

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

70 SCOMM 7: INTERIM COMM. ON SUBSISTENCE 1977

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#7:1



Alaska State Legislature

House

August 10, 1977

JUNEAU ALASKA

Interim Committee on Subsistence
Nels A. Anderson, Jr., Chairman
P.O. Box 234, Dillingham, Alaska 99576
Telephone: 842-5970

STATEMENT TO

House Interior and Insular Affairs Committee
Subcommittee on General Oversight and Alaska Lands

Representative Sieberling and Subcommittee members:

There are several categories of land that needs to be mentioned today. First, and very important are the national interest lands - the D-2 Lands. These lands are being looked at by individuals, organizations, state and federal agencies, native groups, conservationists, industrialists nationwide today. The State Interim Committee on Subsistence is looking at these lands in regards to how subsistence activities will be impacted by the management of these lands, how the use of these lands, water and natural resources will be regulated. Proposals provide for continuation of subsistence activities, yet there is always a possibility that curtailment of these subsistence activities could take place, unless subsistence is guaranteed by law.

In your travels throughout this State, you have seen many acres of land and water. Who does it all belong to? Under the Statehood Act of 1959, the State is entitled to approximately 103 million acres of land. Of the 71 million acres applied for under the general grant, the State has tentative approval for about 15 million acres, about 20 million acres has been patented: under community grants - 83,000 + acres have been applied for, 12,000 acres have been tentatively approved and patent gained on 10,216 acres; under national forests land, the State has applied for 37,200, received tentative approval for 15,000 and patent to 3,800 + acres.

Most of these lands applied for, tentatively approved and/or patented have been lands in areas of little conflict or dispute. The State must now wait until the village and regional corporations and the national interest lands are designated to receive remainder of its entitlement.

Native lands are of great significance in the land picture. Under Section 14(a) of ANCSA of 1971, it states "Immediately after selection by village corporations listed in Section 11 which the Secretary finds is qualified for land benefits under this Act, the Secretary shall issue to the village corporation a patent to the surface estate...." To date only about 4½ million acres have been conveyed to Native Corporations. This is merely a tenth of the land entitlement due Alaska Natives under ANCSA. Much of the land was selected by villages on the basis of their subsistence use, though these villages are organized as profit making corporations. Many, many problems have occurred that have caused delays in conveyance of title to Native corporations. What can be done to speed up the granting of title? Other Native Lands to consider are the Alaska Native Allotments. Under the 1906 Allotment Act, there have been 327 of 7,834 allotment applications granted title. Of these, 1,271 have been granted administrative approval, but titles still cannot be issued until a survey is done by the BLM, which could take months or years yet. These lands, too, were claimed on the basis of subsistence use and occupancy for hunting, fishing, berrypicking, camping, etc.. This Act was repealed by the passage of ANCSA in 1971. The facts show, too, that there has been little acreage conveyed under this treaty.

We in Alaska are very concerned about these delays of land transfer to those large, potential land owners. It is of utmost importance that these lands be transferred so that orderly land and water planning and management can happen. When land transfer occurs, cooperative efforts and acceptable land and water management concepts then

can be implemented. We, in Alaska are dually concerned as citizens of the State, and of the United States because these lands are in our front and back yards.

These national interest lands will surround us completely. We need to be clear on what use will be allowed, we need to know who will manage these lands and waters so that we can look at our needs practically and finally.

The Interim Committee on Subsistence was established by the State Legislature to seek a concensus on subsistence by collecting available data and information, to hold hearings, to quantify the amounts of food taken from the land, to determine the impact of the impact of D-2 land selection proposals on subsistence activities, and to review State law regarding subsistence activities.

Subsistence is a way of life for many Alaskans. It is food on the table and clothes on their backs. In a survey of three villages in Northwest Alaska, Kotzebue, Kivalina, and Noatak, some of the resources harvested in numbers or pounds, might be of interest to you. There were 6,727 caribou, 2,144 pounds of whale eaten, 54,444 salmon, 138,300 sheefish, and 179,150 trout harvested. There were 3,000 eggs harvested, and 20,211 pounds of berries picked. Other resources used consist of wild roots, wild ducks, geese and sea mammals.

In the Arctic Slope Region, the five villages of Barrow, Anaktuvak Pass, Kaktovik, Point Hope and Wainwright, a survey by F/SLUPC shows that approximately 2,800 people used 2,539,660 pounds of mammals, 123,840 pounds of fish and 30,940 pounds of fowl.

In a survey done by William Nicholson of the Bristol Bay Native Association in 1975, of the village of Aleknagik, 15 Alaska Native households were surveyed. This survey showed that 14 households felt that their dependency was 75% or over. One household felt that it's dependency was over 50%. Those users preferred the foods they've gathered over the store bought food because it tastes better, they were raised on

that food and it is what they can afford. The average median income per household surveyed at Aleknagik was \$3,000 per year. These people don't consider themselves poor as long as they are able to hunt, trap and fish. If this subsistence activity were lost to the people who are dependent upon it, where would they go for their food? There would be a marked increase on welfare and food stamps. There are a variety of types of fish and game resources obtained from the land and water in the different regions of the State. In Wainwright, coal from nearby is used for heating while others use wood gathered from the land. People go far and near over the land to perform subsistence activities. I don't believe that these users really thought much of delineating boundaries.

It is difficult to define subsistence, literally. Webster says "subsistence is the condition of remaining in existence, a means of subsisting is a source or means of obtaining the necessities of life - livelihood." For subsistence users it's a time or seasons - you've learned from your ancestors when and how to hunt the ducks and geese, the caribou, when to catch the fish, when the berries, the eggs, roots and greens are ready for harvest - it's done. There is a distinct feeling that is almost indescribable when you speak to subsistence users on what it means. It's an activity they've performed because they have to, it's part of their daily lives.

In the Aleknagik Survey an attempt is made to transpose the value of subsistence foods to those prices on the supermarket shelf. This is a very difficult task to perform. Who's value system will be used? A subsistence user might feel that the pound of moose he hunted is worth more than a pound of beef.

Another aspect that bears significant thought in the subsistence issue is the legal aspect. Can the subsistence activity be guaranteed to special groups of people? If the State cannot provide for protecting subsistence, can and will the Federal Government? What will the law say? How will the law determine who is and who isn't

a subsistence user.

It has been brought to the State's attention by the formation of the Interim Committee on Subsistence that subsistence is an issue. There are some very real concerns on how land belonging to the State and Federal Government can be used. Subsistence users feel the need to impress upon government officials the necessity of allowing the continuance of subsistence activities on public lands.

We are glad that you have taken the time to come to some of the villages and towns in Alaska and hope that you will give subsistence a high priority in your recommendation to the Secretary of the Interior. Thank you for coming.

INTERIM COMMITTEE ON SUBSISTENCE 1977-1978

<u>Tape No.</u>	<u>Date</u>	<u>DESCRIPTION</u>
	<u>1977</u>	
		PUBLIC HEARINGS: ¹
	9/16	Kotzebue, Nome
	9/17	Nome
1	10/3	Glenallen
2-4	10/4	Fairbanks
5-6	10/5	Nenana
7-8	10/17	Kodiak
9-11	10/27	Nome
12*	10/27	Nome
13-14	11/10	Anchorage
15-16	11/12	Anchorage, AFN Convention
17-18	11/21	Galena
19	12/9	Juneau
20-21	12/12	Barrow
22-23	n.d.	Togiak
24-31	n.d.	Tapes on federal hearings on subsistence whaling
		ALASKA PUBLIC FORUM ²
----	10/3	Dillingham
----	11/19	Copper Center
----	11/5	Fairbanks
----	11/17	Galena
	<u>1978</u>	
32-35 ³	4/14-17	Teleconference
36 ³	4/17	Committee workshop
37-38 ³	3/23	? meeting
39 ³	4/10	? meeting
40 ³	4/19	"Definition of subsistence"
41-47	4/13-4/20	Selected testimonies
48-50	5/2	House Resources meeting
51	n.d.	Hearings on HB 718 in House Resources
52	n.d.	?
53	2/25-26	Senator Stevens on subsistence at AVCP Native Village Caucus
54	5/1	SCS meeting

¹ Transcripts available for all, except Togiak, with committee files

² Excerpts in Subsistence Committee Files, no tapes available

³ Reel-to-reel tapes -- rest are audio cassettes



Alaska State Legislature

House

August 9, 1977

JUNEAU ALASKA

Interim Committee on Subsistence
Nels A. Anderson, Jr., Chairman
P.O. Box 234, Dillingham, Alaska 99576
Telephone: 842-5970

MEMORANDUM:

TO: Committee Members

FROM: Dorothy M. Larson *Dorothy M. Larson*

SUBJECT: Staff Report

I have been working full time since July 25th. This time has been spent organizing the office, preparing for this meeting and making contacts with resource people.

Adelheid Herrmann began working for the Committee as Secretary on August 8, 1977.

As you've seen in our budget that we are limited in the numbers of hearings we can hold, however if we can coordinate with times and schedules of other committees we may be able to get more for our dollar, for instance, the Permanent Fund Committee will be holding a meeting in Kotzebue on September 12, 1977. Representative Leo Schaeffer, Steve Cowper and Senator Pat Rodey all serve on this Committee. Mr. Schaeffer will arrange a meeting/hearing in Kotzebue for September 13th. Following that we would like to arrange a hearing in Nome on September 14th, and we will work with Mr. Nakak on that.

Over the Labor Day weekend, we hope to attend a meeting in Kipnuk concerning herring. We will be in contact with Harold Sparck of Nunam Kitlutsisti about this meeting. Mr. Akers might wish to attend this meeting.

If its agreeable with the Committee, hearings will be conducted without a quorum present. The Chairman, Staff Assistant and one or two other members who are available can also be present. This seems to be more practical and feasible.

Byron Mallot, Alaska Federation of Natives, Inc. President, has indicated that he likes the proposal made by the Chairman that the theme for the AFN Convention - 1977 be Subsistence. We have proposed that time be set aside on the first day to conduct a public hearing. We will pay a small amount to help defray the cost of the Convention. Mr. Mallot suggests that we work closely with the Alaska Public Forum on this plan. Jane Angvik, who is with the Alaska Public Forum, planned to attend today's meeting but was unable to at the last minute. The Alaska Public Forum has made Subsistence one of their issues. We will be meeting with her office on August 22, 1977. She would like to know if there are any particular areas that this Committee would like them to address. We plan to coordinate as much as possible with this group and others in our data collection and information sharing.

I'm looking forward to working for this Committee these next few months. If you have any questions, please let me know.



Alaska State Legislature

House

JUNEAU ALASKA

INTERIM COMMITTEE ON SUBSISTENCE
P. O. Box 234
Dillingham, Alaska 99576

BUDGET*

I. SALARIES

Staff Assistant
Secretary

\$10,000.
5,000.

Subtotal

\$15,000.

II. TRAVEL & PER DIEM

8 trips x 3 members x \$200
Per Diem: \$50/day x 4 days x 24
Staff & Chairman Travel (1 trip - D.C. Included)
Per Diem
Dillingham Meeting Travel
Per Diem

4,800.00
4,800.00
5,000.00
3,500.00
1,350.00
1,000.00

Subtotal

\$20,450.

III. CONTRACTUAL SERVICES

Interpreter -40 hours at \$10/hr.
AFN/Public Hearing Costs
Video Tape of Hearings (estimate)
Printing Costs (estimate)

400.00
500.00
500.00
300.00

Subtotal

\$ 1,700.

IV. OTHER

Telephone, Toll, Telegram \$170/mo x 5
Office Equipment Rental \$45/mo x 5
Copy Service \$150/mo x 5
Postage \$150/mo x 5
Office Supplies
Newspaper Subscriptions
Miscellaneous

850.00
225.00
750.00
750.00
500.00
50.00
125.00

Subtotal

\$ 3,250.

TOTAL

\$40,400.00

*Revised budget covering the time between July 8 and December 31, 1977.

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Juneau, Alaska 99811

(The entire first portion of this is recorded at such a low volume level that none of it is distinguishable. Occasional words indicate that this is an introduction to the subjects to be dealt with.)

Female: For the purposes of the tape, this is the subsistence workshop in Galena, and we would ask--uh--I think I'll just go around the room, and ask each table to come up and just stand here and talk to the crowd and the tape should cover. Would this table like to start?

Male: Okay, on the first question on which system we think would give the most opportunity for subsistence, we feel that regional boards with regulatory powers. But we feel they should be possibly twelve boards, based on the regional corporation lines for the simple reason that most of the regional corporation areas cover a particular lifestyle. And this area you get really three different lifestyles involved. And, of course, we feel that subsistence you should have priority over non-consumptive uses.

And on 2, on the second question, it's No. 2 in the workbook, on (a), some of the statements we got to the question, "What do you mean when you use the term 'subsistence'?" And there's one that said, "being able to go out and shoot anything I want when I want to." And fishing and hunting whenever they need it-- I mean the people that do subsist in the area. Or another is a person who lives partly or entirely by hunting and fishing.

And on the question (b), which---"the State policy recognizes subsistence use of fish and wildlife as priority over commercial use--commercial and recreation use," and it asks: "Do you agree with that or not?" And, uh, I missed getting one. There were six of us at the table, and we had five "yes"--that we think that subsistence use should have priority.

Male: We brought four points up in our discussion. The first one is-- and these are points of consensus--we talked them around and said, "Yeah, we more or less agree on this thing." The first is that we're skeptical about new government entities. And a lot of times, as one of them pointed out, things are going so well so we say, "Let's get a new agency," and, sure enough, things go worse. So we'd be very hesitant to endorse this more and more bureaucracy.

The second thing is that we feel that regionalization would be useful if it had final say in the state. That is, if each region had the final say as to how things were going to be used in its region and that could not be vetoed by a higher board.

The third one--and this coincides with what the first table said--

YUKON RIVER
VANDER BENT
18100 218 2 Y 1009
11862 218 21A, 1009

Male:
(continued)

a few of the regions should be more adequately defined in terms of land and people. And that might mean twelve regions, it might mean fifty regions, or a hundred regions. And objections were raised that the more regions you get the more expensive it gets, but it might be just the reverse. Because it would be very, very expensive here if you wanted somebody from Fairbanks to make decisions about how game was being used down here, you'd have to fly them down because he'd never been there before and, you know, living there for a few months so he'd get used to it. This looks to us like a very, very expensive project, and if there were a lot of smaller regions, it might mean a lot less transportation, a lot less paperwork, and a lot more direct viewing(?) for the problem.

The fourth point--I'm not quite sure if I can get this across but I'll try--we kind of reached an agreement that chasing a definition of subsistence is a red herring. It's not the point in this way. Subsistence tends to mean what we call sometimes the old way, when people were taking everything off the land, when there were no steel needles, there were no rifles. There wasn't any store-bought thread. It was all bone and wood and bark and skin. But nobody lives like that anymore. And, so, to put things in terms of subsistence versus non-subsistence, in a way is to confuse the issue. And for us the issue is just hunting, fishing, trapping, mining, water power--the use of the resources as they are by the people who are concerned with them. And the question is, what's the best use? Not, should it be subsistence, commercial or recreational, and not who should use it. The first question is what is the best use.

Okay, then for 2(b) and (c), our feeling was that these questions were simply misworded, because they're still pretending that we can solve something by throwing this word subsistence around. And since we concluded that you can't, the question couldn't get any answer from us.

Male:

Okay, when we talked about whether or not there should be regional advisory councils or regional policy councils, the following comments were made: One was that it might be hard to get cooperation throughout the region and that the regional boundaries might be wrong since it's on the Yukon River. Upriver people might want to regulate it in such a way that downriver people wouldn't take so much fish, and downriver people would want to take more fish. And so it might be hard to get agreement on a region of that size.

Another comment was that one problem with the present system is that these local advisory things don't have money for travel or

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Male: training on how to make the policies; that possibly the
(continued) problem could be solved by just making local things effective
by providing that money and training.

The third comment was that it might be possible if we did have regional councils, they would have more power than local ones. And there was some concern that if they took a region like this and elected the people to get on there, then Fairbanks might pull all the votes and put all their people on there. And so, if they do it that way, they should have either appointed by the Governor, or some way to district it out so that not all the people would get elected from the biggest city in each region.

And then we addressed the question of would this--which management system would be the most--offer the most opportunities for subsistence users. And one comment was that it wouldn't make any difference. It's just one more level of bureaucracy. And the other comment was that we really didn't have enough information to decide because the way--how loosely we talked--what information we had wasn't enough to tell whether it would be any better.

And then on the question of how we define subsistence, there were five or six at our table, but there was only two left by the time we got to that. Some went home. So we only had two definitions. One definition of subsistence is use of fish and game resources for food and clothing, and the other definition of subsistence is the taking of game by persons who do not have any other visible means of support.

And on the question do we agree with the State's subsistence priority, two votes "yes."

Female: Do you have a comment in the back? Gary, do you want to come up? Would you mind coming up here that we could get it on the tape recorder? It might be good.

Male: (mostly indistinguishable--too low) On this subsistence. . . . hunting and fishing. . . . when I go out on my snowmachine. . .

Female: Are you on the local advisory council?

Male: Yes.

Female: Have you met lately?

Male: No.

Female: But you're thinking about meeting now? Maybe talking about this kind of a thing? Does it have any comments on this. . . (indistinguishable). . .

Male: Our advisory committee can sit down now.

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Male:

To the question of which management constitutes the best, the subsistence is unanimous that regional, in that it would be closer to the people in the area and the availability of game and fish in the area.

It was also kicked around that any action taken by the State would have to be an improvement over what they got now.

Uh, the region as it's marked, it was felt that it would probably be better than breaking it up in that the fish of the Yukon River would all stay in the district until they went into Canada. And if you broke up the river into different sections, then each section would be controlling the fish as they would come into the section, and that's the cause of one of the problems that the State has now.

And to the council--to the advisory council--we have two opinions that were to be bigger than seven members in that to allow a vacancy for each village that would be affected by, say, the fish run up the river, so that each village would have some input--some say--to the situation as it was affecting the village itself. The other was that if it was going to be a seven member council, then the region itself should be divided into seven segments and one member elected from each segment. That would prevent all of the members, say, from coming out of Fairbanks, and again having them make a decision on something that's going to happen down here and they have no idea what's going on down here.

To the first question on what do you mean when you use the word "subsistence," we had two definitions. One, to hunt and fish to supplement store-bought items. The other would be to people who live in the area in the bush country relying on food--the fish and the game--for the major part of their food items. That's all we had.

Female:

(indistinguishable--improperly recorded--apparently at one point someone tried to move the mike closer to the speaker. The speaker is a native woman if this will help someone to recall.)
. . . . Subsistence mean for those who need fish and game for survival only, and not themselves. And then we have we should have more control over management of livestock. . . .

Male:

In answer to the first question it was decided amongst us that the regional board concept should. . . (indistinguishable). Even realizing the expense of the regional concept, we feel that greater public input would be realized in this concept, and regulation would be better suited to the area served in dealing with local problems. And the region, we felt, should have

Male:
(continued)

regulatory powers. And a portion of the group felt that the region should be broken into smaller parcels, part of the group did. And we felt that regulation differences throughout the larger regional area could be settled within the region without outside help from people who did not live. . . And subsistence should have priority and quotas set by the regional board.

The best definition we could come up with for subsistence was that it was not final. Mayor Vinson said that he felt that no subsistence between fishing was starvation. And the answer to the seven of sitting there was "yes" to subsistence.

Female:

I'd like to ask if anybody would like to come up and make a statement of any kind about subsistence that they didn't get to make at your small table. And we'll record that and then we'll move on to the other discussions. Is there anybody who would like to make any kind of comment about subsistence?

Male:

Yeah, I want to make a comment. I've heard a lot about subsistence and talked a lot about subsistence. And one thing you want to be sure, you know, that the Indians didn't invent the word "subsistence." The word was invented by somebody other than a native, and now he hates the word because you made it. And he hates the meaning of the word. Now, all of a sudden, he's highly educated and he's been through college, but he doesn't know the meaning of "subsistence." He doesn't know what it means. This way--go back in history--as far as you want to go back. First of all, the black people from Africa. When they wanted to use them for trade, they did. Used them like dogs. Now that's turning back, that wheel is turning over. Getting more blacks than whites. They're getting to be less Indians. But why should we kill a culture, why should we kill a lifestyle of the native people for the lifestyle of another person? There is a meaning for subsistence. There is a way to define it, but the courts of the land will not let you define it because they want it to be done in the one cultural way. They want everybody to fall in the groove and let the native die. Let his culture die; they care less. All we asking for all the time for is the continuing use of our culture--as long as we can continue to see our people have a culture and utilize that culture. And it's there to be utilized; it's here; it will be here; it has been here. But I'm afraid by a lot of education, a lot of skullduggery with the Federal government, we're gonna lose.

Male:

I got one thing I want to repeat. I heard it at the AFN convention when they were talking about subsistence. And some of the native people were saying it, and I feel it's true. That subsistence is not just a matter of taking food out of the streams or off the land. To the native it's a matter of religion, of culture. It's actually a spiritual thing to them in a lot of instances. And this is something that, of course, you can put no valuation on. It exceeds the dollar value they take out in furs, or what have you. But to some of them, not necessarily

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Male: to all, it is a spiritual type of experience and it is a
(continued) necessity for them, regardless of what they make in a cash
economy. And it's something that has to be considered, and
yet I know of no way to figure it. But it's something that
I feel was--that I heard that I felt was so true.

Male: You're right. There's a story with every move that's made.
With every killing of every animal, the skinning of every
animal, with the taking of birch bark, or willow bark, or
anything from the land, there's a story goes with every bit
of it and that part of the life. I wrote a little article
when I was in Juneau--32 things that are utilized every day
in the life of a subsistence user. There's 32 things that's
used every day, work of art, different things that's used.
So it's not only fish and game, it's not only moose and the
fish. There are other things to it.

Male: I think that no matter how much money a person had, if he's
used to a certain lifestyle--like if a man makes a thousand
dollars and he can't go out to hunt and fish whenever he needs
to or wants to, he can't go down to the supermarket and buy
that. I think if a person lives in a certain area and lives
in a certain style, they should be left alone to do as they
see. Because they're going to take care of themselves, and
it's been that way for years and years. More rules and regu-
lations just makes things unnatural.

Female: Well, thanks for talking about that. We would like now to
ask you if you have any questions about State government or
policies or some of the other issues in the tabloid that you
would like to talk about. Or if you would like to talk about
local things, if you would like to make comments about what's
going on in Galena that we can record and talk about and get
to the people that might affect some of the conditions in Galena.
I'm just going to turn this meeting over to you all and ask
that you ask us what you would like to know. We can talk a little
bit about the permanent fund money, if you're interested in hearing
about that. I don't have a formal presentation, but I can answer
some questions on it. If you would just like kinda to talk about
it.

Male: What has become of Governor Hammond's proposal for Alaska, Inc.
in relation to the permanent fund?

Female: Governor Hammond's proposal is still a proposal, uh, for the
earnings off of the permanent fund. A lot of people are confused
about what the money is from the permanent fund. The bulk of
the money is to be invested and to make more money off of that.
And the money that is made off of that investment, the interest
or the earnings, could be divided into something like the
Alaska, Inc. concept. Uh, it's still a proposal. It hasn't gone
very far. I don't know whether it's in bill form or not.

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GALENA WORKSHOP
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Male: I thought it was actually a portion of the permanent fund would go into Alaska, Inc.

Female: No. It is uh--

Male: --just interest money.

Female: It's just, it would just be, I mean, not small because you're talking about several hundred thousand dollars growing all the time--but essentially what you're talking about would be something like the \$6,000 here. This is just one example that could be divided among all the people in the state--sort of dividend concept like that, where everyone would become a stockholder in Alaska, and, you know, be earning dividends off of that--you know, it's cut into a payback plan for the earnings.

Male: Well, I thought that in the original concept of the presentation was the money was to be invested in somewhat like it was put forth in here, you know--small business loans, or bond, or however. And that through the profit-making corporation structure, but that's not the case.

Female: No, that is the case. Let me back up. One thing about the permanent fund that you have to remember is that the money that's in it allocated by the statute must make more money. Okay? It can't be given away or anything like that--it's got to be income producing. First of all, the law right now reads that a minimum of 25% of certain oil and gas monies--in other words, not taxes on the land that the pipeline is on but the wellhead tax and things like that are going into the permanent fund. The majority of this money must be invested; it can't be spent. And by investment--it must produce an income; it must make more money. The income goes into the general fund and can be spent. Now, some of that money could be divided out into things like Alaska, Inc. It could go out to community development loans; it could go out to economic development by communities. Back to the public forum, people said they wanted economic development in renewable resources industries, which means things like agriculture, fisheries, timber, things like that. And they wanted that money that was hearned to go into enhancing that. There are several revolving loan funds in the state which could be increased if there was more money available to be loaned out to communities--things like that. Right now it's looking to us as though most of the money will----(end of tape).

FAIRBANKS/SUBSISTENCE/GOVERNOR HAMMOND
November 5, 1977

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Juneau, Alaska 99811

Governor

...However, compounding the problems of providing that type of local input is a fact of course that the constitution speculates that those resources belong to all the citizens of the state and if we're to provide some sort of a lay-gut prerogative to the locals to constrain participation and utilization of those resources by people who live elsewhere, we fly into direct conflict with that constitutional mandate. However, I have concluded after looking at the alternatives and discussing this matter with numbers of people throughout the state, that it is high time we took a more direct look at providing greater and more significant regional input. I was the instigator, if that's the appropriate word, of the advisory board concept some years ago, which was an effort to provide at the local level, some significant input and while that has provided some, the lack of formal structure, the lack of funding, and the perception of many at the local level that the advisory boards have been ineffective, quite frankly, necessitates that we address this problem, look at something more formalized and more capable of directly providing that meaningful input. Now the old regional board concept that was mentioned that I had initially proposed works something like this. It would have said section the state off into say twelve districts in which there would be up to six advisory boards. Those advisory boards would be formed at the local level, by the local people, not appointed by the Governor. They would in turn elect one of their people to serve on a so-called regional board. They in turn, would elect one of the regional board membership to serve on a master board. The local regional board would promulgate the regulations and they would then be conveyed to the master board which would be compelled to approve them unless they did one of two things: if they flew in the face of broad public interest or they abused sound conservation practice. Now one of the things that would have accomplished is permitted the local people to determine what they wish in the way of regulations, to have a representative that they had in fact selected, take their case to the master board and sell it rather than have some political appointee serving as a board member. Another problem is that the constitution obligates that the board be selected by the governor. There is some problems then with that democratic process that I mentioned before. The other problem is there is a great fear and apprehension, particularly from some of the urban areas that if the local regional boards were provided with that significantly upgraded authority to promulgate regulations, that somehow they

Governor
cont.

might do violence to the interest of the urban sportsman and I felt frankly that that broad catch-all when we said that the master board review the regulations proposed by the area and veto them on the basis of broad public interest was a sufficient safeguard, but there was apprehension, particularly from the urban areas that defeated this bill, that you mentioned Governor Egan ultimately vetoed. And incidentally, that bill simply had, on a trial basis, selected one area of the state in which to try this on for size. But that's all water over the dam. In dusting off the regional board concept, I tried to key into the blueprint which is evolving, the input that I have heard from various interest groups and individuals throughout the state during the interim period and I want to make it clear that the proposal that you may see floated out is not structured in concrete. We have to come up with something for people either on one hand to look at as a target for today and start carving upon and adjusting rather than just talk in nebulous, esoteric terms as to what we're attempting to accomplish. But I instructed my departments and agencies to take the regional board concept and instead of working excessively to tell us why it couldn't work to provide me with a means and method as to how it could be made to work and that's what they're in the process of doing and have been for some time. The next step in that process is to take this proposal, float it out through public forums, various interest groups, respective native corporations in the case of those areas that are under native corporate -in large measure fall within the perview of native corporate entities and to solícite input to make the adjustments necessary. The proposal that has currently been worked on, and again I want to make it clear that it is not yet the Governor's proposal. It's simply a blueprint leading hopefully to a proposal that will either be submitted in the form of legislation or to the degree possible, implemented through regulations. And incidentally, the proposal that I'm going to discuss here this morning could in large measure be implemented through regulation. What it suggests doing is establishing something, I think six regional areas and these, you'll see depicted on the map, in those areas, there would then be a continuation of the advisory boards in the manner in which they are now structured, new boards could be created. Then a selection, probably the chairman of perhaps seven of those advisory boards, because we don't want to have a top-heavy regional board, perhaps seven or that's not a fixed figure, maybe every chairman of every advisory board ought to serve on the regional board. Those people would then get together and within the region themselves, come forth with a consensus opinion as how to treat some of the conflicts

Governor
cont.

that we're now confronted with. We have problems, for example, in the allocation of the fisheries. But to get into the Yukon River, you'll have advisory boards in the upper end and the lower end and in the middle that may make a different-allocation as to how those fish should be distributed. I think appropriately those concerned should be worked out to the maximum extent possible within that region. Hopefully, they then would convey to the existing board structure if we do not change that, their proposed regulations, the methods and means, seasons and bag limits and that type of consideration for proposed regulation. The master, if you will, or the existing, current Board of Fish and Board of Game would then receive all those proposed regulations with the recommendations from the regional board. And, I think there would be an expressed mandate and appropriately should be an expressed mandate to those boards then to view those proposals and those recommendations and act upon them within those two board criteria. Are the proposals emanating from the regions in the broad public interest and two, do they do violence to sound conservation practice or be in accordance with. But in addressing the subsistence issue, one of the things that we're looking at is a proposal, and I think is mandated, is that the regional board, this collection of advisory board representation, come forth with a subsistence plan because we recognize that the subsistence needs and obligations in different areas and districts are quite different. We think it appropriate for those boards to determine then, the parameters of their region what that plan should be and to actually, formally structure such a plan with priorities and appropriate means of addressing subsistence needs. Now all this, obviously, is going to take additional funding. You can't have anything that suggests the formalization of the advisory board system which exists now, bringing them together into a regional board concept without providing at least some funding for transportation, operational expenses, per diem and so forth. That funding could be very significant and very substantial. Again, I'm not suggesting this is easily accomplished; I'm not suggesting that we have the funds available to fully implement this at this stage and time. I'll give you very briefly, a thumb-nail sketch of the prognosis of the state finances at the moment, simply this, we're looking at the revenue short-fall of roughly one hundred fifty to two hundred million over what we'd anticipated here six months ago. We're currently obligated to borrow two hundred million on future revenues. We are, what I term, dangerously dependent upon one resource, that being oil to fund 60% of our cost of government right now.

Governor
cont.

And to significantly expand any government programs is going to be a rather difficult in the immediate future. Now I'm not preaching gloom, in the long term we'll be able to implement something of this nature quite well, but I think we should look to structuring something that has accord of most of the people that significantly and adequately addresses the problem of subsistence needs and provides a meaningful and viable alternative to what we're looking at proposed in some of the congressional legislation, which, should we not adequately address the subsistence needs, adequately provide for local, meaningful public input, we're going to find imposed upon us by congress, I fear. So the specifics and the particulars, again, I'd like to point out, are not structured in concrete. They're subject to change. I'm always increasingly reluctant and gun-shy of floating anything out on an exploratory basis because when you explore something, too often it translates in the public minds as an endorsement. You know what this idiot is attempting to impose upon you. So, I want to make it clear that I'm soliciting input, that we're flexible in that regard. Maybe there should be more regions, maybe there should be different methods of selecting the members of that regional board, maybe the regional board should have more authority, and mind you the only way that greater authority could be provided would be through legislative mandate. I can, through administrative fiat, through regulatory devices, do essentially all this right now. The only thing required then is the funding necessary to implement it. But we could consolidate and formalize the regional board concept among the advisory board, structure the regions themselves, convey to the existing Fish and Game Boards our desires that they promulgate regulations in accordance with the regional board input so long as they meet those criteria I mentioned earlier. And maybe that's a significant and appropriate first step before we perhaps, take a look at structuring it into legislation. I know that many of the regions want greater authority when it comes to promulgating regulations. The concern and the difficulty of providing that additional authority, I think to any who have been engaged in the legislative process, are apparent. Let's face it, under a current apportionment Anchorage virtually owns the legislature, both the house and senate. With an additional 40,000 people they'll have both of them. Anchorage is not going to permit their constituency to be screened out casually from engaging in hunting/sport fishing activity in areas of the state that they normally have recourse to unless there's a good, sound and solid reason for so doing. I ask in turn that the regions address the issues of subsistence, certainly we have structured into state policy. That obligation that where there are conflicts

Governor
cont.

in allocation of resources, that subsistence be paramount. I think under that broad policy statement, the regional boards have every right and justification to assure, under their subsistence management plans that regulations conform to that. And I'm sure that the master boards or the Board of Fish and Game would recognize that and implement those regulations that met that criteria. Now I don't need to tell you in greater detail the mechanics and concepts embodied in this than you perhaps want to hear, I'd be pleased to respond to any questions you might have but we have not publicized or made too much public noise on this because now we're at the stage of having something to draw in public input, consult with the various regional corporations, interest groups, Public Forums, and what have you as to what you think a better means of perhaps adjusting some of these particulars might be. So, with that I'll open up to any specifics you might have in the way of questions on that concept.

Yes.

male

What would be the trade-offs of the state spending money for that type of authority as opposed to maybe on other government functions such as welfare communities or something like that? It seems to me there would be some trade-offs, not just to spend so many million on thisunintelligible...

Governor

Well, it would be pretty difficult to determine what those needs might be that could be reduced initially. There may be some spin-outs of that nature and I would hope there would be, but let me say that I suspect they would not occur. I don't think you'd suddenly say or find the legislature saying "alright now that this particular region of the state has greater capability of utilizing perhaps subsistence resource and assured perpetuation of that resource is suddenly that we can reduce this or that program". I don't think that there are such trade-offs, politically.

male

Is there any ball-park figure for the relationship between competition or Fish and Game between subsistence demands and sports demands?

Governor

What did you say? Is there any...

male

I'm wondering what the relationship is between sports demands and subsistence demands.

Governor

Well, I think they vary with the regions of the state. I think they vary with the abundance of the resource within those regions. Again, I think that's a determination better met by the local people who live within that region than, I think then it should be evaluated

Governor
cont.

on the broad public interest basis with those criteria I mentioned you cannot, for example, let's say that we in Bristol Bay wanted to keep out all of the Anchorage sportsmen. We might structure something that said look, we're not going to have any bull-moose season, get all those who come from elsewhere and maybe there might be a circumstance that would require that in the future. I'm not saying that condition prevails now but if there were abundance of moose there and adequate number of bulls, and this did violence to the public interest, as perceived by those master boards, then that regulation would probably be vetoed. On the other hand, if there were inadequate supplies of moose down there to provide for the needs of the people, the locals, or those who are willing to engage with the same methods and means and seasons and bag limits as the locals, then perhaps you should be confined to a non-sport.

male

Now that there is tremendous competition on the resources available by sport...

Governor

In some areas there are, yes.

Yes. (acknowledging a question)

male

Is there any way in which the proposed regional board concept would influence the interaction between the state and the federal government in...

Governor

Yes, indeed there is. This is one of the things that, quite frankly, necessitated my view of us taking off the shelf, this proposal. I had a chance to meet with the Secretary of Interior and of course both Congressmen Udall and Siberly and then those dealing with the D2 legislation, Senator Jackson and frankly unless the state comes up with something that significantly addresses the whole question of subsistence, quite frankly, the regional corporations and native groups are going to be a prime determinant of whether or not that issue is adequately addressed in state effort. I think you're going to find something structured into federal law that could splinter your management system as partially federal and partially state management. You could have some peculiar situations that permit, for example, subsistence activities on lands that normally, such activities are not permitted. Now I've floated out this as a rather, I think, significant problem and one of concern if I were a native subsistence user who was accommodated under federal law for the time being to permit subsistence activities on park land. I suspect the first time you have a group of school teachers from Michigan touring that park land and they stumble across forty caribou gut piles, there are going to be pressures to remove that type of activity from the traditional park concept.

Governor
cont.

I, therefore, think it quite preferable not to call it a park. Maybe put constraints on it that permit subsistence and then protect the other natural values and call it something else. Why I'm an advocate of this cooperative management idea because, well nobody can define subsistence. I have said subsistence, the definition of it, is difficult to define as the word pornography. Everybody knows it when you see it, but to put a definition on it is difficult. But we all know that we can't have subsistence without habitat. So the one thing you could structure into a cooperative management system that had federal, state, native corporate lands and what have you embodied in it is that a prioritized prime usage that places habitat i.e. subsistence at the top of the heap. You're going to permit other activities but they're not going to do violence to habitat in those particular cooperative management areas. But if we don't come up with a program, I think you're going to find some other alternatives that are going to be far less acceptable to Alaskans in general. And I think those who have opted, and let me say just one more word, we've heard a lot of areas have speculated, well maybe federal management would be better than state management, and I suggest to you that I think there is a growing awareness, particularly in the north slope areas that---what is suggested to be imposed upon them insofar as the bowhead whale constraints are far more stringent on the federal level than what we at the state level would impose. So there are trade-offs. Excuse me, go ahead.

male

In a way, you answered my question by stating that we haven't come up with a definition of subsistence as such. If we're going to try and determine these regional boundaries for subsistence purposes, who would be, has the state come up with a definition for a subsistence person?

Governor

No. Again, I say that the regional can better determine within their confines what qualifies as subsistence and what would be an appropriate subsistence user. I think that that can be done and should be done regionally. I don't think there is any sort of blanket definition. I think a subsistence user in Barrow may be something entirely different than a subsistence user in Bristol Bay or Anchorage and the question is, do we equate subsistence with monetary, spiritual, cultural considerations. I think those things vary throughout the state. The best definition that I have come up with personally, in subsistence, is that which sustains body and soul. Because it may have nothing to do with monetary or actual physical dependency and yet be just as pertinent for some person to engage in something as it may be for those who are actually physically dependent upon the resource. Yes Bob.

Bob

I think it is important that everyone understand that these regional boards would be responsible for suggesting regulations in commercial and recreational usage areas as well as subsistence, although there's a heavy focus, of course, on subsistence and that's the only thing for which they would be asked to come up with plans, nevertheless, they are going to have to make some of the decisions about all 3 uses and when you get to many of the fish, for example, the same people who on the one hand take certain fish in a subsistence manner are also the same people who take them in a commercial manner and they are going to have to make sure that all of the kinds of use are provided for in the regulations they propose or else in fact they cut off their left hand to keep their right hand more effective.

Governor

One of the problems, again suggest in the approach of this nature, let's take the cow-moose situation. You may have an area in which there are five or six advisory boards and say 3 of them come out favoring the cow-moose season, 2 against or vice versa. Then the board comes in with a proposal and those who are not accommodated are furious with the board and pressuring either through the legislative process or what have you to make adjustments. And quite frankly, if you think we've got problems with Fish and Game management now, you just let us politicians start managing Fish and Game from the legislative floor. Unless we address this better, provision of local input, meaningful perceptual, meaningful local input, you're going to find increasingly these issues brought to the legislative floor and then on the base of who's got political muscle of the moment resolved. Let me suggest to you again with the urban areas acquiring greater and greater representation in both houses of the legislature under existing apportionment plans, I don't think the rural areas are going to be as well accommodated as they would be under an approach of this nature. If we could do it, but I would far rather have that area say alright, we want your five or six boards to sit down together and give us one recommendation to this master board as to whether you favor or disfavor a cow-moose season. And then, if that cow-moose season can be accommodated in the view of the Board of Game on a sound biological basis, fine. If the local people still don't want it, the board and the department should not impose upon them simply because it's biologically tolerable. It should be then imposed only if it's a biological necessity. Any other specific questions?

female

I have one. And I'm quite naive in the issue of subsistence, I'll admit, but it would seem to me that even under reapportionment, which I don't completely understand, that in terms of sport fishing and hunting that the cost of gasoline and that sort of thing, the sports fishermen are going to have to pay to get to the game maybe in another five or ten years is in the long

Governor
cont.

extent you'd go by but that could do a great deal to selectively focus the use to those that live in that area. And, of course, that's what scares the devil out of a lot of people who don't want to be obligated to do that. Okay, well I've talked too much. I would appreciate that, again, that you would bear in mind that this isn't structured in concrete. I'd like you to deal frankly with the method of whether or not you think the six regions is appropriate. Or whether there should be more regions and the method of determining who sits on those boards and whether the boards should have more authority instead of simply proposing, making recommendations and then also, one other consideration in our proposal would have an individual from the regional boards goes to the Fish and Game Board hearings, take their case in hand, present it to that board, then one thing it would do is assure the local people that they had their representative - not somebody the governor had selected or imposed upon them. Their representative would go in and convey to them why their regulations were or were not accepted. The other presence on those boards would be frankly, a non-voting presence of the area Fish and Game and in the case of federal land holders, perhaps somebody from Fish and Wildlife Service and I'm not sure, there's a third. What's the other one? Public Safety. So that those people were able to sit in with the local regional boards and convey to them their concerns and to on the other hand, listen to the concerns of the people locally and try to adjust their views accordingly.

Yes. (acknowledging a question)

male

Some of us have input which we may provide which isn't exactly relevant to this structure of regions and so forth. This is still the time to do that?

Governor

Oh sure, you bet! The next thing we're going to do, frankly, solicit and pull in some of the people who - representatives from various interest groups, to have them sit down and go into an in-depth review of some of these proposals and I can assure you the end product will be quite different, I suspect from what we're talking about today. Go ahead (acknowledging question)

male

I was wondering if the state is looking for a definition of subsistence so it could use it in a regulatory manner, you know like ah...

Governor

I think everybody's been looking for one for at least the last 15 years and if you have one, we'd be interested in hearing what you propose.

female
cont.

run going to take care of a lot of the issues that we're talking about right now. It seems like...

Governor

What do you mean, the taxes?

female

Yes. The price of gasoline, as I see it, has got to keep rising and it seems to me that in the length of time that I've been in Alaska, less and less of the people that I knew, like in Anchorage, are going out hunting because it's costing them more to do that. Do you think that's an issue that...

Governor

I think the pressures, again, I would defer to some of those from the region and let me say that the pressures in Bristol Bay area where I came from going like this astronomical increments, quantum leaps per year and I don't think that has been a deterrent in general but maybe it has been in some areas. I think a bigger deterrent has been the reduction of the resource and the fact that you can't go out as easily and get moose no matter where you go in the state as you could ten years ago. But I don't think that's an inhibiting factor, quite frankly,, at this stage in time. It may become so. Any other ...

female

I'd like to ask you one. I just am curious as to what the difference is between an in-state consumption and out of state consumption of the resources is, and I've never quite understood. Would a regulation, if it were on a local level be able to restrict the use of the resource of that level to Alaskans?

Governor

Only to this extent, only to this extent. Let's say, again, taking the Bristol Bay area, which is a prime sport fishing and hunting area that has numbers of people from outside the state visit it each year. I suspect if there were deemed inadequate amount of whatever game, let's say moose, in this case, or caribou, to provide for the "subsistence needs" of the people, then let's face it. Probably, the subsistence user, the guy who lives there, it's hard to make a case of the subsistence user who can hire an airplane and fly up from Montana or what have you to hunt in the Bristol Bay area. If there are inadequate game stock there through seasons and bag limits, you can't say "no non-resident can hunt or fish here". But you can say "we're going to close the season at the time of the year that the primary trophy hunts occur". If you had closed during September and October or August, any take of caribou and moose, there would be virtually no sportsmen that would appear on the scene. Or if you were to screen out the transport of game by aircraft, that's the only way they can address it - through methods and means and bag limits, to treat everybody alike. You're not going to say the Anchorage-ite or the Fairbanks-ite cannot come to Bristol Bay. If he comes down there, he submits himself to the same constraints that just coincidentally enable the local to utilize that resource to a much better degree than somebody else. That's the maximum

Governor
cont.

extent you'd go by but that could do a great deal to selectively focus the use to those that live in that area. And, of course, that's what scares the devil out of a lot of people who don't want to be obligated to do that. Okay, well I've talked too much. I would appreciate that, again, that you would bear in mind that this isn't structured in concrete. I'd like you to deal frankly with the method of whether or not you think the six regions is appropriate. Or whether there should be more regions and the method of determining who sits on those boards and whether the boards should have more authority instead of simply proposing, making recommendations and then also, one other consideration in our proposal would have an individual from the regional boards goes to the Fish and Game Board hearings, take their case in hand, present it to that board, then one thing it would do is assure the local people that they had their representative -- not somebody the governor had selected or imposed upon them. Their representative would go in and convey to them why their regulations were or were not accepted. The other presence on those boards would be frankly, a non-voting presence of the area Fish and Game and in the case of federal land holders, perhaps somebody from Fish and Wildlife Service and I'm not sure, there's a third. What's the other one? Public Safety. So that those people were able to sit in with the local regional boards and convey to them their concerns and to on the other hand, listen to the concerns of the people locally and try to adjust their views accordingly.

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male

I was wondering if the state is looking for a definition of subsistence so it could use it in a regulatory manner, you know like ah...

Governor

I think everybody's been looking for one for at least the last 15 years and if you have one, we'd be interested in hearing what you propose.

male

I'd be interested in using it.

Again, I don't think you can come up with a definition that would apply in all regions, precisely the same. I think there has to be a flexibility whether you could come up with a broad statement that would be meaningful, I don't, I have not heard it and I have not - I don't have much faith that we're going to come up with one of that nature in the immediate future.

O.K.

I might say that the cost of implementation, if we went with this program, first year costs would be \$900,000, which suggests that if it's implemented it will be implemented late in the year, after (end of tape).

SCOMM

#7:2

September 14, 1977

Mr. Claud Hoffman
Chief Cadastral Engineer
Division of Lands
Department of Natural Resources
323 E. Fourth Avenue
Anchorage, Alaska 99501

Dear Mr. Hoffman:

The interim subcommittee of the Legislature on subsistence hunting and fishing would like to make arrangements for your agency to reproduce a series of mylar overlays prepared by the Federal-State Land Use Planning Commission which show subsistence hunting and fishing areas. These overlays are now in the possession of the Bureau of Land Management Natural Resource Library. The subcommittee would like one reproducible mylar overlay of each overlay provided by the Natural Resources Library.

A maximum of 45 overlays could be involved, but most likely the number would be approximately 30 overlays.

It would be appreciated if the copies could be made by October 1, 1977. When the duplicate overlays are completed, would you please send them to:

Representative Nels Anderson, Chairman
Subcommittee on Subsistence Hunting & Fishing
P. O. Box 234
Dillingham, Alaska 99576

In discussing this matter with Mr. Sherbahn of your staff, it was estimated that the cost of reproducing the maximum of 45 overlays would be approximately \$150.00. This charge is acceptable to us. Charges for your services should be billed to:

Legislative Affairs Agency - Subsistence Subcommittee
Account Code: 31-92-1-771-399

Administrative Services Division
Legislative Affairs Agency
Pouch Y
Juneau, Alaska 99811

September 14, 1977

If you should have any questions regarding this request, please contact me in Juneau at 465-4915.

Please contact me at the above number when you are available to undertake our request and I will make arrangements for the Natural Resources Library to deliver the overlays to you.

Sincerely,

George Utermohle
George Utermohle
Research Analyst

GE:jm

cc: Hon. Nels Anderson
Administrative Services Division



Alaska State Legislature

POUCH Y, STATE CAPITOL
JUNEAU, ALASKA 99811
907 465-3800

Interim Committee on Subsistence
Nels A. Anderson, Jr., Chairman
P.O. Box 234, Dillingham, Alaska 99576
Telephone: 842-5970

TO: Legislative Affairs Agency
Pouch Y
State Capitol
Juneau, Alaska 99811

FROM: Dorothy M. Larson, Staff Assistant
Interim Committee on Subsistence

A handwritten signature in cursive script, appearing to read "Dorothy M. Larson".

SUBJECT: Public Hearing Dates and Times for October

DATE: September 20, 1977

October 3, 1977, Monday - Public Hearing in Glenallen at the Glenallen High School at 7:00 P.M. in Room #1. Chairman Nels Anderson, Jr. and Representative Steve Cowper, and Senator Pat Rodey will conduct the hearing.

October 4, 1977, Tuesday - Public Hearing in Fairbanks at the USO Building, 516 1st Avenue, at 7:00 P.M.. Chairman Nels Anderson, Representative Cowper, and Senator Pat Rodey will conduct the hearing.

October 5, 1977, Wednesday - Public Hearing in Nenana at George Hall, Nenana, Alaska at 6:00 P.M.. Chairman Nels Anderson, Representative Cowper and Senator Pat Rodey will conduct the hearing.

October 17, 1977, Monday - Public Hearing at the Kodiak Borough Assembly Chambers in Kodiak at 7:00 P.M.. Chairman Nels Anderson, Senator Pat Rodey and Representatives Joe Hayes and Al Nakak will conduct the hearing.

Jr. Managing Editor, Jeffrey R. Nelson Area; Advertising Manager, Joe Representative, Murfin G. Ever-
 vey; Staff Artist, Leonard W.
 Chairman of the Board; Christian
 ard; Toni Jones, Secretary; Karl
 so, Murfin G. Everson, Betty Fernl,
 Thomas Richards, Jr.; Financial
 7.00 for two years.

Alcoholism Hearing

of the Governor in Fairbanks to
 deal with Alaska's number
 A member of his staff brought

it is high time to give the pack-
 the best of our knowledge, it is
 bring the war on alcoholism to
 the close attention of all Al-
 the table one by one, pick them
 links worked out.

ns elected to study and act upon
 ntly traveling in rural Alaska to
 We say unfortunately because
 re question their usefulness.

members of the Special Com-
 -Related Legislation. They are
 of 17 cities and villages allegedly
 Governor's bills. Sounds good,
 d to hold hearings in 17 towns

e staff, we were impressed with
 by the committee. However,
 period of more than two weeks
 have been out of date by the
 difficulty of scheduling the time
 it believe this is the most we can
 lee.

nittee hearings in Ruby, Galena,
 aturday. Assuming the commit-
 ng roughly five hours for travel-
 d dividing the remainder by five
 of two hours for each communi-
 fied for fifteen minutes apiece,
 ed was sufficient to explore the
 ation between the people and
 ering the difficulty of making
 eces of legislation.

ns unnecessary or foolish. Yet
 llowed itself just about enough
 e to think that taxpayers' time
 lative grandstanding.
 tee staff that further hearings
 e year. We are hopeful that the
 erest in the fight on alcoholism
 e time and energy it deserves.
 ge, but we heartily applauded the
 ond has taken and feel it should

may write the legislators for in-
 press their views. We urge them

h a review and analysis of the
 hope will broaden our readers'
 : before the legislature convenes

JRR

the Earth's testimony presented to
 to the Department of Commerce
 on September 8, stating our
 position that the United States
 should file an objection to the
 International Whaling Commis-
 sion's ruling to ban all subsis-
 tence hunting of the Bowhead
 whale. This position reflects
 the combined thinking of David
 Brower (President, Friends of
 the Earth), James Kowalsky
 (Alaska Field Rep), and staff
 of the Washington, DC office.
 It is consistent with earlier
 statements by Friends of the
 Earth on this issue as seen in
 the enclosed letter of July 19
 signed by David Brower, and
 dating as far back to the good
 work done by Friends of the
 Earth's former Alaska Rep, Art
 Davidson, in 1970-1971, urging
 passage of a subsistence exemp-
 tion for Alaska Natives as the
 Marine Mammal Protection Act
 was being deliberated in Con-
 gress.

It is most unfortunate that the
 national environmental organiza-
 tion which has been working
 the longest and most vigorously
 on the Bowhead-Eskimo issue
 has been completely misre-
 presented.

We would very much appre-
 ciate your printing of this let-
 ter and the enclosed testimony
 in the next issue of Tundra
 Times. It should clear the air
 once and for all. "Conserva-
 tionists" and the Native com-
 munity are going to have to
 work closely together in the
 coming years to avoid similar
 sorts of crises as pressures on
 Alaska's wildlife populations in-
 crease.

We appreciate the fine help
 of the Tundra Times in keeping
 these two groups of people in
 touch with each other. Thank
 you very much.

Sincerely yours,

Pamela Rich
 Alaska Liaison

Mr. Brower's letter of July 19
 is printed below:

We wish to comment on the
 current crisis of the endangered
 Bowhead whale (*Balena mysti-
 cus*) and the Inupiat Eskimo of
 northern Alaska. It is a crisis
 of inadequate management, of a
 dwindling whale population
 which is at only 6-10% of origi-
 nal stock, and of a people
 whose lives are precariously in-
 tertwined with the survival of
 that precious whale resource.

As environmentalists, we are
 caught in the middle of this
 serious dilemma. We are deeply
 concerned about the perpetua-
 tion of healthy whale popula-
 tions in the earth's ecosphere.
 We have favored a ten year mor-
 atorium on commercial whaling
 of all whale species. We also
 believe in preserving the diver-
 sity of human cultures, espe-
 cially those which have learned

other year, estimated to be 36
 whales. Native leaders are con-
 cerned about this and do believe
 that corrective action should be
 taken. We think it appropriate
 to request that a basic "plan
 for improvement" be drafted by
 leaders from the affected vil-
 lages of St. Lawrence Island,
 Kivalina, Point Hope, Wain-
 wright, Barrow, Nulqat, and
 Kaktovik.

Other impacts affecting num-
 bers, such as incidental com-
 mercial whalers, or habitat deg-
 radation must also be carefully
 examined and corrective actions
 taken, if the Bowhead popula-
 tion is really to be restored.
 In particular, we believe that
 the impacts from offshore oil
 exploration and development
 must be assessed. What studies
 are now underway? Will they
 be completed prior to lease
 sales? Have the other habitat
 polluting problems been iden-
 tified? We would also encour-
 age both Departments to seri-
 ously consider the establish-
 ment of an international whale
 sanctuary in the Beaufort Sea
 to give the habitat the protec-
 tion it so critically needs.

It is as though we are being
 asked to side with either the
 Eskimo or the Bowhead. But
 they cannot really be separated.
 In speaking on behalf of pro-
 tecting the whale, we are, in
 the long run, speaking on be-
 half of the Eskimo. Environ-
 mental organizations exist to
 take the long view even if that,
 as it does now, means biting
 the harpoon. To the best of
 our ability, we must vote in
 behalf of the voiceless—the spe-
 cies which can never speak for
 themselves such as the whale,
 and the people who cannot yet
 speak because they have not
 yet been born.

We feel obliged to work with
 the best available data, and to
 work conservatively with them.
 To make a decision which ig-
 nores either the whale or the
 Eskimo will serve neither the
 Eskimo, nor whales, nor us.
 We dare not close our eyes to
 data which we have and which
 the Eskimo appear not to have,
 because we believe that would
 permanently remove from Eski-
 mo culture an Eskimo-Bowhead
 relationship which has been es-
 sential throughout history. We
 cannot therefore, for the sake
 of the political moment, fail
 the whale.

We can, however, urge that
 you, we, and the Eskimo con-
 cerned join in an effort to keep
 their culture alive and the Bow-
 heads alive. We urge govern-
 ment and foundation support of
 continuing education, by Eski-
 mo, or their people in the craft
 of subsistence hunting. We
 urge that the Eskimo make
 their own best estimates, for
 themselves and the rest of us,
 about what the carrying capaci-
 ty is in the Bowhead resource

Dear Governor Hammond:

I held a hearing on Subsistence
 in Kipnuk on September 3,
 1977. I found the hearing
 quite interesting. The hearing
 coincided with a Central Bering
 Sea Fish and Game Advisory
 Board meeting. Over 25 vil-
 lages along the Western Coast
 of Alaska were represented at
 that meeting.

The people discussed walrus,
 migratory birds and the d-2
 issue along with the central
 issue—herring. The people gave
 their views in no uncertain
 terms.

One. The people are tired of
 being blamed for killing the
 walrus with no heads. They
 want you to understand that
 outside game hunters who hunt
 for the ivory don't eat the wal-
 rus meat. They want you to
 help stop people of Alaska from
 blaming them for the crimes of
 others.

Two. The people want you
 to help get the Migratory Bird
 Treaties renegotiated to allow
 for subsistence hunting of birds
 that come back in the spring.
 As you know, the people in the
 coastal and interior villages don't
 live near big Safeway and Carr
 stores. In the spring the people
 are out of fresh meat. The cost
 of store-bought meat is pro-
 hibitive because none of the
 people have jobs in the winter.

The people of the coast ask
 that you press the President of
 the United States to renegotiate
 treaties that make it against the
 law to kill birds for food when
 they need it. The people ask
 that you don't be afraid to
 argue for them. You know how
 it is to be without meat.

The Claims act, the State and
 Federal government has not
 made the people rich, so please
 help the people change the
 treaties so they can have meat
 for their children.

Three. The people want the
 state to fund the Department of
 Fish and Game travel budget.
 The Fish and Game was sup-
 posed to be at the meeting in
 Kipnuk, but they were not
 there. The people were disap-
 pointed when there was no one
 from the Department to hear
 their concerns.

The herring issue was discussed
 at great depth. A position pa-
 per was adopted for consider-
 ation. It is too bad that the
 Department could not have par-
 ticipated in debate on an issue
 that is vital to the welfare of
 the coastal people of Western
 Alaska.

I hope you will work diligen-
 tly to help your constituents
 in Western Alaska achieve their
 goals and objectives.

Best wishes,

Nels A. Anderson, Jr.

TUNDRA TIMES SEP. 21, 1977



Alaska State Legislature

POUCH Y, STATE CAPITOL
JUNEAU, ALASKA 99801
907 465-3800

INTERIM COMMITTEE ON SUBSISTENCE
NELS A. ANDERSON, JR., CHAIRMAN
P.O. Box 234 • 842-5970
Dillingham, Alaska 99576

September 30, 1977

MEMORANDUM

TO: INTERIM COMMITTEE ON SUBSISTENCE
FROM: DOROTHY M. LARSON, STAFF ASSISTANT *Dorothy*
SUBJECT: MONTHLY REPORT - SEPTEMBER

The activities of the Committee and staff are as follows:

On September 3rd, the Chairman, William Akers and I were in Kipnuk and conducted a public hearing. The major topics discussed were the herring fishery, walrus and regulations proposing that spring bird hunting be allowed. There were approximately 30 village representatives attending this 3 day workshop. The group proposed that the herring situation be studied and data be gathered before a commercial harvest be allowed. Their concern was that any other fishery at the present, without adequate biological data would endanger the subsistence fishery. That proposal will go to the Board of Fish. Another concern was headless walrus. They felt that Alaska Natives were being blamed for many of the headless walrus. They emphatically stated that the only time walrus heads were removed was to take ivory so that it was not wasted when the carcass was beyond human consumption. (Attached is an article written by one of the so-called head hunters who do the same thing.)

Other activities include the preparation for the Kotzebue/Nome hearings held on September 15 and 16. Nels and Adelheid along with Senator Rodey and Representative Cowper conducted those hearings. The main topic at the Kotzebue hearing was the proposed whaling ban by the International Whaling Commission. We will incorporate that testimony with the testimony we received in Kotzebue. The people felt that they would rather have the use of subsistence resources than to exchange it for welfare. Problems arose with the Nome hearing and Nels told the people that he would be back to hold a hearing the latter part of October. We will begin working on that when we return next week.

Final preparations have been made and we will be leaving October 2 for a circuit to Glenallen, Fairbanks and Nenana and will return to Dillingham on October 7. Representatives Joe Hayes, Steve Cowper, Nels Anderson, and Pat Rodey will conduct the Fairbanks hearing. Hayes, Cowper and Anderson will conduct the Nenana hearing and Anderson and Cowper will conduct the Glenallen hearing.

Page 2
September 30, 1977
Monthly Report

We have been working closely with the Alaska Public Forum. They are holding a workshop on October 3 when the Governor will be in Dillingham. Unfortunately, Nels and I will be unable to attend, however, our Secretary Adelheid Herrmann will act as a resource person and will be representing the Committee in Dillingham and at Togiak. Nels has put out a news release encouraging area residents to attend and to speak on the subsistence concerns.

We have attended area meetings of the Nushagak/Togiak Advisory Committee. A major concern we had was the herring fishery regulations proposals due before October 3rd. There will likely be a commercial fishery of herring in the area and there are very little in the way of regulations. There is no subsistence provision in the regs. Nels has submitted a proposal on including this provision and one that will ask that biological data be gathered before a full scale commercial fishery be allowed.

We are waiting to hear from AFN, Inc. about their plans for the annual meeting. We will firm up plans for the hearing during the convention next week.

We have asked that TR books be returned to the Legislative Affairs office. When travel is necessary a TR will be wired from Legislative Affairs in Juneau for travel for the Subsistence Committee. We need to keep closer tabs on our budget expenditures. We have a schedule for travel and have asked each one to try to confirm with Ad Herrmann whether or not you can make your hearing schedule. We have not been able to contact William Akers or Al Nakak or Leo Schaeffer, so we would appreciate hearing from you by letter. We'd appreciate it if you could help us out by calling us or writing a note.

We will look forward to holding a full committee meeting in November. We have asked Joe Guthrie, Staff Attorney to assist us in drafting some legislation creating a subsistence division within the Department of Fish and Game, and on changing hunting seasons on moose in two game management units. George Utermohl is gathering data on the herring harvest for subsistence use throughout the State.

If you have any questions, please don't hesitate to contact us.



JUNEAU ALASKA

Alaska State Legislature House

September 8, 1977

INTERIM COMMITTEE ON SUBSISTENCE

PROPOSED TRAVEL SCHEDULE FOR MEETINGS/HEARINGS -- Subject to Change

Kipnuk, Alaska	Anderson, Akers, Larson	September 3,4,5
Kotzebue, Alaska	Rodey, Cowper, Schaeffer, Anderson, Larson	September 15
Nome, Alaska	Hayes, Cotten, Nakak, Anderson, Larson	September 16
Fairbanks/Nenana/ Copper Center, Alaska	Cowper, Rodey, Anderson, Larson	October 3,4,5
Kodiak, Alaska	Rodey, Hayes, Nakak, Anderson, Larson	October 17
Anchorage, Alaska	ALL COMMITTEE MEMBERS (AFN, Inc. Convention/Public Hearing)	Nov. 10,11,12
Galena, Alaska	Cotten, Akers, Cowper, Anderson, Larson	November 21
Juneau, Alaska	Schaeffer, Akers, Anderson, Larson	December 9
Barrow, Alaska	Schaeffer, Cotten, Hayes, Anderson, Larson	December 12



Alaska State Legislature

POUCH Y, STATE CAPITOL
JUNEAU, ALASKA 99811
907 465-3800

Interim Committee on Subsistence
Nels A. Anderson, Jr., Chairman
P.O. Box 234, Dillingham, Alaska 99576
Telephone: 842-5970

TO: Interim Committee on Subsistence
FROM: Dorothy M. Larson, Staff Assistant *Dorothy*
SUBJECT: Hearing Schedule
DATE: September 19, 1977

Enclosed is the hearing schedule that was approved in August. It was decided to try to stick to those dates, though the Kotzebue/Nome hearings were changed from the 13th and 14th of September to the 15th and 16th respectively because of the NOAA hearings.

Chairman Anderson, and Representative Akers conducted the hearing at Kipnuk on September 3, 1977 as scheduled.

Chairman Anderson, Senator Rodey and Representative Cowper conducted the hearings in Kotzebue. Ad Herrmann attended for me because I was seriously ill. I thought that this would be a good time to schedule a hearing since it was the date set for the NOAA hearings on the Bowhead whale Ban by the International Whaling Commission. Apparently this did not work out as well as expected because of the many meetings being held in Kotzebue at that time.

The following day, a hearing was conducted in Nome and the only committee member present was Chairman Anderson and staff secretary Adelheid Herrmann. The radio station misplaced the announcement for this hearing and other problems arose.

Please review the hearing schedule and check your calendars to see if there would be any conflicts in your schedules with these dates. If you are unable to attend the hearing you are scheduled for, please call me at 842-5970 so that an alternate can be sent.

Adelheid Herrmann will be in touch with each of you early the week of September 26 to confirm hearing assignments to see if alternates need to be arranged.

The next hearings are as follows:

Oct. 3, 1977, Monday, at 7:00 P.M. . Place - Glenallen High School, Room #1
Glenallen, Alaska. Copper River Area.

Oct. 4, 1977, Tuesday, at 7:00 P.M.. Place - USO Building, 516 1st Avenue,
Fairbanks, Alaska.

Oct. 5, 1977, Wednesday, at 6:00 P.M. in Nenana at George Hall.

Chairman Anderson, Senator Pat Rodey and I will leave Anchorage for Copper Center by car on Oct. 3rd and make a loop through Fairbanks and Nenana.

We have sent announcements to the press and to the radio stations in all areas announcing the purpose of the hearings, time and place and those committee members conducting the hearing.

The other public hearing scheduled for October is to be held in Kodiak at 7:00 P.M. on Monday October 17, 1977 at the Kodiak Island Borough Assembly Chambers.

Those scheduled to conduct this hearing are Chairman Anderson, Senator Pat Rodey, Representatives Joe Hayes and Al Nakak.

Travel Requests are sent from Legislative Affairs for travel arrangements for the Subsistence Committee. If you don't use your T.R.'s please return them to Pat Costello at Legislative Affairs Agency in Juneau 99811.

Thank you for your cooperation. If you have any suggestions or comments, please be sure to call or write us.



Alaska State Legislature
House

JUNEAU ALASKA

Interim Committee on Subsistence
Nels A. Anderson, Jr., Chairman
P.O. Box 234, Dillingham, Alaska 99576
Telephone: 842-5970

September 3, 1977

Congressman Eldon Rudd
1428 Longworth Building
Washington, D.C. 20515

Dear Congressman Rudd,

I have tried to answer your questions as presented in your letter to my wife, of August 1, 1977. The Bristol Bay By-Lines doesn't publish anymore but she passed your letter on to me.

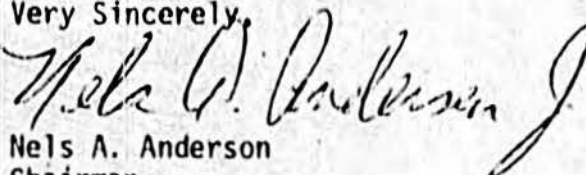
I chair an Interim Committee on Subsistence for the State of Alaska and want to share with you my view on HR 39.

I hope you can convince other members of Congress to SLOW down. We need time to prepare maps so that we can show you our subsistence range. Our state needs time to survey the sites of potential energy reserves. We need time to get villages in Alaska informed on HR 39.

We are asking that Congress send a copy of HR 39 to each Alaska village. In addition we would like Congress to encourage workshops on the bill so that everyone up here can have a better understanding of HR 39's provisions.

Please accept my sincere thanks for your effort to become better informed on this issue. I hope my comments will be helpful. Attached are answers to your questions.

Very Sincerely,


Nels A. Anderson
Chairman

NAA/ah.



Alaska State Legislature

House

JUNEAU ALASKA

Interim Committee on Subsistence
Nels A. Anderson, Jr., Chairman
P.O. Box 234, Dillingham, Alaska 99576
Telephone: 842-5970

1) Terms of the Statehood Act of 1959 would be preempted by HR 39. There is strong reason to believe that our State of Alaska will be forced to choose second choice land if HR 39 passes in its present form. Alaska's economic future will be affected but to what extent is unknown. HR 39 selections would surround State selections. If this happens Alaska will be forced to live with Federal regulations governing land and water management with this situation. Such a condition could severely restrict Alaska's economic advancement. A Cooperative Management concept may be the answer for the management of these lands.

2) I know that Alaska's land mass has not yet been thoroughly explored. Several areas mentioned in HR 39 could contribute to the nation's energy needs in the form of fossil fuels. Until an accurate picture of the resources, renewable and non-renewable is available, it is very difficult to give specifics on just what existing potential development would be in conflict with HR 39.

3) It is of utmost importance that the lands selected by the State of Alaska, and Native Corporations be granted title to their land selected under the 1959 Statehood Act and the 1971 Alaska Native Claims Settlement Act. Then, the federal government should be allowed to make selections of National Interest Lands. The State of Alaska should receive 1st choice of available lands without interference from the federal government. No State selected lands should be preempted because of HR 39.

4) HR 39 should be enacted after the State makes its selections, after Native Alaskans are granted their Native Allotments under the Native Allotment Act of 1906 and after the federal government has conveyed title of land to villages and regions created by the Alaska Native Claims Settlement Act of Dec. 18, 1971. HR 39 can prevent "rape" of lands at this time. Conservationists have made sure of that. If environmentalists get their way our State will never go beyond the frontier status we are in now.

I am of the opinion that the people of Alaska are more conscious about the non-rape of Alaska. Alaska can have a more controlled and orderly development than has been the past practice because of the emphasis on planning and the concern not only of Alaskans but nation-wide. The growth has been primarily due to the Trans Alaska Pipeline Development and has naturally spread to other areas. Alaska is definitely growing but the term "rape" cannot be used to describe growth. As stated before, if proper planning and management of all Alaska lands is put into effect - "rape" of the land and resources can be minimal giving way to orderly growth and development and even for having the status of certain areas that conservationists would like to see. One day, the nation may depend upon some of Alaska's resources for its sustenance. Will it be considered "rape" then?

5) The Alaska Coalition is the strongest and single proponent. They are a coalition of national environmentalists passing as spokesmen for Alaska. They do not represent

any viewpoint but their own. Their rationale is based on preservation for preservations sake. They say they are saving the land for future generations. What about us who live here now? I would characterize the Alaska Coalition's position as emotional.

We in Alaska haven't had the opportunity the remainder of the nation has had to testify and to plan for other national interest lands. The greatest amount of input should be from those residing in the State of Alaska. Again, I stress that planning and management of Alaska National interest lands will be of utmost importance to the State as well as the Nation if it is done orderly and objectively. It is not Alaska's fault that there has been "rape" of other lands in the U.S. but Alaska can, with the cooperation of the rest of the U.S. prevent that "rape" here in Alaska.

6) The specific concerns that have for my constituents is as I outlined in question # 4. I am also concerned that subsistence activities of Alaska residents must be more clearly spelled out. Our people in rural Alaska must be able to use national interest lands. Our people are not rich from oil. The Native people are not rich from the Claims Act. As long as our unemployment rate remains high we must still use the fish and game of all of Alaska's land. Specifically, convey all lands to their rightful owners forthwith. Subsistence for Alaska's residents must be guaranteed.

In the Bristol Bay area, HR 39 affects us in these ways - 7.5 million acres of new National Park areas, 2.6 million additional acres to the existing Katmai National Monument. Under the Wildlife Refuge System 3.5 million acres would be located in the Togiak National Wildlife Range, and 2.9 million acres in Iliamna National Wildlife Range. Under HR 39, there are 60,000 acres established "wild & scenic" rivers. A question the people ask- What kind of access and use will be allowed on these lands?

7) Salmon spawning areas, caribou calving areas, moose calving areas, duck and geese breeding grounds, berry picking areas should be protected. I can't be specific at this time but we have many areas that should be protected from any kind of development. The total land acreage is unknown at this time, however the State Department of Fish and Game can give you an idea of what critical habitat areas they consider important.



Alaska State Legislature

House

JUNEAU, ALASKA

Interim Committee on Subsistence
Nels A. Anderson, Jr., Chairman
P.O. Box 234, Dillingham, Alaska 99576
Telephone: 842-5970

TO: Legislative Council

FROM: Nels A. Anderson, Chairman
Interim Committee on Subsistence

SUBJECT: Progress Report

DATE: August 29, 1977

The headquarters and office of the Interim Committee on Subsistence was established in Dillingham in July. The telephone number is 842-5970. Staff includes Mrs. Dorothy Larson, Staff Assistant and Ms. Adelheid Herrmann, Secretary.

A list of those serving on the Committee is attached. A tentative schedule of the committees public hearings and meetings is attached for your information. The public hearing scheduled in Anchorage during the Alaska Federation of Natives, Inc. will be the largest and most significant. The theme of the Convention this year is Subsistence. If the cost is within reason, the public hearing will be video-taped for the record.

The first meeting of the Subsistence Committee was held on August 9, 1977 in Dillingham with all but 2 members present. The meeting was well attended by residents of Dillingham, Togiak, Stuyahok, Aleknagik, South Naknek, Koliganek. Visitors from local, state, federal, and other organizations were also present. Approval of the budget and travel schedule was given. It was unanimous, too, that a quorum need not be present to conduct a hearing. Guest speakers included George Allen, Rural Cap, Hank Cavallera, Consultant- formerly of Alaska Legal Services Corp., Joe Guthrie, Staff Attorney, Dr. Ron Skoog, Commissioner of the Alaska Department of Fish and Game. About one hour of public comment was held.

On August 10, 1977, the Committee members able attended an informal visit of the U.S. Subcommittee on Oversight and Alaska Lands with Representatives John Seiberling and Keith Sebelius.

Chairman Anderson presented a Statement expressing the concern of the Committee that the Subsistence issue be given high priority in the use and management on the National interest lands, and the speedy transfer of lands to State and Native Corporations.

The Committee and Staff will be working closely with other organizations on Subsistence, i.e., F/S LUPC, Rural Cap, AFN, Inc., Alaska Public Forum, Steering

Council for Alaska Lands chaired by Steve Cowper a member of the Subsistence Committee and Joe Hayes, also a member. Staff is involved in gathering information and data available from various sources. We have been sending press releases to all areas of the State. This Committee was mentioned in an editorial of one of the Anchorage papers following a receipt of our release. The Alaska Management Report has interviewed the Chairman and this weekly will have a feature and edition on Subsistence.

Staff has prepared a budget that is very realistic, and \$40,400 will be used to the maximum. The issue of subsistence is and will continue to be a very crucial issue in the next decade because of its unusual relationship in the land picture in Alaska. The Committee will, as stated before, conduct hearings and attempt to reach all areas of the State. We will work cooperatively and in conjunction with others involved in Subsistence related projects. It was decided that this Committee must remain autonomous though. The progress and work load of the Committee is rapidly increasing.

If there are any questions, please don't hesitate to ask them or to contact staff at any time.



Alaska State Legislature

House

JUNEAU ALASKA

INTERIM COMMITTEE ON SUBSISTENCE
NELS A. ANDERSON, JR., CHAIRMAN
P.O. BOX 234, DILLINGHAM, ALASKA 99576
TELEPHONE: 842-5970

D-2 HEARING

FAIRBANKS, ALASKA

AUGUST 20, 1977

by REP. NELS A. ANDERSON, JR., CHAIRMAN
INTERIM COMMITTEE ON SUBSISTENCE

I. HR 39 - WHAT IS IT?

WHEN SWINE FLU SHOTS WERE BEING ADMINISTERED, MY AUNT WAS NOT SURE THAT IT WAS THE RIGHT THING TO DO. HER DOUBTS WERE LINKED TO NEWS THAT MANY PEOPLE HAD DIED AFTER TAKING THE SHOTS.

MY AUNT AND HER DAUGHTER WENT TO VISIT MY DAD, WHO IS NOW THE HEAD OF OUR FAMILY, TO SEEK ADVICE. MY AUNT'S DAUGHTER ASKED DAD IF HE WAS GOING TO TAKE THE SWINE FLU SHOT. HE SAID YES HE WAS.

THEY DECIDED TO TAKE THEIR SHOTS, TOO, BECAUSE THEY KNEW MY DAD WOULD NOT TAKE ANYTHING THAT WOULD KILL HIM.

THIS STORY REMINDS ME OF THE DILEMMA WE IN ALASKA ARE IN TODAY REGARDING HR 39. MANY PEOPLE DON'T HAVE SOMEONE THEY CAN GO TO FOR ADVICE ON OUR LAND QUESTIONS. WE HAVE MANY LAND PUZZLES WHICH NEED TO BE SOLVED WHICH AT THIS TIME HAVE NO READY ANSWERS. MY AUNT TOOK HER SWINE FLU SHOT. NOW SHALL WE LOOK AT THE D-2 LANDS BILL TO SEE IF ACCEPTING THE LANGUAGE WILL KILL US?

YOU HAVE SAID THAT YOU ARE LOOKING FOR SPECIFICS IN YOUR TRAVELS THROUGHOUT OUR STATE. YOU HAVE HEARD MANY VIEWPOINTS OF MANY DIFFERENT PEOPLE AS YOU TRAVELED OUR GREAT LAND. YOU HAVE NOT HEARD TOO MANY SPECIFICS COMING FROM RURAL ALASKA

AS YET. I'M SURE YOU HAVE NOTICED THAT AND YOU SHOULD KNOW SOME OF THE REASONS WHY THE PEOPLE SPOKE ABOUT HR 39 IN GENERAL TERMS:

1) MOST OF THE PEOPLE OF RURAL ALASKAN VILLAGES HAVE NOT SEEN HR 39. IF THEY HAVE SEEN IT THEY DON'T KNOW WHAT IT MEANS. MANY OF THE PEOPLE IN RURAL ALASKA DO NOT READ, WRITE OR UNDERSTAND THE ENGLISH LANGUAGE. ALTHOUGH YOU HAD TRANSLATED WHAT WAS SAID INTO THE LOCAL DIALECT AT YOUR MEETING, THE FULL MEANING OF D-2 CANNOT BE UNDERSTOOD. (I WOULD WAGER THAT MANY OF OUR ALASKANS WHO ARE FLUENT IN ENGLISH ARE ALSO HAVING TROUBLE WITH THE LANGUAGE OF HR 39.)

2) THERE ARE MANY CONCEPTS AND WORDS IN HR 39 FOR WHICH THERE IS NO KNOWN NATIVE WORDS. I AM NOT AN EXPERT IN ANY NATIVE LANGUAGE BUT EXPERIENCE TELLS ME THAT MANY NATIVE PEOPLE DO NOT UNDERSTAND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18, 1971. ALTHOUGH ALMOST SIX YEARS HAVE ELAPSED MANY PEOPLE ARE YET UNINFORMED ABOUT WHAT THE CLAIMS ACT IS ALL ABOUT.

RECOMMENDATIONS

MAKE SURE THAT EVERY VILLAGE, CITY AND BOROUGH HAS AT LEAST ONE COPY OF THE BILL. HR 39 MUST BE UNDERSTOOD. YOUR COMMITTEE MUST ENCOURAGE EACH VILLAGE TO HOLD A WORKSHOP ON THE PROPOSED BILL SO THAT SPECIFIC LANGUAGE CHANGES TO THE BILL CAN BE MADE. UNLESS YOUR COMMITTEE MAKES A MEANINGFUL EFFORT TO EDUCATE THE PEOPLE OF ALASKA ABOUT WHAT HR 39 MEANS, YOUR VISITS UP HERE WILL BEAR NO FRUIT. WE CANNOT BE SURE THAT HR 39 WON'T KILL US UNLESS WE KNOW WHAT THE LANGUAGE MEANS.

II. UNFULFILLED PROMISES

THE FEDERAL GOVERNMENT HAS BEEN CRITICIZED ABOUT ITS INABILITY TO HANDLE LAND PROBLEMS IN ALASKA. THE PROBLEM ARISES BECAUSE MANY PEOPLE DON'T UNDERSTAND WHAT IS HAPPENING TO THE LAND. NOR DO THEY UNDERSTAND HOW THEY WILL BE ABLE TO USE THE LAND ONCE HR 39 BECOMES LAW. WE IN ALASKA ARE MANY MILES FROM THE CENTER OF POWER. MARK UP, SUB-COMMITTEE MEETINGS AND LEGISLATIVE SESSIONS WILL TAKE PLACE IN WASHINGTON D.C.. OUR VOICES MAY BE LOST IN THE WILDERNESS THAT SEPARATES US FROM OUR NATION'S CAPITAL.

MANY HAVE TOLD YOU WHAT THEY THINK IS WRONG WITH THE FEDERAL GOVERNMENT. IT IS CLEAR THAT WHAT IS SAID NOW HAS BEEN SAID ALREADY BUT AN ATTEMPT IS BEING MADE TO GIVE YOU A DEEPER UNDERSTANDING OF HOW MANY IN ALASKA FEEL ABOUT HR 39.

THREE FEDERALLY SANCTIONED LAND TRANSACTIONS HAVE BEEN IN EFFECT FOR MANY YEARS. THEY ARE 1) THE STATEHOOD ACT OF 1959 2) THE NATIVE ALLOTMENT ACT OF 1906 AND 3) THE NATIVE CLAIMS SETTLEMENT ACT OF 1971. MILLIONS OF ACRES OF LAND HAVE BEEN PROMISED UNDER THESE LAWS BUT LITTLE HAS BEEN TRANSFERRED FROM FEDERAL JURISDICTION INTO THE HANDS OF THOSE PARTIES WITH WHOM THE FEDERAL AGREEMENTS WERE MADE.

1) THE STATE OF ALASKA

THE STATE OF ALASKA IS ENTITLED TO 103 MILLION ACRES OF LAND. TITLE TO TENS OF MILLIONS OF ACRES OF LAND MUST YET BE GRANTED. ALASKA HAS HAD A DIFFICULT TIME RECEIVING PATENT. EXECUTIVE ORDERS HAVE BEEN ISSUED FREEZING LAND, NEW ACTS HAVE BEEN PASSED WHICH FORCED THE STATE OF ALASKA TO HALT ITS SELECTION UNTIL NEW TERMS HAD BEEN EXERCISED.

HR 39 HAS THE POTENTIAL OF FURTHER DELAYING THE PROCESS OF ALASKA'S SELECTION TO ITS FULL ENTITLEMENT UNDER THE TERMS OF THE ALASKA STATEHOOD ACT OF 1959. STATE LAND SELECTIONS WITHIN THE AREAS SET ASIDE FOR NATIONAL INTEREST LANDS ARE REVOKED UNDER HR 39. HR 39 PREEMPTS OUR STATES RIGHTS EVEN BEFORE THE PROMISE OF FULL ENTITLEMENT IS GRANTED. IT IS SMALL COMFORT TO GET EQUAL ACREAGE OF SECOND CHOICE LAND.

RECOMMENDATION

HR 39 MUST CREATE LANGUAGE THAT WILL PERMIT THE STATE OF ALASKA THE RIGHT TO ITS FULL ENTITLEMENT OF LAND WITHOUT FURTHER INTERFERENCE FROM THE FEDERAL GOVERNMENT. LAND OWNERSHIP PATTERNS MUST BE CLEARLY DELINEATED BEFORE THE CONCEPT OF COOPERATIVE MANAGERMENTS MAKE ANY SENSE.

HOW WILL WE BE ABLE TO NEGOTIATE THE TERMS OF A COOPERATIVE LAND MANAGEMENT AGREEMENT BETWEEN THE FEDERAL GOVERNMENT AND THE STATE WHEN THE STATUS OF THE LAND

IS STILL UNKNOWN.

MOVING TO SET ASIDE NATIONAL INTERESTS LANDS BEFORE THE STATE OF ALASKA IS GIVEN
"IT FULL ENTITLEMENT OF LANDS IS NOT FAIR.

2) "NATIVE ALLOTMENTS"

BEFORE WE BECAME A STATE IN 1959, A FEDERAL LAW CALLED THE INDIAN ALLOTMENT ACT WAS PASSED IN 1906. IN LATER YEARS THE ALASKAN NATIVES WERE INCLUDED AND WE KNOW THAT ACT AS THE NATIVE ALLOTMENT ACT. THE LAW ALLOWED ALASKA'S NATIVES WHO HAD 1/4 OR MORE NATIVE BLOOD THE RIGHT TO SELECT UP TO 160 ACRES OF PUBLIC UNAPPROPRIATED LAND. THE ALLOTMENT WOULD BE CHOSEN ON THE BASIS OF TRADITIONAL USE AND OCCUPANCY. USES SUCH AS HUNTING, TRAPPING, CAMPING, BERRY-PICKING, WOODCUTTING, FISHING AND WILD FOOD GATHERING SITES WERE ACCEPTABLE.

SINCE THE PASSAGE OF THE NATIVE ALLOTMENT ACT, 7,834 APPLICANTS HAVE FILED FOR AN ALLOTMENT. 327 HAVE BEEN GRANTED TITLE TO THEIR LAND UNDER THE ACT. 1,271 HAVE BEEN GRANTED ADMINISTRATIVE APPROVAL. HOWEVER, RESTRICTED TITLE CANNOT BE ISSUED UNTIL THE ALLOTMENTS ARE SURVEYED BY BLM. WE DON'T KNOW WHEN THESE SURVEYS WILL BE DONE.

RECOMMENDATION

THE UNFULFILLED PROMISE OF LAND WITHOUT ACTION LEAVES A BITTER TASTE IN MANY MOUTHS. THE TRANSACTIONS MUST BE ACCELERATED SO THAT VALID EXISTING RIGHT UNDER THE 1906 NATIVE ALLOTMENT ACT IS NOT PREEMPTED BY HR 39. NATIVE ALLOTMENTS APPLIED FOR BUT NOT ADJUDICATED MAY FALL WITHIN THE BOUNDARIES SET FORTH IN HR 39. HOW MANY ALLOTMENTS WITHIN THE BOUNDARIES OF HR 39 IS UNKNOWN? WILL THE APPLICANTS' RIGHTS TO ENTER AND LEAVE THEIR LAND BE RESTRICTED? WILL THEIR RIGHTS BE TAKEN AWAY BEFORE THE APPLICANT RECEIVES RESTRICTED TITLE?

A SECTION OF HR 39 MUST DEAL WITH GETTING ALLOTMENTS TO THE APPLICANTS WITHOUT FURTHER DELAY. ACREAGE PROMISED MUST NOT BE DIMINISHED BECAUSE FIELD SURVEYS

DON'T SHOW EVIDENCE OF USE. NATIVE PEOPLE OF ALASKA HAVE LEFT THEIR LAND IN MUCH THE SAME WAY THEY FOUND IT SO THAT THE LAND COULD CONTINUE TO GIVE ITS BOUNTY.

MONEY FOR BLM MUST BE APPROPRIATED TO GET NATIVE ALLOTMENTS SURVEYED. A PROMISE MADE BY OUR GOVERNMENT MUST BE A PROMISE KEPT.

THIS IS AN OLD STORY IN WASHINGTON, D.C. ABOUT GENERAL CUSTER THAT SAYS HE TOLD THE DEPARTMENT OF INTERIOR TO DO NOTHING UNTIL THEY HEARD FROM HIM. PERHAPS THAT STORY IS NOT A JOKE ANYMORE BECAUSE THE BLM SURE HAS BEEN DRAGGING ITS FEET SINCE LITTLE BIG HORN.

3) ALASKA NATIVE CLAIMS SETTLEMENT ACT

THE TERMS OF THE 1971 ALASKA NATIVE CLAIMS SETTLEMENT ACT HAVE BEEN WELL PUBLICIZED. THE 40 plus MILLION ACRES OF LAND HAS BEEN VIEWED AS THE GREATEST LAND TRANSACTION IN THE HISTORY OF THE UNITED STATES. THE PRIVATE LAND OWNERS OF THIS MASSIVE AMOUNT OF REAL ESTATE HAVE NOT YET COME INTO POSSESSION OF TITLE.

4.5 MILLION ACRES HAVE BEEN CONVEYED TO DATE. THE LANGUAGE OF THE CLAIMS ACT IS CLEAR WHEN IT STATES THAT THE SECRETARY OF INTERIOR SHALL ISSUE PATENT TO THE SURFACE ESTATE OF QUALIFIED VILLAGE CORPORATIONS. THIS HAS NOT BEEN DONE.

THE PAINFULLY SLOW SNAIL-PACE CONVEYANCE OF LANDS CANNOT BE ALLOWED TO CONTINUE. THE VERY SAME PROBLEM THAT THE STATE OF ALASKA FACES IS SHARED BY THE VILLAGE AND REGIONAL CORPORATIONS. THEIR LAND ENTITLEMENT IS BEING HELD UP. DELAYS ARE MANY BUT NOT INSURMOUNTABLE.

RECOMMENDATION

MOVE TO APPROPRIATE MONEY SO THAT THE TERMS OF THE CLAIMS ACT CAN BE FULFILLED. UNCONVEYED LAND IS USELESS. YOU CAN'T DO ANYTHING WITH LAND THAT DOESN'T HAVE A PIECE OF PAPER THAT SAYS THE LAND BELONGS TO YOU.

THE LAND HAS TO BE TURNED OVER TO THE CLAIMS ACT VILLAGES AND REGIONS WITHOUT

FURTHER DELAY. THE PROMISE OF HOPE FOR THE FUTURE OF ALASKA'S ABORIGINAL PEOPLE FADES EACH DAY THAT BUREAUCRATIC DELAYS KEEP THE LANDS PROMISED OUT OF THEIR HANDS.

CONGRESS MUST REIMBURSE LEGAL FEES PAID BY THE VILLAGE AND REGIONS WHO HAVE FOUGHT TO ACCELERATE LAND CONVEYANCE. THERE IS NO REASON TO EXPECT THE PEOPLE THE FEDERAL GOVERNMENT CAME TO AN AGREEMENT WITH, TO FOOT THE BILL FOR AN ACTIVITY THAT WAS GUARANTEED BY LAW.

FINALLY, COOPERATIVE LAND AND WATER MANAGEMENT PROPOSALS IN HR 39 CANNOT TAKE PLACE UNTIL EVERY PARTICIPANT IS AT THE NEGOTIATING TABLE ON EVEN TERMS. LAND OWNERS WITH FULL TITLE TO THEIR LAND WILL BE ABLE TO NEGOTIATE MANAGEMENT PLANS WITH A FULL DECK. RIGHT NOW, THE FEDERAL GOVERNMENT HAS THE CARDS. THE GOAL SHOULD BE TO FULFILL PROMISES MADE BY CONVEYING ALL THE LAND THAT BELONGS TO THE VILLAGE AND REGIONAL CORPORATIONS.

III. SUBSISTENCE - HOW LONG?

MUCH OF THE LAND CHOSEN BY THE VILLAGES UNDER THE CLAIMS ACT WAS ON THE BASIS OF SUBSISTENCE USE. ALTHOUGH THE LAND ENTITLEMENT GRANTED COULD NOT SUPPORT THE FULL NEEDS OF EACH VILLAGE, THERE WAS NO REASON TO BELIEVE THAT THE FEDERAL AND STATE GOVERNMENTS WOULD NOT RESPECT THE DESIRES OF THE VILLAGE PEOPLE. PERHAPS THIS IS AND WAS A NAIVE PREMISE ON WHICH TO SELECT LAND BUT THERE IS STILL NO REASON TO BELIEVE THAT THE OPPOSITE IS TRUE.

TRADITIONAL USE AND OCCUPANCY OF ALASKA LANDS FOR SUBSISTENCE PURPOSES WILL UNDOUBLEDLY BE REQUIRED FOR MANY YEARS. BECAUSE OF THIS CONTINUING NEED, HR 39 LANGUAGE REGARDING SUBSISTENCE USE OF ALASKAS LAND WILL HAVE TO BE STRENGTHENED.

RURAL ALASKANS WILL NOT BE RICH FROM THE CLAIMS ACT FOR A LONG TIME. MOST OF THE MONEY COMING FROM THE ALASKA NATIVE FUND HAS BEEN USED TO DEVELOP REGIONAL AND VILLAGE CORPORATIONS.

EACH CORPORATION MEMBER HAS NOT SEEN A LARGE SUM OF MONEY TO DATE. NATIVE CLAIMS SHAREHOLDERS CANNOT EXPECT MEANINGFUL DIVIDEND PAYMENTS UNTIL THE REGIONS AND VILLAGES START MAKING PROFITS WHICH WILL SUPPORT THE CORPORATIONS PLUS SHARING ANY SURPLUS WITH THE SHAREHOLDERS.

RURAL ALASKANS UNEMPLOYMENT FIGURES ARE DISTRESSING WHEN COMPARED TO URBAN UNEMPLOYMENT FIGURES. THE PROBLEM OF UNEMPLOYMENT IS GOING TO CONTINUE TO PLAGUE OUR STATE NO MATTER HOW MUCH OIL MONEY IS MADE FROM TAXES ON THAT INDUSTRY.

STATE POLICY REGARDING REVENUE SHARING WILL GIVE A DECIDED ADVANTAGE TO URBAN AREAS OF OUR STATE BECAUSE OF THE SHEER WEIGHT OF NUMBERS. PER CAPITA DISTRIBUTION WILL CONCENTRATE WEALTH IN HIGH DENSITY POPULATION AREAS THUS LEAVING THE LOW DENSITY POPULATION RURAL VILLAGES WITH A SMALLER SHARE OF OUR STATE'S OIL MONEY.

A CASH ECONOMY SIMULTANEOUSLY OPERATING ALONG WITH SUBSISTENCE ECONOMY WILL BE THE RULE IN ALASKA. I DO NOT SEE RURAL ALASKANS IN THE CASH ECONOMY TOTALLY FOR AT LEAST 50 YEARS.

BECAUSE OF THESE REASONS, HR 39 WILL NEED TO HAVE SUBSISTENCE PROVISIONS WRITTEN IN CLEAR UNMISTAKEABLE LANGUAGE.

THE INTERIM COMMITTEE ON SUBSISTENCE IS NOT PREPARED TO MAKE SPECIFIC LANGUAGE CHANGES TO THE TEXT OF HR 39. WE HOPE TO BE IN WASHINGTON, D.C. DURING MARK UP IN COMMITTEE AFTER WE HAVE HAD TIME TO PLAN STRATEGY. I WOULD HOPE THAT OUR COMMITTEE WILL BE PERMITTED TO WORK WITH YOUR COMMITTEE AND STAFF TO STRENGTHEN AND FURTHER REFINE SUBSISTENCE PROVISIONS OF HR 39.

RECOMMENDATIONS

THERE IS A NEED TO SLOW DOWN THE HEADLONG RUSH TO SET ASIDE NATURAL INTEREST LANDS. I REALIZE THAT YOUR COMMITTEE HAS A GOOD THING GOING. A MOMENTUM HAS DEVELOPED THAT YOUR COMMITTEE WOULD LIKE TO SEE CONTINUE. HOWEVER, IT MUST SLOW DOWN.

THE PEOPLE IN ALASKA NEED MORE TIME TO BE SPECIFIC IN THEIR RECOMMENDATIONS TO YOUR COMMITTEE. THE STATE NEEDS TIME TO MORE CAREFULLY STUDY AREAS THAT HAVE POTENTIAL EXTRACTABLE ENERGY RESERVES. THE VILLAGES AND REGIONS OF ALASKA NEED TIME TO STUDY HR 39 SO THAT THEY CAN INTELLIGENTLY STUDY THE BILL AND FAMILIARIZE THEMSELVES WITH HOW YOU PLAN TO PROTECT SUBSISTENCE. WE NEED TIME TO LAY OUT SUBSISTENCE ZONE RANGES IN MAPS.

SUMMARY

TO SUMMARIZE YOU MUST CONVEY ALL THE LANDS TO ALL PARTIES UNDER THE STATEHOOD ACT, THE NATIVE ALLOTMENT ACT AND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT. YOU MUST GIVE US MORE TIME TO STUDY HR 39. YOU MUST TIGHTEN UP LANGUAGE THAT WOULD GUARANTEE SUBSISTENCE FOR ALASKAN RESIDENTS. YOU HAVE TO SLOW DOWN.

WE CANNOT TALK TURKEY UNTIL WE GET OUR LANDS UNDER OUR CONTROL. THE REST OF THIS NATION MUST GIVE US TIME TO STUDY THE PROVISIONS OF HR 39.

I HOPE MY COMMENTS HAVE BEEN HELPFUL. THANK YOU FOR YOUR PATIENCE.



JUNEAU ALASKA

Alaska State Legislature

House

INTERIM COMMITTEE ON SUBSISTENCE

NELS A. ANDERSON, JR., CHAIRMAN

P.O. Box 284 • 842-6970

Dillingham, Alaska 99576

October 17, 1977

MEMORANDUM

TO: Legislative Affairs Agency

FROM: Dorothy Larson, Staff Assistant *DL*

SUBJECT: Calendar

The Interim Committee on Subsistence will conduct a public hearing on October 26, at 7:00 P.M. in Nome at the King Island Community Hall. Please make this addition.

In the November Calendar, please note that on November 10, 1977 a public hearing will be held at Room 114, Community Center at 607 West 6th Avenue from 6:00 P.M. to 9:00 P.M..

On November 11th, Friday, the Interim Committee on Subsistence meeting will be held at 9:00 a.m. in Anchorage at Federal/State Land Use Planning Commission Conference Room at 733 W. Fourth Avenue. All Committee members should attend.

On November 12th, the Committee will be at the Alaska Federation of Natives Convention to present a report to the Convention and to accept testimony of Convention representatives.



JUNEAU ALASKA

Alaska State Legislature

House

INTERIM COMMITTEE ON SUBSISTENCE
NELS A. ANDERSON, JR., CHAIRMAN
P.O. Box 234 • 842-5970
Dillingham, Alaska 99576

NEWS RELEASE

Nels Anderson, Jr., Chairman of the Interim Committee on Subsistence and committee members Steve Cowper, Joe Hayes, and Pat Rodey held public hearings in Glenallen, Fairbanks and Nenana in a circuit of the Interior on October 3,4,5. The hearings were well attended by a good cross section of the area residents, Anderson reports.

Anderson said that there are many of the same concerns being expressed by Alaska residents throughout his travels with the Subsistence Committee. At each hearing the concern for the protection of a subsistence lifestyle has been emphasized; protection of the subsistence resources; better management and enforcement practices by the Alaska Department of Fish and Game.

Alaska residents are concerned about the depletion of the fish and game and the use of these resources for subsistence purposes. Residents on the highway systems in rural Alaska are concerned about their ability to compete with the people who have the expensive boats, airplanes, ATV's who come from the cities to hunt or fish. Other concerns in the case of subsistence fishing in the Interior is that subsistence fishing was cut off when the commercial fishing was regulated. Distinction needs to be made between subsistence fishing and the commercial harvest of fish. It is noted that rules and regulations on the subsistence fishing are found in the commercial fishery section, generally.

Anderson said that he and Staff Assistant Dorothy Larson will be traveling to

Page 2
NEWS RELEASE

Kodiak on October 17 and Nome on October 26. A hearing is scheduled for the Anchorage area on November 10, 1977 at 6:00 P.M. at the Community Center at 607 West 6th Avenue. He said that he was pleased with the turn-out at the hearings and that the Committee is gathering testimony that will be put in the form of recommendations and draft legislation.



JUNEAU ALASKA

Alaska State Legislature

House

INTERIM COMMITTEE ON SUBSISTENCE
NELS A. ANDERSON, JR., CHAIRMAN
P.O. Box 234 • 812-5970
Anchorage, Alaska 99576

PUBLIC HEARING ANNOUNCEMENT

"THE INTERIM COMMITTEE ON SUBSISTENCE WILL HOLD A PUBLIC HEARING IN ANCHORAGE, ALASKA AT THE COMMUNITY CENTER AT 607 W. 6th Avenue (THE OLD CENTRAL JUNIOR HIGH BUILDING) IN ROOM 114 AT 6:00 P.M. ON THURSDAY, NOVEMBER 10th."

The Committee is urging Anchorage area residents to attend this hearing to express their views on subsistence concerns. Several questions have been posed for the public to respond to:

- 1) Should subsistence be taken into consideration when land and water use policy is developed?
- 2) Should subsistence be defined?
- 3) What should the State do about protecting subsistence?

The Committee will hold a regular meeting at 9:00 a.m. November 11, 1977 at the Federal/State Land Use Planning Commission at 733 W. 4th Avenue in Anchorage.

The Committee will be in attendance at the Alaska Federation of Natives, Inc. Annual Convention on Saturday November 12 to present a report to the Convention and to accept testimony.

Chairman Anderson would like to urge Anchorage Area residents to attend this Public Hearing.

The Committee will be drafting legislation making recommendations to the legislature on its findings from testimony from residents throughout the State of Alaska.

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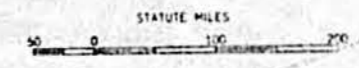
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

ALASKA

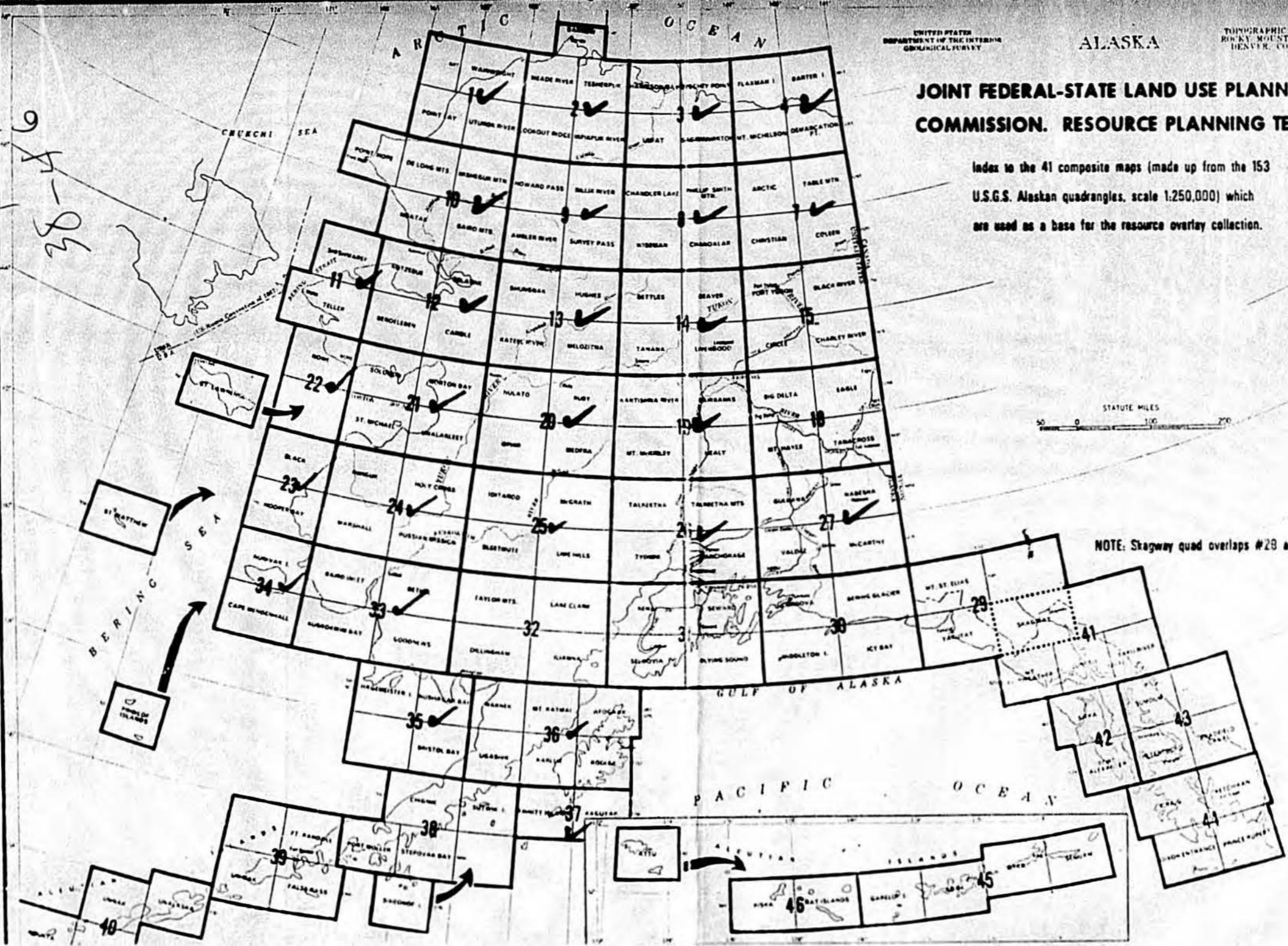
TOPOGRAPHIC DIVISION
ROCKY MOUNTAIN AREA
DENVER, COLORADO

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION. RESOURCE PLANNING TEAM.

Index to the 41 composite maps (made up from the 153
U.S.G.S. Alaskan quadrangles, scale 1:250,000) which
are used as a base for the resource overlay collection.



NOTE: Stagway quad overlaps #29 and #41.



SCOMM

7:3

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

EXTRACTS FROM d-2 LEGISLATION WHICH ADDRESS
THE ISSUE OF SUBSISTENCE

H.R. 39	Udall	('Udall Bill')
H.R. 1652	Dingell	
H.R. 2082	Leggett	
H.R. 5605	Seiberling	('Angoon Bill')
S. 499	Jackson	('Morton Bill')
S. 1500	Metcalf	
S. 1787	Stevens	('Alaskan Consensus Bill')

95TH CONGRESS
1ST SESSION

H. R. 39

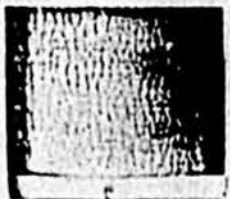
A BILL

To designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers and National Wilderness Preservation Systems, and for other purposes.

By Mr. UDALL, Mr. PHILLIP BURTON, Mr. BINGHAM, Mr. ANDERSON of Illinois, Mr. BRODHEAD, Mr. CARR, Mr. DELLUMS, Mr. DRINAN, Mr. EDGAR, Mr. EDWARDS of California, Mr. FRASER, Mr. HARRINGTON, Mr. JEFFORDS, Mr. KASTENMEIER, Mr. MINETA, Mr. MOAKLEY, Mr. MOFFETT, Mr. NOLAN, Mr. OTTINGER, Mr. RONCALIO, Mr. SEIBERLING, Mr. WAXMAN, Mr. WEAVER, and Mr. TSONGAS

JANUARY 4, 1977

Referred to the Committee on Interior and Insular
Affairs



ADMINISTRATIVE PROVISIONS

1
2 SEC. 605. Wilderness areas designated by this Act shall
3 be administered in accordance with the applicable provisions
4 of the Wilderness Act governing areas designated by that
5 Act as wilderness areas, except that any reference in such
6 provisions to the effective date of the Wilderness Act shall be
7 deemed to be a reference to the effective date of this Act,
8 and any reference to the Secretary of Agriculture shall be
9 deemed to be a reference to the Secretary of the Interior.

TITLE VII—GENERAL ADMINISTRATIVE
PROVISIONS

10
11
12 SEC. 701. (a) Except as otherwise prohibited by Fed-
13 eral or State law, the Secretary shall permit the continuation
14 of such subsistence uses of the fish, wildlife, and plant re-
15 sources within the areas added to existing units or established
16 by titles I, II, III, and IV of this Act. The Secretary may
17 publish regulations prescribing conditions under which sub-
18 sistence uses may be conducted, including, but not limited to,
19 the establishment of limits on the number and type of wild-
20 life species to be utilized and the length of the season during
21 which subsistence activities may be engaged in within any
22 such unit. After consultation with local residents and State
23 agencies exercising jurisdiction affecting subsistence re-
24 sources, the Secretary may designate "subsistence manage-
25 ment zones" to include various geographical areas where

1 subsistence activities have customarily occurred in and ad-
2 jacent to national interest lands, without regard to boundaries
3 established for such lands by this Act. The Secretary shall
4 establish "regulatory subsistence boards" consisting of ten
5 persons who are subsistence users of such areas. Each Board
6 shall be required to review and approve each subsistence per-
7 mit application within each subsistence management zone in
8 accordance with criteria and management procedure as
9 promulgated by the Secretary after public hearings. Regula-
10 tory subsistence boards shall also advise the Secretary or his
11 designee on matters of concern to subsistence permittees and
12 other residents within specific subsistence management zones
13 and shall cooperate with the Secretary in the development of
14 studies on subsistence resources.

15 The Secretary or his designee shall retain the responsi-
16 bility to enforce, review, and where necessary under sub-
17 section (b) of this section, overrule decisions and recom-
18 mendations of the regulatory subsistence boards.

19 (b) Subsistence uses of national interest lands will in all
20 cases be given preference over any competing consumptive
21 use in a subsistence management zone. When a specific re-
22 source cannot support all demands upon it, the Secretary
23 shall curtail subsistence uses of that resource to the extent
24 necessary to protect the viability and well-being of fish,
25 wildlife, and plant species affected or otherwise restore and

1 preserve wilderness values in the subsistence management
2 zone: *Provided, however,* That in the absence of an emer-
3 gency, the Secretary shall first consult with the regulatory
4 subsistence boards and publish his proposals and seek public
5 comment.

6 (c) People who exercise and who continue to exercise
7 customary, consistent, and traditional use of subsistence re-
8 sources in the national interest lands established by this Act,
9 as of December 18, 1971, and their direct descendants, shall
10 be permitted to continue subsistence activities on these na-
11 tional interest lands if they are primarily and directly de-
12 pendent for the mainstay of their livelihood upon local natu-
13 ral resources for either food, shelter, materials, firewood,
14 clothing, tools, transportation, or handicrafts and so long as
15 such use is consistent with the sound management of these
16 resources.

17 (d) The Secretary, who is responsible for the admin-
18 istration of units established by titles I, II, III, and IV
19 of this Act, shall undertake research on the use of subsist-
20 ence resources and shall seek data from subsistence users
21 and consult such users frequently, and shall make findings
22 of such research available to such users, the subsistence
23 boards, and the public.

24 (e) Not later than ten years from the date of enact-
25 ment of this Act, and continuing at intervals of not more

1 than five years after the submission of the first such report,
2 the Secretary shall report to the Congress on the effect of
3 all hunting and fishing including subsistence uses, on the
4 flora and fauna within the lands included in this Act, and
5 shall recommend, after consultation with the fish and game
6 agency of the State of Alaska and the Regulatory Subsist-
7 ence Boards authorized under subsection (a) of this section,
8 whether changes in any or all of such uses may be necessary.

9 **SEC. 702.** The Secretary may permit hunting on lands
10 and waters under his jurisdiction established as national
11 preserves under title I of this Act, in accordance with such
12 regulations as he shall prescribe. Such regulations may in-
13 clude the designation of zones where, and the establishment
14 of periods when, no hunting shall be permitted in any such
15 area for reasons of public safety, administration, fish or
16 wildlife management, or public use and enjoyment, and
17 except in emergencies, any regulations of the Secretary pur-
18 suant to this section shall be put into effect only after
19 consultation with the appropriate fish and game agency of
20 the State of Alaska.

21 **SEC. 703. (a)** All lands designated by this Act as na-
22 tional parks, national monuments, national preserves, na-
23 tional wildlife refuges, national wildlife ranges, and, notwith-
24 standing the provisions of section (9) (a) (iii) of the Wild
25 and Scenic River Act (82 Stat. 907) as amended (16 U.S.C.

95TH CONGRESS
1ST SESSION

H. R. 1652

A BILL

To designate certain lands in the State of
Alaska as units of the national wildlife
refuge system.

By Mr. DINGELL

JANUARY 11, 1977

Referred to the Committee on Merchant Marine and
Fisheries



1 lished by the Act shall be published in the Federal Register
2 and filed in the office of the Secretary of the Interior, and
3 such description shall have the same force and effect as if
4 included in this Act; except that correction of clerical and
5 typographical errors in such legal description and map may
6 be made. Descriptions shall be based on land surveys or pro-
7 jections thereof.

8 **SEC. 5. (a)** Notwithstanding any other law, the refuges
9 established by this Act shall be administered in accordance
10 with the laws under which national wildlife refuges are es-
11 tablished and administered. All lands established as national
12 wildlife refuges by this Act are hereby withdrawn from all
13 forms of appropriation under the public land laws including
14 the mining and mineral leasing laws.

15 **(b)** Except as specifically provided for in this Act, the
16 withdrawal of lands for refuges established by this Act shall
17 **(1)** precede the selection of lands by native Alaskans under
18 the Alaska Native Claims Settlement Act, except that one
19 township surrounding each village within the boundary of
20 any such refuge may be selected by the natives; and **(2)**
21 precede the selection of lands by the State of Alaska.

22 **(c)** Nothing in this Act shall constitute an express or
23 implied claim or denial on the part of the Federal Govern-
24 ment as to exemption from State water laws.

25 **(d)** Nothing in this Act shall be construed as affect-

1 ing the jurisdiction or responsibilities of the State of Alaska
2 with respect to resident wildlife and fish in the national wild-
3 life refuges established by this Act.

4 SEC. 6. (a) In any case where State-owned or pri-
5 vately owned land is completely surrounded by the lands
6 of national wildlife refuges established by this Act, the State
7 of Alaska or private owner shall be given such rights as
8 may be necessary to assure adequate access to such State
9 owned or privately owned land by the State or private
10 owner and their successors in interest, or the State owned
11 land or privately owned land shall be exchanged for fed-
12 erally owned land in the State of Alaska of approximately
13 equal value under authorities available to the Secretary of
14 the Interior; except that the United States shall not transfer
15 to the State of Alaska or a private owner any mineral
16 interests unless the State or private owner relinquishes or
17 causes to be relinquished to the United States the mineral
18 interest in the surrounded land.

19 (b) In any case where valid mining claims or other
20 valid occupancies are wholly within a national wildlife
21 refuge established by this Act, the Secretary of the Interior
22 shall, by reasonable regulations consistent with the preserva-
23 tion of the area, permit ingress and egress to such surrounded
24 areas by means which have been or are being customarily
25 enjoyed with respect to other such areas similarly situated.

95TH CONGRESS
1ST SESSION

H. R. 2082

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1977

Mr. LEGGETT (for himself, Mr. DINGELL, Mr. FORSYTHE, and Mr. OBERSTAR)
introduced the following bill; which was referred to the Committee on
Merchant Marine and Fisheries

A BILL

To revise the laws relating to the establishment, administration,
and management of the National Wildlife Refuge System,
to establish a Bureau of National Wildlife Refuges, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—NATIONAL WILDLIFE REFUGE

4 SYSTEM

5 SHORT TITLE

6 SEC. 101. This title may be cited as the "National Wild-
7 life Refugee System Organic Act of 1977".

1 Claims Settlement Act; except that lands within the bounda-
2 ries of any unit of the System established by this section that
3 have been withdrawn for selection by Native Village Cor-
4 porations or Native Regional Corporations pursuant to the
5 Alaska Native Settlement Claims Act, but which are not se-
6 lected by any village or regional corporation, shall become
7 a part of such unit.

8 (g) The Secretary shall permit previously established
9 subsistence uses to continue within the units of the System es-
10 tablished by this section for such time as he determines that
11 the continuation of such uses are necessary for human survival
12 and cultural purposes and do not materially or negatively
13 affect the fish, wildlife, and plant resources or the purposes
14 for which the units are established. The Secretary may pub-
15 lish regulations prescribing conditions under which subsis-
16 tence uses may be conducted, including, but not limited to,
17 the establishment of limits on the number and type of wild-
18 life species to be utilized and the length of the season dur-
19 ing which subsistence activities may be engaged in within
20 any such unit.

21 (h) The Secretary is authorized to acquire by purchase,
22 donation, bequest, exchange, or otherwise, lands within the
23 perimeters of units of the System established by this section;
24 except that—

95TH CONGRESS
1ST SESSION

H. R. 5605

A BILL

To establish Admiralty Island National Preserve in the State of Alaska, and for other purposes.

By Mr. SEIBERLING

MARCH 24, 1977

Referred to the Committee on Interior and Insular
Affairs



- 1 (i) Motorized vehicles.
- 2 (ii) Aircraft.
- 3 (iii) Fish processing waste discharge.
- 4 (iv) Aquaculture, including mariculture.
- 5 (v) Hunting, fishing, and trapping.
- 6 (vi) Other such uses as the Secretary determines
7 must be limited or controlled in order to carry out the
8 purposes of this Act.

9 (vii) The following uses will be prohibited within
10 the boundaries of the preserve:

11 (A) New construction of commercial, recrea-
12 tional, or residential facilities, except as provided in
13 this Act.

14 (B) No mining or mineral exploration activities
15 of any kind including oil and gas.

16 (C) No predator control harvests: *Provided,*
17 That should an animal species be in danger of deple-
18 tion due to hunting pressures, natural phenomena, or
19 other cause, recreational and subsistence hunting
20 may be banned until such time as that species has
21 reached a strong and stable population level.

22 (D) No motorized vehicles will be permitted in
23 the preserve, except watercraft and float planes in
24 the waterways, and along existing rights-of-way.

25 **SEC. 5.** (a) The Secretary shall permit hunting, fishing,

1 and public entry onto the lands and waters under his juris-
2 diction within the preserve in accordance with the applicable
3 laws of the United States and the State of Alaska: *Provided,*
4 That he may designate zones where, and periods when, no
5 commercially related or recreational hunting, fishing, or
6 entry will be permitted for reasons of public health, safety, or
7 welfare, flora and fauna protection and management, sub-
8 sistence activities of the Tlingit community, or administra-
9 tion within the intents and purposes of this Act. The Congress
10 further recognizes that some of the uses on Admiralty Island,
11 such as wildlife photography and observation and hunting
12 may at times be in conflict with one another, and for this
13 reason so designates the Pack Creek and Swan Cove area,
14 within the boundaries of Pack Creek Research Natural Area
15 as prohibited to recreational and subsistence hunting.

16 (b) Except in emergencies, any regulations prescribing
17 closure or restrictions relating to hunting, fishing, and public
18 entry shall become effective only after consultation with the
19 Fish and Game Advisory Committee of Angoon, which is
20 the appropriate agency having jurisdiction over hunting and
21 fishing activities. The Fish and Game Advisory Committee
22 shall consist of seven members, all of whom must be subsist-
23 ence users and residents of Admiralty Island and possessing
24 such other qualifications as may be established by the Secre-
25 tary. Membership on the committee shall be determined by

1 popular vote at any regular or special election held in
2 Angoon, Alaska.

3 (c) Notwithstanding this section or any other provision
4 of this Act, members of the Angoon Tribes of Tlingit Indians
5 residing on Admiralty Island shall continue in perpetuity
6 their usual and customary use and occupancy of public lands
7 and waters within the preserve, including, but not limited to,
8 hunting, fishing, trapping, gathering of fruits and shellfish,
9 and the use of any nonendangered bird or animal species
10 for traditional ceremonials, regalia, and native arts and crafts.

11 SEC. 6. (a) Notwithstanding any other provision of
12 law and before entering into any contract for the establish-
13 ment of revenue-producing visitor services—

14 (i) the Secretary shall offer to Kootznoowoo, Incor-
15 porated, a first right of refusal to continue providing
16 such services within the preserve subject to such terms
17 and conditions as are reasonable and appropriate;

18 (ii) before entering into any contract or agreement
19 to provide new revenue-producing visitor facilities or
20 services within the preserve, the Secretary shall first
21 offer to Kootznoowoo, Incorporated, the right to build
22 and operate such facilities, which right of first refusal to
23 remain in force for a period of one hundred and twenty
24 days. Should Kootznoowoo, Incorporated, respond with
25 proposals that satisfy the terms and conditions established

95TH CONGRESS
1ST SESSION

S. 499

A BILL

To provide for the addition of certain lands in the State of Alaska to the National Park, National Wildlife Refuge, National Forest, and National Wild and Scenic Rivers Systems, and for other purposes.

By Mr. JACKSON and Mr. HANSEN

JANUARY 28 (legislative day, JANUARY 19), 1977
Read twice and referred to the Committee on Interior
and Insular Affairs

1 Township 41 south, range 53 west.

2 Township 41 south, range 54 west.

3 (c) Not later than ten years from the date of enactment
4 of this title, and continuing at intervals of not more than five
5 years after the submission of the first such report, the Secre-
6 tary shall report to the Congress on the effect of all hunting,
7 fishing, and trapping, including subsistence uses, on the flora
8 and fauna within each area added to existing units or estab-
9 lished by parts A and B of this title, and shall recommend
10 whether any or all of such uses shall be continued.

~~NATIONAL PARK AREAS~~

11 **SEC. 108. SUBSISTENCE USES.**—Except as may other-
12 wise be prohibited by Federal or State law, the Secretary
13 shall permit the continuation of such subsistence uses of the
14 fish, wildlife, and plant resources within the areas added to
15 existing units or established by parts A and B of this title to
16 the extent that such uses were in effect on the date of enact-
17 ment of the Alaska Native Claims Settlement Act. Such uses
18 shall continue unless the Secretary determines that particular
19 uses are materially and negatively affecting the fish, wildlife,
20 or plant resources of such areas: *Provided*, That, for such
21 reasons as public safety, administration, fish and wildlife
22 management, or public use and enjoyment, the Secretary
23 may, by regulation, prescribe conditions under which such
24 subsistence uses shall be conducted including, but not limited
25 to, prohibitions on takings, and the establishment of limits on

1 the number and type of resources taken, and the season when,
2 and area within such areas where, subsistence activities can be
3 undertaken. Regulations promulgated pursuant to this section
4 shall be put into effect only after consultation with the appro-
5 priate fish and game agency of the State of Alaska.

6 **SEC. 109. COOPERATIVE AGREEMENTS.—**(a) The
7 Secretary is authorized to cooperate and seek agreements
8 with the heads of other Federal agencies and the owners of
9 lands and waters within, adjacent to, or related to each area
10 added to existing units or established by parts A and B of
11 this title, including, without limitation, the State of Alaska
12 or any political subdivision thereof, any Native corporation,
13 village, or group having traditional cultural or resource-based
14 affinities for such areas, and, with the concurrence of the
15 Secretary of State, the governments of foreign nations. Such
16 agreements shall have as their purpose the assurance that
17 resources will be used, managed, and developed in such a
18 manner as to be consistent with the preservation of the en-
19 vironmental quality of such areas. The agreements may
20 also provide for access by visitors to the park system units
21 to and across the lands which are the subject of the
22 agreements.

23 (b) The head of any Federal agency, other than
24 agencies that are parties to cooperative agreements pursuant
25 to subsection (a) of this section, having direct or indirect

1 on the effective date of this title, or which becomes invalid
2 thereafter. Any claim recorded pursuant to the regulations
3 promulgated under this subsection, for which the claimant
4 has not made application for a patent within three years from
5 the date of recordation, shall be presumed to be invalid
6 unless the claimant presents to the Secretary clear evidence
7 of its validity.

8 (2) The Secretary may administratively cancel any
9 lease or prospecting permit for violations of the terms of the
10 lease or permit or of regulations issued pursuant to the Min-
11 eral Leasing Act of February 25, 1920, without regard to
12 the requirements of section 31 of such Act (41 Stat. 450,
13 as amended; 30 U.S.C. 188), after thirty days notice to
14 the lessee or permittee and failure of the lessee or permittee
15 to correct the condition giving rise to the breach.

16 (c) The lands within the Noatak National Arctic Range
17 are, subject to valid existing rights, withdrawn from location,
18 entry, and patent under the public land laws of the United
19 States, including all forms of appropriation under the mining
20 laws of the United States and from the operation of the Min-
21 eral Leasing Act of February 25, 1920, as amended and
22 supplemented.

WILDLIFE

REFUGES

23 (d) Except as may otherwise be prohibited by Federal
24 or State law, the Secretary shall permit the continuation of
25 such subsistence uses of the fish, wildlife, and plant resources

1 within the refuges and the ranges to the extent that such
2 uses were in effect on the date of enactment of the Alaska
3 Native Claims Settlement Act. Such uses shall continue un-
4 less the Secretary determines that particular uses are mate-
5 rially and negatively affecting the fish, wildlife, or plant
6 resources of the refuges and the ranges: *Provided, That*, for
7 such reasons as public safety, administration, fish and wildlife
8 management, or public use and enjoyment, the Secretary
9 may, by regulation prescribe conditions under which such
10 subsistence uses shall be conducted including, but not limited
11 to, prohibitions on taking, the establishment of limits on the
12 number and type of resources taken, and the season when,
13 and area within the refuges and the ranges where, subsistence
14 activities can be undertaken. Regulations promulgated pur-
15 suant to this section shall be put into effect only after con-
16 sultation with the appropriate fish and game agency of the
17 State of Alaska.

18 **SEC. 206. WILDERNESS REVIEW.**—(a) Within three
19 years from the date of enactment of this title, the Secretary
20 shall report to the President, in accordance with subsections
21 3 (c) and 3 (d) of the Wilderness Act (78 Stat. 890; 16
22 U.S.C. 1132 (c) and (d)), his recommendations as to the
23 suitability or nonsuitability of any area within the refuges
24 and the Iliamna National Resource Range for preservation
25 as wilderness, and any designation of any such areas as

95TH CONGRESS
1ST SESSION

S. 1500

A BILL

To designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

By Mr. METCALF

MAY 12 (legislative day, MAY 9), 1977

Read twice and referred to the Committee on Energy
and Natural Resources

1 TITLE VII—GENERAL ADMINISTRATIVE
2 PROVISIONS

3 SEC. 701. SUBSISTENCE USES.—Except as otherwise
4 prohibited by Federal or State law, the Secretaries of the
5 Interior and Agriculture shall permit the continuation of
6 subsistence uses of the fish, wildlife, and plant resources
7 within the areas under their respective jurisdictions estab-
8 lished as units, or added to existing units, of the four
9 conservation systems pursuant to this Act (hereinafter re-
10 ferred to as the “national interest lands”). Each Secretary
11 may publish regulations prescribing conditions under which
12 subsistence uses may be conducted, including, but not limited
13 to, the establishment of limits on the number and type of
14 wildlife species to be utilized and the length of the season
15 during which subsistence activities may be engaged in
16 within any such unit of the national interest lands under
17 his jurisdiction. After consultation with local residents and
18 State agencies exercising jurisdiction affecting subsistence
19 resources, each Secretary may designate “subsistence man-
20 agement zones” to include various geographical areas where
21 subsistence activities have customarily occurred in and ad-
22 jacent to national interest lands, without regard to bound-
23 aries established for such lands by this Act. The appropri-
24 ate Secretary shall establish a “regulatory subsistence
25 board” for each subsistence management zone or combina-