

**HB**

**406**

HFIN

FILE

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 7, 1998

FURTHER REFERRALS:

Date of Committee Action: 4/9/98

The FINANCE Committee considered:

HB 406

HOUSE BILL NO. 406

SUBSISTENCE USES OF FISH AND GAME

“An Act relating to subsistence uses of fish and game.”

recommends it be replaced with the following committee substitute CS HB 406 (FIN)  the same title  
 a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

(8)  fiscal note(s) AK Court; law  fiscal note(s) \_\_\_\_\_  
(6) fish: game \_\_\_\_\_  
 zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Therriault</i>	Therriault	X			
<i>Mark Harley</i>	Harley			X	
<i>Gordon Ford</i>	Murder			X	
<i>Eric Martin</i>	Martin			X	
<i>Pat Kelly</i>	Kelly				X
<i>Cal Davies</i>	J. Davies		X		
<i>Ben Grossendort</i>	Grossendort		X		
<i>Moses</i>	Moses		X		
<i>J. Davis</i>	J. Davis		X		
<i>Richard Foster</i>	FOSTER		X		
<i>John Kohns</i>	Kohns				X

CHAIR'S SIGNATURE *Gene Therriault* *Mark Harley*

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406 (Fin)**

Revision Date (Note if correction)	Dept. Affected
Title	Fish and Game
of Game to identify fish and game taken for subsistence...	BRU Administration and Support
Sponsor	Component
House Resources Committee	Boards of Fisheries and Game
Requester	Component Serial No.
House Finance Committee	2048

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	12.8	12.8	12.8	12.8	12.8	12.8
Travel	346.9	156.6	156.6	156.6	156.6	156.6
Contractual	47.5	26.6	26.6	26.6	26.6	26.6
Supplies	1.3	0.7	0.7	0.7	0.7	0.7
Equipment	0.0	10.0	10.0	10.0	10.0	10.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>408.5</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	408.5	206.7	206.7	206.7	206.7	206.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>408.5</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>	<b>206.7</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	2*	2*	2*	2*	2*	2*
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HB 406 will substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual criteria to determine who may participate in subsistence fisheries and hunts in Alaska.

During the first year of implementation, the Joint Board will meet approximately 12 days to analyze the new statute and establish the regional council system, including appointments to councils. Following, each board will meet separately for approximately 12 days each to review and revise the nonsubsistence use areas, establish the subsistence permit point system and application form, and establish the appeal process.

(\*Increase two PPT clerks to PFT)

(continued on separate page)

Prepared by	Diana Cole, Exec. Director	Phone	465-6095
Division	Boards Support Section	Date	4/15/98
Approved by	Frank Rue, Commissioner	Date	4/15/98
Agency	Department of Fish and Game		

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FISCAL NOTE ANALYSIS, continued  
BRU: Admin and Support  
COMPONENT: Boards of Fisheries and Game, #2048

CSHB 406(Fin)  
April 15, 1998

To perform the regulation consistence review and make determinations for subsistence, each board will meet approximately 7 days.

During subsequent years, each board will meet approximately 14 additional days.

CONTRACTUAL, SUPPLIES AND EQUIPMENT

Funds will provide for meeting room rental, phone and fax machines at the meetings, supplies for meetings, and necessary equipment. The budget in subsequent years reflects inflation and equipment upgrades.

STAFFING

Two existing administrative clerks will be increased from seasonal (10 months) to full-time (12 months) in the Boards of Fisheries and Game components. These positions serve as the main clerical support for the Board of Fisheries, Board of Game, and for headquarters staff.

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406(FIN)**

Revision Date (Note if correction)	_____	Dept. Affected	<u>Fish and Game</u>
Title	<u>Subsistence Uses of Fish and Game</u>	BRU	<u>Sport Fish</u>
		Component	<u>Sport Fish</u>
Sponsor	<u>House Resources Committee</u>		
Requester	<u>House Finance Committee</u>	Component Serial No.	<u>464</u>

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	48.5	48.5	48.5	48.5	48.5	48.5
Travel	16.8	16.8	16.8	16.8	16.8	16.8
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts	49.0	49.0	49.0	49.0	49.0	49.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1024 Fish and Game Fund	16.3	16.3	16.3	16.3	16.3	16.3
<b>TOTAL</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>	<b>65.3</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** *(Attach a separate page if necessary)*

No new positions are being requested. However, funding for 10 months of staff time utilizing existing permanent/seasonal PCNs is required as well as funding for additional travel costs.

Prepared by	<u>Kevin Delaney</u>	Phone	<u>465-4180</u>
Division	<u>Sport Fish</u>	Date	<u>4/15/98</u>
Approved by	<u>Commissioner</u>	Date	<u>4/15/98</u>
Agency	<u></u>		

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# FISCAL NOTE

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406(FIN)**

Revision Date (Note if correction) _____	Dept. Affected: <u>Fish and Game</u>
Title <u>Subsistence Uses of Fish and Game</u>	BRU <u>Wildlife Conservation</u>
	Component <u>Wildlife Conservation</u>
Sponsor <u>House Resources Committee</u>	
Requester <u>House Finance Committee</u>	Component Serial No. <u>473</u>

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	87.1	88.0	88.9	89.8	90.7	91.6
Travel	20.6	18.5	18.5	18.5	18.5	18.5
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>107.7</b>	<b>106.5</b>	<b>107.4</b>	<b>108.3</b>	<b>109.2</b>	<b>110.1</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES (1024)</b>						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match	107.7	106.5	107.4	108.3	109.2	110.1
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
<b>TOTAL</b>	<b>107.7</b>	<b>106.5</b>	<b>107.4</b>	<b>108.3</b>	<b>109.2</b>	<b>110.1</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

The estimated costs of representing the division at and coordinating with regional councils and the expanded Game Board meeting schedule are in addition to funds currently expended working with federal subsistence regional advisory councils.

Assumptions: (1) Additional staff time (10 days/each regional council meeting) will be offset by extending seasonal PCNs; (2) A project coordinator (Range 18) will be hired to work with the board and division staff on subsistence issues; (3) Additional travel costs will be incurred for area staff to attend regional council meetings (1 staff for 6 days annually) and division staff to attend expanded Game Board meetings (3 staff for 19 days each in FY99 and for 14 days each in FY00).

Prepared by <u>Wayne Regelin, Director</u> <i>WRegelin</i>	Phone <u>465-4190</u>
Division <u>Wildlife Conservation</u>	Date <u>4/15/98</u>
Approved by Commissioner <u>Simon Bruce</u> <i>Simon Bruce</i>	Date <u>4/15/98</u>
Agency <u>Alaska Department of Fish and Game</u>	

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# FISCAL NOTE

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406(FIN)**

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected Fish and Game  
 Title Act authorizing Board of Fisheries and Board BRU Commercial Fisheries  
of Game to identify fish and game taken for subsistence Component All  
 Sponsor House Resources Committee  
 Requester House Finance Committee Component Senal No. 2167,68, 69, 70, 71

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	50.0	50.0	50.0	50.0	50.0	50.0
Travel	32.2	22.9	22.9	22.9	22.9	22.9
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>82.2</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	82.2	72.9	72.9	72.9	72.9	72.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>82.2</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>	<b>72.9</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	5	5	5	5	5	5
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

Line 100 costs are for seasonal and overtime costs for preparation of materials for the board meetings.  
 Line 200 costs are for travel and per diem for support staff attendance at board meetings.

Prepared by Bob Clasby Phone 465-4210  
 Division Director Date 4.15.98  
 Approved by Commissioner: Frank Rue Date 4.15.98  
 Agency Fish and Game

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# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. CS HB 406(FIN)**

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Act Relating to Fish and Game BRU: Subsistence  
 Component: Subsistence  
 Sponsor: House Resources  
 Requester: House Finance COMPONENT SERIAL NO. 483

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 93	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	1,033.2	2,197.2	2,197.2	2,197.2	2,197.2	2,197.2
TRAVEL	42.6	68.2	68.2	68.2	68.2	68.2
CONTRACTUAL	156.2	206.2	206.2	206.2	206.2	206.2
SUPPLIES	29.0	43.0	43.0	43.0	43.0	43.0
EQUIPMENT	56.0	15.0	31.0	15.0	31.0	15.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1,317.0</b>	<b>2,529.6</b>	<b>2,545.6</b>	<b>2,529.6</b>	<b>2,545.6</b>	<b>2,529.6</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,317.0	2,529.6	2,545.6	2,529.6	2,545.6	2,529.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>1,317.0</b>	<b>2,529.6</b>	<b>2,545.6</b>	<b>2,529.6</b>	<b>2,545.6</b>	<b>2,529.6</b>

Estimate of any current year (FY96) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME	19	37	37	37	337	37
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Overview: HB406 would substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual qualification criteria to determine who may participate in subsistence fisheries and hunts in Alaska, as well as an adjudication process for challenges and denials for qualification. Applicants are expected to be residents of areas and communities determined to be nonsubsistence under the provisions of this legislation. Individuals will have to apply for each species and fish and game population for which they wish to hunt and fish. This new qualification system is expected to draw about 122,000 applications each year—64,000 fishing permit applications and 58,000 hunting permit applications.

Division: Wav C. Pete Phone: 465-4147  
Subsistence Date: 4/15/98  
 Approved by Commissioner: Frank Rue Date: 4/15/98  
 Agency: Department of Fish and Game

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## FISCAL NOTE ANALYSIS: Division of Subsistence

### **Development of a Subsistence Permitting Program:**

**OVERVIEW:** CSHB 406(FIN) would substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual qualification criteria to determine who may participate in subsistence fisheries and hunts in Alaska. Applicants are expected to be residents of areas and communities determined to be non-subsistence under the provisions of this legislation. Individuals will have to apply for each species and fish stock and game population for which they wish to hunt and fish. These individual applications systems are expected to draw about 120,000 applications each year—64,000 fishing permit applications and 58,000 hunting permit applications.

**PROCESS:** The team charged with issuing permits for the Board of Fisheries and the Board of Game will consist of a core of 37 individuals: 1 section head, 2 program managers, 2 resource specialists III's, 10 hearing officers, 6 analyst programmers, 4 paralegals, 6 data entry clerks, 2 secretaries, and 4 administrative clerks. Duties of this team will cover two primary functions: (1) the issuance of permits and (2) the process of appeals of unsuccessful applicants. The process of issuing permits requires the design and printing of applications, a distribution system for applications to the public, evaluation of applications, and actual permit issuance to qualified applicants. Appeals and disagreements over the issuance of permits requires a systematic process in which applicants have adequate recourse to resolving disputes prior to seeking judicial relief.

The permit process will have a series of stipulations and safeguards to provide applicants with the greatest opportunity to receive benefits to which they are entitled. The design of the application will include reviews by each board and appropriate staff. The oversight process begins when applications are received and initially reviewed. Applications lacking vital information or incomplete responses will be returned with letters of explanation. Unsuccessful applicants will be notified of their rejection to give them the opportunity to provide additional support to their subsistence preference claim. If after re-evaluation of additional information applicants are still unsuccessful, they may seek an appearance before the hearing officer in order to determine the facts of the case. If the hearing officer still decides against the applicant, the applicant can appeal to the Boards of Fisheries or Game. In the event the board affirms the original denial, the decision would be final for the Department and the applicant could appeal to the Superior Court.

**CORE STAFFING:** Because each board will have its own permit process for applications each board's process will have its own set of hearing officers, analyst programmers and data entry clerks, resource specialists and administrative clerks. All of these positions will be located in Anchorage to facilitate their access to the entire state as well as applicants' ease of access to them.

**SECTION HEAD.** An assistant director (range 23) will oversee the entire subsistence eligibility section and coordinate with the rest of the division, the department, and other agencies.

**BOARD SECTION LEADER.** Two program managers (range 22), one for each board, will lead the application design, issuance and award process. They will each oversee a staff of 17.

**SUBSISTENCE RESOURCE SPECIALIST III:** The subsistence resource specialist III (SRS III) is a range 18 position and will have programmatic and administrative oversight of the analyst programmers and administrative clerks for each board's permit system. Working with Division's current director and research director, the SRS III will develop and analyze options for the subsistence hunting and fishing application and scoring system for presentation to the Boards of Fisheries and Game. They will oversee the awards and appeals of applications

**PARALEGALS:** The four (4) paralegals will coordinate the file for each appeals and adjudication. They will conduct the research necessary and make sure the file is complete before each hearing. They will assist the hearing officer.

**ADMINISTRATIVE CLERK III:** The four (4) administrative clerks (AC III) are a range 10 position and will be responsible for maintaining general administrative functions of the appeals staff of this unit. The AC III will respond to public inquires about the appeals process. They will also serve as recording clerks during hearings.

**HEARING OFFICERS:** The ten (10) hearing officers (HO) are range 22 positions with responsibilities for determining finding of facts. Each board and each region (Southeast, Southcentral, Southwest, Arctic, Interior) will have a hearing officer. The two hearing officers will design and implement the necessary procedures to see that the intent of the legislation is met and that applicants who are denied a subsistence hunting or fishing permit are assured of due process. Each of these positions receives clerical support from an administrative clerk II and investigative support from an analyst programmer III position.

**ANALYST PROGRAMMER III:** The analyst programmers (A.P III) are range 16 positions with responsibilities for the design of the fishing or hunting applications, creation of necessary data management procedures and programs, and collection of administrative information relevant to the applicant. Using hunting license and permit information within the Department of Fish and Game, the two A.P IIIs will provide the hearing officers with data relevant to the applications in dispute. The A.P IIIs will also undertake a random review of successful permit applicants to ensure that the system is meeting its objective of providing a subsistence preference to qualified applicants. The A.P IIIs will have the shared responsibility with the hearing officers for preparation of documentation of applicant cases. They will also directly supervise the administrative clerk II positions.

**DATA ENTRY CLERK II:** The data entry clerks (AC II) are range 9 positions. The primary responsibility of the two AC IIs will be the review for accuracy of all permit applications and entry of application information. Following data entry, the AC IIs will archive all materials in accordance with administrative procedures. As required, the AC IIs will provide support for the distribution of applications and permits.

**SUBSISTENCE SUPPORT STAFF:** The unit will draw upon some of the staff resources of the Division of Subsistence. With this unit's SRS III, the Division's current director and research director and AP IV will develop and analyze options for the subsistence applications and scoring systems for presentation to the Boards of Fisheries and Game. These and other support functions will be subsumed within the Division's current budget. Subsistence Resources Specialist IIs and IIIs and clerical staff will provide regional support in informing the public about the process and will respond to and forward inquires of local residents.

**BUDGET—Division of Subsistence:**

**ELIGIBILITY SECTION:**

**FY 99**

The initial budget for the eligibility section provides for nineteen (19) full-time employees: one section head, 2 program managers., 2 resource specialists, 2 secretaries, 6 analyst programmer IIIs, and 6 data entry clerk IIs. This group, split into two teams, one for each board, will design and distribute the application forms, respond to public inquires, score the applications received, and process appeals. Full-time funding for the unit projects personnel costs totaling \$1,033.2.

**TRAVEL:** A travel budget of \$42.6 provides for program outreach throughout the state, participation of the SRS III at Board of Fisheries and Board of Game meetings, and the appearance of the hearing officers for hearings as required.

**CONTRACTUAL:** Leasing office space; printing and distribution of applications; permits denials; notices of deadlines and other correspondence and communications are estimated to bring the total for contractual services to \$156.2.

**SUPPLIES & EQUIPMENT:** Office expendables are estimated at \$29.0. Necessary equipment for this new unit including furniture, computers and office equipment is estimated at \$56.0 for the first year.

The total budget for the first year of operation is \$ 1,317.0.

**FY 00**

**ELIGIBILITY SECTION:** Second year staffing will increase to a total of 37 employees with hiring of 10 hearing officers, 4 paralegals and 4 administrative recording clerks. This group will process the first set of appeals and challenges, estimated to be about 1,000 per year. Personnel costs total \$2,197.2.

Travel, Contractual, Supplies and Equipment will total \$332.4.  
The total budget in the second year of operation is \$2,529.6.

**FY 01**

The total budget in the third year will be \$2,545.6, reflecting a 16.0 increase for equipment upgrades. Staffing remains the same.

**FY 02**

The total budget in the third year will be \$2,529.6. Staffing and other budget categories remain the same.

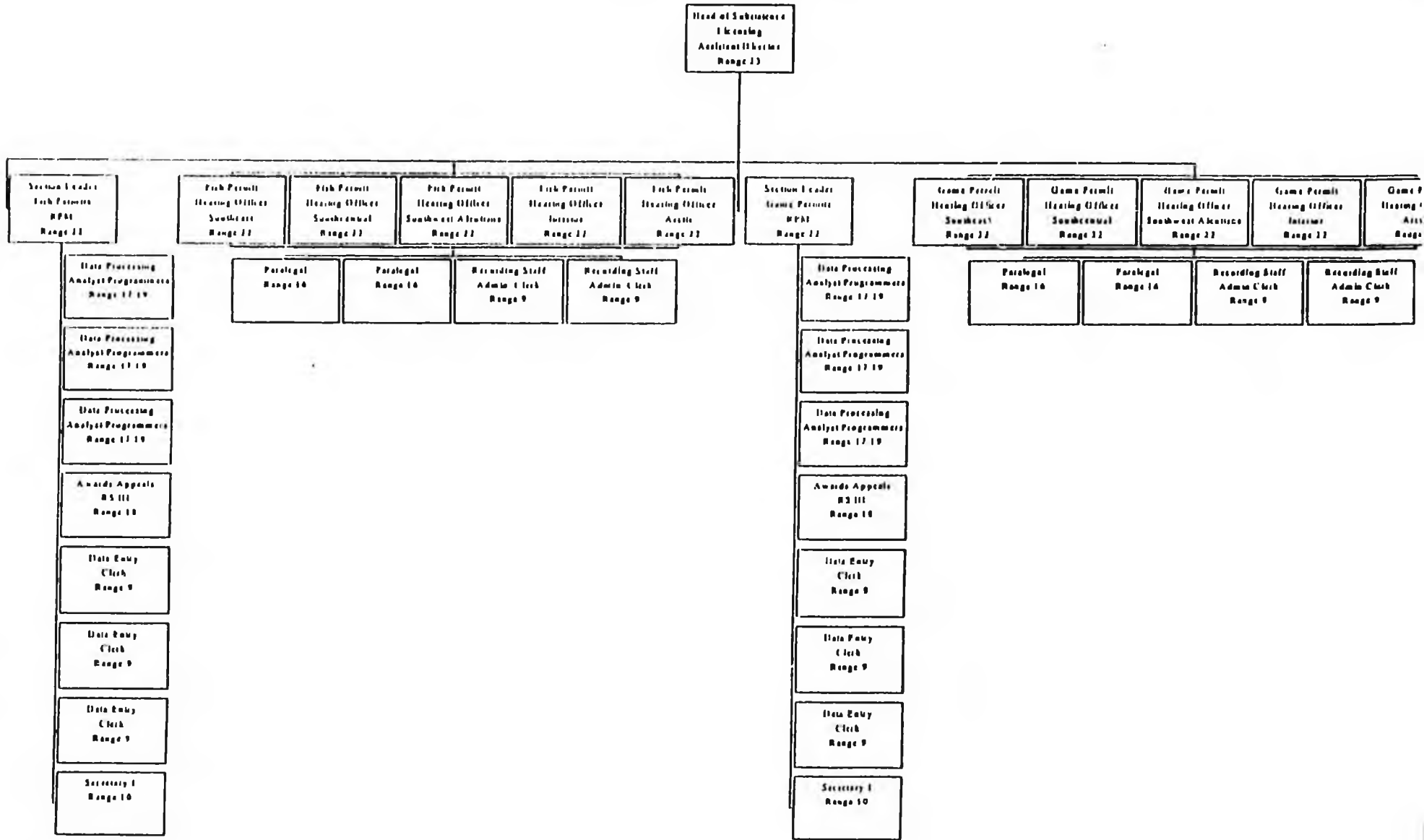
**FY 03**

The total budget in the fourth year will be \$2,545.6, reflecting a 16.0 increase for equipment upgrades. Staffing and other budget categories remain the same.

**FY 04**

The total budget in the fifth year will be \$2,529.6. Staffing and other budget categories remain the same.

(Potential Organization) 4/8/98



**Personnel Costs for New Subsistence Eligibility Section**

	Range	Monthly Salary/Benefits	Yearly Salary/Benefits	Number of Positions	Personnel Costs
Assistant Director	23	\$7,300	\$87,600	1	\$87,600
Regional Program Managers	22	\$6,500	\$78,000	2	\$156,000
Resource Specialist III	18	\$5,800	\$69,600	2	\$139,200
Analyst Programmers	16	\$5,000	\$60,000	6	\$360,000
Data Entry Clerks	9	\$3,000	\$36,000	6	\$216,000
Admin Clerks	9	\$3,000	\$36,000	4	\$144,000
Secretary I	10	\$3,100	\$37,200	2	\$74,400
Hearing Officer	22	\$6,500	\$78,000	10	\$780,000
Paralegal Staff	16	\$5,000	\$60,000	4	\$240,000
<hr/>					
Total				37	\$2,197,200

### Applicants for Subsistence Permits

Fish	1995 Population	Households	Percent of Households Wanting to Fish	Number of Households Wanting to Fish	Mean Fishers per HH	Number of People Wanting to Fish	Number of Fish Stocks Applied for per Fisher	Total Number of Fishing Permit Applicants
Unalaska	4,083	1,021	11%	112	2	225	2	449
Bethel	5,195	1,299	70%	909	2	1,818	2	3,637
King Salmon-Naknek	1,305	326	48%	157	2	313	2	626
Dillingham	2,243	561	72%	404	2	807	2	1,615
Kodiak Area	13,498	3,375	26%	877	2	1,755	2	3,509
Nome	3,576	894	50%	447	2	894	2	1,788
Barrow	4,234	1,059	29%	307	2	614	2	1,228
Kotzebue	2,947	737	6%	560	2	1,120	2	2,240
Sitka	9,194	2,299	33%	759	2	1,517	2	3,034
Cordova	2,568	642	27%	173	2	347	2	693
Petersburg	3,374	844	21%	177	2	354	2	709
Wrangell	2,758	985	23%	227	2	454	2	908
Anchorage	257,780	64,445	10%	6,445	1.5	9,667	2	19,334
Fairbanks Area	88,729	22,182	10%	2,218	1.5	3,327	2	6,555
Juneau	29,228	7,307	10%	731	1.5	1,096	2	2,192
Kenai Area	45,984	11,496	10%	1,150	1.5	1,724	2	3,449
Ketchikan Area	15,082	3,771	30%	1,131	1.5	1,697	2	3,393
Mat-Su Area	50,261	12,565	20%	2,513	1.5	3,770	2	7,539
Valdez	4,469	1,117	20%	223	1.5	335	2	670
<b>TOTAL</b>				<b>19,520</b>		<b>31,834</b>		<b>63,668</b>

Game	1995 Population	Households	Percent of Households Wanting to Hunt	Number of Households Wanting to Hunt	Mean Hunters per HH	Number of People Wanting to Hunt	Number of Hunts Applied for per Hunt	Total Number of Hunting Permit Applicants
Unalaska	4,083	1,021	11%	112	1	112	2	225
Bethel	5,195	1,299	20%	260	1	260	2	520
King Salmon-Naknek	1,305	326	58%	189	1	189	2	378
Dillingham	2,243	561	42%	236	1	236	2	471
Kodiak Area	13,498	3,375	48%	1,620	1	1,620	2	3,240
Nome	3,576	894	20%	179	1	179	2	358
Barrow	4,234	1,059	43%	455	1	455	2	910
Kotzebue	2,947	737	73%	538	1	538	2	1,076
Sitka	9,194	2,299	44%	1,011	1	1,011	2	2,023
Cordova	2,568	642	57%	366	1	366	2	732
Petersburg	3,374	844	43%	363	1	363	2	725
Wrangell	2,758	985	34%	335	1	335	2	670
Anchorage	257,780	64,927	9%	7,733	1	7,733	2	15,467
Fairbanks Area	88,729	29,576	13%	3,845	1	3,845	2	7,690
Juneau	29,228	9,743	33%	3,215	1	3,215	2	6,430
Kenai Area	45,984	15,328	19%	2,912	1	2,912	2	5,825
Ketchikan Area	15,082	5,027	37%	1,860	1	1,860	2	3,720
Mat-Su Area	50,261	16,754	18%	3,016	1	3,016	2	6,031
Valdez	4,469	1,490	44%	655	1	655	2	1,311
<b>TOTAL</b>				<b>28,900</b>		<b>28,900</b>		<b>57,801</b>

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406(Fin)**

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected Fish and Game  
 Title Act authorizing Board of Fisheries and Board BRU Administration and Support  
of Game to identify fish and game taken for subsistence... Component Advisory Committees  
 Sponsor House Resources Committee  
 Requester House Finance Committee Component Serial No. 2231

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	231.8	231.8	231.8	231.8	231.8	231.8
Travel	110.0	220.0	220.0	220.0	220.0	220.0
Contractual	180.0	180.0	180.0	180.0	180.0	180.0
Supplies	42.0	42.0	42.0	42.0	42.0	42.0
Equipment	80.0	20.0	20.0	20.0	20.0	20.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>643.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	643.8	693.8	693.8	693.8	693.8	693.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>643.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>	<b>693.8</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time	4	4	4	4	4	4
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HB 406 will substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual criteria to determine who may participate in subsistence fisheries and hunts in Alaska.

During the first year of implementation, the Joint Board will meet to analyze the new statute and establish the regional council system, including appointments to councils. The regional councils will then meet about 6 days each in the first year, and advisory committee travel and meeting days will increase to attend pertinent regional council and board meetings.

(continued on separate page)

Prepared by Diana Cote, Exec. Director Phone 465-6095  
 Division Boards Support Section Date 4/15/98  
 Approved by Frank Rue, Commissioner Date 4/15/98  
 Agency Department of Fish and Game

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FISCAL NOTE ANALYSIS, continued  
BRU: Admin and Support  
COMPONENT: Advisory Committees, #2231

CSHB 406(Fin)  
April 15, 1998

The regional councils will meet about 6 days each in the first year, and advisory committee travel and meeting days will increase to attend pertinent regional council and board meetings.

During subsequent years, regional councils will meet an estimated 12 days per year. Advisory committee travel and meeting days will increase to attend pertinent regional council and board meetings.

#### CONTRACTUAL SUPPLIES AND EQUIPMENT

Funds will provide for meeting room rental, phone and fax machines at the meetings, supplies for meetings, and necessary equipment for four new staff positions and regional councils. The budget in subsequent years reflects inflation and equipment upgrades.

#### STAFFING

One new regional coordinator position will work with the new regional committees and existing advisory committees. Staff for existing regional coordinator will be increased from seasonal to full-time. Three administrative clerks will provide clerical support including processing travel claims, serve and support to both Boards Section regional staff and to the regional councils and advisory committees.

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406 (FIN)**

Revision Date: 04/15/98  
 Title: An act relating to Fish and Game  
 Sponsor: House Resources  
 Requestor: House Finance

Dept. Affected: Alaska Court System  
 BRU: Trial Courts  
 Component: \_\_\_\_\_  
 COMPONENT SERIAL NO. 768

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	0.0	118.3	89.6	89.6	89.6	57.5
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>118.3</b>	<b>89.6</b>	<b>89.6</b>	<b>89.6</b>	<b>57.5</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**Fund Source**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	118.3	89.6	89.6	89.6	57.5
1005 GF; Program Receipts						
1037 GF; Mental Health						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>118.3</b>	<b>89.6</b>	<b>89.6</b>	<b>89.6</b>	<b>57.5</b>

Estimate of any current year (FY 98) cost: \$ None

**Positions**

Full-Time						
Part-Time	0	3	3	3	3	3
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, General Counsel  
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 04/15/98

Approved by: Stephanie J. Cole, Administrative Director  
 Agency: Alaska Court System

Date: 04/15/98

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**Alaska Court System  
Fiscal Analysis  
CSHB 406 (FIN)**

CSHB 406 (FIN) creates a presumption that a resident who is domiciled in an area determined by the Board of Fisheries or Board of Game to be customarily and traditionally dependent on a resource is a qualified subsistence user, and that a resident who is not domiciled in such an area is not a qualified subsistence user.

The presumption is rebuttable by a preponderance of the evidence presented at a hearing before the appropriate board, and such hearings must be held in accordance with the Administrative Procedures Act (APA). Sec. 44.62.560 of the APA provides for judicial review by the superior court of a final administrative order.

The judicial function is reactive in nature, and thus the court system generally relies on estimates of administrative appellate caseload provided by the executive branch agencies with responsibility for handling the original administrative actions. The Department of Law has estimated that 40 cases will be appealed to the superior court during the first year that the new regulations are in effect (FY 00), 30 cases will be appealed during the second, third and fourth years, and 20 cases per year will be appealed during the fifth and subsequent years. The Department of Law anticipates that these will be extremely complex, time consuming administrative appeals, and that one attorney will be able to handle 10 cases per year.

Appeals under the APA consume substantially more judicial time than do other types of civil cases. While the large majority of other civil cases are resolved with relatively little judicial time spent (95% settle before trial, for example), all administrative appeals require substantial judicial time to review the record and render a decision. Using the estimates of case complexity made by the Department of Law, this note assumes that handling the FY 00 caseload generated by four attorneys will require 10 months of pro tem judicial time with proportionate reductions in later years.

This note does not include costs associated with adjudicating any constitutional challenges which might be mounted against the legislation, because of the speculative nature of such costs. It does not include costs associated with the creation of a new Class A misdemeanor for providing false information regarding the taking or use of fish or game for subsistence uses, because the Department of Law has not estimated the number of such case which might be prosecuted per year. Finally, it does not include costs associated with handling the administrative appeals which are appealed from the superior court to the supreme court.

**Alaska Court System**

**Fiscal Analysis**

**CSHB 406 (FIN)**

**Personal Services**

**by Fiscal Year**

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
<b><u>FY 00</u></b>			
Superior Court Pro Tem Judge, Anchorage, PPT, 10 months	\$ 48,750	\$ 23,762	\$ 72,512
Law Clerk, 13D, Anchorage, PPT, 10 months	28,320	11,558	39,878
In-Court Clerk, 12A, Anchorage, PPT, 2 months	4,822	1,045	<u>5,867</u>
FY 00 Total Personal Services			<u>\$ 118,257</u>
<b><u>FY 01 - FY 03</u></b>			
Superior Court Pro Tem Judge, Anchorage, PPT, 8 months	\$ 36,583	\$ 17,821	\$ 54,384
Law Clerk, 13D, Anchorage, PPT, 8 months	22,656	6,718	29,374
In-Court Clerk, 12A, Anchorage, PPT, 2 months	4,822	1,045	<u>5,867</u>
FY 01 - FY 03 Total Personal Services			<u>\$ 89,625</u>
<b><u>FY 04</u></b>			
Superior Court Pro Tem Judge, Anchorage, PPT, 5 months	\$ 24,375	\$ 11,681	\$ 36,256
Law Clerk, 13D, Anchorage, PPT, 5 months	14,160	4,199	18,359
In-Court Clerk, 12A, Anchorage, PPT, 1 month	2,411	523	<u>2,934</u>
FY 04 Total Personal Services			<u>\$ 57,549</u>

# FISCAL NOTE

Workdraft M

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. CSHB 406 (FIN)**

Revision Date _____	Dept. Affected _____ Law
Title "An Act authorizing the Board of Fisheries	BRU Civil Division
to identify fish and game that are taken or used for subsistence	Component Natural Resources
Sponsor House Resources Committee	
Requester House Finance Committee	Component Serial No 2212

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	226.4	452.9	339.6	339.6	339.6	226.4
Travel	0.7	1.4	1.0	1.0	1.0	0.7
Contractual	42.7	117.1	96.9	94.9	94.9	66.8
Supplies	3.6	7.3	5.4	5.4	5.4	3.6
Equipment	19.5	13.0				
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>292.9</b>	<b>591.5</b>	<b>443.0</b>	<b>441.0</b>	<b>441.0</b>	<b>297.5</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	292.9	591.5	443.0	441.0	441.0	297.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>292.9</b>	<b>591.5</b>	<b>443.0</b>	<b>441.0</b>	<b>441.0</b>	<b>297.5</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_

**POSITIONS**

Full-time	3	5	4	4	4	3
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

CS HB 406(Fin) would substantially revise the state's subsistence statute and the way in which the Boards of Fish and Game manage fish and game resources for subsistence uses. It would establish an individual eligibility for subsistence based on customary and traditional use of individual stocks and populations. Persons who were determined to be "qualified subsistence users" for a stock or population, based on individual criteria, would be eligible to take that stock or population under subsistence regulations in times of a shortage of the stock or population. Persons who lived in an area identified as dependent on each stock or population would be presumed to be qualified subsistence users of that stock or population; those who did not could apply for such status. Eligibility for the status could be challenged. The application and challenge processes would be handled by the Department of Fish and Game, and all hearings would be held under provisions of the Administrative Procedures Act, which allows for appeal to the superior court. It is estimated by the Department of Fish and Game that approximately 122,000 applications for qualified subsistence user status would be

Prepared by <u>Joan M. Kasson</u>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date <u>4/14/98</u>
Approved by Commissioner <u>Bruce V. Botelho</u> Attorney General	Date <u>4/14/98</u>
Agency <u>Department of Law</u>	

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FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Workdraft M  
BILL NO. CSHB 406 (FIN)

ANALYSIS CONTINUATION

received annually and that 1,000 of those would go on to the hearing officer appeal stage. The Department of Law anticipates that 40 of these determinations would be appealed to the superior court in the first year of the new program and that 30 would be appealed annually after that time. Further, one-fifth of these decisions would then be appealed to the Supreme Court.

Management of subsistence use fish and game resources would begin with an identification of nonsubsistence areas by the boards, taking into account whether a cash economy was a principal characteristic of the area. CSHB 406 (FIN) directs the boards to review all existing nonsubsistence area designations within two years and to substantially increase the proportion of the state that is designated as nonsubsistence areas.

The boards would then identify stocks and populations located outside nonsubsistence areas that are customarily and traditionally taken or used for subsistence. The boards would determine whether there was a harvestable surplus of each of those stocks and populations and, depending on the amount of the harvestable surplus, relative to the amount determined to be reasonably necessary for subsistence uses by residents, adopt regulations that provide for different groups of persons to harvest each individual stock or population. Under the provisions of CSHB 406 (FIN), the boards would differentiate among four levels of availability for each stock or population: 1) sufficient to provide for all consumptive uses; 2) sufficient to provide for a reasonable opportunity for subsistence uses by qualified subsistence users and some, but not all, other consumptive uses; 3) sufficient to provide a reasonable opportunity for subsistence uses by qualified subsistence users but no other consumptive uses; and 4) not sufficient to provide a reasonable opportunity for human consumptive uses by all qualified subsistence users.

The legislation revamps the entire subsistence management regime and will require the boards to revisit and perhaps revise all hunting and fishing regulations during the first year after passage of the bill. They will be required to reevaluate and re-identify the nonsubsistence areas within the first two years. The boards will be required to make annual determinations of harvestable amounts, determine at which of the four levels noted above each stock and population is, and establish the appropriate types of regulations. They will also be required to determine the eligibility of those who have applied for qualified subsistence user status or whose status has been challenged.

The additional responsibilities of the boards in implementing the individual eligibility preference system of CSHB 406 (FIN) will involve extensive additional meetings of those bodies, particularly in the first year, and accompanying legal services from the Civil Division of the Department of Law. In the first year, each of the two boards will require the services of one attorney to provide advice during the regulations review and revision process. In the second year, two additional attorneys, for a total of four, will be necessary to assist with continuing advice to the boards in their eligibility and area determinations and in pursuing the challenges to hearing officer and board decisions that will be taken to court. These cases are expected to attract the attention of public interest attorneys and organizations. It is estimated that there will be at least 40 cases appealed to the superior court in the first year the new regulations will be in effect and 30 a year thereafter. It is anticipated that one-fifth of those will be appealed to the Alaska Supreme Court. As the number of appeals declines in subsequent years, the number of attorneys required will decrease to three in FY01, and to two in FY04.

A provision of the bill makes knowingly providing false information to the department or board regarding the taking or use of fish or game for subsistence uses or regarding the person's or another person's eligibility to engage in subsistence uses of fish and game a Class A misdemeanor. In addition to imposing other penalties of law, a court shall suspend the fishing and hunting privileges of a person convicted under the section not less than one year. The Criminal Division of the Department of Law will incur some additional costs under this section, but the division is unable to estimate these at this time.

FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Workdraft M  
BILL NO. CSHB 406 (FIN)

ANALYSIS CONTINUATION

The bill as currently written presents constitutional issues and, given the volatility of this issue in the State of Alaska, challenges to the constitutionality of the law that would be enacted by this bill are anticipated. In this arena, too, we expect that public interest attorneys will handle cases that individuals themselves would not be able to bring. However, the costs of defending such constitutional challenges are too speculative and are not included in this fiscal note. Should extraordinary costs be incurred for such defense, the department would seek a supplemental appropriation.

Cost estimates are based on the department's standard FY99/99 cost allocation schedule (full-time equivalent attorney, \$133,500). The cost schedule includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses.

The standard cost does not include case-specific contractual and travel costs, such as the extraordinary travel to the additional multiple board meetings that Fish and Game estimates will be required by this bill, or one-time new equipment purchases for new positions. \$1,000 is added for deposition, court reporter, and transcription costs for each case anticipated to go to court, \$6,396 for travel to attend board meetings in FY99 and \$4,476 for travel to attend board meetings in the following years, and \$6,500 per new attorney position for one-time equipment purchases.

While clerical costs are included in the rate, position authorizations are required. These are included using an approximate ratio of one clerical support position for every three professional positions. One clerical support position is requested in FY99, with \$6,500 for one-time new equipment costs.

## SUMMARY POINTS

CS FOR HOUSE BILL NO. 406(JUD)

0-LS1573J

4/5/98

**"An Act relating to fish and game; and providing for an effective date."**

- 1. Legislature adopts the policies contained in Title VIII of ANILCA to conserve resources and provide a preference for a subsistence way of life.**
- 2. This preference is applied in times of shortage to people who customarily and traditionally depend on the resource, regardless of where they live.**
- 3. No constitutional amendment required.**
- 4. Authorizes the appropriate board to identify subsistence dependent areas based on individual stock or population data.**
- 5. Those dependent residents located within the subsistence dependent area are presumed to qualify for the preference and those located elsewhere are presumed not to qualify.**
- 6. Any individual may rebut the above presumptions by meeting specific criteria relating to reliance and dependence on the resource.**
- 7. Retains existing state definitions of "customary trade", "customary and traditional", "reasonable opportunity", "subsistence use" and adds definitions of "preference" and "sustained yield."**
- 8. Retains existing non-subsistence areas established by the Boards of fisheries and game. The respective boards may act independently to establish non-subsistence areas.**
- 9. Establishes regional advisory committees with specific guidelines for rejection of proposals.**
- 10. Retains existing local advisory committees.**

## Steps When Implementing the 1992 State Subsistence Law

### 1. Nonsubsistence Area Filter

Is the fish stock or game population in question in a nonsubsistence area? If all of the fish stock or game population is in a nonsubsistence area, there is no need for the board to address subsistence uses -- subsistence harvests are not allowed in a nonsubsistence area. If any portion of the fish stock or game population is outside a nonsubsistence area, then the board goes to step 2.

### 2. Customary and Traditional Use Determination

The board determines if there is a customary and traditional use of the fish stock or game population by applying the 8 criteria (5 AAC 99.010), considering information about the use pattern. If there has been a previous positive finding, then this step is unnecessary, and the board goes to step 3. If there has been a previous negative finding, there is no need to address subsistence uses further, unless the proposal is for reconsidering a negative finding. Also, the board may periodically reconsider previous customary and traditional use findings.

### 3. Harvestable Surplus Filter

Can a portion of the fish stock or game population be harvested consistent with sustained yield, considering biological information? If there is no harvestable surplus, then the board authorizes no fisheries or hunts on the stock-population, and there is no need to address subsistence uses further. If there is a harvestable surplus, then the board goes to step 4.

### 4. Amount Reasonably Necessary for Subsistence

The board determines the amount reasonably necessary for subsistence uses, considering information about the subsistence use pattern. If there has been a previous determination on the amount, then the board goes to step 5. The board may periodically reconsider and update these determinations.

### 5. Subsistence Regulations and Reasonable Opportunity Finding

A. If the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the board adopts subsistence regulations that provide a reasonable opportunity for subsistence uses, and adopts regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses.

B. If the harvestable portion of the stock or population is sufficient to provide for subsistence uses, and some, but not all other consumptive uses, the board adopts subsistence regulations that provide a reasonable opportunity for subsistence uses, and may adopt regulations that provide for other uses of those stocks or populations; the regulations that differentiate among consumptive use shall provide for a preference for subsistence uses. Also, nonresident hunting for moose, caribou, elk, and deer must be restricted before resident hunting for these species is restricted (AS 16.05.255d).

C. If the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the board adopts regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses. If subsistence regulations do not provide a reasonable opportunity for subsistence uses after eliminating all other uses, then the board goes to step 6.

### 6. Tier II Subsistence Regulations

If the harvestable surplus is not sufficient to provide a reasonable opportunity for subsistence uses for human food, the board adopts regulations that reduces or eliminates subsistence harvests for other subsistence uses (such as feeding sled dogs). If the harvestable surplus is still not sufficient to provide a reasonable opportunity for subsistence uses, the board adopts regulations providing for a Tier II fishery of the fish stock or Tier II hunt of game population, following 5 AAC 92.062.

MEMO

Date: 4/17/98

To: Representative Therriault

From: Ron Somerville 

Subject: Fiscal Note - CSHB 406 (FIN)

I have reviewed the fiscal notes for Departments of Law and Fish and Game for CSHB 406 (FIN). My first reaction is that everything is significantly over-inflated. It is inconceivable that 8 cases the first year and 6 cases annually thereafter would be appealed to the State Supreme Court.

The request for travel for Advisory Committees and the Boards (456.9) is more than the total travel requested (374.7) in their FY 99 budget. It is unlikely that the new law would require more than a doubling of travel for this section of the department. Although the amount of travel drops for this section in subsequent years (376.6), it is still more than requested for all of FY 99.

The Subsistence Division fiscal note calls for a 35% increase over their FY 99 request. Their FY 00 fiscal note represents a 67% increase over their FY 99 request. Both seem unreasonable.

There is an excellent argument that a significant amount of what the department is already doing could and should be charged to the \$5 million authorized in ANILCA for support of the advisory committees and regional councils. Some data collection, staff support and general supporting operations are arguably eligible. In 1987, the state requested reimbursement of \$3.3 million and only received \$.9 million.

Conceptually, if the state could resolve its differences and meet the basic intent of ANILCA, some federal monies, up to \$5 million, could be available to offset these costs. If the Alaska delegation were able to convince Congress that this proposal meets the intent of ANILCA and subsequent changes were made synchronizing the two laws, then it is possible that the state would qualify for reimbursable costs.

I disagree with the Subsistence Division's analysis from two basic points. First, their cost projections are way out-of-line but there is little available to refute their estimates. The other is on page two of their analysis, under "Overview." They state that "Individuals will have to apply for each species and fish stock an game population for which they wish (emphasis added) to hunt and fish." Since residents outside of a designated subsistence area with a shortage are presumed to be "out" of the preference, it is up to the applicant to demonstrate their past dependence on that particular stock or population. I believe this requirement is going to make it extremely difficult, but not impossible, for most people to qualify. Thus, I would project that

instead of 120,000 applicants, they will be looking at 40,000 - 50,000 at the most. I am also convinced that after the initial year, the number of applicants will fall significantly.

I also do not agree that the application and processing mechanism requires elaborate staffing. Applicants could be required to sign an affidavit and provide minimal documentation before being issued a permit. Subsequent spot checks by enforcement could provide the public exposure necessary to discourage unqualified applicants -- especially if there was a severe enough penalty.

I have provided you with a couple of scenarios for FY 99 and FY 00. Without attempting to refute all their numbers, I have provided a couple of options. You can make the law effective January 1, 1999 and cut your fiscal year costs by more than half for that year. If the legislature eliminates the "substantially increase" provision for non-subsistence areas, you will significantly reduce the number of permit applicants. At least half of the advisory committee and board increase could be conceptually charged against the \$5 million if Congress declared that we were in compliance. A big "if." At least you can argue that it is legitimate to expect that reimbursement and their budget can be modified accordingly if the funds are not available.

Another key point is the fact that at present our fish and wildlife populations are high and most people can get their "true" subsistence needs without having special seasons or special preferences. I would agree that once we go through another cycle where populations decline that this will trigger Board declared shortages for subsistence and subsequently more conflicts. As Mary Pete testified, at present there are no major conflicts in the state at present where residents are not getting their subsistence needs met.

Last, I wanted to acknowledge that there is an underlying fiscal problem associated with this whole debate. At present, subsistence advocates take the position that everyone outside of the metropolitan areas are eligible for subsistence and thus no individual criteria are required until you get to the last "tier II" situation. This is certainly cheaper and easier to administer but arguably unfair. Any legislation establishing an individual based system with specific criteria is going to cost money. HB 406 is an attempt to come down in the middle by using the rebuttable presumption process. It is also clear that the major benefactors will be dependent rural subsistence users.

There is a valid argument that although this process may take more funds to administer, it could be offset by reduced litigation costs. What the Department of Law didn't identify is the costs associated with past and present litigation efforts associated with implementing the pre 1986, pre 1992 and present state subsistence laws. My guess is that the costs have been significant if you look at the litigation list.

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 16, 1998

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO:

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The Honorable Ben Grussendorf  
Alaska House of Representatives  
State Capitol, Rm. 415  
Juneau, AK 99801-1182

Re: Constitutionality of  
CSHB 406 (Fin)

Dear Representative Grussendorf:

You have asked us to describe the constitutional issue in CSHB 406 (Fin) that was discussed in the April 8 and 9 meetings of the House Finance Committee.

A constitutional issue is presented in section 2 of the bill, proposed AS 16.05.258(d).<sup>1</sup> That subsection identifies Alaska residents who are "qualified subsistence users" and thus are eligible to participate in subsistence hunting and fishing.<sup>2</sup> It makes a distinction based upon where residents live. Those who live in an area that is determined to be "customarily and traditionally dependent on the stock or population" are presumed to be qualified subsistence users. Those who do not live in such areas are presumed not to be qualified subsistence users.

In two cases, the Alaska Supreme Court has considered the use of residency-based criteria for determining whether persons are eligible to be subsistence users. In the first case, the Court examined a version of the subsistence law adopted in 1986. Under that law, residents who lived in rural areas of the state qualified

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<sup>1</sup> Subsection (d) is set out in lines 12-18, page 5 of draft #0-LS1573\M.

<sup>2</sup> "Qualified subsistence users" are also identified in another subsection of the bill, proposed AS 16.05.258(c). It qualifies residents, regardless of where they live, according to whether they satisfy certain individual characteristics.

for subsistence hunts and fisheries, and persons who lived in urban areas did not.

In *McDowell v. State* (789 P.2d 1 (Alaska 1989)), the Court held that the urban-rural distinction violated the "equal access" clauses of the Alaska Constitution. Those clauses -- the "common use" clause (Alaska Const. art. VIII, sec. 3), the "no exclusive right of fisheries" clause (Alaska Const. art. VIII, sec. 15), and the "uniform application clause" (Alaska Const. art. VIII, sec. 17) -- have been interpreted to collectively prohibit "exclusive or special privileges to take fish and wildlife." *Id.* at 6.

In striking down the rural resident preference, the Court implicitly followed an analysis that is used in equal protection cases. It examined the individual interest that was at stake in the subsistence law, the state's purposes for the law, and whether the means used by the law presented the "least possible infringement on article VIII's open access values." *Id.* at 10. In holding that the urban-rural criterion violated the equal access clauses, the Court commented that the clauses afford protection against the creation of a "closed class" of fish and game users, but they do not bar "all methods of exclusion where exclusion is required for species protection purposes." *Id.* at 6-7, 9.<sup>3</sup>

Because of the analysis and comments in *McDowell*, some persons have concluded that where a person resides may, in limited circumstances, be used to distinguish subsistence users from others. For example, they have said that residency may be used to reduce the number of subsistence users if a reduction is needed for species protection purposes or if residency satisfies the "interest-purpose-means" test under equal protection. Another view is that residency is a permissible criterion if it is used only as a factor for eligibility, that is, if the location of a person's residence does not alone determine whether he or she may be a subsistence user.

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<sup>3</sup> Under that analysis, the Court observed that the 1986 subsistence law was not precisely drafted to achieve one of its purposes -- to ensure that those Alaskans who need to engage in subsistence hunting and fishing in order to provide for their basic needs are able to do so. The urban-rural criterion was over-inclusive because it qualified some rural residents who had no legitimate claims to subsistence, and it was under-inclusive because it disqualified some urban residents who did have legitimate claims. *McDowell v. State*, 785 P.2d 1, 10-11 (Alaska 1989).

Proponents of the residency-based presumptions of HB 406 have said that the presumptions are merely an "administrative convenience" for the State. They say that the presumptions will only be an inconvenience for those residents who, because of where they live, will be presumed not to be subsistence users.

The effect of the presumptions is spelled out in section 2 of the bill, proposed AS 16.05.258(e).<sup>4</sup> Under that subsection, a person who lives in a subsistence-dependent area, and thus, is presumptively a qualified subsistence user, may immediately participate in subsistence hunts and fisheries. That person may continue to participate unless someone makes the effort, and bears the expense, of assembling and presenting evidence at a hearing that shows that he or she should not qualify. Even if a presumptively qualified person is eventually disqualified, he or she will be able to participate in subsistence hunts and fisheries until a board makes a final determination against the person, and maybe until all appeals through the courts have been exhausted. In the meantime, the person may have participated for months, perhaps years.

On the other hand, an Alaskan who lives outside of subsistence-dependent areas and is, thus, presumptively not a qualified subsistence user may not participate in subsistence hunts and fisheries unless the person makes the effort, and bears the expense, of assembling and presenting evidence at a hearing that shows that he or she should qualify. Including appeals, this process could also take months or years.

The residency-based presumptions in HB 406, therefore, create an advantage for one group of Alaskans and a disadvantage for another group that, even if eventually rebutted, will allow the former to participate in subsistence hunts and fisheries for months or years longer than the latter. The consequence of the presumptions is significant, and the burden of rebutting them is more than "inconvenience."

For several years, the belief that residency-based criteria may be permissible was supported by another aspect of the *McDowell* decision. In *McDowell*, the Court, although it struck down the urban-rural criterion, let stand another feature that was based on residency. That feature was a criterion used to determine a person's eligibility to participate in "Tier II" subsistence hunting and fishing.

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<sup>4</sup> Subsection (e) is set out in lines 19-25, page 5 of draft #0-LS1573\M.

Tier II occurs when fish and game resources have diminished to a point where, even after all other uses have been eliminated, there is not enough to provide "reasonable opportunity" for subsistence uses. AS 16.05.258(b)(4). In that situation, the law directs the State to distinguish among subsistence users and to allow those persons who score highest under three criteria to continue subsistence uses. One of the three qualifying criteria was "the proximity of the domicile of the subsistence user to the stock or population." AS 16.05.258(b)(4)(B)(ii).

In other words, the subsistence law gave an advantage to persons who lived closer to a subsistence fish stock or game population. Although proximity was only one of three factors for Tier II eligibility,<sup>5</sup> a person who lived closer to the wildlife was more likely to qualify for a Tier II hunt or fishery than a person who lived further away.

Six years after the *McDowell* decision, the Alaska Supreme Court focused on the Tier II proximity criterion. In 1995, the Court decided that the criterion violated the equal access clause. *State v. Kenaitze Indian Tribe*, 894 P.2d 632, 639 (Alaska 1995).

Several features of the *Kenaitze* case are significant. First, the constitutionality of the proximity criterion was not an issue before the lower trial court. Both the plaintiffs (the *Kenaitzes* and other Cook Inlet Native Tribes) and the defendant (State) assumed, because the criterion was undisturbed in *McDowell*, that it was constitutional. The parties' only difference at the trial court level, and the only point on appeal before the Supreme Court, was whether the nonsubsistence area provision of the 1992 subsistence law was constitutional.<sup>6</sup> The Court, on its own, asked the parties to brief the legality of the proximity criterion.

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<sup>5</sup> The other Tier II factors are the person's "customary and direct dependence on the fish stock or game population . . . for human consumption as a mainstay of livelihood" and the person's "ability . . . to obtain food if subsistence use is restricted or eliminated." AS 16.05.258(b)(4)(B)(i) and (iii).

<sup>6</sup> Although legality of the proximity criterion was not an issue before the trial court, the *Kenaitzes*, in their arguments to both courts, did refer to it. They unsuccessfully argued that the overlap of that criterion with nonsubsistence areas made residents of those areas unable to effectively be subsistence users, thus implicating the equal access clauses.

It is also significant that both the Kenaitzes and the State argued in favor of the proximity criterion. Their arguments are similar to those that are now being offered to support the residency-based presumptions of HB 406. For example, the State, in its brief to the Court, argued that the proximity criterion only came into play when resources were so diminished that it was necessary to reduce the number of users -- in other words, it was used only "for species protection purposes." The State also pointed out that the criterion was not conclusive; there were two other criteria that could outweigh it. Finally, the State argued that proximity to the resource -- unlike the urban-rural criterion -- was neither over-inclusive or under-inclusive, and that it is reasonable to believe that persons living closer to a declining resource have a greater need for it.

In spite of those arguments, the Court held that the proximity criterion violated the equal access clauses. The Court made several comments that cast doubt on any method of deciding subsistence eligibility that is based on where a person lives. The Court, referring to its *McDowell* decision, said:

We explained that the constitution does not bar "all methods of exclusion where exclusion is required for species protection purposes." While we had no occasion to state what exclusionary criteria might be permissible in such circumstances, the opinion makes it quite clear that *residency-based criteria are not permissible*. . . . We both quoted and stressed language holding that *people who reside near a fish or game population do not have a higher claim to that population than state residents whose domiciles are more distant*. . . . Just as eligibility to participate in all subsistence hunting and fishing cannot be made dependent on whether one lives in an urban or rural area, *eligibility to participate in Tier II subsistence hunting and fishing cannot be based on how close one lives to a given fish or game population*.

*Kenaitze* at 638, citations omitted, emphasis added.

After the *Kenaitze* decision, we cannot conceive of any circumstance in which the Supreme Court would allow a person's residence to be used to determine eligibility to participate in subsistence hunts and fisheries. We believe that the Court unconditionally rejected residency-based criteria, even if they would have only an indirect or indeterminative affect on eligibility. Our belief is supported by the fact that the common use clause has words that specifically reject location as a factor; it guarantees common use of fish and game "[w]herever occurring."

The Honorable Ben Grussendorf  
Alaska House of Representatives  
Re: Constitutionality of CSHB 406 (Fin)

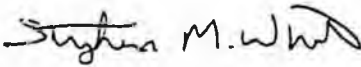
April 16, 1998  
Page 6

Alaska Const. art VIII, sec. 3.<sup>7</sup>

Please contact us if you need further advice on this matter.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
Stephen M. White  
Assistant Attorney General

SMW:lmr

cc: Pat Pourchot, Legislative Director, Office of the Governor  
The Honorable Gail Phillips, Speaker of the House  
Members, House Finance Committee  
Chrystal Smith, Legal Administrator, Department of Law

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<sup>7</sup> In its entirety, the common use clause says, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Alaska Const. art VIII, sec. 3.

FISCAL NOTE

No: 2

Version: CSHB 406 (RES)  
 (H) Publish Date: 3/6/98

STATE OF ALASKA  
 1998 LEGISLATIVE SESSION

Revision Date: 3/5/98  
 Title: AN ACT Relating to Subsistence  
 Use of Fish & Game  
 Sponsor: Representative Scott Ogan  
 Requester: House Resource Committee

Dept. Affected: Dept. of Law  
 3FU  
 Component:  
 Component Serial No.:

Expenditures/Revenues		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF Program Receipts							
1037 GF Mental Health							
1091 Designated Program Receipts							
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	

Estimate of any current year (FY97) cost: \_\_\_\_\_

POSITIONS

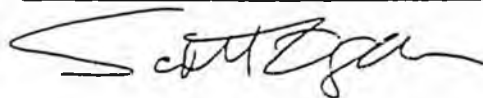
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary.)

Any cost associated with this legislation will be identified in the next committee of referral and has not been brought to my attention at this time.

Prepared by: House Resources Committee  
 Division: \_\_\_\_\_  
 Approved by: Representative Scott Ogan  
 Agency: Co-Chair House Resources Committee

Page: 465-3715  
 Date: 3/5/98  
 Date: \_\_\_\_\_



FISCAL NOTE

No: 3

Version: CSHB 406 (JUD)

(H) Publish Date: 4/7/98

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Revision Date: April 6, 1998  
 Title: Relating to subsistence uses  
of Fish & Game  
 Sponsor: House Resources Committee  
 Requester: House Judiciary Committee

Dept. Affected None  
 BRU None  
 Component None  
 Component Serial No. \_\_\_\_\_

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>

<b>CAPITAL EXPENDITURES</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>
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FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF Mental Health						
1091 Designated Program Receipts						
<b>TOTAL</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>	<b>*</b>

Estimate of any current year (FY97) cost: \_\_\_\_\_

POSITIONS						
Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

*Con Bunde*  
*use @ mail*

Prepared by Jeff Logan  
 Division House Judiciary Committee  
 Approved by Representative Con Bunde, Vice Chairman  
 Agency House Judiciary Committee

Phone 465-6841  
 Date April 6, 1998  
 Date April 6, 1998

**COMMITTEE COPY**

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. HB406**

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Act Relating to Fish and Game BRU: Subsistence  
 Component: Subsistence  
 Sponsor: House Judiciary  
 Requester: House Finance COMPONENT SERIAL NO. 483

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 100	FY 101	FY 02	FY 03	FY 04
PERSONAL SERVICES	1,336.0	2,439.0	2,439.0	2,439.0	2,439.0	2,439.0
TRAVEL	487.4	407.1	407.1	407.1	407.1	407.1
CONTRACTUAL	154.1	380.0	380.0	380.0	380.0	380.0
SUPPLIES	39.0	63.0	63.0	63.0	63.0	63.0
EQUIPMENT	77.0	31.0	31.0	31.0	31.0	31.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>2,093.5</b>	<b>3,320.1</b>	<b>3,320.1</b>	<b>3,320.1</b>	<b>3,320.1</b>	<b>3,320.1</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts	300.0	600.0	600.0	600.0	600.0	600.0
1003 GF Match						
1004 GF	1,793.5	2,720.1	2,720.1	2,720.1	2,720.1	2,720.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>2,093.5</b>	<b>3,320.1</b>	<b>3,320.1</b>	<b>3,320.1</b>	<b>3,320.1</b>	<b>3,320.1</b>

Estimate of any current year (FY96) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME	24	41	41	41	41	41
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Overview: HB406 would substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual qualification criteria to determine who may participate in subsistence fisheries and hunts in Alaska, as well as an adjudication process for challenges and denials for qualification. Applicants are expected to be residents of areas and communities determined to be nonsubsistence under the provisions of this legislation. Individuals will have to apply for each species and fish and game population for which they wish to hunt and fish. This new qualification system is expected to draw about 122,000 applications each year---64,000 fishing permit applications and 58,000 hunting permit applications.

Prepared by: \_\_\_\_\_  
 Division: \_\_\_\_\_  
 Approved by Commissioner: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Phone: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Date: \_\_\_\_\_

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FISCAL NOTE ANALYSIS: Division of Subsistence

**Development of a Subsistence Permitting Program:**

**OVERVIEW:** HB 406 would substantially revise the state's subsistence statute, requiring the Board of Fisheries and the Board of Game to establish individual qualification criteria to determine who may participate in subsistence fisheries and hunts in Alaska. Applicants are expected to be residents of areas and communities determined to be non-subsistence under the provisions of this legislation. Individuals will have to apply for each species and fish stock and game population for which they wish to hunt and fish. These individual applications systems are expected to draw about 120,000 applications each year—64,000 fishing permit applications and 58,000 hunting permit applications.

**PROCESS:** The team charged with issuing permits for the Board of Fisheries and the Board of Game will consist of a core of 37 individuals: 1 section head, 2 program managers, 2 resource specialists III's, 10 hearing officers, 6 analyst programmers, 4 paralegals, 6 data entry clerks, 2 secretaries, and 4 administrative clerks. Duties of this team will cover two primary functions: (1) the issuance of permits and (2) the process of appeals of unsuccessful applicants. The process of issuing permits requires the design and printing of applications, a distribution system for applications to the public, evaluation of applications, and actual permit issuance to qualified applicants. Appeals and disagreements over the issuance of permits requires a systematic process in which applicants have adequate recourse to resolving disputes prior to seeking judicial relief.

The permit process will have a series of stipulations and safeguards to provide applicants with the greatest opportunity to receive benefits to which they are entitled. The design of the application will include reviews by each board and appropriate staff. The oversight process begins when applications are received and initially reviewed. Applications lacking vital information or incomplete responses will be returned with letters of explanation. Unsuccessful applicants will be notified of their rejection to give them the opportunity to provide additional support to their subsistence preference claim. If after re-evaluation of additional information applicants are still unsuccessful, they may seek an appearance before the hearing officer in order to determine the facts of the case. If the hearing officer still decides against the applicant, the applicant can appeal to the Boards of Fisheries or Game. In the event the board affirms the original denial, the decision would be final for the Department and the applicant could appeal to the Superior Court.

**CORE STAFFING:** Because each board will have its own permit process for applications each board's process will have its own set of hearing officers, analyst programmers and data entry clerks, resource specialists and administrative clerks. All of these positions will be located in Anchorage to facilitate their access to the entire state as well as applicants' ease of access to them.

**SECTION HEAD.** An assistant director (range 23) will oversee the entire subsistence eligibility section and coordinate with the rest of the division, the department, and other agencies.

**BOARD SECTION LEADER.** Two program managers (range 22), one for each board, will lead the application design, issuance and award process. They will each oversee a staff of 17.

**SUBSISTENCE RESOURCE SPECIALIST III:** The subsistence resource specialist III (SRS III) is a range 18 position and will have programmatic and administrative oversight of the analyst programmers and administrative clerks for each board's permit system. Working with Division's current director and research director, the SRS III will develop and analyze options for the subsistence hunting and fishing application and scoring system for presentation to the Boards of Fisheries and Game. They will oversee the awards and appeals of applications

**PARALEGALS:** The four (4) paralegals will coordinate the file for each appeals and adjudication. They will conduct the research necessary and make sure the file is complete before each hearing. They will assist the hearing officer.

**ADMINISTRATIVE CLERK III:** The four (4) administrative clerks (AC III) are a range 10 position and will be responsible for maintaining general administrative functions of the appeals staff of this unit. The AC III will respond to public inquires about the appeals process. They will also serve as recording clerks during hearings.

**HEARING OFFICERS:** The ten (10) hearing officers (HO) are range 22 positions with responsibilities for determining finding of facts. The two hearing officers will design and implement the necessary procedures to see that the intent of the legislation is met and that applicants who are denied a subsistence hunting or fishing permit are assured of due process. Each of these positions receives clerical support from an administrative clerk II and investigative support from an analyst programmer III position.

**ANALYST PROGRAMMER III:** The analyst programmers (A/P III) are range 16 positions with responsibilities for the design of the fishing or hunting applications, creation of necessary data management procedures and programs, and collection of administrative information relevant to the applicant. Using hunting license and permit information within the Department of Fish and Game, the two A/P IIIs will provide the hearing officers with data relevant to the applications in dispute. The A/P IIIs will also undertake a random review of successful permit applicants to ensure that the system is meeting its objective of providing a subsistence preference to qualified applicants. The A/P IIIs will have the shared responsibility with the hearing officers for preparation of documentation of applicant cases. They will also directly supervise the administrative clerk II positions.

**DATA ENTRY CLERK II:** The data entry clerks (AC II) are range 9 positions. The primary responsibility of the two AC IIs will be the review for accuracy of all permit applications and entry of application information. Following data entry, the AC IIs will archive all materials in accordance with administrative procedures. As required, the AC IIs will provide support for the distribution of applications and permits.

**SUBSISTENCE SUPPORT STAFF:** The unit will draw upon some of the staff resources of the Division of Subsistence. With this unit's SRS III, the Division's current director and research director and AP IV will develop and analyze options for the subsistence applications and scoring systems for presentation to the Boards of Fisheries and Game. These and other support functions will be subsumed within the Division's current budget. Subsistence Resources Specialist IIs and IIIs and clerical staff will provide regional support in informing the public about the process and will respond to and forward inquires of local residents.

**BOARD SUPPORT SECTION STAFFING:** The new regional coordinator position will work with the new regional committees and existing advisory committees. Staff for existing regional coordinator will be increased from seasonal to full-time. The administrative clerks will provide support to process travel claims, serve as support to both Boards Section staff and to the regional councils and boards.

**BUDGET—Division of Subsistence:**

**ELIGIBILITY SECTION:**

**FY 99**

The initial budget for the eligibility section provides for seventeen (17) full-time employees: one section head, 2 program managers, 2 secretaries, 6 analyst programmer IIIs, and 6 data entry clerk IIs. This group will design and distribute the application forms, respond to public inquiries, score the applications received, and process appeals. Full-time funding for the unit projects personnel costs totaling \$925.2

**BOARD MEETING:** During the first year of implementation, the Joint Board will meet approximately 12 days to analyze the new statute and establish the regional committee system, including appointments to the councils. Following, each board will meet separately for approximately 12 days to review and revise the nonsubsistence use areas, establish the subsistence permit point system and application form, and establish the appeal process. To perform the regulation consistency review and make determinations for subsistence, each board will meet approximately 7 days. To hear appeals, each board will meet another 7 days. The regional councils will meet about 14 days during the first year and advisory committee travel and meeting days will increase to attend pertinent regional council meetings and board meetings.

During subsequent years, each board will meet approximately 14 additional days. Regional councils will meet an estimated 14 days per year. Advisory committee travel and meeting days will increase to attend pertinent regional council meetings and board meetings.

**TRAVEL:** A travel budget of \$487.4 provides for program outreach throughout the state, participation of the SRS III at Board of Fisheries and Board of Game meetings, and the appearance of the hearing officers for hearings as required.

**CONTRACTUAL:** Printing and distribution of applications, permits denials, notices of deadlines and other correspondence and communications are estimated to bring the total for contractual services to \$154.0.

**SUPPLIES & EQUIPMENT:** Office expendables are estimated at \$39.0. Necessary equipment for this new unit including furniture, computers and office space is estimated at \$72.0 for the first year.

The total budget for the first year of operation is \$ 2,193.5

**FY 100**

**ELIGIBILITY SECTION:** Second year staffing will increase to a total of 37 employees with hiring of 10 hearing officers, 4 paralegals and 4 administrative/recording clerks. This group will

process the first set of appeals and challenges, estimated to be about 1,000 per year. Personnel costs total \$2,439.0.

Travel, Contractual, Supplies and Equipment will total \$881.

**FY 01**

The total budget in the third year will be \$3,201.1, reflecting inflation and \$31.0 for equipment upgrades. Staffing remains the same.

**FY 02**

The total budget in the third year will be \$3,201.1, again reflecting increases due to inflation. Staffing and other budget categories remain the same.

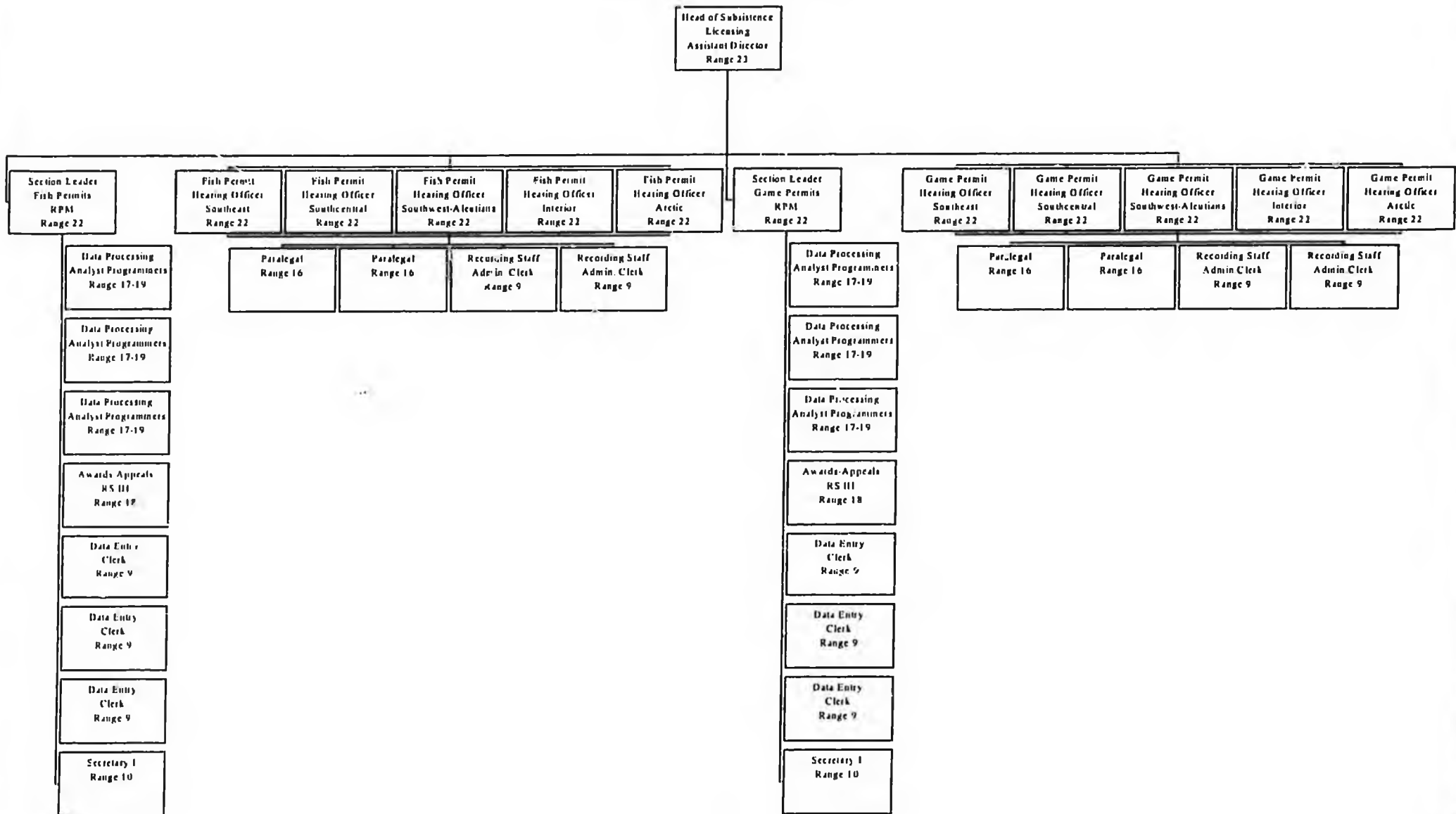
**FY 03**

The total budget in the fourth year will be \$3,201.1, again reflecting increases due to inflation. Staffing and other budget categories remain the same.

**FY 04**

The total budget in the fifth year will be \$3,201.1, again reflecting increases due to inflation. Staffing and other budget categories remain the same.

**Subsistence Eligibility Section  
(Potential Organization) 4/8/98**



**Personnel Costs for New Subsistence Eligibility Section**

	Range	Monthly Salary/Benefits	Yearly Salary/Benefits	Number of Positions	Personnel Costs
Assistant Director	23	\$7,300	\$87,600	1	\$87,600
Regional Program Managers	22	\$6,500	\$78,000	2	\$156,000
Resource Specialist III	18	\$5,800	\$69,600	2	\$139,200
Analyst Programmers	16	\$5,000	\$60,000	6	\$360,000
Data Entry Clerks	9	\$3,000	\$36,000	6	\$216,000
Admin Clerks	9	\$3,000	\$36,000	4	\$144,000
Secretary I	10	\$3,100	\$37,200	2	\$74,400
Hearing Officer	22	\$6,500	\$78,000	10	\$780,000
Paralegal Staff	16	\$5,000	\$60,000	4	\$240,000
<b>Total</b>				<b>37</b>	<b>\$2,197,200</b>

**Increase in Boards Support Staff\***

Regional Coordinator	14	\$3,900	\$46,800	1	\$46,800
Regional Coordinator	14			3	\$77,000
*increase from PT to FT					
Admin Clerks	9	\$3,000	\$36,000	3	\$108,000
Admin Clerks	9			1	\$10,000.00

---

**Total** **\$241,800.00**

**Grand Total** **\$2,439,000.00**

## Applicants for Subsistence Permits

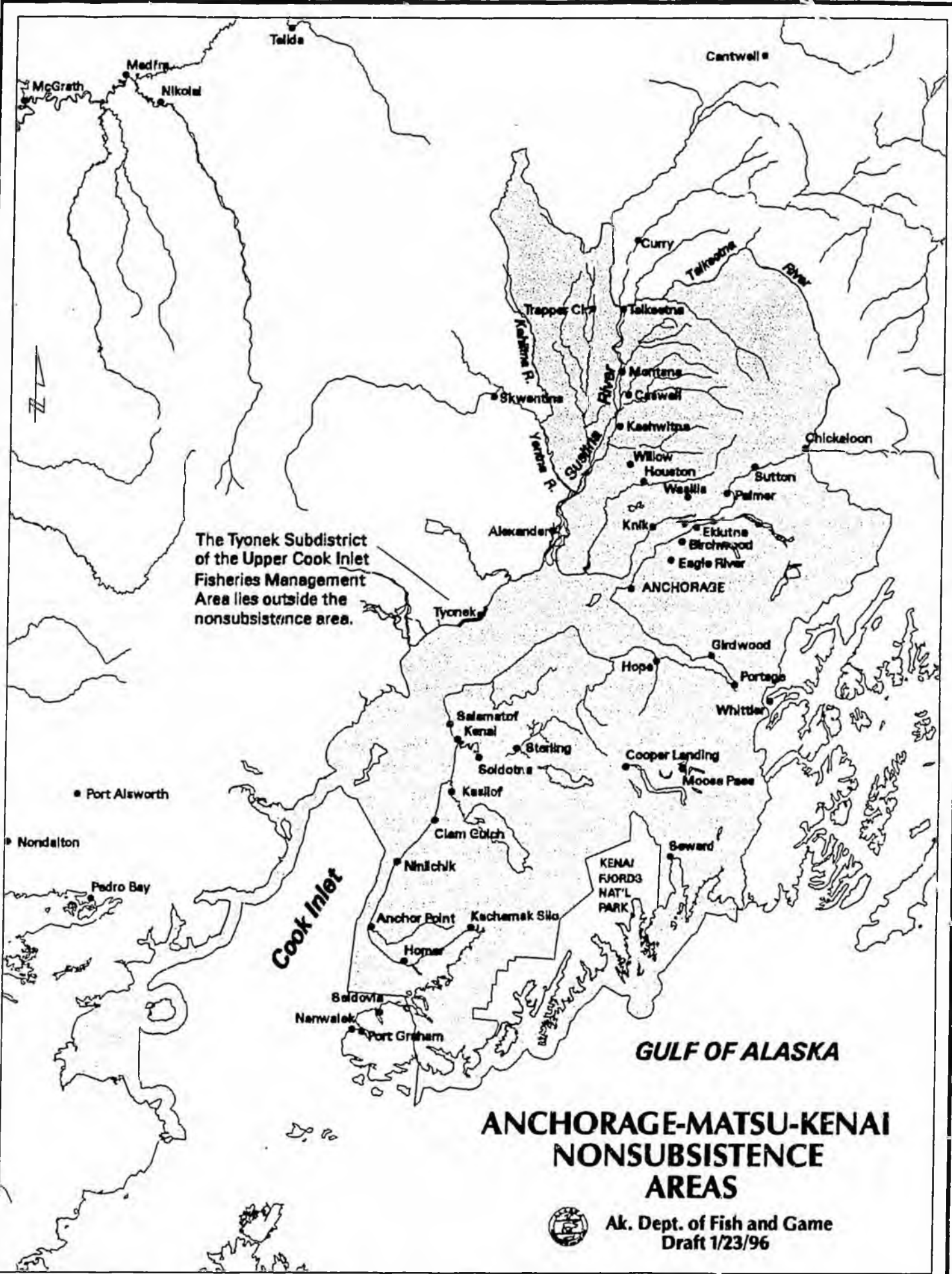
<b>Fish</b>	1995 Population	Households	Percent of Households Wanting to Fish	Number of Households Wanting to Fish	Mean Fishers per HH	Number of People Wanting to Fish	Number of Fish Stocks Applied for per Fisher	Total Number of Fishing Permit Applicants
Unalaska	4,083	1,021	11%	112	2	225	2	449
Bethel	5,195	1,299	70%	909	2	1,818	2	3,637
King Salmon-Naknek	1,305	326	48%	157	2	313	2	626
Dillingham	2,243	561	72%	404	2	807	2	1,615
Kodiak Area	13,498	3,375	26%	877	2	1,755	2	3,509
Nome	3,576	894	50%	447	2	894	2	1,788
Barrow	4,234	1,059	29%	307	2	614	2	1,228
Kotzebue	2,947	737	76%	560	2	1,120	2	2,240
Sitka	9,194	2,299	33%	759	2	1,517	2	3,034
Cordova	2,568	642	27%	173	2	347	2	693
Petersburg	3,374	844	21%	177	2	354	2	709
Wrangell	2,758	985	23%	227	2	454	2	908
Anchorage	257,780	64,445	10%	6,445	1.5	9,667	2	19,334
Fairbanks Area	88,729	22,182	10%	2,218	1.5	3,327	2	6,655
Juneau	29,228	7,307	10%	731	1.5	1,096	2	2,192
Kenai Area	45,984	11,496	10%	1,150	1.5	1,724	2	3,449
Ketchikan Area	15,082	3,771	30%	1,131	1.5	1,697	2	3,393
Mat-Su Area	50,261	12,565	20%	2,513	1.5	3,770	2	7,539
Valdez	4,469	1,117	20%	223	1.5	335	2	670
<b>TOTAL</b>				19,520		31,834		63,668

<b>Game</b>	1995 Population	Households	Percent of Households Wanting to Hunt	Number of Households Wanting to Hunt	Mean Hunters per HH	Number of People Wanting to Hunt	Number of Hunts Applied for per Hunt	Total Number of Hunting Permit Applicants
Unalaska	4,083	1,021	11%	112	1	112	2	225
Bethel	5,195	1,299	20%	260	1	260	2	520
King Salmon-Naknek	1,305	326	58%	189	1	189	2	378
Dillingham	2,243	561	42%	236	1	236	2	471
Kodiak Area	13,498	3,375	48%	1,620	1	1,620	2	3,240
Nome	3,576	894	20%	179	1	179	2	358
Barrow	4,234	1,059	43%	455	1	455	2	910
Kotzebue	2,947	737	73%	538	1	538	2	1,076
Sitka	9,194	2,299	44%	1,011	1	1,011	2	2,023
Cordova	2,568	642	57%	366	1	366	2	732
Petersburg	3,374	844	43%	363	1	363	2	725
Wrangell	2,758	985	34%	335	1	335	2	670
Anchorage	257,780	85,927	9%	7,733	1	7,733	2	15,467
Fairbanks Area	88,729	29,576	13%	3,845	1	3,845	2	7,690
Juneau	29,228	9,743	33%	3,215	1	3,215	2	6,430
Kenai Area	45,984	15,328	19%	2,912	1	2,912	2	5,825
Ketchikan Area	15,082	5,027	37%	1,860	1	1,860	2	3,720
Mat-Su Area	50,261	16,754	18%	3,016	1	3,016	2	6,031
Valdez	4,469	1,490	44%	655	1	655	2	1,311
<b>TOTAL</b>				28,900		28,900		57,801


## Applicants for Subsistence Permits

Fish	1995 Population	Households	Percent of	Number of	Mean Fishers	Number of	Number of Fish	Total Number of
			Households	Households				
			Wanting to Fish	Wanting to Fish	per HH	to Fish	for per Fisher	Applicants
Unalaska	4,083	1,021	11%	112	2	225	2	449
Bethel	5,195	1,299	70%	909	2	1,818	2	3,637
King Salmon-Naknek	1,305	326	48%	157	2	313	2	626
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Anchorage	257,780	64,445	10%	6,445	1.5	9,667	2	19,334
Fairbanks Area	88,729	22,182	10%	2,218	1.5	3,327	2	6,655
Juneau	29,228	7,307	10%	731	1.5	1,096	2	2,192
Kenai Area	45,984	11,496	10%	1,150	1.5	1,724	2	3,449
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Mat-Su Area	50,261	12,565	20%	2,513	1.5	3,770	2	7,539
Valdez	4,469	1,117	20%	223	1.5	335	2	670
TOTAL				19,520		31,834		63,668

Game	1995 Population	Households	Percent of	Number of	Mean Hunters	Number of	Number of	Total Number of
			Households	Households				
			Wanting to Hunt	Wanting to Hunt	per HH	to Hunt	for per Hunt	Applicants
Unalaska	4,083	1,021	11%	112	1	112	2	225
Bethel	5,195	1,299	20%	260	1	260	2	520
King Salmon-Naknek	1,305	326	58%	189	1	189	2	378
Dillingham	2,243	561	42%	236	1	236	2	471
Kodiak Area	13,498	3,375	48%	1,620	1	1,620	2	3,240
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Barrow	4,234	1,059	43%	455	1	455	2	910
Kotzebue	2,947	737	73%	538	1	538	2	1,076
Sitka	9,194	2,299	44%	1,011	1	1,011	2	2,023
Cordova	2,568	642	57%	366	1	366	2	732
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Kenai Area	45,984	15,328	19%	2,912	1	2,912	2	5,825
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Valdez	4,469	1,490	44%	655	1	655	2	1,311
TOTAL				28,900		28,900		57,801

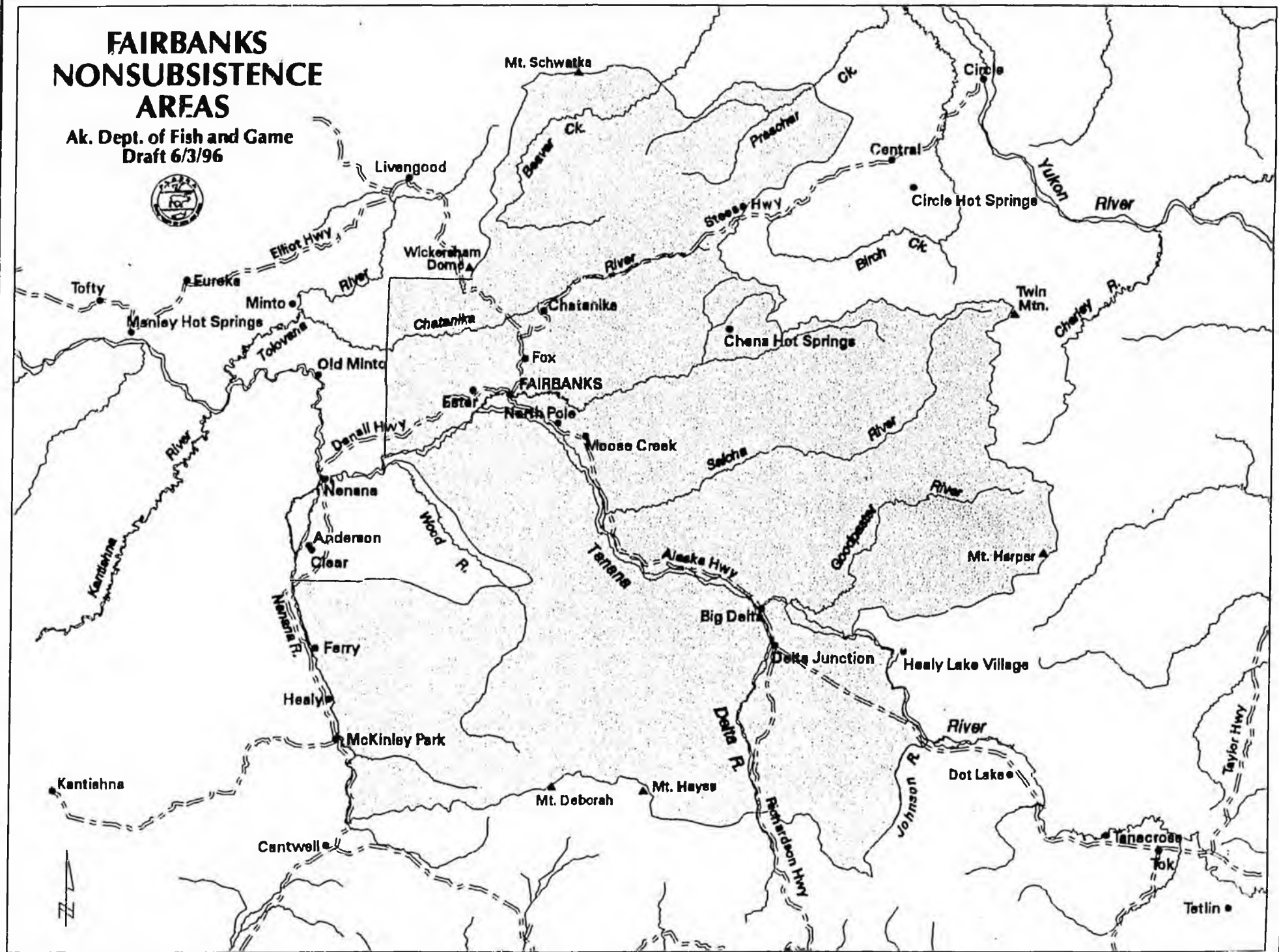


**ANCHORAGE-MATSU-KENAI  
NONSUBSISTENCE  
AREAS**

 Ak. Dept. of Fish and Game  
Draft 1/23/96

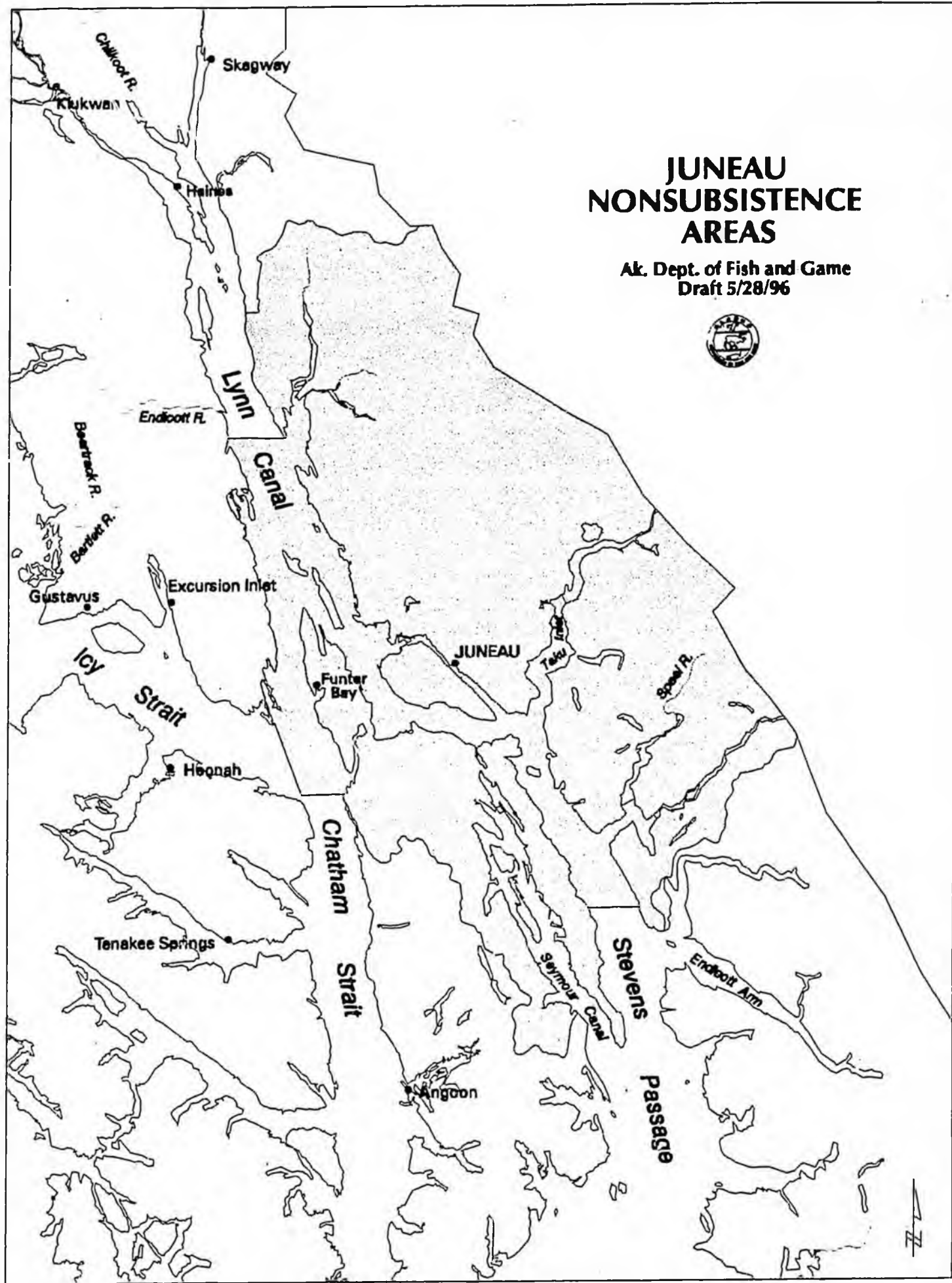
# FAIRBANKS NONSUBSISTENCE AREAS

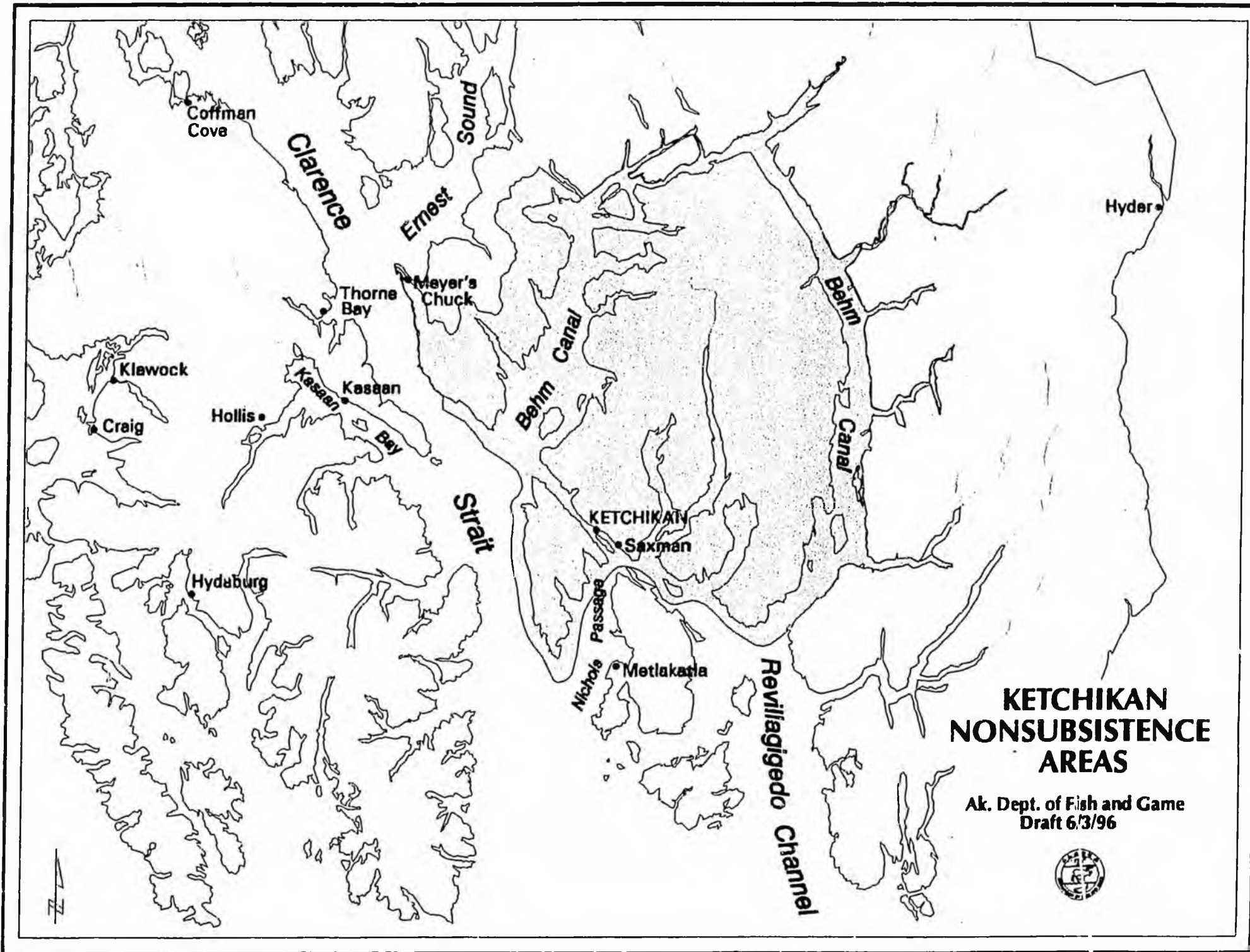
Ak. Dept. of Fish and Game  
Draft 6/3/96



# JUNEAU NONSUBSISTENCE AREAS

Ak. Dept. of Fish and Game  
Draft 5/28/96



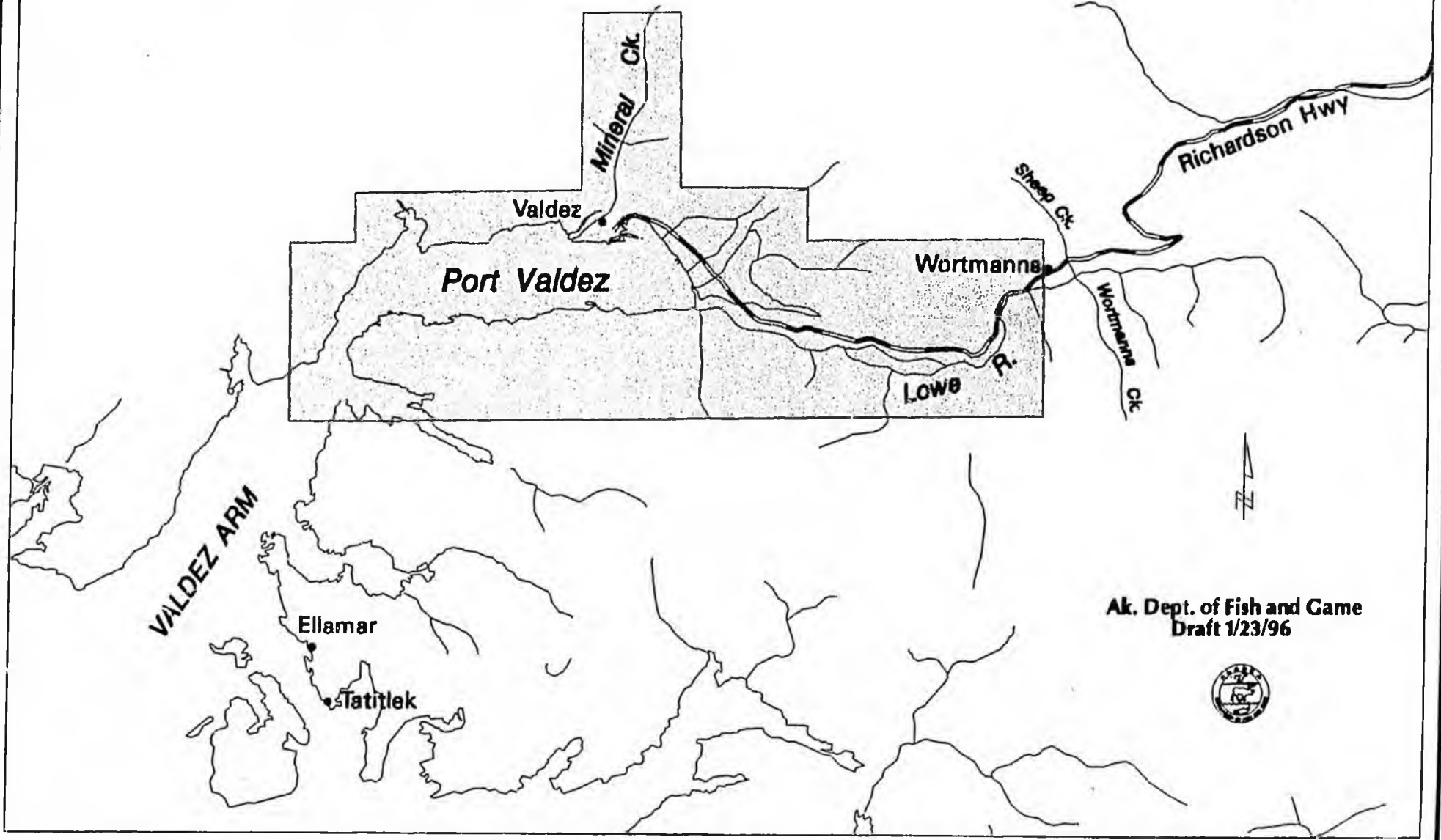


**KETCHIKAN  
NONSUBSISTENCE  
AREAS**

Ak. Dept. of Fish and Game  
Draft 6/3/96



# VALDEZ NONSUBSISTENCE AREAS



Ak. Dept. of Fish and Game  
Draft 1/23/96



4/8/98

# Subsistence In Alaska: 1998 Update

Division of Subsistence, Alaska Department of Fish and Game  
Box 25526, Juneau, Alaska, 99802 (907) 465-4147  
March 1, 1998

## Introduction

Subsistence fishing and hunting are important for the economies and cultures of many families and communities in Alaska. Subsistence exists alongside other important uses of fish and game in Alaska, including commercial fishing, sport fishing, personal use fishing, and general hunting. This report provides an update on subsistence in Alaska, including its interaction with other types of fishing and hunting.

## What is Subsistence?

State and federal law define subsistence as the "customary and traditional uses" of wild resources for food, clothing, fuel, transportation, construction, art, crafts, sharing, and customary trade. Subsistence uses are central to the customs and traditions of many cultural groups in Alaska, including Aleut, Athabaskan, Alutiiq, Euroamerican, Haida, Inupiat, Tlingit, Tsimshian, and Yup'ik. Subsistence fishing and hunting are important sources of employment and nutrition in almost all rural communities.

Commercial fishing differs from subsistence fishing, as it is fishing for sale on commercial markets. Subsistence fish

and game cannot be commercially sold. Personal use fishing is similar to subsistence fishing, except that it is fishing with nets for food in areas generally closed to subsistence, particularly by residents of urbanized areas. Sport fishing and hunting differ from subsistence in that, although food is one product, they are conducted primarily for recreational values, following principles of "fair chase". While subsistence is productive economic activity which is part of a normal routine of work in rural areas, sport fishing and hunting usually are scheduled as recreational breaks from a normal work routine.

## Who Qualifies for Subsistence?

Federal and state laws currently differ in who qualifies for subsistence. Rural Alaska residents qualify for subsistence under federal law. About 20% of Alaska's population (124,367 people in 270 communities) lived in rural areas in 1995 (see Fig. 1). Of the rural population, 61,320 (49.3%) were Alaska Native and 63,047 (50.7%) were not Alaska Native. Of Alaska's urban population (491,533 people), about 33,782 (6.9%) were Alaska Native and 457,751 (93.1%) were not Alaska Native. Under state law, rural residents qualified for subsistence from 1978-1989. Since 1989, all state residents have qualified under state law.

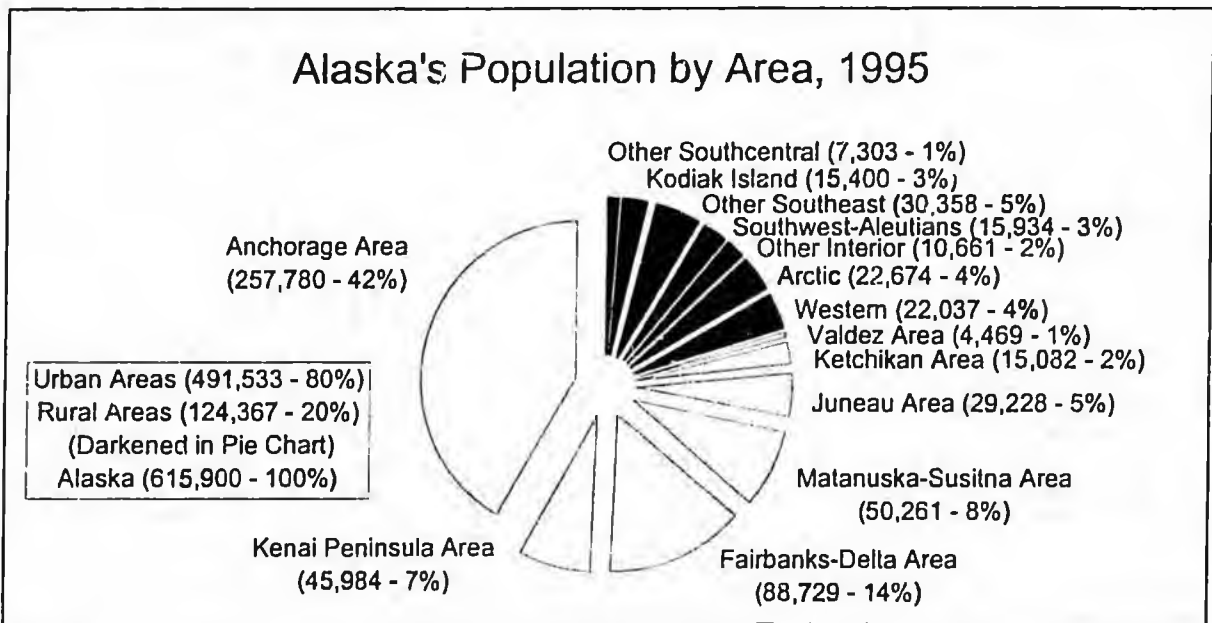


Figure 1

**Percent of Households Participating in Subsistence Activities in Rural Areas**

Area	Harvesting Game	Using Game	Harvesting Fish	Using Fish
Arctic	63%	92%	78%	96%
Interior	69%	88%	75%	92%
Southcentral	55%	79%	80%	94%
Southeast	48%	79%	80%	95%
Southwest	65%	90%	86%	94%
Western	70%	90%	98%	100%
Total Rural	60%	86%	83%	95%

Figure 2

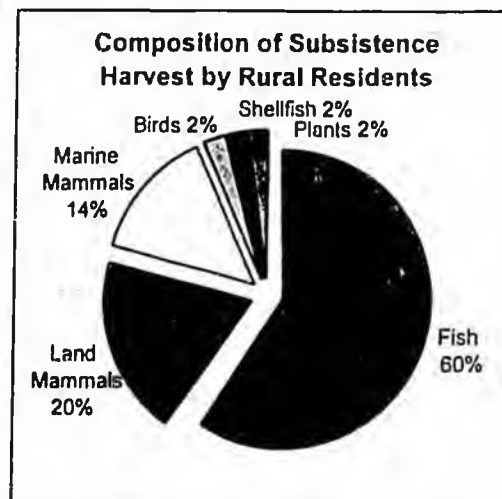


Figure 3

**Who Participates in Subsistence?**

Most rural families in Alaska depend on subsistence fishing and hunting. A substantial proportion of rural households harvest and use wild foods (see Fig. 2). For surveyed communities in different rural areas, from 92%-100% of sampled households used fish, 79%-92% used wildlife, 75%-98% harvested fish, and 48%-70% harvested wildlife. Because subsistence foods are widely shared, most residents of rural communities make use of subsistence foods during the course of the year.

**What is the Rural Food Harvest?**

Most of the wild food harvested by rural families is composed of fish (about 60% by weight), along with land mammals (20%), marine mammals (14%), birds (2%), shellfish (2%), and plants (2%) (see Fig. 3). Fish varieties include salmon, halibut, herring, and whitefish. Seals, sea lion, walrus, beluga, and bowhead whale comprise the marine mammal harvest. Moose, caribou, deer, bear, Dall

sheep, mountain goat, and beaver are commonly used land mammals, depending on the community and area.

**How Large is the Subsistence Harvest?**

The subsistence food harvest in rural areas represents about 2% of the fish and game harvested annually in Alaska (see Fig. 4). Commercial fisheries harvest about 97% of the statewide harvest (about 2.0 billion lbs annually), while sport fishing and hunting take about 1% (18.0 million lbs).

Though relatively small in the statewide picture, subsistence fishing and hunting provide a major part of the food supply of rural Alaska (see Figs. 5 and 6). Our best estimate is about 43.7 million lbs (usable weight) of wild foods are harvested annually by residents of rural areas of the state, and 9.8 million lbs by urban residents (see Fig. 6). On a per person basis, the annual wild food harvest is about 375 lbs per person per year for residents of rural areas (about a pound a day per person), and 22 lbs per person per year for urban areas (see Fig. 5).

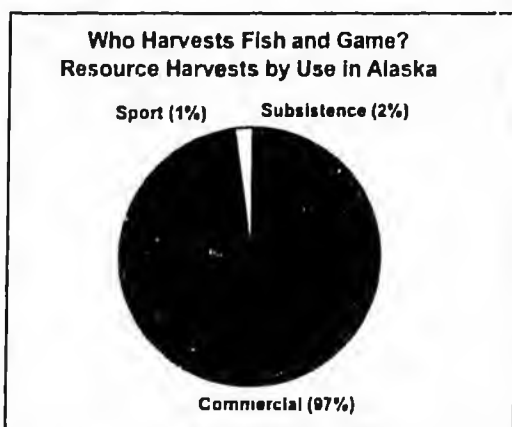


Figure 4

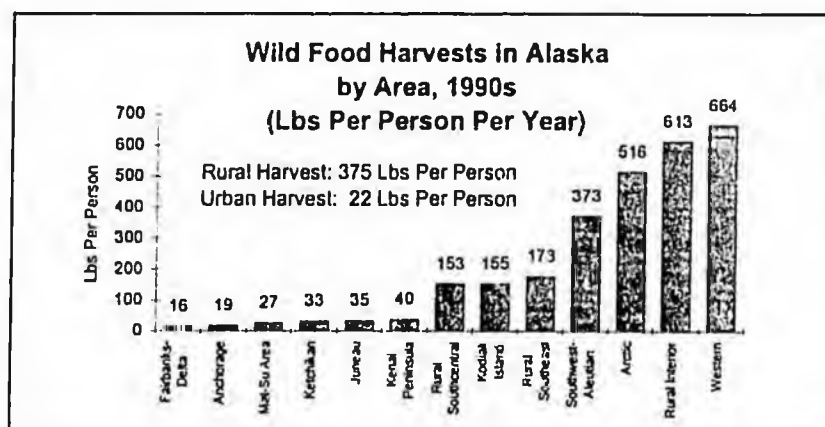


Figure 5

### Nutritional Value of Subsistence

The subsistence food harvest provides a major part of the nutritional requirements of Alaska's population. The annual rural harvest of 375 lbs per person contains 242% of the protein requirements of the rural population (that is, it contains about 118 grams of protein per person per day; about 49 grams is the mean daily requirement) (see Fig. 6). The subsistence harvest contains 35% of the caloric requirements of the rural population (that is, it contains about 840 Kcal daily, assuming a 2,400 Kcal/day mean daily requirement). The urban wild food harvests contain 15% of the protein requirements and 2% of the caloric requirements of the urban population (see Fig. 6).

	Annual Wild Food Harvest (Lbs Per Person)	Annual Wild Food Harvest (Total Lbs)	Percent of Population's Required		Estimated Wild Food Replacement Value @ \$3/lb	Estimated Wild Food Replacement Value @ \$5/lb
			Protein (49 g/day)	Calories (2400 C/day)		
<b>Rural Areas</b>						
Southcentral	153	1,688,467	99%	14%	\$5,065,401	\$8,442,335
Kodiak Island	155	2,061,607	100%	14%	\$6,184,821	\$10,308,035
Southeast	178	5,064,509	115%	17%	\$15,193,527	\$25,322,545
Southwest-Aleutian	373	5,114,522	241%	35%	\$15,343,566	\$25,572,610
Interior	613	6,359,597	398%	57%	\$19,078,791	\$31,797,985
Arctic	518	10,507,255	333%	48%	\$31,521,765	\$52,536,275
Western	664	12,918,649	429%	62%	\$38,755,947	\$64,593,245
<b>Total Rural</b>	<b>375</b>	<b>43,714,608</b>	<b>242%</b>	<b>35%</b>	<b>\$131,143,818</b>	<b>\$218,573,030</b>
<b>Urban Areas</b>						
Ketchikan Area	33	461,855	22%	3%	\$1,385,566	\$2,309,270
Juneau Area	35	922,910	22%	3%	\$2,768,729	\$4,614,548
Matsu Area	27	1,056,322	17%	2%	\$3,168,966	\$5,281,610
Fairbanks-Delta	16	1,307,648	10%	1%	\$3,922,944	\$6,538,240
Kenai Peninsula	40	1,600,320	26%	4%	\$4,800,060	\$8,001,600
Anchorage Area	19	4,390,957	13%	2%	\$13,172,872	\$21,954,786
<b>Total Urban</b>	<b>23</b>	<b>9,740,012</b>	<b>15%</b>	<b>2%</b>	<b>\$29,220,036</b>	<b>\$48,700,060</b>
<b>Alaska Total</b>	<b>100</b>	<b>53,454,618</b>	<b>65%</b>	<b>9%</b>	<b>\$160,363,854</b>	<b>\$267,273,090</b>

Figure 6

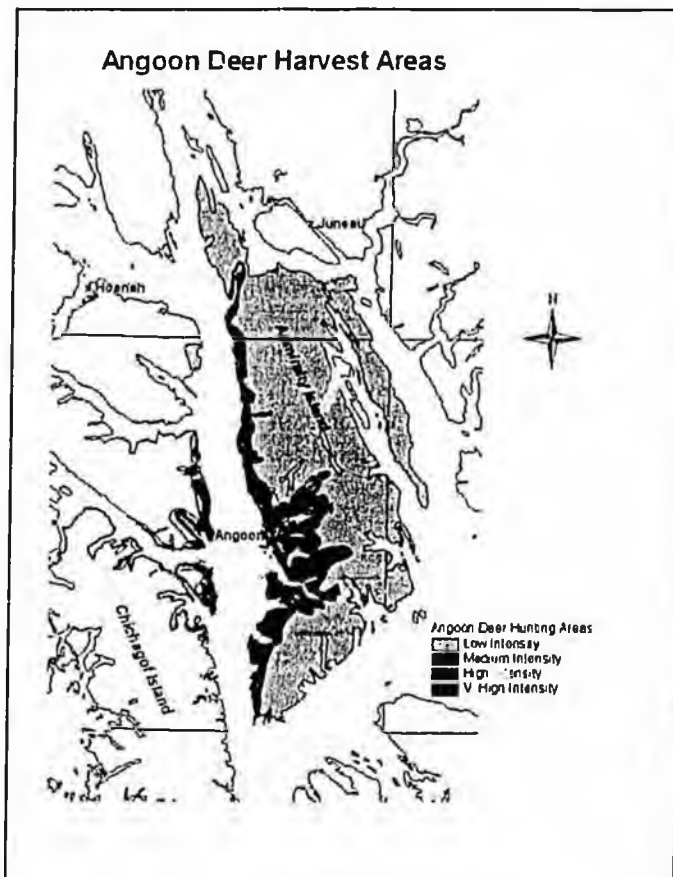


Figure 7

### Traditional Harvest Areas

Studies show that subsistence users tend to harvest in traditional use areas surrounding their communities. Subsistence harvest areas are accessible from the community, although seasonal camps are used to access some species. Subsistence harvest areas for communities are definable and relatively predictable. Subsistence users generally do not harvest outside their community's traditional use areas (see Fig. 7).

### The Monetary Value of Subsistence Harvests

Subsistence fishing and hunting are important to the rural economy. Attaching a dollar value to wild food harvests is difficult, as subsistence products do not circulate in markets. However, if families did not have subsistence foods, substitutes would have to be purchased. If one assumes a replacement expense of \$3 - \$5 per pound, the simple "replacement value" of the wild food harvests in rural Alaska may be estimated at \$131.1 - \$218.6 million dollars annually (see Fig. 6).

### Subsistence and Money

Subsistence is part of a rural economic system, called a "mixed, subsistence-market" economy. Families invest

money into small-scale, efficient technologies to harvest wild foods, such as fishwheels, gill nets, motorized skiffs, and snowmachines. Subsistence food production is directed toward meeting the self-limited needs of families and small communities, not market sale or accumulated profit as in commercial market production. Families follow a prudent economic strategy of using a portion of the household monetary earnings to capitalize in subsistence technologies for producing food. This combination of money from paid employment and subsistence food production is what characterizes the mixed, subsistence-market economies of rural areas. Successful families in rural areas combine jobs with subsistence activities and share wild food harvests with cash-poor households who cannot fish or hunt, such as elders, the disabled, and single mothers with small children.

### Subsistence and Sport

Subsistence harvests in rural areas commonly occur alongside recreational fishing and hunting from urban neighbors. Most urban residents hunt and fish under general hunting and sport fishing regulations. In 1995, Anchorage had 22,148 licensed hunters (9% of Anchorage residents); Matanuska-Susitna area, 8,820 (18%); Fairbanks, 11,489 (13%); Kenai Peninsula, 8,670 (19%); Ketchikan, 2,569 (17%); and Juneau, 3,672 (13%). For sport fishing, Anchorage had 70,885 licensed anglers (27% of Anchorage residents); Matanuska-Susitna area, 15,985 (32%); Fairbanks, 22,581 (25%); Kenai Peninsula, 18,657 (41%); Ketchikan, 5,626 (37%); and Juneau, 9,743 (33%).

Urban residents primarily hunt in areas surrounding their home communities (see Fig. 8). About 80% of the wild

meat harvested by urban hunters came from locally-accessible Game Management Units (1.6 million lbs of 2.0 million lbs annually). Many recreational hunters also hunt in more distant locations, so that hunting by urban residents touches all areas of Alaska. Recreational fishing by anglers follows a similar geographic pattern.

### The Subsistence Priority

Subsistence uses are given a priority over commercial fishing and recreational fishing and hunting in state and federal law. By and large, urban fishers and hunters have not experienced major changes in harvest opportunity due to the subsistence priority. Personal use net fisheries provide for established food fisheries of urban residents in areas closed to subsistence fishing. General hunting and sport fishing regulations continue to provide opportunities for residents and non-residents.

For example, during the eleven-year period when the rural priority was being implemented under state management (1978-1989), general resident hunting seasons for caribou increased by 36% (from 5,505 days to 7,500 days), moose hunting days decreased by 10% (from 2,961 days to 2,671 days), and Dall sheep hunting days increased by 2% (from 1,855 days to 1,900 days) – comparing the 1978-79 resident season with the 1989-90 resident season. That is, during this period, hunting days by urban hunters for caribou, moose, and sheep were not significantly changed by the rural subsistence priority.

The greatest effect of state and federal subsistence laws has been to legally recognize customary and traditional harvest practices and uses in rural areas. Because of the law, the

Boards of Fisheries and Game have created subsistence regulations designed to provide opportunity for the continued harvest of the rural food supply. While impacts on urban residents have been relatively small, the impacts on rural areas have been great. Rural residents now have a legally protected opportunity to fish and hunt to feed families following long-term customs and traditions.

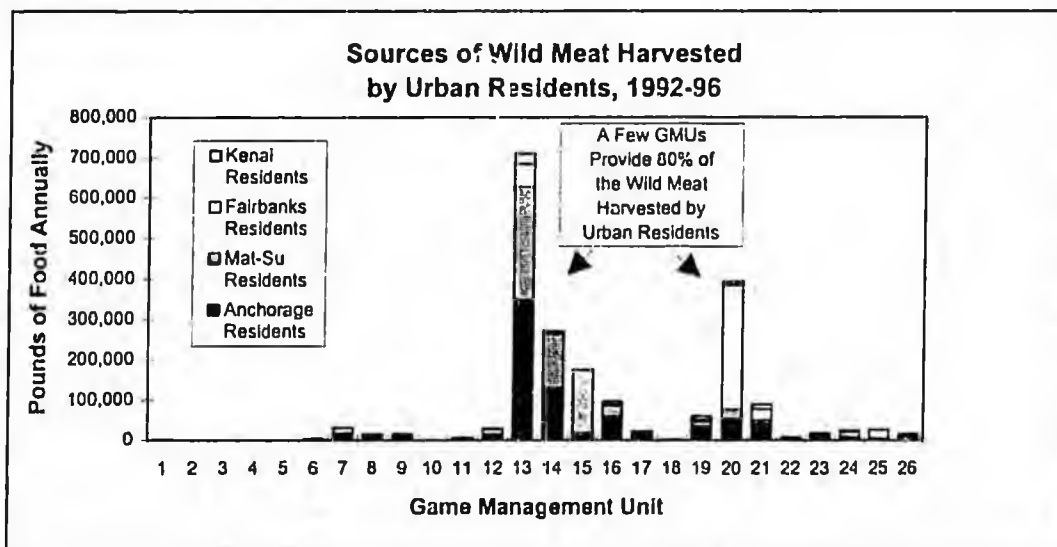


Figure 8



*F*  
*Subsistence*

April 2, 1998

Honorable Joe Green  
Chairman of the House Judiciary Committee  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

**SUBJECT:** House Joint Resolution No. 66

Dear Mr. Chairman:

Thank you for giving me the opportunity to testify before the Judiciary Committee in Juneau on March 30, 1998. At the time I testified, I had not had time to analyze the new House Joint Resolution No. 66 regarding the Constitutional Amendment. Since my return to Anchorage, I have been able to spend some time on Resolution No. 66 and would like to share a few comments on the proposed legislation.


Regarding the Section 19 Subsistence Amendment, it fails to include ANILCA's two standards of either rural preference or customary and traditional uses. Failure to address these two standards which identify those Alaskan residents who may have subsistence preference, I am fearful that it may not comply with ANILCA. As you are aware, if the Amendment does not comply with ANILCA, a federal takeover of the state's management of fish and game will result.

Regarding the Section 29 Effective Date and Repeal of Amendment, I have a number of serious concerns about it. For one thing, the proposed Amendment calls for a number of amendments to ANILCA. These include amending ANILCA's definition of subsistence terms to fit the state's definitions of these same terms to eliminating the regional advisory councils and references to co-management. If the legislature proposes any major changes to ANILCA, our Senators in the United States Congress have repeatedly stated that will not happen.

Enclosed is a copy of a more detail analysis of the proposed resolution. The legislature has come a long way regarding subsistence. We are so close to a solution and the deadline now, let's keep concentrating our efforts on it to reach our common goal of keeping Alaska's fish and game managed by the state.

Sincerely,

ALASKANS TOGETHER

  
Carl H. Marrs  
Secretary/Treasurer

Enclosures  
036TLW.doc

cc: Honorable Gail Phillips, Speaker of the House  
Honorable Brian Porter  
Governor Tony Knowles  
Senator Ted Stevens  
Senator Frank Murkowski  
Congressman Don Young  
Alaskans Together Board of Directors

## MEMORANDUM

**TO:** Carl H. Marrs  
CIRI President & CEO

**FROM:** Theresa L. Williams, Attorney *TW*

**DATE:** April 2, 1998

**SUBJECT:** House Joint Resolution No. 66

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Resolution 66 proposes that Article VIII, Constitution of the State of Alaska, is amended by adding:

**Section 19. Subsistence.** *The legislature may, consistent with the sustained yield principle and during times of shortage, provide a preference to and among residents in the taking of fish and wildlife for subsistence uses based on proximity to the resource and dependence on fish and wildlife.*

**Comment -** Basing subsistence preference on proximity to the resource gives the state great leeway to arbitrarily draw the subsistence areas. It also fails to include the standards of rural preference and customary and traditional uses, which means it most likely will not pass muster with ANILCA.

And Article XV is amended by adding:

**Section 29. Effective Date and Repeal of Amendment.** *(a) Section 19 of Article VIII, regarding subsistence uses of fish and wildlife by residents, takes effect on the day following the date that the governor certifies that federal law governing subsistence uses of fish and wildlife on federal public lands in the State*

*(1) affirms the sovereignty of the State over State land and water and for the management of fish and wildlife in the State;*

**Comment -** If the state is able to regain management over fish and game by becoming in compliance with ANILCA then this seems feasible.

*(2) defines the term "public lands" to expressly exclude State and private land and water, including navigable waters;*

**Comment -** "Public lands" are defined now to expressly exclude State and private land. The legislature is attempting to overturn the Katie John decision by including "water, including navigable waters." ANILCA has a moratorium stating that DOI cannot use any

funds to assert jurisdiction, management, or control over the navigable waters until December 1, 1998, which, in essence, is a mechanism that holds off the Katie John decision to give the State time to comply with ANILCA. If at a later time the State is out of compliance with federal regulations, then, it would seem, Congress would still want to rely on the Katie John decision so they can implement and regulate a rural preference regarding subsistence fishing.

*(3) prohibits federal preemption of State management of fish and wildlife on State and private land and navigable waters in the State;*

**Comment** - The legislature is attempting to limit federal "extraterritoriality" when the State is out of compliance. Without knowing what effect it would have on the future, the federal government would most likely not be willing to give up any implied federal powers.

*(4) expressly waives or renounces all claims to authority for management of fish and wildlife on State and private land and water that may arise under the navigational servitude doctrine or the doctrine of reserved water rights;*

**Comment** - The legislature is attempting to overturn the Katie John decision and/or sand bag a negative decision that could arise in the latest law suit. Again, if the federal government were to takeover at a later date, with this affirmation, they would not be able to give a rural preference to subsistence fishing since Congress would control over any of the State's waterways.

*(5) defines the terms "rural," "customary and traditional," and "customary trade" to be consistent with the laws of the State;*

**Comment** - These terms are already defined in ANILCA, but Green Bill has not defined them. Whether the feds adopt the state's definitions will be dependent on how much or how little they vary from the definitions ANILCA already has in place. There is a one year window after the amendment is voted in for the feds to have an opportunity to amend ANILCA to meet this requirement. Furthermore, this provision is too vague, and leaves to the State to arbitrarily be able to redefine the definitions of these terms on a whim or at their leisure.

*(6) either repeals the federal regional advisory councils established under Title VIII of the Alaska National Interest Lands Conservation Act (P.L. 96-487) or amends the powers and functions of the councils so that the councils serve only as advisors to managers of fish and wildlife;*

**Comment** - Hard to do, the regional advisory councils keep a check on the state to help keep the state in compliance with ANILCA. If the federal government is willing for the state to manage fish and game on federal land, then the federal government would want

to keep a check on the state management to insure the interests of the federal government are being protected.

*(7) repeals sec. 801(b)(4) of the Alaska National Interest Lands Conservation Act (P.L. 96-487), as added by sec. 316(b)(3)(B) of P.L. 105-83 relating to management by the Secretary of the Interior of fish and wildlife for subsistence uses on all federal public lands in Alaska;*

*(8) repeals sec. 801(b)(5) of the Alaska National Interest Lands Conservation Act (P.L. 96-487), as added by sec. 316(b)(3)(B) of P.L. 105-83, relating to the application of the federal subsistence priority on federal public lands to navigable waters in which the United States has reserved water rights;*

**Comment** - The provisions referenced above refer to, respectively, Congress' findings that the feds will be managing fish and game because of the failure of state law to provide a rural preference and to the Katie John decision. If the state can regain management of its fish and game, these would probably be fairly easy to repeal.

*(9) repeals sec. 814 of the Alaska National Interest Lands Conservation Act (P.L. 96-487), as amended, relating to the adoption of federal regulations as necessary and appropriate to implement Title VIII of the Alaska National Interest Lands Conservation Act;*

**Comment** - It is unclear whether they want to repeal the added amended language or the whole provision. It would be difficult to impossible to delete the whole provision, since this provision restates the powers the U.S. Constitution gives the government, that they have the authority to make rules and regulations that they deem appropriate for federal lands.

*(10) amends Title VIII of the Alaska National Interest Lands Conservation Act (P.L. 96-487), as amended, as necessary to limit subsistence uses and the preference for subsistence uses to fish and wildlife;*

**Comment** - It is not clear from this provision how the legislature will be narrowing ANILCA's definition of subsistence and limit subsistence preference. The legislature might be attempting to eliminate berry picking from the subsistence definition by limiting it to fish and wildlife.

*(11) amends Title VIII of the Alaska National Interest Lands Conservation Act (P.L. 96-487), as amended, to eliminate references to co-management agreements; and*

**Comment** - These might be hard to eliminate, the references to co-management have been in ANILCA since 1980.

*(12) affirms that the laws of the State are consistent with provisions of federal law, as amended in accordance with (1) - (11) of this subsection, governing the subsistence uses of fish and wildlife on federal public land in the State.*

**Comment** - This will not work. The Governor cannot affirm that the laws of the state are in compliance with federal law until the Constitutional Amendment is in effect. The Constitutional Amendment is not in effect until the Governor affirms that the state laws are in compliance with ANILCA.

*(b) Section 19 of Article VIII is repealed if (1) within one year from the date that voter approval of the ballot proposition for the amendments proposed by this resolution was certified by the lieutenant governor, the governor does not make the certification described in (a) of this section;*

**Comment** - In light of the comments stated above, the Governor will not be able to make this certification.

*(2) the State is determined by a federal agency or federal court to be substantially out of compliance with federal law governing the subsistence uses of fish and wildlife on federal public lands in the State; or*

**Comment** - It is unclear what the legislature is attempting to accomplish here. Either the amendment will be repealed if they never regain state management or if once the state regains management, they are found to be substantially out of compliance then the amendment will be repealed. This provision needs to state specifically that if the state never regains management or if there is a federal takeover, then the amendment will be repealed. As it is now, if the state regained management and a federal court or agency found the state substantially out of compliance and did not takeover, this amendment will still be repealed and with that action the feds would most likely takeover. There might be a chance that if the feds found the state substantially out of compliance, they might give the state a time to cure the defects, the way it is written now the state could lose an opportunity to cure. Furthermore, if the legislature wants a court to trigger a repeal of the amendment, it should be a judgment of the court of last resort.

*(3) a federal court issues a final judgment that any provision of Title VIII of the Alaska National Interest Lands Conservation Act (P.L. 96-487), as amended, or the manner in which Title VIII of the Alaska National Interest Lands Conservation Act has been interpreted, enforced, or attempted to be enforced, violates the Constitution of the United States or any other federal law.*

**Comment** - "Any provisions" is too broad to trigger an immediate repeal of the Constitutional Amendment. This provision should be narrowly tailored to the effect that the amendment will be repealed if a final judgment by a federal court of last resort finds that the ANILCA rural preference is unconstitutional.

*\* Sec. 3. The amendments proposed by this resolution shall be placed before the voters of state 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.*

**Comment** - It is not clear from the resolution of how it will be presented on the ballot, whether voters will have an opportunity to vote yes for one and no for other or whether they will have to take it as a package deal and vote both amendments in.

037TLW

AMENDMENT #1

WTD

OFFERED IN HOUSE FINANCE

BY REPRESENTATIVE THERRIault

TO:CSHB 406(JUD)

- 1 Page 1, line 5. delete "land"
- 2 Insert "fish and game"
- 3 Page 1, line 12. Delete "those resources on land"
- 4 Insert "these resources"

AMENDMENT #2

ADOPT  
no/cby 4/9/98

OFFERED IN HOUSE FINANCE

BY REPRESENTATIVE THERRIAULT

TO:CSHB 406(JUD)

1 Page 3, after line 12. Insert new subsection (D)

2 "(D) shall seek to reestablish stock levels, consistent with sound  
3 biological and environmental principles, which will attempt to restore a  
4 reasonable opportunity for all consumptive uses;"

5 Page 3, after line 19. Insert new subsection (C)

6 "(C) shall seek to reestablish stock levels, consistent with sound  
7 biological and environmental principles, which will attempt to restore a  
8 reasonable opportunity for all consumptive uses;"

9 Page 4, after line 1. Insert new subsection (C)

10 "(C) shall seek to reestablish stock levels, consistent with sound  
11 biological and environmental principles, which will attempt to restore a  
12 reasonable opportunity for all consumptive uses;"

AMENDMENT #3

Adopt 4/9/98  
no lobby

OFFERED IN HOUSE FINANCE

BY REPRESENTATIVE THERRIault

TO:CSHB 406(JUD)

- 1 Page 3, line 2. Delete "to differentiate among uses."
- 2 Insert "consistent with Article VIII, section 4, of the State of Alaska
- 3 Constitution that recognizes preferences among beneficial uses."

AMENDMENT #4

Adopted  
4/9/98

OFFERED IN HOUSE FINANCE

BY REPRESENTATIVE THERRIAULT

TO: CSHB 406(JUD)

1 Page 7, line 22, following "of"

2 Delete "persons"

3 Insert "nine members appointed by the Governor"

4 Page 7, line 23, following "region"

5 Insert "no fewer than <sup>5</sup> of whom shall reside in the appropriate region."

conceptual  
possibly be an additional  
sentence.

Adopted  
7-3

Kelly-

Version LS1573\J

Conceptual  
Amendment

II 5

Offered in House Finance Committee

To: CS for HB 406(JUD)

Page 1, line 5. After: "the use of"

Delete: "land"

Insert: "fish and game resources"

Page 1, line 7. After: ""uses of the"

Insert: "fish and game"

After: "resources"

Delete: "of the land"

Page 2, line 26. After: "board shall determine"

Delete: "the"

Insert: "an"

Replace title with:

ADORA

#6

An Act authorizing the Board of Fisheries and the Board of Game to identify fish and game that are taken or used for subsistence, identify subsistence and nonsubsistence areas, and establish preferences for subsistence fishing and hunting based on the availability of fish and game resources; providing for the identification of qualified subsistence users; providing for the regulation of the subsistence taking and use of fish and game; prohibiting and providing a penalty for false reports of information relating to subsistence taking or use of fish or game or to eligibility to engage in subsistence; establishing regional advisory committees; amending the definition of "customary and traditional", "subsistence fishing", "subsistence hunting", and "subsistence uses"; repealing the definition of "rural area"; repealing subsistence hunting and fishing statutes that are to take effect upon the sunset of the current subsistence hunting and fishing statute; and providing for an effective date.

FISCAL NOTE

No: 1

B. Version: CSHB 406 (RES)  
 (H) Publish Date: 3/6/98

STATE OF ALASKA  
 1998 LEGISLATIVE SESSION

Revision Date: 3/5/98  
 Title: An Act Relating To Subsistence  
Use of Fish & Game  
 Sponsor: Representative Scott Ogan  
 Requester: House Resources Committee

Dept. Affected Fish & Game  
 BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Component Serial No. \_\_\_\_\_

Expenditures/Revenues		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES [ ]						
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FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF Program Receipts							
1037 GF Mental Health							
1091 Designated Program Receipts							
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	

Estimate of any current year (FY97) cost: \_\_\_\_\_

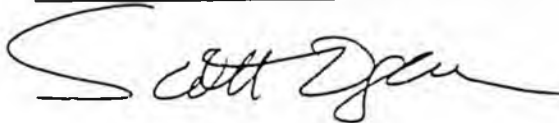
POSITIONS						
Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Any cost associated with this legislation will be identified in the next committee of referral and has not been brought to my attention at this time.

Prepared by House Resources Committee  
 Division \_\_\_\_\_  
 Approved by Representative Scott Ogan  
 Agency Co-Chair House Resources Committee

Phone 465-3715  
 Date 3/5/98  
 Date \_\_\_\_\_



Notice: This opinion is subject to correction before publication in the Pacific Reporter. Readers are requested to bring errors to the attention of the Clerk of the Appellate Courts, 303 K Street, Anchorage, Alaska 99501, phone (907) 264-0607, fax (907) 276-5808.

THE SUPREME COURT OF THE STATE OF ALASKA

STATE OF ALASKA and CARL L. ROSIER, in his official capacity as Commissioner of Fish and Game,	)	Supreme Court No. S-6162
Appellants,	)	
v.	)	Superior Court No. JAN-91-4569 CI
KENAITZE INDIAN TRIBE, NINILCHIK TRADITIONAL COUNCIL, KNIK TRIBAL COUNCIL, and the NATIVE VILLAGE OF EKLUTNA,	)	<u>O P I N I O N</u>
Appellees.	)	[No. 4201 - May 9, 1995]

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Dana Fabe, Judge.

Appearances: Stephen M. White, Assistant Attorney General, Juneau; T. Henry Wilson, Assistant Attorney General, Anchorage; Bruce M. Botelho, Attorney General, Juneau, for Appellants. Carol H. Daniel, Alaska Legal Services Corporation, Anchorage; Eric Smith, Anchorage; William E. Caldwell, Alaska Legal Services Corporation, Fairbanks, for Appellees.

Before: Moore, Chief Justice, Rabinowitz, Matthews, Compton and Eastaugh, Justices.

MATTHEWS, Justice.

pg 22

The issues in this case are whether the Alaska Constitution is violated by a statute which (1) requires the creation of areas in which permits for subsistence hunting and fishing may not be granted, and (2) grants priority hunting and fishing rights to a preferred class of subsistence users based on where they reside.

#### I. BACKGROUND

Since 1978, subsistence hunting and fishing has had statutory priority over sport and commercial hunting and fishing.<sup>1</sup> In practice, when a fish or game population is insufficient to supply all consumptive uses consistent with the sustained yield principle, nonsubsistence uses must be restricted; when a population is sufficient only to supply subsistence uses, non-subsistence uses must be eliminated.<sup>2</sup>

From the outset, the statute establishing the subsistence priority created two tiers of subsistence users.<sup>3</sup> The first tier includes all subsistence users.<sup>4</sup> The second tier is more restricted. Tier II status becomes important when a fish or game population is inadequate to satisfy all subsistence needs. In such

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<sup>1</sup> Ch. 151, § 5, SLA 1978; Madison v. Alaska Dep't of Fish & Game, 696 P.2d 168, 174 n.12 (Alaska 1985).

<sup>2</sup> AS 16.05.258(b)(4), set forth at note 18 infra.

<sup>3</sup> Ch. 151, § 4, SLA 1978.

<sup>4</sup> AS 16.05.258(b)(3), set forth at note 18 infra.

cases Tier I users' harvest opportunities must be curtailed or eliminated so that Tier II users can harvest the population.<sup>5</sup>

Under the current statutory formulation the Boards of Fisheries and Game define Tier II subsistence users based on:

- (i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;
- (ii) the proximity of the domicile of the subsistence user to the stock or population; and
- (iii) the ability of the subsistence user to obtain food if subsistence is restricted or eliminated.

AS 16.05.258(b)(4)(B).

In 1986 the subsistence statute was amended to define subsistence hunting and fishing as activities which can be undertaken "only by a resident domiciled in a rural area of the state."<sup>6</sup> The term "subsistence uses" was also defined as requiring residency in a rural area.<sup>7</sup> A rural area, in turn, was defined as "a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of

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<sup>5</sup> AS 16.05.258(b)(4), set forth at note 18 infra.

<sup>6</sup> Ch. 52, §§ 9, 11, SLA 1978; AS 16.05.940(28)-(29) (1986); McDowell v. State, 785 P.2d 1 (Alaska 1989).

<sup>7</sup> Ch. 52, § 10, SLA 1978; AS 16.05.940(30) (1986).

the community or area."<sup>8</sup> Subsistence activities were limited to rural areas.<sup>9</sup>

In McDowell v. State, 785 P.2d 1 (Alaska 1989), we held that the 1986 statute was unconstitutional insofar as it disqualified as subsistence users residents of areas classified as nonrural. Following McDowell, all Alaskans became eligible to participate in subsistence hunting and fishing. State v. Morry, 836 P.2d 358, 368 (Alaska 1992).

In 1992 the legislature revised the subsistence statute.<sup>10</sup> As revised, the statute continues to grant subsistence a priority over other consumptive uses and continues to provide for two tiers of subsistence users.<sup>11</sup> However, the new statute also requires the Boards to identify nonsubsistence areas -- areas where no subsistence priority exists.<sup>12</sup> The definition of a nonsubsistence area under the 1992 revision, "an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the

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<sup>8</sup> Ch. 52, § 11, SLA 1978; AS 16.05.940(25) (1986).

<sup>9</sup> Ch. 52, § 6, SLA 1978; AS 16.05.258(a) (1986) provided:

The Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks and populations, that are customarily and traditionally used for subsistence in each rural area identified by the boards.

<sup>10</sup> Ch. 1, SSSLA (Second Special Session Laws Amended) 1992.

<sup>11</sup> AS 16.05.258(b)(4)(B) set forth at note 18 infra.

<sup>12</sup> AS 16.05.258(c) set forth at note 18 infra.

area or community," is essentially the negative of the definition of "rural area" which is still defined as "a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area."<sup>13</sup> The nonsubsistence provisions of the 1992 revisions to AS 16.05.258 expire on October 1, 1995, and the 1986 version again becomes law.<sup>14</sup>

Pursuant to the 1992 revisions, the Boards established the "Anchorage/MatSu/Kenai nonsubsistence area" encompassing most of the Kenai Peninsula, all of the Municipality of Anchorage, and much of the Matanuska Susitna Borough. In addition, the Boards established nonsubsistence areas in regions surrounding Fairbanks, Ketchikan, Juneau, and Valdez. 5 AAC 99.015.

## II. PROCEEDINGS BELOW

The Kenaitze Indian Tribe filed suit in 1991, seeking a judicial declaration (1) that it was entitled to operate a communal set net in the Kenai River and (2) that the State was not managing the salmon stocks in Upper Cook Inlet in accordance with the subsistence priority as required by law. When the Boards established the Anchorage/MatSu/Kenai nonsubsistence area, Kenaitze amended its complaint to state claims that the nonsubsistence area violated its members' state constitutional

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<sup>13</sup> AS 16.05.940(27).

<sup>14</sup> Ch. 1, §§ 3, 12, SSSLA 1992.

rights under the equal access clauses of article VIII, sections 3, 15, and 17, and the equal rights and opportunities clause of article I, section 1 of the Alaska Constitution. Further, Kenaitze claimed that the Boards' creation of the Anchorage/MatSu/Kenai nonsubsistence area was not in compliance with the 1992 statute because the Boards had exceeded their authority and acted arbitrarily. The Ninilchik Traditional Council, the Native Village of Eklutna, and the Knik Tribal Council intervened and filed similar claims.<sup>15</sup>

The State and Kenaitze filed cross-motions for partial summary judgment on their constitutional claims. The superior court granted the motion of Kenaitze and denied that of the State. The court entered a final judgment declaring the nonsubsistence area provision of the 1992 act unconstitutional in violation of article VIII, sections 3, 15, and 17 of the Alaska Constitution and therefore void, and severed AS 16.05.258(c) from the remainder of the 1992 act. The other claims of Kenaitze were declared moot. The State now appeals.

Briefly stated, the rationale of the superior court was as follows. Residents of nonsubsistence areas and residents of subsistence areas are similarly situated classes. The former are treated differently than the latter because "only residents outside of nonsubsistence areas . . . are afforded convenient local subsistence access to fish and game resources." Moreover,

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<sup>15</sup> We will hereafter refer to all the appellees as "Kenaitze."

when fish and game populations are insufficient to satisfy all subsistence needs and the Tier II preference is invoked, "residents of nonsubsistence areas will inevitably suffer compared to other subsistence users," because the section which determines who may become a Tier II hunter or fisherman "requires consideration of 'the proximity of the domicile of the subsistence user to the stock or population.' AS 16.05.258(b)(4)(B)(ii)." This differential treatment may be justified by the need to allocate fish and wildlife resources "given the key social and economic roles that subsistence, sport, and commercial fishing and hunting play in the state, as well as the mandate of article VIII, section 4 of the Alaska Constitution that replenishable resource utilization be 'subject to preferences among beneficial uses.'" However, based on language in Gilbert v. State, 803 P.2d 391, 399 (Alaska 1990), an allocation must restrict competing uses to the least possible extent consistent with the purpose of the allocation. Alaska Statute 16.05.258(c) fails to meet this requirement as it bars subsistence in a particular area without requiring consideration of resource availability: "To create areas where subsistence activities are flatly prohibited, without consideration of whether the resources in the area could support some kind of balance between subsistence, sport and commercial hunting and fishing, does not further the state's expressed purpose to 'allocate' resources among user groups." The superior court concluded as follows:

Stepping back to view the statute in light of its history, it becomes apparent that

the criteria in AS 16.05.258(c) for determining nonsubsistence areas effectively re-establish the rural/urban residency requirement struck down in McDowell. The statutory language defining "rural areas" in the 1986 statute is repeated in the definition of "nonsubsistence areas" under the 1992 statute. Compare AS 16.05.940(25) (1986) with AS 16.05.258(c) (1992). The only significant change has been to do away with the requirement that only rural residents may become members of the subsistence user class, although subsistence use is still allowed only in rural areas. The statute, by selectively prohibiting local subsistence activities and conferring "tier two" advantages based on the proximity of one's domicile to available subsistence resources, is plainly discriminatory against residents of nonsubsistence areas. Such a substantially residency-based classification scheme, under McDowell, violates the equal access clauses of the Alaska Constitution.

Because of the importance of the role that the Tier II domicile factor assumed in the rationale of the superior court, we ordered that the parties brief the constitutionality of this factor along with the other issues in the case.<sup>16</sup>

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<sup>16</sup> Our order stated: "To the extent that 'tier two' subsistence users are permitted to take fish and game for subsistence use based on the 'proximity of the domicile of the subsistence user to the stock or population,' AS 16.05.258(b)(4)(B)(ii), is tier two unconstitutional under McDowell v. State, 785 P.2d 1 (Alaska 1989)?"

### III. DISCUSSION

#### A. Relevant Constitutional and Statutory Provisions

The equal access clauses of the Alaska Constitution are article VIII, sections 3, 15, and 17; the sustained yield clause is contained in article VIII, section 4.<sup>17</sup> Alaska Statute 16.05.258 is the current subsistence statute.<sup>18, 19</sup> Section 1 of

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<sup>17</sup> Section 3 of article VIII provides:

Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Section 4 of article VIII provides:

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Section 15 of article VIII provides:

No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State.

Section 17 of article VIII provides:

Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

<sup>18</sup> AS 16.05.258 provides:

(continued...)

18 (...continued)

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(continued...)

18 (...continued)

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(continued...)

18 (...continued)

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

(4) the amount and distribution of cash income among those domiciled in the area or community;

(5) the cost and availability of goods and services to those domiciled in the area or community;

(6) the variety of fish and game species used by those domiciled in the area or community;

(7) the seasonal cycle of economic activity;

(8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;

(9) the harvest levels of fish and game by those domiciled in the area or community;

(10) the cultural, social, and economic values associated with the taking and use of fish and game;

(11) the geographic locations where those domiciled in the area or community hunt and fish;

(12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;

(13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, "reasonable opportunity" means an opportunity, as

(continued...)

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<sup>18</sup> (...continued)

determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

<sup>19</sup> AS 16.05.940, also relevant, provides in part:

(7) "customary and traditional" means the noncommercial, long-term, and consistent taking of, use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time taking into consideration the availability of the fish or game;

. . . .

(24) "personal use fishing" means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

. . . .

(27) "rural area" means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area;

. . . .

(30) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(continued...)

chapter 1, SSSLA 1992 contains the legislative findings, purpose and intent with respect to the 1992 subsistence revisions.<sup>20</sup>

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<sup>19</sup> (...continued)

(31) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident domiciled in a rural area of the state for subsistence uses by means defined by the Board of Game;

(32) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handcraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, "family" means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis[.]

<sup>20</sup> FINDINGS, PURPOSE, AND INTENT. (a) The legislature finds that

(1) there are Alaskans, both Native and non-Native, who have a traditional, social, or cultural relationship to and dependence upon the wild renewable resources produced by Alaska's land and water; the harvest and use of fish and game for personal and group consumption is an integral part of those relationships;

(2) although customs, traditions, and beliefs vary, these Alaskans share ideals of respect for nature, the importance of using resources wisely, and the value and dignity of a way of life in which they use Alaska's fish and game for a substantial portion of their sustenance; this way of life is recognized as "subsistence";

(continued...)

<sup>20</sup> (...continued)

(3) customary and traditional uses of Alaska's fish and game originated with Alaska Natives, and have been adopted and supplemented by many non-Native Alaskans as well; these uses, among others, are culturally, socially, spiritually, and nutritionally important and provide a sense of identity for many subsistence users;

(4) while Alaska's fish and game are generally still plentiful, these resources are not unlimited and cannot provide for every desired use, now or in the future; competition for and the level of effort on these resources have required the legislature and the Board of Fisheries and Board of Game to establish a preference for subsistence among the various beneficial uses of fish and game in the state; and

(5) in most areas of the state, a preference for subsistence can be provided without an overly burdensome intrusion upon other consumptive uses of fish and game.

(b) It is the purpose of this Act

(1) to develop and maintain healthy fish stocks and game populations through management based on the sustained yield principle; and

(2) to provide for a preference for subsistence uses over other consumptive uses of fish and game resources.

(c) It is the intent of the legislature that

(1) subsistence uses of Alaska's fish and game resources are given the highest preference, in order to accommodate and perpetuate those uses; and

(2) this Act not result in significant reallocations of fish and game in Alaska.

B. Is the "Proximity of the Domicile" Factor Unconstitutional?

We turn first to the question of whether linking eligibility for Tier II subsistence status to "proximity of the domicile of the subsistence user" to the target fish or game population violates article VIII, sections 3, 15, and 17 of the Alaska Constitution. This question is governed by our decision in McDowell v. State, 785 P.2d 1 (Alaska 1989).

At issue in McDowell was whether provisions in the 1986 subsistence statute which barred all nonrural Alaska residents from eligibility as first or second tier subsistence users violated the article VIII equal access clauses. Id. at 1. We held that the rural preference was a special privilege explicitly barred by the first sentence of section 15 and implicitly barred by the common use and equal application clauses, sections 3 and 17. Id. at 6, 9. We concluded "that the requirement contained in the 1986 subsistence statute, that one must reside in a rural area in order to participate in subsistence hunting and fishing, violates sections 3, 15, and 17 of article VIII of the Alaska Constitution." Id. at 9.

Concerning sections 3, 15, and 17 of article VIII, we observed that while they have varied ramifications they share one meaning: "exclusive or special privileges to take fish and wildlife are prohibited." Id. at 6. We noted that these clauses afford protection against the creation of a "closed class" of fish and game users. Id. at 6-7. We observed that although the state was empowered to make decisions concerning which among such diverse

groups as commercial, sport and subsistence users would have a preferred right to harvest a certain species, that authority "does not imply a power to limit admission to a user group." Id. at 8. We explained that the constitution does not bar "all methods of exclusion where exclusion is required for species protection reasons." Id. at 9. While we had no occasion to state what exclusionary criteria might be permissible in such circumstances, the opinion makes it clear that residence-based criteria are not permissible. We both quoted and stressed language holding that people who reside near a fish or game population do not have a higher claim to that population than state residents whose domiciles are more distant:

Where the necessity for the preservation of the wild game and fish exists in certain territories of the state, that territory may be segregated for the purpose of regulating the right to taking game and fish therein; but the privilege of taking and using same must be extended to the people of the state outside of the territory upon the same terms that are given to those who are residents of the territory embraced in the legislation.

Id. at 12 (quoting Lewis v. State, 161 S.W. 154, 155-56 (Ark. 1913)) (emphasis added by this court in McDowell).

Our holding in McDowell is controlling here. The requirements of the equal access clauses apply to both tiers of subsistence users. Just as eligibility to participate in all subsistence hunting and fishing cannot be made dependent on whether one lives in an urban or rural area, eligibility to participate in

Tier II subsistence hunting and fishing cannot be based on how close one lives to a given fish or game population.<sup>21</sup>

We conclude that AS 16.05.258(b)(4)(B)(ii), which uses the proximity of the domicile of the Tier II subsistence permit applicant to the fish or game population which the applicant wishes to harvest as a basis for the applicant's eligibility, violates sections 3, 15, and 17 of article VIII of the Alaska Constitution.

The question which flows from this conclusion is whether the entire subsistence statute should be declared unconstitutional or whether AS 16.05.258(b)(4)(B)(ii) may be severed from the rest of the statute.

A. general severability clause is contained in AS 01.10.030:

Any law heretofore or hereafter enacted by the Alaska legislature which lacks a severability clause shall be construed as though it contained the clause in the following language: "If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application to other persons or circumstances shall not be affected thereby."

In Lynden Transport, Inc. v. State, 532 P.2d 700, 712-13 (Alaska 1975), we indicated that this clause reverses the common law presumption against severability and creates a slight presumption in favor of severability:

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<sup>21</sup> Section 3 of article VIII is particularly strong in requiring that proximity to the resource be a neutral factor. It reserves "to the people for common use" wild fish and game "whenever occurring."

A provision will not be deemed severable "unless it appears both that, standing alone, legal effect can be given to it and that the legislature intended the provision to stand, in case others included in the act and held bad should fall."

Id. at 713 (quoting Dorchy v. Kansas, 264 U.S. 286, 290 (1924)).

"The key question is whether the portion remaining, once the offending portion of the statute is severed, is independent and complete in itself so that it may be presumed that the legislature would have enacted the valid parts without the invalid part." Sonneman v. Hickel, 836 P.2d 936, 941 (Alaska 1992).

Deleting subpart (ii) from AS 16.05.258(b)(4)(B) results in a subsection which requires the creation of a Tier II class of subsistence users based on dependence on the target fish or game population and the ability of the individual subsistence user to obtain food if subsistence use of the particular population were restricted or eliminated. The subsection as thus redacted is logically complete and capable of being given legal meaning.

Whether the legislature would have intended the subsection as redacted to stand had it known that the proximity of the domicile clause would be held unconstitutional is a question which cannot be answered with complete confidence. However, given the importance of subsistence as reflected in the legislative findings prefacing the 1992 act,<sup>22</sup> periods in which individuals needfully dependent on subsistence are deprived of an opportunity to harvest fish or game are to be avoided. A holding that

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<sup>22</sup> See note 20 supra.

subsection (B)(ii) is not severable could result in such a period. Given this, and the statutory presumption in favor of severability, we conclude that (B)(ii) is severable.

C. Is AS 16.05.258(c) Unconstitutional?

Alaska Statute 16.05.258(c) requires the Boards to "identify by regulation" nonsubsistence areas.<sup>23</sup> In these areas, the subsistence priority over sport and commercial uses does not apply, and the statute states that "[t]he boards may not permit subsistence hunting or fishing." However, personal use fishing<sup>24</sup> and sport hunting are allowed. As the methods of conducting these pursuits are similar to their subsistence counterparts, the critical difference in nonsubsistence areas is the absence of the subsistence priority. When this is appreciated, the superior court's conclusion that section 258(c) authorizes the creation of "areas where subsistence activities are flatly prohibited, without consideration of whether the resources in the area could support some kind of balance between subsistence, sport, and commercial" uses may be critically examined. Subsistence activities -- fishing with nets or other devices or hunting with firearms for food for personal and family consumption -- are in no sense flatly prohibited in nonsubsistence areas. Though subsistence permits may not be issued, subsistence activities can still take place. What is eliminated in nonsubsistence areas is the statutory subsistence priority. Without the subsistence priority, a balance may be

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<sup>23</sup> AS 16.05.258(c) set forth at note 18 supra.

<sup>24</sup> See note 18 supra for a statutory definition.

struck in allocating fish and game resources between commercial, sport, and subsistence types of activities. The interests of all competing users can be considered.<sup>25</sup> With the statutory subsistence priority intact no balance is possible as long as a fish or game population is not sufficient to provide for all subsistence uses.

A nonsubsistence area "is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community."<sup>26</sup> Under the 1986 subsistence statute, only fish and game populations in rural areas could be exploited for subsistence purposes.<sup>27</sup> A "rural area" was defined as a "community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area."<sup>28</sup> Thus, the areas defined as "nonrural" under the 1986 statute are now defined as "nonsubsistence areas" under the 1992 statute. What the 1992 statute adds is the requirement that the Boards jointly consider the relative importance of subsistence in a given area

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<sup>25</sup> See AS 16.05.251(e) (Board has "authority to allocate resources among all fisheries."); Peninsula Mktg. Ass'n v. State, 817 P.2d 917 (Alaska 1991) ("The Board of fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries.").

<sup>26</sup> AS 16.05.258(c) set forth at note 18 supra.

<sup>27</sup> Ch. 52, § 6, SLA 1978; AS 16.05.258(a) (1986) set forth at note 9 supra.

<sup>28</sup> Ch. 52, § 11, SLA 1978; AS 16.05.940(25) (1986). Under the 1992 act this definition is found in AS 16.05.940(27).

based on twelve enumerated socio-economic factors.<sup>29</sup> Even this did not signal a change in practice, however, as the twelve factors parallel twelve factors expressed in a regulation used by the Boards to determine whether an area was "rural."<sup>30</sup>

The superior court held that AS 16.05.258(c) is unconstitutional for reasons which we have summarized above. See supra at 7-8. Much of the court's rationale was based on the proximity of the domicile requirement of AS 16.05.258(b)(4)(B)(ii) which effectively barred residents of nonsubsistence areas from participating in Tier II hunts. With the proximity of the domicile requirement stricken, the remaining detriment to residents of nonsubsistence areas identified by the superior court is a claim of differential treatment based on inconvenience: "[O]nly residents outside of nonsubsistence areas . . . are afforded convenient local subsistence access to fish and game resources."

Inconvenience is in no sense the equivalent of a bar to eligibility for participation in subsistence hunting and fishing and does not suffice to trigger an analysis under the equal access clauses. What we recently stated in Tongass Sport Fishing Ass'n v. State, 866 P.2d 1314, 1318 (Alaska 1994), is also applicable to the current case:

We have held that the "common use" clause of article VIII, section 3, the "no exclusive right of fishery" clause of section 15, and the "uniform application" clause of section 17 are not implicated unless limits are placed on

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<sup>29</sup> AS 16.05.258(c)(1)-(12) set forth at note 18 supra.

<sup>30</sup> 5 AAC 99.012 (1986).

the admission to resource user groups. McDowell v. State, 785 P.2d 1, 8 & n.14 (Alaska 1989); see also Owsichuk v. State, Guide Licensing & Control Board, 763 P.2d 488, 492 (Alaska 1988). Article VIII limitations on the state's power to restrict access to natural resource user groups do not apply to the state's authority to allocate fishery resources among sport, commercial, and subsistence users. In Kenai Peninsula [Fishermen's Cooperative Ass'n v. State], 628 P.2d 897 (Alaska 1981) we said:

While section 15 does prohibit granting monopoly fishing rights, that section was not meant to prohibit differential treatment of such diverse user groups as commercial, sports, and subsistence fishermen. To conclude that, because a certain species is made available for sport fishing in a given area, commercial fishing of the same species in the same area must also be allowed, would be to go far beyond the purpose of the section.

628 P.2d at 904.

The fact that residents of nonsubsistence areas must travel in order to utilize subsistence permits is not a limitation to their admission to a subsistence user group.<sup>31</sup> Further, just as

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<sup>31</sup> In State v. Hebert, 803 P.2d 863 (Alaska 1990), we upheld against a claim of article VIII violation a system which frankly was designed to favor local fishermen. Id. at 864. Under this system, "super-exclusive" districts were imposed in two Bering Sea sac roe herring fisheries. Fishermen who fished in one super-exclusive district could not fish for herring in any other district, super-exclusive or otherwise. Id. Fishermen who fished in any other district could not participate in either super-exclusive district. Id. While this system inconvenienced and limited the fishing options both of fishermen residing adjacent to each super-exclusive district and those in more distant locations, we held that the equal access clauses were not violated. Id. at 866. Both groups had an equal opportunity to fish in all districts except the super-exclusive districts, or in one of the super-exclusive districts but no other district. Id.

the fact that a certain species is made available for sport fishing in a given area does not mean that the same species must be made available for commercial fishing in the same area, the fact that a certain species is made available for sport or commercial use in a given area does not mean that the constitution commands that the same species be made available in the same area for priority subsistence use.

The legislature has mandated that the Boards, in determining which areas are to be nonsubsistence areas, make decisions allocating fish and game resources among competing users. Such decisions are constitutionally required under article VIII, section 4 of the Alaska Constitution.<sup>32</sup> "The state may, indeed must, make allocation decisions between sport, commercial, and subsistence users." McDowell v. State, 785 P.2d 1, 8 (Alaska 1989). Allocation decisions entail a complex mixture of biological, historical, and socio-economic factors.<sup>33</sup> These factors are "often competing." Tongass Sport Fishing Ass'n, 866 P.2d at 1319.

In reviewing allocation decisions made by the Board, a deferential standard of review is employed. Board decisions are upheld so long as they are not unreasonable or arbitrary and proper procedures have been followed. Id. (Board's decision favorable

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<sup>32</sup> See note 17 supra.

<sup>33</sup> See, e.g., AS 16.05.251(e); Tongass Sport Fishing Ass'n v. State, 866 P.2d 1314 (Alaska 1994); Gilbert v. State, Dep't of Fish & Game, 803 P.2d 391 (Alaska 1990); Meier v. State, Bd. of Fisheries, 739 P.2d 172 (Alaska 1987).

to commercial trollers concerning allocation of king salmon in Southeast Alaska not "unreasonable or arbitrary"); Gilbert v. State, Dep't of Fish & Game, 803 P.2d 391, 399 (Alaska 1990) (Board's decision allocating sockeye salmon between commercial fishing interests in two areas on the Alaska Peninsula not arbitrary or unreasonable); Meier v. State, Bd. of Fisheries, 739 P.2d 172, 174-175 (Alaska 1987) (Board's decision allocating sockeye salmon between commercial setnetters and driftnetters in Bristol Bay "reasonable and not arbitrary."). We have not subjected allocation decisions to the more rigorous least restrictive alternative test employed in cases where entry into a user class is restricted. Compare McDowell, 785 P.2d at 10; Owsichuk, 763 P.2d at 498 n.17; and Johns v. Commercial Fisheries Entry Comm'n, 758 P.2d 1256, 1266 (Alaska 1988), with Tongass, 866 P.2d at 1319; Gilbert, 803 P.2d at 399; and Meier, 739 P.2d at 175.<sup>34</sup> Allocation decisions are so complex and multi-faceted that they are not amenable to analysis under such a test.

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<sup>34</sup> While we stated in Gilbert that "to satisfy the uniform application clause of article VIII, state fish and game regulations creating nonuniform classifications must" have a legitimate and important purpose and "[t]he means used to further the important state purpose must be carefully drawn and designed for 'the least possible infringement on article VIII's open access values,'" Gilbert 803 P.2d at 399, we did not use this test in Gilbert. We went on to state that allocation "decisions are within the power of the Board, so long as they are not arbitrary and unreasonable and are 'consistent with and reasonably necessary to the conservation and development of Alaska fishery resources,'" id. (quoting McDowell, 785 P.2d at 10; Kenai Peninsula, 628 P.2d at 903), and reviewed the allocation decision in question under this standard.

In this case, the court did not reach the question of whether the joint Boards acted unreasonably or arbitrarily in creating the Anchorage/MatSu/Kenai nonsubsistence area. Instead, the court ruled that the statute was invalid on its face using a least restrictive alternative test. Given the proximity of the domicile Tier II requirement, use of this test was not error, for that requirement erected a bar to admission to a user class. However, with this requirement stricken from the statute, this test no longer applies.

Alaska Statute 16.05.258(c), as it stands without the domicile proximity requirement, contains no characteristics implicating the equal access clauses of article VIII. It bars no Alaskan from participating in any fish or game user class. As these clauses formed the basis for the superior court's decision and no alternative grounds for upholding the court's decision have been argued, the decision must be reversed.

#### IV. CONCLUSION

The Tier II proximity of the domicile factor violates sections 3, 15, and 17 of article VIII of the Alaska Constitution, because it bars Alaska residents from participating in certain subsistence activities based on where they live. The statutory section mandating the creation of nonsubsistence areas does not violate these sections. The judgment of the superior court is REVERSED and this case is REMANDED for further proceedings consistent with this opinion.

ORDER AWARDING FEES AND COSTS

File No. S-6162

Under Appellate Rules 508(e) and (f)(1), attorney's fees of \$1,000. are awarded to appellant, and appellant shall serve and file with this court by May 19, 1995 an itemized and verified bill of costs in compliance with Appellate Rule 508(d).

Entered at the direction of Justice amathews on May 9, 1995.

CLERK OF THE SUPREME COURT



Catherine Bourdeau  
Deputy Clerk

Sam E. McDOWELL, Dale E. Adurant, Ronald Mahle and Harold Eastwood, Appellants,

v.

STATE of Alaska, Alaska Department of Fish and Game, Alaska Board of Fisheries, Alaska Board of Game and Don W. Collinsworth, Commissioner of Fish and Game, Appellees,

The Alaska Federation of Natives, Protectors of the Land d/b/a Numan Kitlutisti, Tony Vaska and Walter Charley, on behalf of himself and all other persons similarly situated, Interveners/Appellees.

No. S-2732.

Supreme Court of Alaska.

Dec. 22, 1989.

Rehearing Denied March 2, 1990.

Action was brought challenging constitutionality of fish and game preference statute. The Superior Court, Third Judicial District, Anchorage, Douglas J. Serdahely, J., granted summary judgment for State, and appeal was taken. The Supreme Court, Matthews, C.J., held that statute granting preference to rural residents to take fish and game for subsistence purposes violates Alaska constitutional provisions prohibiting exclusive or special privileges in the taking of fish and wildlife.

Reversed and remanded.

Compton and Moore, JJ., concurred and filed opinions.

Rabinowitz, J., dissented and filed opinion.

Fish ⇐3

Game ⇐1

Statute granting preference to rural residents to take fish and game for subsistence purposes violates Alaska constitutional provisions prohibiting exclusive or special privileges in the taking of fish and

1. For ease of reference, citations to chapter 52 SLA 1986 in this opinion will be to the appropriate

wildlife. Const. Art. 8, §§ 3, 15, 17; AS 16.05.258(c), 16.05.940(25, 30).

Cheri C. Jacobus, Ross, Gingras, Bailey & Miner, P.C., Anchorage, for appellants.

Larri Irene Spengler, Asst. Atty. Gen., Grace Berg Schaible, Atty. Gen., Juneau, for appellees.

Donald Craig Mitchell, Anchorage, for intervenors/appellees.

Before MATTHEWS, C.J., and RABINOWITZ, BURKE, COMPTON and MOORE, JJ.

### OPINION

MATTHEWS, Chief Justice.

### INTRODUCTION

This case challenges chapter 52 SLA 1986 which grants a preference to rural residents to take fish and game for subsistence purposes. The only requirement to be met by a subsistence fisherman or hunter is residency in a rural area of the state.

The rural preference is challenged under several provisions of the Alaska Constitution: the common use clause, article VIII, section 3; the no exclusive right of fishery clause, article VIII, section 15; the uniform application clause, article VIII, section 17; the equal rights clause, article I, section 1; and the due process clause, article I, section 7. In addition, violation of the equal protection and due process clauses of the United States Constitution is claimed. For the reasons that follow, we hold that the rural preference violates article VIII, sections 3, 15 and 17 of the Alaska Constitution.

### FACTUAL AND PROCEDURAL SETTING

The 1986 act<sup>1</sup> defines subsistence fishing and hunting as activities which can be undertaken only "by a resident domiciled in a rural area of the state...." Subsistence

ate section of the Alaska Statutes where that act is codified.

uses are also defined in terms of residency in rural areas:

"Subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of non-edible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption.

AS 16.05.940(30). A "rural area" is defined as "a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area." AS 16.05.940(25).

Appellants are Alaska residents who have engaged in subsistence hunting and fishing in the past and wish to continue to do so. Under the 1986 act, they are disqualified as subsistence users because they reside in areas classified as non-rural by the joint Boards of Fisheries and Game. Appellants McDowell and Mahle reside in Anchorage, Bondurant resides in Cooper Landing, and Eastwood resides in the community of McKinley Park.

The 1986 act requires the Board of Fisheries and the Board of Game to decide what portion of each fish stock and game population can be harvested consistent with the principle of sustained yield. Next the Boards must determine how much of the harvestable portion is needed to satisfy subsistence needs. If the harvestable portion of any stock or population is not sufficient to accommodate all consumptive uses—sport, personal use, and commercial—then subsistence uses

shall be accorded a preference over other consumptive uses, and the regulations shall provide a reasonable opportunity to satisfy the subsistence uses. If the harvestable portion is sufficient to accommodate the subsistence uses of the stock or population, then the Boards may provide

for other consumptive uses of the remainder of the harvestable portion.

AS 16.05.258(c). If the harvestable portion of a stock or population is insufficient to satisfy all subsistence needs, all non-subsistence uses are barred, and the Boards are required to distinguish among subsistence users by applying three criteria: "(1) customary and direct dependence on the fish stock or game population as the mainstay of livelihood; (2) local residency; and (3) availability of alternative resources." *Id.*

This case was brought in 1983 as a challenge to the 1978 subsistence statute, chapter 151, section 4 SLA 1978. The 1978 statute established that subsistence hunting and fishing had priority over other uses of fish and game stocks. Like the 1986 statute, it provided for two tiers of subsistence users. In the first tier were those who could take fish or game for subsistence purposes when populations were adequate to satisfy all subsistence needs. The second tier was limited to those who could take fish and game for subsistence purposes when populations were inadequate to supply all subsistence needs. The 1978 statute distinguished the second tier of subsistence users from the first tier on the basis of the same three factors utilized in the 1986 statute, namely, customary and direct dependence, local residency, and availability of alternative resources. *Id.* However, unlike the 1986 statute, the 1978 statute did not impose a rural residency requirement as a condition to becoming a first-tier subsistence user.

The appellants' initial complaint challenged the second-tier subsistence priority of the 1978 statute. The complaint was amended several times to expand on the original theory and add challenges to various regulations. All parties submitted motions for summary judgment. The superior court granted some of these motions and deferred others on October 24, 1984. Before the deferred motions could be ruled on, this court decided *Madison v. Alaska Department of Fish and Game*, 696 P.2d 168 (Alaska 1985), which struck down, as inconsistent with the 1978 statute, subsist-

ence fishing regulations which imposed a rural residency requirement on first-tier subsistence users. *Id.* at 178.

The next event of significance was the passage in 1986 of chapter 52 SLA 1986, which, as noted, provides that only rural residents can be first- or second-tier subsistence users. Following passage of this act, the appellants again amended their complaint, challenging the rural preference on constitutional grounds. Both the appellants and the state moved for summary judgment. The superior court granted the motion of the state and denied the motion of the appellants. Judgment was entered on the basis of this ruling.

The setting of this case would not be complete without mention of the Alaska National Interest Lands Conservation Act (ANILCA), enacted by Congress in 1980.<sup>2</sup> Section 3114 of this act requires that on federal public lands in Alaska, subsistence uses are to be given priority over the taking of fish and wildlife for other purposes. Under ANILCA, only rural Alaska residents are entitled to a subsistence priority.<sup>3</sup> ANILCA requires federal management of public lands in Alaska in order to ensure the subsistence priority.<sup>4</sup> However, federal management may be supplanted by the state so long as the state enacts and implements subsistence laws "which are consistent with, and which provide for the definition, preference, and participation specified in" ANILCA.<sup>5</sup>

2. 16 U.S.C.A. §§ 3101-3233 (West 1985).

3. ANILCA § 804, 16 U.S.C.A. § 3114, states:

Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria:

- (1) customary and direct dependence upon the populations as the mainstay of livelihood;
- (2) local residency; and
- (3) the availability of alternative resources. (Emphasis added).

After this court's *Madison* decision, the Secretary of the Interior notified the state that state law was no longer consistent with ANILCA and that federal management would begin unless consistency was achieved by June 1, 1986. *Kenaitze Indian Tribe v. State of Alaska*, 860 F.2d 312, 314 (9th Cir.1988), *cert. denied*, — U.S. —, 109 S.Ct. 3187, 105 L.Ed.2d 695 (1989). With the passage of the 1986 act, the Interior Department has stated that Alaska is once again in compliance with ANILCA. *Id.*

After final judgment was entered by the superior court, the 9th Circuit Court of Appeals ruled that the definition of "rural" in the 1986 act does not comply with § 3113 of ANILCA. *Id.* 860 F.2d at 318. "Rural," in ANILCA, according to the court, refers to "sparsely populated" areas; "rural is the antonym of urban and includes all areas in between cities and towns of a particular size." *Id.* at 316-17. The court referred to Census Bureau standards under which "the urban population consists of people living in communities of 2,500 or more, while the rural population comprises everyone else." *Id.* at 317. Thus, the 1986 act's subsistence-oriented definition was held inconsistent with ANILCA.

Bondurant and Eastwood both reside in rural areas as *Kenaitze* has interpreted ANILCA's use of that term. They are thus probably entitled to injunctive relief under ANILCA, 16 U.S.C.A. § 3117(a).<sup>6</sup>

ANILCA § 803, 16 U.S.C.A. § 3113, defines the term "subsistence uses" as used in ANILCA to mean

the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.

(Emphasis added.)

4. 16 U.S.C.A. § 3115(c).

5. 16 U.S.C.A. § 3115(d).

6. Such relief has not been requested in this case, and the question whether the § 3117(a) remedy

However, the *Kenaitze* decision does not change the issues presented in this appeal because the 1986 statute remains fully applicable to all non-federal lands.

*Background and Purpose of the  
1986 Statute*

Prior to 1978, urban residents could engage in subsistence hunting and fishing. However, there was no statutory preference given to subsistence over sport or commercial fishing or sport hunting. With the enactment of chapter 151 SLA 1978, subsistence hunting and fishing was given such a priority. *Madison*, 696 P.2d at 174 n. 12. The 1978 statute did not bar urban residents from eligibility as first-tier subsistence users. *Madison*, 696 P.2d at 176. However, a regulation adopted by the Board of Fish and Game did exclude urban residents. 5 AAC 01.597. *Madison* held that this regulation violated the 1978 statute. *Id.*

In 1985 the Alaska House of Representatives adopted a letter of intent which accompanied the bill that became the 1986 subsistence act. 1985 House Journal 1246. The letter explained the rural preference of the 1986 act as follows:

This limitation of the definition of "subsistence uses" recognizes that Alaska is unique, and unlike any of the other forty-nine states, the economy of many rural communities in rural areas in Alaska is significantly dependent upon participation by the residents of these communities in the taking of fish stocks and game populations for personal and family consumption. Further, the legislature finds that the general health and welfare of these citizens is significantly tied to their participation in these activities.

*Id.* at 1229-30. In making this determination, the legislature sounded a theme that was also expressed by Congress in enacting ANILCA. The House Committee on

is available only in federal courts has not been briefed.

7. Senator Fisher, a member of the Senate Resource Committee, noted in the Senate floor debate: "[T]his legislation will provide the

Interior and Insular Affairs determined that:

After consideration of the testimony at the subcommittee's hearings and town meetings throughout Alaska and review of studies done by a variety of federal, state, academic, and other agencies and groups, the Committee has no doubt about the importance of subsistence uses to the rural people of Alaska. Reliable evidence was given to the Committee demonstrating that fifty percent of the food for three-quarters of the Native families in Alaska's small and medium villages is acquired through subsistence uses, and 40 percent of such families spend an average of 6 to 7 months of the year in subsistence activities....

H.R.Rep. No. 1045, 95th Cong., 2d Sess., at 181 (1978). The intervenors in this appeal similarly expressed the purpose of the rural preference as follows:

If village access to fish and game is overwhelmed by competition from the tens of thousands of sportsmen who Alaska's fortuitous oil wealth has drawn to the urban centers, the effect on the rural village economy would be adverse, and the effect on the health and welfare of rural residents would be even more so.

An additional purpose of the 1986 subsistence law is to retain state management of fish and game on federal lands by meeting the requirements of ANILCA.<sup>7</sup>

*Urban-Rural Subsistence Patterns*

Appellants' basic objection to the 1986 act is that by excluding from eligibility as subsistence users all urban dwellers and by including all rural dwellers, the act unfairly excludes some urban residents who have lived a subsistence lifestyle and desire to continue to do so, while needlessly including numerous rural residents who have not engaged in subsistence hunting and fishing. Appellants claim, in other words, that the urban/rural criterion is both unfairly

boards the tools to solve the problems in harvest disruption that followed *Madison*, and will assure the state will retain management of fish and game throughout Alaska by meeting the requirements of the federal subsistence law."

under-inclusive, because it excludes deserving urban residents, and over-inclusive, because it includes undeserving rural residents. Appellants instead suggest that the right to subsistence should depend upon individual needs and traditions, not on one's place of residence.

The record supports the appellants' claim that there are substantial numbers of urban subsistence users. A state study of subsistence use patterns<sup>8</sup> found that of some 255 holders of subsistence salmon permits for the 1980 Tanana River fishery, approximately 20% exhibited the attributes commonly associated with a traditional subsistence lifestyle, even though they all resided in the urban Fairbanks area. The report states:

Despite their residence in or near populated areas of the Fairbanks North Star Borough, these households generally participated in the wage economy on a seasonal basis and had longer histories of participation in the fishery, lower cash incomes, and somewhat larger household sizes than the majority of users. Some of these households have longstanding cultural ties to the subsistence fishery. For these more intensive users, fishing in sub-district Y-6C was less a recreational outing than an integral component of their way of life in Interior Alaska. Their residence in an area which is currently defined by regulation as urban, coupled with escalating demands upon the resource base, however, raise questions about whether these more intensive uses can continue in the future.

Study at 12. Similarly, in the city of Homer, an urban area under the regulations,<sup>9</sup> the study reports that 38.2% of the city residents obtained at least one-half of their meat and fish supply from personal hunting and fishing activities. *Id.* at 162.

Likewise, the study documents the fact that numerous Alaskans who live in areas classified by the regulations as rural do not

engage in subsistence activities. For example, in the City of Sitka, which is classified as rural, although it has a population of 7,803, some 26% of the households sampled did no hunting and 7% did no fishing. *Id.* at 235. Similarly, in the City of Nome, population 3,249, which is also rural under the regulations, *id.* at 93, some 5% of all households use no locally taken fish or game. *Id.* at 111.

The study also amply supports the critical importance of subsistence hunting and fishing to residents of the numerous small and remote villages of our state. For example, in the Wade Hampton census area of Western Alaska, the average annual per capita cash income was only \$2,737 (1979),<sup>10</sup> *id.* at 30, and the average household harvested 4,597, dressed weight, pounds of fish and game each year. *Id.* at 42.

#### *The Article VIII Clauses—History and Analysis*

##### A.

Section 15 of article VIII of the Alaska Constitution provides:

No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry into any fishery for the purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State.

Section 3 of article VIII provides:

Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Section 17 of article VIII provides:

Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter

8. R.J. Wolfe and L.J. Ellanna *Resource Use and Socioeconomic Systems: Case Studies of Fishing and Hunting in Alaskan Communities*, Technical Paper Number 61, Alaska Department of Fish and Game, Division of Subsistence, Juneau, March, 1983 (her inafter "Study").

9. 5 AAC 99.014.

10. The 1979 statewide average was \$11,152. Study at 30.

and purpose to be served by the law or regulation.

Although the ramifications of these clauses are varied, they share at least one meaning: exclusive or special privileges to take fish and wildlife are prohibited. Section 15 states this explicitly with respect to fisheries. The proceedings of our Constitutional Convention show that the same meaning was intended with respect to sections 3 and 17.

A memorandum of the Constitutional Convention Committee on Resources expresses the view that the common use clause has as one of its purposes a prohibition on exclusive grants or special privileges. The memorandum states: "The expression 'for common use' implies that these resources are not to be subject to exclusive grants or special privileges as was so frequently the case in ancient royal tradition." Alaska Constitutional Convention Papers, Folder 210, Papers Drafted by Committee on Resources, entitled "Terms."

The Committee on Resources commentary with respect to the uniform application clause states:

This section is intended to exclude any especially privileged status for any person in the use of natural resources subject to the disposition of the state.

6 Proceedings of the Alaska Constitutional Convention 84 (Dec. 16, 1955).

In *Owsichuk v. State*, 763 P.2d 488 (Alaska 1988), we observed that the article VIII provisions were designed to ensure to the public the broadest possible access to wildlife. We noted that "the common use clause impose[s] upon the state a trust duty to manage the fish, wildlife and water resources of the state for the benefit of all the people." *Id.* at 495 (emphasis added). "[A] minimum requirement of this duty is a prohibition against any . . . special privileges." *Id.* at 496. In *State v. Ostrosky*, 667 P.2d 1184, 1191 (Alaska 1983), we observed that the common use and no exclusive right of fishery clauses reflected "anti-exclusionist values."

Appellants contend that the rural residency requirement amounts to an exclusive or special privilege prohibited explicitly by

section 15 and implicitly by sections 3 and 17. They focus on *Hynes v. Grimes Packing Co.*, 337 U.S. 86, 69 S.Ct. 968, 93 L.Ed. 1231 (1951), a case which interpreted section 1 of the White Act, former 48 U.S.C. §§ 220-224 (1941), under which Alaska fisheries were regulated before statehood. In *Hynes*, the Supreme Court held that the White Act prohibited granting a preferential right to fish to Native residents of the Karluk Reservation. *Id.* at 123, 69 S.Ct. at 989. This case is of precedential importance, they contend, because section 15 was based on section 1 of the White Act.

In response, the state agrees that the first sentence of section 15 is based on section 1 of the White Act. However, the state distinguishes *Hynes* on the grounds that the exclusive right to fish there was available to "a closed class." In contrast, it argues there is no closed class here because "people may become eligible to participate in subsistence uses by establishing their domicile in a rural area." Further, the state relies on *Kenai Peninsula Fishermen's Cooperative Association v. State*, 628 P.2d 897, 904 (Alaska 1981) which held that section 15 does not bar differential treatment between commercial, sport, and subsistence fishermen. The intervenors' argument in response relies exclusively on this case.

The parties correctly agree that the no exclusive right of fishery clause is based on section 1 of the White Act. The commentary concerning the exclusive right of fishery clause prepared by the Committee on Resources of the Constitutional Convention states:

This section is intended to serve as a substitute for the provision prohibiting the several right of fisheries in the White Act. Instead of using the terminology of that Act the purposes sought by it are given expression in a prohibition of exclusive right or special privileges of any person to the fisheries of the state.

6 Proceedings of the Alaska Constitutional Convention Proceedings at 87 (Alaska Legislative Council).

The language of the White Act, for which the no exclusive right clause is meant to be a substitute, is as follows:

Provided, that every such regulation made by the Secretary of the Commerce shall be of general application within the particular area to which it applies, and that no exclusive or several right of fishery shall be granted therein, nor shall any citizen of the United States be denied the right to take, prepare, cure, or preserve fish or shellfish in any area of the waters of Alaska where fishing is permitted by the Secretary of the Commerce.

Act of June 6, 1924, ch. 272, § 1, 43 Stat. 464.

The appellants' reliance on *Hynes* as an explanation of the meaning of the bar on exclusive rights and special privileges is apt. At issue in *Hynes* was a regulation of the Secretary of the Interior<sup>11</sup> prohibiting commercial salmon fishing in all waters within 3,000 feet of the shores of the Karluk Reservation. 337 U.S. at 92, 69 S.Ct. at 973. The Secretarial Order made an exception which allowed Natives residing on the Reservation and their licensees to fish in these waters. *Id.* The Supreme Court held that this exception in favor of the Native residents and their licensees violated section 1 of the White Act. The court stated:

[W]e think it clear that its proviso, "that no exclusive or several right of fishery shall be granted therein," applies to commercial fishing by Natives equally with fishing companies, nonresidents of Alaska or other American citizens and so applies whether those Natives are or are not residents on a reservation. We find nothing in the White Act that authorizes

11. Regulatory jurisdiction over the administration of the White Act was transferred from the Department of Commerce to the Department of the Interior, effective July 1, 1939; *Hynes*, 337 U.S. at 92 n. 4, 69 S.Ct. at 973 n. 4.

12. We do not agree with Justice Rabinowitz's statement in dissent that the limitation struck down in *Hynes* was predicated solely on the fact that the users were Indians. *Infra* at 18. Both ethnic status and local residency were required as the regulation in question applied to "natives in possession of [the Karluk] reservation." 337

the Secretary of the Interior to grant reservation occupants the privilege of exclusive commercial fishing rights....

"Exclusive," as used in Section 1 of the White Act, forbids not only a grant to a single person or corporation but to any special group or number of people. The legislative history set out above shows this. The offending regulations which brought about the enactment of the proviso in § 1 of the White Act were administered so as to limit fishing to those who had been using the fisheries before the regulations.

337 U.S. at 122, 69 S.Ct. at 988.<sup>12</sup>

As noted above, the state seeks to distinguish *Hynes* on the ground that *Hynes* involved a closed class of recipients of a special privilege, whereas the 1986 subsistence law does not because anyone who wants to hunt and fish for subsistence purposes can move to a rural area. We find this argument unpersuasive. If it were valid, virtually any discrimination based on residence would be justified—the residents of the disfavored area could simply move. Such a rationale is inconsistent with the prevailing approach in territorial discrimination cases, which is to subject territorial classifications to scrutiny under the equal protection clause. *Gilman v. Martin*, 662 P.2d 120, 125 (Alaska 1983); Neuman, *Territorial Discrimination, Equal Protection, and Self-Determination*, 135 U.Pa. L.Rev. 261, 274-75 (1987).

The state's and the intervenors' reliance on *Kenai Peninsula* is also off the mark. That case merely affirmed what article VIII, section 4<sup>13</sup> says explicitly—that preferences among beneficial uses of fish and

U.S. at 92, 69 S.Ct. at 973. In any case, the quote in the text makes it clear that if the exception had been based solely on residence, rather than on residence and race, it would also have been struck down.

13. Article VIII, section 4 of the Alaska Constitution provides:

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

game may be legislatively or administratively established. We stated in *Kenai Peninsula*:

While section 15 does prohibit granting monopoly fishing rights, that section was not meant to prohibit differential treatment of such diverse user groups as commercial, sport, and subsistence fishermen. To conclude that, because a certain species is made available for sport fishing in a given area, commercial fishing of the same species must also be

14. The foregoing also answers Justice Rabinowitz's contention that our interpretation of the equal access clauses of article VIII is in conflict with article VIII section 4. We have consistently taken the position that limits on admission to user groups are subject to scrutiny under the article VIII equal access clauses. See *State v. Ostrosky*, 667 P.2d 1184, 1189 (Alaska 1983); *Owsichuk v. State*, 763 P.2d 488, 492 (Alaska 1988).

15. The legislative history of the White Act is in accord. Congressional debate at the time the White Act was proposed demonstrated concern that Alaska residents and non-residents alike were being excluded from Alaska fisheries. The debate also demonstrated Congress' desire that Alaska fisheries be equally accessible to everyone:

Mr. Robinson. The Secretary of Commerce sought to give exclusive right to fish in certain Alaskan water, and out of this attempt to give exclusive rights to fish, thus depriving a large number of the people the right to pursue their usual vocation, great complaint arose. This bill, however, denies to the Secretary of Commerce any power to grant an exclusive right to fish and *requires him to give everyone equal rights within the areas where fishing is permitted.*

Mr. Jones of Washington. The bill removes the principal cause of complaint with reference to the exercise of power by the Secretary of Commerce. . . . Within the two reservations [of restricted fishing areas] that were created by Executive Order a year or two ago the Secretary of Commerce has seen fit to make regulations under which outsiders might not go in order to fish. In other words, those who are already located there, if [the Secretary] thought they took all the fish that should be taken, were given the full rights, and nobody else could go in there and take fish.

Mr. King: They were given exclusive rights. Mr. Jones of Washington. They may be called exclusive rights, but I want to say this in justice to the Secretary of Commerce:

allowed, would be to go far beyond the purpose of the section.

628 P.2d at 904 (footnote omitted). The state may, indeed must, make allocation decisions between sport, commercial, and subsistence users. That authority, however, does not imply a power to limit admission to a user group.<sup>14</sup>

Section 1 of the White Act guaranteed equal access to fisheries regardless of residence. The language of the Act and *Hynes* make this clear.<sup>15</sup> Alaska's constitutional

When I came back this fall, and came down here, and we were considering matters of this kind, the Delegate from Alaska and I talked over the matter with reference to those exclusive rights, and I saw the Secretary of Commerce, and the Secretary of Commerce himself said that he would be glad to have that discretion taken away, that certainly he was not in favor of that policy, but those who were on the ground and who had been dealing with the matter especially and who might be considered to be experts had recommended and urged that that policy be pursued. I will say, in justice to him, that he said frankly that he would prefer not to have that absolute power, so I can say for him that he is glad that this provision is put in the bill prohibiting him from granting exclusive rights within the fishing areas up there.

Mr. Robinson. I have been unable to find any authority for [the Secretary] to grant exclusive rights of fishery. It was about that alleged abuse of authority that most of the complaints arose; namely, that the Secretary in some instances had created reservations, and in others had granted in certain waters the exclusive right to fish, usually to large corporations or packing concerns, which deprived the fishermen of the opportunity to pursue their occupations; and they desired very much *the provision that is in this bill, which secures to every citizen of the United States the right to fish in Alaskan waters upon equal terms and without discrimination.* The bill deprives the Secretary of any power . . . to grant exclusive rights to fish in Alaskan waters.

65 Cong.Rec. 9520-21 (1924) (emphasis added).

Based in part upon the Congressional debate identified above, *Hynes* concluded that

[T]he legislative history of the White Act only emphasizes what the statute clearly says, that is, no special privileges in Alaskan fishing preserves.

*Hynes*, 337 U.S. at 120, 69 S.Ct. at 987 (footnote omitted).

framers were aware of *Hynes*.<sup>16</sup> As noted, section 15 of article VIII was meant to be a substitute for section 1 of the White Act and to further its purposes.<sup>17</sup> It follows that section 15 likewise was meant to ensure an equal right to participate in fisheries, regardless of where one resides.

Although section 15 pertains only to fisheries, the prevention of grants of exclusive or special privileges with respect to fish and game is also one purpose of the common use and the uniform application clauses.<sup>18</sup> It follows that the grant of special privileges with respect to game based on one's residence is also prohibited.

We therefore conclude that the requirement contained in the 1986 subsistence statute, that one must reside in a rural area in order to participate in subsistence hunting and fishing, violates sections 3, 15, and 17 of article VIII of the Alaska Constitution.<sup>19</sup>

#### B.

The conclusion we have reached does not mean that everyone can engage in subsistence hunting or fishing. We do not imply that the constitution bars all methods of exclusion where exclusion is required for species protection reasons. We hold only

16. A memo of the Committee on Resources defining terms states the following under "White Act Provisions 48 U.S.C.A. 222:"

That every such regulation made by the Secretary shall be of general application within the particular area to which it applies, and that no exclusive or general right of fishery shall be granted therein, nor shall any citizen of the U.S. be denied the right to take, prepare, cure, or preserve fish or shellfish in any area of the waters of Alaska where fishing is permitted by the Secretary.... The word "exclusive" forbids not only a grant to a single person or corporation, but to any special group or number of people. (*Hynes-Grimes Karluk Reservation*)

Alaska Constitutional Convention Papers, Folder 210.

17. Commentary on Article on State Lands and Natural Resources, 6 Proceedings of the Alaska Constitutional Convention at 87.

18. See *supra* pages 5 and 6.

19. Justice Rabinowitz states in his dissenting opinion that he does not interpret the statute to

that the residency criterion used in the 1986 act which conclusively excludes all urban residents from subsistence hunting and fishing regardless of their individual characteristics is unconstitutional.

We are not called upon in this case to rule on what selection criteria might be constitutional. It seems appropriate, however, to note that any system which closes participation to some, but not all, applicants will necessarily create a tension with article VIII. In such cases, assuming that the exclusionary criterion is not per se impermissible, our decisions suggest that demanding scrutiny is appropriate.

We alluded to this in *State v. Ostrosky*, 667 P.2d 1184 (Alaska 1983) in discussing the interplay between the constitutionally allowed limited entry system, which was permitted by amendment to article VIII, section 15, and the common use and no exclusive right of fisheries clauses. We stated:

[S]ince the common use clause of section 3 and the no exclusive right of fishery clause of section 15 remain in the constitution, the premise of the argument is that whatever system of limited entry is imposed must be one which, consistent with a feasible limited entry system, en-

mean that "eligibility to participate in subsistence uses is determined solely with reference to where an individual lives." *Infra* at 17. That, however, clearly is the case with respect to first-tier subsistence users. Urban resident may not be subsistence users because subsistence uses are by definition limited to rural residents. AS 16.05.940(30), quoted *supra* at pp. 1-2. Yet all rural residents may be first-tier subsistence users without regard to their individual characteristics. The regulation on which Justice Rabinowitz relies, 5 AAC 99.010(b), defines customary and traditional uses but does not state that first-tier subsistence rights can be limited to customary and traditional users. As we stated in *Madison* "the phrase 'customary and traditional' modifies the word 'uses' ... it does not refer to users." 696 P.2d at 174. The state acknowledges that only in the second-tier subsistence context may individual characteristics separate those rural residents who may be second-tier subsistence users from those who are ineligible. Brief of Appellees, p. 8. The state also notes that the need for a second-tier limitation has, to date, not arisen. *Id.*

tails the least possible impingement on the common use reservation and on the no exclusive right of fishery clause. The argument concludes that free transferability does not entail the least possible impingement on the anti-exclusionist values which these provisions reflect.

... [T]he premise of this argument is logical.

*Id.* at 1191. We expressed the same theme in *Johns v. Commercial Fisheries Entry Commission*, 758 P.2d 1256 (Alaska 1988) concerning the obligation of the Commercial Fisheries Entry Commission to establish an optimum number of entry permits. We stated in *Johns*:

In [*Ostrosky*], we noted that there is a tension between the limited entry clause of the state constitution and the clauses of the constitution which guarantee open fisheries. We suggested that to be constitutional, a limited entry system should impinge as little as possible on the open fishery clauses consistent with the constitutional purposes of limited entry, namely, prevention of economic distress to fishermen and resource conservation. *Ostrosky*.... The optimum number provision of the Limited Entry Act is the mechanism by which limited entry is meant to be restricted to its constitutional purposes. Without this mechanism, limited entry has the potential to be a system which has the effect of creating an exclusive fishery to ensure the wealth of permit holders and permit values, while exceeding the constitutional purposes of limited entry. Because this risk of unconstitutionality exists, the [Commercial Fisheries Entry Commission] should not delay in embarking on the

20. Another expressed purpose is to aid communities whose residents are dependent on subsistence, as distinct from aiding the individual residents. This is not a purpose separate from aid to individual community members where the aid goes directly to the individuals. As we stated in *State v. Enserch*, 787 P.2d 624, 634 (Alaska 1989): "It would not make sense to conclude that a statute may not discriminate between residents of two areas in order to aid the residents of the more disadvantaged area, but that such a statute could discriminate between residents of

optimum number process, except where there is a substantial reason for doing so. *Id.*, 758 P.2d at 1266 (footnote omitted).

Most recently in *Owsichek*, we suggested that section 17 of article VIII, the uniform application clause, "may require 'more stringent review' of a statute than does the equal protection clause in cases involving natural resources" *Owsichek*, 763 P.2d at 498 n. 17 (quoting *Gilman v. Martin*, 662 P.2d 120, 126 (Alaska 1983)). We also cited with approval Justice Rabinowitz's dissent in *Ostrosky*, 667 P.2d at 1196 which employs a least restrictive alternative approach in view of the "highly important interest running to each person within the state" by virtue of the common use clause. 763 P.2d at 492 n. 10.

In reviewing legislation which burdens the equal access clauses of article VIII, the purpose of the burden must be at least important. The means used to accomplish the purpose must be designed for the least possible infringement on article VIII's open access values. *Ostrosky, supra* at 1191, *Johns, supra* at 1266.

We employ this method of analysis in the present case as an alternative ground of decision. Using this approach, we conclude that the rural-urban residency criterion is unconstitutional for the reasons that follow.

One purpose of the 1986 act is to ensure that those Alaskans who need to engage in subsistence hunting and fishing in order to provide for their basic necessities are able to do so. This is an important interest.<sup>20</sup> However, the means used to accomplish this purpose are extremely crude. There are, as noted above, substantial numbers of Alaskans living in areas designated as urban who have legitimate claims as subsist-

two areas in order to aid the communities in the more disadvantaged area. The communities are merely the collective sum of the residents."

A third purpose is to comply with ANILCA in order to retain state fish and game control on federal lands. It is difficult to view this as a sufficiently important purpose. ANILCA does not require state compliance. State control merely for the sake of control is a questionable goal when the terms infringe upon the open access values of article VIII.

ence users. Likewise, there are substantial numbers of Alaskans living in areas designated as rural who have no legitimate claims. A classification scheme employing individual characteristics would be less invasive of the article VIII open access values and much more apt to accomplish the purpose of the statute than the urban-rural criterion.

We note that several other jurisdictions have struck down intrastate residential preferences in fish and game statutes. These authorities support our view that the equal access clauses of article VIII, which are a special type of equal protection guaranty, bar the residential discrimination imposed in this case.<sup>21</sup> *Lewis v. State*, 110 Ark. 204, 161 S.W. 154 (1913) contains an excellent historical statement:

When it becomes necessary for the propagation and preservation of wild game and fish for the use of the public, the people acting in their sovereign capacity, through their lawmaking power, may pass laws to regulate the right of each individual which he enjoys in common with every other member of the community to use of same. But when the sovereign undertakes to regulate or restrain the individual in its right as a member of the community to enjoy the right to take and use this common property of all, it must do so upon the same terms to all members of the community alike. The common right, which one individual of the whole community is entitled

to enjoy as much as another, cannot be made by law the exclusive privilege of the people of a certain class or section upon terms and conditions that do not apply to the whole people alike. This right which one individual has in common with every other individual in the community to take and use fish and game, *ferae naturae*, is one that has existed from the remotest times, and, although at one time in England after the Norman Conquest the right to take fish and game was claimed as a royal prerogative to the exclusion of the people, it was restored to them by the Barons at Runnymede in 1215, and was declared in the great charter which they wrested from King John. "The rights," says Green, "which the barons claimed for themselves they claimed for the nation at large." Green's History of the English People, vol. 4, pp. 252-254.

These rights were confirmed and established ever thereafter in England by acts of Parliament, and they have come down to us from the laws of England and may be regarded as a common heritage of the English-speaking people. See *Parker v. People*, 111 Ill. 581, 53 Am. Rep. 643. Also *Geer v. Conn.*, 161 U.S. 519, 16 Sup.Ct. 600, 40 L.Ed. 793; *Martin v. Waddell*, [41 U.S.] 16 Pet. 367, 10 L.Ed. 997. The only justification for a law regulating and restricting the common right of individuals to take wild

21. See *State v. Bryan*, 87 Fla. 56, 99 So. 327, 330 (1924) (state law levying \$10 and \$50 license tax on state residents who are non-residents of certain counties, as a prerequisite to hunting in those counties, when residents of those counties pay only \$1 or \$1.25, violates equal protection); *State v. Barkley*, 192 N.C. 184, 134 S.E. 454, 455 (1926) (state law levying \$3 hunting fee on non-resident hunters in the county, and a \$1 fee on residents of the county, held invalid in that it taxed inhabitants unequally); *Harper v. Gallo-way*, 58 Fla. 255, 51 So. 226, 229 (1910) (state law that required citizens of the state of Florida who were not residents of Marion County to give a previous notice of intention to hunt and to pay a special license tax for the privilege of hunting game in Marion County, while no notice or license tax was required of residents of Marion County, denied equal protection of the laws); *Bruce v. Director, Dep't of Chesapeake Bay Affairs*, 261 Md. 585, 276 A.2d 200, 208

(1971) (statutes prohibiting crabber from crabbing in waters of county other than his county of residence and prohibiting oystermen from going to waters of another county invalid); Power, *More About Oysters Than You Wanted To Know*, 30 Maryland L.Rev. 199, 218 (1970) ("A county non-resident represents no peculiar threat to the fishery but merely the same threat as represented by a county resident.").

But see *Commonwealth v. Hilton*, 174 Mass. 29, 54 N.E. 362, 364 (1899) (selectmen of a town may prohibit the digging of clams by nonresidents of the town); *State v. Norton*, 335 A.2d 607, 615 (Me.1975) (state had compelling governmental interest in conservation of its clams and its attempt to achieve that purpose by, in part, authorizing municipalities to apply a resident-nonresident standard in licensing shell fisheries did not unconstitutionally discriminate against nonresidents).

game and fish is the necessity for protecting the same from extinction, and thus to preserve and perpetuate to the individual members of the community the inalienable rights which they have had from time immemorial. While the state, holding the title to game and fish, so to speak, in trust for every individual member of the community, may pass laws to regulate the rights of each individual in the manner of taking and using the common property, yet, as we have already stated, this must be done, under the Constitution, upon the same terms to all the people. No special privileges or immunities can be conferred.

Where the necessity for the preservation of the wild game and fish exists in certain territories of the state, that territory may be segregated for the purpose of regulating the right to taking game and fish therein; *but the privilege of taking and using same must be extended to the people of the state outside of the territory upon the same terms that are given to those who are residents of the territory embraced in the legislation.* *Hayes v. Territory*, 2 Wash.T. 286, 5 Pac. 927. In the cases of *State v. Higgins*, 51 S.C. 51, 28 S.E. 15, 38 L.R.A. 561, and *Harper v. Galloway*, 58 Fla. 255, 51 South. 226, 26 L.R.A. (N.S.) 794, 19 Ann.Cas. 235, the question here involved was considered and determined in accord with the doctrine we have announced.

*Id.* 161 S.W. at 155-156 (footnote omitted, emphasis added).

### CONCLUSION

Our disposition of this case makes it unnecessary to discuss the other grounds advanced by appellants. For the above reasons, the judgment of the superior court is reversed. This case is remanded to the superior court with instructions to issue a declaratory judgment that the rural preference of ch. 52 SLA 1986 is unconstitutional and to take such further action as may be appropriate.

REVERSED and REMANDED.

COMPTON and MOORE, JJ.,  
concurring.

RABINOWITZ, J., dissenting.

COMPTON, Justice, concurring.

I agree with Part A of the opinion, holding that this preferential scheme violates art. VIII, sections 3, 15 and 17 of the Alaska Constitution.

I express no opinion regarding Part B as it is superfluous to the decision.

MOORE, Justice, concurring.

The court correctly concludes that chapter 52, SLA 1986 ("the Act") violates the Alaska Constitution. I write separately to explain my understanding of the court's holding in part B of the section entitled "The Article VIII Clauses—History and Analysis," which I join, and because I disagree with the court's analysis in part A.

### Equal Protection

The Act is motivated by a compelling purpose, ensuring that persons who are dependent upon subsistence hunting and fishing have access to wildlife. However, the Act's geographical classification scheme is only loosely related to that purpose. This is an equal protection case, and an easy one at that.

Article I, section 1 of the Alaska Constitution provides that "all persons are ... entitled to equal rights, opportunities, and protection under the law...." We have decided many cases interpreting this provision, most recently, *State v. Enserch Alaska Construction, Inc.*, 787 P.2d 624 (Alaska 1989). The Alaska Constitution has a similar clause specifically concerning natural resources. Article VIII, section 17, the uniform application clause, provides that "[l]aws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation."

When applying the equal protection clause of article I, we determine the impor-

tance of the individual interest affected by the enactment. The importance of the individual interest determines the level of scrutiny we apply to both the state's interest in the enactment and the nexus between that interest and the enactment. *Enserch*, 787 P.2d at 631-632; *Alaska Pacific Assurance Co. v. Brown*, 687 P.2d 264, 269-70 (Alaska 1984). Without explicitly acknowledging it, the court's opinion employs the same analysis under the uniform application clause of article VIII. See *supra* pp. 10-11. Since the principle of equality underlies both clauses, the use of our equal protection analysis in the uniform application context is proper.

I believe that the individual interest impaired by the Act, access to wildlife for subsistence purposes, is a species of the important right to engage in economic endeavor at issue in *Enserch*, at 632-633. See also *Commercial Fisheries Entry Comm'n v. Apokedak*, 606 P.2d 1255, 1266 (Alaska 1980). The challenged enactment therefore should receive close scrutiny.<sup>1</sup> The Act then at least must be closely related to an important state interest. *Enserch*, at 633.

The state's interest, ensuring that those who must engage in subsistence hunting and fishing are able to do so, is undoubtedly important. Indeed, I believe it is compelling. However, the Act's classification scheme for deciding who is entitled to engage in subsistence hunting and fishing and its implementing regulations are not closely related to the purpose of the Act. As the court's opinion describes, large numbers of residents of areas classified as urban under the Act are dependent upon subsistence hunting and fishing. Conversely, some of the state's larger cities, where many people are not dependent upon subsistence hunting and fishing, are classified as rural. *Supra* pp. 4-5. There is only a modest correlation between the

set of people who reside in areas designated as rural under the Act and the set of people who are dependent upon subsistence hunting and fishing. The fit between the Act and the state's interest does not even approach that required to withstand close scrutiny. Therefore, the Act violates the equal protection and uniform application clauses of the Alaska Constitution.

This is not to say that all subsistence preference laws would be unconstitutional. I simply believe that for such a law to pass constitutional muster, it must be closely related to its compelling purpose. A law providing for individual determinations of eligibility would in my view be sufficiently tailored to the state's interest to withstand a constitutional challenge.

#### *Common Use and Exclusive Right of Fishery*

The court's holding in Part A of the section entitled "The Article VIII Clauses—History and Analysis" is not altogether clear. I agree with the court to the extent that it holds that an intrastate geographical preference for the taking of wildlife violates sections 3 and 15 of article VIII of the Alaska Constitution. I reject any implication that all preferences, especially all subsistence preferences, would violate these sections. I do not believe that the court can find a violation of article VIII, section 17 without a full equal protection analysis. I do not join part A of the court's opinion, but I concur in its result.<sup>2</sup>

Section 15 of article VIII provides that "[n]o exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State." Alaska Const., art. VIII, § 15 (emphasis added). Section 4 of article VIII provides that the use of resources shall be "subject to preferences among beneficial uses." On the surface, there appears to be some conflict between these provisions. To the greatest

1. *Enserch*, at 633; *Patrick v. Lynden Transp., Inc.*, 765 P.2d 1375, 1379 (Alaska 1988). It may be that the enactment should receive even greater scrutiny under the uniform application clause; however, the court has not decided that question. *Owsichuk v. State*, 763 P.2d 488, 498 n. 17 (Alaska 1988).

2. I would not, however, reach this question, because I believe that such geographical preferences violate the equal protection and uniform application clauses of the Alaska Constitution.

extent possible, we must interpret the provisions of Article VIII consistent with each other. See *Abrams v. State*, 534 P.2d 91, 95 (Alaska 1975).

Section 4 clearly authorizes some preferences based upon uses. The court recognized a parallel exception to section 15 in *Kenai Peninsula Fisherman's Cooperative Association, Inc. v. State*, 628 P.2d 897 (Alaska 1981), where we wrote that section 15 "was not meant to prohibit differential treatment of such diverse user groups as commercial, sports, and subsistence fishermen." 628 P.2d at 904. The Act distinguishes subsistence uses from commercial and sport uses in name only. As discussed above, its classification is in fact a fairly arbitrary one based upon residence. It is not the type of classification we have previously held permissible under section 15.

We are left with the question whether geographical preferences are permissible under section 15. For the reasons given in the court's opinion, see *supra* pp. 6-8, I believe that reliance upon *Hynes v. Grimes Packing Co.*, 337 U.S. 86, 69 S.Ct. 968, 93 L.Ed. 1231 (1949), which interpreted the federal statute upon which section 15 was based, is appropriate. In *Hynes*, the Court invalidated regulations prohibiting fishing off the shores of the Karluk Reservation. While I do not believe that *Hynes* is determinative since it involved an exclusive right to fish in a particular area and not a mere preference, 337 U.S. at 92, 69 S.Ct. at 973, section 15 proscribes "special privileg[e]s" as well as exclusive rights. Like the court, I do not read *Hynes* as being based on the fact that the exclusive right was granted to Natives rather than some other group. Nor do I believe that *Hynes* can be distinguished by the ability of people to move to rural areas and thus qualify under the Act. See *supra* pp. 7-8 & n. 12. For these reasons, I agree with the court that geographical preferences for the taking of fish are not permissible under section 15. The Act thus violates section 15. Although section 15 is facially applicable only to fishing,

I would have no difficulty finding a corresponding prohibition of geographical hunting preferences in the common use clause of article VIII, section 3. See *supra* p. 9.

RABINOWITZ, Justice, dissenting.

I dissent from the court's holding that ch. 52 SLA 1986 is unconstitutional.<sup>1</sup> In my view Alaska's subsistence laws are not violative of either section 3 ("common use"), section 15 ("no exclusive right of fisheries"), or section 17 ("equal application of laws") of article VIII of the Alaska Constitution.

Article VIII, section 4 explicitly provides for "preferences among beneficial uses." In *Kenai Pen. Fisherman's Co-op Ass'n v. State*, 628 P.2d 897, 904 (Alaska 1981), we said in part: "[w]hile section 15 does prohibit granting monopoly fishing rights, that section was not meant to prohibit differential treatment of such diverse user groups as commercial, sport, and subsistence fishermen." The subsistence laws at issue here do not exclude individuals from access to wildlife; rather, wildlife resources are allocated on a preferential basis. Nor do these laws create an exclusive right of fishery in any class. Rather, the effect of these laws is to provide for a subsistence preference among beneficial users of the resource. No exclusive, monopolistic, or otherwise closed classes of resource users are established.

I would further hold that ch. 52 SLA 1986 is not violative of the equal protection provisions of the Alaska Constitution (article I, section 1, article VIII, section 17). In my view adoption of the strict scrutiny and least restrictive alternative standards is inappropriate. Given the nature of the interest at stake I would apply a lesser standard for purposes of equal protection analysis. This subsistence legislation is substantially related to legitimate legislative goals. I conclude that the fit between the legislature's goal of furthering the health and welfare of subsistence users, and the subsistence preference system it devised to carry out this objective, is sufficiently close

1. Hereinafter state subsistence laws.

to withstand scrutiny under Alaska's equal protection provisions.

#### INTRODUCTION.

In response to the impact the state's population growth has had upon subsistence lifestyles, Congress in 1980 enacted the Alaska National Interest Lands Conservation Act (hereinafter ANILCA or federal subsistence law).<sup>2</sup> ANILCA was designed to protect subsistence hunting and fishing by giving such uses priority over commercial and sport uses in rural areas.<sup>3</sup>

The federal subsistence law specified that subsistence uses must be "customary and traditional uses by rural Alaska residents." ANILCA § 803; 16 U.S.C. § 3113 (emphasis added). Thus, under ANILCA, eligibility for subsistence permits was dependent in part upon one's geographic place of residence. ANILCA § 804; 16 U.S.C. § 3114.<sup>4</sup>

ANILCA authorized the state to continue managing fish and game inhabiting Alaska's federal lands and waters if the state established regulations maintaining the definition of and preference for subsistence uses articulated in the federal subsistence law. ANILCA § 805(d); 16 U.S.C. § 3115(d). The state legislature complied, and thereby retained managerial control over federal lands located within the state by authorizing the Joint Boards of Fish and Game to promulgate regulations defining "rural" use.

2. Pub.L. No. 96-187, 94 Stat. 2371 (1980); 16 U.S.C. §§ 3101-3233 (West 1985). Congress prefaced Title VIII of ANILCA with a declaration that "the continuation of the opportunity for subsistence uses by rural residents of Alaska ... is essential to Native physical, economic, traditional, and cultural existence..." 16 U.S.C. § 3111(1).

3. See 16 U.S.C. §§ 3111-3126 (1982 & Supp. IV 1986).

4. "Rural" areas are those with sparse populations, and the term "rural" as used in ANILCA is not a term of art. *Kenaitze Indian Tribe v. State of Alaska*, 860 F.2d 312 (9th Cir.1988), cert. denied, — U.S. —, 109 S.Ct. 3187, 105 L.Ed.2d 695 (1989), (term "rural" is to be given its ordinary significance, meaning "sparsely populated").

5. 1985 House Journal 1246.

In enacting ch. 52 SLA 1986 the Alaska House of Representatives adopted a letter of intent.<sup>5</sup> The letter articulated the subsistence-rural preference of the act in the following terms:

This limitation of the definition of "subsistence uses" recognizes that Alaska is unique, and unlike any of the other forty-nine states, the economy of many rural communities in rural areas in Alaska is significantly dependent upon participation by the residents of the communities in the taking of fish stocks and game populations for personal and family consumption. Further, the legislature finds that the general health and welfare of these citizens is significantly tied to their participation in these activities.<sup>6</sup>

The subsistence statutes challenged here define "rural area" as "a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area." AS 16.05-940(25).

Appellants' basic contention here is that "by excluding from eligibility as subsistence users all urban dwellers and by including all rural dwellers, it unfairly excludes some urban residents who have lived a subsistence lifestyle and desire to continue to do so, while needlessly including numerous rural residents who have not engaged in subsistence hunting and fishing." The

6. See also the House Committee on Interior and Insular Affairs Report issued in conjunction with the passage of ANILCA.

After consideration of the testimony at the subcommittee's hearings and town meetings throughout Alaska and review of studies done by a variety of federal, state, academic, and other agencies and groups, the Committee has no doubt about the importance of subsistence uses to the rural people of Alaska. Reliable evidence was given to the Committee demonstrating that fifty percent of the food for three-quarters of the Native families in Alaska's small and medium villages is acquired through subsistence uses, and 40% of such families spend an average of 6 to 7 months of the year in subsistence activities....

H.R.Rep. No. 1045, 95th Cong., 2d Sess., at 181 (1978).

linchpin of this dispute, then, is whether the challenged subsistence law constitutes an unconstitutionally imperfect attempt to fulfill the legislature's purpose of protecting subsistence uses.

### I. DO ALASKA'S SUBSISTENCE LAWS VIOLATE ARTICLE VIII OF THE ALASKA CONSTITUTION?

Appellants challenge the constitutionality of the state subsistence laws under three clauses of article VIII of the Alaska Constitution, sections 3 ("common use"), 15 ("no exclusive right of fisheries"), and 17 ("equal application of laws").<sup>7</sup> The court attributes a "shared meaning" to these three constitutional provisions: that "exclusive or special privileges to take fish and wildlife are prohibited." The court then concludes that the subsistence statute's preference for rural residents violates each of the aforementioned clauses and offends the shared meaning of article VIII. I disagree.

#### A. Section Three: The "Common Use" Clause.

Article VIII, section 3 (the "common use" clause) is derived from laws designed to guarantee the common citizen participation in wildlife harvest, and to divest the Crown of exclusive entitlement to those

#### 7. Section 3 of article VIII provides:

Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

#### Section 15 of article VIII provides:

No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry into any fishery for the purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State.

#### Section 17 of article VIII provides:

Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

#### 8. In *Lewis v. State*, 110 Ark. 204, 161 S.W. 154 (1913), the court described the history of the common use principle in the following terms:

resources.<sup>8</sup> It is said that this "public trust" doctrine<sup>9</sup> "impose[s] upon the state a trust duty to manage the fish, wildlife and water resources of the state for the benefit of all the people." *Owsichek v. State*, 763 P.2d 488, 495 (Alaska 1988) (citations omitted); see also *Metlakatla Indian Community, Annette Island Reserve v. Egan*, 362 P.2d 901, 905 (Alaska 1961), *aff'd*, 369 U.S. 45, 82 S.Ct. 552, 7 L.Ed.2d 562 (1962); *Herscher v. State, Dep't of Commerce*, 568 P.2d 996, 1003 (Alaska 1977).

In *State v. Ostrosky*, 667 P.2d 1184 (Alaska 1983), *reh'g denied*, 468 U.S. 1204, 104 S.Ct. 3572, 82 L.Ed.2d 871 (1984), we accepted the view that the common use clause reflects "anti-exclusionist values." *Id.* 667 P.2d at 1191. Thereafter, in *Owsichek v. State*, 763 P.2d 488 (Alaska 1988), a case involving an exclusive right to conduct guided hunting in particular areas of wilderness, we reiterated this theme stating that section 3 is fundamentally "anti-monopoly" in its thrust. *Id.* at 493 ("Because an EGA [exclusive guide area] is clearly a type of monopoly ... [legislative] history strongly suggests that the statutes at issue here are unconstitutional."). Critical to our holding that the guide licensing system at issue in *Owsichek* was unconstitutional under the common use clause were the following characteristics of the scheme: it per-

[A]lthough at one time in England after the Norman Conquest the right to take fish and game was claimed as a royal prerogative to the exclusion of the people, it was restored to them by the Barons at Runnymede in 1215, and was declared in the great charter which they wrested from King John.

\* \* \* \* \*

These rights were confirmed and established ever thereafter in England by acts of Parliament, and they have come down to use from the laws of England and may be regarded as a common heritage of the English-speaking people.

*Id.* at 155 (citations omitted).

#### 9. The public trust doctrine maintains that government holds untaken wildlife in trust for public use, and that government owes a fiduciary duty to manage such resources for the common good of the public as beneficiary. See *Owsichek v. State*, 763 P.2d 488, 493-95 (Alaska 1988).

mitted a single guide permanently to exclude all other guides from leading hunts professionally on specific lands; it favored established guides at the expense of new entrants in the guiding market; it created a salable, property-like interest in the license; and it established exclusivity of an unlimited duration. *Id.* at 496.

In the case at bar the challenged subsistence laws exhibit none of these characteristics. The state subsistence laws establish a subsistence preference, not an exclusive, monopolistic, or otherwise closed class. Anyone may join subsistence users by moving to a sector of the state which has been designated as a "rural area." Further, these laws do not establish subsistence hunting and fishing as an exclusive use, even in rural areas, except during periods of extreme resource scarcity.<sup>10</sup> In regard to this issue I think the court's reliance on *Owsichek* and *Ostrosky* is misplaced. Both *Owsichek* and *Ostrosky* emphasize that the primary thrust of article VIII is anti-exclusionist or anti-monopolistic, not anti-preferential.

I do not read the statutes in question as providing that eligibility to participate in subsistence uses is determined solely with reference to where an individual lives. That is not the case. The subsistence laws at issue here are implemented by multi-factoral regulations which focus not only on place of residence, but also upon particular stocks and populations of fish and game, and particular patterns of subsistence usage.<sup>11</sup> Moreover, individual characteristics are always considered under the state subsistence law during lean periods when it becomes necessary to restrict even certain subsistence uses. In those periods, the determination as to which individuals among those normally eligible for a subsistence permit may continue harvesting is made on the basis of an analysis of individuals' char-

acteristics under the following criteria: (1) customary and direct dependence on the resource as the mainstay of livelihood; (2) local residence; and (3) availability of alternative resources. AS 16.05.258(c).

The court's interpretation of the common use clause would prohibit the legislature from making any differential allocation of natural resources whatsoever, an outcome precluded by our holding in *Kenai Peninsula*, 628 P.2d 897 (Alaska 1981) and the language of article VIII, section 4, which explicitly provides for "preferences among beneficial uses." In *Kenai*, we held that "[w]hile section 15 does prohibit granting monopoly fishing rights, that section was not meant to prohibit differential treatment of such diverse user groups as commercial, sport, and subsistence fisherman." 628 P.2d at 904 (emphasis added).

Moreover, it is axiomatic that the provisions of article VIII of the Alaska Constitution should be interpreted so as to avoid internal contradictions. *Abrams v. State*, 534 P.2d 91, 95 (Alaska 1975) ("It is an undisputed maxim of constitutional construction that the different provisions of the document shall be read so as to avoid conflict whenever possible"); *Park v. State*, 528 P.2d 785, 786-87 (Alaska 1974) ("It is a well accepted principle of judicial construction that, whenever reasonably possible, every provision of the Constitution should be given meaning and effect, and related provisions should be harmonized."). In my view the court's reading of article VIII, section 3 as prohibiting preferences among beneficial uses of Alaska's resources plainly conflicts with article VIII, section 4. That section provides, in full:

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield

game stock in light of eight criteria. 5 AAC 99.010(b). These eight criteria include examination of individual populations' patterns of use, methods and efficiency of use, consistency of use, and methods of food storage, as well as the nexus between the asserted subsistence use and the maintenance of individuals' cultural heritage. *Id.*

10. Alaska Statute 16.05.258(c) authorizes complete prohibition of non-subsistence uses during periods of famine when the state's total harvest is insufficient to support even normal subsistence uses.

11. Subsistence uses must be "customary and traditional" uses as determined by the separate Boards after evaluation of a particular fish or

principle, *subject to preferences among beneficial uses.*

(Emphasis added.) The intent of section 4 is that persons situated differently can be treated differently and that some users of a resource may legitimately be given preference over others.

In brief, the common use clause constitutionalized the doctrine that wild fish and game are held in trust by the state for the benefit of the public as a whole, rather than by the sovereign in exclusive possession. That principle is consistent with the view that the sovereign state may manage wildlife for the common good, including certain beneficial preferences. Thus I conclude that the challenged subsistence laws do not offend the anti-monopolistic, anti-exclusionist values underpinning the public trust and common use doctrines embodied in section 3 of article VIII of Alaska's constitution.

B. *Section 15: the "No Exclusive Right" Clause.*

I also disagree with the court's holding that the state subsistence law violates article VIII, section 15 (the "no exclusive right" clause).

The court relies for its interpretation of the no exclusive right clause upon *Hynes v. Grimes Packing Co.*, 337 U.S. 86, 69 S.Ct. 968, 93 L.Ed. 1231 (1949), a case in which the United States Supreme Court interpreted the federal legislation which governed Alaska's fisheries before statehood, former 48 U.S.C. §§ 221-224 (1941) (hereinafter "The White Act"). The White Act did include language seemingly prohibitive of the kind of geographic distinction at issue here. Section 1 of the White Act provides, in relevant part:

[N]o exclusive or several right of fishery shall be granted . . . nor shall any citizen of the United States be denied the right to take, prepare, cure, or preserve fish or shellfish *in any area* of the waters of Alaska where fishing is permitted by the Secretary of the Commerce.

Act of June 6, 1924, Ch. 272, § 1, 43 stat. 464 (emphasis added). On the other hand, I disagree with the court's view that inso-

far as the White Act was expressly anti-geographic, section 15 should be given a similar construction. For in my opinion *Hynes* is distinguishable in several important respects.

First, *Hynes* did not involve an allocation of fish and game on the basis of residence; rather, the exemption at issue there applied only to fish, and was predicated upon the users' status as Indians, not their place of residence. 337 U.S. at 89-97, 69 S.Ct. at 971-976. Second, *Hynes* involved an exclusive right of access which had been made available only to a closed class of fishermen. At issue in *Hynes* was a regulation of the Secretary of the Interior completely prohibiting commercial salmon fishing in all waters within 3,000 feet of the shores of the Karluk reservation, but exempting Native fishermen from this otherwise comprehensive ban. *Id.* Therefore, *Hynes*, like *Owsichek*, is distinguishable from the classification scheme at issue in the present case, since in the case at bar one may become eligible for subsistence permits by moving into a rural area. Finally, as noted previously, both article VIII, section 4 and *Kenai Fisherman's* establish that section 15 cannot be read to prohibit differential treatment of such diverse user groups as commercial, sport, and subsistence users.

C. *Section 17: the "Equal Application" Clause.*

Although section 17 (the "equal application clause") is a component of article VIII, it is essentially, as the court states, a "more stringent . . ." equal protection clause [for] . . . cases involving natural resources." I will address these issues together.

II. DO THE 1986 STATE SUBSISTENCE LAWS VIOLATE ARTICLE VIII, SECTION 17 OR THE EQUAL PROTECTION CLAUSE OF THE ALASKA CONSTITUTION (ARTICLE I, SECTION 1)?

The court holds the state subsistence laws unconstitutional on equal protection

grounds.<sup>12</sup>

Although this court has not yet addressed the issue whether equal access to fish and game is a fundamental right, we have held that commercial fishing is not fundamental. *Commercial Fisheries Entry Comm'n v. Apokedak*, 606 P.2d 1255, 1262 (Alaska 1980). Other courts have concluded that recreational hunting is not a fundamental right. See, e.g., *Baldwin v. Montana Fish and Game Comm'n*, 436 U.S. 371, 98 S.Ct. 1852, 56 L.Ed.2d 354 (1978) (elk hunting by non-residents not fundamental); *Utah Public Employees Ass'n v. State*, 610 P.2d 1272 (Utah 1980) (entry in big game permit drawing not fundamental). See also *Herscher v. State, Department of Commerce*, 568 P.2d 996, 1003, 1006 (Alaska 1977).

In my view, the interest at stake, i.e., the right to participate in subsistence hunting and fishing, is not a fundamental right. Maximum scrutiny is reserved for fundamental rights and suspect classifications. *Ostrosky*, 667 P.2d at 1192. Given what I perceive to be the appropriate characterization of the interest involved, the state must demonstrate the existence of a substantial relationship between the means utilized by the legislation and the legitimate governmental ends sought to be achieved thereby.

Since I am of the view that strict scrutiny is inapplicable, I conclude that the questioned legislation does not violate the Alaska Constitution's equal protection clause. The challenged subsistence laws are fairly and substantially related to the important

12. The majority opinion employs article VIII section 17 and the concurring opinion of Justice Moore uses article I section 1. As Justice Moore points out, the method of analysis in either case is the same. Because Alaska's equal protection standards are more stringent than the federal constitutional standard, any statute which passes muster under Alaskan law will also survive the equal protection clause of the United States Constitution. *Herrick's Aero-Aqua Repair v. Department of Transportation*, 754 P.2d 1111, 1114 (Alaska 1988). Therefore, discussion of the federal standard is omitted.

13. As mentioned previously, in enacting the state subsistence laws, the Alaska legislature explicitly found that "the general health and wel-

governmental goal of protecting the health and welfare of the state's subsistence users, a goal admittedly within the state's police powers to pursue.<sup>13</sup>

Implicit in my view that this legislation is not violative of equal protection is the further conclusion that the subsistence classification formulated to fulfill this conceded legitimate legislative purpose is not constitutionally infirm. As we said in *Apokedak*, 606 P.2d at 1267:

[I]ndividual cases will arise in which those barred may be able to show extreme hardship. The legislature in its wisdom could conceivably have better provided for such instances. But equal protection, even under Alaska's stricter standard, does not demand perfection in classification. If it did, there would be few laws establishing classifications that would sustain an equal protection challenge.

The subsistence legislation in question here effectively captures within its ambit the thousands of subsistence users residing in Alaska's numerous rural villages. In short, I would hold that the subsistence laws' fit satisfies the requirements of equal protection under both article I, section 1, and article VIII, section 17 of the Alaska Constitution.



fare of these citizens is significantly tied to their participation in [subsistence] activities." 1985 House Journal 1246. In a similar vein this court said in *State v. Tanana Valley Sportsmen's Ass'n*, 583 P.2d 854, 859 n. 18 (Alaska 1978):

... For hundreds of years, many of the Native people of Alaska depended on hunting to obtain the necessities of life. To this day, despite incursions by those of different cultures, many Alaska Eskimos, Indians and Aleuts eke out a livelihood by reliance on fish and game.... Not only is the game of prime importance in furnishing the bare necessities of life, but subsistence hunting is at the core of the cultural tradition of many of these people....

# LEGAL SERVICES

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## MEMORANDUM

March 27, 1998

**SUBJECT:** Constitutional amendment relating to subsistence (Work Order No. 20-LS1706E)

**TO:** Representative Scott Ogan  
Attn: Dave Stancliff

**FROM:** George Utermohle *GU*  
Legislative Counsel

Enclosed is a proposed constitutional amendment relating to subsistence that would authorize the legislature to enact a subsistence preference such as that contained in CSHB 406(JUD), version R. As you requested the proposed constitutional amendment specifically amends each provision of the Alaska Constitution that would otherwise be applicable to a subsistence preference based on place of residence in the state and dependence on fish and game for subsistence.

The proposed constitutional amendment adds a new section (sec. 19) to Article VIII authorizing the legislature to enact a subsistence preference based on place of residence and dependence on fish and game for subsistence. The amendment also amends art. I, sec. 1 (equal protection section), art. I, sec. 7 (due process section), art. VIII, sec. 3 (common use section), art. VIII, sec. 15 (no exclusive right of fishery section), and art. VIII, sec. 17 (uniform application section). Each of these provisions is implicated by the addition of the new art. VIII, sec. 19. Even if none of these provisions were mentioned in the proposed amendment, they would be implicitly amended to the extent necessary to allow the legislature to enact the subsistence preference described in the new sec. 19. However, this amendment directly amends each of these provision by adding an express reference to the new art. VIII, sec. 19.

In spite of the direct amendment of the equal protection section, due process section, the common use section, and the other provisions of the constitution listed in the proposed amendment, there will still remain a degree of tension between the new art. VIII, sec. 19 and these other provisions of the constitution. The equal protection section and the other provisions remain in the constitution, in spite of the amendments, and must be harmonized with the provisions of art. VIII, sec. 19. Thus, whatever form of subsistence preference that the legislature establishes, the preference must be one which entails the least possible

Representative Scott Ogan

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infringement on those other constitutional provisions and still achieves the purpose of art. VIII, sec. 19. State v. Ostrosky, 667 P.2d 1184, 1188-91 (Alaska 1983).

The only way to avoid the tension between the subsistence preference and these other provisions of the constitution would be to expressly exempt the establishment of the subsistence preference from the application of the equal protection, due process, common use, etc. provisions of the constitution.

In addition to those constitutional sections amended by the proposed constitutional amendment, my review of the Alaska Constitution identified other constitutional sections of interest that did not warrant inclusion in the proposed constitutional amendment: art. I, sec. 21 (retained rights of the people), art. VIII, sec. 16 (protection of rights concerning water), and art. XII, sec. 12 (disclaimer of rights).

If I may be of further assistance, please advise.

GU:glc:pl  
98-193.glc

HOUSE JOINT RESOLUTION NO.  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Introduced:  
Referred:

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska relating to  
2 subsistence uses of fish and wildlife by residents; and providing for an effective  
3 date.

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

5 \* Section. 1. Article I, sec. 1, Constitution of the State of Alaska, is amended to read:

6 Section 1. Inherent Rights. This constitution is dedicated to the principles  
7 that all persons have a natural right to life, liberty, the pursuit of happiness, and the  
8 enjoyment of the rewards of their own industry; that all persons are equal and entitled  
9 to equal rights, opportunities, and protection under the law; and that all persons have  
10 corresponding obligations to the people and to the State. This section does not  
11 restrict the power of the legislature to provide a preference to and among  
12 residents in the taking of fish and wildlife for subsistence uses based on place of  
13 residence and dependence on fish and wildlife.

14 \* Sec. 2. Article I, sec. 7, Constitution of the State of Alaska, is amended to read:

15 Section 7. Due Process. No person shall be deprived of life, liberty, or  
16 property, without due process of law. The right of all persons to fair and just treatment

1 in the course of legislative and executive investigations shall not be infringed. This  
2 section does not restrict the power of the legislature to provide a preference to  
3 and among residents in the taking of fish and wildlife for subsistence uses based  
4 on place of residence and dependence on fish and wildlife.

5 \* Sec. 3. Article VIII, sec. 3, Constitution of the State of Alaska, is amended to read:

6 Section 3. Common Use. Wherever occurring in their natural state, fish,  
7 wildlife, and waters are reserved to the people for common use. This section does not  
8 restrict the power of the legislature to provide a preference to and among  
9 residents in the taking of fish and wildlife for subsistence uses based on place of  
10 residence and dependence on fish and wildlife.

11 \* Sec. 4. Article VIII, sec. 15, Constitution of the State of Alaska, is amended to read:

12 Section 15. No Exclusive Right of Fishery. (a) No exclusive right or special  
13 privilege of fishery shall be created or authorized in the natural waters of the State

14 (b) This section does not restrict the power of the State to limit entry into any  
15 fishery for purposes of resource conservation, to prevent economic distress among  
16 fishermen and those dependent upon them for a livelihood and to promote the efficient  
17 development of aquaculture in the State.

18 (c) This section does not restrict the power of the legislature to provide a  
19 preference to and among residents in the taking of fish and wildlife for  
20 subsistence uses based on place of residence and dependence on fish and wildlife.

21 \* Sec. 5. Article VIII, sec. 17, Constitution of the State of Alaska, is amended to read:

22 Section 17. Uniform Application. Laws and regulations governing the use  
23 or disposal of natural resources shall apply equally to all persons similarly situated  
24 with reference to the subject matter and purpose to be served by the law or regulation.  
25 This section does not restrict the power of the legislature to provide a preference  
26 to and among residents in the taking of fish and wildlife for subsistence uses  
27 based on place of residence and dependence on fish and wildlife.

28 \* Sec. 6. Article VIII, Constitution of the State of Alaska, is amended by adding a new  
29 section to read:

30 Section 19. Subsistence. The legislature may, consistent with the sustained  
31 yield principle, provide a preference to and among residents in the taking of fish and

1 wildlife for subsistence uses based on place of residence and dependence on fish and  
2 wildlife.

3 \* Sec. 7. Article XV, Constitution of the State of Alaska, is amended by adding a new  
4 section to read:

5 **Section 29. Effective Date of Subsistence Amendments.** If the 1998  
6 amendments relating to subsistence uses of fish and wildlife by residents are adopted,  
7 the amendments take effect immediately on certification of the election returns by the  
8 lieutenant governor.

9 \* Sec. 8. The amendments proposed by this resolution shall be placed before the voters of  
10 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the  
11 State of Alaska, and the election laws of the state.

**Alaska Communities  
and 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Akhiok	101	\$42,500	93.5%	2.4%	18.8%	50.9%
Akiachak	560	\$23,750	95.0%	13.0%	12.7%	54.5%
Akiak	327	\$13,571	97.2%	33.9%	16.0%	60.2%
Akutan	420	\$27,813	13.6%	16.6%	0.4%	7.4%
Alakanuk	651	\$17,708	95.8%	29.4%	26.8%	61.5%
Alatna	32	\$8,030	93.5%	83.0%	100.0%	100.0%
Aican	16	\$53,338	0.0%	0.0%	0.0%	33.3%
Aleknagik	226	\$21,875	83.2%	28.8%	14.3%	62.2%
Alexander Creek	38	\$8,166	25.0%	38.0%	0.0%	100.0%
Allakaket	182	\$11,477	94.1%	46.9%	69.4%	78.4%
Ambler	333	\$22,500	89.7%	31.1%	39.3%	66.3%
Anaktuvuk Pass	301	\$37,292	64.9%	16.1%	23.6%	45.5%
Anchor Point	1,157	\$42,847	3.7%	0.7%	17.5%	53.0%
Anchorage	254,849	\$43,946	6.4%	7.0%	7.0%	26.7%
Anderson	565	\$53,413	3.7%	3.7%	11.5%	22.2%
Andreafsky	469	\$28,958	84.4%	26.0%	18.6%	43.8%
Angoon	616	\$32,083	82.3%	21.9%	35.1%	54.1%
Aniak	578	\$32,841	70.7%	16.4%	9.7%	32.2%
Anvik	83	\$10,694	91.5%	45.0%	13.6%	60.4%
Arctic Village	121	\$9,661	93.8%	31.5%	12.5%	52.5%
Atka	111	\$40,625	91.8%	16.2%	25.7%	44.7%
Atmautluak	292	\$15,833	96.9%	47.6%	25.3%	55.3%
Atkasuk	235	\$56,352	93.1%	15.2%	29.7%	45.1%
Barrow	4,380	\$56,688	63.9%	7.5%	11.5%	30.4%
Beaver	118	\$20,313	95.1%	32.2%	22.6%	63.6%
Bethel	5,277	\$42,232	63.9%	12.2%	9.0%	36.6%
Bettles	32	\$38,333	22.2%	7.1%	0.0%	0.0%
Big Delta	508	\$32,813	4.0%	23.2%	1.6%	54.0%
Big Lake	2,243	\$36,583	3.7%	11.3%	12.9%	43.8%
Birch Creek	37	\$5,032	90.5%	92.6%	0.0%	48.0%
Brevig Mission	265	\$15,000	92.4%	24.7%	35.3%	54.6%
Buckland	412	\$18,906	95.0%	32.8%	12.2%	59.4%
Butte	2,538	\$41,471	3.6%	7.7%	10.4%	35.5%
Cantwell	144	\$44,000	22.4%	10.3%	34.6%	57.6%
Central	57	\$28,036	1.9%	13.7%	19.0%	64.6%
Chalkyitsik	87	\$12,750	92.2%	67.3%	31.3%	81.0%
Chase	53	\$61,359	0.0%	0.0%	0.0%	0.0%
Chefornak	405	\$20,278	97.5%	35.4%	6.2%	66.8%
Chenega Bay	91	\$22,083	69.1%	26.6%	14.3%	41.9%
Chevak	721	\$17,222	93.0%	27.0%	17.8%	53.5%
Chickaloon	205	\$32,083	6.2%	31.2%	26.7%	38.2%
Chignik	125	\$36,875	45.2%	0.0%	4.2%	38.2%
Chignik Lagoon	74	\$56,250	56.6%	6.4%	20.0%	84.0%
Chignik Lake	127	\$19,167	91.7%	42.0%	15.2%	68.2%
Chiniak	74	\$44,375	5.8%	20.2%	5.1%	28.8%
Chistochina	55	\$24,167	61.7%	17.7%	52.0%	72.1%
Chitina	84	\$13,125	46.9%	40.9%	33.3%	64.7%

**Alaska Communities  
and 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Chuathbaluk	115	\$13,750	89.7%	47.4%	8.6%	47.5%
Circle	83	\$17,083	86.3%	10.9%	36.7%	62.7%
Circle Hot Springs	32	\$6,250	0.0%	74.1%	33.3%	54.5%
Clam Gulch	100	\$60,233	12.7%	0.0%	0.0%	61.3%
Clark's Point	66	\$17,083	88.3%	16.1%	18.5%	42.1%
Coffman Cove	246	\$44,063	7.0%	4.7%	14.7%	29.8%
Cohoe	598	\$33,550	1.8%	15.9%	14.0%	49.5%
Cold Bay	120	\$45,625	5.4%	0.0%	0.0%	15.9%
College	11,663	\$43,329	8.4%	9.6%	7.8%	32.3%
Cooper Landing	271	\$42,250	1.2%	3.6%	0.0%	53.8%
Copper Center	536	\$34,643	34.5%	12.9%	0.0%	53.8%
Copperville	196	\$47,188	26.4%	9.8%	26.6%	51.8%
Cordova	2,467	\$46,304	11.2%	4.7%	3.1%	23.8%
Covenant Life	54	\$23,571	0.0%	20.0%	100.0%	100.0%
Craig	2,043	\$47,250	22.9%	3.9%	8.4%	25.9%
Crooked Creek	138	\$16,250	90.6%	28.7%	27.3%	64.7%
Crown Point	88	\$43,864	4.8%	0.0%	0.0%	38.0%
Cube Cove	137	\$51,280	5.8%	5.7%	0.0%	21.4%
Deadhorse	24	\$102,264	11.5%	0.0%	0.0%	0.0%
Deering	158	\$15,208	94.3%	21.6%	6.7%	41.7%
Delta Junction	855	\$31,250	4.4%	8.4%	8.6%	35.4%
Dillingham	2,252	\$44,083	55.8%	9.5%	6.7%	37.7%
Diomedes	174	\$14,375	93.8%	63.0%	0.0%	60.4%
Dot Lake	80	\$38,333	54.3%	3.2%	13.6%	47.2%
Dry Creek	110	\$40,625	0.0%	12.8%	0.0%	13.7%
Eagle	165	\$12,500	3.0%	43.4%	32.5%	52.5%
Eagle Village	34	\$11,875	80.0%	17.1%	93.1%	93.8%
Edna Bay	70	\$12,250	0.0%	63.7%	25.0%	67.2%
Eek	277	\$21,000	95.7%	28.6%	23.9%	63.4%
Egegik	127	\$20,625	70.5%	34.1%	24.3%	69.6%
Eielson AFB	4,203	\$25,924	0.9%	2.8%	13.0%	18.2%
Eklutna	425	\$66,946	12.6%	8.0%	3.5%	29.1%
Ekwok	124	\$10,833	87.0%	52.0%	23.5%	73.1%
Elfin Cove	54	\$43,125	1.8%	7.1%	0.0%	28.2%
Elim	301	\$16,250	91.7%	25.1%	36.1%	66.2%
Emmonak	820	\$25,625	92.1%	20.9%	34.6%	62.0%
Ester	238	\$44,688	4.8%	12.8%	11.5%	33.0%
Evansville	20	\$29,167	57.6%	36.1%	16.0%	16.0%
Eyak	168	\$150,001	7.6%	0.0%	4.3%	22.1%
Fairbanks	31,850	\$32,033	9.2%	10.3%	11.6%	29.6%
False Pass	64	\$21,667	76.5%	17.9%	0.0%	53.1%
Ferry	69	\$25,625	12.5%	15.5%	39.1%	65.0%
Fort Greely	740	\$25,801	1.0%	6.3%	14.4%	21.7%
Fort Yukon	575	\$17,969	85.0%	32.1%	27.4%	55.4%
Fox	321	\$28,250	7.3%	9.2%	18.0%	47.8%
Fox River	435	\$93,848	0.0%	9.1%	0.0%	45.7%
Fritz Creek	1,972	\$45,143	3.4%	3.4%	6.1%	38.5%

**Alaska Communities  
and 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unemployment*	% Adults Not Working**
Gakona	23	\$32,500	0.0%	60.0%	0.0%	25.0%
Galena	543	\$28,611	45.3%	18.2%	9.2%	24.7%
Gambell	653	\$15,938	96.2%	46.4%	16.8%	71.1%
Game Creek	67	\$12,500	0.0%	59.6%	0.0%	13.8%
Glennallen	513	\$30,833	6.7%	8.0%	4.4%	30.7%
Golovin	152	\$16,146	92.9%	8.3%	15.3%	44.4%
Goodnews Bay	263	\$13,523	95.9%	41.8%	3.1%	56.6%
Grayling	186	\$21,641	93.3%	12.6%	29.6%	57.5%
Gulkana	95	\$38,750	59.2%	20.3%	27.3%	59.5%
Gustavus	346	\$41,538	3.9%	3.6%	4.6%	26.2%
Haines	1,429	\$38,542	18.1%	4.9%	5.4%	30.9%
Halibut Cove	78	\$38,760	3.8%	0.0%	0.0%	0.0%
Happy Valley	391	\$13,250	6.1%	32.8%	25.6%	68.6%
Harding Lake	29	\$52,126	0.0%	0.0%	0.0%	76.0%
Healy	603	\$56,313	1.4%	3.8%	3.9%	39.4%
Healy Lake	60	\$5,841	85.1%	70.8%	33.3%	85.7%
Hobart Bay	107	\$52,377	6.4%	1.0%	0.0%	10.9%
Hollis	175	\$31,250	2.7%	15.2%	8.3%	44.3%
Holy Cross	260	\$13,750	93.5%	48.8%	38.6%	72.3%
Homer	4,126	\$36,652	3.6%	5.0%	7.9%	35.6%
Hoonah	906	\$36,442	67.2%	3.8%	14.9%	35.4%
Hooper Bay	1,012	\$18,125	96.0%	43.5%	41.7%	66.3%
Hope	152	\$17,250	3.1%	33.5%	38.4%	50.8%
Houston	994	\$32,344	3.6%	9.7%	15.4%	52.0%
Hughes	69	\$15,833	92.6%	16.6%	15.4%	53.2%
Huslia	245	\$13,333	90.8%	43.7%	38.5%	67.5%
Hydaburg	425	\$20,139	89.1%	26.3%	21.8%	60.5%
Hyder	151	\$23,750	1.0%	14.4%	22.7%	47.4%
Igiugig	46	\$41,250	78.8%	0.0%	0.0%	38.5%
Iliamna	103	\$41,250	66.0%	12.1%	0.0%	42.1%
Ivanof Bay	27	\$21,500	94.3%	18.4%	0.0%	45.8%
Jakolof Bay	35	\$21,875	0.0%	0.0%	0.0%	32.0%
Juneau	30,398	\$47,924	12.9%	5.5%	4.8%	25.0%
Kachemak	398	\$55,000	3.0%	7.3%	4.0%	32.0%
Kake	767	\$35,875	73.4%	7.0%	10.9%	46.8%
Kaktovik	222	\$46,250	84.4%	20.6%	30.7%	50.0%
Kalifornsky	335	\$52,354	4.2%	12.2%	25.6%	47.8%
Kaltag	245	\$15,500	92.5%	41.4%	24.1%	52.9%
Karluk	48	\$31,250	91.5%	3.6%	9.1%	40.0%
Kasaan	42	\$46,667	53.7%	0.0%	64.5%	73.8%
Kasigluk	514	\$26,563	95.3%	20.4%	34.8%	66.3%
Kasilof	539	\$51,439	2.9%	2.5%	18.4%	40.8%
Kenai	6,971	\$42,889	8.5%	7.3%	12.1%	38.2%
Kenny Lake	500	\$21,788	9.7%	24.8%	22.9%	50.7%
Ketchikan	8,552	\$41,931	15.7%	5.5%	8.6%	31.2%
Kiana	415	\$28,125	93.5%	24.5%	27.4%	62.1%
King Cove	773	\$53,631	39.2%	10.0%	1.8%	24.0%

Alaska Communities  
and 1990 U.S. Census Data

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
King Salmon	478	\$54,072	15.5%	3.0%	5.8%	16.2%
Kipnuk	567	\$4,999	97.4%	76.6%	12.9%	78.7%
Kivalina	357	\$28,036	97.5%	32.2%	55.6%	71.4%
Klawock	704	\$39,583	54.3%	8.4%	17.3%	48.4%
Klukwan	160	\$26,042	86.8%	3.5%	60.4%	76.1%
Knik	443	\$26,250	11.4%	6.5%	24.8%	54.2%
Kobuk	89	\$20,625	89.9%	34.7%	35.0%	66.7%
Kodiak	6,749	\$46,050	12.7%	6.2%	4.4%	23.0%
Kodiak Station	1,638	\$34,196	1.7%	7.0%	6.3%	12.1%
Kokhanok	168	\$14,286	90.1%	53.4%	7.7%	65.4%
Koliganek	194	\$18,125	96.1%	35.6%	11.1%	72.4%
Kongiganak	349	\$33,250	97.3%	30.3%	16.3%	60.0%
Kotlik	543	\$20,417	97.0%	17.7%	36.6%	65.2%
Kotzebue	3,232	\$42,367	75.1%	12.7%	13.1%	41.2%
Koyuk	272	\$18,750	94.8%	30.0%	37.3%	64.6%
Koyukuk	126	\$13,929	97.6%	39.2%	27.0%	62.0%
Kupreanof	24	\$55,447	0.0%	0.0%	0.0%	0.0%
Kwethluk	672	\$16,000	96.4%	38.7%	11.8%	72.0%
Kwigillingok	333	\$14,500	95.0%	43.1%	9.2%	58.6%
Lake Minchumina	45	\$75,222	18.8%	0.0%	0.0%	48.3%
Larsen Bay	120	\$39,750	84.4%	3.1%	40.0%	67.6%
Lazy Mountain	1,043	\$36,250	4.3%	11.7%	21.3%	53.9%
Levelock	115	\$12,159	82.9%	25.8%	20.9%	57.5%
Lignite	122	\$38,125	0.0%	1.9%	15.2%	43.5%
Lime Village	47	\$9,257	95.2%	63.8%	13.6%	36.7%
Lower Kalskag	278	\$10,357	98.3%	61.2%	37.9%	77.5%
Lutak	52	\$70,485	17.8%	0.0%	0.0%	48.4%
Manley Hot Springs	90	\$31,250	14.6%	30.0%	12.5%	32.3%
Manokotak	387	\$20,500	95.6%	28.6%	16.1%	58.1%
Marshall	318	\$28,750	92.7%	16.9%	19.0%	55.5%
McCarthy	28	\$23,750	4.0%	0.0%	100.0%	100.0%
McGrath	456	\$36,250	47.0%	10.5%	9.9%	36.3%
McKinley Park	196	\$40,313	2.9%	4.0%	13.4%	40.8%
Meadow Lakes	4,693	\$33,106	2.9%	12.5%	13.3%	44.1%
Mekoryuk	192	\$14,792	99.4%	31.5%	16.7%	59.1%
Mendeitna	72	\$18,750	5.4%	5.7%	0.0%	60.0%
Mentasta Lake	122	\$11,250	72.9%	44.1%	18.8%	81.9%
Mettakatla	1,595	\$38,370	82.4%	9.8%	12.8%	49.2%
Meyers Chuck	28	\$16,250	10.8%	33.3%	0.0%	54.2%
Minto	244	\$17,656	97.2%	35.0%	60.3%	81.6%
Moose Creek	683	\$25,326	2.5%	9.4%	10.5%	32.7%
Moose Pass	116	\$22,083	11.1%	0.0%	25.8%	25.8%
Mosquito Lake	92	\$28,750	1.3%	38.8%	7.3%	32.1%
Mountain Village	738	\$26,750	91.1%	25.3%	36.7%	68.0%
Naknek	640	\$50,907	41.0%	1.7%	3.9%	36.0%
Nanwalek	177	\$46,563	91.1%	11.0%	46.4%	66.7%
Napakiak	354	\$18,125	94.3%	36.2%	33.3%	61.3%

**Alaska Communities  
and 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Napaskiak	399	\$18,750	94.8%	34.3%	22.7%	63.4%
Naukati Bay	136	\$43,333	1.1%	4.8%	9.1%	26.8%
Nelson Lagoon	90	\$44,583	80.7%	26.0%	0.0%	80.8%
Nenana	440	\$27,292	47.8%	10.4%	17.5%	52.8%
New Stuyahok	452	\$12,083	95.9%	51.0%	17.7%	74.9%
Newhalen	177	\$26,250	94.4%	22.4%	5.5%	46.9%
Noytok	269	\$14,844	93.2%	50.2%	25.9%	68.2%
Nighmute	217	\$17,813	95.4%	62.0%	26.9%	68.6%
Nikiski	3,023	\$44,242	6.1%	7.0%	14.5%	42.2%
Nikolaevsk	474	\$19,688	1.3%	46.1%	0.0%	52.5%
Nikolai	108	\$11,250	89.6%	44.5%	35.5%	73.0%
Nikolski	43	\$13,750	82.9%	0.0%	0.0%	53.3%
Ninilchik	655	\$31,518	19.5%	9.6%	24.4%	59.7%
Noatak	401	\$36,458	96.7%	17.1%	45.1%	75.1%
Nome	3,656	\$45,812	52.1%	9.9%	11.0%	36.0%
Nondalton	221	\$21,750	89.3%	20.3%	42.6%	70.0%
Noorvik	631	\$32,969	93.8%	16.6%	17.5%	60.7%
North Pole	1,631	\$32,937	5.4%	5.0%	10.2%	26.9%
Northway	119	\$39,375	64.2%	11.9%	26.0%	54.9%
Northway Junction	114	\$41,875	70.5%	10.0%	36.8%	73.9%
Northway Village	110	\$13,333	94.7%	47.0%	51.3%	72.1%
Nuiqsut	435	\$32,188	92.7%	13.3%	33.1%	48.2%
Nulato	365	\$17,143	96.9%	35.9%	25.7%	66.7%
Nunapitchuk	489	\$17,083	97.1%	40.0%	12.3%	60.8%
Old Harbor	301	\$16,875	88.7%	31.5%	39.1%	75.9%
Oscarville	59	\$26,250	91.2%	27.2%	0.0%	56.0%
Ouzinkie	246	\$48,393	85.2%	10.2%	18.9%	51.9%
Palmer	4,167	\$34,940	7.7%	6.2%	16.7%	53.9%
Paxson	34	\$31,250	0.0%	3.4%	0.0%	30.0%
Pedro Bay	37	\$38,125	90.5%	21.9%	0.0%	34.8%
Pelican	187	\$27,083	29.3%	13.6%	3.4%	17.2%
Perryville	107	\$25,000	94.4%	25.4%	13.6%	72.9%
Petersburg	3,432	\$49,318	10.4%	4.1%	4.2%	28.8%
Pilot Point	115	\$38,750	84.9%	12.9%	0.0%	55.3%
Pilot Station	547	\$16,000	95.0%	51.3%	35.1%	62.9%
Pitka's Point	154	\$17,813	95.6%	28.2%	5.1%	57.0%
Platinum	41	\$23,056	92.2%	35.8%	8.0%	54.0%
Pleasant Valley	552	\$49,464	4.7%	0.0%	4.5%	24.2%
Point Baker	57	\$12,083	0.0%	0.0%	0.0%	73.0%
Point Hope	749	\$47,788	91.9%	9.2%	23.4%	52.0%
Point Lay	207	\$49,583	81.3%	3.3%	11.5%	22.7%
Polk Inlet	36	\$50,446	13.3%	4.4%	24.4%	36.3%
Port Alexander	94	\$20,625	2.5%	18.2%	11.5%	31.3%
Port Alice	19	\$28,750	6.7%	8.3%	0.0%	42.9%
Port Alsworth	67	\$36,250	1.8%	0.0%	10.5%	54.1%
Port Clarence	24	\$12,264	0.0%	0.0%	0.0%	0.0%
Port Graham	186	\$33,750	90.4%	2.1%	38.8%	62.4%

**Alaska Communities  
and 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Port Heiden	116	\$35,000	72.3%	24.3%	22.0%	45.8%
Port Lions	239	\$40,938	67.6%	5.3%	14.1%	41.8%
Port Protection	58	\$10,000	1.6%	45.6%	75.0%	95.3%
Portage Creek	14	\$5,360	60.0%	100.0%	0.0%	100.0%
Primrose	62	\$46,563	0.0%	0.0%	0.0%	35.2%
Prudhoe Bay	47	\$39,673	8.5%	0.0%	0.0%	0.0%
Quinhagak	567	\$17,500	93.8%	37.2%	5.9%	60.6%
Rampart	54	\$15,000	94.1%	36.2%	78.8%	87.5%
Red Devil	49	\$25,000	50.9%	30.7%	14.3%	63.6%
Ridgeway	2,364	\$48,967	4.6%	6.1%	6.3%	30.6%
Rowan Bay	9	\$58,295	6.8%	0.0%	9.8%	22.4%
Ruby	217	\$15,000	74.1%	24.4%	12.8%	52.9%
Russian Mission	295	\$21,667	94.7%	45.0%	21.0%	61.1%
Saint George	184	\$25,250	94.9%	41.9%	14.9%	52.9%
Saint Mary's	504	\$28,542	83.0%	17.3%	19.2%	44.3%
Saint Michael	341	\$23,194	91.2%	20.9%	22.9%	60.6%
Saint Paul	764	\$39,922	66.1%	7.1%	10.8%	32.6%
Salamatof	1,134	\$38,203	10.4%	9.8%	14.6%	64.9%
Salcha	373	\$35,909	4.2%	8.0%	14.5%	36.9%
Sand Point	870	\$42,083	49.3%	12.5%	2.9%	32.1%
Savoonga	622	\$11,339	95.2%	50.9%	14.7%	72.2%
Saxman	381	\$30,481	77.0%	5.7%	25.5%	51.6%
Scammon Bay	459	\$15,179	96.5%	40.7%	18.4%	60.1%
Selawik	696	\$21,833	95.5%	23.1%	31.3%	67.2%
Seldovia	285	\$27,500	15.2%	16.2%	11.8%	50.3%
Seward	2,999	\$37,049	15.2%	10.7%	9.2%	44.9%
Shageluk	145	\$16,250	95.0%	34.8%	22.9%	67.5%
Shaktolik	226	\$18,438	94.4%	22.8%	31.9%	54.4%
Sheldon Point	177	\$16,250	92.7%	56.2%	13.0%	41.2%
Shishmaref	542	\$15,625	94.5%	27.3%	18.0%	65.1%
Shungnak	252	\$29,583	94.6%	5.7%	14.0%	64.9%
Sitka	8,733	\$43,337	20.9%	4.8%	6.7%	26.7%
Skagway	816	\$37,500	5.5%	4.2%	10.6%	27.5%
Skwentna	77	\$17,692	1.2%	24.2%	0.0%	66.7%
Slana	58	\$25,417	6.3%	19.0%	44.4%	62.5%
Sleetmute	102	\$10,000	86.8%	62.6%	12.9%	67.5%
Soldotna	4,092	\$38,004	4.5%	5.7%	8.7%	33.0%
South Naknek	149	\$23,750	79.4%	26.3%	27.5%	58.0%
Stebbins	513	\$23,333	94.8%	32.3%	39.2%	64.0%
Sterling	5,705	\$51,145	2.1%	7.6%	7.4%	38.9%
Stevens Village	99	\$10,000	91.2%	73.9%	43.3%	72.6%
Stony River	42	\$5,156	88.2%	100.0%	26.7%	64.5%
Sutton	431	\$23,393	5.8%	38.1%	17.2%	47.6%
Takotna	63	\$18,750	44.7%	14.2%	0.0%	36.0%
Talkeetna	347	\$11,991	1.6%	34.3%	10.1%	26.1%
Tanacross	85	\$14,750	94.3%	23.8%	35.4%	59.7%
Tanana	299	\$17,000	78.3%	24.1%	21.8%	53.9%

**Alaska Communities  
and 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Tatitlek	99	\$27,188	86.6%	19.8%	0.0%	75.8%
Tazlina	297	\$45,625	23.1%	22.0%	13.2%	36.4%
Telida	5	\$43,750	90.9%	0.0%	0.0%	0.0%
Teller	265	\$20,000	86.8%	32.1%	3.3%	38.9%
Tenakee Springs	116	\$18,125	9.6%	10.8%	20.0%	74.0%
Tetlin	68	\$15,750	95.4%	29.6%	25.0%	58.5%
Thome Bay	625	\$39,688	1.2%	5.2%	18.6%	38.4%
Togiak	762	\$15,000	87.3%	46.3%	23.1%	72.9%
Tok	1,216	\$30,341	12.5%	8.7%	20.3%	44.4%
Toksook Bay	498	\$21,875	95.5%	39.2%	25.5%	59.1%
Tonsina	46	\$16,250	18.4%	0.0%	0.0%	66.7%
Trapper Creek	306	\$31,071	6.1%	16.2%	30.3%	60.2%
Tuluksak	385	\$20,448	95.5%	51.2%	2.5%	56.9%
Tuntutuliak	351	\$14,444	96.7%	46.0%	6.4%	59.5%
Tununak	330	\$18,750	96.2%	26.3%	14.0%	50.0%
Twin Hills	59	\$11,667	92.4%	50.0%	25.0%	72.7%
Two Rivers	623	\$53,518	7.3%	4.0%	10.5%	32.2%
Tyonek	151	\$11,591	92.2%	37.1%	37.7%	64.5%
Ugashik	5	\$37,500	85.7%	0.0%	80.0%	83.3%
Unalakleet	803	\$34,531	81.8%	11.6%	19.2%	46.0%
Unalaska	4,251	\$56,215	8.4%	15.3%	1.0%	7.8%
Upper Kalskag	198	\$16,250	84.9%	39.6%	25.5%	68.5%
Valdez	4,486	\$68,570	5.9%	5.1%	8.8%	26.0%
Venetie	241	\$14,688	94.0%	47.2%	37.5%	69.8%
Wainwright	550	\$33,333	94.3%	4.1%	10.2%	40.4%
Wales	162	\$15,000	88.8%	35.2%	19.3%	53.5%
Wasilla	4,917	\$37,619	5.3%	10.8%	11.1%	36.6%
Whale Pass	79	\$49,583	2.7%	14.0%	35.7%	59.1%
White Mountain	193	\$15,893	87.8%	38.3%	36.4%	67.3%
Whitestone Logging Camp	189	\$45,625	3.7%	7.6%	9.7%	23.8%
Whittier	289	\$33,636	12.3%	13.0%	8.0%	37.0%
Willow	408	\$34,773	1.1%	14.7%	0.0%	48.3%
Wiseman	24	\$4,999	15.2%	100.0%	0.0%	50.0%
Womens Bay	662	\$44,861	10.5%	3.2%	6.5%	26.2%
Wrangell	2,543	\$37,538	20.0%	6.0%	9.0%	34.1%
Yakutat	833	\$36,875	55.1%	10.5%	11.8%	33.7%

\* % Unemployment =

Percent of persons age 16+ actively seeking employment, calculated from unemployment compensation claims

\*\* % Adults Not Working =

Percent of persons age 16+ actively seeking employment and those not actively seeking employment ("discouraged workers", in school, retired, disabled, or at home raising children, for example)

**Alaska Communities, by Median Household Income in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Eyak	166	\$150,001	7.6%	0.0%	4.3%	22.1%
Deadhorse	24	\$102,264	11.5%	0.0%	0.0%	0.0%
Fox River	435	\$93,848	0.0%	9.1%	0.0%	45.7%
Lake Minchumina	45	\$75,222	18.8%	0.0%	0.0%	48.3%
Lutak	52	\$70,485	17.8%	0.0%	0.0%	48.4%
Halibut Cove	78	\$68,760	3.8%	0.0%	0.0%	0.0%
Valdez	4,486	\$68,570	5.9%	5.1%	8.8%	26.0%
Eklutna	425	\$66,946	12.6%	8.0%	3.5%	29.1%
Chase	53	\$61,359	0.0%	0.0%	0.0%	0.0%
Clarn Guich	100	\$60,233	12.7%	0.0%	0.0%	61.3%
Rowan Bay	9	\$58,295	6.8%	0.0%	9.8%	22.4%
Barrow	4,380	\$56,688	63.9%	7.5%	11.5%	30.4%
Atkasuk	235	\$56,352	93.1%	15.2%	29.7%	45.1%
Healy	603	\$56,313	1.4%	3.8%	3.9%	39.4%
Chignik Lagoon	74	\$56,250	56.6%	6.4%	20.0%	84.0%
Unalaska	4,251	\$56,215	8.4%	15.3%	1.0%	7.8%
Kupreanof	24	\$55,447	0.0%	0.0%	0.0%	0.0%
Kachemak	398	\$55,000	3.0%	7.3%	4.0%	32.0%
King Salmon	478	\$54,072	15.5%	3.0%	5.8%	16.2%
King Cove	773	\$53,631	39.2%	10.0%	1.8%	24.0%
Two Rivers	623	\$53,518	7.3%	4.0%	10.5%	32.2%
Anderson	565	\$53,413	3.7%	3.7%	11.5%	22.2%
Alcan	16	\$53,338	0.0%	0.0%	0.0%	33.3%
Hobart Bay	107	\$52,377	6.4%	1.0%	0.0%	10.9%
Kalifornsky	335	\$52,354	4.2%	12.2%	25.6%	47.8%
Harding Lake	29	\$52,126	0.0%	0.0%	0.0%	76.0%
Kasilof	539	\$51,439	2.9%	2.5%	18.4%	40.8%
Cube Cove	137	\$51,280	5.8%	5.7%	0.0%	21.4%
Sterling	5,705	\$51,145	2.1%	7.6%	7.4%	38.9%
Naknek	640	\$50,907	41.0%	1.7%	3.9%	36.0%
Polk Inlet	36	\$50,446	13.3%	4.4%	24.4%	36.3%
Point Lay	207	\$49,583	81.3%	3.3%	11.5%	22.7%
Whale Pass	79	\$49,583	2.7%	14.0%	35.7%	59.1%
Pleasant Valley	552	\$49,464	4.7%	0.0%	4.5%	24.2%
Petersburg	3,432	\$49,318	10.4%	4.1%	4.2%	28.8%
Ridgeway	2,364	\$48,967	4.6%	6.1%	6.3%	30.6%
Ouzinkie	246	\$48,393	85.2%	10.2%	18.9%	51.9%
Juneau	30,396	\$47,924	12.9%	5.5%	4.8%	25.0%
Point Hope	749	\$47,788	91.9%	9.2%	23.4%	52.0%
Craig	2,043	\$47,250	22.9%	3.9%	8.4%	25.9%
Copperville	196	\$47,188	26.4%	9.8%	26.6%	51.8%
Kasaan	42	\$46,667	53.7%	0.0%	64.5%	73.8%
Nanwalek	177	\$46,563	91.1%	11.0%	46.4%	66.7%
Primrose	62	\$46,563	0.0%	0.0%	0.0%	35.2%
Cordova	2,467	\$46,304	11.2%	4.7%	3.1%	23.8%
Kaktovik	222	\$46,250	84.4%	20.6%	30.7%	50.0%
Kodiak	6,749	\$46,050	12.7%	6.2%	4.4%	23.0%

**Alaska Communities, by Median Household Income in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Nome	3,656	\$45,812	52.1%	9.9%	11.0%	36.0%
Cold Bay	120	\$45,625	5.4%	0.0%	0.0%	15.9%
Tazlina	297	\$45,625	23.1%	22.0%	13.2%	36.4%
Whitestone Logging Camp	189	\$45,625	3.7%	7.6%	9.7%	23.8%
Fritz Creek	1,972	\$45,143	3.4%	3.4%	6.1%	38.5%
Womens Bay	662	\$44,861	10.5%	3.2%	6.5%	26.2%
Ester	236	\$44,688	4.8%	12.8%	11.5%	33.0%
Nelson Lagoon	90	\$44,583	80.7%	26.0%	0.0%	80.8%
Chiniak	74	\$44,375	5.8%	20.2%	5.1%	28.8%
Nikiski	3,023	\$44,242	6.1%	7.0%	14.5%	42.2%
Dillingham	2,252	\$44,083	55.8%	9.5%	6.7%	37.7%
Coffman Cove	246	\$44,063	7.0%	4.7%	14.7%	29.8%
Cantwell	144	\$44,000	22.4%	10.3%	34.6%	57.6%
Anchor Point	254,849	\$43,946	6.4%	7.0%	7.0%	26.7%
Crown Point	88	\$43,864	4.8%	0.0%	0.0%	38.0%
Telida	5	\$43,750	90.0%	0.0%	0.0%	0.0%
Sitka	8,733	\$43,337	20.9%	4.8%	6.7%	26.7%
Naukati Bay	136	\$43,333	1.1%	4.8%	9.1%	26.8%
College	11,663	\$43,329	8.4%	9.6%	7.8%	32.3%
Elfin Cove	54	\$43,125	1.8%	7.1%	0.0%	28.2%
Kenai	6,971	\$42,889	8.5%	7.3%	12.1%	38.2%
Anchor Point	1,157	\$42,847	3.7%	0.7%	17.5%	53.0%
Akhiok	101	\$42,500	93.5%	2.4%	18.8%	50.9%
Kotzebue	3,232	\$42,367	75.1%	12.7%	13.1%	41.2%
Cooper Landing	271	\$42,250	1.2%	3.6%	0.0%	53.8%
Bethel	5,277	\$42,232	63.9%	12.2%	9.0%	36.6%
Sand Point	870	\$42,083	49.3%	12.5%	2.9%	32.1%
Ketchikan	8,552	\$41,931	15.7%	5.5%	8.6%	31.2%
Northway Junction	114	\$41,875	70.5%	10.0%	36.8%	73.9%
Gustavus	346	\$41,538	3.9%	3.6%	4.6%	26.2%
Butte	2,538	\$41,471	3.6%	7.7%	10.4%	35.5%
Igiugig	46	\$41,250	78.8%	0.0%	0.0%	38.5%
Iliamna	103	\$41,250	66.0%	12.1%	0.0%	42.1%
Port Lions	239	\$40,938	67.6%	5.3%	14.1%	41.8%
Atka	111	\$40,625	91.8%	16.2%	25.7%	44.7%
Dry Creek	110	\$40,625	0.0%	12.8%	0.0%	13.7%
McKinley Park	196	\$40,313	2.9%	4.0%	13.4%	40.8%
Saint Paul	764	\$39,922	66.1%	7.1%	10.8%	32.6%
Larsen Bay	120	\$39,750	84.4%	3.1%	40.0%	67.6%
Thorne Bay	625	\$39,688	1.2%	5.2%	18.6%	38.4%
Prudhoe Bay	47	\$39,673	8.5%	0.0%	0.0%	0.0%
Klawock	704	\$39,583	54.3%	8.4%	17.3%	48.4%
Northway	119	\$39,375	64.2%	11.9%	26.0%	54.9%
Gulkana	95	\$38,750	59.2%	20.3%	27.3%	59.5%
Pilot Point	115	\$38,750	84.9%	12.9%	0.0%	55.3%
Haines	1,429	\$38,542	18.1%	4.9%	5.4%	30.9%
Metlakatla	1,595	\$38,370	82.4%	9.8%	12.8%	49.2%

**Alaska Communities, by Median Household Income in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U. S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Bettles	32	\$38,333	22.2%	7.1%	0.0%	0.0%
Dot Lake	80	\$38,333	54.3%	3.2%	13.6%	47.2%
Salamatof	1,134	\$38,203	10.4%	9.8%	14.6%	64.9%
Lignite	122	\$38,125	0.0%	1.9%	15.2%	43.5%
Pedro Bay	37	\$38,125	90.5%	21.9%	0.0%	34.8%
Soldotna	4,092	\$38,004	4.5%	5.7%	8.7%	33.0%
Wasilla	4,917	\$37,619	5.3%	10.8%	11.1%	36.6%
Wrangell	2,543	\$37,538	20.0%	6.0%	9.0%	34.1%
Skagway	816	\$37,500	5.5%	4.2%	10.6%	27.5%
Ugashik	5	\$37,500	85.7%	0.0%	80.0%	83.3%
Anaktuvuk Pass	301	\$37,292	84.9%	16.1%	23.6%	45.5%
Seward	2,999	\$37,049	15.2%	10.7%	9.2%	44.9%
Chignik	125	\$36,875	45.2%	0.0%	4.2%	38.2%
Yakutat	833	\$36,875	55.1%	10.5%	11.8%	33.7%
Homer	4,126	\$36,652	3.6%	5.0%	7.9%	35.6%
Big Lake	2,243	\$36,583	3.7%	11.3%	12.9%	43.8%
Noatak	401	\$36,458	96.7%	17.1%	45.1%	75.1%
Hoonah	906	\$36,442	67.2%	3.8%	14.9%	35.4%
Lazy Mountain	1,043	\$36,250	4.3%	11.7%	21.3%	53.9%
McGrath	458	\$36,250	47.0%	10.5%	9.9%	36.3%
Port Alsworth	67	\$36,250	1.8%	0.0%	10.5%	54.1%
Klukwan	160	\$36,042	86.8%	3.5%	60.4%	76.1%
Salcha	373	\$35,909	4.2%	8.0%	14.5%	36.9%
Kake	767	\$35,875	73.4%	7.0%	10.9%	46.8%
Port Heiden	116	\$35,000	72.3%	24.3%	22.0%	45.8%
Palmer	4,167	\$34,940	7.7%	6.2%	16.7%	53.9%
Willow	408	\$34,773	1.1%	14.7%	0.0%	48.3%
Copper Center	538	\$34,643	34.5%	12.9%	0.0%	53.8%
Unalakleet	803	\$34,531	81.8%	11.6%	19.2%	46.0%
Kodiak Station	1,638	\$34,196	1.7%	7.0%	6.3%	12.1%
Port Graham	188	\$33,750	90.4%	2.1%	38.8%	62.4%
Whittier	289	\$33,638	12.3%	13.0%	8.0%	37.0%
Cohoe	598	\$33,550	1.8%	15.9%	14.0%	49.5%
Wainwright	550	\$33,333	94.3%	4.1%	10.2%	40.4%
Kongiganak	349	\$33,250	97.3%	30.3%	16.3%	60.0%
Meadow Lakes	4,693	\$33,106	2.9%	12.5%	13.3%	44.1%
Noorvik	631	\$32,969	93.8%	16.6%	17.5%	60.7%
North Pole	1,831	\$32,937	5.4%	5.0%	10.2%	26.9%
Aniak	578	\$32,841	70.7%	15.4%	9.7%	32.2%
Big Delta	508	\$32,813	4.0%	23.2%	1.6%	54.0%
Gakona	23	\$32,500	0.0%	60.0%	0.0%	25.0%
Houston	994	\$32,344	3.5%	9.7%	15.4%	52.0%
Nuiqsut	435	\$32,188	92.7%	13.3%	33.1%	48.2%
Angoon	616	\$32,083	82.3%	21.9%	35.1%	54.1%
Chickaloon	205	\$32,083	6.2%	31.2%	26.7%	38.2%
Fairbanks	31,850	\$32,033	9.2%	10.3%	11.6%	29.6%
Ninilchik	655	\$31,518	19.5%	9.6%	24.4%	59.7%

**Alaska Communities, by Median Household Income in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unemployment*	% Adults Not Working**
Delta Junction	855	\$31,250	4.4%	8.4%	8.6%	35.4%
Hollis	175	\$31,250	2.7%	15.2%	8.3%	44.3%
Karluk	48	\$31,250	91.5%	3.6%	9.1%	40.0%
Manley Hot Springs	90	\$31,250	14.6%	30.0%	12.5%	32.3%
Paxson	34	\$31,250	0.0%	3.4%	0.0%	30.0%
Trapper Creek	306	\$31,071	6.1%	16.2%	30.3%	60.2%
Glennallen	513	\$30,833	6.7%	8.0%	4.4%	30.7%
Saxman	381	\$30,481	77.0%	5.7%	25.5%	51.6%
Tok	1,216	\$30,341	12.5%	8.7%	20.3%	44.4%
Shungnak	252	\$29,583	94.6%	5.7%	14.0%	64.9%
Evansville	20	\$29,167	57.6%	36.1%	16.0%	16.0%
Andreafsky	469	\$28,958	84.4%	26.0%	18.6%	43.8%
Marshall	318	\$28,750	2.7%	16.9%	19.0%	55.5%
Mosquito Lake	92	\$28,750	1.3%	38.8%	7.3%	32.1%
Port Alice	19	\$28,750	6.7%	8.3%	0.0%	42.9%
Galena	543	\$28,611	45.3%	18.2%	9.2%	24.7%
Saint Mary's	504	\$28,542	83.0%	17.3%	19.2%	44.3%
Fox	321	\$28,250	7.3%	9.2%	18.0%	47.8%
Kiana	415	\$28,125	93.5%	24.5%	27.4%	62.1%
Central	57	\$28,036	1.9%	13.7%	19.0%	64.6%
Kivalina	357	\$28,036	97.5%	32.2%	55.6%	71.4%
Akutan	420	\$27,813	13.6%	16.6%	0.4%	7.4%
Seldovia	285	\$27,500	15.2%	16.2%	11.8%	50.3%
Nenana	440	\$27,292	47.8%	10.4%	17.5%	52.8%
Tatitlek	99	\$27,188	86.6%	19.8%	0.0%	75.6%
Pelican	187	\$27,083	29.3%	13.6%	3.4%	17.2%
Mountain Village	738	\$26,750	91.1%	25.3%	36.7%	68.0%
Kasigluk	514	\$26,563	95.3%	20.4%	34.8%	66.3%
Knik	443	\$26,250	11.4%	6.5%	24.8%	54.2%
Newhalen	177	\$26,250	94.4%	22.4%	5.5%	46.9%
Oscarville	59	\$26,250	91.2%	27.2%	0.0%	56.0%
Eielson AFB	4,203	\$25,924	0.9%	2.8%	13.0%	18.2%
Fort Greely	740	\$25,801	1.0%	6.3%	14.4%	21.7%
Emmonak	820	\$25,625	92.1%	20.9%	34.6%	62.0%
Ferry	69	\$25,625	12.5%	15.5%	39.1%	65.0%
Slana	50	\$25,417	6.3%	19.0%	44.4%	62.5%
Moose Creek	683	\$25,326	2.5%	9.4%	10.5%	32.7%
Saint George	184	\$25,250	94.9%	41.9%	14.9%	52.9%
Perryville	107	\$25,000	94.4%	25.4%	13.6%	72.9%
Red Devil	49	\$25,000	50.9%	30.7%	14.3%	63.6%
Chistochina	55	\$24,167	61.7%	17.7%	52.0%	72.1%
Akiachak	560	\$23,750	95.0%	13.0%	12.7%	54.5%
Hyder	151	\$23,750	1.0%	14.4%	22.7%	47.4%
McCarthy	28	\$23,750	4.0%	0.0%	100.0%	100.0%
South Naknek	149	\$23,750	79.4%	26.3%	27.5%	58.0%
Covenant Life	54	\$23,571	0.0%	20.0%	100.0%	100.0%
Sutton	431	\$23,393	5.8%	38.1%	17.2%	47.6%

**Alaska Communities, by Median Household Income in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Stebbins	513	\$23,333	94.8%	32.3%	39.2%	64.0%
Saint Michael	341	\$23,194	91.2%	20.9%	22.9%	60.6%
Platinum	41	\$23,056	92.2%	35.8%	8.0%	54.0%
Ambler	333	\$22,500	89.7%	31.1%	39.3%	66.3%
Chenega Bay	91	\$22,083	69.1%	26.6%	14.3%	41.9%
Moose Pass	116	\$22,083	11.1%	0.0%	25.8%	25.8%
Aleknagik	226	\$21,875	83.2%	28.8%	14.3%	62.2%
Jakolof Bay	35	\$21,875	0.0%	0.0%	0.0%	32.0%
Toksook Bay	496	\$21,875	95.5%	39.2%	25.5%	59.1%
Selawik	696	\$21,833	95.5%	23.1%	31.3%	67.2%
Kenny Lake	500	\$21,786	9.7%	24.8%	22.9%	50.7%
Nondalton	221	\$21,750	89.3%	20.3%	42.6%	70.0%
False Pass	64	\$21,667	76.5%	17.9%	0.0%	53.1%
Russian Mission	295	\$21,667	94.7%	45.0%	21.0%	61.1%
Grayling	186	\$21,641	93.3%	12.6%	29.6%	57.5%
Ivanof Bay	27	\$21,500	94.3%	18.4%	0.0%	45.8%
Eek	277	\$21,000	95.7%	28.6%	23.9%	63.4%
Egegik	127	\$20,625	70.5%	34.1%	24.3%	69.6%
Kobuk	89	\$20,625	89.9%	34.7%	35.0%	66.7%
Port Alexander	94	\$20,625	2.5%	18.2%	11.5%	31.3%
Manokotak	387	\$20,500	95.6%	28.6%	16.1%	58.1%
Tuluksak	385	\$20,446	95.5%	51.2%	2.5%	56.9%
Kotlik	543	\$20,417	97.0%	17.7%	36.6%	65.2%
Beaver	118	\$20,313	95.1%	32.2%	22.6%	63.6%
Cheformak	405	\$20,278	97.5%	35.4%	6.2%	66.8%
Hydaburg	425	\$20,139	89.1%	26.3%	21.8%	60.5%
Teller	265	\$20,000	86.8%	32.1%	3.3%	38.9%
Nikolaevsk	474	\$19,688	1.3%	46.1%	0.0%	52.5%
Chignik Lake	127	\$19,167	91.7%	42.0%	15.2%	68.2%
Buckland	412	\$18,906	95.0%	32.8%	12.2%	59.4%
Koyuk	272	\$18,750	94.8%	30.0%	37.3%	64.6%
Mendeltna	72	\$18,750	5.4%	5.7%	0.0%	60.0%
Napaskiak	399	\$18,750	94.8%	34.3%	22.7%	63.4%
Takotna	63	\$18,750	44.7%	14.2%	0.0%	36.0%
Tununak	330	\$18,750	96.2%	26.3%	14.0%	50.0%
Shaktolik	226	\$18,438	94.4%	22.8%	31.9%	54.4%
Hooper Bay	1,012	\$18,125	95.0%	43.5%	41.7%	66.3%
Koliganek	194	\$18,125	98.1%	35.6%	11.1%	72.4%
Napakiak	354	\$18,125	94.3%	36.2%	33.3%	61.3%
Tenakee Springs	116	\$18,125	9.6%	10.8%	20.0%	74.0%
Fort Yukon	575	\$17,969	85.0%	32.1%	27.4%	55.4%
Nightmute	217	\$17,813	95.4%	62.0%	26.9%	68.6%
Pitka's Point	154	\$17,813	95.6%	28.2%	5.1%	57.0%
Alakanuk	651	\$17,708	95.8%	29.4%	26.8%	61.5%
Skwentna	77	\$17,692	1.2%	24.2%	0.0%	66.7%
Minto	244	\$17,656	97.2%	35.0%	60.3%	81.6%
Quinhagak	567	\$17,500	93.8%	37.2%	5.9%	60.6%

**Alaska Communities, by Median Household Income in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Hope	152	\$17,250	3.1%	33.5%	38.4%	50.8%
Chevak	721	\$17,222	93.0%	27.0%	17.8%	53.5%
Nulato	365	\$17,143	96.9%	35.9%	25.7%	66.7%
Circle	83	\$17,083	86.3%	10.9%	36.7%	62.7%
Clark's Point	66	\$17,083	88.3%	16.1%	18.5%	42.1%
Nunapitchuk	489	\$17,083	97.1%	40.0%	12.3%	60.8%
Tanana	299	\$17,000	78.3%	24.1%	21.8%	53.9%
Old Harbor	301	\$16,875	88.7%	31.5%	39.1%	75.9%
Crooked Creek	138	\$16,250	90.6%	28.7%	27.3%	64.7%
Elim	301	\$16,250	91.7%	25.1%	36.1%	66.2%
Happy Valley	391	\$16,250	6.1%	32.8%	25.6%	68.6%
Meyers Chuck	28	\$16,250	10.8%	33.3%	0.0%	54.2%
Shageluk	145	\$16,250	95.0%	34.8%	22.9%	67.5%
Sheldon Point	177	\$16,250	92.7%	56.2%	13.0%	41.2%
Tonsina	46	\$16,250	18.4%	0.0%	0.0%	66.7%
Upper Kalskag	198	\$16,250	84.9%	39.6%	25.5%	68.5%
Golovin	152	\$16,146	92.9%	8.3%	15.3%	44.4%
Kwethluk	672	\$16,000	96.4%	38.7%	11.8%	72.0%
Pilot Station	547	\$16,000	95.0%	51.3%	35.1%	62.9%
Gambell	653	\$15,938	96.2%	46.4%	16.8%	71.1%
White Mountain	193	\$15,893	87.8%	38.3%	36.4%	67.3%
Atmautluak	292	\$15,833	96.9%	47.6%	25.3%	55.3%
Hughes	69	\$15,833	32.6%	16.6%	15.4%	53.2%
Tetlin	68	\$15,750	95.4%	29.6%	25.0%	58.5%
Shishmaref	542	\$15,625	94.5%	27.3%	18.0%	65.1%
Kallag	245	\$15,500	92.5%	41.4%	24.1%	52.9%
Deering	158	\$15,208	94.3%	21.6%	6.7%	41.7%
Scammon Bay	459	\$15,179	96.5%	40.7%	18.4%	60.1%
Brevig Mission	265	\$15,000	92.4%	24.7%	35.3%	54.6%
Rampart	54	\$15,000	94.1%	36.2%	78.8%	87.5%
Ruby	217	\$15,000	74.1%	24.4%	12.8%	52.9%
Togiak	762	\$15,000	87.3%	46.3%	23.1%	72.9%
Wales	162	\$15,000	88.8%	35.2%	19.3%	53.5%
Newtok	269	\$14,844	93.2%	50.2%	25.9%	68.2%
Mekoryuk	192	\$14,792	99.4%	31.5%	16.7%	59.1%
Tanacross	85	\$14,750	94.3%	23.8%	35.4%	59.7%
Venetie	241	\$14,688	94.0%	47.2%	37.5%	69.8%
Kwigillingok	333	\$14,500	95.0%	43.1%	9.2%	58.6%
Tuntutuliak	351	\$14,444	96.7%	46.0%	6.4%	59.5%
Diomedea	174	\$14,375	93.8%	63.0%	0.0%	60.4%
Kokhanok	168	\$14,286	90.1%	53.4%	7.7%	65.4%
Koyukuk	126	\$13,929	97.6%	39.2%	27.0%	62.0%
Chuathbaluk	115	\$13,750	89.7%	47.4%	8.6%	47.5%
Holy Cross	260	\$13,750	93.5%	48.8%	38.6%	72.3%
Nikolski	43	\$13,750	82.9%	0.0%	0.0%	53.3%
Akiak	327	\$13,571	97.2%	33.9%	16.0%	60.2%
Goodnews Bay	263	\$13,523	95.9%	41.8%	3.1%	56.6%

**Alaska Communities, by Median Household Income in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unemployment*	% Adults Not Working**
Huslia	245	\$13,333	90.8%	43.7%	38.5%	67.5%
Northway Village	110	\$13,333	94.7%	47.0%	51.3%	72.1%
Chitina	84	\$13,125	46.9%	40.9%	33.3%	64.7%
Chalkyitsik	87	\$12,750	92.2%	67.3%	31.3%	81.0%
Eagle	165	\$12,500	3.0%	43.4%	32.5%	52.5%
Game Creek	67	\$12,500	0.0%	59.6%	0.0%	13.8%
Port Clarence	24	\$12,254	0.0%	0.0%	0.0%	0.0%
Edna Bay	70	\$12,250	0.0%	63.7%	25.0%	67.2%
Levelock	115	\$12,159	82.9%	25.8%	20.9%	57.5%
New Stuyahok	452	\$12,083	95.9%	51.0%	17.7%	74.9%
Point Baker	57	\$12,083	0.0%	0.0%	0.0%	73.0%
Talkeetna	347	\$11,991	1.6%	34.3%	10.1%	26.1%
Eagle Village	34	\$11,875	80.0%	17.1%	93.1%	93.8%
Twin Hills	59	\$11,667	92.4%	50.0%	25.0%	72.7%
Tyonek	151	\$11,591	92.2%	37.1%	37.7%	64.5%
Allakaket	182	\$11,477	94.1%	46.9%	69.4%	78.4%
Savoonga	622	\$11,339	95.2%	50.9%	14.7%	72.2%
Mentasta Lake	122	\$11,250	72.9%	44.1%	18.8%	81.9%
Nikolai	108	\$11,250	89.0%	44.5%	35.5%	73.0%
Ekwok	124	\$10,833	87.0%	52.0%	23.5%	73.1%
Anvik	83	\$10,694	91.5%	45.0%	13.6%	60.4%
Lower Kalskag	278	\$10,357	98.3%	61.2%	37.9%	77.5%
Port Protection	58	\$10,000	1.6%	45.6%	75.0%	95.3%
Sleetmute	102	\$10,000	86.8%	62.6%	12.9%	67.5%
Stevens Village	99	\$10,000	91.2%	73.9%	43.3%	72.6%
Arctic Village	121	\$9,661	93.8%	31.5%	12.5%	52.5%
Lime Village	47	\$9,257	95.2%	63.8%	13.5%	36.7%
Alexander Creek	38	\$8,166	25.0%	38.0%	0.0%	100.0%
Circle Hot Springs	32	\$8,250	0.0%	74.1%	33.3%	54.5%
Alatna	32	\$6,030	93.5%	83.0%	100.0%	100.0%
Healy Lake	60	\$5,841	85.1%	70.8%	33.3%	85.7%
Portage Creek	14	\$5,360	60.0%	100.0%	0.0%	100.0%
Stony River	42	\$5,156	88.2%	100.0%	26.7%	64.5%
Birch Creek	37	\$5,032	90.5%	92.6%	0.0%	48.0%
Kipnuk	567	\$4,999	97.4%	76.6%	12.9%	78.7%
Wiseman	24	\$4,999	15.2%	100.0%	0.0%	50.0%

\* % Unemployment =

Percent of persons age 16+ actively seeking employment, calculated from unemployment compensation claims

\*\* % Adults Not Working =

Percent of persons age 16+ actively seeking employment and those not actively seeking employment ("discouraged workers", in school, retired, disabled, or at home raising children, for example)

**Alaska Communities, by Percent of Population Below Poverty Level in Ascending Order  
From 1990 U.S. Census Data**

Community	1990 U.S. Census					
	1990 Pop.	Median HH Income	% Native Pop	% Below Poverty	% Unemployment*	% Adults Not Working**
Eyak	166	\$150,001	7.6%	0.0%	4.3%	22.1%
Deadhorse	24	\$102,264	11.5%	0.0%	0.0%	0.0%
Lake Minchumina	45	\$75,222	18.8%	0.0%	0.0%	48.3%
Lutak	52	\$70,485	17.8%	0.0%	0.0%	48.4%
Halibut Cove	78	\$68,760	3.8%	0.0%	0.0%	0.0%
Chase	53	\$61,359	0.0%	0.0%	0.0%	0.0%
Clam Gulch	100	\$60,233	12.7%	0.0%	0.0%	61.3%
Rowan Bay	9	\$58,295	6.8%	0.0%	9.8%	22.4%
Kupreanof	24	\$55,447	0.0%	0.0%	0.0%	0.0%
Alcan	16	\$53,338	0.0%	0.0%	0.0%	33.3%
Harding Lake	29	\$52,126	0.0%	0.0%	0.0%	76.0%
Pleasant Valley	552	\$49,464	4.7%	0.0%	4.5%	24.2%
Kasaan	42	\$46,667	53.7%	0.0%	64.5%	73.8%
Primrose	62	\$46,563	0.0%	0.0%	0.0%	35.2%
Cold Bay	120	\$45,625	5.4%	0.0%	0.0%	15.9%
Crown Point	88	\$43,864	4.8%	0.0%	0.0%	38.0%
Telida	5	\$43,750	90.9%	0.0%	0.0%	0.0%
Igiugig	46	\$41,250	78.8%	0.0%	0.0%	38.5%
Prudhoe Bay	47	\$39,673	8.5%	0.0%	0.0%	0.0%
Ugashik	5	\$37,500	85.7%	0.0%	80.0%	83.3%
Chignik	125	\$36,875	45.2%	0.0%	4.2%	38.2%
Port Alsworth	67	\$36,250	1.8%	0.0%	10.5%	54.1%
McCarthy	28	\$23,750	4.0%	0.0%	100.0%	100.0%
Moose Pass	116	\$22,083	11.1%	0.0%	25.8%	25.8%
Jakolof Bay	35	\$21,875	0.0%	0.0%	0.0%	32.0%
Tonsina	46	\$16,250	18.4%	0.0%	0.0%	66.7%
Nikolski	43	\$13,750	82.9%	0.0%	0.0%	53.3%
Port Clarence	24	\$12,264	0.0%	0.0%	0.0%	0.0%
Point Baker	57	\$12,083	0.0%	0.0%	0.0%	73.0%
Anchor Point	1,157	\$42,847	3.7%	0.7%	17.5%	53.0%
Hobart Bay	107	\$52,377	6.4%	1.0%	0.0%	10.9%
Naknek	640	\$50,907	41.0%	1.7%	3.9%	36.0%
Lignite	122	\$38,125	0.0%	1.9%	15.2%	43.5%
Port Graham	186	\$33,750	90.4%	2.1%	38.8%	62.4%
Akhick	101	\$42,500	93.5%	2.4%	18.8%	50.9%
Kasilof	539	\$51,439	2.9%	2.5%	18.4%	40.8%
Eielson AFB	4,203	\$25,924	0.9%	2.8%	13.0%	18.2%
King Salmon	478	\$54,072	15.5%	3.0%	5.8%	16.2%
Larsen Bay	120	\$39,750	84.4%	3.1%	40.0%	67.6%
Womens Bay	662	\$44,861	10.5%	3.2%	6.5%	26.2%
Dot Lake	80	\$38,333	54.3%	3.2%	13.6%	47.2%
Point Lay	207	\$49,583	81.3%	3.3%	11.5%	22.7%
Fritz Creek	1,972	\$45,143	3.4%	3.4%	6.1%	38.5%
Paxson	34	\$31,250	0.0%	3.4%	0.0%	30.0%
Klukwan	160	\$36,042	86.8%	3.5%	60.4%	76.1%
Cooper Landing	271	\$42,250	1.2%	3.6%	0.0%	53.8%
Gustavus	346	\$41,538	3.9%	3.6%	4.6%	26.2%

**Alaska Communities, by Percent of Population Below Poverty Level in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unemployment*	% Adults Not Working**
Karluk	48	\$31,250	91.5%	3.6%	9.1%	40.0%
Anderson	565	\$53,413	3.7%	3.7%	11.5%	22.2%
Healy	603	\$56,313	1.4%	3.8%	3.9%	39.4%
Hoonah	906	\$36,442	67.2%	3.8%	14.9%	35.4%
Craig	2,043	\$47,250	22.9%	3.9%	8.4%	25.9%
Two Rivers	623	\$53,518	7.3%	4.0%	10.5%	32.2%
McKinley Park	196	\$40,313	2.9%	4.0%	13.4%	40.8%
Petersburg	3,432	\$49,318	10.4%	4.1%	4.2%	28.8%
Wainwright	550	\$33,333	94.3%	4.1%	10.2%	40.4%
Skagway	816	\$37,500	5.5%	4.2%	10.6%	27.5%
Polk Inlet	36	\$50,446	13.3%	4.4%	24.4%	35.3%
Cordova	2,467	\$46,304	11.2%	4.7%	3.1%	23.8%
Coffman Cove	246	\$44,063	7.0%	4.7%	14.7%	29.8%
Sitka	8,733	\$43,337	20.9%	4.8%	6.7%	26.7%
Naukati Bay	136	\$43,333	1.1%	4.8%	9.1%	26.8%
Haines	1,429	\$38,542	18.1%	4.9%	5.4%	30.9%
Homer	4,126	\$36,652	3.6%	5.0%	7.9%	35.6%
North Pole	1,631	\$32,937	5.4%	5.0%	10.2%	26.9%
Valdez	4,486	\$68,570	5.9%	5.1%	8.8%	26.0%
Thorne Bay	625	\$39,688	1.2%	5.2%	18.6%	38.4%
Port Lions	239	\$40,938	67.6%	5.3%	14.1%	41.8%
Juneau	30,396	\$47,924	12.9%	5.5%	4.8%	25.0%
Ketchikan	8,552	\$41,931	15.7%	5.5%	8.6%	31.2%
Cube Cove	137	\$51,280	5.8%	5.7%	0.0%	21.4%
Soldotna	4,092	\$38,004	4.5%	5.7%	8.7%	33.0%
Saxman	381	\$30,481	77.0%	5.7%	25.5%	51.6%
Shungnak	252	\$29,583	94.6%	5.7%	14.0%	64.9%
Mendeltna	72	\$18,750	5.4%	5.7%	0.0%	60.0%
Wrangell	2,543	\$37,538	20.0%	6.0%	9.0%	34.1%
Ridgeway	2,364	\$48,967	4.6%	6.1%	6.3%	30.6%
Kodiak	6,749	\$46,050	12.7%	6.2%	4.4%	23.0%
Palmer	4,167	\$34,940	7.7%	6.2%	16.7%	53.9%
Fort Greely	740	\$25,801	1.0%	6.3%	14.4%	21.7%
Chignik Lagoon	74	\$56,250	56.6%	6.4%	20.0%	84.0%
Knik	443	\$26,250	11.4%	6.5%	24.8%	54.2%
Nikiski	3,023	\$44,242	6.1%	7.0%	14.5%	42.2%
Anchorage	254,849	\$43,946	6.4%	7.0%	7.0%	26.7%
Kake	767	\$35,875	73.4%	7.0%	10.9%	46.8%
Kodiak Station	1,638	\$34,196	1.7%	7.0%	6.3%	12.1%
Elfin Cove	54	\$43,125	1.8%	7.1%	0.0%	28.2%
Saint Paul	764	\$39,922	66.1%	7.1%	10.8%	32.6%
Bettles	32	\$38,333	22.2%	7.1%	0.0%	0.0%
Kachemak	398	\$55,000	3.0%	7.3%	4.0%	32.0%
Kenai	6,971	\$42,889	8.5%	7.3%	12.1%	38.2%
Barrow	4,380	\$56,688	63.9%	7.5%	11.5%	30.4%
Sterling	5,705	\$51,145	2.1%	7.6%	7.4%	38.9%
Whitestone Logging Camp	189	\$45,625	3.7%	7.6%	9.7%	23.8%

**Alaska Communities, by Percent of Population Below Poverty Level in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Butte	2,538	\$41,471	3.6%	7.7%	10.4%	35.5%
Eklutna	425	\$66,946	12.6%	8.0%	3.5%	29.1%
Salcha	373	\$35,909	4.2%	8.0%	14.5%	36.9%
Glennallen	513	\$30,833	6.7%	8.0%	4.4%	30.7%
Port Alice	19	\$28,750	6.7%	8.3%	0.0%	42.9%
Golovin	152	\$16,146	92.9%	8.3%	15.3%	44.4%
Klawock	704	\$39,583	54.3%	8.4%	17.3%	48.4%
Delta Junction	855	\$31,250	4.4%	8.4%	8.6%	35.4%
Tok	1,216	\$30,341	12.5%	8.7%	20.3%	44.4%
Fox River	435	\$93,848	0.0%	9.1%	0.0%	45.7%
Point Hope	749	\$47,788	91.9%	9.2%	23.4%	52.0%
Fox	321	\$28,250	7.3%	9.2%	18.0%	47.8%
Moose Creek	683	\$25,326	2.5%	9.4%	10.5%	32.7%
Dillingham	2,252	\$44,083	55.8%	9.5%	6.7%	37.7%
College	11,663	\$43,329	8.4%	9.6%	7.8%	32.3%
Ninilchik	655	\$31,518	19.5%	9.6%	24.4%	59.7%
Houston	994	\$32,344	3.6%	9.7%	15.4%	52.0%
Copperville	196	\$47,188	26.4%	9.8%	26.6%	51.8%
Metakatla	1,595	\$38,370	82.4%	9.8%	12.8%	49.2%
Salamatof	1,134	\$38,203	10.4%	9.8%	14.6%	64.9%
Nome	3,656	\$45,812	52.1%	9.9%	11.0%	36.0%
King Cove	773	\$53,631	39.2%	10.0%	1.8%	24.0%
Northway Junction	114	\$41,875	70.5%	10.0%	36.8%	73.9%
Ouzinkie	246	\$48,393	85.2%	10.2%	18.9%	51.9%
Cantwell	144	\$44,000	22.4%	10.3%	34.6%	57.6%
Fairbanks	31,850	\$32,033	9.2%	10.3%	11.6%	29.6%
Nenana	440	\$27,292	47.8%	10.4%	17.5%	52.8%
Yakutat	833	\$36,875	55.1%	10.5%	11.8%	33.7%
McGrath	456	\$36,250	47.0%	10.5%	9.9%	36.3%
Seward	2,999	\$37,049	15.2%	10.7%	9.2%	44.9%
Wasilla	4,917	\$37,619	5.3%	10.8%	11.1%	36.6%
Tenakee Springs	116	\$18,125	9.6%	10.8%	20.0%	74.0%
Circle	83	\$17,083	86.3%	10.9%	36.7%	62.7%
Nanwalek	177	\$46,563	91.1%	11.0%	46.4%	66.7%
Big Lake	2,243	\$36,583	3.7%	11.3%	12.9%	43.8%
Unalakleet	803	\$34,531	81.8%	11.6%	19.2%	46.0%
Lazy Mountain	1,043	\$38,250	4.3%	11.7%	21.3%	53.9%
Northway	119	\$39,375	64.2%	11.9%	26.0%	54.9%
Iliamna	103	\$41,250	66.0%	12.1%	0.0%	42.1%
Kalifornsky	335	\$52,354	4.2%	12.2%	25.6%	47.8%
Bethel	5,277	\$42,232	63.9%	12.2%	9.0%	36.6%
Sand Point	870	\$42,083	49.3%	12.5%	2.9%	32.1%
Meadow Lakes	4,693	\$33,108	2.9%	12.5%	13.3%	44.1%
Grayling	186	\$21,641	93.3%	12.6%	29.6%	57.5%
Kotzebue	3,232	\$42,367	75.1%	12.7%	13.1%	41.2%
Ester	236	\$44,688	4.8%	12.8%	11.5%	33.0%
Dry Creek	110	\$40,625	0.0%	12.8%	0.0%	13.7%

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Community	1997 Pop.	1990 U.S. Census				
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Pilot Point	115	\$38,750	84.9%	12.9%	0.0%	55.3%
Copper Center	536	\$34,643	34.5%	12.9%	0.0%	53.8%
Whittier	289	\$33,636	12.3%	13.0%	8.0%	37.0%
Akiachak	560	\$23,750	95.0%	13.0%	12.7%	54.5%
Nuiqsut	435	\$32,188	92.7%	13.3%	33.1%	48.2%
Pelican	187	\$27,083	29.3%	13.6%	3.4%	17.2%
Central	57	\$28,036	1.9%	13.7%	19.0%	64.6%
Whale Pass	79	\$49,583	2.7%	14.0%	35.7%	59.1%
Takotna	63	\$18,750	44.7%	14.2%	0.0%	36.0%
Hyder	151	\$23,750	1.0%	14.4%	22.7%	47.4%
Willow	408	\$34,773	1.1%	14.7%	0.0%	48.3%
Atkasuk	235	\$56,352	93.1%	15.2%	29.7%	45.1%
Hollis	175	\$31,250	2.7%	15.2%	8.3%	44.3%
Unalaska	4,251	\$56,215	8.4%	15.3%	1.0%	7.8%
Ferry	69	\$25,625	12.5%	15.5%	39.1%	65.0%
Cohoe	598	\$33,550	1.8%	15.9%	14.0%	49.5%
Anaktuvuk Pass	301	\$37,292	84.9%	16.1%	23.6%	45.5%
Clark's Point	66	\$17,083	88.3%	16.1%	18.5%	42.1%
Atka	111	\$40,625	91.8%	16.2%	25.7%	44.7%
Trapper Creek	306	\$31,071	6.1%	16.2%	30.3%	60.2%
Seldovia	285	\$27,500	15.2%	16.2%	11.8%	50.3%
Aniak	578	\$32,841	70.7%	16.4%	9.7%	32.2%
Noorvik	631	\$32,969	93.8%	16.6%	17.5%	60.7%
Akutan	420	\$27,813	13.6%	16.6%	0.4%	7.4%
Hughes	69	\$15,833	92.6%	16.6%	15.4%	53.2%
Marshall	318	\$28,750	92.7%	16.9%	19.0%	55.5%
Noatak	401	\$36,458	96.7%	17.1%	45.1%	75.1%
Eagle Village	34	\$11,875	80.0%	17.1%	93.1%	93.8%
Saint Mary's	504	\$28,542	83.0%	17.3%	19.2%	44.3%
Chistochina	55	\$24,167	61.7%	17.7%	52.0%	72.1%
Kotlik	543	\$20,417	97.0%	17.7%	36.6%	65.2%
False Pass	64	\$21,667	76.5%	17.9%	0.0%	53.1%
Galena	543	\$28,611	45.3%	18.2%	9.2%	24.7%
Port Alexander	94	\$20,625	2.5%	18.2%	11.5%	31.3%
Ivanof Bay	27	\$21,500	94.3%	18.4%	0.0%	45.8%
Slana	58	\$25,417	6.3%	19.0%	44.4%	62.5%
Tatitlek	99	\$27,188	86.6%	19.8%	0.0%	75.8%
Covenant Life	54	\$23,571	0.0%	20.0%	100.0%	100.0%
Chiniak	74	\$44,375	5.8%	20.2%	5.1%	28.8%
Gulkana	95	\$38,750	59.2%	20.3%	27.3%	59.5%
Nondalton	221	\$21,750	89.3%	20.3%	42.6%	70.0%
Kasigluk	514	\$26,563	95.3%	20.4%	34.8%	66.3%
Kaktovik	222	\$46,250	84.4%	20.6%	30.7%	50.0%
Emmonak	820	\$25,625	92.1%	20.9%	34.6%	62.0%
Saint Michael	341	\$23,194	91.2%	20.9%	22.9%	60.6%
Deering	158	\$15,208	94.3%	21.6%	6.7%	41.7%
Pedro Bay	37	\$38,125	90.5%	21.9%	0.0%	34.8%

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Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unemployment*	% Adults Not Working**
Angoon	616	\$32,083	82.3%	21.9%	35.1%	54.1%
Tazlina	297	\$45,625	23.1%	22.0%	13.2%	36.4%
Newhalen	177	\$26,250	94.4%	22.4%	5.5%	46.9%
Shaktolik	226	\$18,438	94.4%	22.8%	31.9%	54.4%
Selawik	696	\$21,833	95.5%	23.1%	31.3%	67.2%
Big Delta	508	\$32,813	4.0%	23.2%	1.6%	54.0%
Tanacross	85	\$14,750	94.3%	23.8%	35.4%	59.7%
Tanana	299	\$17,000	78.3%	24.1%	21.8%	53.9%
Skwentna	77	\$17,692	1.2%	24.2%	0.0%	66.7%
Port Heiden	116	\$35,000	72.3%	24.3%	22.0%	45.8%
Ruby	217	\$15,000	74.1%	24.4%	12.8%	52.9%
Kiana	415	\$28,125	93.5%	24.5%	27.4%	62.1%
Brevig Mission	265	\$15,000	92.4%	24.7%	35.3%	54.6%
Kenny Lake	500	\$21,786	9.7%	24.8%	22.9%	50.7%
Elim	301	\$16,250	91.7%	25.1%	36.1%	66.2%
Mountain Village	738	\$26,750	91.1%	25.3%	36.7%	68.0%
Perryville	107	\$25,000	94.4%	25.4%	13.6%	72.9%
Levelock	115	\$12,159	82.9%	25.8%	20.9%	57.5%
Nelson Lagoon	90	\$44,583	80.7%	26.0%	0.0%	80.8%
Andreafsky	469	\$28,958	84.4%	26.0%	18.6%	43.8%
South Naknek	149	\$23,750	79.4%	26.3%	27.5%	58.0%
Hydaburg	425	\$20,139	89.1%	26.3%	21.8%	60.5%
Tununak	330	\$18,750	96.2%	26.3%	14.0%	50.0%
Chenega Bay	91	\$22,083	69.1%	26.6%	14.3%	41.9%
Chevak	721	\$17,222	93.0%	27.0%	17.8%	53.5%
Oscarville	59	\$26,250	91.2%	27.2%	0.0%	56.0%
Shishmaref	542	\$15,625	94.5%	27.3%	18.0%	65.1%
Pitka's Point	154	\$17,813	95.6%	28.2%	5.1%	57.0%
Eek	277	\$21,000	95.7%	28.6%	23.9%	63.4%
Manokotak	387	\$20,500	95.6%	28.6%	16.1%	58.1%
Crooked Creek	138	\$16,250	90.6%	28.7%	27.3%	64.7%
Aleknagik	226	\$21,875	83.2%	28.8%	14.3%	62.2%
Alakanuk	651	\$17,708	95.8%	29.4%	26.8%	61.5%
Tetlin	68	\$15,750	95.4%	29.6%	25.0%	58.5%
Manley Hot Springs	90	\$31,250	14.6%	30.0%	12.5%	32.3%
Koyuk	272	\$18,750	94.8%	30.0%	37.3%	64.6%
Kongiganak	349	\$33,250	97.3%	30.3%	16.3%	60.0%
Red Devil	49	\$25,000	50.9%	30.7%	14.3%	63.6%
Ambler	333	\$22,500	89.7%	31.1%	39.3%	66.3%
Chickaloon	205	\$32,083	6.2%	31.2%	26.7%	38.2%
Old Harbor	301	\$16,875	88.7%	31.5%	39.1%	75.9%
Mekoryuk	192	\$14,792	99.4%	31.5%	16.7%	59.1%
Arctic Village	121	\$9,661	93.8%	31.5%	12.5%	52.5%
Teller	265	\$20,000	86.8%	32.1%	3.3%	38.9%
Fort Yukon	575	\$17,969	85.0%	32.1%	27.4%	55.4%
Kivalina	357	\$28,036	97.5%	32.2%	55.6%	71.4%
Beaver	118	\$20,313	95.1%	32.2%	22.6%	63.6%

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Community	1997 Pop.	1990 U.S. Census				
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Stebbins	513	\$23,333	94.8%	32.3%	39.2%	64.0%
Buckland	412	\$18,906	95.0%	32.8%	12.2%	59.4%
Happy Valley	391	\$16,250	6.1%	32.8%	25.6%	68.6%
Meyers Chuck	28	\$16,250	10.8%	33.3%	0.0%	54.2%
Hope	152	\$17,250	3.1%	33.5%	38.4%	50.8%
Akiak	327	\$13,571	97.2%	33.9%	16.0%	60.2%
Egegik	127	\$20,625	70.5%	34.1%	24.3%	69.6%
Napaskiak	399	\$18,750	94.8%	34.3%	22.7%	63.4%
Talkeetna	347	\$11,991	1.6%	34.3%	10.1%	26.1%
Kobuk	89	\$20,625	89.9%	34.7%	35.0%	66.7%
Shageluk	145	\$16,250	95.0%	34.8%	22.9%	67.5%
Minto	244	\$17,656	97.2%	35.0%	60.3%	81.6%
Wales	162	\$15,000	88.8%	35.2%	19.3%	53.5%
Chefornak	405	\$20,278	97.5%	35.4%	6.2%	66.8%
Koliganek	194	\$18,125	96.1%	35.6%	11.1%	72.4%
Platinum	41	\$23,056	92.2%	35.8%	8.0%	54.0%
Nulato	365	\$17,143	96.9%	35.9%	25.7%	66.7%
Evansville	20	\$29,167	57.6%	36.1%	16.0%	16.0%
Napakiak	354	\$18,125	94.3%	36.2%	33.3%	61.3%
Rampart	54	\$15,000	94.1%	36.2%	78.8%	87.5%
Tyonek	151	\$11,591	92.2%	37.1%	37.7%	64.5%
Quinhagak	567	\$17,500	93.8%	37.2%	5.9%	60.6%
Alexander Creek	38	\$8,166	25.0%	38.0%	0.0%	100.0%
Sutton	431	\$23,393	5.8%	38.1%	17.2%	47.6%
White Mountain	193	\$15,893	87.8%	38.3%	36.4%	67.3%
Kwethluk	672	\$16,000	96.4%	38.7%	11.8%	72.0%
Mosquito Lake	92	\$28,750	1.3%	38.8%	7.3%	32.1%
Toksook Bay	496	\$21,875	95.5%	39.2%	25.5%	59.1%
Koyukuk	126	\$13,929	97.6%	39.2%	27.0%	62.0%
Upper Kalskag	198	\$16,250	84.9%	39.6%	25.5%	68.5%
Nunapitchuk	489	\$17,083	97.1%	40.0%	12.3%	60.8%
Scammon Bay	459	\$15,179	96.5%	40.7%	18.4%	60.1%
Chitina	84	\$13,125	46.9%	40.9%	33.3%	64.7%
Kaitag	245	\$15,500	92.5%	41.4%	24.1%	52.9%
Goodnews Bay	263	\$13,523	95.9%	41.8%	3.1%	56.6%
Saint George	184	\$25,250	94.9%	41.9%	14.9%	52.9%
Chignik Lake	127	\$19,167	91.7%	42.0%	15.2%	68.2%
Kwigillingok	333	\$14,500	95.0%	43.1%	9.2%	58.6%
Eagle	165	\$12,500	3.0%	43.4%	32.5%	52.5%
Hooper Bay	1,012	\$18,125	96.0%	43.5%	41.7%	66.3%
Huslia	245	\$13,333	90.8%	43.7%	38.5%	67.5%
Mentasta Lake	122	\$11,250	72.9%	44.1%	18.8%	81.9%
Nikolai	108	\$11,250	89.0%	44.5%	35.5%	73.0%
Russian Mission	295	\$21,687	94.7%	45.0%	21.0%	61.1%
Anvik	83	\$10,694	91.5%	45.0%	13.6%	60.4%
Port Protection	58	\$10,000	1.6%	45.6%	75.0%	95.3%
Tuntutuliak	351	\$14,444	96.7%	46.0%	6.4%	59.5%

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Nikolaevsk	474	\$19,688	1.3%	46.1%	0.0%	52.5%
Togiak	762	\$15,000	87.3%	46.3%	23.1%	72.9%
Gambell	653	\$15,938	96.2%	46.4%	16.8%	71.1%
Allakaket	182	\$11,477	94.1%	46.9%	69.4%	78.4%
Northway Village	110	\$13,333	94.7%	47.0%	51.3%	72.1%
Venetie	241	\$14,680	94.0%	47.2%	37.5%	69.8%
Chuathbaluk	115	\$13,750	89.7%	47.4%	8.6%	47.5%
Atmautluak	292	\$15,833	96.9%	47.6%	25.3%	55.3%
Holy Cross	260	\$13,750	93.5%	48.8%	38.6%	72.3%
Twin Hills	59	\$11,667	92.4%	50.0%	25.0%	72.7%
Newtok	269	\$14,844	93.2%	50.2%	25.9%	68.2%
Savoonga	622	\$11,339	95.2%	50.9%	14.7%	72.2%
New Stuyahok	452	\$12,083	95.9%	51.0%	17.7%	74.9%
Tuluksak	385	\$20,446	95.5%	51.2%	2.5%	56.9%
Pilot Station	547	\$16,000	95.0%	51.3%	35.1%	62.9%
Ekwok	124	\$10,833	87.0%	52.0%	23.5%	73.1%
Kokhanok	168	\$14,286	90.1%	53.4%	7.7%	65.4%
Sheldon Point	177	\$16,250	92.7%	56.2%	13.0%	41.2%
Game Creek	67	\$12,500	0.0%	59.6%	0.0%	13.8%
Gakona	23	\$32,500	0.0%	60.0%	0.0%	25.0%
Lower Kalskag	278	\$10,357	98.3%	61.2%	37.9%	77.5%
Nightmute	217	\$17,813	95.4%	62.0%	26.9%	68.6%
Sleetmute	102	\$10,000	86.8%	62.6%	12.9%	67.5%
Diomedes	174	\$14,375	93.8%	63.0%	0.0%	60.4%
Edna Bay	70	\$12,250	0.0%	63.7%	25.0%	67.2%
Lime Village	47	\$9,257	95.1%	63.8%	13.6%	36.7%
Chalkyitsik	87	\$12,750	92.2%	67.3%	31.3%	81.0%
Healy Lake	60	\$5,841	85.1%	70.8%	33.3%	85.7%
Stevens Village	99	\$10,000	91.2%	73.9%	43.3%	72.6%
Circle Hot Springs	32	\$6,250	0.0%	74.1%	33.3%	54.5%
Kipnuk	567	\$4,999	97.4%	76.6%	12.9%	78.7%
Alatna	32	\$6,030	93.5%	83.0%	100.0%	100.0%
Birch Creek	37	\$5,032	90.5%	92.6%	0.0%	48.0%
Portage Creek	14	\$5,360	60.0%	100.0%	0.0%	100.0%
Stony River	42	\$5,156	88.2%	100.0%	26.7%	64.5%
Wiseman	24	\$4,999	15.2%	100.0%	0.0%	50.0%

\* % Unemployment =

Percent of persons age 16+ actively seeking employment, calculated from unemployment compensation claims

\*\* % Adults Not Working =

Percent of persons age 16+ actively seeking employment and those not actively seeking employment ("discouraged workers", in school, retired, disabled, or at home raising children, for example)

**Alaska Communities, by Percent Unemployment in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Deadhorse	24	\$102,264	11.5%	0.0%	0.0%	0.0%
Fox River	435	\$93,848	0.0%	9.1%	0.0%	45.7%
Lake Minchumina	45	\$75,222	18.8%	0.0%	0.0%	48.3%
Lutak	52	\$70,485	17.8%	0.0%	0.0%	48.4%
Halibut Cove	78	\$68,760	3.8%	0.0%	0.0%	0.0%
Chase	53	\$61,359	0.0%	0.0%	0.0%	0.0%
Clam Gulch	100	\$60,233	12.7%	0.0%	0.0%	61.3%
Kupreanof	24	\$55,447	0.0%	0.0%	0.0%	0.0%
Alcan	16	\$53,338	0.0%	0.0%	0.0%	33.3%
Hobart Bay	107	\$52,377	6.4%	1.0%	0.0%	10.9%
Harding Lake	29	\$52,126	0.0%	0.0%	0.0%	76.0%
Cube Cove	137	\$51,280	5.8%	5.7%	0.0%	21.4%
Primrose	62	\$46,563	0.0%	0.0%	0.0%	35.2%
Cold Bay	120	\$45,625	5.4%	0.0%	0.0%	15.9%
Nelson Lagoon	90	\$44,583	80.7%	26.0%	0.0%	80.8%
Crown Point	88	\$43,864	4.8%	0.0%	0.0%	38.0%
Telida	5	\$43,750	90.9%	0.0%	0.0%	0.0%
Elfin Cove	54	\$43,125	1.8%	7.1%	0.0%	28.2%
Cooper Landing	271	\$42,250	1.2%	3.6%	0.0%	53.8%
Igiugig	46	\$41,250	78.8%	0.0%	0.0%	38.5%
Iliamna	103	\$41,250	66.0%	12.1%	0.0%	42.1%
Dry Creek	110	\$40,625	0.0%	12.8%	0.0%	13.7%
Prudhoe Bay	47	\$39,673	8.5%	0.0%	0.0%	0.0%
Pilot Point	115	\$38,750	84.9%	12.9%	0.0%	55.3%
Bettles	32	\$38,333	22.2%	7.1%	0.0%	0.0%
Pedro Bay	37	\$38,125	90.5%	21.9%	0.0%	34.8%
Willow	408	\$34,773	1.1%	14.7%	0.0%	48.3%
Copper Center	536	\$34,643	34.5%	12.9%	0.0%	53.8%
Gakona	23	\$32,500	0.0%	60.0%	0.0%	25.0%
Paxson	34	\$31,250	0.0%	3.4%	0.0%	30.0%
Port Alice	19	\$28,750	6.7%	8.3%	0.0%	42.9%
Tatitlek	99	\$27,188	86.6%	19.8%	0.0%	75.8%
Oscarville	59	\$26,250	91.2%	27.2%	0.0%	56.0%
Jakolof Bay	35	\$21,875	0.0%	0.0%	0.0%	32.0%
False Pass	64	\$21,667	76.5%	17.9%	0.0%	53.1%
Ivanof Bay	27	\$21,500	94.3%	18.4%	0.0%	45.8%
Nikolaevsk	474	\$19,688	1.3%	46.1%	0.0%	52.5%
Mendeltna	72	\$18,750	5.4%	5.7%	0.0%	60.0%
Takotna	63	\$18,750	44.7%	14.2%	0.0%	36.0%
Skwentna	71	\$17,692	1.2%	24.2%	0.0%	66.7%
Tonsina	48	\$16,250	18.4%	0.0%	0.0%	66.7%
Meyers Chuck	28	\$16,250	10.8%	33.3%	0.0%	54.2%
Diomedea	174	\$14,375	93.8%	63.0%	0.0%	60.4%
Nikolski	43	\$13,750	82.9%	0.0%	0.0%	53.3%
Game Creek	67	\$12,500	0.0%	59.6%	0.0%	13.8%
Port Clarence	24	\$12,264	0.0%	0.0%	0.0%	0.0%
Point Baker	57	\$12,083	0.0%	0.0%	0.0%	73.0%

**Alaska Communities, by Percent Unemployment in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Alexander Creek	38	\$8,166	25.0%	38.0%	0.0%	100.0%
Portage Creek	14	\$5,360	60.0%	100.0%	0.0%	100.0%
Birch Creek	37	\$5,032	90.5%	92.6%	0.0%	48.0%
Wiseman	24	\$4,999	15.2%	100.0%	0.0%	50.0%
Akutan	420	\$27,813	13.6%	16.6%	0.4%	7.4%
Unalaska	4,251	\$56,215	8.4%	15.3%	1.0%	7.8%
Big Delta	508	\$32,813	4.0%	23.2%	1.6%	54.0%
King Cove	773	\$53,631	39.2%	10.0%	1.8%	24.0%
Tuluksak	385	\$20,446	95.5%	51.2%	2.5%	56.9%
Sand Point	870	\$42,083	49.3%	12.5%	2.9%	32.1%
Cordova	2,467	\$46,304	11.2%	4.7%	3.1%	23.8%
Goodnews Bay	263	\$13,523	95.9%	41.8%	3.1%	56.6%
Teller	265	\$20,000	86.8%	32.1%	3.3%	38.9%
Pelican	187	\$27,083	29.3%	13.6%	3.4%	17.2%
Eklutna	425	\$66,946	12.6%	8.0%	3.5%	29.1%
Healy	603	\$56,313	1.4%	3.8%	3.9%	39.4%
Naknek	640	\$50,907	41.0%	1.7%	3.9%	36.0%
Kachemak	398	\$55,000	3.0%	7.3%	4.0%	32.0%
Petersburg	3,432	\$49,318	10.4%	4.1%	4.2%	28.8%
Chignik	125	\$36,875	45.2%	0.0%	4.2%	38.2%
Eyak	166	\$150,001	7.6%	0.0%	4.3%	22.1%
Kodiak	6,749	\$46,050	12.7%	6.2%	4.4%	23.0%
Glennallen	513	\$30,833	6.7%	8.0%	4.4%	30.7%
Pleasant Valley	552	\$49,464	4.7%	0.0%	4.5%	24.2%
Gustavus	346	\$41,538	3.9%	3.6%	4.6%	26.2%
Juneau	30,396	\$47,924	12.9%	5.5%	4.8%	25.0%
Chiniak	74	\$44,375	5.8%	20.2%	5.1%	28.8%
Pitka's Point	154	\$17,813	95.6%	28.2%	5.1%	57.0%
Haines	1,429	\$38,542	18.1%	4.9%	5.4%	30.9%
Newhalen	177	\$26,250	94.4%	22.4%	5.5%	46.9%
King Salmon	478	\$54,072	15.5%	3.0%	5.8%	16.2%
Quinhagak	567	\$17,500	93.8%	37.2%	5.9%	60.6%
Fritz Creek	1,972	\$45,143	3.4%	3.4%	6.1%	38.5%
Chefornak	405	\$20,278	97.5%	35.4%	6.2%	66.8%
Ridgeway	2,364	\$48,967	4.6%	6.1%	6.3%	30.6%
Kodiak Station	1,638	\$34,196	1.7%	7.0%	6.3%	12.1%
Tuntutuliak	351	\$14,444	96.7%	46.0%	6.4%	59.5%
Womens Bay	662	\$44,861	10.5%	3.2%	6.5%	28.2%
Dillingham	2,252	\$44,083	55.8%	9.5%	6.7%	37.7%
Sitka	8,733	\$43,337	20.9%	4.8%	6.7%	28.7%
Deering	158	\$15,208	94.3%	21.6%	6.7%	41.7%
Anchorage	254,849	\$43,946	6.4%	7.0%	7.0%	28.7%
Mosquito Lake	92	\$28,750	1.3%	38.8%	7.3%	32.1%
Sterling	5,705	\$51,145	2.1%	7.6%	7.4%	38.9%
Kokhanok	168	\$14,286	90.1%	53.4%	7.7%	65.4%
College	11,663	\$13,329	8.4%	9.6%	7.8%	32.3%
Homer	4,126	\$36,652	3.6%	5.0%	7.9%	35.6%

**Alaska Communities, by Percent Unemployment in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Whittier	289	\$33,636	12.3%	13.0%	8.0%	37.0%
Platinum	41	\$23,056	92.2%	35.8%	8.0%	54.0%
Hollis	175	\$31,250	2.7%	15.2%	8.3%	44.3%
Craig	2,043	\$47,250	22.9%	3.9%	8.4%	25.9%
Ketchikan	8,552	\$41,931	15.7%	5.5%	8.6%	31.2%
Delta Junction	855	\$31,250	4.4%	8.4%	8.6%	35.4%
Chuathbaluk	115	\$13,750	89.7%	47.4%	8.6%	47.5%
Soldotna	4,092	\$38,004	4.5%	5.7%	8.7%	33.0%
Valdez	4,486	\$68,570	5.9%	5.1%	8.8%	26.0%
Bethel	5,277	\$42,232	63.9%	12.2%	9.0%	36.6%
Wrangell	2,543	\$37,538	20.0%	6.0%	9.0%	34.1%
Naukati Bay	136	\$43,333	1.1%	4.8%	9.1%	26.8%
Karluk	48	\$31,250	91.5%	3.6%	9.1%	40.0%
Seward	2,999	\$37,049	15.2%	10.7%	9.2%	44.9%
Galena	543	\$28,611	45.3%	18.2%	9.2%	24.7%
Kwigillingok	333	\$14,500	95.0%	43.1%	9.2%	58.6%
Whitestone Logging Camp	189	\$45,625	3.7%	7.6%	9.7%	23.8%
Aniak	578	\$32,841	70.7%	16.4%	9.7%	32.2%
Rowan Bay	9	\$58,295	6.8%	0.0%	9.8%	22.4%
McGrath	456	\$36,250	47.0%	10.5%	9.9%	36.3%
Talkeetna	347	\$11,991	1.6%	34.3%	10.1%	26.1%
Wainwright	550	\$33,333	94.3%	4.1%	10.2%	40.4%
North Pole	1,631	\$32,937	5.4%	5.0%	10.2%	26.9%
Butte	2,538	\$41,471	3.6%	7.7%	10.4%	35.5%
Two Rivers	623	\$53,518	7.3%	4.0%	10.5%	32.2%
Port Alsworth	67	\$36,250	1.8%	0.0%	10.5%	54.1%
Moose Creek	683	\$25,326	2.5%	9.4%	10.5%	32.7%
Skagway	816	\$37,500	5.5%	4.2%	10.6%	27.5%
Saint Paul	764	\$39,922	66.1%	7.1%	10.8%	32.6%
Kake	767	\$35,875	73.4%	7.0%	10.9%	46.8%
Nome	3,656	\$45,812	52.1%	9.9%	11.0%	36.0%
Wasilla	4,917	\$37,619	5.3%	10.8%	11.1%	36.6%
Koliganek	194	\$18,125	96.1%	35.6%	11.1%	72.4%
Barrow	4,380	\$56,688	63.9%	7.5%	11.5%	30.4%
Anderson	565	\$53,413	3.7%	3.7%	11.5%	22.2%
Point Lay	207	\$49,583	81.3%	3.3%	11.5%	22.7%
Ester	236	\$44,688	4.8%	12.8%	11.5%	33.0%
Port Alexander	94	\$20,625	2.5%	18.2%	11.5%	31.3%
Fairbanks	31,850	\$32,033	9.2%	10.3%	11.6%	29.6%
Yakutat	833	\$36,875	55.1%	10.5%	11.8%	33.7%
Seldovia	285	\$27,500	15.2%	16.2%	11.8%	50.3%
Kwethluk	672	\$16,000	96.4%	38.7%	11.8%	72.0%
Kenai	6,971	\$42,889	8.5%	7.3%	12.1%	38.2%
Buckland	412	\$18,906	95.0%	32.8%	12.2%	59.4%
Nunapitchuk	489	\$17,083	97.1%	40.0%	12.3%	60.8%
Manley Hot Springs	90	\$31,250	14.6%	30.0%	12.5%	32.3%
Arctic Village	121	\$9,661	93.8%	31.5%	12.5%	52.5%

**Alaska Communities, by Percent Unemployment in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unemployment*	% Adults Not Working**
Akiachak	560	\$23,750	95.0%	13.0%	12.7%	54.5%
Metlakatla	1,595	\$38,370	82.4%	9.8%	12.8%	49.2%
Ruby	217	\$15,000	74.1%	24.4%	12.8%	52.9%
Big Lake	2,243	\$36,583	3.7%	11.3%	12.9%	43.8%
Sleetmute	102	\$10,000	86.8%	62.6%	12.9%	67.5%
Kipnuk	567	\$4,999	97.4%	76.6%	12.9%	78.7%
Eielson AFB	4,203	\$25,924	0.9%	2.8%	13.0%	18.2%
Sheldon Point	177	\$16,250	92.7%	56.2%	13.0%	41.2%
Kotzebue	3,232	\$42,367	75.1%	12.7%	13.1%	41.2%
Tazlina	297	\$45,625	23.1%	22.0%	13.2%	36.4%
Meadow Lakes	4,693	\$33,106	2.9%	12.5%	13.3%	44.1%
McKinley Park	196	\$40,313	2.9%	4.0%	13.4%	40.8%
Dot Lake	80	\$38,333	54.3%	3.2%	13.6%	47.2%
Perryville	107	\$25,000	94.4%	25.4%	13.6%	72.9%
Anvik	83	\$10,694	91.5%	45.0%	13.6%	60.4%
Lime Village	47	\$9,257	95.2%	63.8%	13.6%	36.7%
Cohoe	598	\$33,550	1.8%	15.9%	14.0%	49.5%
Shungnak	252	\$29,583	94.6%	5.7%	14.0%	64.9%
Tununak	330	\$18,750	96.2%	26.3%	14.0%	50.0%
Port Lions	239	\$40,938	67.6%	5.3%	14.1%	41.8%
Red Devil	49	\$25,000	50.9%	30.7%	14.3%	63.6%
Chenega Bay	91	\$22,083	69.1%	26.6%	14.3%	41.9%
Aleknagik	226	\$21,875	83.2%	28.8%	14.3%	62.2%
Fort Greely	740	\$25,801	1.0%	6.3%	14.4%	21.7%
Nikiski	3,023	\$44,242	6.1%	7.0%	14.5%	42.2%
Salcha	373	\$35,909	4.2%	8.0%	14.5%	36.9%
Salamatof	1,134	\$38,203	10.4%	9.8%	14.6%	64.9%
Coffman Cove	246	\$44,053	7.0%	4.7%	14.7%	29.8%
Savoonga	622	\$11,000	95.2%	50.9%	14.7%	72.2%
Hoonah	906	\$36,442	67.2%	3.8%	14.9%	35.4%
Saint George	184	\$25,250	94.9%	41.9%	14.9%	52.9%
Lignite	122	\$38,125	0.0%	1.9%	15.2%	43.5%
Chignik Lake	127	\$19,167	91.7%	42.0%	15.2%	68.2%
Golovin	152	\$16,146	92.9%	8.3%	15.3%	44.4%
Houston	994	\$32,344	3.6%	9.7%	15.4%	52.0%
Hughes	61	\$15,833	92.6%	16.6%	15.4%	53.2%
Evansville	20	\$19,167	57.6%	36.1%	16.0%	16.0%
Akiak	327	\$13,571	97.2%	33.9%	16.0%	60.2%
Manokotak	387	\$20,500	95.6%	28.6%	16.1%	58.1%
Kongiganak	349	\$33,250	97.3%	30.3%	16.3%	60.0%
Palmer	4,167	\$34,940	7.7%	6.2%	16.7%	53.9%
Mekoryuk	192	\$14,792	99.4%	31.5%	16.7%	59.1%
Gambell	653	\$15,938	96.2%	46.4%	16.8%	71.1%
Sutton	431	\$23,393	5.8%	38.1%	17.2%	47.6%
Klawock	704	\$39,583	54.3%	8.4%	17.3%	48.4%
Anchor Point	1,157	\$42,847	3.7%	0.7%	17.5%	53.0%
Noorvik	631	\$32,969	93.8%	16.6%	17.5%	60.7%

**Alaska Communities, by Percent Unemployment in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Nenana	440	\$27,292	47.8%	10.4%	17.5%	52.8%
New Stuyahok	452	\$12,083	95.9%	51.0%	17.7%	74.9%
Chevak	721	\$17,222	93.0%	27.0%	17.8%	53.5%
Fox	321	\$28,250	7.3%	9.2%	18.0%	47.8%
Shishmaref	542	\$15,625	94.5%	27.3%	18.0%	65.1%
Kasilof	539	\$51,439	2.9%	2.5%	18.4%	40.8%
Scammon Bay	459	\$15,179	96.5%	40.7%	18.4%	60.1%
Clark's Point	66	\$17,083	88.3%	16.1%	18.5%	42.1%
Thorne Bay	625	\$39,688	1.2%	5.2%	18.6%	38.4%
Andreafsky	469	\$28,958	54.4%	26.0%	18.6%	43.8%
Akhiok	101	\$42,500	93.5%	2.4%	18.8%	50.9%
Mentasta Lake	122	\$11,250	72.9%	44.1%	18.8%	81.9%
Ouzinkie	246	\$48,393	85.2%	10.2%	18.9%	51.9%
Marshall	318	\$28,750	92.7%	16.9%	19.0%	55.5%
Central	57	\$28,036	1.9%	13.7%	19.0%	64.6%
Unalakleet	803	\$34,531	81.8%	11.6%	19.2%	46.0%
Saint Mary's	504	\$28,542	83.0%	17.3%	19.2%	44.3%
Wales	162	\$15,000	88.8%	35.2%	19.3%	53.5%
Chignik Lagoon	74	\$56,250	56.6%	6.4%	20.0%	84.0%
Tenakee Springs	116	\$18,125	9.6%	10.8%	20.0%	74.0%
Tok	1,216	\$30,341	12.5%	8.7%	20.3%	44.4%
Levelock	115	\$12,159	82.9%	25.8%	20.9%	57.5%
Russian Mission	295	\$21,667	94.7%	45.0%	21.0%	61.1%
Lazy Mountain	1,043	\$36,250	4.3%	11.7%	21.3%	53.9%
Hydaburg	425	\$20,139	89.1%	26.3%	21.8%	60.5%
Tanana	299	\$17,000	78.3%	24.1%	21.8%	53.9%
Port Heiden	116	\$35,000	72.3%	24.3%	22.0%	45.8%
Beaver	118	\$20,313	95.1%	32.2%	22.6%	63.6%
Hyder	151	\$23,750	1.0%	14.4%	22.7%	47.4%
Napaskiak	399	\$18,750	94.8%	34.3%	22.7%	63.4%
Saint Michael	341	\$23,194	91.2%	20.9%	22.9%	60.6%
Kenny Lake	500	\$21,786	9.7%	24.8%	22.9%	50.7%
Shageluk	145	\$16,250	95.0%	34.8%	22.9%	67.5%
Togiak	762	\$15,000	87.3%	46.3%	23.1%	72.9%
Point Hope	749	\$47,788	91.9%	9.2%	23.4%	52.0%
Ekwok	124	\$10,833	87.0%	52.0%	23.5%	73.1%
Anaktuvuk Pass	301	\$37,292	84.9%	16.1%	23.6%	45.5%
Eek	277	\$21,000	95.7%	28.6%	23.9%	63.4%
Kaltag	245	\$15,500	92.5%	41.4%	24.1%	52.9%
Egegik	127	\$20,625	70.5%	34.1%	24.3%	69.6%
Poik Inlet	38	\$50,446	13.3%	4.4%	24.4%	36.3%
Ninilchik	655	\$31,518	19.5%	9.6%	24.4%	59.7%
Knik	443	\$26,250	11.4%	6.5%	24.8%	54.2%
Tetlin	68	\$15,750	95.4%	29.6%	25.0%	58.5%
Edna Bay	70	\$12,250	0.0%	63.7%	25.0%	67.2%
Twin Hills	59	\$11,667	92.4%	50.0%	25.0%	72.7%
Atmautluak	292	\$15,833	96.9%	47.6%	25.3%	55.3%

**Alaska Communities, by Percent Unemployment in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Saxman	381	\$30,481	77.0%	5.7%	25.5%	51.6%
Toksook Bay	496	\$21,875	95.5%	39.2%	25.5%	59.1%
Upper Kalskag	198	\$16,250	84.9%	39.6%	25.5%	68.5%
Kalifornsky	335	\$52,354	4.2%	12.2%	25.6%	47.8%
Happy Valley	391	\$16,250	6.1%	32.8%	25.6%	68.6%
Atka	111	\$40,625	91.8%	16.2%	25.7%	44.7%
Nulato	365	\$17,143	96.9%	35.9%	25.7%	68.7%
Moose Pass	116	\$22,083	11.1%	0.0%	25.8%	25.8%
Newtok	269	\$14,844	93.2%	50.2%	25.9%	68.2%
Northway	119	\$39,375	64.2%	11.9%	26.0%	54.9%
Copperville	196	\$47,188	26.4%	9.8%	26.6%	51.8%
Chickaloon	205	\$32,083	6.2%	31.2%	26.7%	38.2%
Stony River	42	\$5,156	88.2%	100.0%	26.7%	64.5%
Alakanuk	651	\$17,708	95.8%	29.4%	26.8%	61.5%
Nightmute	217	\$17,813	95.4%	62.0%	26.9%	68.6%
Koyukuk	126	\$13,929	97.6%	39.2%	27.0%	62.0%
Gulkana	95	\$38,750	59.2%	20.3%	27.3%	59.5%
Crooked Creek	138	\$16,250	90.6%	28.7%	27.3%	64.7%
Kiana	415	\$28,125	93.5%	24.5%	27.4%	62.1%
Fort Yukon	575	\$17,969	65.0%	32.1%	27.4%	55.4%
South Naknek	149	\$23,750	79.4%	26.3%	27.5%	58.0%
Grayling	186	\$21,641	93.3%	12.6%	29.6%	57.5%
Atkasuk	235	\$56,352	93.1%	15.2%	29.7%	45.1%
Trapper Creek	306	\$31,071	6.1%	16.2%	30.3%	60.2%
Kaktovik	222	\$46,250	84.4%	20.6%	30.7%	50.0%
Selawik	696	\$21,833	95.5%	23.1%	31.3%	67.2%
Chalkyitsik	87	\$12,750	92.2%	67.3%	31.3%	81.0%
Shaktolik	226	\$18,438	94.4%	22.8%	31.9%	54.4%
Eagle	165	\$12,500	3.0%	43.4%	32.5%	52.5%
Nuiqsut	435	\$32,188	92.7%	13.3%	33.1%	48.2%
Napakiaik	354	\$18,125	94.3%	36.2%	33.3%	61.3%
Chitina	84	\$13,125	46.9%	40.9%	33.3%	64.7%
Circle Hot Springs	32	\$6,250	0.0%	74.1%	33.3%	54.5%
Healy Lake	60	\$5,841	85.1%	70.8%	33.3%	85.7%
Cantwell	144	\$44,000	22.4%	10.3%	34.6%	57.6%
Emmonak	820	\$25,625	92.1%	20.9%	34.6%	62.0%
Kasigluk	514	\$26,563	95.3%	20.4%	34.8%	66.3%
Kobuk	89	\$20,625	89.9%	34.7%	35.0%	68.7%
Angoon	616	\$32,083	82.3%	21.9%	35.1%	54.1%
Pilot Station	547	\$16,000	95.0%	51.3%	35.1%	62.9%
Brevig Mission	265	\$15,000	92.4%	24.7%	35.3%	54.6%
Tanacross	85	\$14,750	94.3%	23.8%	35.4%	59.7%
Nikolai	108	\$11,250	89.0%	44.5%	35.5%	73.0%
Whale Pass	79	\$49,583	2.7%	14.0%	35.7%	59.1%
Elim	301	\$16,250	91.7%	25.1%	36.1%	66.2%
White Mountain	193	\$15,893	87.8%	38.3%	36.4%	67.3%
Kotik	543	\$20,417	97.0%	17.7%	36.6%	65.2%

**Alaska Communities, by Percent Unemployment in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unemployment*	% Adults Not Working**
Mountain Village	738	\$26,750	91.1%	25.3%	36.7%	68.0%
Circle	83	\$17,083	86.3%	10.9%	38.7%	62.7%
Northway Junction	114	\$41,875	70.5%	10.0%	36.8%	73.9%
Koyuk	272	\$18,750	94.8%	30.0%	37.3%	64.6%
Venetie	241	\$14,688	94.0%	47.2%	37.5%	69.8%
Tyonek	151	\$11,591	92.2%	37.1%	37.7%	64.5%
Lower Kalskag	278	\$10,357	98.3%	61.2%	37.9%	77.5%
Hope	152	\$17,250	3.1%	33.5%	38.4%	50.8%
Huslia	245	\$13,333	90.8%	43.7%	38.5%	67.5%
Holy Cross	260	\$13,750	93.5%	48.8%	38.6%	72.3%
Port Graham	186	\$33,750	90.4%	2.1%	38.8%	62.4%
Ferry	69	\$25,625	12.5%	15.5%	39.1%	65.0%
Old Harbor	301	\$16,875	88.7%	31.5%	39.1%	75.9%
Stebbins	513	\$23,333	94.8%	32.3%	39.2%	64.0%
Ambler	333	\$22,500	89.7%	31.1%	39.3%	66.3%
Larsen Bay	120	\$39,750	84.4%	3.1%	40.0%	67.6%
Hooper Bay	1,012	\$18,125	96.0%	43.5%	41.7%	66.3%
Nondalton	221	\$21,750	89.3%	20.3%	42.6%	70.0%
Stevens Village	99	\$10,000	91.2%	73.9%	43.3%	72.6%
Slana	58	\$25,417	6.3%	19.0%	44.4%	62.5%
Noatak	401	\$36,458	96.7%	17.1%	45.1%	75.1%
Nanwalek	177	\$46,563	91.1%	11.0%	46.4%	66.7%
Northway Village	110	\$13,333	94.7%	47.0%	51.3%	72.1%
Chistochina	55	\$24,167	61.7%	17.7%	52.0%	72.1%
Kivalina	357	\$28,036	97.5%	32.2%	55.6%	71.4%
Minto	244	\$17,656	97.2%	35.0%	60.3%	81.6%
Klukwan	160	\$36,042	86.8%	3.5%	60.4%	76.1%
Kasaan	42	\$46,667	53.7%	0.0%	64.5%	73.8%
Allakaket	182	\$11,477	94.1%	46.9%	69.4%	78.4%
Port Protection	58	\$10,000	1.6%	45.6%	75.0%	95.3%
Rampart	54	\$15,000	94.1%	36.2%	78.8%	87.5%
Ugashik	5	\$37,500	85.7%	0.0%	80.0%	83.3%
Eagle Village	34	\$11,875	80.0%	17.1%	93.1%	93.8%
McCarthy	28	\$23,750	4.0%	0.0%	100.0%	100.0%
Covenant Life	54	\$23,571	0.0%	20.0%	100.0%	100.0%
Alatna	32	\$8,030	93.5%	83.0%	100.0%	100.0%

\* % Unemployment =

Percent of persons age 16+ actively seeking employment, calculated from unemployment compensation claims

\*\* % Adults Not Working =

Percent of persons age 16+ actively seeking employment and those not actively seeking employment ("discouraged workers", in school, retired, disabled, or at home raising children, for example)

**Alaska Communities, by Percent Adults Not Working in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Deadhorse	24	\$102,264	11.5%	0.0%	0.0%	0.0%
Halibut Cove	78	\$68,760	3.8%	0.0%	0.0%	0.0%
Chase	53	\$61,359	0.0%	0.0%	0.0%	0.0%
Kupreanof	24	\$55,447	0.0%	0.0%	0.0%	0.0%
Telida	5	\$43,750	90.9%	0.0%	0.0%	0.0%
Prudhoe Bay	47	\$39,673	8.5%	0.0%	0.0%	0.0%
Bettles	32	\$38,333	22.2%	7.1%	0.0%	0.0%
Port Clarence	24	\$12,264	0.0%	0.0%	0.0%	0.0%
Akutan	420	\$27,813	13.6%	16.6%	0.4%	7.4%
Unalaska	4,251	\$56,215	8.4%	15.3%	1.0%	7.8%
Hobart Bay	107	\$52,377	6.4%	1.0%	0.0%	10.9%
Kodiak Station	1,638	\$34,196	1.7%	7.0%	6.3%	12.1%
Dry Creek	110	\$40,625	0.0%	12.8%	0.0%	13.7%
Game Creek	67	\$12,500	0.0%	59.6%	0.0%	13.8%
Cold Bay	120	\$45,625	5.4%	0.0%	0.0%	15.9%
Evansville	20	\$29,167	57.6%	36.1%	15.0%	16.0%
King Salmon	478	\$54,072	15.5%	3.0%	5.8%	16.2%
Pelican	187	\$27,083	29.3%	13.6%	3.4%	17.2%
Eielson AFB	4,203	\$25,924	0.9%	2.8%	13.0%	18.2%
Cube Cove	137	\$51,280	5.8%	5.7%	0.0%	21.4%
Fort Greely	740	\$25,801	1.0%	6.3%	14.4%	21.7%
Eyak	166	\$150,001	7.6%	0.0%	4.3%	22.1%
Anderson	565	\$53,413	3.7%	3.7%	11.5%	22.2%
Rowan Bay	9	\$58,295	6.8%	0.0%	9.8%	22.4%
Point Lay	207	\$49,583	81.3%	3.3%	11.5%	22.7%
Kodiak	6,749	\$46,050	12.7%	6.2%	4.4%	23.0%
Cordova	2,467	\$46,304	11.2%	4.7%	3.1%	23.8%
Whitestone Logging Camp	189	\$45,625	3.7%	7.6%	9.7%	23.8%
King Cove	773	\$53,631	39.2%	10.0%	1.8%	24.0%
Pleasant Valley	552	\$49,464	4.7%	0.0%	4.5%	24.2%
Galena	543	\$28,611	45.3%	18.2%	9.2%	24.7%
Gakona	23	\$32,500	0.0%	60.0%	0.0%	25.0%
Juneau	30,396	\$47,924	12.9%	5.5%	4.8%	25.0%
Moose Pass	116	\$22,083	11.1%	0.0%	25.8%	25.8%
Craig	2,043	\$47,250	22.9%	3.9%	8.4%	25.9%
Valdez	4,486	\$68,570	5.9%	5.1%	8.8%	26.0%
Talkeetna	347	\$11,991	1.6%	34.3%	10.1%	26.1%
Gustavus	346	\$41,538	3.9%	3.6%	4.6%	26.2%
Womens Bay	682	\$44,861	10.5%	3.2%	6.5%	26.2%
Sitka	8,733	\$43,337	20.9%	4.8%	6.7%	26.7%
Anchorage	254,849	\$43,946	6.4%	7.0%	7.0%	26.7%
Naukati Bay	136	\$43,333	1.1%	4.8%	9.1%	26.8%
North Pole	1,631	\$32,937	5.4%	5.0%	10.2%	26.9%
Skagway	816	\$37,500	5.5%	4.2%	10.6%	27.5%
Elfin Cove	54	\$43,125	1.8%	7.1%	0.0%	28.2%
Petersburg	3,432	\$49,318	10.4%	4.1%	4.2%	28.8%
Chiniak	74	\$44,375	5.8%	20.2%	5.1%	28.8%

**Alaska Communities, by Percent Adults Not Working in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unemployment*	% Adults Not Working**
Eklutna	425	\$66,946	12.6%	8.0%	3.5%	29.1%
Fairbanks	31,850	\$32,033	9.2%	10.3%	11.6%	29.6%
Coffman Cove	246	\$44,063	7.0%	4.7%	14.7%	29.8%
Paxson	34	\$31,250	0.0%	3.4%	0.0%	30.0%
Barrow	4,380	\$56,688	63.9%	7.5%	11.5%	30.4%
Ridgeway	2,364	\$48,967	4.6%	6.1%	6.3%	30.6%
Glennallen	513	\$30,833	6.7%	8.0%	4.4%	30.7%
Haines	1,429	\$38,542	18.1%	4.9%	5.4%	30.9%
Ketchikan	8,552	\$41,931	15.7%	5.5%	8.6%	31.2%
Port Alexander	94	\$20,625	2.5%	18.2%	11.5%	31.3%
Jakolof Bay	35	\$21,875	0.0%	0.0%	0.0%	32.0%
Kachemak	398	\$55,000	3.0%	7.3%	4.0%	32.0%
Sand Point	870	\$42,083	49.3%	12.5%	2.9%	32.1%
Mosquito Lake	92	\$28,750	1.3%	38.8%	7.3%	32.1%
Aniak	578	\$32,841	70.7%	16.4%	9.7%	32.2%
Two Rivers	623	\$53,518	7.3%	4.0%	10.5%	32.2%
College	11,663	\$43,329	8.4%	9.6%	7.8%	32.3%
Manley Hot Springs	90	\$31,250	14.6%	30.0%	12.5%	32.3%
Saint Paul	764	\$39,922	66.1%	7.1%	10.8%	32.6%
Moose Creek	683	\$25,326	2.5%	9.4%	10.5%	32.7%
Soldotna	4,092	\$38,004	4.5%	5.7%	8.7%	33.0%
Ester	236	\$44,688	4.8%	12.8%	11.5%	33.0%
Alcan	16	\$53,338	0.0%	0.0%	0.0%	33.3%
Yakutat	833	\$36,875	55.1%	10.5%	11.8%	33.7%
Wrangell	2,543	\$37,538	20.0%	6.0%	9.0%	34.1%
Pedro Bay	37	\$38,125	90.5%	21.9%	0.0%	34.8%
Primrose	62	\$46,563	0.0%	0.0%	0.0%	35.2%
Delta Junction	855	\$31,250	4.4%	8.4%	8.6%	35.4%
Hoonah	908	\$36,442	67.2%	3.8%	14.9%	35.4%
Butte	2,538	\$41,471	3.6%	7.7%	10.4%	35.5%
Homer	4,126	\$36,652	3.6%	5.0%	7.9%	35.6%
Takotna	63	\$18,750	44.7%	14.2%	0.0%	36.0%
Naknek	640	\$50,907	41.0%	1.7%	3.9%	36.0%
Nome	3,658	\$45,812	52.1%	9.9%	11.0%	36.0%
McGrath	456	\$36,250	47.0%	10.5%	9.9%	36.3%
Polk Inlet	36	\$50,446	13.3%	4.4%	24.4%	36.3%
Tazlina	297	\$45,625	23.1%	22.0%	13.2%	36.4%
Bethel	5,277	\$42,232	63.9%	12.2%	9.0%	36.6%
Wasilla	4,917	\$37,619	5.3%	10.8%	11.1%	36.6%
Lime Village	47	\$9,257	95.2%	63.8%	13.6%	36.7%
Salcha	373	\$35,909	4.2%	8.0%	14.5%	36.9%
Whittier	289	\$33,636	12.3%	13.0%	8.0%	37.0%
Dillingham	2,252	\$44,083	55.8%	9.5%	6.7%	37.7%
Crown Point	88	\$43,864	4.8%	0.0%	0.0%	38.0%
Chignik	125	\$36,875	45.2%	0.0%	4.2%	38.2%
Kenai	6,971	\$42,889	8.5%	7.3%	12.1%	38.2%
Chickaloon	205	\$32,083	6.2%	31.2%	26.7%	38.2%

**Alaska Communities, by Percent Adults Not Working in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Thorne Bay	625	\$39,688	1.2%	5.2%	18.6%	38.4%
Igiugig	46	\$41,250	78.8%	0.0%	0.0%	38.5%
Fritz Creek	1,972	\$45,143	3.4%	3.4%	6.1%	38.5%
Teller	265	\$20,000	86.8%	32.1%	3.3%	38.9%
Sterling	5,705	\$51,145	2.1%	7.6%	7.4%	38.9%
Healy	603	\$56,313	1.4%	3.8%	3.9%	39.4%
Karluk	48	\$31,250	91.5%	3.6%	9.1%	40.0%
Wainwright	550	\$33,333	94.3%	4.1%	10.2%	40.4%
McKinley Park	196	\$40,313	2.9%	4.0%	13.4%	40.8%
Kasilof	539	\$51,439	2.9%	2.5%	18.4%	40.8%
Sheldon Point	177	\$16,250	92.7%	56.2%	13.0%	41.2%
Kotzebue	3,232	\$42,367	75.1%	12.7%	13.1%	41.2%
Deering	158	\$15,208	94.3%	21.6%	6.7%	41.7%
Port Lions	239	\$40,938	67.6%	5.3%	14.1%	41.8%
Chenega Bay	91	\$22,083	69.1%	26.6%	14.3%	41.9%
Iliamna	103	\$41,250	66.0%	12.1%	0.0%	42.1%
Clark's Point	66	\$17,083	88.3%	16.1%	18.5%	42.1%
Nikiski	3,023	\$44,242	6.1%	7.0%	14.5%	42.2%
Port Alice	19	\$28,750	6.7%	8.3%	0.0%	42.9%
Lignite	122	\$38,125	0.0%	1.9%	15.2%	43.5%
Big Lake	2,243	\$36,583	3.7%	11.3%	12.9%	43.8%
Andreafsky	469	\$28,958	84.4%	26.0%	18.6%	43.8%
Meadow Lakes	4,693	\$33,106	2.9%	12.5%	13.3%	44.1%
Hollis	175	\$31,250	2.7%	15.2%	8.3%	44.3%
Saint Mary's	504	\$28,542	83.0%	17.3%	19.2%	44.3%
Golovin	152	\$16,146	92.9%	8.3%	15.3%	44.4%
Tok	1,216	\$30,341	12.5%	8.7%	20.3%	44.4%
Atka	111	\$40,625	91.8%	16.2%	25.7%	44.7%
Seward	2,999	\$37,049	15.2%	10.7%	9.2%	44.9%
Atkasuk	235	\$56,352	93.1%	15.2%	29.7%	45.1%
Anaktuvuk Pass	301	\$37,292	84.9%	16.1%	23.6%	45.5%
Fox River	435	\$93,848	0.0%	9.1%	0.0%	45.7%
Ivanof Bay	27	\$21,500	94.3%	18.4%	0.0%	45.8%
Port Heiden	116	\$35,000	72.3%	24.3%	22.0%	45.8%
Unalakleet	803	\$34,531	81.8%	11.6%	19.2%	46.0%
Kake	767	\$35,875	73.4%	7.0%	10.9%	46.8%
Newhalen	177	\$26,250	94.4%	22.4%	5.5%	46.9%
Dot Lake	80	\$38,333	54.3%	3.2%	13.6%	47.2%
Hyder	151	\$23,750	1.0%	14.4%	22.7%	47.4%
Chuathbaluk	115	\$13,750	89.7%	47.4%	8.6%	47.5%
Sutton	431	\$23,393	5.8%	38.1%	17.2%	47.6%
Fox	321	\$28,250	7.3%	9.2%	18.0%	47.8%
Kalifornsky	335	\$52,354	4.2%	12.2%	25.6%	47.8%
Birch Creek	37	\$5,032	90.5%	92.6%	0.0%	48.0%
Nuiqsut	435	\$32,188	92.7%	13.3%	33.1%	48.2%
Lake Minchumina	45	\$75,222	18.8%	0.0%	0.0%	48.3%
Willow	408	\$34,773	1.1%	14.7%	0.0%	48.3%

**Alaska Communities, by Percent Adults Not Working in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unemployment*	% Adults Not Working**
Lutak	52	\$70,485	17.8%	0.0%	0.0%	48.4%
Klawock	704	\$39,583	54.3%	8.4%	17.3%	48.4%
Mellakatia	1,595	\$38,370	82.4%	9.8%	12.8%	49.2%
Cohoe	598	\$33,550	1.8%	15.9%	14.0%	49.5%
Wiseman	24	\$4,999	15.2%	100.0%	0.0%	50.0%
Tununak	330	\$18,750	96.2%	26.3%	14.0%	50.0%
Kaktovik	222	\$46,250	84.4%	20.6%	30.7%	50.0%
Seldovia	285	\$27,500	15.2%	16.2%	11.8%	50.3%
Kenny Lake	500	\$21,786	9.7%	24.8%	22.9%	50.7%
Hope	152	\$17,250	3.1%	33.5%	38.4%	50.8%
Akhiok	101	\$42,500	93.5%	2.4%	18.8%	50.9%
Saxman	381	\$30,481	77.0%	5.7%	25.5%	51.6%
Copperville	196	\$47,188	26.4%	9.8%	26.6%	51.8%
Ouzinkie	246	\$48,393	85.2%	10.2%	18.9%	51.9%
Houston	994	\$32,344	3.6%	9.7%	15.4%	52.0%
Point Hope	749	\$47,788	91.9%	9.2%	23.4%	52.0%
Nikolaevsk	474	\$19,688	1.3%	46.1%	0.0%	52.5%
Arctic Village	121	\$9,661	93.8%	31.5%	12.5%	52.5%
Eagle	165	\$12,500	3.0%	43.4%	32.5%	52.5%
Nenana	440	\$27,292	47.8%	10.4%	17.5%	52.8%
Ruby	217	\$15,000	74.1%	24.4%	12.8%	52.9%
Saint George	184	\$25,250	94.9%	41.9%	14.9%	52.9%
Kaltag	245	\$15,500	92.5%	41.4%	24.1%	52.9%
Anchor Point	1,157	\$42,847	3.7%	0.7%	17.5%	53.0%
False Pass	64	\$21,667	76.5%	17.9%	0.0%	53.1%
Hughes	69	\$15,833	92.6%	16.6%	15.4%	53.2%
Nikolski	43	\$13,750	82.9%	0.0%	0.0%	53.3%
Chevak	721	\$17,222	93.0%	27.0%	17.8%	53.5%
Wales	162	\$15,000	88.8%	35.2%	19.3%	53.5%
Cooper Landing	271	\$42,250	1.2%	3.6%	0.0%	53.8%
Copper Center	536	\$34,643	34.5%	12.9%	0.0%	53.8%
Palmer	4,167	\$34,940	7.7%	6.2%	16.7%	53.9%
Lazy Mountain	1,043	\$36,250	4.3%	11.7%	21.3%	53.9%
Tanana	299	\$17,000	78.3%	24.1%	21.8%	53.9%
Big Delta	508	\$32,813	4.0%	23.2%	1.6%	54.0%
Platinum	41	\$23,056	92.2%	35.8%	8.0%	54.0%
Port Alsworth	67	\$36,250	1.8%	0.0%	10.5%	54.1%
Angoon	616	\$32,083	82.3%	21.9%	35.1%	54.1%
Meyers Chuck	28	\$16,250	10.8%	33.3%	0.0%	54.2%
Knik	443	\$26,250	11.4%	6.5%	24.8%	54.2%
Shaktolik	226	\$18,438	94.4%	22.8%	31.9%	54.4%
Akiachak	560	\$23,750	95.0%	13.0%	12.7%	54.5%
Circle Hot Springs	32	\$6,250	0.0%	74.1%	33.3%	54.5%
Brevig Mission	265	\$15,000	92.4%	24.7%	35.3%	54.6%
Northway	119	\$39,375	64.2%	11.9%	26.0%	54.9%
Pilot Point	115	\$38,750	84.9%	12.9%	0.0%	55.3%
Atmautluak	292	\$15,833	96.9%	47.6%	25.3%	55.3%

**Alaska Communities, by Percent Adults Not Working in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unemployment*	% Adults Not Working**
Fort Yukon	575	\$17,969	85.0%	32.1%	27.4%	55.4%
Marshall	318	\$28,750	92.7%	16.9%	19.0%	55.5%
Oscarville	59	\$26,250	91.2%	27.2%	0.0%	56.0%
Goodnews Bay	263	\$13,523	95.9%	41.8%	3.1%	56.6%
Tuluksak	385	\$20,446	95.5%	51.2%	2.5%	56.9%
Pitka's Point	154	\$17,813	95.6%	28.2%	5.1%	57.0%
Levelock	115	\$12,159	82.9%	25.8%	20.9%	57.5%
Grayling	186	\$21,641	93.3%	12.6%	29.6%	57.5%
Cantwell	144	\$44,000	22.4%	10.3%	34.6%	57.6%
South Naknek	149	\$23,750	79.4%	26.3%	27.5%	58.0%
Manokotak	387	\$20,500	95.6%	28.6%	16.1%	58.1%
Tetlin	68	\$15,750	95.4%	29.6%	25.0%	58.5%
Kwigillingok	333	\$14,500	95.0%	43.1%	9.2%	58.6%
Mekoryuk	192	\$14,792	99.4%	31.5%	16.7%	59.1%
Toksook Bay	496	\$21,875	95.5%	39.2%	25.5%	59.1%
Whale Pass	79	\$49,583	2.7%	14.0%	35.7%	59.1%
Buckland	412	\$18,906	95.0%	32.8%	12.2%	59.4%
Tuntutuliak	351	\$14,444	96.7%	46.0%	6.4%	59.5%
Gulkana	95	\$38,750	59.2%	20.3%	27.3%	59.5%
Niniichik	655	\$31,518	19.5%	9.6%	24.4%	59.7%
Tanacross	85	\$14,750	94.3%	23.8%	35.4%	59.7%
Mendeltna	72	\$18,750	5.4%	5.7%	0.0%	60.0%
Kongiganak	349	\$33,250	97.3%	30.3%	16.3%	60.0%
Scammon Bay	459	\$15,179	96.5%	40.7%	18.4%	60.1%
Akiak	327	\$13,571	97.2%	33.9%	16.0%	60.2%
Trapper Creek	306	\$31,071	6.1%	16.2%	30.3%	60.2%
Diomede	174	\$14,375	93.8%	63.0%	0.0%	60.4%
Anvik	83	\$10,694	91.5%	45.0%	13.6%	60.4%
Hydaburg	425	\$20,139	89.1%	26.3%	21.8%	60.5%
Quinhagak	567	\$17,500	93.8%	37.2%	5.9%	60.6%
Saint Michael	341	\$23,194	91.2%	20.9%	22.9%	60.6%
Noorvik	631	\$32,969	93.8%	16.6%	17.5%	60.7%
Nunapitchuk	489	\$17,083	97.1%	40.0%	12.3%	60.8%
Russian Mission	295	\$21,687	94.7%	45.0%	21.0%	61.1%
Clam Gulch	100	\$60,233	12%	0.0%	0.0%	61.3%
Napakiak	354	\$18,125	9%	36.2%	33.3%	61.3%
Alakanuk	651	\$17,708	96%	29.4%	26.8%	61.5%
Koyukuk	126	\$13,929	97.6%	39.2%	27.0%	62.0%
Emmonak	820	\$25,625	92.1%	20.9%	34.6%	62.0%
Kiana	415	\$28,125	93.5%	24.5%	27.4%	62.1%
Aleknagik	226	\$21,875	83.2%	28.8%	14.3%	62.2%
Port Graham	186	\$33,750	90.4%	2.1%	38.8%	62.4%
Slana	58	\$25,417	6.3%	19.0%	44.4%	62.5%
Circle	83	\$17,083	86.3%	10.9%	36.7%	62.7%
Pilot Station	547	\$16,000	95.0%	51.3%	35.1%	62.9%
Napaskiak	399	\$18,750	94.8%	34.3%	22.7%	63.4%
Eek	277	\$21,000	95.7%	28.6%	23.9%	63.4%

**Alaska Communities, by Percent Adults Not Working in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Red Devil	49	\$25,000	50.9%	30.7%	14.3%	63.6%
Beaver	118	\$20,313	95.1%	32.2%	22.6%	63.6%
Stebbins	513	\$23,333	94.8%	32.3%	39.2%	64.0%
Stony River	42	\$5,156	88.2%	100.0%	26.7%	64.5%
Tyonek	151	\$11,591	92.2%	37.1%	37.7%	64.5%
Central	57	\$28,036	1.9%	13.7%	19.0%	64.6%
Koyuk	272	\$18,750	94.8%	30.0%	37.3%	64.6%
Crooked Creek	138	\$16,250	90.6%	28.7%	27.3%	64.7%
Chitina	84	\$13,125	46.9%	40.9%	33.3%	64.7%
Shungnak	252	\$29,583	94.6%	5.7%	14.0%	64.9%
Salamatof	1,134	\$38,203	10.4%	9.8%	14.6%	64.9%
Ferry	69	\$25,625	12.5%	15.5%	39.1%	65.0%
Shishmaref	542	\$15,625	94.5%	27.3%	18.0%	65.1%
Kotlik	543	\$20,417	97.0%	17.7%	36.6%	65.2%
Kokhanok	168	\$14,286	90.1%	53.4%	7.7%	65.4%
Elim	301	\$16,250	91.7%	25.1%	36.1%	66.2%
Kasigluk	514	\$26,563	95.3%	20.4%	34.8%	66.3%
Ambler	333	\$22,500	89.7%	31.1%	39.3%	66.3%
Hooper Bay	1,012	\$18,125	98.0%	43.5%	41.7%	66.3%
Skwentna	77	\$17,692	1.2%	24.2%	0.0%	66.7%
Tonsina	46	\$16,250	18.4%	0.0%	0.0%	66.7%
Nulato	365	\$17,143	96.9%	35.9%	25.7%	66.7%
Kobuk	89	\$20,625	89.9%	34.7%	35.0%	66.7%
Nanwalek	177	\$46,563	91.1%	11.0%	46.4%	66.7%
Chefornak	405	\$20,278	97.5%	35.4%	6.2%	66.8%
Edna Bay	70	\$12,250	0.0%	63.7%	25.0%	67.2%
Selawik	696	\$21,833	95.5%	23.1%	31.3%	67.2%
White Mountain	193	\$15,893	87.8%	38.3%	36.4%	67.3%
Sleetmute	102	\$10,000	86.8%	62.6%	12.9%	67.5%
Shageluk	145	\$16,250	95.0%	34.8%	22.9%	67.5%
Huslia	245	\$13,333	90.8%	43.7%	38.5%	67.5%
Larsen Bay	120	\$39,750	84.4%	3.1%	40.0%	67.6%
Mountain Village	738	\$26,750	91.1%	25.3%	36.7%	68.0%
Chignik Lake	127	\$19,167	91.7%	42.0%	15.2%	68.2%
Newtok	269	\$14,844	93.2%	50.2%	25.9%	68.2%
Upper Kalskag	198	\$16,250	84.9%	39.6%	25.5%	68.5%
Happy Valley	391	\$16,250	6.1%	32.8%	25.6%	68.6%
Nightmute	217	\$17,813	95.4%	62.0%	26.9%	68.6%
Egegik	127	\$20,625	70.5%	34.1%	24.3%	69.6%
Venetie	241	\$14,688	94.0%	47.2%	37.5%	69.8%
Nondalton	221	\$21,750	89.3%	20.3%	42.6%	70.0%
Gambell	653	\$15,938	96.2%	46.4%	16.8%	71.1%
Kivaiina	357	\$28,036	97.5%	32.2%	55.6%	71.4%
Kwethluk	672	\$16,000	98.4%	38.7%	11.8%	72.0%
Northway Village	110	\$13,333	94.7%	47.0%	51.3%	72.1%
Chistochina	55	\$24,167	61.7%	17.7%	52.0%	72.1%
Savoonga	622	\$11,339	95.2%	50.9%	14.7%	72.2%

**Alaska Communities, by Percent Adults Not Working in Ascending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census				
		Median HH Income	% Native Pop	% Below Poverty	% Unem- ployment*	% Adults Not Working**
Holy Cross	260	\$13,750	93.5%	48.8%	38.6%	72.3%
Koliganek	194	\$18,125	96.1%	35.6%	11.1%	72.4%
Stevens Village	99	\$10,000	91.2%	73.9%	43.3%	72.6%
Twin Hills	59	\$11,667	92.4%	50.0%	25.0%	72.7%
Perryville	107	\$25,000	94.4%	25.4%	13.6%	72.9%
Togiak	762	\$15,000	87.3%	46.3%	23.1%	72.9%
Point Baker	57	\$12,083	0.0%	0.0%	0.0%	73.0%
Nikolai	108	\$11,250	89.0%	44.5%	35.5%	73.0%
Ekwok	124	\$10,833	87.0%	52.0%	23.5%	73.1%
Kasaan	42	\$46,667	53.7%	0.0%	64.5%	73.8%
Northway Junction	114	\$41,875	70.5%	10.0%	36.8%	73.9%
Tenakee Springs	116	\$18,125	9.6%	10.8%	20.0%	74.0%
New Stuyahok	452	\$12,083	95.9%	51.0%	17.7%	74.9%
Noatak	401	\$38,458	96.7%	17.1%	45.1%	75.1%
Tatitlek	99	\$27,188	86.6%	19.8%	0.0%	75.8%
Old Harbor	301	\$16,875	88.7%	31.5%	39.1%	75.9%
Harding Lake	29	\$52,126	0.0%	0.0%	0.0%	76.0%
Klukwan	160	\$38,042	86.8%	3.5%	60.4%	76.1%
Lower Kuskokwim	278	\$10,357	98.3%	61.2%	37.9%	77.5%
Allakaket	182	\$11,477	94.1%	46.9%	69.4%	78.4%
Kipnuk	567	\$4,999	97.4%	76.6%	12.9%	78.7%
Nelson Lagoon	90	\$44,583	80.7%	26.0%	0.0%	80.8%
Chalkyitsik	87	\$12,750	92.2%	67.3%	31.3%	81.0%
Minto	244	\$17,656	97.2%	35.0%	60.3%	81.6%
Mentasta Lake	122	\$11,250	72.9%	44.1%	18.8%	81.9%
Ugashik	5	\$37,500	85.7%	0.0%	80.0%	83.3%
Chignik Lagoon	74	\$56,250	56.6%	6.4%	20.0%	84.0%
Healy Lake	60	\$5,841	85.1%	70.8%	33.3%	85.7%
Rampart	54	\$15,000	94.1%	36.2%	78.8%	87.5%
Eagle Village	34	\$11,875	80.0%	17.1%	93.1%	93.8%
Port Protection	58	\$10,000	1.6%	45.6%	75.0%	95.3%
Alexander Creek	38	\$8,166	25.0%	38.0%	0.0%	100.0%
Portage Creek	14	\$5,360	60.0%	100.0%	0.0%	100.0%
McCarthy	28	\$23,750	4.0%	0.0%	100.0%	100.0%
Covenant Life	54	\$23,571	0.0%	20.0%	100.0%	100.0%
Alatna	32	\$6,030	93.5%	83.0%	100.0%	100.0%

\* % Unemployment =

Percent of persons age 16+ actively seeking employment, calculated from unemployment compensation claims

\*\* % Adults Not Working =

Percent of persons age 16+ actively seeking employment and those not actively seeking employment ("discouraged workers", in school, retired, disabled, or at home raising children, for example)

Alaska Communities, by 1997 Population in Descending Order

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
Anchorage	254,849	226,338	14,569	211,769	6.4%
Fairbanks	31,850	30,843	2,830	28,013	9.2%
Juneau	30,396	26,751	3,462	23,289	12.9%
College	11,663	11,249	950	10,299	8.4%
Sitka	8,733	8,588	1,797	6,791	20.9%
Ketchikan	8,552	8,263	1,296	6,967	15.7%
Kenai	6,971	6,327	535	5,792	8.5%
Kodiak	6,749	6,365	811	5,554	12.7%
Sterling	5,705	3,802	79	3,723	2.1%
Bethel	5,277	4,674	2,986	1,688	63.9%
Wasilla	4,917	4,028	212	3,816	5.3%
Meadow Lakes	4,693	2,374	69	2,305	2.9%
Valdez	4,486	4,068	239	3,829	5.9%
Barrow	4,380	3,469	2,217	1,252	63.9%
Unalaska	4,251	3,089	259	2,830	8.4%
Eielson AFB	4,203	5,251	48	5,203	0.9%
Palmer	4,167	2,866	220	2,646	7.7%
Homer	4,126	3,660	130	3,530	3.6%
Soldotna	4,092	3,482	158	3,324	4.5%
Nome	3,656	3,500	1,824	1,676	52.1%
Petersburg	3,432	3,207	334	2,873	10.4%
Kotzebue	3,232	2,751	2,067	684	75.1%
Nikiski	3,023	2,743	168	2,575	6.1%
Seward	2,999	2,699	410	2,289	15.2%
Wrangell	2,543	2,479	496	1,983	20.0%
Butte	2,538	2,039	73	1,966	3.6%
Cordova	2,467	2,110	237	1,873	11.2%
Ridgeway	2,364	2,018	93	1,925	4.6%
Dillingham	2,252	2,017	1,125	892	55.8%
Big Lake	2,243	1,477	54	1,423	3.7%
Craig	2,043	1,260	288	972	22.9%
Fritz Creek	1,972	1,426	48	1,378	3.4%
Kodiak Station	1,638	2,025	34	1,991	1.7%
North Pole	1,631	1,456	78	1,378	5.4%
Metlakatla	1,595	1,464	1,206	258	82.4%
Haines	1,429	1,238	224	1,014	18.1%
Tok	1,216	935	117	818	12.5%
Anchor Point	1,157	866	32	834	3.7%
Salamatof	1,134	999	104	895	10.4%
Lazy Mountain	1,043	838	36	802	4.3%
Hooper Bay	1,012	845	811	34	96.0%
Houston	994	697	25	672	3.6%
Hoonah	906	795	534	261	67.2%
Sand Point	870	878	433	445	49.3%
Delta Junction	855	652	29	623	4.4%
Yakutat	833	534	294	240	55.1%
Emmonak	820	642	591	51	92.1%
Skagway	816	692	38	654	5.5%

Alaska Communities, by 1997 Population in Descending Order

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
Unaiakleet	803	714	584	130	81.8%
King Cove	773	451	177	274	39.2%
Take	767	700	514	186	73.4%
Saint Paul	764	763	504	259	66.1%
Togiak	762	613	535	78	87.3%
Point Hope	749	639	587	52	91.9%
Fort Greely	740	1,299	11	1,136	1.0%
Mountain Village	738	674	614	60	91.1%
Chevak	721	598	556	42	93.0%
Klawock	704	722	392	330	54.3%
Selawik	696	596	539	27	95.5%
Moose Creek	683	610	15	595	2.5%
Kwethluk	672	558	538	20	96.4%
Womens Bay	662	620	65	555	10.5%
Ninilchik	655	456	89	367	19.5%
Gambell	653	525	505	20	96.2%
Alakanuk	651	544	521	23	95.8%
Naknek	640	575	236	339	41.0%
Noorvik	631	531	498	33	93.8%
Thome Bay	625	569	7	562	1.2%
Two Rivers	623	453	33	420	7.3%
Savoonga	622	519	494	25	95.2%
Angoon	616	638	525	113	82.3%
Healy	603	487	7	480	1.4%
Cohoe	598	508	9	499	1.8%
Aniak	578	540	382	158	70.7%
Fort Yukon	575	580	493	87	85.0%
Quinhagak	567	501	470	31	93.8%
Kipnuk	567	470	458	12	97.4%
Anderson	565	628	23	605	3.7%
Akiachak	560	481	457	24	95.0%
Pleasant Valley	552	401	19	382	4.7%
Wainwright	550	492	464	28	94.3%
Pilot Station	547	463	440	23	95.0%
Kotlik	543	461	447	14	97.0%
Galena	543	833	377	456	45.3%
Shishmaref	542	456	431	25	94.5%
Kasilof	539	383	11	372	2.9%
Copper Center	536	449	155	294	34.5%
Kasigluk	514	425	405	20	95.3%
Stebbins	513	400	379	21	94.8%
Glennallen	513	451	30	421	6.7%
Big Delta	508	400	16	384	4.0%
Saint Mary's	504	441	368	75	83.0%
Kenny Lake	500	423	41	382	9.7%
Toksook Bay	496	420	401	19	95.5%
Nunapitchuk	489	378	367	11	97.1%
King Salmon	478	696	108	588	15.5%

Alaska Communities, by 1997 Population in Descending Order

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
Nikolaevsk	474	371	5	366	1.3%
Andreafsky	469	410	346	62	84.4%
Scammon Bay	457	343	331	12	96.5%
McGrath	456	528	248	280	47.0%
New Stuyahok	452	391	375	16	95.9%
Knik	443	272	31	241	11.4%
Nenana	440	393	188	205	47.8%
Nuiqsut	435	354	328	26	92.7%
Fox River	435	382	0	382	0.0%
Sutton	431	308	18	290	5.8%
Hydaburg	425	384	342	42	89.1%
Eklutna	425	381	48	333	12.6%
Akutan	420	589	80	509	13.6%
Kiana	415	385	360	25	93.5%
Buckland	412	318	302	16	95.0%
Willow	408	285	3	282	1.1%
Chefomak	405	320	312	8	97.5%
Noatak	401	333	322	11	96.7%
Napaskiak	399	328	311	17	94.8%
Kachemak	398	365	11	354	3.0%
Happy Valley	391	309	19	290	6.1%
Manokotak	387	385	368	17	95.6%
Tuluksak	385	358	342	16	95.5%
Saxman	381	369	281	85	77.0%
Salcha	373	354	15	339	4.2%
Nulato	365	359	348	11	96.9%
Kivalina	357	317	309	8	97.5%
Napakiak	354	318	300	18	94.3%
Tuntutuliak	351	300	290	10	96.7%
Kongiganak	349	294	286	8	97.3%
Talkeetna	347	250	4	246	1.6%
Gustavus	346	258	10	248	3.9%
Saint Michael	341	295	269	26	91.2%
Kalifornsky	335	285	12	273	4.2%
Ambler	333	311	279	32	89.7%
Kwigillingok	333	278	264	14	95.0%
Tununak	330	316	304	12	96.2%
Akiak	327	285	277	8	97.2%
Fox	321	275	20	255	7.3%
Marshall	318	273	253	20	92.7%
Trapper Creek	308	298	18	278	6.1%
Old Harbor	301	284	252	32	88.7%
Elim	301	264	242	22	91.7%
Anaktuvuk Pass	301	259	220	39	84.9%
Tanana	299	345	270	75	78.3%
Tazlina	297	247	57	190	23.1%
Russian Mission	295	248	233	13	94.7%
Atmautluak	292	258	250	8	96.9%

Alaska Communities, by 1997 Population in Descending Order

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
Whittier	289	243	30	213	12.3%
Seldovia	285	316	48	268	15.2%
Lower Kalskag	278	291	286	5	98.3%
Eek	277	254	243	11	95.7%
Koyuk	272	231	219	12	94.8%
Cooper Landing	271	243	3	240	1.2%
Newtok	269	207	193	14	93.2%
Brevig Mission	265	198	183	15	92.4%
Teller	265	151	131	20	86.8%
Goodnews Bay	263	241	231	10	95.9%
Holy Cross	260	277	259	18	93.5%
Shungnak	252	223	211	12	94.6%
Ouzinkie	246	209	178	31	85.2%
Coffman Cove	246	186	13	173	7.0%
Kaltag	245	240	222	18	92.5%
Huslia	245	207	188	19	90.8%
Minto	244	218	212	6	97.2%
Venetie	241	182	171	11	94.0%
Port Lions	239	222	150	72	67.6%
Ester	236	147	7	140	4.8%
Atkasuk	235	216	201	15	93.1%
Shaktolik	226	178	168	10	94.4%
Aleknagik	226	185	154	31	83.2%
Kaktovik	222	224	189	35	84.4%
Nondalton	221	178	159	19	89.3%
Nightmute	217	153	146	7	95.4%
Ruby	217	170	126	44	74.1%
Point Lay	207	139	113	26	81.3%
Chickaloon	205	145	9	136	6.2%
Upper Kalskag	198	172	146	26	84.9%
Copperville	196	163	43	120	26.4%
McKinley Park	196	171	5	166	2.9%
Koliganek	194	181	174	7	96.1%
White Mountain	193	180	158	22	87.8%
Mekoryuk	192	177	176	1	99.4%
Whitestone Logging Camp	189	164	6	158	3.7%
Pelican	187	222	65	157	29.3%
Grayling	186	208	194	14	93.3%
Port Graham	186	166	150	16	90.4%
Saint George	184	138	131	7	94.9%
Allakaket	182	170	160	10	94.1%
Newhalen	177	160	151	9	94.4%
Nanwalek	177	158	144	14	91.1%
Sheldon Point	177	109	101	8	92.7%
Hollis	175	111	3	108	2.7%
Diomedea	174	178	167	11	93.8%
Kokhanok	168	152	137	15	90.1%
Eyak	166	172	13	159	7.6%

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Alaska Communities, by 1997 Population in Descending Order

Community	1997 Pop.	1990 U.S. Census			% Native
		1990 Pop.	Natives	Non-Natives	
Eagle	165	168	5	163	3.0%
Wales	162	161	143	18	88.8%
Klukwan	160	129	112	17	86.8%
Deering	158	157	148	9	94.3%
Pitka's Point	154	135	129	6	95.6%
Golovin	152	127	118	9	92.9%
Hope	152	161	5	156	3.1%
Tyonek	151	154	142	12	92.2%
Hyder	151	99	1	98	1.0%
South Naknek	149	136	108	28	79.4%
Shageluk	145	139	132	7	95.0%
Cantwell	144	147	33	114	22.4%
Crooked Creek	138	106	96	10	90.6%
Cube Cove	137	156	9	147	5.8%
Naukati Bay	136	93	1	92	1.1%
Chignik Lake	127	133	122	11	91.7%
Egegik	127	122	86	36	70.5%
Koyukuk	126	126	123	3	97.6%
Chignik	125	188	85	103	45.2%
Ekwok	124	77	67	10	87.0%
Mentasta Lake	122	96	70	26	72.9%
Lignite	122	99	0	99	0.0%
Arctic Village	121	96	90	6	93.8%
Larsen Bay	120	147	124	23	84.4%
Cold Bay	120	148	8	140	5.4%
Northway	119	123	79	44	64.2%
Beaver	118	103	98	5	95.1%
Port Heiden	116	119	86	33	72.3%
Moose Pass	116	81	9	72	11.1%
Tenakee Springs	116	94	9	85	9.6%
Chuathbaluk	115	97	87	10	89.7%
Levelock	115	105	87	18	82.9%
Pilot Point	115	53	45	8	84.9%
Northway Junction	114	88	62	26	70.5%
Atka	111	73	67	6	91.8%
Northway Village	110	113	107	6	94.7%
Dry Creek	110	106	0	106	0.0%
Nikolai	108	109	97	12	89.0%
Perryville	107	108	102	6	94.4%
Hobart Bay	107	187	12	175	6.4%
Iliamna	103	94	62	32	66.0%
Sleetmute	102	106	92	14	86.8%
Akhiok	101	77	72	5	93.5%
Clam Gulch	100	79	10	69	12.7%
Tatitlek	99	119	103	16	86.6%
Stevens Village	99	102	93	9	91.2%
Gulkana	95	103	61	42	59.2%
Port Alexander	94	119	3	116	2.5%

Alaska Communities, by 1997 Population in Descending Order

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
Mosquito Lake	92	30	1	79	1.3%
Chenega Bay	91	94	65	29	69.1%
Nelson Lagoon	90	83	67	16	80.7%
Manley Hot Springs	90	96	14	82	14.6%
Kobuk	89	69	62	7	89.9%
Crown Point	88	62	3	59	4.8%
Chalkyitsik	87	90	83	7	92.2%
Tanacross	85	106	100	6	94.3%
Chitina	84	49	23	26	46.9%
Anvik	83	82	75	7	91.5%
Circle	83	73	63	10	86.3%
Dot Lake	80	70	38	32	54.3%
Whale Pass	79	75	2	73	2.7%
Halibut Cove	78	78	3	75	3.8%
Skwentna	77	85	1	84	1.2%
Chignik Lagoon	74	53	30	23	56.6%
Chiniak	74	69	4	65	5.8%
Mendeltna	72	37	2	35	5.4%
Edna Bay	70	86	0	86	0.0%
Hughes	69	54	50	4	92.6%
Ferry	69	56	7	49	12.5%
Tetlin	68	87	83	4	95.4%
Port Alsworth	67	55	1	54	1.8%
Game Creek	67	61	0	61	0.0%
Clark's Point	66	60	53	7	88.3%
False Pass	64	68	52	16	76.5%
Takotna	63	38	17	21	44.7%
Primrose	62	63	0	63	0.0%
Healy Lake	60	47	40	7	85.1%
Twin Hills	59	66	61	5	92.4%
Oscarville	59	57	52	5	91.2%
Siana	58	63	4	59	6.3%
Port Protection	58	62	1	61	1.6%
Central	57	52	1	51	1.9%
Point Baker	57	39	0	39	0.0%
Chistochina	55	60	37	23	61.7%
Rampart	54	68	64	4	94.1%
Elfin Cove	54	57	1	56	1.8%
Covenant Life	54	47	0	47	0.0%
Chase	53	38	0	38	0.0%
Lutak	52	45	8	37	17.8%
Red Devil	49	53	27	26	50.9%
Karluk	48	71	65	6	91.5%
Lime Village	47	42	40	2	95.2%
Prudhoe Bay	47	47	4	43	8.5%
Igiugig	46	33	26	7	78.8%
Tonsina	46	38	7	31	18.4%
Lake Minchumina	45	32	6	26	18.8%

Alaska Communities, by 1997 Population in Descending Order

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
Nikolski	43	35	29	6	82.9%
Stony River	42	51	45	6	88.2%
Kasaan	42	54	29	25	53.7%
Platinum	41	64	59	5	92.2%
Alexander Creek	38	40	10	30	25.0%
Birch Creek	37	42	38	4	90.5%
Pedro Bay	37	42	38	4	90.5%
Polk Inlet	36	135	18	117	13.3%
Jakolof Bay	35	28	0	28	0.0%
Eagle Village	34	35	28	7	80.0%
Paxson	34	30	0	30	0.0%
Alatna	32	31	29	2	93.5%
Bettles	32	36	8	28	22.2%
Circle Hot Springs	32	29	0	29	0.0%
Harding Lake	29	27	0	27	0.0%
Meyers Chuck	28	37	4	33	10.8%
McCarthy	28	25	1	24	4.0%
Ivanof Bay	27	35	33	2	94.3%
Wiseman	24	33	5	28	15.2%
Deadhorse	24	26	3	23	11.5%
Kupreanof	24	23	0	23	0.0%
Port Clarence	24	26	0	26	0.0%
Gakona	23	25	0	25	0.0%
Evansville	20	33	19	14	57.6%
Port Alice	19	30	2	28	6.7%
Alcan	16	27	0	27	0.0%
Portage Creek	14	5	3	2	60.0%
Rowan Bay	9	133	9	124	6.8%
Telida	5	11	10	1	90.9%
Ugashik	5	7	6	1	85.7%
Napaimute	3	3	3	0	100.0%
Ekuk	2	3	2	1	33.3%

**Alaska Communities, by Population of Natives in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
Anchorage	254,849	226,338	14,569	211,769	6.4%
Juneau	30,396	26,751	3,462	23,289	12.9%
Bethel	5,277	4,674	2,986	1,688	63.9%
Fairbanks	31,850	30,843	2,830	28,013	9.2%
Barrow	4,380	3,469	2,217	1,252	63.9%
Kotzebue	3,232	2,751	2,067	684	75.1%
Nome	3,656	3,500	1,824	1,676	52.1%
Sitka	8,733	8,588	1,797	6,791	20.9%
Ketchikan	8,552	8,263	1,296	6,967	15.7%
Metlakatla	1,595	1,464	1,206	258	82.4%
Dillingham	2,252	2,017	1,125	892	55.8%
College	11,563	11,249	950	10,299	8.4%
Hooper Bay	1,012	845	811	34	96.0%
Kodiak	6,749	6,365	811	5,554	12.7%
Mountain Village	738	674	614	60	91.1%
Emmonak	820	642	591	51	92.1%
Point Hope	749	639	587	52	91.9%
Unalakleet	803	714	584	130	81.8%
Selawik	696	596	569	27	95.5%
Chevak	721	598	556	42	93.0%
Kwethluk	672	558	538	20	96.4%
Kenai	6,971	6,327	535	5,792	8.5%
Togiak	762	613	535	78	87.3%
Hoonah	906	795	534	261	67.2%
Angoon	616	536	525	113	82.3%
Alakanuk	651	544	521	23	95.8%
Kake	767	700	514	186	73.4%
Gambell	653	525	505	20	96.2%
Saint Paul	764	763	504	259	66.1%
Noorvik	631	537	498	33	93.8%
Wrangell	2,543	2,479	496	1,983	20.0%
Savoonga	622	519	494	25	95.2%
Fort Yukon	575	580	493	87	85.0%
Quinhagak	567	501	470	31	93.8%
Wainwright	550	492	464	28	94.3%
Kipnuk	567	470	458	12	97.4%
Akiachak	560	481	457	24	95.0%
Kotlik	543	461	447	14	97.0%
Pilot Station	547	463	440	23	95.0%
Sand Point	870	878	433	445	49.3%
Shishmaref	542	456	431	25	94.5%
Seward	2,999	2,699	410	2,289	15.2%
Kasigluk	514	425	405	20	95.3%
Tokeook Bay	496	420	401	19	95.5%
Klawock	704	722	392	330	54.3%
Aniak	578	540	382	158	70.7%
Stebbins	513	400	379	21	94.8%
Galena	543	833	377	456	45.3%

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**Alaska Communities, by Population of Natives in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
New Stuyahok	452	391	375	16	95.9%
Manokotak	387	385	368	17	95.6%
Nunapitchuk	489	378	367	11	97.1%
Saint Mary's	504	441	366	75	83.0%
Kiana	415	385	360	25	93.5%
Nulato	365	359	348	11	96.9%
Andreafsky	469	410	346	62	84.4%
Hydaburg	425	384	342	42	89.1%
Tuluksak	385	358	342	16	95.5%
Petersburg	3,432	3,207	334	2,873	10.4%
Scammon Bay	459	343	331	12	96.5%
Nuiqsut	435	354	328	26	92.7%
Noatak	401	333	322	11	96.7%
Chefomak	405	320	312	8	97.5%
Napaskiak	399	328	311	17	94.8%
Kivalina	357	317	309	8	97.5%
Tununak	330	316	304	12	96.2%
Buckland	412	318	302	16	95.0%
Napakiak	354	318	300	18	94.3%
Yakutat	833	534	294	240	55.1%
Tuntutuliak	351	300	290	10	96.7%
Craig	2,043	1,260	288	972	22.9%
Kongiganak	349	294	286	8	97.3%
Lower Kalskag	278	291	286	5	98.3%
Saxman	381	369	284	85	77.0%
Ambler	333	311	279	32	89.7%
Akiak	327	285	277	8	97.2%
Tanana	299	345	270	75	78.3%
Saint Michael	341	295	269	26	91.2%
Kwigillingok	333	278	264	14	95.0%
Holy Cross	260	277	259	18	93.5%
Unalaska	4,251	3,089	259	2,830	8.4%
Marshall	318	273	253	20	92.7%
Old Harbor	301	284	252	32	88.7%
Atmautluak	292	258	250	8	96.9%
McGrath	456	528	248	280	47.0%
Eek	277	254	243	11	95.7%
Elim	301	284	242	22	91.7%
Valdez	4,486	4,068	239	3,829	5.9%
Cordova	2,467	2,110	237	1,873	11.2%
Naknek	640	575	238	339	41.0%
Russian Mission	295	246	233	13	94.7%
Goodnews Bay	263	241	231	10	95.9%
Haines	1,429	1,238	224	1,014	18.1%
Kaltag	245	240	222	18	92.5%
Anaktuvuk Pass	301	259	220	39	84.9%
Palmer	4,167	2,866	220	2,646	7.7%
Koyuk	272	231	219	12	94.8%

**Alaska Communities, by Population of Natives in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
Minto	244	218	212	6	97.2%
Wasilla	4,917	4,028	212	3,816	5.3%
Shungnak	252	223	211	12	94.6%
Atkasuk	235	216	201	15	93.1%
Grayling	186	208	194	14	93.3%
Newtok	269	207	193	14	93.2%
Kaktovik	222	224	189	35	84.4%
Huslia	245	207	188	19	90.8%
Nienana	440	393	188	205	47.8%
Brevig Mission	265	198	183	15	92.4%
Ouzinkie	246	209	178	31	85.2%
King Cove	773	451	177	274	39.2%
Mekoryuk	192	177	176	1	99.4%
Koliganek	194	181	174	7	96.1%
Venetie	241	182	171	11	94.0%
Nikiski	3,023	2,743	168	2,575	6.1%
Shaktoolik	226	178	168	10	94.4%
Diomede	174	178	167	11	93.8%
Allakaket	182	170	160	10	94.1%
Nondalton	221	178	159	19	89.3%
Soldotna	4,092	3,482	158	3,324	4.5%
White Mountain	193	180	158	22	87.8%
Copper Center	536	449	155	294	34.5%
Aleknagik	226	185	154	31	83.2%
Newhalen	177	160	151	9	94.4%
Port Graham	186	166	150	16	90.4%
Port Lions	239	222	150	72	67.6%
Deering	158	157	148	9	94.3%
Nightmute	217	153	146	7	95.4%
Upper Kalskag	198	172	146	26	84.9%
Nanwalek	177	158	144	14	91.1%
Wales	162	161	143	18	88.8%
Tyonek	151	154	142	12	92.2%
Kokhanok	168	152	137	15	90.1%
Shageluk	145	139	132	7	95.0%
Saint George	184	138	131	7	94.9%
Teller	265	151	131	20	86.8%
Homar	4,126	3,660	130	3,530	3.6%
Pitka's Point	154	135	129	6	95.6%
Ruby	217	170	126	44	74.1%
Larsen Bay	120	147	124	23	84.4%
Koyukuk	126	126	123	3	97.6%
Chignik Lake	127	133	122	11	91.7%
Golovin	152	127	118	9	92.9%
Tok	1,216	935	117	818	12.5%
Point Lay	207	139	113	26	81.3%
Klukwan	160	129	112	17	86.8%
King Salmon	478	696	108	588	15.5%

**Alaska Communities, by Population of Natives in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
South Naknek	149	136	108	28	79.4%
Northway Village	110	113	107	6	94.7%
Salamatof	1,134	999	104	895	10.4%
Tatitlek	99	119	103	16	86.6%
Perryville	107	108	102	6	94.4%
Sheldon Point	177	109	101	8	92.7%
Tanacross	85	106	100	6	94.3%
Beaver	118	103	98	5	95.1%
Nikolai	108	109	97	12	89.0%
Crooked Creek	138	106	96	10	90.6%
Ridgeway	2,364	2,018	93	1,925	4.6%
Stevens Village	99	102	93	9	91.2%
Sleetmute	102	106	92	14	86.8%
Arctic Village	121	36	90	6	93.8%
Ninilchik	655	456	89	367	19.5%
Chuathbaluk	115	97	87	10	89.7%
Levelock	115	105	87	18	82.9%
Egegik	127	122	86	36	70.5%
Port Heiden	116	119	80	33	72.3%
Chignik	125	188	85	103	45.2%
Chalkyitsik	87	90	83	7	92.2%
Tetlin	68	87	83	4	95.4%
Akutan	420	589	80	509	13.6%
Northway	119	123	79	44	64.2%
Sterling	5,705	3,802	79	3,723	2.1%
North Pole	1,631	1,456	78	1,378	5.4%
Anvik	83	82	75	7	91.5%
Butte	2,538	2,039	73	1,966	3.6%
Akhiok	101	77	72	5	93.5%
Mentasta Lake	122	96	70	26	72.9%
Meadow Lakes	4,693	2,374	69	2,305	2.9%
Atka	111	73	67	6	91.8%
Ekwok	124	77	67	10	87.0%
Nelson Lagoon	90	83	67	16	80.7%
Chenega Bay	91	94	65	29	69.1%
Karluk	48	71	65	6	91.5%
Pelican	187	222	65	157	29.3%
Womens Bay	662	620	65	555	10.5%
Rampart	54	68	64	4	94.1%
Circle	83	73	63	10	86.3%
Iliamna	103	84	62	32	66.0%
Kobuk	89	69	62	7	89.9%
Northway Junction	114	88	62	26	70.5%
Gulkana	95	103	61	42	59.2%
Twin Hills	59	66	61	5	92.4%
Platinum	41	64	59	5	92.2%
Tazlina	297	247	57	190	23.1%
Big Lake	2,243	1,477	54	1,423	3.7%

**Alaska Communities, by Population of Natives in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
Clark's Point	66	60	53	7	88.3%
False Pass	64	68	52	16	76.5%
Oscarville	59	57	52	5	91.2%
Hughes	69	54	50	4	92.6%
Eielson AFB	4,203	5,251	48	5,203	0.9%
Eklutna	425	381	48	333	12.5%
Fritz Creek	1,972	1,426	48	1,378	3.4%
Seldovia	285	316	48	268	15.2%
Pilot Point	115	53	45	8	84.9%
Stony River	42	51	45	6	88.2%
Copperville	196	163	43	120	26.4%
Kenny Lake	500	423	41	382	9.7%
Healy Lake	60	47	40	7	85.1%
Lime Village	47	42	40	2	95.2%
Birch Creek	37	42	38	4	90.5%
Dot Lake	80	70	38	32	54.3%
Pedro Bay	37	42	38	4	90.5%
Skagway	816	692	38	654	5.5%
Chistochina	55	60	37	23	61.7%
Lazy Mountain	1,043	838	36	802	4.3%
Kodiak Station	1,638	2,025	34	1,991	1.7%
Cantwell	144	147	33	114	22.4%
Ivanof Bay	27	35	33	2	94.3%
Two Rivers	623	453	33	420	7.3%
Anchor Point	1,157	866	32	834	3.7%
Knik	443	272	31	241	11.4%
Chignik Lagoon	74	53	30	23	56.6%
Glennallen	513	451	30	421	6.7%
Whittier	299	243	30	213	12.3%
Alatna	32	31	29	2	93.5%
Delta Junction	855	652	29	623	4.4%
Kasaan	42	54	29	25	53.7%
Nikolski	43	35	29	6	82.9%
Eagle Village	34	35	28	7	80.0%
Red Devil	49	53	27	26	50.9%
Igiugig	46	33	26	7	78.8%
Houston	994	697	25	672	3.6%
Anderson	565	628	23	605	3.7%
Chitina	84	49	23	26	46.9%
Fox	321	275	20	255	7.3%
Evansville	20	33	19	14	57.6%
Happy Valley	391	309	19	290	6.1%
Pleasant Valley	552	401	19	382	4.7%
Polk Inlet	36	135	18	117	13.3%
Sutton	431	308	18	290	5.8%
Trapper Creek	306	296	18	278	6.1%
Takotna	63	38	17	21	44.7%
Big Delta	508	400	16	384	4.0%

*Handwritten mark*

**Alaska Communities, by Population of Natives in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
Moose Creek	683	610	15	595	2.5%
Salcha	373	354	15	339	4.2%
Manley Hot Springs	90	96	14	82	14.6%
Coffman Cove	246	186	13	173	7.0%
Eyak	166	172	13	159	7.6%
Hobart Bay	107	187	12	175	6.4%
Kalifornsky	335	285	12	273	4.2%
Fort Greely	740	1,299	11	1,136	1.0%
Kachemak	398	365	11	354	3.0%
Kasilof	539	383	11	372	2.9%
Alexander Creek	38	40	10	30	25.0%
Clam Gulch	100	79	10	69	12.7%
Gustavus	346	258	10	248	3.9%
Telida	5	11	10	1	90.9%
Chickaloon	205	145	9	136	6.2%
Cohoe	598	508	9	499	1.8%
Cube Cove	137	156	9	147	5.8%
Moose Pass	116	81	9	72	11.1%
Rowan Bay	9	133	9	124	6.8%
Tenakee Springs	116	94	9	85	9.6%
Bettles	32	36	8	28	22.2%
Cold Bay	120	148	8	140	5.4%
Lutak	52	45	8	37	17.8%
Ester	236	147	7	140	4.8%
Ferry	59	56	7	49	12.5%
Healy	603	487	7	480	1.4%
Thorne Bay	625	569	7	562	1.2%
Tonsina	46	38	7	31	18.4%
Lake Minchumina	45	32	6	26	18.8%
Ugashik	5	7	6	1	85.7%
Whitestone Logging Camp	189	164	6	158	3.7%
Eagle	165	168	5	163	3.0%
Hope	152	161	5	156	3.1%
McKinley Park	196	171	5	166	2.9%
Nikolaevsk	474	371	5	366	1.3%
Wiseman	24	33	5	28	15.2%
Chiniak	74	69	4	65	5.8%
Meyers Chuck	28	37	4	33	10.8%
Prudhoe Bay	47	47	4	43	8.5%
Slana	58	63	4	59	6.3%
Talkeetna	347	250	4	246	1.6%
Cooper Landing	271	243	3	240	1.2%
Crown Point	88	62	3	59	4.8%
Deadhorse	24	26	3	23	11.5%
Halibut Cove	78	78	3	75	3.8%
Hollis	175	111	3	108	2.7%
Napaimute	3	3	3	0	100.0%
Port Alexander	94	119	3	116	2.5%

**Alaska Communities, by Population of Natives in Descending Order  
From 1990 U.S. Census Data**

Community	1997 Pop.	1990 U.S. Census			
		1990 Pop.	Natives	Non-Natives	% Native
Portage Creek	14	5	3	2	60.0%
Willow	408	285	3	282	1.1%
Ekuk	2	3	2	1	33.3%
Mendeltna	72	37	2	35	5.4%
Port Alice	19	30	2	28	6.7%
Whale Pass	79	75	2	73	2.7%
Central	57	52	1	51	1.9%
Elfin Cove	54	57	1	56	1.8%
Hyder	151	99	1	98	1.0%
McCarthy	28	25	1	24	4.0%
Mosquito Lake	92	80	1	79	1.3%
Naukatu Bay	136	93	1	92	1.1%
Port Alsworth	67	55	1	54	1.8%
Port Protection	58	62	1	61	1.6%
Skwentna	77	85	1	84	1.2%
Alcan	16	27	0	27	0.0%
Chase	53	38	0	38	0.0%
Circle Hot Springs	32	29	0	29	0.0%
Coldfoot	26	0	0	0	0.0%
Covenant Life	54	47	0	47	0.0%
Dry Creek	110	106	0	106	0.0%
Edna Bay	70	86	0	86	0.0%
Fox River	435	382	0	382	0.0%
Gakona	23	25	0	25	0.0%
Game Creek	67	61	0	61	0.0%
Harding Lake	29	27	0	27	0.0%
Jakolof Bay	35	28	0	28	0.0%
Kupreanof	24	23	0	23	0.0%
Lignite	122	99	0	99	0.0%
Paxson	34	30	0	30	0.0%
Point Baker	57	39	0	39	0.0%
Port Clarence	24	26	0	26	0.0%
Primrose	62	63	0	63	0.0%

*SL*

OFFNETS

Chevak  
McGrath  
Kotzebue

Radio KCIK  
Radio KSKC  
Radio KOTZ

- (4) Chevak  
→ Carl
- (5) Yakutat
- (14) John Borbridge  
Juncos
- (15)
- (6) <sup>Traditional Council</sup>  
Richard Slate  
Chimeral reef  
Walter Johnson

04/08/98  
19:33:27

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:80654 SCHEDULED FOR:04/08/98 19:00 TO 23:45  
PUBLIC HEARING HOUSE FINANCE

LTN1150  
BY:ANC  
FOR:ANC

LOCATION: ANCHORAGE

HB 406  
HB 406

(8) GABE  
(1) TOM

SAM  
LAKOSH

TANANA CHIEFS CNTESTIFY  
TESTIFY

04/08/98 19:32:15 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
MESSAGE FROM: LIODJG IN ANCHORAGE

LTN1120  
JNU

TCN: 80654 SCHEDULED FOR:04/08/98 19:00 TO 23:45  
SPONSOR: HOUSE FINANCE PURPOSE: PUBLIC HEARING

MESSAGE TEXT: (9) TO TESTIFY BILL MILLER/DOT LAKE AND  
~~WALTER JOHNSON/YAKUTAT~~

04/08/98  
19:10:49

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:80654 SCHEDULED FOR:04/08/98 19:00 TO 23:45  
PUBLIC HEARING HOUSE FINANCE

LTN1150  
BY:FBX  
FOR:FBX

LOCATION:FAIRBANKS  
HB 406

10

MR.

ED

BARKER

TESTIFY

04/08/98  
18:58:14

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (TESTIFIERS ONLY)  
TCN:80654 SCHEDULED FOR:04/08/98 19:00 TO 23:45  
PUBLIC HEARING HOUSE FINANCE

LTN1150  
BY:TOK  
FOR:TOK

LOCATION:DOT LAKE  
HB 406 MR

BILL

MILLER

SELF

TESTIFY

04/08/98  
18:58:45

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)

LTN1150  
BY:KEN  
FOR:KEN

TCN:80654 SCHEDULED FOR:04/08/98 19:00 TO 23:45  
PUBLIC HEARING HOUSE FINANCE

LOCATION:KENAI LIO  
HB 406

(11)

MR.

THEO

MATHEWS

UFA

TESTIFY

04/08/98  
18:58:05

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)

LTN1150  
BY:KOT  
FOR:KOT

TCN:80654 SCHEDULED FOR:04/08/98 19:00 TO 23:45  
PUBLIC HEARING HOUSE FINANCE

LOCATION:KOTZEBUE  
ALL ITEMS

MS

(12)

BARBARA

JANITSCHK

MANIILAQ

TESTIFY

04/08/98  
19:02:32

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:80654 SCHEDULED FOR:04/08/98 19:00 TO 23:45  
PUBLIC HEARING HOUSE FINANCE

LTN1150  
BY:NOM  
FOR:NOM

LOCATION:NOME

HB 406  
HB 406

① MR. CALEB  
② MR. AUSTIN

PUNGOWIYI  
AHMASUK

*Dist Nat Res*

KAWERAK, INC.

TESTIFY  
TESTIFY

04/08/98  
19:03:09

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS) .  
TCN:80040 SCHEDULED FOR:04/08/98 19:00 TO 20:00  
CONSTITUENT MEETING DISTRICT 35

LTN1150  
BY:VAL  
FOR:VAL

LOCATION:VALDEZ  
ALL ITEMS

MR

TIM

RENNIE

TELEPHONE

TESTIFY

04/08/98  
20:00:56

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (TESTIFIERS ONLY)  
TCN:80654 SCHEDULED FOR:04/08/98 19:00 TO 23:45  
PUBLIC HEARING HOUSE FINANCE

LTN1150  
BY:NOM  
FOR:NOM

LOCATION:NOME

HB 406	<del>MR.</del>	<del>CALEB</del>	<del>PUNGOWIYI</del>	<del>KAWERAK, INC.</del>	<del>TESTIFY</del>
HB 406	<del>MR.</del>	<del>AUSTIN</del>	<del>AHMASUK</del>	<del>SELF</del>	<del>TESTIFY</del>
HB 406	MS.	LORETTA	BULLARD	KAWERAK, INC.	TESTIFY

(13)

04/08/98  
19:16:18

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM  
PARTICIPANT LIST (ALL PARTICIPANTS)  
TCN:80654 SCHEDULED FOR:04/08/98 19:00 TO 23:45  
PUBLIC HEARING HOUSE FINANCE

LTN1150  
BY:KTN  
FOR:KTN

LOCATION:KETCHIKAN

HB 406	3 MR.	DON	WESTLAND	SELF	TESTIFY
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