They took the moose because they thought it was open," he said. "We read it that way. It was confusing regulations."

The seeming confusion

over the law is why the state did not prosecute the troopers for the crime, said assistant Palmer district attorney William Estelle.

"We have had who courtrooms full of people with Tier II violation people with clean records. Over the past year or so we have dismissed many them," he said.

After the incident, Fish and Wildlife Protection issued a press release advising hunters that a subsistence permit is required for the winter moose hunt that area.

The moose was donated to charity.

PROPOSAL 135 - 5 AAC 92.062. PRIORITY FOR SUBSISTENCE HUNTING TIER II PERMITS. Add paragraph to make it clear that lying on a Tier II application is a violation, punishable by a bailable fine.

(d) Submitting false information on a Tier II application is a strict liability violation, punishable by a bailable fine.

PROBLEM: In the past two years, the names of several hundred Tier II applicants have been turned over to Fish and Wildlife Protection for investigation into possible fraud for obtaining permits by submitting false information. Because of the volume of the cases, Fish and Wildlife Protection has been treating them as bailable violations.

At least one court, in a jurisdiction with one of the largest concentrations of suspected fraud, has ruled consistently that Fish and Wildlife Protection lacks the authority to handle these cases in this manner. The court has held that the cases must be prosecuted under state statutes in which a jury trial is required and the state must prove the applicant knowingly submitted false information. Because of their caseload, district attorneys in nearly every jurisdiction have been unwilling to add hundreds of Tier II fraud cases to their trial dockets.

By clearly spelling out the violation in this section of the regulation, Fish and Wildlife Protection will have the authority to pursue Tier II fraud.

WHAT WILL HAPPEN IF NOTHING IS DONE? It will be virtually impossible to prosecute Tier II fraud.

WHO IS LIKELY TO BENEFIT? Applicants who honestly fill out their Tier II questionnaires; the Alaska public at large by having Tier II fraud punished without unduly burdening the court system.

WHO IS LIKELY TO SUFFER? People who lie on their Tier II applications.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game and the Alaska Department of Public Safety, Division of Fish and Wildlife Protection
HQ-95-G-99
.....

PROPOSAL 136 - 5 AAC 92.062(d). Add paragraph to make it clear that lying on a Tier II application is a violation, punishable by a bailable fine.

(d) No person may submit false or inaccurate information in support of a Tier II application.

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By clearly spelling out the violation in this section of the regulation, Fish and Wildlife Protection will have the authority to pursue Tier II fraud.

WHAT WILL HAPPEN IF NOTHING IS DONE? It will be virtually impossible to prosecute Tier II fraud.

WHO IS LIKELY TO BENEFIT? Applicants who honestly fill out their Tier II questionnaires; the Alaska public at large by having Tier II fraud punished without unduly burdening the court system.

WHO IS LIKELY TO SUFFER? People who lie on their Tier II applications.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game and the Alaska Department of Public Safety, Division of Fish and Wildlife Protection.

HQ-95-G-156
.....

Kenaitze Indian Tribe, IRA
Resolution No. 95-09
Page 2

6. That anti-subsistence interests talk "equality" and "states' rights" - but are really in this to grab fish and game for non-subsistence user groups;

7. That Senator Stevens has told the Legislature that the Congressional Delegation will not use the Congress and the federal law to resolve a dispute affecting only Alaskans; and

8. That the Alaska Legislature, by refusing for five years to trust its own voters with a constitutional amendment, has created this dispute - which can be resolved only in Alaska, by Alaskans.

NOW THEREFORE BE IT RESOLVED THAT THE EXECUTIVE COMMITTEE/TRIBAL COUNCIL of the Kenaitze Indian Tribe, IRA strongly opposes House Joint Resolution No. 33, and implores the 104th Congress to stand firm on Title VIII of ANILCA, which protects the very life and future of rural Alaskan villages.

CERTIFICATION

VOTING FOR: 7
VOTING AGAINST: 0
ABSTAINING: 0
ABSENT: 0

Clare A. ...
TRIBAL CHAIRPERSON
KENAITZE INDIAN TRIBE, IRA

Carol J. Nolan
TRIBAL SECRETARY
KENAITZE INDIAN TRIBE, IRA

March 20, 1995
DATE

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 33

Revision Date: _____ Dept. Affected: ADFG
 Title: Requesting Congress BRU: Subsistence
 Amend ANILCA Title VIII Component: Subsistence
 Sponsor: Representative MASEK
 Requester: House Judiciary COMPONENT SERIAL NO. 483

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

There are no direct costs to the Department of Fish and Game that would result from passage of this resolution. Should Congress amend ANILCA as the resolution requests, fiscal implications could result but they would be variable depending on subsequent actions of the federal government and the Alaska Legislature.

Prepared by: Robert Bosworth
 Division: Subsistence
 Approved by Commissioner: Frank Ruse
 Agency: Fish and Game

Phone: 485-4148
 Date: 3/16/95
 Date: 3.16.95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

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DEPARTMENT OF FISH AND GAME

POSITION PAPER

Bill Number: HJR 33

Sponsor: Representative Masek

Bill Title: Amendments to ANILCA

Department Position: Oppose

This resolution asks Congress to revise ANILCA Title VIII to incorporate "...the principles of common use and of equal access to fish and wildlife for subsistence..." and to return full authority for subsistence management to Alaska. The resolution appears to be asking that consistency between ANILCA and the Alaska Constitution be achieved by amending ANILCA. It should be noted that the Alaska Constitution actually contains provisions for common use and equal application of laws to persons similarly situated (Title VIII, Secs. 3 and 17), and does not call for equal access.

The proposed change in ANILCA could have the effect of allowing the state's subsistence management program to be consistent with ANILCA, so the program that is currently in place for managing subsistence on state and private lands would apply on federal public lands as well.

Currently, all Alaskans are eligible to participate in subsistence hunts and fisheries. This is not a desirable condition; it has the effect of increasing participation unreasonably and increasing the number of subsistence hunts and fisheries that are over-subscribed, which therefore must be managed under Tier II qualification criteria. Existing Tier II hunts are unpopular and eligibility determinations for these hunts are difficult to administer and enforce. There is a pressing need to define subsistence eligibility in Alaska broadly through use of a fair, manageable and enforceable system. Presently the Alaska Constitution does not provide a mechanism to accomplish this. But making ANILCA consistent with the state constitution would eliminate one (federal) mechanism of determining subsistence eligibility (rural residency) and replace it with no mechanism at all. This scenario would complicate subsistence management by ADF&G.

The resolution also would not diminish federal judicial oversight of subsistence management in Alaska. Thus, even though ANILCA and the state constitution may be consistent with regard to subsistence eligibility, aggrieved parties could still seek federal relief if they felt that their subsistence opportunity was infringed by state regulations. The result, statewide, would be an amalgam of state subsistence regulations and federal court orders.

Though perhaps well intentioned, the resolution, as written, does not lead to a solution to subsistence management problems in Alaska. If Congress were to act favorably on it, which is unlikely, it could further complicate the state's management program.

Commissioner's Signature

Date

3.16.95

Alaska Chapter

Waterfowl U.S.A.

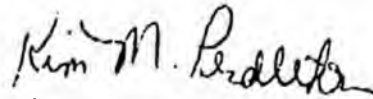
3105A Lakoshore Drive • Suite 105 • Anchorage, Alaska 99517
(907) 243 3235

March 22, 1995

FAX TO 907-465-3834

TO: House Judiciary Committee

We support HJR33. The management of our natural resources is the right of the State of Alaska. Section 8 of ANILCA should be repealed. Our state constitution requires equal access to our resources which includes fish and game. ANILCA uses a zip code to grant or deny fishing and hunting priority. That is bad fish and game management and is unfair to 14,000 natives who live in Anchorage.



Kim M. Pendleton
Acting Secretary

"Dedicated to increasing our waterfowl resource."

ALASKA WATERFOWL ASSOCIATION


3105A LAKESHORE DRIVE, SUITE 102
ANCHORAGE, ALASKA 99517
TEL (907) 243-3235

March 22, 1995

FAX TO 907-465-3834

TO: House Judiciary Committee

We support HJR33. ANILCA should be amended by repeal of the rural subsistence priority. Fish and game management is a state right. We want a fair opportunity to use our state's natural resources as our state constitution presently requires.


John W. Hendrickson
President



Native Village of White Mountain
IRA Tribal Council
P O Box 84082
White Mountain, AK 99784
(907) 638-3651
FAX# 638-3652

March 21, 1995

STATE HOUSE JUDICIARY COMMITTEE

Mr. Brian Porter, Committee Chair
Alaska State Capitol
Juneau, Alaska 99801-1182

Ladies & Gentlemen of the House Judiciary Committee

The Native Village of White Mountain, IRA Tribal Council opposes the House Joint Resolution No. 33. If the Legislature passes Resolution No. 33, Congress would be under the impression that Rural Alaskans do not need Federal protection when it comes to subsistence hunting and fishing. We need Federal protection because the State is not willing to assist us when it comes to our subsistence life style

The House Judiciary Committee selected Anchorage, Fairbanks, Matsu, Juneau, Glenallen, and Kenai to participate in the Legislative Information Office (LIO) teleconference. By doing this they excluded the voices of Rural Alaska Natives

Rural Alaskans depend on ANILCA to protect our ability to subsistence hunting and fishing in this time of shortage

Alaska Natives are generous when it comes to food. We know we must depend on our subsistence life style in order to provide food for our families. Job opportunities are not as vast in Rural Alaska as they are in the predominantly urban areas.

The longer the Federal Government manages game here in Alaska, the stronger they will become, because they have been more responsive to rural needs than the State Game Board.

The Subsistence Hunting and Fishing issue need to be resolved by letting the citizens of Alaska vote on it

Respectfully yours,

Lucy D. Ashenfelter
SECRETARY

cc: Representative Beverly Masek
Representative Richard Foster
Senator Al Adams
Loretta Bullard, President Kawcrak, Inc.
Julie Kitka, President AK Federation of Natives

LEGISLATIVE INFORMATION

Search	D	D	D
Title First Name	Middle Name	Last Name	Suffix
BOY	542	FRANK BLANKA	99707
Mailing Address			Zip
Home Address			Zip
452-1792-			FRANK
Telephone	Affiliation	City	

House	Members	Senate	Members	Committees	
Austerman+	Hanley*-	Navarro	Adams/	Lincoln/	C&RA
Barnes*-	Ivan/+	Nicholia/	Donley*	Miller^*	FINANCE
Bnce^	James^*	Ocan+	Duncan/	Pearce^*	HESS
Brown*	Kelly^*	Parnell*-	Ellis*	Phillips^*	JUDICIARY
Bunde*-	Kohring*-	Phillips+	Frank^*	Rieger^*	LABOR & COMM
Davies^	Kott^*	Porter^*	Green+	Salo*	RESOURCES
B. Davis*	Kubina/	Rorison	Halford*-	Sharp^*	RULES
G. Davis+	Mackie/	Roksoerg^*	Hoffman/	Taylor+	STATE AFFAIRS
Eaton	MacLean/	Sanders^*	Kelly*-	Torgerson+	TRANS
Firkestein*	Martin^*	Thermault^*	Leman^*	Zharoff/	
Foster/-	Masak+	Toohav^*			
Green^*	Moses/-	Vezev^*			
Grussendorf/	Mulder^*	Williams/+			
		Willis*			

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 You may telephone or hand deliver your message to any LIO. POMs may not exceed 50 words. They must include your name, address and telephone number (if possible) and the name of the receiving legislator(s). They may not contain vulgar language.

Caucuses

Ancorages*	Majority-	Bill #	
Bush/	Minority		
Fairbanks /Imenort^*		Support	Oppose Amend Not Related

Subject

HR 432 33

50 Word Maximum Message

PLEASE	11	ADD	21	MY	31	SUPPORT	41	TO	51
PASSAGE	61	OF	71	HR 33	81		91	I	101
AM	111	23	121	YOUR	131	RESIDENT	141	WHO	151
BELIEVES	161	IN	171	EQUAL	181	HUNTING	191	RESUME	201
FOR RENTS	211	FOR	221	GRAND	231		241		251
	261		271		281		291		301
	311		321		331		341		351
	361		371		381		391		401
	411		421		431		441		451
	461		471		481		491		501

FAX memo

TO: House Judiciary Committee members 907-465-3834

FROM: Mary Bishop, 1555 Gus's Grind, Fairbanks, AK 99709

DATE: Wednesday, March 22, 1995

RE: HJR 33

I want to express my support for HJR 33 and I urge you to support the resolution

Resolution of the state/federal conflict over fish and game management is one of the most important issues in our state. While some would have us surrender our state's constitution, we know that act would not resolve the problem--even Attorney General Botelho has said as much.

The only solution is to amend the federal law, Title VIII of ANILCA. Giving special privileges to certain ethnic, religious, or racial groups never resolves problems. After generations of conflict the result is obvious; we only need look at the frightening results in other nations of the world like Bosnia, South Africa and Northern Ireland.

While this is not strictly a racial issue, no one involved in the issue can be blind to the racial implications. It's time to face the facts and stand on the principles that made us a great nation and a great state.

Nationally, we have never achieved perfect equality--but we are getting better at it all the time. Equality is a goal for which we must continue to strive. We must not simply "junk" this or any other worthy goal simply because it's hard to achieve and we haven't reached it yet.



Shields Rental Center

P.O. BOX 10707 310 BIRCH HILL ROAD FAIRBANKS, ALASKA 99710
(907) 457-3226 FAX (907) 457-4546

DATE: 3 - 22 - 95

NUMBER OF PAGES: 1

TO: House Judiciary Committee FAX: 1-907-465-3834

FROM: Mike SHIELDS

REFERENCE: _____

MESSAGE: Dear Members

I support HJR 33

Sincerely

Mike Shields

Please contact immediately if all pages are not received at (907) 457-3226.

March 22, 1995

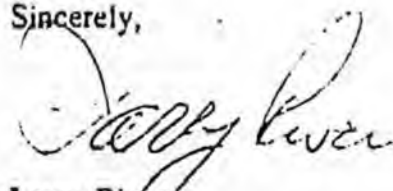
Larry Rivers
Box 107
Talkeetna, Alaska 99676

House Judiciary Committee
Fax 907 465-3834

Dear Committee Members,

I write in support of Beverly Masek's HJR 33, and support amending ANILCA to eliminate the rural subsistence priority. This was an ill conceived provision that has caused extended strife among state residents, great expense in attempts to comply, and has impeded responsible game management in the state. It caused splits among the people by creating segments of the population. To quote a native leader in Ft. Yukon. "It's time we were all just Americans, without creating small groups that were better than the rest." This resolution makes it possible to move forward in a manner that is fair to all.

Sincerely,



Larry Rivers
Talkeetna, Alaska

TRACY MORPHIS
3811 ERICKSON AVENUE #1
FAIRBANKS, ALASKA

ZIP (I choose not to provide a zip code on the grounds
of possible prejudicial preferential treatment.)

March 22, 1995
8:55a.m.

House Judiciary Committee,
Fax # (907) 465-3834

In regards to HJR 33 I strongly support ammending ANILCA to get rid of the rural subsistence priority.

I am an Alaskan and choose to live in this state where I was born because of the hunting and fishing that is available to all Alaskans. At least it was the year I was born. For three generations we have fished and hunted in Alaska and made wise use of our resources. We have never waisted these resources because we know how precious they are to us and future generations.

We depend on wild game meat to help us throughout the winter months just as others do in other parts of Alaska.

Please support the efforts of Beverly Masek in ammending ANILCA!!!



Alaska State Legislature

Please enter into the record my testimony to the Judiciary
committee name
 committee on HJR 33 , dated 3-17-95
bill/subject

I WISH TO SUPPORT
 BEU MASEK'S BILL

Signed: Robert E Hill
 Testifier ~~194~~

Representing (Optional)

Address 1945 GREENWOOD ST
NORTH POLE AK
99705



Alaska State Legislature

Please enter into the record my testimony to the Judiciary
committee name
committee on HJR 33 dated 3-17-95
bill/subject

I UNCONDITIONALLY SUPPORT
THIS RESOLUTION AS BEING IN
THE BEST INTEREST OF "ALL"
ALASKANS

Signed: [Signature]
Testifier

Representing (Optional)
1805 CENTRAL AVE FALKE AK 99705
Address



Alaska State Legislature

Please enter into the record my testimony to the Judiciary
 committee name
 committee on HJR 33 , dated 3-17-95
 bill/subject:

*Support our state constitution as
 affirmed by the Alaska Supreme
 Court and amended ANILCA*

Support this Bill

Signed: *Henry Knudsen*
 Testifier

Representing (Optional)
2050 Tribulation Trail Fairbanks
 Address



Alaska State Legislature

Please enter into the record my testimony to the Judiciary
 committee no. 16
 committee on HJR 33, dated 3-17-95
 bill/subject

I have lived in Alaska for 35 of my 37 years. The right to hunt in Alaska cannot be limited to a chosen few. To alternate or divide Alaskans along these lines is morally, ethically and legally wrong. Support Bev Masek's attempt to right this wrong and bring the decision making back to Alaska. Let us work out necessary, fair & equitable compromises among ourselves.

Support HJR 33!

Signed: [Signature]
 Testifier

Representing (Optional)
1400 SUMMIT DRIVE EBS AK 99712
 Address



Alaska State Legislature

Please enter into the record my testimony to the Judiciary
committee name
committee on HJR 33 dated 3-17-95
bill/subject

I support THIS BILL!
LEAVE THE STATE CONSTITUTION
AS IT IS WHICH GUARANTEES
EQUAL RIGHTS FOR ALL ALASKANS.
AMEND A.N.I.L.C.A.

Signed: [Signature]
Testifier

Representing (Optional)
P.O. Box 82610, FAIRBANKS, AK 99708
Address



Alaska State Legislature

Please enter into the record my testimony to the Judiciary
 HJ Resolution No. 33 committee name
 committee on ANILCA: Public Law 96-487, dated March 12, 1995
bill/subject:

Heartily endorse ~~your~~ HJ33 for revision ~~of~~ Title VIII of ANILCA
 so that common useage and access may be had for Alaska. Further-
 more that Congress orders Secretaries of Interior and Agriculture
~~to~~ return authority for management ~~of~~ subsistence of Alaska's
 fish and wildlife. Don't fall prey to selfish interests that
 would divide and conquer.

Signed: *Alvin S. Fuchs*
 Testifier
 Former Territorial Representative
 Representing (Optional)
 666 Tenth Ave., Fairbanks, Alaska 99701
 Address



Alaska State Legislature

Please enter into the record my testimony to the Judiciary
committee name
committee on HJR 33 . dated 3-17-95
bill/subject

I whole heartedly support House
Joint Resolution # 33. I have lived in
Fairbanks since 1951 and have hunted
around the state all my life. I do not
believe that my residence in Fairbanks
should give me any less right to the
game resources of Alaska.

Sincerely

Signed: Gary John Nussbaumer
Testifier

Myself
Representing (Optional)

2376 Nugget Loop Fairbanks, AK 99709
Address



Alaska State Legislature

Please enter into the record my testimony to the Judiciary
committee name
 committee on HJR 33 , dated 3-17-95
bill/subject

To whom it may concern:
 I believe the best policy for
 all Alaskans is to protect our
 State constitution. To protect our
 constitution is to promote equal
 rights for ALL Alaskans. therefore
 I support HJR 33.

Signed: Daryl Sobek *Daryl Sobek* 3/17/95
Testifier

 Representing (Optional)

 Address



Alaska State Legislature

Please enter into the record my testimony to the Judiciary
committee name
 committee on HJR 33, dated 3-17-95
bill/subject

I support HJR33 which
 guarantees EQUAL RIGHTS
 FOR ALL ALASKANS!

Signed: *Jerrel Faehl* JERREL FAEHL
Testifier

Representing (Optional)
161 Kenneth St. FBICS, AK. 99712
Address



Alaska State Legislature

Please enter into the record my testimony to the House Jud
 committee name
 committee on HJR 33 dated 3-17-95
 bill/subject

THE ALASKA OUTDOOR COUNCIL REPRESENTING
 MANY USERS OF ALASKA'S WILDLIFE FULLY
 SUPPORTS HJR 33. THE INTENT OF THIS
 LEGISLATION WILL START US ON THE LONG
 PROCESS OF REACHING A REASONABLE SOLUTION
 TO SUBSISTENCE.

THANK YOU FOR THIS OPPORTUNITY TO
 IMPART OUR VIEWS ON THIS IMPORTANT
 SUBJECT.

Signed: EDDIE GRASSER
 Testifier
ALASKA OUTDOOR COUNCIL
 Representing (Optional)
Box 22394 JUNEAU 99802
 Address



Alaska State Legislature

Please enter into the record my testimony to the House Judiciary
committee name

committee on Purpose of HLR 33 dated 3-17-95
bill/subject:

I opposed to this Resolution
 Cause all my wife I depended on
 Subsistence, and that the way we eat
 and hunt.
 We really don't have money so
 much. And my people really depend
 on the Subsistence all our life

Signed: Jimmy Peck
Testifier

Representing (Optional)
Venette, Alaska 99781
 Address



Alaska State Legislature

Please enter into the record my testimony to the R-33 committee name

committee on _____, dated _____
bill/subject

My name is CLYDE WILLIAMS, and would like
for the Records to oppose this Resolution on
the ground that my father ^{explained} taught to me
is, what ~~is~~ ~~got~~ ~~from~~ ~~the~~ ~~land~~ ~~is~~
that if you respect the land the
land will provide for you. I have lived
off the land all my life Thank-you

CLYDE WILLIAMS
Box 48
Fort Yukon, AK

Signed: CLYDE WILLIAMS
Testifier

Representing (Optional)

Address

0-



Alaska State Legislature

Please enter into the record my testimony to the HOUSE Judiciary
committee name

committee on HJR 33 dated MARCH 17, 1995
bill/subject

I'm the elected 1st Chief for the Village of Minto and born and raised in this community.

This afternoon, I would like go on record in opposition to HJR 33.

HJR 33 in its present form is not good for the people I represent; it only serves to hurt the native people of Minto and divide the people of our fine state.

The protection that the federal government offers under title VIII of ANILCA, is a tool that is beneficial to the native people of Alaska.

At this point in time, the state of Alaska does not offer me and my people, that degree of protection. Please give this careful consideration.

Signed: *Ken A. Chad*
Testifier

Minto Village Council
Representing (Optional)

Box 26, Minto, Alaska 99758
Address



Alaska State Legislature

Please enter into the record my testimony to the Judiciary
committee name

committee on House Resolution 33 dated Mar 17-1995
bill/subject

My name is Steve Girvin, Chief of Ft. Yukon representing 849 Gwich'in Athabascans and on behalf of them I want to relay our opposition to House Resolution 33.

We believe that Subsistence is a state issue, which should be addressed by the people of the state of Alaska. Sen. Stevens in his address to the legislature stated just that, so why are some members of the legislature asking the Congress to resolve this issue?

We support our protection under Article VIII of ANILCA, so we urge the Committee to support our concerns and furthermore that you kill this resolution in Committee

Signed: Steve Girvin
Testifier

Native Village of Ft. Yukon

Representing (Optional)

Box 382 Ft Yukon, AK 99740

Address

465-3834

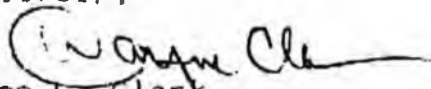
Dear Rep. Porter:

I want to express my support of equal access for all Alaskans to the wildlife populations of Alaska. I also support the returning of the management of wildlife populations to Alaskan control. As a professionally trained Wildlife Biologist and now a owner of a business here in Alaska, I feel the Alaskan people are being shortchanged by not being able to manage their own resources.

I lived in the Anchorage area before statehood and witnessed some very poor wildlife management by the Federal Government in those days. I feel that Alaskans can best manage Alaska and subsistance given to certain people is very counterproductive to the wildlife management principles.

Please support the language of the ANILCA bill that gave all Alaskans the same rights.

Sincerely,



Wayne L. Clark
phone 907 452-1907
fax 452-3916

March 22, 1995



Official Business

COMMITTEES
Vice-Chairman, Transportation
Member
Labor & Commerce

Alaska State Legislature

Chairman - International Trade & Tourism

REPRESENTATIVE
BEVERLY MASEK

Willow
MC 89 Box 251
Willow Alaska 99688
(907) 495-6812

State Capitol
Juneau, AK 99801-1182
(907) 465-2679

MEMORANDUM

TO: MEMBERS HOUSE JUDICIARY
FROM: REP. MASEK *BM*
DATE: MARCH 22, 1995
RE: DEPT. OF FISH AND GAME'S POSITION - HJR 33

It is inconceivable to me that a Department established to manage fish and wildlife appears now to be more interested in managing people than the resources they use.

Since 1978, the subsistence issue has cost the state millions of dollars and has caused the Department of Fish and Game to create, first a Section than later an entire Division to deal with the subsistence controversy. Perhaps a subsistence Department will come next.

It seems only prudent to ask what the total cost to date the Department has incurred in attempting to manage subsistence. Perhaps the Division which might have better placed in the Department of Health and Social Services.

It may also be prudent to ask why a Department which has lost management authority on over 50% of the State because of ANILCA would now suggest we adopt it as part of our Constitution?

How much time, energy, and dollars have been diverted away from sorely needed habitat and resource management?

Just over one week ago the Attorney General advised the legislature that we can only regain full management of fish and game if we

repeal ANILCA. Why is the Commissioner now indicating just the opposite?

Another question which begs to be asked is why after losing all our management authority do our budgets and payroll for Department employees remain at the same levels or higher?

In the Department of Fish and Game, over 70% of the budget goes to salaries and benefits with little remaining for the resources we need to enhance. Why would the Department want to use any remaining funds for battling the federal government on management policies?

The Boards of Fish and Game have been frustrated with the amount of time they have spent administering a State and Federal law which creates endless controversies and lawsuits. With threats of lawsuits by affected parties dominating the Board atmosphere fish and game management has been the loser.

Amending those portions of ANILCA which conflict with our Constitution will eliminate not only certain Federal oversight, but also the pressures which have turned our Boards into juries and our public process of management into a forum for special interest attorneys.

Finally, I would like it noted for the record that the Governor as a matter of protocol was notified in writing of HJR-33 before it was introduced on February 28th. I to date, have not receive even a courtesy reply from his office. Further, I can not understand why the Governor's liaison asked for this Resolution to be held over to allow time for a response to be drafted.

I urge committee members not to accept any of the ambiguous and dilatory arguments being made by the Administration. An Administration which as we all know is bound by campaign promises to political special interests who are demanding that the equal rights of your constituents be eliminated from the State Constitution.

The Attorney General stated it best at the Joint Briefing when he admitted that amending ANILCA was a legally acceptable solution, but not a politically acceptable one.

It is a sad day when a Department as important as Fish and Game has to welcome federal mangement because it is politically correct.

DEPARTMENT OF FISH AND GAME

POSITION PAPER

Bill Number: HJR 33

Sponsor: Representative Masek

Bill Title: Amendments to ANILCA

Department Position: Oppose

This resolution asks Congress to revise ANILCA Title VIII to incorporate "...the principles of common use and of equal access to fish and wildlife for subsistence..." and to return full authority for subsistence management to Alaska. The resolution appears to be asking that consistency between ANILCA and the Alaska Constitution be achieved by amending ANILCA. It should be noted that the Alaska Constitution actually contains provisions for common use and equal application of laws to persons similarly situated (Title VIII, Secs. 3 and 17), and does not call for equal access.

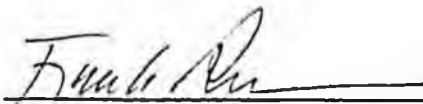
The proposed change in ANILCA could have the effect of allowing the state's subsistence management program to be consistent with ANILCA, so the program that is currently in place for managing subsistence on state and private lands would apply on federal public lands as well.

Currently, all Alaskans are eligible to participate in subsistence hunts and fisheries. This is not a desirable condition; it has the effect of increasing participation unreasonably and increasing the number of subsistence hunts and fisheries that are over-subscribed, which therefore must be managed under Tier II qualification criteria. Existing Tier II hunts are unpopular and eligibility determinations for these hunts are difficult to administer and enforce. There is a pressing need to define subsistence eligibility in Alaska broadly through use of a fair, manageable and enforceable system. Presently the Alaska Constitution does not provide a mechanism to accomplish this. But making ANILCA consistent with the state constitution would eliminate one (federal) mechanism of determining subsistence eligibility (rural residency) and replace it with no mechanism at all. This scenario would complicate subsistence management by ADF&G.

The resolution also would not diminish federal judicial oversight of subsistence management in Alaska. Thus, even though ANILCA and the state constitution may be consistent with regard to subsistence eligibility, aggrieved parties could still seek federal relief if they felt that their subsistence opportunity was infringed by state regulations. The result, statewide, would be an amalgam of state subsistence regulations and federal court orders.

Though perhaps well intentioned, the resolution, as written, does not lead to a solution to subsistence management problems in Alaska. If Congress were to act favorably on it, which is unlikely, it could further complicate the state's management program.

Commissioner's Signature



Date

3.16.95



HOMER SOCIETY OF N
 PRATT MUSEUM
 3779 Bartlett Street
 Homer, Alaska 99603
 (907)235-8635

Post-It™ Fax Note	7671	Date	3/22/95	# of pages	1
To	BRIAN PORTER	From	PRATT MUSEUM		
Co/Dept.	Room 118	Co.			
Phone #			Phone #		
Fax #	465-3834	Fax #	235-2764		

March 22, 1995

Honorable Brian Porter
 State Capitol Building Room 118
 Juneau, AK 99801

Dear Representative Porter:

I am writing in support of the Alaska State Museums Grant-in-Aid program, a grants program of utmost importance to the Pratt Museum, Homer Society of Natural History, and to all museums in Alaska. For the past 15 years, the Pratt Museum has benefited extensively from the annual \$5,000-\$10,000 grants awarded in support of basic collections preservation, storage, and access needs - collections are the lifeblood of museums. These grants also have helped to leverage other public and private monies nationwide for continued support of these fundamental and essential preservation functions of healthy, thriving Alaskan museums.

The original mandate which established the Alaska State Museum included the need for statewide services and financial support for Alaska's unique, diverse cultural and natural heritage. I respectfully request your serious consideration in providing at least the FY 1995 funding level for the continued success of the Alaska State Museum Grant-in-Aid program critical to the vitality of Alaska's community museums. Thank you.

Sincerely,

Elizabeth Ann Webb

Elizabeth Ann Webb
 Curator of Collections

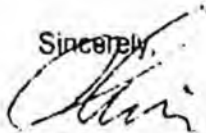
cc: Betsy Pitzman, Director, Pratt Museum

Christopher Batin
Editorial Director

TO: House Judiciary Committee
Brian Porter, Chair
RE: HJR 33

Speaking for many Alaska Angler and Alaska Hunter subscribers within the state and across the Lower 48, we collectively and wholeheartedly support Beverly Masek's resolution that supports amending ANILCA. This measure is long overdue.

Sincerely,



Christopher Batin
Editorial Director

Your Total Information
Source on Alaska
Fishing & Hunting

Alaska Angler Publications
Alaska Hunter Publications
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Alaska Hunter Photo Book
Alaska Angler & Hunter Calendar
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99708 3550 USA

(907) 455-8000
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David M. Johnson

8294 Opal Drive
Anchorage, AK 99502-4546
United States of America
Tel. (907) 248-4385
FAX (907) 248-1465
INTERNET: 73211.3325@compuserve.com

March 21, 1995

Dear House Judiciary Members:

I am writing in favor of HJR 33 that would call for amendment of the Alaska National Interest Lands Conservation Act--ANILCA.

Title eight of this federal law has a basic flaw: it grants subsistence priority based on where a person lives--the so called "zip code priority." The priority should be based on a person's lifestyle.

Therefore, someone who lives in Anchorage and practices a subsistence lifestyle could have the priority right alongside someone from Aniak. The current federal policy is thinly veiled racism...the rural areas are predominately native, of course. While many natives are subsistence users, so are many other Alaskans...and not just in the bush.

Please send a message to the federal government that Alaska does not like the "zip code priority" of ANILCA.

Sincerely,

David M. Johnson

21 March 1995

TO: Mr. Brian Porter, Chairman
House Judiciary Committee

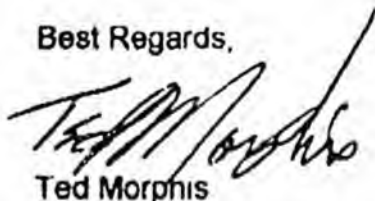
FROM: Ted Morphis
3811 Erickson Ave. #1
Fairbanks, AK. 99709

Chairman Porter,

I'am sending you fax message to voice my support of HJR 33, which was introduced by Rep. Beverly Masek. ANILCA is **unconstitutional**, according to the State of Alaska Constiltution

Furthermore, it is refreshing to finally hear from someone like Rep. Masek, who speaks in reference to **all Alaskan's regardless of organ.**

Best Regards,

A handwritten signature in black ink, appearing to read "Ted Morphis", written in a cursive style.

Ted Morphis

ALASKA HOUSE JUDICIARY COMMITTEE

3/21/95

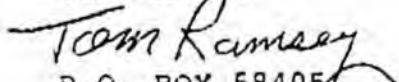
HONORABLE MEMBERS,

I URGE YOUR SUPPORT OF HOUSE JOINT RESOLUTION 33 (HJR33).

THIS SHOW OF SOLIDARITY IS A POSITIVE STEP TOWARDS ALASKA'S DESIRE
AND LAWFUL RIGHT TO MANAGE IT'S OWN FISH AND WILDLIFE RESOURCES.

SINCERELY,

TOM RAMSEY



P.O. BOX 58405
FAIRBANKS, ALASKA 99711

PHONE 488-0210

Public Opinion Message

Richard C. Carol Swisher
 Title: First Name Middle Name Last Name Suffix
 596 Old Steese North #4 Fairbanks AK
 Mailing Address Quicksilver Ave Zip 99712
 Same as above
 Home Address Zip
 907 457-1941

Telephone	Affiliation	City

House	Members	Senate	Members	Committees	
Austerman+	Hanley+	Navarre	Adams/	Lincoln/	C&RA
Barnes*-	Ivan/+	Nicholia/	Donley*	Miller*	FINANCE
Brice*	James**	Coan+	Duncan/	Pease**	HESS
Brown*	Kelly*	Parnell**	Eills*	Phillios**	JUDICIARY
Bunde**	Kohrino*-	Phillios+	Frank**	Rieger**	LABOR & COMM
Davies*	Kott**	Porter**	Green+	Sajo*	RESOURCES
B. Davis*	Kubina/	Robinson	Halford*	Sharo**	RULES
G. Davis+	Mackie/	Rokeberg*-	Hoffman/	Taylor+	STATE AFFAIRS
Eiton	MacLean/	Sanders**	Kelly*	Torgerson+	TRANS
Finkelstein*	Martin**	Therault*	Leman**	Zharoff/	
Foster/+	Masek*	Toohy**			
Green*-	Moses/+	Vazev**			
Grussendorf//	Mulder*-	Williams/+			
		Willis*			

POMs Policy
 You may telephone or hand deliver your message to any LIO. POMs may not exceed 50 words. They must include your name, address and telephone number (if possible) and the name of the receiving legislator(s). They may not contain vulgar language.

~~Comments~~
 Anchorage* | Majority+ | Bill # 33
 Bush/ | Minority |
 Fairbanks (Minority) ✓ | Support: ~~Oppose~~ ~~Amending~~ ~~Amending~~

Subject: Support for Amending Anilakt
 to get rid of the rural subsistence priority

50 Word Maximum Message

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	46		47		48		49		50



**Sport
Fishing
Alaska** Trip Planners

1401 Shore Drive Anchorage Alaska 99515 (907) 344-8674 Fax (907) 349-4330

Page 1 of 1

March 22, 1995

TO: Chairman, House Judiciary Committee
FAX: 907-465-3834

FROM: Sport Fishing Alaska
Russ and Donna Redick, owners
FAX: 907-349-4330

RE: HJR 33

We strongly support HJR 33 to amend the ANILCA subsistence language.

We are strongly opposed to federal control of Alaska subsistence as well as other federal intervention in fish and wildlife management.

House Judiciary Committee

I would like to express
my sincere support
for HJR 33 which
recommends amending
ANILCA -

Katharine Richardson

3/22/95

March 22, 1995

House Judiciary Comm.
Chairman, Rep Porter

Good morning Please pass H.J.R.33 soon.

This resolution is of vital interest to many
of us Alaskans.

Sincerely,

DAN FAIRBANKS

Fairbanks

D. D. Fairbanks

RICK SCHIKORA
BOX 58388
FAIRBANKS, ALASKA 99701

MESSAGE VIA FAX

TO: HOUSE JUDICIARY COMMITTEE

(907) 465-3834

I URGE YOU IN TO STRONGLY SUPPORT HJR 33 AS INTRODUCED BY REPRESENTATIVE BEVERLY MASEK. I CAN THINK OF NO OTHER WAY TO GET THE ATTENTION OF OUR CONGRESSIONAL DELEGATION. A COUPLE OF THEM WERE THERE WHEN CONGRESS CREATED THIS PROBLEM AND THEY ARE IN A VERY GOOD POSITION TO FIX IT NOW. IT APPEARS THEY NEED A BIG PUSH. THIS HJR MIGHT JUST DO THE TRICK.

ALASKA CANNOT SIT BY IDLY WHILE THE FEDERAL GOVERNMENT IMPLEMENTS A HIGHLY DISCRIMINATORY PRACTICE OF RURAL PREFERENCE UPON ITS PEOPLE. I BELIEVE THAT ANILCA IS UNCONSTITUTIONAL UNDER FEDERAL LAW. EVEN MORE THAN THAT, IT SURF AS HECK VIOLATES THE AGREEMENT WE HAD WITH THE FEDERAL GOVERNMENT IN OUR STATEHOOD COMPACT. IT IS TIME TO SAY ENOUGH IS ENOUGH.

PLEASE PASS HJR 33.

THANK YOU FOR YOUR TIME

SINCERELY,



RICK SCHIKORA

March 22, 1995

House Judiciary Committee
FAX: 907-465-3834

RE: HJR-33; Amending ANILCA.

Dear Committee Members:

I want to take this opportunity to voice my opinion on this issue and to urge you to support this resolution.

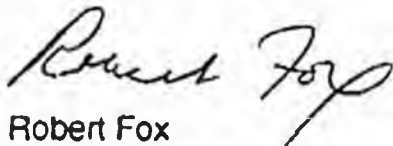
I have never been against a true subsistence lifestyle, but the Federal Government has never had a clue about the issue. It (ANILCA) was written to foster a division between natives and non-natives, and to perpetuate the Federal control over Alaska and her people.

The current situation with Federal intervention has only heightened bias between ourselves, and this will never be resolved unless Alaska and Alaskans are successful at getting ANILCA amended. Under the Federal Subsistence regulations, large areas are being set aside in a very clear preference for where a person lives and not what their need is, and has never considered "need" as an issue, or whether there exists a shortage to justify such a set-aside.

Under Federal intervention, there is no biology allowed, and conservation is out the window. Sound management, which Alaska so desperately needs, is impossible under the current application of ANILCA.

PLEASE SUPPORT HJR-33 TO AMMEND ANILCA!

Sincerely,



Robert Fox
815 6th Avenue
Fairbanks, AK 99701

To: House Judiciary Committee
Fax 907/465-3834

From: Andy Warwick
907/456-1566

March 22, 1995

I support HJR 33. ANILCA is the problem, not the Alaska constitution.



Official Business

COMMITTEES
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Member
Labor & Commerce

Alaska State Legislature

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REPRESENTATIVE
BEVERLY MASEK

Willow
H C 89 Box 251
Willow Alaska 99688
(907) 495-6812

State Capitol
Juneau, AK 99801-1182
(907) 465-2679

SPONSOR STATEMENT

HJR - 33

I have introduced HJR - 33 to preserve the equal protection, equal access, and common use clauses of our State Constitution.

In 1992 the State Supreme Court threw out those portions of the state subsistence law which violated these sections of our constitution.

That action by the court triggered a blackmail clause in ANILCA which mandates federal fish and game management if the state does not adhere to the conditions found in title VIII of ANILCA which deals with subsistence.

Now we must change our state constitution and meet federal standards or lose permanently our fish and game management authority throughout Alaska.

What the State Supreme Court found offensive in the State law (which they threw out) is even more offensive in Title VIII of ANILCA. For instance, the State law was based in part on need and was only triggered in times of resource shortages. The Federal law on the other hand, is not need based and can be activated at anytime.

Even more disturbing have been the courts implementation of the federal law. In the Lime Village Case the courts essentially found that seasons, bag limits, methods and means do not apply to subsistence hunting.

In a more recent decision the courts found that it was permissible for subsistence users to take fish (in this case herring roe) and sell it for cash.

In effect the courts have established a new class of limited entry based solely on where a person lives. This should be warning signal to every commercial fisherman in the state. Under ANILCA a person may move to Wrangell from Seattle, declare a subsistence priority immediately, harvest fish, and legally sell or trade them to a broker in Seattle under the guise of trade and barter.

Finally it should be noted that in 1982 the U.S. Supreme Court ruled that Eskimos in Northwest Alaska could not use subsistence to halt oil development on sea ice located three miles from shore. The most important part of that decision may have been a finding by the court that all aboriginal titles and claims of title had been extinguished under the terms and conditions of the Alaska Native Claims Settlement Act. This was based on a payment of 1 billion dollars and 44 million acres of land.

Yet today we find provisions of ANILCA which, in all likelihood are based on an unconstitutional premise, stripping us of our authority to manage our fish and game. Perhaps if our governor were willing to challenge ANILCA in the federal courts we would have a third option for resolving this dilemma. Unfortunately, his legal council the Attorney General recently told House and Senate members on record that while amending or repealing ANILCA was the only true legal solution for the State, it was politically unacceptable to the Governor. It seems difficult to believe that this Administration finds equal rights and common use unworthy principles to defend.

It is now up to us as Representatives of the people to take the lead on behalf of all Alaskans in defense of their most basic rights.

This Resolution is an ardent request to Congress to amend ANILCA, to respect our state constitution, to relinquish their management of fish and game, and to honor the most critical elements of our Statehood Compact.

I urge your support for this important Resolution.

Thank you.