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PUBLIC HEARING TESTIMONY

BY THE ALASKA STATE LEGISLATURE
INTERIM COMMITTEE ON SUBSISTENCE

COMMITTEE MEMBERS PRESENT:

Representative Nels A. Anderson Jr., Chairman
Representative Steve Cowper
Representative Joe Hayes
Senator Patrick Rodey

STAFF MEMBERS PRESENT:

Dorothy M. Larson, Staff Assistant

PUBLIC HEARING LOCATION:

FAIRBANKS, ALASKA
USO BUILDING

DATE: Tuesday, October 4, 1977
TIME: 7:00 P.M.

THOSE REGISTERED IN ATTENDANCE AT PUBLIC HEARING

<u>Name</u>	<u>Address</u>	<u>Organization</u>
Jim Kowalsky	1895 Pioneer Way, Fairbanks	Friends of the Earth
Richard Stern	3824 Birch Lane, Fairbanks	
T. Stell Nauman	2311 Palos Verdes Eagle River	NPS
Samuel Demientieff	1725 Cottonwood, Fairbanks	Tanana Chiefs Conference
Bob Rogers	Box 224, Fairbanks	Self
Chris Anderson	200 Well Street, Fairbanks	Self
George Matz	1895 Pioneer Way, Fairbanks	Fairbanks Environment Center
Jim Kubanyi	20 Timberland Dr., Fairbanks	Self
David G. Kelleyhouse	1300 College Road, Fairbanks	Alaska Department of Fish and Game
Carole Yazzie	#39 Chena Pump Rd., Fairbanks	Deloycheet, Inc.
Bud Wiese	1426 2nd Ave., Fairbanks	Interior Wildlife Association
Marian Hao	Box 867, Fairbanks	Interested citizen
Dave Snarski	Box 10, Ester	Alaska Conservation Society
Jonathan Solomon	Box 98, Fort Yukon	Gwitchyee Zhee Corp.
Mark Baumgartner	6 Mile Farmers Loop, 72883, Fairbanks	Self
R. Clar	72883, Fairbanks	Self
Alfred M. Fabian	Box 776, Fairbanks	Self
E. Carlson	Box 2741, Fairbanks	Self
A. M. Swarner	312 5th Ave.	Self and is on Advisory Committee to Fairbanks
Fred M. Anderson	1300 College Rd., Fairbanks	Alaska Department of Fish and Game
Harold Gillam	104 2nd Ave., Fairbanks	Self
John Wright	ACWRU U of A, Fairbanks	Self
Moris Samuelson	631 Noyes St.	Self
Keith Samuelson	631 Noyes St.	Self
Mary E. Binkley	Box G - Fairbanks	Self
Hardy M. Smith	Box 5153 North Pole	Self
Geoff Kennedy	1089 Park Drive	Self
Tom Scarborough	Fairbanks	Tanana Valley Sportman's Association

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JUNEAU ALASKA

Alaska State Legislature

House

INTERIM COMMITTEE ON SUBSISTENCE
Nels A. Anderson, Jr., Chairman
P. O. Box 234
Dillingham, AK 99576 Tel: 847-5970

OCTOBER 4, 1977 - FAIRBANKS PUBLIC HEARING

Representative Nels Anderson called the Subsistence meeting to order at this time. For those of you that may not know me, my name is Nels Anderson, I represent District 16, I come from Dillingham, Alaska, and I would like to at this time introduce people on the panel with me. To my immediate right is Representative Joe Hayes from Anchorage; Representative Steve Cowper I think most of you know, and sitting at the end of the table is Dorothy Larson our Staff Assistant. At this time I would like to very briefly state the purpose of our meeting tonight, and maybe before we get into that I would like to acknowledge our Representatives that we have here and have them make introductory statements or whatever they wish to state to the public at this time.

Representative Joe Hayes: Nothing in particular, I am just happy to be here, I enjoy being on this Committee. I think it serves a very useful and timely purpose, particularly when we are faced with the present D-2 Legislation and I am very interested in hearing your testimonies here this evening.

Representative Steve Cowper: I have nothing to say.

Representative Nels Anderson: We may as well get right into it, I think

most people know the purpose of our meeting is and to be brief, our goals for the study on subsistence this year is to make sure that the hunting, fishing and gathering activities of Alaska's residents are guaranteed and protected by not only State Law, but Federal Law and I think that most people know that Representative Cowper and Representative Hayes are both on the D-2 Steering Committee for the State of Alaska and they are going to be making statements to the Federal Government in the State of Washington at a later time, and any comments that the public can give us regarding subsistence, how they feel about it, whether or not the term subsistence ought to be defined and what the State ought to do about protecting subsistence in Legislative activity are our concern. We would like to know how you feel about that and what you think we ought to do about those particular issues. Another use that is becoming more and more evident and that is the subsistence use of our resources, and in our State we have very few rules and regulations that guarantee or in any way regulate the subsistence take of any of our fish and game resources in the State of Alaska. I think probably the only resources that we have at this time that has any kind of regulation is the Salmon fishery and there are a lot of other resources that we are looking at now. The purpose of our Committee is to take a look at the rules and regulations that exist today to see whether or not they fit with the Alaskan lifestyle, and if they don't what we should do to make sure that lifestyle is protected, and to make absolutely sure that Federal Legislation does not pre-empt or in anyway preclude subsistence hunting and fishing of any of the resources that the State of Alaska has within its boundaries.

At this time, I would like, if the public does not mind, and I would

beg them to defer to the Chairman's wish that Mr. Gillam be the first to testify this evening, he does have another commitment tonight, but I would like if people have a public statement to make either in writing or orally, we are going to be recording statements and they will be entered into public record and any statement that is made will be taken into consideration in our deliberations in the Legislature in 1978.

Mr. Harold Gillam, Mayor: Representative Anderson, I appreciate your allowing me to speak first. The item of subsistence is becoming more so than before and somewhat being given little more emphasis than it should be. I think the partial solution to the problem is a little bit simpler than we think, as I mentioned before in one of the Congressional hearings I think that Subsistence hunting and fishing can be handled better on a variable bag limit than any other way, in other words somebody around the North Slope as until just these last few years did not have a viable source of income or had a greater dependency on subsistence hunting and fishing, and because of no roads and limited access the variable bag limit in the particular area was appropriate. More of the villages that have a greater demand on the wild life for subsistence I think can be better serviced by the variable bag limit, and then around the more populated areas a lesser bag amount. I believe that subsistence should be just that, if you need the game for subsistence then you should be allowed that game.

I disagree very strongly with how some of the subsistence hunting and fishing, primarily fishing has evolved that subsistence under the guides of subsistence fishing some people have been using it as a commercial game, and this I think is wrong. I heard more stories from the Fish and

Wildlife, one man down the Yukon River some 40,000 fish under the subsistence fishing allocation and the only thing he was doing was stripping the fish through the throat and wasting the rest of it. Of course this was the failure of the Fish and Game to prosecute that individual for want and waste. I think that individual should have been, but I think that anytime you do define subsistence that it should be individuals own use and or a minor amount for whoever friends he's got, but nothing on the magnitude say 40,000 fish that amount is commercial. I don't believe that subsistence should be based, as Congressman Seiberling pointed out, on a racial bases, I don't. I think that is completely wrong. If man needs the use of a wild life it doesn't make any difference what his color is or what his background is, if he needs subsistence off the land then he needs that just as much as the other person. I don't think it should be on a racial bases in fact I think that is completely wrong. I was very distressed with Congressman Seiberling and Morris Udall's statement that they would write into the new D-2 Legislation of subsistence on a racial bases. I made the charges before the Congresses that this is some of the height of hypocrisy. We in the Fairbanks area, we just ran into the small problem which I just hope does not evolve in the future years. The Fairbanks district, the Tanana River the only one with sufficient game decided that after the commercial limit of fish was taken that they would also close the subsistence fishing. The commercial limit was set arbitrarily in the Tanana Valley of 15,000 fish, which is a ridiculously low number of fish to be taken in this particular area because that did extend down below Manley Hot Springs because that took in quite a few fish wheels. More commercial fishermen in the local area down in the Manley, Nenana area with the upshot that the commercial fishermen in the immediate Fairbanks area only got just a, I

think, a total of less than 20 days of fishing through the whole summer of actual fishing before they were shut off. And the subsistence fishermen, this was the only area that the rule applied that they would cut off the subsistence the same time they cut off the commercial. Also the subsistence fishing was cut off. I have raised protest of this to the Governor and to the Fish and Game and they say they think there isn't anything they can do about it this year. I'd hope that they would at least extend it, the season, since it was a banner year run for all fish this year.

We had a strong run of silvers and I was hoping they would extend the season for the next couple of weeks anyway, but apparently that's not going to happen. But I do hope that is not the policy in the future years, that commercial fishing should be, if you are going to issue a commercial license that man should be entitled to catch as many fish as commercial fishermen anywhere else.

Subsistence, they did place a limit of fish in this particular area, of 75 fish per individual. I have no quarrel with the limitation placed on that. I have no quarrel with the variable bag dependent upon the area that you are in. In fact I would say in the Fairbanks area, 75 fish is a reasonable area. Probably down in the lower Yukon if they are still running dogs, they might use a thousand fish. In essence, that is my testimony.

Representative Nels Anderson: Thanks, Mr. Gillam. Mr. Cowper do you have any questions, comments?

Representative Steve Cowper: Yeah, Harold, if I take it you do not have any problem with the subsistence preference, but the definition is what's in question, okay.

Mr. Harold Gillam: No, I don't have any quarrel at all with the need for subsistence. In fact, I think that Alaskans should be entitled the first use of their land.

Representative Nels Anderson: Mr. Hayes, do you have any questions?

Representatives Joe Hayes: No, I don't have any questions.

Representative Nels Anderson: Mr. Gillam, I would just like to get just a little bit more clarification on the variable bag limit. Could you just give me a little bit more of an idea of what you're shooting at, when you make that proposition, please.

Mr. Harold Gillam: Well, like I said, probably the best example is right here in subsistence fishing. The allocation is 75 fish per subsistence license. Well, in another area there are no limitations. Now, I do think that there should be some reasonable limitations. This is where the 40,000 fish figure came from, where an area had no limitations whatsoever. There should be, I mean that there should be a reasonable limitation. Like I said if a person is dependent upon his circumstances, if he needs he's running dogs, he is going to need 1000 fish, 1500 fish to feed the dogs through the winter. I have no quarrel with that whatsoever. I do have a quarrel when a guy takes 10,000 fish, 40,000 fish and starts in under the

guise of subsistence. And then sells it commercial, or wastes the product, and just strips the fish of the roe. Now I think that's wrong. If a man wants to use it, I don't care how much game he takes himself, if he has got the full use of that game and no waste. I have no quarrel.

Representative Nels Anderson: Another question that I would have; you stated that you requested some kind of action from the Governor and the Commissioner of the Fish and Game. You had made a request, would you elaborate a little more on that please?

Mr. Harold Gillam: Okay, this is on the arbitrary limit of cutting off the commercial fisheries after the commercial fishery had taken 15,000 fish in this particular area. In the Fairbanks area, I'll define the Fairbanks area as the area above the Wood River. The Wood River comes into the Tanana about 20 miles above Nenana. But in this particular area, probably from Wood River up subsistence hunting, pardon me, subsistence fishing also ceased at the same time as commercial fishing ceased. The area below the Wood River but still in the Tanana drainage subsistence fishing was still allowed to go on. I felt that the 15,000 fish since this was a banner run of fish this year was arbitrarily set to low because that was set a year ago when they were anticipating a smaller harvest of fish.

The fishing ended here on September 4th, very early here and so I had appealed to both the Governor and the Commissioner of Fish and Game to examine this thing, which I felt was a grave injustice to the people of Fairbanks area. They did and felt it was too late to do anything about it this year. I do disagree I think there was time they could have opened

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the season up. They did not wish to use emergency regulations to open the season up but didn't do any irreparable damage. To me it was just a matter of injustice more than anything else. 15,000 fish per the number of commercial fishermen in this particular area was unreasonable just way to low.

Representative Nels Anderson: What was the Governor's response?

Mr. Harold Gillam: Well the Governor's response was correct in that he said he did not want to use his influence in Fish and Game matters. And he referred me to Mr. Skoog and I did talk to Mr. Skoog. And I think Mr. Skoog will be an excellent Fish and Game man I am very much impressed with him. To say that he did give me complete satisfaction at this point and time I am not going to try and say that but I do think this is an injustice and should be corrected.

Representative Nels Anderson: I would like to introduce Senator Pat Rody from Anchorage. He's also a member of our subsistence committee. Senator do you have any comments to make or questions to ask of Mr. Gillam?

Senator Patrick Rodey: Not at this time, Mr. Chairman I have know Harold for a long time and I chance to talk to him about these things(?).

Representative Nels Anderson: Are there any other questions from the Committee? If not than Mr. Gillam thank you.

Mr. Harold Gillam: Representative Anderson, I thank you very much for your

courtesy to hear me first.

Representative Nels Anderson: There is I think a piece of paper going around, could that be circulated around the public so that we can have more names added to of those people who wish to testify or at least let people know that they were here. We would be more than happy to hear from someone else at this time if they would like to make a statement to the committee to come up to the table here and make a statement at this time.

Mr. Jim Kowalsky: Mr. Chairman, I am also supposed to be somewhere else at this time. Mr. Chairman, members of the committee my name is Jim Kowalsky. I am a field representative for Friends of the Earth. I thought I should come to this hearing not certainly as a person who is involved in subsistence in terms of the practice or certainly not to speak for such users. But instead to share with you some of the legal or analysis that we have prepared to use in the so called D-2 negotiations if you might call them that which are going on now in Congress. So I thought I would just like to summarize them for you. And I'll leave the document with you, it is rather lengthy I'm not sure if you would want it printed in the hearing record or not at least you may wish to have it in your files I have, would like to submit Mr. Chairman, for the record, a brief summary of what is in that document and from that summary I will further summarize, to make it short, the analysis that is entitled "Legal Issues and Federal Protection for Subsistence on the Proposed National Interest Lands", which is prepared for us by Dennis Kelso, who at the time was a graduating Harvard Law student. Who is now working for the State Supreme Court. I should mention also that it I think, I would like to recommend you that if you wish

to hear from him and he of course can best speak to his own analysis, I think it would be appropriate because of the potential conflicts of interest and so forth. In his case clerking for the Chief Justice of the State Supreme Court. You might wish to make a request of the Supreme Court Chief Justice at some future time if you are going to be considering something in more detail. I am sure that he would be happy to work with you. The paper addresses four broad categories of these issues: First, of all treaty constraints on subsistence policies; secondly, constitutional basis of Federal power over biotic resources on Federal lands; third, constitutional permissibility of the Federal granting priority to subsistence users; and fourth, statutory management boundaries for existing administrative agencies. And to really pare this summary down he has concluded that in his review of the legal issues surrounding Federal protections of subsistence that there are four crucial factors which must be included in any serious attempt to address this question. First of all, management by the most appropriate agency; secondly, clear priority for subsistence relative to other consumptive uses and third, meaningful participation of subsistence users in shaping regulations and last or fourth, flexibility of the subsistence management design. Now I will - the paper deals, the analysis deals primarily with Federal issues but I heard you say Mr. Chairman your interested in the entire picture. He does also address to a lesser extent and in less detail the authority of the State of Alaska to grant subsistence priority. He discusses these questions and I'll just tell you what they are, the limits enclosed by the constitution of Alaska; Alaska Statutes dealing with subsistence; State Administrative Agencies and Subsistence Policy; and I'll just read you a very brief conclusion of that discussion, from the paper itself. He says the Alaska

Constitution provides ample flexibility for creating a clear preference for subsistence use of renewable resources. Today, however, the Legislature has dealt only with pieces of the problem but it has delegated broad authority to the board of Fisheries and of Game and to the Department of Fish and Game. This authority has been exercised to manage, for subsistence use and to declare the Departments position that subsistence is the highest beneficial use of Fish and Game resources. At the present this management approach is adequate but as competing demands for use of the resources increase the adequacy of administrative preference unsupported by a legislative statement of priority he feels will be threatened. And continuing "for purposes of the present analysis it is most significant that the State of Alaska has constitutional operating space for development of subsistence policy. Full cooperation and participation with the Federal Government in Management of the national interest lands is possible through both legislative and administrative action and State authority can thus be exercised in concert with federal powers in coordinated search to a wise Alaskan subsistence policy.

I was quoting from Mr. Kelso's conclusions on the discussion on the authorities on the State of Alaska which grants us priority. Then there is a summary of the Federal and States subsistence policy limits. I won't read that but I think that it is very important in terms of mixing the two authorities, Federal and State, and particularly I call your attention on page 121 to the suggested criteria for evaluating policy proposals. I should say that this was prepared in anticipation of a rather substantial discussion over this question which is going on, of course, at this very moment in the House Interior Committee. Then if I may submit both of these

for the record. Put a rubber band around the big one here.

Representative Nels Anderson: We appreciate it Mr. Kowalsky.

Mr. Jim Kowalsky: It's not in very good shape I apologize for that but let me just conclude than by making some informal suggestions on what the State legislature might do. First of all, I think and I'm sure Mr. Chariman and your colleagues are aware that one thing I think needs to be done is to piece together a complete picture on the State legislative level I have thus addressed that earlier; number two I think this is important enough to bring up here and to press, and that is I think that the State legislature should make a vastly greater effort to insure protection for sensitive landscapes and habitats to keep them productive. I think so often we get in a mesh involved sometimes in an emotional way over management, competition for management, management authority, regulations and so forth that we really forget that the basic fundamental thing as necessary as the landscape.

And I'm sure you will agree, I hope you would, that subsistence users, in particular, and certainly other users of fish and wildlife and biotic resources are extremely vulnerable to resource depletion resulting from other consumptive uses of land, such resource development which results in habitat destruction. And what I'm suggesting is I really think looking at it from a functionary working for a national organization whether you like it or not there is a great deal of decision making to be going on at the national level particularly in Congress and I think the State legislature might help the State to change its image. I think we've seen some private organizations

which have toured the country asking the nation to support less protection not more. I'm not sure if I may, Mr. Cowper, pose the question of what the legislative steering council on D-2 would do but I think there is an image there that needs to be portrayed that the Alaskans are sincerely interested in protecting sensitive habitat because, again, it is the basis for production of wildlife and other sources that are vital to subsistence use. We have a national controversy raging right now which is in many ways extremely unfortunate over the bowhead whale. And then, thirdly, and lastly, I would suggest that there be a very strong emphasis if I could suggest this on educational programs. They might be arranged in this manner: First of all, to tell the story of subsistence needs perhaps to the States very rapidly growing urban population; what are the personal needs; what are the landscape needs for example. And, to also make that story available to the nations's urban population who have almost no knowlwdge at all if any about these kind of uses of animals and other natural products. Secondly under a educational program I think the legislature might think about identifying more clearly the limits of the resource and what more efficient means for less wasteful harvests for the users themselves might be, or at least help them to or work with them to help identify these aspects of the harvest itself. Lastly, I think this is extremely important to involve those very knowledgeable local people who are directly involved in subsistence activities in some sort of on going research program to determine the needs, determining the range and the habitat requirements, the carrying capacity and the harvest capacity of the resource, involvement of the local people. That sort of a three prong educational approach which perhaps your committee might consider.

In closing, I'd like to thank you for letting me give you these views and this material and would certainly like to be around to assist in the deliberations in Congress which are going on now and will probably continue throughout most of next year. Thank you very much.

Representative Nels Anderson: Thank you, Mr. Kowalsky. Are there any questions from the members of the committee? Mr. Cowper, how are feeling? Mr. Hayes?

Representative Joe Hayes: None, Mr. Chairman.

Representative Nels Anderson I don't have any questions at this time but I would like to accept that report. Thank you Mr. Kowalsky. I note in the audience is Representative Sarah, somebody, Smith back there. Would you like to join us up here? You would be more than welcome. Are there enough chairs for people back there if not I'm sure accommodations can be made for people to be comfortable. Is there anyone else who would like to make a statement to the committee at this time on their views on subsistence?

Mr. Al Fabian: Yeah, I would like to talk a little bit here.

Representative Nels Anderson: Would you give us your name first?

Mr. Al Fabian: Yeah, my name is Al Fabian. Born and raised here in Fairbanks. And a half breed. My mom was born in Rampart. It's 10 years now since I've been going back and forth to Rampart now where my mom lives. I've been learning how to fish. I learned the technique of building a wheel during

the summer, and in back 1975 and 1976 I bought license, commerical license. But I didn't sell enough fish there to keep the license according to Fish and Game. I mean I (inaudible) subsistence fishing. Since I just got through subsistence fishing I feel I got the right to fish over here since I was born and raised here. But 75 fish, that is not enough to make (inaudible) thats not enough. Besides the closing of the subsistence it was open on Monday and closed on Wednesday night, 6 o'clock. Now if I ain't got a greezer to keep the fish I catch than I'm storing out of nothing. 75 fish I think it should be open again for people that, because in Rampart I could probably be able to keep fish now where it is cold enough to keep. But they got no limit over there. Subsistence there is you catch as many as you want, as long as you use them and have a good purpose to use them, but over here, there is nothing. I feel that the 75 fish limit should be knocked off for people that have been fishing and have records of fishing. I feel my self that if they close it here, that will be the strong hold and next will be Nenana and on down the river. Where are we going to go? Get a big boat like the other guys and go out in the ocean? Put out a six mile net when all we got is a 100 ft. maybe a 12 foot wide wheel? Which is like taking a squat in a doggone big river. The fish just don't go in one spot. You can tell that there's people all over the river catching fish. I just don't feel that's right that we be discriminated over here because this is Fairbanks. This is just like any other village as far as I'm concerned. Just that we got more business over here.

Representative Nels Anderson: Is that it? I've got a question. What was the open season again?

Mr. Alfred M. Fabian: When they opened the commercial I mean the subsistence fishing they opened it on a Monday and on Wednesday at 6:00 o'clock they had it shut down and that was it for the whole goldarn year.

_____ : That was the second opening of the commercial and the commerical and subsistence when hand and hand this year.

Representative Nels Anderson: What is your name?

Robert Clay: Robert Clay and excuse me for interrupting.

Representative Nels Anderson: To your knowledge that was the only opening?

Mr. Alfred Fabian: That was it. That was it man. They never opened it again and that was late August I'm pretty sure. I don't got the dates but I would have dates but I didn't know about the meeting until yesterday. I called the Tanana Chiefs to see what kind of representation they had down in Juneau at present.

Representative Nels Anderson: Well basically you feel that the 75 fish is not enough? You would like to see it increased?

Mr. Alfred Fabian: That is not enough. Yeah, I'd like to see it increased.

Representative Nels Anderson: By what amount would you like to see it increased?

Mr. Alfred Fabian: I don't want no limit at all because chances is when you put your goldurn wheel or net in there thats like a gamble. You don't know if you have it at the right eddy. You might have put the net where all you catch is drift and thats going to pick the net up. Then again you might hit a spot where you will have a fish in every goldurn hole. You know your gambelling all the time. You put a wheel in you never know when the daughter-in-law is going to come down and wipe the whole wheel out. And it takes time to build a wheel and it takes money too. I'm not the richest person in Alaska thats for sure. I can't afford no fancy stuff. But I don't like to be messed over neither.

Representative Nels Anderson: Thank you. Any questions or comments?

_____ : Mr. Fabian, what did Fish and Game tell you was the reason for that low a number? Did they just tell you there wasn't enough fish or what?

Mr. Alfred Fabian: 75 they figure thats enough for any family over here. And you get five king. Thats all that is it. The one I asked earlier about that was just talking and he said he thinks that is to much himself that limited amount here, but thats not enough. People eat fish just besides just Friday.

Representative Nels Anderson: Mr. Hayes do you have any questions or comments at this time?

Representative Joe Hayes: No I don't think so.

Representative Nels Anderson: Mr. Fabian thank you very much for your comments. We appreciate it. Is there anyone else who would like to testify at this time?

Mr. Bud Wiese: I represent the Interior Wildlife Association of Alaska. I came here mainly to listen and see what the other bookings were going to be. But in connection with the idea that you wanted additional information also we did bring copies of testimony that we gave to Keith Specking. I thought there were going to be three people here so I brought three copies of the information that we have to Keith Specking on the problems with king netting in Alaska. Also I brought three copies of a more or less news item we send out to our members dated August 20th in which we marked two areas where we made comment on the subsistence in the subsistence hunting regions in Alaska. You may be interested to know we have been working on this problem. And then there are some comments I would like to make here. Also I only got three copies.

This is dated October 4th, from the Interior Wildlife placed to be considered for Fish and Wildlife Management. To perpetuate the resources of first priority there simply not enough fish and game for the present and future needs for the population of Alaska. We feel that the population of Alaska has exploded and will continue to grow and the rate that the fish and game is not going to sufficient for unlimited use. In other words its going to have to be managed as to what it can stand to take and not unlimited like we have in the past, because of the population growth in the past and in the future. And also along the same lines these numbers of animals and fish that we have had in the past are no longer secluded by transportation.

With the airplane, the snowmachine and the new river boats there isn't a place in Alaska that can be left out discarded as not being harvested. Its all being harvested and I don't care what part your talking about. Weather does not stop people, the rain will no longer stop them and distance does not stop them. Second, we don't favor subsistence is the final. We figure it is not the final. We've tried to work on it we've walked the floor. We believe that anybody trying to define subsistence is just wasting our time. Subsistence, as far as we are concerned was the life style of Alaska. And about the time of the pipeline this era of Alaska passed. Population has caused the subsistence style of living in Alaska to be an era of the past. There probably is no true subsistence residents in Alaska living 100% subsistence way right today. We feel that is a thing of the past. Subsistence living especially 100%. Subsistence is being used as a means of commerical use and or welfare. As it was brought up earlier that we heard a report with nothing to substantiate it that subsistence in the Yukon that the fish were stripped of the roe the fish were left to spoil in the river and the roe was set to use commercially. Ivory off from the walrus in the Bering Sea is being used commercially the animal itself was left in the sea to rot. But the ivory was used commercially. Now earlier, after the Western Arctic caribou herd was found to be pretty well depleted the Fish and Game tried to use this as a welfare for the communities up there. And that was nullified by the courts when the system they were using. So as I say for subsistence to use as a commerical use or welfare use I think that this is wrong. You must find some other way if we're going to use subsistence.

Subsistence - defination should not be attempted along ethnic lines.

The State constitution prevents this. And I think this is a very very strong point we must defend even against the Congress of the United States. I think they have ideas that they should violate this but I don't think we should allow it. Because it is going to leave problems that will probably never be settled. In or out of courts either way. Another one, the game laws must be enforced. And I'm sure that you people are aware as we are the enforcement is extremely weak and the public and the courts do not support our enforcement efforts, of our law people who are in the field. I gave a list of the infractions those that are brought to court and are fined and their absolutely ridiculous. The violations could be for an officer to make an arrest spend the time to write up the report, which would probably take him days to do, all the red tape, and the guy goes to court gets fined \$50.00 with \$25.00 suspended. I think this is ridiculous. If we are going to get any teeth in our laws we're to have to get some enforcement and get the backing of the public to help get some enforcement and I think the courts are going to have to start putting some fines on the people who violate these laws to make them draw their attention. Right now it behoves somebody to violate these laws because your not going to get hurt enough with that kind of fine.

Representative Nels Anderson: Thank you Mr. Wiese. Mr. Cowper do you have any comments or Mr. Wiese at this time?

Representative Steve Cowper: Yeah. There's a whole lot to what you say there about the enforcement. I've watched that over a period of over 10 years or so and its always been tough to get a conviction and once you got a conviction it was really tough to really punish for the violation. There

maybe some ways that we can improve that. Something that I would like to ask you, suppose, lets assume that game and number of game is shrinking up and you have to make some sort of priorities. You have to figure out what the allowable harvest is and create some preference as to the harvest? How do you think we ought to handle that? Do you think it ought to be handled on the basis , geographical basis? You think the local residents of the area, of the management area we'll say, should have the preference on the taking? How would you handle it if you had that problem to wrestle with?

Mr. Bud Wiese: Well legally the game belongs to the people of the United States. So I feel that legally everybody is entitled to them. Now I go along with the concept of management and as I said earlier that game is the first priority. Perpetuation of the game. So if we have an area, as I say transportation is no longer a problem and if you try to make it into a certain area and going to limit it to the people in that area than you are getting into the more ethnic group and your giving them priorities to that resource. And your denying the equal rights of everybody else that has liberty to that. I go along with the concept of the Fish and Game in that you have a resource in an area you control it by two things. One by limit and another is by length of season. And I think your first one, one of them is length of season and if you have to shorten your length of season so far than your limit has to drop and you still have to go further than you have to go to the permit system. I don't feel you can only shorten the season just so far than you have to go to the permit system and on the resident against non-resident I don't want to make any comment cause I just don't feel I studied it enough. I do know one problem that is coming along this line, we're getting alien hunters that are coming from Europe

that are moving in enmasse. It's multiplying by numbers that people don't even realize. We don't have the figures but we hope to get them in the very near future. And will be able to make more definite comments on this. But we do know this that they are multiplying at a rate that people can't believe.

Representative Steve Cowper: Well, lets take it another step further. What if the law were to set up priorities of use, don't you suppose that those hunters from other countries ought to be the first ones to get cut off?

Mr. Bud Wiese: This is right; the alien should first because the game belongs to the people of the United States.

Representative Steve Cowper: Okay, now would you prioritize, let's leave aside subsistence for the minute, would you prioritize between commercial fishermen and sports fishermen.

Mr. Bud Wiese: I've not studied that I wouldn't want to make a comment. I've never taken that up with my directors of the organization or other people.

Representative Steve Cowper: Okay, thank you.

Participant in Audience: What have you studied?

Representative Steve Cowper: Pardon?

Participant: What have you studied here?

Representative Steve Cowper: Well the management of the game itself, the resources part as the

Participant: How can you make these statements that you make without having actually

Representative Nels Anderson: Excuse me, excuse me, what is your name?

Marian Hao: My name is Marian Hao and I'm from Fairbanks.

Representative Nels Anderson: Okay, you know if you'd like to take this up later with the gentlemen, that's your privilege, but I think that possibly members of the committee would like to possibly ask the same questions to him and

Marian Hao: I'm sorry.

Representative Nels Anderson: That's okay but if you don't mind we would like to carry the ball from here. Steve do you have any other comments?

Representative Steve Cowper: No, no thank you.

Representative Nels Anderson: Mr. Hayes?

Representative Joe Hayes: Just to carry what Steve started a little further.

If you don't think foreign hunters should be cut off what about giving the situation of diminishing supply. What about ah, do you feel people from other states should be cut off before Alaskan residents?

Mr. Bud Wiese: I don't think you're allowed to do it legally. In the (inaudible) belongs to everybody. The resource belongs to everybody in the United States. Now we have in certain areas been allowed 50-50 against residents, or 60-40 in certain items. Some places I guess it's even been 90-10. 10% residents ah, I mean 10% non-residents and 90% residents on permit basis. This may change and how far we can go with it I don't know constitutionally. But the (inaudible) of the resources belong to the people of the United States. As far as commercial versus sports, I don't, as far as fish, salmon I believe the fish they are talking about. I do know that or feel,

The Sports fishing of people are the people I have not discussed this with. This particular item that's why I hate to comment upon it. But my personal feeling is that the sports fishermen are allowed a take of salmon. As to what the resource can stand. In other words, I don't believe you should shut off the sports fisherman completely for the commercial fisherman. Nor, do I believe you should cut the commercial fisherman clean off for the sports fisherman. There's got to be a balance there, I'm not much of a salmon fisherman, except at Chitna. I do believe I like to go down there and have for over 25 years now. I started in the early 50's, going to Chitna, we do every year, religiously. But outside of that I'm not much of a salmon man, I have not studied the commercial aspects of salmon I don't know anything of the management of the salmon itself. I'm talking

mainly of the game. The moose, caribou, the bear, the (inaudible) and so forth of the interior of Alaska, where I have spent the last 36 years.

Representative Joe Hayes: In other words, you don't feel that the people that are attempting to live the subsistence life style, either 100% or 50%, should have any greater right to the game than somebody from Seattle? Is that what you're saying? Or you just don't think the law

Mr. Bud Wiese: I would like to say yes. But knowing that the game belongs to everybody, than I don't believe that anybody has subsisted, as far as the production of meat, and berries, off of Alaska, than anyone in our family. We haven't bought meat for over 30 years. And we harvest a lot of berries every year. I'd like to continue that style of life, but I don't feel that I have 100% right on that over anybody in the United States. I believe we have to give a percentage to them.

Representative Nels Anderson: Mr. Hayes.

Representative Joe Hayes: I just think that this more than - I think the difference is that in your particular case you have the option of living off game or going down to the store. And your talking about the extreme side of subsistence is, the head waters of some rivers, where there is no local store.

Mr. Bud Wiese: Don't you believe that our welfare program today is so, when I mean welfare, its always have been for our people. That there should be no people hungry today? Unless they do by their own choice. I can go

hungry for going out here in some isolated area where there is very little or no game and not take any food with me, depend on the game in the area, and not be able to get any, I'd get pretty skinny. I believe, with the transportation, that we have today, with the economics that we have today, and knowing our welfare program, what little I've know of them, I don't think there is any excuse for anybody to starve unless it's still, its just completely stupidity that they haven't contacted one of the agencies to help them.

Representative Nels Anderson: Mr. Hayes.

Representative Joe Hayes: Bud, you've got five tough questions here. Four of them we can't deal with next session, we're not going to settle. But one of them, one of the questions we can deal with. I hope you'll talk to some of the representatives from Fairbanks and help them, through your organization. We have a (inaudible) with the administration in tightening up enforcement laws. I've had a bill in with the special Fish and Game prosecuter for three years now. And Fairbanks delegation were very good. About supporting a different approach to enforcement, one that is going to be meaningful and I hope your organization will continue to do something. Because this is the one thing we can do and do it right and we can do it soon. And I think that most of us admit that the enforcement system now is inadequate.

Mr. Bud Wiese: We have another tragic problem as you know, we have tackled in the last couple of years, the last few years. We've been organized, if you have followed some of the stuff we have forwarded to you, in the last

several years.

Representative Joe Hayes: I still would like to see your organization can do.

Mr. Bud Wiese: Yeah, we keep you pretty well posted I think. Yeah, and we are just getting into the enforcement deal that was just brought up. That it is a problem and we decided to take some action on but we haven't channeled our efforts and we're going to have to get a hold of somebody to more or less give us some guidance of which way to push on it. Because we don't have anybody in our organization that is legally available that does have the knowledge to help us you know, to channel our efforts so we got to get somebody to give us some lead as to which way to go of what we want to do to accomplish this move.

Representative Joe Hayes: A lot of tough questions that can't be dealt with on a short term basis. Fish and Game is full of very tough issues. But enforcement is one that can be dealt with now on a perhaps a more rational and more timely basis than perhaps many other issues.

Mr. Bud Wiese: We told us. We didn't feel it was so much the enforcement issues and the fines that are levied for those violations that are caught. That we feel this is more deterrant you know. A guy goes out here and gets caught snagging salmon or an over limit of gear, fine him \$50.00 and \$25.00 suspended, well what can you lose? You know, you don't lose anything. And I think it's a disgrace to the officers themselves and deterrant for them to make anymore arrests because of the hours they have to spend just

to write up the paper work. I know it's fantastic and yet the guy who does the violation gets off scott free even if he pleads guilty he figures he doesn't lose anything. I think this is the problem, I think legislature I personally feel we got to lay down that if a guy gets caught fishing without a license he gets find \$150.00 and spend a night in jail. And the judge doesn't have a thing to say on that. I think that is the kind of things were going to have to lay down to get some teeth in our laws. Is it legal to lets lay down the criteria for what the crime is and fine him and place him in jail. And the judge has no discretion as to what to change that. And then you can listen to the people and if you listen to the judge is going to say its a \$50.00 fine with \$25.00 or \$30.00 suspended. Put some teeth into it.

Representative Joe Hayes: I think you can see us approach (inaudible) probably enact next session we would be enacting a drunk driving law with a mandantory sentence.

Mr. Bud Wiese: Well I think that is what your going to have to do here.

Representative Joe Hayes: I think it will be studied before it's applica-
tion before the State.

Mr. Bud Wiese: In one other area, along the same lines, now this is personal, I haven't had a chance to talk to the others yet I feel that the biologists, or anybody in the Department should be deputized to make arrests. Give them a basic training course on how to arrest people and be allowed to make the arrests. Because they are the ones in the field. We don't have enough people in the field, even those kind of people not just the

enforcement people.

Representative Joe Hayes: No more questions Mr. Chairman.

Mr. Bud Wiese: Mr. Chairman, I might observe that biologists in the field biologist very often are deputized for those very reasons you are talking about. They don't like to be called that maybe thats the reason they - Well if they have a sincere belief in what they are doing, and in their jobs, I think this would be part of their program.

Representative Steve Cowper: I guess what I just said is they would prefer not to be enforcement agents. But they are all deputized. They have to take a five day enforcement course or something like that but most of them are.

Mr. Bud Wiese: Well I didn't know that.

Representative Nels Anderson: Mr. Wiese please take a seat I have some questions for you. Other members have any further questions? Mr. Wiese I take exception at some of the comments that you made. You made reference to the walrus on the west coast of Alaska I believe. You stated that walrus have been taken only for commercial purposes.

Mr. Bud Wiese: I didn't say only. If I did I'm wrong. I said there was a lot of them taken for ivory only.

Representative Nels Anderson: Well I attended the meeting with the central

region Fish and Game advisory board on September 3rd in Kipnuk. Have you ever been to Kipnuk?

Mr. Bud Wiese: No, I've been over on the west coast fairly close to them.

Representative Nels Anderson: Well Kipnuk is miles from Anchorage, which is how far from Fairbanks, anyway it's a long ways. And now those people are a little bit tired of people blaming them for the taking of walrus for commercial purposes only. Apparently you don't know those people very well. I'm sure you don't know those people at all. But they take walrus. And they take it for the meat. I'm not done yet. And they see walrus drifting up to the beach without heads. Okay, now they are tired of being blamed for that. Now who is doing it?

Mr. Bud Wiese: Well I don't know but

Representative Nels Anderson: Who is doing it?

Mr. Bud Wiese: I believe the report of one party flew the coast over there and counted over 900 carcasses on the beach with the heads off, with the tusks cut off. Not even dug out.

Representative Nels Anderson: Who's doing it?

Mr. Bud Wiese: I don't know.

Representative Nels Anderson: Okay, If anyone has any idea who is doing this and it goes back to your question of enforcement, you know, we've got

to have more people out there to find out who is doing this because those people are getting sick and tired of being blamed for that activity. It is illegal.

Mr. Bud Wiese: Yeah, for your information I'm on the guide board. I'm not a guide. I'm a non-guide that serves on the Alaska Guide and Licensing Guide Control Board. I've been on it now for three or four years. This is where I get a lot of this information. People from Savoonga and Gambell the (something) brought in and talked to other people from that area who we are trying to help become guides so they can guide clients in that area

Representative Nels Anderson: Well I understand that. Now on your piece of paper here you have given to us, you have concerned sportsman. Now what in your opinion is a sportsman? What is that?

Mr. Bud Wiese: This is a man that goes out and gives fair chase to game. And he buys a hunting license, he pays his share for the management of game. This is a sportman.

Representative Nels Anderson: Okay what does he do with the meat?

Mr. Bud Wiese: I would say he would utilize it. And I would, and I just wrote a note to the fellow that is with me, Walter Henderson, Charles Graves, (Ulmer Smithney?) We wrote to Alberta to find out what they have and their law reads "It is prohibited to leave edible meat in the field or to allow it to be lost or spoiled." This prohibited by law. And I am getting tired of people coming in go up in the hills, kill a sheep, 25 miles back in and they come out with the horns and the (inaudible).

They say the bear got them, the rest of them. As I said I've killed game up here for 35 years now. And bear have yet to get a piece of my meat. They may some day and I know it does happen. I don't leave meat. You go into these walk-in areas. We went in there a few years ago, there was a ram, shot right through the chest, he couldn't have gone 30 yards. But he was (inaudible) on one side. It was a walk-in area. No one even took the time to dress him out. The next year Harley went in there, on the day of (inaudible) it was a walk in. He went in with a tractor, he and his buddy, they loaded up enough meat they couldn't even eat it all, while they were in there. Meat picked up right along the trail. I don't believe those guys are sportsmen.

Representative Nels Anderson: I'm very much aware of the wanton waste around as I was the author of that legislation. That put more teeth into that particular weak enforcement area and the one thing I wanted to get at was the moose season in the peninsula in units 17 and 9. September 10 through September 20. You know what happens to moose around September. They go into the rutt.

Mr. Bud Wiese: Right.

Representative Nels Anderson: What happens to the meat?

Mr. Bud Wiese: Well, I've killed, we have the same here, I've killed moose up to the last day of September, that have been with many cows, and I've been very careful. I've skinned them, remove the hide, taken them home and hung them for two or three weeks and its been very good.

Representative Nels Anderson: Well most of the reports that I get, that season that we got in those units are designed for sports hunters. Not the subsistence hunters, the meat eaters. Because when the moose goes into the rut that meat stinks.

Mr. Bud Wiese: Well you've killed different moose than I have. I've killed

Representative Nels Anderson: I'm telling you what the people tell me back there in my district.

Mr. Bud Wiese: The hide stinks. You've got to use care in removing the hide. The caribou is a different animal.

Representative Nels Anderson: That may be the case. I'm telling you that it's your word against theirs, and those people live out there and they aren't going to touch that meat. Now what we've got to try to do is to accomodate not only the meat hunter but the sport hunter too. And I think the sport hunter has a pretty good, a lot of (inaudible) influence in the legislature.

Mr Bud Wiese: In other words your going to try to regulate the use of the product rather than the taking of it.

Representative Nels Anderson: Well to regulate the season so the meat hunter is satisfied with that meat, when he catches it.

Mr. Bud Wiese: What is the season out there?

Representative Nels Anderson: It's September 10th to September 20th.

Mr. Bud Wiese: Well most of them right up in this area are just slightly entering into the rut before the 20th of September.

Representative Nels Anderson: Well the end of August is when the moose go into the rut in the Bay.

Mr. Bud Wiese: They start, yeah, But they aren't actually

Representative Nels Anderson: By September 10 that meat stinks and I am aware of that.

Mr. Bud Wiese: Well you have different moose down there than we have up here.

Representative Nels Anderson: We might have. Their a little bit more aggressive.

Mr. Bud Wiese: I can varify what I have said right here. Many people have killed moose. There are probably people sitting here in the audience who can varify what I say.

Representative Nels Anderson: Okay, I want to go to another section of your presentation where you stated it would be waste of time for us to try to define subsistence. And I would like to state that the committee agrees with your assessment. I think that is correct because in September I prepared a full session legislative report for my constitutants. This was done in

September and I would like to read it to you. "We hope to define subsistence as it relates to Alaskans throughout the State. Arguments against defining subsistence are that subsistence values and uses vary greatly across the state and that any attempt to define subsistence in the same way throughout the State will greatly undermine subsistence hunting and fishing in every region of the State." And my belief, I haven't sold it to the committee yet, but that is my personal assessment. I think that - I think that we are on the same track. Going to the subsistence, you say, was a life style. I think to a degree you are correct. I think that there are people in rural Alaska that still heavily dependent on the resources of the land and the waters. They are greatly dependent on those resources. And you may not agree. But there is one thing you don't understand. When a person comes from Kipnuk or some other village, they don't have access to all the services you are referring to. They don't have telephones, they can't get on an airplane and just hop on a plane. They don't have scheduled air service. They have to charter they have to get to those agencies that exist in Bethel and other places of the State. And they don't get that kind of service that you think is available. Their not getting it. And those people need that meat, to survive. Now you may not agree, but I'm telling you just exactly what I feel about this. That's the way it is.

Mr. Bud Wiese: Well maybe you can answer my question on this. Like the caribou now. That western caribou herd continues to decline, and that meat is not available to those people, what is going to happen? What happened to the people in Anaktuvik last year when a lot of caribou was in that area? And the people there never got a caribou?

Representative Nels Anderson: That's an interesting proposition because last year the Department of Fish and Game said there was 34,000 caribou. Now they up'ed that to 75,000. For some reason the herd increased dramatically. Twofold, but what happened there? I don't know what happened. I don't think the Department of Fish and Game knows what went on up there.

Mr. Bud Wiese: I don't know. I think we have too many people behind the desk and not enough people out in the field.

Representative Nels Anderson: I agree with you basically. Okay going back to the other thing, the enforcement aspect of this. I agree with you that enforcement efforts are weak. But, there is one thing I would like to share with you and the public is that I am getting pretty tired of people using the Department of Fish and Game as whipping boys. We're not supporting those people, as much as we should be. You know where their money comes from don't you. They sell our fish and our game. They sell our moose and caribou and our bears. And the money they get from licenses they sell is matched with Federal funds. Okay, so if they don't go out and sell enough caribou, moose and bear their not going to get enough money to get their payroll. Okay, then we have to start dipping into the general funds to start supporting these people. So to kick them around, it's not going to help to kick them around.

Mr. Bud Wiese: Well, enforcement is not being supported now by the game licenses.

Representative Nels Anderson: I don't know where the money supposed to be coming from but I

Mr. Bud Wiese: That comes out from the general funds. Because it's under the Department of Public Safety now.

Representative Nels Anderson: But a good portion of the money from management and other purposes comes from the sale of licenses.

Mr. Bud Wiese: All of it does.

Representative Nels Anderson: Okay.

Mr. Bud Wiese: And this is why I think you should get money from the general fund for the Department of Fish and Game because they are allowing people other than the sportsman and the subsistence uses, but the people that buy the license, to help manage this game and their not convicting, ah, putting one penny towards the management of it. Even the trapping license money doesn't go toward the management of game but yet our Department of Fish and Game are paying for it.

Representative Nels Anderson: I agree with you. That's a good point.

Mr. Bud Wiese: Your paying for it. I'm paying for it. If the trapping license go into the general fund they use it for something else.

Representative Nels Anderson: Any other questions or comments, gentlemen? Thank you very much Mr. Wiese. Anybody else at this time?

Sam Demientieff: Chairman Anderson and committee members. My name is Sam

Demientieff. I was born at Holy Cross, Alaska and raised in Fairbanks. I am presently employed with the Tanana Chiefs Conference Corporation. I am a former member of the Alaska State Board of Fisheries. And I only say this because I fully realize and don't envy you in your job in hoping to define subsistence for all those concerned. When I first heard the word subsistence, which was many years ago, it was used along with the phrase "Living off the land". During those years, which was during the 1940's, there was not as many people as there are now. During those years, your job of defining subsistence, would have been a lot easier because the pioneers, we're the remnants, of the miners and explorers of Alaska that stated in Alaska. These early newcomers to Alaska found natives, in the most part, friendly and subsisting off the land. Many pioneers today, living all over the State, would have to testify to the fact that the native people were than sole subsistence users of land when they got here. Native people are a passive type people to a certain extent. Having trust in one's word. But the native people are now realizing that all words, bills, or just about any dealings with almost anyone has to be carefully scrutinized. Native people in Alaska's bush areas are not at this moment being are now at the moment being told of people, agencies, projects seeking 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 in order to live within each populations and regulated life styles that they have to listen and try to cooperate with all agencies, boards etc. I think I 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 different

projects. If subsistence could be under one agency this would help a great deal. In defining subsistence itself I know that anyone here that has lived for some years in Alaska knows its the native that lives 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. It is as much alive today as working for wages or going into business is a way of life for others. You cannot come out to 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 animals own instinct. Subsistence is a natural heritage of traditional life style used by any native of a region or country. Traditional life styles encompasses the use of fish, game, plants, just about anything that could be captured or harvest for personal need or for in Alaska survival. I'm leaving you copies of testimonies given to other agencies or boards by Al Ketsler, president of Tanana Chiefs. And others. Thank you.

Representative Nels Anderson: Thank you Mr. Demientieff. Mr. Cowper do you have any questions?

Representative Steve Cowper: No, Mr. Chairman.

Representative Nels Anderson: Mr. Hayes.

Representative Joe Hayes: No, Mr. Chairman.

Representative Nels Anderson: Thank you very much

George Matz: I'm Executive Director for the Fairbanks Environmental Center. I just heard about this hearing and I just wrote down a few notes in an outline I'd like to speak from. I'd like to begin by first giving some Center policies related to subsistence. And I might say, the Center, ever since its formation in 1971 has been very concerned about the protection of subsistence rights and has played a very active role from that point to the day the bullhead whale issue has been taken up. A lead I think in terms of environmental groups to try and protect the bullhead whale. The subsistence rights of the bullhead whale. But our general policies are as follows: First of all we believe the subsistence harvest should not exceed the carrying capacity of a region. And I think there is probably a general agreement on that. Furthermore, we think that subsistence users should be given preference over other consumptive users. In other words subsistence should be a preference over sports hunting or trophy hunting. Non-consumptive users rights, to a resource, should be co-equal to the consumptive users. We don't think that the non-consumptive and consumptive subsistence rights can co-exist. Subsistence regulations should involve subsistence users, such as regional boards. Now in the HR 39 the Udall D2 bill you were supporting the idea of regional subsistence boards. And more recently we have seen that Governor Hammond has come up with satellite fish and game boards. And I'm not really sure of the details on this but we generally support the idea of grass roots approach and the getting the subsistence people directly involved in the regulations that effect them. In terms of preference we feel the State rather than the Federal agencies should have principal responsible for subsistence regulations. And we feel that subsistence rights should be available to non-natives as well as natives. And in fact if you go into some villages you see kind of a cross culturization. You see some non-native who are, habits and I've even seen an accent that is

is almost indistinguishable from natives. And maybe facial characteristics.

But Mayor Gillam earlier mentioned that there shouldn't be a racial definition for subsistence. And I tend to agree with that but I also have sat in with arguments with lawyers about just how you define this. The distinction between racial and on-racial. Especially with Federal legislation. And I have also tend to agree with Congressman Siberling when he says maybe racial distinction is the best thing to do to avoid a court challenge. A legal challenge because of the Federal trust responsibility. So, though a lot of us don't like to think of racial distinction between these things I think we also have to realize that it is in the United States Constitution that there is a Federal Trust responsibility to natives and its on that basis that I think it derives its comments. So its, you know, his concern is standing the court challenge. Our Center policies also feel because of the carrying capacity is limited and because of the number of people who want to live with subsistence life style keeps increasing, in fact, I guess, the carrying capacity is decreasing its inevitable that were going to have some kind of qualifications of who can have the right to subsistence and who can't. I know, particularly in the villages, people don't like to think of the thought of qualifications but I think reality is such that this may happen. I think, lets see it was mentioned that the ah the, your committee is interested in thoughts regarding the definition of subsistence. Now implicitly, if you have followed occasions you are defining subsistence. Also, I, these qualifications should be dynamic because subsistence, like any life style, changes and adapts to the circumstances to the world around it. So, it shouldn't be locked into something rigid because I think it would really work against

the protection of subsistence rights. But I think if you had these, if you had qualifications with tours set up, ah, to tie up to what ever the carrying capacity is in circumstances in a regional area. People in a region in a strong voice would say just how these were established. That (inaudible) you are defining subsistence. I'd like to make a few recommendations. One, we felt that State legislation is needed to clearly give preference to subsistence users over other consumptive users. And as Jim Kowalsky was indicating, I think that this perhaps the biggest problem on the State level. We see in the Department of Fish and Game that there is some kind of interest in terms of giving preference to the subsistence user. But I think that the administrative discretion not that cut by state statutes. And I think it's created problems on the national level because we ah in the D2 hearings, in Fairbanks, we essentially heard the Siberling committee say "well if the State can't give preference to subsistence it will be imposed on the Federal basis". I think the State legislature also needs to recognize that subsistence is closely tied into the protection of habitat. And, in this regards the, I think that there needs to be stronger legislation to protect critical habitat. Especially species that are important to subsistence use.

Another recommendation I would like to make is that in regards to qualifications that the Department of Fish and Game conduct a census holding village meetings throughout the State. Finding out just what would be acceptable to these people. What different criteria would be workable. In that line, the Center replied to the Fish and Game (wildlife management) plans we had a lengthy letter which was sent to Commissioner Skoog. And in there we recommended a few criteria which might be considered for qualifications. Here again I'd like to emphasise that this is only for

consideration because we don't really feel that we know enough about this or really qualify to say that these should be qualifications. Their really pointed out as suggestions. But one of them would be the subsistence user must demonstrate a commitment to a life style rather than merely speaking from experience. One of the fears we have is say someone from Southern California comes up here and has romantic ideas of what subsistence is and like to go out to the bush and live a subsistence life style, Spend a year out there. Builds a log cabin, shoot a lot of game, find its pretty monotonious and finds it doesn't have the same excitement as California did. And that's not the thing for him and leaves. Were, in fact at the Environmental Center we get a lot of people, especially through the summer, coming through saying that I just come here from California and I would like to go out and live in the bush and live a frontier life style. I'm very apprehensive about that because to many have romantical ideals about what that is. And I think that if they did go out there they would degrade the carrying capacity and find that it it not what they really want and go back to the urban or suburban area or something like that. So I think the people who are allowed the subsistence right have to demonstrate a committment to this life style and not to be just an experience or a trip. I think the people also, the subsistence user must also demonstrate need. The amount of fish and game allowed a subsistence user should be based on the size and family to be supported. The amount of cash income. The cost of living for the area. A subsistence user must be at least a five year resident of the respective subsistence region or be an Alaskan native. A subsistence user must use an efficient means of take. Captial or energy intensive means of take such as for instance airplanes are not consistent to the committment with subsistence. Now, (inaudible) definition of subsistence.

One thing that has been mentioned quite a bit has been the, is the income. And subsistence is a substitute for cash. I think one thing to which has not been really recognized is that subsistence as a life style is a low (inaudible) life style. Now if your familiar with physics, you know that the conversion of energy to work you have certain amount ways that is (inaudible) And our realization of shortages of resources, in this world, we become more and more aware of concerned with (inaudible) or waste or inefficient uses of energy. Whether that be the (inaudible) or someother type of resource. I think in terms of the justification why subsistence should exist and also just where it fits into National interest. It should be realized that the low (inaudible) life style. And by that definition it means that it be counter to the practice to have energy intensive means of take or (inaudible) too. In terms of recommendation. It was earlier mentioned that the funding for the Department of Fish and Game should be broader than just the licenses or the (inaudible). We fully support that. In fact what we would like to recommend is that the permanent fund be used to support fish and wildlife and habitat studies. To improve the base line data so we know what the carrying capacity is so that we make decisions based on knowledge rather than guesses. Avoid situations like last summer with the caribou, western arctic herd. Or this past summer with the bowhead whale.

Now in the permanent fund it has two conditions. It's that the money be spent on renewable resources and also there's a return on investment. And I think that money spent on base line data. Environmental studies on fish and wildlife habitat can meet those criteria. A lot of it is based on just how you determine what is a return. I think if you use a broad definition and consider a return in the sense that the State would be saving money by not being in a situation of not having to provide welfare

services and things like that. The state can be returned. So if you look at the social cost you can define it as such. At the permanent fund hearing that was held here, I guess, about a month ago, I brought this up. And it was said that well you know this base line environmental studies or base line data really weren't consistent with permanent fund ideals. But afterwards I looked at where the origin of the permanent fund came from and its to protect the Alaskan lifestyle. So it seems to me that this kind of studies are more consistent with the use of the permanent fund than to develop say petrochemical industries. Petrochemical industries are not consistent with Alaskan life style and never has been a petrochemical industry here until recently.

As a final recommendation I'd like to suggest that the State get more directly involved in the bowhead whale situation. I was at the hearing in Barrow and Governor Hammond expressed great concern for this and but he also seemed to imply that this was a Federal problem or international problem. Which is mostly true. But I think the State must also do its part. There's a lot of work, a lot of studies needed to determine just what are the - what could be justified quota for bowhead whale. I think if the state would help out the Inupiat in doing some of these studies. They are very concerned. They realize the importance of the bowhead whale, and the continuation of their culture. And proposed studies which I think are quite sophisticated but the cost would exceed the amount of money they have available. So they are looking for funding they are looking to the Federal government. But I think it would be appropriate if the State would really, if they are interested in protecting subsistence, to see what they could do in supporting the kind of work needed here. I think the bowhead whale situation is especially critical because I can't think of any

more ideal case of just what is subsistence? I mean if one animal, as a species, is probably the highest priority, the highest importance of any species. And the eskimos on the coastal areas so much of a great percentage of their culture, and the effort and the protein is based on the bowhead whale. It's different than other areas such as the interior where protein could be moose or possible caribou or salmon or things like that. And so it's also the villages on the arctic ocean coast there are less, happen with the culture lines also. So I think there is no better case for protecting subsistence than protecting the bowhead whale. Making sure that both the whale and the eskimo culture continues. In that regards I present a testimony in Barrow and I brought a copy which I would like to give to the committee and it gives some of the policies, some of the Center policies and the reason why we felt it was the position of the United States here should object to the International Whaling Commission ban on the subsistence hunting of the bowhead whale. It might give you some insight to the thinking of the environmental center. Well that's about all that I've got. If you have any questions I'd be glad to answer them.

Representative Nels Anderson: Mr. Cowper?

Representative Steve Cowper: George, you know none of this is a problem until there's ah, and I'm speaking of things like subsistence, subsistence use vs other uses, fish and game, none of it becomes a problem until there's a shortage. Because everybody's got plenty until then. Okay, when there's a shortage you've got to figure what to do with it. Alright, you've got to have to say your going to take only a certain number of animals or fish or whatever it is. Who gets to take them? Is it more fair to say well first 600 caribou

no matter who takes them. Is that fair? Does that give unfair advantage to a person say with an airplane or a person who happens to live in the area? Or is it more fair to give a preference to people who actually live in a game management area? Or adjacent to it. Is that more fair? And if there is anything left over people from other parts of the state can come in. I don't know. That's the sort of thing the D-2 council is wrestling with and we're going to take that stuff to Washington next month. And so, you know, there real hard answers we're looking for. How do you solve this business of fish and game preference? And you know we're going to take something with us to Washington we're not going to go there with an empty sack. And we're going to come up with some kind of solution. I'm not prepared to say what it is right now because this in one of the purposes of Mr. Anderson's committee here. But...

Mr. George Matz: This is the type of question the Center has been debating apparently for years. And in fact are now coming up with their reply to the wildlife management plans that thought about this carefully. And we felt that in terms of preferences what has priorities, subsistence should be first. And there were a lot of philosophical reasons behind that. Just as a type of life style, decentralized self sufficient life style. Becomes a tremendous amount of value to this country because a philosophical basis I think one of the problems we're in urban areas and everything is too much centralization. Too much people depending on somebody else doing something for them. I think the importance of this protecting people who want to be self sufficient are more important than people who like to hunt for sport.

Representative Steve Cowper: Is a guy who works here in Fairbanks and makes

\$20,000 grand a year on construction, goes out and shoots a moose every year and has done that for 20 years, is he a subsistence user? What's the difference between him and a person who lives in the rural area and makes \$20,000 a year and goes out and gets a moose every year?

Mr. George Matz: A number of options available. Where you live and type of life style. A person that lives here has more options than a person who lives in the Yukon Flats or something like that. I think, now its been mentioned that you can't define subsistence. But I don't -- In one sense it's hard to do it. But you can't avoid not doing it because you end up with qualifications. And like I mentioned when you have qualifications implicitly you have to have to find it. The trick is to have it flexible so that is can adapt to change in circumstances.

Representative Steve Cowper: You say, now I'm -- I don't mean to you look like I have some pre-conceived notions about this because I don't. The question is more than academic I tell you. You say the person in urban area has more options. Well what are the options? What can a guy do? Why can he do more than the person in the rural area and has a job making \$20,000 a year? He may even drive a cab or something?

Mr. George Matz: Well the options are more than what's listed in the want ads. The options are in terms of skills and ability to adapt to urban areas. And things like that and that all enters into it. So you know you have to look at it from the qualitative values as much as quantitative. Quantitative being things such as number of jobs being available or cash income.

Representative Steve Cowper: My observation is more friction has occurred when hunters or fishermen from outside the area, now it might be, outside of a particular geographical location in Alaska or it might be people from Pennsylvania or Texas or people coming up here shooting the animals. Or it might be these foreign hunters people are talking about. But my observation is there is more friction along those lines based on geographical or people coming in from other areas than there is any other. Now, I don't know if that means we can give preferences or recommend preferences for people living in an given geographical area or not. But it's certainly one option that we have.

Mr. Sam Demientieff: In fact that has been done. I understand that around the Grayling area, Yukon River, that the Advisory Game Board has asked for restricted access. To avoid the competition, I guess, essentially between the subsistence and the sport hunter. So there's no (inaudible) allowed. I'm not sure that is true. Maybe somebody else will try to understand it. That area of the Yukon River has restricted access. Which in essence gives favoritism to the people that live there.

Representative Steve Cowper: Okay, thank you.

Representative Nels Anderson: Mr. Hayes? Yes sir?

Dave Kelleyhouse: I'm with the Department of Fish and Game. And I would like to clarify George's last statement. Indeed there were regulations imposed this last year. We made two special management areas. Kalskag (and Paradise) on the Yukon River. To control harvest by out of the area hunters. But, and this was in favor of the Athabascans living along that

stretch, I'd like to point out that it was the sports hunters primarily that were being kept out of the area. Indeed it was more native hunters out of Bethel, chartering out of Bethel, hunting Athabascan country. So now we have a situation, you know, both of them are essentially subsistence type people. It's just there are very few moose down river. And these, and this was the main bulk of people coming in. And this was why the special management areas were established. I just wanted to clarify it wasn't sport hunting per se.

Representative Nels Anderson: Thank you.

Male Participant in Audience: That's an interesting piece of information. And I think it all the more points out that you really end up with qualifications. Now you got two subsistence users. Apparently one of them, one group, has problems with their carrying capacity necessary getting their necessary food. So which subsistence user is more justified than the other.

Representative Steve Cowper: Who does the game belong to? The guy who lives in the area or the people of the United States?

_____ : People who live in the area I'd say.

Representative Nels Anderson: Mr. Hayes do you have any comments or questions?

Representative Joe Hayes: Yes, you mentioned in reference to subsistence the incompatibility of consumptive and non-consumptive.

Mr. George Matz: Not incompatibility. If I did I was mistaken. And I think I was really making reference to the fish and wildlife management plans where they said we're going to have non-consumptive uses in special areas. You know, national parks and a few isolated places in Alaska. And when a fraction feels that non-consumptive uses of game occurs, essentially where recreation occurs, when your canoeing and you see a moose or something that's an enjoyable scene so you've got to recognize that non-consumptive uses occur throughout Alaska and although there can be conflict with consumptive uses for the most part there aren't.

Representative Nels Anderson: Mr. Hayes?

Representative Joe Hayes: Mr. Chairman. George, you indirectly gave us a very comprehensive definition of subsistence. And did a good job at it. You talk of the need for flexibility. On one hand we realize it's necessary to have the opinion and expertise of local people living right in the area and know the area, on the other hand it is necessary to have the biological expertise to the people within the department that are trained and knowledgeable in that they have done a good job. But these two things conflict a great deal, because it is not always easy to arrive at how we're going to determine the flexibility of the course of the subsistence area. How would you recommend that the state handle local input versus the need for biological information determined wasn't proficient, how can you work together, this is one of the biggest harms that I see.

Mr. George Matz: That's a good question, I think there may be conflicts but we can properly manage that should be compatible. I think the professional fish and game manager as a difference type of expertise than some who live

in the villages and who are subsistence users. Subsistence users are also the experts, but with a different background who tends to more (inaudible) For instance the Western Arctic Herd, someone who lives in the village doesn't really have an understanding of the total population of Western Arctic Herd of the migration routes of what past they go through or anything else. It's very familiar with certain aspects in terms of especially his region and the person who works for fish and game tends to have a more broader overview, he knows what the total populations are. I think that both types of perspectives are needed and what we have to do is find a way where subsistence users will generally tend to be pretty keen in making observations and know what the habits of these animals are, can be combined with the professional knowledge from fish and game or from fish and wildlife service. And so that these are compatible and (inaudible), rather than working against each other. Though that is required that both sides restrict the knowledge of the other side and talking to biologists and a lot of subsistence users, I think its missing. I think this computer has distressed the biologists and biologists has a lack of faith or credibility to confuse her.

Hardy M. Smith: Members of the committee and ladies and gentlemen. I'm Hardy Smith. I flew in the Ladd Airforce Base in 1952 and been here most of the time since. I've been a big game guy guide most of that time. Most of you know the supreme court ruled last year in 1976 that the big game animals of American and Federal territory belonged to the American people, not to the guide license or the control board or Alaska Department of Fish and Game. And people at Barter Island were islanded many years, many of them subsistence entirely owned fishing and hunting and many of the children came to school hungry. That one meal a day from Department of Agriculture

prepared by Issac Icoochick's wife was the only meal they had so there was no absenteeism. The Supulu's and Wilson's many of these people depend quite heavily on subsistence hunting and there in the prime spot. They could go up with there sno-go on the Hola-Hola River and in no river you can get twenty dall sheep, the game is plentyful. They tell me that with a hundred people, hunting these animals if there ever is a depletion and they'll have to kind of cut this back, but at the present time I wouldn't care if there wasn't any. They have transportation, they've got sno-go's and they can get there in an hour, if they want to go way back in the mountains its ten hours. Transporation Fel-Air Point Barrow, Joe Felder brings people into the Changler river and I don't know what he gets, but the going rate for a moose up there is \$2,500.00. How many eskimos in Point Barrow can pay this, many can't. Sure they got 2 million dollars each from the Federal Government in land and money, but most of it hasn't filtered down in the village, a good bit of it hasn't. Many of those people are just as poor as they have ever been. And there isn't as many moose or caribou around or a bear are in that area. They got to get down to the Colville River.

Linda Spain told me some time ago on Dr. Gold's V-line program would I do away with all these tags, permits, lotteries, drawings, and just have a season's length. If there isn't any moose close the season. If you get thousands of them, you can lengthen the season. Even last year you can go up on unit 26c, Barter Island, and one guy could shoot 5,000 caribou legally, and when I protested to shoot out on a Colville river to Governor Hammond's T.V. program last year right away we'll get to the enforcement people. They're not doing their job. My opinion, enforcements are doing their job 110%, they'll get you when you didn't do anything. This guide

licensing control board I've opposed that from the beginning. I ask few of the gentlemen, there's one guide in two million acres for his exclusive guiding area in the middle of the Arctic National Wildlife Refuge. Since the Supreme Court ruled these animals belong to the American People, that means me and Steve, (inaudible) Lyle Carlson, and Chuck Grey. Chuck Grey is one of the greatest conservationist there ever was, he use to come to Barter Island for every year to take one Polar Bear and go home. Right now a guide can go from Colville river and shoot 5,000 moose if he can find them, there is no limit. If you got that many hunters or permits. The season is open for three more months. Perhaps we could limit these guides to a thousand moose or hundred or five or one. In other words if the native's of Barrow can't get enough moose to haul back to Point Barrow, this game is being decimated. It's being shot out on the Colville river and I object to this as an American, as an Alaskan. I think we should limit the season and limit each guide's to say five moose, if he can't make a commercial enterprise to hold the five moose plan, that's 5 x 2,500 dollars, then he should go out of business. Lynn Castle has bough out Bill Woggleman years ago when the Woodriver over here and has a very good going business. I admire the man - he's going out and going after the walrus. The mortorium shut him down, he went to Washington, they got it going again and I understand from talking to him, he gets a little money out of this. He doesn't make a great amount. The natives get some out of that from helping quide these people and they get the majority of the meat. So I think that this guiding can work for everybody if it's handled like that and that's the way it should be. In November I went down to Anchorage and watched the guide licensing and control board cutting up the primary's of Alaska and assigning it to guide's and I stood up and objected to this as being illegal and unethical the Federal Constitution says you can set up a monopoly. We do

this with lights and heat and with power and we also control the rate.
Gentlemen, that's it, if you any questions here?

Representative Steve Cowper: Hardy, how long is that guide system been set up has it been since statehood, or is it something we entered.

Mr. Hardy Smith: Began to guide in 1954 and not guiding continuously since then, 1968 I had to get registered if somebody went down to Juneau and then everybody's got to get registered so I had a bad time. I got my registered license.

Representative Steve Cowper: When did they start parcelling out the areas in 1968? Well most people don't even know, I don't. I saw very little in the papers. My brother called me when he came down from the Colville River area and said, "look there having a meeting in Anchorage go out and find out what's going on. I went out and read the law and they don't have to notify the guy's there parcelling this out and I received no notification. The period areas they say is this would control the game population, I don't see it because there is no limit on what the guy can do. I know Chuck Grey is a game conservationist he'll take one sheep and one moose, but he can go in a take 25 moose out of the Colville river if he's registered in that area, or 5,000. The game conservation has to come from the Alaska Department of Fish and Game as Linda Spain says from controlling the season, one day to ten days. If we don't the bids are going to take over like they did with the seal mammals. They want to do that already. One more point, I talked to the Governor's assistant and he said Governor Hammond does not have the power to fire anybody in here except his commissioners, he can fire them. Jim Brooks quit and we lost a good man in my unit,

But that man didn't have the power to go down and fire any of his people, now when the Feds ran this state as far as Fish and Game are concerned, they did a good job of it. They weren't many people that is as what we see it, population explosion to had a game population (inaudible) is wiped out.

Why? There is many reasons if we could transfer the Alaska Department of Fish and Game to ethopia to where they have open season on game wardens. We would have a better control on the system here, well we can't do that the Feds can.

Dan Rodey: First of all I would like to make a few comments, I am a guide, and I do guide on the Colville river, and in regards to comments Mr. Smith made that didn't pertain in anyway whatsoever to this topic here, all guides were issued to registered a letter and did have the opportunity to attend and take part in this very equitable sharing and no way did it in any form be tracked to many type of quote subsistence takes forcement hunting or anything else. So thats a personal problem that Mr. Smith has. I would like to make a few comments and it deals with this whole undefined thing subsistence hunting, since only one person has made an attempt to define it. I would like to offer some caution in the future. I'm afraid were going to be forced into a definition and whether it's flexible or inflexible it is merely rhetaric, but I'm sure that one will have to come up with the pending Legislature, I can see no way out of it. With that in mind I can only look to the people of Alaska, and look at the changing life style, look at the income, look at the source's of revenue, and the services in goods that all people receive native or non-native alike if we are forced into some type of definition to define subsistence, then I think we are in a very-very tragic position, because I'm sure if you take

any person in Alaska, and even today look at the services he receives and put a monitoring value on that, you would play a very difficult time trying to say that he is subsistence and quotes lives off the land. We don't, but I would like to say we do. And it's a fact we don't. I'd like to use perhaps Anaktuvik Pass, the village of Anaktuvik, as a good example, last year there was almost no caribou take from the village, yet people subsisted very well. I've been in and around Anaktuvik for quite a number of years. I believe every person in the village and I'm acquainted with the hunting and fishing of the area. Daily flights from Bettles, from Fairbanks food is brought in, this year I can't estimate the how many charters that Frontier Airlines and other flight services have made to take the natives out to Chandle Lake and other places to take them hunting and fishing. I would find this really difficult to say this is a subsistence life style. You have seen the disappearing the sled dog, replaced by the iron dog sno-machine all these things are pointing to the case economy and I don't believe that we can even, there may be a few isolated pockets of subsistence related individuals, but it won't last. It can't last more then a few years at best so I'll just throw this caution that anything that is done in regards to subsistence definition in the long run, will be tracked from all the people of Alaska. And particularly the bush residents. So I was hoping to make this the shortest comments.

Representative Nels Anderson: Mr. Cowper, any questions?

Representative Steve Cowper: No, Mr. Chairman.

Mrs. Samuelson: Of Fairbanks. I have questions concerning our subsistence fishing in Fairbanks. Am I coming to right board? Close enough. I'd

I like to know why can't subsistence fish up here. You want to know why what? Why we can't subsistent fish, we were cut off from (inaudible) we couldn't subsistent fish at all. Then we went to someplace and then they told us that we have to go below the Woodriver and we have children in school and we can't afford to go down out of town for fishing. We fished for three days commercial fishing and they told us to go below Woodriver to do our subsistence fishing.

Representative Nels Anderson: I'm going to answer you with a question. Did you ask the Department of Fish and Game them why you couldn't fish?

Mrs. Samuelson: They said that it was cut off from Juneau or somewhere and that we can't go below the Woodriver.

Representative Nels Anderson: It came from Juneau?

Mrs. Samuelson: That is what they told us out at fish and game.

Representative Nels Anderson: This office in Fairbanks?

Mrs. Samuelson: Yes.

Representative Nels Anderson: I really can't answer the question, why, you were not allowed and I'm quite sure.

Mrs. Samuelson: And no one was allowed to subsistence fish up here. And we fish commercially for three and a half days of the year and we like to put up our fall fish for our subsistence fishing, can it and smoke it,

we pickle it and we freeze it and we pay as much money as the other fisherman do.

Representative Nels Anderson: Was it only this year or was it last year, too?

Mrs. Samuelsen: No last year we got to subsistent fish, but we also had to have a wheel built and it cost us \$500.00 and it was through the end of the year. Or it was at the end of the fishing season.

Representative Nels Anderson: The only thing I can see try to find out for you, I don't have the answer no. I don't know if there is any people here that are from the Fish and Game know that might be able to answer the question, but I don't have the answer.

David G. Kelleyhouse: I'm with the Game Division. Earlier, Fred Anderson from Commercial Fisheries was in the back of the room. I don't see him now. But you could call the office tomorrow and ask for Mr. Fred Anderson for an explanation.

Mrs. Samuelsen: Well we've been over there and we were told we could not fish. We fished three days and at 6 o'clock they told us our wheel goes off at noon. We've been over there hoping we could have a meeting where we could subsistence fish but they said we cannot just go down below Woodriver. Were eligible below Woodriver. And we cannot go down there.

Representative Nels Anderson: Well I'd like to find out why you were not

allowed to do this. How can I get in touch with you. Do you have a phone number where we can reach you?

David Kellyhouse: Yes we do.

Representative Nels Anderson: Can you give it to us please.

David Kellyhouse: 456-6195

Representative Nels Anderson: Well I'll tell you what I'll do. I'll call this Mr. Anderson tomorrow and try to find out, you know, you weren't allowed to do this.

Mr. David Kellyhouse: Well they say we are in sub-district, I don't know, from Nenana, Manley to Fairbanks. But they say the quota has been caught. And it takes a week for our fish to come up from Nenana and we're just automatically cut off. And like way down on the Yukon they caught their quota a long time ago and even for commercial fishing it is cut off way before you know, we get it. And we spend as much money as they do. I can't see why we aren't allowed to fish just like the other people. We live on our fish.

Representative Nels Anderson: Well, Mrs. Samuelson, like I said I will call the Department and try to find out why they are doing this, you know, and I will call you back and try to give you some kind of an answer.

Mrs. Samuelson: There are not only us there are several families in Fairbanks. Not only the natives but there are whites that depend on it also.

Because they ask us if we have fish. And also we are only allowed 75 fish for the year. And you cannot do all that we like to do with our 75 fish you know. We dry them, we smoke them, we freeze them, we can them, we kipper them. We make salt bellies. And my family is a native family who likes fish and who likes to buy it. Salmon strips and dry fish at \$10.00 per pound. We can't afford it. We bought some from Tanana but to get it up here on the airplane it cost us \$10.50 more. And we can't afford that. My husband is retired. He works on the pipeline but he has to come back to keep our commercial license, what do you call it, free working? And that is for when there is no pipeline and he is too old to go working on the pipeline. And also he has fished all his life. For as long as I know him and that for 16 years. One year he didn't fish that was in 1974. And we went to Doyon, and they finally gave us our permit. Or we each wrote down to Juneau and we were fined \$25.00 or something for late entry or something like that. And I can't see that.

Representative Nels Anderson: Neither can I. Do you have any other comments you would like to make Bob? Steve you have any other questions? Mr. Hayes?

Gene Carlson: I would like to, I can probably answer that question in part. Member of the fishery advisory committee. So we've taken up this issue with the Department locally. And the problem comes in that a year ago they attached the subsistence fishing to the closing of the commercial fishery. And this was only for sub-unit 6. Now what happens is when they get their quota of 15,000 fish and if it happens in one day. The subsistence fishing is cut off. The logic behind this was potential use of the sale of subsistence use caught salmon roe. Their trying to regulate on the

basis its a non traditional fishery. And the population the way it is potential devistation of the resource, I guess. So that was the answer I got from the Department and we did try to get it reopened. As Mayor Gillam stated earlier we did try to get it reopened and they didn't see it fit to do this. But we have offered to work with the Department in coming up with a better system in doing this for next year.

Representative Steve Cowper: Gene, excuse me, Gene do you think is that problem going to go away say if subsistence sale of salmon roe no longer allowed. You know it keeps going along a year at a time.

Gene Carlson: Well, all I can give you is an personal opinion of the problem that I think is a tragedy we ever passed the law that allowed the sale of the subsistence slamon roe.

Representative Steve Cowper: Okay

Gene Carlson: I feel bad that we have to waste one resource to save another one, of potential uses.

Representative Steve Cowper: Okay, leave aside that if that law lapses, which it threatens to do, about every year. If that law lapses do you think the problem that led to this sudden cut of subsistence fishing in this area would that problem be solved?

Gene Carlson: No, I personally think it was a quise of which it was done. I think someone doesn't like this fishery because its a non-traditional fishery and I don't believe that was the real reason behind it at all.

Representative Steve Cowper: Okay, that's kind of what I was getting at.

Representative Nels Anderson: You've got the floor sir.

Mr. Tom Scarborough: I'm president of the Tanana Sportsman Association. You're familiar with a year ago the Arctic caribou. TSA took the initiative to protect the caribou resource. And the second thing there was to prevent the Department of Fish and Game going in there to and become a welfare agency. Our basic reason for this is we read the Alaska constitution and say where the Department of Fish and Game belongs to all Alaskans and we didn't feel they should be allowed to run certain groups on some basis and needs. That litigation is still pending and is now before the Alaskan Supreme Court. One interesting aspect of this is that some native organizations are being represented by Alaska Legal Services. I would like to question if this is entirely legal or not. It appears to me that the North Slope Borough for one can afford to hire their own attorney rather than the tax payer pay for it. And if you have any interest in that you can look into it and see why we tax payers are paying for this service. But that is apparently the case. That's all I have to say. People who wrote up the draft, I think it's HR 39 I think it's Senate Bill 1500 are aware of the provisions and lack of constitution on restrictions for subsistence. Here's a copy of it. These are applying to all the people of Alaska. They had intended to circumvent this lack of constitution with HR 39 which I think is totally incorrect. The resource cannot be allotted to one ethnic group or on an economic basis. Discouraging to some other group. The resource belongs to all of us and got to be allowed to the best interest of all the people. The only definition I have found on subsistence hunting, and that's my main expertise I guess,

is section 1605-257 which your probably familiar with. There it says, "subsistence hunting means taking of big game animals by a state resident for food or clothing for family or personal use." Now, maybe you can probably come up with a better definition and fishing will probably be added in there. If you go much further you're going to find all kinds of restraints from the Alaska constitution. Now, you have two types of subsistence. Mainly, what everybody has been talking about has referred to subsistence as a (inaudible). That's a very short term use. Maybe it's already passed. There's very few subsistence users in Alaska. There might be some in Southeast, living on the coast. But I don't think there is any place else. The types of subsistence you really have to deal with is also psychological. The psychological need for subsistence. That's the type we're going to have to deal with in the future and the urban resident probably has a bigger need for this than the rural resident that lives with it every day. I'm not sure how you're going to cope with this but this is the type of subsistence that the (inaudible) play. Mental need to get back to what your ancestors did possibly. Their cultural way of life. That doesn't necessarily mean you have to take and eat the big game. I do think you're going to have to deal with some type of definition of subsistence. I don't see how this is going to get anyplace unless you have some concept to work within. And with that you're going to have to define what is modern day subsistence or are you going to define it on a level 10 years or 20 years ago? If you're going to discuss it at that level, HR 39 discuss it as of 1971., December of 1971.

The reason for this, is the modern day hunter and fisherman is very different today than he was 10 years ago. Particularly 20 years ago. And now with the modern snow machine we've got modern air access, modern car

fleet, modern fish net. And this can go on. I think of all of this the first consideration is going to have to be the resource itself. That's number one priority, the protection of the resource. Alaska Constitutional restraints will have to be observed when you start making priorities on what your going to have to do with that resource. The best interest of the wildlife owners are also going to have to be taken into account. And you know that the urban residents as well as the rural residents own that wildlife. Both their interests are going to have to be protected. None of your efforts on this subsistence issue will be any benefit unless you protect that resource. Part of that protection is going to have to be enforcement. Now, I'm not so sure that our enforcement division is doing all that bad a job right now. I think the biggest failure is probably in penalties put out by the court system. The second problem is the non-enforcement by the Feds. Particularly on waterfowl and marine mammals. They have a long history in this and particularly rural people of the State have learned that in all likely hood they won't be bothered. So I would like to recommend that you consider an educational program statewide starting at the elementary level to start education our young people on the proper use of the resources. Than maybe in a few years they will start to understand why we use management techniques. Sportsmen have asked for this for some time and no action has been taken. Unless an educational program is started particularly in some areas in the bush, we're not going to get anywhere. You can pass all the laws you want. And no way are they going to enforce them. Because there is no way you're going to convict somebody say in the bush area where his peers have to be selected as is jury. The legal (inaudible) is all ready aware of this.

I noticed in the paper when, where you're talking about hunting, the

department enforcement are well aware of where they are hunting and where they hunt from and are able to manage this. The Department of Fish and Game except commercial fish that's down the tunnel. Enforcement would greatly appreciate having somebody help them with this task funding the Department. However, I think you'll find the Sportsmen have a pretty good track record. You won't find any place the resource has been depleted by sportsmen. There may be other reasons. Not only fishing resource but I think if you look back on the record, nation wide, you will find this to be true. Nels also said the game is for sale. I don't think that this is quite true. Maybe some people have looked at it that way. But a lot of these funds are used for non-fish and game. They manage falcons, song birds and a few other things like this. Obviously, the Department is probably against the people who pay the salary and need them the most. And maybe this is why they want to get their salary some other way. Also, we have a little argument with the State about 25¢ license. People who buy those license don't pay their fair share either. Somebody else has to pay their way. And I suspect that the majority, I suspect that, they put out 5,000 of these last year and I don't know how they distribute that. They probably equally from Fairbanks, Anchorage and the bush. I think you'll find that the sportsman know - they pretty good - (inaudible) We were putting up red flags in the Western Arctic Caribou herd - 1973, we were ignored. We did the same thing on moose, in (inaudible) and we were ignored, but we were telling the Department and the Board of Game that problems were occurring. Nothing happened until there was a crises. We've got a lot of crisis in management right now, maybe that can be corrected. A good example of animal (inaudible) for sale would be Dall sheep, and that's the only animal we have got the same number as we had 10 years ago. We have an equal chance to get Dall sheep as we did 10

years ago. I can't think of any other animal in the State right off.

Rosita Worl: My name is Rosita Worl, I've been up on the North Slope for the past 2 years doing scientific investigation on the political development of the North Slope Inupiat. Part of my work led me to an investigation of the traditional political elite of the area which involve the whaling complex. From there, I developed a further study into subsistence. I want to set your mind at ease right now, I'm not going to try to define subsistence however, I will try to bring to you some of the variables that I think are important in the consideration of subsistence. I'd like to say first of all, that I agree with Mr. Wiese of the Interior Wildlife Association, that subsistence is not a welfare system, and that subsistence should be based on a natural, increment level. The occupation of Alaska by Alaska Natives has been based on the harvest of it's natural resources and therefore it's within their interests to insure the continued use, the continued availability of it's resources and I think that this is present in the minds of people on a very conscious level, so I see no conflict within that idea, however I do disagree that subsistence is at an end. And in fact my work within the last two years has shown that subsistence is a viable activity within the rural Alaska. I do want to say that I think that many of us are of the popular misconceptions that have stemmed from a social scientific thought and that was that there is a movement from a subsistence base to a cash resource economy. My work has shown that there is a interrelationship not a unilineal progression at all. But there is an interrelationship between the old and the new and that subsistence activity is as viable today as it was in the past. And I think my definition or my understanding of subsistence is well founded in the policy that our Congress adopted within

the National Environmental Act, whereby they recognized, whereby Congress recognized that economic activities, that industrial expansion occurs within the social and cultural context and so the United States adopted a mandate to protect its cultural and social environment. Just as comparably, subsistence occurs within a social and cultural context.

I just want to briefly define the aspects of subsistence. I said there's social, cultural and there's economics. Most of the focus has been on economics. Economic insofar as legislative regulations of land access or regulation on the resources. Today, we have a third element within the economic aspect and that is a relationship with a cash economy. It's true that there is no subsistence that exist without a use of some cash. In my work I found that this is where we enter into the social aspect of subsistence. I have found that there are three basic functions within the social elements. You have your subsistence harvester, your person who is actually going out, very active and obtaining the subsistence. You have your subsistence user, those who are recipients of subsistence products and those can include the subsistence harvester, and also people who are not able to go out and get the subsistence products themselves. Very forcefully, that includes your elderly and your aging. Then the third aspect, it could be a person or just a function, is your financial cash or your financial support. Sometimes it is the man that earns who earns \$20,000 who is supporting subsistence activities and this is where the difference you know that I see that between the person that is making \$20,000 in Fairbanks and the person who is earning \$20,000 in the bush. The bush, I have found the person who is earning \$20,000 by most standards, he should be a middle income person, but when you look at the kind of way of life that he has he seems like he is very poor. When you begin to

look at it you find out that this man who is earning \$20,000 is supporting other kinds of subsistence activities. The subsistence products that are obtained are distributed throughout the community so that's his social, that is your social welfare system. The man is providing the cash either for his hunting partner or maybe part for his own activities. The subsistence products are then in turn redistributed around the community and often it goes beyond the community. I think within the North Slope we can demonstrate very concretely, that subsistence products are shipped from Barrow to Point Hope, Point Hope down to the Kobuk area. For the last two years, if it hadn't been for the interrelationship between the communities, I think you would have had some villages that were starving within the Interior and I'm specifically talking about Anaktuvuk Pass. The North Slope people gathered together and they did ship some of the marine mammals and resources that they had obtained into Anaktuvuk. So there's this kind of distribution and the sharing that is very real, that is part of the cultural system. I would also submit and probably it's not a criticism against the State but your welfare system is not working in the bush. It is not available in the bush. It is not the stupidity of the client that he is not able to obtain welfare or welfare products. It's because it's just not available in the bush. And I think that was really demonstrated in our caribou crises in the North Slope. The North Slope would have liked to have declared it a disaster, it was a disaster, and because of the efforts from the North Slope they were able to get a minor food stamp program up there, which I understand is not going to be available any longer. I'm not too clear on the administrative set up and how they are doing it but I know that the bush area is not being served by your social services, and believe me it is not the stupidity of the recipients.

The cultural aspects of subsistence is really difficult to define but it is I think people living in the Fairbanks area are probably the most close to what is the cultural relationship. Somebody talked about it as a psychological relationship. There is a very special relationship between the subsistence person, be it the user, the harvester or the supporter. There is a very special relationship between those persons and their environment and their resources. To some of you, it may be manifested in the arts, the symbolic relationship, but nevertheless, it's as real as some of the symbolic, religious objects that many western religions have. So, it is very difficult to define, but there is a very special relationship. I would like to recommend that the State recognize that subsistence is a cultural heritage, just as our resources are a natural heritage, and I think that we could do that by adopting the format of the National Environmental Policy Act. And, also I think the State has adopted the State Fish and Game has adopted a very liberal definition of subsistence. The policy statement is not in effect, but I think it is a useful beginning for you. I think that the State has already enacted legislation that favors special interests. I'm not going to go into the details, but my understanding of your limited entry concept where persons get points and they are able to go out and get their permit. I think if we can adopt a priority system and the final thing that I wanted to say about the State is that the attention should not only be the carrying capacity of the study of animals itself, I think there are other things happening out there in the environment out there in the bush where you're finding the resources and there are some changes that are occurring right now to the habitat which may be detrimental to the resources itself.

I think the game management report is negligent in glossing over those

kinds of impact. They talk about probable or future impacts of certain kinds of development. I have a feeling and I can't document it scientifically but I've been up around there to know there have been changes there to the environment and I think some of the focus of the state should be to find out what's happening to our environment that's affecting the natural resource.

Representative Steve Cowper: Well, I'd like to commend you for a very helpful and articulate statement. I would like to just speaking personally, I have an awful hard time with a notion that people who traditionally been subsistence users ought to go on welfare, I have a hard time with that one. I think there's more life in clipping one of those stamps or whatever that is. There's more to the subsistence lifestyle than meat on the table too. One of the congressmen who came up with the Congressional Subcommittee on the D-2 Legislation suggested in his opinion subsistence hunting and fishing was no longer necessary because of the food stamp program. I thought that was an interesting comment, I disagree with it very heartily.

Senator Pat Rodey: Rosita, in determining how we're going to manage subsistence as been proposed with income be used as a guideline. Do you favor a one to one relationship between income and some subsistence right whatever that might be and if not what relationship should there be between income and subsistence rights.

Rosita Worl: I think if you regulate based on income, then you're going to regulate subsistence out of existence because just my research on the

North Slope and within Southeast, my own personal experience in southeast and my knowledge of other areas is that it is your Umialik, your rich man who is an important person in providing access to subsistence harvests so if you should say that a man is earning \$20,000, it was really demonstrated last year what happened with the caribou when permits were granted on need. As it turned out, permits were granted to people who often didn't have the means to go out and get the caribou so they in turn had to conscript someone who had the money to go out and get the caribou for him and then that in turn was distributed to the families. So your unit can't be to individuals. That's my personal opinion - that if you legislate subsistence on individual basis then you're going to legislate it out of existence. It's a social activity.

Senator Pat Rodey: Do you favor any use whatsoever on income as a criteria for subsistence rights. Does it have a role.

Rosita Worl: Well, I think that would have to be qualified, you know, I certainly couldn't say that a man who is living in Fairbanks or a Native person who is living in Fairbanks making \$50,000 - that he should be able to go like a sportsman, I think it needs to be qualified. I think at this point, I go along with the concept, local determination, they know who are the subsistence contributors.

Mr. Bud Wiese: Mr. Chairman, I think her paper was excellent and I'd like to have her make a letter, in the form of a letter or something that I could get a copy of it for the board and for myself.

Representative Nels Anderson: This will be transcribed and we could make a

copy of this available to you.

Mr. Bud Wiese: What would I have to do to get this.

Representative Nels Anderson: Just get your name and address and we'll ship it to you.

Mr. Gene Carlson: My name is Gene Carlson, I live in Fairbanks, and I came here with no prepared testimony (inaudible) So if I confuse you think nothing of it cause I'm already confused. First, I would like to say that I definitely believe in subsistence not perhaps as the people in the bush do because I really think things are changing so that the same need is not there. At least at the magnitude that it was before. But I believe in subsistence not on a traditional or cultural basis. I think we're all Alaskans and many of us came here for the same reasons that the Natives like living here. We came here perhaps to live off the land. The need isn't as great for one as the other. I have a tremendous need. I go to Chitina every year to get my subsistence fish. I have as much need for that for my family as anybody else. I wouldn't starve without it, that's true, but neither would anybody else I don't believe.

I'd like to first go back to a question somebody posed about prioritizing the management of the resource. I don't think you can just speak to the Fish and Game both because they're totally different. In the fishing industry, I would prioritize management in that the commercial industry should be the first to be managed down. And I say that because it has by far the greatest potential of devastating the resource. For another reason, that the resource of the State are according to the constitution, they're I

forget what the exact words are, for the common people. I think in the fishing industry you would have to start with the commercial industry. To say that the commercial industry should be allowed 95% and the rest of the people 5% - to me is absurd, I can't even believe that.

Definition of subsistence, I could live with the word subsistence. The only time I've run into a problem with that is when I talk to the Board of Fisheries and they are the ones who seem to have a problem with the word. For the simple reason they want to use the definition. They want to use the word for traditional or cultural purposes. They're doing here in Fairbanks, this isn't a traditional fishery therefore the people in Fairbanks aren't entitled to it. And I think that's totally out of line. Which brings to mind a thing that legislatively can be done perhaps. I don't know, maybe it'll have to be done by initiative or something. I don't believe in the new concepts of regional boards than at any time of the history of Fish and Game management in the State of Alaska. On the other hand, the way it is right now with the Governor appointing all of the members of the board we ended up with a commercial Fish Board. We didn't have a fisheries board, we had a commercial Fish Board. Therefore, the subsistence user has not a chance, the sport fisherman, who also eats his fish, so that to a degree is subsistence he hasn't a chance. You couldn't go talk to those people, it is like talking to a wall, unless you had a commercial interest. What could be done about that? There could be legislation passed that would perhaps mandate that the Governor could not appoint a majority of commercially interested people to a State Board or commission. This would seem to me to take care of the problem. Then you would not have this lopsided monopoly on any board that is supposed to serve the entire public of Alaska. So, to me, that is one of the most important

things that needs to be done. And I'm not quite sure how it's going to get done but I do believe that's the first priority. Now, and I don't say this with malice, it's simply that my belief in what the Native Land Claims settlement Act was all about - the intent was to make all things equal, to make Native Alaskans equal with non-Native Americans and everybody equal as Americans, not black Americans, not white Americans, not Native Americans, but Americans. Therefore, they, in the claims, for what they got for this equality, the right, the cultural and traditional right were given up - not that they can't continue some of their traditional lifestyles because they can, but the traditional and cultural rights to the game and the resources of the State were given up for this equality and I believe fully that their desire was to be an equal part in the American society. So, and it states in there that these were given up. So I believe that was the intent and I don't understand why we continue with this ethnic lines of distinction, I think that that is a wrong thing to do. I came here of my own free will to the State of Alaska, that doesn't make me any better than somebody that lives here by accident of birth because he was born here but certainly, I think, I feel, that it entitles me to more than a one-quarter Alaskan Native that has never seen the State of Alaska. They live in New York City or Pennsylvania or someplace and have never seen the State of Alaska. But that isn't the way it is. We're supposed to all be equal. The first priority, I think I would have to go back to what you manage game for? You first manage it for the resource itself, I believe. The lady said that's not true, but if you don't everybody ends up with nothing. If you don't give first consideration for the game population.

One other thing the legislature could do and here again we're back to

protection. I put in a proposal to the Board of Game and Board of Fish a couple of years ago that went no where, and rightfully so, because it is a legislative thing and that is to make, first, redefine what is wanton waste, not that I intend to waste that animal when I shot him or something else but and make wanton waste a felony charge. Not a misdemeanor that's punishable by a slap on the hand if we're; and this applies to everybody, this applies to subsistence users, sport users, commercial users. So in the event that you have a year, I can't recall the year when the commercial fishing industry goes out and rapes the resource. Why millions and millions of fish more than the canneries can take and they rot and they go dump them back in the ocean. That's wanton waste as far as I'm concerned. They had no business to start with, if the canneries couldn't accept them. And this is their responsibility to know. Not just go out and rape the resource and then waste them. So I think this should be made a felony charge and this will have to be legislatively done. Then we have to have the protection to back it up. I've been told it would be a waste of time to make it a felony charge cause you can't prosecute anyway, so true. But we don't stop trying to prosecute just because some people get off the hook. Otherwise we'll just open the jail cells and turn everybody lose. One feller earlier said that you should have to be an Alaskan resident for five years or be an Alaskan Native. I just think that, that is the most ridiculous statement I have ever heard. For the simple reason like these to think that a one-quarter Alaska Native that's never seen the State of Alaska, back to that again, should have the right to come back here and because he's Alaska Native go out here to subsistence life style is beyond me. I can't cope with that. To me that makes no sense whatsoever. We're all Alaskans and I think subsistence can be regulated, not defined, but regulated so it doesn't have to go out of

existence. I've heard tell of some areas where they have no limits. I disagree with the no limit life style, I can't even say how much. We go to Chitina and the criteria down there is for the head of the household you're allowed, it changes each year, but we'll say 20 salmon, a family person is allowed 40 salmon. This is for anybody, any Alaskan, a resident Alaskan, who is down there dipping. For the other people that have the need, an honest welfare, I'll throw that term out because we've heard it hashed over enough tonight, an honest need for more salmon than that. They have established a higher limit to them. I disagree with the limit they've established because I don't think that anybody could eat 500 salmon in one year. When I think of subsistence I think of what you're going to eat, I don't agree with feeding it to dogs. So but the limit could be based on a reasonable edibility situation. Can this family of 10 people eat 250 salmon in a year, 300 salmon in a year, there could be some criteria such as this established that would set limits and take away this nonsense of being allowed to go take, I heard a figure of 40,000 salmon, by one individual that was selling salmon roe, now I tell you it takes a lot for me to cope with anybody catching 40,000 salmon. Maybe they did, I really can't say, but if you're catching more than you can eat then you're either selling them or your're taking the roe and selling the roe and in that case you're throwing the salmon back in so I don't understand how anybody could know if they caught 40,000 salmon, we do know that it's happening. If you had a good limit, that wouldn't happen and here again I believe that the board should make these determinations. I don't like legislative intervention in the fish and game matters anymore than absolutely necessary and that's only when the board is not being responsive to public needs. One more thing, I don't believe in geographical qualifications either. I don't believe that you can say that, if I believe

that I would have to say that people of Chitina or Cordova could say that I can't go down there and catch my fish. I don't believe that at all. If you ever established that, you would say that any village at the mouth of the river could set their own regulations, they have first crack at all the fish. They could take them all which happens to a degree right now but I think we'll get around that eventually so there will be a fair distribution of all the fish. So I really don't think that geographical qualifications will be meaningful at all. That's all I have to say.

Mr. Dave Snarski: My name is Dave Snarski and I'm here representing Alaska Conservation Society. With the Chairman's permission I have several copies of testimony said at other hearings that I would like to submit. And also a statement from a person that couldn't be here tonight. In the interest of making things move along a little faster, I have a policy paper on lifestyle, subsistence hunting and the D-2 lands. I just would like to read the summary (inaudible). The broad spectrum of lifestyles practiced by Alaskans contributes to it's uniqueness among the 50 states and adds diversity to American society at large. Within this spectrum there is an array of Alaskan and subsistence lifestyles that consists of a complex mixture of traditionally and traditionally non-native elements. There is therefore no rational or fair basis for defining an Alaskan nor a subsistence lifestyle. Hunting, fishing, trapping, gathering of natural foods are pursuits that figure prominently in virtually the whole spectrum of Alaska lifestyle, however, there are (inaudible) with respect to these pursuits, a single individual which often exploits living resources for different reasons at different times. Consequently, attempts distinguish among commercial, subsistence, and recreational hunting and fishing, trapping or gathering as practiced by many Alaskans have been unsuccessful. Different

lifestyles have different impacts on land use and resources. Alaska lifestyles and subsistence uses, in particular are less disruptive and less destructive than any other lifestyle and uses. Subsistence uses are a natural part of Alaska's wild country and should be provided for on national interest lands except set aside as national Parks or National Monuments. Other land management such as park reserves or refuges are more compatible to subsistence uses and natural resources. Land in Alaska is being divided into smaller and smaller parcels under variety of ownerships resulting in (inaudible) of management goals and policies. This trend is generally incompatible with the conditions (inaudible) for many lifestyles in Alaska, could lead to the destruction of these lifestyles and the integrity existing ecosystems. An on precedent of the level of coordination and cooperation among federal, State and private use will be needed to overcome this trend. The wildlife population and the habitats they depend upon do not have boundaries that coincide with the existing Federal, State and private lands nor those lands proposed for inclusions in the four systems, Section 17 (d)(2) of the Alaska Native Claims Settlement Act. For this reason, as well as the fact that legally and historically the State of Alaska has had the responsibility for wildlife management, The Alaska Conservation Society believes that the basic existing regulatory regime of hunting, trapping, and fishing is most appropriate properly conserved and protected issue in Alaska. However, since Federal agencies have legal responsibilities under existing national laws and international treaties and have now and will have in the future management habitat responsibilities continuing federal and State coordination and cooperation. ACS appreciates the opportunity.

Representative Nels Anderson: I have a question. You made reference to a

recommendation, national parks and so forth, and I'm not really quite sure what you were; what was your intent.

Mr. Dave Snarski: The society feels that National Parks, as National Parks, should be closed to hunting.

Marion Hao: My name is Marion Hao, I've been a resident of Fairbanks on and off for the past eight years, working and going to school. I came here mainly tonight as an interested citizen and learn what Fairbanks residents would have to say about the topic of discussion. And I decided I wanted to come forth and say what I have to say. I'll attempt to be organized about what I'm going to share with you, however I did not come with any prepared statement. And maybe wanted to come forth and add a personal good (inaudible) To show that when you talk about subsistence, you talk about those rural areas that you are really dealing with human beings and this will attempt to show that you just cannot categorize any one people into one area and I felt there were some statements tonight that tend to be blanket statements and also what I have to say hopefully will perhaps add a little bit of understanding. People that make blanket statements tend to show lack of understanding and experience and any time a blanket statements are made it is unfair at all. This is going to be personal so that have an appreciation for what it's like to say for subsistence wise.

I was born and raised in St. Lawrence Island, Savoonga. I came away from the Island to go to school and I have decided to live in the mainland for my own interests. Anyway, subsistence living has been really a personal way of life with me. I don't think I would be - well, St. Lawrence Island has always been traditionally a very ocean harvested area but also

people depend very heavily on the walrus, that was the main staple, back there when you were talking about staples, you usually talking about potatoes or rice, but to me when I think about staple, I think about walrus. I grew up on the walrus, not until I started going to school did I realize that there were foods that were foreign to the area. We were served lunches that were, at that time, were very unfamiliar like vegetables, meats that were different. When you talk about subsistence, I've heard people say that it's just undefinable, that it's all psychological, I thought perhaps that's what I've heard tonight. Okay, when you talk about subsistence, you're talking about seasons, you're talking about the knowledge acquired in going about this subsistence living, you're talking about land, you're talking about knowledge of the land. The way I grew up was very traditional in that, when men did the hunting, the women stayed at home. They were the ones that did the gathering and the utilizing. We seemed to make these subsistence statements about subsistence hunters that seem to have negative thoughts about the rural area. I would have more respect for what they say if they would realize what really takes place out there. The language, the whole process of it all. When the men go out hunting, they have, they know the weather, they have to know the ocean, the movements. You go out, not on any day, if you just happen to feel like going out hunting the walrus in just one day, it just doesn't happen that way, you have to read the skies, try to read how the weather is going to be like for the day. By the way sometimes you come across so that I could be understood but when I get nervous and try to come in such a way that I perspire, I get all jumbled up so you have to be patient with me.

Anyway, and the movements of the water, the ice, it's all interrelated with what subsistence hunting is, you know, when you go out and you're getting

into lead that is bad for that day, you could get stranded out there for days. Okay, I'm trying to bring that there is an appreciate, there can be an appreciation of all the world of subsistence hunting is. I'm trying to explain this not with acquired knowledge myself, although I've lived around it, it was not available to me. So when you talk about subsistence hunting you talk about acquired knowledge over years, acquired language, acquired understanding and close appreciation of nature. Okay, when you're talking about hunting the walrus, you're talking about the movements of the walrus, you're talking about appreciation of nature because it is something that is not predictable. To talk about the complexity of it all, with the different language say in the area that I cam from where the language if it were defined into the English language would very easily be termed technical, very technical. So I think those are important to realize.

When you talk about subsistence hunting you're talking about seasons, okay, you talk about walrus which is the main food of the Island but you supplement the main staple seasonally with like during the fall it's bird hunting time, all kinds of birds, adn some seal hunting, and during the winter, there is also hunting at the ice. Okay, you have to know areas of the ice, I understand by looking at the ice you know which areas are eaiser to cut through, in other words the thickness of the ice. You acquire that knowledge by going out, okay, during the winter there is seal hunting also through the ice, and during the spring is walrus hunting again, and whale hunting, by the way up there north country, St. Lawerence Island including, the ice does not go away until June. Okay, the snow and the ice does not go away until June. During the spring, the later part of the spring we do egg gathering, where you have to climb and comb the cliffs around the Island, certain parts of the island, so when you're talking about subsistence hunting

you're talking about the seasons also. Away from the ocean, the land you talk about greens, all kind of greens, that are picked and preserved for the winter and then the berries, I grew up with my grandparents so I'll never forget going out every spring from morning until about 5 o'clock going with my grandmother every day during the spring to gather greens and berries preserved for the winter.

Incidentally, we did have a store where the ship came once a year with supplies from the outside. Incidentally, these were the kinds of food mainly canned or dried hardly any fresh stuff. The store still now is a Co-op store, where the men, whoever does use the tusks of the walrus, the ivory, they carve it to a saleable item in exchange for goods in the store. It is mainly fuel or shells or whatever for their guns. Those go mainly for help in the hunt. The can goods are kind of side dishes that are like dessert or special that add to the traditional food. Like I say the way that I grew up was very traditional and where the food even today, the main food, is the walrus and the meats and all the others that I mentioned.

The very first time I was going to go off the island, I realized how different it was from that little world because my parents started training me how to eat these other kinds of food that I was not aware of. For the first time I realized that they really cared for me, because they were taking the time to train me how to eat these other kinds of foods. They started buying these can goods, that we normally do not eat from the store, like beets and green beans and so on, all of a sudden I realized that things were not always how it was it back home, you know. They said because I would have to go away for awhile to the mainland, to the hospital, that I would have to live off of their food for awhile, and I would have to learn

to like it. That would be the food that would be the food that would be available at that place that I was going to. It was kind of frightening because it was all so different and when I came to the mainland at the hospital, that little bit of training that I received at home was not enough because for the first time I ate foods I never liked. To show how much difference I had to resort to, you know common foods like bananas, like eating a banana for the first time it always stays with me the memory. You know, such strange food you know, as a child, it is kind of dramatic so I tried very hard, and because of these foods that we were eating during that time, at the mainland were different, we tried very hard to like them, to learn to like them and we were not aware at this time that a lot of Americans did not eat all that they were given. We would feel so guilty, and that they would look down on us, so we would struggle through a tray full of food, hospital food, you should remember. We were always taught to eat all that we were given, we would struggle through all of this tray full of hospital food. Whenever we didn't like anything, like trying to say the banana for the first time, because it was so new and because that we thought the rest of America ate all that they were given, not liking the food that you have tasted for the first time, you just could not see struggling through finishing it. Like the banana, we would wrap up what food that was left, wrap in paper towels and throw in a can and you talk about conservation and that one gentleman said well, conservation should be taught in the schools and I wonder whether he realized that maybe it should be, if he supposing teaching conservation in the schools, then it should start from waste of food that America does.

Anyway, what I'm attempting to do is; okay, it is a personal side to political issues, we tend to forget that there is really, that you're really

dealing with human issues. There is a human side to every issue. I also realize a lot of times especially when all of Alaska is becoming very political and that with every issue the groups of the people that are heard that are the ones that are more vocal, more articulate, they have the power to be heard and I wanted to try to add some different viewpoints that would remind us of that we really dealing with people and I'm not sure if I'm coming across all that real. but.

And during the years that I've lived in Fairbanks I've tried to observe the actions, where the people have to say, I have noticed how it's such a big issue for people to be Alaskans come election time, especially in Fairbanks. I noticed how it so very important that the person is an Alaskan. I've lived here for how many years, and I'm an Alaskan. Therefore it is something special, it gets almost to the point where being an Alaskan means you're a special somebody, who is especially understanding, and especially kind in all matters. It gets almost down to that tone. But I've also noticed where those people that say this will turn around and try to make a difference between themselves and the rest of Alaska including the rural areas and those groups of people that are termed Alaska Natives. They say everything is equal, we're all Alaskans but there's a lot of those that are quick to make a difference between Alaskans and Alaskan Natives. Sometimes it gets to the point where it doesn't seem fair because there's always that difference and sometimes there are perhaps, there are remarks made that are a little bit different than the viewpoints that are used to being heard. Then perhaps, there could be a better understanding of that even with all of the parents' differences that what really comes down to it, you know. You're all feeling with (inaudible) This is what I think I'm trying to say, I'm not sure what kind of (inaudible) arriving at but I

realize that in a very awkward way, I'm trying to come across and try to show that dealing with issues people that (inaudible) try to make generalizations in the long run, you're not really being fair about it. If people are going to make statements, I believe there has to be firsthand experience and understanding before statements are made which are directed at a group or an area or say Ethnic groups, that there is never ever one definition that can be directed at these groups or areas. I guess that's how I...

Representative Joe Hayes: I just like to say that I appreciate your sharing your experiences with us, I certainly gained some insight into subsistence living based on what you told us about your experience and I think you came across very well. I got your message.

Marion Hao: Like Mr. Wiese tonight, I think mentioned his name, was very proud that he had not bought any meat the years that he has lived in Alaska. And this shows the intelligence and adaptability of people. Okay, when people talk of how subsistence, there's some people that mentioned, subsistence living is no longer here, if that is the case then maybe somebody should go around try to educate these people who are living a subsistence lifestyle which goes into the area of eating certain kinds of foods being used to eating certain kinds of foods and if there is no longer subsistence lifestyle then somebody should go around teaching these different people how to start eating foods that are what the general Americans eat and that would be a little touchy area because I've heard stories from long ago, say like the language used to be discouraged. It seems like that kind of touches into that area. Maybe somebody should be appointed to go around to the villages and how to acquire tastes for big macs, say. When you are talking

about these things like you're talking about - you know people.

Mr. Chris Anderson: My comments are also unprepared and short due to the lateness of the hour, I have to go to work tomorrow for subsistence. These comments, I just jotted down here during the last couple of hours and some of the major comments that I have to make is that on subsistence itself, I really don't think that it should be defined at this time, or probably not defined at all. For the simple reasons of everybody has got their own definition, every association or whatever has their own definition of subsistence and it is also an impossible task. I'm pretty sure a lot of the people that take different issues and different sides of the big issue of subsistence you know, (inaudible) at this point in time, because of the subsistence term with that definition is being used, or whatever guidelines or bills or legislation that comes about. I also think that the Federal government and also the State government should get together somehow in a meeting, (inaudible) if necessary, to find out, to set some guidelines that will be the same on some of the D-2 land some of the private lands, you know the state is going to (inaudible) Enforcement is very important, it is also necessary to help data collection. I do think that enforcement is a priority (inaudible). If enforcement does its job, I think you'll find out just exactly what's happening. For those of you who have any comments.

Mr. David Hawthorne: I'm working on this subsistence study in the National Petroleum Reserve on the North Slope that is mandated by Section 105 (c) of the National Petroleum Reserve Act and I just wanted to share some

of my perceptions of the definition of subsistence. In a completely, unofficial way, because that's something that I'm kinda pounding my head against the wall on too. I kind of got a feeling that if people from Alaska don't have some sort of at least, vague definition that somebody from D.C. is going to have a definition one of these days, that may not be as good as what (inaudible) One of my feelings is that in consideration of defining subsistence in terms of Natives is a viable alternative, not Native in a racial sense, not saying you know, let me see your genealogy. But, Native in terms of people who are involved in a culture that is a hunting culture, whatever their genetic background. The reason I say this is because in my work in Nuiqsuk this summer and previous work in other places in the Arctic. The guy from the village who's, (inaudible) from a particular point who goes across the tundra looking for something. There's a lot of stuff up there. When I first went to the Arctic and looked, it was kind of white, and there were rocks sticking out, there just didn't seem to be a whole lot, but there are stories, there's graves, sodhouses, and there's a whole bunch of things that a lot of people don't appreciate. I think that's a type of land use that is much more intensive than outsiders and I think that some analysis or some thought about that. You know, the fact that they use it more intensively because there's a lot of stuff there that the people from the outside don't see. Also, for cultural reasons, you know, the history is not something that's remote from the villages, because there are all those things out there. The history is out there, it's not in a book. You know you can go out and look at the history because you can go across the river from Nuiqsuk and see or (inaudible) various villages and you know get a million stories.

There's a couple of things that I think will have to, that everybody's

going to have to be very careful of defining subsistence. That's defining in economic terms and in technological terms. The thing about the Native people, in the Arctic, that I see, is that they have become very admired by people all over the world for their ability to adapt. They continued to adapt over the last 100 years, coming in contact with people from Europe and America, as any smart person would. I think that if we have a definition based on income, on technology that would eventually favor hunting activities by non-Native people who are dropouts from their own society or who are rejecting their own society, who are going out to live for romantic reasons. The thing that I have been struck by, or have always been struck by is that subsistence is not a steady thing today to people. It's not a recreation, it's not a game, you know, as it is a game for some person who comes from Los Angeles buys the dog feed and (inaudible) across the tundra. You know, even if he does it for 30 years I think there's a different perception of what's going on and I think that we have to think about that and we have to realize that subsistence system and subsistence conflicts in the villages are so perceptive and are very adaptive, people. They use snow-mobiles almost exclusively it doesn't make sense and if I think people are penalized for doing something that makes sense people that use the land to play games well for aesthetic reasons, are eventually going to have the upper hand for land use. Just a couple of my perceptions on the history of the North Slope might be relevant of what I am talking about. There's this notion that there's a subsistence economy, and there's a cash economy and the good old days, people you know were real subsistors and now they've been corrupted because they have snow-mobiles and they have access to cash. I think if we look at least on the Arctic Slope over the last hundred years, we see that there's been definite dual economy, there has been cash components, there has been subsistence components in the economy.

In 1860, the whalers came, there was thousands of people from Boston in whaling ships that wintered over on Barter Island, Hershel Island. Native people were involved with this. They traded, they got money, they ordered from Sears Catalogs, for goods that they wanted and also they got guns, at first it was (inaudible) Muskets. This was an adaptation that made good sense, so people did it. So the subsistence complex changed as it had 1200 A.D. when the Tuna Culture invented whaling. Okay, then whaling decreased, (inaudible) people got a hold of high powered rifles which worked better than muskets, they made sense, so they used them, because they're smart people. Also, because they had high powered rifles, they could start using bigger dog teams, which is not a precontact generalization. Pre-contact, much more than post-contact. There's this whole notion that the trapping era on the North Slope was the "Good old Days". Well, it wasn't. It was the result (inaudible) how many people were out to make money by getting (inaudible) they had to have a lot of dogs, they had to shoot a lot of game to feed their dogs. In fact they were using a lot more resources than (inaudible) When wage labor was introduced people could have more outboard motors, they could have snow-mobiles, they continued to get the things that they've always needed but it was more effecient and a lot of people could spend less time on the land. The need didn't decrease but the time on the land decreased because the harvest was made effecient and here again people are smart. Why should a guy down in Washington, where I'm from, sell his combine and go back to his horses. I think, it's real analagous, I don't think, in setting up a definition of a people who are adapted, to be analyzed because they aren't living in a way that is aesthetically pleasing to the people who like to buy postcards in Alaska.

Mary Binkley: Thank you very much Mr. Chairman and members. I'm Mary

Binkley, I'm here, I'm not a fisherman. I'm here to speak for friends of ours on the Tanana River and this very local area who are friends and many are Athabascans. But it's a non-ethnic problem here and it has been mentioned earlier in the evening by I think by Mayor Gillam earlier, and also my Mr. Samuelson, and it just concerns this local discrimination possibly against the fisherman in this area. There are regulations in the booklet put out by the Board of Fish and Game that says that very definite limits and very small numbers of salmon that are allowed to be caught in this area. And then in the subsistence fishing there was a new regulation that was just added last year and I think that what Mrs. Samuelson was referring to, it's on page 17 of the book. The restrictions, and it's number 15, which says, in section 6 (c) of Sub-district 6, which is north of the Wood River, between here and Nenana on the Tanana, salmon may not be taken following the closure of the commercial salmon fishing season and so that means as soon as the commercial fishing season is over, there is no subsistence fishing. The people in this district just got to fish a very few days and further down the river, maybe 40 miles from here. They were allowed to catch unlimited amounts of subsistence fish. So the fishermen in this area feel that it's very unfair to have put that in and most of them were not even aware of it, when it was added last year and I think it was added at the suggestion of the local Fish and Game Division here. So I just wanted to get it in the records, and I have nothing to do myself with fishing other than we operate a tour boat that goes down river and we have known many of these people for years, one party for 28 years and he has always fished, depended on it for a lot of income for himself plus his own personal use.

Mr. Jonathan Soloman: My name is Jonathan Solomon I'm from the Yukon Flats.

The Committee - looking at a definition of subsistence and prioritizing regional game hunting areas and this sort of thing are inclined to forget that our fore father in the State of Alaska has divided the State of Alaska in game management, a long time ago. Longer than (inaudible) exists between the (inaudible) of billages and the regions of the natives in Alaska. The boundary lines of the Eskimo people, the Interior Indians, the Tlingits, the Aleuts, has been defined by the Native people before the whiteman ever came. In looking toward regions of subsistence areas, the committee should look toward the Native people, the older people that are still alive, that tell us these things that people are there. And this is where when you want to define game management boundary lines, the committee should look toward the rural people and their elders. Because in the Yukon Flats, and other areas, they seem to know about these things because I've heard it from my grandfathers, my father, my father heard from hi grandfather, and his fathers. Even the boundary lines between the villages in the Yukon Flat, where there was 11 villages, the boundary line, the subsistence resource where each village was defined in the Yukon Flats, defined by mountain, defined by a river, and still today we respect those those boundary lines. We don't hunt moose in the Beaver area, we don't hunt moose in the Circle area, we don't hunt moose on the boundaries of the Arctic Venetie Reservation. In Fort Yukon, something about our own boundary lines? We got (inaudible) respect for the boundary lines today because we were told it was by our fathers and their fathers. To prioritize game management in the State of Alaska is no problem. In defining subsistence and saying that you'll define it on resource available to the people living in a cash economy. I worked as the Mayor of Fort Yukon, I worked as a President of Gwitchyan Zhee Corporation, which is under the Land Claims and I worked for (inaudible) which is the Three G's, which

is the non-profit arm of the Yukon villages. I worked for three different outfits and I made \$19,000 a year. In saying, if you look at it on paper, and I could call it kids, I've got 8 kids altogether but right now only 5 at home, the rest are on their own. In saying, if the income of mine, saying that is sufficient, that I do not need subsistence to survive.

It was brought up tonight on that, Mr. Cowper touched, and a fellow from North Slope also touched on it, which is right. My activities and the money I make to support my wife's subsistence activities and my father-in-laws' subsistence activities of Arctic Village and my grandfathers' subsistence activities up at Central Mountain? From Venetie these are the people support. Because they have no cash economy to support their activities. But (inaudible) they would not be eligible because of subsistence papers if you try to define subsistence on a resource or a cash economy of the person individually.

Mr. Moses Samuelson: My name is Moses Samuelson, I would like one of you fellows to take this put this proposal, when they asked us to put them in so. Like Mrs. Binkleysaid in this section - regulation 15 - put that down so they could take it off. Justification is here we should be allowed to fish subsistence after commercial fishing is closed, in fairness, same rules as in Subsection 6 and 6(b) should apply to subsection 6 (c) which is Manley and Nenana. And this other one I put on, subsistence wording applied (inaudible) subsection quotas for each subsection of subsection 6 rather than single subdistrict quota. Justification: This would allow each subsection to harvest a fair portion of the salmon. Like to have one of you maybe take this.

Representative Nels Anderson: I don't know what we can do with these, I

believe there is some kind of a deadline. Have you already sent this in?

Moses Samuelson: This is just a copy I have made. I thought I better bring it down here and leave it here with you.

Mr. David Kelleyhouse: I have not notes. I just would urge the legislature to try to resolve the whole subsistence thing in as fair a method as possible to avoid any further polarization for the people in this State along racial lines. I think the whole thing started when everything was fine as long as nobody had a claim on any of the resources, it was just kind of a low population, productive situation until people pressures and economic systems grew to the point where people started grabbing what they could and staking claims around it and this last ditch effort to utilize, and get your fair of resources, seems to have polarized just about everybody in the room and I think one thing that the legislature should try to keep in mind, I realize that there are many sociological, cultural, these kinds of problems here and a lot at stake but as a biologist, I hope, all my integrity intact, I would urge everyone to try and keep the resource itself, utmost. Because everybody in here would, took the time to comment, and the committee itself realized that the importance of the resource is to try to accomodate every special use (inaudible) as a biologist, I can guarantee you, if you lose the resource base, and your popularity and your seats, my job, (inaudible) because the resource fell on it's nose and really it's in your hands right now. You have the power. Perhaps to reach a solution, to accommdate social pressures. Biologists hold the data on the population level, or the activity of the population. and to a large of an extent as possible. I would like to see the regulatory, the fine regulatory mechanism, left up to the State. So that under guidelines, of course, because of the social pressures, but

have the State set those harvest quotas and have all the groups involved, the Alaska Federation of Natives, and everybody involved in this whole question, realize that the integrity of the resource itself is what's at stake and try to get along as Alaskans instead of trying to break up in small warm groups for instance, don't like to see conventionalism.

A. M. Swarner: I'm A. M. Swarner, I've lived here for last February 27th. I was here 40 years. It won't take me long, there's several things I want to say. Repeat that subsistence to death. Everybody has their own definition and it means something different to everyone else and I think (inaudible) I wish Mr. Smith were here, if he thinks for a minute that those Feds can manage our game, if they do like they did our musk ox. Boy, get rid of those Feds leave it up to the State. Those Feds are too far away, we've got to stay with our own. Our State's got to manage our own game, (inaudible) it might be crammed down our necks but we should never accept it. Last year at the caribou hearings, I talked to a man from up North and I said to him, "I was told that there was stacks of caribou that went to waste, I think if it had not been for the snow machine we would still have plenty of caribou. I sad to him, "is this true that there were stacks of caribou that went to waste. He put his eyes to the ground and he said I'm sorry to say and I'm ashamed and he said yes. I think we as people have got to stop and figure how much we can eat and not take more than we can eat. I think this thing that has happened in the past, that people didn't figure how much they could eat, if they were there, they didn't count, they wronged a bunch and I'm sure that this has happened in the past, but that day is gone. We have got to start, can I eat 50 fish? Can I eat 70 fish, or whatever. I say if you use it, it's not wasted buy maybe the time has come when we can't even take what we need to use. But one thing that I want to say to everyone

in here - we're divided enough, let's whatever we do don't divide. "lets unite". Everyone, color, white, everybody we're all human. And lets unite that's my main thing.

Stell Nauman: Mr. Chariman, I waited until last because I'm not from Fairbanks. I happen to be up here for meetings and saw your notice and attended. I'm from Eagle River. But I thought that it might be worth giving you a few comments that have both been already mentioned trying to bring into some sort of order and also to bring in a few things that have not been mentioned yet. One of the primary things that I think that needs to be brought out in this whole discussion of subsistence what you're really talking about, I think, is providing something more than the existing sport, hunting, fishing regulations with (inaudible). I think if you look at why are these not adequately providing for the needs, particularly in the bush you'll see that there are broader dimensions at work. One is your user population is increasing, this is one area that could be worked on to help provide additional resources for those who are more dependent upon them. Your game tends to be decreasing, in many of the species, and in some of the areas across the State so that additional funding from the State Legislature for Alaska Department of Fish and Game, the research program to this sort of thing, particularly in the fish, where we know they can influence good populations increases in new runs, would be beneficial. The other thing is habitat loss, and this is effecting your game, and the availability of resources to the increasing user population and this is happening for a number of reasons. I'm not just talking simply of the loss of habitat due to the industrialization taking the land out of use but to other things such as putting it into different classifications where it cannot be used. Tapping it with road systems, which would create additional pressure from more

urban groups. All of these things taken together are causing today, I think, great concern, in many parts of the State, for doing something to provide for subsistence.

It was interesting sitting and listening tonight, because although nobody really wanted to define subsistence, everybody was able to talk about it in one way or another. It's being phased out, it's tradition, it's cultural, it's not phasing out, I think as it has been stated. Everybody tends to have a definition in their own minds and one of the reasons you get so many definitions is that if you break it down into some of the components elements you'll see that, I think, most of them are continuums. You have a basic continuum where a person over here, on this end somebody who would be theoretically 100% dependent upon subsistence resource, he would be (inaudible) a subsistence user. At the other end of the continuum you would have the visitor from Germany, who comes in wanting to take his antlers back and he'll gladly give the meat to the guide. Okay, he is obviously not a subsistence user. Now it's the in-between area where you're having difficulties in drawing a line and saying from here to here is subsistence and from here to here it's not. And this same continuum idea goes on where do you draw the line on income, low income, high income. Options, where do you draw it on the continuum of few options to many options. Traditions, is it a deep tradition, long set cultural based or is it a fairly recent, a guy that's been hunting for 4 years and wants to keep on hunting for years. Dependence, is it a tremendous deep dependence or is it. I'd rather kill a moose than go or is it on a racial basis. You have the 100% pure Native who lives in Alaska all the way up to various degrees of inter mixing to a pure white who lives outside perhaps. These are all the contingents, as to legislators, you're going to have to deal with and ap-

approaching a definition.

Another thing that I think that is a generalization that subsistence resource use, the use of those subsistence resources carries across the State regardless of what you call subsistence, those resources are used in differing degrees and differing ways in the various areas of the State. The Seward Peninsula use is very different from the use Admiralty Island so any definition or policy you develop has to take into account the very diverse regional difference. You also have to take into account the legal constraints obviously the State Constitution, the existing State and Law regulations, I can't remember which, on subsistence, which simply states that the subsistence is the taking and use of wildlife for personal or family use. ANCSA, Federal Law is involved, the Constitution, Federal ability to for Native groups. Also you have the State and Federal agency mandates which have to be considered. The fish and Wildlife Service can do certain things in areas and it cannot do certain things in these areas. Precedence of the court, it's something that hasn't been mentioned and I think it's critical and in that report which is very excellent, by Kelso he goes into this in very detail, pointing out that the existing precedent on the word subsistence is normally related not to Wildlife and (inaudible) Okay, if this goes to litigation and you do not have a definition then the courts are likely to fall back on (inaudible) this inappropriate definition and not do what you would have them do as legislators. Another point that needs to be brought out more clearly I think is that some game is resident, is in the resident area. Your ground Squirrels or something, tend to stay in one place, on the other hand you have certain categories. Intensity, to simply use some sort of special permit issued to individuals and not go the full council, board route.

I would prefer personally, to see that the overall state's management of game and fish being left with the State as a cohesive manager. But the state would have to have the responsibility of coordinating their management with these other agencies, Federal and State to insure that their policies don't violate the agency mandates. And, also to adequately provide for these special subsistence needs. Apparently, there's some accord that has been achieved between the Secretary of the Interior and the Governor on this. Because the new Andrus proposal appears to do this. The definition has to be flexible. Because as it has been pointed out, that subsistence is changed, it's just the way of adapting to the land and that adaptation will alter both the techniques, species used as game cycles change, areas used as the cycles change. So it has to be flexible enough so that it can change over time, which means in general, definition. And I think as biologists has emphasized and I think, everybody else would, the most important thing is that you have to protect the resource base. Because without the resource base, you have neither the resource nor subsistence.

Representative Nels Anderson: Thank you very much. I really appreciate your comments. Obviously, you have given this a lot of thought and we can use your comments.

Unidentified Male: I wanted to say to our biologist that I think, that possibly we can, our streams can, produce more fish but they may have to have more money for the spawning at the head of the streams. I think we can produce more fish than that, I think the streams will feed more fish than what are there.

Undertified Male: I would like to make one extra comment on that. There was a comment made tonight (inaudible) about the ability exists to produce more fish, I guess the insinuation was that game biologists could not produce more game and that's a fallacy. I would like to take this opportunity to (inaudible) the possibility does exist to produce more game in the State, particularly if we could convince the Federal Government to go back to the natural fire regime in this State. (inaudible) high moose productivity produced in the 1940's to the middle 1960's. And it's only been since these fires have been knocked down to an average of close to 2 million acres a year down to less than an average of less than a million acres closer to a half million acres a year that our moose herds have been in the state of decline. Don't overlook the possibility of putting a little money into habitat improvement, or a little influence on the Federal Government. To allow the (inaudible) to do what it does best up here in the summer time, that's burn. So, think about that, and also increase the resource base, and decrease the amount of conflict over the allocation.

Representative Nels Anderson: Thank you. Are there any more comments? Or is there anyone else who would like to testify at this time? If not, thank you very, very much for coming to the meeting tonight. We appreciate it and this meeting is adjourned.

ALASKA CONSERVATION SOCIETY

National Interest Lands

Position Paper

Life Styles, Subsistence, Hunting and 17(d)(2) Lands

December 1976

SUMMARY

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 a complex mixture of traditionally native, traditionally non-native elements. THERE IS, THEREFORE, NO RATIONAL NOR FAIR BASIS FOR DEFINING AN ALASKAN NOR A SUBSISTENCE LIFE STYLE.

Hunting, fishing, trapping and gathering of natural foods are pursuits that figure prominently in virtually the whole spectrum of Alaskan life styles. However, there are continua with respect to these pursuits,; a single individual often exploits living resources for different reasons at different times. CONSEQUENTLY, ATTEMPTS TO DISTINGUISH AMONG COMMERCIAL, SUBSISTENCE, AND RECREATIONAL HUNTING, FISHING, TRAPPING OR GATHERING AS PRACTICED BY MANY ALASKANS, HAVE BEEN UNSUCCESSFUL.

Different life styles have different impacts on land use and its resources. Many Alaskan life styles, and subsistence uses in particular, are less disruptive and less destructive than many other types of life styles and uses. Subsistence uses are a natural part of Alaskan wild country and should be provided for on National Interest Lands except those set aside as National Parks or National Monuments. Other land management categories, such as preserves or refuges, are more compatible with subsistence uses of natural resources.

Land in Alaska is being divided into smaller and smaller parcels under a variety of ownerships resulting in a proliferation of management goals and policies. This trend is generally incompatible with the conditions required for many life styles in Alaska and could lead to the destruction of these lifestyles and the integrity of existing ecosystems. An unprecedented level of coordination and cooperation among federal, state and private groups will be needed to overcome this trend. Fish and Wildlife populations and the habitats they depend upon do not have boundaries that coincide with existing federal, state and private lands nor those lands proposed for inclusion in the four systems under ANCSA 17 (d)(2). For this reason as well as the fact that legally (Statehood Act) and historically the State of Alaska has had the responsibility for wildlife management, the ALASKA CONSERVATION SOCIETY BELIEVES 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 USES.

However, since federal agencies have legal responsibilities under existing national laws and international treaties and have now and will have in the future management habitat responsibilities, continuing federal and state coordination and cooperation will be needed.

LIFE STYLES, SUBSISTENCE, AND HUNTING

In Alaska there is a broad spectrum of life styles that have developed from many different cultural roots. This spectrum ranges from life styles derived from hunter-gatherer economies, whose social organization and cultural patterns were shaped largely by the biological and physical environment in which they evolved, to those derived primarily from western-industrial economies, whose social organization and cultural patterns have evolved in directions that lead to the separation of the individual from direct ties and experience with the land and its resources. Indeed, it is this very mix of life styles found in this spectrum that contributes to Alaska's uniqueness among the fifty states. ~~THE~~ ALASKA CONSERVATION SOCIETY CONSIDERS THAT THIS DIVERSITY OF LIFE STYLES IS AN ASSET TO ALASKA AND AMERICAN SOCIETY AT LARGE.

There are three important qualities to this spectrum of life styles that are relevant to decisions regarding the disposition of d-2 lands and the agencies that will manage them. Each of these qualities can be visualized as a continuum. They are 1) a dependency continuum with direct use of local resources at one end and dependence upon distant resources or their products at the other; 2) an energy consumption continuum characterized by labor intensive acquisition of resources at one end and at the other end, highly mechanized acquisition, processing and transportation of resources and; 3) a psychological continuum ranging from a feeling of self-sufficiency and independence at one end to a feeling of less self-sufficiency and greater dependence on others for basic needs at the other end.

A full discussion of the ramifications of these qualities of life styles with regard to land use and resource management in Alaska is beyond the scope of this position paper. The most important feature to recognize is that DIFFERENT LIFE STYLES HAVE VERY DIFFERENT IMPACTS ON LAND AND ITS RESOURCES.

Subsistence:

Within the existing, broad spectrum of life styles there is an array of "Alaskan" life styles including many so-called "subsistence" life styles. Subsistence life styles are a complex mixture of traditionally native, traditionally non-native, and completely new elements that vary tremendously from place to place, from one individual to another and from year to year. For these and other reasons, WE BELIEVE IT IS

IMPOSSIBLE TO DEVELOP A SIMPLE, RIGOROUS DEFINITION OF SUBSISTENCE. However, 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 Alaskans for the following reasons.

1. There are strong cultural affinities for subsistence living among natives and non-natives, even though the basis for these affinities differs.
2. The existence of viable subsistence life styles 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."

Hunting:

Hunting, fishing and trapping are pursuits that figure prominently in virtually the whole spectrum of Alaskan life styles. However, given the current "mobility" of individuals with respect to life styles, some people are often involved in the exploitation of living resources for different reasons at different times. Similarly, the use of a given species can, at different times, be for different purposes by the same person. This is true with respect to hunting, trapping and fishing. For these and other reasons, attempts to distinguish among

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.

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(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.

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(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

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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 PEOPLE 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 CANDLER, ROSE UP AND PROTESTED GLCB IN NOVEMBER, 1976. FEW NATIVES WERE GIVEN EGA. 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 PEOPLE, WHY DOES GLCB COMMERCIALIZE THE CHOICE HUNTING AREAS SO THAT THE ANIMALS CAN BE SOLD BY BIG GAME GUIDES? 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.

*Can the average villager charter
a cessa 206 to go hunting?*

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 HAMMOND 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 EXCLUSIVELY 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 TIREDSOME 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

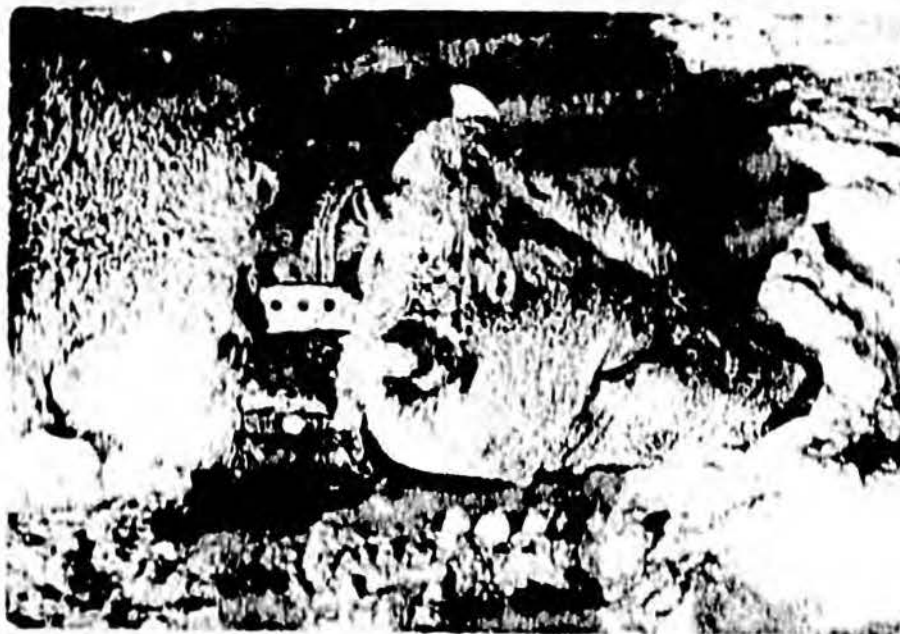
500 POLAR BEARS CHOKED BY ADF&G NYLON COLLARS

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 HARBASSMENT 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 COMPTENCE 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 FAIREANKS 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 ZPG 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 FAIREANKS 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.

465-3703 Keith Specking Pouch A

Interior Wildlife Association of Alaska

Conservation: Wise USE of Resources

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

BOARD OF DIRECTORS:

- Dr. P. B. Haggland, Chairman
- H. C. "Bud" Wiese, Treas.
- William G. Strocker
- Richard A. Burley
- William I. Waugaman
- 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-

"Concerned Sport: men"

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

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

BOARD OF DIRECTORS:

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

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 breadth 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. Heeney

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:

MOSES SAMUELSON
631 Noyes St

5-AAC (Alaska Administrative Code) No.:

5 AAC - 03.990 (15)

Phone #: 456-6195

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

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~~ 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.

M E M O R A N D U M

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	
Goodwin J. Semaken	Kaltag, Alaska	
Sanders Cleaver	Galena	
Bruce Barber	Box 128, Galena	
Harvey Stranberg	Box 109, Galena	
Nicholas J. Grimaldi	Box 208, Galena	
JoAnn Grimaldi	Box 208, Galena	
Margaret Hegarty	Fairbanks	
Jo Meacham	S.R. 50914, Fairbanks	
Roger Huntington	Galena	
Al Yatlin	1519 Alaska Way, Fairbanks	
Bergman Moses	Galena	
Alfred Attla	Huges	
Ronald Sam	Allakaket	
Alfred Evan	Galena	
Robert Thurmond	Galena	
Roland Quimby	Box 155, Galena	
Bill Demoski	Box 11, Galena	
John Starn	Box 21, Galena	
Harry Pitka	Box 21 Galena	
Marjorie Attla	Box 136, Galena	
Lorraine Vent	Box 51, Galena	
Annie Vent	Box 51, Galena	
Larry W. Beary	Box 146, Galena	
Gerald Walker	Holy Cross	
Frank Thurmond	Galena	
Jack Haklulen	Box 562, Fairbanks	
Sam Demientieff	1725 Cottonwood, Fairbanks	

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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 continence 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 bus, 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 everybodies 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

as you and I do. They go where the soil is good, they'll wind up there. Sure there is some area that can stand it you know, that can take care of a good herd of moose year around. There is alot of area that cannot, you have to take that into consideration. Where there is wild fires you have to take that into consideration, you have to think about that it would take 5 to 6 maybe 7 years to get the moose back. Lot of places are left, but who's to measure? Your not measureing from one day to the next. The animals move as we move, where we can sustain ourselves. Okay, area is burned out they moved out of there, and you know it, or you should know it. They will move where the going is food. I cannot believe in inventory, simply because there is alot of areas that you can harvest, about two or three hundred bulls. This area won't be that way this area won't see about 20, 30 moose, you got to know that animals like ourselves go where we can sustain ourselves.

Representative Nels Anderson: We have already drafted a proposed piece of legislation that would regionalize the Fish and Game Board, so that there would not be, if its successful, and if it goes through the State of Alaska will have several regionalized boards instead of one State-wide Board. I don't know how that's going to apply in the Legislature, but it seems like about everybody is througjh (inaudible) people are saying that they want more control they would have a better handle on what's happening to them, rather than having outsiders outside of your area controlling what you do.

Question from Audience: Are you in the Legislature able to regionalize boards are you putting in that that the regional boards will have direct power to adapt a board.

Representative Nels Anderson: Right, the Regional Boards have the management,

regulatory power.

Question from the Audience: Can the Board veto the Regional Board?

Representative Nels Anderson: No.

Ronald Sam: Mr. Chairman, I for one am for the Regional Board, simple because the people in the Region knows better than anybody else. But what I want understood clearly at this time is that within the regions there are differences, look at Galena, look at Barrow there the only places with air bases and with guides and with authorization to take people out with airplanes. What about us in the middle? We see them airplanes flying around everyday. There are differences in the regions, but i back up the regional board all the way. With the understanding that they know that we're there, besides the placed that we can fly out, charter out, there are differences, way different. They've got the money I've seen to many foreign hunters and the ones that can afford it.

Alfred Atlla: I'd like to testify that just like you look at the map and Unit 24, well the laws are made for us already in that area. They tell us well you can hunt this time and you can hunt that time. Laws are already made. (inaudible) no matter what, if we have a say in that law, we have any say in that, just like that area, about saying that, instead of moose hunting season at a certain time they say that it is good for our area. And just like I said somebody came up with the idea of opening the season from November 1st to November 31st, that wasn't our idea, and I think I'm talking for the total of the whole people in the area.

Norm Yaeger: If you want to eliminate non-residents and foreigners and I'm sure any of the whites (inaudible) about 10,000 dollars, its the cheapest place in the world if you want to hunt. In Africa there is some people in (inaudible) sporting goods they paid \$10,000 or something to go down there and hunt, and they quit that and they are outlawing them to hunt, so apparently there is a way to regulate people from coming in.

Harvey Stranberg: As the law stands now Alaska residents do not need a guide to get their monthlygame, why not do away with the Alaska guiding, which is 90% of your areo hunting and all hunters.

Representative Nels Anderson: That would make some fur fly. We will definitely look into that one.

Harvey Stranberg: I can say that everybody is concerned about control, and with these bills you say they're going to declare regional boards to govern those areas. What is in there about control, who is going to be doing the control, the Fish and Game or detective people are they going to be the ones to control this area and ofncourse the regional rules. Also what is subsistence?

Roger Huntington: Mr. Chairman, that's the question I was going to comment on. Subsistence are at different levels. You know it, and many are aware of it, as does many of the body here. Subsistence is more than just eating, putting food on the table. Subsistence to me, is kind of the way of life and I also in some cases find that the way of life also applies to non-natives. And also goes reverse where some natives don't apply to that. But you know a lot of people make more money than other people and are in low income

brackets, you know I like to go out there and set a couple of rabbit snares and that means a hell of a lot to me. I prefer that lifestyle. I could hand out in Fairbanks or Anchorage and make a hell of a lot more, but I prefer this lifestyle.

Norm Yaeger: How come the State can't control our subsistence lifestyle with moose you know? Where the State can control the fish that come up (inaudible) River and Yukon that you have to so many years or something like that in order to buy commercial license, if the State can control that, I don't think it took money to do that. I think it took money from individuals to keep it like that for the money in order to control that. It seems to me that we are just going in a merry-go-around, pretty soon they'll be hunting moose with a satellite.

Representative Nels Anderson: I wanted to answer or try to answer some of those questions that were asked in the back there. What is subsistence? That is primarily why we are holding hearings, we are trying to find out how people feel about the term subsistence and it should be defined, and whether or not it should be defined, I don't know, that's why we are holding hearings throughout the State. I'm trying to find out in my own mind just exactly how we ought to approach this, and getting recommendations directly from you people is what I want.

Who is going to control? The way I envision this game board, this Fish and Game Board on the local level, and I do believe, since other suggestions in other parts of the State have been made, that the local people be given the authority to control, so that they know who is hunting, and where and what is being taken out and so forth, that idea is probably going to carry a lot more

weight than it has in the past. Because people weren't listening to us because we believe that that is the way it should be done. I heard it again tonight it's been stated over and over again in other hearings throughout the State. I think that idea is going to catch on. But as far as defining subsistence, like I said before, it's extremely difficult, it's not an easy job, the more I get into it, and we've been working with it, and the staff has been working with it on a daily basis now since almost since the session adjourned the first part of June and the more we get into it the more complex it becomes. The harder it gets to deal with the issue, because the thing that we are finding out that these gentlemen have pointed out and other people have stated that every area is so different that there is no way that you can define subsistence to fit the people in Bristol Bay and it's not going to fit in the Yukon area. You're not going to be able to define subsistence up in Barrow that's going to fit Cook Inlet and Kodiak. So it's going to have to be flexible, it's going to have to be regionalized and how it's defined, I think is going to have to be left to the people to define it for themselves, so that they are satisfied.

Believe it or not the rat race down in Juneau comes up with the strangest ideas even after they have heard the people speak. They still seem that they can't get the message right and do the right kind of job that you want them to do. I think the more that we get down to the local level and get people involved with this particular definition and enforcement and so forth, I think more people are going to be happy that way.

Ronald Sam: This is the first that we have ever been invited to any meeting of any sort, I mean we've been invited before, but they knew damn well we couldn't afford it. This is the first time that we have been invited, and I'd

like to hear what you have to say on regionalization, I see it in summer time, but I never see it in my letters or correspondence where we will soon be in the Northwest District but even if we are in the Northwest District from Yukon on up, or Fairbanks on up that still doesn't cover us. Like I say subsistence is different in every village. You cannot do it by regionalization alone, but that's a start. I just like to hear more on your creating board districts. Because if there is a new district created in Northwest, say from Yukon on up, or Fairbanks on up, we're in there, but we're totally different from them. Most of the people that will be representing us.

Representative Nels Anderson: Well, the proposed bill that we had the legislative Affairs draft for us has not been formally presented to the Legislature yet. We have to make, we have to present that to the Legislative Council and I think they will take it from there I suppose to be introduced by the Rules Committee to the Legislative Council on behalf of the Subsistence Committee. The details of it have not really been worked out yet. All we are talking about is the concept, we're talking about getting more control into your hands. How the region is going to handle your problem, talking about your differences from various parts, you know within the region. I don't know how that is going to be dwelt with, hopefully your problem is going to be satisfied. That's the best I can give you right now.

Alfred Attla: Mr. Chairman, I think we're all here for a reason, and that once you leave here, then you go to a meeting to another to collect our testimonies and try to find a way of the best subsistence living for us, is that so? Well, I think each and everyone of us here, right now, we all have a little area, we all have a small area. We all have a small village where we come from. I think the way I'm hearing it, should be not the way each Fish and Game put it,

just like each unit, but hearing from each village of which way the lifestyle might be. Each and everyone of our lifestyles might be different than other villages. Although we always take each others right sides. But just like what I said before, and hopefully you wrote it down, that is our lifestyle in our own area. And I think each other villages have they're own lifestyle. And I think that's the way it should be heard. Just like maybe they might be units, just like the Fish and Game put us, units of certain, certain and so and so, maybe a certain village con't stick in that unit.

Representative Steve Cowper: Mr. Chairman, you know when you get right down to it, I think what we're talking about is the local people versus people that come in from outside the region, is what we're talking about. You know, the one thing that people don't alot of the people in the cities don't understand is that alot of the villages, there is no such thing as a cash economy or really what's going on there. And most of the villages came into being because of this subsistence lifestyle, that's the reason the villages came into being, because of this subsistence lifestyle, that's the reason the villages were there to start with, and it's still the reason they're there, you have to recognize that. People in Anchorage, Fairbanks and Juneau have to recognize that fact, that if you take away the, if you don't make a special allowance for subsistence living that style of life is going to have to vanish. And I think you have to do it, you have to make allowances for subsistence hunting, and fishing and make a preference for it. I think you do. The question that we have to decide I think, pretty quick is how are we going to do it, and do it fairly to everybody concerned.

Ronald Sam: I agree with you, so far, but you cannot fight progress. Maybe you can stall it, but you cannot fight it. Maybe everyone of us in this house

will be in the grave and it will be stalled that far, but you cannot fight progress. One day, we'll be sitting like you, and my friends in my community say there's progress and there is sentiment and our Government is represented. Okay, I know for a fact that reapportionment of our certain districts, governing districts is coming up, and you know that 65 out of maybe 100 representatives will come out of Anchorage. Now does this area have any bearing on that? They can vote it down anytime they want.

Representative Nels Anderson: Does what now?

Ronald Sam: This reapportionment thing.

Representative Nels Anderson: Have anything to do with what we're doing? No I wouldn't say so. You're right though, reapportionment is going to mean more urban Legislators, you are going to have more, the majority of the House and Senate will come from Anchorage alone.

Representative Sam Cotten: That doesn't, of course I'm from Anchorage, I represent Northeast Anchorage, that's about as rural as Anchorage gets. Most of the people from Anchorage I think, at least the people from the legislature are considered to be reasonable people. The few of us that do get a chance to get out and talk to people that claim they have a subsistence way of life I think they ought to appreciate it, just because the population of Anchorage may turn out to be the greater half of the population of Alaska, well the constitution requires that many Legislators come out of Anchorage that it's a one man vote deal. But it doesn't necessarily mean that they are going to vote you down, or vote against the subsistence way of life, and I think that even now, Nels will agree that many people from urban areas are very sympathetic towards

the question. And as Representative Cowper pointed out, we're trying to re-write down the ways that it will protect what most people now agree to be a subsistence way of life.

Representative Steve Cowper: Mr. Chairman what you're saying is right, but there is a transition period too. Maybe what we're saying is that if you have to make a preference for subsistence hunting and fishing now and we have to decide amongst those people who get some rights, then maybe we ought to go in terms of economic and the person who needs it the most ought to have first crack at it, maybe that's the way you go.

David Kwanberg: Mr. Chairman, I would say that that's not right because in Kaltag, going back to this fishing permit, there was a resident of Kaltak who wanted a permit and he worked on the Pipeline for a year or the year previous to that, he could not qualify for that permit, that seems to be the situation with the money the year before now he may be spending all his money building a new home or sending his kids to school or medical bills or what have you. But he wanted to live in Kaltag, that's his home and he wanted to fish but he could not qualify for a permit. And I don't think that's right either. You want to keep the outside hunters out of here, and protect a lifestyle for everybody in this room. (inaudible) that's how I'll enjoy it every year. Then you are going to have to set up a hundred mile limit around the area for the residents only, anybody in unit 21 can hunt unit 21, other people that come in here, perhaps sell them a permit for a thousand dollars or some fee or something then chop it off if there's not enough game. Go at it at that approach if you want to protect a lifestyle. People around Bethel, Point Barrow, keep them cottenpicking people out of here, because I don't go to Fairbanks and go hunting, why do they come down here? They hunt all they're game out, and

and come down here and hunt all our game out.

Representative Steve Cowper: That wasn't really what I was saying there. I was saying that if you had to choose among the people who would qualify as local residents.

Male in Audience: But who is going to qualify, because alot of people here make \$10,000 a year, \$20,000 a year, they can afford the beef, but they like to go out and hunt, they enjoy it.

Representative Steve Cowper: But you can't shoot 200 moose and you 400 people who qualify for subsistence users, whose going to get the 200 moose? People like me who work from a money standpoint?

Norm Yeager: Well if you keep the outsiders out and you shoot a few wolves here you'll have enough moose so we won't have that problem. We don't have that big a population at this time.

Representative Nels Anderson: You know we have a Limited Entry Program for fishing. They used several criteria's. They used economics, number of years they fished and soforth. That all weights into who gets a Limited Entry Permit. It seems to be that there is a way that we can probably get it through with some kind of permit process if we have to do that. That would probably be the way we'd do it. It works for the Limited Entry for fishing, it's good in court tests, it seems to be holding up. I don't know how much good its doing, but the law itself is sound.

Gerald Walker: Was talking about a person who had been fishing for years but

could not get a Limited Entry Permit.

Representative Nels Anderson: The same thing in Dillingham. I don't have a Limited Entry Permit, I've been fishing too, so I know that the law isn't perfect, and we're not here to talk about the Limited Entry anyway. That's a whole new bag of worms. I can't answer that because I don't know. I wish he could have a Limited Entry Permit. I wish I could have one too.

Another comment on Limited Entry. No name mentioned

Representative Nels Anderson: The Fish and Game doesn't have anything to do with it, it's the Limited Entry Commission that administers that program. I don't know, I can't answer that. I don't know what the Limited Entry Commission is going to do.

Roger Huntington: Nels before we get away from limited entry, as related to the moose in particular, you go into the limited entry concept. What he is saying could apply though. Where if you shot a moose 1977 this year and maybe you were gone for the past five years, maybe I was out somewhere, and I came back and I want to shoot a moose. I would still want that license, but under the present theory I'd be refused one under the present limited entry theory.

Representative Sam Cotten: Another thing on the limited entry they have a way, they can prove whether or not you fished, but because you sold fish tickets or had commercial gear license, whereas with subsistence, as you said people don't go out and write it down so it would be hard to prove if you did or did not.

Alfred Attla: I was born 1939 and I stated remembering maybe when I was three or four years old. My old man brought us down from all the way down the Yukon. Up until 1937 to 1958 he brought us down to go fishing. I can't get no commercial license right now. I'm not qualified, I'm not a qualified fisherman and my old man use to get more fish down here below (inaudible) I think than anybody else that use to get fish. And I'm not a fisherman, I couldn't get a commercial license.

Representative Nels Anderson: Yes, I was born in 1939, and I fished with my Dad all my younger years before I went into the service I don't have a Limited Entry Permit either. So I don't know what the answer is. But I would like to have one. Buy one I guess.

Male in Audience: I'll give you the answer for that, all you have to know is the right people.

Representative Nels Anderson: When I was in legislature I should have know the right people.

Male in Audience: Getting away from fishing the regionalized concept, is that pretty much favored by the other testimonies in the other areas.

Representative Nels Anderson: Yes.

Male in Audience: What about the urban areas?

Representative Nels Anderson: I don't know what they feel on that.

Representative Sam Cotten: I know, we had a meeting in Anchorage. Couple of the people have testified. They got into some of the details on some of it. They talked about some things like Caribou and so forth. Right in between areas, or fish down stream you know like down stream on the Yukon and say you can do all the fishing you want, then cut the fishing off to people up stream. Sometimes you run into problems like that where you can't give total control to the individual districts. Which is pretty obvious once you start thinking about it. On migrating animals. Also a lot of people feel that we'd like to have the State (inaudible) and if you just completely shut off all the outsiders say Washington or other States, the Federal Government might infringe upon the States ability to manage. So most people from the urban areas I'll say that have testified, they favor even the Sportsman Association. Those in Anchorage that testified, they favored the concept but felt that there was going to be some problems on the total regulatory powers that might be given to the districts.

Male in Audience: There was a meeting last week in which people from the Governor's office which tried to explain Regionalization. It seemed to me that there was something said at that meeting one of the things that most of the people agreed to. Was that the regions were too big and that it might be necessary to scale them down to the village size. You know it didn't make any sense out of regionalization. I think they pointed out like there were three different lifestyles in one region. There was a coastal, inland and a urban and there just doesn't seem to be any point.

Male in Audience: It was about three weeks back I got a letter back home about stopping mink and otters, because they were becoming non-existent. Mink was non-existent a long time ago. We see on mink track maybe about one every

three years. But maybe we see one to three, maybe they're existing now. We got to quit trapping I thought that was kind of crazy. And on otter, they eat up all our beaver and things like that. They were trying to outlaw that too. I think that was kind of crazy. somebody had an idea, it had nothing to do with our area it was some different area.

Representative Nels Anderson: I think it was Washington State, Oregon down in the wood area. All concerned, I don't think it's going to apply to Alaska it's not going to apply to us up here.

Charlie Rhea: Mr. Chairman, I'd like to make an announcement before you adjourn the meeting. And that is that there is a Galena Advisory Board meeting right after you get through. We can stay right here and have it.

Representative Nels Anderson: Are there any other comments on subsistence from the public? And if there aren't any comments then, what I'd like to do, if you think of anything else between now and January, Dorothy Larson will give you our address and we'd appreciate any letters or telegrams or anything else that you would like to share with us so we can use it as we try to approach this problem. And I would like to thank all of you for coming to the meeting here tonight. We really appreciate your statements and thank you very much for coming to the meeting.

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

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

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

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

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

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

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

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

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

Male:
(continued)

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

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

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

Male:

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

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

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

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

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

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

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

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

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

Female: Are you on the local advisory council?

Male: Yes.

Female: Have you met lately?

Male: No.

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

Male: Our advisory committee can sit down now.

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Male:

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

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

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

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

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

Female:

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

Male:

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

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

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

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

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

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

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

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

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

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

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

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

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

Female: No. It is uh--

Male: --just interest money.

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

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

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

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Governor

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

Governor
cont.

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

Governor
cont.

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

Governor
cont.

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

Governor
cont.

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

Yes.

male

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

Governor

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

male

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

Governor

What did you say? Is there any...

male

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

Governor

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

Governor
cont.

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

male

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

Governor

In some areas there are, yes.

Yes. (acknowledging a question)

male

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

Governor

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

Governor
cont.

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

male

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

Governor

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

Bob

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

Governor

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

female

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

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

Governor What do you mean, the taxes?

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

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

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

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

Governor
cont.

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

Yes. (acknowledging a question)

male

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

Governor

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

male

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

Governor

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

male

I'd be interested in using it.

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

O.K.

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

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PUBLIC HEARING TESTIMONY

BY THE ALASKA STATE LEGISLATURE
INTERIM COMMITTEE ON SUBSISTENCE

COMMITTEE MEMBERS PRESENT

Representative Nels A. Anderson, Jr.,
Chairman
Representative Steve Cowper

STAFF PRESENT

Dorothy Larson, Staff Assistant

PUBLIC HEARING LOCATION

Glenallen High School
Glenallen, Alaska

Date October 3, 1977

Time 7:00 P.M.



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

Glennallen Public Hearing - October 3, 1977

<u>Name</u>	<u>Address</u>	<u>Organization</u>
Bill Joe	Chistochina	
Chuck McMahan	Gakona	
Steven John	Chistochina	
Ken Roberson	Glennallen	AK. Dept. Of Fish & Game
Francis Hunt, Jr.	Copper Center	
Frances Hibble	Kenny Lake	Kenny Lake Community League
John F. Goertz	Kenny Lake	
Sterling Eide	Glennallen	AK. Dept. of Fish & Game
Bud J. Carlson	Cantwell	
Maggie Oliver	1250 Friendly Lane Anchorage, Alaska	Cantwell - Yedatene Na Corporation
Helen Geisert	9831 Tolsona Cr. Anchorage, Alaska	Chitina Native Corp.
Christine Yazzie	Box 233 Glennallen, Alaska	
Millie Buck	Box 206 Glennallen, Alaska	
Wilson Justin	Mile 34, Tok, City of Gakona 99586	
Lee Adlen	Box 285, Glennallen	
Clara (Billie) Peters	Chistochina - 37 mi. Tok Cutoff, Gakona, AK.	
Joe Roach		
Sam Agaier	Gakona	
Ruth B. Taylor	Box 49/Mile 182 1/2 Glenn Highway, Glennallen	
Patricia Hunt	Kenny Lake via Copper Center	



JUNEAU ALASKA

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GLENNALLEN PUBLIC HEARING

October 3, 1977

Representative Nels Anderson - We'll call the meeting to order, those of you that don't know me, my name is Nels A. Anderson from the House of Representatives and the Chairman on the Interim Committee on Subsistence. To my left is Representative Steve Cowper, Chairman of the State House Finance Committee and also a member of the Interim Committee on Subsistence. Our Staff Assistant is Dorothy Larson. We came in from Anchorage today, and we did hopefully publicize the meeting.

I would just very briefly like to get into what the meeting is all about. Our goal our specific goal is to find out from the people how they feel about the term subsistence and how subsistence ought to be regulated in the State of Alaska. We'd like to know how you feel about subsistence, whether or not you feel subsistence ought to be termed subsistence and how it ought to be defined and what the State should do to protect subsistence. We formed the Committee, the Legislative Council formed the Committee, and authorized us to travel throughout the various parts of the State, we've already held hearings in Dillingham, Kipnuk, Nome and Kotzebue and after this hearing we will be holding hearings tomorrow night in Nenana and then we will be holding other hearings in Anchorage during the AFN, INC. Convention

and also Barrow in December.

At this time I would like to ask Representative Steve Cowper if he has any comments at this time. (Not audible)

Representative Steve Cowper - Yes, I would like to add one thing. I will have to go back to Washington and tell the Congressmen what the people in Alaska want of the D-2 hearings, of course there is a lot to that. But one of the things that Congress is going to take on, is the definition of subsistence. They said and made it clear they will make a subsistence preference on Federal Lands, so it's useful to me to find out what you think, people who are subsistence users or not. Where you hunt, how much you take, whether they are in conflict with sports hunting and fishing so we can find out what kind of conflicts there are so we can try to iron things out. So I may fire a question or two from time to time after a testimony which would relate to the D-2 Bill. Thank you.

Representative Nels Anderson - At this time we'd like to invite the people, public to testify and give your views on the issue of subsistence. Is there anyone at this time that would like to stand up and testify?"

Christine Yazzie - "I would first like to thank the Committee and its members for this opportunity to speak on behalf of AHTNA, INC. and also those of AHTNA's shareholders. My name is Christine Yazzie, Acting President of AHTNA, Inc. In its own way, the question of subsistence and subsistence usage will probably be just as important an issue as the Land Claims Settlement Act. First of all, we do support the Alaska

GLENNALLEN PUBLIC HEARING
Christine Yazzie's testimony con't.

Federation of Natives proposed ammendments to H.R.39, more commonly known as the Udall Bill in regards to subsistence and protection thereof. These ammendments, although still further subject to further modification when deemed necessary proposes to in essence that continued subsistence usage be recognized and protected on Native Lands, and on the Public Lands of Alaska by Alaskan Natives and other Alaska residents.

We feel that subsistence must be recognized as a major cog in the past, present, and future cycles of our heritage. Subsistence stands today as in the past, our way, our life and our culture. To view subsistence as a commodity in light of the Land Claims Settlement Act of 1971 to be alternately traded or devalued as one would common shares of stock, is to our way ot thinking and particularly those of our elders almost uncomprehensible. Subsistence is anchored in our lifestyle. It is rooted in our traditions and our communities. Many people, I am sure, would like to take the attitude that when the Settlement Act was passed on December 18, 1971, subsistence was surgically removed from our way of life, cleanly, effortlessly and painlessly, this was not the case.

In a memorandum prepared by Stewart L. Udall in July 1977 entitled, "The Alaska Natives and Their Subsistence Rights: A discussion of the constitutional questions." Mr. Udall quite aptly made the following points: and I quote, "When Congress passed the Alaska Native Claims Settlement Act to settle the aboriginal land claims of the Alaska Natives, it directed the Secretary of Interior to take affirmative steps to protect the existing subsistence activities of the Alaska

Natives on the federally owned lands of Alaska. The legislature history of Alaska Native Claims Settlement Act reveals that it was also anticipated that the State of Alaska could and would assist the Secretary in evolving policies which would likewise protect the subsistence activities of Natives on the lands granted to the State under the Alaska Statehood Act." Unquote.

While specific recommendations and/or legal analysis of the complexities of the subsistence issue is beyond the scope of this statement of policy, AHTNA feels that several points should be commented on..

(1) The question has been asked, should subsistence be taken into consideration when land and water use policies are developed?

AHTNA feels that the question of subsistence and the development of land and water use policies are on the whole, entirely dependent on sound management of environmental and other ecological considerations; therefore, our response is Yes.

(2) Should Subsistence be defined?

AHTNA's position on this question is in the words of AFN's proposed ammendment to the Udall Bill Sec. 702 (g) and (h). Sec. (g) "Subsistence Uses" include those customary and traditional uses made of renewable resources for food, shelter, material, fuel, clothing, tools, transportation, and for the production and selling of traditional articles of handcrafts and clothing. Sec. (h) "Subsistence Lands" include all public lands the subject of subsistence uses prior to December 18, 1971. AHTNA feels that for the purposes of this statement, further comments on subsistence definitions would only serve to confuse and cloud the issue at hand.

(3) What should the State do about protecting subsistence uses? AHTNA feels that this question can best be met by referring to the recent caribou permit system introduced into our region this last hunting season. AHTNA feels that the mandate provided by Congress in enacting the Land Claims Settlement Act precludes a permit drawing system whereby a subsistence user may or may not draw a permit to hunt for caribou. This system, we feel, is incompatible and conflicts with previous and contemporary discussions concerning subsistence interpretations. We feel that no basis can be found to include subsistence uses on the same level as another person who may be utilizing all terrain vehicles or aircraft planes in the pursuit of their "use of natural subsistence resources." Therefore, AHTNA strongly objects to any permit system introduced in our region without adequate provision recognizing subsistence and useage thereof.

In conclusion, AHTNA feels that the repercussions arising from the misplacement of subsistence values today will have its effect on many more generations than is comfortable to think about."

Representative Nels Anderson - I have a question in referrence to all terrain vehicles or aircraft planes. Could you be specific on how that would be controlled?"

(Not audible)

Representative Steve Cowper - Well, yes I believe (not audible) launched a plan whether subsistence use or the taking of animals which eree not traditionally taken, or by subsistence users over a period of years. Specifically, I didn't know about caribou, how the caribou fit

in this area (not audible). And I don't know whether the people in this region for instance, shoot sheep traditionally for subsistence use or not. You feel that all animals should be included under the subsistence overall.

Participant in Audience - I think that you have to draw a line somewhere sooner or later. (not audible).

Representative Nels Anderson - Is there anyone else at this time that would like to give their comments on subsistence. It doesn't have to be in writing, it can be an oral presentation.

Francis Hunt, Jr. - My name is Francis Hunt, Jr. I live in the Kenny Lake area and have lived in Alaska for most of my life. Work in this area is largely seasonal and many people depend on trapping for income during the winter months. I derive a large portion of my income from trapping and have done so for over 12 years. I have put a lot of effort into cutting trails and building cabins and feel it is unfair that this land is now to be put into a D-2 Classification or turned over to Native Corporations who can keep me from using my trails. I feel the law should stipulate that valid prior users of the land should be allowed to continue without harrassment.

Alaska's game laws adequately protect the animals against over trapping and it would be unwise for a number of reasons to outlaw trapping - both subsistence and non-subsistence. In addition to losing an important economic base, such a move would push more people toward a confirming, inactive dependent life style. And it is bad for all of us when anyone is forced to give up independence and self-reliance.

Representative Nels Anderson - Can I have your name again, please?

GLENNALLEN PUBLIC HEARING

Francis Hunt, Jr.'s testimony con't.

Francis Hunt, Jr. - Junior Hunt.

Nels Anderson - Junior Hunt?

Francis Hunt Jr. - Yes

Representative Nels Anderson - Do you have any questions, Steve?

Representative Steve Cowper - Well, yeah. Now you've been, you're like a lot of people in Alaska in that you work seasonally, and you come back in the winter and do some trapping, to try to make ends meet is that it?

Francis Hunt, Jr. - Yes, that's what I do, yes. I do my trapping (inaudible) and it is a great portion of my income.

Representative Steve Cowper - I tell you, I don't know what to do. (inaudible) Trapping, I haven't given it much thought. But I suspect that we will just move you into the same spot as other subsistence uses according to the federal definition, I suspect that you will be included, and your trapping would be allowed. I would like to comment on one thing as far as the regional corporations are concerned. You understand that's, (inaudible), land is really the corporations. It will be when title is granted. When it finally goes down to them. That's another thing we find is, to get that land parcelled out to see if we can't get some patents. BLM has moved pretty slow about it. You know that land is owned financially, I suppose like any private owner, you would have to get permission of the land owner in order to use the land.

Francis Hunt, Jr. - The vastness of the land is something else we've been (inaudible) with. It's unreal.

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Francis Hunt, Jr.'s testimony con't.

Representative Steve Cowper - Well, never the less, I do thing that something could be worked out after everybody knows who owns what. That's part of the problem right there.

Francis Hunt, Jr. - (inaudible) all the cabins that I have, the work and the effort I have put in, cabins I have...

Wilson Justin - The Act does recognize pre-existing use.

Francis Hunt, Jr. - It does.

Wilson Justin - The Act in (inaudible) does recognize prior usage. Also, the (inaudible) crossing Native owned lands is one of the biggest fumbling blocks (inaudible). Easements (inaudible). Defining easements has taken a lot (inaudible) if you thing everybody in the country (inaudible) that constitutes a public easement. Where your trap-line rund, I don't know. Whether it's on Native lands or State selections or D-2 lands.

Francis Hunt, Jr. - Most of my trapline is on Native lands in this area.

Wilson Justin! - I'm not familiar with where your trapline is. As far as your cabin, and fishing sites, there are provisions protecting them. As far as your trapline, I couldn't (inaudible) we'd have to probably work it out on our own. As a private land owner and a person that wants to continue his subsistence (inaudible).

Participant in Audience -providing it's registered.

Wilson Justin - Yes, that's very true.

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Francis Hunt, Jr.'s testimony con't.

Participant in Audience - I have one myself. It has to be registered you have to register it with the (inaudible), easements board (inaudible).

Wilson Justin - ...trespass with the Bureau of Land Management. They don't have the personnel to check up on these. (inaudible)

Francis Hunt, Jr. - What happens if we don't work something out? You know, if (inaudible) way over my head. What will I do?

Wilson Justin - All I can say is, go see the Assistant Land Planner (inaudible) go to the Board. People that make the policy that we work by and that's for AHTNA, Inc. and also maybe you're in the village corporations land, which means that you'll have to appear before the appropriate village corporation. They dictate the policies and I and the rest of the staff have to carry them out. (inaudible)

Representative Nels Anderson - I really don't think that there is very much that we can do about this, what's going to be happening on regional corporation lands, what we're trying to find out is on the Committee is what kind of accommodations can be made taking into consideration some of the things that you are referring to, trapping on State lands. Whether or not some type of an agreement could be reached with the federal government that where we can cooperatively manage land and also in cooperation with the regional corporations that have large tracts of lands that are going to be in their possession. There is legislation that is already on the books that does allow the State of Alaska to get into cooperative land and water use management needs, and, hopefully some of the questions that you have raised can be satisfied through that legislation. What I'm trying to say is that

some of the problems that you've identified tonight are out of the jurisdiction of the Committee. As a private land owner versus another individual, (inaudible), The State of Alaska will at some point in time is going to have some 103 million acres of land to manage and we want to know what the people of the State of Alaska and what their thoughts and feelings are about the term subsistence on that land and whether or not we should exert out influence on federal (inaudible) in agreement with the regional corporation land owners who (inaudible) do have 40 million plus acres of land in their possession. We want to make sure that the conflicts that are going to arise and be (inaudible) as much as possible. And hopefully, at this time, the discussion we can prevent a lot of bruised feelings and prevent a lot of hard feelings from developing and getting out of hand. I do know that there are (inaudible) getting tensed up now with a lot of the land now getting ready to be transferred to regional corporations and people are wondering what the regional corporations well, what are the regional corporations going to be doing with their land? And have they developed land use, water use management policy? To my knowledge, I don't think any regional corporation has anything in black and white yet. And that doesn't say, also, (inaudible) I think that the regional corporations are very much concerned on the (inaudible) subsistence, goes without saying. Another thing is, I'm sure that they don't want renewable resources that are going to develop on their lands to be abused including themselves. Do you have any other comments that you'd like to make at this time? Is there anyone else who would like to give their comments on the issue of subsistence?

Helen Geisert - I serve on AHTNA Regional Board. To me, I don't call

it subsistence hunting, it's our way of life. Three fourths of our Native people cannot afford to go into a store and buy meat. When we go out hunting it is not just for our immediate families, we have old people in our villages that we hunt for. Everybody shares the meat that we get. Not just ourselves. If we're not allowed to hunt, there's many people that are going to go to the welfare agencies. (inaudible) This year when we flew around we spotted three caribou in the whole Copper Valley, and that was it. (inaudible) If you don't know somebody in Fish and Game you didn't get a permit. There were a lot of people that didn't know that there was just 750 permits given out, there is a lot of outside people that come in there that can afford to have guides to take them out and can afford to take planes to fly them around to find them, and they are just slowly disappearing.

Representative Nels Anderson - The reason you said there was no publicity on permits being issued (inaudible).

Helen Geisert - All the time that I talked to a girl at Fish & Game and she said there was a letter written and I asked where the letter was written to and she didn't know. So, I don't know where the letter was written to. Like this 70 year old woman down there that does hunt for herself and she wasn't able to get one.

Participant from Audience - It's the same way from where I live, I haven't got a moose or caribou either one this year.

Representative Steve Cowper - For my information, where is the caribou migrate around here?

Participant from Audience - They come right around Glennallen here years ago they would come right around the Kenny Lake area and three or four years ago I seen four or five and I was out hunting this year I found some old horns right up on top of the hill. They migrated way up in (inaudible). But they tell me that when they had a fire through here in '29 - '30, the caribou quit migrating clear that way. (inaudible)

Representative Steve Cowper - Traditionally what has been the subsistence use of the animals here, caribou, you mentioned hasn't been seen for quite awhile, so what else?

Participant from Audience - Moose, beaver trapping, muskrat, porcuping, squirrels.

Representative Steve Cowper - Has there been anybody to count the number of subsistence users or anything like that? I guess Fish & Game would probably keep count of the subsistence permits is there anybody that would know how many people who are in this village can't get subsistence permits.

Participant from Audience - We had a study done by (inaudible) he came up with some figures. (inaudible).

Representative Steve Cowper - This is a little off the subject, but I'd like to have a little information if you have it, what does AHTNA view the proposals made by the Secretary of Interior on the D-2?

Wilson Justin - The Andrus Bill? So far we are more predisposed to HR-39 because the proposed ammendments to that Bill. The one fact of Andrus looks kind of good right now is that it will be less the total acreage about 91 million acres than the D-2, which may be a factor

that's more wider accepted later on, but at this point we're still proposed ammendments to HR-39.

Representative Nels Anderson - Is there anyone else that would like to make a statement at this time to the Committee on Subsistence?

Maggie Oliver - I'm Maggie Oliver from Cantwell, Yedatene Na Corporation. On behalf of the shareholders and also for myself.

I call myself a subsistence hunter, not because I need it, but because my Mother and my Grandmother need it. My Mother is 63 years old and my Grandmother is 82. They no longer can go out and hunt like they used to, to take care of us until we grew up. So, now, I in turn take care of our families. But, if my Grandmother got a caribou permit and she tried to shoot it, well, we might as well throw it away. It's got to be issued to a person that will go get it for her. This is one thing on a permit that bothers me. Now, at Cantwell, out of 64 Natives, we all live and apply because we got to think that there is only going to be 750 of them given out and we can't afford \$5.00 to send it off if we're not going to get it. There was only two Natives that got it, but they had to go 30 miles up the Denali, five or six miles off of the Denali to a cabin to get it.

I went moose hunting this year as a sportsman, I didn't get, in fact, I went camping for five days and while I was out there I got one down and had to go out and get help to bring it in. I hiked out 2-1/2 miles to get help, came bac, got my moose out, hung it up, and while I was gone about a three hour period, there were five caribou hunters that had military tags, from one of the bases here with a Texas plate. In the period I was gone, they took and stole all the tenderloin right off the moose. Sportshunting is just, well it ruins the subsistence hunting for your lower income people, not just the Natives, all the lower income people. One's that live on retirement, some on social security, and with the prices of meat, my Mother lives on Social

Security and welfare, she can't afford beef. I think it's vitally important that we protect our subsistence hunting rights not just for ourselves, but for all those income people that need it.

There's got to be a way to get permits and stuff to the low income people, there's this guy that had a caribou permit out there and he had an all terrain vehicle and trucking right by me, stopped and said, "I'm going caribou hunting." I said, "Oh, you got a permit?" He said, "Yes, I got a permit." I thought, well heck, he can afford a \$6,000.00 vehicle, why don't he just go buy beef? And there are people up there that need the meat, and if there are 10,000 people and at \$5.00, that's \$50,000.00 that the people pay to try to get a permit. What happened to the rest of it, do they give the money back?

Representative Nels Anderson: I think the State keeps it.

Maggie Oliver: Yeh, to the people that need it, like our elderly people, that might even hold them over for the winter. I think our subsistence hunting (inaudible) is our cultural way of life.

Representative Steve Cowper: What do you suggest we do about (inaudible), for the people that can't actually physically do the actual hunting, the elderly people, somebody has got to go out and do it for them. (Inaudible) I don't know where you draw the line, Maggie.

Sam Agaier: My name is Sam Agaier, I'm from Gakona, I know that there is alot of bad problems that we are faced with the game. Some of them, I'm sure that I'm not knowledgeable with. Fish and Game people that work with them know some angles that we out in the street don't know. But, there are some things about it that are stacked against it. For one thing, there is no question that subsistence hunting

improves the quality of life up here in the Valley. Most of us can survive without a moose or a caribou. We can get along without them, but there is no question, that we would live better if we could get our moose and our caribou and our sheep. And yet, in the effort to increase the game or preserve the game, or whatever the philosophy that is being followed right now. The hunting seasons and bag hunters well, not so much bag hunters, but the seasons are kind of being stacked against the people in the Valley there who aren't you might say (inaudible) most of the Natives and quite a few of us Whites, don't have swamp buggies, track vehicles, airplanes, all the rest of the equipment, therefore, you give us a season three weeks long in the middle of September and you've done the minimum of two things. Stack the season against us, one. You give us a time of the year when the hunting grounds are almost impassable unless you have thousands and thousands of dollars worth of equipment, which means the stream of cars, trucks and trailers coming out of Anchorage and Fairbanks and this continual stream of airplanes overhead. All of which are representing thousands of dollars worth of investments of folks that are sports hunters, maybe not all are sports hunters, but anyone that can afford that kind of equipment obviously isn't worrying about what he's going to roast for dinner or not. Now, you take the people out here, in September, most of us are trying to get ready for winter. A lot of us came out here in the woods because we don't want the pressures of the city. And, therefore, we accept less services and some inconveniences and it also means we have to put in more time getting in our wood and getting things ready for winter time. September is the worst possible month to take a week off to swag through the swamps on foot looking for a moose that probably isn't there anyhow. We need a season that gives us the same break as these people who have the thousands of dollars worth of equipment have. I have a \$200.00 snow machine, give me some snow on the ground, during the season and I've got just a good a chance as anyone else of getting back out there in 20 miles of brush, find a moose, packing it out the trail. I'm not

saying I have to run around in the woods to find me a good trail, but let me get out in the woods, give me a chance.

I can't walk 14 miles out in the woods, shoot a moose, and then pack it out. I can walk 14 miles, I can walk alot further than that, but packing the moose out is something else. I can find a very small area right along side of the roads and the very beginning of a trail and along side of the river. Now, I'm not sure that there's an answer to the problem.

I don't know exactly why we have a season when we have it. I'm sure there are alot of factors that I'm not aware of, but it certainly weight sheavily against me and my neighbors both, Indian and White, who can't afford to compete with these hunters who have all of this equipment. I know several people in my neighborhood that do have equipment, most if not all of them did get a moose. I also know most of the ones that don't have all this equipment and of all the ones in the Gakona area that don't possess all this equipment, only, I know of only one that got a moose, and that was Nick (inaudible), and you might say he got it through accident. There are a few who stroll up the highway during the season in September, there aren't very many, most of them are still on the high ground. I think the Fish and Game people here will agree with that, they're still coming down in the earlier part of September or middle part of September and there aren't too many who cross the road, except the one who lives by FAA. And he'll probably live forever. But the rest of them are out there quite a distance in. We can't compete with the people who have all the expensive equipment and if they have all this equipment they probably don't have the same subsitence situation we have. Thank you.

Representative Nels Anderson: Is there a hunting and fishing Fish and Game Advisory Board here?

Sam Agaier: Yes, there is.

Representative Nels Anderson: Who's the Chairman of that?

Sam Agaier: Which one? There are three of the here. (Inaudible)

Representative Nels Anderson: The reason that I asked about the hunting and fishing Advisory Board is whether or not the problems that you identified have been brought to their attention, whether or not you made a recommendation to them to bring to the Game Board so that the seasons can be changed to accommodate you. Have you done that?

Sam Agaier: Firstly, no, the ideals which I have laid before did not meet with the ideas that have been discussed before here in the Valley among people and also some members of the Advisory Board. So, I'm sure that they have been brought up there also. The reason why they haven't been acted upon or not, I have never been told just exactly why the season is what is is or why they chose those particular days. I imagine there is a reason for it, but I haven't heard what they are, but the idea, but they are just not mine. They're ideas I'm sure that are in many of the minds right in this room right now, the things that I discussed among some of us continuously every year. For some of us several years.

Representative Nels Anderson: You probably know that most of the information that we have gathered so far from the other places that we've held hearings, Dillingham, Kipnuk, Nome, Kotzebue that basically what you people have said are the very same things that have been said already to this Committee so what we're hearing tonight is not new either. We have heard the same thing and what we're trying to figure out, it's quite possible that some areas in the State will come with the solution that we're looking for. To be very honest I don't have an answer yet, I really don't know. All we know is that we've got an awful lot of problems and conflict.

Up in the Nome area, they have entire different geography, they have the coast line. (Mr. Anderson drew a diagram on the blackboard) Say, this is fifty miles here, and there is another 50 miles here and they in 30 miles like this. There is no hunting permitted here in this area. From this point, fifty miles up this way and fifty miles up this way, 30 miles in there is no hunting. You can hunt out here. Okay, what that does to the local people is that they, the local people what you're talking about. They don't have equipment either. But the people that have the money now, they have a road system, you know from the old mining trails and people that can afford a \$6,000, \$7,000 four wheel drive vehicle, which you need to get out there to this mine over here are people that have the money, but really they can afford to go out and buy a roast at the grocery store. There is a small little village here where the people have moved from an island out there, Gambell. People who need that moose, but can't get because they can't afford the vehicles. You know they are in the same rat hole as you people, too. I don't know what we're going to do about that. But, as we get this kind of information, we are going to have to bring it to the attention of the State Legislature and make very definite proposals on how we can change these things so that people who rely on the game resources for food will have a better opportunity of getting it. Now, I'm certainly all for that, and certainly in favor, but to be very blunt, we are going to be needing some very specific recommendations from individuals and of course, your comments are going to be useful to me.

I honestly didn't know that there was a 750 permit quota established in this area. I really didn't know that. I am also very disturbed to hear that there was obviously not radio publicity centered around that activity either. I mean that is going to have to be corrected. But it seems to me there has got to be better ways of getting that information out. Is there anyone else at this time?

Sterling Eide: Sterling Eide, Glenallen, Alaska Department of Fish and Game. First, there is two press releases related to the (inaudible) system and the Anchorage office put in about four to five other. In addition to that a little over 1/3 was to local system in getting people also in the newspapers two different times. Messages for people who wish to come in and apply for their caribou permits. The number 750 is not (inaudible), there is an additional 150 (inaudible). It brings up the question that I would like to ask someone. If you have over 3,000 hunters and had 750 permits, a quota of 500 animals to kill, how does one go about stopping them?

Maggie Olive :: I can see that side of it too, like I said earlier there are so many of us that didn't know about the permits and alot of them didn't get one. We were told later that they were given out in June. (Discussion by participants in audience that was not audible.)

Representative Nels Anderson: How many are using only (inaudible) permits in this area. Are you the only person?

Participant from Audience: No, I'm not the only person, there are two of us in this area. (Assume this person is a Fish and Game person)

Representative Nels Anderson: And you monitor the activities of 3,000 hunters? his is a game biologist?

Sterling Eide: This is a game management biologist, we also have 5-6 enforcement officers who would be in the same general area.

Representative Nels Anderson: You asked me a question earlier, on how could you restate your question?

Sterling Eide: Sure, we have a usual 3,000 hunters that wish to obtain caribou (inaudible) and we have an allowable harvest of 500 caribou. How do you go about limiting it without going through something like permits? The idea of allowing the caribou herd to grow, (inaudible).

Representative Nels Anderson: You have to forgive me, I'm just totally ignorant, of asking you a question you can't give me the answer, okay, what I'm trying to find out, was there a healthy herd in this area at one time? And if there was, what happened to it?

Sterling Eide: At one time there was 60,000 caribou in this area.

Representative Nels Anderson: What year are you talking about?

Sterling Eide: 1963, after approximately about 1971 we had a fairly large movement of caribou from the area and a large winter harvest of caribou, and the next census, that was done, which was done in 1972, it said that in the neighborhood of perhaps 10,000 caribou. That's when they did away with the late seasons, snowmachine use, to actually 15 days in the summer. Since that time, the caribou herd has been building, and it might be 20,000 and it will probably be there in 2 or 3 years, if the things continue to go as they have been. If we do not keep the caribou herd on permit or at least limit the harvest, pretty soon we will not see 20,000 caribou and the harvest per year will be much less than it is now.

Representative Nels Anderson: What is the present estimate that is harvested?

Sterling Eide: At the present rate, we are attempting to harvest no more than 500 a year.

Representative Nels Anderson: What is the present state of the, your estimate of the numbers of the herds now?

Sterling Eide: This spring we counted 14,000 animals and the bulls are not in that category. (Inaudible)

Representative Nels Anderson: In your opinion, do you think you have enough support in the administration. Do you think you have enough staff to do the work that you have to do. Or are you understaffed, are you presently adequately staffed?

Sterling Eide: You're asking a bureaucratic question.

Representative Steve Cowper: We're the only people that get to do that.

Sterling Eide: In this area, we're really fortunate, in addition to myself and the other game managers, we have a considerable amount of research going on and last year we were very lucky in getting the Enforcement Division to come in and help out and put in a heavy amount of effort in this area. So, I would say that last year, we received assistance from the administration way out of proportion of what any other area in the State had.

Representative Nels Anderson: Steve, do you have any other comments?

Representative Steve Cowper: I would like to discern a couple of things that have remained (inaudible) ever since we started these hearings. One of them is that the subsistence lifestyle is a whole lot more than just a great big meat locker. Its in the frame of mind that the people voluntarily got, and it involves a whole lot more than just an existence. (Inaudible) It's not a matter of putting a piece of meat on the table, it involves a lifestyle and it should be recognized. And, it also all boils down with the people, in sort of a contest between the people with the

kind of lifestyle and the urban hunters who have gotten a lot richer in the past few years on account of the pipeline and other things and a lot of vehicles, airplanes, and other sorts of things, too. I can tell you that there are fewer moose around Fairbanks since '70's or so, I think that all the snow vehicles have pretty much wiped them all out, so, somewhere somebody is going to have to make some policy decisions as to who goes first.

Portion of the tape inaudible at this point.

Representative Steve Cowper: Certainly, the definition of subsistence is in dispute, but one thing is clear, (inaudible). It may depend on as much a location on where you live than anything else. Perhaps some economic factors will enter into it.

Portion of tape inaudible.

Joe Roach: I'm Joe Roach, and live about 30 miles south of here. One of the things that I would not like to see as a criteria for subsistence hunting is whether a person is on welfare or not. There are years when my total income doesn't exceed but about \$4,000.00. I've never been on welfare in my life. I have seen some of them earn \$11,000 to \$12,000 then jump on welfare and end up paying a subsistence permit and they denied me. (Inaudible) When I came to Alaska about 11 years ago, you were allowed to hunt up to 3 caribou. I remember right here in this room, approximately 10 years ago, meetings that were held, where people tried to talk to the Fish and Game, the management people. It came to reducing that 3 limit to 2 limit. (Inaudible)
Thank you.

Representative Nels Anderson: Thank you. I really can't answer that on why the reduced caribou. But anyway, many realize throughout the State that there have been some deficiencies in management. But, there is one thing that I would like to point

out to the public. I've been one of those who have been extremely critical of the Department of Fish and Game, not because of their what appeared to be an insensitive attitude toward their jobs, but I've stopped that now. Because I am beginning to realize that some of the problems that have occurred have been outside their domain of jurisdiction. These people that are managing our fish and game, for the most part are people who are extremely dedicated and they really do care. One of the things that I've found is that these people have not been given the proper financial support of the people in Alaska. Now, the Department of Fish and Game, in the Game Division, they get their money from selling moose and caribou licenses to the outsiders, foreigners, and what is left that we give them from our hunting and fishing licenses, that money is put into a fund and then federal money is matched to it and that's where they get alot of their money to operate. As a matter of fact, that's where they get all their money to operate. So, we got to take a look at that. In the past, although I may have offeneded a few people here, but in the past the game guides have a (inaudible) big game in the State of Alaska. They have a game advisory board right now up in the Nome, Kotzebue area. They segment certain hunting areas and they are exclusively one game guide's domain. No other game guide can go there and hunt. Okay, the Fish and Game can't do anything about that, now for some reason with the game guides, with their influence, they can be able to get laws passed effectively themselves. And, I don't think that they care that much about subsistence. Okay, that another thing. I want to share with you tonight, if there is no one else that cares to testify tonight.

Ken Roberson: I just want to put one thing in here, you talked exclusively about game. I'm curious if anyone has any thoughts about fish. I'm in the fish business with Fish and Game, on the subsistence part of it and I'd just be curious in hearing them as I'm well sure you are. Just a thought.

Participant from Audience: I had a subsistence fish net this year, and I was only allowed 30 fish. I want to know why, when I have I'd say approximately 40 people in my family that would eat thirty fish and that's in just one setting. Why is it just 30 fish?

Ken Roberson: If your gross income is greater than \$500.00.

Participant from Audience: Why do they take my husband's gross income, when I applied for the fish permit?

Ken Roberson: Okay, it would be joined as family and has been for some time. I hope you gentlemen are aware I specifically am putting together a report on the subsistence fishing to the Board of Fisheries in December with a management option and they will alter with present circumstances. We recognize that there are some weaknesses based on income status, use style and I'm sure you gentlemen have read all that in the Department of Fish and Game Board of subsistence policies. It has all the options how they're used is something else. And we have been directed by the Board to prepare a document and hopefully, they will respond to these specifically. (Inaudible) (A question was asked to Mr. Roberson that was concerning sports fishing, most of it was inaudible) If we define a certain unit as subsistence and it raises less question and comments here as a result. But, we've got things to do, and a ways to go in defining who is a subsistence user and when they can and where. The answer is not easy. I hope you fellas, I'm sure you are aware at this point and hope we can get as many answers as we have questions.

Representative Nels Anderson: Well, I tell you, I had alot of bright ideas when I started out on this thing and they have rapidly disappeared. Okay, on the fishing (inaudible) on trying to evaluate the capability of present projected subsistence needs, past subsistence needs as well. And one thing that we know, okay, you take

a look at the fish regulations, in the herring fishery all it says is one sentence referring to the fishing, the fishing of herring, and right now there is going to be a massive commercial effort being organized now (inaudible) to Western Alaska herring fishery. I attended a Fish and Game Advisory Board meeting, two meetings, two nights in a row and stayed up until 2:00 in the morning, trying to decide how in the world we were going to regulate the commercial take. And, one of the things I kind of fished for awhile if the understanding is going to be a commercial harvest, but what about the subsistence? You know they just couldn't get it into their heads when (inaudible). Well, take a look at the salmon eggs, there are very definite provisions of taking salmon for subsistence purposes on certain conditions. And, I said, why don't we start to develop some method of taking of herring for subsistence because the figures that we have indicated that about 600 ton of herring are taken a year by residents of Alaska along the West Coast. That's from Bristol Bay along up to Norton Sound, all the way up to Kotzebue, and passed beyond that. So, what we finally decided to do, the Department of Fish and Game is going to submit a proposal to the Board of Fisheries and say 6,000 ton of herring are going to be allowed to be caught, and the first 1,000 will be allocated for subsistence purposes. And like you say, you don't look at grayling as a sport fish, you look at it as something to eat and its meat for the table. Well, that's one of the things that we are going to be making proposals, legislatively or through the Board of Fish to get some of these definitions redefined so that there is some allocation made for subsistence purposes. We have to do that. And we have to (inaudible) your confidence and I know you said it very seriously, but there are a lot of people that feel about it the same way you do. I know you get a lot of sports fishermen really upset, and we have a lot of sports fishermen in this State. I don't know how many we've got now, but about 4 or 5 years ago, we had 85,000 of those people running around. And they contributed an awful lot of money

into the State treasury and they feel as though they have a lot of say about what happens to them in developing the rules and regulations and how certain fish are taken. But it isn't their exclusive right and I think that you people who have a subsistence requirement ought to be provided a legitimate access to that resource as well. That's one of our goals we want to take a very good close look at that, not only at grayling but other resources that may be used for sports purposes that we should make allocations for subsistence purposes. I just want to make a very brief comment about a Fish and Game policy that I received in Dillingham on the 9th of August, the new Commissioner of Fish and Game, Mr. Ron Skoog attended that meeting and gave to me a policy statement that the Department of Fish and Game has devised. And, I don't believe has been implemented and I wanted to share it with you, read it to you. This is a Fish and Game paper and it was prepared about 1973 but it was signed by Mr. Skoog about the 9th of August and the title on top of the page is entitled "Subsistence". (Attached to this testimony is a copy of that paper)

Representative Nels Anderson: But, John Schaeffer, up in Kotzebue, who was the Executive Vice President for the NANA Corporation doesn't (inaudible) that, because of pressure that he's got from his people, because he is getting a large salary, he just doesn't know what to do. He doesn't want to be hassled by them all. So, there are people that are responding a lot of different ways, but there are a lot of people, too, that have made money that still want to go out and hunt and fish and there is no way that we can replace the taste of moose or caribou or any of the Native foods that you've grown up with that you just have to have.

And one of the problems that we're having right now is that we're going to be wrestling with in the Legislature is how we are going to define that feeling you know, how do

you legislate prejudice, you know that's not going to go away. People have made penalties and rules on discrimination, but you can't (inaudible) and our attitudes and when I say our attitudes, I speak of us, Native persons, the attitudes of Native people toward s Native foods is a pretty strong feeling. How do you legislate that? I know that there are alot of non-Native people who have come up to this country and have become accustomed to Native food and learned to like it and are living a very harsh life, that is their privilege of taking of that subsistence resources. I just thought it was interesting and I think what I'll do is have Dorothy Larson make a copy of this and send it to the Ahtna Corporation if you don't have it you could study it and perhaps make modifications to it or come up with your own definitions of subsistence, but I am asking people at this point in time to give us your ideas specific ideas of what you would like to see us do. Even the Department of Fish and Game personnel would have alot of valuable information that they could share with us. I know that there are some very strict rules, bureaucratic rules on (inaudible) of what you can or annot say, I've got a good area biologist in Bristol Bay, a guy by the name of Mike Nelson. But he won't come to me even if his life depended upon it for any help from the Legislature. He goes through the chain of command. It's real unfortunate that it works that way, but I guess that's how you keep the boys in line. Is there anyone else?

A portion of the tape inaudible.

Representative Nels Anderson: I just learned of this at a meeting in Dillingham. Fish and Game Advisory Board made a report to a group that called otter and lynx and there was one other are being considered on being put on the endangered list. They are apparently endangered in the Lower 48, now I don't know about Alaska, but.

Participant in Audience: There is no way in the world that they are on the endangered species up here.

Representative Nels Anderson: I really don't know, I certainly don't approve of the Lower 48, if there, if it's their desire to put that animal on the endangered list let them go ahead, but leave us alone. I think we're okay. Are we okay with the mink and the lynx in this country.

Fish and Game Participant: We are by our law here in Alaska. (Some discussion by the participants in the audience.)

John Goertz: John Goertz, Kenny Lake. I would like to say a few words about subsistence fishing. Salmon Fishing. I fished a river every year up there, in fact, I've got the same spot for the last five years. I think its real good and I'd like to see it stay, but they sure need more enforcement out there, the people are allowed permits so many fish, which is good, need alot more enforcement out there, infact, I know some of you and three years ago they had some little girl out there that was real good. It kept everybody in line. But, this year and last year, both there was nobody, they had a few enforcement officers. Sure, but they need more help, and that subsistence fishing is a real good thing. But they need a little more help out there to keep them in line.

Participant in Audience: It is not the quality of the folks, it is the number.
(Inaudible)

Representative Nels Anderson: Do these people have the enforcement authority?

Fish and Game Participant: Yes, there most in the past, it was handed out automatically. Now it is where they have to go through an eight hour course. (Inaudible)

Representative Nels Anderson: Are there any other comments on hunting and fishing? Birds, migratory birds, anything else?

Participant in Audience: With the 500 caribou to be taken this year, why couldn't half of them be given to subsistence hunters, whether they live on social security or whether they be Native, White or whatever? So that it would give each person a chance?

Representative Nels Anderson: Well, I certainly don't have any objections to suggestions just that I told you earlier that I attended Fish and Game Advisory Board meeting, they were taking up suggestions (inaudible). It seems to me that that would be a legitimate proposal to make for their consideration. I don't know what the deadline that's being established nor whether its being passed or not.

Fish and Game Participant: Usually the deadline is about February 10 or something like that.

Representative Nels Anderson: My suggestion when the time comes when they make the announcement asking for suggestions on how to allocate the 500 allowable take then your suggestion was that 250 be allocated to certain groups then the other 250 for sports. And I think its something that the Board will consider. And those of you should make an effort to put in a suggestion in that nature. Then, if you could get your advisory board to make a similar suggestion, you would probably have a little bit more power. You ought to try that. Did you have something else, I think I cut you off or I recognized somebody else.

Participant in Audience: Earlier, I was going to ask Mr. Cowper if the Federal government with the D-2 legislation where they made certain areas subsistence

(inaudible) and where they directed that certain types of access would be better along rivers for subsistence use than other. Whether or not they defined in anyway what subsistence was and who these users would be and is anybody here taken a look at this at all?

Representative Steve Cowper: The original proposal set up the articles of subsistence board policies on subsistence users who would say, or try to establish the use. The answer to that is that they don't know what they're doing and they're waiting for people in Alaska to get together on some kind of acceptable plan. (Inaudible) the Alaska Coalition, which you know, they do have an awful lot of information, they didn't have much on subsistence. So we could use a lot of improvement. So whatever is in HR-39 (inaudible) I might add to that Regional Fish and Game Boards, that concept is going to be strengthened I think just by virtually every piece of legislation, every regional fish and game board is going to be very powerful in this State, at least that's the way I see it. Hopefully, if we have cooperative fish and game management we could (inaudible) into subsistence purposes those regional fish and game boards would name not only the State and privately owned lands, but also the federal lands.

Representative Nels Anderson: If there any other questions or comments or statements that you would like to make at this time? I would just like to take your attention Steve, and I'm sure that you already know that that Governor Hammond has made it known that he is pushing very strongly I guess for the Department of Fish and Game Boards be broken down into regional areas for this coming legislature. At least he has let this be known to several legislators that this is his intent. And, that he is actively looking for support from the Legislature to accomplish this. In other words, there would not be statewide Fish and Game Boards, or statewide game boards

or statewide fish boards, it would be broken down into regions. Like the Bristol Bay area would have their own Fish and Game Board and they would elect or would have appointed their own board members, in the Kotzebue areas, same thing, the Arctic Slope, Northwest, the Interior, this area, we would have regional boards, that's the concept the Governor Hammond had brought to my attention. Of course, we have planned to ask to have such legislation asked wasn't successful because Governor Hammond was opposed to it, but now I think he has a little change of heart and D-2 I think has (inaudible) into it and the election year is coming up, so you might as well take that into consideration. Is there anything else?

Participant in Audience: I'd just like to mention this area would fall under (inaudible) million acres, (inaudible) so we not only want locally, but (inaudible) so we may not benefit from this five sections or (inaudible)

Representative Nels Anderson: Well, if there is nothing else, I would like to thank the people that showed up to the meeting tonight, I really appreciate it. And, I am hoping that we will be able to do something positive with the information that we received tonight and in December we will be taking all the accounts that we received throughout the State, analyze those and we will be making included making all this information available to the Legislative Council for introduction to the next Legislature, proposals and that you people feel strongly about and we share this information with you and hopefully to have the final report drafted sometime in January and as soon as this is completed by the Legislative Council will have shared with people that, at least with regional representatives and the Department of Fish and Game, I'm sure will get copies of what we have come up with, and again thank you very much and if there is nothing else, I will adjourn the meeting with your community on subsistence. Thank you very much.

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// SUBSISTENCE

The Department of Fish and Game's role is to assure a resource base that can be exploited which, of necessity, requires our assistance in working with the public and the Board to develop a regulatory framework that meets the legitimate subsistence need of the people.

DEFINITION:

1. Subsistence Utilization - the exploitation of renewable resources for individual, family, or local consumption by people whose location, culture, and/or income make them dependent upon these resources for a substantial part of their food supply.
2. Subsistence - the exploitation of renewable resources for personal use

PROBLEM:

Subsistence involves:

1. The biological productivity of the exploited resources
2. The development of a legal framework--constitutional, statutory, and regulatory--under which the exploitation can take place
3. The political realities of the present situation

DEPARTMENT STRATEGY:

1. The Department of Fish and Game has and shall continue to recognize legitimate subsistence utilization of resources as a priority use.
2. Regulation governing legitimate subsistence utilization shall continue to be based on the biological productivity of the resource in concert with the public need.
3. The Department must realize that the regional and village corporation have the responsibility to insure that subsistence requirements are satisfied to the greatest extent possible by their judicious selection of land under the Alaska Native Land Claims Settlement Act.
 - a. This is based on the fact that the natives have the right to select 40 million acres of land under the act and they have the right to use that land for their exclusive use within the state's regulatory framework.

- b) We must recognize, however, that the intent of Congress was that subsistence needs shall be met on public lands as well. The Native leaders are aware of this and that is basically what they are fighting for.
- 2. c) Also, we must recognize that the loss of 40 million acres to public use is not in the public's interest.
- 4. The Department must immediately open up communications with both the Regional and Village corporations.
- 5. The Commissioner's Office must establish the Department "position" to govern the conduct of the liaison group as they meet with the corporation.
 - a) We will not drop on the corporation "en masse" but will instead send our most knowledgeable one or two people to meet with the corporations.
 - b) Our basic position will consist of the following:
 1. Legitimate subsistence utilization will be conducted within the framework of maximum sustained yield.
 2. Our past record shows that, to date, we have provided for legitimate subsistence use. We do, however, recognize that competition between other users and subsistence is now a real (as opposed to imagined) problem and we are willing to support reasonable regulations that will reduce this conflict.
 3. We recognize the native rights as private land owners; however, we must inform them that "exclusive use" will still be subject to state regulation in order to provide for an orderly harvest and adequate reproductive stocks.
 4. Exclusive use foreclosed the opportunity for the natives to use these resources in revenue generating programs.

We must meet with the corporations and listen to their position. We should strive to have them define legitimate subsistence use.

* * * * *

Definition from Title 16 16.05.940(17).

"Subsistence fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources for personal use and not for sale or barter, with gill net, seine, fish wheel, long line, or other means defined by the Board".

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