

HJR

21

She's
"refusing"
4/15/97

Bob -

Ramona says she has a bill
re subsistence that conforms to
the "sex" section of our constitution
She said I could have a copy -
Please call her office and get
me one -

Bob - Let's try & see what happens if
we ask Mike Ventresca to have HJR3
referred first to state affairs?

Will probably have to talk to the
speaker about it. but -

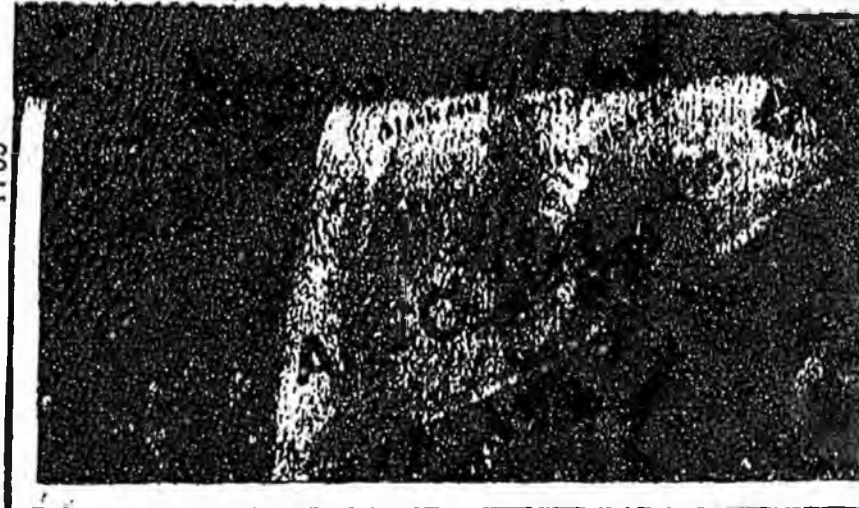
I understand Ted Popley & crew are
in the process of drafting a Constitutional
Amendment re subsistence -

I think Ivan should get credit if
there is going to be one -

J

REP. BEVERLY MASEK

P. 05



VICKI NAEGELE/Frontiersman

CLEAN SWEEP

Palmer-Wasilla Highway is looking neat and tidy after local volunteers swept over it Saturday, removing months worth of trash. At left, Teddy Babcock hoists a bright yellow bag from Alaskans for Litter Prevention and Recycling (ALPAR). Above, Sally Heath and her grandson Track Palm make the cleanup a cross-generational effort. All three volunteers were with a group from the Mat-Su Covenant Church, which is located on the Palmer-Wasilla Highway.

ready. But Hallford, who has also called for a state audit, has indicated he means more than a simple accounting check. His resolution, SJR 28, requests "the federal government to conduct an audit of the Alaska Native Regional Corporations to determine their compliance with the Alaska Native Claims Settlement Act and to review the accountability of the corporations to their shareholders."

Havelock said, "Every state

See AUDITS, Page A12

AOC concession could alienate members

By PAUL STUART

Frontiersman reporter

WASILLA — By endorsing a resolution to amend federal law governing subsistence in a way that still permits rural preference, the Alaska Outdoor Council, has made a big concession, AOC president Rod Arno said Friday.

"In fact," Arno said, "we went so far in signing on to this resolution, that we

may have alienated a large part of our membership." The AOC has about 12,000 members.

The AOC at its annual meeting in Juneau last month voted to endorse a resolution to Congress put forward by state Rep. Beverly Masek, R-Willow, to amend the contentious Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA).

Masek's resolution calls for continued

rural preferences for fish and game harvesting in times of scarcity, but allows the State of Alaska to define phrases about rural and traditional use.

At the same time, the AOC has continued to endorse a traditional policy of public trust, which Arno says is "embedded in our state constitution — calling for equal access for all Alaskans to resources that include fish and game." He indicated the AOC, "in offering this

olive branch, has straddled a dangerous fence. We've gone about as far as we can go."

AOC executive director Dick Bishop announced he would be retiring from the position he has held for three years, to move to a rural area north of Denali National Park.

Arno said the council has not yet decided upon a replacement for Bishop, who will be retiring on July 1.

School board mulls Sherrod schedule

By EOWYN LOMAY IVEY

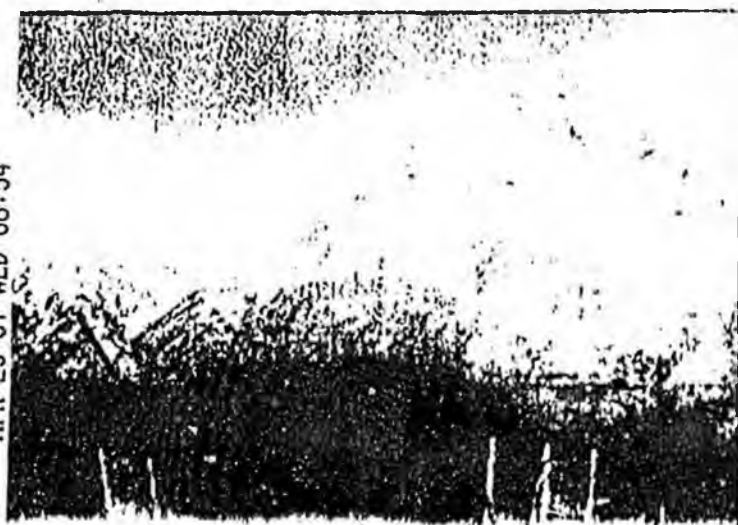
Frontiersman reporter

A new scheduling plan for Sherrod Elementary may prove to be as controversial among school board members as it has been among community members.

During its April 16 meeting, the Mat-Su school board was presented with principal Rick

ule and asked school board members to give him some direction. While the board is waiting until after an April 29 work session to make a decision, members already appear to be of conflicting opinions.

"There has been a tendency ... for different school sites to be going in different directions," board member John Hensel said following Luthi's presentation.



APR-23-97 WED 08:54

INSIDE



PASSING THE BATON

Track season officially got underway Saturday at the Palmer Relays.

See SPORTS, Page B1.

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HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 1, 1997

FURTHER REFERRALS:

Date of Committee Action: 5/3/97

The STATE AFFAIRS Committee considered:

HJR 21

HOUSE JOINT RESOLUTION NO. 21

REQUESTING CONGRESS TO AMEND ANILCA

Relating to amendment of Title VIII of the Alaska National Interest Lands Conservation Act.

recommends it be replaced with the following committee substitute _____ 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)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jannette James</i>				<input checked="" type="checkbox"/>
<i>K. O'S</i>		<input checked="" type="checkbox"/>		
<i>William R. ...</i>		<input checked="" type="checkbox"/>		
<i>Mary ...</i>			<input checked="" type="checkbox"/>	
<i>Fred ...</i>				<input checked="" type="checkbox"/>
<i>...</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *Jannette James*

Alaska State Legislature



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During Interim: June - Dec.
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Committees:

Military & Veteran Affairs,
Chair

House Resources,
Vice-Chair

House Transportation,
Vice-Chair

Legislative Council

Representative Beverly Masek

SPONSOR STATEMENT

HJR 21

HJR 21, "Relating to amendment of Title VIII of ANILCA," provides for two important items within the confines of the subsistence debate. First it will allow Alaskans an opportunity to discuss how the resolution of this important issue should take place, among Alaskans, or as imposed on us by federal law. As the legislature debates the merits of HJR 21, the people of Alaska will have a chance to participate in deciding whether this issue is better resolved by placing Alaskans at the table and working out a reasonable solution, or if we should relinquish some of our State's authority by following federal directives.

Secondly, if Alaskans agree, the basic tenets put forth by HJR 21 should be presented to Congress as a possible answer to this long running debate. It is important to note that if Congress acts favorably on HJR 21, that the major issue of a rural preference will remain in federal statute as a prerequisite for state management. However, Alaskans will have the option of trying to come to a reasonable agreement on what the terms "rural" and "customary and traditional" mean. I strongly believe the people of this state can do that.

HJR 21 also makes a request of Congress to clarify or change some of the other provisions of ANILCA. Among the changes requested are: a definition of public lands that would exclude state and private land and water, prohibit the preemption of state fish and wildlife management on state and private land and water, repeal of federal court oversight provision of state subsistence management programs, and the elimination of commercial sale of subsistence taken resources.

So far neither side in the subsistence debate seems willing to budge on the issues of amending ANILCA or the state constitution as the first step in returning full management authority to the state. The approach in HJR 21 is somewhat different in that it asks that the major stumbling block, "the rural priority," be kept in ANILCA, but at the same time to allow the state to define it. I realize this isn't by any means a perfect answer that will satisfy the parties involved on either side of this divisive issue; however, I am hopeful Alaskans, given the chance, can sit down and come up with a workable definition. I would encourage everyone to take a close look at this approach and give it some consideration as I feel it might start us towards resolving this important issue.

HOUSE BILL NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BARNES

Introduced:
Referred:

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to subsistence hunting and fishing; and providing for an effective
2 date."

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

4 * Section 1. AS 16.05.251(e) is amended to read:

5 (e) The Board of Fisheries may allocate fishery resources among subsistence,
6 personal use, sport, guided sport, and commercial fisheries. The board shall adopt
7 criteria for the allocation of fishery resources and shall use the criteria as appropriate
8 to particular allocation decisions. The criteria for the allocation to and among
9 subsistence uses must be consistent with AS 16.05.258. The criteria for the
10 allocation among personal use, sport, guided sport, and commercial fishing may
11 include factors such as

12 (1) the history of each personal use, sport, guided sport, and
13 commercial fishery;

14 (2) the number of residents and nonresidents who have participated in

1 each fishery in the past and the number of residents and nonresidents who can
2 reasonably be expected to participate in the future;

3 (3) the importance of each fishery for providing residents the
4 opportunity to obtain fish for personal and family consumption;

5 (4) the availability of alternative fisheries resources;

6 (5) the importance of each fishery to the economy of the state;

7 (6) the importance of each fishery to the economy of the region and
8 local area in which the fishery is located;

9 (7) the importance of each fishery in providing recreational
10 opportunities for residents and nonresidents.

11 * Sec. 2. AS 16.05.251 is amended by adding a new subsection to read:

12 (i) The Board of Fisheries shall establish by regulation criteria for determining
13 the individuals who may take a fishery resource

14 (1) for subsistence uses; and

15 (2) in a fishery for subsistence uses in the event of restrictions on
16 subsistence uses of the fishery resource.

17 * Sec. 3. AS 16.05.255(a) is amended to read:

18 (a) The Board of Game may adopt regulations it considers advisable in
19 accordance with AS 44.62 (Administrative Procedure Act) for

20 (1) setting apart game reserve areas, refuges, and sanctuaries in the
21 water or on the land of the state over which it has jurisdiction, subject to the approval
22 of the legislature;

23 (2) establishing open and closed seasons and areas for the taking of
24 game;

25 (3) establishing the means and methods employed in the pursuit,
26 capture, taking, and transport of game, including regulations, consistent with resource
27 conservation and development goals, establishing means and methods that may be
28 employed by persons with physical disabilities;

29 (4) setting quotas, bag limits, harvest levels, and sex, age, and size
30 limitations on the taking of game;

31 (5) classifying game as game birds, song birds, big game animals, fur

1 bearing animals, predators, or other categories;

2 (6) methods, means, and harvest levels necessary to control predation
3 and competition among game in the state;

4 (7) watershed and habitat improvement, and management, conservation,
5 protection, use, disposal, propagation, and stocking of game;

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

8 (9) establishing the times and dates during which the issuance of game
9 licenses, permits, and registrations and the transfer of permits and registrations between
10 registration areas and game management units or subunits is allowed;

11 (10) regulating sport hunting and subsistence hunting, consistent with
12 AS 16.05.258, as needed for the conservation, development, and utilization of game;

13 (11) taking game to ensure public safety;

14 (12) establishing criteria for determining which individuals may
15 take game for subsistence uses and the individuals who may take game from a
16 game population in the event of restrictions on subsistence uses of the game
17 population.

18 * Sec. 4. AS 16.05.258(a) is repealed and reenacted to read:

19 (a) The Board of Fisheries and the Board of Game shall identify the fish
20 stocks and game populations, or portions of stocks and populations, that are
21 customarily and traditionally used for subsistence uses in each area identified by the
22 boards.

23 * Sec. 5. AS 16.05.258(b) is repealed and reenacted to read:

24 (b) The boards shall determine

25 (1) what portion, if any, of the stocks and populations identified under
26 (a) of this section can be harvested consistent with sustained yield; and

27 (2) how much of the harvestable portion is needed to provide a
28 reasonable opportunity to satisfy the subsistence uses of those stocks and populations.

29 * Sec. 6. AS 16.05.258(c) is repealed and reenacted to read:

30 (c) The boards shall, for each stock and population for which a harvestable
31 portion is determined to exist under (b)(1) of this section, allocate by regulation the

1 percentage of the stock or population that may be taken for subsistence uses, for
2 personal uses, for sport uses, and for commercial uses. The percentage allocated for
3 subsistence uses must give a preference to satisfy subsistence uses. If it is necessary
4 to restrict subsistence fishing or subsistence hunting in order to assure sustained yield
5 or continue subsistence uses, then the preference shall be limited, and the boards shall
6 distinguish among subsistence users on the basis of their

7 (1) customary and direct dependence on the fish stock or game
8 population for human consumption as the mainstay of livelihood; and

9 (2) ability to obtain food if subsistence use is restricted or eliminated.

10 * Sec. 7. AS 16.05.258 is amended by adding a new subsection to read:

11 (g) The boards may adopt regulations consistent with this section that authorize
12 taking for nonsubsistence uses a stock or population identified under (a) of this section.

13 * Sec. 8. AS 16.05.940(30) is amended to read:

14 (30) "subsistence fishing" means the taking of, fishing for, or
15 possession of fish, shellfish, or other fisheries resources [BY A RESIDENT
16 DOMICILED IN A RURAL AREA OF THE STATE] for subsistence uses with gill
17 net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

18 * Sec. 9. AS 16.05.940(31) is amended to read:

19 (31) "subsistence hunting" means the taking of, hunting for, or
20 possession of game [BY A RESIDENT DOMICILED IN A RURAL AREA OF THE
21 STATE] for subsistence uses by means defined by the Board of Game;

22 * Sec. 10. AS 16.05.940(32) is amended to read:

23 (32) "subsistence uses" means the noncommercial, customary and
24 traditional uses of wild, renewable resources by an individual who significantly
25 depends on the resource [A RESIDENT DOMICILED IN A RURAL AREA OF THE
26 STATE] for direct personal or family consumption as food, shelter, fuel, clothing,
27 tools, or transportation, for the making and selling of handicraft articles out of
28 nonedible by-products of fish and wildlife resources taken for personal or family
29 consumption, and for the customary trade, barter, or sharing for personal or family
30 consumption; in this paragraph, "family" means persons related by blood, marriage, or
31 adoption, and a person living in the household on a permanent basis;

1 * Sec. 11. AS 16.05.940(27) is repealed.

2 * Sec. 12. Sections 3, 5, and 9, ch. 1, SSSLA 1992, are repealed.

3 * Sec. 13. TRANSITION. (a) It is the intent of the legislature that the Board of Fisheries
4 and the Board of Game expeditiously adopt regulations necessary to implement secs. 1 - 10
5 of this Act.

6 (b) Regulations adopted by the Board of Fisheries, Board of Game, or Department of
7 Fish and Game after the effective date of this Act may not be inconsistent with the provisions
8 of secs. 1 - 10 of this Act.

9 (c) Regardless of whether regulations in effect on the effective date of this Act, and
10 adopted under the authority of AS 16.05.251, 16.05.255, or 16.05.258, as those statutes read
11 on the day before the effective date of this Act, are inconsistent with the provisions of secs.
12 1 - 10 of this Act, they may continue to be implemented and enforced until October 1, 1997.

13 * Sec. 14. This Act takes effect immediately under AS 01.10.070(c).

SENATE JOINT RESOLUTION NO. 28
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATORS HALFORD, Green, Taylor, Miller, Sharp, Torgerson, Donley, Leman, Wilken, Ward, Phillips

Introduced:

Referred:

A RESOLUTION

1 Requesting the federal government to conduct an audit of the Alaska Native
2 regional corporations to determine their compliance with the Alaska Native Claims
3 Settlement Act and to review the accountability of the corporations to their
4 shareholders.

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

6 WHEREAS the 92nd Congress of the United States adopted the Alaska Native Claims
7 Settlement Act (ANCSA) on December 18, 1971; and

8 WHEREAS the Congress intended the regional corporations created by ANCSA to be
9 the economic foundation that would allow Alaska Natives to build upon the settlement and
10 preserve the benefits of the settlement for future generations of Alaska Natives; and

11 WHEREAS the Native regional corporations created by ANCSA have never been
12 audited by the State; and

13 WHEREAS Governor Knowles has stated that the State should not and will not audit
14 Native regional corporations; and

15 WHEREAS the open dialogue between the Native regional corporations, their
16 shareholders, and the state that the Congress intended to promote by exempting the Alaska

1 Native regional corporations from many of the security laws have instead lessened the Native
2 regional corporations' accountability to their shareholders; and

3 **WHEREAS** the State and federal governments have substantial investments, over
4 \$1,000,000,000 and 44,000,000 acres of land, in the Alaska Native regional corporations to
5 settle claims by Native people of Alaska; and

6 **WHEREAS** a call from the Alaska State Senate floor was made for an audit of the
7 Native regional corporations to find where this money went, why the people did not receive
8 lands and benefits promised, and why Native people want to return to a failed federal system
9 in order to get those promises fulfilled; and

10 **WHEREAS** officers of some of the regional corporations make substantial income
11 while over one-third of their shareholders live at or below the poverty level; and

12 **WHEREAS** ANCSA has apparently failed the Native people of Alaska, and one of
13 the results of this failure is an outcry by Native people of Alaska for sovereignty; and

14 **WHEREAS** many Alaska Natives feel intentionally disenfranchised by, and
15 uninformed about, the actions of the regional corporations; and

16 **WHEREAS** Alaska Natives deserve accountability and responsiveness from the
17 regional corporations that were established by the Congress to assist them in their bid for self-
18 determination;

19 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
20 President and the United States Congress to conduct a multi-year audit of the Alaska Native
21 regional corporations to determine their compliance with the Alaska Native Claims Settlement
22 Act and to review their accountability to their shareholders for the over \$1,000,000,000 and
23 the promises of the Alaska Native Claims Settlement Act; and be it

24 **FURTHER RESOLVED** that the results of the audit shou' d be provided to the
25 Governor and Legislature of the State of Alaska.

26 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President; the
27 Honorable Al Gore, Jr., Vice-President and President of the U.S. Senate; the Honorable Strom
28 Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Trent Lott, Majority
29 Leader of the U.S. Senate; the Honorable Thomas Daschle, Minority Leader of the U.S.
30 Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the
31 Honorable Dick Arney, Majority Leader of the U.S. House of Representatives; the Honorable

- 1 Richard A. Gephardt, Minority Leader of the U.S. House of Representatives; and the
- 2 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
- 3 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

MARRS AT CIRC
1996INFORMATIONAL HANDOUT FROM ROBERT W. RUDE

For those of you that supported my election last year, I thank you. Since July 1996, I have been trying to get information on how much land CIRI still owns and on management compensation but Marrs has denied many of my requests. After 8 months, I was finally given the information which I am bringing to you in this handout.

REPORTED COMPENSATION. In 1995 Huhndorf was paid \$441,390, Marrs \$297,190, Hillard \$348,729, and Kroloff \$228,179. In 1994, Huhndorf was paid \$391,224, Hillard \$655,483, Marrs \$235,896, and Kroloff \$212,492. In 1993, Huhndorf was paid \$548,971, Hillard \$405,179, Marrs \$326,270. In the last five years Huhndorf's pay averaged approximately \$8,417 per week (CIRI Proxy Statements 1994 to 1996).

SERVICE AWARD. In 1994, the CIRI Board approved a Service Award of \$800,000 for Huhndorf. Minutes of the Compensation Committee said the award was to be paid 12-31-95. The award was not reported to shareholders in CIRI's 1995 or 1996 Proxy Statements (CIRI minutes of 2-18-94).

ANOTHER \$825,000. CIRI's May 1996 newsletter it said Huhndorf was paid a total of \$800,000 in retirement compensation: \$200,000 from CIRI and \$600,000 from BellSouth for services as chairman of the CIRI/BELLSouth partnership. The newsletter did not tell you the correct amount. Huhndorf was paid \$625,000---not \$600,000. The three year contract was approved by the CIRI Board in October 1995, and it was signed by Mr. Hillard (an executive of Cook Inlet Corporation a subsidiary of CIRI) on January 16, 1996. WHY WASN'T THE CONTRACT SIGNED BY BELLSOUTH? There was no mention of a \$200,000 retirement bonus in the contract. Huhndorf was paid the \$625,000 on April 26, 1996, as a result of the early termination of his contract. MUST BE NICE TO MAKE \$825,000 IN THREE MONTHS! The money was not reported to shareholders in CIRI's 1996 Proxy Statement.

SPLIT THE POT. In early 1996, \$398,000 was given to Huhndorf and Marrs. The money was given as a RETIREMENT BONUS for Huhndorf and a raise for Marrs. WASN'T PROFIT SHARING PROVIDED AS A RETIREMENT OPTION FOR CIRI EMPLOYEES?

PROFIT SHARING. Proxy Statements from 1984 to 1996 show Huhndorf was paid over \$167,000 for PROFIT SHARING. When 12 years of Fund earnings are included the amount paid him is SUBSTANTIAL. I asked for the total amount of Profit Sharing that was paid Huhndorf but my request was denied by Marrs.

MORE MONEY. A Consulting Agreement pays Huhndorf \$150 PER HOUR plus expenses. He retains compensation paid from LIN TV, Southcentral Foundation, Cook Inlet Tribal Council and CIRI. In addition, he is paid board fees from our subsidiary corporations. Board fees received from subsidiaries are deducted from consulting fees owed Huhndorf by any of the subsidiaries. I asked for information that would show how much our subsidiaries paid Huhndorf but the information was denied me by Marrs.

SEVERANCE. In February 1995, the CIRI Board adopted a severance policy for executives which provided UP TO 12 MONTHS OF SALARY PLUS \$50,000 for executives who were employed at CIRI for 15 or more years. I wrote CIRI requesting a list of the executives and the severance paid to each of them but by request was denied by Marrs.

LONG-TERM COMPENSATION. CIRI management has a long-term compensation plan that covers ten years (from 1993 to 2003). Shareholders should request that the plan be explained to them.

RETIREMENT PARTY? In Dec. 1995, Huhndorf resigned from CIRI as CEO. His date of resignation was Jan. 2, 1996. DID YOU KNOW CIRI SPENT OVER \$110,000 FOR HUHNDORF'S RETIREMENT PARTY and for label pins?

FISHING LODGE. CIRI management has an EXCLUSIVE FISHING LODGE for executives, and it only cost US approximately \$235,000 in 1996. MUST BE NICE TO HAVE A FISHING LODGE PAID FOR BY SHAREHOLDERS. YOU MIGHT CALL AND SEE IF YOU CAN FISH THERE.

ITS YOUR MONEY. Last year CIRI spent over \$90,000 for Participation committees. DO YOU THINK THE COMMITTEES WERE WORTH THE EXPENSE? CIRI also spent about \$1.3 MILLION for professional services, advertising and promotion. A large amount of the money was spent to improve the image of management. HOW DO YOU LIKE THEM SPENDING YOUR MONEY TO IMPROVE THEIR IMAGE? Did you know that CIRI increased its advertising and promotion expenses by over \$41,000 last year to oppose my election to the CIRI Board?

LIVING IN POVERTY. It has been stated that approximately 70% OF OUR SHAREHOLDERS LIVE IN POVERTY. CAN YOU SEE WHY? ISN'T IT TIME WE PUT AN END TO CORPORATE GREED AND CONTROL?

4 OPTIONS.

- o CIRI's assets, including natural gas and oil holdings not included in year end reports, are worth nearly \$1 BILLION, according to Mr. Kriste a CIRI executive (Feb. 16, 1989 Anchorage News).
- o Include (CIRI's) Alaska real estate, and (CIRI) shares might well be worth \$100,000 OR MORE (Huhndorf Forbes 11-12-90).
- o Shareholder equity was \$70,525 PER 100 SHARES (CIRI 1995 Annual Report). WHAT WOULD SHAREHOLDER EQUITY BE IF ANCSA LANDS AND SUBSURFACE RESOURCES WERE ADDED?
- o Investors are paying 4.6 times book value (shareholder equity) for the Standard and Poors 500 and 20.5 TIMES PROFIT (quote from New York Times in Anchorage News 2-16-97).
- o CIRI's return on shareholder equity is about 2.6%. Many shareholders feel they could get a return of 6% or \$4200 per year instead of the \$1800-\$1900 a year we get.
- o Why is the vote on the options an advisory vote? Could it have anything to do with dissenters rights?

My book AN ACT OF DECEPTION is out, if you want a copy send a check or money order in the amount of \$13.50 (includes shipping) made out to: Robert W. Rude, 14940 Woodland Ave., Eagle River, Ak. 99577.

At next Shareholder Meeting.

INFORMATIONAL HANDOUT #2 FROM ROBERT W. RUDE

OUR LAND. When testimony was being taken on the Land Claims bill, hundreds of Alaska Natives gave testimony on the importance securing a land base and retaining those lands to protect our culture.

ANNUAL REPORTS. Say CIRI's land entitlement was 1,260,000 acres and 2,285,000 acres of subsurface. In 1995 CIRI land figures changed to 1,302,000 acres of surface and 2,360,000 acres of subsurface. The 1995 report said our Alaska land entitlements were traded for \$220,484,000 of surplus government properties, and our trade accounts had all been used up. I requested information as to why our land entitlements increased, but Marrs refused to answer my question or provide me documents on the subject.

BLM REPORT. Unable to get answers to my questions, I attended a meeting with several other shareholders and Bureau of Land officials. We was given the following information; 1) Our out-of-region entitlement was 761,776 acres; 2) ALL OF OUR OUT OF REGION entitlement was traded except for 128,695 acres (98,860 were conveyed and 29,835 acres remained to be conveyed) and 3) Our surplus property account increased from \$220,484,000 to \$236,300,000. It appears to me that CIRI has traded approximately 635,081 acres of our out of region (Alaska land selection rights) for surplus properties, and we were remaining entitlement was approximately 662,536 acres.

LIQUIDATION OF LANDS. In the May/June 1993 newsletter, Huhndorf said CIRI had about \$30 million of earning asset properties and was developing another \$40 million. The balance of the surplus properties (about \$100 million) have been sold off or are in the process of being sold in order to realize their cash value. As of 1993, CIRI sold about \$50 million of our surplus properties. When the sales of government surplus properties are added to sales of Alaska lands the amounts could be substantial. HOW MUCH LAND DO WE HAVE LEFT?

Our 1991 to 1995 annual reports said we owned 924,000 acres of surface estate and 1.6 million acres of subsurface estate in Alaska. When I questioned this number, CIRI sent out a newsletter in May 1996, saying we owned about 700,000 acres of surface and 1,764,286 acres of subsurface estate.

QUESTIONS. Did CIRI fully disclose the land trades it made? Did you get to vote on the land trades? Did you get to vote on the CIRI land sales? Did you get to use any of CIRI lands? Did CIRI set aside any lands for shareholders to use for subsistence fishing, hunting or gathering? CIRI's May 1996 newsletter said CIRI would be printing a special land report in the summer BUT THEY NEVER DID. WHY NOT?

SECTION 2(b) OF ANCSA. Says we are suppose to be involved in decisions that affect our rights and property. CIRI management keeps telling you we have Native control of our corporation. WE DO NOT HAVE NATIVE CONTROL, WE HAVE MANAGEMENT CONTROL. Did you:

o Ever get to vote on CIRI's articles or by-laws? Were you notified when CIRI changed its articles or by-laws? Did you get to ratify

- or vote on article and by-law changes?
- o Get full disclosure on amendments to ANCSA? Did you get to vote on ANCSA or the amendments to ANCSA?
 - o Get full disclosure on management's long-term compensation Plan (which could pay Marrs \$2 million) and did you get to vote on it? Shareholders should request an explanation and a vote on the Plan because it could involve the TRANSFER OF MILLIONS OF DOLLARS OF OUR MONEY TO MANAGEMENT STAFF.
 - o Get to vote on the transfer of hundreds of millions of dollars to CIRI's 22 subsidiary corporations?
 - o Get to vote on approximately \$13 million that was donated to the CIRI Foundation? Did you get to vote on the donation of millions of dollars to the Native Heritage Center, Koahnic radio station, the University of Alaska (\$400,000), and to Native Justice Center?
 - o Get to vote for the directors of the CIRI Foundation, Southcentral Foundation, or the Cook Tribal Council?
 - o Get to vote on the participation committees which cost us about \$95,000 last year?
 - o Get to vote on the fishing lodge for executives which cost us about \$235,000 last year?
 - o Get to vote on the Indemnification Agreement for directors and managers (in case they are sued).

All of the above questions show how much participation you have in matters that affect your rights and stock values. YOU HAVE VERY LITTLE. Shareholders have not had full disclosure on the actions taken by our management. We have not voted on the issues. and we don't get to vote on the directors of the CIRI Foundation, CITC, and Southcentral Foundation. All of these entities have their directors appointed, even the chairman of CITC is appointed by CIRI management. WE NEED TO END THE DICTATORSHIP and END THE GREED. Carl Marrs said CIRI has nothing to hide. If that is the case, CIRI should support a state or federal audit. I recommend shareholders support Senator Halford's call for a state audit of the regional corporations. Regional corporation audits should be overseen by a the state or federal government.

NO PROTECTIONS. In 1976, AFN exempted ANCSA corporations from protections offered shareholders under the Securities Exchange Act and the Investment Company Act. ANCSA shareholders are not recognized "Indian tribes" and we are not protected by the Indian Civil Rights Act of 1968---and we are not under all the laws that are afforded non-Native shareholders in Alaska. SEC exemptions were extended until 1-1-2001 or until shareholders vote to unrestrict stock by P.L. 100-241. Was this amendment explained to you, and DID YOU VOTE ON IT?

AN ACT OF DECEPTION is out and can be purchased for \$13.50 per copy. Send check or money order to ROBERT W. RUDE, 14940 WOODLAND AVE., EAGLE RIVER, AK. 99577. Book is must reading for Alaska Natives and Alaskans who want to know more about ANCSA. It is a book that examines ANCSA, Amendments to ANCSA, legislative histories, court decisions, reports, studies, Native corporation agreements, land trades, annual reports, proxy statements, state laws, and federal laws to show that ANCSA was an act of deception.

#JR 21 Moved from STA

1. Ordered by Leadership -
2. They promised to hold it in Rules.

Mr. Chairman: My name is Arthur Lake. I am a tribal administrator for the village of Kwigillingok. For the record, my testimony is against the adoption of HJR 21. Mr. Chairman, HJR is ill-conceived. It is a resolution that calls for the repeal of Title VIII of ANILCA. It is a resolution that calls for the first step in the termination of the special relationship of the Alaska Natives with the Federal Government. It is ill-conceived because the enactment of Title VIII of ANILCA is premised upon the federal supremacy over indigenious people of Alaska as well as federal supremacy over federal property and interstate commerce.

Mr Chairman, many of the whereas's of the resolution are indefensible and proposed do are sometime the very opposite of what it propose to do. Example, the proposition to Amend ANILCA's definition of "public lands" to exclude state and private land and water. ANILCA'S current definition of "public lands" already excludes all private and state-owned lands, including Native owned lands. Instead, this body should work toward bringing the state into compliance of ANILCA. With respect to amending ANILCA to prohibit federal preemption of state fish and wildlife management on state and private lands and water unless expressly authorized by the Congress, - ANILCA only applies to the federal lands. These are just example of how ill-conceived the propositions are under HJR 21. One can only assume these propositions are vield propositions to "gut" Title VIII of ANILCA, reverse Katie John Decision and take away the only legal protection of the true subsistence users in Alaska. In sort, Mr. Chairman, it is not only ill-conceived, it is a misguided proposition. Mr. I rise in opposition to HJR 21.

March 18, 1997

To: Representative Foster, Ogan, and Masek
From: Dick Kugzruk, Brevig Mission, Alaska
Subj: HJR 21 Testimony

My name is Dick Kugzruk, born to Phillip Kugzruk Sr. and Ida Kugzruk. I come from a family of 8 (5 sisters, 2 brothers). I'm the youngest, so I was the only one born in a hospital, my brothers and sisters were born the way to a hospital or at camp. My parents were primarily subsistence people until I was born. They settled in Nome, AK. where both me parents started full-time work, that did not stop them from what they loved to do and taught us to live off the land.

My parents grew up living a subsistence lifestyle, spoke my Inupiaq language, respected elders, shared their catch with those who were unfortunate, traded what they could for cash, coffee, tea, flour, crackers, lard, etc. to the staples, to local merchants. My father was fortunate to graduate 8th grade, where he was taught English, speaking Inupiaq was frowned upon by his teachers, violators were harshly punished. My mother was uneducated because she was needed at home to help raise her parents family, then she had a family of her own to take care of. During this time of change, subsisting off the land remained unchanged. It was the only way to survive in our harsh environment.

In our present time, substance is still unchanged; we hunt to live, we fish to live, and we gathered to live. A few people trade for staples now, but mostly now its cash they receive to buy the staples. The Inupiaq have lost the language, we have lost of sense of being the people that we once were in my father's time. The cost of living in Rural Alaska is ridiculous, some people go hungry some months because there is no money. Educating the Eskimo is or was both good and bad, now at this time, the 80's-90's, its mostly good to be educated, the young Natives are coming home to help the people overcome change. Instead of speaking Inupiaq, we speak mostly English all of the time, we write testimonies like I am doing now to fight for our sovereign inherent rights and we continue to live off the land that I believe is there for everyone and anyone who is hungry. Please keep in mind while we were being educated, we lost the time to learn to live off our land because we were forced to change.

In our present time the young people hardly take notice of the elders, there are few who share the catch, and I'd like to congratulate the person in my generation who can carry on a conversation in Inupiaq with an Elder.

I have heard the promises of Government for change; jobs, water and sewer, and how many more times do we need to testify for our subsistence right. Please, people we are not racist or prejudiced because we think this is a native issue. Representative Ogan, I invite you to come hunt with me. I want to bring up another point the state allocates some

money to fight its own people and then has the guts (no pun intended) to talk about jobs and money for the people of our great state. What is wrong with this picture?

In closing of my testimony, I oppose HJR 21 because I believe our state government is taking care of their own interests and not the interests of all Alaskans. Listen to the Elders wisdom, train the people to take over your job, for the good of all, not train the people to fight for your job because nothing good comes out of it.

Testimony on House Joint Resolution 21

**Mr. Robert Keith
Chairman
Board of Directors, Kawerak, Inc.
March 13, 1997**

Mr. Chairman, members of the Resources Committee. My name is Robert Keith. I am the chairman of Kawerak Board of Directors. Kawerak represents 19 villages representing approximately 6,500 Alaska natives in the Bering Straits region. I am also the President of Elim IRA Council and Elim Native Corporation. I respectfully voice my opposition to HJR 21.

In September of 1996, the Board of Directors of Kawerak passed Resolution 96-10 opposing any amendments to ANILCA which would weaken or undermine the subsistence protection provided to rural Alaskans.

In my opinion, HJR 21 is off the mark and is equivalent to totally gutting Title VIII of ANILCA. The State of Alaska, at the present time, does not provide for the protection of subsistence during times of resource shortage. The present State management of Fish and Game generally favors the commercial and sports hunting and fishing and creates the divisions that exist in Alaska. House Joint Resolution 21 will only perpetuate this division. It is extreme and its final result will only cause greater disunity.

Subsistence harvest of all wild resources is only a small portion of the total harvest in Alaska - 4% and yet this small harvest is extremely important to those people whose harvest is dependent on these resources for their livelihood, and nutritional and cultural well-being.

I strongly encourage the Alaska State Legislature not to pass this resolution and hope that you will seek a wiser course of action in the resolution of the subsistence dilemma.

Thank you.





KAWERAK, INC.



P.O. BOX 848 • NOME, ALASKA 99782

TELEPHONE: (907) 443-5231 • FAX: (907) 443-3708

MOVING THE
VILLAGES OF

March 14, 1997

BEYOND WESPON
COUNCIL
CHONDE
ELIA
HARBELL
GOLDYH
KING GUMHO
MOYUK
NARYS BLOO
NOME
SAYOONIA
SHAKTOOLIK
SHISHNEARD
WOLONGH
STELSHIS
ST. MICHAEL
VALLEY
UNILAKLEYT
WIKES
WHITE MOUNTAIN

To: IRA / Tribal Leaders
From: April Ferguson, TSG
RE: Update

Yesterday, the House Resources committee held hearings on Representative Masik's House Joint Resolution 21 which asks Congress to amend Title VIII of ANILCA so that State management can be returned. The resolution proposes to destroy the existing federal subsistence protections that Title VIII provides. The purpose of the resolution in Ms. Masik's words is to "shift the emphasis from amending the state constitution, to allowing the state to define the terms in ANILCA." I find it very unlikely that Congress will allow a state to redefine terms in federal law.

During the course of testimony, which the committee dominated with their own comments, several things became apparent:

1. The Outdoor Council was forewarned, actively testifying and solidly behind this resolution.
2. The greater Bush community was again unable to participate in the public testimony because there were not enough lines available. For those who wanted to testify but were unable to get through both to listen and to comment please complain to Representative Richard Foster at 1-800-478-3789, and contact Representative Ogan's office with commentary also. He is the co-chair of the committee.

Comments that you wish to go into the public record should be faxed either to Representative Richard Foster (fax) 465-3242 or Representative Ogan (fax) 465-3265 and addressed to the Natural Resources Committee with a heading that clearly states that your written testimony is intended to go into the permanent record. It will then be distributed to all the committee members.

During the course of testimony, the NARF attorney, Heather Kendall asked that the hearings be extended so that the greater Bush community would be able to participate and that the committee was only hearing from the urban centers. Representative Barnes and Representative Ogan responded as if they had been personally attacked, stating that they were offended that anyone would imply that they were intentionally keeping the rural areas from participating. That was not what Ms. Kendall was

implying and her point is valid. Representative Nickolai responded by saying that she had seventy-five villages that wanted to comment but that only one was able to get on line.

The committee was not responsive and the hearings for this committee will not be extended, there will, however, be other committee hearings in this process. We will try to keep you updated from this office but please insist that Representative Foster keep you updated on the status of this resolution and that he make arrangements for you to participate, also let his office know that you wish to be notified when these hearings are broadcast so that you can listen in to commentary from around the state. Again contact the Nome legislative office at (907) 443-5555 and ask that they keep you current on any legislation that impacts subsistence and notify you of all upcoming hearings.

I would appreciate a copy of your commentary and notice of whether you tried to get through and were unable to participate. I believe that being able to listen to the comments of the committee and of the other voices around the state is a fundamental right of an Alaska citizen. How can you effectively respond to the committees questions and arguments if you are not able to listen in on or comment on what they are discussing? There was testimony from Juneau, Ketchikan, Fairbanks, Kotzebue, Nome, Glenallen, Kenai all of which have legislative information offices, the only two villages able to get through and testify were Kipnuk and Quinhagak.

3. The committee appears to be uniform in their opinion, opposing a state constitutional amendment, deadset on amending ANILCA, equal rights for all, equal access for all, and adamantly opposed to any "commercial use and sale of fish and wildlife taken for subsistence uses." They persist in viewing a subsistence as a racial preference.
4. Representative Ogen also stated during the course of testimony that no one has ever tried to contact him about subsistence. Lets change that. I know it is tiring to have to reeducate the legislature and congress every session but they do have a crucial role to play. John Borbridge, former President of SeaAlaska testified, and he was wonderful, reasoned and informed. I believe that the committee co-chair Ogen was responsive to his testimony. Julie Kitka also was able to testify and she was also eloquent and reassuring. She invited the committee to come out to the rural areas to see the subsistence lifestyle for themselves. Representative Barnes stated that she has plenty of friends in the Bush and she knows what the lifestyle is like, Representative Masik stated that she grew up in Anvik in a subsistence lifestyle and that she's only trying to introduce something that is fair to all Alaskans, Representative Ogen said he would come but would he be allowed to hunt. Although the committee's mind seems to be

pretty well made up and it is difficult to talk to people who know it all already, your written testimony is needed because it does become documentary evidence in the public record in the event that there is ever a lawsuit. There needs to be a written record for the future that the Native people actively opposed in every instance any attempts to abrogate their subsistence rights.

GOOD AFTERNOON. MY NAME IS GEORGE YASKA AND I'M AN EXECUTIVE OFFICER WITH TANANA CHIEFS CONFERENCE, INC. MY COMMENTS TODAY REFLECT THE POSITION OF TANANA CHIEFS ON HJR 21 AS SUBMITTED BY REP. MASEK.

BY WAY OF OBSERVATION, WE WOULD LIKE TO TAKE NOTICE THAT RECENT ACTIONS WITHIN THE NATIVE SUBSISTENCE MOVEMENT AND THIS PROPOSED RESOLUTION MAY REPRESENT SOME PROGRESS TOWARD A MEETING OF MINDS ON THE SUBSISTENCE ISSUE. IN FEBRUARY, RURALCAP SPONSORED A SUBSISTENCE ROUNDTABLE IN ANCHORAGE WHICH PRODUCED A PROCLAMATION ON SUBSISTENCE WHICH REPRESENTED A SHIFT IN POSITIONS ON SUBSISTENCE. PRIOR TO THIS PROCLAMATION, THE CONSENSUS WITHIN THE NATIVE COMMUNITY FAVORED RETURN TO STATE UNITARY MANAGEMENT AND SUPPORT OF A CONSTITUTIONAL AMENDMENT WHICH WOULD COMPLY WITH ANILCA. AFTER SEVERAL YEARS OF EFFORT IN THIS DIRECTION, THE ROUNDTABLE PRODUCED A NEW RECOGNITION THAT WE IN ALASKA HAVE REACHED AN IMPASSE AND THAT DUAL MANAGEMENT WILL BE A PERMANENT FEATURE OF FISH AND GAME MANAGEMENT IN ALASKA IN THE FORESEEABLE FUTURE. IN RESPONSE, THE ROUNDTABLE PROCLAMATION CALLS UPON THE NATIVE COMMUNITY TO REFOCUS OUR EFFORTS TO MAKE THE DUAL MANAGEMENT SYSTEM WORK THROUGH DEVELOPMENT OF GREATER COOPERATION BETWEEN

LAND MANAGERS AND THE DEVELOPMENT OF SYSTEMS OF CO-MANAGEMENT WHICH WILL MEET THE NEEDS OF SUBSISTENCE USERS.

INTERESTINGLY, THIS RESOLUTION IS PREMISED UPON A SIMILAR REALIZATION THAT DUAL MANAGEMENT IS LIKELY TO CONTINUE IN THE NEAR FUTURE. IT MAY SIGNIFY SOME PROGRESS THAT BOTH SIDES ACKNOWLEDGE THIS FACT. THE RESOLUTION SUGGESTS A DIFFERENT ALTERNATIVE TO ADDRESS FISH AND GAME MANAGEMENT. RATHER THAN FOCUSING ON CO-MANAGEMENT, THE RESOLUTION CALLS FOR AMENDMENTS TO ANILCA WHICH WOULD ERECT AN IMPENETRABLE WALL BETWEEN STATE AND FEDERAL GAME MANAGEMENT. WHILE THERE ARE ASPECTS OF THE PROPOSAL WHICH MAY SHOW PROMISE, WE WOULD URGE THE COMMITTEE TO CONSIDER POSSIBLE CO-MANAGEMENT OPTIONS.

HOW WOULD CONSERVATION FOR MIGRATORY SPECIES BE ADDRESSED?

CONSERVATION REPRESENTS THE GREATEST CONCERN. UNDER DUAL MANAGEMENT, SOMEONE NEEDS TO KEEP AN EYE ON THE BOTTOM LINE TO ASSURE THAT WE MEET CONSERVATIONS GOALS. GENERALLY, THE FEDERAL SUBSISTENCE BOARD IS RESTRICTED TO MAKING ALLOCATION DECISIONS ONLY ON FEDERAL LANDS. HOWEVER, IT IS

WIDELY RECOGNIZED THROUGHOUT THE COUNTRY THAT THE FEDERAL REGULATORS MAY GO OUTSIDE FEDERAL LANDS TO REGULATE MIGRATORY SPECIES FOR CONSERVATION PURPOSES. RECENT ACTIONS BY THE FEDERAL SUBSISTENCE BOARD HAVE EXTENDED FEDERAL RESTRICTIONS ONTO STATE AND PRIVATE LANDS TO PREVENT OVERHARVEST ON STATE LANDS, WHICH MIGHT ADVERSELY AFFECT GAME POPULATIONS FOUND ON FEDERAL LANDS.

THE RESOLUTION WOULD PROPOSE TO PROHIBIT ALL FEDERAL REGULATION ON STATE LAND. THE PROPOSAL BEGS THE QUESTION: HOW WILL CONSERVATION GOALS BE COORDINATED AND ATTAINED ON FEDERAL AND STATE LAND?

UNDER ANILCA AS CURRENTLY WRITTEN, THE FEDERAL GOVERNMENT MUST COOPERATE WITH OTHER AFFECTED LAND MANAGERS, AND THE FEDERAL GOVERNMENT HAS GENERALLY ATTEMPTED TO DO THIS. THERE IS NO CURRENT SIMILAR OBLIGATION UNDER STATE LAW, ALTHOUGH AUTHORITY EXISTS IN STATE LAW TO ALLOW COOPERATION BETWEEN STATE AND FEDERAL AGENCIES, WITHOUT THE STATE AND FEDERAL COOPERATION, CONSERVATION CONCERNS RESPECTING MIGRATORY SPECIES CANNOT BE ADEQUATELY ADDRESSED. THE ACTIONS PROPOSED IN THE RESOLUTION DO NOT ADDRESS HOW CONSERVATION GOALS RESPECTING SPECIES MIGRATING BETWEEN

FEDERAL AND STATE LANDS SHOULD BE ESTABLISHED. AND IN THE ABSCENCE OF A WILLINGNESS BY THE STATE TO COOPERATE IN CO-MANAGEMENT EFFORTS WITH FEDERAL AGENCIES, THE FEDERAL AGENCIES MUST MAKE UNILATERAL DECISIONS TO PROTECT THE CONSERVATION OF FISH AND WILDLIFE POPULATIONS. SIMPLY PUT, THE RESOLUTION PROPOSES TO SCRAP THE CURRENT SYSTEM FOR ADDRESSING CONSERVATION CONCERNS FOR MIGRATING FISH AND WILDLIFE POPULATIONS, BUT DOES NOT OFFER A PROPOSAL TO REPLACE THE CURRENT SYSTEM.

WE CAN ACCEPT THE NOTION THAT DUAL MANAGEMENT IS HERE TO STAY. WE SHOULD NOT RESPOND TO THAT CHALLENGE BY BUILDING THIS "BERLIN WALL" BETWEEN THE TWO MANAGERS. RATHER, WE SHOULD BE BUILDING A BRIDGE OF COOPERATION AND UNDERSTANDING, WHICH MIGHT ULTIMATELY LEAD TO RESOLUTION OF THIS CONTINUING CONTROVERSY.

TRUSTING THE STATE?

THE PROPOSAL SUGGESTS THAT THE STATE BE ALLOWED TO DEFINE THE TERMS "RURAL" AND "CUSTOMARY AND TRADITIONAL". ADDITIONALLY, THE PROPOSAL WOULD REMOVE FEDERAL COURT OVERSIGHT OF STATE COMPLIANCE WITH THE SUBSISTENCE PRIORITY.

IT IS UNCLEAR HOW THIS WOULD CHANGE CURRENT LAW, SINCE THE STATE HAS THESE OPTIONS AT THE CURRENT TIME ON STATE LAND. THE ARGUMENT GOES THAT "THE STATE SHOULD BE TRUSTED TO PROVIDE FOR SUBSISTENCE USES". THE ARGUMENT WOULD BE PERSUASIVE IF WE DID NOT HAVE ALMOST THREE DECADES OF EXPERIENCE WITH THE ISSUE. ANSCA TERMINATED NATIVE HUNTING AND FISHING RIGHTS. THE LEGISLATIVE HISTORY OF ANSCA EXPRESSED THE COMMON ASSUMPTION BY NATIVE, STATE AND FEDERAL OFFICIALS THAT THE STATE MANAGEMENT SYSTEM COULD ACCOMODATE NATIVE SUBSISTENCE USES.

THERE IS GENERAL AGREEMENT THAT IF THE STATE WANTED TO FULFILL THIS NEED, IT COULD DO SO USING STANDARD METHOD AND MEANS REGULATIONS. BUT WE MUST REMEMBER THAT THE FIRST TIME T'HE STATE BOARD OF GAME TRIED TO DO SO WHEN ADDRESSING THE CRASHING WESTERN ARCTIC CARIBOU HERD IN THE 1970S', THE COURTS BLOCKED STATE OFFICIALS EFFORTS. THAT EXPERIENCE DEMONSTRATED A NEED TO PROVIDE SPECIAL RULES TO ADDRESS SUBSISTENCE IN TIME OF DECLINING RESOURCES. THE STATE COURTS HAVE CONTINUED TO BLOCK THE EFFORTS BY STATE AGENCIES TO MEET THE NEEDS OF NATIVE SUBSISTENCE USERS. AFTER 25 YEARS OF BROKEN PROMISES, IT IS HARD TO TRUST THE STATE EXPRESSIONS OF GOOD INTENT.

CURRENTLY, THE STATE HAS CONTROL OVER STATE LAND, WHICH IS AN OPPORTUNITY TO DEMONSTRATE WHAT IT CAN DO. WE SHOULD NOT WAIT FOR THE STATE TO REGAIN FULL UNITARY MANAGEMENT AUTHORITY AS A PRECONDITION FOR THE STATE TO ADDRESS SUBSISTENCE NEEDS. IF THE STATE CAN ACCOMODATE NATIVE SUBSISTENCE USE ON STATE LAND, IT SHOULD PROCEED TO DO SO, AND TO DEMONSTRATE NOT ONLY ITS GOOD INTENT, BUT ITS CAPACITY TO PROTECT SUBSISTENCE. IF THE STATE CAN DEMONSTRATE THAT IT CAN SUCCESSFULLY ACCOMODATE SUBSISTENCE NEEDS IN THE CONTEXT OF DECLING RESOURCE POPULATIONS, IT WILL GO A LONG WAY IN MAKING THE ARGUMENT THAT THE STATE CAN BE TRUSTED. ALTERNATIVELY, IF THE STATE IS UNABLE TO IMPLEMENT SUCH A SYSTEM ON STATE LANDS, IT ALSO DEMONSTRATES THE CONTINUED NEED FOR FEDERAL INVOLVEMENT. IT IS NOT POSSIBLE FOR US TO SUPPORT THE BILL AS PRESENTED TO THE COMMITTEE TODAY. THIS IS THE EXTENT OF OUR COMMENT AT THIS TIME. THANK YOU.

**TESTIMONY OF LUKE SAMPSON REPRESENTING
NORTHWEST ARCTIC BOROUGH, CHUCK GREENE, MAYOR**

I am here to oppose the House Joint Resolution No. 21 in the Legislature of the State of Alaska, Twentieth Legislature—First Session.

In any form whatsoever, it does not represent the sentiment of our constituents in the Northwest Arctic Borough, and the eleven communities we serve.

As a local government in the State, our rights as citizens should not be weakened or unduly disrupted by the manner of legislative intent dealing against the rural constituency's needs that our people live and enjoy on a day-to-day basis.

To adopt House Joint Resolution #21 in any manner whatsoever, imposes upon our people to live a style that is not compatible with the wishes of legislators who cannot empathize with the need for maintaining cooperative subsistence protective measures contained in Title VIII of the Alaska National Interest Lands and Conservation Act (ANILCA).

The House Joint Resolution appears to merely change by use of descriptive words the majority, non-rural members' intent of well-meaning things such as rural preference and constitutional amendments. The reality is that it takes away a significant Alaskan way of life necessary to both indigenous and rural people of Alaska, but also the same citizens of the State who are being deprived of local control under a deceptive use of a legislative mechanism called a joint resolution. There seems to be no concern that this is destructive in carrying out the demise

LUKE SAMPSON

March 13, 1997

Page Two

of a large number of people who have no advantage other than to live the kind of life that the State legislature now seeks to plunder under the guise of good legislation. It only creates more conflict for all citizens of the State of Alaska, and is insensitive by ill-informed legislators or to deliberately ignore the needs of constituents most directly impacted by the wrong type of legislation.

Our past record on the issue of protecting subsistence still stands, and we urge the legislators to listen to the pleas of our representatives in Juneau to do right and defeat House Joint Resolution 21 as unnecessary and not the will of the people under State law.

Thank you. On behalf of the citizens of Northwest Arctic Borough I hope you will acknowledge that we express our views as the local will of the people that you as legislators purport to represent.

CON - STRICT - U - WITH TS
IN - DICH - GIN - NONG



Alaska State Legislature

Please enter into the record my testimony to the House Resources
committee name
 committee on HR 21, dated 3/13/97
bill/subject

I oppose HR 21 simply because it effectively removes protections for rural native villages regarding subsistence issues. It does so by attempting to eliminate title VIII of ANILCA.

For the record, the state does not technically have a Constitutional problem. Article 12, section 12 provides a way for Alaskans to comply, but obviously, only if the legislature chose to do so.

Signed: Pete Schouffer
Testifier
SELF (NATIVE)
Representing (Optional)
Box 6
Address
Kotzebue, AK 99752
Phone No.



KOTZEBUE IRA



P.O. Box 296
Kotzebue, Alaska 99752
(907) 442-3467

March 13, 1997

Honorable Scott Ogen
Co-Chair, House Resources Committee
Alaska Legislature

Dear Mr. Ogen:

The Kotzebue IRA Council opposes HJR 21.

In formulating ANILCA, Congress clearly felt itself to have a responsibility to protect the livelihoods of people living in rural Alaska. The authorities spelled out in Title VIII of ANILCA were the deliberate means to meet that responsibility.

If Congress had not been concerned to begin with about how the state might approach a rural subsistence preference, federal supervision of the state's subsistence management program would not have been incorporated into Title VIII. For the same reasons, the federal government rightly saw fit to retain authority over defining the various ANILCA terms critical to meaningful protection of rural subsistence—terms such as "rural" and "customary and traditional." Considering what Congress views as its obligations, it makes sense for the federal government to continue supervising subsistence management.

About 60% of the land in Northwest Alaska is federal land, and all communities in this region rely heavily on wild resources. To areas like ours, the federal program, though not perfect, has definite advantages over the State's. First, the federal government has a stable history of recognizing the existence of tribal governments, and though ANILCA fails to mention them, it is more reasonable for tribes and villages to look forward to developing long-term, mature arrangements with federal agencies than with those of the State. Secondly, the federal advisory system allows us, as rural subsistence users, a more substantive role in management decisions than does the state system.

Rather than proposing language that assures rural users at the outset that the State will respect and protect the livelihoods of those in rural Alaska, HJR 21 attempts to destroy all assurances afforded rural people under federal law. This is an odd way to try convincing Congress that the State can behave responsibly on this issue. And it certainly is not a constructive approach to fostering a consensus in Alaska. It is instead a surreptitious attempt at regaining state control without resolving any of the core differences between federal law—which aims to protect people in rural Alaska—and State law, which is biased in favor of recreational hunting and fishing opportunities. Proposals such as HJR 21 confirm yet again the sentiments of many in rural Alaska that the Legislature is not really concerned with working out a solution that addresses the needs of all Alaskans.

Thank you for your time and consideration.

Sincerely,

Charlie R. Gregg
Charlie R. Gregg, Chairman

Post-It™ brand fax transmittal memo 7671		# of pages	01
To	Rep. Ogen	From	John Erik L.
Co.	AK Legislature	Co.	Kotzebue IRA
Dept.	Resources Committee	Phone #	(907) 442-3467
Fax #	(907) 445-3265	Fax #	(907) 442-2162

NATIVE VILLAGE OF EYAK

P.O. BOX 1388, CORDOVA, ALASKA 99574

TEL 907-424-7738/FAX 907-424-7739

March 19, 1997

Senator Georgianna Lincoln
Senate
State Capitol
Juneau, Alaska 99801-1182

Senator Lincoln

The Native Village of Eyak opposes House Joint Resolution #21.

Sincerely yours
Bob Henrichs
President, Traditional Council

cc: Representative Gene Kubina
Representative Bill Hudson
Representative Scott Ogan
Representative Jeanette James

Asa'carsarmiut Tribal Council
P.O. Box 32249
Mtn. Village, Alaska 99632
(907)591-2814 Telephone
(907)591-2811 Facsimile

Resolution No. 97-16

A Resolution in Opposition to House Joint Resolution 21, relating to amendment of the Title VIII of ANILCA.

WHEREAS: Asa'carsarmiut Tribal Council is federally recognized tribe representing the Asa'carsarmiut Tribe whose primary duty is to advocate and protect the rights and interests of the native people within the region, in maintaining their customary and traditional subsistence lifestyles; and

WHEREAS: the federal government has recognized this important fundamental principal in its relationships with the native indigenous peoples of the region when it provided projections under ANILCA as well as in PL 96-487, which states that the Yukon Delta National Wildlife refuge is establishing wildlife resources in order to provide continued opportunities for subsistence by the native people of the region; and

WHEREAS: the State of Alaska, up to now, has done within its power to abdicate the rights of subsistence way of life of the native indigenous people of Alaska, and has demonstrated a lack of ability to properly manage the resource in a manner to provide protection for the native people of Alaska and the subsistence way of life; and

WHEREAS: the Alaska State Legislature has introduced a House Joint Resolution No. 21 (HJR 21) relating to amendment of Title VII of the Alaska National Interest Lands Conservation Act (ANILCA), requesting the U.S. Congress to amend Title VIII of ANILCA in the management of Alaska fish and wildlife resources; and

NOW THERE BE IT RESOLVED, that Asa'carsarmiut Tribal Council and the Asa'carsarmiut Member Tribes oppose HJR 21 in its entirety, because we feel that if the ten provisions of the resolution are enacted by Congress, it will diminish or abolish the subsistence lifestyle recognition and protection the Title VIII of ANILCA provides to Alaska Natives.

BE IT FURTHER RESOLVED, that Asa'carsarmiut Tribal Council and the Member Tribes join the rest of Alaska Native Tribes who oppose HJR21.

Post-It® Fax Note	7671	Date	# of pages
To	Rep. Nicholas	From	Mtn. Village
Co./Dept.		Co.	
Phone #		Phone #	9075912814
Fax #	465-2197	Fax #	9075912811

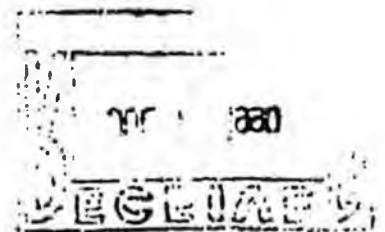
CERTIFICATION

Passed and approved by a quorum of the Asa'carsarmiut Tribal Council this 18th day of March, 1997 with a vote of 4 in favor, 0 opposed and 5 absent.

James C. Landlord
James C. Landlord, First Chief

ATTEST:

James Luke
James Luke, Secretary/Treasurer



CHEVAK TRADITIONAL COUNCIL
 P.O. BOX 140
 CHEVAK, ALASKA 99563
 (907) 858-7428
 (907) 858-7812 FAX

Chevak Traditional Council's Opposition to House Joint Resolution No. 21

The Kashunamiut are a federally recognized tribe who is represented by their tribal government, the Chevak Traditional Council whose primary goal is to protect the health, safety and welfare and the inherent traditional and cultural rights of the Kashunamiut and for their best interests. Let this affidavit acknowledge that we are in Opposition to the House Joint Resolution No. 21 as it infringes upon our inherent rights and will exploit our ancestral lands which are located on the Yukon Kuskokwim Delta National Wildlife Refuge and has been protected by ANILCA--Title VIII, Subsistence Use and Management (ANILCA, Title VIII) as it is written.

ANILCA Title VIII, should not be amended because the Resolution HJR21 contradicts the whole purpose of the Policy and Purpose of the Title VIII. These amendments are also directly contradicting the Rural Cap Subsistence Roundtable, held in Anchorage February 1997. The State of Alaska is out of compliance of ANILCA TITLE VIII, concerning Subsistence. The State of Alaska tends to lean towards "sports, commercial and other special interest groups" that are not aware of the importance of subsistence issues and use for the rural communities.

The following are section responses to "FURTHER RESOLVED" of the proposed resolution:

- DRAFT
- DRAFT
- DRAFT
- (1) "Public Land" is already defined in the Federal Register, Volume 57 No. 20.
 - (2) Congress is already authorized to take over management if State is not in compliance.
 - (4) "Section 807" provides for protection of subsistence users and repeal would undermine authority of the Federal Judicial System.
 - (5) The Customary and Traditional use, Subsistence use, and rural are defined in the Federal Register, Vol. 57, No. 20, Jan. 30, 1992, Proposed rules of the Department of Interior, under Sec. 4 Definition of Subpart A-General Provision. They are listed as such in the Final, Subsistence Management for Federal Public Lands in Alaska which attests to the Webster's definition of: The definition of the aforementioned terms are already defined and what this resolution proposes to do is authorize the State of Alaska to rewrite the Webster's Dictionary to soothe Masek's and Ogan's HJR 21.
 - (6) Under Title VIII, Sec. 804, the subsistence preference for reasonable opportunity contradicts the purpose and policy of ANILCA Title VIII.
 - (7) Tribal Sovereignty and Indian Country issues have been decided in favor of the Tribes across Alaska but is presently in the Appeal process, no amendments should even be considered because Court cases on these issues are and may be pending.
 - (8) The State of Alaska should not have option- If subsistence management is handed to the State of Alaska, than it would be their obligation to establish regional advisory councils, meaning they should be mandated to establish such councils rather than "choose" to.
 - (9) The Sections (8) and (9) proposed amendments are addressed in Sec. 805 (a) (2) and (3) (D) (iv).

(10) The sale of Fish and Wildlife taken for subsistence uses, supplements incomes for expenses incurred for hunting necessities, i.e. ammunition, gasoline and oil, and other gears to do more subsistence hunting and fishing.

This whole resolution contradicts the ANILCA Title VIII and there is provisions in the ACT , Section 16 USC 3119 that the State can enter into an Cooperative Agreement rather than rewriting the whole Purpose and Policy of the Act.

**THE KASHUNAMIUT, THE CHEVAK TRADITIONAL COUNCIL, CHEVAK TRIBAL COURTS
AND THEIR DEPARTMENTS URGES DO NOT PASS THIS RESOLUTION!!!**

DRAFT

Testimony on the House Joint Resolution 21

Mr. Wally Otton
Board Member, Board of Directors
Koyuk Native Corporation
March 20, 1997

House Resources Committee
c/o Richard Foster

Mr. Chairman, Members of the House Resources Committee. My name is Wally Otton. I am a member of the Board of directors of the Koyuk Native Corporation. I respectfully voice my opposition of HJR 21.

Marx mentions a dictatorship of the proletariat. HJR 21 is part of a construction of a stairway that will put one step closer to the end result a beginning of the genocide of Alaska's aboriginal cultures. Actions and dictates of your state capitol democracy can and have suffered the daily lives of our Alaskan tribes.

Thank you.

Sincerely,
Wally H. Otton

ORGANIZED VILLAGE OF KWETHLUK
KWETHLUK IRA COUNCIL
P.O. BOX 84
KWETHLUK, ALASKA 99621-0084
PHONE NO. (907) 757-6714
FAX NO. (907) 757-6329

RECEIVED
MAR 20 1997

**KWETHLUK JOINT GROUP
KWETHLUK INDIAN REORGANIZATION ACT COUNCIL
KWETHLUK CITY COUNCIL
KWETHLUK, INCORPORATED
Resolution No. 97-03-01**

A Resolution opposing Alaska Legislature House Joint Resolution 21 (HJR 21) Requesting Amendments to Title VIII of Alaska National Interest Lands Conservation Act (ANILCA).

Whereas, the Kwethluk Indian Reorganization Act Council (IRA) is the lead entity in various areas of concerns covering land, water, fish and wildlife, sanctuaries and habitats in the Permanent Subsistence Kwethluk River and Tributaries upon which its tribal members heavily depend on for their keeping of Cultural Integrity of traditional and customary subsistence way of living, and ;

Whereas, in 1959 when Alaska became a State, many- Alaska Natives residents living in rural villages were, and still are, intelligent in the way of their respective cultures and their Native Language during the period when the English Language could be barely spoken or understood, and this brings to question- who voted for Statehood?; and which included the management of Fish and Wildlife Natural renewable resources; and ,

Whereas, HJR 21 insults the Alaska Native Community way of life by seeking that the State of Alaska define the terms "rural", "subsistence uses" of the natural renewable resources when the State of Alaska has done dismally poor with respect to these concerns; and . .

Whereas, since 1959 the Alaska Native Community has experienced poor "reasonable opportunity" to practice customary and traditional subsistence way of life; and,

Whereas, Kwethluk has a history of Elder Tribal members having had their subsistence fishing nets wrapped around holding poles, dragged unto beach with fish catches, creating wanton waste, which truly is suppression of "reasonable opportunity" to practice customary and traditional subsistence way of life; and ,

Whereas, Public Law 96-487, ANILCA, enacted 1980, Title VIII of which is providing positive protection to Alaska Natives subsistence way of life, legally encourages Alaska Native entities for Co-Management Agreements with the Federal and Alaska State agencies involved, enhances Fish and Wildlife conservation with sustain yield principles; and,

Now, Therefore, Be it Resolved: that the Kwethluk Joint Group composed of the Kwethluk Indian Reorganization Act Council in behalf of its tribal members, the

Kwethluk City Council in behalf of its residents, and the Board of Directors of Kwethluk Incorporated in behalf of its shareholders oppose passage of House Joint Resolution 21 in the Alaska State Legislature; and,

Be it Further Resolved: the copies of this resolution 97-03-01 is sent to:
Honorable Tony Knowles, Governor of Alaska- Juneau
Honorable Senator Lyman Hoffman, Representative Ivan M. Ivan, Representative Irene K. Nicolai, Representative Beverly Masek, and Honorable Representative Gail Phillips, Speaker of the House of Representatives- Alaska, Honorable U.S. Senator Ted Stevens, Honorable U.S. Senator Frank Murkowski, Honorable U.S. Congressman Don Young, Honorable Representative Georgiana Lincoln.

PASSED AND ADOPTED THIS 13th DAY OF MARCH 1997.

Moses Nicolai, President
Kwethluk IRA Council
For Bain & Gubak via Mayor
John J. Owens, Mayor
Kwethluk City Council
Phillip King, vice chairman for
NICK J. AYAPAN, Chairman
Kwethluk Incorporated

Attest: Margaret Anger
Secretary

Attest: Deon P. Larson
Clerk/Administrator Secretary

Attest: Quint Egilvold
Secretary/Treasurer

Alaska State Legislature

MAR 10 1997

Chairman,
Judiciary Committee

Member,
Resources Committee
Rules Committee
Committee on Committees



State Capitol
Juneau, Alaska 99801-1182
(907) 465-3873
Fax (907) 465-3922

352 Front Street
Ketchikan, Alaska 99901
(907) 225-8088
Fax (907) 225-0713

Senator Robin L. Taylor

MEMORANDUM

TO: Representative Gail Phillips
Speaker of the House

Representative Beverly Masek

FROM: Senator Robin Taylor

DATE: 3/7/97
RE: HJR 21

Please do everything possible to expedite passage of HJR 21, requesting Congress to amend ANILCA.

I spoke with Senator Murkowski about this resolution last weekend and it fits well with the request for guidance he made of the Legislature when he spoke to the joint session.

I did not introduce my own measure in order to allow Rep. Masek's version to be the vehicle by which we express our direction to the congressional delegation.

Early passage by the House will assure prompt attention in the Senate.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

RECEIVED
MAR 26 1997

DOUGLAS N. LARSEN
58 BULL PINE PLACE
KETCHIKAN, AK 99901
(907) 247-3562

March 22, 1997

Representative Beverly Masek
House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Masek:

I am writing to express my support for HJR 21, and to commend you and other supportive House members for your efforts in seeking a responsible resolution to an untenable fish and wildlife management issue that continues to have far-reaching implications for Alaskans and Alaska's fish and wildlife resources. My support for HJR 21 comes as a result of resource use and management observations which I have made over the past several years. I would like to share some of these observations with you in this letter.

As a life-long Alaskan, I was born and grew up in Juneau. During the 18 years that I lived in Juneau, I had what seemed to me to be unlimited opportunities to fish and hunt with my family and friends. Deer meat, fish, and crabs were a big part of my family's diet during those years, and I can't recall ever feeling unnecessarily restricted in our opportunities to harvest and utilize these resources. Following 4 years of college, I returned to Alaska in 1980 and relocated to a remote field site on the east side of Prince of Wales Island. During the year and-a-half that I lived at this site, I had ample opportunity to harvest deer, fish, crabs, shrimp, and clams for my personal use. In the early to mid-1980s, I moved to Sitka where I again enjoyed ample opportunity to harvest fish and wildlife. Interestingly, throughout these years of living in an "urban" area (Juneau) and in "rural" areas (POW Island and Sitka), I was neither identified as a rural nor as a non-rural user. I was simply an Alaskan who, like other Alaskans, had an opportunity to share a part of the state's harvestable surplus of fish and wildlife.

In 1985 I moved to Kotzebue where, as in many parts of our great state, I found fish and wildlife populations to be healthy and abundant. Under state management, I watched as the Western Arctic caribou herd grew from an estimated 230,000 in 1985 to over 400,000 in 1990. With year round bag limits of 5 caribou per day, along with a moose and a sheep each season, I did not feel the slightest bit restricted in my opportunity to provide game meat for my family during the 5 years we spent in Kotzebue. Neither did I see others in

Northwest Alaska experiencing any lack of opportunity or success in providing game meats for their families.

In 1990 my family and I relocated to Ketchikan where we continue to enjoy fishing and hunting opportunities. With a 5-month deer season and 4-deer bag limit, obtaining sufficient meat for my family has not been a problem. With the added opportunity to harvest a moose, 2 mountain goats, and 2 black bears from the area, it has been relatively easy to keep an adequate supply of meat in the freezer.

During all but a couple of my 40 years as an Alaskan, the state has been managing the bulk of our fish and wildlife resources. Based on my experiences in both "rural" and "non-rural" areas, I have to conclude that state management has worked, and has worked well. Recently, however, with the intrusion of the federal government into wildlife management and allocation in Alaska, I have seen things that trouble me deeply and which have raised my level of concern for the ultimate well-being of the state's fish and wildlife populations.

As a case in point, I would like to share with you a situation that has arisen in Game Management Unit 2 (Prince of Wales and adjacent islands). Two years ago, over the opposition of both state and federal wildlife biologists, the federal Southeast Regional Subsistence Advisory Council elected to open a rural hunt for doe deer in the unit because a couple of council members reported seeing numerous does along the island's extensive road system. When confronted with biologists' concerns, the council indicated that federal staff would be closely monitoring the doe hunt and that the council could always revisit the issue if it appeared to be a problem in the future. Not surprisingly, no federal monitoring of the doe hunt was ever initiated. In fact, the only harvest data that was obtained came from hunters responding to the state's annual hunter questionnaire.

Two years after the doe hunt was implemented, several hunters reported seeing fewer deer in Unit 2 than they had in past years. Although the cause for this wide-spread perception is presently unclear, biologists will be surveying several parts of the unit this April in an effort to obtain a clearer understanding of the status of the unit's deer population. In the meantime, the federal council decided to address hunter perceptions by proposing to eliminate non-rural, buck-only hunters from hunting in Unit 2. At the same time, despite their assurance 2 years ago that they could review the doe hunt if potential population problems arose, the council elected to retain the rural doe hunt because they claimed it was a customary and traditional use of the resource and people needed the opportunity to harvest does.

Like many other Ketchikan residents, I am willing to forego hunting deer in Unit 2 if there is a biological concern for the deer resource that can only be corrected by eliminating my opportunity to hunt there. However, if there is indeed a biological concern for the Unit 2 deer population, as the council's actions indicate they believe, then the responsible, science-based action would have been to first eliminate the existing rural doe hunt. This doe hunt, incidentally, has not only been opposed by biologists, but has also been opposed by the Sumner Strait Advisory Committee (rural residents of north POW Island), by the

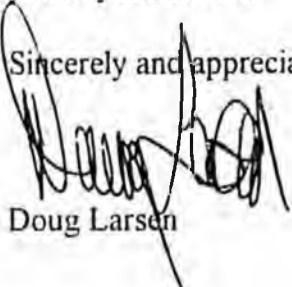
Klawock Cooperative Association, by 65 Craig and Klawock residents who signed and submitted a petition, and by numerous residents of Unit 2 who have submitted individual letters of opposition. Indeed, in talking recently with a federal subsistence staff member in Anchorage, I learned that his office has not received a single letter supporting the doe hunt.

There are a couple of management implications that this Unit 2 situation illustrates for me. First, unlike the state's Fish and Game Advisory Committees, which submit proposals and suggested actions to the state Board of Game for consideration, the federal Advisory Councils appear to have repeatedly served as policy bodies with little oversight or interference from the federal Subsistence Board. Furthermore, unlike the state system, where public input is considered an integral part of the decision-making process, we observed in this instance what appears to be total disregard by the Southeast Council for the opposition to the doe hunt expressed by numerous rural residents. And finally, in making their decision, the Southeast Council totally ignored responsible, well-established and proven wildlife management considerations when they retained a doe hunt but eliminated the harvesting of bucks. This, more than anything else, is what causes me concern. If the federal system is going to allow biologically irresponsible recommendations to be implemented because of ANILCA's wording and interpretation, it is apparent that changes to the act need to be considered immediately. Herein lies my support for HJR 21. Unfortunately, because of federal oversight clauses in the act, I do not believe at this point that an amendment to our state constitution will solve our dilemma.

During recent teleconferences, I have heard rural Alaskans express concerns about losing the rural preference they are guaranteed under ANILCA. Although I see many inconsistencies with the rural preference allowance, I am willing to support it if that is what it takes to get the federal system out of Alaska and allows the state to resume its responsible, science-based management. Again, my concern is first and foremost for the long-term integrity of our fish and wildlife resources.

Thanks again for your commitment to resolving this most untenable resource management concern. Please don't hesitate to call on me if there is anything at all that I can do to assist you in your efforts.

Sincerely and appreciatively,



Doug Larsen

cc: House Res. Com. members
Senator Robin Taylor

Kay Andrew
P.O.Box 7211
Ketchikan, Alaska
April 3, 1997

Senator Ted Stevens,
522 Hart Building
Washington, D.C.

Dear Senator Stevens,

I am writing to you to tell you the feelings at a meeting I attended last evening in Ketchikan. We have held several meetings on the P.W.I. issues plus subsistence in general and are now meeting on subsistence and sovereignty. First I would like to express to you the deep concern from the people attending this meeting about your presentation to the joint House and Senate yesterday. HOW DARE YOU belittle Rep. Masek's ideas and Resolution. She and the others in the legislature that are in support of this resolution are trying to solve a mess you in Wash. created. Why weren't the PEOPLE in the state of Alaska told what ANILCA would do to us during its conception?. This mess was created by Wash. not Alaska you knew this document was outside the State constitution and was in violation with the 10th ammendment, both of these declarations were violated when ANILCA was created, because of Washington's mistake you now want us to change are constitution, We say change ANILCA, it would not change anything if ALASKA changed its constitution we would still have to manage for subsistence, ANILCA created two class'es of people in our state rural and urban, we the urban people pay your and our government to operate and you continually tell us the urban area people have to give up something. Well Senator we the people are tired of giving, we are forming people from around the state to tell you and the federal government this has got to stop!. Alaskans are no longer willing to go down this road. I would like to stress to you, we were angered by your statements to Rep. Masek, we fully support her efforts she and the others supporting HJR21 are the only one's protecting ALASKANS civil and state rights. As far as I am concerned what you said at the legislature yesterday puts you in the same catogory as the Govenor and we will have to start saying WHERE IS TED?. We in alaska were told by your supporters to vote for you and that it would be a vote for power in washington D.C.. You have 30 years of Alaskans support under your belt, you have a Republican majority, and you stand up in the legislature and say you can't do anything for us. well I don't agree ,go out and get the 60 votes you need. Its time to show us urban Alaskans you really are representing us.

Sincerely,

Kay Andrew



MATANUSKA VALLEY SPORTSMEN

**PO BOX 1875
PALMER, ALASKA 99645
NRA AFFILIATED
RANGE PHONE: 746-4862**

RECEIVED
MAR 25 1997

House Resources Committee
State Capitol
Juneau, Alaska 99801-1182

MARCH 14, 1997

Dear Representative, Beverly Masek-Vice-Chair:

At our March 1997 general membership meeting the subject of House Joint Resolution No. 21 was brought up and discussed and I was requested by unanimous consent of the members present to contact you and voice the support of M.V.S. for prompt passage of that resolution.

Matanuska Valley Sportsmen has an active membership of over 300, many of which are family memberships.

We strongly oppose any attempt by U.S. Dept. of Agriculture, U.S. Dept. of Interior, or any other branch of Government to force The State of Alaska to amend our State Constitution, which was reviewed and approved by the Federal Government prior to their passage of the Statehood Act, creating Alaska as the 49th. state.

Many of us voted for Statehood so that Alaska could manage its resources rather than continue to submit to Federal management.

Sincerely

Robert A. Lochman
President M.V.S.

C.C.

Sen. Rick Halford-Chairman Senate Resources
Representative Mark Hanley- House Finance Sub-Committee, Fish and Game

THE MATANUSKA VALLEY SPORTSMEN ARE DEDICATED TO FIREARMS SAFETY EDUCATION AS A PUBLIC SERVICE; MARKSMANSHIP TRAINING AS A CONTRIBUTION TO INDIVIDUAL PREPAREDNESS FOR PERSONAL AND NATIONAL DEFENSE; AND THE SPORTS OF SHOOTING AND HUNTING AS WHOLESOME FORMS OF RECREATION.

Rep. Beverly Masek
AK. State Capitol
Juneau, AK. 99801

RECEIVED
APR 01 1997

Dear Rep Masek,

I am writing you this letter to congratulate you from the bottom of my heart for sponcering HJR 21.

As a Ketchikan resident I am stunned at the possibility of Deerhunting rights on Unit 2 and Prince of Wales Is will be stripped from me because I live on the wrong 1/2 acre patch of Alaskas 360 million acres. According to our own Dept of Fish and Game there is no biological reason for this. It is all political. Since I myself consider the right to subside off our world class supply of wildlife as my primary privilege, I have suddenly become more aware of my surroundings. I don't like what I see. We need now more than ever to pull together as Alaskans and not let the Federal Government polarize us.

I saw you on Gavel to Gavel last week speaking about HJR 21. Your statements about the importance of upholding the State Constitution and of the need for us to work together as a State were profound, sincere, and to the point. That is an incredibly refreshing trait in today's political world.

We cannot let ourselves be polarized, or as you say, be segregated by zipcodes. This is a battle for our children. I will ask every person I see on the trail or at sea, to send you words of encouragement.

Thank You Very Much.

Johnny Rice
Box 1535
Ward Cove, Alaska.
99928

FROM: ROGER L. SCHMIDT
POB 26
STERLING, AK 99672

SUBJECT: RESOLUTION HJR21

TO: REP. BEVERLY MASEK

I SUPPORT THE RESOLUTION HJR 21 WHICH YOU HAVE INTRODUCED THAT WOULD GRANT THE STATE OF ALASKA THE RIGHT TO MAKE THE DECISIONS ON OUR SUBSISTENCE ISSUES AND THE MANAGEMENT OF OUR STATE AND PRIVATE LANDS AND WATERS.

I FEEL VERY STRONGLY ABOUT THE CONTINUOUS INTERFERENCE AND PRESSURE THAT IS PLACED ON OUR STATE GOVERNMENT BY THE FEDERAL GOVERNMENT IN THE MANAGEMENT OF OUR RESOURCES. I HOPE THAT MORE OF OUR ELECTED OFFICIALS WILL SUPPORT YOU AND DO THE JOB THEY ARE GETTING PAID FOR AND THAT IS TO WORK FOR THE WELL BEING OF THE PEOPLE AND THE STATE OF ALASKA.

SINCERELY,



cc:Mail for: Representative Beverly Masek

Subject: HJR 21

From: 103174.3043@CompuServe.COM ("John A. Miller") at CC2MHS1 3/14/97 11:21 PM

To: representative beverly masek at LAA_TRANS

cc: representative al vezey at LAA_TRANS

cc: senator gary wilken at LAA_TRANS

cc: representative scott ogan at LAA_TRANS

cc: representative john davies at LAA_TRANS

cc: representative jeannete james at JNU_LAA

cc: Representative Gene Therriault at LAA_TRANS

cc: senator bert sharp at LAA_TRANS

I urge your support of HJR 21. There is NO WAY Alaskans are going to accept the racist demands of the Federal Govt. to reserve what is now the bulk and will eventually be all of the hunting opportunity for rural residents. The ONLY acceptable way out of this mess is to change ANILCA so that we are all treated equally.

Thanks for your efforts on behalf of the vast majority.

cc:Mail for: Representative Beverly Masek

Subject: HJR21

From: 102262.2135@CompuServe.COM (Mary/Dick Bishop) at CC2MHS1 3/14/97 12:34 AM

To: representative beverly masek at LAA_TRANS

Dear Rep. Masek:

I wish to strongly support this proposed legislation. Because of Title VIII in ANILCA "all other uses must be eliminated before "customary and traditional" subsistence use by rural residents can be restricted." That is a quote from a 1995 Interior Dept. memo to the Federal Subsistence Board. Customary and traditional uses have been defined in court to mean virtually year-round hunting -- and we all know that customary and traditional techniques include such things as netting waterfowl.

Harvest practices that once were necessary to avoid starvation are no longer necessary. If allowed, they will preclude all other users and uses. We know (and AFN's "no net loss" policy passed in 1996 agrees) that the federal priority exists all the time -- not just when there is a shortage. We also know (and again the AFN policy agrees) that customary and traditional subsistence harvests can be sold for substantial amounts of cash in commercial markets.

ANILCA must be amended. We must learn to share -- share the resource, the technology used in modern resource harvest, and the conservation ethic that safely allows sustainable harvests.

Thank you for pursuing this legislation. This is my first e-mail ever to an elected official. I would appreciate a response if you can find the time.
Sincerely, Mary Bishop



Bristol Bay Driftnetters' Association, Inc.

P.O. Box 21951

Juneau, AK 99802

Phone: (907) 463-4970 • FAX: (907) 586-1001 4970

3-7-97

TO: Rep. Beverly Masek

FROM: Dean Peddock

SUBJECT: HJR 21

Bravo for the introduction of
this resolution. Without the
sought-for action by Congress
our society will be forever
divided and our viability as a
state destroyed!



Alaska State Legislature

Please enter into the record my testimony to the House Resources
committee name
committee on HJR 21, dated March 13, 1997.
bill/subject

Strongly support HJR 21.

However, whenever possible we need to find ways to eliminate "preferences" and begin to emphasize how people live and not where they live. When the "how" is the center of focus then the terms subsistence preference, or customary and traditional use preference no longer have application.

Let me be up front, the intent of the "native" population is as clear today as in the 1970's (during development of ANCSA). That intent was to leave one leg staunchly rooted in "tradition" but the other leg in the modern corporate economy & there in reap the fruits of multiple economies & cultures.

Signed: *Ernest Portscheller, Jr.*
Testifier

Representing (Optional)
P.O. BOX 2544 Palmer, Alaska, U.S.A. 99675
Address

Phone No.

①

Alaska State Legislature

Please come into the record my testimony to the House Resources
(committee name)
committee on HJR 21 dated 3-14-97
bill/subject

I would like to commend Representative Masek for offering the most logical /common sense approach to solving the subsistence issue that is breaking the state of Alaska apart. ~~XXXX~~ I believe this is a good approach and support HJR 21.

1st I support subsistence to put game and fish on a persons table as food. I believe that was the intent and that the Feds & others are using subsistence to achieve their own personal agendas.

2nd The state of Alaska was accepted into the Union of the United States of America with a state constitution prepared and accepted by Alaskans and also accepted by the US Congress, The state constitution was not in conflict with the US Constitution. I donot believe the US Congress or the President has the authority

Signed: Dick Cooso Phone: _____
Testifier
Representing (Optional)
Address

Fax transmitted from Ketchikan Legislative Information Office
Phone: 225-9675 Fax: 225-8546

cc:Mail for: REPRESENTATIVE SCOTT OGAN

Subject: anilca

From: galloway@mosqitonet.com (Bob galloway) at CC2MHS1 3/13/97 3:50 PM

To: Representative Scott Ogan at LAA_TRANS

Dear Mr. Ogan, thanks for helping push in a bill about resolving the anilca issue, I would like to say you have my full support as well as all of my friends and if I can write any one or email please let me know, lets put Alaska Wildlife managment back where it belongs in alaska. thanks again Bob Galloway

cc:Mail for: REPRESENTATIVE SCOTT OGAN

Subject: HJR 21

From: 102262.2135@CompuServe.COM (Mary/Dick Bishop) at CC2MHS1 3/14/97 12:34 AM

To: representative scott ogan at LAA_TRANS

Dear Representative Ogan:

I wish to strongly support this proposed legislation. Because of Title VIII in ANILCA "all other uses must be eliminated before "customary and traditional" subsistence use by rural residents can be restricted." That is a quote from a 1995 Interior Dept. memo to the Federal Subsistence Board. Customary and traditional uses have been defined in court to mean virtually year-round hunting -- and we all know that customary and traditional techniques include such methods as netting waterfowl.

Harvest practices that once were necessary to avoid starvation are no longer necessary. If allowed, they will preclude all other users and uses. We know, and AFN's "no net loss" policy passed in 1996 agrees that the federal priority exists all the time -- not just when there is a shortage. We also know, and again the AFN policy agrees, that customary and traditional subsistence harvests can be sold for substantial amounts of cash in commercial markets.

ANILCA must be amended. We must learn to share--share the resource, the technology used in modern resource harvest, and the conservation ethic that safely allows sustainable harvests.

Thank you for pursuing this legislation. This is my second e-mail ever to an elected official. I would appreciate a response if you can find the time. Sincerely, Mary Bishop

cc:Mail for: REPRESENTATIVE SCOTT OGAN

Subject: HJR 21

From: mcgehee@mosquionet.com at CC2MHS1 3/13/97 12:58 PM

To: Representative Scott Ogan at LAA_TRANS

Representatives Masek and Ogan:

I am writing to express my support for the resolution you have sponsored to urge Congress to amend ANILCA and restore Alaskans' right to manage their own fish and game.

The United States government does not, in my opinion, have the authority to direct the people of Alaska to amend their state's constitution to suit appointed bureaucrats who write regulations based on statutes, the constitutional authority of which are themselves questionable. The U.S. Constitution requires state constitutions to abide by the U.S. Constitution and federal statutes "pursuant" to it, but as I understand "pursuant," this applies only to statutes particularly necessary to give force to the powers expressly granted in the U.S. Constitution.

There being no explicit federal power to manage fish and game, even on federal lands, ANILCA clearly does not meet this standard. The Interior Department's efforts, then, to extort Alaskans into altering their state constitution is in violation of the U.S. Constitution.

By rights, it should not be necessary to amend ANILCA to relieve this problem -- but "by rights" means very little in these blighted times.

Thank you for introducing HJR 21, and I want very much to see it adopted by the Legislature. Maybe then our friends, Senators Stevens and Murkowski, and Rep. Young, will recognize that a decision has been made, and will use their vaunted clout to get the job done.

Kevin McGehee
North Pole, Alaska
mcgehee@mosquionet.com
<http://www.mosquionet.com/~mcgehee/>

cc:Mail for: REPRESENTATIVE SCOTT OGAN

Subject: HJR 21

From: PENRITH@aol.com at CC2MHS1 3/13/97 5:02 PM

To: Representative Scott Ogan at LAA_TRANS

cc: Representative Beverly Masek at LAA_TRANS

I commend your efforts at passage of HJR 21, and the attendant changes in ANILCA. Please number me, my wife, and four other adult members of our Alaska family as strong supporters of HJR 21. There are no more noble provisions of our State constitution than those which insure equal enjoyment of our natural resources for all citizens. The solution to our subsistence problems lies with the amendment of ANILCA, not with changes in our constitution which would divide our people and regress to segregation.

March 14, 1997

Patrick & Arleta O'Connor
PO Box 3687
Palmer, Alaska 99645
March 14, 1997

TO: ALL MEMBERS OF THE HOUSE RESOURCE COMMITTEE

We would like to show our support for HJR21 by Representative Bev Masek.

The people of Alaska accepted the constitution for the state when we became a state. The federal government accepted our constitution as written when we became a state. Years later, why should the federal government decide that we should change our constitution to meet their way of thinking?

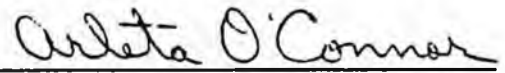
We used to hunt on lands that were added to Denali Park long before the lands were added to the park. In 1985 the Park Service said that we no longer had customary and traditional use of the land. We have been bounced around like a ping pong ball by the different federal agencies for 12 years. It is a no-win situation for us unless we had a lot of money for high power attorneys.

Our question is; what is the definition of customary and traditional use of the land?

We trust that you all can agree to the HJR21 bill.



Patrick O'Connor



Arleta O'Connor

cc:Mail for: Representative Beverly Masek

Subject: ANILCA

From: akklaich@ptialaska.net at CC2MHS1 3/19/97 8:52 PM

cc: Representative Scott Ogan at LAA_TRANS

To: Representative Beverly Masek at LAA_TRANS

Please support the effort to fix ANILCA by changing it at the Federal level. The Alaska constitution prohibits discrimination against any/all Alaskans with respect to the use of fish and game. Please help change ANILCA (HJR 21) so that it does not contradict our constitution.

Thank you.

Steve Klaich

cc:Mail for: Representative Beverly Masek

Subject: [Fwd: ANILCA]

From: galloway@mosqitonet.com (Bob galloway) at CC2MHS1 3/13/97 3:52 PM

To: Representative Beverly Masek at LAA_TRANS

Message-ID: <33289239.5A0E@mosqitonet.com>
Date: Thu, 13 Mar 1997 14:48:10 -0900
From: Bob galloway <galloway@mosqitonet.com>
X-Mailer: Mozilla 3.0 (Win95; U)
MIME-Version: 1.0
To: masek@legis.state.ak.us
Subject: ANILCA
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit

Dear Ms or Mrs Masek, I am behind you 100% on amending anilca. I know that every alaskan that I have spoken with about anilca is in agreement that we need to manage our own fish and wildlife, shoot thats what we pay biologists for. Our men and women in the fish and game department have attended the same universitys that other biologist in the federal government have attended and I believe that they each and every one love alaska, and its natural resources and will go to any length to protect it for future generations of alaskans and it is about time that the US Congress realizes this, and returns management where it belongs, in alaska for alaska, again Beverly keep up the good work. Bob Galloway

cc:Mail for: Representative Beverly Masek

Subject: HJR 21

From: mcgehee@mosquitonet.com at CC2MHS1 3/13/97 12:58 PM

To: Representative Scott Ogan at LAA_TRANS

bcc: Representative Beverly Masek at LAA_TRANS

Representatives Masek and Ogan:

I am writing to express my support for the resolution you have sponsored to urge Congress to amend ANILCA and restore Alaskans' right to manage their own fish and game.

The United States government does not, in my opinion, have the authority to direct the people of Alaska to amend their state's constitution to suit appointed bureaucrats who write regulations based on statutes, the constitutional authority of which are themselves questionable. ~~The U.S. Constitution requires state constitutions to abide by the U.S. Constitution and federal statutes pursuant to it, but as I understand, pursuant, this applies only to statutes particularly necessary to give force to the powers expressly granted in the U.S. Constitution.~~

There being no explicit federal power to manage fish and game, even on federal lands, ANILCA clearly does not meet this standard. ~~The Interior Department's efforts, then, to extort Alaskans into altering their state constitution is in violation of the U.S. Constitution.~~

By rights, it should not be necessary to amend ANILCA to relieve this problem -- but "by rights" means very little in these blighted times.

Thank you for introducing HJR 21, and I want very much to see it adopted by the Legislature. Maybe then our friends, Senators Stevens and Murkowski, and Rep. Young, will recognize that a decision has been made, and will use their vaunted clout to get the job done.

Kevin McGehee
North Pole, Alaska
mcgehee@mosquitonet.com
<http://www.mosquitonet.com/~mcgehee/>

cc:Mail for: Representative Beverly Masek

Subject: HJR 21

From: PENRITH@aol.com at CC2MHS1 3/13/97 5:02 PM

To: Representative Scott Ogan at LAA_TRANS

cc: Representative Beverly Masek at LAA_TRANS

I commend your efforts at passage of HJR 21, and the attendant changes in ANILCA. Please number me, my wife, and four other adult members of our Alaska family as strong supporters of HJR 21. ~~There are no more noble provisions of our State constitution than those which insure equal enjoyment of our natural resources for all citizens:~~ The solution to our subsistence problems lies with the amendment of ANILCA, not with changes in our constitution which would divide our people and regress to segregation.

Mr. Gregory
12931 Stephenson St

A Myhre

345-6085

Anchorage

AK 99515

Distribution

60

Affiliation

Reg Voter

Y

Date POM Sent

Constituency

Bill Number

Response

Subject

03/31/97

N

HJR 21

Supports

I AM IN SUPPORT OF REPRESENTATIVE MASEK'S RESOLUTION, HJR 21. REQUEST THAT YOU ALL WORK TOGETHER TO SEE THAT IT IS PASSED SO WE CAN BRING CONTROL BACK TO THE STATE OF ALASKA.

Mr. Al M Sharp 562-1415
 907 W 57th Ave
 Anchorage AK 99518 Distribution Affiliation Reg Voter
 60 U
 Date POM Sent Constituency Bill Number Response Subject
 04/01/97 N HJR 21 Supports

I AM IN FULL SUPPORT OF HJR 21 BECAUSE THE CONSTITUTION OF ALASKA SAYS THAT THE NATURAL RESOURCES BELONG TO ALL THE PEOPLE OF ALASKA.

Mr. Michael Evans 000-0000
 HC01 Box 6205
 Palmer AK 99645 Distribution Affiliation Reg Voter
 60 Y
 Date POM Sent Constituency Bill Number Response Subject
 04/01/97 N HJR 21 Supports

I TOTALLY SUPPORT THIS BILL AND ENCOURAGE YOUR SUPPORT ALSO.

Mr. Robert Mielke 745-6622
 PO Box 870988
 Wasilla AK 99687 Distribution Affiliation Reg Voter
 02 Y
 Date POM Sent Constituency Bill Number Response Subject
 04/01/97 C HJR 21 Supports

I SUPPORT HJR 21 AND I URGE THE STATE LEGISLATURE TO ADOPT THIS RESOLUTION.

Mr. Paul A Smith 776-8196
 PO Box 7471
 Nikiski AK 99635 Distribution Affiliation Reg Voter
 60 Y
 Date POM Sent Constituency Bill Number Response Subject
 04/01/97 N HJR 21 Supports

I WANT TO ENCOURAGE YOU TO SUPPORT HJR21.

Mr. John
2022 Brandilyn St

A Gimarc

345-0629

				Distribution	Affiliation	Reg Voter
Anchorage	AK	99516		60		Y
Date POM Sent	Constituency	Bill Number	Response	Subject		
04/02/97	N	HJR 21	Supports			

I STRONGLY SUPPORT HJR 21. IT IS TIME FOR THE ALASKA LEGISLATURE TO TAKE STEPS TO TAKE CONTROL OF FISH AND GAME MANAGEMENT IN ALASKA.

Mrs. Roberta
6525 Roosevelt Dr

Shields

225-6334

			Distribution	Affiliation	Reg Voter
Ketchikan	AK	99901	42		Y
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/01/97	N	HJR 21	Supports		

I APPRECIATE YOUR TAKING THE STAND IN TRYING TO PULL EVERYBODY TOGETHER FOR A SOLUTION ON THIS SUBSISTENCE ISSUE. I REALLY SUPPORT YOU FOP YOUR EFFORTS. I THINK YOU ARE DOING A GREAT JOB.

Mr. Earl
1450 Tongass

Mossburg

225-9330

			Distribution	Affiliation	Reg Voter
Ketchikan	AK	99901	42	Life-long	Y
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/01/97	N	HJR 21	Supports		

REPRESENTATIVE MASEK: I SALUTE YOU FOR YOUR INTRODUCTION OF HJR 21. YOU ARE ONE WHICH UNDERSTANDS THE OATH OF OFFICE WHICH YOU SWORE TO UPHOLD. YOU MAY HAVE LOST A FEW FRIENDS BUT YOU WILL GAIN MANY. HJR 21 HAS BEEN YEARS

IN COMING FROM ALASKA'S LEGISLATURE. KEEP UP THE GOOD WORK. YOU ARE A TRUE ALASKAN.

cc:Mail for: Representative Beverly Masek

Subject: ANILCA , Title 8 and HJR 21

From: 103174.3043@CompuServe.COM ("John A. Miller") at CC2MHS1 4/7/97 2:03 AM

bcc: representative beverly masek at LAA_TRANS

cc: representative al vezey at LAA_TRANS

cc: senator bert sharp at LAA_SSHA

To: representative tom brice at LAA_TRANS

cc: representative john davies at LAA_TRANS

cc: representative jeannete james at JNU_LAA

cc: senator gary wilken at LAA_TRANS

cc: senator_murkowski@murkowski.senate.gov at CC2MHS1

cc: senator_stevens@stevens.senate.gov at CC2MHS1

cc: donyoung@hr.house.gov at CC2MHS1

Ted Stevens is a racist bully. Straight to hell with him!

He and Tony Knowles advocate the same approach - We re going to retain the State s right to manage fish and wildlife, and the way we re going to do it is by doing exactly what the Feds tell us to do]. What difference does it make if we do their bidding or they do it themselves? (The only difference I can see is who gets to pay for the Gestapo to enforce it.)

Please continue to resist the idea that because the Federal Government may have the power to shove us in this cesspool, we should just jump. Make them shove, make it as difficult for them as possible, leave some scratch marks on the rim.

Show some backbone. Pass HJR 21.

Thank you.

John A. Miller
1260 March Dr.
Fairbanks, 99709

**The Alaska Boating Association**

P.O. Box 210430

Anchorage, Alaska 99521

Donald Sherwood- President

April 7, 1997

Representative Jeannette James, Chair
House State Affairs Committee
Alaska State Legislature, House of Representatives
State Capitol, Interdepartmental Mail Stop: 3101
Juneau, AK 99801-1182

Dear Representative James:

We ask you and your committee to support HJR0021 relating to amendment of Title VIII of the Alaska National Interest Lands Conservation Act, sponsored by Representatives Beverly Masek and Scott Ogan. This is well written, concise, and clearly states the need for amendments to Title VIII of ANILCA. These two young legislators should be commended for this resolution.

The rights and powers of the state and people within the state to manage their own resources have truly been jeopardized by Federal Agency use of provisions within Title VIII to preempt state authority over a portion of fish and wildlife management on public land and water in Alaska. This is both unfair and unnecessary. Now the Federal Government tells us that we must amend our State Constitution if we are to regain control of management of our resources. Our Constitution conforms to the United States Constitution and requires no change. Title VIII of ANILCA is the document that requires change to bring this issue to a quick and just end.

We see this resolution as a means to begin to pave the way for amendment of Title VIII and encourage it's adoption as swiftly as possible.

Thank you,

Roy J. Burkhart, Legislative Affairs Officer, Alaska Boating Association

cc: All Members of the House State Affairs Committee: Dyson, Ivan, Hodgins, Vezey,
Berkowitz, and Elton
Representative Beverly Masek
Representative Scott Ogan
Don Sherwood, President, Alaska Boating Association



FRAN ULMER
LIEUTENANT GOVERNOR
STATE OF ALASKA

April 3, 1997

Mr. Paul Stuart
Frontiersman
1261 Seward Meridian
Wasilla, AK 997654

Dear Mr. Stuart:

I am writing to request that you immediately correct the April 2 Frontiersman article on subsistence. I said nothing that would suggest support for HJR 21. The resolution contains numerous inaccuracies and is worthless without a constitutional amendment to allow the state to provide for a rural subsistence priority. The resolution is not "just the ticket" to anything unless a whole package approach (constitutional amendment, state statutes and definition of terms in ANILCA) is adopted simultaneously. That will require the cooperation of the Alaska Legislature and the congressional delegation. If HJR 21 opens a dialogue to achieve that cooperation and to put a constitutional amendment before Alaskans voters, that would be a step forward! However, if it is only used as a way of shifting blame or tossing a hot potato to avoid meaningful action on this important issue, then it is a waste of paper.

I have observed but not "accepted" the Legislature's inaction on the Governor's constitutional amendment. We still believe it is absolutely essential that they pass it. No "solution" is complete without it.

Sincerely,


Fran Ulmer
Lieutenant Governor



FRAN ULMER
LIEUTENANT GOVERNOR
STATE OF ALASKA

April 3, 1997

Mr. Paul Stuart
Frontiersman
1261 Seward Meridian
Wasilla, AK 997654

RECEIVED BY

APR - 9 1996

Rep. Jeannette James

Dear Mr. 

I am writing to request that you immediately correct the April 2 Frontiersman article on subsistence. I said nothing that would suggest support for HJR 21. The resolution contains numerous inaccuracies and is worthless without a constitutional amendment to allow the state to provide for a rural subsistence priority. The resolution is not "just the ticket" to anything unless a whole package approach (constitutional amendment, state statutes and definition of terms in ANILCA) is adopted simultaneously. That will require the cooperation of the Alaska Legislature and the congressional delegation. If HJR 21 opens a dialogue to achieve that cooperation and to put a constitutional amendment before Alaskans voters, that would be a step forward! However, if it is only used as a way of shifting blame or tossing a hot potato to avoid meaningful action on this important issue, then it is a waste of paper.

I have observed but not "accepted" the Legislature's inaction on the Governor's constitutional amendment. We still believe it is absolutely essential that they pass it. No "solution" is complete without it.

Sincerely,



Fran Ulmer
Lieutenant Governor

Rep Beverly Masek

HOUSTON HONORS FIREFIGHTERS FOR MILLER'S REACH EFFORTS. SEE PAGE A3

MIDWEEK

Volume 49, Number 62 April 2, 1987

50¢

Frontiersman

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Growing with Alaska's Mat-Su Valley since 1947



Ulmer: subsistence resolution vital

By PAUL STUART
Frontiersman reporter

WASILLA — A statement by Lt. Gov. Fran Ulmer last week indicated possible administration support for a resolution now before the state Legislature, aimed at regaining control of fish-and-game management for the state.
The resolution, sponsored by Rep. Beverly Masek, R-Willow,

urges the federal government to rewrite a contentious section of the 1981 Alaska National Interest Lands Conservation Act (ANILCA). The rewording would keep the concept of rural preference for fish and game harvesting in times of need, but the state would get to define the meanings of rural and traditional use. In Masek's view, this could both satisfy federal authorities, and bring ANILCA

into harmony with those parts of the state constitution that guarantee equal rights for all Alaskans.
Ulmer, in an interview Wednesday, said she thinks the resolution would "do more than that."
She agreed with Masek that Congress might jump at the opportunity to resolve the 16-year-old deadlock on subsistence, and yield back to the state the

widening federal control of fish-and-game management.
And Ulmer also stressed she doesn't think resolving the subsistence issue can wait, "even though some politicians are saying court rulings in favor of Indian Country might make the issue moot."
Ulmer said even if Indian Country were established in all 226 Alaska villages, it wouldn't make fish-and-game manage-

ment problems go away.
"That would still leave millions of acres of federal land that weren't in Indian Country," Ulmer said. "And it would be more complicated than ever. We'd have three authorities instead of just two managing our fish and game." She foresaw adding tribal authorities to the federal and state agencies already clashing over fish-and-game management.

Ulmer said Alaska's congressional delegation, consisting of Republican Senators Frank Murkowski and Ted Stevens, and Rep. Don Young, has been saying it doesn't want to make a move on the subsistence quandary until some kind of consensus is reached in the state.
The lieutenant governor indicated Masek's resolution might
See GAME, Page A9



Fire consolidation plan entangled in red tape

By SUE STUART
For the Frontiersman

PALMER — The state fire consolidation project at Palmer

ministration. According to City Manager Tom Smith, some facts and desires of the state can't be light that would materially change the original intent of the

with Federal Aviation Administration grants, and although City Attorney Jack Snodgrass said a way could probably be found to sell it, it would be

Art deadline nears

All briefs of amicus — of the court — on both side of the state and in opinion, must be entered no later than 30 days after the April 7 deadline. He said the court then has 10 days in which to make any responses. Botelho said the Supreme Court then would likely make a decision by the end of June or to accept the case. The court could ask the Solicitor General for his views, Botelho said. That times is done, he said, in a case where the federal government is not directly involved, but nevertheless significant interests, as in Venetie. There would normally be no deadline for the solicitor general to submit views to the high court, he said. Whether or not the solicitor

general becomes involved, Botelho said if the Supreme Court accepts the case, it would not be heard until the justices convene for their fall session, and possibly not until the spring of next year.

Besides rushing through the \$1 million appropriation, Alaska House Speaker Gail Phillips, R-Homer, and Senate President Mike Miller, R-North Pole, also quickly issued a six-page report, detailing severe impacts they say might result from claims that could follow the Venetie ruling of Indian Country status by all 226 Alaska villages.

The report described potential erosion of the state's revenue base, threats to civil rights of Alaskans — both Native and non-Native — and the loss of state authority in fish and game management.

Continues to spread

its were never surrendered



GAME: Resolution on target

Continued from Front Page

be just the ticket to ending the impasse.

"If the Legislature passes this (Masek's resolution), then we could say to our congressional delegation, 'There, we have some kind of consensus. Now the ball's in your court,'" Ulmer said. She said she has accepted the present Legislature is not going to agree to put a measure on the ballot to amend Alaska's constitution to bring it into harmony with the existing Title VIII

of ANILCA. That means another solution is needed, Ulmer said.

The federal stand on the conflict between the two has been the source of the deadlock.

Masek's resolution cleared the House Resources Committee last week, and Resources chairman Scott Ogan, R-Palmer, said he is optimistic it can quickly move on to final approval.

Ogan also said Friday he was eager to meet with the lieutenant governor about the new development.

The Mat-Su Council



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Ticket price includes auction & door prize opportunities

ALASKA
Health Fair
Saturday, April 5
9am - 2pm
Health Screening & Information
by Valley professionals



NANA Regional Corporation

P.O. BOX 49 / KOTZEBUE, ALASKA 99752 / (907) 442-3301 / FAX (907) 442-2886

INUPIAT ILITQUSIAT

April 9, 1997

*With guidance and support
from Elders; I teach my
children these Inupiaq Values:*

State Affairs Committee Members:

- Rep. Jeanette James, Chair
- Rep. Fred Dyson
- Rep. Ivan Ivan
- Rep. Mark Hodgins
- Rep. Al Vezey
- Rep. Ethan Berkowitz
- Rep. Kim Elton

Respect for Elders

Knowledge of Language

Love for Children

Knowledge of Family Tree

Respect for Others

Responsibility to Tribe

Respect for Nature

Hunter Success

Domestic Skills

Family Roles

Sharing

Cooperation

Humility

Avoid Conflict

Hard Work

Humor

Spirituality

I would like to provide you with a written testimony on HJR 21 -- Relating to amendment of Title VIII of the Alaska National Interests Lands Conservation Act.

Essentially, this resolution is an attempt to gut the key subsistence provisions of Title VIII of ANILCA. It asks Congress to amend Title VIII in 10 specific areas; the key amendments would allow the state to define the terms "rural" and "customary and traditional", would remove the federal government from any enforcement role in subsistence protection, and would reduce the role and authority of the subsistence advisory boards. This is the reason NANA Regional Corporation opposes HJR 21.

Here are further comments on each of the 10 proposed amendments as specified in HJR 21, by the amendment number in the resolution:

1. Changing the definition of "public lands" to exclude state and private (ANCSA) lands and waters eliminates the option of federal subsistence protection on millions of acres of land that have been selected but not yet conveyed to the state or ANCSA corporations.

The federal government gives ANCSA corporations approval authority over activities proposed on selected lands; this amendment would eliminate that authority from being extended in the future to subsistence protection.

2. This amendment would prevent the federal government from enforcing the rural subsistence priority by assuming management of fish and game resources in the event the state continued to not comply with the rural preference specified in Title VIII unless authorized by an act of Congress. This would completely remove the only incentive for the state to address the rural subsistence preference issue.

3. Removing navigable waters from the management authority of federal agencies is directly counter to the decision in the Katie John ruling, and means again the federal government could not manage subsistence resources on state lands and waters to ensure the rural preference.

4. This would eliminate the jurisdiction of the federal courts to oversee state compliance with Title VIII. In other words, there would be no oversight of state compliance with ANILCA with authority to compel compliance.





LETTER TO STATE AFFAIRS COMMITTEE ON HJR 21
PAGE two

5. This section authorizes the state to define the terms "rural" and "customary and traditional". This obvious intent is to skew the definitions of these key terms to include urban residents.
6. This amendment revises the criteria in Title VIII for the subsistence preference from the stronger federal standard of "least adverse impact" on customary and traditional uses to a weaker standard of providing a "reasonable opportunity" to carry out subsistence activities. The result is it would be more difficult to maintain and enforce a strong rural subsistence preference.
7. This section would state that ANICLA neither affirms nor denies tribal sovereignty. ANILCA is already sovereignty neutral.
8. This provision gives authority to the state to determine whether subsistence advisory councils should be established. It is unlikely the state would then support the creation of advisory boards to advise the state on an issue to which they are opposed in the first place.
9. This provision furthermore states that regional subsistence advisory councils are advisory only, with no ability to require regulatory councils to adhere to their advice. If the above provision fails, this provision renders an advisory councils essentially useless.
10. This section would disallow the commercial sale of fish and wildlife taken for subsistence use. Sale, trade and barter of subsistence resources is a customary traditional subsistence activity.

Clearly, these provisions are intended to effectively eliminate any rural subsistence preferences and to render ineffective all mechanisms established by ANILCA to enforce the rural subsistence priority. The direct beneficiaries of these changes are residents of the more urban areas who by and large do not subsist and who do not need to subsist. This resolution only serves to worsen an already divisive debate and to foreclose other more sensible solutions, such as a constitutional amendment.

There is a win-win situation for every Alaskan on this issue and it requires coming up with an "operational definition" of subsistence that everyone can live with. Once and only once an "operational definition" is agreed upon by all groups of Alaskans, then and only then can an effective dialogus amongst all groups begin. We must go to the table with the same definition of "subsistence" otherwise talking about it will be like playing ping pong (just goes back and forth), as it is happening today.

NANA Regional Corporation opposes HJR 21 in its entirety.

Sincerely,

Charlie A. Curtis
President & CEO

RICK J. SCHIKORA
CERTIFIED PUBLIC ACCOUNTANT

1110 GILJAM WAY
FAIRBANKS, ALASKA 99701

(907) 456-1566

April 9, 1997

Representative Jeanette James
State Affairs, Chair
Alaska State Legislature

Dear Jeanette:

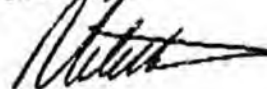
As you can imagine, I do not have time to send a letter to every member of your committee. However, I do support HJR #21.

I believe it could be made a stronger by changing the sixth Whereas to read: Whereas, the Alaska State Legislature has steadfastly resisted pressure from federal agencies and our congressional delegation to amend the Constitution of the State of Alaska ...

I believe the strongest possible message should be sent to our Congressional delegation that the rural subsistence priority is the most discriminatory action that they have and continue to inflict upon Alaskans. It will be so divisive to the residents of this state, that I believe the "rural" folks will loose in the long run. I foresee significant economic impacts to these areas when the urban legislators have their fill of this issue. We shouldn't have that in this state.

Please pass my support along to your committee. Thanks for your work on this issue.

Sincerely,



Rick Schikora

ALFRED MCKINLEY, SR.
EXECUTIVE COMMITTEE MEMBER
ALASKA NATIVE BROTHERHOOD GRAND CAMP
P.O. BOX 21713
JUNEAU, ALASKA 99802-1713

APRIL 10, 1997 - 8:00 AM

W/CA form
MR. CHAIRMAN, STATE AFFAIRS. THANK YOU FOR GIVING ME THE
OPPORTUNITY TO TESTIFY BEFORE YOU. MY NAME IS ALFRED
MCKINLEY, SR. I AM EXECUTIVE COMMITTEE MEMBER OF THE ALASKA
NATIVE BROTHERHOOD GRAND CAMP, I AM ALSO A ELECTED DELEGATE
TO A RECOGNIZED TRIBE OF CENTRAL COUNCIL TLINGIT-HAIDA INDIAN
TRIBES OF ALASKA. I AM HERE TO TESTIFY IN OPPOSITION TO HJR
21 BECAUSE IT ANNULS OR ALTERS ANILCA.

ANILCA TITLE VIII, SEC. 801 (4) STATES "IN ORDER TO FULFILL
THE POLICIES AND PURPOSES OF THE ALASKA NATIVE CLAIMS
SETTLEMENT ACT AND AS A MATTER OF EQUITY, IT IS NECESSARY FOR
THE CONGRESS TO INVOKE THE CONSTITUTIONAL AUTHORITY OVER
NATIVE AFFAIRS AND ITS CONSTITUTIONAL AUTHORITY UNDER THE
PROPERTY CLAUSE AND THE COMMERCE CLAUSE TO PROTECT AND
PROVIDE THE OPPORTUNITY FOR CONTINUED SUBSISTENCE USES ON THE
PUBLIC LANDS BY NATIVES AND NON-NATIVES RURAL RESIDENTS."

ALFRED MCKINLEY, SR.
EXECUTIVE COMMITTEE MEMBER

APRIL 10, 1997
PAGE 2

THE ALASKA NATIVE COMMUNITY MAINTAINS THAT THE CURRENT LEVEL OF FEDERAL SUBSISTENCE PROTECTIONS GRANTED UNDER TITLE VIII OF ANILCA MUST BE GUARANTEED IN ANY SOLUTION TO RESOLVE THE ONGOING SUBSISTENCE IMPASSE. THE ALASKA NATIVES WILL NOT SUPPORT ANY COMPROMISE THAT DIMINISHES THE SUBSISTENCE PREFERENCE, TITLE VIII'S GEOGRAPHICAL JURISDICTION. THE POWERS AND THE RESPONSIBILITIES OF THE FEDERAL AGENCIES AND FEDERAL COURT OVERSIGHT ON THAT MANDATES FEDERAL JUDICIAL DEFERENCE TO STATE COURTS OR STATE REGULATORY DECISIONS. THE ALASKA NATIVES COMMUNITY WILL NOT SUPPORT ANY AMENDMENT TO ANILCA OTHER THAN THAT WHICH GUARANTEES A NATIVE SUBSISTENCE PREFERENCE.

THE ALASKA NATIVE COMMUNITY ENDORSES AN AMENDMENT TO THE STATE CONSTITUTION THAT BRINGS THE STATE INTO COMPLIANCE WITH ANILCA.

MR. CHAIRMAN THIS IS OUR CONCRETE POSITION ON HJR 21 WHICH WE STRONGLY OPPOSE. IF THE BILL IS PASSED BY THE STATE LEGISLATURES, WE WILL STRONGLY OPPOSE ANY AMENDMENT TO ANILCA AT THE CONGRESSIONAL LEVEL.

ATTACHMENT BACKGROUND
CONCLUSION:

ANTICIPATED QUESTION:

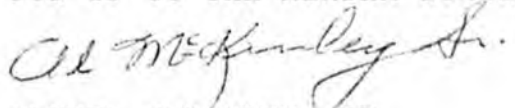
IN 1971, CONGRESS EXTINGUISHED ABORIGINAL FISHING RIGHTS.
43 U.S.C. S 1603(b).

REPLY:

CONGRESS EXPECTED THAT THE STATE AND FEDERAL AGENCIES
WOULD PROTECT SUBSISTENCE HUNTING AND FISHING, 1971
U.S.C.C.A.N. 2247, 2250. IN 1980, FRUSTRATED WITH THEIR
FAILURE TO DO SO, CONGRESS ENACTED ANILCA. TITLE VIII OF
ANILCA REQUIRED THAT RURAL ALASKA RESIDENCE BE ACCORDED A
PRIORITY FOR SUBSISTENCE HUNTING AND FISHING ON PUBLIC
LANDS. 16 U.S.C. 3113, 3114.

IF THE STATE LEGISLATURE WERE TO AMEND THE STATE
CONSTITUTION OR OTHERWISE COMPLY WITH ANILCA'S RURAL
SUBSISTENCE PRIORITY, THE STATE COULD RESUME MANAGEMENT
OF SUBSISTENCE USES ON PUBLIC LANDS INCLUDING NAVIGABLE
WATERS.

ITS UP TO THE ALASKA STATE LEGISLATURES TO ACT.



ALFRED MCKINLEY, SR.
EXECUTIVE COMMITTEE MEMBER
ALASKA NATIVE BROTHERHOOD
GRAND CAMP AND
DELEGATE TLINGIT-HAIDA
P.O. BOX 21713
JUNEAU, ALASKA 99802-1713

STATE OF ALASKA
HOUSE OF REPRESENTATIVES

STATE AFFAIRS COMMITTEE
Representative Jeannette James, Chair



Room 102, Capitol Building, Juneau

Phone 465-3743, FAX 465-2381

April 14, 1997

**Please add the attached
information to your packets on
HJR 21.**

Mary L. Bishop
1555 Gus's Grind
Fairbanks, AK 99709
907-455-6151

April 10, 1997

Dear Rep. James and members of the House State Affairs Committee:

I am writing in support of HJR21. It is so important that our Congressional delegation receive some sort of message from the Legislature. This resolution is not what I would prefer, but it is a way to allow ALASKANS to make the decision on the "nature of the priority".

Many people believe that the priority comes into play only rarely -- when there is some sort of unusual resource shortage, or when there is some sort of need. Even our Congressional delegation did not understand the priority for many years -- claiming that it only came into effect in these rare times of shortage. Many reporters still think it's only in times of shortage -- and mislead the public.

In reality Judge Holland and the Dept. of Interior have made it clear that this is not at all the case. AFN, the Outdoor Council, and the Interior Department all pretty much agree on the "nature of the priority" as it stands right now. The nature of that priority has been set by Congress and the courts.

The Interior Dept says: "All other uses must be eliminated before customary and traditional subsistence use can be restricted"

AFN, in their "no net loss" policy says: "The subsistence priority applies at all times, not just when there is a resource shortage. The Boards (of Fisheries and Game) are required to provide fully for customary and traditional uses before any non-subsistence uses may be allowed."

Please allow Alaskans the option of defining the nature of the priority. We can do this by redefining the terms "rural" and "customary and traditional". What Alaskans come up with may be, or may NOT be, consistent with the state's Constitution. I personally hope it will be consistent with our Constitution. I'll take the chance in this effort to find compromise. I'll take the chance in this effort to regain state management.

Meanwhile some of the more onerous provisions of the federal law would be gone if this resolution were carried out. For example, "public land" would mean federal public land, not state and private lands and waters; subsistence harvests could not be sold in competition with commercial harvests.

Please give Alaskans a chance to resolve this dreadful problem. Thank you for your efforts.

Sincerely,


Mary Bishop

Subsistence In Alaska: 1994 Update

Division of Subsistence, Alaska Department of Fish and Game
Box 25526, Juneau, Alaska, 99802 (907) 465-4147
March 1, 1994

Introduction

Subsistence fishing and hunting are important for the economies and cultures of many families and communities in Alaska. This report provides an update on subsistence in Alaska, including participants, harvest levels, and current legal issues.

What is Subsistence?

State and federal laws define subsistence as the "customary and traditional" uses of wild resources, for food, clothing, fuel, transportation, construction, art, crafts, sharing, and customary trade. Customary and traditional uses of fish and game are important to Alaskans from diverse cultural backgrounds, including Aleut, Athabaskan, Alutiiq, Euroamerican, Haida, Inupiat, Tlingit, Tsimshian, and Yup'ik. Harvesting, sharing, and using fish and wildlife are integral to the customs and traditions of a variety of cultural groups.

Subsistence uses also are important for Alaska's economy. Many Alaskan communities depend upon mixed, subsistence-cash economies, where subsistence production

is a major economic sector. The household economies of many families are dependent upon food and raw materials from subsistence activities.

State and federal subsistence statutes recognize the importance of customary and traditional subsistence uses of wild resources. Subsistence uses are given a preference over commercial fishing and recreational fishing and hunting in state and federal law.

Who Participates in Subsistence Uses?

State and federal laws differ in who qualifies for subsistence uses. Currently, all state residents qualify for subsistence fishing and hunting under state law. In 1990, there were 550,043 people living in Alaska (Fig. 1).

Under federal law, rural residents (about 21% of the population 1990) qualify for subsistence fishing and hunting on federal lands in Alaska. Of the 116,653 rural residents 55,888 were Alaska Natives (48%) and 60,765 were not Alaska Native (52%), while of the 433,390 urban residents, 29,810 were Alaska Natives (16%) and 403,580 were not Alaska Natives (84%).

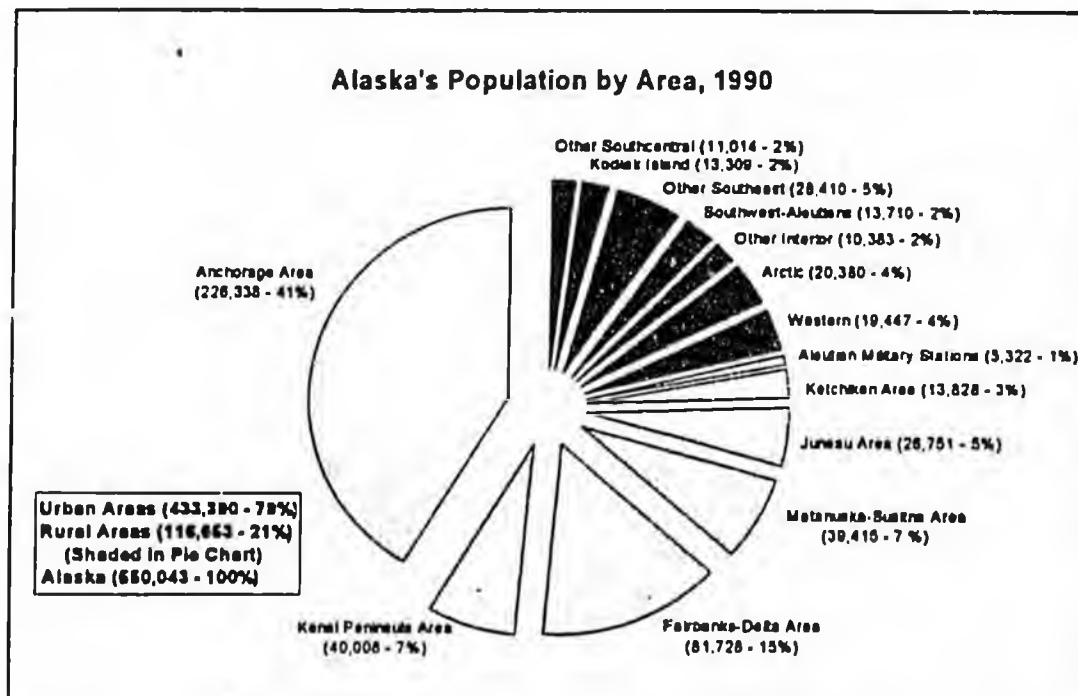


Figure 1

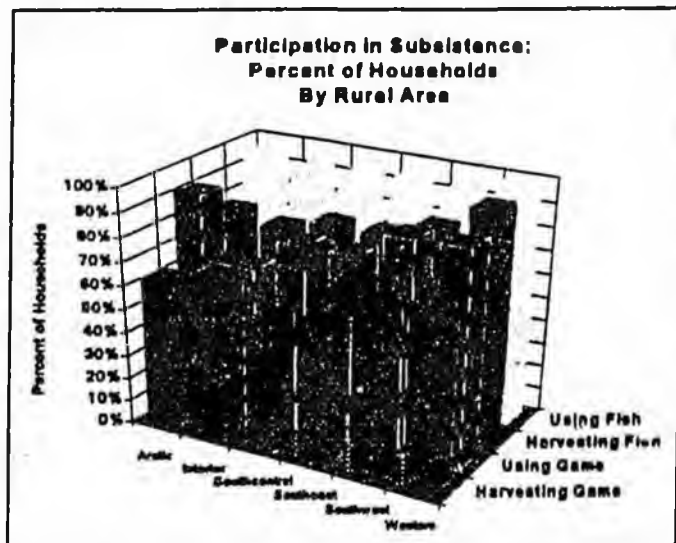


Figure 2

A substantial proportion of rural households harvest and use wild foods (Fig. 2). For surveyed communities in different rural regions, from 92%-100% of sampled households used fish, 75%-98% used wildlife, 75%-98% harvested fish, and 48%-70% harvested wildlife. Because subsistence foods are widely shared, most residents in rural communities make use of subsistence foods during the course of the year to some extent. A substantial number of urban residents engage in hunting and fishing also, as shown by the number of licenses sold in 1991: Anchorage-Matanuska-Susitna Area (32,428; 12 percent of all residents), Fairbanks Area (11,059; 14 percent), Kenai Peninsula Area (8,282; 20 percent), Ketchikan (2,648; 19 percent) and Juneau (3,683; 14 percent).

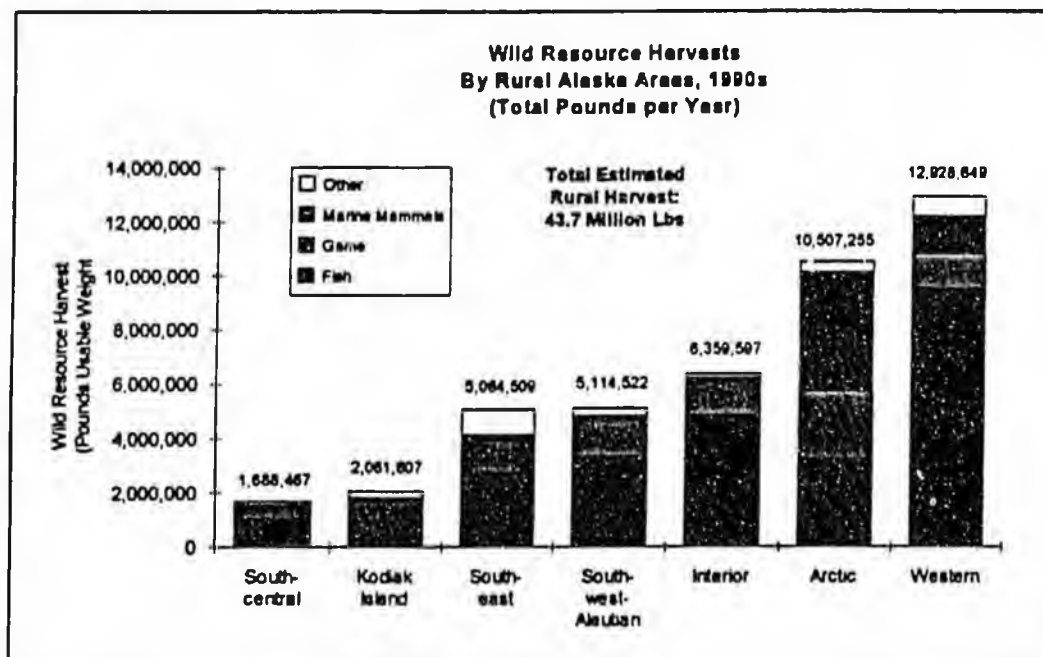


Figure 3

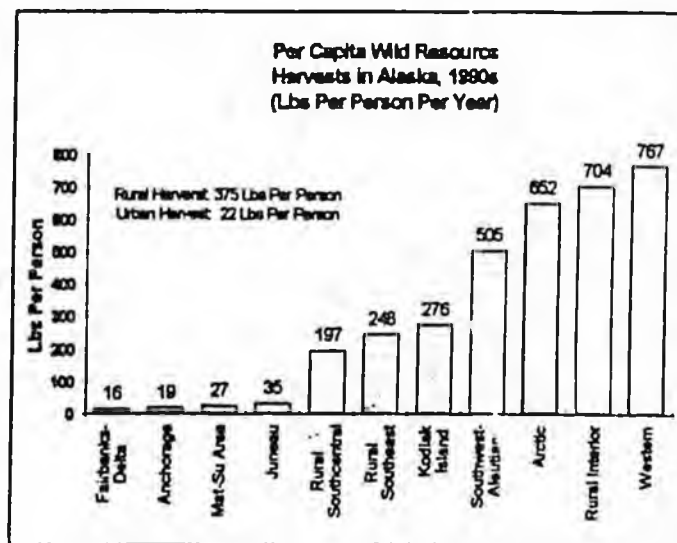


Figure 4

Wild Food Harvests in Alaska

Subsistence fishing and hunting provides a major part of the food supply of rural Alaska (Fig. 3). Our best estimate is that 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.

On a per person basis, the annual wild food harvest is about 375 lbs per person per year for rural areas (about a pound a day per person), and 22 lbs per person for urban areas (Fig. 4). Harvests vary substantially by area, with the greatest average regional harvests (about 500-800 lbs per person) in communities off the state's road system.

The composition of the wild food harvest by rural residents is about 59% fish, 20% land mammals, 14% marine mammals, 2% shellfish, 2% birds, and 2% plants (Fig. 5). The harvest by urban residents is 68% fish, 30% land mammals, 1% birds, and 1% shellfish and plants.

The Nutritional Value of Subsistence Harvests

The subsistence food harvest provides a major part of the nutritional requirements of Alaska's population.

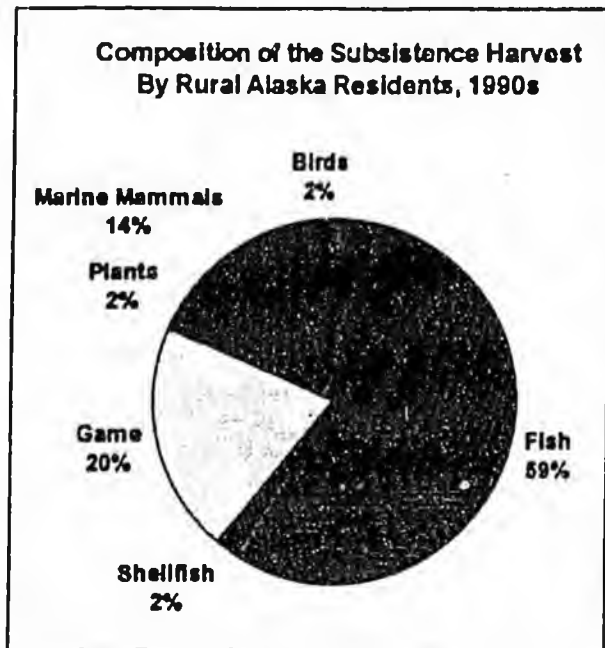


Figure 5

The annual rural harvest of 375 lbs per person contains 243% of the protein requirements of the rural population (that is, it can supply about 107 grams of protein per person per day; about 44 grams is the mean daily requirement). 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.

The Monetary Value of Subsistence Harvests

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

The monetary value of subsistence harvests is substantial when compared with cash incomes of families in many rural areas. For instance, the per capita cash value of subsistence foods in the rural interior (\$3,063 per person) compares with a per capita income of only \$6,205 for Native families – the cost of replacing subsistence foods would be 49% of mean incomes in that case. Similarly, subsistence replacement costs represent 59% of Native family income in the western region, 31% of Native family income in the arctic region, and 22% of Native family income for all rural Alaska. The replacement value of wild

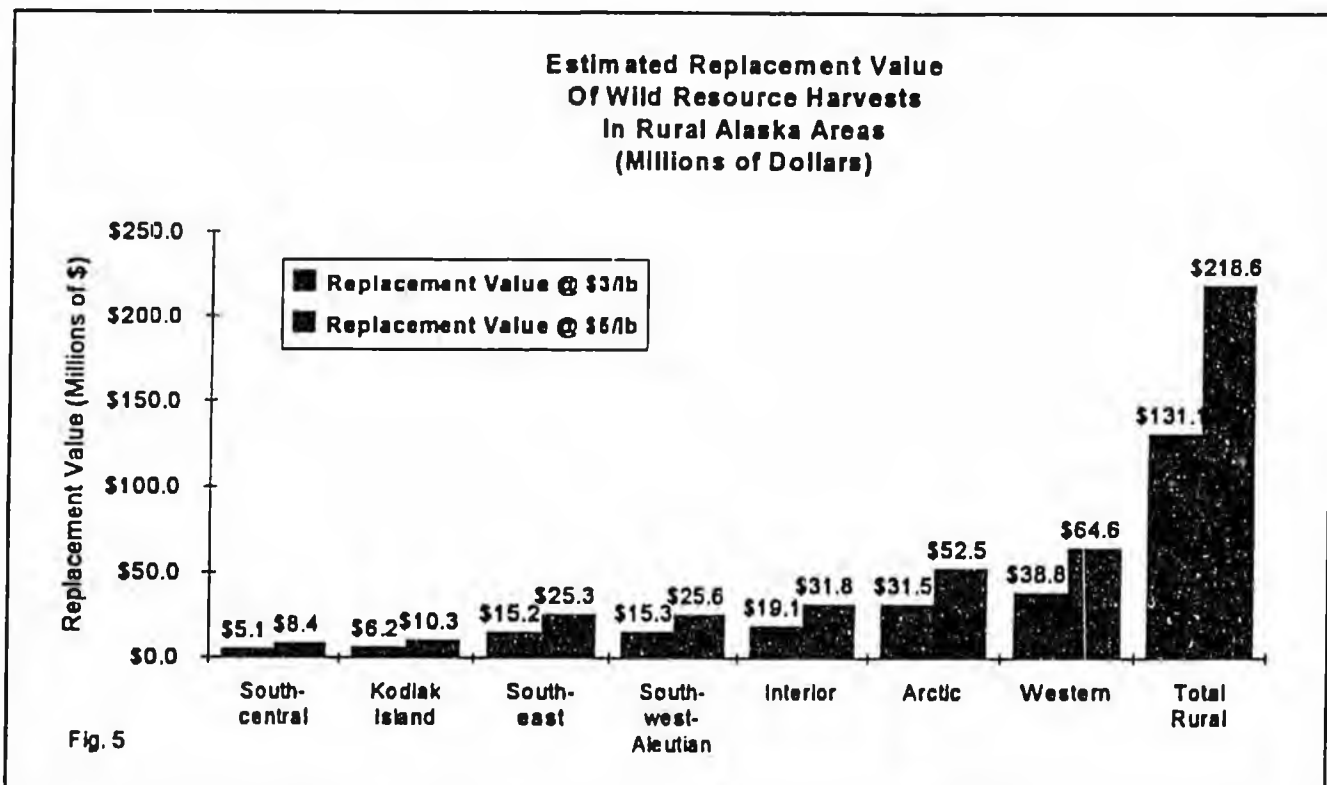


Fig. 5

Figure 6

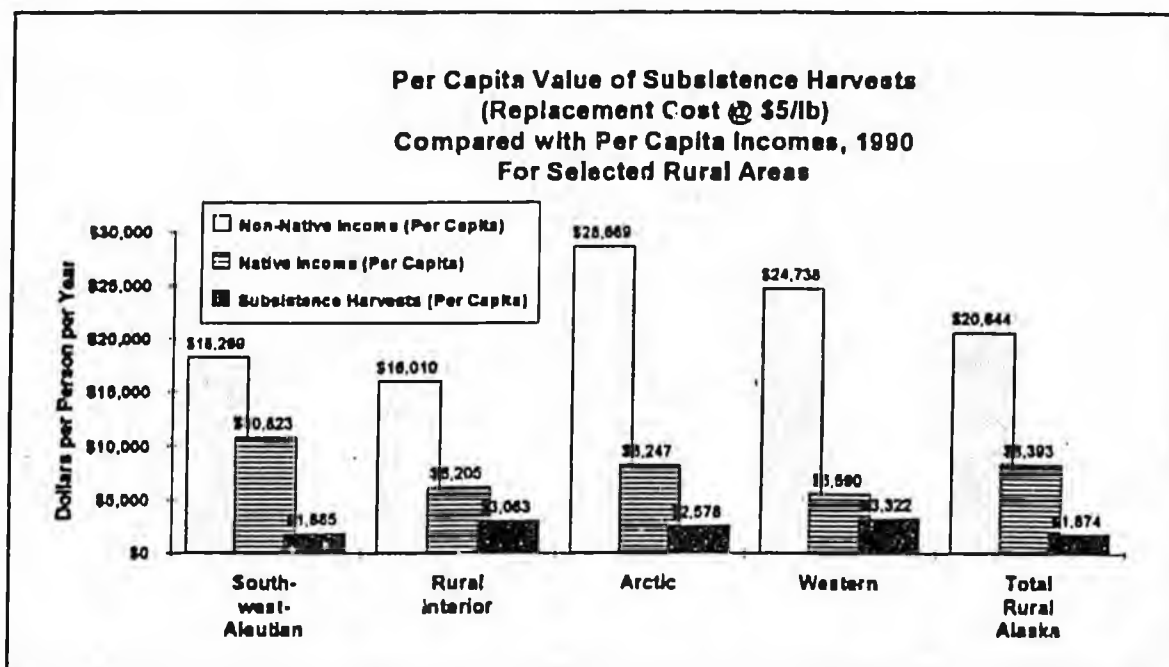


Figure 7

foods represents about 10% of the average rural non-Native income (Fig. 7). Clearly, many families would have difficulty paying cash for foods to replace the subsistence harvest

Real Employment

Subsistence harvesting, processing, and non-market distribution employ large numbers of rural residents annually. While wage paying jobs are commonly few and insecure in rural areas, work in fishing, hunting, and processing wild foods employs people consistently from one year to the next. For instance, in Ft. Yukon along the Yukon River in 1987, 82% of households hunted, and 65% fished. The subsistence take was about 680 lbs per person. These activities employed more people than the single largest wage employer in Ft. Yukon (local government), which employed persons from 40% of the community's households that year.

Subsistence activities are organized locally and draw upon local knowledge and skills. Subsistence is an area of life where extended families can support themselves in meaningful, productive work.

Legal Framework for Subsistence Management

Subsistence management has undergone considerable change since 1989, when state law fell out of compliance with federal requirements. In 1994, subsistence hunting and fishing was being managed under two separate legal frameworks. The Alaska Boards of Fisheries and Game

developed subsistence regulations for state and private lands and navigable waters, for which all state residents qualified. A Federal Subsistence Board developed subsistence regulations for federal public lands and waters, for which rural residents qualified. In addition, the federal National Marine Fisheries Service and Fish and Wildlife Service regulated marine mammal hunting under the Marine Mammal Protection Act, for which Alaska Natives qualified.

State and federal governments agree that split federal-state management of fish and wildlife is undesirable. However, the way to regain unified state subsistence management authority is uncertain at this time. It is expected that the federal subsistence management program may continue to grow over the next few years, and that jurisdictions and authorities will ultimately be clarified through administrative and judicial activity.

Summary

Subsistence continues to be an important part of the diverse cultures and regional economies in Alaska. Subsistence fishing and hunting produce a substantial portion of the state's food supply, particularly in rural areas. Subsistence provides a measure of economic stability in areas with mixed, subsistence-cash economic systems. And subsistence expresses customary and traditional values and ways of living that are important to Alaska's diverse cultural groups.

Prepared by Robert J. Wolfe and Robert G. Bosworth

ORGANIZED VILLAGE OF KWETHLUK
KWETHLUK IRA COUNCIL
P.O. BOX 84
KWETHLUK, ALASKA 99621-0084
PHONE NO. (907) 757-6714
FAX NO. (907) 757-6329

KWETHLUK JOINT GROUP
KWETHLUK INDIAN REORGANIZATION ACT COUNCIL
KWETHLUK CITY COUNCIL
KWETHLUK, INCORPORATED
Resolution No. 97-03-01

A Resolution opposing Alaska Legislature House Joint Resolution 21 (HJR 21)
Requesting Amendments to Title VIII of Alaska National Interest Lands
Conservation Act (ANILCA).

Whereas, the Kwethluk Indian Reorganization Act Council (IRA) is the lead entity in various areas of concerns covering land, water, fish and wildlife, sanctuaries and habitats in the Permanent Subsistence Kwethluk River and Tributaries upon which its tribal members heavily depend on for their keeping of Cultural Integrity of traditional and customary subsistence way of living, and ;

Whereas, in 1959 when Alaska became a State, many- Alaska Natives residents living in rural villages were, and still are, intelligent in the way of their respective cultures and their Native Language during the period when the English Language could be barely spoken or understood, and this brings to question- who voted for Statehood?; and which included the management of Fish and Wildlife Natural renewable resources; and ,

Whereas, HJR 21 insults the Alaska Native Community way of life by seeking that the State of Alaska define the terms "rural", "subsistence uses" of the natural renewable resources when the State of Alaska has done dismally poor with respect to these concerns; and . .

Whereas, since 1959 the Alaska Native Community has experienced poor "reasonable opportunity" to practice customary and traditional subsistence way of life; and,

Whereas, Kwethluk has a history of Elder Tribal members having had their subsistence fishing nets wrapped around holding poles, dragged unto beach with fish catches, creating wanton waste, which truly is suppression of "reasonable opportunity" to practice customary and traditional subsistence way of life; and ,

Whereas, Public Law 96-487, ANILCA, enacted 1980, Title VIII of which is providing positive protection to Alaska Natives subsistence way of life, legally encourages Alaska Native entities for Co-Management Agreements with the Federal and Alaska State agencies involved, enhances Fish and Wildlife conservation with sustain yield principles; and,

Now, Therefore, Be it Resolved: that the Kwethluk Joint Group composed of the Kwethluk Indian Reorganization Act Council in behalf of its tribal members, the

Handwritten signature:
Hawseet -
Joseph
Ivan

Kwethluk City Council in behalf of its residents, and the Board of Directors of Kwethluk Incorporated in behalf of its shareholders oppose passage of House Joint Resolution 21 in the Alaska State Legislature; and,

Be it Further Resolved: the copies of this resolution 97-03-01 is sent to:
Honorable Tony Knowles, Governor of Alaska- Juneau
Honorable Senator Lyman Hoffman, Representative Ivan M. Ivan, Representative Irene K. Nicholai, Representative Beverly Masek, and Honorable Representative Gail Phillips, Speaker of the House of Representatives- Alaska, Honorable U.S. Senator Ted Stevens, Honorable U.S. Senator Frank Murkowski, Honorable U.S. Congressman Don Young, Honorable Representative Georgiana Lincoln.

PASSED AND ADOPTED THIS 13th DAY OF MARCH 1997.

Moses Nicolai, President
Kwethluk IRA Council
for Sam E. Eklund vice mayor
John J. Owens, Mayor
Kwethluk City Council
Phillip Knoff, vice chairman for
Nick J. AYAPAN, Chairman
Kwethluk Incorporated

Attest: Margaret Angerson
Secretary

Attest: Dean P. Larson
Clerk/Administrator Secretary

Attest: David Eklund
Secretary/Treasurer



NANA Regional Corporation

P.O. BOX 48 / KOTZEBUE, ALASKA 99752 / (907) 442-3301 / FAX (907) 442-2686

INUPIAT ILITQUSIAT

April 9, 1997

*With guidance and support
from Elders, I teach my
children these Inupiaq Values*

State Affairs Committee Members:

- Rep. Jeanette James, Chair
- Rep. Fred Dyson
- Rep. Ivan Ivan
- Rep. Mark Hodgins
- Rep. Al Vezey
- Rep. Ethan Berkowitz
- Rep. Kim Elton

Respect for Elders

Knowledge of Language

Love for Children

Knowledge of Family Tree

Respect for Others

Responsibility to Tribe

Respect for Nature

Hunter Success

Domestic Skills

Family Roles

Sharing

Cooperation

Humility

Avoid Conflict

Hard Work

Humor

Spirituality

I would like to provide you with a written testimony on HJR 21 -- Relating to amendment of Title VIII of the Alaska National Interest Lands Conservation Act.

Essentially, this resolution is an attempt to gut the key subsistence provisions of Title VIII of ANILCA. It asks Congress to amend Title VIII in 10 specific areas; the key amendments would allow the state to define the terms "rural" and "customary and traditional", would remove the federal government from any enforcement role in subsistence protection, and would reduce the role and authority of the subsistence advisory boards. This is the reason NANA Regional Corporation opposes HJR 21.

Here are further comments on each of the 10 proposed amendments as specified in HJR 21, by the amendment number in the resolution:

1. Changing the definition of "public lands" to exclude state and private (ANCSA) lands and waters eliminates the option of federal subsistence protection on millions of acres of land that have been selected but not yet conveyed to the state or ANCSA corporations.

The federal government gives ANCSA corporations approval authority over activities proposed on selected lands; this amendment would eliminate that authority from being extended in the future to subsistence protection.

2. This amendment would prevent the federal government from enforcing the rural subsistence priority by assuming management of fish and game resources in the event the state continued to not comply with the rural preference specified in Title VIII unless authorized by an act of Congress. This would completely remove the only incentive for the state to address the rural subsistence preference issue.
3. Removing navigable waters from the management authority of federal agencies is directly counter to the decision in the Katie John ruling, and means again the federal government could not manage subsistence resources on state lands and waters to ensure the rural preference.
4. This would eliminate the jurisdiction of the federal courts to oversee state compliance with Title VIII. In other words, there would be no oversight of state compliance with ANILCA with authority to compel compliance.





LETTER TO STATE AFFAIRS COMMITTEE ON HJR 21
PAGE two

5. This section authorizes the state to define the terms "rural" and "customary and traditional". This obvious intent is to skew the definitions of these key terms to include urban residents.
6. This amendment revises the criteria in Title VIII for the subsistence preference from the stronger federal standard of "least adverse impact" on customary and traditional uses to a weaker standard of providing a "reasonable opportunity" to carry out subsistence activities. The result is it would be more difficult to maintain and enforce a strong rural subsistence preference.
7. This section would state that ANICLA neither affirms nor denies tribal sovereignty. ANILCA is already sovereignty neutral.
8. This provision gives authority to the state to determine whether subsistence advisory councils should be established. It is unlikely the state would then support the creation of advisory boards to advise the state on an issue to which they are opposed in the first place.
9. This provision furthermore states that regional subsistence advisory councils are advisory only, with no ability to require regulatory councils to adhere to their advice. If the above provision fails, this provision renders an advisory councils essentially useless.
10. This section would disallow the commercial sale of fish and wildlife taken for subsistence use. Sale, trade and barter of subsistence resources is a customary traditional subsistence activity.

Clearly, these provisions are intended to effectively eliminate any rural subsistence preferences and to render ineffective all mechanisms established by ANILCA to enforce the rural subsistence priority. The direct beneficiaries of these changes are residents of the more urban areas who by and large do not subsist and who do not need to subsist. This resolution only serves to worsen an already divisive debate and to foreclose other more sensible solutions, such as a constitutional amendment.

There is a win-win situation for every Alaskan on this issue and it requires coming up with an "operational definition" of subsistence that everyone can live with. Once and only once an "operational definition" is agreed upon by all groups of Alaskans, than and only then can an effective dialogue amongst all groups begin. We must go to the table with the same definition of "subsistence" otherwise talking about it will be like playing ping pong (just goes back and forth), as it is happening today.

NANA Regional Corporation opposes HJR 21 in its entirety.

Sincerely,

Charlie A. Curtis
President & CEO

**CHEVAK TRADITIONAL COUNCIL
P.O. BOX 140
CHEVAK, ALASKA 99563
(907) 858-7428
(907) 858-7812 FAX**

Chevak Traditional Council's Opposition to House Joint Resolution No. 21

The Kashunamiut are a federally recognized tribe who is represented by their tribal government, the Chevak Traditional Council whose primary goal is to protect the health, safety and welfare and the inherent traditional and cultural rights of the Kashunamiut and for their best interests. Let this affidavit acknowledge that we are in Opposition to the House Joint Resolution No. 21 as it infringes upon our inherent rights and will exploit our ancestral lands which are located on the Yukon Kuskokwim Delta National Wildlife Refuge and has been protected by Alaska National Interest Land Conservation Act-- Title VIII (ANILCA, Title VIII, hereinafter), Subsistence Use and Management as it is written.

ANILCA Title VIII, should not be amended because the Resolution HJR21 contradicts the whole purpose of the Policy and Purpose of the Title VIII. These amendments are directly contradicting the Rural Cap Subsistence Roundtable, held in Anchorage February 1997. The State of Alaska may be of compliance of ANILCA TITLE VIII, concerning Subsistence. The State of Alaska tends to lean towards "sports, commercial and other special interest groups" that are not aware of the importance of subsistence issues and use for the rural communities.

The following are section responses to "FURTHER RESOLVED" of the proposer's resolution:

- (1) "Public Land" is already defined in the Federal Register. Volume 57 No. 20. and ANILCA, Title VIII.
- (2) Congress is already authorized to take over management if the State is not in compliance.
- (4) "Section 807" provides for protection of subsistence users and repeal would undermine authority of the Federal Judicial System.
- (5) The terms Customary and Traditional Use, Subsistence Use, and rural are defined and established in the Federal Registrar of the Department of Agriculture, and Interior, under Sec. 4 Definition of Subpart A-General Provision. They listed as such in the Final, Subsistence Management for Federal Public Lands in Alaska which attests to the Webster's definition of: The definition of the aforementioned terms are already defined and what this resolution proposes to do is authorize the State of Alaska to rewrite the Webster's Dictionary to soothe Masek's and Ogan's HJR 21.
- (6) Under ANILCA Title VIII, Sec. 804, the subsistence preference is addressed. HJR21 contradicts the purpose and policy of Title VIII.
- (7) Tribal Sovereignty and Indian Country issues have been awarded to the Tribes across Alaska but is presently in the Appeal process, no amendments should even be considered as Court cases are and may be pending.
- (8) The State of Alaska should not have an option- If subsistence management is handed to the State of Alaska, than it would be their obligation to establish regional advisory councils, meaning they should be mandated to establish such councils rather than choose to.

(9) The Sections (8) and (9) proposed amendments are addressed in Sec. 805 (a) (2) and (3) (D) (IV).

(10) The sale of Fish and Wildlife taken for subsistence uses, supplements incomes for expenses incurred for hunting necessities, i.e. ammuniton, gasoline and oil, and other gears to do more subsistence hunting and fishing.

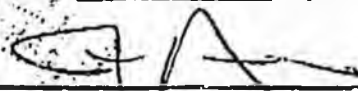
There are provisions in the ANILCA Title VIII, Section 16 USC 3119 that the State can enter into an Cooperative Agreement rather than rewriting the whole purpose and policy of the Act.

ANILCA, Title VIII should not be Amended the resolution would undermine the purpose of ANILCA and the groundwork that has been established for Subsistence Management.

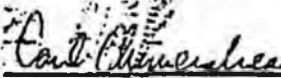
The items that are addressed in HJR 21 are already defined and addressed by the Dept. of Agriculture and Department of Interior, published in Federal Register Vol. 57, No. 20, January 1992, Proposed Rules.

THE KASHUNAMIUT, THE CHEVAK TRADITIONAL COUNCIL, THE CHEVAK TRIBAL COURTS AND THEIR DEPARTMENTS URGES DO NOT PASS THIS RESOLUTION !!!


Dated this 20th day of March, 1997.



Chevak Traditional Council



Chevak Traditional Council, Administrator



Chevak Traditional Council, Administrator Assistant



Chevak Tribal Courts, Administrator/Liaison

BRISTOL BAY NATIVE ASSOCIATION
P. O. BOX 310
DILLINGHAM, ALASKA 99576
(907) 842-5257

RESOLUTION FY 97-42
by
THE FULL BOARD OF DIRECTORS

A RESOLUTION OPPOSING HOUSE JOINT RESOLUTION NO. 21

- WHEREAS: the Bristol Bay Native Association is a tribal organization serving 31 Alaska Native communities, each of which is heavily dependent upon subsistence use of Fish and Game; and
- WHEREAS: the laws of the State of Alaska provide no meaningful priority or protection for subsistence use of Fish and Game because they equate recreational; and
- WHEREAS: if the current policies and laws of the State of Alaska regarding subsistence use of Fish and Game are extended to apply statewide, then Alaska Native culture, traditions, and indeed village life itself will eventually be destroyed because of continuing urban population growth and resultant pressure on Fish and Game resources; and
- WHEREAS: cutbacks on government spending on welfare and other services in rural Alaska are making subsistence even more essential; and
- WHEREAS: the only meaningful legal protection for subsistence and the continued vitality of Native subsistence-based culture is Title VIII of the Alaska Native Interest Lands Conservation Act (ANILCA); and
- WHEREAS: House Joint resolution 21 has been introduced in the Alaska State Legislature and asks Congress to amend Title VIII of ANILCA in a manner which will effectively destroy the protection it gives to subsistence; and
- WHEREAS: some of the changes requested by HJR 21 would have no practical effect as they reflect a fundamental misunderstanding of the law, for example:
- State and private land are already excluded from the definition of public land in ANILCA; and
 - ANILCA already neither confirms nor denies the existence of tribal sovereignty and Indian Country in Alaska; and
- WHEREAS: HJR 21 contains many other inaccuracies of law and fact; and
- WHEREAS: HJR 21 is cleverly worded to distort the truth and appears intended to work a subterfuge upon the people of Alaska; and

BBNA Full Board
Resolution 97-42
March 17 - 19, 1997

WHEREAS: among the falsehoods in HJR 21 are:

- its title implies it is asking for a mere amendment to Title VIII whereas it actually would gut the protections for subsistence uses in Title VIII;
- the views expressed in HJR 21 are not a "plurality" of opinion in Alaska, but a minority, polls have continually shown a majority preference for a constitutional amendment to restore a rural subsistence priority to state law;
- Title VIII of ANILCA does not "unnecessarily" encroach upon state authority but is a reasonable and necessary exercise of Congressional authority to meet the trust obligations of the United State government toward Native Americans;
- Title VIII of ANILCA does not contradict the 10th Amendment to the U. S. Constitution; both state and federal courts have consistently upheld the constitutionality of Title VIII against 10th Amendment and other constitutional challenge;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bristol Bay Native Association, on behalf of itself and the following Alaskan Native communities:

Aleknagik, Chignik Bay, Chignik Lagoon, Chignik Lake, Clarks Point, Dillingham, Egegik, Ekuk, Ekwok, Igiugig, Iliamna, Ivanof Bay, Kanatak, King Salmon, Kokhanok, Koliganek, Levelock, Manakotak, Naknek, New Stuyahok, Newhalen, Nondalton, Pedro Bay, Perryville, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, and Ugashik;

that they ardently oppose HJR No. 21 and urge its defeat in the Alaska State Legislature and its rejection by Congress.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Alaska Congressional Delegation; Governor Tony Knowles; the honorable Bruce Babbitt, Secretary of Interior; Senator Ben Nighthorse Campbell; Senator Daniel Inouye; the House and Senate leadership in the Alaska State Legislature; State Senator Lyman Hoffman; and Representatives Ivan Ivan and Carl Moses.

Signed: Donald S. Nielsen
President

CERTIFICATION:

I, the undersigned Secretary of the Bristol Bay Native Association, hereby certify that the foregoing resolution was passed by majority vote of the Board of Directors of the Bristol Bay Native Association at a duly called and noticed meeting this 19 Day of March, 1997, and that a quorum was present.

Signed: Margaret L. ...
Secretary

KIPNUK TRADITIONAL COUNCIL

Box 67 • KIPNUK, ALASKA 99614
(907) 898-5515 • FAX (907) 898-5240

April 11, 1997

Honorable Jeanette James, Chairperson
State Affairs Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

VIA FAX & MAIL : 907-465-2381

Re: HJR 21

Dear Representative James:

The Kipnuk Traditional Council would like to submit this testimony in opposition to HJR 21 because it infringes on the rights of Alaska Natives to be provided a priority in their exercise to subsistence hunt and fish in the traditional and cultural way that the Natives are accustomed to. Title VIII of ANILCA provides protections that are necessary to make sure that our subsistence way of life will not be diminished or negatively affected. We are in agreement with Senator Stevens remarks in his latest address to the Alaska State Legislature on April 2, 1997, where he said that a constitutional amendment of the State that complies with Title VIII of ANILCA is one solution that he supports.

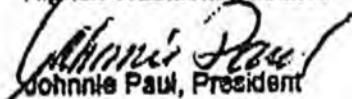
The subsistence issue has been a problem for the state because the Natives exercise it. The subsistence way of life is not a constitutional right, to the Natives, it is a birthright that has been passed down from generation to generation. We must protect it in its present form. We will only support a State managed fish and game, if we are guaranteed that our subsistence way of life will not be diminished or negatively affected in its present form.

We understand that equality is what the State must support in enforcing the State Constitution, but since the exercise of subsistence is unique and is needed for the economic and social well-being of the Natives in Alaska, we must be protected in our rights to subsistence hunt and fish for the resources that we depend on from the land and sea. In that regard we feel that the Natives in Rural Alaska must have the ability to co-manage the fish and game in agreement with the Federal Government. Natural Resources throughout the State has their seasons. We would call to your attention that the Federal Subsistence Board has done a good job of considering the subsistence use areas, customs, and traditions in their formulation of regulations that affects our resources and that in itself has satisfied the Natives throughout Alaska.

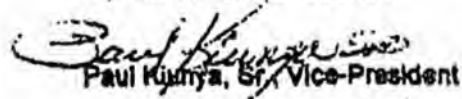
A constitutional amendment of the State Constitution with proper input from the people of Alaska that complies with Title VIII of ANILCA might be a resolution that we would support as a community. Furthermore, the Native Community leaders, with support from their respective Rural Alaska villages assembled on February 15-17, 1997, and created a strong proclamation of which we are enclosing a copy, that should be considered before HJR No. 21 is allowed to come out of your committee. Again we are strongly opposed to HJR No. 21, because it will not benefit all Alaskans, nor will it protect the Native Alaskans subsistence way of life.

Thank-you for considering our testimony, on behalf of the Native Village of Kipnuk.

Sincerely,
Kipnuk Traditional Council


Johnnie Paul, President

Kipnuk Traditional Council


Paul Kumya, Sr., Vice-President

CC: Representative Ivan Ivan

WORKING DRAFT

Proclamation

We the Alaska Native People assembled at the Subsistence Roundtable conference on the 17th day of February, 1997, find and declare that the right to forever live the Native way of life; to govern ourselves; to determine our own destiny; and to maintain our cultural existence, are basic human rights.

We further find and declare:

1. That in order to determine our own destiny, Alaska Native Tribal Governments must be recognized by the State and Federal Governments and acknowledged as having a co-equal right to manage our fish, wildlife and other renewable resources.

2. That because the State of Alaska has proven itself incapable of protecting these basic human rights, we oppose any proposal, by constitutional amendment or otherwise, that would restore the State of Alaska's management of subsistence hunting and fishing under the current provisions of the Alaska National Interest Lands Conservation Act (ANILCA).

3. That ANILCA does not provide adequate recognition and long-term protection for the Native subsistence way of life.

In order to secure these basic human rights and transmit the blessings of our way of life to future generations, we declare and demand full recognition of our inherent hunting and fishing rights.



**ORGANIZED VILLAGE OF KWETHLUK
KWETHLUK IRA COUNCIL
P.O. BOX 129
KWETHLUK, ALASKA 99621-0129
PHONE NO. (907) 757-6714
FAX NO. (907) 757-6328**

DATE: MON APRIL 14, 1997

NO. OF PAGES 3

TO: Jeanette James
COMPANY Committee Chairperson
LOCATION Alaska, Juneau

DEPARTMENT House State Affairs Commit.
PHONE NUMBER (907) 545-3743
FAX NUMBER (907) 465-2381

FROM: John Nicori Jr. / Natural Resources Specialist

COMMENTS: this Resolution by the Kwethluk Joint Group
opposes the HJR 21. We hope that this is what you are
looking for.

If you have any questions regarding information on this fax, or if the fax did not come in clearly, please feel free to call me at the numbers above. Thank you for your attention.

Sincerely;
John Nicori, Jr.
John Nicori, Jr.
Natural Resources Specialist
Kwethluk IRA Council



KOTZEBUE IRA



P.O. Box 296
Kotzebue, Alaska 99752
(907) 442-3467

April 14, 1997

Honorable Jeanette James
Chair, House State Affairs Committee
Alaska Legislature

Dear Representative James:

The Kotzebue IRA Council opposes HJR 21.

In formulating ANILCA, Congress clearly felt itself to have a responsibility for protecting the livelihoods of people in rural Alaska. The authorities spelled out in Title VIII were the deliberate means to meet that responsibility.

If Congress had not been concerned to begin about how the State might approach a rural subsistence priority, federal supervision of the State's program would not have been incorporated into Title VIII. For the same reasons, Congress rightfully saw fit to retain authority over defining the various terms critical to meaningful protection of rural subsistence--terms such as "rural" and "traditional and customary." Considering what Congress views as its obligations, it makes sense for the federal government to continue supervising subsistence management.

Most of the land in our region is federal land, and all of our villages rely heavily on local food harvests. To areas like ours, the federal system, though not perfect, has definite advantages over the State's. First, the federal advisory system allows us, as rural subsistence users, a more substantive role in management decisions than does the State's. Secondly, the federal government has a stable history of recognizing the existence of tribes, so (though ANILCA fails to mention them) it is more realistic for tribes and villages to look forward to developing long term, mature relationships with federal agencies than with those of the State.

Rather than assuring at the outset that the State will respect and protect the livelihoods of those in rural Alaska, HJR 21 attempts to destroy all assurances afforded rural people under federal law. This is an odd way to try convincing Congress that the State can behave responsibly on this issue. And it certainly is not a way to generate a consensus in Alaska.

We oppose all of the proposed amendments to ANILCA contained in HJR 21. The resolution is not a credible message to send to Congress. We recommend that the State Affairs committee not pass it. Thank you for your time and consideration.

Sincerely,

Charlie R. Gregg
Charlie R. Gregg, Chairman

Post-It* Fax Note	7671	Date	4/14/97	# of Pages	01
To	Rep. Jeanette James,	From	John Erlich		
Co./Dept.	Chair, House State Affairs	Co.	Kotzebue IRA		
Phone #	(907) 465-2743	Phone #	(907) 442-3467		
Fax #	(907) 465-2381	Fax #	(907) 442-2162		



NANA Regional Corporation

P.O. BOX 40 / KOTZEBUE, ALASKA 99762 / (907) 442-3301 / FAX (907) 442-2868

INUPIAT ILITQUSIAT

April 14, 1997

*With guidance and support
from Elders, I teach my
children these Inupiaq Values:*

Respect for Elders

**Representative Jeanette James
Alaska State Capitol, Room 102
Juneau, AK 99801-1182**

Knowledge of Language

Dear Representative James,

Love for Children

Knowledge of Family Tree

I am writing in opposition to HJR 21 -- relating to amendment of Title VIII of the Alaska National Interest Lands Conservation Act.

Respect for Others

NANA Regional Corporation represents the interests of the people of the northwest arctic as well as over fifteen hundred shareholders living in Anchorage, Fairbanks and other parts of our great state. We feel strongly that the protections offered under ANILCA are necessary for the people we represent and our culture.

Responsibility to Tribe

Respect for Nature

We urge you to hold HJR 21 in your committee to die. We account for taking only 5% or less of the total fish and game taken within Alaska. We are no threat to anyone in this great state.

Hunter Success

Sincerely,

Domestic Skills

Family Roles

**Charlie A. Curtis
President & CEO**

Sharing

Cooperation

Humility

Avoid Conflict

Hard Work

Humor

Spirituality



City of Napakiak

GENERAL DELIVERY
NAPAKIAK, ALASKA 99634
PHONE (907) 589-2611

April 14, 1997

Representative Jeanette James
House State Affairs Committee Chairperson
Fax: (907) 465-2381

Re: HJR 21

Dear Honorable Rep. James,

The community of Napakiak population of 345 is one of the many rural Alaska villages that depend on the resources of the land and the water, fish, wildlife and renewable resources for subsistence livelihood as it has been and will be now and in the future. There will be no changes on our customary traditions of the subsistence use.

We strongly oppose to House Joint Resolution 21, we are in agreement with the state in managing fish and wildlife and it is beneficial for all Alaskans.

Languages of Alaskan Natives, Native Country, livelihood by the country by the Fish and Games as subsistence use will not be changed regardless what rules may change, it will be waste of time and money for the House to amend ANILCA.

The Congress should amend the Title VIII of ANILCA to protect the interests of the State of Alaska. In the management of fish and wildlife resources on, behalf of all Alaskans. That depend on fish and game subsistence uses as livelihood.

The State of Alaska has Board of Fish and Game that meets annually to review proposals. The rural communities make proposals. Proposals that were submitted by the rural communities, which can be benefit to the villages.

With respect,

James Willie
James Willie
Mayor



TRANSMISSION DATE: 04.18.97

TO: Rep. Jeanette James FAX-NO.: 1-907-465-2381

ATTENTION: 3 pgs. incl. cover

FROM: Roy and June Burkhart

P.O. Box 204, Willow, AK 99688-0204

FAX-NO: (907)495-6338

VOICE: (907)495-6337

E-MAIL: rjburk@alaska.net

Roy Cellular: 355-0303

June Cellular: 355-0404

SUBJECT: _____





The Alaska Boating Association
P.O. Box 210430
Anchorage, Alaska 99521

Donald Sherwood- President

April 18, 1997

Representative Jeannette James, Chair
House State Affairs Committee
State Capitol, Interdepartmental Mail Stop: 3101
Juneau, AK 99801-1182

Dear Representative James:

Our organization has been closely following HJR0021, relating to amendment of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), sponsored by Rep. Beverly Masek.

We are disturbed that your committee has held this Resolution up within committee instead of allowing it to go forward. It is extremely important that our Congressional Delegation in Washington, D.C. receive this excellent document to send the message that we do not appreciate the Federal "blackmail" that is being imposed upon our great states Constitution.

We want to see an end come to the long drawn out debate on Subsistence, as much as anyone else does. However, it is ludicrous that the Federal Government suggests that we change our State Constitution to conform to the ANILCA document. Our Constitution conforms to the Constitution of the United States and should not have to be changed. The logical and fair way to settle this issue is to amend ANILCA to conform to our State Constitution.

Please don't let it be said that your committee, through unwillingness to move this Resolution, made it impossible for we Alaskans to be heard by our Federal Congressional Delegation. That would be an injustice to all Alaskans that our organization would be extremely upset about. Let us "get on with subsistence", but only through practical and just procedures. Move this Resolution out of committee, **NOW**, and let us go forward to manage our problems without Federal intervention and coercion.

Thank you,


June Burkhardt, Legislative Affairs Officer, Alaska Boating Association

cc: Members of House State Affairs Committee: Representatives; Dyson, Ivan, Hodgins, Vezey
Berkowitz, and Elton
Speaker of the House: Gail Phillips
President, Alaska Boating Association: Don Sherwood

April 18, 1997

Representative Jeannette James, Chair
House State Affairs Committee
Alaska State Legislature, House of Representatives
State Capitol, Interdepartmental Mail Stop: 3101
Juneau, AK 99801-1182

Dear Representative James:

We were disturbed to learn today that your committee has not acted upon HJR0021, relating to amendment of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), sponsored by Representatives Beverly Masek and Scott Ogan.

The real issue at stake here is not subsistence itself, the issue is whether the Constitution of the State of Alaska should be amended. We feel, strongly, that the State Constitution should not be amended to comply with ANILCA. This issue should be settled in the Federal Courts. If the Supreme Court rules that the Federal Government cannot pass a law that is in contradiction to our State Constitution, then the Federal Government should be required to pay damages to the Alaskan natives for promising them something that they did not have the authority to do. On the other hand, if the court rules that the Federal Government had the authority to pass a law in violation of our State Constitution, then the Federal Government should pay damages to the State of Alaska, since we were not given the same rights as the other 49 states were given when they became a state.

The only logical and fair way to settle this issue is to amend ANILCA to conform to our State Constitution. However, if it is determined that our State Constitution must be amended to conform to the Federal Law pertaining to ANILCA, then the amendment should contain language that states that any Federal Law that exists now or that is passed in the future, that is in contradiction to the State Constitution, supercedes the State Constitution. Otherwise, we will continually be amending our State Constitution to make it comply with whatever Federal Law they want to impose upon us, whenever they want to impose it. As ridiculous as that may sound, we would suggest that you give it serious thought!! Please move HJR0021 out of your committee and let it go forward as a message to our Congressional Delegation that the people of Alaska want to settle the long-overdue issue on subsistence, yet we want to do it without some sort of Federal "blackmail" imposition to our great states Constitution.

Thank you,


Roy and June Burkhardt, P.O. Box 204, Willow, Ak 99688-0204 - Fax: (907)495-6338

cc: Members of House State Affairs Committee: Representatives; Dyson, Ivan, Hodgins, Vezey
Berkowitz, and Elton
Speaker of the House: Gail Phillips

FACSIMILE TRANSMITTAL

CITY OF HOONAH
PO BOX 360
HOONAH, ALASKA 99829
(907) 946-3663
FAX (907) 946-3448



DATE: 4-16-97 TIME: _____

FROM: Maureen Obert, AWS Grand Secretary
Total Pages 2 Including Cover Sheet

TO: Representative Jeannette James
Co Barbara Cotting, Legislative Assistant

FAX: 1-907-465-2381 PHONE: 907-465-3742

MESSAGE

As we talked the other day,
hear is my state ment for
House Resolution
21. Thank you for letting
me participate in this hearing process.
Maureen S. Obert



**GRAND CAMP
ALASKA NATIVE SISTERHOOD**

**1996-97
GRAND OFFICERS**

KIMBERLY STRONG
Grand President

JACKIE MARTIN
Grand 1st Vice President

LAVINA JACK
Grand 2nd Vice President

MAUREEN OBERT
Grand Secretary

GERALDINE WILLIAMS
Grand Treasurer

MONICA WOLF
Grand Sergeant at Arms

EXECUTIVE COMMITTEE

CLARA NATKONG
Grand President Emeritus

- ANN ZUBOFF PETERSON**
- STELLA MARTIN**
- MARTHA BRADLEY**
- GERTRUDE WOLFE**
- MARY JONES**
- BARBARA LEWIS**
- JOHANNA HOTCH**
- EMMA G. WIDMARK**
- ETHEL LUND**
- CAROL JORGENSEN**
- MARY E. GUTHRIE**
- EVELYN HOTCH**
- MILLIE BERRY STEVENS**
- SELINA EVERSON**

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Alaska State Legislature
Representative Jennette James
State Capitol, Room 102
Juneau, Ak. 99801

RE: House Joint Resolution No. 21

Dear Honorable Jennette James;

My name is Maureen E. Obert, my Tlingit name is Sea Clien. I am Chookanidee yeiti from the Brown Bear Fort. I am currently serving my second year as a Grand Camp Officer of the Alaska Native Sisterhood, as the Grand Secretary. And we are in opposition of House Resolution Number 21 because it would delete us as Alaska Natives.

The Alaska Native Sisterhood and the Alaska Native Brotherhood is a grand organization which has been organized since 1912 for the Alaska Native Brotherhood and 1923 for the Alaska Native Sisterhood. This has been a great learning experience for me. I have learned a great number of things being in the heart of this grand organization. The very first thing that I have learned is that our Native people come first and all of our rights must be spoken for and Title VIII, of the Alaska National Interest Lands Conservation Act (ANILCA) protects our rights as rural residents. Any changes in this act would delete us as people, destroy our Customary and Traditional usage of our land and wild renewable resources. It seems to us that yes everyone has the right to gather their food; without being made a criminal of how they gather food. Restrictions have been placed on us to where we need a permit just to go down to the beach.

Well enough of this I would say, Alaska residents can go to any grocery store or wholesale distributor to feed their family, meat, fish, milk, vegetables, etc. The only restrictions that they may face is to have purchase a Costco card this I consider to be a permit without limitations on what you can purchase to survive.

Considering that we are all the same, living as one people we still face road blocks where ever we go, meaning if you have applied for the State of Alaska Permanent Fund and you find that you have a question and need to call the office you will most likely have to listen to a voice recording stating that your call is important to us please remain on the line and we will answer your call the way that it has been received, this message is in two languages one in English and one in Spanish. Why is it not in Tlingit or other Native language which is lacking in Alaska.

Sincerely in Sisterhood;

*Maureen E. Obert for
Kimberly Strong*

Maureen E. Obert, ANS Grand Secretary for
Kimberly Strong, ANS Grand President
cc: ANB/ANS Officers, Executive Committee

DOUGLAS N. LARSEN
58 BULL PINE PLACE
KETCHIKAN, AK 99901
(907) 247-3562

April 9, 1997

Representative Jeannette James
House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative James:

I am writing to express my support for HJR 21, and to encourage you and other House members to consider supporting this bill which seeks to responsibly resolve an untenable fish and wildlife management issue that continues to have far-reaching implications for Alaskans and Alaska's fish and wildlife resources. My support for HJR 21 comes as a result of resource use and management observations which I have made over the past several years. I would like to share some of these observations with you in this letter.

As a life-long Alaskan, I was born and grew up in Juneau. During the 18 years that I lived in Juneau, I had what seemed to me to be unlimited opportunities to fish and hunt with my family and friends. Deer meat, fish, and crabs were a big part of my family's diet during those years, and I can't recall ever feeling unnecessarily restricted in our opportunities to harvest and utilize these resources. Following 4 years of college, I returned to Alaska in 1980 and relocated to a remote field site on the east side of Prince of Wales Island. During the year and-a-half that I lived at this site, I had ample opportunity to harvest deer, fish, crabs, shrimp, and clams for my personal use. In the early to mid-1980s, I moved to Sitka where I again enjoyed ample opportunity to harvest fish and wildlife. Interestingly, throughout these years of living in an "urban" area (Juneau) and in "rural" areas (POW Island and Sitka), I was neither identified as a rural nor as a non-rural user. I was simply an Alaskan who, like other Alaskans, had an opportunity to share a part of the state's harvestable surplus of fish and wildlife.

In 1985 I moved to Kotzebue where, as in many parts of our great state, I found fish and wildlife populations to be healthy and abundant. Under state management, I watched as the Western Arctic caribou herd grew from an estimated 230,000 in 1985 to over 400,000 in 1990. With year round bag limits of 5 caribou per day, along with a moose and a sheep each season, I did not feel the slightest bit restricted in my opportunity to provide game meat for my family during the 5 years we spent in Kotzebue. Neither did I see others in

Northwest Alaska experiencing any lack of opportunity or success in providing game meats for their families.

In 1990 my family and I relocated to Ketchikan where we continue to enjoy fishing and hunting opportunities. With a 5-month deer season and 4-deer bag limit, obtaining sufficient meat for my family has not been a problem. With the added opportunity to harvest a moose, 2 mountain goats, and 2 black bears from the area, it has been relatively easy to keep an adequate supply of meat in the freezer.

During all but a couple of my 40 years as an Alaskan, the state has been managing the bulk of our fish and wildlife resources. Based on my experiences in both "rural" and "non-rural" areas, I have to conclude that state management has worked, and has worked well. Recently, however, with the intrusion of the federal government into wildlife management and allocation in Alaska, I have seen things that trouble me deeply and which have raised my level of concern for the ultimate well-being of the state's fish and wildlife populations.

As a case in point, I would like to share with you a situation that has arisen in Game Management Unit 2 (Prince of Wales and adjacent islands). Two years ago, over the opposition of both state and federal wildlife biologists, the federal Southeast Regional Subsistence Advisory Council elected to open a rural hunt for doe deer in the unit because a couple of council members reported seeing numerous does along the island's extensive road system. When confronted with biologists' concerns, the council indicated that federal staff would be closely monitoring the doe hunt and that the council could always revisit the issue if it appeared to be a problem in the future. Not surprisingly, no federal monitoring of the doe hunt was ever initiated. In fact, the only harvest data that was obtained came from hunters responding to the state's annual questionnaire.

Two years after the doe hunt was implemented, several hunters reported seeing fewer deer in Unit 2 than they had in past years. Although the cause for this wide-spread perception is presently unclear, biologists will be surveying several parts of the unit this April in an effort to obtain a clearer understanding of the status of the unit's deer population. In the meantime, the federal council decided to address hunter perceptions by proposing to eliminate non-rural, buck-only hunters from hunting in Unit 2. At the same time, despite their assurance 2 years ago that they could review the doe hunt if potential population problems arose, the council elected to retain the rural doe hunt because they claimed it was a customary and traditional use of the resource and people needed the opportunity to harvest does.

Like many other Ketchikan residents, I am willing to forego hunting deer in Unit 2 if there is a biological concern for the deer resource that can only be corrected by eliminating my opportunity to hunt there. However, if there is indeed a biological concern for the Unit 2 deer population, as the council's actions indicate they believe, then the responsible, science-based action would have been to first eliminate the existing rural doe hunt. This doe hunt, incidentally, has not only been opposed by biologists, but has also been opposed by the Sumner Strait Advisory Committee (rural residents of north POW Island), by the

Klawock Cooperative Association, by 65 Craig and Klawock residents who signed and submitted a petition, and by numerous residents of Unit 2 who have submitted individual letters of opposition. Indeed, in talking recently with a federal subsistence staff member in Anchorage, I learned that his office has not received a single letter supporting the doe hunt.

There are a couple of management implications that this Unit 2 situation illustrates for me. First, unlike the state's Fish and Game Advisory Committees, which submit proposals and suggested actions to the state Board of Game for consideration, the federal Advisory Councils appear to have repeatedly served as policy ~~boards~~ with little oversight or interference from the federal Subsistence Board. Furthermore, unlike the state system, where public input is considered an integral part of the decision-making process, we observed in this instance what appears to be total disregard by the Southeast Council for the opposition to the doe hunt expressed by numerous rural residents. And finally, in making their decision, the Southeast Council totally ignored responsible, well-established and proven wildlife management considerations when they retained a doe hunt but eliminated the harvesting of bucks. This, more than anything else, is what causes me concern. If the federal system is going to allow biologically irresponsible recommendations to be implemented because of ANILCA's wording and interpretation, it is apparent that changes to the act need to be considered immediately. Herein lies my support for HJR 21. Unfortunately, because of federal oversight clauses in the act, I do not believe at this point that an amendment to our state constitution will solve our dilemma.

During recent teleconferences, I have heard rural Alaska. express concerns about losing the rural preference they are guaranteed under ANILCA. Although I see many inconsistencies with the rural preference allowance, I am willing to support it if that is what it takes to get the federal system out of Alaska and allows the state to resume its responsible, science-based management. Again, my concern is first and foremost for the long-term integrity of our fish and wildlife resources.

I strongly encourage you to support HJR 21 or similar legislation that would make appropriate and necessary changes to ANILCA, and thereby facilitate the return of fish and game management to the state.

Sincerely,



Doug Larsen

cc: State Affairs Com. members



Tanana Valley Sportsmen's Association

INCORPORATED

P.O. Box 669

Fairbanks, Alaska 99707

Phone (907) 474-0437

Fax (907) 474-0437

FAX COVER SHEET

FAX #: 48-97 DATE: 4/15/97
TO: Alaska State House of Representatives
ATTENTION: Jeannette James
RE: HJR. 21

FROM: Oliver "Bud" Burris, Legislative Affairs Committee

Number of pages transmitted including coverpage: 2.

Call (907) 474-0437 for confirmation or transmission problems.

*Please distribute to the rest of the
House State Affairs Committee.*

cc via Fax to:

*Kelly
Therriault
Davies
Wilken
Brice
Sharp
Miller
Vezev*



Tanana Valley Sportsmen's Association

INCORPORATED

Date:

Fairbanks, Alaska 99707
April 15, 1997

Phone: (907) 474-0437
Fax: (907) 474-0437

Jennette James, Chairwomen
House State Affairs Committee

The Tanana Valley Sportsmen's Association has been involved in the subsistence issue since its inception. The TVSA was the first organization to successfully challenge the State's subsistence law.

There is no way that we can modify the State Constitution or State statutes that will prevent Federal takeover of the management of our fish and game under the terms of ANILCA - despite the false rhetoric of persons supporting Title 8 of ANILCA.

The constitutionality of State and Federal subsistence law has been challenged in both State and Federal courts. Millions of dollars have been spent on the politics of subsistence while fish and wildlife (especially wildlife) suffer from lack of management.

We urge the Legislature to pass HJR21 and to do everything possible to amend ANILCA to restore our States rights to manage our fish and game and all their beneficial uses.

It's getting late but not too late to return to the constitutional policy of managing our fish and wildlife resources for abundance and to satisfy the beneficial uses of our renewable fish and wildlife resources. please support HJR 21 and whatever it takes to amend or repeal ANILCA.

Sincerely,

Oliver "Bud" Burris, Chairman
Legislative Affairs Committee

TO HOUSE STATE AFFAIRS COMMITTEE
ALASKA STATE LEGISLATURE

I request all of you to support
HJR 21.

This is far and away the most
responsible approach in dealing with
the subsistence issue.

"Fixing" the Alaska Constitution is
a sell-out to federal bureaucrats
and should be offensive to all
citizens.

We admire the courage of those
sponsoring the resolution in representing
our interests against those who
manage our affairs "long distance."

Thanks

Scott Gilber
Box 94
Aniak, Ak
99557

April 15,

TO: House State Affairs Committee
Alaska State Legislature

Today, I heard our local representatives
the local Bethel radio station say they
tie up HJR 21 in committee it keeps
from being voted on by OUR people.

While he may have been elected,
does not represent our feelings on

The sponsors of this bill are a
positively. We are all Alaskans
we cannot allow people such

Mr. Ivan ^{to} pursue personal agenda.

We are bush dwellers, and support
HJR 21 as the fair solution for
Alaskans. Alaska must manage its
resources, for all of Alaska's people.

Let's get the federal government to a
ANILCA, and take care of this issue.

Please — support HJR 21 for all
Alaskans, past and present —
for our future.

With heart-felt thanks,

Sincerely,
Mrs. Linda Gibbons
P.O. Box 94
Aniak, Ak. 99557

HOUSE STATE AFFAIRS COMMITTEE
ALASKA STATE LEGISLATURE

04/15/97

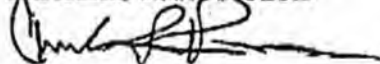
IT WAS WITH GREAT DISAPPOINTMENT THAT I HEARD MY LOCAL REPRESENTATIVE OVER
BETHEL RADIO STATION PROCLAIMING HOW HE INTENDS TO TIE UP HJR 23 IN YOUR COMMITTEE
IT CAN'T BE VOTED UPON BY THE LEGISLATURE. THIS POSITION REFLECTS HIS OWN VIEW
BUT IT DOES NOT NECESSARILY REPRESENT THE VIEWS OF THOSE HE REPRESENTS.

I URGE ALL OF YOU, INCLUDING MR. IVAN, TO SUPPORT THIS RESOLUTION. LET'S ADDRESS
SUBSISTENCE ISSUE BY AMENDING FEDERAL LAW, NOT BY CHANGING THE STATE CONSTITUTION.

I APPLAUD THE SPONSORS' COURAGE FOR ATTEMPTING TO STAND UP FOR OUR RIGHTS AS A STATE
AND TO STOP DRIVING THE WEDGE FURTHER BETWEEN ALASKANS.

THANK YOU FOR YOUR CONSIDERATION,

CHARLES R. RODGERS



P. O. BOX 293,
ANIAK, AK. 99557

DOUGLAS N. LARSEN
58 BULL PINE PLACE
KETCHIKAN, AK 99901
(907) 247-3562

April 9, 1997

Representative Jeannette James
House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative James:

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In 1985 I moved to Kotzebue where, as in many parts of our great state, I found fish and wildlife populations to be healthy and abundant. Under state management, I watched as the Western Arctic caribou herd grew from an estimated 230,000 in 1985 to over 400,000 in 1990. With year round bag limits of 5 caribou per day, along with a moose and a sheep each season, I did not feel the slightest bit restricted in my opportunity to provide game meat for my family during the 5 years we spent in Kotzebue. Neither did I see others in

Northwest Alaska experiencing any lack of opportunity or success in providing game meats for their families.

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During all but a couple of my 40 years as an Alaskan, the state has been managing the bulk of our fish and wildlife resources. Based on my experiences in both "rural" and "non-rural" areas, I have to conclude that state management has worked, and has worked well. Recently, however, with the intrusion of the federal government into wildlife management and allocation in Alaska, I have seen things that trouble me deeply and which have raised my level of concern for the ultimate well-being of the state's fish and wildlife populations.

As a case in point, I would like to share with you a situation that has arisen in Game Management Unit 2 (Prince of Wales and adjacent islands). Two years ago, over the opposition of both state and federal wildlife biologists, the federal Southeast Regional Subsistence Advisory Council elected to open a rural hunt for doe deer in the unit because a couple of council members reported seeing numerous does along the island's extensive road system. When confronted with biologists' concerns, the council indicated that federal staff would be closely monitoring the doe hunt and that the council could always revisit the issue if it appeared to be a problem in the future. Not surprisingly, no federal monitoring of the doe hunt was ever initiated. In fact, the only harvest data that was obtained came from hunters responding to the state's annual hunter questionnaire.

Two years after the doe hunt was implemented, several hunters reported seeing fewer deer in Unit 2 than they had in past years. Although the cause for this wide-spread perception is presently unclear, biologists will be surveying several parts of the unit this April in an effort to obtain a clearer understanding of the status of the unit's deer population. In the meantime, the federal council decided to address hunter perceptions by proposing to eliminate non-rural, buck-only hunters from hunting in Unit 2. At the same time, despite their assurance 2 years ago that they could review the doe hunt if potential population problems arose, the council elected to retain the rural doe hunt because they claimed it was a customary and traditional use of the resource and people needed the opportunity to harvest does.

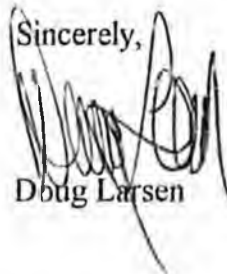
Like many other Ketchikan residents, I am willing to forego hunting deer in Unit 2 if there is a biological concern for the deer resource that can only be corrected by eliminating my opportunity to hunt there. However, if there is indeed a biological concern for the Unit 2 deer population, as the council's actions indicate they believe, then the responsible, science-based action would have been to first eliminate the existing rural doe hunt. This doe hunt, incidentally, has not only been opposed by biologists, but has also been opposed by the Sumner Strait Advisory Committee (rural residents of north POW Island), by the

Klawock Cooperative Association, by 65 Craig and Klawock residents who signed and submitted a petition, and by numerous residents of Unit 2 who have submitted individual letters of opposition. Indeed, in talking recently with a federal subsistence staff member in Anchorage, I learned that his office has not received a single letter supporting the doe hunt.

There are a couple of management implications that this Unit 2 situation illustrates for me. First, unlike the state's Fish and Game **Advisory** Committees, which submit proposals and **suggested** actions to the state Board of Game for consideration, the federal **Advisory** Councils appear to have repeatedly served as **policy** bodies with little oversight or interference from the federal Subsistence Board. Furthermore, unlike the state system, where public input is considered an integral part of the decision-making process, we observed in this instance what appears to be total disregard by the Southeast Council for the opposition to the doe hunt expressed by numerous rural residents. And finally, in making their decision, the Southeast Council totally ignored responsible, well-established and proven wildlife management considerations when they retained a doe hunt but eliminated the harvesting of bucks. This, more than anything else, is what causes me concern. If the federal system is going to allow biologically irresponsible recommendations to be implemented because of ANILCA's wording and interpretation, it is apparent that changes to the act need to be considered immediately. Herein lies my support for HJR 21. Unfortunately, because of federal oversight clauses in the act, I do not believe at this point that an amendment to our state constitution will solve our dilemma.

During recent teleconferences, I have heard rural Alaskans express concerns about losing the rural preference they are guaranteed under ANILCA. Although I see many inconsistencies with the rural preference allowance, I am willing to support it if that is what it takes to get the federal system out of Alaska and allows the state to resume its responsible, science-based management. Again, my concern is first and foremost for the long-term integrity of our fish and wildlife resources.

I strongly encourage you to support HJR 21 or similar legislation that would make appropriate and necessary changes to ANILCA, and thereby facilitate the return of fish and game management to the state.

Sincerely,

Doug Larsen

cc: State Affairs Com. members

Mary L. Bishop
1555 Gus's Grind
Fairbanks, AK 99709
907-455-6151

April 10, 1997

Dear Rep. James and members of the House State Affairs Committee:

I am writing in support of HJR21. It is so important that our Congressional delegation receive some sort of message from the Legislature. This resolution is not what I would prefer, but it is a way to allow ALASKANS to make the decision on the "nature of the priority".

Many people believe that the priority comes into play only rarely -- when there is some sort of unusual resource shortage, or when there is some sort of need. Even our Congressional delegation did not understand the priority for many years -- claiming that it only came into effect in these rare times of shortage. Many reporters still think it's only in times of shortage -- and mislead the public.

In reality Judge Holland and the Dept. of Interior have made it clear that this is not at all the case. AFN, the Outdoor Council, and the Interior Department all pretty much agree on the "nature of the priority" as it stands right now. The nature of that priority has been set by Congress and the courts.

The Interior Dept says: "All other uses must be eliminated before customary and traditional subsistence use can be restricted;"

AFN, in their "no net loss" policy says: "The subsistence priority applies at all times, not just when there is a resource shortage. The Boards (of Fisheries and Game) are required to provide fully for customary and traditional uses before any non-subsistence uses may be allowed."

Please allow Alaskans the option of defining the nature of the priority. We can do this by redefining the terms "rural" and "customary and traditional". What Alaskans come up with may be, or may NOT be, consistent with the state's Constitution. I personally hope it will be consistent with our Constitution. I'll take the chance in this effort to find compromise. I'll take the chance in this effort to regain state management.

Meanwhile some of the more onerous provisions of the federal law would be gone if this resolution were carried out. For example, "public land" would mean federal public land, not state and private lands and waters: subsistence harvests could not be sold in competition with commercial harvests.

Please give Alaskans a chance to resolve this dreadful problem. Thank you for your efforts.

Sincerely,


Mary Bishop

04/15/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

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09:51:28

PARTICIPANT LIST (TESTIFIERS ONLY)

BY:JNU

TCN:70630

SCHEDULED FOR:04/15/97 08:00 TO 10:00

FOR:ALL

PUBLIC HEARING

HOUSE STATE AFFAIRS

LOCATION:ANCHORAGE

HJR 21 CARL JACK TESTIFY

LOCATION:DILLINGHAM

HJR 21 RUSSELL NELSON BBNA TESTIFY

LOCATION:KENAI LIO

HJR 21 MR. CLARK WHITNEY SELF TESTIFY

HJR 21 MR. JOE HARDY SELF TESTIFY

HJR 21 MR. RANDY SHUMATE SELF-SCI TESTIFY

HJR 21 MR. GARY HULL SELF TESTIFY

LOCATION:KOTZEBUE

HJR 21 MR CHARLIE CURTIS NANA TESTIFY

HJR 21 MR JOHN ERLICH KOTZ IRA TESTIFY

LOCATION:KETCHIKAN

HJR 21 MR. BEN HASTINGS TESTIFY

HJR 21 MR. JOHNNY RICE TESTIFY

HJR 21 MR. DON WESTLUND TESTIFY

HJR 21 MR. DICK COOSE TESTIFY

HJR 21 MR. JOHN PECKHAM TESTIFY

HJR 21 MS. KAY ANDREW TESTIFY

~~HJR 21 MS. ROBERT SHIELDS TESTIFY~~

LOCATION:MATSU

HJR 21 MR. ROD ARNO TESTIFY

LOCATION:NOME

HJR 21 APRIL FERGUSON KAWERAK TESTIFY

HJR 21 EILEEN NORBERT KAWERAK TESTIFY

HJR 21 LORETTA BULLARD KAWERAK TESTIFY

MR. SAM JACKSON AKIAK

MR. PATRICK CLEVELAND EEK

MR. FRITZ WILLIE NAPAIAK

MR. WALTER JOHNSON YAKUTAT

Patrick Cleveland

536 - 5128

Eek

Apr 4/15/97 off - Nets Tues:

OK
Per Eric
4/11/97

will call at
8:30 AM
4/11/97

AKIak Native Comm.

Sam Jackson - Ex Dir

765 - 7888

on line too:

Anch
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Home
Willingham
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Ketchikan
Juneau
VTS Noonah (Debbie
Beadley)

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THES - HJR 21

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GRAND CAMP
Alaska Native Sisterhood
1996-97

Maureen Obert
Grand Secretary
Box 313
Hoonah, AK 99829
907-945-3400

Requested Hoonah
as volunteer
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PHONE MESSAGE		DATE	TIME	A.M. P.M.
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Percy Ballot

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Buckland AK
494-2171

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HJK 71 - wants to
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Willie Thomas 494-9119

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Legislative Council

✓ Herman Morgan

675-4393

Aniak

(Cassander -
Michaelia)

FAXed HJR 21

675-4486



Slats
Legislative Council

✓ Patrick Omiak ✓

1-800-
478-7612

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Denali Island
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*(Paula)
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**How Alaska's Subsistence Law is Working:
Comparing Its Implementation
Before and After 1992**

Steven R. Behnke
Steven R. Behnke and Associates,
Juneau, Alaska

A Report to the
Alaska Department of Fish and Game
Division of Subsistence
March 1, 1996

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Introduction

This report examines the implementation of Alaska's 1992 subsistence law. It provides background for the Nineteenth Alaska State Legislature as it considers whether to reauthorize the 1992 law before key provisions sunset in October 1996, or to make other changes concerning the subsistence statute. This report updates and extends the analysis that ADF&G prepared for the legislature in January 1995 (Report on Implementation of the 1992 Subsistence Law, Alaska Department of Fish and Game, Division of Subsistence, January 1995).

The legislature amended the subsistence law in 1992 to address perceived problems with the 1986 law, including lawsuits that had arisen during its implementation. This report has two major objectives. The first objective is to describe the key differences between the 1992 law and the 1986 law. These involve four primary areas -- who qualifies for subsistence uses, where subsistence uses occur, providing for subsistence uses with regulations, and operation of the subsistence preference. The second objective is to examine how the 1992 law is being interpreted and implemented. This report does not address the problems created by dual state-federal management, and does not make recommendations for changes to the 1992 law.

Before proceeding, it is important to consider the purpose of the subsistence law. Alaskans from all walks of life make widely differing uses of fish and wildlife. For more than twenty years the state has wrestled with the question of how to protect the subsistence taking, uses, and practices of the people in the communities with the greatest dependence and historic reliance upon fish and wildlife for domestic consumption. Throughout this debate there has been widespread agreement that there is a need for some sort of protections for

subsistence, but considerable disagreement about who should benefit and how to accomplish it.

One aspect of fish and wildlife management during this century has been the uneasy relationship between the fish and wildlife harvest patterns that people follow in small communities in Alaska and the laws and regulations created by government to regulate them.

- Subsistence patterns are developed by custom in small Alaska communities, and passed down through oral traditions and practice. They are "customary and traditional" uses that follow local rules within small communities.
- Subsistence uses of fish commonly include harvesting fish with efficient gear (such as nets, fishwheels, and hook-and-line); preserving fish for use (such as through freezing, drying, smoking, and salting); distributing fish through sharing and small-scale barter and trade; and consuming fish products.
- Subsistence uses of wildlife commonly include efficient hunting and trapping for big game (including moose, caribou, deer, sheep, goats, black bear, and brown bear), small game-fur bearers (including beaver, hare, fox, and wolf), and birds (including geese, ducks, and ptarmigan); preserving meat and furs; distributing meat and furs through sharing and small-scale barter and trade; and using meat and fur products as food and crafts.
- Subsistence patterns are common practices of families in small communities; they serve as a base for the economy, culture, and way of life in many Alaska communities.

By contrast, the written laws and regulations of the government pertaining to fishing and hunting have been developed primarily by legislatures, boards, and courts which to a great extent are distant from the small villages geographically, culturally, and politically. Families dependent upon subsistence in small communities have frequently found that their customary ways of taking and using wild foods are at odds with written laws and regulations regarding wild resource use.

This uneasy relationship of traditional practice and government regulation is at the heart of the subsistence issue, and is the main subsistence issue that must be addressed from the point of view of families dependent upon subsistence.

- Subsistence fishers and hunters don't want to be criminals in order to continue to feed their families;
- They wish that their customary and traditional patterns of resource use could be recognized and accommodated by the laws and regulations of government.

In situations where fish and wildlife use are such important parts of people's lives, there has to be mutual trust and cooperation between the people doing the regulating and those that are regulated if fish and wildlife populations and their uses are to be maintained.

The state subsistence law and federal subsistence laws were steps toward addressing these issues. The federal subsistence law and the pre-1992 state subsistence law recognized the importance of the customary and traditional patterns of subsistence hunting and fishing that occurred in "rural" Alaska, and predominately in small villages. This is explicit in the legislative history of both the state and federal laws, as well as implicit in policy and legislation. As early as 1973 the Boards of Fisheries

and Game had adopted a policy giving subsistence the "highest priority among beneficial uses." In 1975 the state legislature adopted legislation permitting the establishment of subsistence hunting zones to reduce competition between local residents and urban hunters, although none were ever established. The 1978, 1986, and 1992 subsistence legislation each acknowledged the importance of subsistence uses of fish and wildlife.

While the precise boundaries of the class of people intended to be protected by the state and federal laws are fuzzy, there is considerable agreement about the core of this class. Most commentators seem to agree that the subsistence law should protect uses of fish and wildlife by people living in small communities where a high proportion of residents have historically relied upon fish and wildlife for a large part of their livelihood, and with cultural and social ties based upon those uses. The Alaska Supreme Court concisely summarized these characteristics as including:

... economies which rely on hunting, fishing and gathering activities, strong kinship bonds, isolation from those parts of Alaska that approximate mainstream America, different seasonal activity patterns, concepts of time and scheduling, which in accordance with other cultural divergences, may be quite different from those of mainstream America, and finally, very limited participation in the cash economy. (Alvarado v. State, 486 P.2nd 891, 894 Alaska 1971).

The 1986 State Subsistence Law

In passing the first state subsistence law in 1978 the Alaska legislature found that "it is in the public interest to clearly establish subsistence use as a priority use of Alaska's fish and game resources and to recognize the needs, customs, and traditions of Alaskan residents" (Sec. 1 ch. 151 SLA 1978). The 1978 law did four major things to accomplish this. (1) It defined subsistence uses. (2) It required the Alaska Boards of Fisheries and Game to adopt regulations permitting subsistence uses to occur when a harvestable surplus of a resource was available. (3) It established that in times of resource shortage, subsistence uses be given a preference over other uses, such as commercial, sport, or personal use. This meant that subsistence hunting and fishing were to be restricted last whenever it became necessary to restrict harvest opportunities for conservation purposes. (4) It created the Division of Subsistence within the Department of Fish and Game to provide information about subsistence and to assist the boards in carrying out the law.

In 1980 Congress passed Title VIII of ANILCA, which incorporated the basic ideas and language of the state law. The federal law, however, limits the subsistence preference to "rural Alaska residents" (P.L. 96-487, December 2, 1980 [94 Stat. 2371]). The federal law applies to federal public lands, but offers the state the option of continuing to manage subsistence on all lands in the state, if the Alaska legislature enacts "laws of general applicability which are consistent with and provide for the definition, preference, and participation specified [in the federal law]." The state initially attempted to comply with ANILCA by adopting a rural preference in regulation. After this was overturned by the Alaska Supreme Court in Madison, the legislature revised the subsistence

statute in 1986, amending the definition of "subsistence uses" to read:

the noncommercial, customary and traditional uses [IN ALASKA] 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 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 (AS 16.05.940(23)).

The legislature also defined "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(32)).

The 1986 law also more explicitly defined steps to be taken by the boards in providing for subsistence. It required that the boards first identify the rural areas of the state, and then identify the fish stocks and game populations that are customarily and traditionally used for subsistence in those areas. For the stocks and populations identified as having customary and traditional uses, the board must then determine the harvestable surplus, and the portion of that surplus needed to provide a reasonable opportunity to satisfy subsistence uses. Finally, the board must adopt subsistence regulations necessary to provide for that opportunity.

The Department of the Interior quickly certified the 1986 law as consistent with ANILCA. Beginning that year the boards engaged in an ambitious effort to identify rural areas, customary and traditional uses, and fishing and hunting regulations that provided for subsistence uses. This process was nominally completed for most of the major subsistence hunts and fisheries in the state by 1990. Due to time constraints and conflicts, the Board of Game simply renamed existing general hunting regulations as subsistence regulations in many cases. Both boards noted that they would continue to accept specific proposals from the public for additional changes to subsistence regulations, and to apply the state law on a case by case basis.

The 1986 state subsistence law set up a procedure for state boards to identify subsistence uses by rural residents and provide for them in regulation.

- Areas and people participating in customary and traditional uses were supposed to be identified; and,
- Customary and traditional uses of fish and game were supposed to be identified and provided for in

regulation, consistent with sustained yield management.

In addition, two protections for subsistence patterns were provided in the pre-1992 state subsistence law and the federal subsistence law:

- Subsistence practices in rural areas should not be unreasonably restricted by fishing and hunting regulations. That is, regulations must "provide" for established subsistence uses.
- When there are not enough wild fish or game to meet all consumptive uses, subsistence practices should be restricted only after sport fishing, general hunting, and commercial fishing. That is, subsistence has a "preference" over other types of fishing and hunting.

The state's pre-1992 subsistence law was still in the process of being implemented in regulation by the state Boards of Fisheries and Game when state law fell out of compliance with federal law in 1990. There were therefore still many unresolved inconsistencies between established subsistence practices in small villages and what was legal in regulation.

The 1992 State Subsistence Law

The legal foundation for state subsistence management changed abruptly in December of 1989 when the Alaska Supreme Court ruled that the rural provisions of the state's subsistence law violated the Alaska constitution (*McDowell v. State* 785 P. 2d 1 Alaska 1989). The court prohibited the state from using rural residency as the basis for subsistence eligibility. On remand to the superior court, the rural provisions were severed from the 1986 subsistence law, leaving the rest of the law intact.

This legal decision rendered the state law inconsistent with ANILCA Title VIII, the federal subsistence law, which defined subsistence as a use by rural people. Subsequently, in July of 1990, the federal government took over management of subsistence hunting on federal public lands in Alaska to provide for subsistence uses by rural Alaska residents on federal public lands. The state continued to manage for subsistence hunting and fishing in Alaska under the 1986 state law, but without the rural provisions. This resulted in state subsistence hunts and fisheries open to all Alaska residents (the so-called "all Alaskans" approach), and federal subsistence hunts on federal public lands open to qualified rural residents.

In the spring of 1990 the Alaska legislature considered placing a constitutional amendment before voters that would enable the state to meet ANILCA standards. That effort failed, as did a subsequent effort during a special legislative session in June of 1990.

Governor Hickel convened a Subsistence Advisory Council in 1991, shortly after taking office. He then brought its ideas concerning the subsistence issue to the 1992 legislative session. When the legislature adjourned in May of 1992 without taking any action

on subsistence, the governor called a special legislative session in the summer of 1992. A range of subsistence management options were considered by the legislature. The subsistence law that eventually resulted from the 1992 special session made several changes in the state subsistence law. These did not bring the state's program into compliance with ANILCA.

The most substantive change, which was made to comply with the Supreme Court's ruling in *McDowell*, is that the 1992 law removes any reference to rural residents as the people whose uses of fish and wildlife are protected by the law. Another major difference is that the 1992 law explicitly prohibits the Boards of Fisheries and Game from permitting subsistence hunting or fishing in areas identified by the boards as "nonsubsistence areas". The 1992 law also defines some key terms that had been used in implementing the 1986 law but had not been defined in statute, and sets out specific procedures for the boards to follow in implementing the 1992 law. In summary the 1992 law:

- Allows any Alaskan to participate in subsistence hunts and fisheries if they use the fish or game harvested for subsistence purposes (such as personal or family consumption, sharing, and crafts).
- Directs the boards to identify "nonsubsistence areas" and to prohibit subsistence fishing and hunting in them.
- Establishes explicit procedures for implementing the subsistence preference.

- Defines "reasonable opportunity", "customary trade", and "customary and traditional".
- Includes a "sunset" provision calling for a review of the operation of the

law by the governor and the legislature and a return to the 1986 law if no action is taken by the legislature.

Effects of Changes in the Subsistence Law

This section examines key differences between the 1986 and 1992 laws, and how they have been implemented. It is organized in terms of the four areas of major difference between the laws -- who qualifies for

subsistence, where subsistence uses can occur, providing for subsistence uses in regulation, and the operation of the subsistence preference. Each section discusses the differences between the laws and their implementation.

Who Qualifies for Subsistence

"Rural Provisions" Severed from the 1986 Statute

Subsistence Users Can No Longer Be Clearly Identified by the Boards.

- **Pre-1990.** Rural residency was a tool used by the joint board to clearly identify the relatively small proportion of Alaska residents who rely on customary and traditional subsistence fisheries and hunts. The joint board identified about 20% of state residents as rural residents, who are potential subsistence users; the other 80% of state residents were identified as non-rural residents who could hunt under general hunting regulations or fish under sport or personal use regulations.
- **Post-1992.** Without rural residency as a board management tool, large numbers of urban-based sport hunters or personal use fishers now pass as subsistence users. Without the concept of subsistence as a rural use, it is unclear who a subsistence user is and what it is based on. The "new" urban subsistence users potentially overwhelm accessible customary and traditional subsistence fisheries and hunts, to the detriment of subsistence-dependent rural villages and other established uses (commercial fisheries, sport fisheries, non-resident sport hunts, guided hunts). The boards have dealt with this by restricting subsistence hunting regulations, creating Tier II hunts, and creating nonsubsistence areas (described below).

Where Subsistence Uses Occur

"Nonsubsistence Area" Provisions

Subsistence Use Areas Potentially Expand to Include All Urban Areas.

- **Pre-1990.** The rural provision of the pre-1990 law was a tool used by the boards to clearly identify areas where customary and traditional subsistence uses occurred -- subsistence occurred in areas "reasonably accessible" to rural communities, which in effect means subsistence use areas were rural areas.
- **Post-1992.** Without the rural provision as a management tool, the boards have been faced with the prospect of having to create subsistence hunts or subsistence fisheries wherever urban-based sport hunters or personal use fishers go, such as in urbanized areas like the Anchorage Bowl, Mat-Su Valley, Fairbanks North Star Borough, or the roaded Kenai Peninsula. The 1992 law attempted to address this effect with the "nonsubsistence area" concept, described below.

Nonsubsistence Area Provisions Were Used to Create Five Nonsubsistence Areas.

- **Pre-1990.** Because subsistence was a rural use near rural communities, the boards recognized only a few subsistence fisheries or hunts around urbanized areas (for instance, the Tyonek subsistence salmon fishery across Cook Inlet from Anchorage). In urbanized areas, most hunting was managed under general hunting regulations and most fishing was managed under sport, personal use, and/or commercial regulations.
- **Post-1992.** The joint board used the nonsubsistence area provisions in the 1992 law to create five nonsubsistence areas around urbanized population. At present, the nonsubsistence areas adopted by the joint board are similar to the nonrural areas identified before 1989 under the previous law. It is uncertain whether other areas might be identified as nonsubsistence areas by future joint board action. The statute provides no guidance on the number, relative size, or precise boundaries of nonsubsistence areas, leaving these matters up to the joint board. This lack of guidance raises several concerns. As evidenced by public proposals and board discussion, the nonsubsistence area provisions hold the potential for eliminating subsistence use patterns of rural villages, if they are applied in certain ways. Subsistence use areas of villages commonly overlap harvest areas used by urban-based residents. In the overlap area, subsistence uses can be eliminated if the urban-based users become a simple majority in the area. The nonsubsistence area provisions also allow for a "Swiss cheese" approach, where many small drainages or seemingly remote harvesting areas are designated nonsubsistence areas because the only written records of their use is by fly-in sport users. Implemented this way, village subsistence use areas can have small holes drilled in them, which are managed as exclusive use domains of sport users.

Providing for Subsistence Uses With Regulations

Effects on Hunting Regulations

Rural Subsistence Hunting Seasons and Bags Were Restricted.

- **Pre-1990.** Prior to 1990, the Board of Game was gradually implementing the subsistence statute, by identifying customary and traditional hunting practices of rural villages with the input from regional councils, and by gradually providing appropriate seasons, bags limits, and means-methods regulations. These local subsistence hunts were distinct from general hunting regulations of urban-based hunters. Residency was a tool used by the board to clearly identify local rural customary and traditional subsistence use patterns for rural residents (subsistence hunts) distinct from sport hunting patterns for urban-based residents (general hunts), and providing for them through appropriate seasons, bags, or means-methods. This was possible because rural hunts or fisheries were open to only a limited number of rural users.
- **Post-1992.** Without residency as a board management tool, the distinction between subsistence hunts and general sport hunts has been lost. The Board of Game has had to craft hunting regulations primarily with the urban-based majority hunters in mind. Most of the regulatory gains made by rural subsistence hunters were lost when subsistence hunts and general hunts were collapsed into a single category by the board in 1990. This resulted in more restrictive subsistence hunting seasons and bags which are open to all urban-based hunters (see Reductions in Subsistence Hunting Seasons and Bag Limits Following McDowell v Alaska, Division of Subsistence, Alaska Department of Fish and Game, October 1990). These restricted hunting regulations were readopted by the Board of Game in 1992 as providing "reasonable opportunity" to subsistence users (see next section). The hunt patterns which are appropriate for the majority urban-based hunters are typically inappropriate for the customary and traditional uses of rural families dependent on subsistence, which is one of the central problems the state subsistence statute was originally intended to solve.

Reasonable Opportunity

An Ambiguous Standard is Inserted in the Law.

- **Pre-1990.** The 1986 law required that the boards to adopt subsistence regulations that "provide a reasonable opportunity to satisfy the subsistence uses" (16.05.258(c)). There was a question about how to provide for customary and traditional uses with regulations. Did this include providing for a customary and traditional pattern of taking, such as customary and traditional seasons, means-methods, harvest levels, and reporting conventions? The boards were advised that regulations did not have to guarantee a take, but provide an "opportunity" for a subsistence use which was reasonable. The reasonableness of a regulation had to be demonstrated by some evidence concerning the customary and traditional pattern of use. The federal district court in Bobby supported this interpretation. In Morry the state court distinguished between "customary and traditional uses", which it held the state law required be provided for, and "methods of harvesting", which may be provided for in the discretion of the boards.

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 fish or game" [emphasis added] (16.05.258(f)). This definition may narrow what regulations must provide for -- a reasonable expectation of a take -- and omits the other characteristics of a customary and traditional pattern of taking and use. The definition contains an ambiguous "normalcy standard" for determining reasonable opportunity for taking for subsistence uses. Normalcy implies a normal curve drawn from a set of observations. But which set of hunters are used as the basis for determining normalcy -- rural-resident hunters or urban-resident hunters? Without a clear normalcy standard, the Board of Game has picked among widely differing types of averages. For instance, in deciding season length, the board has reasoned that because the "average hunter" (including urban hunters) spends a certain number of days afield, a season length somewhat longer than the average provides a reasonable opportunity for moose hunters; or, that because the "average" success rates for hunters (including urban hunters) is a certain percent, a set of seasons and area restrictions that provide for that success rate is reasonable.
- **Post-1992.** The 1992 law requires that the boards "shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks and populations" (16.05.258(b)(1)(A)). The 1992 law provides a definition of reasonable opportunity: "for purposes of this section, 'reasonable opportunity' means an opportunity, as determined

Customary and Traditional

"Customary and Traditional" is Given Some Additional Definition in Statute.

- **Pre-1990.** The pre-1990 law used the terms "customary and traditional" to define a subsistence use of fish and game. The terms were not defined in statute. The boards used eight criteria, which were adopted in regulation, to identify customary and traditional patterns of use (5AAC 99.010).
- **Post-1992.** The 1992 law provides a definition of "customary and traditional" -- "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 fish or game" (AS 16.05.940(7)). The definition draws upon the first and fourth criteria in regulation (5AAC 99.010). It leaves the interpretation of terms like "long-term", "consistent", and "reliance" to the individual board, considering the facts pertaining to the specific stock, population, and area under consideration.

Customary Trade

"Customary Trade" is Distinguished from "Commercial Trade".

- **Pre-1990.** The pre-1990 law's definition of "subsistence uses" included "sharing" "barter," and "customary trade". This provision recognizes the common customary practice of harvesters supplying relatives and friends with subsistence food products through non-commercial channels. Customary trade was not defined in statute. The individual boards had authority to regulate sharing, barter, and customary trade, but with a few exceptions, they had not addressed the customary trade issue. This left the issue open to court interpretation.
- **Post-1992.** The 1992 law provides a definition of "customary trade" -- "the limited noncommercial exchange, for minimal amounts of cash, as restricted by the appropriate board, of fish or game resources; the terms of this paragraph do not restrict money sales of furs and furbearers" ((AS 16.05.940(8)). This definition better allows for distinguishing between customary trade and commercial trade of wild resources. The definition is worded so as to allow the sale of furs taken under subsistence regulations. The Board of Fisheries has used the definition to regulate the customary trade of limited amounts of herring roe on kelp in southeast Alaska, under the terms of a subsistence fishing permit.

Rural Public Involvement in Management

Participation by Rural Residents in the Regulatory Process Declines.

- **Pre-1990.** Before 1990, the state operated a system of regional advisory councils, made up of representatives of local fish and game advisory councils. The regional councils met requirements in ANILCA Section 805 for regional advisory councils in each subsistence region of Alaska. The councils provided a regional forum for discussing fish and game management issues, developing regional consensus on issues, and resolving disputes. Subsistence proposals from the regional councils were given special consideration in the regulatory system; the boards had to adopt proposals unless not supported by evidence or if contrary to conservation principles. There were substantial numbers of subsistence proposals each year from the rural public and the regional council and advisory committee system.
- **Post-1992.** The state's regional council system was disbanded in 1991. There has been declining participation in the state's regulatory process by rural residents dependent on subsistence, with very few subsistence proposals before the board each year. The decline results from a combination of factors -- no regional councils, the growing frustration by rural residents in the board's inability to craft area-specific subsistence hunting regulations, and the growing opportunity to participate in the federal subsistence system. The declining participation by rural subsistence users in the state's system reduces the state's ability to bring together different interests and to develop mutually acceptable solutions to fish and game issues.

Comanagement Initiatives

Development of Comanagement Arrangements Continues.

- **Pre-1990.** A number of comanagement arrangements were initiated between the state, federal, and subsistence groups to address subsistence issues related to specific stocks or populations. Examples include the Yukon-Kuskokwim Delta Goose Management Plan, the Kilbuck Caribou Cooperative Management Plan, the Kuskokwim River Salmon Management Group, and the Alaska and Inuvialuit Beluga Whale Committee. Solutions to fish and game management problems were developed through collaborative arrangements like these.
- **Post-1992.** Comanagement arrangements continue to be developed. Examples include the ones listed above and the Round Island subsistence walrus hunt co-management plan and the western arctic caribou initiative. Dual state and federal subsistence management, and declining participation by rural residents in the state's board process, complicate resource management, and may make these types of comanagement arrangements more necessary. Collaborative arrangements can provide effective additions to the existing fish and game advisory committee process.

Operation of the Subsistence Preference

Procedural Language

Explicit Steps for Implementing the Subsistence Preference are Put into Statute.

- **Pre-1990.** The 1986 law contained general steps about how the subsistence preference was to be applied (AS 16.05.258(c): "If the harvestable portion is not sufficient to accommodate all consumptive uses of the stock or population, but is sufficient to accommodate subsistence uses of the stock or population, then nonwasteful 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. If it is necessary to restrict subsistence fishing or subsistence hunting in order to assure sustained yield or continue subsistence uses, then the preference shall be limited, and the boards shall distinguish among subsistence users, by applying the following 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."
- **Post-1992.** The 1992 law provides more specific procedures for applying the subsistence preference (AS 16.05.258(b). Four steps are identified, which make more explicit the process in the 1986 law. The 1992 statute also modifies the three Tier II criteria: "(1) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood; (2) the proximity of the domicile of the subsistence user to the stock or population; (3) the ability of the subsistence user to obtain food if the subsistence use is restricted or eliminated."

Tier II Provisions

A Clear and Verifiable Tier II Subsistence Eligibility Criterion is Lost.

- **Pre-1990.** Residency was a tool which could be used by the boards to help identify the most dependent subsistence users at the Tier II level (when there is not enough fish or game to provide for all subsistence users) -- "local residency" was one of the three Tier II criteria, and served as the basis of verifiable Tier II questions.
- **Post-1992.** Residency was lost as a tool which could be used by the boards to help identify the most dependent subsistence users at the Tier II level. "Proximity of a subsistence user to the Tier II population" was one of the three Tier II criteria, but was ruled "unconstitutional" by the state supreme court in Kenaitze. The boards lost one of the few easily verifiable Tier II factors.

Popular General and Nonresident Hunts Were Eliminated, and Tier II Hunts Created.

- **Pre-1990.** Just prior to 1990, there were no Tier II subsistence hunts authorized by the board. Popular hunts like the Nelchina caribou hunt were managed with a subsistence hunt (open to certain rural residents) and a general (sport) hunt (open to residents and non-residents through a random draw), with an allocation of animals to each hunt.
- **Post-1992.** Because large numbers of urban-based hunters are now classified as subsistence users, certain subsistence hunts were oversubscribed. As stated above, this was dealt with in many hunts by reducing hunter efficiency through more restrictions on subsistence seasons and bags. But the Board of Game authorized 15 new Tier II hunts in 1990, including the Nelchina caribou hunt which previously was managed for multiple uses. The Tier II system, when applied to all Alaska residents, has created many special problems, including elimination of non-resident hunters, difficulties in verifying applicant responses, and declining public confidence in the Tier II process.

Conclusions

This report compares the implementation of the 1986 and 1992 subsistence laws in four major areas. It examines continuity and change in who qualifies for subsistence, where subsistence is allowed, what subsistence regulations are supposed to provide for, and how the subsistence preference operates.

- The greatest differences between implementation of the 1986 and 1992 laws result from the absence of the rural provisions in the 1992 law. Without the ability to narrow the pool of people who qualify for subsistence, the boards lack a major tool for managing and allocating fish and wildlife. The lack of the rural provision is at the root of several other problems with the law, which was originally designed around the rural provision.
- The boards have established "nonsubsistence" areas that are similar to the "nonrural" areas identified before 1990. However, public proposals and board discussions indicate that there is potential for the nonsubsistence provisions to be interpreted to allow for gerrymandering that could adversely impact small communities dependent on subsistence.
- The Board of Game substantially reduced subsistence hunting seasons and bag limits in many areas in 1990-91 in response to the McDowell decision. This addressed the over-harvest problems created by all urban hunters qualifying for subsistence hunts, but reduced rural residents' opportunities to take game legally for subsistence uses. After the 1992 law was passed, the board readopted most of these regulations with little substantive review. The boards have been reluctant to take up proposals that would require using the procedures set out in the 1992 law for identifying and providing for subsistence uses. Under the 1992 law, the distinction between subsistence hunts and general sport hunts has been lost.
- Reductions in subsistence hunting seasons and bag limits have been justified by the Board of Game under the ambiguous definition of "reasonable opportunity" in the 1992 law.
- After 1992 a number of popular general and nonresident hunts were replaced by highly unpopular Tier II subsistence hunts, because of the "all-Alaskan" policy. The Tier II system is widely viewed as unfair and unenforceable when applied to all Alaskans. The Tier II system is designed to provide hunting advantages for those most reliant upon subsistence when subsistence users exceed resource availability. But the effectiveness of the Tier II system to correctly identify those who are most reliant is being eroded by court decisions which prohibit the use of verifiable Tier II criteria linked to residency, proximity, or geography.
- Rural residents are participating less in the state's subsistence regulatory regime. This is due to the combined effects of cutbacks in state funding for the advisory committee system, the elimination of the state's regional council system, and the perception that the federal subsistence system is more responsive than the state system.

In conclusion, there appear to be two major types of problems with the 1992 subsistence law -- those created primarily by the absence of the rural provisions, and those due to the lack of a clear standard for what the law is supposed to protect.

Because of these problems with the law, the Board of Game is not able to craft rules that allow rural people, who are most dependent upon subsistence, to legally pursue customary harvest methods and practices. While the 1992 law poses similar problems for the Board of Fisheries, it is not to the same extent because the Board of Fisheries are still able to distinguish subsistence uses and users based on gear types in most cases.

Current implementation of the law emphasizes providing some level of opportunity for successful taking. It downplays the need to provide

regulations that are appropriate to the context within which harvest occurs, such as the seasonal pattern of game availability, seasonal needs for particular types of food, and community patterns of harvest and sharing. This leads to problems for both users and managers. Villagers do not want to be treated as criminals for feeding their families and following customary ways of life. And fish and wildlife management can only be successful in rural Alaska if people respect it and play a significant role in the system.

On balance, implementation of the 1992 law has had the effect of limiting subsistence hunting for rural residents compared with the way the 1986 law was being implemented prior to McDowell. The law in its present form does not allow the Board of Game to create regulations that protect the subsistence patterns which are such a valued part of the state's diverse cultures, economies, and ways of life.

Appendix A. Subsistence Management Chronology

1925: Alaska Game Law. Believed to provide for most subsistence hunting during territorial days, the law stated that "...any Indian or Eskimo, prospector, or traveler (can) take animals, birds, or game fishes during the closed season when he is in the need of food."

1960: Statehood. The federal government transferred authority for management of fish and game in Alaska to the new state government. Both the federal and the state government recognized subsistence fisheries.

1971: ANCSA. The Alaska Native Claims Settlement Act (ANCSA) extinguished aboriginal hunting and fishing rights. No law was enacted that protected subsistence, but the conference report stated Native subsistence and subsistence lands would be protected by the State of Alaska and the Department of Interior.

1978: State's First Subsistence Law. The state passes its first subsistence law which, once sustained yield has been ensured, requires that subsistence uses be allowed, with a priority if necessary (Ch. 151 SLA 1978). The law defines subsistence as "customary and traditional uses" of fish and game for specific purposes such as food.

1980: ANILCA Passed. Congress passes the Alaska National Interest Lands Conservation Act, creating 104 million acres of new national parks, preserves, and wildlife refuges (P.L. 96-487, December 2, 1980 [94 Stat. 2371]). Title VIII of that act mandates that the state maintain a subsistence hunting and fishing preference for rural residents, or forfeit management of these subsistence uses on public lands. If the state fails to protect subsistence as described in ANILCA, the act stipulates that the federal government will take over management of fish and wildlife on the two-thirds of the state that is federal land.

1982: State Law's Consistency With ANILCA is Established. The joint Boards of Fisheries and Game adopt a regulation specifying that customary and traditional uses are rural uses (5 AAC 99.010), and the Department of Interior certifies the state's consistency with ANILCA.

1982: Repeal Initiative. A statewide effort to repeal the subsistence initiative fails by a large margin at the polls (58.4% of Alaskan voters in favor).

1983: Subsistence Suit. Several Alaskans file suit against the state subsistence law. In McDowell v. State, they argue that the law denies subsistence privileges to some urban residents who have long depended on fish and wildlife resources, while granting those privileges to some rural residents who do not need it, and for that reason the law is unconstitutional.

1985: Madison Decision. The Alaska Supreme Court, in the Madison decision, rules that state regulations limiting subsistence to rural residents (enacted by the Joint Boards in 1982) are not consistent with the state's 1978 subsistence law. The Interior Department notifies the state that the Madison decision violates the provisions of ANILCA and threatens takeover of fish and wildlife on public lands unless the state comes up with a new subsistence law, incorporating the rural limitation.

1986: New Subsistence Law. The Alaska legislature enacts a new law limiting subsistence to rural residents (Ch. 52 SLA 1986; AS 16.05.90). Rural is defined as an area where the "...noncommercial, customary and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy..." In state superior court, the McDowell suit is amended to challenge the new subsistence law. The Kenaitze Indian tribe also files a suit in federal court under ANILCA to protest the classification by the Boards of the Kenai Peninsula as an urban area (Kenaitze Indian Tribe vs. State of Alaska, No. A86-367).

1987: Kenaitze Initially Denied. A federal court judge rules against the Kenaitze Tribe, saying the state's subsistence law's definition of rural agrees with use of the word "rural" in federal subsistence law.

1987: McDowell Initially Denied. The state superior court holds that the 1986 subsistence law is constitutional.

1988: Kenaitze Decision Reversed. The ninth U.S. circuit court of appeals in San Francisco reverses the Kenaitze decision and holds that the state definition of rural is not consistent with ANILCA (Kenaitze Indian Tribe vs. State of Alaska, 860 F. 2nd 312, [9th Cir. 1988]). The court suggests that a definition of rural hinges on demographic characteristics. The U.S. Supreme court ultimately denies review.

1989: Kenaitze Negotiations. Under direction of the federal district court in a preliminary injunction, the state and the Kenaitze tribe agree to a one-year educational fishery, for plaintiffs in that case only, until a permanent subsistence solution can be found. The state initially believes that a simple amendment to ANILCA, which changes the federal definition of rural to match the state definition, is the best solution. However, that effort failed, and negotiations begin toward reaching a consensus position.

1989: McDowell Decision. On December 22, 1989, ruling in McDowell v. State, the Alaska Supreme Court found that the 1986 state subsistence law was unconstitutional because it excluded urban residents from subsistence activities. On January 5, 1990, the Alaska Supreme Court granted the state a stay in the McDowell decision until July 1, 1990.

April, 1990: Federal Government Moves to Assume Subsistence Management. On April 13, 1990, a Notice of Intent to propose regulations was published in the federal register. Temporary regulations establish a federal program that minimizes change to the state program, consistent with the federal government's ANILCA responsibilities. Temporary regulation were published on June 8, 1990.

May 1990: Legislature Debates Subsistence Options. Among options discussed by the legislature was a draft constitutional amendment submitted by Governor Cowper. After lengthy hearings in the final days of the session, the House amended the Governor's proposed amendment, then rejected it by a vote of 20-20 (27 votes needed). The amendment was never voted on by the Senate.

June 8, 1990: Governor Calls Special Session. Negotiations with several interest groups prior to the opening of the session failed to reach an agreement on a solution. On the opening day of the session, the Governor introduced a constitutional amendment that would have required, if approved by the voters at the next general election, a vote on the issue four years later. The amendment would have prevented federal management from occurring on July 1, and would have given groups time to either sue on the constitutionality of ANILCA Title VIII, or amend ANILCA. The governor's proposal was further amended by the Senate to require a vote in two years, and together with legislation creating a Subsistence Review Commission, passed the Senate in early July. However, on July 8, the House failed by one vote (26 in favor, 14 opposed) to obtain a 2/3 majority for a constitutional amendment.

June 1990: Cutler Decision on Severability. The Supreme Court remanded McDowell to the lower court for implementation of their order, and in an opinion dated June 20, with two subsequent clarifications, Judge Cutler found the unconstitutional portion of the state subsistence law to be severable from the rest of the law. This left the state with a subsistence priority law on the books, with its application to rural residents severed.

July 1, 1990: Federal Management Begins. The federal land management agencies initiated a program that assumed management of subsistence uses on federal public lands. This included creation of a five-member federal subsistence board, representing the BLM, NPS, BIA, USFS, and USFWS.

July 1990: New Subsistence Hunts. The Board of Game held an emergency meeting to promulgate hunting regulations for the 1990 fall hunts. Nonresidents were excluded from many hunts, and others were put on a Tier II, individual subsistence application basis.

October 1990: All Alaskans Eligible. At a joint Boards of Fisheries and Game, on October 26, 1990, the Department of Law reported to the Boards that, after the McDowell decision, all Alaskans must be considered potential subsistence users of the fish and game under state jurisdiction. The boards subsequently issued a policy statement that it was impossible, under the legal decisions, to identify subsistence users.

November 1990: New Subsistence Fisheries. The Board of Fisheries met and established new subsistence fisheries in both upper and lower Cook Inlet. A subsequent policy stated that subsistence fishing proposals, throughout the state, would be addressed only if subsistence needs were not being met, or if there was a conservation concern that was addressed by the proposal.

February 1991: Governor's Subsistence Advisory Council is Formed. Governor Hickel appointed an initial subsistence advisory group early in 1991 and reorganized it in November to add public members and remove the state commissioners; in all, the groups met for over a year. The ten-member group was charged with drafting a new subsistence statute that would comply with the state constitution.

Federal Subsistence Program Develops: 1991-92. Publication in the Spring of 1992 of an EIS on the Federal Subsistence Program in Alaska clarified the federal government's intent with regard to managing subsistence on federal lands (mandated by ANILCA). The federal subsistence board established a staff and regular meeting schedule and began accepting public proposals. Other elements of the program included federal regional subsistence advisory councils, and a process for identifying rural areas and customary and traditional uses. The program applied to wildlife and to fishing in non-navigable federal waters.

February 1992: Governor Introduces New Subsistence Legislation. Governor Hickel introduced a bill to the legislature that would establish a new subsistence statute. A key feature of the bill, which was based on the work of the subsistence advisory council, was a presumption that residents of small communities would automatically meet specified subsistence criteria, in mid-sized communities that presumption was "rebuttable", and urban residents must apply for subsistence qualification on an individual basis. Also, nonsubsistence areas were authorized, and implementation would require amending ANILCA. The legislature failed to take action on the bill. Other bills also were considered during the session, but not passed, including an AFN- sponsored bill that provided a rural preference and also a second-level preference for urban residents who could demonstrate community or individual dependence.

June 15-22 1992: Governor Convenes Special Session on Subsistence: 1992 Subsistence Law is Enacted. Governor Hickel presented the legislature with a version of the bill that had been introduced in the previous session. Other bills also are introduced, as are motions to place a constitutional amendment on the ballot. The legislature ultimately passed a subsistence bill that provided eligibility for all Alaskans, included a definition of "customary trade" and allowed the Boards to establish "nonsubsistence areas" in places where subsistence "is not part of the economy, culture, or way of life" of an area.

November 1992: Joint Boards of Fisheries and Game Establish Four Nonsubsistence Areas. Meeting jointly, the boards established nonsubsistence areas around Fairbanks, Anchorage-Matsu-Kenai, Juneau, and Ketchikan. These were areas where subsistence regulations would not be established. Subsistence regulations within these areas were repealed. They issued a call for proposals for other areas also. At a subsequent meeting the following March (1993), an area around Valdez also was designated as a nonsubsistence area. Eventual public proposals for additional areas included GMU 13, all roaded areas, and an area on the Upper Holitna Drainage.

Fall 1993: State Superior Court Finds Nonsubsistence Areas to be Unconstitutional. Judge Fabe, in State Superior Court, found in Kenaitze v. State that the nonsubsistence areas authorized by the 1992 state law were unconstitutional because they "effectively re-establish the rural/urban residency requirement struck down in McDowell" (Kenaitze Indian Tribe v. State of Alaska, 3AN-91-4560 Civil, Order, October 26, 1993). After the Alaska Supreme Court's subsequent denial of the state's motion for a stay, the Boards met in Spring 1994 and authorized the department to enact emergency regulations that would re-establish the previous subsistence regulations for the former nonsubsistence areas. The state also appealed the ruling to the State Supreme Court.

March 1994: U.S. District Court Validates Federal Subsistence Board Authority, Extends Federal Subsistence Management to Include Navigable Waters. Following preliminary rulings in Katy John, in late 1993, Judge Holland issued a final ruling that interpreted ANILCA as giving the federal government broad authority to manage subsistence on federal public lands, and extended jurisdiction to include navigable waters on federal lands. A parallel ruling in the case of State v. Babbitt found that creation of the federal subsistence regulatory board did not exceed the authority granted by ANILCA. These rulings were immediately appealed to the Ninth Circuit Court of Appeals by both the state and federal governments.

May 1994: Secretary of Interior Declares Intent to Manage Subsistence Fisheries Throughout the State. In a letter to the Governor that urged the state to act to come into compliance with ANILCA, Secretary Babbitt stated his intention to begin management of subsistence fisheries, "pursuant to the direction of the federal courts," if the state doesn't pass a constitutional amendment. The federal subsistence board was told to prepare a subsistence fisheries management plan.

January 1995: State Drops Babbitt Lawsuit. Governor Knowles directed the Attorney General to drop the state's appeal of the Babbitt case.

April 1995: U.S. Ninth Circuit Court of Appeals Decides Katy John Case. The court of appeals held that ANILCA's subsistence priority applies to waters in which the United States has reserved water rights. The court further held that the federal agencies that administer the subsistence priority are responsible for identifying those waters. Federal agencies continued development of a fisheries plan and began a process for identifying waters where the plan would apply.

May 1995: Alaska Supreme Court Decides Nonsubsistence Areas Are Constitutional and the Tier II Proximity Criteria is Not. The Alaska Supreme Court, in the case of Kenaitze v. State, determined that "...the Tier II proximity of the domicile factor violates the Alaska Constitution because it bars Alaska residents from participating in certain subsistence activities based on where they live." Also, the court decided that the nonsubsistence area provision in the 1992 state subsistence law is constitutional because "...it bars no Alaskan from participating in any fish or game user class." With this ruling, the previously designated nonsubsistence areas were automatically reinstated. The Kenaitze's challenge to the findings of the Joint Boards that resulted in the establishment of the Anchorage-MatSu-Kenai Peninsula nonsubsistence area was remanded back to the Superior Court. Briefing on remaining issues should be completed by late April, 1996.

August 1995: Alaska Supreme Court Disagrees with Federal Court on the Scope of the Federal Subsistence Law.

In the case of Totemoff v. State the Alaska Supreme Court made three significant findings: the federal subsistence law does not preempt nonconflicting state law; interpreted ANILCA as not protecting customary and traditional means and methods; and directly disagreed with the Ninth Circuit Court of Appeal's finding in State v. Babbitt (the Katie John case) that public lands include certain navigable waters. Because of the direct conflict with the federal court interpretation, the state filed a petition for review by the U.S. Supreme Court on December 5, 1995.

Appendix B. Text of the 1992 Subsistence Law

AN ACT

1 Relating to the taking of fish and game; and providing for an effective date.

2

3 * Section 1. FINDINGS, PURPOSE, AND INTENT. (a) The legislature finds that

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

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

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

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

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

8 (b) It is the purpose of this Act

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

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

13 (c) It is the intent of the legislature that

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

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

17 * Sec. 2. AS 16.05.258 is repealed and reenacted to read:

18 Sec. 16.05.258. SUBSISTENCE USE AND ALLOCATION OF FISH AND
19 GAME. (a) Except in nonsubsistence areas, the Board of Fisheries and the Board
20 of Game shall identify the fish stocks and game populations, or portions of stocks or
21 populations, that are customarily and traditionally taken or used for subsistence. The
22 commissioner shall provide recommendations to the boards concerning the stock and
23 population identifications. The boards shall make identifications required under this
24 subsection after receipt of the commissioner's recommendations.

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

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

1 (A) shall adopt regulations that provide a reasonable
2 opportunity for subsistence uses of those stocks or populations;
3 (B) shall adopt regulations that provide for other uses of those
4 stocks or populations, subject to preferences among beneficial uses; and
5 (C) may adopt regulations to differentiate among uses:
6 (2) if the harvestable portion of the stock or population is sufficient
7 to provide for subsistence uses and some, but not all, other consumptive uses, the
8 appropriate board
9 (A) shall adopt regulations that provide a reasonable
10 opportunity for subsistence uses of those stocks or populations;
11 (B) may adopt regulations that provide for other consumptive
12 uses of those stocks or populations; and
13 (C) shall adopt regulations to differentiate among consumptive
14 uses that provide for a preference for the subsistence uses, if regulations are
15 adopted under (B) of this paragraph;
16 (3) if the harvestable portion of the stock or population is sufficient
17 to provide for subsistence uses, but no other consumptive uses, the appropriate board
18 shall
19 (A) determine the portion of the stocks or populations that can
20 be harvested consistent with sustained yield; and
21 (B) adopt regulations that eliminate other consumptive uses in
22 order to provide a reasonable opportunity for subsistence uses; and
23 (4) if the harvestable portion of the stock or population is not
24 sufficient to provide a reasonable opportunity for subsistence uses, the appropriate
25 board shall
26 (A) adopt regulations eliminating consumptive uses, other than
27 subsistence uses;
28 (B) distinguish among subsistence users, through limitations
29 based on
30 (i) the customary and direct dependence on the fish
31 stock or game population by the subsistence user for human

1 consumption as a mainstay of livelihood;

2 (ii) the proximity of the domicile of the subsistence

3 user to the stock or population; and

4 (iii) the ability of the subsistence user to obtain food if

5 subsistence use is restricted or eliminated.

6 (c) The boards may not permit subsistence hunting or fishing in a

7 nonsubsistence area. The boards, acting jointly, shall identify by regulation the

8 boundaries of nonsubsistence areas. A nonsubsistence area is an area or community

9 where dependence upon subsistence is not a principal characteristic of the economy,

10 culture, and way of life of the area or community. In determining whether

11 dependence upon subsistence is a principal characteristic of the economy, culture, and

12 way of life of an area or community under this subsection, the boards shall jointly

13 consider the relative importance of subsistence in the context of the totality of the

14 following socio-economic characteristics of the area or community:

15 (1) the social and economic structure;

16 (2) the stability of the economy;

17 (3) the extent and the kinds of employment for wages, including full-

18 time, part-time, temporary, and seasonal employment;

19 (4) the amount and distribution of cash income among those domiciled

20 in the area or community;

21 (5) the cost and availability of goods and services to those domiciled

22 in the area or community;

23 (6) the variety of fish and game species used by those domiciled in the

24 area or community;

25 (7) the seasonal cycle of economic activity;

26 (8) the percentage of those domiciled in the area or community

27 participating in hunting and fishing activities or using wild fish and game;

28 (9) the harvest levels of fish and game by those domiciled in the area

29 or community;

30 (10) the cultural, social, and economic values associated with the

31 taking and use of fish and game;

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

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

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

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

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

15 (f) For purposes of this section, "reasonable opportunity" means an
16 opportunity, as determined by the appropriate board, that allows a subsistence user to
17 participate in a subsistence hunt or fishery that provides a normally diligent participant
18 with a reasonable expectation of success of taking of fish or game.

19 * Sec. 3. AS 16.05.258 is repealed and reenacted to read:

20 Sec. 16.05.258. SUBSISTENCE USE AND ALLOCATION OF FISH AND
21 GAME. (a) The Board of Fisheries and the Board of Game shall identify the fish
22 stocks and game populations, or portions of stocks and populations, that are
23 customarily and traditionally used for subsistence in each rural area identified by the
24 boards.

25 (b) The boards shall determine

26 (1) what portion, if any, of the stocks and populations identified under
27 (a) of this section can be harvested consistent with sustained yield; and

28 (2) how much of the harvestable portion is needed to provide a
29 reasonable opportunity to satisfy the subsistence uses of those stocks and populations.

30 (c) The boards shall adopt subsistence fishing and subsistence hunting
31 regulations for each stock and population for which a harvestable portion is

1 determined to exist under (b)(1) of this section. If the harvestable portion is not
2 sufficient to accommodate all consumptive uses of the stock or population, but is
3 sufficient to accommodate subsistence uses of the stock or population, then
4 nonwasteful subsistence uses shall be accorded a preference over other consumptive
5 uses, and the regulations shall provide a reasonable opportunity to satisfy the
6 subsistence uses. If the harvestable portion is sufficient to accommodate the
7 subsistence uses of the stock or population, then the boards may provide for other
8 consumptive uses of the remainder of the harvestable portion. If it is necessary to
9 restrict subsistence fishing or subsistence hunting in order to assure sustained yield
10 or continue subsistence uses, then the preference shall be limited, and the boards shall
11 distinguish among subsistence users, by applying the following criteria:

12 (1) customary and direct dependence on the fish stock or game
13 population as the mainstay of livelihood;

14 (2) local residency; and

15 (3) availability of alternative resources.

16 (d) The boards may adopt regulations consistent with this section that
17 authorize taking for nonsubsistence uses a stock or population identified under (a) of
18 this section.

19 (e) Fish stocks and game populations, including bison, or portions of fish
20 stocks and game populations, not identified under (a) of this section may be taken
21 only under nonsubsistence regulations.

22 (f) Takings authorized under this section are subject to reasonable regulation
23 of seasons, catch or bag limits, and methods and means. Takings and uses of
24 resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

25 * **Sec. 4.** AS 16.05.940 is amended by adding new paragraphs to read:

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

30 (37) "customary trade" means the limited noncommercial exchange,
31 for minimal amounts of cash, as restricted by the appropriate board, of fish or game

1 resources; the terms of this paragraph do not restrict money sales of furs and
2 furbearers.

3 * **Sec. 5.** AS 16.05.940(36) and 16.05.940(37) are repealed.

4 * **Sec. 6. REGULATIONS.** Notwithstanding the provisions of AS 16.05.258, as in effect
5 on the day before the effective date of sec. 2 of this Act, the Board of Fisheries, Board of
6 Game, and Department of Fish and Game shall adopt regulations necessary to implement the
7 provisions of secs. 1, 2, and 4 of this Act.

8 * **Sec. 7. TRANSITION.** (a) It is the intent of the legislature that the Board of Fisheries
9 and the Board of Game expeditiously adopt regulations necessary to implement secs. 1, 2, and
10 4 of this Act.

11 (b) Regulations adopted by the Board of Fisheries, Board of Game, or Department
12 of Fish and Game after July 1, 1992, may not be inconsistent with the provisions of secs. 1,
13 2, and 4 of this Act.

14 (c) Regardless of whether regulations in effect on July 1, 1992, and adopted under
15 the authority of AS 16.05.251, 16.05.255, or 16.05.258, as that statute read on the day before
16 the effective date of sec. 2 of this Act, are inconsistent with the provisions of secs. 1, 2, or
17 4 of this Act, they may continue to be implemented and enforced until the effective date of
18 sec. 2 of this Act.

19 * **Sec. 8. TRANSITION.** After January 1, 1995, the Board of Fisheries, Board of Game,
20 and Department of Fish and Game may adopt regulations to implement AS 16.05.258, as
21 amended by sec. 3 of this Act. Regulations adopted under this section may not take effect
22 before the effective date of sec. 3 of this Act.

23 * **Sec. 9. REVIEW.** (a) The legislature acknowledges and recognizes that this Act deals
24 with a subject of vital concern and that the subject merits review. Therefore, it is the intent
25 of the legislature that the operation of this Act and the regulations adopted under this Act be
26 fully reviewed by the governor no later than June 1, 1994.

27 (b) This review period is intended to allow for further research and to gain experience
28 in implementing this Act and regulations adopted under secs. 6 and 7 of this Act. It is the
29 intent of the legislature that the governor convene a representative group to provide
30 recommendations to the governor before the end of the review period. It is the intent of the
31 legislature that representatives of the legislature and persons with a history in the formulation

1 of subsistence legislation in this state participate in the group.

2 (c) It is the intent of the legislature that the review under this section occur with
3 public input and participation.

4 (d) No later than September 1, 1994, the governor shall provide a report to the
5 legislature on the results of the review and proposed recommendations for statutory
6 amendments.

7 * **Sec. 10.** Sections 6 - 8 of this Act take effect immediately under AS 01.10.070(c).

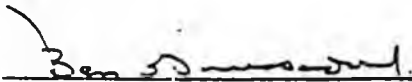
8 * **Sec. 11.** Sections 1, 2, 4, and 9 of this Act take effect on the effective date of
9 regulations first adopted under sec. 6 of this Act by the Board of Fisheries and the Board of
10 Game.

11 * **Sec. 12.** Sections 3 and 5 of this Act take effect October 1, 1995.

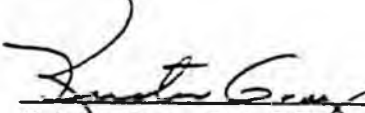
AUTHENTICATION

The following officers of the Legislature certify that the attached enrolled bill, CCS HB 601, consisting of 8 pages, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

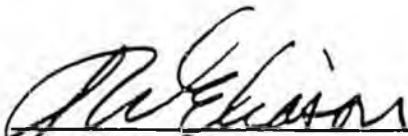
Passed by the House June 22, 1992


Ben Grussendorf, Speaker of the House

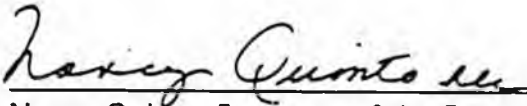
ATTEST:


Kristin Gray, Chief Clerk of the House

Passed by the Senate June 22, 1992


R. I. Eliason, President of the Senate

ATTEST:


Nancy Quinto, Secretary of the Senate

ACTION BY GOVERNOR

Approved by the Governor _____ 19____

Walter J. Hickel, Governor of Alaska

Subsistence in Alaska: A Summary

Division of Subsistence, Alaska Department of Fish and Game
Box 3-2000, Juneau Alaska, 99802 (907) 465-4147
February 26, 1990

Introduction

Subsistence is important to the economy and culture of many families and communities in Alaska. This report describes some characteristics of subsistence in Alaska, based on studies by the Division of Subsistence, Alaska Department of Fish and Game.

What is Subsistence?

Subsistence is part of the cultures, traditions, and economics of many families and communities in Alaska. In current state and federal law, subsistence is defined as customary and traditional, non-commercial uses of wild resources, for a variety of purposes. These uses include harvesting and processing wild resources for food, clothing, fuel, transportation, construction, arts, crafts, sharing, and customary trade.

Alaska has a subsistence law because subsistence continues to support a major part of state's rural economy and culture. Alaska is unique in this regard. Alaska is a pluralistic state. A sizable number of traditional cultures and economies exist side-by-side in the state. These traditional cultures and economies coexist with the industrial-capitalism of Alaska's urban centers.

The stated intent of the federal and state subsistence

statutes was to provide the opportunity for these traditional cultures and economies to continue to exist.

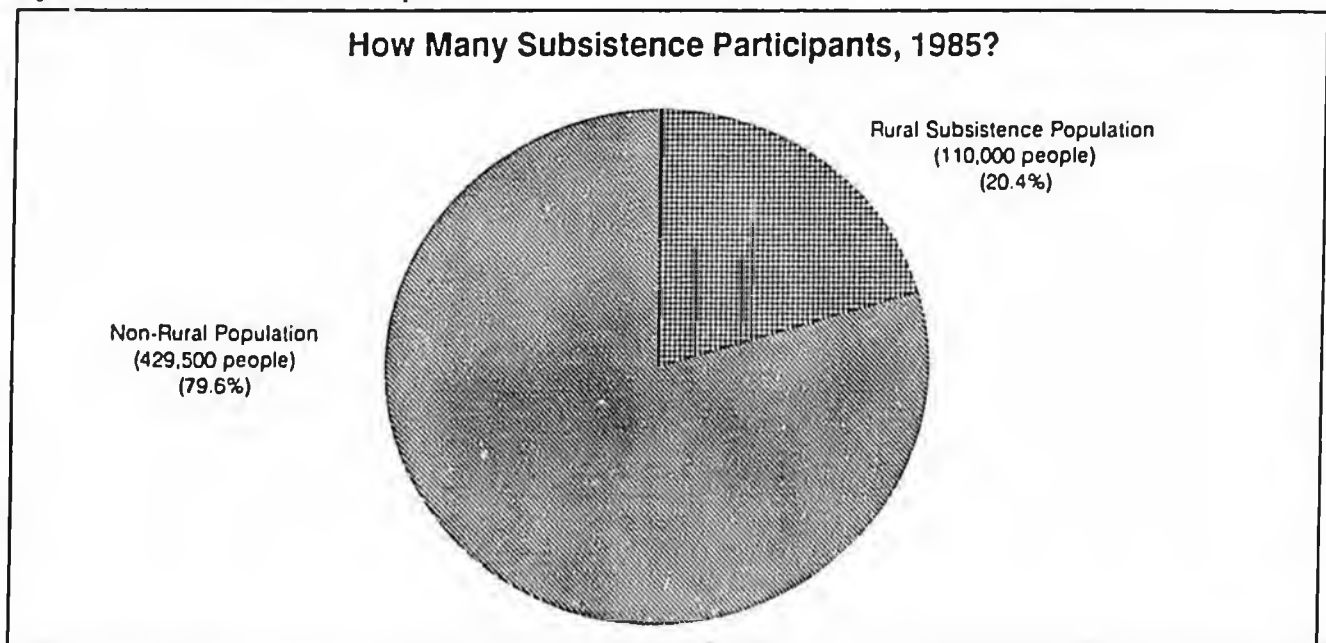
How Many People Participate in Subsistence?

During the 1980s, our best estimate is that there were about 110,075 people in about 225 communities who participated in subsistence practices to some degree. Of these, about 50,000 were Alaska Native, and about 60,000 were not Alaska Native.

This represents the number of people living in rural areas having subsistence uses, as determined by the Boards of Fisheries and Game under the laws and regulations that existed during the 1980s. By comparison, there were about 429,500 non-rural residents, who could hunt and fish under sport, commercial, and personal use regulations, but not under subsistence regulations (Fig. 1).

Our studies indicate that not all 110,000 rural residents actually harvested wild resources for subsistence. In fact, harvesting fish and game was the responsibility of a minority of people in rural areas. However, subsistence foods are widely distributed through non-market networks in rural communities. Because of non-commercial sharing, most residents in rural communities make use of subsistence foods during the course of a year to some extent. Thus, the best estimate of the number of participants in subsistence is the size of the rural population.

Figure 1. Alaska Rural and Non-Rural Population



Composition of Statewide Subsistence Harvest

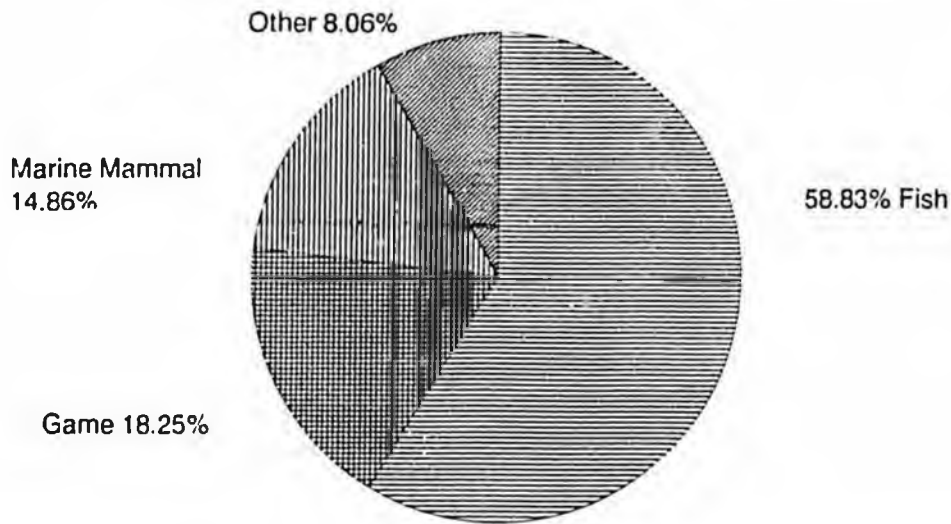


Figure 2. Statewide Subsistence Harvest Composition

How Large is the Subsistence Harvest?

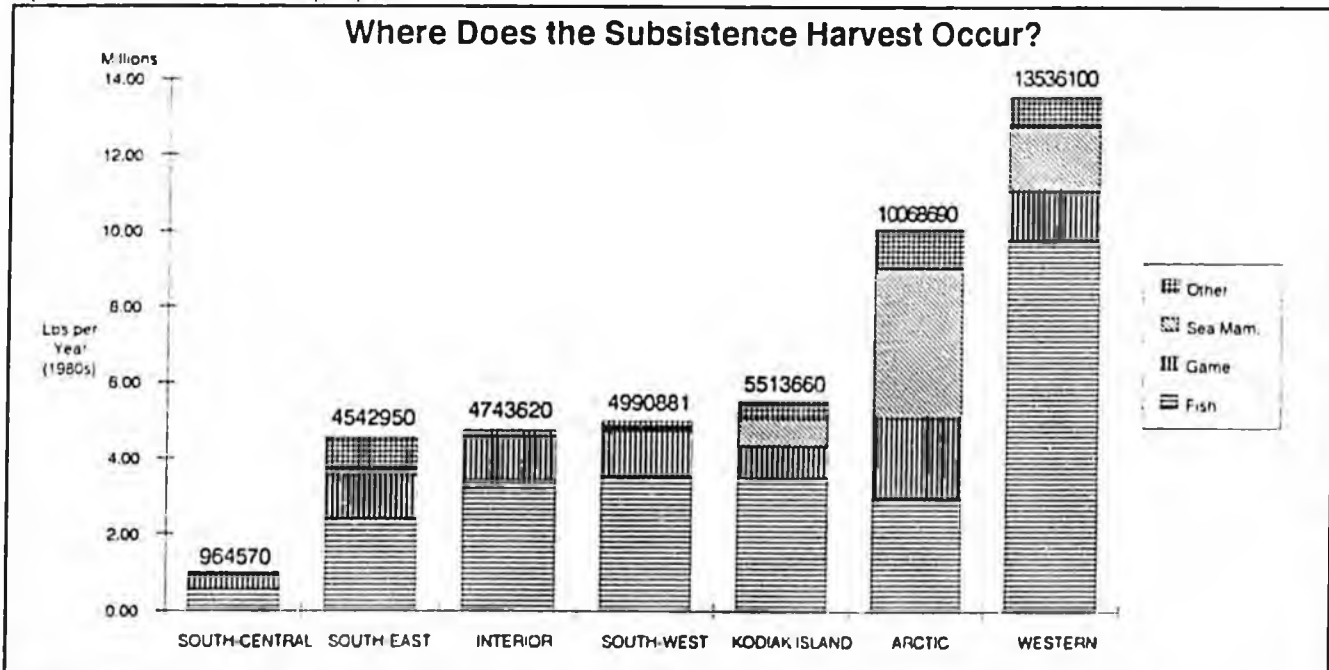
Statewide, non-commercial fishing and hunting provided an estimated 35-45 million pounds of food annually to rural areas during the 1980s. This comes to about 300-400 lbs per person a year, or about a pound of food per day.

Most of the subsistence harvest was fish (about 59 percent by weight), along with marine mammals (about 15 percent), land mammals (about 18 percent), and other wild resources (about 8 percent, including shellfish, birds, and wild plants) (Fig. 2).

Where Does the Subsistence Harvest Occur?

Subsistence uses occur in all regions of the state. The largest annual harvests occur in the Western Region (about 13.5 million lbs) and Arctic regions (about 10 million lbs). Other sizable non-commercial harvests occur on Kodiak Island (5.5 million lbs), Southwest Region (5.0 million lbs), the Interior Region (4.7 million lbs), and the Southeast Region (4.5 million lbs). The smallest harvest occurs in the Southcentral Region (.9 million lbs), primarily in the Copper River Basin, Tyonek, English Bay, and Port Graham (Fig. 3).

Figure 3. Subsistence Harvests by Region



How Does Subsistence Compare with Commercial and Sport Uses?

While subsistence is important, it represents a comparatively small portion of the wild resources harvested annually in Alaska. In Alaska's salmon fisheries, subsistence harvests generally represent less than 1 percent of the total salmon harvests. Considering all fish and game harvested in the state, about 4 percent by weight went to subsistence uses, 1 percent went to sport uses, and 95 percent went to commercial uses (Fig. 4).

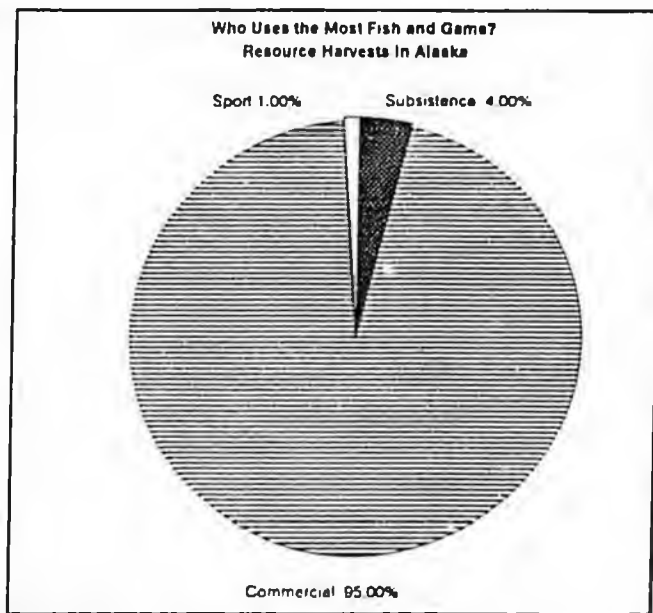


Figure 4. Fish and Game Harvests by Principal User Group

Subsistence and Cash

Our studies indicate that in many rural areas, subsistence is part of a traditional regional economy, termed a "mixed, subsistence-market economy". This type of economy occurs in the Canadian north as well. In mixed, subsistence-market economies, fishing and hunting are central activities conducted by extended family groups. The family invests in small-scale, efficient technologies, such as fishwheels, gill nets, motorized skiffs, and snowmachines, used for producing food. Subsistence production is not oriented toward market sale or accumulated profit, as is commercial market production. Rather, it is directed toward meeting the self-limiting needs of families and small communities.

A family's subsistence production is augmented and supported by cash employment by family members. Depending upon the region, employment commonly is in commercial fishing, commercial trapping, and public sector wage

employment. Typically, but not always, mean annual monetary incomes in the region are modest and intermittent. Families follow an economic strategy of using a portion of the annual monetary earnings to capitalize in subsistence technologies for producing food. This combination of subsistence and commercial-wage activities by extended family groups characterizes the mixed, subsistence-market economy.

This mixed, subsistence-market system underlies the economies of most rural areas of the state. The mixed economic system has existed in various forms since before the Russian period. It is very durable, which indicates its success in providing for rural families.

Traditional Harvest Areas

Our studies show that subsistence users tend to harvest in traditional use areas surrounding their communities. This means that most subsistence harvest areas tend to be relatively accessible from the community, although seasonal camps are used for certain species.



Figure 5. Subsistence Fishing Areas, Hoonah, 1920-1985.

Consequently, subsistence harvest areas for particular groups of people are definable and relatively predictable. Subsistence users generally do not harvest outside their community's traditional use areas (Fig. 5).

Subsistence Values

In addition to its nutritional value, subsistence provides important cultural and social values to rural communities. Our studies indicate that subsistence are central activities unifying extended families and small communities. The traditional wide-scale sharing of subsistence products between families help unify communities.

Subsistence activities bring meaning and purpose to life in many communities. This is especially true for Alaska Native groups. In many places, subsistence still expresses ancient spiritual linkages between humans, wild animals, and the land handed down by oral traditions.

The Importance of Subsistence

In summary, Alaska's rural regions tend to be different from Alaska's urban centers in terms of culture, traditional food use, and economic circumstance, reflecting the state's historic pluralism. Subsistence continues to be an essential part of the economy and culture of many rural areas. Subsistence fishing and hunting produces a substantial portion of the state's food supply in rural areas. Subsistence provides economic stability to many areas which have mixed, subsistence-market economic systems. And subsistence expresses a number of traditional values of importance to Alaska's diverse cultural groups.

Additional Reading

Alaska Department of Fish and Game, Division of Subsistence, Technical Paper Series. This series is the primary source of information on contemporary subsistence uses in Alaska. Write Technical Report Librarian, Division of Subsistence, ADF&G, Box 2-3000, Juneau, AK 99802, for listings and reports.

Wolfe, Robert J. and Robert J. Walker (1987) Subsistence Economies in Alaska: Productivity, Geography, and Development Impacts. Arctic Anthropology 24(2):56-81. This paper describes subsistence harvests in Alaska for the 1980s by geographic region.

Primary authors: Robert J. Wolfe and Robert G. Bosworth

Subsistence Food Harvests in Rural Alaska, and Food Safety Issues

**Paper Presented to the Institute of Medicine, National Academy of Sciences
Committee on Environmental Justice, Spokane, Washington, August 13, 1996**

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Alaska Department of Fish and Game, Division of Subsistence
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Thank you for the invitation to present on subsistence food harvests in rural Alaska, and food safety issues.

Wild food contamination is an emerging concern in rural Alaska, especially for Alaska Natives who consume large amounts of wild food annually. This report provides background on subsistence food harvests in rural Alaska and the emerging food safety issue. I draw upon information collected by the Division of Subsistence, Alaska Department of Fish and Game on subsistence food harvests in Alaska, and on our experience with food contaminant issues following the *Exxon Valdez* oil spill in 1989.

Exhibit 1 shows that about 20% of Alaska's population lives in rural areas – about 124,367 people in 1990. The rural population resides in about 225 communities, most off the road network and numbering less than 500 people. About half the rural population is Alaska Native. Most small villages are predominately Alaska Native. The major cultural groups are Tlingit, Haida, Tsimshian, Athabaskan, Aleut, Alutiiq, Yup'ik, and Inupiat. Rural Alaskans support themselves through fishing, hunting, and gathering of wild foods combined with small-scale cash employment. This type of mixed subsistence-cash economy is common in the far north.

Nowhere in the United States is wild food consumption greater than in Alaska rural communities. Exhibit 2 shows estimates of the amounts of wild foods harvested by families annually in rural Alaska. About 43.7 million lbs of wild foods are harvested each year in rural Alaska. This comes to about 375 lbs (usable weight) per person annually (based on the state's population in 1990). By comparison, the average American uses about 222 lbs of store-bought meat, fish, and poultry each year (of a total of about 1,370 lbs of food). That is, the average rural Alaskan uses more wild meat, fish, and birds than the average American uses purchased meats, fish, and poultry. On average rural Alaskans use a little over one pound of wild food per person per day. In some regions, the average per capita harvest is over 600 lbs per person per year, close to two lbs of wild foods per person per day. Exhibits 3 and 4 provide additional detail on the rural harvest, such as its nutritional contribution and replacement value. As shown in Exhibit 3, the rural subsistence harvest contains about 240% of the protein requirements of the rural Alaska population and about 35% of the caloric requirements.

Exhibit 5 shows the composition of the wild food harvest. About 59% of the rural food harvest is fish, 20% is game, 14% is marine mammals, and 2% each are birds, shellfish, and plants. The mix of foods differs across communities, shown in Exhibit 6, because communities harvest from local areas where certain species are available. Major fish varieties in Alaska include salmon, halibut, herring, whitefish, sheefish, blackfish, and cod. Major game species include caribou, moose, deer, bear, and beaver. The major marine mammals eaten include four types of seal, sea lion, beluga, walrus, and bowhead whale. The following maps (Exhibits 7-12) illustrate geographic subsistence harvest patterns, shown as elevations – all wild foods, marine mammals, caribou, fish, moose, and birds.

Because of these high consumption levels, compared with most Americans rural Alaskans are especially subject to exposure to contaminants that may find their way into wild food chains. Alaska Natives are most at risk to exposure -- their consumption levels are highest, their diets include a broader range of species, and their traditional foods include more parts of the animal (such as organ meats and fats) in comparison with non-Natives.

Overall, subsistence users consider wild foods to be high quality foods. For people raised on them, traditional foods are considered superior to store-bought substitutes. The state's public health message generally supports this view. Subsistence foods are nutritious and healthful. Rural menus with traditional foods are commonly superior to those without.

Wild foods in Alaska are not tested for contaminants in any sort of systematic way. There is no program set up to do so. Probably there is no need to have one at present. When spot tests are done, Alaska's wild foods typically are shown to be relatively free of industrial contaminants.

Food contamination is a hot button issue for rural Alaskans. Subsistence users have been quick to react to contamination scares. Rural residents do not want to feed potentially contaminated foods to their families.

Exhibit 13 shows what happened to subsistence food harvests the year following the *Exxon Valdez* oil spill in 1989. Subsistence food harvests fell by 31% to 77% in Alaska Native communities near the spill (Exhibit 13). In the face of tremendous uncertainty about food safety, many families in the spill areas stopped hunting and fishing. Subsistence harvesters were not willing to risk the health of family members.

Government agencies scrambled to answer questions about food safety following the spill. Working collaboratively with subsistence user groups, wild foods in the impacted subsistence areas were sampled and tested for hydrocarbons. Test results were publicized in impacted communities through public meetings and newsletters, examples shown in Exhibits 14 and 15. The intent was to provide information to subsistence users, so they could make informed choices about harvesting and consuming wild foods. This response was a collaborative effort, combining resources of government and subsistence users. For instance, subsistence users were consulted in sampling designs, were employed to collect tissue samples, and were involved in interpretations of results.

More recently, government has been dealing with a radiation scare in northwest Alaska, the legacy of the cold-war-era Project Chariot. Radioisotopes buried near Cape Thompson as part of Project Chariot were dug up and removed last year. This winter there were observed caribou die-offs in northwest Alaska, some near the cleanup site. Subsistence caribou users at Point Hope and Kivalina were concerned about the linkage of the two events. Caribou tissue samples have been collected from carcasses and tested for radiation. The results were publicized this past week at Point Hope and Kivalina.

These types of reactive government programs to contamination events are inherently frustrating for everyone involved. Even the best response programs cannot resolve uncertainties created by contamination in wild food chains. Exhibit 16 shows that subsistence harvests are rebounding in communities impacted by the oil spill. However, for many subsistence families, this is as much due to necessity as to any information received from the tissue sampling program. People have to eat, despite unresolved uncertainties about wild food safety.

For northern peoples, trust in natural systems is grounded in indigenous knowledge, in the collective wisdom of oral tradition. Trust is not based on a laboratory test of a tissue sample by a government agency. The survival of northern peoples is linked with healthy natural ecosystems. Indigenous traditions commonly understand linkages between humans and animals to be more tightly webbed than do academic traditions. Natural ecosystems are infused with sentience. The animals are responsive to human abuse, in a kind of moral reciprocity. If people respectfully use wild animals, the animals will be available for harvest. The laboratory tests may show that the proximate cause of caribou dying at Cape Thompson was starvation. But what was the ultimate cause for those caribou dying at Cape Thompson this particular winter? And what problems may happen next to the animals in northwest Alaska due to human abuse? Laboratory tests are not equipped to address these important questions. Northern oral traditions do provide answers. In the experience of northern peoples, when humans abuse the ecosystem, problems follow, such as famine, sickness, failure. The guidance is clear – do not abuse. This is why contamination is a hot button issue in rural Alaska.

The central lesson of *Exxon Valdez* and Project Chariot is prevention. It is immeasurably better to prevent contaminants from entering the food chain in the first place, than to try to cope with the aftermath.

As a case in point, Alaska rural communities have identified cleaning up formerly-used defense sites (FUDS) as a priority environmental justice issue for the federal government. There are thousands of 55-gallon barrels of uncataloged materials left at FUDS scattered throughout Alaska, as well as asbestos insulation and other cast-off materials. Most sites are near the subsistence harvest areas of rural villages. Rural groups want the barrels removed before they corrode and release their contents. This type of common-sense prevention program should be a top priority for government.

Another example of common-sense prevention are appropriate industrial discharge standards. We are lucky that Alaska has few polluting industries at present. Alaska's

standards for industrial discharges should be designed to protect the health of Alaska's subsistence consumers. Currently, Alaska's water quality standards for human health are based on average fish consumption rates in the continental states. One would expect that water quality standards for human health should be more stringent in those places in Alaska where fish consumption is ten to twenty times the national average. Figuring ways to factor in Alaska's actual subsistence fish consumption patterns into local water quality standards for human health should be another high priority for government.

In summary:

- Wild foods currently are a large and, we hope, a healthful source of nutrition for rural Alaskans, particularly Alaska Natives, and can continue to be so if food chains remain relatively free of contaminants.
- Government should work hard to keep wild food chains free of contaminants through programs that prevent industrial contaminants from entering the food chain.
- Where contamination is suspected, responses must directly involve subsistence communities in their design and implementation, but this is always a second-choice to prevention.

Thank you again for this opportunity to present on these wild food safety issues.

LIST OF EXHIBITS

- Exhibit 1. Alaska's Population by Area, 1995
- Exhibit 2. Wild Food Harvests in Alaska by Area, 1990s (Lbs Per Person Per Year)
- Exhibit 3. Wild Food Harvests in Alaska, Nutritional Contributions and Estimated Replacement Costs
- Exhibit 4. Wild Food Harvests in Alaska, Pounds Usable Weight by Area and Resource Type
- Exhibit 5. Composition of the Subsistence Harvest by Rural Alaska Residents, 1990s
- Exhibit 6. Wild Food Harvests in Alaska, Composition by Case Community
- Exhibit 7. Wild Food Harvests by Alaska Residents Shown as Elevations
- Exhibit 8. Marine Mammal Harvests by Alaska Residents
- Exhibit 9. Caribou Harvests by Alaska Residents
- Exhibit 10. Fish Harvests for Food by Alaska Residents
- Exhibit 11. Moose Harvests by Alaska Residents
- Exhibit 12. Bird Harvests by Alaska Residents
- Exhibit 13. Change in Subsistence Harvests Following the *Exxon Valdez* Oil Spill
- Exhibit 14. The Oil Spill Health Task Force, June 1990 Report (First Page)
- Exhibit 15. The Oil Spill Health Task Force, July-August 1990 Report (First Page)
- Exhibit 16. Subsistence Harvests Following the *Exxon Valdez* Oil Spill in 1989, Compared with Pre-Spill Averages

Alaska's Population by Area, 1995

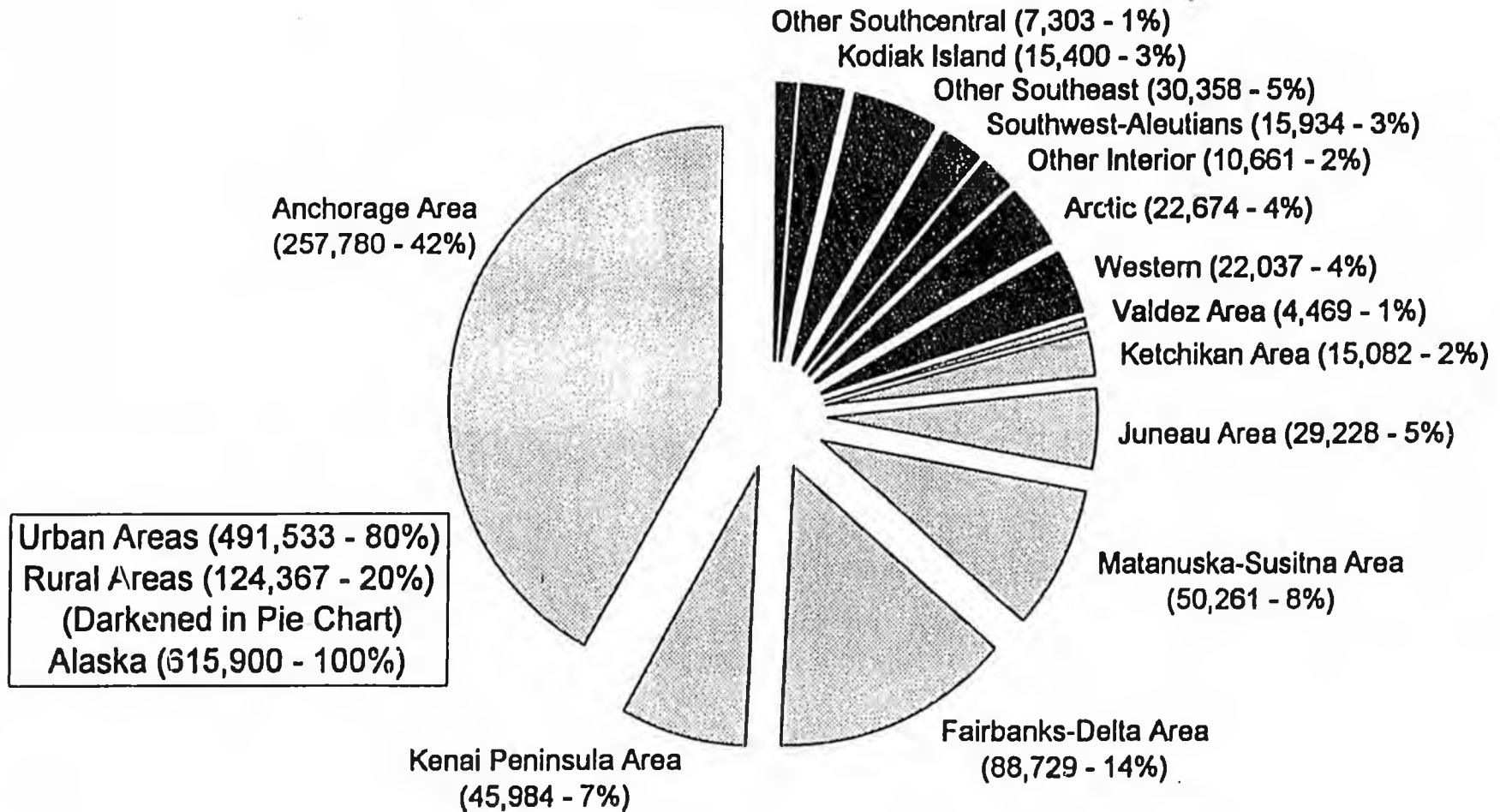
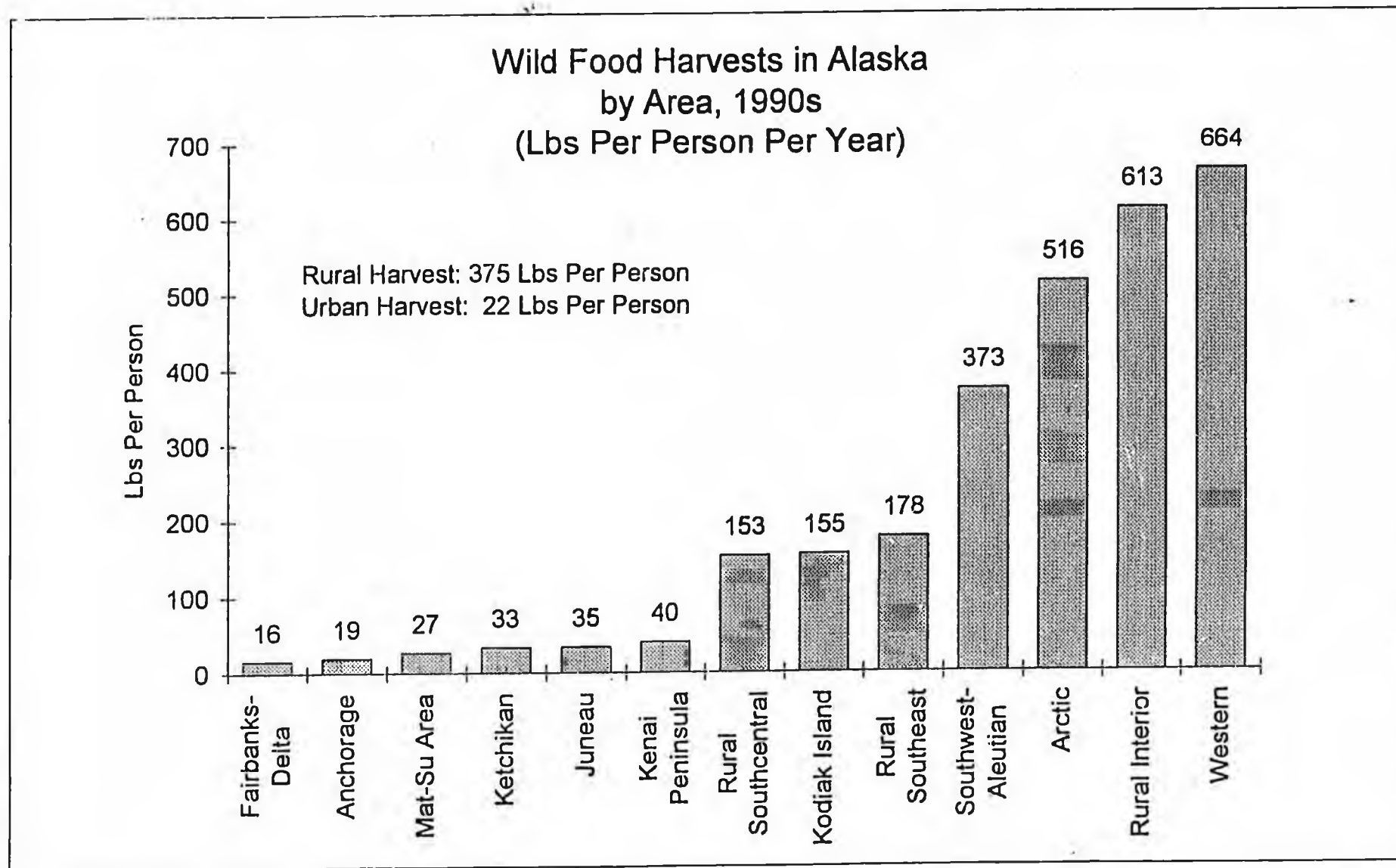


Exhibit 1



**Wild Food Harvests in Alaska
Nutritional Contributions and
Estimated Replacement Costs**

(Source: Robert J. Wolfe, Division of Subsistence, ADF&G)

Area and Community Size	1993 Population	Annual Wild Food Harvest (Pounds Per Person)	Annual Wild Food Harvest (Total Pounds)	Percent of Population's Protein*** Requirements (44 g/day)	Percent of Population's Calorie*** Requirements (2400 Kcal/day)	Estimated Wild Food Replacement Costs @ \$3/lb	Estimated Wild Food Replacement Costs @ \$5/lb
Small and Mid-Sized Communities*							
Southcentral-Prince William Sd	11,014	153	1,688,467	100%	14%	\$5,065,401	\$8,442,335
Kodiak Island	13,309	155	2,061,607	101%	14%	\$6,184,821	\$10,308,035
Southeast	28,410	178	5,064,509	116%	17%	\$15,193,527	\$25,322,545
Southwest-Aleutian	13,710	373	5,114,522	242%	35%	\$15,343,566	\$25,572,610
Interior	10,383	613	6,359,597	398%	57%	\$19,072,791	\$31,797,985
Arctic	20,380	516	10,507,255	335%	48%	\$31,521,765	\$52,536,275
Western	19,447	664	12,918,649	431%	62%	\$38,755,947	\$64,593,245
Total Rural	116,653	375	43,714,606	243%	35%	\$131,143,818	\$218,573,030
Large Urbanized Areas**							
Ketchikan Area	13,828	33	461,855	22%	3%	\$1,385,566	\$2,309,276
Juneau Area	26,751	35	922,910	22%	3%	\$2,768,729	\$4,614,548
Matsu Area	39,415	27	1,056,322	17%	2%	\$3,168,966	\$5,281,610
Fairbanks-Delta Area	81,728	16	1,307,648	10%	1%	\$3,922,944	\$6,538,240
Kenai Peninsula Area	40,008	40	1,600,320	26%	4%	\$4,800,960	\$8,001,600
Anchorage Area	226,338	19	4,390,957	13%	2%	\$13,172,872	\$21,954,786
Aleutian Military Stations	5,322	-	-	-	-	-	-
Total Urban	433,390	22	9,740,012	15%	2%	\$29,220,036	\$48,700,060
Alaska Total	550,043	97	53,454,618	63%	9%	\$160,363,854	\$267,273,090

* Annual wild food harvests (lbs usable weight) in small and mid-sized communities based on face-to-face household surveys in 153 communities by the Division of Subsistence, ADF&G, expanded to unsurveyed communities (year varies by community, representing the late 1980s-early 1990s).

** Annual wild food harvests (lbs usable weight) in large urbanized areas based on mailed fish and game permit returns, game harvest ticket returns, and mailed angler surveys by the Divisions of Wildlife Conservation, Commercial Fisheries Management and Development, and Sport Fish, ADF&G, representing the early 1990s.

*** Assumes on average, 422 lbs of wild foods contains 44 grams of protein, and 2.94 lbs of wild foods contains 2400 Kilocalories.

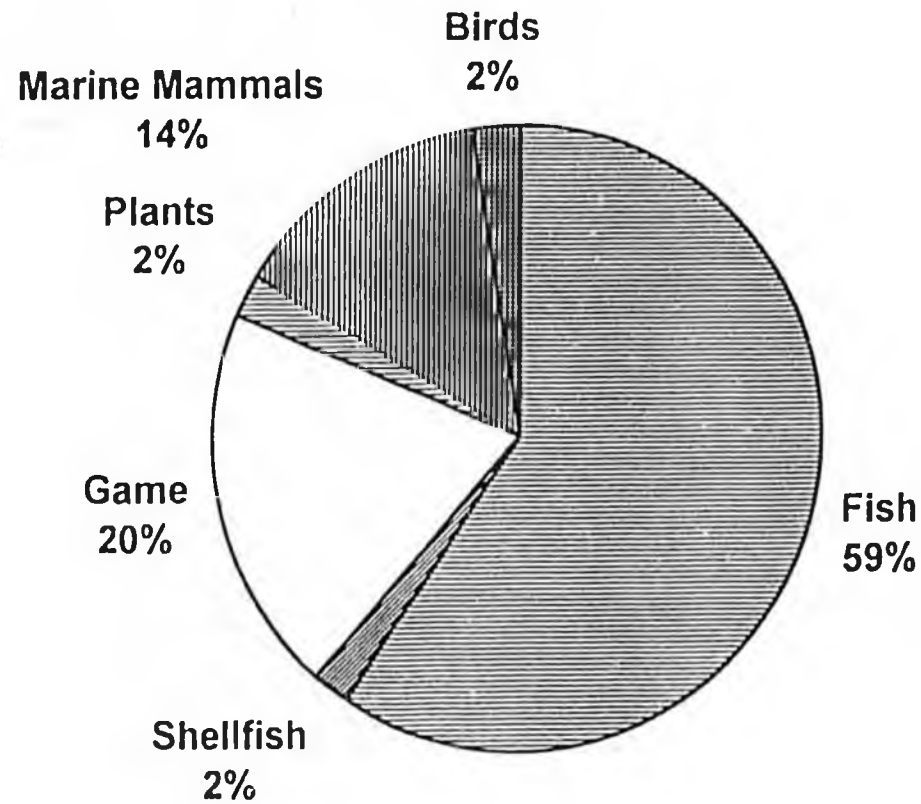
Wild Food Harvests in Alaska
Pounds Usable Weight
By Area and Resource Type
 (Source: Robert J. Wolfe, Division of Subsistence, ADF&G)

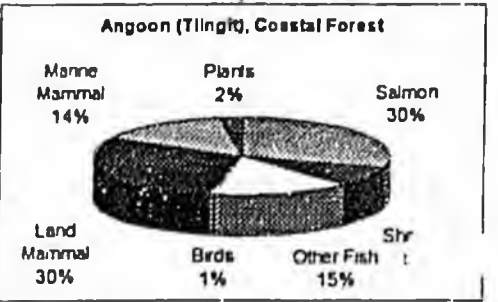
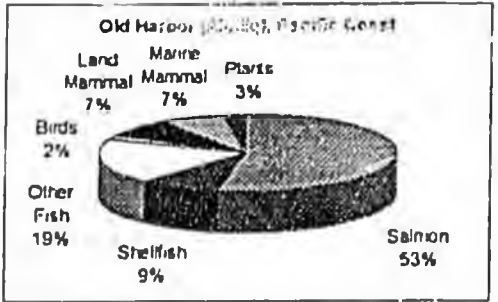
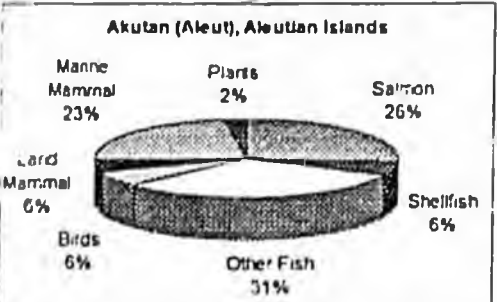
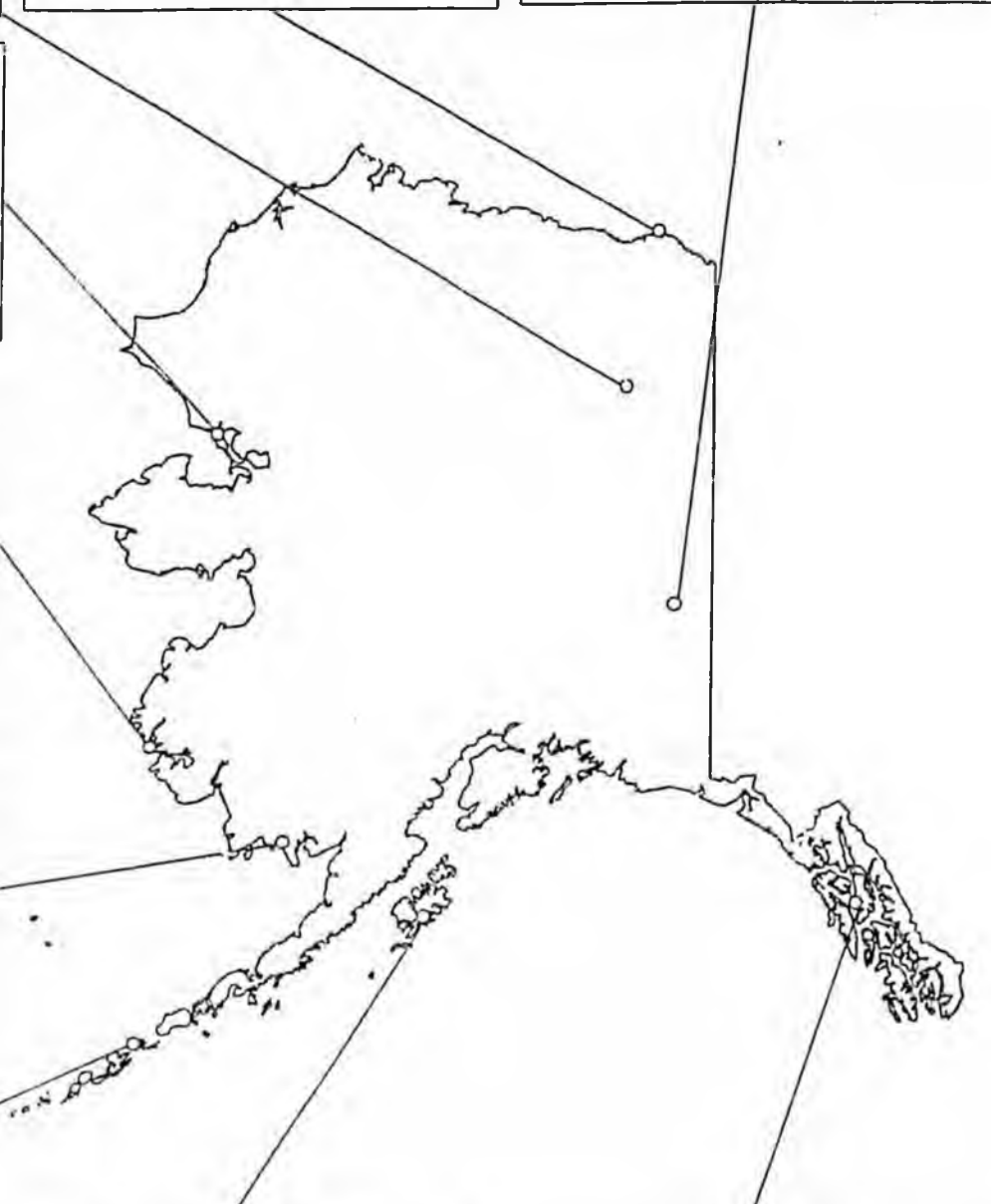
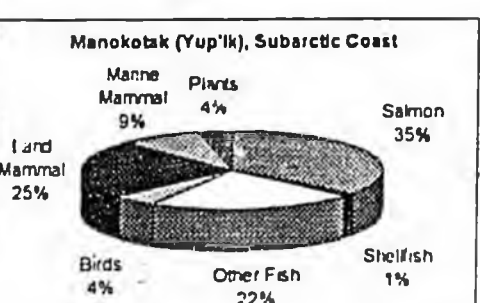
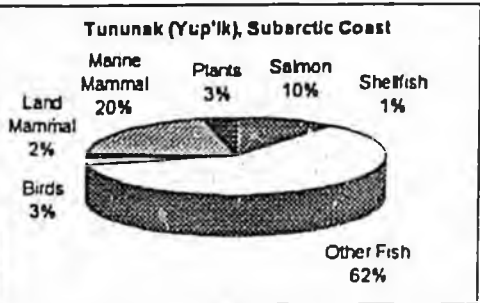
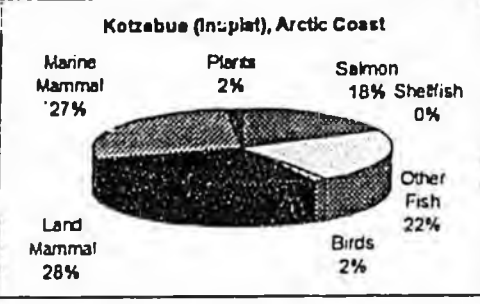
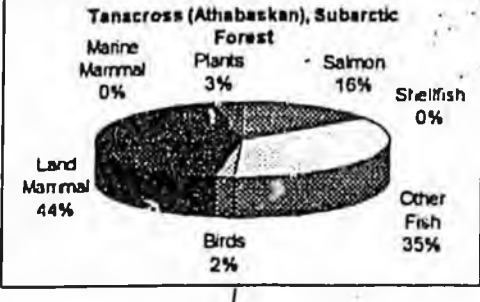
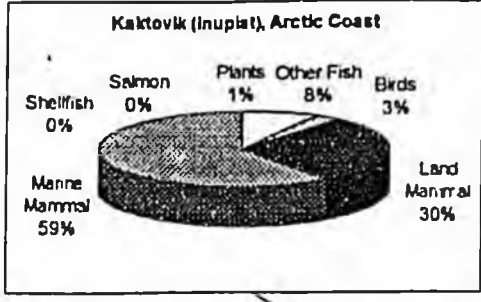
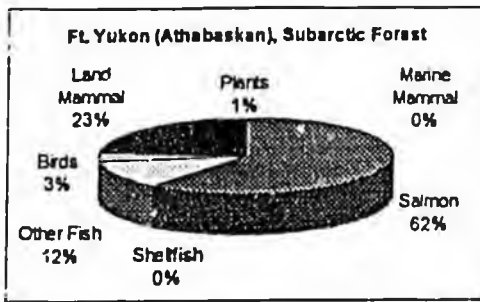
Area and Community Size	1990 Population	Annual Wild Food Harvest (Pounds Per Person)	Annual Wild Food Harvest (Total Pounds)	Per Capita Composition of the Wild Food Harvest					
				Pounds					
				Pounds Fish	Pounds Game	Marine Mammals	Pounds Birds	Pounds Shellfish	Pounds Plants
Small and Mid-Sized Communities*									
Southcentral-Prince William Sd	11,014	153	1,688,467	92	45	3	2	6	5
Kodiak Island	13,309	155	2,061,607	106	27	2	1	14	5
Southeast	28,410	178	5,064,509	96	44	6	2	26	5
Southwest-Aleutian	13,710	373	5,114,522	241	101	10	7	6	9
Interior	10,383	613	6,359,597	464	132	0	13	0	4
Arctic	20,380	516	10,507,255	156	125	215	12	1	8
Western	<u>19,447</u>	<u>664</u>	<u>12,918,649</u>	<u>487</u>	<u>69</u>	<u>71</u>	<u>27</u>	<u>0</u>	<u>10</u>
Total Rural	116,653	375	43,714,606	222	75	52	9	9	7
Large Urbanized Areas**									
Ketchikan Area	13,828	33	461,855	24	10				
Juneau Area	26,751	35	922,910	23	12				
Matsu Area	39,415	27	1,056,322	14	13				
Fairbanks-Delta Area	81,728	16	1,307,648	9	7				
Kenai Peninsula Area	40,008	40	1,600,320	30	10				
Anchorage Area	226,338	19	4,390,957	15	5				
Aleutian Military Stations	<u>5,322</u>	-	-	-	-				
Total Urban	433,390	22	9,740,012	16	7				
Alaska Total	550,043	97	53,454,618						

* Annual wild food harvests (lbs usable weight) in small and mid-sized communities based on face-to-face household surveys in 153 communities by the Division of Subsistence, ADF&G, expanded to unsurveyed communities (year varies by community, representing the late 1980s-early 1990s).

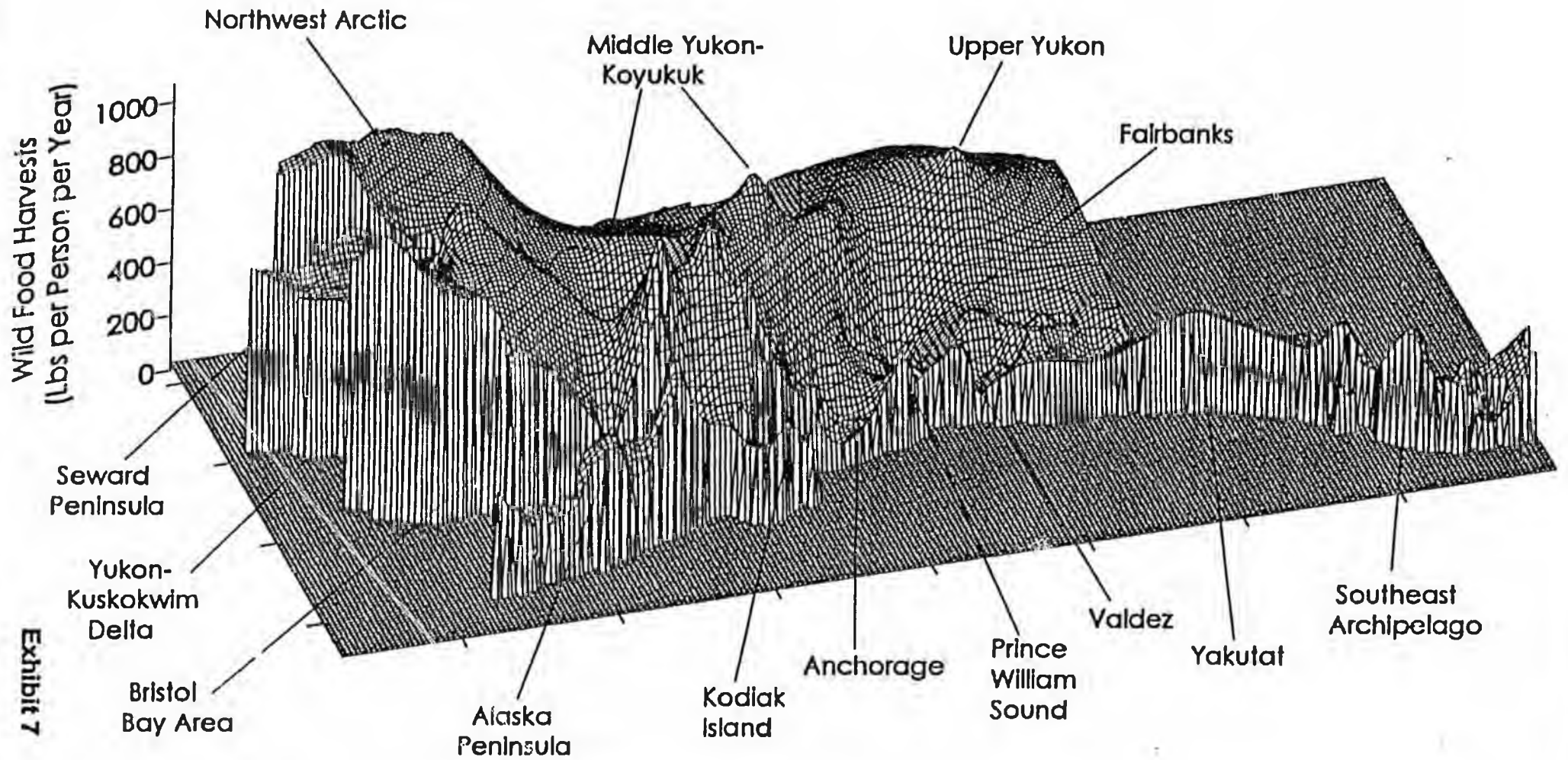
** Annual wild food harvests (lbs usable weight) in large urbanized areas based on mailed fish and game permit returns, game harvest ticket returns, and mailed angler surveys by the Divisions of Wildlife Conservation, Commercial Fisheries Management and Development, and Sport Fish, ADF&G, representing the early 1990s.

Composition of the Subsistence Harvest By Rural Alaska Residents, 1990s





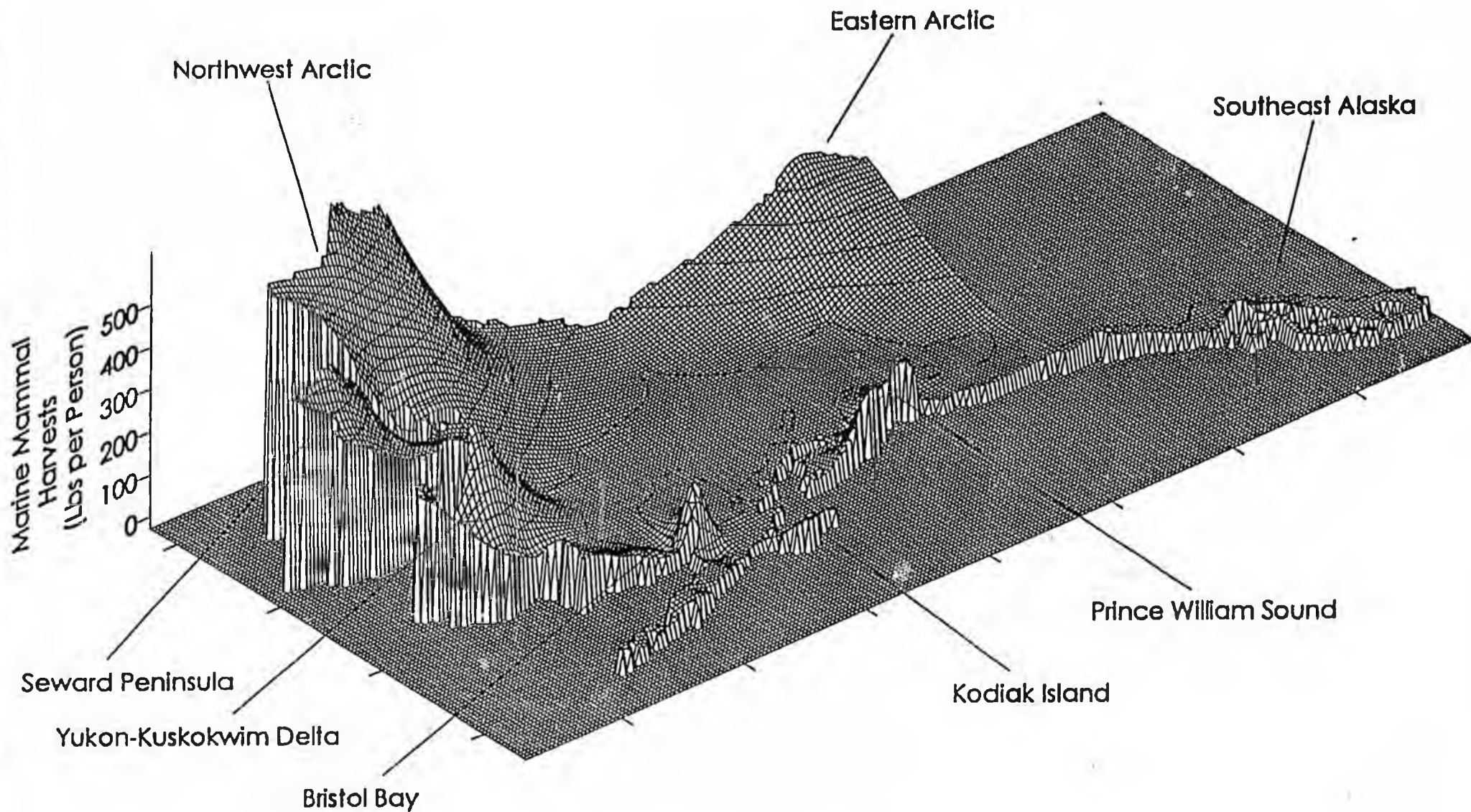
Wild Food Harvests by Alaska Residents (Lbs per Person per Year) Shown as Elevations by Residency



Source: Robert J. Wolfe, Division of Subsistence, Alaska Department of Fish and Game
 Note: Aleutian, Nunivak, St. Lawrence, and Pribilof Islands not shown.

Exhibit 7

Marine Mammal Harvests by Alaska Residents (Lbs per Person per Year) Shown as Elevations by Residency



Caribou Harvests by Alaska Residents
(Lbs per Person per Year)
Shown as Elevations by Residency

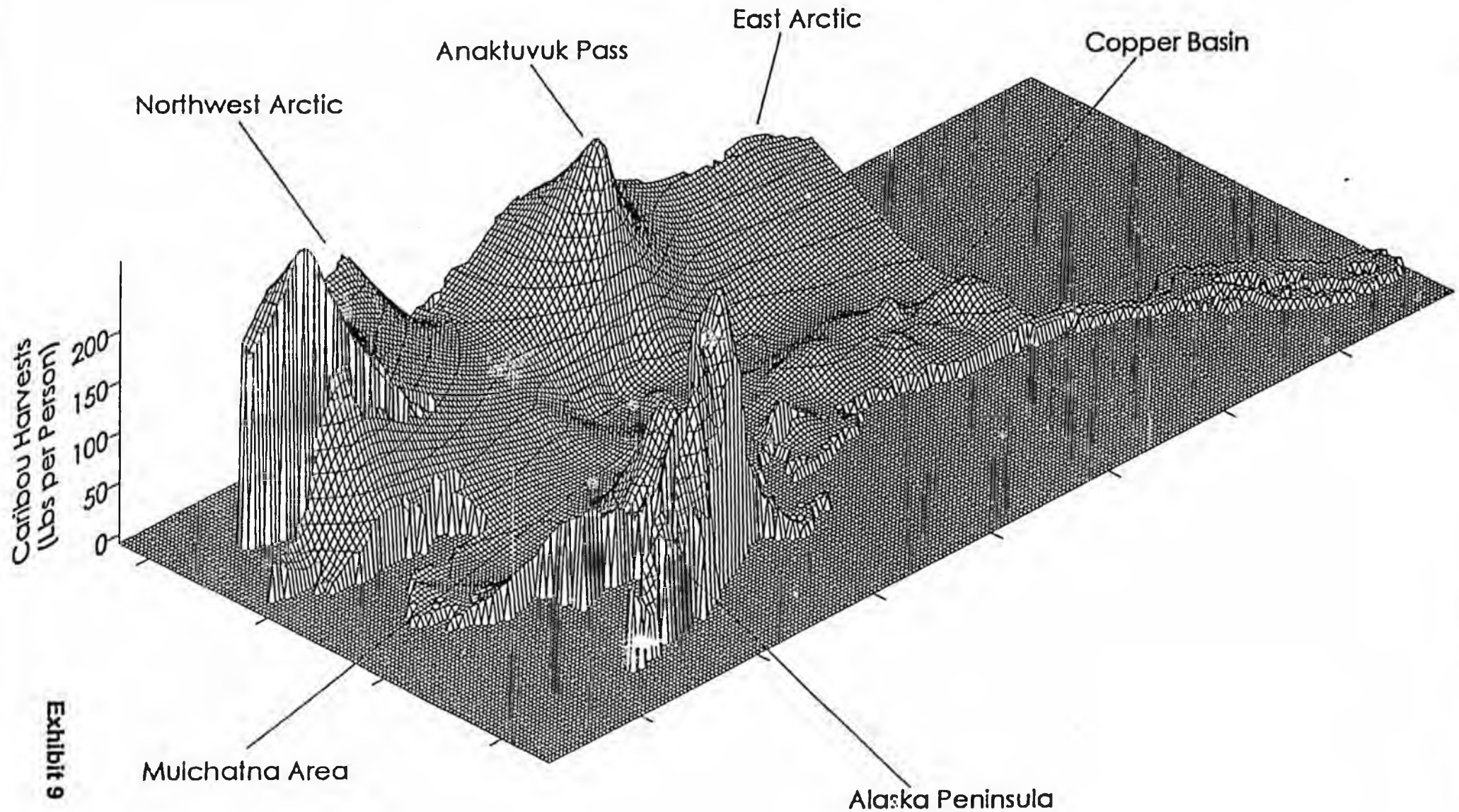
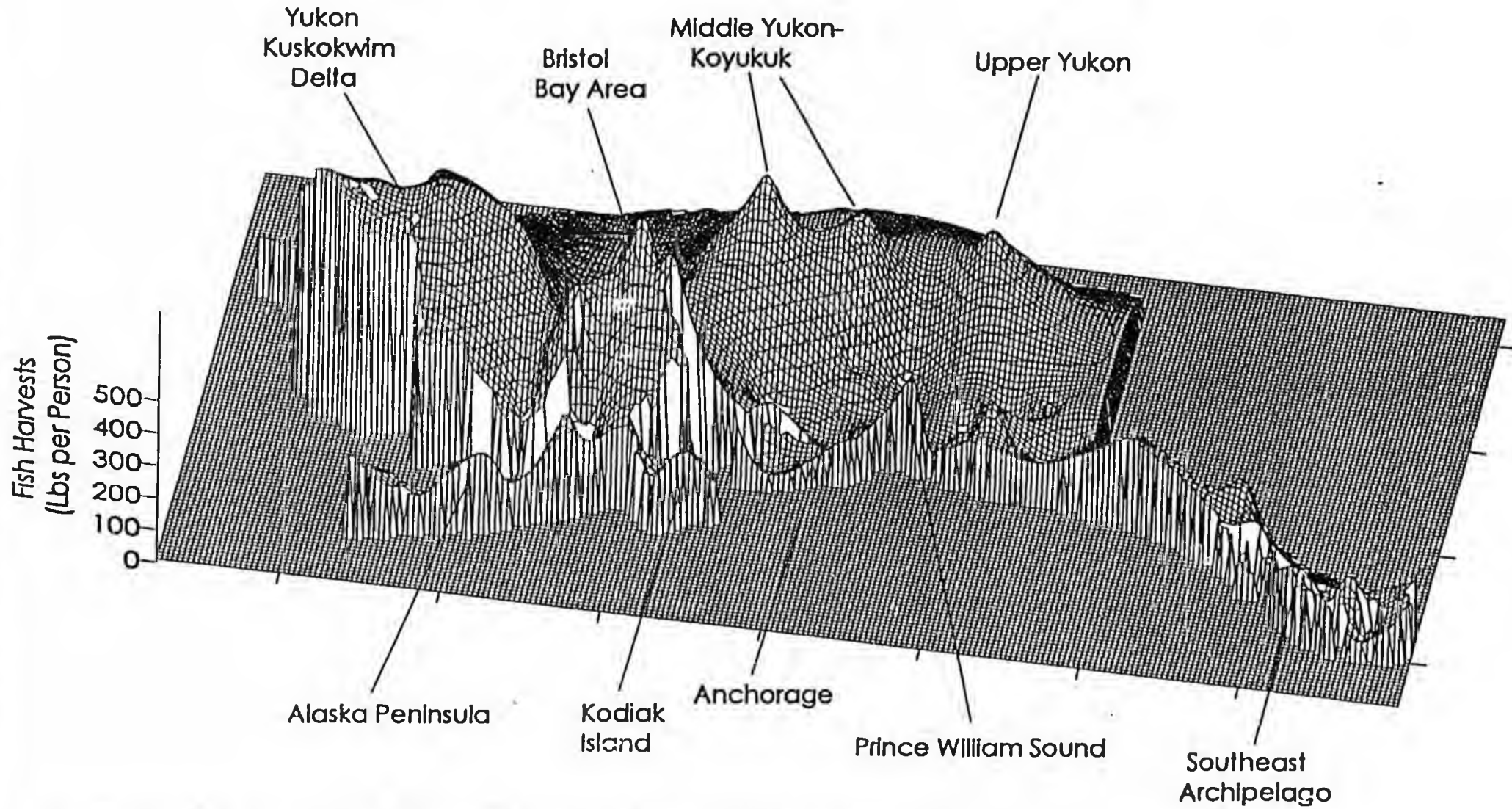


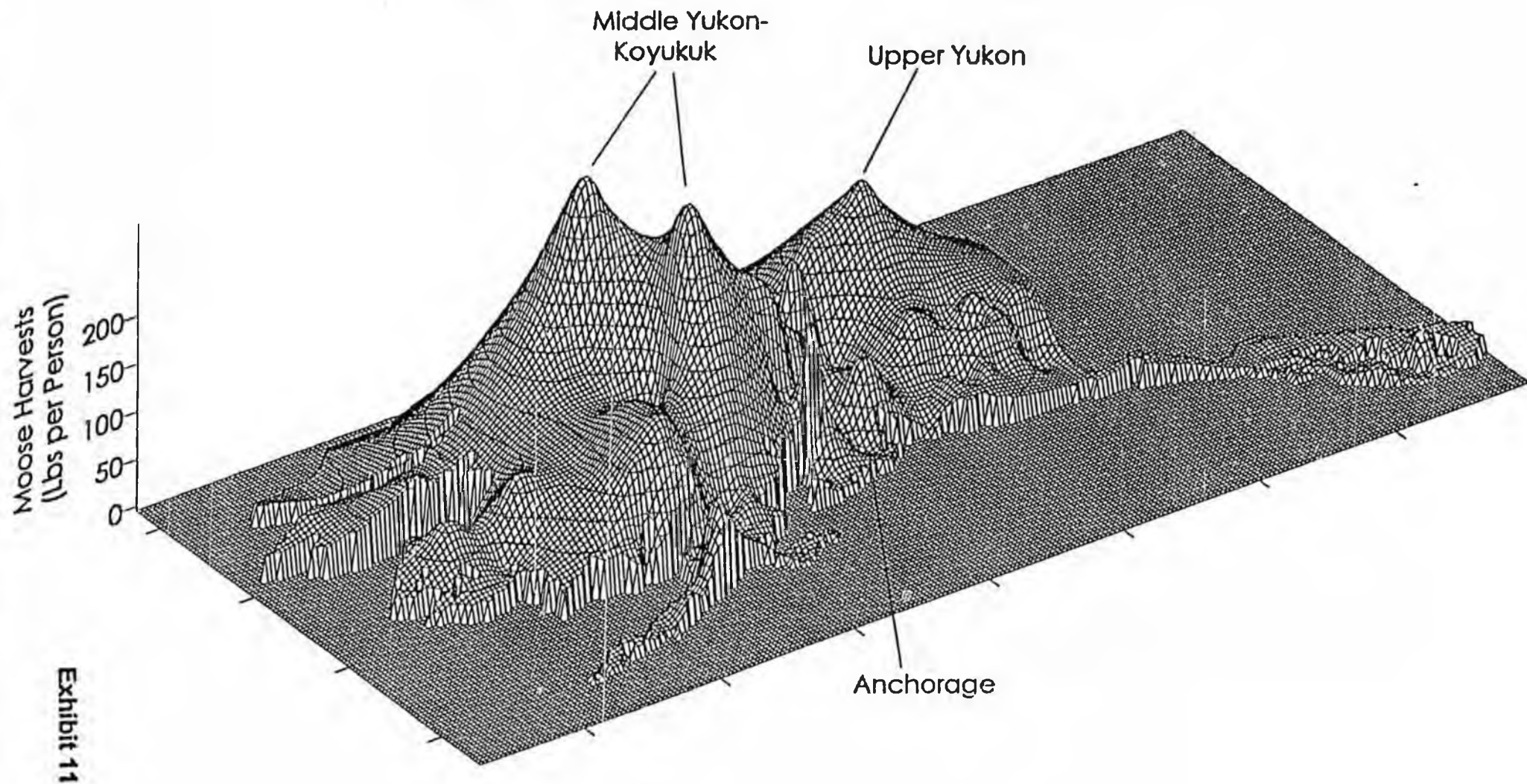
Exhibit 9

Fish Harvests for Food by Alaska Residents (Lbs per Person per Year) Shown as Elevations by Residency



Source: Robert J. Wolfe, Division of Subsistence, Alaska Department of Fish and Game, 1995

Moose Harvests by Alaska Residents
(Lbs per Person per Year)
Shown as Elevations by Residency



Source: Robert J. Wolfe, Division of Subsistence, Alaska Department of Fish and Game, 1995

Bird Harvests by Alaska Residents
(Lbs per Person per Year)
Shown as Elevations by Residency

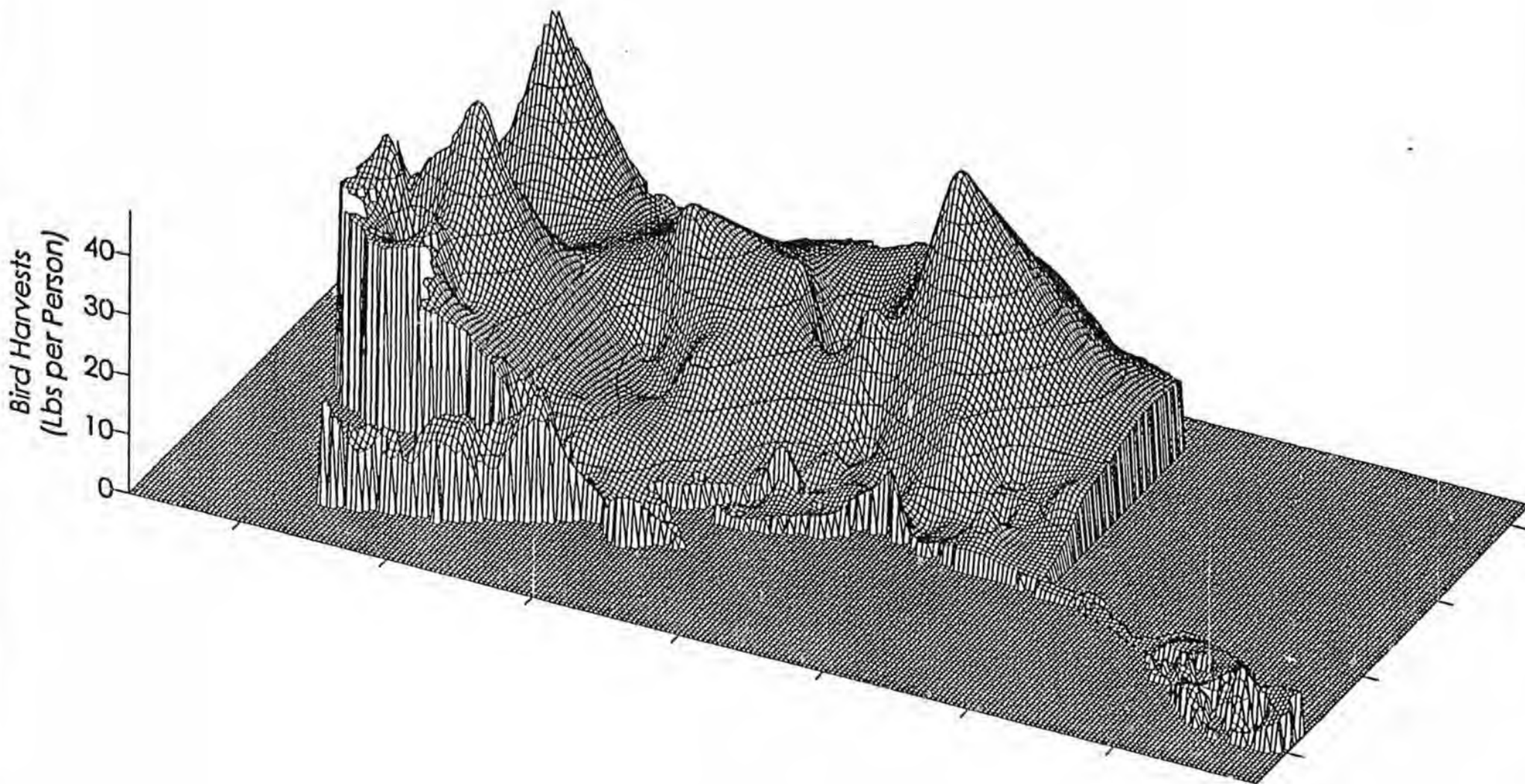
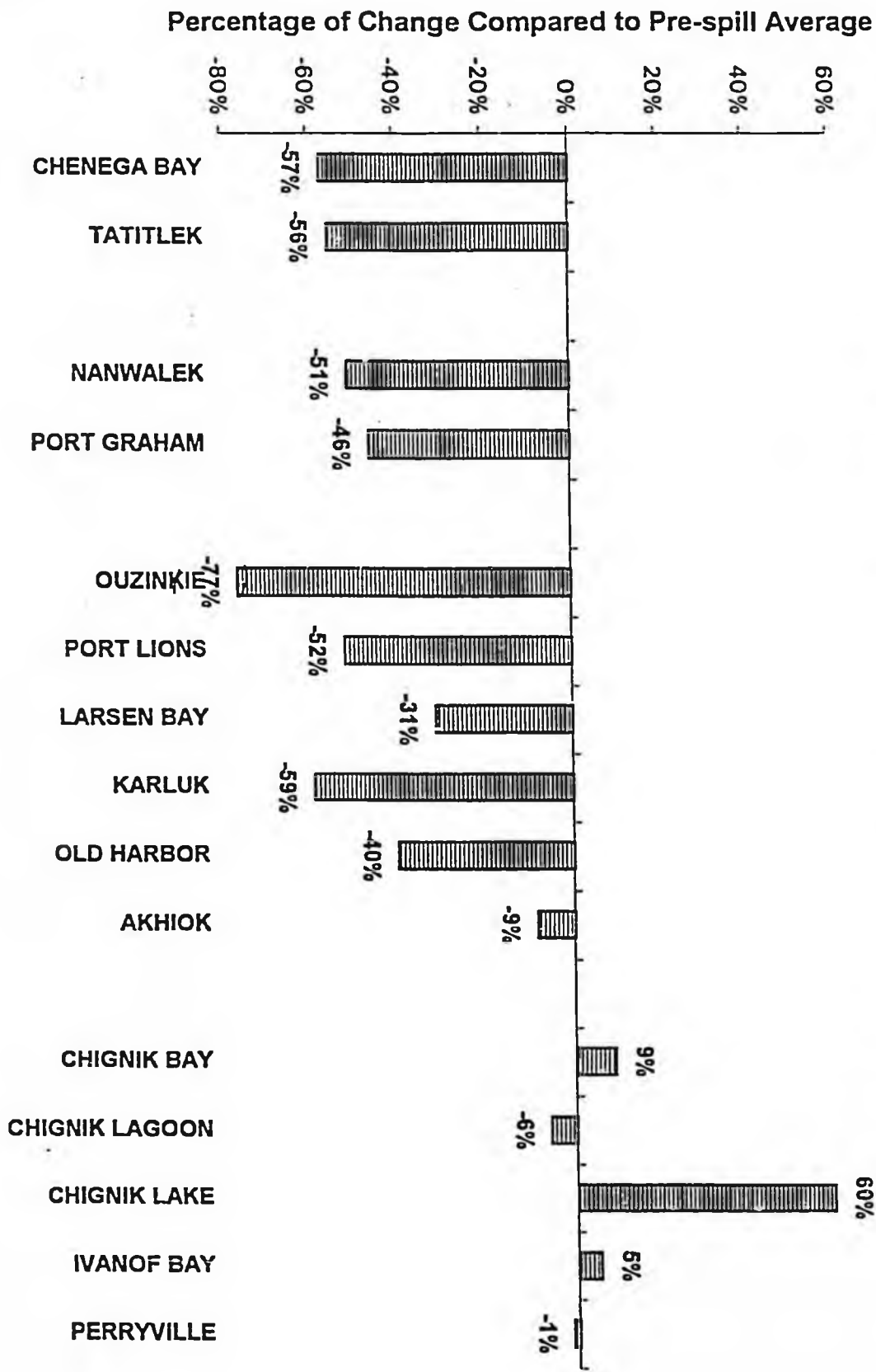


Figure 39. Changes in Subsistence Harvests after the Exxon Valdez Oil Spill, 15 Study Communities of the Oil Spill Area





The Oil Spill Health Task Force

June 1990 Report

No Contamination Found in Subsistence Seals, Sea Lions

Tests performed on seven seals and one sea lion collected during the spring of 1990 in Prince William Sound and the Gulf of Alaska found virtually no traces of oil contamination.

The seven seals were taken by local hunters near Tatitlek and Chenega Bay in Prince William Sound in March and April 1990 for the National Oceanic and Atmospheric Administration (NOAA). The sea lion was taken near English Bay in lower Cook Inlet.

Samples of muscle, liver, kidney, blubber, and bile were tested at NOAA's Environmental Conservation Division laboratory in Seattle. The results were similar to the very low readings for six seals and nine sea lions collected last summer by State Department of Fish and Game biologists. The laboratory is running a third set of tests on additional animals collected by the State researchers.

No tissue sample registered higher than 8 parts per billion for aromatic hydrocarbons, the toxic remains of oil spilled when the Exxon Valdez went aground in Prince William Sound on March 24, 1989. By way of contrast, some clams and mussels from heavily contaminated areas have been found with hydrocarbon levels of several thousand parts per billion.

Dr. Usha Varanasi, director of the Environmental Conservation Division, said the levels of hydrocarbons in the marine mammals were comparable to the lowest levels found in fish sampled in the subsistence studies.

continued on page 2

Chart Shows Test Results

	Muscle	Liver	Kidney	Blubber
NOAA STUDY				
Harbor Seals				
New Year's Island	3/0.3	1/nd	2/nd	5/0.2
Galena Bay	5/	0.3/nd	7/nd	4/0.4
Galena Bay	2/0.3	3/nd	3/nd	8/0.4
Little Green Island		3/0.1	3/0.08	5/0.3
Little Green Island		0.9/nd	4/0.1	5/0.3
Little Green Island		1/nd	2/nd	
Little Green Island			3/0.7	
Sea Lion				
Flat Island	2/0.2	1/nd	4/nd	4/0.4
FISH AND GAME STUDY				
Harbor Seals				
Afognak Island	nd	4/0.5	nd	4/nd
Afognak Island	0.4/nd	4/0.3	nd	nd
Barren Islands	nd	nd	nd	nd
Barren Islands	nd	nd	nd	1/2
Barren Islands	nd	3/2	nd	1/nd
Chugach Island	nd	5/0.9	nd	2/nd
Sea Lions				
Barren Islands	nd	2/0.9	nd	1/nd
Barren Islands	nd	nd	nd	nd/0.9
Barren Islands	nd	5/2	0.1/nd	nd/0.3
Prince William Sound	nd	1/1	nd	nd/0.6
Prince William Sound	0.3/nd	3/2	nd	nd
Prince William Sound	0.6/nd	nd/0.2	nd/0.3	1/nd
Prince William Sound	1/nd	1/0.3	nd	nd/0.2
Prince William Sound	0.9/nd	1/0.5	nd	nd/0.3
Chiswell Island	0.7/nd	nd	nd	nd/0.6

The chart shows the results of tests run on seal and sea lion samples collected for the National Oceanic and Atmospheric Administration and the Department of Fish and Game. The sums for two types of aromatic hydrocarbons are listed with light aromatics listed first and then heavy aromatics. Where "nd" is shown, the hydrocarbons were nondetectable. Where a blank space is shown, the sample was not received or the test was inconclusive.



The Oil Spill Health Task Force

July - August 1990 Report

Subsistence shellfish tests pinpoint contamination

Tests on about 170 samples of shellfish gathered last winter from areas affected by the Exxon Valdez oil spill showed significant oil contamination in samples from four sites.

However, possible sources of contamination other than the Exxon Valdez were identified at three of the locations.

Both the State of Alaska and Exxon are conducting ongoing studies to determine if subsistence resources were contaminated by the Exxon Valdez oil spill. The National Oceanic and Atmospheric Administration is participating in the studies. Tissue samples from fish and shellfish collected in the studies are tested at NOAA's National Marine Fisheries Service laboratory in Seattle. The laboratory also tests bile from fish.

The Division of Subsistence, Alaska Department of Fish and Game collected samples of shellfish from 25 sites in 13 areas. Exxon sampled 12 sites in four areas.

Results from the winter cycle of testing showed the level of aromatic hydrocarbons, which are toxic chemicals in the oil, at or near levels considered normal for the environment, in all but the tested sites in Windy Bay, Chenega Bay, Kodiak, and Old Harbor.

High levels of hydrocarbons—up to 5,000 parts per billion—were found in mussels from Windy Bay, a heavily oiled area near the tip of the Kenai Peninsula in the Gulf of Alaska.

Clams near the town of Kodiak tested higher than 2,000 parts per billion. Clams from Chenega Bay on the west side of Prince William Sound, had up to 1,000 parts per billion, and

mussels from Kodiak Island's Old Harbor had about 500 parts per billion.

Clams, mussels, chitons and other shellfish were also tested from sites in Prince William Sound, lower Cook Inlet, the Kodiak Island area and the Alaska Peninsula. The sites were identified as important for subsistence resources by residents of 17 communities in the area.

Hydrocarbon levels of about 50 parts per billion were found in some mussels from Port Lions and an octopus from Larsen Bay, both on Kodiak Island. Levels in the other samples ranged from nondetectable to less than 50 parts per billion.

The contamination found in Windy Bay is undoubtedly from the Exxon Valdez, but other sources may have contributed to the contamination found at Kodiak, Old Harbor, and Chenega Bay.

The clams from Kodiak were taken near the city boat harbor, in an area where boats and harbor activities may have caused contamination, said Craig Mishler, a subsistence resource specialist with the Division of Subsistence.

The Old Harbor site is also near the village's boat harbor and a culvert that empties into the water, he said. Samples collected there had many times more hydrocarbons than samples taken from a second site away from the boat harbor.

Pippa Coiley, oil spill coordinator for the Division of Subsistence, said the sampling site in Chenega Bay was near an old cannery dock that burned down many years ago. Both the Division of Subsistence and Exxon/NOAA collected samples from near the old cannery and from other sites around the village. In

both studies, samples collected near the old cannery site tested significantly higher than those from other sites in the bay.

Usha Varanasi, director of the Environmental Conservation Division in Seattle, which performed the subsistence food tests, said the types of hydrocarbons found in samples also differ between sites.

More hydrocarbons with a low molecular weight were found in samples from Kodiak and Old Harbor more hydrocarbons with a high molecular weight were found in the samples from Chenega Bay.

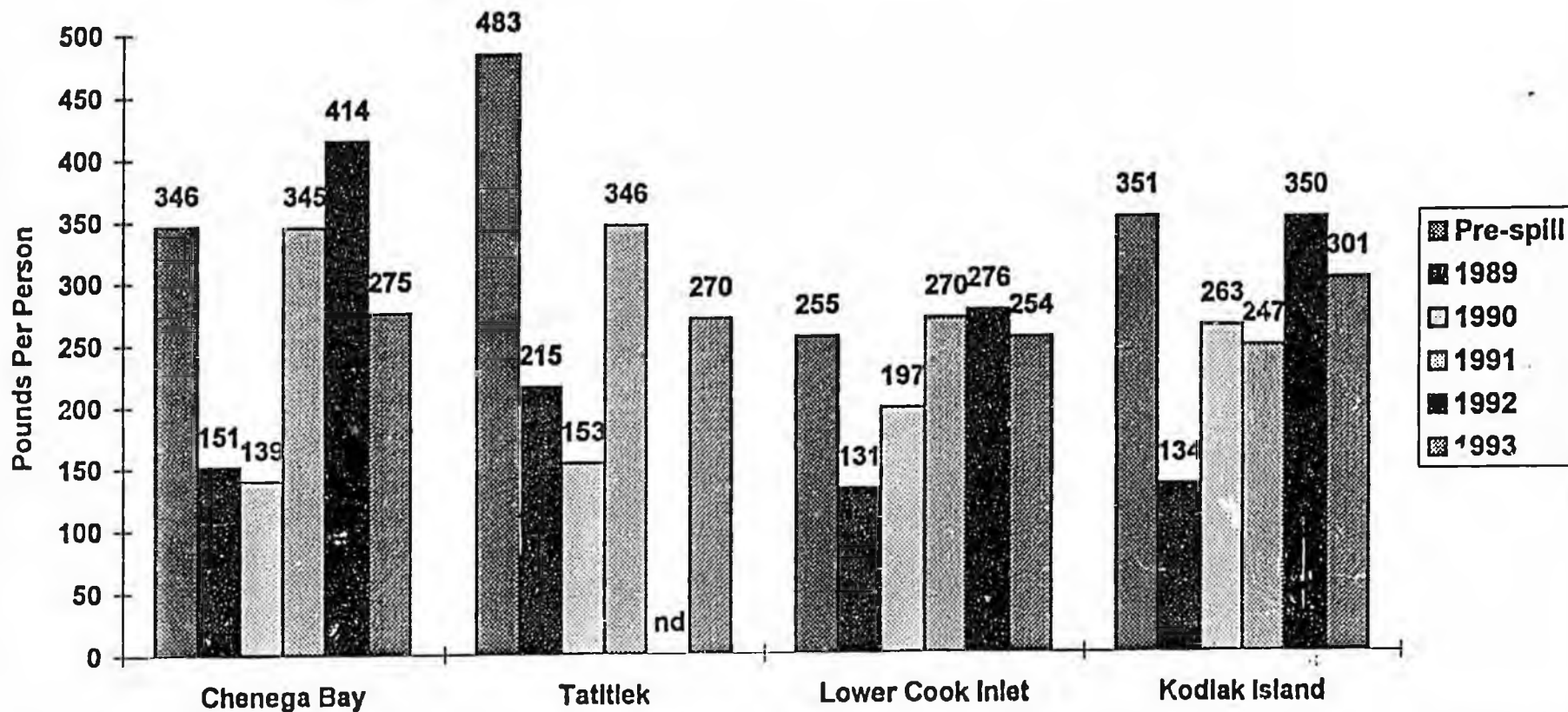
Dr. Varanasi said hydrocarbons with a low molecular weight tend to evaporate and disappear quickly from the oil. Higher-weight hydrocarbons do not evaporate or degrade easily and persist longer in the environment. This means the source of contamination was probably more recent in Kodiak and Old Harbor than in Chenega Bay, she said.

Judy Meidinger, a community liaison worker with Exxon, said tests are planned on soil samples from the three sites to determine the source of the contamination.

The pattern was somewhat different in Windy Bay, which was heavily contaminated by oil from the Exxon Valdez and where no other source of contamination is known to exist. Dr. Varanasi said the proportion of low-weight hydrocarbons to high-weight ones indicated the oil was more weathered than the oil at Kodiak and Old Harbor but less weathered than the oil at Chenega Bay.

continued on page 2

Subsistence Harvests
Following the Exxon Valdez Oil Spill in 1989,
Compared with Pre-Spill Averages



Source: es A. Fall, Alaska Department of Fish and Game, Division of Subsistence

REPORT OF THE ALASKA NATIVES COMMISSION
MAY, 1994

Executive Summary

Prepared by the Alaska
Federation of Natives



MEMBERS OF THE COMMISSION:

Perry Eaton, Co-Chairperson
Mary Jane Fate, Co-Chairperson
John Binkley
Edgar Paul Boyko
Father Norman H. V. Elliott
Beverly Masek
Martin B. Moore, Sr.
Frank Pagano
John W. Schaeffer, Jr.
Father James A. Sebesta
Walter A. Soboleff
Morris Thompson
Sam Towarak
Frances E. Hamilton (deceased)

Mike Irwin, Executive Director

Volume I

Prepared by Commission staff, providing overview and summary of (140 pp.) work product compiled through 22 months of hearings, research, deliberations. Central principles: Native Self-Reliance, Native Self-Determination, Integrity of Native Cultures. Historical causes of Native personal and cultural breakdown. Thirty-four main policy recommendations (plus 76 additional recommendations), directed to United States, State of Alaska, Native community and general public. Statistics on Native social/cultural, judicial/correctional, economic, educational, physical/behavioral health problems. Demographic and geographic data; biographical information on Commissioners; description of Commission's work procedures.

Volume II

Providing full narrative text, data and recommendations of five (204 pp.) separate studies of Native problems conducted by the Commission's task forces: Alaska Native Physical Health; Social/Cultural Issues and the Alcohol Crisis; Economic Issues and Rural Economic Development; Alaska Native Education; and Self-Governance & Self-Determination.

Volume III

Providing full narrative text, data and recommendations of two (91 pp.) separate studies of Native public policy issues conducted by the Commission: Alaska Native Subsistence; and Alaska Native Tribal Government.

HISTORICAL BACKGROUND

The idea of an Alaska Natives Commission dates from early 1989, when the Alaska Federation of Natives, in cooperation with the University of Alaska's Institute for Social and Economic Research, published its landmark "Report on the Status of Alaska Natives: A Call for Action."

Based on a wide range of socio-economic data, the AFN Report had concluded that, despite recent improvements in physical health, educational opportunities, standards of living, and access to government services, most Native villages are caught in a pervasive social and economic crisis — as revealed by abnormally high statistics of personal and community breakdown. The cultural changes of this century have been so rapid and so profound that many of Alaska's indigenous people have been overwhelmed, isolated and lost. Because opportunities for advancement in the mainstream culture are severely limited, most Natives remain poor by any American standard. And, on top of all the cultural and economic problems, a significant minority of Native people is being systematically destroyed by alcohol and other drugs — and by the violent behavior that chemical abuse unleashes within families.

The AFN Report quickly caught the attention of the Congress. When asked for follow-up recommendations by the Alaska Congressional Delegation and by Chairman Inouye of the Senate Committee on Indian Affairs, AFN pointed out that its Report had merely scratched the surface. No comprehensive study of Alaska Native status had been conducted by the United States for almost 20 years. What was needed was an in-depth policy analysis, with specific recommendations to the Congress, the President, the Alaska Legislature, the Governor and the Native community.

In July, 1989, Senator Murkowski and Congressman Young introduced a bill creating a public commission of 14 members — half to be designated by the President and half by the Governor — jointly funded by the state and federal governments. It passed both houses of Congress and was signed into law by President Bush on August 18, 1990. White House and gubernatorial nominations took another 18 months, and the Alaska Natives Commission sat down for its inaugural meeting in Washington, D.C. in February of 1992.

After two years of research, public hearings and task force deliberations, the Commission published its three-volume, 440-page Report in May, 1994. As required by the authorizing legislation, the Report has been formally conveyed to the Congress, the President of the United States, the Alaska Legislature and the Governor. This Executive Summary was produced by the Alaska Federation of Natives and is publicly available through its office: 1577 "C" Street, Suite 100, Anchorage, Alaska 99501 - (907) 274-3611.

CENTRAL THEMES

- "Whatever words are chosen to depict the situation of Alaska's Native people, there can be little doubt that an entire population is at risk...of being permanently imprisoned in America's underclass, mired in physical and spiritual poverty; of leading lives, generation to generation, characterized by violence, alcohol abuse and cycles of personal and social destruction; of losing, irretrievably, the cultural strengths essential for the building of a new and workable social and economic order; of permanently losing the capacity to self-govern, to make considered and appropriate decisions about how life in Native communities should be lived."
- "This lack of well-being, or 'dysfunction,'...was precipitated by a century-long policy of cultural, social and economic assimilation. Rampant unemployment and the virtual nonexistence of other economic opportunities,...together with the spiritually and psychologically debilitating intervention of governmental services...has created a culture of dependency. If one theme can be identified as having emerged during the course of the Commission's work, it is Alaska Natives' seeming inability to take responsibility for local economies, governments, schools and other social institutions."
- "...the impact of government on the villages during the past quarter-century, while often materially beneficial..., has been destructive in process. The federal government appears to have believed that 'development'...is something that can be done to one group of people by another....The result of this systematic assumption of responsibility and control by outsiders is that village people lost hold of their communities and their children's lives. That is a fundamental fact underlying the contemporary Native...crisis."
- "...There is no end of the downward social and economic spiral in sight. Natives are still the poorest of Alaska's citizens....There has been little, if any, return on the billions of dollars that governments have spent over the past 30 years on what has become, quite literally, a growth industry revolving around problems in the Native community."
- "The true nature of the sickness...throughout the Native villages is the state of dependency which has led to the loss of direction and self-esteem. Everything else is of a secondary nature - merely symptoms of the underlying disease. Programs which are aimed at relieving the symptoms but refuse to relate to the sickness are doomed to fail and may even make things worse."
- "...unhealthy dependence...on outside decision makers and service providers...serve[s] to displace the village councils, natural leaders and extended families. Rather than having to face, acknowledge and deal with problems, the community can turn those problems over to someone else."
- "It is time to accept that the past policy of assimilation has not worked. The federal government and the State of Alaska have repeatedly chosen to ignore this fact. But it is one clearly understood by Alaska Natives. Natives must...approach the future with the certain knowledge that their world views, their traditional methods of solving problems, their ways of thinking and doing...will be given respect and precedence."
- "The issues confronting Alaska Natives are compounded by their interrelationship:
 - Reversal of the cultural and social decay in which Natives are enmeshed seems impossible without improvement in their economic condition. Individuals who believe themselves doomed to an unending future of economic dependency are in such psychological despair that little energy is left for understanding and valuing their heritage.
 - Improvement in their economic condition seems unlikely without...an educational system that works...Children and young adults who are deprived of self-respect by a culturally alien school system and then sent into society without marketable skills cannot improve their economic status.

—An education system that works for Alaska Natives seems out of reach so long as public health problems, family dysfunction, and alcohol and sexual abuse are prevalent. Children suffering from chronic diseases brought on by exposure to raw sewage or Fetal Alcohol Syndrome, children from families in which one or both parents are absent or abusive, and children who must live in communities in which the society...has failed, are ill equipped to succeed in school, even if school is reformed to accommodate ways of learning particular to...Native cultures."

- "The answer...is not surrender to this multitude of problems, but greater efforts to address all concurrently. Progress in reversing cultural and social erosion will be rewarded by gains in other areas. The forward movement of an empowered Native community...will go far in promoting substantive advances..."
- "...there needs to be a comprehensive approach by the federal and state governments and Alaska Native people themselves...[A]ny piecemeal attempts at reform will fail...The success or failure of one initiative hinges on the success or failure of others. Such a multi-faceted approach...would be a positive...departure from present governmental policy making which is issue specific and political in approach."

OVERARCHING PRINCIPLES

Self-Reliance

"...using the rights they have...from the special relationship of Native Americans with the federal government and...as citizens of the United States and Alaska,...the acceptance of responsibility for individual and community actions...is the key to Alaska Natives' future well-being..."

Self-Determination

"...policies and programs must, to the largest extent possible, be conceived, developed and carried out by Alaska Natives."

Integrity of Native Cultures

"Policies and programs...must recognize, take advantage of, and maintain and enhance the traditional values of Alaska Native cultures."

RECOMMENDATIONS

Thirty-four proposals, organized in seven issue categories, are the principal policy recommendations of the Report (pages 25 to 78 of Volume I):

Social Needs and Services

1. Federal and state laws, regulations and procedures should give maximum local powers and jurisdiction to tribes and tribal courts in alcohol importation/control, community/domestic relations, and law enforcement.
2. Federal and state governments should stop developing new non-Native agency programs and research on Native social pathologies until Natives themselves can design effective approaches in their own communities.
3. Every Native village should design and implement a process of healing and recovery for its own people, and all external agency services should conform to and support that plan.
4. Federal and state appropriations for Native social service programs should be transferred out of public agencies and funded directly to those villages and village consortia locally addressing social pathologies.

Employment, Work and Income

1. Government service programs should be contracted to tribes and other Native organizations to enhance local employment opportunities, decision-making, management skills and culturally effective delivery.
2. Every federal agency operating a 638-eligible program should enforce a Native hire requirement like that of BIA and IHS; and hiring for all federal jobs in rural Alaska should give Native preference so that the work force at least reflects the Native composition of the local population.
3. Obstacles to Native employment in village capital construction projects should be removed.
4. Obstacles to Native employment in rural Alaskan extractive resource industries should be identified and removed.
5. Federal and state regulations should permit tribal design and management of income support programs (e.g., AFD, Food Stamps, State General Assistance, BIA General Assistance).
6. Tribal governments should be permitted to design and operate local "workfare" programs that: a) require able-bodied recipients to give productive community labor in return for transfer payments, and b) provide training, child care and support services.

Law Enforcement and Justice

1. Tribes should establish culturally appropriate institutions and procedures for local dispute resolution (including tribal courts); and federal and state governments should support same with training and technical assistance.
2. The state government should negotiate formal agreements with all tribal councils, delineating those offenses within the domain of tribal courts and those under state law and specifying that VPSO's will enforce tribal ordinances as well as state statutes.
3. In addition to advocating tribal status, jurisdiction and powers, Native organizations should identify ways in which existing governmental entities can address village problems and goals effectively.
4. State parole and probation programs should be reformed by implementing them in the offender's home village, fully involving local people and traditional values in monitoring, support, rehabilitation and healing.
5. The state should establish alternative corrections programs, supported by effective alcohol treatment services and operated by local Native organizations, for all but the most violent Native offenders.

Education

1. Local control of schools in Native areas should be strengthened by: a) changing village advisory boards to policy-making bodies, and b) delegating, within five years, operating authority from REAA's to tribal governments in partnership with the state Department of Education.
2. The state government and local school districts should significantly increase the number of their Native teachers and administrators through affirmative hiring, alternative certification and other means.
3. Federal and state governments should create an Alaska Native Heritage Trust, granting funds to tribes for programs of parental/community involvement and educational enhancement of Native languages/cultures.

Physical and Behavioral Health

1. Federal and state governments should fully fund rural water/sewer projects, as recommended by the Alaska Sanitation Task Force, involving local residents in all funding, construction, maintenance and repair.
2. The entire Native health care system, now concentrated on secondary and tertiary care, should be reformed to emphasize health education and primary prevention — stressing community involvement, changing attitudes, and encouraging healthy lifestyles.
3. Congress and IHS should establish and finance an improved, timely system of diagnosis/screening for serious disease and other disorders, providing adequate travel funds for village residents to obtain same.
4. Unorganized, ineffective data-gathering by federal/state/municipal governments should be reformed into a single, comprehensive, statewide system for assessing Native health needs and evaluating services.
5. Substance abuse programs for Natives should be reformed to emphasize community-based, family-oriented, culturally relevant strategies developed by villages; and public funds for such programs should be directly granted to councils and other Native organizations.

Subsistence

1. Congress should repeal its 1971 extinguishment of aboriginal hunting and fishing rights in Section 4 (b) of ANCSA.
2. Congress should maintain ANILCA's rural preference as the minimum acceptable level of subsistence protection in federal law, resisting all state and private pressures to remove or weaken it.
3. Congress should conduct oversight of Title VIII implementation by the state and by federal agencies and should draft alternative language that provides more adequate protection of subsistence by all Alaska Natives.
4. During dual management, federal jurisdiction should be maximized - to include, at least, all public lands (including all marine/navigable waters), all conveyed ANCSA lands, all selected/unconveyed state and ANCSA lands, and extraterritorial regulatory reach off public lands.
5. Administering federal agencies should fully implement regional advisory councils and options for co-management contracting with Native communities and organizations; and the state should regionalize its Fisheries and Game Boards for greater local control of subsistence.
6. The Alaska Legislature should adopt a constitutional amendment allowing state subsistence law to comply with federal law, using language that will conform to an improved federal preference; and it should adopt laws mandating co-management agreements, effective regional advisory councils, and thorough reform of its regulatory system.

Tribal Governance

1. Congress should adopt policies supporting and strengthening Alaska's tribal governments, starting with repeal of all legislative disclaimers disavowing its promotion of the federal relationship with these tribes.
2. The Secretary of the Interior should withdraw Solicitor's Opinion M-36,975 and clarify the federal position on the Indian Country jurisdictions of Alaskan tribes through participation in pending court cases.

3. Native communities should have the legal power to transfer freely the ownership of their ANCSA lands between corporations, tribes, individuals and other Native organizations - and to govern such lands for tribal and subsistence purposes, regardless of institutional ownership.

4. State and federal governments should strengthen tribal financial bases by such measures as federal tax credits for tribal taxes paid and state funding for tribal communities equal to those with municipalities.

5. By Executive Order or legislative enactment, the state government should recognize the existence of Alaska Native tribes.

76 additional recommendations (pages 85 to 100 of Volume I):

Economics

• Federal Native hire preference • Veterans' hire preference for Alaska National Guard Service • "Local prevailing wage" standard for Davis-Bacon in village projects • Village design, construction and hire on HUD housing projects • Contracting and Native hire for surveying rural land conveyances • Native job training programs for "Information Age" opportunities • Americorps/National Service Corps employment and education • State Office of Alaska Native Recruitment (Governor) • Creation of Alaska Native Economic Development Trust, and projects • Evaluation and restructuring of ANA economic development projects • Increased support of Native businesses by Alaska's ARDOR's • Increased public support (capital) for Native tourism projects • Expansion of CDQ program model to one other extractive industry • Creation of state Bulk Fuel Task Force, and facilities remediation • HUD creation and funding of Alaska Native Housing Authority • State task force on solutions to Native Limited Entry problems • NPFMC codification and expansion of CDQ pollock program • State and federal development of Native reindeer industry • Training programs in reindeerherding/husbandry/products/marketing • State/federal support of shellfish mariculture in Native villages • State/federal support of fin-fish farming, and Native demo project.

Judicial and Law Enforcement

• VPSO training, pay, powers, uniforms, weapons, advancement • VPSO enforcement of village ordinances and state laws • State power behind village council ordinances/enforcement/adjudication • State agreements with village adjudicators on respective domains • State task force identifying parameters of village court powers • Cultural evaluation/reform of state judicial system regarding Natives • Appropriate village dispute resolution, and governmental support • Revised state goals for punishment, rehabilitation and protection • Culturally effective, village-based punishment alternatives • Culturally effective transitional living/rehabilitation/treatment for Natives • Early, effective substance abuse counseling for Native inmates • State hire of capable Native corrections counselors • Detailed reform of state policies on Native parole/probation • Village monitoring and support roles in Native parole/probation • Aggressive state hire of Natives in law enforcement/courts/corrections.

Local Self-Determination

• State/federal recognition of all village governments (TC, IRA, city) • Evaluation and expansion of local government assistance programs • Identification of effective roles/powers for existing local governments • Evaluation of BIA programs and funding, and 103(a) reinstatement • BIA 103(a) training, and ANA tribal government training • Regional non-profit training and funding of village tribal governments • Cost-effective transfer of service programs from non-profit regions to villages • Evaluation of non-profit regional programs, limiting costs, shifting programs • 5-year \$50 million congressional funding to tribes for social problems • Reform of Fish and Game Boards, and strengthened regional councils • Regional council review and veto power over subsistence regulations • State task force on solutions to Native Limited Entry problems.

Education

- K-12 village schools, regional/distance enrichment, voc ed programs
- Local control of schools through policy making boards and Native hire
- Development of model Native curricula (K-12, post-2nd, traditional)
- Career development/training/certification/hire of Native educators
- Parent/community involvement in education, and Native Heritage Trust
- State steps to increase percent of Native teachers/school employees
- Tenure reforms and Native hire to stabilize village teaching work force
- Federal/state reforms of school funding and management in villages
- Creation/funding of Alaska Native Heritage Trust, and tribal grants.

Physical and Behavioral Health

- Alaska Sanitation Task Force; construction/maintenance/operation
- Data coordination (ANHA, CDC, VA, state, health corporations, etc.)
- Data reform (health needs, risks, wellness, delivery evaluation, etc.)
- Health Aide program funding, pay, work force stability, training
- Adequate patient travel funds, meeting IHCLIA authorization level
- ANHS immunization of all Native children by decade's end
- Continued BIA support and funding for ICWA tribal grants
- Unified, comprehensive data system on Native child abuse/neglect
- System re-orientation to primary prevention, families, communities
- Native-planned program of infectious disease prevention education
- Native health education curriculum (schools) for AIDS/HIV prevention
- General health education/promotion for all Native age groups
- Increased screening/diagnosis and preventive education for cancer
- More timely/effective diagnosis and disease intervention by IHS
- Community suicide prevention programs (e.g., state DH&SS model)
- Evaluation/reform of substance abuse prevention/treatment programs
- Creation of Alaska Native Family Development Center (e.g., Kakawis)
- Early risk-detection programs for child abuse/neglect, FAS, FAE
- Research/data on Native substance abuse and program effectiveness.

FINDINGS AND DATA

Social/Cultural Status

- Native annual birthrate is 36.5 per 1,000, creating large demand for village child development, education, health programs
- Effective Native public education is bi-cultural (skills and values)
- Native annual death rate is more than three times national average, much of it alcohol-related
- Native infant mortality and Fetal Alcohol Syndrome rates are more than twice national averages
- 1988, birth rate to Native girls 15-19 was 2-1/2 times national average
- 1988, one of every 11 Native children received child protection services
- 1992, 30% of DH&SS child abuse/neglect/injury reports involved Native children (94 per 1,000 Native children, 55 per 1,000 non-Native Alaskan children, 39 per 1,000 children nationwide)
- 1992, almost one of every eight Native males 14-17 spent time in juvenile detention
- April, 1993, over 27% of Native inmate population had sexually abused a child or other adult
- Nearly 1/2 all Natives currently incarcerated for sexual crimes victimized children.

Economics

- Village costs of living are exorbitant; with village economies precariously dependent on public expenditures
- 1990, over 20% of enumerated Native work force is unemployed, compared to 8.8% of total Alaskan work force (actual Native unemployment rates is much higher, due to uncounted work force dropouts)
- In 1/3 of villages, male unemployment is 32% (four times statewide average); in 1/8 of villages, male unemployment is more than 50%
- About 42% of 16,000 Native males in Alaska's employed civilian work force are in crafts, trades, service sectors
- Almost 1/3 of all employed Native women are secretaries or clerks; 1/4 are in service sector (mainly food preparation, custodial)
- Native women are about 60% more likely to work in managerial and professional fields than Native men
- 1992, 4.8% of State of Alaska executive branch work force was Native (e.g., Law, 3.8%; DNR, 2.1%; ADF&G, 1.6%)
- 21.5% of Native families are below official poverty income line, compared to 6.8% of all Alaskan families
- Native families and individuals are increasingly welfare dependent.

Justice and Corrections

- Non-Native belief that only "Western" justice is workable impedes culturally appropriate village alternatives for dispute resolution • April, 1993, Natives are 16% of Alaska's population, 13.5 % of its prison-age-eligible population, and 32% of its inmates • Natives are 59% of Alaska's violent-crime inmates and 38% of its sex-offense inmates • Most Native crime is alcohol-related; percentage of Native crime that is violent or sexual is far higher than state/national averages • 53% of all Native inmates are incarcerated for "most violent" crimes (assault, 14%; sexual assault, 14%; sexual abuse of minor, 13%; murder/manslaughter, 12%) • 1992, about 27% of all Native males 14-17 years old were referred to state juvenile intake system • Native murder rate is four times national average • Natives represent 43% of Alaska's misdemeanor inmates, 39% of its sex offenders, and 41% of its parolees/probationers • 1990, Natives made up 1/2 of Alaska's second-degree murder convictions, and only 8% of its drug offenders • "Charge bargaining" practices, coupled with Native cultural avoidance of confrontation (trials), may contribute to high conviction rates.

Education

- 1981-89, Native FAS rate was 5.1 per 1,000 live births (almost 2-1/2 times North American average) • 60% of Native students entering urban Alaska high schools do not graduate, compared to 12-15% Native attrition rate in rural high schools; but rural graduates have much lower average achievement levels • 1989, Native ACT scores were about 40% lower than non-Native scores • Rural schools enroll 14,000 Native students (7% Native instructors); urban schools enroll 9,500 Native students (less than 2% Native instructors) • One advantage of rural schools is low student-teacher ratios (better chances for instructional impacts) • 53% of all Alaska students (but 11% of Native students) took Algebra II; 48% of all Alaska students (but 8% of Native students) took chemistry • 3/4 of all Alaska students (but 2/3 of Native students) complete high school • In some districts, 30% of Native elementary students and 40% of Native secondary students are below grade level • Replacing boarding schools with village schools increased graduation rates, but with lower achievement scores than statewide • 1980, percentage of adult non-Native Alaskans with college degrees was five times that of adult Natives with degrees.

Physical/Behavioral Health

- Lack of adequate village sanitation/water systems is primary cause of many Native health problems (e.g., Alaska's highest incidence of Hepatitis B is in southwestern villages) • Despite \$1.3 billion public investment, many villages have only rudimentary water/sewage utilities • Heart disease accounted for 16% of all Native deaths in 1994 (5% in 1950) • Natives are more vulnerable to serious injury and infectious disease than non-Native Alaskans • Formerly low Native cancer rates are steadily increasing • 1985-89, Native diabetes rose from 15.7 to 18.2 per 1,000 • Formerly epidemic TB is no longer prevalent, but far from eradicated • Individual substance abuse and other health problems are closely related to dysfunctionality of whole communities (must be addressed together) • 39% of Natives smoke tobacco (compared to 26% of all Alaskan adults); some Native villages have 60% smoking rates • 1980-89, an average of one Native suicide occurred every 10 days, reaching 1989 annual rate of 69 per 100,000; preliminary 1990-93 data indicate continuing increase • Almost 1/2 of Native suicides are by 15-24 year olds, compared to 1/4 of non-Native suicides • 1964-1989, Native suicide rate increased 500% • 1980-89, 86% of all Native suicides were males • Late 1980's, suicide rate of Native males 20-24 years old was more than 30 times national suicide rate for all age groups • 61% of Natives live in rural Alaska, but more than 2/3 of 1980-89 Native suicides occurred there • 1980-89, 305 Natives (173 males, 132 females) were killed by direct effects of alcohol or other drugs (average of one every 12 days); this Native substance abuse mortality rate (4.1 per 10,000) is 3-1/2 times non-Native rate (1.2 per 1,000) • 1980-89, cumulative Native "Years of Potential Life Lost" (i.e., number of years individual dies before 65th birthday) attributable to alcohol were 6,607 years (almost five times non-Native rate) • Native rate of fatal injuries caused by alcohol is nearly three times non-Native rate • Native per capita deaths by fire are twice non-Native rate; about 1/2 attributable to alcohol • 79% of all Native suicides had detectable blood alcohol levels • Alcohol abuse and criminal acts correlate significantly, particularly in rural Alaska and among Natives throughout the state. □

"No Net Loss"
Policy

AFN Policy On Resolving the Subsistence Issues *

As of its March 4, 1996 meeting, the AFN Board of Directors adopted the following Policy Principles according to which the Native community will conduct any discussions with the State of Alaska on resolving the subsistence impasse.

- 1 The overall management principle contemplated by ANILCA is that regulation of subsistence uses by state or federal authorities must be carried out in a manner that causes the "least adverse impact" on customary and traditional taking and use patterns of Alaskan communities. Restrictions, such as individual bag limits and seasons, may not be imposed if they are inconsistent with customary and traditional use patterns. This includes both the quantity of game, the traditional seasons and places for hunting or fishing, and restrictions on methods and means of harvest. It is a significantly higher standard than the "reasonable opportunity" language in existing state law.
- 2 The Native community will insist that the following conditions be part of any resolution of the current federal-state impasse:
 - a) There must be no net loss from the current level of federal subsistence protections, including, but not limited to, the following points:
 - 1) The availability of one species of fish or game cannot be used as a basis for restricting opportunities to take another species in a customary and traditional manner.
 - 2) Regulations must provide opportunities to harvest each particular "stock" of fish and "population" of game that has been customarily and traditionally used.
 - 3) The Boards of Fish and Game cannot have unfettered discretion to place restrictions on harvest without a reasoned explanation of what "sustained yield" means and a reasoned determination of the number of fish or animals necessary to produce sustained yield.
 - 4) ANILCA's definition of "customary trade" includes sales for cash and does not require that fish or game used for customary trade be harvested only for personal or family consumption.

AFN Subsistence Policy, continued

- 5) The word "rural" has a plain meaning which includes at least part of the Kenai Peninsula and any attempt to curtail subsistence laws application through the use of a restrictive definition of "rural" is inconsistent with the plain meaning of the Act.
 - 6) ANILCA recognizes that subsistence is a group activity and a group way of life, as opposed to being an individual activity and
 - 7) The subsistence priority applies to all times, not just when there is a resource shortage. The Boards are required to provide first for customary and traditional uses before any non-subsistence uses may be allowed.
- b) There must be basic reforms of state regulatory and management systems:
 - 1) Changes in board structure and processes, to ensure fair treatment of subsistence users
 - 2) Use of regional advisory councils, composed of subsistence users, whose proposals generate subsistence regulations, as in Federal Subsistence Board deliberations, and
 - 3) Use of co-management contracting to delegate functions and powers to Native communities and organizations.
 - c) There must be no non-subsistence use areas in state law.
3. Resolution of the impasse should also include a strengthening of the federal preference (e.g. by changing to a Native or "Native-plus" preference, or by defining "rural" so as to guarantee that Native communities that are historically surrounded by non-Native majorities will not be dropped from the preference).
 4. A subsistence amendment to the Alaska Constitution must be worded and placed so as to ensure that a state statute that complies with Title VIII cannot, on any grounds, be struck down by the Alaska Supreme Court. In addition, such an amendment should:
 - a) State that the subsistence preference may not violate the constitutional mandate for sustained yield;
 - b) Require, rather than permit, the Legislature to enact a statute complying with federal law (e.g., "...the Legislature shall..." rather than "...the Legislature may...");
 - c) State that subsistence is the priority use of fish and game in Alaska;
 - d) Include "culture" as a basis for differentiating among residents for application of the subsistence preference;
 - e) Be worded broadly enough to permit state law to comply with an improved federal preference in the future.



ALASKA OUTDOOR COUNCIL NEWS



April - June, 1997

Council/Fund
Boards of
Directors

Subsistence Resolution Moves in State House

by Dick Bishop

Hunter, trapper & fisher conservationists are asked to send messages to State Legislators in support of HJR 21, "Relating to amendment of Title VIII of ANILCA".

Title VIII of ANILCA is the section of federal law that demands "customary and traditional" uses of renewable resources by "rural" residents have priority over other consumptive uses on federal lands -- and potentially on state and private lands and waters as well.

HJR 21 sends a message from Alaskans to our Congressional delegation: the federal subsistence priority must be amended. HJR 21 addresses most of the fatal flaws in the federal subsistence law but does not demand repeal of the priority. The critical terms "rural" and "customary and traditional" would remain in federal law, but Alaskans, rather than Congress, would define the terms. The federal law gives priority to rural users -- based on ZIP code -- regardless of need or lifestyle. Alaska's Supreme Court ruled the rural priority unconstitutional in state law.

HJR 21, sponsored by Rep. Beverly Masek, cleared the House Resources Committee and is now in the House State Affairs Committee. Voting "do pass" were Masek and co-sponsor Rep. Scott Ogan. Voting "do not pass" were Reps. Reggie Joule and Irene Nicholia. Voting "no recommendation" were Reps. Joe Green, Fred Dyson and Bill Hudson.

"I realize this isn't by any means a perfect answer that will satisfy the parties involved on either side of this divisive issue," writes Masek in her sponsor statement, "however, I am hopeful Alaskans, given the chance, can sit down and come up with a workable definition."

(continued on page 4)

Halibut Subsistence Fishery Proposed

Proposed regulations to create a new halibut subsistence fishery in 1998 -- based on tribal membership or "rural" residency -- will be considered at 8 am on April 16 by the North Pacific Fishery Management Council (NPFMC).

The NPFMC meeting will be held at the Anchorage Hilton Hotel from April 15-19.

Conservationists are urged to mail comments to: NPFMC, 605 W. 4th Ave., #306, Anchorage, AK 99501-2252. Comments must be received by April 9 in order to be included in Council member packets. For detailed info and agenda call 271-2309.

Public testimony may be given on April 15 & 16.

The proposal was partly initiated in response to enforcement problems associated with retention of undersized halibut and use of illegal gear. However, proposed regulation options include retention of commercially undersized halibut for subsistence and allowing for the commercial sale of subsistence caught halibut.

(continued on page 4)

**Check your mailing label for expiration date
JOIN -- OR RENEW -- TODAY !**

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BITS & PIECES

Mat-Valley Dinner-Auction nets about \$4000: About 100 supporters of the Outdoor Council enjoyed themselves at festivities in Wasilla's Lake Lucille Inn Saturday, March 29. Enormous thank-you's go to Glenda Smith and Karoline Dhuyvetter for the time and effort they put into the event. Board members Eddie Grasser, Pete Probasco and Rod Arno also kept well-involved. They all say it will be bigger and better next year. See you then -- and THANKS!

Support your local gun club: "In 1995 we suffered major losses to our rights to keep and bear arms. Congress passed the Brady Bill and the Clinton Crime Bill outlawing many semiautomatic firearms and gun magazines holding more than 10 rounds.

"Congress has held the line since then and passed legislation to stop Clinton from destroying military surplus firearms which could be distributed to the public. At the state level legislation was passed to reduce the cost and the red tape to obtain a concealed firearms permit and to reduce the number of places where a concealed firearm could not be carried; however, Governor Knowles vetoed the Bill. Locally, the legislature appropriated \$2 million for a new shooting range for Fairbanks.

"The pendulum has continued to swing the other way. People like you have continued to oppose the anti-gun interests and supported your local gun club. Your membership and your support were largely responsible for these accomplishments; but please don't stop now. Renew your membership and continue the fight to regain our freedoms."

Bud Burris, Secretary TVS Rifle & Pistol Club; former President, AOC

Coming Events

State Boards Meet:

Fish Board: Nov. 4-11 in King Salmon
Dec. 2-12 in Fairbanks
Jan. 6-19, '98 in Anchorage

Game Board: Oct. 24-30 in Nome
Jan 17-21, '98 in Bethel
late Mar '98 in Fairbanks

Info: 465-4110 in Juneau
267-2354 in Anchorage
474-8634 in Fairbanks

Federal Subsistence Board Meets:

April 7-11 in Anchorage
Ramada Inn

Info: 1-800-478-1456

April 11-13: Fairbanks Outdoor Sport Show, Carlson Center

April 12-13: Univ. of Alaska Fairbanks--The Law of RS2477: Assertion and Management
Two day workshop
Contact: Dr. Harry Bader 474-6521

April 17: Chitina Dipnetters Annual Meeting
Fairbanks, Pioneer Hall
at Alaskaland 7:30 pm
Door prizes!!
contact: Byron Haley 456-4426

April 26: Friends of NRA Banquet, Juneau
contact: Dave Waarvik 789-0453

April 27-28: Fairbanks Gun Show
UAF, Patty Gym

May 2-3: Curing and Sausage Making
Cooperative Extension Workshop
Hutchinson Career Center, Fairbanks
Instructor: Ken Kreig
Contact: Roxie 452-1530

Anti-gun TV series: ABC has scheduled a series beginning soon entitled "Gun" starring a "pearl-handled, nickel-plated .45 Officer's Model". It is first scheduled to show in Fairbanks at 9 PM on April 19.

The producers include Robert Altman, of M*A*S*H* fame, who said he is "very active in gun-control issues and areas, and this in no way is going to promote anything other than the philosophy that the gun-control people advocate."

Another producer claimed the series would be "non-political."

...from "American Hunter", March 1997

Executive Director to retire: Dick Bishop, who has served as executive director for the Council and Fund since the fall of '94, will spend more time hunting, fishing and trapping after July 1. The Boards are actively investigating options for covering the responsibilities of administrator and/or spokesperson. Individuals who are interested in either or both are encouraged to contact any of the board members listed on page 1.

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Alert !!!

If you want to get "AOC Alerts" and you have a FAX or an e-mail address, please drop a note to the Membership Depart. (see box to the right)

AOC Help Needed !

1. FAX broadcasters needed

Can you help with your computer, FAX/modem, and FAX software? Call or e-mail the membership department (box at right) for more particulars. Or call the Fairbanks AOC office at 455-4262.

2. At home computer input, typing names and addresses. Call AOC office at 455-4262

Prince of Wales Island -- Subsistence Priority Strikes Again

Ketchikan residents recently got the federal subsistence priority "shock treatment" on deer hunting.

Federal proposal 7 by the Sumner Strait Advisory Committee proposed eliminating the doe season in Game Management Unit 2 due to probable decline in deer numbers. The federal Southeast Regional Advisory Council apparently decided Proposal 7 would harm subsistence users, so rather than support closure of the doe season, they recommended closing all deer hunting on federal lands by non-rural residents. Rural residents of GMU's 1A, 2 and 3 could continue doe and buck hunting.

In other words, Ketchikan hunters: GO ELSEWHERE.

Register your opinion about this with Senators Stevens and Murkowski, Congressman Young and Governor Knowles. Do it today! [See page 4]

For more info call the Federal Subsistence Office at 1-800-478-1456.

Rather than address the deer decline with the biologically correct doe closure, the Advisory Council chose to dump the burden on "non-subsistence" users. That means Ketchikan hunters plus a few others.

The bitter irony is that this is how the federal subsistence law operates. Under federal law, all other consumptive uses must be eliminated before "customary and traditional" subsistence use can be restricted.

The Federal Board is bound by law to accept the Regional Council recommendation unless it threatens resource conservation or continued subsistence uses. The Federal Board, in its short history, has regularly rubber-stamped Regional Council proposals rather than appear to question the merits of such proposals.

Add Prince of Wales Island to the growing list of places where "non-rural" people are being discriminated against by federal rules. Among the others are Kenai Peninsula for moose, the Arctic Village Dall sheep management area and north of Anaktuvuk Pass for fall caribou.

Dozens of proposals restricting harvests of many game species to local rural residents will be considered by the Federal Board in April. The reason given for many of the proposals is "more in line with customary and traditional practices." Translation: Keep others out.

If you think these rules and proposals are questionable, wait until the feds start managing fish -- which they will unless the federal law is changed. Contact Senators Stevens and Murkowski and Representative Young. Tell them to remove or substantially amend the discriminatory federal rural priority.

AOC Honors Activists

Once a year the Alaska Outdoor Council pays tribute to just a few of the many people who promote sound management, fair allocation and proper uses of Alaska's fish and wildlife.

This year's awards recognized truly outstanding efforts.

Senator Rick Halford has been an outstanding advocate of sound fish and wildlife management and a staunch supporter of fishers, hunters and trappers for decades. Senator Halford received the Outstanding Conservation Legislator award.

Kathleen "Mike" Dalton and Lisa Harbo were recognized as Outstanding Volunteers for their work on asserting RS2477 rights-of-way. The effort has drawn the attention and support of many groups, including praise from prominent Legislators and a resolution of support from the Fairbanks Chamber of Commerce.

Elaina Spraker of Soldotna combined the interest, drive and skills needed to pull the Kenai Peninsula Outdoor Coalition together in response to misguided federal subsistence hunting regulations and other crises. Elaina was recognized as Outstanding Conservation Leader for her extraordinary accomplishments.

Stan Bloom, Vice President of the Chitina Dipnetters, was recognized as Outstanding Fisherman's Advocate for his efforts to improve conservation and personal use allocation of Copper River salmon. His decades-long work has resulted in cooperative access arrangements with regional and village corporation landowners and an increased allocation for dipnetters.

Eowyn Ivey, a reporter for *"The Frontiersman"* in Palmer, has done an outstanding job of conveying the values of the hunting heritage to her readers. Born and raised in the Mat Valley, Eowyn and her family follow the hunting and trapping tradition with pride. Eowyn was recognized as Outstanding Hunter Heritage Advocate.

Tom Donek, Sport Fish Access Coordinator for ADF&G, and Dave Watsjold, Assistant Federal Aid Coordinator with the U.S. Fish & Wildlife Service, were recognized for their outstanding joint work to provide public access for sport fishing and boating. Their efforts have benefited Alaskans in many areas of the state through acquisition and construction of boating access.

Finally, the Council recognized the Territorial Sportsmen, Inc. of Juneau as its Outstanding Member Club of the Year. Territorial Sportsmen is one of the oldest conservation groups in the state, and one of the most progressive. Always advocates of sound conservation, the Sportsmen's salmon derby also supports significant scholarships for natural resource students.

*Let these elected officials
know your concerns --*

*Together
we can make a difference*

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FAX: 907-465-3472
e-mail: Representative_Gail_Phillips
@legis.state.us

Subsistence Resolution (continued)
HJR 21 requests Congress amend
Title VIII of ANILCA in these ways:

- Exclude state and private land from the definition of federal "public lands";
- Prohibit federal takeover of state fish and game management on state and private lands and waters, unless Congress specifically provides for it (which it did not do in ANILCA);
- Preclude federal management takeover based on "navigational servitude" or "reserved waters" federal doctrines;
- Repeal federal court oversight of state management of subsistence in the event the state conforms to the federal law;

- Authorize state definition of "rural" and "customary and traditional";
- Provide that the priority allows only a "reasonable opportunity" to harvest;
- Provide that ANILCA is neutral regarding Indian country and tribal sovereignty;
- Allow the state to decide whether it wants Regional Advisory Councils;
- Eliminate the commercial sale of fish and wildlife taken for subsistence uses.

The federal subsistence law is being used by the federal government as a strategy to capture state management and trample on the rights of the majority of Alaskans. HJR 21, while not perfect, offers Alaskans a way out of gridlock.

Halibut Fishery (continued)

Throughout most of coastal Alaska halibut for personal consumption has been taken under the recreational fishery regulations or as halibut retained during a commercial fishery. However, the recent establishment of halibut IFQ's (Individual Fishery Quotas) has resulted in less opportunity for those who do not have an IFQ to utilize commercial gear for personal harvest.

"From the perspective of the legislature, these proposed regulations are going to further polarize an already divided citizenry regarding special subsistence allocations or provisions," wrote Senate President Mike Miller and House Speaker Gail Phillips in a recent letter.

"It is clear that many aspects of the proposed halibut regulatory options were patterned after provisions in ANILCA, many of which have been identified as unacceptable and in need of change by both the legislature and the Lt. Governor," they continued.

Legislators have introduced House and Senate resolutions, SJR 26 and

HJR 34, promoting modification of existing NPFMC regulations as an alternative approach -- creating special areas, methods and means and bag limits to provide ample opportunity for Alaskans to harvest halibut for personal consumption. The resolutions do not favor the creation of a new fishery which violates the basic principles in Alaska's Constitution regarding common use and access to Alaska's resources. Particular concern is expressed over the possible creation of a new commercial fishery under the guise of subsistence harvesting.

Miller and Phillips have encouraged the NPFMC to "delay the creation of any special subsistence regulations until Congress and the State have crafted a long term and permanent solution to the existing crises "

Halibut harvest regulations are established by the NPFMC subject to the International Pacific Halibut Treaty and the Northern Pacific Halibut Act of 1982. Concurrence by the Secretary of Commerce is required.

The Alaska Outdoor Council thanks our SUSTAINING BUSINESS MEMBERS

Sustaining business members receive this recognition for one year in the *Alaska Outdoor Council News*. If you are a business owner and would like to provide additional support for the Council, please contact our membership department at (907) 895-4918 or mail the application elsewhere in this issue.

<p>Alaska Remote Guide Service Wayne Kubat PO Box 874867 Wasilla, AK 99687 376-9568 <i>Moose calling & hunting instructional videos, also "bull magnets" -- durable five function moose calling megaphones.</i></p>	<p>Phillip Locker DDS Denali Professional Center 3401 Denali St. Ste 201 Anchorage, AK 99503 561-8573</p>	<p>Coldfoot Services Troy Thacker PO Box 9041 Coldfoot, AK 99701-9041 678-5201</p>
<p>Alaska Sausage Co. PO Box 92157 Anchorage, AK 99509 562-3636</p>	<p>Palmer Machinery Co. Monte Goodrich PO Box 821 Palmer, AK 99645 745-3520 <i>Machine work, welding, steel & aluminum sales, industrial gases, welding supply/sales, heavy equipment repair.</i></p>	<p>Compeau's, Inc. Robert Compeau, Jr. 4122 Boat Street Fairbanks, AK 99709 479-2271</p>
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<p>Dale Conover State Farm Insurance 436 N Main St. Wasilla, AK 99654 376-2478</p>	<p>Robert Bundtzen, MD 4120 Laurel # 204 Anchorage, AK 99508 561-4362</p>	<p>Sanderson's Auto Body Chuck Sanderson 2057 Kaylee Lane Fairbanks, AK 99712 457-1071</p>
<p>H&H Construction Ron & Ed Hull HC 34 Box 2070 Wasilla, AK 99654 376-2344 <i>Building Quality Homes in the Mat-Su Valley Since 1970's. 5-Star Economically Designed. Affordably Priced.</i></p>	<p>Iliaska Lodge, Inc. Ted Gerken PO Box 228 Iliamna, AK 99606 337-9844</p>	<p>Mike's Electrical Maintenance Mike & Joyce Potter PO Box 80293 Fairbanks, AK 99709 479-3523 <i>Industrial and commercial electrical maintenance, specializing in industrial controls</i></p>
<p>Koval & Featherly Attorneys Walter Featherly 601 W 5th Ave. Ste 900 Anchorage, AK 99503 258-6600 <i>In providing legal services to Alaskan businesses, our goal is to win for every client.</i></p>	<p>Joe Trucano PO Box 20870 Juneau, AK 99802 586-2444</p>	<p>Brian Yamamoto, DDS 2136 Airport Way, Suite 2 Fairbanks, AK 99701 452-5547</p>

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PO Box 606
Delta Junction, AK 99737-0606

Phone (907) 895-4918 FAX 895-4908
email: 73211.3325@compuserve.com

Alaska Outdoor Council Member Clubs

ALASKA 2nd Amendment Coalition	Fairbanks
Alaska Competitive Shooters Organization	Anchorage
Alaska Falconers Association	Juneau
* Alaska Frontier Trappers Association	Palmer
* Alaska Rifle Club	Eagle River
Alaska State PITA	Juneau
* Alaska State Snowmobile Association	Anchorage
* Alaskan Bowhunters Association, Inc.	Anchor Pt
Alaskan Marine Dealers Association	Anchorage
* Alaskan Waterfowl Association	Anchorage
Anchorage Snowmobile Club, Inc.	Anchorage
Blacksheep Bowmen	Elmendorf AFB
Chitina Dipnetters	Fairbanks
Clear Sky Sportsmen's Club	Clear
* Cleveland Peninsula Users Coalition	Ketchikan
Cook Inlet Archers	Anchorage
Delta Sportsman's Association	Delta Junction
* Fairbanks Practical Pistol Club	North Pole
Fairbanks Retriever Club	Fairbanks
* Fairbanks Snow Travelers Association	Fairbanks
* FNAWS/Alaska Chapter	Anchorage
Golden North Archery Assoc.	Fairbanks
Interior AK Gun Dog Association	Fairbanks
Interior Alaska Airboat Association	Fairbanks
* Interior Alaska Trail Riders Association	Fairbanks
Interior Alaska Wildlife Association	Fairbanks
Juneau Rifle & Pistol Club	Juneau
Ketchikan Sports & Wildlife Club	Ketchikan
Ketchikan Volunteer Rescue Squad	Ketchikan
Matanuska Valley Sportsmen's Association	Palmer
Ruffed Grouse Society/SC AK Chapter	Anchorage
Safari Club International/AK Chapter	Anchorage
Safari Club International/Kenai Chap	Soldotna
Sitka Sportsmen's Association	Sitka
Slana Alaskans Unite	Slana
South Peninsula Sportsmen's Association	Homer
Stikine Sportsmen's Association	Wrangell
* Tanana Valley Rifle & Pistol Club	Fairbanks
Tanana Valley Sportsmen's Association	Fairbanks
Territorial Sportsmen, Inc.	Juneau
Tok Shooter's Association	Tok
* Tongass Sportfishing Association	Ketchikan

* Club membership not current

Public Trust Doctrine in Alaska

Delegates to the Alaska Outdoor Council Annual Meeting unanimously adopted a resolution that concludes "... the Alaska Outdoor Council graciously requests the Governor, the Alaska Legislature, and the Alaska Congressional delegation to suffer no law which affects the rights of individuals to hunt or fish in Alaska, to be enacted or to remain in effect, unless it is consistent with the public trust and the public trust doctrine as originally embodied in the Alaska Constitution."

The Council, in adopting this resolution, expressed confidence in various references by the Alaska Supreme Court and other courts over the years to the existence of a trust relationship between the state as trustee, or guardian, of publicly owned resources, and state citizens as beneficiaries of that trust relationship.

The "Public Trust Doctrine" is a concept that has grown out of ancient laws which identified certain resources, such as the sea, as a resource available for the benefit of all citizens. A long history of court decisions established the Doctrine in common law.

Alaska's Constitution echoes this principle with respect to fish, wildlife and waters. Article VIII, Sec 3, states: "Common use. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use."

The Alaska Supreme Court has made several landmark decisions favoring and interpreting the common use provision. The Court, in doing so, has referred to other courts' decisions and to the historical development of the public trust doctrine in relation to fish and game use. The gist of these

Anti Hunters = Big Spenders

info from "WLFA Update", March 1997

"A survey just completed by the Wildlife Legislative Fund of America (WLFA) indicates that the Humane Society of the United States (HSUS) contributed more than a half million dollars in cash, goods and services on behalf of anti-hunting ballot initiatives during the November, '96 elections."

The use of initiatives by anti-hunting groups is the latest fad. Although

decisions is that states "inherited" the responsibility and authority to protect each individual's right to take wild fish and game, subject to reasonable regulations, and free from the establishment of any specially privileged class of users.

Most recently, in the so-called F.I.S.H. Initiative lawsuit, the Court was asked to rule on the issue of the public trust. The Court decided the case on other grounds. However, Chief Justice Compton in his concurring opinion said that the Public Trust Doctrine is embodied in the "common use" constitutional language and must be respected. The Outdoor Council agrees.

The Council believes that neither state nor federal government can abolish the state trustee responsibility. Therefore, any state or federal rule on fish and game use must be based on the non-discriminating Public Trust Doctrine. To settle for less is to deny an inalienable right of every citizen and to violate the state's common law.

[An informative 90-minute video of a lecture on this Doctrine by Professor Joseph Sax is available for \$20 from W.Olsen, 5961 Orth Circle, Anchorage, AK 99516; 907-346-4440]

there are legal requirements to get an initiative on the ballot, the Alaskan experience with the recent "wolf initiative", illustrates that there are no effective laws requiring truthfulness in advertising by initiative promoters.

It's much easier to produce sensationalized, emotional advertising proclaiming a calamity when you can ignore facts and honesty.

It's also profitable. The *WLFA Update* reports the following: The wealthiest of the anti-hunting groups, HSUS reported a 1995 budget of \$31,697,229--an increase of more than \$8.5 million over the previous year. The HSUS Chief Executive Officer made \$250,094 in 1995, while the HSUS president had to make do with only \$219,406.

Overall, the anti-hunting, animal rights, and environmental groups contributed over \$4.5 million to the 1996 anti-hunting campaigns.

Some organizations that claim they are not anti-hunting donated heavily, such as Defenders of Wildlife and some Audubon Society Chapters. Groups like Audubon, Sierra Club, Wilderness Society, National Parks & Conservation Assoc., etc. usually use more subtle means to oppose hunting, trapping and management while encouraging aspiring activists like the Alaska Wildlife Alliance (funded by the Alaska Conservation Foundation) to make the public waves.

WLFA's review of big spenders on Alaska's Ballot Measure 3 showed the following standouts: Joel Bennett (Audio Visual Production) @ \$1000 cash and \$11,300 in kind; Defenders of Wildlife @ \$26,890 cash and Friends of Animals @ \$6500 cash.

Alaskans can expect to see more initiatives to restrict or prohibit hunting, trapping and management.

ALASKA OUTDOOR COUNCIL NEWS

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4/97

RS2477 Rights-of-ways: headed the right way

The Outdoor Council effort to keep the RS2477 issue alive is finally attracting some attention. The Council's basic concern was loss of public access on huge areas of federal lands through neglect and government inaction.

On March 25 Attorney General Botelho filed a lawsuit to establish the legitimacy of the Harrison Creek - Portage Creek right-of-way in the Central mining district north of Fairbanks. This fulfilled a pledge to the Legislature made at a February hearing.

At the same hearing, Commissioner Shively allowed as how DNR could follow up the Outdoor Council's efforts by asserting the remaining 340 well documented RS2477's if the Legislature provided some funding.

Soon after, the Fairbanks Chamber of Commerce passed a resolution urging the state to get on with the RS2477 work, and indicating willingness to help fund the Outdoor Council's efforts on assertions.

Most recently the Council received a letter from Tom Allen, BLM Alaska Director, indicating that all of the Council's assertions would be recorded and passed on to other federal agencies as necessary. Mr. Allen also expressed willingness to address questions on further

administrative actions by the federal government, and to work with all parties to address access needs.

Finally, the Legislature has passed a resolution, SJR 13, objecting to the arbitrary policy put out by Secretary Babbitt, and is looking at other ways to legitimize RS2477's. There is hope.

In 1996, Outdoor council volunteers compiled existing state data on 240 rights-of-ways. They went across the street and filed assertions with the Bureau of Land Management. BLM agreed to record the assertions, but because of a federal impasse could not take further administrative action. Aside from a few roads on RS2477 rights-of-ways established years ago by the State, this was the first time numerous trails had been formally identified as RS2477 rights-of-ways.

Department of Natural Resources staff has prepared an outline of work and costs for asserting another 340 trails and recording them.

Please contact the Governor and say thanks for the lawsuit. Contact your legislators urging them to keep pushing for RS2477's.

4/21/97

Julia Kitka — President

Called

4:00
M
4/21/97

AFN

274-3611
Elisa

to Discuss Subsistence

She said she'd come to Juneau. We need to talk with Native Legislators

also call

Will Mayo Juneau Chief 452-8251

Morris Thompson Deputy 452-4755

Read Julia's report
\$150,000
\$ in budget for compliance
60,000 Non-Natives +
40,000 Natives
All subsistence users!!

We should focus on what we have in common:

- (1) Protect Habitat & G
- (2) Build up allot of F&G to help first rate.
- (3) Have one committee focus on this - need to agree to solution.

We can find a solution, but there is a strong # of ppl who just want the feds to take over. They are doing this with the States' history for 70 years.

FISCAL NOTE

STATE OF ALASKA
97 LEGISLATIVE SESSION

No. 1
Bill Version: HJR 21
(H) Publish Date: 4/1/97

Dept. Affected _____
BRU: _____
Components: _____
Serial # _____

Title: Relating to amendment of Title VIII
of the Alaska National Interest
Sponsor: Conservation Act/ REP. MASEK
Requestor: House Resources Committee

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	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)
see attached analysis

Prepared by: House Resources Committee
Co-Chair Scott Organ
Scott Organ

Date: 3/13/97
Phone: 465-3715
Phone: