

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 8672

79 SCOMM 7: INTERIM COMM. ON SUBSISTENCE 1977

commercial-sport-subsistence fishing or subsistence-sport-trophy hunting as practiced by many Alaskans have been unsuccessful. The material, physical and psychological rewards of these pursuits are all of importance; the degree of each depending on circumstances.

Although fishes and fishing are of great importance, and the factors affecting fish populations and aquatic habitats are, in a broad sense, quite similar to those affecting birds and mammals, the question of fishing does not currently engender the kind of debate that hunting and trapping do. Current attention within Alaska and nationally is focused on the issue of hunting.

Hunting wild game is a pursuit as old as mankind; in fact, hunting was crucial to man's evolutionary development. However, in modern life, relatively few people are confronted with the necessity of hunting or gathering food, nor with the reality that their life depends upon the death of other living things. Hunting brings this relationship into sharp focus, and emphasizes man's need for a more responsible attitude toward other species and their habitat.

Because of the contributions of hunting to Alaskan life styles through its physical and psychological challenges and rewards, we believe that hunting in its various forms should be provided for in land dedication and management. We consider hunting to be very important among the array of potential wildland uses. Again, a continuum exists between the extremes of hunting as a dominant desirable use of wildlands in some circumstances to those situations, such as national parks and monuments, within which it is neither desirable nor compatible with other important uses.

However, if hunting is to survive as a positive element, some hard realities must be recognized and reckoned with.

1. Biological productivity. The basic long-term productivity of Alaskan lands is low, and the abundance of plants and animals varies dramatically over any period of years. Hunting and other wildland uses must be regulated in accord with these basic principles, or neither the wildland uses nor the wildland resources will survive in a healthy condition.
2. Human Population Density. For subsistence life styles with a high direct dependence on hunting and gathering to be perpetuated, low densities of users in relation to resources must be maintained. In the past, availability of resources limited human numbers, but today many constraints on human population have been removed. Therefore, regulations are necessary to insure that increased human use does not damage wildland resources.
3. Modern Technology. Technology has increased the efficiency of all

hunters. Improperly employed, this technology has and will continue to have detrimental effects on wildlife and its habitat. Regulation of methods and means will continue to be a necessity.

In relation to disposition of d-2 lands, it is clear that hunting, trapping, fishing and many other consumptive uses are unlikely to be compatible with the management policies and philosophies of national parks and monuments. Where hunting is to be permitted, we recommend that other land management categories be established (e.g. preserves, refuges) which also provide appropriate watershed, habitat and wildlife protection.

Although we feel that hunting should not be permitted in parks and monuments, hunting should be permitted in all other federal land categories subject to appropriate regulations and controls.

We believe that the basic existing regulatory regime for hunting, trapping and fishing is most appropriate to properly conserve and protect fish and wildlife in Alaska, and to provide the mechanisms for allocation of resource use among various users. Legally and historically the State of Alaska has had the responsibility for wildlife management. This management is based on the state's constitutional directive that resource allocation should not be based on place of residence, race or level of cash income. We believe that to properly regulate the entire spectrum of hunting, trapping and fishing uses effectively and equitably, state regulation promulgated and effected with federal coordination and cooperation is the most appropriate scheme. Because federally legislated fish and wildlife management regulations would deal with only portions of the management complex in Alaska, and because Federal legislation would be a more static scheme applied to a necessarily dynamic management situation, we oppose Federal legislation as the sole or major regulatory mechanism effecting wildlife management on National Interest Lands in Alaska.

The management of habitats will require the cooperation of all "land-owners". Land in Alaska is being divided into smaller and smaller parcels under a variety of ownerships thereby resulting in a proliferation of management goals and policies. This trend is generally incompatible with the conditions required for many of the existing life styles in Alaska and will lead to the destruction of these life styles and the integrity of existing ecosystems unless a new and imaginative approach to land and resource management is adopted, one that can overcome the inherent deficiencies of an uncoordinated mosaic of land ownership and management policies. To achieve coordination of land use and resource management in accord with the policy stated above will require an unprecedented level of cooperation and agreement among federal, state and private groups. The new and permanent Joint Federal-State Land Commission, as proposed by the ACS, will serve an essential role in achieving this cooperation.



Alaska Conservation Society

Incorporated in 1960

P.O. Box 80192

College Branch, Fairbanks, Alaska 99708

Testimony of the Alaska Conservation Society
on HR 39, Alaska National Interest Lands Conservation Act
House Subcommittee on General Oversight and Alaska Lands
Fairbanks, Alaska August 20, 1977

Mr. Chairman, my name is Herbert R. Melchior, I am Vice President of the Alaska Conservation Society, a volunteer group of 900 Alaskan and 200 non-Alaskan members. Since its formation in 1960, the Society has worked hard to secure the wise use of renewable and non-renewable resources; and the protection and preservation of the scenic, scientific, recreation, wildlife and wilderness values of Alaska. My testimony today supports HR 39 as the best vehicle for bringing the Alaska National Interest Lands issue before the people of America.

HR 39 addresses many issues of great importance to Alaska and Alaskans, to the Nation and its people. However, we feel that some of these issues are either inadequately or improperly dealt with in the present form of the Bill. Since the basic goals of HR 39, the identification and protection of federal wildlands, has been frequently praised by many previous speakers, I feel the Alaska Conservation Society's contribution will be most constructive by concentrating on those sections we feel need to be changed or need our special support.

Because fish and wildlife populations move across the artificial and often arbitrary land boundaries established by humans, and because the Statehood Act, ANCSA, and future legislation, such as HR 39, is dividing up the habitats of many species and placing them into different land management systems - systems with different goals and objectives - we feel it is absolutely essential that Congress devise a means to achieve and give legislative support to a higher level of cooperation than has existed among private, local government, state and federal land management groups. We feel Section 708 (a) of HR 39 does not go far enough. It is not sufficient to simply authorize agencies to enter into cooperative agreements. A catalyst is needed with the authority

to bring agencies and groups together. The effort needs to be coordinated and timely. This means that people must be given this specific job to do and budget to do it with. We can not rely upon agencies and groups to initiate the process. Too often cooperative efforts are given low priority - subservient to internal agency affairs - no budget or simply lip service. I can think of no better way to insure the demise of Alaska's fish and wildlife populations than to treat cooperation among land managers, who in effect control the health of habitats, in a casual - you are authorized to do it - manner. To reiterate: it is essential that legislation establish mechanisms to 1) serve as a catalyst; 2) insure coordination of the effort and 3) perhaps even to serve as arbiter when strong conflicting interests are present.

The mechanism must involve real people and have a real budget - perhaps even monies to pay part of the salary of agency representatives and private individuals so the excuse can't be made that the money is not available to support work on cooperative land management.

This committee should consider legislative ways of insuring that the process is undertaken and that it works, first by mandating that agencies cooperate in the endeavor and second by inserting language into the Bill that with holds money from the agency unless it actively participates.

Private groups can be given tax incentives to participate and the State Legislature should pass appropriate legislation to insure the participation of state agencies.

As envisioned here, this is NOT a fifth system nor is it a device to erode the basic management responsibilities of each agency - it simply insures that they cooperate in a serious and effective manner to maintain healthy habitats for fish and wildlife.

As written, Section 701 (a), (b) and (c), which deal with subsistence uses of d-2 lands and wildlife management, are unacceptable and in conflict with the positions adopted by the Alaska Conservation Society's Board of Directors.

The broad spectrum of life styles practiced by Alaskans contributes to its' uniqueness among the fifty states and adds diversity to American society at large. Within this spectrum, there is an array of "Alaskan" and "Subsistence" life styles that consist of dynamic complex mixture of traditionally native, traditionally non-native elements. Therefore, we believe there is no rational nor fair basis for rigidly defining subsistence life.

Although we believe it is impossible to develop a simple, rigorous definition of subsistence, we recognize there are still many people who

depend greatly upon natural resources in order to make a living; there are also many for whom subsistence living is culturally the way of life. Of necessity or by choice, they live off the land. To a great degree, they subsist. Activities in support of these life styles include hunting, fishing, trapping and gathering traditional wild foods and other organic materials. Of necessity, practitioners of subsistence life styles live in areas of low human population density. Historically and throughout Alaska, hunting and gathering societies were distributed at low densities as mandated by the productivity and characteristics of the ecosystems of which they were a part. Furthermore, to be successful at subsistence living, they must have the dedication, knowledge and skills, which in essence make them "professionals" at hunting, fishing and trapping.

The Alaska Conservation Society supports the concept of subsistence use of natural resources by all Alaskans for the following reasons.

1. There are strong cultural affinities for subsistence living among natives and non-Natives, even though the bases for these affinities differ.
2. The existence of a viable subsistence life style provides our society at large with an added and positive element of diversity, which enriches both subsistence users and others.
3. Subsistence life styles, properly pursued, are environmentally less disruptive and less destructive than life styles associated with modern agrarian or industrial societies. Regulated and controlled, subsistence activities can be an ecologically sound means of supporting people in rural Alaska.
4. Subsistence use remains an economic necessity for many rural Alaskans.
5. Subsistence use has always been a natural part of true wilderness, contrary to today's popular notion of wilderness as "...a place where animals live, but people only visit", as similarly expressed in the Wilderness Act.

Therefore, if the legislation that evolves from these hearings addresses the question of subsistence wildlife harvests, several principles should be followed:

- a) Native subsistence uses, where these have contemporary validity, should be firmly protected; however, non-Native subsistence uses, which meet the same tests of validity, should be given equal protection. Subsistence should not be defined in law on a racial basis.

b) Subsistence should be the highest priority of human harvests of food species whenever resources are too scarce to meet all demands. This policy must be implemented by a government body responsible to all citizens of Alaska, not by a body composed exclusively of subsistence users themselves.

c) Neither subsistence, sport, commercial, nor scientific uses of fish and wildlife should be permitted to jeopardize the welfare of the resources themselves.

From the things I have already said it must be clear that we do not support the game management and regulatory scheme embodied in Section 701 (a) and (b) which places these activities under the Secretary of Interior on federal lands (that is d-2 and adjacent lands) but leaves these activities for the State on State and private lands. Furthermore, this partitioning of responsibility and authority only applies to subsistence activities and not to other resource uses. What a monster of confusion this will create. It will be bad for resources as well as for those who use and depend upon them. From an ecological point of view, this scheme is unrealistic and shows a lack of understanding of the historical behavior of fish and wildlife populations at northern latitudes and of the functions of northern ecosystems. Let me try to briefly explain this statement.

There are several very important aspects to northern ecosystems that should be taken into consideration before deciding on such a course of action as suggested in HR 39. These are:

1. Major fluctuations in abundance have been shown for essentially every species of fish, bird, and mammal that has been studied for any length of time, or for which estimates of numbers exists. These fluctuations are usually not synchronous among species and the periodicity and magnitude of the fluctuations have been generally unpredictable. This applies to both those species harvested by humans and those that are not. Even plant resources, such as berry crops and tree seed production undergo marked fluctuations.
2. Coupled with this, many species - several of considerable importance to rural Alaskan in particular - make major shifts in location; some seasonally, some on a more semi-permanent basis, such as some of the herds of caribou in Alaska that have shifted their range or herds that have broken up into smaller units, each going its own way. These shifts in space have also been unpredictable but could be caused by the natural degradation of range by such factors as fire, unusual snow conditions or simply over-grazing or over-browsing by the animals themselves.

For example, the lightning-caused tundra fires of this summer have very likely destroyed much caribou winter range in north-western Alaska. The lichens that caribou utilize in winter, will take 20 to 40 years to recover after a fire, (the period depending on many factors affecting their growth), so caribou will have to seek winter forage outside these burned areas.

3. Both wild predators and humans depending on animal resources must be able to seek out and acquire the resources where they are irrespective of politically or arbitrarily drawn legal boundaries.

4. The productivity of plants and animals at northern latitudes is generally much less than for ecologically equivalent species in the lower 48. For example, Vermont, with an area of about 9000 square miles has about 250,000 white tail deer or about 28 per square mile while the range of the Western Arctic Caribou Herd of about 140,000 square miles, supported at its peak population about 240-250,000 caribou or less than 2 per square mile.

The importance of understanding these attributes of northern ecosystems is that with large numerical changes occurring over time and space in a relatively unpredictable manner, fixed boundaries for the management and regulation of fish and wildlife are inappropriate and ecologically unsound. Thus the concept of establishing "subsistence management zones" on federal lands is unsound and unworkable. It is true that the present State system involves the establishment of fish and game management units and that bag limits and seasons are established for each but this is a flexible system carried out statewide and based on the existing conditions of the resources. It readily undergoes revision each year.

How would the subsistence management zone work in practice? Would the boundaries change as the resources fluctuate in space? What happens to the constitution of the subsistence board if the boundaries change? Are boundary changes made when one species changes its place of habitation? When two species change? How would this system interact with the state's responsibility on state and private lands and for non-subsistence users, such as recreational hunters and fishermen who also have a valid interest in our living resources?

The Alaska Conservation Society believes the satisfactory resolution to these questions is to delete Section 701 (a) and (b) and to reaffirm Section 6 (e) of the Alaska Statehood Act (PL 85-508) which entrusted the administration, management, and conservation of the fish and wildlife resources to the state, to quote the Act, "in the broad national interest."

The Alaska Conservation Society strongly supports Title V of HR 39 which designates the US Fish and Wildlife Service as primary manager of National Petroleum Reserve, Alaska formerly known as Pet 4.

The Alaska Conservation Society requested this action in 1975 before PL 94-258 (National Petroleum Reserves Act of 1976) was passed and subsequently, we have asked three Secretaries of Interior, including Secretary Andrus, to designate the USFWS as manager, but to no avail.

And why have we put such effort in this? 1) Because NPR-Alaska is the largest block of de facto wilderness in the United States and also the largest block of land remaining under one jurisdiction in Alaska. 2) It possesses a great variety of renewable resources of great value to the nation and the people of Alaska. It includes important breeding grounds for millions of waterfowl and several species of shore birds; it includes the calving grounds of the Western Arctic Caribou Herd. 3) The USFWS has been conducting biological studies and surveys in the area for decades and therefore has in Alaska a cadre of biologists who know the area and understand some of the special qualities of northern tundra ecosystems and 4) this same Service, which manages the Kenai Moose Range, has individuals in Alaska who have worked with the oil and gas industry and therefore could work with this industry during the exploration of NPR-Alaska mandated by Congress in PL 94-258.

However, these are not the only reasons why we bring this information to your attention. As recently as last month three geologists from the US Geological Survey reported in Survey Circular 751-B that, and I quote:

"From results of the 1944-53 Pet 4 exploration program, recent investigations, and the extension of eastern North Slope (primarily Prudhoe Bay) data westward, a preliminary judgement can be made of the probability of the occurrence of Prudhoe Bay-type hydrocarbon accumulations in NPR-4...

Evaluation of the regional geology of northern Alaska suggests that the unique combination of geological and geochemical elements resulting in the Prudhoe Bay field is not likely to be repeated in NPR-4...

Assessment of the critical geological-geochemical factors suggests that the recoverable resource may be even smaller than the 5 billion barrels of liquid hydrocarbons and 14.3 trillion cubic feet of natural gas estimated by the FEA in 1976 and are likely to be distributed in a number of small accumulations rather than a few giant fields."

In addition, we understand that a recent estimate indicates that half of the estimated oil and gas in NPR-4 would be used just to extract what is there.

Given this information, we feel it is even more important now to have management of this area in the hands of the agency most likely to protect the true, long term values of the region.

Before closing, I would like to refer you to the testimony given in Washington, DC to your committee on April 21, 1977 by the president of the Alaska Conservation Society. That testimony covered briefly the Society's position on other important issues embodied in this legislation. In particular I would bring to your attention our strong hope that final d-2 legislation will contain provisions for new wilderness areas in Southeast Alaska, as provided by HR 39. As our chapter members in Ketchikan, Petersburg, Sitka and Juneau have testified, Congressional action is urgently needed to protect these green and turquoise jewels of Alaskan landscape.

Time does not permit comment on other important subjects inherent in the complex legislation before you. The Alaska Conservation Society is happy to place its knowledge and insights at the disposal of this Committee throughout the coming discussion of the national interest lands in Alaska

Thank you very much for the opportunity to testify here today. Please include these comments as part of the formal hearing record.

POLICY REGARDING SUBSISTENCE ACTIVITIES AND
SPORT HUNTING ON NATIONAL INTEREST LANDS

Executive Committee
Alaska Chapter of the Sierra Club

WHEREAS, the Executive Committee of the Alaska Chapter of the Sierra Club recognizes that habitat in Alaska for wild game species is changing rapidly and the carrying capacity for game in Alaska's wilderness lands, including but not limited to National Interest Lands, is becoming limited to such an extent that future management of these lands should be subject to certain priorities, and

WHEREAS, with regard to National Interest Lands proposed for inclusion into the "four systems" federal parklands in Alaska, wildlife and other wilderness resources must be managed so as to preserve these resources in as natural a state as possible, protecting the processes and cycles inherent in nature, and

WHEREAS, with this primary management policy in mind, the National Interest Lands should be managed so as to, when practicable, provide for the maintenance of the livelihood of persons conducting subsistence activities on National Interest Lands and provide for the enjoyment of recreational hunters on these lands, but only in light of the primary responsibility of protecting the viability of species and maintenance of the resource base throughout the National Interest Lands, and

WHEREAS, because one of the principal goals in the establishment of National Parks and Monuments in Alaska is to establish and re-establish undisturbed biological systems so that the public can enjoy such areas without disturbances associated with hunting, the Executive Committee concludes that sport hunting should not be authorized in National Parks and Monuments in Alaska,

NOW THEREFORE, the Executive Committee adopts the following policy regarding subsistence activities and sport hunting on National Interest Lands, for consideration and possible inclusion into relevant National Interest Lands proposals for Alaska.

1. Definitions.

(a) "National Interest Lands" shall refer to all lands proposed for inclusion into the "four systems" federal parklands categories for Alaska pursuant to Section 17(d)(2) of the Alaska Native Claims Settlement Act, i.e. National Parks and Monuments, National Wildlife Refuges, National Wild and Scenic Rivers, and National Forests, which shall be the subject of this Policy.

Policy Regarding Subsistence Activities and
Sport Hunting on National Interest Lands
October 19, 1976
Page two.

(b) "Secretary" or "Secretaries" shall refer to the Secretary of the Interior or the Secretary of Agriculture, or both, and where the context so permits their respective delegates, representatives and agencies charged with the administration of the National Interest Lands. Where overlapping or contiguous jurisdiction exists between various departments and agencies charged with the administration of the National Interest Lands, which could make the implementation of this Policy with regard to subsistence activities cumbersome or duplicative, these departments or agencies shall form a cooperative framework of administration to carry out the purposes of this Policy regarding subsistence activities on National Interest Lands.

2. Policy Regarding Subsistence Activities on National Interest Lands.

Local residents in the vicinity of National Interest Lands who exercised and continue to exercise customary, consistent and traditional use of subsistence resources in said lands at the time of the passage of the Alaska Native Claims Settlement Act, and their direct descendants, shall be permitted to continue subsistence activities on these National Interest Lands so long as it is necessary to supply their primary needs of food, shelter materials, firewood, clothing, and traditional handicrafts and so long as it is consistent with the sound management of these resources.

3. Regulation of Subsistence Activities.

(a) Local Regulatory Subsistence Boards. After consultation with local residents and state agencies exercising legislative jurisdiction affecting subsistence resources, the Secretary or Secretaries shall designate "Subsistence Management Areas" in the various geographical areas where subsistence activities have customarily taken place in National Interest Lands, without regard to administrative boundaries established for these lands. The Secretary or Secretaries responsible for the administration of these Subsistence Management Areas shall then establish local "Regulatory Subsistence Boards," which shall review and approve permit applications for subsistence activities within their Subsistence Management Area in accordance with criteria and procedures for the management of these resources promulgated after a public hearing by the Secretary or Secretaries charged with the administration of the lands comprising each Subsistence Management Area. These Regulatory Subsistence Boards shall also advise the responsible Secretary or Secretaries on matters of concern to local subsistence permittees and other residents within their Subsistence Management Area.

Policy Regarding Subsistence Activities and
Sport Hunting on National Interest Lands
October 19, 1976
Page three.

(b) Responsibility of the Secretary. The Secretary or Secretaries exercising proprietary jurisdiction over lands containing subsistence resources within these Subsistence Management Areas shall retain the responsibility to enforce, review and, where necessary, overrule decisions made by the Regulatory Subsistence Boards. Any permit applicant, Regulatory Subsistence Board member, state agency or member thereof, administrator of applicable National Interest Lands unit, or any other concerned citizen may appeal the decision of a Regulatory Subsistence Board to the Secretary or Secretaries responsible and, after appropriate notice, may appeal any action, decision or management policy taken by the Secretary or Secretaries to the appropriate federal district court, all without regard to the amount or issue in controversy.

(c) Overall Management Policy for Subsistence Areas. Use of these National Interest Lands for primary subsistence needs will in all cases be given preference over other competing uses in a Subsistence Management Area. When a resource cannot support all demands upon it of where limitations imposed by the Secretary or Secretaries fail to adequately relieve pressure on a failing resource, the Secretary or Secretaries responsible for the resource shall curtail subsistence uses of that resource to the extent necessary to protect the viability of the species and otherwise restore and preserve wilderness and wildlife in the Subsistence Management Area.

4. Policy Regarding Sport Hunting in National Interest Lands.

It is recognized that sport hunting provides a physically and emotionally rewarding outdoor experience for some persons and, so long as consistent with sound management policies, shall be permitted in National Interest Lands not subject to the jurisdiction of the National Park Service as Parks or Monuments, but only after the reasonable requirements of subsistence hunting are met.

5. Regulation of Sport Hunting.

Access for sport hunting shall be authorized by the Secretary charged with the administration of each unit of the National Interest Lands when, after a full evaluation, it is determined that there is an adequate resource. The Secretary shall regulate the means of sport hunting in a manner not to jeopardize the viability of wildlife or habitat in the hunt area, taking into account the demands of subsistence activities and existing wilderness values in the area. In all cases the

Policy Regarding Subsistence Activities and
Sport Hunting on National Interest Lands
October 19, 1976
Page four.

principles of "fair chase" shall apply. Federal permits for sport hunting shall be administered in conjunction with state agencies exercising legislative jurisdiction affecting these resources in developing annual statewide hunting regulations but, in any event, such permits will not be awarded unless the Secretary determines there are adequate state and federal regulatory facilities and personnel in the field to ensure the enforcement of the rules of the hunt.

Shame on GLCB and the Alaskans who stand by and see our state desecrated, our game slaughtered, our children neglected.

NORTH POLE, ALASKA

4 OCTOBER, 1977

HONORABLE NELS ANDERSON,
DILLINGHAM, ALASKA

WE THANK YOU FOR LISTENING TO ALASKA CITIZENS. USUALLY THE STATE EMPLOYEES GIVE THE POEPLE OF ALASKA THE BRUSH OFF. COMMERCIALIZE OUR BIG GAME BY CUTTING ALL THE BEST OF ALASKA INTO EGA(EXCLUSIVE GUIDE AREAS)? BUFFALO ON THE GREAT PLAINS WENT THE SAME WAY. MEN, WOMEN, CHILDREN (SAVAGES?) STARVED FOR THIS DELIBERATE GOVERNMENT POLICY. GUIDING ^{GLCB} IS REALLY A STRONG UNION FOR THE EXCLUSIVE BENEFIT OF A FEW GUIDES. THE UNION, GLCB, (GUIDE LICENSING AND CONTROL BOARD) CAN EXCLUDE ANY DISSIDENT GUIDE, AND HAVE DONE SO. GLCB IS A SHAME AND A DISGRACE TO THE NAME OF ALASKA.

*"Yes", U.S. GOVERNMENT said
"No", DECENT PEOPLE said*

ART FIELDS, A NATIVE OF KOTZEBUE, BORN IN CANDLE, ROSE UP AND PROTESTED GLCB IN NOVEMBER, 1976.

FEW NATIVES WERE GIVEN EGA. *why?* NO NATIVES WERE GIVEN EGA IN THE NOVEMBER, 1976 GIVEAWAY. *No one knows the land and animals as the native of 15,000 years.*

IF THE US SUPREME COURT IS CORRECT IN RULING GAME ANIMALS ON FEDERAL LAND BELONG TO ALL THE AMERICAN POEPLE, WHY DOES GLCB COMMERCIAL THE CHOICE HUNTING AREAS SO THAT THE ANIMALS CAN BE SOLD BY BIG GAME GUIDES? *Can the average villager charter a cessa 206 to go hunting?*

KAKTOVIK, (BARTER ISLAND) CHILDREN SOMETIMES COME TO SCHOOL HUNGRY WHEN HUNTING IS BAD. BUT 2,000,000 ACRES EGA WAS GIVEN TO ONE COMMERCIAL GUIDE IN THE KAKTOVIK, ARCTIC NATIONAL WILDLIFE AREA.

Keep working NEXs! Best Wishes. Harder

BOX 5153
NORTH POLE, ALASKA
15 DECEMBER, 1976

HONORABLE JAY HAMMOND,
GOVERNOR OF ALASKA
JUNEAU, ALASKA

GREAT LAUGHING CHARLIE BROWN! (GL&CB) A MAJOR PORTION OF THE PRISTINE AREAS OF THE BROOKS RANGE WILDERNESS AND NORTH SLOPE TUNDRA AND HILLS WERE GIVEN AWAY SUNDAY 12 AND MONDAY 13 DECEMBER, 1976, IN ANCHORAGE BY THE GUIDE LICENSING AND CONTROL BOARD (GL&CB) TO COMMERCIAL ALASKA GUIDES FOR THEIR EXCLUSIVE GUIDING AREA. (EGA) NATIVE ART FIELDS OF KOTZEBUE FOUND ALL DEAF EARS FOR HIS VIGOROUS PROTEST TO GL&CB. ONE GUIDE STATED HE HAD NEVER GUIDED IN THE LARGE NOATAK RIVER AREA HE WAS GIVEN. ONE GUIDE WAS GIVEN TWO MILLION (YES 2,000,000) ACRES NEAR THE CANNING RIVER AND NEEDED MORE. ANOTHER TWO MILLION ACRE EGA INCLUDES THE KAKTOVIK BARTER ISLAND NATIVE VILLAGE SUBSISTANCE HUNTING AREA AND A MAJOR PORTION OF THE ARCTIC NATIONAL WILDLIFE REFUGE. WERE THE KAKTOVIK PEOPLE CONSULTED PRIOR TO MAKING THEIR SUBSISTANCE HUNTING GROUNDS FOR AN EGA? DID THE SEVEN TANCIC GLCB BOARD MEMBERS INSURE NATIVE REPRESENTATION? OR NATIVE ALASKAN AWARENESS OF THE GIVEAWAY? GEORGE AND NORA AHGIAK HAVE FOR MANY YEARS WINTERED ON THE SUNNY HULU HULU RIVER, FIFTY MILES SOUTH OF KAKTOVIK AND THE BEAUFORT SEA COAST SEVERE WINDS. AT OLD MAN CREEK, THE SPARKLING HULU HULU WATERS EXIT THE BROOKS RANGE PEAKS, FLOWING NORTH TO JOIN THE ARCTIC OCEAN. THE FROZEN RIVER SURFACE FURNISHES A SUPERHIGHWAY FROM THEIR CAMP IN WINTER TO KAKTOVIK. THE EVER FLOWING WATER UNDERNEATH THE ICE CONTAINS FISH YEAR ROUND. THE ARCTIC HILLS ABOUND IN SHEEP, WOLF, MOOSE, CARIBOU, ARCTIC HARE, AND PTARMIGAN. I HAVE MANY TIMES ENJOYED HOT COFFEE AND EATEN WITH THE AHGIAKS IN THEIR TENT, SETTING ON A CARIBOU SKIN. A SMALL YUKON STOVE DEVOURS WILLOW TWIGS, WARMS THE TENT, HEATS THE COFFEE... AND COOKS THE FOOD. THE AHGIAKS STAVE OFF HUNGER IN THE MOST BEAUTIFUL OF WILDERNESSES BY SUBSISTANCE HUNTING AND FISHING. ONE XMAS, THE WOLVES SURROUNDED THEIR DOG AND ATE HIM. ANOTHER TIME NORA BROKE ALL HER RIBS AND I FLEW HER OUT TO CATCH THE WIEN PLANE. THE BRIGHT SUNNY ALPINE MEADOWS, SET AMONG BLUE ICY PEAKS OF THE BROOKS RANGE, FRAMED BY AN AZUR BLUE SKY, REPRESENTS MANKINDS LAST PRISTINE PRIMITIVE UNCONTAMINATED AREA ON THE EARTH. THE TANGY ARCTIC AIR IS REFRESHING TO BREATHE, AND THE PURE ICE WATER DELICIOUS TO DRINK. THE SILENCE OF THE BUSH IS BROKEN ONLY BY THE WIND, THE CRACK OF ICE, BUBBLING WATER, AND THE SWISH OF A ZOOMING FLOCK OF PTARMIGAN. GOVERNOR HAMMOND, SHALL YOU AND I ALLOW THE COMMERCIALIZATION AND DESTRUCTION OF THE LAST CLEAN, PURE, UNCONTAMINATED AND BEAUTIFUL WILDERNESS ON THE EARTH? DOES A GUIDE NEED TWO MILLION ACRES PRIVATE EGA? IN THE ARCTIC WILDLIFE REFUGE OR ANY PART OF THE BROOKS RANGE? IN THE NATIVES LAST GOOD SUBSISTANCE HUNTING AREA? WERE THE NATIVES IN KAKTOVIK, BARROW AND KOTZEBUE CONSULTED AND OFFERED PRIVATE EGA? OR WERE THEY IGNORED LIKE ART FIELDS? BIG HONCHO ADFG SHOULD GET OFF HIS CHAIR IN JUNEAU, ASCERTAIN THE FACTS, AND NOT LET THE JAY HAMOND ADMINISTRATION BE LULLED INTO SUCH AN ALASKA WATERGATE THAT THE FEDS AGAIN NEED TO EVALUATE OUR FAILURES AND ASSIST US IN ALASKA WITH FURTHER FEDERAL FIFTEEN YEAR MORATORIUMS. WITH MY BEST WISHES TO YOU, ALL ALASKANS, AND ALL AMERICANS,

Hardy M. Smith

HARDY MARVIN SMITH

BOX 5153,

NORTH POLE, ALASKA 99705

PHONE: 907 488 6653 ANYTIME

BOX 5153
NORTH POLE, ALASKA
MON 13 DEC 1976

SUBJECT: DIVESTURE BY GL&CB OF ARCTIC ALASKA GUIDES PROPRIETARY INTEREST.
TO WHOM IT MAY CONCERN

ALASKA STATUTES DO NOT REQUIRE PRIOR NOTIFICATION OF INTENT TO PUNCH AN ALASKA GUIDE IN THE NOSE: OR TO DIVIDE UP HIS LEGALLY LICENSED GUIDING AREA AMONG OTHER GUIDES. BUT THE ACTION ;IF TAKEN, COULD BE ILLEGAL UNDER COMMON LAW. THE GUIDE LICENSE AND CONTROL BOARDS FAILURE TO ASSURE THEMSELVES OF RECEIPT BY ALL GUIDES OF NOTIFICATION, WHILE IN ITSELF, NOT ILLEGAL, DOESN'T JUSTIFY THE GL & CB OTHER POSSIBLE ILLEGAL ACTION.

ALASKA STATUTES AND STARE DECISIS MAY NOT DEFINE A GUIDES AREA OF PROPRIETARY INTEREST. BUT COMMON LAW PERHAPS DOES JUST THAT. THE AMERICAN COURTS HAVE CONSISTANTLY RULED THAT A PERSON HOLDING, USING, ENJOYING, ECT, ANYTHING IN NOTORIOUS ADVERSE POSSESSION OVER A LONG PERIOD OF TIME, ACQUIRES A PROPRIETARY INTEREST OF WHICH HE CANNOT BE DIVIDED WITHOUT JUST AND DUE PROCESS OF LAW.

TO ABSIGN SOME GUIDES TWO MILLION ACRES OF EXCLUSIVE GUIDE AREA WHILE EXCLUDING FIVE OTHER ARCTIC GUIDES WITH A COMBINED TOTAL OF ABOUT 100 YEARS ALASKA GUIDING EXPERIENCE COULD BE DEEMED AS ACTION UNETHICAL AND ILLEGAL BY THE ALASKA GUIDE LICENSING AND CONTROL BOARD.

THE TECHNICALITY OF A 1 NOVEMBER, 1976, CUT OFF DATE FOR ALASKA GUIDES FILING FOR EXCLUSIVE GUIDE AREAS (SET BY GL&CB) COULD BE INSIGNIFICANT IN VIEW OF GL&CB'S FAILURE TO ASSURE THEMSELVES THAT EVERY ALASKA GUIDE CONCERNED RECEIVED NOTIFICATION OF THE IMPENDING CUTTING OF THE NORTH SLOPE, UNIT 26, AREA INTO EXCLUSIVE GUIDING AREAS.

ON MONDAY, 13 DECEMBER, I VERBALLY AND PUBLICALLY ADVISED THE GL&CB THAT THEIR ACTION TAKEN ADVERSE TO AN ALASKA GUIDES PROPRIETARY INTEREST IS CONSIDERED BY SOME TO BE ILLEGAL.

THE GL&CB COULD BEAR THE RESPONSIBILITY, COLLECTIVELY AND OR INDIVIDUALLY, FOR THE DAMAGE CAUSED BY THEM TO A GUIDES PROPRIETARY INTEREST.

I THINK MOST OF US APPRECIATE THE GL&CB'S LONG AND TIRESOME AND PERHAPS THANKLESS EFFORTS IN WHAT THEY CONSTRUE TO BE IN THE BEST INTEREST OF ALASKA AND ALASKANS.

BUT IT WOULD BE A TERRIBLE WASTE OF THE HARD WORKING, UNDERPAID GL&CB MEMBERS TIME TO HAVE THEIR ACTIONS COME TO NAUGHT BY HAVING THE ALASKA COURTS RULE THEIR ACTIONS ILLEGAL.

MY SINCERE THANKS TO ALL FOR YOUR BEST EFFORTS FOR A BETTER ALASKA FOR ALL ALASKANS.

Hardy M. Smith

HARDY MARVIN SMITH
ARCTIC ALASKA AIRGUIDE
ALASKA PILOT 23 YEARS.
BOX 5153,
NORTH POLE, ALASKA 99705

PHONE: 907 488 6653

AN OUTSTANDING COLLECTION OF ELEVEN SHORT STORIES BY CHUCK KEIM.
CHANGE; SET AMONG THE HILLS, MOUNTAINS, STREAMS, AND CABINS OF ALASKA, A FRONTIER CONFRONTATION BETWEEN AN OLD MAN AND A LITTLE GIRL AND HER HOMESTEADING FAMILY, ON HIS DECEASED PARTNERS LAND. THE OLD MANS RESENTMENT SOFTENS WHEN THE LITTLE GIRL AND HER MOTHER SAVE HIS LIFE. YOU'LL READ THIS ONE AGAIN.
THE MAN WHO DECLARED WAR ON RUSSIAAN ANCIENT ALEUTS GUN BATTLE WITH A RUSSIAN SUBMARINE IN ALASKA WATERS. IT MIGHT NOT BE ALL FICTION.
WHERE CAN WE GO; AN ALASKA PILOT IS VAPORIZED TOGETHER WITH A HERD OF ALASKA CARIBOU IN A NUCLEAR HOLOCAUST. NOT ALL THAT FAR FETCHED, ITS POSSIBLE.
POINT OF VIEW; AN ESKIMO HUNTER IN DIRE NEED OF FOOD STALKS A CARIBOU HERD UNTIL A PLANE LOAD OF TOURISTS STAMPEDED THEM. ALL THE ESKIMO HUNTER GETS FOR HIS LONG HUNGRY HUNT IS AN EMPTY GUN AND AN EMPTY STOMACH.
GRAND RIDE INTO TOMORROW; A CHEECACKO SNOMACHINE OPERATOR RIDES TO HIS DOOM IN THE FROZEN ARCTIC WILDERNESS WHEN HIS GAS LINE DEVELOPS A LEAK.
COMING OF AGE; A COMING OF AGE HUNT IN ALASKA FOR HIS SON, THE FATHER LETS A A WOUNDED BEAR DIE SLOWLY RATHER THAN LET HIS SON "WASTE A SECOND BULLET" .. BUT THE FATHER BECOMES EDUCATED WHEN HIS SONS "SECOND BULLET" SAVES THE FATHER FROM ANOTHER BEAR THE FATHER ONLY WOUNDED. MAY GENERATE ANTI HUNTER SENTIMENT.
JOE TEBENKOF'S GUNBOAT; CHUCK KEIM BRINGS TO REAL LIFE TODAYS REAL ALASKA WAR OF SHOOTING AGAINST FOREIGN VESSELS INTRUDING IN ALASKA FISHING WATERS. WHEN "OFFICIALS" FAIL TO ACT, AN OLD ALEUT TAKES EFFECTIVE ACTION TO PROTECT HIS VILLAGES FISHING WATERS WITH A CANNON MOUNTED ON HIS BOAT.
CITY FOLK; AN INDIAN GIRL LOOKS ASKANCE AT A PROPOSED OIL PIPELINE, VETOES IT, AND RECOMMENDS MONEY TO REHABILITATE CITY FOLK FOR A RETURN TO THE BUSH.
TO HELP CELEBRATE CHRISTMAS; THE TRUCK DRIVER SPILLS A LOAD OF TOYS DESTINED FOR A REMOTE NATIVE VILLAGE. BUT HE FINDS THE VILLAGE MORALE HIGH BECAUSE OF THEIR NEW VILLAGE, WITH NEW HOMES, CHURCH, ROADS, ECT. XMAS CAROLS ABOUND.
RED AND WHITE OUT OF THE BLUE; AN OUTSIDE HUNTER AND HIS ALASKA GUIDES CHASE A BEAR UNTIL IT VOMITS, THEN SHOOT THE BEAR ONLY TO WOUND IT SO THEY CAN GET A PICTURE OF A LIVE BEAR BARING ITS TEETH. THEN THEY CUT OUT THE BEARS TONGUE FOR A BETTER PICTURE YET. THIS STORY MAY DISMAY THE READER, AND PERHAPS GENERATE SOME SENTIMENT AGAINST ALASKA GUIDES AND HUNTERS.
UNDER THE SKIN; ALASKANS OF AFRICAN, ESKIMO, AND CAUCASIAN DESCENT STRIVE TO MITIGATE THE CAUCASIANS FAUX PAS IN WRECKING AN AIR CUSHION MACHINE. THE THE BROKEN LEGGED CAUCASIAN DRIVER LOSES SOME OF HIS PREJUDICE WHEN HIS TWO "UNDER THE SKIN" FELLOW ALASKANS PREPARE TO RESCUE HIM FROM THE FROZEN ARCTIC.
"CHUCK" KEIM, ALASKAN, COLLEGE PROFESSOR, CONSERVATIONIST, AUTHOR, AND FRIEND OF ALL MANKIND, HAS AN ESPECIAL SOFT HEART FOR THE UNDERDOG, BE IT PERSON, RACE, ETHNIC GROUP, OR AN ANIMAL IN ALASKA. ALASKANA FICTION? NOT AT ALL. MANY REAL LIFE PARALLELS EXHIST IN ALASKAS CITY AND BUSH COUNTRY FOR ALL OF CHUCK KEIMS STORIES. CHUCK MAKES YOU SUFFER PAIN AND EXPERIENCE JOY UNDER ALASKA SKYS, AS YOU IDENTIFY WITH HIS REALISTICALLY BELEAVABLE PEOPLE AND ANIMALS OF ALASKAS FROZEN WINTERS AND FLOWERING SUMMERS. A THRILLING "MUST READ" FOR BOTH CHEECHACKOS AND SOURDOUGHS, HUNTERS AND ANTI HUNTERS. THE TOURIST WOULD DO WELL TO GET OFF THE BEATEN TRACK AND SEE THE ALASKA THAT ALASKAN CHUCK KEIM SO WELL CONVEYS THRU THE MEDIUM OF WRITING.

BOOK REVIEW BY
HARDY MARVIN SMITH
ARCTIC ALASKA AIRGUIDE
BOX 5153,
NORTH POLE, ALASKA 99705
PHONE: 907 488 6653 ANYTIME.

Hardy M. Smith

Alaska Pilot 23 Years
B.S. Degrees in Electronics,
Physics and Psychology
Phone 907 488-6653
North Pole, Alaska 99705

ARCTIC ALASKA AIRGUIDE
HARDY MARVIN SMITH
BOX 5153,
NORTH POLE, ALASKA 99705
15 DECEMBER, 1976

ART FIELDS,
GUIDE NUMBER ONE,
KOTZEBUE, ALASKA

DEAR ART,

WHEN A MAN IS UP TO HIS WAIST IN ALLIGATORS, IT REALLY DOES MY HEART GOOD TO HAVE A MAN, ALL ALONE, LIKE YOU, STAND UP IN A HOSTILE CROWD, AND HELP DEFEND OUR ALASKA HERITAGE.

ALBERT EISTEIN ONCE SAID OF ALBERT SCHWEITZER, THE JUNGLE DOCTOR, "THERE IN THIS WICKED WORLD OF OURS, GOES A GREAT MAN". WELL, O.J. AND I THINK THE SAME THING OF YOU. YOU WERE A LONE GREAT VOICE DISSENTING THE GUIDE LICENSE& CONTROL BOARDS GREAT GIVEAWAY OF THE ALASKA NATIVES HUNTING AREAS SINCE TIME IMMEMORIAL.

THE GL&CB WERE ILLEGALLY GIVING AWAY PROPERTY RIGHTS THEY DONT OWN, AND THEREFORE HAD NO LEGAL RIGHT TO GIVE AWAY, THE HUNTING AREAS AROUND THE NATIVE VILLAGES.

MEL COOLEY, THE MISSIONARY IN KAKTOVIK, ONCE TOLD ME THE 40 CHILDREN IN THE VILLAGE OFTEN CAME TO SCHOOL HUNGRY WHEN THE HUNTING WAS BAD. SO NOW EVEN, MANY FAMILIES LIKE THE SOPLU, WILSON, KILLBEAR, ALLAN, AKOOTCHIKS, BROWER, AHGIAK, TIKLUK AND MANY OTHER OLD TIME KAKTOVIK BARTER ISLAND FAMILIES MAY FIND THEY NO LONGER HAVE A PLACE TO HUNT.

ON 13 DECEMBER, 1976, THE GREAT GL&CB GAVE TWO MILLION ACRES (YES, 2,000,000 acres, believe it or not) OF THE KAKTOVIK SUBSISTANCE HUNTING AREA, INCLUDING MOST OF THE ARCTIC NATIONAL WILDLIFE REFUGE, TO ONE REGISTERED GUIDE, NEWLY ARRIVED IN THE AREA, TO COMMERCIALY EXPLOIT AND SELL OFF THE ANIMALS TO THE HIGHEST RICH OUTSIDE TANIC HUNTER BIDDER.

THE BEST KEPT SECRET OF THE YEAR MAY WELL BE THE GREAT GLCB GIVEAWAY. YOU KNOW FEW NATIVES KNEW ABOUT IT. CERTAINLY THE LOWER 49 STATES HAD NOT MUCH TIME TO STUDY THE PLAN AND REACT. HOW MANY NATIVE GUIDES WERE GIVEN EXCLUSIVE GUIDE AREAS (EGA) BY THE 7 TANIC GLCB BOARD MEMBERS? KOTZEBUE, BARROW, BARTER ISLAND, KAKTOVIK, MAY WELL BE ON THE THRESHOLD OF THE EXTINCTION OF THOUSANDS OF YEARS OF SUBSISTANCE HUNTING, WITH THE SWAN SONG SUNG BY THE ROAR OF THE MOTORS OF SNOW MACHINES AND PLANES.

ART, THANKS AGAIN FOR PULLING THE JACKELS OFF ME. AND PERSEVERE IN PROTECTING THE INTERESTS OF KOTZEBUE AND ALL NATIVE PEOPLES. THE TIME IS LATE. THE DAMAGE IS DONE. THE BROOKS RANGE IS CARVED UP IN EGA.

Hardy M. Smith
HARDY MARVIN SMITH
PHONE 907 488 6653

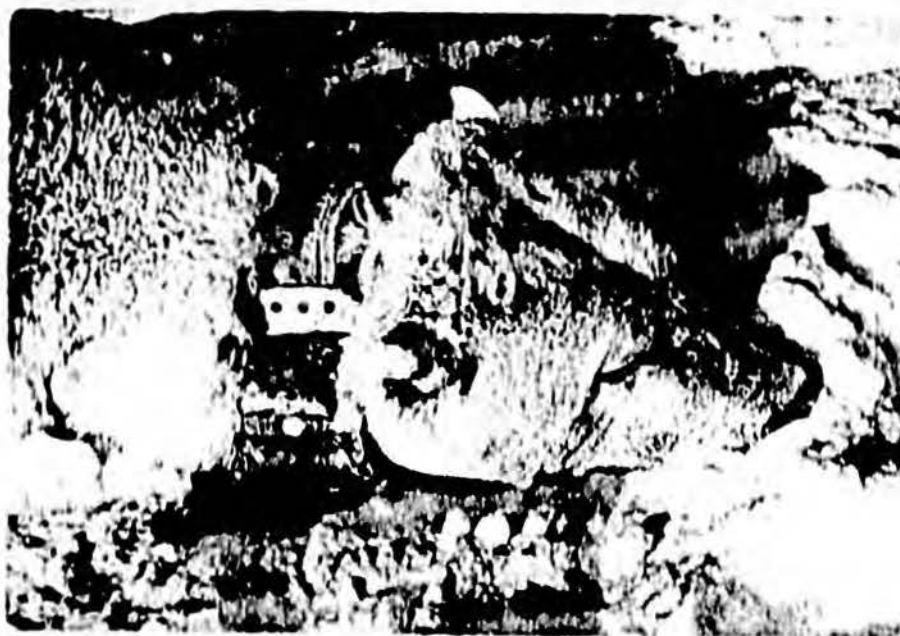
500 POLAR BEARS CHOKED BY ADF&G NYLON COLLARS

USING HELICOPTERS, ALASKA DEPARTMENT OF FISH AND GAME SHOT 500 POLAR BEARS AND PUT 8 POUND RADIO COLLARS ON THEM. THEN THE POLAR BEARS WERE SET FREE TO TRY TO SURVIVE ON THE FROZEN BEAUFORT SEA UNDER AN IMPOSSIBLE HANDICAP. (REFERENCE H.J. 1179 26 JULY 72, PAGE 16.) THESE HEAVY NYLON COLLARS CHOKED THE POLAR BEARS, RUBBED THE BEAR FUR DOWN TO BARE FLESH, AND HAMPERED THE BEARS EATING. A BIG GAME GUIDE PHOTOGRAPHED THIS SICK POLAR BEAR, WEARING AN ADF&G COLLAR, ABOUT 100 MILES NORTH OF BARTER ISLAND, ALASKA. THE BEAR WAS SICK AND EMACIATED, AND COULD USE ONLY HIS FRONT LEGS, HIS HIND LEGS TRAILING HELPLESSLY BEHIND HIM. THIS SHIVERING SICK BEAR WAS MINUS THE NORMAL 4 INCH LAYER OF FAT BETWEEN FUR AND ANIMAL, THUS HAD NO INSULATION LAYER TO PROTECT HIM FROM THE COLD IN SWIMMING ACROSS THE EVER 29° SALT WATER LEADS. TAXPAYERS MONEY IS BEING WASTED BY ADF&G IN HELICOPTER HARBASMENT OF POLAR BEARS, WOLVES, MOOSE, CARIBOU, ECT. HOW WOULD YOU LIKE TO HAVE AN ADF&G CHOPTER SWOOP DOWN, SHOOT YOU IN THE BACK, REMOVE ONE OF YOUR TEETH, AND GIVE YOU AN 8 POUND COLLAR TO WEAR FOR THE REST OF YOUR LIFE?

FROZEN BEAUFORT
SEA →
NORTH OF ALASKA



GUIDE
AND
POLAR
BEAR



NYLON COLLAR
CHOKING AND
COMPRESSING
POLAR BEARS
FUR, CAUSING
STARVATION,
TERROR, AND
EMACIATION
OF BEAR.

BOX 5153
NORTH POLE, ALASKA
27 JANUARY, 1976

SUBJECT: SCAPEWOLVES

TO : WHOM IT MAY CONCERN

CHOP! CHOP! CHOP! BANG! BANG! BANG! ITS JUST OUR FRIENDLY FAIRBANKS FUR FIN AND FEATHERS AGENTS, DEMONSTRATING THEIR COMPETENCE IN USING TAXPAYERS MONEY TO SLAUGHTER THOSE 30 FOOT TALL MOOSE EATING WOLVES AGAIN. OUR BIBLICAL ANCESTERS USED GOATS AND AN ALTER TO LET THE BLOOD FLOW AT LITTLE TAXPAYER COST. A RUSSIAN INNOVATION, USING CHOPPERS TO MURDER THE POOR INNOCENT WOLF WHO IS JUST TRYING TO MAKE A LIVING FOR HIS WIFE AND CHILDREN PUPS. BUT A BIG PUP IS CHOPPER BAIT TOO, AND CAN YOU ASCERTAIN SEX FROM A WHIRLEY BIRD WHEN THE EXHAUSTED WOLF IS RUNNING, SWEATING, AND PANTING AT 30 MILES PER HOUR? SHAME ON FISH AND GAME!. LETS TRANSFER THE FISH AND GAME DEPARTMENT TO ANGOLA WHERE THEY CAN DISTINGUISH THEMSELVES.

WHATS THE ACTION ALL ABOUT? WELL, IN 1964, MY BROTHER OWNED THE ONLY SUPER CUB AT BRADLEYS SKY RANCH AIRPORT IN NORTH POLE, ALASKA. I TOOK THREE SMALL CHILDREN IN IT, ONE AT A TIME, ACROSS THE TANANA RIVER, LANDED ON A SMALL FROZEN LAKE, AND LET THE CHILD SHOOT A BIG BULL MOOSE. EACH CHILD HELPED LOAD UP MR MOOSE, AND MANY FAMILIES HAD WINTER MEAT.

I ADVISED THE BIG HONCHO, FAIRBANKS FUR FIN AND FEATHERS THAT SOMEDAY NORTH POLE MIGHT HAVE 25 AIRPLANES, AND FAIRBANKS EVEN MORE, WITH A DEVASTATING EFFECT ON THE TANANA VALLEY MOOSE POPULATION, BIG HONCHO SITTING BEHIND A BIG POLISHED DESK WITH POLISHED SHOES ON TOP OF IT, ADVISED ME THAT EACH YEAR THEY COUNTED ALL ALASKA MOOSE, LEMMINGS, AND MOSQUITOES, AND ALWAYS KNEW THE EXACT NUMBER AT ANY TIME. NO PROBLEM.

SUDDENLY 11 YEARS LATER FAIRBANKS FUR FIN AND FEATHERS FIND FEW MOOSE ABOUT. (I KNOW ONE GUIDE WHO TOOK 18 MOOSE IN ONE YEAR). BUT WHO TO BLAME FOR 2PG OR ZERO POPULATION OF MOOSE? BUILD AN ALTER AND SACRIFICE A GUIDE AND A MOOSE TOGETHER? OF COURSE! BETTER STILL, CREATE SCAPEWOLVES AND GET \$75,000.00 TAXPAYERS MONEY, AND PAY TRIPLE F AND BEST FRIENDS \$500.00 PER DAY TO RIDE AROUND IN AIRPLANES AND LOOK FOR SCAPEWOLVES. THE COURTS HALTED THIS FOOLISH IDEA. NOW THE RUSSIAN IMPORTED IDEA OF SLAUGHTERING WOLVES WITH A CHOPPER IS BEING USED. WE MAY LOSE A FEW CHOPPERS, AGENTS, AND MILLIONS OF TAXPAYERS DOLLARS, BUT WE WILL GET A FEW WOLF SKINS AT \$100,000.00 PER COPY. KEEP WORKING, AMERICAN TAXPAYER, YOUR DOLLARS WILL KEEP THE WOLF FROM YOUR DOOR.

TRIPPLE F SHOT 500 POLAR BEARS IN THE POPO, AND PUT NYLON COLLARS ON THEM AND LET 300 POLAR BEARS GET AWAY, TO CHOKE AND STARVE TO DEATH. (REFERENCE HJ 1179, OF WHICH I RECEIVED A COPY FROM NICK BEGICH). AFTER THE FAIRBANKS NEWSMINER PUBLISHED A PICTURE OF A STARVING POLAR BEAR I PHOTOGRAPHED, TRIPPLE F HAULED ME INTO THE COURTS AND TRIED ME ON A FAYE CHARGE. THEY OFFERED TO DISMISS THE TRIAL IF THE NEWSMINER KILLED THE STARVING POLAR BEAR STORY. AND HOW MANY STARVING POLAR BEARS ROAM THE PACK ICE TODAY WITH NYLON COLLARS? HAVE YOU HEARD THE STORY OF THE AIRPLANE MID-AIR COLLISION WITH A POLAR BEAR? ALASKA DEPARTMENT OF FISH AND GAME WILL LIVE IN HISTORY FOR THE FAMOUS ANIMAL SLAUGHTER. THE FEDERAL GOVERNMENT TOOK OVER A MISMANAGED POLAR BEAR PROGRAM-WOLVES TO BE NEXT?

Hardy M. Smith
HARDY M. SMITH, ALASKA PILOT 23 YEARS

MIDNIGHT MOON

I CAN NOT! THE NORTH SEA SWIMMING POOL IS TOO COLD!

NORTHERN LIGHTS



POLAR BEAR



ARCTIC OCEAN

Near Smith North Pole, Alast

BOARD OF DIRECTORS:

Dr. P. B. Haggland, Chairman
H. C. "Bud" Wiese, Treas.
William G. Stroecker
Richard A. Burley
William I. Waugaman
Charles L. Gray

October 4, 1977

SUBSISTENCE HUNTING AND FISHING

Points to consider for Fish and Game Management:

1. To perpetuate the resource is first priority.

There simply is not enough fish and game for present and future needs.

2. Subsistence is not definable.

We believe your committee is wasting your time in attempting to come up with a definition that will hold up.

3. Subsistence was a lifestyle.

This is a past era in Alaska. There are probably no true subsistence residents in Alaska living a 100% subsistence lifestyle. "Subsistence" is being used to mean "commercial use" and/or "welfare".

4. "Subsistence" definition should not be attempted along ethnic lines. (The State Constitution prevents it!)

5. Game laws must be enforced.

Enforcement efforts are weak. Public and the courts do not support enforcement efforts.

Interior Wildlife Association of Alaska

Conservation: Wise USE of Resources

PHONE (907) 452-3788 • BOX 60255 • FAIRBANKS, ALASKA 99701

BOARD OF DIRECTORS:

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 Charles L. Gray

August 1, 1977

PROBLEMS WITH THE GAME DEPARTMENT

(Department's motto seems to be: Zero Game!)

Interior Wildlife is made up of a group of six Directors and 600+ sustaining members. Board member's Alaska residence ranges from 22 years to life. All are active hunters. Three are or have been guides; one is a master guide. One is presently on the Fairbanks Advisory Committee to the Department of Fish and Game; one formerly served six years. Two have served in the legislature. *one member is on the Game Board.*

We recognize that some of these problems are not strictly Department problems. Some are legislative, but they all relate to game management problems.

We believe that the removal of Commissioner Brooks paves the way for meaningful changes in Department policy and improvement of morale within the Department.

(Items listed here are not necessarily in order of importance.)

* * *

1. Start managing game, not just people.
 - a. Expand predator control to other areas where people depend on moose and caribou. All of interior Alaska is a disaster and nothing is being done about it except in 20A and the feeble attempt in the northwestern arctic.

Predator control has been very effective in 20A. Calf survival now excellent.
 - b. Seasons and limits have been too long. Though there are signs of over-reaction now (Forty-Mile moose closure), seasons were left too long and cow seasons were left in long after the decline was obvious to all but the department personnel. (EXAMPLE: Two moose allowed on the Nowitna as recently as two years ago).
2. Get department personnel into the field to manage by counts and observations not harvest tickets and tags.
 - a. People don't report accurately on harvest tickets.
 - b. Too much money is spent on tabulating and computer time; re-

sults often not available for 12 - 18 months.

- c. Department personnel takes vacations during hunting seasons. Wolf biologist Bob Stephenson took month vacation during wolf control operation in Unit 20 two years ago.

3. Listen to the public.

- a. Interior Alaska public started warning Department of predator problem in fall 1967 (Fairbanks Advisory Committee meeting, Gene Miller home, recorded meeting. Frank Jones regional manager). By 1972, protests were loud and long (first edition Alaska Wildlife Digest). Department didn't do anything until 1975.
- b. Biologists do not give hunting public credit for making worthwhile observations.
- c. During most recent Game Board meeting, the Board adopted less than 5% of proposals submitted by public and Advisory Committees; 95% was Commissioner and Department suggestions.

4. Be ready for legal action.

- a. Takes Department and Attorney General's office too long to go into action when legal action needed.
- b. For two years in a row, State should have been represented in Washington D.C. when important cases came up between preservationists and Department of Interior. One judge said so. Alaska's case was not properly presented by lawyers who have never been here. (First case, Unit 20A; second, Northwest Arctic Caribou). Negligence so gross, it seems deliberate.
- c. Should fire half dozen biologists and hire a couple good lawyers. Northwest arctic predator control is so screwed up between Alaska and Washington D.C. court that it may never be resolved.

5. Little tangible results from large professional staff.

- a. Approximately fifty professional employees north of Alaska Range and we can't figure out what they do. Conditions couldn't be worse if there were none. All efforts should be directed to the moose problem, but they tell us they don't have time or money to establish count and control areas outside of 20A. (We believe they are afraid of what would be revealed).
- b. Fairbanks staff very casual about work. Common to call for someone and find they aren't in until 9 or 10:00 a.m. (especially in winter), or leave early. No one seems to know where or when anyone will appear. This has been common for several years.

6. Department personnel should be allowed to speak out.

- a. Brooks throttled underlings so completely that it took a departing

employee of the Fairbanks office to blow the whistle on the Unit 20A mess on a radio show.

- b. It took a member of the Guide Board (Chuck Keim) to alert the public about the northwest arctic caribou problem (wasteful harvest by natives and predator problem). Also to encourage a disgruntled and dedicated employee (Jim Davis) to stay on the job and not quit department.
7. Game Board members should be elected by holders of hunting and fishing licenses. (Perhaps should be called "Wildlife Conservation Permit").
 - a. Would force the preservationists to contribute something instead of BS to wildlife management.
 - b. Public would have more say about direction board takes.
 - c. Board needs a full time manager to carry out their directives when board is not in session. Commissioners (who act as Board's agent) carry out studies and directives they agree with, ignore others, change minutes to suit themselves.
 - d. Investigator Specking should talk with Ivan Thorall, former board member, regarding Department problems. Ivan has unusual insight regarding fish and game problems. (Presently lives most of the time at Chisana).
 8. Subsistence Hunting: Legislature and Department should recognize that there is no longer any true subsistence hunting in Alaska; that a definition is not possible; and that all citizens should be treated equal under the U.S. Constitution in allocating available game to Alaska residents.
 9. Enforcement: There is presently virtually no rapport or coordination between Department personnel and enforcement agents.
 - a. Investigate feasibility of putting them back together again.
 - b. Enforcement has bad public relations. Prosecutes minor cases to the hilt. Misses important things.

(EXAMPLE: Fishing without license or untagged animal in camp may net a court appearance. However, enforcement ignoring present caribou take in arctic, apparently to avoid encounter with natives. Also work diligently to catch wolf hunters for feds while state in court trying to clear way for issuing aerial wolf hunting permits).
 - c. Could Department personnel act as enforcement agents during hunting season? Hunters seldom ever checked in field. Enforcement people practically unknown in villages. (Except few where they are stationed).
 10. Department personnel make no effort to learn from history, know-

ledgeable of old-timers. There is a lot of worthwhile information in the writings of Allen, Leffinwell, Swatka, Dall and many others. (DEPARTMENT OPINION: None but a trained biologist has the ability to put observations into proper prospective).

11. Under present system of submitting proposals for game law changes, the public does not have any way of countering Department's proposals. (SOLUTION: Require Department to publish their proposals before public deadline).

Some points

Interior Wildlife Association of Alaska

Conservation: Wise USE of Resources

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ALASKA D-2 CONGRESSIONAL HEARING

Fairbanks, Alaska
August 20, 1977

Mr. Chairman, Mr. Udall, my name is Charles Gray and today I'm representing the Interior Wildlife Association, a group of 600 conservationists, as a director and as its executive secretary.

We resent the way the federal government is attempting to back out of the statehood contract, particularly in areas of land availability for selection, duration of selection period, and state management of fish and game. I won't belabor all these points because others are sure to do so. Our concern is mainly with the latter.

Our organization has a number of deep concerns over H.R. 39. Like many Alaskans, we find not only specific details of the bill objectionable, but we dislike most the general philosophy behind it. This is a philosophy that the federal government is assumed to be the best manager of Alaska's lands, wildlife, economy and people. We see no reason why most of the public domain in Alaska should not remain, for the time being, under Bureau of Land Management control, especially at the BLM passes from a custodial agency to one of manager under the recently passed Organic Act.

In our experience with wildlife management in Alaska, the federal government has not shown us it cares as much as we do for either the wildlife or the sportsmen who live here. We've seen Congress pass the Marine Mammals Act of 1972, in spite of all professional testimony at Congressional hearings that it was unnecessary. This bureaucratic blunder not only cost millions of unnecessary dollars, but left Alaskan Native hunters free of limits which brought about an increase in the harvest of the very animals Congress told us it wanted to protect. Did you know that the take of polar bears increased under the Act and that formerly protected sows and cubs have become the major portion of animals taken? And did you know that the federal government had to contract with the state for much of the expertise to conduct the studies required by the Act?

It took a law suit by our organization, pegged on a secret federal agreement to give away 40 state-owned muskoxen to the Russians, to correct a long-standing game management atrocity on Nunivak Island. Federal inertia at high levels in the Interior Department was holding up necessary herd composition adjustment long recommended by state and low-eschelon federal managers. Our suit forced Interior officials to agree to a management plan which has resulted in a more balanced herd, better winter calf survival, a new source of income for the Native inhabitants of the island, and a chance for sportsmen to collect a rare trophy animal.

More recently we've seen increased federal efforts to interfere with the state's attempts to correct other problems in the wildlife community. These take the form of withholding wildlife funds, and problems in federal courts connected with such newly passed federal legislation as the BLM Organic Act and the National Environmental Policy Act. In one of these cases, a quarter million caribou in northwestern Alaska has been reduced to 60,000 animals and the state has been thwarted in their attempts to manage this herd upon whom 10,000 Natives depend because of suits pegged on federal legislation by preservation groups.

Specifically, H.R. 39 bothers us for these reasons:

The Bill generally increases the authority of the federal Fish and Wildlife Service in Alaska, which will lead to increasing conflicts with the state over game management and a resulting lower efficiency of that management. Fish and Wildlife officials told Alaskans here last March in a public meeting that they were already gearing up to take on the additional responsibilities they expected from this Congress. We feel strongly that no matter what disposition is made of the land, all fish and game management should continue to be in the hands of the state of Alaska, as it has traditionally been in all the other states.

H.R. 39 also attempts to address the question of subsistence hunting rights, with predictably dismal results. We submit that subsistence hunting is not definable. Sen. Stevens' bill does not attempt to do so, either. There are few, if any, true subsistence hunters in the state. Any attempt to allocate game use along ethnic lines is sure to end up in court.

Section 701(a) sets up regional boards to advise the Secretary of Interior on subsistence hunting in the new federal withdrawals. Subsistence hunting should not be broken off from any other types of hunting management. The land areas covered by your proposals already have advisory committees to the state Department of Fish and Game, and it would be foolish to create more boards handling a portion of their concerns on the federal level.

The state has built a system of local advisory fish and game committees working with the Department of Fish and Game, with the committees largely free of political interference. While the Department's record has not been perfect, and our organization has in the past been a harsh critic of its leadership over certain issues, we feel that even if the state management were to drop to a small fraction of its current performance, they would still be better than federal game management. A division of responsibilities between the federal and state departments would be even worse.

Section 701(c) limits subsistence rights to those exercising such rights before passage of the Alaska Native Claims Settlement Act six years ago, and to their descendants. We dislike this provision also, because it seems aimed at phasing out one of the more traditional and rewarding lifestyles in the North. We call your attention to the Alaska Native Claims Act, Section 4, paragraph B, which states that aboriginal rights to fish and game are extinguished by the Act.

We do not feel this is the proper time to address the complex issue of subsistence hunting and fishing rights. It's a touchy question we in Alaska are only beginning to wrestle with, and it should not be lumped in with a gigantic wilderness proposal with enough problems of its own.

(Over)

In this Bill you seek to create many millions of acres of wilderness areas with the backing of the people in the Lower 48 who have never seen Alaska, will quite probably never see it and want only the value of knowing the land exists somewhere in a protected wilderness state. Well, a lot of people in the smaller states also see Alaska as a place where one can go out into the wilderness to build a cabin and live by hunting and trapping — it's not a lifestyle that many will try, but like your own supporters it's important to them to know that it exists. Of all the changes in Alaska you say you want to prevent, this provision of your Bill would be the worst change.

Title Six of H.R. 39 puts 146 million acres of Alaska under the National Wilderness Preservation System, including some of Alaska's favorite Brooks Range and Wrangell Mountains hunting areas where aircraft provide the only practical access. We feel quite strongly that any wilderness designation in Alaska should guarantee continued use of aircraft and riverboats, and should allow construction of cabins by those Alaskans who have traditionally had a very small impact on these areas.

The wilderness which survives today has lived through decades of aircraft landings, cabin building, motorboats and dog sleds. Indeed, you may fly for hours without locating scars from the by-gone mining days. (It is somewhat of a paradox that the willows on old dredge tailings are often the best winter moose range around). Alaskans annually obtain ten to fifteen million pounds of high quality protein from moose, caribou, Dall sheep, mountain goat, deer, bison and elk. The ecological costs of this production, from a relatively undisturbed and often protected habitat are minuscule when compared to similar production of beef, pork and poultry in the conterminous states where extensive use of pesticides, herbicides and petrochemicals are standard procedures and necessary adjuncts to successful farming. There is no reason why your so-called protection against development should extend all the way down to our most basic pursuits.

In closing, Mr. Chairman, let me say that again we find this proposal of yours mighty hard to take. It goes against the grain of everything which makes Alaska home for us and our families, and it leaves a lot of questions unanswered about who is going to restrain your agents from their own environmental disasters. Your withdrawals are too large, they affect Alaskans too deeply, they give land management to federal agencies with dismal track records and they tie Alaska forever to an outmoded land controls which we should be trying to scrap, not increase.

Thank you for your time.

Rep. Seiberling's reply to this and similar requests from other sportsmen's groups can be summarized as follows: The Native's aboriginal subsistence rights to fish and game were extinguished by the Native Claims Act, but replaced by legislation in the Act whereby Natives are guaranteed subsistence privileges on federal lands. When asked how Congress can justify this in the face of other recent anti-discrimination and equal rights laws, he pulled out a copy of the U.S. Constitution and read a section where the Congress has the right to make treaties with Indians. This, he said, was the basis for extending further subsistence rights to Alaska Natives under ANCA, aside from the 44 million acres they will privately hold.

Several times during the hearing Sieberling indicated there is a good chance the state will maintain control of fish and game on federal lands (to do otherwise, Congress would raise the ire of all the western states), but with strings attached. One such string, he said, would be that the Native subsistence rights be protected.

Seiberling further indicated that trapping would fall into the same category as hunting — Native subsistence rights would be honored first, and only if there is a surplus would non-natives be allowed to trap or hunt on federal land. He persistently ignored examples pointed out to him whereby there are some white residents that live a more subsistence livelihood than do some native people. He also said it was not necessary to be able to define "subsistence" in order to legislate it.

While it was obvious that Seiberling was openly hostile to witnesses that did not favor the Udall Bill (HR 39), and was on less of a fact-finding mission than he was a propaganda spreading mission, it remains to be seen if he is on firm legal ground in his contentions about Native subsistence rights. Interior Wildlife will be active in this area to the limit of our (financial) ability. Non-native hunting and trapping in Alaska is only a hair's breath from extinction!

BOARD OF DIRECTORS:

Dr. P. B. Haggland, Chairman
H. C. "Bud" Wiese, Treas.
William G. Stroecker
Richard A. Burley
William I. Waugaman
Charles L. Gray

October 4, 1977

SUBSISTENCE HUNTING AND FISHING

Points to consider for Fish and Game Management:

1. To perpetuate the resource is first priority.

There simply is not enough fish and game for present and future needs.

2. Subsistence is not definable.

We believe your committee is wasting your time in attempting to come up with a definition that will hold up.

3. Subsistence was a lifestyle.

This is a past era in Alaska. There are probably no true subsistence residents in Alaska living a 100% subsistence lifestyle. "Subsistence" is being used to mean "commercial use" and/or "welfare".

4. "Subsistence" definition should not be attempted along ethnic lines. (The State Constitution prevents it!)

5. Game laws must be enforced.

Enforcement efforts are weak. Public and the courts do not support enforcement efforts.

Tanana Chiefs Conference, Inc.

Doyon Building
First and Hall Streets
Fairbanks, Alaska 99701
Phone (907) 452-8251

Chairman Anderson and Committee Members, my name is Samuel S. Demientieff. I was born at Holy Cross, Alaska and raised in Fairbanks.

I am employed presently with the Tanana Chiefs Conference, Inc. I am a former member of the Alaska State Board of Fisheries . . . I only say this because I fully realize and do not envy you in your job on hoping to define subsistence for all that are concerned.

When I first heard the word "subsistence" which was many years ago, it was used along with the phrase "living off of the land". During those years, which was during the 1940's, there were not as many people as there are now.

During those years, your job in defining subsistence would have been a lot easier because the pioneers were the remnants of early miners and explorers of Alaska that stayed in Alaska. These early newcomers to Alaska found the natives, in the most part friendly and . . . subsisting off of the land.

Many pioneers living today all over the state would have to testify to the fact that the native people were then sole subsistence users of the land when they got here.

The native people are a passive type people to a certain extent, having trust in ones word. But the native people now are realizing that all words, bills or just about any dealings with almost anyone now has to be carefully scrutinized. Native people in Alaska's bush areas are at this moment being told of agencies, projects, state and federal groups, associations, boards and committees that are trying to help them, one way or another. The subsistence life style is a constant time consuming and continuing process, but the native people are finding out that in order to live with increased populations and regulated lifestyles, that they have to listen and try to cooperate with all the agencies, boards, etc.

I think I can safely say that the native people are more than willing to live with cooperative management of Fish and Game, Wildlife, Renewable Resources, but are now confused by so many different agencies that take care of these. If subsistence could be under one agency, this would help a great deal. In

Page Two .

defining subsistence itself, I know that anyone here that has lived for some years in Alaska knows it is the natives that lived the true meaning of subsistence, hunting, trapping, snaring, devising any means to get food to live and using 100% of what he got.

Subsistence is a way of life that is as much alive today as working for wages or going into business is a way of life for others. You cannot come out and say "we're going to phase out business" because it is a thing that was born so many years ago. The same pertains to subsistence. It must be protected. It is as natural as self-preservation or an animal's own instincts.

Subsistence is a natural heritage of traditional lifestyles used by any native or a region or country. Traditional lifestyles encompasses the use of fish, game, plants, just about anything that could be captured or harvested for personal need, or for Alaska . . . Survival.

I am leaving with you copies of testimonies given to other agencies and boards by Al Ketzler, President of the Tanana Chiefs and others.

Thank you.

F.B.K. Heenry

Tanana Chiefs Conference, Inc.

Doyon Building
First and Hall Streets
Fairbanks, Alaska 99701
Phone (907) 452-8251

September 13, 1977

Seiberling
John

The Honorable John Seiberling
Chairman, House Subcommittee
on General Oversight and
Alaska Lands
1225 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Seiberling,

To substantiate and reaffirm my testimony before your subcommittee on August 20, 1977 here in Fairbanks, I respectfully submit this statement for the record.

Tanana Chiefs Conference is the recognized tribal governing body representing the Alaskan Natives of the Tanana Chiefs Conference region of Alaska. Proposed federal legislation in regard to section 17-d2 of the Alaska Native Claims Settlement Act directly affects the land and life style of the people in our region, particularly in regard to provisions regulating subsistence. It is principally in this respect that I wish to comment.

Alaskan Natives have developed cultural skills and values based upon subsistence which have contributed to the self-sufficiency, self-determination, and perpetuation as a cultural people. The definition of subsistence should emphasize "traditional use", since it is this concept that refers to a heritage where available resources provide all materials necessary for sustenance as well as ceremony. One can safely say that traditional use deals with hunting and fishing skills or prowess which have evolved to cope with Alaska's harsh environment in order to maintain one's life culture through subsistence. Thus, the definition of subsistence must bear it's true meaning: That it is vital to life as well as a life style.

To assure that essential Native rights to subsistence are provided and protected, certain provisions of proposed legislation on "d-2" must be adjusted. Eligibility requirements of subsistence users will require adequate guidelines. For example, the unity of Native villages could be seriously threatened by the brevity and incompleteness of present guidelines. In HR 39, Section 701(c), the proposed subsistence governing boards set up to determine subsistence users may interpret "primarily and directly dependant for the mainstay of their livelihood" overly restrictively, resulting in a division of the village into users and non-users, and could conceivably create disenchantment among villages, distrust, and eventual downfall of village leadership. A village unit must remain a unified village unit, and not be subjected to stringent individual subsistence requirements. In section 701(a)

The Honorable John Seiberling
September 13, 1977
Page Two

of HR 39, the provision that "Secretaries of Interior and Agriculture may publish regulations governing subsistence users" further threatens villages with limitation or loss of a subsistence life style. Specific provisions regarding subsistence should be decided and implemented in the final bill, with Native interests assured, rather than the inclusion of vague generalities which leave Native subsistence rights on unsure ground.

It becomes especially significant to protect Native culture through current "d-2" proposals in light of certain policies in the State of Alaska Constitution, specifically:

Article VIII, Section 3, provides, "Whenever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use."

Article VII, Section 17: "Laws and regulations governing the use of or disposal of natural resources shall apply equally to all persons..."

It would appear that under the Alaskan constitution, the State of Alaska is powerless to set up special subsistence rights for Alaskan Natives.

In regard to proposed limitation of subsistence in certain areas, particularly under the Wilderness Act classification, I would like to quote a statement made by Steward L. Udall in "The Alaskan Natives and their Subsistence Rights: A Discussion of the Constitution Questions" in July 1977:

It is beyond argument that the U. S. Congress has the power to set up a resources management regimen for the Alaskan Natives, and confirm their right to subsist on the public lands of Alaska owned by the people of the United States. Congress derives its authority to regulate "commerce with the Indian tribes," and the treaty making power of the President confers similar authority. The federal trust responsibility over all American Indians has evolved out of the exercise of these Constitutional powers...

Since the Congress has plenary authority to regulate "commerce with" the Indian tribes, it should have plenary authority to protect the Alaskan Native Cultures, which rely so heavily on subsistence for cultural survival. Therefore, subsistence should be permitted on all national lands, irrespective of national designation or classification.

Assurance that resource populations will not be depleted is essential. A reduction in availability of a subsistence resource to a Native village would seriously limit the self-sufficiency of a people who depend on little else. The old ploy of moving the village to take advantage of sufficient game populations is no longer possible due to surrounding boundaries of adjacent landowners including national, state, regional and neighboring village ownership. The village must remain within its

The Honorable John Seiberling
September 13, 1977
Page Three

afforded boundaries and harvest resources in a limited area. The taking of game and fish by outside interests in adjacent public land could seriously deplete the reserve of animal resources; especially in realization of additional loss due to extreme climatic conditions which periodically cause population declines. Harvest of wild game by sport hunters in lands adjacent to village selection must be closely supervised and limited. Sport hunting on Native lands must be prohibited to non-owners.

To assure equitability and continuity of regulations governing wildlife populations and harvests, a single agency should be responsible for all phases of wildlife management. It is preferable this agency be at the federal level, or at the least, be a joint federal-state organization, and provide full control over all Alaskan lands. This would assure consideration of all interests.

Finally, Mr. Chairman, I would like to address the economic viewpoint toward subsistence. For most Native Alaskans, subsistence hunting and fishing is a vital source of livelihood. Economic analysis shows that in most small Alaskan villages, there are limited sources of cash income and there is little foreseeable prospect that this situation will change significantly according to the Federal-State Land Use Planning Commission.

Besides economic considerations, food gathering, i.e. hunting, fishing, picking greens or berries involves time and work. If subsistence is lessened, it will increase idleness and depending on other sources (notably state and federal programs). This defeats the federal policy of self-determination and contributes to creating a welfare state.

I sincerely hope you will take consideration of my comments in the final subsistence provision in the "d-2" issue. I appreciate this opportunity of representing the Native Alaskans in the Tanana Chiefs Conference Region.

Respectfully,

TANANA CHIEFS CONFERENCE, INC.

Alfred R. Ketzler
President

ARK/srb

cc: Senator Mike Gravel
Senator Ted Stevens
Congressman Don Young

Fbks. handling

REGULATION PROPOSAL FORM
Alaska Department of Fish and Game

Proposal Concerns:

GAME DIVISION _____
SPORT FISH DIVISION _____
COMMERCIAL FISH DIVISION ✓

Submitted by:

MOSES SAMUELSON
631 Noyes St.
FAIRBANKS, ALASKA 99701

Regulation book page No. _____

Representing:

5-AAC (Alaska Administrative Code) No.:

5 AAC - 03.990 (15)

MOSES SAMUELSON
631 Noyes St

Objective: Add new regulation _____
Delete regulation ✓ _____
Amend existing regulation _____

Phone #: 456-6195

Area(s) affected: Y6C

Suggested wording (append if lengthy)

Justification: I feel we should be allowed to
fish subsistence after commercial fishing is
closed. In fairness same rules as in sub. section
6A and 6B should be applied to sub. section 6C.

For Henry

REGULATION PROPOSAL FORM
Alaska Department of Fish and Game

Proposal Concerns:

GAME DIVISION _____
SPORT FISH DIVISION _____
COMMERCIAL FISH DIVISION

Submitted by:

Moses Samuelson
631 Noyes St.

Regulation book page No. _____

FAIRBANKS ALASKA
Representing:

5-AAC (Alaska Administrative Code) No.:

5AAC 03.360 (1) E

MOSES SAMUELSON
631 NOYES ST

Objective: Add new regulation _____
Delete regulation _____
Amend existing regulation

Phone #: 456-6195

Area(s) affected: X 6C

Suggested wording (append if lengthy) Set Subsection quotas for
each subsection of subdistrict 6 rather
than a single subdistrict quota

Justification: This would allow each subsection
to harvest a fair portion of the salmon

Fbks. Hearing



FAIRBANKS ENVIRONMENTAL CENTER

1895 Pioneer Way
Fairbanks, Alaska 99701
(907) 479-3684

Hearing on

International Whaling Commission's Deletion of Native Exemption
for the Subsistence Harvest of Bowhead Whales.

September 12, 1977

Barrow, Alaska

Testimony by

George Matz

Introduction

My name is George Matz. I am the executive director for the Fairbanks Environmental Center. The Center is a non-profit organization dedicated to the protection of the Alaskan environment and traditional lifestyles through education and action. We have about 250 members, most who reside in the interior of Alaska.

Center Policies

Before commenting on the DEIS, I would like to describe a few Center policies relevant to this issue.

The Center believes that protection of Alaska's traditional lifestyles, both Native and non-Native, can be consistent with protecting Alaska's magnificent environment. Although there are numerous lifestyles which may be considered traditional to Alaska, Native subsistence cultures are certainly some of the more important (Attachment I, Rural Newsletter). Subsistence is vitally dependent on viable and productive ecosystems. If subsistence practices abuse these ecosystems, the viability of subsistence is also abused. Those who are committed to a subsistence lifestyle know this.

Regarding the taking of fish and wildlife, the Center supports giving the subsistence user preference over other consumptive users. Other consumptive users, such as sport hunters and commercial whalers, have more options available for an economic livelihood. Also, they tend not to have cultural bonds to hunting or fishing and to be more resource-intensive in their pursuits.

Our Position

We have carefully read the draft EIS, several other documents, talked to a number of agency people, and I have come to Barrow a few days before the hearing in order to get a first hand account of the Inupiat attitudes. Our conclusion is that, although we agree with the concerns for the bowhead whale as expressed by the IWC, we cannot accept their resolution to prohibit subsistence taking by Alaska's Eskimos. In fact, we consider their resolution to be counter-productive to their goals to protect the bowhead. Also, we view the resolution as being capricious and excessive.

Since we have only two options to consider in this issue, to object or not to object, the Center has no alternative but to urge our delegate to the IWC to object to their resolution to delete the Native exemption for the subsistence harvest of bowhead whales. But taking this position mandates that the federal government seriously and effectively respond to IWC questions regarding the status of the bowhead whale. Also, the Inupiat must seriously and effectively impose self-regulation to insure that their harvest allows for a sustained recruitment of bowhead whales. These two actions are conditional to our position. We are confident, however, that each can be achieved expeditiously. After many talks with whalers during the past few days, I am especially confident that the Inupiat are very concerned, have a good understanding of the issue, and will effectively respond.

Reasons

We would like to present some detailed reasons which support the position just stated. These are as follows:

1. The IWC resolution to prohibit a subsistence harvest of the bowhead whale eliminates a number of intermediate and logical options. It appears as if the IWC is saying that protection of the bowhead stock and subsistence culture is mutually exclusive. We find this capricious and cannot accept that a choice must be made between the two. Only a precursory or one-sided view of the situation could lead to such a conclusion. If anything, the whale and subsistence are mutually dependent.
2. The intent of the International Convention for the Regulation of Whaling is to regulate commercial whaling. In addressing subsistence whaling, the IWC has exceeded their authority. Not only is this excessive but it conflicts with the U.S. Constitution. Our Constitution provides Native Americans (including Eskimos) with a federal trust responsibility. This trust responsibility protects subsistence rights.

Since no valid treaty can contradict or compromise the U.S. Constitution, on this basis alone, the U.S. delegate has no alternative but object to their resolution. Attachment II, part of a study entitled "Legal Issues in Federal Protection for Subsistence on the Proposed National Interest Lands", authored by Dennis Kelso and assisted by both the Fairbanks Environmental Center and Friends of the Earth, supports this statement.

3.. The crux of the issue is whether or not the recovery of the bowhead population is endangered. Information in the DEIS, and opinions of the whalers, indicate that for many years the bowhead stock has been slowly recovering from earlier commercial exploitation. However, a recent increase in the number of whaling crews, with a greater number of whales struck and killed but lost, may jeopardize the recruitment of the bowhead. But the solution to such a problem is not to set a zero quota. Not only is this an excessive and unprecedented action, but it is counter-productive.

A zero quota forecloses a much needed opportunity to develop a bowhead whale management plan which will insure that the stock recovers, that the habitat is protected, and that a reasonable subsistence harvest continues.

Without a subsistence harvest, there will be insufficient incentives to obtain baseline data regarding the bowhead and its habitat. Then, we submit, the greatest threat to the bowhead will be oil and gas exploration and development in the Arctic Ocean. Then, as with the caribou, we will one day find that despite the assurances of the oil companies, that the integrity of the bowhead habitat has been severely damaged and its populations headed into a long-term decline.

In regards to developing a sophisticated management plan for the bowhead whale, I have had an opportunity this weekend to review an excellent proposal written by the Inupiat which would provide much of the baseline data that is needed to protect the bowhead. This proposal relies on a mix of whalers knowledge and sophisticated technology for data gathering. The Inupiat are so committed to this goal that the Arctic Slope Regional Corporation stockholders have agreed to have their 1976 dividends, which exceeds \$300,000, devoted entirely to help pay for this study. To me, this indicates that the Inupiat are very sincere in attempting to find reasonable answers to problems that do exist.

4. The Center contends that the IWC resolution contradicts the Carter Administration's National Energy Plan. Subsistence lifestyles, as any lifestyle, requires the consumption of energy to survive. However, subsistence is a low-entropy lifestyle and more consistent with the goals of the National Energy Plan than any other that is acceptable to those who live it. If subsistence activities are prohibited, more energy-intensive substitutes must be provided. Food which is processed, packaged, and shipped to Arctic village consumers requires much more energy than village efforts to be self-sufficient via subsistence.

To be consistent with the National Energy Plan, it seems that the U.S. should be encouraging, not restricting, subsistence. Of the 10 principles of the National Energy Plan, the following are relevant to protecting subsistence cultures:

- The U.S. must reduce its vulnerability to potentially devastating supply interruptions (self-sufficiency).
- The cornerstone of the National Energy Policy is that the growth of energy demand must be refrained through conservation and improved energy efficiency (low-entropy lifestyle).
- Both energy producers and consumers are entitled to reasonable certainty as to government policy (IWC resolution is especially pertinent to this principle).
- The use of nonconventional sources of energy must be vigorously expanded (decentralized, self-sufficient lifestyles such as subsistence).

It would be contradicting the National Energy Policy for the U.S. not to object to the IWC decision.

Recommendations

In addition to objecting to the IWC resolution, we urge the federal government to provide funds for the proposal being submitted by the Inupiat.

Also, we encourage the state of Alaska to devote a portion of the Permanent Fund to bowhead whale studies. The Permanent Fund is to be used for the development of renewable resources which offer an acceptable return. We think both criteria can be met when used for bowhead whale studies, particularly when social costs are factored into the return equation.

We thank you for this opportunity. We are appreciative that you have come to Alaska to receive public input to this decision which is so very important to the Arctic and its people.

5/24/77

Fbks hearing

A PROPOSAL FOR THE REGULATION OF FISHING, HUNTING AND TRAPPING AND IMPROVED COOPERATION AMONG LAND MANAGEMENT GROUPS IN ALASKA WITH FEDERAL, STATE AND PRIVATE PARTICIPATION

by

Herbert R. Melchior
SR Box 20140
Fairbanks, Alaska 99701

INTRODUCTION

The major goals of this proposal are: (1) to develop a mechanism that assures State management of its fish and wildlife resources (except for migratory birds, etc. already under federal regulation) while (2) providing for a balance of Federal, State and private interests in the regulation of fishing, hunting and trapping so that individual, State, and national interests are taken into account in the decision making process that allocates these resources and (3) provide a mechanism to increase the level of cooperation among land (habitat) management groups without eroding the basic management responsibilities of the groups. (i.e., agencies, native corporations and private land owners will manage their land but under scrutiny and subject to public pressure to do so in a manner that does not do violence to fish and wildlife habitat. Since, in general, healthy habitats essentially equal healthy environmental conditions, the process, if it works, will help keep all of Alaska in an environmentally healthy condition.)

THE PROPOSAL

(a)
I The State will designate up to 12 Fish, Wildlife and Habitat Regions. The geographic boundaries of each region will be based upon ecological criteria that may include but are not limited to the following: climatic patterns, natural landscape features such as drainages, shorelines, and mountain divides; natural vegetation types; patterns of animal species distribution and movements; types and patterns of human renewable resource use.

The State may change the boundaries of the Fish, Wildlife and Habitat Regions from time to time as conditions change provided that ecological criteria are used to justify the changes and provided

that the State consult with the Secretary and hold public meetings in the areas affected by the proposed changes to advise the public on the reasons for the change and receive public comment on the proposed changes.

REGIONAL
BOARDS

(1)
(b) A Fish, Wildlife and Habitat Board will be established for each Region. Each Regional Fish, Wildlife and Habitat Board will be comprised of representatives of Federal and State Agencies, Native Village and Regional Corporations and private citizens who are permanent residents of the regions as follows: one representative from each Federal land management agency that manages land within the Region, appointed by the Secretary of the appropriate department or his designee; one representative from the Alaska Department of Fish and Game and one representative from the Alaska Department of Natural Resources, each appointed by the appropriate Commissioner or his designee; one representative from each Native Regional Corporation with ^{corporation} land within the region, appointed by the President of the corporation or his designee; two representatives from Native Village Corporations with corporation land within the Region elected by the Presidents of the Village Corporations; and four citizens-at-large who are permanent residents of the Region and who are not employed by a Federal or State land management agency or by a Village or Regional Corporation, appointed by the Governor of the State such that two of the citizen-at-large representatives shall be from a city, village or other political subdivision whose total population is less than one half of that of the largest city or village within the Region and the other two citizen-at-large representatives shall be from a city, village, or political subdivision whose total population is greater than one half that of the largest city or village within the Region.

[COMMENT: The rationale for this composition is to insure input from]
[and have the perspective of different sectors of society without]
[establishing a board that could be easily dominated by any one sector.]

REGIONAL
BOARD
FUNCTIONS

(2)(A) Regional Fish, Wildlife and Habitat Boards shall review hunting, fishing, and trapping regulations recommended for their Region by the Alaska Department of Fish and Game; make modifications of these recommendations as deemed necessary; adopt regulations and transmit these adopted regulations to the State Fish, Wildlife and Habitat Board.

(B) Regional Boards shall review land management policies and practices within their region as these relate to fish and wildlife habitat. Regional Boards ~~may~~ ^{shall} recommend changes in these policies or practices if the Board finds that continuation of these policies or practices are likely to jeopardize wildlife habitat or populations. Furthermore, Regional Boards may recommend the establishment of cooperative agreements between land management agencies, corporations or private landowners if the Board finds that such agreements are likely to protect or enhance wildlife habitat or populations. Regional Boards shall transmit their recommendations on land management policies and practices and cooperative agreements to the State Fish, Wildlife and Habitat Board and to the appropriate agencies, corporations and landowners that might be affected by the recommendations.

(6) Regional Boards, or authorized subcommittees or members, may hold hearings, take testimony, receive evidence, or seek information needed to carry out the functions of this section.

(D) Each department or agency of the State or Federal Governments having jurisdiction over lands within ~~the~~ ^a Region are authorized and directed to furnish to the Regional Board, upon request, such information as the Board deems necessary to carry out its functions.

(3) Each Regional Fish, Wildlife and Habitat Board shall elect from among its members, a representative to the State Fish, Wildlife and Habitat Board.

(c) ⁽¹⁾ The State Fish, Wildlife, and Habitat Board will be comprised of one representative from each Regional Fish, Wildlife and Habitat Board.

(2) The State Board shall have the power to -

(A) appoint and fix compensation of such staff as it deems necessary to carry out its functions

(B) procure temporary and intermittent services

(C) hold hearings, take testimony, or receive evidence needed to carry out its functions

(3) Each department or agency of the State or Federal Governments having jurisdiction over lands within the State or having management over fish, wildlife populations are ~~u~~ ^h authorized and directed to furnish to the State Board, upon request, such information as the

STATE
BOARD
FUNCTIONS

Board deems necessary to carry out its functions.

(4) The State Fish, Wildlife and Habitat Board shall -

(A) review the hunting, fishing and trapping regulations recommended by each Regional Board and shall adopt and promulgate these regulations unless, after review, the State Board finds that such adoption might lead to unacceptable depletion or degradation of a resource within ~~the~~ Region, within adjacent Regions or in the State as a whole. If regulations recommended by a Regional Board are not adopted as presented to the State Board, it may make changes in the regulations before adopting and promulgating such regulations.

(B) review the recommendations of Regional Boards relating to land management policies and practices affecting fish and wildlife habitat, may make recommendations of their own, and shall transmit, at least once a year, all recommendations, including seriously considered alternatives, to the heads of the appropriate land management agencies, ~~or~~ corporations or private landowners as appropriate, to other authorities as they deem necessary and ~~to~~ make ^{them} available to the public in the form of an Annual Report.

GENERAL COMMENTS

(1) This proposal is based upon the following assumptions:

(a) Fish and wildlife populations are inseparable from their habitats, therefore healthy habitats are essential for healthy populations. (This is so obvious that it shouldn't have to be mentioned, yet evidence from hearings, newspaper articles etc. indicate many people still don't understand or wish to acknowledge this principle).

(b) Healthy habitats alone do not insure healthy populations, so carefully considered control of harvesting is necessary.

(c) Healthy habitats and careful regulation of harvests also do not insure healthy populations but these are the two major factors amenable to human influence.

General Comments con't

- (2) If this basic concept is found acceptable, a number of details need to be added to insure it works. These include:
- (a) Length of appointments - perhaps 5 years ?
 - (b) Method of filling vacancies - perhaps same as original ?
 - (c) Compensation & reimbursement for Board Members
 - (d) Basic funding for the whole system - 50:50 State & Federal would seem fair; allocation of funds to State vs Regional Boards needs to be considered
 - (e) Selection of Chairmen of Boards - election by Board members ? or appointment by outside authority ?
 - (f) Guidelines for conducting the business of the Boards

(3) Because this plan calls for participation by both Federal and State Governments, I assume that if the plan were included in a Federal law, that the State Legislature would have to pass concurring legislation and make changes in existing State Statutes that govern and provide authority for our present system of fish and game regulation, i.e. Fish and Game Boards. Since Federal legislators will want to cover the situation that could arise of the State ^{did} not passing appropriate legislation in a timely fashion, the Federal law may need something akin to a reversion clause, such as " If the State Legislature fails to pass concurring legislation within _____ years, management and regulation of fish and wildlife population on Federal lands will be accomplished by the U. S. Fish and Wildlife Service."

(4) Finally, the proposal as presented here needs considerable polishing to reach final form. However, I felt it was more important to get the concept out and circulating to see if it represented (a) an improvement in the existing system which separates fish and game regulation from any meaningful concern for habitat and land management, and (b) represents an acceptable compromise between the existing system, which many people find objectionable, and the other extreme that is proposed in HR 39, which I personally feel will lead to disaster, if passed.

MEMORANDUM

TO: Frederick P. Baker
FROM: Ella Anagick E.A.
DATE: August 17, 1977
SUBJECT: D-2

Introduction

Subsistence to the Alaskan Native is vitally important to his culture, his way of life and to his sense of well being. This statement is repeated so often that it can lose content and/or meaning. To the Alaskan Native, subsistence is part of life. To many Eskimos, Indians and Aleuts, the thought of not being able to hunt or fish is very threatening, for that's the only way of life many know how to live. The Alaskan Natives have developed cultural skills and values based upon subsistence which have contributed to the self-sufficiency, self-determination, and perpetuation as a cultural people. Subsistence must be maintained at present levels (for Alaskan Natives) to preserve and nourish the unique spirit of the Alaskan Native cultures.

Definitions

To define subsistence in narrow terms would defeat the purpose of maintaining subsistence by creating inflexible regulations or standards based on that possible legal definition. Section 701(c) of H.R. 39 basically states that "people who continue to exercise customary, consistent and traditional use of subsistence resources in the national interest lands...and their direct descendants, shall be permitted to continue subsistence activities...if they are primarily and directly

dependent for the mainstay of their livelihood..." Although research has not revealed the specific meaning of the terms, "customary, consistent or continual use," the attempted definition of "traditional use" may shed light on the context in which these terms are used. Dennis Kelso's, Legal Issues in Federal Protection for Subsistence on the Proposed National Interest Lands, December, 1976, at page 136 states:

traditional use suggests a link to cultural heritage which goes farther toward limiting such uses to Natives than any of the present national interest lands proposals.

Moreover, " 'traditional' presumably bears some relationship to historical and cultural use patterns..." One can safely infer that "customary" or "traditional use" deal with hunting and fishing skills or prowess, which have evolved to cope with Alaska's harsh environment in order to maintain one's life, culture, etc., through subsistence.

The closest legal definition of "direct descendants" is contained in 25 U.S.C.S. § 371, which deals with the descent of land. Basically the section (along with section 348) states:

For purpose of determining the descent of land to the heirs of any deceased Indian..., whenever any male or female Indian shall have co-habited together as husband and wife according to custom and manner of Indian life, the issue...shall be a legitimate issue...

"Issue" in the layman's language, generically, is offspring or children. So "direct descendants" would be equated to offspring or children of those "people who continue to exercise customary, consistent and traditional uses of subsistence resources..."

dependent for the mainstay of their livelihood..." Although research has not revealed the specific meaning of the terms, "customary, consistent or continual use," the attempted definition of "traditional use" may shed light on the context in which these terms are used. Dennis Kelso's, Legal Issues in Federal Protection for Subsistence on the Proposed National Interest Lands, December, 1976, at page 136 states:

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However, it is important to keep in mind the need for a flexible definition or meaning for subsistence: one which is too rigid will undoubtedly influence the regulations created to maintain subsistence. Furthermore, in ANCSA, Section 4(b) states:

All aboriginal titles...based on use and occupancy...and including any aboriginal hunting or fishing rights that may exist, are hereby extinguished.

This action will be discussed further, infra; however, with respect to subsistence on national interest lands, the term subsistence should be given a flexible content to meet § 4(b).

Various definitions have been given along policy guidelines by different agencies. In Report of Conference on Subsistence Use of Fish and Game, Federal-State Land Use Planning Commission, dated 1/11/74, page 6,

The consensus was that no single definition could be achieved, but that by viewing subsistence use on a continuum, first priority should be given to "subsistence uses"; listing the species and its abundance area by area as governing supply, and the need measured by (a) degree of dependence, (b) residency, and (c) means of taking.

Moreover, consensus was also apparently reached that (1) to sustain life was highest priority followed by (2) to sustain a lifestyle.

Furthermore, in Commission Policy on Subsistence, attached to a letter dated 2/2/77 to Cecil Andrus, Secretary of Interior from Walter B. Parker, the Commission's policy regarding wildlife management and subsistence is stated as follows:

(a) The primary objective in fish and wildlife management should remain the preservation of healthy populations of wild life species; (b) State and Federal policy... should recognize subsistence taking as a preferred beneficial use... (c) definition of subsistence based on local residency and (d) subsistence should be controlled through State game regulations, utilizing a permit system when necessary.

Furthermore, the General Policy Statement from the Alaska Game Management Policies has stated:

The Department recognizes that some of the people of the state are substantially dependent on wildlife for sustenance. In areas where people are primarily dependent on game for sustenance the Department will provide for liberal seasons and bag limits, within the limitation of maximum sustained yield.

Furthermore, at page 4, "direct domestic utilization of fish and game is still vital to the existence of many rural some urban citizens...home consumption of fish and game tends to preserve cultures...Accordingly, it is assigned the highest priority among beneficial uses..."

The State of Alaska, through Sec. 16.05.257 Subsistence Hunting Regulations of the Alaska Statutes has stated:

4(b)(1) "subsistence hunting" means the taking of game animals by a state resident for food or clothing for personal or immediate family use.

However, with respect to the foregoing, a note of caution is advised. State Senator John Sackett from the Tanana Chiefs Region has come up against this "outward support" for subsistence uses which seems to be a reluctance to take the necessary steps to really protect these activities. He said he had heard all kinds of comments of concern about the

subsistence problem and that it was a priority need and they had the support of all the administration in this area. He termed this "a lot of lip service." State Land Use Planning Responsibilities, Does One Way of Life Have to Die So Another Can Live? By Yupiktak Bista, page 31.

In Draft Policy Guidelines, Subsistence Uses of New National Park Service Areas in Alaska, dated 4/12/77, by Robert Belous, Park Planner and T. Stell Newman, Ph.D., at page 8,

For the purposes of these policy guidelines, "subsistence" is comprised of the taking of customary and traditional wild foods and other renewable biological resources from the lands and waters for personal or family consumption. Customary trade or barter... is consistent with the intent of this policy.

At page 6, "Qualification for various subsistence activities will be on the basis of local residency and customary and consistent past useage as determined by a Subsistence Resource Council comprised of local subsistence users. Such qualification will not be dependent upon...role or ethnic origins. Note that this is a preliminary draft subject to change. AFN's "tentative" position may be:

AFN believes subsistence administration should be conducted at a local/regional level by subsistence users, assisted by knowledgeable governmental agencies providing management data. Ultimate authority over subsistence management would be vested with the appropriate Federal Cabinet officer. (Page 2, untitled draft).

Note that the definition of subsistence is intricately intertwined with some of the policy guidelines adopted for subsistence purposes.

Constitutional Issues

Equal Protection Clause.

The State of Alaska is using the Equal Protection Clause against federal legislation which would classify Alaskan Natives as the sole beneficiaries of the proposed d-2 subsistence legislation. The Alaska Constitution provides:

- (a) Article VIII, Section 3, provides, "Whenever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use."
- (b) Article VII, Section 17: "Laws and regulations governing the use of or disposal of natural resources shall apply equally to all persons..."
- (c) Article I Section 1: "that all persons are equal and are entitled to equal rights..."

Letter to Byron Mallot, AFN President, dated May 26, 1977 from Herb Cavallera. Under the Alaskan Constitution, the State of Alaska is powerless to set up special subsistence rights for Alaskan Natives.

Basically, the Equal Protection Doctrine has two sets of standards: 1) a rational basis (for the classification) relating to a reasonable governmental objective and,

- 2) if it is a suspect classification or a fundamental interest is involved, then the court uses the strict scrutiny test: here there is a heavy burden on the one proposing the classification to show a compelling state interest.

The State of Alaska is using the suspect classification i.e. if the federal government passes (d-2) legislation favoring

Alaskan Natives, then it can be inferred that it is based on race, which is a suspect classification. However, there is a fallacy in this argument, which will be discussed, infra. Nevertheless, the State of Alaska is also using Section 2 of ANCSA to buttress its argument, i.e.

the settlement should be accomplished ...
without establishing any permanent racially
defined institutions, rights, privileges or
obligations without creating a lengthy
wardship or trusteeship.

The State of Alaska in using the Equal Protection Doctrine with respect to the natural resources of wildlife and fish and game, is concerned with maintaining "equality" between subsistence users, sports hunters or commercial users: unless, subsistence use by Native peoples (or other state residents) is given top priority on d-2 or state lands.

Although ANCSA extinguishes "any aboriginal hunting or fishing rights that may have existed", the conference committee report directs the Secretary and the State to take any action necessary to protect the subsistence needs. As a result, Interior formulated a policy covering the lands it administers allowing traditional subsistence uses of the resources until it is shown it is no longer necessary for human survival. The policy permits appropriate agencies to limit subsistence activities when there is a progressive reduction in animal or plant ecosystems...Further, this policy provides a basis for the d-2 proposals relating to subsistence. Summary of the Conference on Taking Fish and

Game Resources to Meet Subsistence Needs, page 9, Federal-State Land Use Planning Commission for Alaska, Juneau 2/5-6/74.

Furthermore, in The Alaska Natives and Their Subsistence Rights: A Discussion of the Constitution Questions, prepared by Steward L. Udall, 7/77, at page 9:

It is beyond argument that the U.S. Congress has the power to set up a resource management regimen for the Alaskan Natives and confirm their right to subsist on the public lands of Alaska owned by the people of the United States. Congress derives its authority over Natives from two sources. Article I, § 3, clause 3 of the U.S. Constitution gives Congress plenary authority to regulate "commerce with the Indian tribes," and the treaty making power of the President confers similar authority. The federal trust responsibility over all American Indians has evolved out of the exercise of these Constitutional powers...

Since the Congress has plenary authority to regulate "commerce with" the Indian tribes, it should have plenary authority to protect the Alaskan Native Cultures, which rely so heavily on subsistence for cultural survival.

With respect to the State's Equal Protection argument, case law states:

As long as the special treatment can be tied rationally to the fulfillment of Congress' unique obligation toward the Indians, such legislative judgments will not be disturbed.
Morton v Mancari, 417 U.S. 525 (1974)

Moreover, in U.S. v Antelope, _____ U.S. _____ (1977) the court said:

The decisions of the court leave no doubt that federal legislation with respect to Indian tribes, although relating to Indians as such, is not based upon impermissible racial classification. Classification expressly singling out Indians, as such, as subjects of legislation is provided for in the Constitution and supported by the ensuing history of the Federal Government's relations with Indians.

So the State's Equal Protection argument based upon "race" cannot stand.

AFN's position with respect to the Amendments Proposed by the AFN in Section 703 (c)(1) is probably the most practical approach to take. Section 703(c)(1) states:

...the right to engage in subsistence uses is given a)

- a) on Native lands and on subsistence lands to Alaska Natives and their direct descendants; and
- b) on subsistence lands to any non-Native permanent resident of a Subsistence Management Zone, and their direct descendants.

This approach serves a dual purpose: i) it accomodates the position taken by the State of Alaska as required by the Alaskan Constitution and, ii) it dispels the argument of the State based on ANCSA, Section 2,

the settlement should be accomplished... without establishing any permanent racially defined institutions, rights, privileges, or obligations...

and the State of Alaska's Equal Protection argument based upon "race."

With respect to the d-2 issue of subsistence on public lands, the court in Kleppe v New Mexico, 96 § ct. 2285 (1976) states:

Complete power that Congress has over public lands under property clause necessarily includes power to regulate and protect wildlife living there, state law notwithstanding.

Although federal jurisdiction or authority is paramount on public lands like d-2, case law does not seem to reveal whether this same (federal) authority can be exercised on state owned wilderness areas. The AFN's approach (in section 703(d)) seems to be the most sensible way of coping with possible splits of authority on the Federal-State level, by creating Cooperative Management Board(s). Instead of having the federal agencies managing public d-2 lands and the State of Alaska managing its own wilderness areas, a single agency is the most practical solution. AFN seems to adopt this position.

Fundamental Rights

Aside from this (Equal Protection) argument, one can look at the Alaskan Native cultural lifestyles as granting to Alaskan Natives a fundamental right to live their lives as they have always done. This fundamental right should be protected under the clause, "to regulate commerce with the Indian tribes"; this in itself will further the federal policy of Indian self-determination and meet one of the requirements of Section 2 of ANCSA:

without creating a lengthy wardship or trusteeship.

Naturally, intricately intertwined with preserving the Alaskan Native Cultures is subsistence and the right to continue to use subsistence as before. However, the courts have held that the taking of fish and wildlife resources is not an inherent right of individuals. Geer v State of Connecticut 161 U.S. 519 (1896), stated in Legal Issues in Federal Protection for Subsistence on the Proposed National Interest Lands, page 78, Dennis Kelso, 12/76. Note the reasoning, it's not "an inherent right of individuals", but it may be an inherent right of a culture, where the right to live within the culture is a fundamental right. This argument is further buttressed by:

It was a similar need to live the way they wanted to live that brought some of the first pilgrims to North America. The colonists founded the U.S. on the principle of a person's right to maintain his identity; his freedom of speech and religion; his life, liberty and pursuit of happiness in his own ways.

Relating this principle to the subsistence way of life, Attorney Robert Goldberg once said:

It seems to me that through the years, if the U.S. has stood for anything, it is the right of cultures to express themselves as they wish, absent some compelling state interest to the contrary. My own view is that far from being a melting pot, the U.S....has allowed many diverse cultures to maintain their cultural identity.

It seems to me that this is a right that is fundamental, so fundamental that it was one that was not enumerated in the Constitution, but reserved to the people.

Does One Way of Life Have to Die so Another Can Live? By

Yupiktak Bista, page 7.

Economic Considerations

Very briefly, "...the economic value of subsistence to rural Alaskans living near the proposed national interest lands provides another basis for concluding that Congress' grant of subsistence preference is an appropriate step in fulfilling the government's special trust obligations. For thousands of years, Alaska Natives have achieved economic self-sufficiency through subsistence...Congress could certainly conclude that proper exercise of trust responsibility requires preferential treatment of Native subsistence users whose economic self-sufficiency will be thereby enhanced. Legal Issues, by Dennis Kelso, 12/76, page 105.

Moreover, for many Alaskans, particularly, ... Native Alaskans, subsistence hunting and fishing is a vital source of livelihood. Economic analysis shows that in most small Alaskan villages, there are limited sources of cash income and there is little foreseeable prospect that this situation will change significantly...Issues of Land Use and Management, Recommendations for a (d) (2) Division Joint Federal-State Land Use Planning Commission for Alaska, May, 1977.

Besides economic considerations, food gathering i.e. hunting, fishing, picking greens or berries involves time and work. If subsistence is lessened it will increase idleness and dependency on other sources (notably state or federal). This will defeat the federal policy of Indian self-determination

and contribute to creating the situation of a welfare state.

Dennis Kelso, Legal Issues, page 88, stated:

Congress might conclude that avoiding economic and cultural disruption by allowing continued subsistence could prevent added burdens to state and federal social assistance programs.

The Federal-State jurisdiction issue has been considered very briefly, *supra*, supporting the establishment of a single agency to regulate "subsistence."

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

PUBLIC HEARING TESTIMONY

BY THE ALASKA STATE LEGISLATURE
INTERIM COMMITTEE ON SUBSISTENCE

COMMITTEE MEMBERS PRESENT:

Representative Nels Anderson, Jr.,
Chairman
Representative Steve Cowper
Representative Sam Cotten

STAFF MEMBERS PRESENT:

Dorothy Larson, Staff Assistant

PUBLIC HEARING LOCATION:

COMMUNITY HALL
GALENA, ALASKA

DATE: November 12, 1977
TIME: 7:00 P.M.

THOSE REGISTERED IN ATTENDANCE AT PUBLIC HEARING

<u>Name</u>	<u>Address</u>	<u>Organization</u>
Harold Semaken	Box 115, Galena	
Russ Griffin	Box 237	
Norm Yaeger	Box 188, Galena	
Ivan B. Sipary	Nulato, Alaska	
Edger Nollner Jr.	Box 44, Galena	
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Nicholas J. Grimaldi	Box 208, Galena	
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Ronald Sam	Allakaket	
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TABLE OF CONTENTS

1. TESTIMONY OF Roger Huntington.....Page 2
2. TESTIMONY OF Ronald Sam.....Page 3
3. TESTIMONY OF Alfred Attla.....Page 4
4. TESTIMONY OF Norm Yaeger.....Page 6
5. TESTIMONY OF David Kwanberg.....Page 7
6. TESTIMONY OF Charlie Rhea.....Page 8
7. TESTIMONY OF Ivan Sipary.....Page 9
8. TESTIMONY OF Harvey Stranberg.....Page 20
9. TESTIMONY OF Gerald Walker.....Page 27
10. TESTIMONY OF Sam Dementieff (tape inaudible)



JUNEAU ALASKA

Alaska State Legislature

House

INTERIM COMMITTEE ON SUBSISTENCE
Nels A. Anderson, Jr., Chairman
P. O. Box 234
Dillingham, AK 99576 Tel: 842-5970

NOVEMBER 21, 1977 - GALENA PUBLIC HEARING

Representative Nels Anderson: Introduction of Panel. To my left is Representative Steve Cowper from Fairbanks, and to my immediate left is Representative Samuel Cotten from Eagle River, and our Staff Assistant is Dorothy Larson from Dillingham. The purpose of our Committee is to, as you know already is to try to find out what you people think about subsistence, how you feel about subsistence, whether or not the State of Alaska should try to define what subsistence is and also to get your views on what the State of Alaska should do about protecting subsistence and the reason why we're here is that we decided earlier or right after the legislative session adjourned is that we would try to get to as many places as we could in Alaska and to find out what the people feel about the subsistence issue. We've been traveling throughout the State we have about 8 to 10 hearings so far. We've got about two more to go, we're going to be meeting in Juneau next month and also up in Barrow and that will conclude our hearings for this year. But we are looking for comments from you people on the issues of subsistence and we would invite anyone that would like to give their views to come up forward and go ahead and give your comments for the purpose of the committee using those comments as we take a look at the State of Alaska ought to treat the issue of subsistence. So if you would like, anyone, would like to come forward and start it going there we could begin at any time. We don't need anything written, just your verbal comments would be enough, and what we will do is transcribe them and have them put into the record.

Page 2 - Galena Public Hearing

Roger Huntington: One of the things as a citizen of Galena, also the natives in the area, even myself on being informed my capacity with the native group find it hard to define subsistence. And alot of times here at Galena and the surrounding villages when you talk about subsistence, immediately moose come to mind, thats most valuable to us, and thats what we're threatend with and the continuence to hunt moose and we feel that we are being attacked by non-natives, and coming in like they are taking our moose so maybe what we might be looking for is rules or laws stating only us can hunt you know they have for us and what not. You got a community like say Fairbanks they have their meat supply there. We have ours up here in our woods. Thank you.

Representative Steve Cowper: Mr. Chairmam one of the things that I might try to clarify a couple of things here. I am the Chairman of the D-2 Council and I'm running back and forth to Washington on the D-2 Legislation now pending there. Now one of the things that Congress is going to do on the Federal Lands, they are going to create a preference for subsistence use on these lands. In order to do that they are going to have to define it some way. Now maybe they can leave the definition loose and open and let it be set by some kind subsistence board that's something they suggested, but that's one of the things that you might address in Washington. If the Congress should define subsistence, it's quite (inaudible) as to whether or not we should adopt it here in the State and what kind of preferences ought to be created for subsistence if any. You know with game getting scarce, somebody has to quite hunting. It's getting to be just about that simple and so what we're trying to do is figure whether we should create classes of users and make preferences, in other words for different types of people. So this is one of the things we need to get into here. I think we are talking about

Federal Legislation which it applies to Federal Lands State Legislation which applies to State lands.

Ronald Sam: Yes, I would like to have the area committee to state, Mr. Steven, whether you are making it for State purposes in subsistence.

Representative Nels Anderson: Yes this is for the State of Alaska. What is your name please? Do you have any comments to make the subsistence issue at all?

Ronald Sam: Yes, one that the State like the 50 states, each and everyone is different. We have in our State lots of natural resources and renewable resources.

Representative Nels Anderson: What do you feel should be done about protecting subsistence, do you have any ideas on that and what the State of Alaska should be doing?

Ronald Sam: Now I think that you are looking for a definition of subsistence and I don't think you will find the definition. There is about three to four hundred (inaudible) in the State, there is no way that you can define one to satisfy better laws, State law and be right, there's no way. Everyone of our areas are different.

Representative Nels Anderson: I'll go along with that, I'll agree with that. We are finding it really, really difficult to, or I'm finding it extremely difficult to.

Ronald Sam: I don't think this is a time and place to define subsistence.

Representative Nels Anderson: What about describing subsistence activities?
Like what people do describe what people do.

Ronal Sam: No use telling that either, people know what we are doing already.

Representative Steve Cowper: I'd like to ask you a question, when you get into a chore affair somebody has to work on it. If you don't define subsistence user what do you think about creating a preference from the people that live in the area. You wouldn't have to define subsistence, just anybody who lives in the area gets first crack at it, gets it's limit, and then if there is enough resources to go around for the people in the area, then you can.

Ronald Sam: Yes I go along with that, but at the same time you are opening it up to wide open. There (inaudible) and the resources won't make it around.

Question from Audience: What do you use for subsistence hunting? Do you just walk out do you use planes, what do you use?

_____ : Boat, snowgo and dog teams.

Alfred Attla: Yes, you were talking about breaking things into catagories. I think we the people are already broken into catagories. And I think it should be broken into that. But people up river they got place to hunt, we got place to hunt, even if it's they're area we got a place to hunt. They got their play if they want to play. My father worked for a living since he was born, he didn't work for anybody. He worked for a living, he raised

11 of us, some of us kids are out hunting, hunting and trapping. He went all the way from Allakaket, he came down to Hughes, he tried that area. And finally he found hunting grounds. He found hunting grounds, but that was not good enough yet, that was this (inaudible) he had to come all the way down to Titook all the way down to the Yukon to go fishing, in order to get fish and things like that for the family. But you can't do that no more. We can't come down here and say well we have to take them home by commercial license. My old man went down Yukon River and fished there all his life, and if I come down here and try to buy a commercial license I couldn't do it. I think we would be broken into categories, make our own advisory committee.

Question from Audience: Village of (inaudible). Can I ask you a question there, you are saying these categories for subsistence, what are you trying to tell us? Are you trying to break us into categories, for subsistence hunting or for sports hunting?

Representative Nels Anderson: This is an idea Steve has been asking various people on, Steve would be a better one to ask on that.

Representative Steve Cowper: It's just an idea, I'm just trying to see what the people think of it. We haven't gotten any place with it.

Ronald Sam: I think that sooner or later maybe categories is not the right term, but I believe sooner or later you have to look into what is a village and what is a city. Lot of our villages are second class cities, as such, under the State Law, but there still not urban type like Galena and Anchorage. you have to make the decision on what the people think, these are what you have to look for not what they use, because I seen to many guys come up and

taken alot of our game.

Norm Yaeger: I'm in air taxi business here, and it's my thought that you are trying to protect the subsistence hunting here and in order to do so you have to know what you have available for game out there to begin with. Number one, you have five thousand moose in a certain area, how many can you harvest out of that five thousand, before you start to decline. And in the present system you can get 3 thousand hunters come in here in a season, they can be local they can hunt with boats, snow machines, airplanes, they can be from foreign countries, Anchorage and Fairbanks. But you got no control on how many game is being taken per season. You have no idea what is taken out of this area, so all of suddend, three years later all your moose are gone and everybody is up in arms and screaming at each other. They are condeming the airplane, or condeming everybody, snow machines, but you have no control over it. So in order to protect the subsistence hunting for the local people here, which is the name of the game, you have to keep some of the outsiders out if you do not have enough game to sustain an acceptable level so there is enough here for everybody to get the game that they want. And at this time the State has no system accept for filling out that little tag and that's voluntary more or less. In Hawaii for instance it's very controlled, people check into a certain area, they shoot their game and they check out in that area. The State knows exactly what's being harvested. The game is a natural resource, some should be harvested by some means, but if too much is harvested, the local people can't get their game that's not right. But there is no protection at this time, like if a lot of hunters come up here next year, and they all get a moose, bang they're all gone. There is no protection at this time.

Representative Steve Cowper: That's exactly what we are talking about in other

when we talk about creating a local preference it means it is not enough to go around to people from outside, from other countries and even from Anchorage and Fairbanks they don't get to shoot them. That's what we are talking about.

Ronald Sam: Okay how big is Hawaii? Yeah, in Hawaii you can say 20 acres for pinapple and 20 acres for tourists. Okay up here we got more than that. You better know that. You can bring (inaudible) up here, right that's alright (inaudible) down there, you got to shoot them again the thing, you got to draw a ticket for that, we don't want that up here. We damn sure don't want that up here. Right now there doing that on the Delta area, it's not right. You do that and the caribou and moose sooner or later we got another area, Hawaiian area. We would like to keep it that way. We don't want to see that around here. Down there you can say, okay you have 20 acres of game area.

David Kwanberg: My interest in the discussion is building a place in the bush down the South of Kaltag. I first became aware of the pressure of hunting down there when people in the area would stop by my place and talk about their experience with plane hunters and some of them told me that there were alot of abuses from airplane hunters and down where they are used to hunting, and there were people coming in from other areas, hunting in the areas where they had been accustomed to hunting. Well I have friends in Kaltag and I like being in the area and I wouldn't like seeing it turn in a dessert, so I tried to work it out in my own head. The thing that finally made sense to me was that to make two restrictions in say for Kaltag in the flats area. One was to outlaw all the aero hunting, airplanes were spotting for pursuit or for carrying out any of these outlawed periods. People who have boats simply can't compete with them. The other would be to limit hunting rights in the area on residence basis. The flats area is used by people from Grayling all the way into

(inaudible) and some people from Galena go down there too. It's a huge area and it seems to be able to support quite a few villages, but it can't do it when people are coming in from cities and far away places. Those two things make sense to me, outlaw the area hunting from the area, and restrict hunting right on the residents basis. So I started to do the same thing that Steve is doing and that was to talk to people about it and I've heard the same stories, Galena, Hughes, and up in Kiana. There are people who are accustomed to taking their life off the land and the animals that they are accustomed to taking are being, sometimes they are slaughtered and left and other times they are being killed and taken out, by people who may have a freezer full of beef back in the city. It doesn't make sense to me. I don't pretend that an increase in the population in the villages are not going to do anything to the game eventually, it seems to me that there is a much better chance for people living here to have some control over their future, given a break by those kind of restrictions to begin with.

Charlie Rhea: Mr. Chairman, I'm Charlie Rhea from Galena. I think that the problem here is the people are mixing subsistence with long tradition. These guys have been here for years and years and have done what they had to do to survive and have supported their families and I have to go along with the gentlemen just said about outside people coming in here with airplanes, this one of the big problems in this area is they got rules against flying planes and shooting in the same day and all this, but it still happens. And it needs a little control. But if you start talking about who is going to be able to hunt these animals, if it's just a person who lives off the land or just goes out and works 6 months out of the year he still has the same right its his tradition that they are fighting for also, and they should be included in the same light as the subsistence fella. The big problem that they have right now

in this area is too much outside hunting and you cannot support it, that's the way I personally see it. Thank you.

Alfred Attla: Yeah, like the guy that was speaking before that, like (inaudible) folk what it is, is the lack of control. Lack of Fish and Game control, just like right now you can fly down from Youth and you can find a dead moose about nine miles below Youth. You can find a dead moose, and you can be sure that the game that no native would leave right there. You go about 18 miles below there and there is moose hanging up right now, right today, there is moose hanging up right there. Moose be hanging up, maybe the airplane hunters didn't have enough gas to come back and get it, and maybe they have another one some place else. That's a total waste, but that is the lack of State control. Us income tax people, that pay income tax, we should get better rights than that.

Ivan Sipary: Yes I would like comment going back on what some of these people say, like the gentlemen down there. When some of us only work six months of the year, maybe some of the local people prefer working six months out of the year, but out in those smaller villages out of the Galena area, I bet you find that the majority of the people barely work 3 months out of the year, because some of them have a good year, so when everyone went firehunting at least 40 days. But that's just one good year. That's suppose to be a good year for us, and then the rest of the year we have to make it on subsistence. It's not only moose it's trapping beaver and hunting, trapping fishing is the same thing.

Representative Steve Cowper: Mr. Chairman, let me toss something out, you know, it can reply to if they want. What if you created subsistence zones

will say, and what you did was you said, that anybody that came into that area would have to take game or fish or whatever and use the same way people in the area did. In other words you, if your hunting moose with an airplane, then they could do it, but if you didn't do it, and you hunted them in a boat then that's the way, that's the only way they can do it, what if you did that?

Male in Audience: Then you would find that there would be a hell of a lot more people that can afford boats than the rest of the village people, that would use planes. Same way...

Norm Yeager: The issue seems to be between airplanes and boats. I fly around myself and there is not that many airplanes taking people hunting. I'm not saying it's not, I fly hunters out and drop them off, I don't spot any game they hunt on foot and all the meat we get, we give to the people in town here. Now I'm not saying that's right all the time, but I didn't kill the moose myself, because somebody else shot it, because they wanted the cottenpicken horns, and I'm not saying that's right. But the moose did not get wasted, it got harvested, if there is not enough of them out there, that's not right. But these people were dropped off where people with boats cannot hunt. Now there is a lot of hunting pressure going up river by boats it's not all airplanes in this area and there not all resident people hunting by boats. They are killing the moose on the rivers by folks that are not residents and they do not subsistence hunting for the local people who are shut off by boats, snow machines, or airplanes, you have the same problems. The airplane is not really the key issue here, you are trying to protect subsistence hunting and some local people here, Native people and they have an airplane and they hunt with an airplane or have hunted with an airplane and some use boats.

I want to respond to this thing about boats. There was a fella I heard about in Fairbanks who took his boat down the mouth of the Yukon River and driftnetted down there and made \$25,000 on fish in just a couple of weeks. Now that's no limitation if you've got enough money, you can boat right into an area and take it all out with you. It just wouldn't work that way.

Ronald Sam: What I'm trying to say is these guys that take people out to lakes in acceptance to moose, you are right, but by the time you are hunting for trophy animals, trophy moose, you damn right, then travel through the country. They stop and catch one and go by it, you know? Sooner or later they will go where they are accessible to us, and because he land to where we can't get to him, doesn't mean the animals won't stay in one place when they are running. And the ones he take out are the trophy hunters. We'll find them travelling pretty soon, they don't stay one place.

Roger Huntington: First of all, I want to ask: remember the legislation back and forward the 50 mile radius zone or whatever it was. What is the legality on this as far as what it constitutes now?

Representative Nels Anderson: I don't know how that turned out, this was 72 or '73 I think.

Question: What was the proposition?

Roger Huntington: The proposition was there was a radius around each village, 50 miles. Under that context maybe expand the area a little more and local residents especially.

Representative Nels Anderson: Well in the other places we've been most of the people have said basically what you are saying already from all over the State. They are saying that there is not enough Fish and Game control, not enough protection. Not enough enforcement. Okay, that's one thing. They want us to stop foreign people from coming in to the State and taking out just the horns and leaving the meat, wasting the meat. They want not only to curtail area hunting, but there is some areas thinking about stopping snow machine hunting. I don't know how people are going to take to that, but you know that is going to be kind of a drastic measure to take. The thing that is happening in the State of Alaska now, and I think most of you know this, is the people have access to high speed boats now, they've got better rifles, they have a growing population and you got the declining in the game population. And what we're trying to figure out is trying to decide how in the world are we going to handle the situation, okay. We know we can get rid of the foreigners', I don't think there would be any problem concerning the local residents, and I think what we are dealing with, as far as my particular goal is at that if the game population gets down to a point we have to make a decision, the person that has the number one preferential rights to that game should be people that live in the area. That's my particular feeling but not only mine it's being born out by people who are testifying throughout the State of Alaska.

Alfred Attla: Yeah, in my own opinion I think the biggest problem is to try and get control, just like we might have a lot of hunters from each village, well those people hunt everywhere and every year, during the time of harvest every one hunt in the village. You don't have to worry about controlling us, we are out there to get our moose or whatever, but outside hunters, there's no way, so far the State hasn't done a darn thing as far as I'm con-

concerned as far as controlling them. Airplane hunters is what I'm talking about. They're not controlled, they are simply out of control. Say just like me if I had a hundred thousand dollars, you couldn't control my hundred thousand dollars no way. I'll just go out and get a moose, even behind your back I'll get a moose. The State got to put up more money or something like that and put or hire somebody in the village, hire two or three people in the village to control the area. Control the area with boats, if they do that and they get paid, that's just like subsistence hunting for them or for myself or for anybody. Otherwise there is going to be control.

Roger Huntington: You know there seems to be a lot of laws on the books right now that are supposedly there to prevent people getting moose too easily with an airplane, but if we were to put another law that says you couldn't hunt with an airplane within a 50 mile radius of the villages, would that be effective, would the State be able to regulate that without having, certainly if you put enough people out here to enforce, if you put a small army out here to enforce you could stop them from airplane hunting, but is it possible to put another law, and say no hunting with airplanes.

Representative Sam Cotten: Let them airplane hunt, but put more enforcement?

Representative Nels Anderson: Sir could you say that again, did you say let them airplane hunt?

Member of Committee: Let them airplane hunt, but what's more important?

Dave Kwanberg: It seems to me that not very long ago the people up Koyukuk thought of maybe a simple solution of a lot of airplane hunters, and that was

to shoot the planes down. What is being said here is the people in the villages are ultimately responsible for the food resources, and it seems to me that if you say to them, look airplane hunters are not allowed in here and you have the power of enforcement, one way or another that enforcement will be carried out. I would just spell that out.

Norm Yaeberg: I'd like to say is you're going back to Kaltag tomorrow on a plane and someone shoots you down, how are they going to know that if you are hunters or just going home.

Dave Kwanberg: No, I'm not saying that everyone go out and shoot them. The other things that come to mind. The second thing, is to underline what this fella said over here and that is the argument that hunters were let down in areas that are inaccessible to airplanes (inaudible) because the animals in that area are part of total game population that's available to people in the area, and sooner or later like the man said they are going to be available. They're going to come around. And beside that people who hunt in boats do get out of the boats and go inland a long ways, and a lot of the hunters, for instance down in the Kwioo area get put down right near the slough where boats can get too if you were hunting right in there. The third thing is if it is decided that there are to be subsistence areas, or subsistence villages it seems to me important too that the Fish and Game consult with the villages as to where the area should be, and not simply say a 50 mile radius. For example, up there at Kiana, the people are being faced with the prospect of some kind of National Park going on both sides of the river for many miles up river and they're trying to get one mile on each side of the river so they continue to fish and hunting up there. They are having a hell of a time with the Federal Government, but they don't need a 50 mile radius as much as they

one mile corridor on both sides of the river. If subsistence zoning is the way to go, check with the villages as to where the zone is going to be, don't just plop a circle around it.

Representative Nels Anderson: Five petitions, since we got the law passed, I think it was 1975 to create subsistence zones there have been five petitions for five subsistence zones and there have been turned down by the Department of Fish and Game for some reason. I've got a letter in here somewhere where they sites some kind of reason why they are not going to enforce those. One of the things that we're suppose to be doing is to get the answer from the Department of Fish and Game and see why they can't do it, because the law is there, and by the way that's the law that Jimmy Huntington put it and got passed when he was down there and that was his work and we expanded on it after he left. I think that that's moving in the right direction, somehow we can't get the thing in operation for some reason the Department of Fish and Game are dragging their heels.

Ronald Sam: I would like to say that airplane game hunting do with out, drop it seriously, at this time there is no way you can enforce it and there is no more than I can, and you know it and I know it, no matter which way we go there is no way we can enforce it at all. I'd like to see that, you understand it right now, no matter which way you go, subsistence hunting you never satisfy everybody, what I'd like to see is that subsistence be defined for certain areas, and you'd have to go to each and every village and define them if they are urban before you do anything, you know that you can't enforce this no more that I can.

Gerald Walker: It seems to be a serious doubt in everybodys mind, which will

exist you know for the next couple of years. I think to myself that (inaudible) Not much moose here, not much moose there, not much fish here, and not much fish there. The way of life is changing all the time, for instance the food in the stores, you can go and get a T.V. dinner anytime you want (inaudible) Now everybody is fighting over this and that, can I take this or can I take that. (inaudible) I cannot get a moose anymore and there's no more of that and as a matter of fact over the years (inaudible). There is no more moose in the area no more moose in that area, the population is growing every area and the means of transportation is getting better.

Alfred Attla: Up in our area this is (inaudible) Moose season for us use to be as big as our subsistence, use to be from August 20th to September 30th. Lately, we been talking about it, and somehow we got it to where we want it. From September 10th to September 30th, which gives us 20 days that's all. Then somebody came up with the idea to open up the season again from November 1st to November 31st. And in the home area we don't want no bull moose from November 1st to November 31st. Heck they're so damn dried up now, they're so damn dried up like me, you wouldn't want to eat me? But still there are hunters out there right now, they're not out there for the meatn, there out there for the antlers. If the antlers didn't fall off yet. That's not our season, I though that was hell, just like they say in unit 24, unit 24 would cover a lot of area, probably cover alot of villages too. Maybe each village can have they're own unit. In fact, like they're own season. They shorten it as much as they can, cause heck I can catch them without a season anytime I want too, and you guys wouldn't know the difference. That's my subsistence hunting, but I won't waste it.

Norm Yaeger: I would like to add a word on that. He is absolutely right on

on that. Right now if you want to go out and get a moose for meat, you have to shoot a cow, so if that cow is pregnant you are shooting more calves for next year. You are not properly harvesting the game as solitary. I have a party now, I don't make it a habit to haul hunters out, it's not my business but occasionally I get a request for it. And there is some people that want to go out tomorrow or today and I won't agree with them, they are going to shoot a raunchy old bull just for the horns, it's not right. If they want meant, which they don't even want, they just want to go hunting, they would have to shoot a cow then you have two less calves to hunting next year.

Roger Huntington: One of the things that I think that we ought to dwell on, as (inaudible) made a good point as far as inventory of what we got. Utilization, every year the State gets a permit and if you get one of these permits I don't understand what they put on them, the white people or non-residents are trained to use these permits, as where the local native people are not using permits. (inaudible) It could be up 50% or more permit hunters are non-local people, so then you can't comment on as to how many moose are killed on the State count, you will find out as a result of my theory, that most of these killed were from non-local people. When you go out hunting you don't take envelopes pensils.

Ronald Sam: I, for one, will not stand for inventory. Can you control your wild fires? Apparently BLM cannot. Can you control your wildlife? Apparently we cannot, cause when there is wild fire around that can burn 250,000 acres, if you think that does leave anything in one certain area, you're wrong. We up at Allakaket area didn't see to many moose for a good many years, cause we had 700,000 acres burned. You cannot control the elements no more than you can enforce the laws. And they will go where they can eat and survive, just