

589 HB 907 - HCR 112 SKES

HB

907

COMMITTEE REPORT

SENATE

5/19/78

FURTHER: None

Date: 6/9/78

Mr. President:

The Committee on RESOURCES has had HB 907
repealing Land Registration Law, AS 34.10

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____

and _____ new title same title

- AND attaches a Letter of Intent New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

[Signature]

[Signature]

[Signature]

C. A. Hillion

OTHER RECOMMENDATIONS:

[Signature]
Chairman

STATE
of ALASKA

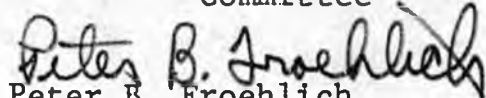
MEMORANDUM

TO:

DATE: June 8, 1978

The Honorable Kay Poland
Chairman, Senate Resources
Committee

FILE NO.



TELEPHONE NO.

FROM:

Peter B. Froehlich
Assistant Attorney General

SUBJECT:

HB 907 (Repeal of
the Land Registra-
tion Act) and Escheat
of Land

At the hearing on this bill before your committee on June 7, a concern was expressed by committee members that if AS 34.10 was repealed, there would be no means to get abandoned land outside municipalities back into private use. I am writing to address that concern and to explain the escheat laws which satisfy it far better than AS 34.10.

There was also some speculation at the hearing that this was the primary purpose of the Land Registration Act when it was first enacted in 1953. However, the Act is ill suited to satisfy this purpose because it has no effect on land once the required statement of real property ownership is filed. In other words, if a land owner filed a statement and then abandoned his land or died without leaving a will or heirs, the Land Registration Act would not result in foreclosure. Foreclosure occurs only when an otherwise known land owner or transferee fails to file a statement and likewise to pay the resulting penalty. Since the Land Registration Act has been in effect for over 25 years now, it is safe to assume that most, if not all, currently patented land for which no statement has ever been filed, has already been foreclosed. Therefore, the Land Registration Act, if retained, will only affect newly patented land and land which is transferred (after a statement was once filed).

Escheat, on the other hand, covers all private land, whether a statement of real property ownership has ever been filed or not, and whether it is ever transferred between private owners or not. AS 09.50.070-160 and AS 13.11.025 establish the procedures by which land escheats to the state. Essentially, if a land owner dies without a will or heirs, his land (along with other assets) passes immediately to the state. (AS 13.11.025). The state nearly always learns of such a situation, usually from the court appointed personal representative. Also, AS 13.06.035 creates a presumption of death if a person is absent without word or explanation for 5 years. (AS 13.06.035(3)). The state would not learn of this situation as easily, but nothing in the Land Registration Act provides any assistance

either. */ The attorney general then brings an action in superior court to verify and formalize the state's title. (AS 09.50.100). The commissioner of revenue may then tell the escheated real property at auction. (AS 09.50.120(b)). If a person appears within 7 years after the judgment verifying the state's title, the commissioner of revenue must convey either the escheated property or proceeds from its sale, less expense. (AS 09.50.110).

It should be apparent then, that the escheat statutes (first enacted in 1962, 9 years after the current Land Registration Act) adequately satisfy the concern for recycling abandoned land back into private use, and much more so than the Land Registration Act. I therefore urge the committee to pass out HB 907 to eliminate the needless burden of the Act on both landowners and the Division of Lands.

Incidentally, I have just received figures from the Division of Lands indicating that of the 46, 900 acres foreclosed under AS 34.10, 84% have been redeemed or repurchased, 13.5% have been sold at auction and only 2.5% remain in state ownership.

I will be available to explain this memo, the Land Registration Act, and the escheat laws further to the committee at its next hearing.

PBF:bvd

cc: Senate Resources Committee
Pat Conheady, DNR
Alice Iliff, DOL

*/ If a statement was filed, the Act has no effect. If no statement was ever filed, the land has probably either already been foreclosed or its existence is not known because no deed was ever recorded.

DEPARTMENT OF NATURAL RESOURCES

TO: House Resources Committee

DATE: 4/27/78

FILE NO.

TELEPHONE NO.

FROM: Alice L. Iliff
Research Analyst

SUBJECT: HB 907: Repeal of AS 34.10
(Land Registration Act)

This vestige of territorial law requires that for any land situated outside a borough or city where local land ownership records are kept, its owner must file a "statement of real property ownership". The statute may have had a legitimate purpose as a temporary transitional device accompanying the installation of a recording system in territorial days, as it encouraged the introduction of land ownership information into the public record. Today, its reason for being is much more speculative.

To induce compliance with the filing requirement of the statute, it provides for modest financial penalties in the event of a failure to file. Once assessed, a penalty becomes a lien against the property. The lien is subject to foreclosure under the statute, but if (as is usually the case) the landowner fails to respond to the lien foreclosure action by answering the petition, the land owner may "redeem" the property during the first year following its "foreclosure". After the expiration of this one-year redemption period, the procedure departs from the usual foreclosure model. Instead of selling the property to satisfy the lien and turning the overage in proceeds back to the owner, the State simply keeps the property. The land may be "repurchased" by its owner, but that right of repurchase is extinguished if the land is disposed of into private ownership by the State or is held by the State for and devoted to a "public purpose" and improvements are constructed upon it. Since the existence of these rights of repurchase makes management of the land as public domain difficult and expensive (administrative costs exceeding \$30,000 per year for approximately 140 parcels with negligible return), the State can only derive a benefit from this forfeited land by disposing of it into private ownership by sale. The parcels usually have changed hands since foreclosure, resulting in time consuming administrative problems for both the State and the innocent victims.

There is no longer any public purpose served by this statute. From the beginning, the only legitimate purpose of the law was to compel landowners to identify their land holdings and place them on the record. But where recordable transactions (conveyances, mortgages, and the like) take place, the advantages of recording alone induce the new owner or mortgagee to record. Another purpose commonly attributed to the law, that of providing a record of land ownership in the unorganized borough to satisfy various public and private information needs, is illusory. The recording system itself satisfies this purpose - incompletely, albeit, but just as effectively as the superfluous statement file requirement does.

Assume that there were some legitimate public policy served by a law requiring land owners to file statements of real property ownership. It is clear that the penalty and lien foreclosure devices in the statute have not been effective in securing compliance with that filing requirement

Filing a statement (or, more to the underlying objective, getting private land holdings on the record) can be encouraged by a "carrot", by a "stick", or by a combination of the two. The "carrot" in this case is the recording law itself - the landowner whose interest is recorded enjoys an important priority over he who does not record. This legal protection is a "carrot" sufficient to induce all who are aware of the recording law to use it, irrespective of the existence of any penalties for nonuse of the system.

The "stick" to induce filing is a penalty fee backed up by the lien foreclosure mechanism. This has apparently not been effective. People file because they want the benefits of the recording system; people fail to file because they are unaware of the existence of the system and the benefits which would inure to them from using it. A penalty mechanism will only encourage compliance by those who are already aware of the system but would not otherwise use it - a negligible class of persons.

A principal problem with the foreclosure action as a compliance mechanism is that it is only inflicted upon those landowners whose land holdings have been discovered due to the recordation of a conveyance. The recording of the conveyance itself, with or without an accompanying ownership statement, fulfills the legislative goal of getting land onto the public records. In these cases, the need for a statement is superfluous and the idea of penalizing the person for failing to file one borders on the absurd. In other words, when scrutinized against the actual operation of the statute, the reasoning underlying the foreclosure mechanism is seen to be circular: (1) the objective of the law is to get land holdings on the record; (2) the foreclosure process exists to encourage compliance with the law in order to satisfy that objective; (3) the only lands which are subjected to foreclosure are those whose existence comes to the attention of the Division of Lands when they are recorded; (4) at that point, the lands have entered into the recording system and the legislative objective has been met.

In summary,

1. There is no valid public purpose served by the land registration statute. To the extent that there is any need to have a public record of land holdings in the unorganized borough, that need is fully met by the existing recording system, supplemented by the land status records of State and Federal governments.
2. The filing requirement of the land registration law imposes an undesirable paperwork burden and expense upon private landowners. This burden should not exist without some countervailing public policy.
3. Administration of the law costs the State \$30,000 to \$50,000 every year in employee time that could be better utilized for other effort. Trying to administer AS 34.10 in light of Native lands conveyances, homesites, and any other upcoming programs of land disposal will be impossible due to lack of staff and monies, as well as inequities of this law that have been perpetrated for years to the disadvantage of the public. There is consensus among all agencies involved that the statute is unnecessary.

4. Because of the existence in perpetuity of rights of repurchase on foreclosed lands, the State cannot effectively manage these properties as public land. It can only derive benefit from them by disposing of them back into private ownership at the expense of innocent holders of repurchase rights.

5. Taking a person's land away for failure to file a superfluous piece of paper is bad-public policy. It is even worse when the person failed to file simply because the person was ignorant of the filing requirement.

For all of these reasons, the statute should be repealed.

2HB 907

March 24, 1978

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 23.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill repealing the Land Registration Law, AS 34.10.

The Land Registration Law is a vestige of territorial days which requires that private owners of land outside cities and boroughs file statements of real property ownership. Modest penalties are imposed for failure to file. These penalties become liens against property which may be foreclosed, resulting in forfeiture of the land to the state. After foreclosure, the land may be redeemed for a period of one year, but it is also subject to a continuous "right of repurchase" by the former owner and his assigns. This right to repurchase is extinguished only by disposal of the land or construction of a public building upon it. These repurchase rights inhibit effective management of land gained by foreclosure and have been the subject of abuse by industrious opportunists who, although they have never had any relationship with either the foreclosed land or its owners, obtain some colorable interest in the land and attempt to reap a windfall by repurchasing it.

The requirement of filing statements of real property ownership is somewhat obscure and often ignored by landowners. It does not enhance the existing recording system and government records which, according to the Division of Lands, fully meet any need for public record of land holding outside of municipalities. Penalizing an individual for failure to file a superfluous document is, in my view, bad public policy, especially when the individual probably does not know of the requirement to file.

Administration of the Land Registration Law costs the state \$30,000 - \$50,000 per year with negligible return. Costs could easily triple with the huge amounts of land soon to be placed in private ownership, including native selections and state and municipal land disposals. It seems senseless to continue the burden of this law on taxpayers, land owners, and state agencies.

State agencies and staff involved concur in the desirability of repealing this law and incurring the substantial time and money savings which would result.

This bill would repeal the entire Land Registration Law (AS 34.10), except for one provision (AS 34.10.170) which states that land obtained by foreclosure under the chapter may be administered and disposed of in the same manner as other state land. The bill also includes a provision which continues, for three years after enactment, current rights to repurchase land lost by foreclosure; then, after published notice, those rights of formerly indefinite duration are terminated, thus clearing the state's title to that land.

The Land Registration Law is outdated, nearly universally unpopular, costly and burdensome to administer, often unfair, and yields little, if any, benefit to the state. Therefore, I urge its repeal by passage of this bill.

Sincerely,



Jay S. Hammond
Governor

HB

927

COMMITTEE REPORT
SENATE

FURTHER: Finance

4/26/78

Date: 5/1/78

Mr. President:

The Committee on RESOURCES has had CSHB 927
supplemental appropriations to Dept. of Natural Resources

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____
- and _____ new title same title
- AND attaches a Letter of Intent New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

G. Tillion

John H. ...

R. Poland

Chairman

148727

April 12, 1973

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

Under authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill making a supplemental appropriation to the Department of Natural Resources, "Federal-State Land Use Planning Commission."

This appropriation will be used to fund unanticipated wage increases and full operation of the commission during FY 79.

Sincerely,

Jay S. Hammond
Governor

MEMORANDUM

TO Ron Lind, Director
Division of Budget & Management

DATE: March 29, 1978

FILE NO.

TELEPHONE NO.

FROM: Chuck Taylor, Budget Analyst
Division of Budget & Management
Office of the Governor

SUBJECT: Supplemental Appropriation
for the Department of Natural
Resources

The Department of Natural Resources, Federal-State Land Use Planning Commission (FSLUPC), requests a supplemental appropriation of \$139,200. The FSLUPC states that this supplemental is necessary to carry forward its major objectives in cooperative management. The FSLUPC has adequate budget resources in its FY 79 budget to complete its tasks, but cannot continue its present level of effort in FY 78 without a supplemental.

It should be noted that the FSLUPC has also submitted a \$139,200 supplemental request to the federal government for their share of the costs. Confirmation has not yet been received whether the federal government will support a supplemental request.

This supplemental will fully fund the State's share of the unbudgeted items described below. 1) The Commission has unanticipated wages increases (\$34,300). 2) The FSLUPC will provide updated information on lands available for State selection (\$16,400). 3) Until Congress enacts (d) (2) legislation, the FSLUPC will continue to serve congressional committees in an advisory capacity. Therefore, an office was established in Washington, D.C. (\$32,500). 4) The FSLUPC has been making recommendations to improve coordination between the State and Federal governments. The Commission has already undertaken this in critical areas of transportation, data collection, and fish and game management. Additional funding is requested for the Alaska Resource Information System (ARIS), transportation planning, and ecological reserves (\$45,600). 5) Also, the FSLUPC will continue its review of the proposed easements across native selected lands. A final assessment of the status of the Acts Implementation with alternative resolutions to present and potential problems will be transmitted to the federal government (\$10,400).

STATE
of ALASKA

MEMORANDUM

TO: Avrum Gross, Attorney General
Department of Law

DATE March 30, 1978

FILE NO.

TELEPHONE NO.

FROM: *RBL*
Ronald B. Lind, Director
Division of Budget & Management
Office of the Governor

SUBJECT Supplemental Appropriation
Legislation for the Department
of Natural Resources

Please prepare a supplemental appropriation bill for the Department of Natural Resources, "Federal-State Land Use Planning Commission", in the amount of \$139,200 from the general fund. These funds will be used to fund unanticipated wage increases and full operation of the Federal-State Land Use Planning Commission during FY 79.

Request for Budget Supplementary FY 1978

Objectives:

The primary goals of the Commission are to plan for the wisest and best use and management of public lands in Alaska consistent with national and State interests, and to insure that the economic growth of Alaska is orderly and compatible with environmental values and the well-being of the State's residents. Toward the attainment of these goals, the Commission's work program has the following objectives:

- (1) to recommend classification and management policies for Federal lands in Alaska to Federal executive departments and to Congress;
- (2) to recommend to the Governor and the Legislature of the State of Alaska policies for the management of the State's public domain;
- (3) to seek resolutions to conflicts and promote coordination among the Federal and State governments and Native corporations in land use matters; and
- (4) to assist in the implementation of the Alaska Native Claims Settlement Act.

It is unable to carry forward the major objectives in cooperative management it has launched over the past five years without supplementary budget help. These consist of data systems and mapping coordination or the Alaska Resource Information System (ARIS); research coordination, now incorporated in the Ecological Reserves Council; and new examinations of cooperative management between Federal, State, and local systems.

There is also a great need to provide further assistance to village corporations on land management problems which is incorporated in this request.

Budget Options

	<u>Total Commission</u> <u>Supported Funding</u>	<u>State*</u>	<u>Federal*</u>
State Lands	\$ 32,778	\$ 16,389	\$ 16,389
Federal Lands	65,040	32,520	32,520
Cooperative Management	91,132	45,566	45,566
Claims Settlement Act	20,856	10,428	10,428
Unanticipated Wage Increases	68,618	34,309	34,309
Total	\$278,424	\$139,212	\$139,212

(2) TO COVER REMAINING FEDERAL FISCAL YEAR FROM SEPTEMBER 1978

The Commission has received no supplemental appropriation for wage increases or increased inflationary costs since the FY 1978 budget was submitted. Its major efforts on conveyance of Native lands, State lands, and (d) (2) lands are using its resources to the limit. Unanticipated actual costs for personnel services not requested in FY 78 budget are as follows:

- o General wage increase
- o Adjustment to cost of living allowance
- o Executive pay level increases

Total unanticipated increase to overall payroll budget is \$68,618.

1. Policies for the management of the State of Alaska's public domain.

Personal Services	\$28,430
Travel	<u>4,348</u>
	\$32,778

The Commission will provide updated information on lands available for State selection. Modifications in existing land classification procedures used by the State will be recommended to assure compatibility of State practices with those being developed by the Bureau of Land Management for Alaska's National Resource Lands.

The Commission will expand on its analysis of the State of Alaska's Park system, as a component of a statewide recreational system and will analyze private demands for disposal of State lands and suggest alternative procedures designated to protect public interests. Comment on disposal plans and procedures will then be provided the State Department of Natural Resources and the Alaska Legislature on an ongoing basis.

2. To recommend classification and management policies for Federal lands in Alaska to Federal executive departments and to Congress.

Until Congress has enacted (d) (2) legislation, the Commission will continue to serve congressional committees in an advisory capacity. It will comment on the environmental, socioeconomic, and management implications of proposals before Congress, and identify alternative means of addressing major issues. It was necessary to establish an office in Washington, D.C. to serve as a coordination center between the Commission and various committees.

Personal Services	\$56,664
Travel	3,918
Contract Services	<u>4,458</u>
	\$65,040

3. Cooperative Management.

The Commission was mandated to:

make recommendations to improve coordination and consultation between the State and Federal governments in making resource allocation and land use decision.

It has already undertaken this in the critical areas of transportation, data collection and inventory, research coordination, and fish and game management. It has budget resources to undertake a more comprehensive approach in its 1979 budget but cannot mount a major effort in 1978 without this supplemental or other funding.

a. Alaska Resource Information System (ARIS)

ARIS is the key tool to cooperative management systems. It forces interagency cooperation. It is entering a period of technical development where large sums will be spent by Federal and State agencies on data systems and mapping. It is imperative to continue this effort until the Users and Technical Committee of ARIS is well established and institutionalized as an independent Federal/State effort.

Personal Services	\$49,265
Travel	<u>2,089</u>
	\$51,354

b. Transportation Planning

There was a need to develop criteria for the evaluation of transportation proposals and make recommendations pertaining to the reservation of corridors across (d) (2) lands, this included the use of the North Slope Haul Road, which parallels the Trans-Alaska Pipeline and currently provides the only ground access to the Alaskan Arctic.

Personal Services	\$17,208
Travel	2,180
Contract Fee	<u>7,000</u>
	\$26,388

c. Ecological Reserves

Coordination for this Council is established within the University of Alaska faculty. The Commission has already committed \$16,000 to support of the management coordinator. The research coordinator has developed the Ecological Reserves System report for the Commission in FY 1977. This budget is

necessary to carry out the recommendation of the Ecological Reserves Council and continue this program as a part of the overall land planning process in Alaska.

Personal Services	\$11,222
Travel	<u>2,168</u>
	\$13,390

4. To assist in the implementation of the Alaska Native Claims Settlement Act.

The Commission will continue its review of proposed easements across Native-selected lands. It will also continue to review small Federal withdrawals, which have been tentatively selected by Native corporations. Planning assistance to Native corporations will also be provided, and several small instructive publications will be modified and reprinted.

A final assessment of the status of the Act's implementation with alternative resolutions to present and potential problems will be transmitted to the Federal executive and to Congress. The Commission will remain prepared to provide clarification of legal issues to Native corporations and to comment on any proposed amendments to the Alaska Native Claims Settlement Act.

Personal Services	\$18,556
Travel	<u>2,300</u>
	\$20,856

The Commission will undertake this mandate to the limit of its present resources, but will be unable to carry out this mission in its normal thorough fashion due to erosion of the projected 1978 budget by inflation and wage increases.

The extra funds requested will make it possible to carry forward this program at usual standards.

HB

960

COMMITTEE REPORT
SENATE

5/30/78

FURTHER: Finance

Date: 6/14/78

Mr. President:

The Committee on RESOURCES has had CSHE 960 (Fin) am
fish and game management

under consideration and (a majority of the committee) (the committee
reports it back as follows)

- () recommends it do pass () recommends it do not pass
- () recommends it do pass with attached amendment(s)
- (X) recommends it be replaced with CS for CS 1105 960 (Fin) 2/78

and _____ () new title () same title

() AND attaches a Letter of Intent () New Fiscal Note

(X) reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

[Signature]

OTHER RECOMMENDATIONS:

Do NOT PASS from Finance
Finance 960 2/78

Chairman

No Rec

Original sponsor: Rules Committee
by request (for the Special
Committee on Subsistence)

Offered: 5/19/78
Referred: Rules

SUGGESTED CHANGES BY DEPARTMENT OF
FISH + GAME / 5 JUN 78
Ronald D. Hory

Resources
June 5, 78

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 960 (Finance) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fish and game management."

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

8 * Section 1. INTENT. The legislature finds that there is a need to
9 develop a statewide policy on the utilization, development and conservation
10 of fish and game resources, and to recognize that those resources are not
11 inexhaustible and that preferences must be established among beneficial users
12 of the resources. The legislature further determines that it is in the
13 public interest to clearly establish subsistence use as the priority bene-
14 ficial use of Alaska's fish and game resources and to recognize the needs,
15 customs and traditions of Alaskan residents. The legislature further finds
16 that beneficial use of those resources by all state residents should be
17 carefully monitored and regulated, with as much input as possible from the
18 affected users, so that the viability of fish and game resources is not
19 threatened and so that resources are conserved in a manner consistent with
20 the sustained-yield principle.

21 * Sec. 2. AS 16.05.090 is amended by adding a new subsection to read:
22 ~~There is established in the Department of Fish and Game~~ *The Commissioner shall establish in the Commissioner's office*

DEPARTMENTAL SECTION

23 ~~division~~ of subsistence hunting and fishing.

24 * Sec. 3. AS 16.05 is amended by adding new sections to read:

25 Sec. 16.05.094, ~~DUTIES OF DIVISION~~ *SECTION* OF SUBSISTENCE HUNTING AND
26 FISHING. The ~~division~~ *SECTION* of subsistence hunting and fishing shall

27 (1) compile existing data and conduct studies to gather
28 information, including data from subsistence users, on all aspects of
29 the role of subsistence hunting and fishing in the lives of the resi-

Kel Anderson

1 dents of the state;

2 (2) quantify the amount, nutritional value, and extent of
3 dependence on food acquired through subsistence hunting and fishing;

4 (3) make information gathered available to ^{THE PUBLICS} ~~other~~ appropriate
5 agencies, ^{AND OTHER ORGANIZED BODIES;} ~~and the legislature in a form suitable for use in developing~~
6 ~~policies relating to land, water, or resources;~~

7 (4) assist the ^{DEPARTMENT AND} ~~legislature~~ or the Board of Fisheries ^{AND} ~~of~~ the
8 Board of Game in determining what uses of fish and game, as well as
9 which users and what methods, should be termed subsistence uses, users,
10 and methods;

11 (5) evaluate the impact of state and federal laws and regu-
12 lations on subsistence hunting and fishing and, when corrective action
13 is indicated, make recommendations to the ^{DEPARTMENT;} ~~governor and the legislature;~~

14 (6) make recommendations to the ^{DEPARTMENT} ~~Board of Game and the Board~~
15 ~~of Fisheries~~ regarding adoption, amendment, and repeal of regulations
16 ^{AFFECTING} ~~relating to~~ subsistence hunting and fishing;

17 ~~(7) contract with organizations or individuals capable of~~
18 ~~assisting the division in carrying out its duties;~~

19 (7) (N) participate with other divisions in the preparation of
20 statewide and regional management plans so that those plans reorganize
21 and incorporate the needs of subsistence users of fish and game.

22 * Sec. 4. AS 16.05.251 is amended by adding a new subsection to read:

23 (13) (N) ~~The Board of Fisheries shall adopt regulations in accordance~~
24 ~~with the Administrative Procedure Act (AS 44.62) permitting the taking~~
25 of fish for subsistence uses unless the board determines, in accordance
26 with the Administrative Procedure Act, that adoption of such regulations
27 will jeopardize or interfere with the maintenance of fish stocks on a
28 sustained-yield basis. Whenever it is necessary to restrict the taking
29 of fish to assure the maintenance of fish stocks on a sustained-yield

1 basis, or to assure the continuation of subsistence uses of such re-
2 sources, subsistence use shall be the priority use. If further restric-
3 tion is necessary, the board shall establish restrictions and limita-
4 tions on and priorities for these consumptive uses on the basis of the
5 following criteria:

- 6 (1) customary and direct dependence upon the resource as the
- 7 mainstay of one's livelihood;
- 8 (2) local residency; and
- 9 (3) availability of alternative resources.

10 * Sec. 5. AS 16.05.255 is amended by adding new subsections to read:

11 (11) ~~(b) The Board of Game shall adopt regulations in accordance with~~
12 ~~the Administrative Procedure Act (AS 44.62) permitting the taking of~~
13 game for subsistence uses unless the board determines, in accordance
14 with the Administrative Procedure Act, that adoption of such regulations
15 will jeopardize or interfere with the maintenance of game resources on a
16 sustained-yield basis. Whenever it is necessary to restrict the taking
17 of game to assure the maintenance of game resources on a sustained-yield
18 basis, or to assure the continuation of subsistence uses of such re-
19 sources, subsistence use shall be the priority use. If further restric-
20 tion is necessary, the board shall establish restrictions and limita-
21 tions on and priorities for these consumptive uses on the basis of the
22 following criteria:

- 23 (1) customary and direct dependence upon the resource as the
- 24 mainstay of one's livelihood;
- 25 (2) local residency; and
- 26 (3) availability of alternative resources.

27 ~~(c) In accordance with sound game management practices, the Board~~
28 ~~of Game shall establish open seasons for game species which coincide~~
29 ~~with the time of year when each species is most edible.~~

Anti-waste

1 * Sec. 6. AS 16.05.257(a) is amended to read:

2 (a) The Board of Game, at its regularly scheduled annual meetings
3 shall consider and may adopt regulations providing for subsistence
4 hunting in a game management unit or subunit or a portion of a unit or
5 subunit upon

*or
other
meetings*

6 (1) recommendation of the department, based on biological
7 evidence;

8 (2) the recommendation [MAJORITY VOTE] of the active local
9 advisory committees for that game management unit or subunit or a por-
10 tion of a unit or subunit;

11 (3) the written petition of not less than 100 interested
12 residents of that game management unit or subunit; or

13 (4) the written petition of not less than 25 interested
14 residents of an area which is requested for establishment as a subsis-
15 tence area within a game management unit or subunit.

16 * Sec. 7. AS 16.05.257(c) is repealed and re-enacted to read:

17 (c) No regulations may be adopted by the Board of Game under (a),
18 (b) or (f) of this section unless, in addition to the requirements of AS
19 44.62.180 - 44.62.290, the department

20 (1) holds public hearings, after reasonable notice, at least
21 30 days before the meeting at which the regulation is to be adopted,
22 with at least one of the hearings being held in close proximity to the
23 area potentially affected;

BIOLOGICAL EVIDENCE REQUIRED

24 (2) presents at the hearings the ~~information provided for in~~
25 (e) of this section;

BIOLOGICAL EVIDENCE REQUIRED

26 (3) makes the ~~information provided for in~~ (e) of this section
27 available to the appropriate advisory committees and to petitioners if
28 consideration of adoption of regulations was prompted by petitions under
29 (a)(3) or (4) of this section; ~~comments shall be received by the board~~

1 ~~until 10 days before any adoption of regulations.~~

2 * Sec. 8. AS 16.05.257(d) is amended to read:

3 (d) A petition submitted under (a)(3) - (4) of this section shall
4 contain a complete description of the area requested as a subsistence
5 area and a specification of the species within the area considered
6 necessary for subsistence use. A petition or request made under (a)(2),
7 (3) or (4) of this section must be filed with the department, at least
8 75 days before the next ^{request} scheduled meeting of the board. *Considered*

9 * ~~Sec. 9. AS 16.05.257(e) is repealed and re enacted to read:~~

10 ~~(e) The department shall investigate every petition or request~~
11 ~~made under (a)(2), (3) or (4) of this section and provide the following~~
12 ~~information: (1) the concentration ^{habitat} and carrying capacity of the species~~
13 ~~to be affected, (2) the concentration of other species, (3) the extent~~
14 ~~of competition of other species with the affected species in the area;~~
15 ~~(4) the current hunting practices in the area, including numbers of~~
16 ~~animals taken and by what methods and means, whether the take is sub-~~
17 ~~sistence or recreational, and characteristics of the hunters; (5) the~~
18 ~~past and present dependence of persons in the area for subsistence use~~
19 ~~of a species; (6) the biomass of the species to be affected; (7) the~~
20 ~~population trends in the area; and (8) whether the population is able to~~
21 ~~support a nonsubsistence harvest.~~

22 * Sec. ~~9.~~ AS 16.05.257(h)(1) is amended to read:

23 (1) "subsistence hunting" means the taking of game animals by
24 a state resident for subsistence uses by means defined by the Board of
25 Game [FOOD OR CLOTHING FOR PERSONAL OR IMMEDIATE FAMILY USE];

26 * Sec. ~~9.~~ AS 16.05.257(h)(2) is repealed and re-enacted to read:

27 (2) "subsistence hunting area" means an area in which only
28 subsistence hunting of the affected species is permitted and which is
29 managed for maximum food potential.

1 * Sec. ~~11.~~ AS 16.05.257 is amended by adding a new subsection to read:

2 (i) The Board of Game may make no decision denying, creating or
3 changing a subsistence hunting area unless based on specific written
4 findings of fact regarding all the information provided in accordance
5 with (e) of this section. ~~No subsistence hunting area may be created if
6 the board determines that creation of such an area will jeopardize or
7 interfere with the maintenance of game populations on a sustained yield
8 basis.~~ W

9 * Sec. ~~13.~~ AS 16.05.290 is amended to read:

10 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a
11 board is entitled to travel expenses, [AND \$100] per diem, and \$100 in
12 compensation for each day going to and from and for each day in actual
13 attendance at board meetings and other meetings or conferences author-
14 ized by a board.

DISERT SEC 13. AS 16.05.300 IS AMENDED BY ADDING A NEW SUBSECTION TO READ: (c)

15 * Sec. 14. AS 16.05.930 is amended by adding a new subsection to read:

16 (e) This chapter does not prevent the traditional barter of fish
17 and game taken by subsistence hunting or fishing, except that the com-
18 missioner may prohibit the barter of subsistence-taken fish and game by
19 regulation, emergency or otherwise, if a determination on the record is
20 made that the barter is resulting in a waste of the resource, damage to
21 fish stocks or game populations, or circumvention of fish or game
22 management programs.

23 * Sec. 15. AS 16.05.940 is amended by adding new paragraphs to read:

24 (26) "subsistence uses" means the customary and traditional
25 uses in Alaska of wild, renewable resources for direct personal or
26 family consumption as food, shelter, fuel, clothing, tools, or trans-
27 portation, for the making and selling of handicraft articles out of
28 nonedible by-products of fish and wildlife resources taken for personal
29 or family consumption, and for the customary ~~use~~, barter or sharing

* Sec. ~~14~~^{13.} AS 16.05.300. Board Meetings (a) Each board shall hold at least one meeting a year and as many other meetings as it considers necessary. Each board shall select the time and place in the state for the transaction of business. Each board shall maintain its office at the principal office of the department.

(b) In addition, the Board of Fisheries shall hold at least one meeting or hearing a year in each of the following general areas:

- (1) Upper Yukon - Kuskokwim - Arctic
- (2) Western Alaska (including Kodiak)
- (3) Southcentral
- (4) Prince William Sound (including Yakutat)
- (5) Southeast

(c) In addition, the Board of Game shall hold at least one meeting or hearing a year in each of the following general areas:

- (1) Arctic - Yukon - Kuskokwim
- (2) Southwestern Alaska
- (3) Interior
- (4) Southcentral
- (5) Southeast.

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for personal or family consumption; for the purposes of this paragraph,
"family" means all persons related by blood, marriage, or adoption, and
any person living within the household on a permanent basis;

(27) "barter" means the exchange or trade of ^{SUBSISTENCE-TAKEN} fish or game, or
their parts — *taken by subsistence users.*
SUBSISTENCE-TAKEN

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items if the ex-
change is of a limited and noncommercial nature.

other than \$

#



Alaska State Legislature

House of Representatives

Special Committee
on Subsistence

Pouch V
State Capitol
Juneau, Alaska 99811
465-4986

Official Business

May 30, 1978

MEMORANDUM

DATE: May 30, 1978

TO: All Senators

FROM: Rep. Nels A. Anderson, Jr., Chairman *N.A. Anderson*

SUBJECT: CSHB 960 (Finance) am

Attached find CSHB 960 (Finance) am, a bill outline and letter of intent for your information.

This comprehensive subsistence bill is the result of ten months of work by the Interim Committee on Subsistence and the Special Committee on Subsistence. The Administration and the Department of Fish and Game have frequently stated that subsistence should be the priority use of fish and game and yet up until this point have had no progress in coming to grips with the issue.

This bill provides the Department of Fish and Game a directive in establishing subsistence as the highest priority use and establishes a division of subsistence so that the legislature and the Department of Fish and Game can gain knowledge of this complex issue.



Alaska State Legislature

House of Representatives

Special Committee
on Subsistence

Pouch V
State Capitol
Juneau, Alaska 99811
465-4986

Official Business
May 30, 1978

BASIC ELEMENTS OF CSHB 960 (FINANCE) AM

- SECTION 1: Statement of Intent
- SECTION 2: Creation of a Division of Subsistence in the Department of Fish and Game.
- SECTION 3: Duties of the Division of Subsistence
- SECTIONS 4 & 5: Subsistence is the highest priority use of fish and game.
- SECTIONS 6 - 12: Amendments to the existing subsistence ~~zone~~ statutes.
- SECTION 13: \$100 per day compensation to the members of the Board of Fisheries and the Board of Game while on business.
- SECTION 14: Deletion of the current prohibition on barter of subsistence caught fish and game.
- SECTION 15: Definition of "subsistence uses" and "barter".



Alaska State Legislature

House of Representatives

Official Business

Special Committee
on Subsistence

Pouch V
State Capitol
Juneau, Alaska 99811

LETTER OF INTENT

CSHB 960 (FINANCE) AM: "An Act relating to fish and game management."

This bill is intended to provide a coordinated plan for clarifying what subsistence use of fish and game is and for documenting subsistence uses so that they can be integrated into fish and game management planning. The bill also provides a legislative framework for the State's policy of recognizing subsistence as the priority use of fish and game.

Section two: This section provides for the creation of a division of subsistence hunting and fishing. Presently, the Department of Fish and Game has divisions of commercial fishing, sport fishing and game. As subsistence is to be the highest priority of the Department of Fish and Game, there is an obvious need for the gathering of information about subsistence hunting and fishing and the making of informed recommendations to the boards of fisheries and game. Presently, research is not being specifically directed towards the subsistence hunting and fishing economy of the state. Rather, specific species studies are conducted to determine the health of the species and the harvest to be allowed. This method does not consider the entire range of resources available to subsistence users and therefore does not allow for realistic regulations based upon the overall needs of the subsistence users. A division of subsistence given the tasks set forth in section four would have the information to make recommendations as to the needs of the subsistence users.

Section three: Duties of the division of subsistence hunting and fishing.

Sections four and five: These two sections, which are virtually identical for the Boards of Fisheries and the Board of Game, are intended to statutorily set out the priority given to subsistence use of the fish and game resources. While there are presently regulations for subsistence fishing, there is no mechanism for the promulgation of subsistence hunting regulations except with the creation of subsistence hunting areas pursuant to A.S. 16.05.257. Section seven would allow for these regulations so that subsistence hunting could be distinguished by separate regulations from sports hunting. Further, these sections set forth a priority of users if restrictions are needed because of the unavailability of resources. The priority list is an attempt to insure that those with the most dependence upon the fish and game resource: are the last to be restricted.

If there is a need to restrict the taking of fish or game in order to avoid damaging the fish stocks or game populations, or in order to assure that subsistence users may continue to take fish or game, it is the intent of the Committee that sports or commercial use be restricted before subsistence use. If these restrictions are inadequate, restriction of subsistence use as well is authorized based upon the dependence on the resource, the local residence of the subsistence user, and the availability of alternate resources. It is the intent of the committee that decisions and determinations by the Board of Fisheries and the Board of Game will be subject to complete public scrutiny and that reasons will be given for any action or any failure to act.

Subsection C is intended to ensure that game meat is not wasted as a result of a hunt which is not allowed during a portion of the year when the meat is not edible. As the game resources are very limited, this subsection makes certain that the entire animal can be utilized.

Section six: This section does two things. First, it makes clear that the Board of Game must consider subsistence hunting area proposals at its regularly scheduled annual meeting. Second, it allows the Board of Game to consider recommendations from the active local advisory committees which are located in the area where the subsistence hunting proposal is being made without also needing a recommendation from the other advisory committees which have concurrent jurisdiction, in the game management unit or subunit affected. Therefore, if five local advisory committees have concurrent jurisdiction, it is only necessary to have the committee located in the affected area to make its recommendation rather than other committees which may not have any interest in the area being proposed.

Section seven: This section deals with the problem of not having sufficient information to present to the Board of Game when they are making their determinations. If the Board of Game is required to make investigations and present this information at the hearings, the participants will be able to make relevant comments. Subsection (C) (3) allows for the petitioners to dispute the investigations which have been made. Presently most of the hearings only deal with the participants personal observations. More meaningful hearings would be conducted if biological and user information were required.

Section eight: This section mandates a seventy-five (75) day period by which time a petition must be filed with the Department of

Fish and Game. This time period is included to enable the Department to make the investigation required under section eleven.

Section nine: This section requires the Department of Fish and Game to make detailed investigation concerning subsistence hunting area proposals. The Board of Game has rejected proposals in the past stating that they did not have enough information before them to justify their creation. The only agency which is capable of providing this information is the Department of Fish and Game. Therefore, to require the Department to make this investigation would force the Board of Game to make its decisions based upon the relevant data rather than being able to deny them out of hand. As the Board has not approved any of the proposals in the past, the changes in this section would require the Board to follow the legislative history of the law and would provide a mechanism for reviewing the Board's decision.

Section ten: This section expands the uses which can be made of game taken in subsistence areas. Presently, the uses allowed are much more restrictive than the customary and traditional uses made of fish and game.

Section eleven: The definition of subsistence hunting is changed so that non-subsistence hunting of the species which is the subject of a petition or report will not be allowed. Sports hunting of other species is allowed so long as the subsistence hunting is not interfered with.

Section twelve: This section, like section eleven is intended to assure that any decisions regarding subsistence zones made by the Board of Game are made on the basis of adequate information.

Section thirteen: This section provides for a \$100 dollar per day compensation fee to be given to members of the Board of Fisheries and the Board of Game in addition to travel expenses and \$100 per day per die.

Section fourteen: This section provides for the barter of subsistence caught fish and game as barter is defined in section seventeen, subsection 27 below. As barter is customary and traditional use of fish and game products, there is no necessity for it to be outlawed as is presently the case. However, if barter is to be allowed, the Department of Fish and Game should be allowed to control it so that there are no abuses. This is provided for in section sixteen. Barter is a means of rounding out a subsistence users diet and simply because one resource is available in an area and another is not should not force people to consume only what they can take themselves. The

Intent CS HB 960 (Finance) am
page 4

definition of barter specifically prohibits the selling of subsistence caught fish and game but does not limit what other consideration can be given.

Section fifteen: Subsection (26) defines what uses can be made of subsistence caught fish and game. It allows it to be used for direct personal or family consumption, for barter as defined in subsection (27) and for sharing the subsistence caught fish and game with other persons. This subsistence caught fish and game which is shared can then only be used for personal or family consumption. This subsection also broadens the definition of family to include the extended family situation.

PROPOSED REDUCTIONS IN FISCAL NOTE
FOR CS4B 960 (Fin) am.

SUBSISTENCE DIVISION

73,100	delete	Juneau regional office
73,100	delete	Kodiak regional office
73,100	delete	Kotzebue regional office
<u>219,300</u>	SUBTOTAL	

61,387 delete 60% of secretarial amount for remaining seven offices

280,687
350,000 Add 650,000 contractual

230,687
771,157 ORIGINAL FISCAL NOTE FOR DIVISION

640,413 REVISIONS FISCAL NOTE FOR DIVISION

230,687
510,413
require deputy director with Research Council

Subsistence Issue Neglected Too Long

By Joe La Rocca

Both as a matter of equity, and as a strategic move to upgrade state and federal relationships in Alaska, the bill to create a division of subsistence hunting and fishing within the State Department of Fish and Game which passed the State House last Friday is an idea whose time is long overdue.

Although it wasn't designed nor, I think, intended to do so, the bill — if enacted into law — will go a long way towards re-enforcing the state's recently-threatened right to manage resident wildlife species in Alaska.

It will also officially elevate the subsistence hunting and fishing ethics to the same practical stature as sport fishing, sport hunting and commercial fishing which have, for too long, enjoyed management priority over subsistence uses of Alaska's wildlife resources.

The state's dominant non-Native politicians have, since statehood, steadfastly ignored the urgency of the subsistence hunting and fishing issue, maintaining from the start three roughly co-equal divisions within the Department of Fish and Game to handle sport fishing, sport hunting and commercial fishing needs.

But they persistently neglected the fourth need that oozed around the edges of the other three, despite the warnings of a few foresighted individuals who, over the years, have unsuccessfully urged the politicians to give equal symbolic and tangible status to the subsistence hunting and fishing ethic.

Their failure to do so at — or soon after — statehood inevitably precipitated the bitter rift which has today corroded relationships — perhaps irreversibly — between Alaska's Native and non-Native people, and brought all wildlife in Alaska to the disastrous brink of federal control, with the active consent of Alaska's Native leaders.

Successive state administrations, including this one, have claimed that they, and their appointed boards of fish and game, have consistently recognized subsistence as the priority use of fish and game resources where there were conflicts with other consumptive uses. But their claims are largely false. Management of the state's resident fish and game species has, over the years, been pervasively biased in favor of sport and commercial interests, while subsistence uses have been systematically accorded step-child status.

The bill approved by the House last Friday purports to establish subsistence use as the priority beneficial use of Alaska's fish and game resources. But it is suspect that, as a practical political matter, subsistence uses will achieve under it, at best, equal management status and treatment with sport and commercial uses if the Senate also passes, and the governor approves — and effectively implements — the statute.

Enactment of the measure should, I think, help to stem the tide of federal encroachment upon the state's right to manage resident species which drew its principal impetus in recent years from the divisive subsistence issue and the state's prolonged failure to attempt to resolve it rationally.

The bill was less than perfect when it came from committee to the floor of the House, and Friday's House action in amending the bill on the floor represented one of those rare occasions when rational considerations prevailed over political expedience.

There were two critical floor amendments which the House wisely adopted. One, authored by Rep. Sam Cotten, (D-Eagle River), removed a lengthy section which would have created a permanent interim committee of the legislature on subsistence. Supporters of Cotten's amendment correctly argued that such a move would have set a dangerous precedent that would inevitably have led to irresistible pressures for similar concessions to other special interests.

The second amendment, offered by Rep. Dick Eliason, R-Sitka, removed a provision which would have unnecessarily added two more seats to the Boards of Fisheries and the Board of Game, thus making it more difficult for both to function effectively.

Although he was justifiably motivated by ethnic self-interest, the bill's architect, Rep. Nels Anderson, (D-Dillingham), and those who supported his efforts, have served transcendent state interests as well, which have been neglected too long.

Even now, the measure is probably imperfect, and experience under it over time is likely to dictate changes needed to refine it further, or adapt it to unforeseen circumstances. But it signifies an important first step and establishes a useful framework which can be fleshed out by future legislatures, if and when necessary.

Hopefully, the Senate and governor will agree, and readily ratify the action of the House of Representatives.

Committee
②

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 960
 Title An Act Relating to Fish and Game Management
 Requested by Representative Anderson Date 5/1/78

II. FISCAL DETAIL

Agency Affected Fish and Game
 Program Category Affected NRMEC
 Budget Request Unit(s) Affected Boards of Fish and Game
plus New BRU for Division of Subsistence

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		749.7	749.7	749.7	749.7	749.7
200 TRAVEL		36.5	36.5	36.5	36.5	36.5
300 CONTRACTUAL		93.4	93.4	93.4	93.4	93.4
400 COMMODITIES		4.5	4.5	4.5	4.5	4.5
500 EQUIPMENT		35.3	3.0	3.0	3.0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						
No Inflation Adjustment		919.4	887.1	887.1	887.1	887.1

FUNDING (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
GENERAL FUND		919.4	887.1	887.1	887.1	887.1
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SEE REVERSE SIDE FOR DETAILED EXPLANATION

IV. DATE May 2, 1978 PREPARED BY Bill Morrison
 AGENCY Fish and Game
 PHONE 465-4120
 Original: Legislative Finance
 cc. Budget and Management
 Prime Sponsor (First Legislator Named)

note

I. Sections 2-4 establish a Division of Subsistance.

In addition to a Headquarters staff of director, deputy director, secretary, and administrative assistant, work would be accomplished by regional positions with clerical support at range 18 in Juneau, Anchorage, Kodiak, Fairbanks, Barrow, Bethel, Dillingham, Galena, Kotzebue, and Nome. Range 18 is the same level as Fisheries or Game Biologist III. This is the project manager level and would be expected to have a broad range of professional experience as well as the ability to interact well with the public. Travel is provided at \$3,000 for regional positions, and \$4,000 for the director and deputy. Contractual funds are for phones, printing, advertising, and space rental. (Figures assume 600/mo. for regional space and phones; 1,000/yr. for regional printing; 700/mo for HQ space and phones; 3,000/yr for HQ printing and miscellaneous). New equipment is needed for all positions.

Line item costs for the Division of Subsistance are as follows:

100 - 699.9	400 - 4.5	
200 - 38.0	500 - 35.3	—
300 - 93.4		

Line item 500 is reduced to 3.0 for FY '80 and beyond.

II. Section 5 adds two members each to the Boards of Fisheries and Game.

The cost of each additional Fisheries Board member would be \$1,500 in travel and \$4,500 in per diem. The cost of each additional Game Board member would be \$1,000 in travel and \$2,200 in per diem. These figures do not include the additional compensation addressed in section 15 of the bill. Total cost of section 5 is \$18,400, all in line 200.

III. Section 15 provides additional compensation for Board members.

Board members currently receive \$100 per diem per day. The effect of section 15 would be to reduce the per diem to the same as that paid other state employees (this fiscal note assumes an average of \$60), and to add compensation of \$100 per day for Board members. Actual per diem paid would be reduced from \$49,800 in FY '79 (both boards) to \$29,900 in line item 200. Compensation of \$100 per day would add \$49,800 in line item 100.

IV. Section 20 creates a permanent Interim Subsistance Committee of the Legislature. There is no fiscal impact of this action in the Department of Fish and Game. However, the Division of Legislative Affairs would be fiscally impacted by this section.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUBPORT BUILDING
JUNEAU 99801

JAY S. HAMMOND, GOVERNOR

June 10, 1978

The Honorable Kay Poland
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Poland:

Yesterday you requested the Department to poll the Board of Game to determine their views regarding CSHB 960 (Finance) as written regarding the "subsistence issue" and the establishment of a "Division of Subsistence" in the Department by legislative mandate. Insofar as was possible we contacted the Board members yesterday afternoon and evening with the results as indicated below. Six of the seven members were reached--Jim Rearden, Clint Buckmaster, Charles Evans, Darrell Farmen, Pete Nelson, and Sam Harbo; Sidney Huntington was not available.

- (1) All six were opposed to the legislation as written; I feel confident in saying that I believe Sidney Huntington also would be opposed.
- (2) Four, and to that I would add Huntington to make five, were opposed to any such legislation being passed regardless of language; two--Chuck Evans and Clint Buckmaster--felt they could support CSHB 960 if the Department's suggested amendments were adopted.

In addition, we attempted to poll the Board of Fisheries as well, but were less successful. Only four of the seven were reached--Nick Szabo, Gordon Jensen, Herman Schroeder, and Calvin Fair. All were opposed to CSHB 960 as written. Szabo was opposed to any legislation being passed. Jensen, Schroeder, and Fair felt they could support the bill if the Department's suggested amendments were adopted.

I will stick my neck out and say that I think all members of the two Boards believe that there is little need for this kind of legislation and that the subsistence question can be handled quite adequately under a modified

June 10, 1978

regulatory system (which we are working on now). I believe too that all would object to the Legislature establishing any organizational unit within the Department by State law, as has been done already with regard to the Fisheries Rehabilitation, Enhancement and Development Division.

The Department would like to propose two additional amendments to CSHB 960. Again, both were overlooked in our previous review and, again, I apologize for that lack. Our proposals are as follows:

- (1) p.5 Sec. 11 (Sec. 10 as per Dept.'s earlier recommendations)
AS 16.05.257(h)(2) lines 26-29.

We suggest the elimination of this section, and instead leave the existing language presently in the Statutes. Present language reads as follows:

(2) "subsistence hunting area" means an area designated by the board as primarily important for subsistence use and in which it is unlikely that subsistence needs will be met if recreational hunting, including hunting for trophy purposes, is permitted or if certain methods and means are continued. (s 1 ch 199 SLA 1975; am s 2 ch 269 SLA 1976)

The language stated in CSHB 960 would be too narrow and I believe not in compliance with the State Constitution because of discrimination in permitting only subsistence hunting in a "subsistence hunting area." The existing Statute language is more flexible in that control of hunting also could be handled via "methods and means," as well as by other regulatory constraints.

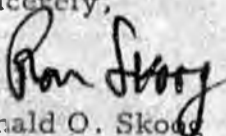
- (2) p.6 Sec. 14. AS 16.05.930(e), lines 17-18.

Language here needs to recognize the responsibility of the Boards to set regulations. I suggest that it be amended to the following:

Line 17-18 "...except that the appropriate Board or the Commissioner by delegation of the appropriate Board may prohibit...."

Thanks again for allowing us to state our views regarding this important piece of legislation.

Sincerely,


Ronald O. Skoug
Commissioner

DEPARTMENT OF FISH AND GAME

Operating Budget Summaries
(Rounded to nearest \$1,000)

	FY'77 Actual	FY'78 Authorized	FY'79 Request
Commerical Fisheries - Total	\$7,315.9	\$7,973.2	\$9,160.3
Funding: Federal Receipts	640.6	633.5	633.5
Matching General Fund	427.1	442.7	442.7
General Fund	6,217.4	6,872.0	8,059.1
Program Receipts	30.8	25.0	25.0
Game - Total	4,464.0	5,058.5	6,032.5
Funding: Federal Receipts	2,825.6	3,219.7	3,876.7
General Fund	163.9	20.0	
Fish and Game Fund	1,474.5	1,818.8	2,155.8
Sport Fish - Total	2,618.6	3,086.7	3,929.7
Funding: Federal Receipts	1,136.9	1,269.9	1,359.9
General Fund	539.9		
Fish and Game Fund	941.8	1,816.8	2,569.8
F.R.E.D. - Total	4,695.5	6,975.1	9,335.5
Funding: Federal Receipts	84.4		
General Fund	4,611.1	6,975.1	9,335.5
Administration - Total	2,290.9	2,667.8	2,824.8
Funding: Federal Receipts	365.6	319.5	350.0
General Fund	1,763.0	2,144.4	2,263.0
Interagency Receipts	139.7	75.2	75.2
Program Receipts	22.6	128.7	130.6
Vessels - Total	1,060.6	1,219.2	1,321.1
Funding: General Fund	1,072.6	1,194.2	1,311.1
Interagency Receipts	8.0	25.0	10.0
Habitat - Total	\$1,105.7	\$ 896.5	\$1,023.6
Funding: Federal Receipts	226.2	209.0	
Matching General Fund	81.7	83.5	
General Fund	722.5	604.0	814.6
Interagency Receipts	75.3		
Pipeline Monitoring - Total	867.8	952.1	1,233.0
Funding: Federal Receipts			154.0
Program Receipts	867.8	952.1	1,134.0
Boards of Fish and Game - Total	143.4	158.3	316.7
Funding: General Fund	143.4	158.3	316.7
Crab Board - Total	224.2	336.8	285.9
Funding: Program Receipts	224.2	336.8	285.9
Total Department Budget	24,806.6	29,324.2	35,518.1
Funding: Federal Receipts	5,279.3	5,651.6	6,374.1
Matching General Fund	508.8	526.2	442.7
General Fund	16,233.8	17,959.0	22,106.0
Interagency Receipts	223.0	100.2	85.2
Program Receipts	1,145.4	1,442.6	1,675.5
Fish and Game Fund	2,416.3	3,635.6	4,934.6

DISTRIBUTION OF FISH AND GAME PERSONNEL

Residing within blackened area: 509 people
 Residing within rest of state: 33 people
 Rest of state excluding Aleutians
 and Bristol Bay: 14 people





Official Business

Alaska State Legislature

House of Representatives

Special Committee
on Subsistence

Pouch V
State Capitol
Juneau, Alaska 99811

REPRESENTATIVE NELS A. ANDERSON, CHAIRMAN

June 6, 1978

Senator Kay Poland, Chairman
Senate Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Subject: CSHB 960 (Finance) am

Dear Senator Poland:

At the hearing on the subsistence bill in your committee on June 5, it was clear that one major issue was whether the proposed new Division of Subsistence Hunting and Fishing should be deleted in favor of a new section of subsistence which would operate directly out of the Commissioner's office. I would just like to reiterate my opposition to that change and explain why.

As the testimony at your hearing indicated, Commissioner Skoog's proposed amendment would cut off any meaningful communication between this section and the legislature, the Governor or the Boards of Fish and Game. The Commissioner's proposed amendments on page two, lines 5 - 6, and 7 and 13 assure that the legislature will not have the benefit of the section's expertise on subsistence, except as it is filtered through the Commissioner's office. The amendment on page two, lines 14 - 15 assures that those same subsistence experts will not have the same freedom in presenting regulation proposals to the Board of Game and Fisheries that the existing divisions presently enjoy.

During the Subsistence Committees' 4 day teleconference on the creation of a subsistence division, the major fear of the majority of the 79 people who testified was that the commissioner would stifle the activities of such a division.

For this reason, the original HB 960 required the governor to appoint the head of the subsistence division rather than the Commissioner. This provision was deleted in committee. That deletion was acceptable to me but I strongly reject the Commissioner's attempts to further erode the bill by attempting to eliminate the division and replace it with a section which would operate as personal staff to the Commissioner.

Further, without the ability to collect data on subsistence needs independent of the special interests of the other divisions, the "section" of subsistence would be dependent on information from the other divisions that has been shown in the past to be inadequate or geared toward sports and commercial interests. Independent field workers to address subsistence issues are mandatory and are only possible if a division is created.

To see how a "section" of subsistence would operate, one only need look at the existing Habitat Protection Section of the Department. According to Keith Specking, legislative assistant to the Governor, in his Organization Review of the Department in December 1977, the following finding applies to the existing Habitat Protection Section, which is seven or eight years old.

"THE ROLE OF THE HABITAT PROTECTION SECTION NEEDS TO BE MORE DEFINED.

That finding is based on the following management observation:

THERE HAS BEEN A LACK OF CLEAR DESIGNATION FOR THE HABITAT PROTECTION SECTION'S INVOLVEMENT IN THE DEVELOPMENT, REVIEW, AND MANAGEMENT OF THE TERMS OF COOPERATIVE AGREEMENTS.

... THE HABITAT PROTECTION SECTION HAS HAD INSUFFICIENT PERSONNEL TO PROVIDE A PROFESSIONAL AND COMPREHENSIVE RESPONSE TO INTENSIVE SHORT - TERM PLANNING REQUESTS.

THERE IS CURRENTLY NO MECHANISM FOR HABITAT PROTECTION SECTION'S INVOLVEMENT IN RESEARCH AND SURVEY AND INVENTORY ACTIVITIES TO FILL DATE VOIDS WHERE LINE DIVISIONS CANNOT ADEQUATELY RESPOND TO RESEARCH REQUESTS.

If this is the case with the existing habitat section, I am sure that a subsistence section would be even more loosely structured and ineffective. We should not create a section of subsistence that has no defined role, no power, inadequate personnel, and no research and data collection capability. Creating a division as provided for in the present bill would ensure that subsistence was dealt with effectively in a scientific manner rather than in a vague and politically oriented manner.

Commissioner Skoog's attempt to reduce the proposed new division to a toothless "section" is even more serious when viewed in the content of his other ill-advised proposed changes. 1) to leave to the discretion of the Department whether or not to create a subsistence preference (page 2, lines 23 - 24 and page 3, lines 11 - 12). 2) to delete the detailed information necessary to determine whether a subsistence game zone should be created and leave in the present, hopelessly general "biological evidence" provision in existing law (page 5, lines 10 - 21).

Page 3
Senator Kay Poland, Chairman
Senate Resource Committee

Thank you very much for your consideration of this matter.

Sincerely,



NELS A. ANDERSON, JR., CHAIRMAN
Special Committee on Subsistence

NAA/ah

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

SUPPORT BUILDING
JUNEAU 99801

June 7, 1978

The Honorable Kay Poland
Senate Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Poland:

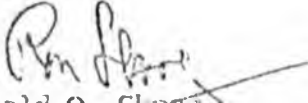
It has just come to my attention that there would be one other discrepancy in the current Title 16 statutes should the present CSIF 960 pass in the legislature. A change would be necessary in AS 16.05.940 Definitions relative to definition number (17) "subsistence fishing." Presently this definition reads as follows:

(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 of Fisheries;

It would be necessary to eliminate "or barter" from this definition in order to comply with the language in CSIF 960. Actually it would be well to eliminate these words from that definition regardless of whether the bill passes or not, because it has caused numerous problems with our enforcement people in many areas of Western Alaska where barter has been a traditional activity. If this latter action were taken, then the definition proposed for "barter" should be added to the section.

Sorry for not having addressed this problem either in my testimony or in my June 6 letter. Thank you for your consideration.

Sincerely,


Ronald O. Skoog
Commissioner

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

SUPPORT BUILDING
JUNEAU 99801

June 6, 1978

The Honorable Kay Poland
Senate Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Poland:

I would like to comment further upon the language in CSHB 960 (Finance) am, relative to certain sections upon which there seems to be some controversy. My comments below follow the section numbers as referred to in the Bill.

Section 2. AS 16.05.090. I would like to restate the Department's position that the duties proposed for a "subsistence group" within the Department of Fish and Game could be better served by having that "group" designated as a "Section" in the Commissioner's Office. In that position the Section would carry greater authority in dealing with the other Divisions--Sport Fish, Commercial Fisheries, and Game--in providing the necessary coordination between the staff biologists of these Divisions and the "subsistence" staff in providing for adequate regulatory proposals to the Boards.

Section 8. AS 16.05.257(e). We still are concerned that the proposed wording used presently in the Bill will be too demanding on our staff biologists to supply all of the requested information for every such request. I had recommended in my testimony yesterday that this new language be deleted and that the existing language in Title 16 remain. The eight kinds of information identified as required would create a great burden upon Department staff. In substitute I recommend instead that the following language preface the existing language in AS 16.05.257(e):

The department shall investigate every petition or request made under (a)(2), (3) or (4) of this section and provide the biological evidence needed to evaluate each such petition or request. No subsistence area may be created under this section if the Board of Game determines that biological evidence indicates that the creation

June 6, 1978

of such an area is likely to adversely affect a resource in that it would fall below the level of sustained yield determined to be adequate.

Section 15. AS 16.05.940(26). "Subsistence uses." I would recommend that if "subsistence uses" is to be defined that it might be best to follow the definition that currently is in the (d)(2) legislation now before Congress, as it seems likely that this definition will survive in whatever legislation finally emerges. That definition is as follows:

(26) "Subsistence uses" means the noncommercial, customary and traditional utilization within the State of wild, renewable resources for--

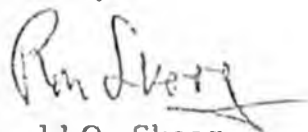
- (1) direct personal or family use for food, shelter, fuel, clothing, tools, or transportation;
- (2) the making and selling of handicraft articles (including clothing), but only out of nonedible byproducts of fish and wildlife taken for such personal or family use; or
- (3) customary trade, barter, or sharing among subsistence users for personal or family use.

Section 15. AS 16.05.940(27). I reiterate my statement that the definition of "barter" should try to exclude the commercial aspects of any exchange. In this respect I think that the definition as contained in Senator Hohman's SB 506 (shown below) is quite appropriate. It eliminates the commercial problem while recognizing the "traditional" barter or trade being carried out by rural residents.

"Barter" means to exchange, trade for, or otherwise give and receive subsistence-taken fish or game or their parts in exchange for other subsistence-taken fish or game or their parts.

We have attached a revised fiscal note to cover the suggested changes to AS 16.05.300.

Sincerely,



Ronald O. Skoog
Commissioner

Enclosure

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 960 (Finance) am
 Title An Act Relating to Fish and Game Management
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Fish and Game
 Program Category Affected NRMEC
 Budget Request Unit(s) Affected Boards of Fish and Game
plus New BRU for Section of Subsistance

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		747.5	747.5	747.5	747.4	747.5
200 TRAVEL		26.9	26.9	26.9	26.9	26.9
300 CONTRACTUAL		93.4	93.4	93.4	93.4	93.4
400 COMMODITIES		4.5	4.5	4.5	4.5	4.5
500 EQUIPMENT		35.3	3.0	3.0	3.0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						
No Inflation Adjustment		907.6	875.3	875.3	875.3	875.3

FUNDING (Thousands of Dollars)

GENERAL FUND		907.6	875.3	875.3	875.3	875.3
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This Fiscal Note is prepared using CSHB 960 (Finance) as a base, and incorporating changes suggested by the Department of Fish and Game in testimony before the Senate Resource Committee on June 5, 1978. See reverse side for detailed explanation.

IV. DATE June 6, 1978 PREPARED BY *J. Morrison*
 AGENCY Fish and Game
 Original: Legislative Finance PHONE 465-4120
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Sections referred to are sections as renumbered in suggested changes to Bill by Department of Fish and Game.

- I. Sections 2-3 establish a Section of Subsistence in the Office of the Commissioner.

In addition to a Headquarters staff of section chief (24), assistant chief (22), secretary, and administrative assistant, work would be accomplished by regional positions with clerical support at range 18 in Juneau, Anchorage, Kodiak, Fairbanks, Barrow, Bethel, Dillingham, Galena, Kotzebue, and Nome. Range 18 is the same level as Fisheries or Game Biologist III. This is the project manager level and would be expected to have a broad range of professional experience as well as the ability to interact well with the public. Travel is provided at \$3,000 for regional positions, and \$4,000 for the chief and assistant chief. Contractual funds are for phones, printing, advertising, and space rental. (Figures assume 600/mo. for regional space and phones; 1,000/yr. for regional printing; 700/mo. for HQ space and phones; 3,000/yr for HQ printing and miscellaneous). New equipment is needed for all positions.

Line item costs for the Division of Subsistence are as follows:

100 - 691.7	400 - 4.5
200 - 38.0	500 - 35.3
300 - 93.4	

Line item 500 is reduced to 3.0 for FY '80 and beyond.

- II. Section 12 provides additional compensation for Board members.

Board members currently receive \$100 per diem per day. The effect of section 12 would be to reduce the per diem to the same as that paid other state employees (this fiscal note assumes an average of \$60), and to add compensation of \$100 per day for Board members. Actual per diem paid would be reduced from \$49,800 in FY '79 (both boards) to \$29,900 in line item 200. Compensation of \$100 per day would add \$49,800 in line item 100.

- III. Section 13 requires the Board of Game to meet at least once in each of five specified areas of the state (this new section recommended to be added by Department of Fish and Game).

This fiscal note assumes that three board members would attend 5 additional meetings with an average of four days in travel status for each member. Average travel cost per member per meeting is assumed to be \$350; average per diem is \$60 plus \$100 per day compensation as allowed by section 12 of this bill. Total impact is as follows:

100 - 6,000
200 - 8,800

I. REQUEST
 Bill/Resolution No. HB 960
 Title An Act Relating to Fish and Game Management
 Requested by Representative Anderson Date 5/1/78

II. FISCAL DETAIL
 Agency Affected Fish and Game
 Program Category Affected NRMEC
 Budget Request Unit(s) Affected Boards of Fish and Game
plus New BRU for Division of Subsistence

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		749.7	749.7	749.7	749.7	749.7
200 TRAVEL		36.5	36.5	36.5	36.5	36.5
300 CONTRACTUAL		93.4	93.4	93.4	93.4	93.4
400 COMMODITIES		4.5	4.5	4.5	4.5	4.5
500 EQUIPMENT		35.3	3.0	3.0	3.0	3.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						

TOTAL No Inflation Adjustment 919.4 887.1 887.1 887.1 887.1

FUNDING (Thousands of Dollars)

GENERAL FUND		919.4	887.1	887.1	887.1	887.1
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SEE REVERSE SIDE FOR DETAILED EXPLANATION

IV. DATE May 2, 1978 PREPARED BY J. L. Morrison
 AGENCY Fish and Game
 PHONE 268-2120
 Original: Legislative Finance
 cc: Budget and Management
 Print Sponsor (First Legislator Named)

I. Sections 2-4 establish a Division of Subsistence

In addition to a Headquarters staff of director, deputy director, secretary, and administrative assistant, work would be accomplished by regional positions with clerical support at range 18 in Juneau, Anchorage, Kodiak, Fairbanks, Barrow, Bethel, Dillingham, Galena, Kotzebue, and Nome. Range 18 is the same level as Fisheries or Game Biologist III. This is the project manager level and would be expected to have a broad range of professional experience as well as the ability to interact well with the public. Travel is provided at \$3,000 for regional positions, and \$4,000 for the director and deputy. Contractual funds are for phones, printing, advertising, and space rental. (Figures assume 600/mo. for regional space and phones; 1,000/yr. for regional printing; 700/mo for HQ space and phones; 3,000/yr for HQ printing and miscellaneous). New equipment is needed for all positions.

Line item costs for the Division of Subsistence are as follows:

875'20

100 - 699.9	400 - 4.5
200 - 38.0	500 - 35.3
300 - 93.4	

Line item 500 is reduced to 3.0 for FY '80 and beyond.

II. ~~Section 5 adds two members~~ each to the Boards of Fisheries and Game

The cost of each additional Fisheries Board member would be \$1,500 in travel and \$4,500 in per diem. The cost of each additional Game Board member would be \$1,000 in travel and \$2,200 in per diem. These figures do not include the additional compensation addressed in section 15 of the bill. Total cost of section 5 is \$18,400, all in line 200.

III. Section 15 provides additional compensation for Board members.

Board members currently receive \$100 per diem per day. The effect of section 15 would be to reduce the per diem to the same as that paid other state employees (this fiscal note assumes an average of \$60), and to add compensation of \$100 per day for Board members. Actual per diem paid would be reduced from \$49,800 in FY '79 (both boards) to \$29,900 in line item 200. Compensation of \$100 per day would add \$49,800 in line item 100.

IV. Section 20 creates a permanent Interim Subsistence Committee of the Legislature. There is no fiscal impact of this action in the Department of Fish and Game. However, the Division of Legislative Affairs would be fiscally impacted by this section.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 673

Title An Act creating a Division of Subsistence Hunting and Fishing

Requested by Elizabeth Ali, Special Committee on Subsistence Date 3-20-78

II. FISCAL DETAIL

Agency Affected Fish and Game

Program Category Affected IRM&EC

Budget Request Unit(s) Affected New BRU to be created

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		699.9	699.9	699.9	<i>etc</i>	
200 TRAVEL		38.0	38.0	38.0	<i>etc</i>	
300 CONTRACTUAL		93.4	93.4	93.4	<i>etc</i>	
400 COMMODITIES		4.5	4.5	4.5	<i>etc</i>	
500 EQUIPMENT		31.9	3.0	3.0	<i>etc</i>	
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						
	No inflation adjustment	867.7	838.8	838.8	838.8	838.8

FUNDING (Thousands of Dollars)

GENERAL FUND		867.7	838.8	838.8	838.8	838.8
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		24	24	24	24	24
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

In addition to a Headquarters staff of director, deputy director, secretary, and administrative assistant, work would be accomplished by regional positions at range 18 in Juneau, Anchorage, Kodiak, Fairbanks, Barrow, Bethel, Billingham, Galena, Kotzebue, and Nome. Range 18 is the same level as Fisheries or Game Biologist III. This is the project manager level and would be expected to have a broad range of professional experience as well as the ability to interact well with the public. Travel is provided at \$3000 for regional positions and \$4000 for the director and deputy. Contractual funds are for phones, printing, advertising, and space rental. (Figures assume 600/mo for regional space and phones; 1000/yr for regional printing; 700/mo for HQ space and phones; 5000/yr for HQ printing and miscellaneous). New equipment is needed for all positions.

10 regional positions

J Morrison

IV. DATE 4/10/78

PREPARED BY Jeff Morrison

AGENCY Fish and Game

PHONE 465-4120

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

My name is Sidney Huntington. My address is P.O. Box 49, Galena, AK 99741. I've lived in Alaska for 60 years. For 35 of those years, I made my living by trapping and hunting. Presently, I own and operate a small retail business in Galena. During the summer I do commercial fishing and also buy and sell fish commercially. I am presently serving on the Game Board of Alaska. I also have served as a member of different school boards for the past 18 years. Right now I belong to the Galena City School Board.

I find myself in a rather difficult position developing testimony to what I consider counteracting our Federal Government because of some very undesirable conditions and situations they seem to want us to live by and with in the future. Conditions promoted by politicians, mostly from the Lower 48. Things such as the D-2 Bill or what have you - all brought upon us by a compromised Land Claims Settlement Bill. The results of a mass of rotten politicians maneuvering against the voting citizens of Alaska. *Since The Bill Passed*

Alaska is large and in the state there are many different conditions. At times it calls for different methods of handling situations at hand in each separate area. For instance, the Eskimo living in the Point Barrow area hasn't the slightest idea how the Eskimo in the Chevak area lives.

You have the Indians in the Interior who used early day methods and had a more primitive live that can in no way compare with either the Eskimo of the South or on the Chän. Go to the sub-areas of Anchorage or any other larger city, no one way of life is exactly the same as another. Only that he or she is alive. Yet Mr. Udal's or whoever's bill, we may have to live by, applies to all who lives on or off this land. Sounds like some quack doctor prescription - what's good for one is good for all until you are all dead.

To put subsistence into practice before attempting to define it or say how you are going to use it, where you are going to use it, and who is going to use it will make it much harder to define. Everybody needs it now and then.

There are possibly areas where you may not have much trouble applying more subsistence if it was the people's desire to eliminate what little they now have. It might do right well along coastal areas. I've never lived there, though I am sure no resource can stand up anywhere under pressures that this fast moving new way of life man has developed. It destroys the habitat and eliminates the resources. Keeping up with the Joneses takes more dollars than it use to. How you acquire those dollars, who is to care? You have the right given you by subsistence to use that God given resource until it is no more. Blame the Department of Fish and Game when it is gone. It has got to be their fault.

I can in no way see the complete management of the resources and habitats by local control, by however many regions you want. I can see it on an advisory capacity regionally or on an wide basis made up of people with a high concern for the resources and not for themselves. The people would be trained by the Department of Fish and Game to function as a board, to operate in the most productive manner and to get the most out of the habitat and fish and game resources. These resources are products that are renewable, almost yearly sometimes. They have been used as food and have been the very livelihood of people over many years in the past. With proper management and much effort, these resources would and should feed many more, for years to come.

One of the biggest factors against these very game resources is in most areas. The people themselves, living in their own areas, are over-hunting, hunting out of season, and killing unnecessarily, at times. These factors and many more boil down to destruction of our resources

Looking back over the years, I see two outstanding factors that almost eliminated two species of game. One is the geese on the Huslia and Dalby Rivers. The numbers of those geese are still not yet up to its normal level or what it used to be. We used to hunt those geese about the 20th of July when the older

geese or the goslin could not yet fly. We killed hundreds of them with clubs and ground-sluiced them with shotguns. In a very few years, there were no more. What brought this on? The outboard motor did. When an outboard motor you could cover hundreds of miles over night and see hundreds of geese. The old Indians used only birch bark canoes, only going a short distance getting just a few geese from one flock. They did not hurt the resource.

The beaver is the other animal which was almost eliminated. I remember so clearly, in the early 1900's, beaver pelts were selling at high prices, about \$6.00 each. Heavy shooting with rifles was used to take the beaver, both in the fall and the spring. The beaver was almost eliminated by 1922. At that time the law stepped in - I mean IAW - The season for harvesting beaver was closed - Period. By 1926, it reopened only to have it closed again. The take was heavy as the price was up to \$40.00 each. They opened the season again in 1929 for trapping only. Again, the expert subsistence user got his 22 rifle out and began crack shooting the beaver in the eye or the mouth leaving no bullitt mark anywhere. A high take out on the Innoko River was 140 beaver for a short spring hunt. The local Game Warden at that time was Sam White whom many people highly respected. He put into effect the now standing season, March 31 - with all beaver being tagged and sealed within 30 days. He went from camp to camp or village and taught anyone interested how to trap beaver. That set is still being used today. I do say the population of beaver is good today because, it was caught in time to make a recovery. So, I say again, be careful with subsistence. The above people were much more dependent on subsistence at that time than we are so today, but greed got the best of them. I know because, I was one of them.

To say local management and control would be sure death to our available resources. Greed alone is cutting them short. With all the high powered mechanized equipment that is readily available, the resources have nocchance. When the good Lord created Alaska, he did it so as to provide for a certain number of people who could exist on the resources this land could provide, I am sure.

With modern methods and means, a good portion of the resources have been reduced due to the high priority given the dollar. With most of the gold gone, nearly all of the salmon gone at one point, the timber going, only one noticeable item seems to grow in number each year. That is the people, demanding more from our fast depleting resources. All demanding the same right to use all of the fish, all of the game, all of the time.

With the people here now, and more coming all the time, our fish and game is not going to stand the pressure. To top it off, we even let any foreigner from other countries load up with guns and ammo to roam at will, to destruct our game and possibly the habitat. No questions asked.

The members of the Game board are unable at times to cope with do-gooders in the Lower 48 and in Alaska. We have our hands tied by Wolf lovers with warped minds- most likely warped by communistic teachings to disrupt our way of life.

The harvest of moose is heavy and getting heavier each year by adding more hunters from all directions - with the wolf taking a very healthy share. The do-gooders have done their best to disrupt our efforts to manage predator control. This control is a proven tool. To manage and maintain a good healthy number of moose and other game by thinning out a few wolves which is a very valuable fur bearing animal. Not a big game species, unless you want your dog classed as big game also.

The Federal government D-2 land or what ever concept is adopted, the management of our fish and game should be done by the State of Alaska. Preferably by a game board or whatever, to include predator control on all land in Alaska, not to eliminate but control to maintain the resources with high priority given to any part of the game resource showing signs of weakening.

I feel it is very unconstitutional to use the word subsistence to define the way of life of one person over another. Being so our government says we do just that, it seems that we are being forced to discriminate against each other both here in Alaska and other citizens who make up the U.S. A very undesirable condition.

Remember, over-practice of subsistence in some areas, when made into law, eliminates certain species in that area because

it will be over exercised and will mean ruination to most other resources and habitats also.

Those that promoted the concept of subsistence so strongly are not going to shoulder the blame, but will put the blame directly on the Department of Fish & Game whether it is in operation or not. I feel sure that the Dept. of Fish & Game is being forced to accept whatever concept is adopted - That concept could be rotten.

Who is eligible for subsistence? I am sure there is no way anyone could define it so it will be honest and fair to everyone in an area or region. If there were no one getting food stamps or on welfare, it would be somewhat easier to determine who is eligible for subsistence.

Our older people are a thousand times better off than they were in say 1925, which I am sure they deserve.

Is a man, 35 years old, with a family of ten and has a small income more eligible than a man, 50 years old, with a family of three? If a man lived in Alaska for 60 years and had a healthy income but used subsistence type food all of his life, is he cut off from subsistence? Where does the well-to-do or somewhat wealthy woman that has supplied food for her family all her life from the local resources stand?

There are many more circumstances to confront us. Each one is just as discriminative as any other you might want to bring up. I see no fair way or means to really honestly define subsistence for one citizen over another. It is a task like it would be to tell one of my children that he should get more than the other.

Our fish and game should be managed by the State of Alaska Game board and State what have you. There should be well trained advisory boards on a regional basis. They will be on an advisory capacity only. The training to be done by qualified staff or personell.

More active Field Law Enforcement officers are needed to enforce the laws. Foreigners from other countries should not be allowed to hunt without a guide to roam free our land and to destroy our game. Our game can not be killed to leave the meat rot in the field.

If, under any adopted subsistence regulation, it is found that our fish and game resources will not maintain a productive level because of over hunting by any hunters, subsistence or otherwise, ~~issuing~~ ^{public} subsistence permits could be issued, or else all hunting stopped. This would provide the ^{desireable} amount of subsistence needed. The subsistence regulation that is adopted will determine how much subsistence is needed. *hope*

I do not think any law has been made that says the State of Alaska or the Department of Fish & Game deprives anyone the use of the resource as a subsistence need. There are regulations that say you must do things in season. All seasons should be recognized if we are going to preserve our resources. Even if the subsistence law was passed, you still should have to abide with the law. I don't see any gain in not doing so. To break the laws would promote hardship on the so-called subsistence user in the future. The season for harvesting the animal resource, that is getting fewer in number would have to be closed, until their population remained to a desired level. Don't kill just because you may have the right as a subsistence user to do so.

I can't foresee our Federal Government and the people who help run our United States be so small minded as to want us citizens of the U.S. because we live in Alaska to accept such undesirable legislation. I am sure in many instances that it could be fatal to some if not all our fish and game resources.

Thank you for letting me express what I feel.

LA11 3959 17.52 06/07/78 JA01 0004 07.37 06/08/78

TO: PRESIDENT JOHN RADER AND ALL MEMBERS OF THE SENATE

FROM: RAY MC NUTT, PRESIDENT
ALASKA PROFESSIONAL HUNTERS ASSOCIATION
PO BOX 4-1932
ANCHORAG AK 99509

THE FOLLOWING IS A COPY OF A TELEGRAM SENT JUNE 7, 1978, TO SENATOR
POLAND RE HB 960 (SUBSISTENCE PRIORITY BILL):

WE URGE YOU TO DEFEAT THIS BILL IN THE SENATE.

THE IMPORTANCE OF LEGITIMATE SUBSISTENCE NEEDS HAVE BEEN ADEQUATELY
PROVIDED FOR BY STATUTES AND POLICIES OF THE FISHERIES AND GAME BOARDS.

THIS BILL IS TOTALLY UNNECESSARY AS IT IS CUMBERSOME, EXPENSIVE, AND
WOUD ESTABLISH AN ADDITIONAL BUREAUCRACY WHICH FURTHER COMPLICATES THE
ALREADY COMPLICATED ISSUE OF FISH AND GAME MANAGEMENT. IF WE THINK IN
TERMS OF SPENDING VAST SUMS OF MONEY, THE FUNDS SHOULD BE USED IN FIELD
WORK TO ENHANCE FISH AND WILDLIFE POPULATIONS INSTEAD OF ESTABLISHING
ANOTHER ADMINISTRATIVE DIVISION TO ADDRESS A PROGRAM THAT IS ALREADY
BEING ADEQUATELY ADMINISTERED.

EOM/CCD/

TELEGRAM

ALASKA ALASKA COMMUNICATIONS, INC

PHONE: 588-6440

02243 ANCHORAGE ALASKA 99501 53P ADT

PM SENATOR KAY POLAND

JUN

DEAR SENATOR POLAND, REFERENCE HR960 (SUBSISTENCE
PRIORITY BILL)

WE URGE YOU TO DEFEAT THIS BILL IN THE SENATE.

THE IMPORTANCE OF LEGITIMATE SUBSISTENCE NEEDS HAVE BEEN
ADEQUATELY PROVIDED FOR BY STATUTES AND POLICIES OF
THE FISHERIES AND GAME BOARD.

THIS BILL IS TOTALLY UNNECESSARY, AS IT IS CUMBERSOME,
EXPENSIVE, AND WOULD ESTABLISH AN ADDITIONAL BUREAUCRACY
WHICH FURTHER COMPLICATES THE ALREADY COMPLICATED ISSUE
OF FISH AND GAME MANAGEMENT. IF WE THINK IN TERMS OF
SPENDING VAST SUMS OF MONEY, THE FUNDS SHOULD BE USED IN
FIELD WORK TO ENHANCE FISH AND WILDLIFE POPULATIONS
INSTEAD OF ESTABLISHING ANOTHER ADMINISTRATIVE DIVISION
TO ADDRESS A PROGRAM THAT IS ALREADY BEING ADEQUATELY
ADMINISTRATED.

RAY MCNUTT PRESIDENT ALASKA PROFESSIONAL HUNTERS ASSOC

YUKON
ALASKA COMMUNICATIONS, INC.
PHONE: 896-8440
JUNEAU, ALASKA 99801

#

27007 NL BETHEL ALASKA 90 06-07 12P ADT

PMS CHAIRPERSON KAY POLAND

SENATE RESOURCE COMMITTEE

POUCH V JUNEAU ALASKA

NUNAMKITLUSISTI AS PART OF THE ASSOCIATION OF VILLAGE
COUNCIL PRESIDENTS WHICH IS REPRESENTATIVE OF 57 VILLAGES
IN THE YUKON KUSKOKWIM DELTA WOULD LIKE TO EXPRESS
ITS SUPPORT OF HB960 AS IT ARRIVES IN THE SENATE RESOURCE
COMMITTEE. WE FEEL THAT ANY AMENDMENTS TO IT WOULD WEAKEN
ITS POWERS. AS A DIVISION WITHIN THE STATE REGULATORY SYSTEM,
THE IMPORTANCE OF SUBSISTENCE AND RESOURCE INVOLVED WOULD
BE ADEQUATELY PROTECTED AND EFFECTIVELY REALIZED FOR THE
CONTINUING EXISTENCE OF THESE IMPORTANT RENEWABLE RESOURCES
TO THE STATE OF ALASKA AND ITS RESIDENTS.

TONY VASKA, NUNAMKITLUSISTI

SENATE RESOURCES

POLAND	120	Butrovich	525
Croft	106	Huber	114
Meland	205	Colletta	107
Tillion	109		

LA21 4042 13.16 JA01 0025 20.22 06/06/78

PLEASE DELIVER THE FOLLOWING MESSAGE TO THE SENATE RESOURCE COMMITTEE:

URGE THAT YOU NOT VOTE HB960 OUT OF RESOURCES COMMITTEE. BILL IS UNCONSTITUTIONAL, UNFAIR AND VIOLATES NOT ONLY PRINCIPLES OF MODERN GAME MANAGEMENT, BUT UPSETS AN EFFECTIVE EXISTING SYSTEM.

FAIRBANKS ADVISORY COUNCIL
P. O. BOX 669
FAIRBANKS, AK 99707
NO PHONE

EOM

LA21 3802 16.57 JA01 0018 17.24 06/06/78

PLEASE DELIVER THE FOLLOWING MESSAGE TO THE SENATE RESOURCES COMMITTEE:

ALASKAN HUNTERS, FISHERMEN AND TRAPPERS HAVE NOT HAD PROPER OPPORTUNITY TO TESTIFY ON HB960. WE RESPECTFULLY REQUEST AN OPPORTUNITY TO SEND A REPRESENTATIVE OR 2 BEFORE YOUR COMMITTEE. VITAL INFORMATION HAS NOT YET BEEN PRESENTED. PLEASE SCHEDULE HEARINGS NEXT WEEK IF POSSIBLE. AS WRITTEN, THE BILL IS INTOLERABLE. THANK YOU.

THE REAL ALASKA COALITION REPRESENTING THE 37 SPORTSMEN CONSERVATION ORGANIZATION THROUGHOUT ALASKA
P. O. BOX 73478
FAIRBANKS, AK 99707
479-3367

EOM

The REAL Alaska Coalition

Regional Offices

Box 4-1932
Anchorage, Alaska 99503
(907) 274-4959

P. O. Box 80929
Fairbanks, Alaska 99708
(907) 479-4383
(907) 479-6602

Box 3072 R 3
Juneau, Alaska 99801
(907) 586-6114

Member Groups

*Alaska Chapter Safari Club
International (Anchorage)*
*Alaska Fur Trappers Association
(Tok)*
Alaska Gun Collectors (Anchorage)
*Alaska Professional Hunters
Association (Anchorage)*
Alaska Rifle Club (Anchorage)
*Alaska Sports & Wildlife Club
(Ketchikan)*
*Alaska State Rifle & Pistol
Association (Anchorage)*
*Alaska Waterfowl Association
(Anchorage)*
Baranof Pistol & Rifle Club (Sitka)
*Chena River Sports Club
(Fairbanks)*
Chitina Dipnetters (Fairbanks)
*Coalition of Interior Alaska
Outdoorsmen (Fairbanks)*
*Eagle River Sportsmen Preservation
Association*
*Easement Defense Fund
(Anchorage)*
*Interior Alaska Trappers
Association (Fairbanks)*
*Interior Wildlife Association of
Alaska (Fairbanks)*
Isaac Walton League (Anchorage)
Juneau Rifle & Pistol Association
*Kodiak Rifle & Pistol
Matanuska Valley Sportsmen
Association (Palmer)*
*Moose Pass Sportsmen
Association*
Nome Sportsmen Club
Old Sitka Trap Club
Petersburg Rod & Gun Club
Sitka Sportsmens Association
Sno Shoe Gun Club (Kenai)
TVS Rifle & Pistol Club (Fairbanks)
*Tanana Valley Sportsmen
Association (Fairbanks)*
Territorial Sportsmen (Juneau)
Totem Shooters (Eagle River)
*Upper Kuskokwim Sportsmen
Association (McGrath)*

Sidney Huntington, an Athabascan Indian, struck out on his own trapline, by himself, at age twelve. He earned his own living, even at that age, and is completely self-taught. His formal education stopped at the third grade.

From that beginning, Sidney has lived from the land, and grown in every aspect of human development. Today, after more than sixty years of self-teaching and application, he and his wife have a grown family of twelve sons and daughters (one son won the world's longest dog sled race, the Iditarod, a few years ago; another is on the Alaska Board of Fish; one is President of Doyon, Ltd., the largest land-holding corporation in the world; a daughter is attending the University of Alaska, etc.) Sidney runs a small, but thriving mercantile company in his home in Galena. He is still famous for his hand-crafted wooden river boats which ply the Yukon and helps hundreds of natives make a living from the fishery resource. He offers a fish-buying service for the middle Yukon.

For thirty-five years he earned a living from the land and its fish and game resources, hunting, fishing, and trapping. All of his life he has been intimately involved with individual self-sufficiency and local uses and users of fish and game. He knows the people and he knows the resources.

Just as he has shown a deep concern for proper education of future generations of Alaskans by devoting some eighteen years of service on various school boards; he likewise shows a deep concern for the fish and wildlife resources for all Alaska, and has served first on the Joint Boards of Fish and Game in 1974, and since that time on the Alaska State Board of Game.

Jim Rearden, a well-respected outdoor writer, most knowledgeable game manager, current and past member of the Alaska Board of Game pays Sidney a most worthy compliment, "I have watched and been actively involved with fish & game management policies in Alaska since statehood, both as a department employee, and for the past twelve years, as a board member. Without qualification or reservation, I can say Sidney Huntington is by far the best Native representative we have ever had on either board for nineteen years, since inception as a State." Jim goes on to explain, "to him, the resources are of primary importance, and he is equally concerned about all of Alaska."

Sidney speaks with frankness and a far-sighted wisdom which all Americans would do well to heed.

My name is Sidney Huntington. My address is P.O. Box 49, Galena, AK 99741. I've lived in Alaska for 60 years. For 35 of those years, I made my living by trapping and hunting. Presently, I own and operate a small retail business in Galena. During the summer I do commercial fishing and also buy and sell fish commercially. I am presently serving on the Game Board of Alaska. I also have served as a member of different school boards for the past 18 years. Right now I belong to the Galena City School Board.

I find myself in a rather difficult position developing testimony to what I consider counteracting our Federal Government because of some very undesirable conditions and situations they seem to want us to live by and with in the future. Conditions promoted by politicians, mostly from the Lower 48. Things such as the D-2 Bill or what have you - all brought upon us by a compromised Land Claims Settlement Bill. The results of a mass of rotten politicians maneuvering against the voting citizens of Alaska. *Since The Bill Passed*

Alaska is large and in the state there are many different conditions. At times it calls for different methods of handling situations at hand in each separate area. For instance, the Eskimo living in the Point Barrow area hasn't the slightest idea how the Eskimo in the Chevak area lives.

You have the Indians in the Interior who used early day methods and had a more primitive live that can in no way compare with either the Eskimo of the South or on the Chain. Go to the sub-areas of Anchorage or any other larger city, no one way of life is exactly the same as another. Only that he or she is alive. Yet Mr. Udal's or whoever's bill, we may have to live by, applies to all who lives on or off this land. Sounds like some quack doctor prescription - what's good for one is good for all until you are all dead.

2

To put subsistence into practice before attempting to define it or say how you are going to use it, where you are going to use it, and who is going to use it will make it much harder to define. Everybody needs it now and then.

There are possibly areas where you may not have much trouble applying more subsistence if it was the people's desire to eliminate what little they now have. It might do right well along coastal areas. I've never lived there, though I am sure no resource can stand up anywhere under pressures that this fast moving new way of life man has developed. It destroys the habitat and eliminates the resources. Keeping up with the Joneses takes more dollars than it use to. How you acquire those dollars, who is to care? You have the right given you by subsistence to use that God given resource until it is no more. Blame the Department of Fish and Game when it is gone. It has got to be their fault.

I can in no way see the complete management of the resources and habitats by local control, by however many regions you want. I can see it on an advisory capacity regionally or on an area wide basis made up of people with a high concern for the resources and not for themselves. The people would be trained by the Department of Fish and Game to function as a board, to operate in the most productive manner and to get the most out of the habitat and fish and game resources. These resources are products that are renewable, almost yearly sometimes. They have been used as food and have been the very livelihood of people over many years in the past. With proper management and much effort, these resources would and should feed many more, for years to come.

One of the biggest factors against these very game resources is in most areas. The people themselves, living in their own areas, are over-hunting, hunting out of season, and killing unnecessarily, at times. These factors and many more boil down to destruction of our resources

Looking back over the years, I see two outstanding factors that almost eliminated two species of game. One is the geese on the Huslia and Dalby Rivers. The numbers of those geese are still not yet up to its normal level or what it used to be. We used to hunt those geese about the 20th of July when the older

geese or the goslin could not yet fly. We killed hundreds of them with clubs and ground-sluiced them with shotguns. In a very few years, there were no more. What brought this on? The outboard motor did. When an outboard motor you could cover hundreds of miles over night and see hundreds of geese. The old Indians used only birch bark canoes, only going a short distance getting just a few geese from one flock. They did not hurt the resource.

The beaver is the other animal which was almost eliminated. I remember so clearly, in the early 1900's, beaver pelts were selling at high prices, about \$6.00 each. Heavy shooting with rifles was used to take the beaver, both in the fall and the spring. The beaver was almost eliminated by 1922. At that time the law stepped in - I mean LAW - The season for harvesting beaver was closed - Period. By 1926, it reopened only to have it closed again. The take was heavy as the price was up to \$40.00 each. They opened the season again in 1929 for trapping only. Again, the expert subsistence user got his 22 rifle out and began crack shooting the beaver in the eye or the mouth leaving no bullitt mark anywhere. A high take out on the Innoko River was 140 beaver for a short spring hunt. The local Game Warden at that time was Sam White whom many people highly respected. He put into effect the now standing season, March 31 - with all beaver being tagged and sealed within 30 days. He went from camp to camp or village and taught anyone interested how to trap beaver. That set is still being used today. I do say the population of beaver is good today because, it was caught in time to make a recovery. So, I say again, be careful with subsistence. The above people were much more dependent on subsistence at that time than we are so today, but greed got the best of them. I know because, I was one of them.

To say local management and control would be sure death to our available resources. Greed alone is cutting them short. With all the high powered mechanized equipment that is readily available, the resources have nocchance. When the good Lord created Alaska, he did it so as to provide for a certain number of people who could exist on the resources this land could provide, I am sure.

With modern methods and means, a good portion of the resources have been reduced due to the high priority given the dollar. With most of the gold gone, nearly all of the salmon gone at one point, the timber going, only one noticeable item seems to grow in number each year. That is the people, demanding more from our fast depleting resources. All demanding the same right to use all of the fish, all of the game, all of the time.

With the people here now, and more coming all the time, our fish and game is not going to stand the pressure. To top it off, we even let any foreigner from other countries load up with guns and ammo to roam at will, to destruct our game and possibly the habitat. No questions asked.

The members of the Game board are unable at times to cope with do-gooders in the Lower 48 and in Alaska. We have our hands tied by Wolf lovers with warped minds- most likely warped by communistic teachings to disrupt our way of life.

The harvest of moose is heavy and getting heavier each year by adding more hunters from all directions - with the wolf taking a very healthy share. The do-gooders have done their best to disrupt our efforts to manage predator control. This control is a proven tool. To manage and maintain a good healthy number of moose and other game by thinning out a few wolves which is a very valuable fur bearing animal. Not a big game species, unless you want your dog classed as big game also.

The Federal government D-2 land or what ever concept is adopted, the management of our fish and game should be done by the State of Alaska. Preferably by a game board or whatever, to include predator control on all land in Alaska, not to eliminate but control to maintain the resources with high priority given to any part of the game resource showing signs of weakening.

I feel it is very unconstitutional to use the word subsistence to define the way of life of one person over another. Being so our government says we do just that, it seems that we are being forced to discriminate against each other both here in Alaska and other citizens who make up the U.S. A very undesirable condition.

Remember, over-practice of subsistence in some areas, when made into law, eliminates certain species in that area because

it will be over exercised and will mean ruination to most other resources and habitats also.

Those that promoted the concept of subsistence so strongly are not going to shoulder the blame, but will put the blame directly on the Department of Fish & Game whether it is in operation or not. I feel sure that the Dept. of Fish & Game is being forced to accept whatever concept is adopted - That concept could be rotten.

Who is eligible for subsistence? I am sure there is no way anyone could define it so it will be honest and fair to everyone in an area or region. If there were no one getting food stamps or on welfare, it would be somewhat easier to determine who is eligible for subsistence.

Our older people are a thousand times better off than they were in say 1925, which I am sure they deserve.

Is a man, 35 years old, with a family of ten and has a small income more eligible than a man, 50 years old, with a family of three? If a man lived in Alaska for 60 years and had a healthy income but used subsistence type food all of his life, is he cut off from subsistence? Where does the well-to-do or somewhat wealthy woman that has supplied food for her family all her life from the local resources stand?

There are many more circumstances to confront us. Each one is just as discriminative ^{as any other} as any other you might want to bring up. I see no fair way or means to really honestly define subsistence for one citizen over another. It is a task like it would be to tell one of my children that he should get more than the other.

Our fish and game should be managed by the State of Alaska Game board and State what have you. There should be well trained advisory boards on a regional basis. They will be on an advisory capacity only. The training to be done by qualified staff or personell.

More active Field Law Enforcement officers are needed to enforce the laws. Foreigners from other countries should not be allowed to hunt without a guide to roam free our land and to destroy our game. Our game can not be killed to leave the meat rot in the field.

If, under any adopted subsistence regulation, it is found that our fish and game resources will not maintain a productive level because of over hunting by any hunters, subsistence or otherwise, ~~issuing~~^{issuing} subsistence permits could be issued, or else all hunting stopped. This would provide the ^{desireable} amount of subsistence needed. The subsistence regulation that is adopted will determine how much subsistence is needed. *W. H. Hoff*

I do not think any law has been made that says the State of Alaska or the Department of Fish & Game deprives anyone the use of the resource as a subsistence need. There are regulations that say you must do things in season. All seasons should be recognized if we are going to preserve our resources. Even if the subsistence law was passed, you still should have to abide with the law. I don't see any gain in not doing so. To break the laws would promote hardship on the so-called subsistence user in the future. The season for harvesting the animal resource, that is getting fewer in number would have to be closed, until their population remained to a desired level. Don't kill just because you may have the right as a subsistence user to do so.

I can't forsee our Federal Government and the people who help run our United States be so small minded as to want us citizens of the U.S. because we live in Alaska to accept such undesirable legislation. I am sure in many instances that it could be fatal to some if not all our fish and game resources.

Thank you for letting me express what I feel.

HB

963

To: Sen. Sumner

From: Ray Brown

Re: questions you raised on HB 963 in Sen. Resources meeting 6/9

Before any oil that is transported through the TAPS could be exported/exchanged, a number of provisions in five separate federal statutes would have to be satisfied. One of these statutes, Export Administration Amendments of 1977, would require the President to make five specific findings and submit them to Congress, which has one-house veto authority. The President would specifically have to find that such exports of Alaska oil "will not diminish the total quantity or quality of petroleum available in the United States; will have a positive effect on consumer oil prices by decreasing the average crude oil acquisition costs of refiners; will be made only pursuant to contracts which may be terminated if the petroleum supplies of the United States are interrupted or seriously threatened; are in the national interest; and are in accordance with the provisions of the act."

The Exports Administration Amendments are not the only restrictions on export of Alaska crude, but they seem to be the most restrictive.

Now, as this relates to the state statute that would be amended by HB 963, it has been pointed out by the administration that arranging a Japanese swap would be facilitated if the administration had the authority to do this (on a short-term basis) without legislative approval.

I outlined some of the reasons for this proposed change in a memo to Hugh Malone, which is attached. After this matter was brought to Malone's attention, he proposed the addition of Sec. 1 (a) to his original bill, and it was adopted by the House Resources Committee.

(Malone wanted more restrictive language than I proposed in memo.)

Another reason pointed out by Arlon Tussing is that export/exchange of state royalty oil might be more acceptable politically to the Carter administration than export of the producers' oil, given all the hostility toward the producers in Congress. Tussing has suggested that the state administration might negotiate a specific deal with a Japanese refiner and request that Carter make his require findings on this particular contract. That would focus the national attention and debate on the state, rather than on the producers.

I have some fairly detailed information on the federal restrictions on exports, if you'd like to see it.



Alaska State Legislature

Senate

JUNEAU, ALASKA

May 23, 1978

TO: Hugh Malone, Speaker of the House
FROM: Kay Brown
RE: Legislative approval for short-term royalty oil sales

Proposed language for addition to HB 963:

* Section 1. AS 38.06.055 is amended to read:

(a) In addition to the approval by the board required under §50 of this chapter, no sale, exchange or other disposition of oil or gas or of the rights or waiver of the rights to receive future production of royalty oil or gas may be made by the Commissioner of Natural Resources under AS 38.05.183 without the prior approval of the legislature by a concurrent resolution concurred in by a majority of the members of each house except for sales, exchanges, or other dispositions made for a term of no more than one year [WHICH MAY BE ENTERED INTO TO RELIEVE A SHORTAGE OF STORAGE CAPACITY]. Any short-term sale, exchange or other disposition entered into pursuant to the authority of this subsection shall not be renewed without the prior approval of the legislature by a concurrent resolution concurred in by a majority of the members of each house.

Re-number sections and leave (b) and (c) as they are in HB 963.

AGO 566535

It has been pointed out by administration spokesmen working on the West Coast surplus problem, that current state law requiring legislative approval for royalty oil sales could make it difficult for state royalty oil to be used as the oil proposed for exchange.

Timing is the major problem. For example, if a swap package (which included export of Alaska royalty oil to Japan) were to be approved by President Carter and the Congress over the interim, the state administration would not be able to move forward with the deal until legislative approval was granted. Six months' notice will be required to switch from in-value to in-kind taking, and Fred Boness says the administration would not give this notice to the producers without first getting legislative approval. Even if legislative approval came as early as next January, the oil could not actually be exported until next summer. Further, if the Alpetco contract is approved, the Prudhoe Bay royalty oil will be available for exchange for only 25 months, which also increases the urgency for expeditious action. (Boness disagrees that Alpetco is a significant problem. If a deal were arranged, he says, it would probably be in Alpetco's interest and they would probably agree to continue the sale should it extend into their contract.)

Another problem is credibility. Boness believes it will be difficult for the administration to negotiate a deal with the Japanese

refiners and participate in working out the total swap package if it must be presented to the legislature for approval. Further, he thinks it is unlikely that the Carter Administration would consider favorably the export of state royalty oil given these legislative roadblocks.

I discussed this problem briefly with Arlon Tussing this morning and he agreed with Boness that some waiver of legislative approval would make a conditional sale or swap much easier to accomplish. I will discuss this with Tussing in more detail at the meeting in Seattle on Wednesday. It is not clear to me whether failure to change the statute would be a significant obstacle.

I have also spoken briefly to Rader, Chatterton, Miles and Gardner about this proposed change. They all agreed that such a change might be needed to accommodate this particular problem, but Miles expressed some reservations.

Practically, it seems apparent it is going to be quite difficult to get something through the legislature this session. However, since almost \$300 thousand has been appropriated to work on this problem, it would be a shame to see a swap aborted because the legislature failed to amend this statute.

COMMITTEE REPORT

SENATE

6/3/78

FURTHER: NONE

Date: 6/12/78

Mr. President:

The Committee on RESOURCES has had CSHB 963 (Jud) an
slaes of royalty oil and gas

under consideration and (a majority of the committee) (the committee
reports it back as follows)

- recommends it do pass recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with SCS for CSHB 963 (Jud)

and _____ new title same title

- AND attaches a Letter of Intent New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

AGO 566538

[Signature]
Chairman

HCR

112

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

5/26/78

Date: 5/24/78

Mr. President:

The Committee on RESOURCES has had HCR 112 am conditionally approving sale of royalty oil to Alaska Petrochemical Company

under consideration and (a majority of the committee) (the committee reports it back as follows)

() recommends it do pass () recommends it do not pass

() recommends it do pass with attached amendment(s)

() recommends it be replaced with CS for HCR 112 am

and _____ () new title () same title

() AND attaches a Letter of Intent () New Fiscal Note

(X) reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

R. Palau

Chairman

AMENDMENT

Dated May 17, 1978

to the

AGREEMENT FOR THE SALE AND
PURCHASE OF STATE ROYALTY OIL

THIS AMENDMENT entered into as of the 17th day of May, 1978, by and between THE STATE OF ALASKA, hereinafter called the "Seller," acting by and through its Commissioner of Natural Resources, and ALASKA PETROCHEMICAL COMPANY, an Alaska corporation, hereinafter called the "Buyer," and being the Amendment to the Agreement between Seller and Buyer entered into February 22, 1978.

WITNESSETH:

WHEREAS, an Agreement for the Sale and Purchase of State Royalty Oil was duly executed on February 22, 1978, between the State of Alaska, as Seller, and Alaska Petrochemical Company, as Buyer ("Agreement"); and

WHEREAS, the Agreement may be amended under Article XXII thereof; and

WHEREAS, Seller and Buyer desire to clarify certain intentions of the Buyer and Seller therein;

NOW THEREFORE, in consideration of the representations, covenants and conditions herein contained, Seller and Buyer hereby amend the Agreement as follows: