

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3561 HRES

HB 288

(FILE 2)

437

APR 02 1985

GILBERT L. URATA, D.M.D.

GENERAL DENTISTRY

BOX 518

CORDOVA, ALASKA 99574

March 26, 1985

Alaska State Legislature
Pouch 5
Juneau, Ak. 99811

Dear Legislator:

Am asking for your immediate support of Senate Bill 231 and House Bill 288 for the following reasons.

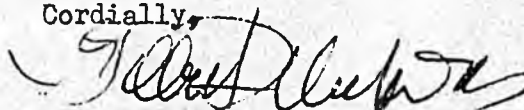
1) Subsistence merely means existence or an aid to existence. Not all people of Alaska need to catch fish in order to exist. Those that do, ought to have the opportunity to do so, those that don't should be restricted. The ADFG and Board of Fisheries have, and need to be allowed to continue to regulate such. Many residents of the state can't use 200 fish. The fish are not in prime condition as they are at the mouth of a river. Others waste or sell their subsistence fish, or are actually sport fishing, driving hundreds of miles for an outing while others indeed need the resource.

2) The state legislature is not qualified, able, and definitely lacks the time to regulate a fisheries. Therefore, give the proper agency the ADFG, the authority to do so. Shelving both of these bills will eventually undermine commercial fishing in all fishing districts in Alaska. Besides the Copper River and Cook Inlet regions, others will be invaded as access improves. The dipnetters and true subsisters have been getting their fair share of fish. They don't require expensive boats, gear, and permits. Look at Oregon and Washington. They allowed a judge to kill their fisheries, especially during difficult times with their other industries. How about the Stikine River? Fishing there is practically wiped out following Canadian fishing at the headwaters. When salmon survive the difficult cycle back to their spawning grounds, let em.

3) My final reason deals with the community of Cordova and others like it. Who's to pay for the vessels and permits? How are the banks to withstand the defaults? Who wants to foot our welfare checks? Class action litigation against the state, including legislators and the CFEC will undoubtedly follow. How can the state deny a resident the right to make a living he or she's had for a lifetime?

Please, urge for quick action on this matter. Passage must be concluded prior to May 1, 1985. The red season peak (highest priced reds in Alaska) lasts only 2-3 weeks starting in May. Most fisherman make their boat and permit payments from reds and use the silver season to the survive the winter. Keep a historic way of life alive.

Cordially,



Gilbert L. Urata DMD

APR 02 1985

Tanana Chiefs Conference, Inc.

Doyon Building
201 First Avenue
Fairbanks, Alaska 99701
Phone (907) 452-8251

March 27, 1985

Hon. Richard Schultz
Co Chair, House Committee
Natural Resources
Alaska State Legislature
Pouch V MS 3100
Juneau, Alaska 99811

RE: H.B. 288

Dear Rep. Schultz:

Enclosed please find a copy of Resolution No. 85-77, "Support for SB 231 and HB 288, Governor's Subsistence Bill". This resolution was passed by the full Board of Directors of the Tanana Chiefs Conference, Inc. gathered at their annual convention mid March, and is being forwarded at their request to the House Committee on Natural Resources to please be made an official part of the record of hearings which your committee is currently holding on this proposed legislation.

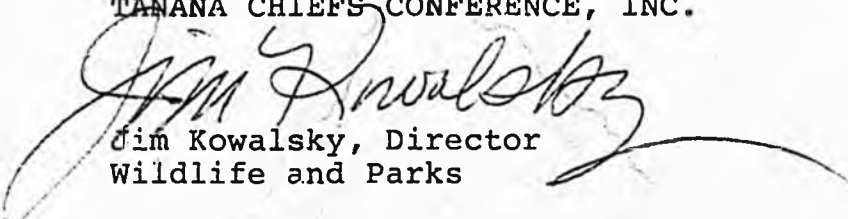
The resolution emphasizes the need to treat subsistence priority as a rural occurrence on a community basis, that is that communities subsist as communities not as individuals.

We also urge action to be taken in this bill this session.

Thank you in advance for any consideration you and the committee hopefully will make of the information set forth in the resolution.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.


Jim Kowalsky, Director
Wildlife and Parks

cc: Rep. Adilheid Herrmann
Rep. Kay Wallis
Rep. John Sund
Rep. David Thompson
Rep. Mike Miller, North Pole
Rep. Bette Cato
Rep. Drew Pearce
Rep. Roger Jenkins
Ted Charles, Director, TCC Tok Subregion

enclosure

JK/kk

TANANA CHIEFS CONFERENCE, INC.

Support for SB 231 and HB 288,
Governor's Subsistence Bill

Resolution No. 85-77

- WHEREAS: the Alaska Supreme Court has recently ruled, in Madison v. Alaska Department of Fish and Game, that the State Board of Fisheries could not distinguish between rural and urban subsistence users until all other uses such as commercial and sport fishing have been eliminated first; and
- WHEREAS: this ruling means that potentially large numbers of urban fishers and hunters will share scarce subsistence resources equally with rural fishers and hunters up to the time that those resources reach a critical level; and
- WHEREAS: this ruling also means that only when such local resources reach a critically low level, and only when all sport and commercial uses thusly are eliminated, can local rural communities be given priority subsistence use of that resource over all other including urban uses; and
- WHEREAS: this ruling fails to fully recognize that Alaska's urban and rural economics, lifestyles, institutions, opportunities for employment, culture, customs and traditions of communitywide sharing greatly differ; and
- WHEREAS: characteristically, rural communities acting together as whole communities have few or no alternatives to the subsistence harvest of locally available resources; and
- WHEREAS: urban communities, as whole communities, have diversified economic opportunities and support systems as alternatives to the subsistence harvest; and

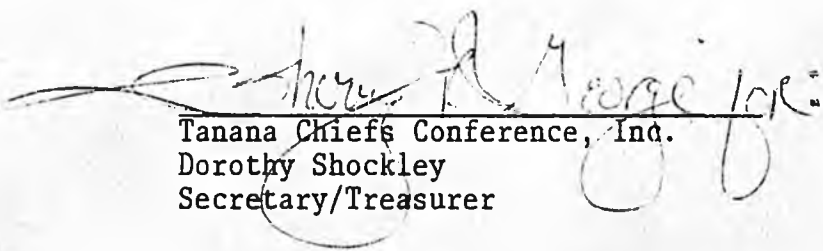
TANANA CHIEFS CONFERENCE, INC.

- WHEREAS: local populations of game and fish cannot support harvests of large numbers of urban subsistence users fishing and hunting alongside, and in competition with, rural subsistence hunters and fishers; and
- WHEREAS: federal law (the Alaska National Interest Lands Conservation Act of 1981) does define subsistence as "rural" in contrast to State law which does not; and
- WHEREAS: Governor Sheffield proposed legislation SB 231 and HB 288 to specify that subsistence users are customary and traditional uses of fish and game made only by rural Alaska residents; and
- WHEREAS: such legislation, if enacted, would essentially resolve the problems created by Alaska's Supreme Court ruling;

BE IT HEREBY RESOLVED that the Board of Directors of the Tanana Chiefs Conference, Inc. supports the proposed legislation SB 231 and HB 288 which would specify that subsistence users are rural users of fish and game resources.

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 14, 1985 at Fairbanks, Alaska.


Tanana Chiefs Conference, Inc.
Dorothy Shockley
Secretary/Treasurer

F/V Belen-C
Joe and Belen Cook, Jr.
P. O. Box 215
Cordova, Alaska 99571
Phone (907) 421-8507

APR 04 1985

House of Representatives and

I am writing this letter because of my
great concern of what has happened in the
past month, dealing with substance.

I would not like to start by telling
you a little about myself and family.

Both my husband and I work on a 128 ft
copper boat. Starting May 15 to Sept
each year, salmon fishing on the Copper
River Flats. I also do the bookkeeping
for the business, I am also a member
of the Richard Hann advisory committee
in this area, so I am well aware of the
problems we have had in the past.

I was on the Fish and Game Advisory
Committee, when it was first decided to
bring before the Board of Fish naming
three user groups Subsistence Personal Use,
and Commercial. I was very
happy to see it pass, since I
believe this to be an excellent way to manage the



F/V Belen-C
Joe and Belen Cook, Jr.

P. O. Box 215
Cordova, Alaska 99574
Phone (907) 424-3507

(2)

resource

I do not want to give you the impression that I am only involved in fishing interests, because this is not the case! I am also on the Cordova Hospital Auxiliary, and The Women's Resource Center, which I am a board member of.

My husband has been a Commercial Fisherman since he was 13 years old and he is now 34 years old. Our livelihood depends on fishing, we depend on the Copper River Flats for 85 percent of our living and 15 percent on the Prince William Sound.

Besides fishermen, the Community of Cordova also depends on fishing, thus I believe HB 288 must pass and pass in this session.

You see it's quite simple if we fishermen cannot meet our obligations to our creditors, they in turn cannot meet theirs, which can cause great problems in the near future as far as economic hardship.

I am positive Cordova will be the only community



F/V Belen-C
Joe and Belen Cook, Jr.

P. O. Box 215
Cordova, Alaska 99571
Phone (907) 424 3507

(5)

affected in this manner in Alaska
So I ask you again to support HB 288

Sincerely,

Joe and Belen Cook



APR 04 1985



RAINBIRD FISHERIES, Inc.

P.O. Box 1065
Cordova, AK. 99574

March 31, 1985

Adelheid Herrmann, Co-Chairman
Richard Shultz, Co-Chairman
House of Representatives Resources
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Sirs:

We support House Bill #288 (and SB #231) to give back the power to the Alaska Board of Fisheries and Game to manage our resources. We urgently request your support, if this legislation is not passed, this will have a serious impact on the Town of Cordova.

It is most important that this issue be resolved during this Session.

Thank you very much for your efforts.

Very truly yours,

R. J. Shaw

R. J. Shaw

APR 04 1985

Box 993

Cordova, Alaska, 99574

March 27, 1985

Dear Representative,

Please take immediate action,
Concerning Senate Bill # 231 or House
Bill # 288.

Unless Fish & Game open the
Copper River fishing by the beginning
of May, our family and the city of
Cordova will have no income to
sustain them. Cordova's only industry
is fishing.

My husband, age 42, has been fishing
in Cordova all of his life and the
early red run may be as much
as 90% of his yearly income.

It is hard to understand how it
could be allowed for people who
have regular jobs and or sources
of income to take fish they don't
need and put others out of work.

I am hoping that the Judiciary
and Finance Committees will withdraw
Senate Bill # 231 so this can be
resolved in time.

Thank you,
Rebecca Garland

APR 04 1985

Box 993
Cordova, Al
99574
March 26, 1985

Dear Representative;

I'm writing to you on behalf of the subsistence fishing ordeal. I think that the Legislature should find some way to solve the fishing problem Alaskans are faced with. My father is a commercial fisherman, and without the money he makes during the fishing season, we may starve this winter.

I'm seriously hoping that you'll give the matter at hand some thought and fast action.

Sincerely,
Adam Garland
age 14

APR 02 1985

Box 254

Cordova, Alaska

March 28, 1985

Representative Adelheid Herrmann, Co-Chairman
House of Representatives Resources
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Herrmann;

I am writing to request your support on ~~and~~ #288 or any similar legislation that would give the Alaska Board of Fish and Game the power back to regulate and manage our fish and game resources. If not passed this could virtually destroy Cordova. Cordova's main industry is fishing and the only industry that is keeping Cordova alive today. We cannot depend on tourism.

Many Cordova fishermen would loose their boats and their only means of making a living if they are not allowed to fish (gill-net). Does the state want to see this happen? Nearly all of the Cordova fleet is financed thru the state. What will this do to the state?

My husband has been in the fisheries since 1969. We make our home here in Cordova and have been residents for over 25 years. This is our only means of employment. We are not young and certainly do not want to loose our boat. We also prefer to be employed and not on Welfare.

I urge you, along with all of Cordova, to please give this bill your support.

Sincerely,

Kathy Crow
Kathy Crow

APR 02 1985

HIGH TIDE SEAFOODS

P. O. Box 1556
VALDEZ, AK 99686

March 29, 1985

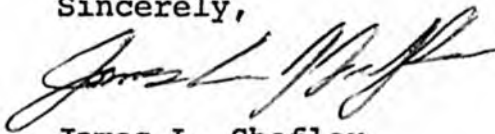
Representative Adelheid Herrmann
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative:

The commercial salmon industry is a major resource of revenue and employment in the State of Alaska. We urge you to support SB #231.

Thank you.

Sincerely,



James L. Shefler
Partner

JLS/jcs

APR 02 1985

ALASKA POWER SERVICES

P.O. BOX 622 • CORDOVA, ALASKA 99574
(907) 424-3300

March 25, 1985

Adelheid Herrmann, Co-Chairman
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Adelheid Herrmann:

I am writing this letter as a private business owner in the city of Cordova in support of HB#288. Alaska Power Services is solely dependent upon the commercial fisheries in Cordova, providing mechanical services and parts to the gillnet fleet of Cordova. If HB#288 is not acted upon by May 1, the survival of my business and many others in Cordova are doubtful this year. There are many resident's livelihoods at stake pending the decision of this bill. We urge that you make every effort to pass this bill as quickly as possible.

Business has dropped off sharply due to the confusion and uncertainty created by the Madison decision, whether or not the gillnet fleet will fish May 15 or not.

We, the owners and employees of Alaska Power Services urge you to act immediately on HB# 288 to ensure a stable economic base for Cordova and its work force.

Your cooperation in this important matter in Cordova is greatly appreciated.

Sincerely,

Charles E. Maxwell

APR 02 1985

March 28, 1985

Dear Representative Heermann,

I am a commercial fisherman's wife who is very concerned about the courts interpretation of priority in allocating fish. Giving subsistence users priority over commercial fishermen means financial disaster to us personally and to the future of the Copan River salmon. For the past three years we have worked hard in Prince William Sound and now find ourselves with an investment in a doomed industry.

I am asking for immediate action this session to protect our livelihood. Commercial fishing was under strict regulation by the state and I fish and game. I feel qualifying as a subsistence user should also be strictly limited. Salmon is a fragile resource - mismanagement over years may have lasting effects.

Sincerely,

Jean C Phillips
3308 Lois Dr
Anchorage AK
99503

Dear Sir

3-21-85

I am writing to urge you to Pass
House Bill # 288 and give back to
the Board of Fisheries the flexibility
to manage the resource for the user
groups.

Thank you

John Johnson

House Resources Comm.

Adelheid Heermann

Sir,

I ask your support on H.B. ^H288 or
any other legislation that would put the Board
of fish and game back in power to regulate
the resources as they have in the past.

The economy of Cordova and every other
fishing community in the state may well hinge
on this Bill.

Thank you

Jack Keitel
Box 489

Cordova, AK.

APR 02 1985

Dear ~~Mr~~ Representative

As a commercial fisherman who is very dependent upon the Copper River gillnet fishery for my livelihood, I am very concerned about the current threat by subsistence usage and possible loss of this fishery to commercial fishermen.

I think the problem lies with the definition of subsistence. As far as fishermen we really are completely dependent upon these fish. Our homes, vehicles, and vessels are centered around this fishery. We are the ultimate subsistence users. We are not casual users as seems to be the case with many urban up-river people who travel hundreds of miles to fish under the guise of subsistence.

I urge you to support SB 231 (and HB. 228) and manage the Copper River fishery as had been done successfully under the Board of Fishes pre-Madison decision plan. This plan was agreed upon by the various factions involved: true rural subsistence users, sports

fishermen, and commercial fishermen.
Your support of this bill will help
keep our fishing industry which is very
important to the State of Alaska,
alive and healthy.

Sincerely

W. F. Fleming

Box 363

Cordova, Alaska

99574

MAR 29 1985

I am writing to urge you to pass House Bill # 288 and give the Board of Fisheries the flexibility to manage the resource for the user groups. Thank You.

Jim A. Johnson
Box 1179
CORDOVA, AK. 99574

THEODORE J. ALMASY

Pioneer "Alaskan Woodsman" Guide-Outfitter
McGrath, Alaska 99627

The Tikchik Lakes - The Kuskokwim - The Alaska Range
Trophy Fishing • Trophy Hunting • Recreation & Exploration
Dec. 15, 1984

State of Alaska
Boards of Fisheries & Game
Box 3-2000
Juneau, Alaska 99801

Subject: Regulation Proposal Item 4. (extra sheets as required)

DEFINITION: Subsistence in Alaska today is simply all or that portion of an individual or family unit's living or livelihood that is derived and obtained from land and sea by self-employment through use, utilization and development of available natural resources by Alaska's permanent inhabitants (without regard to race or ancestral heirdity); and, including, but not limited to; agriculture, mining and forest products along with personal harvest of fur, fish and game.

IN SHORT: Self-support by direct acquisition and personal processing and use of Alaska's land and sea natural resources to provide all or most of one's living or livelihood, and with cash flow not involving wages and salaries from this self-employment.

* * * * *

LEGAL BASIS: "GRANDFATHER RIGHTS" established by present day Alaskan inhabitants by and through historic personal use. These rights are not limited to any particular race, but rather belong to an ethnic group in a mixed and integrated society. The U.S. Government, after all, invited foreign immigration, permanent settlement, and encouraged and fostered economic development by these pioneers through use, utilization and development of Alaska's natural resources for more than 100 years; and, while she may have changed the rules and policies with reference to recent and current immigrants - she (and her Colonial Arm - the so-called State of Alaska) are legally duty and honor bound to keep promises and commitments made in the past. Thus, after some 250 years (beginning with the Russian occupation) of foreign immigration, permanent settlement, and racial integration and assimilation both an ethnic group has developed and a way of life evolved in which individual rights cannot be decided nor judged based upon racial nor ancestral heirdity; but must be treated on the basis of members of an ethnic society. We are now aware of many flaws in the Alaska Native Claims Settlement Act, and a major flaw yet to be contested in the courts is based on the Civil Rights of those Alaska Nationals forcefully segregated and disenfranchised because of our race, and thus denied our "equal rights".

IN SHORT: "GRANDFATHER RIGHTS".

* * * * *

DETERMINATION of WHO and WHOM QUALIFIES

WHO IS QUALIFIED? ; All Legal Residents of Alaska whose home and permanent residence is outside of the limits of first and second class cities tied into the integrated highway system and Marine Highway Systems, and who as individuals or family units qualify as subsistence users under the "DEFINITION" and "LEGAL BASIS" as stated.

WHO IS EXCLUDED ? ; All persons whose home and permanent residence is located within the city limits of any First or Second Class City tied into the integrated highway or Marine Highway systems; residents of government (federal or state) owned housing located upon government owned or reserved lands; and, all U.S. Citizen immigrants who may hold Alaska Resident Status under Law, but whom are themselves in Alaska under "labor" or "tour of duty" contracts or agreements on full time wages and/or salaries; and, who are granted and accorded special benefits, privileges, and tax exemptions including "cost of living allowances" by their employer and governments "as an condition of employment" that are not equally granted nor accorded nor available to local permanent inhabitants of Alaska. Such "Residents" cannot claim Subsistence Rights in Alaska.

IMPLIMENTATION

1. (a) For the purpose of implimenting this Section; Each full Game Unit (as they currently exist including all divisions and sub-units) shall henceforth be declared to be also a Subsistance Unit and Unit of Permanent Residence for all legal (one year) Alaska Residents who maintain their home and permanent Post Office address within such Unit's boundaries.

(b) Both Subsistance Rights and Resident Hunting and Fishing Rights (without payment of trophy fees) for all Resident Alaskans shall be limited to (1) Unit only - the Unit of Permanent Residency; and, in order to maintain these rights a party must reside year around in Alaska and not less than six (6) months per year within the boundaries of the Unit for which he claims these rights.

2. All Subsistance Users and legal Residents hunting and fishing outside of their Unit of Permanent Residence shall be deemed to be Trophy Hunting and Sports Fishing and subject to the prevailing trophy fees, but exempt (as Residents) from the Registered Guide Requirement.

3. Trapping is hereby designated as a subsistance right, and trapping is closed except to Subsistance Users.

4. Any Alaskan holding a "Permanent Hunting, Fishing & Trapping License is automatically declared to be a subsistance user and hold Subsistance Rights.

5. That where the taking of certain game animals is restricted by permit that subsistance users within said Game Unit shall have first preference rights to these permits with the general public taking the excess.

Implimentation Continued:

6. Nothing in this or these regulations is intended nor shall prevent immigrant settlers from acquiring Subsistance Rights as an Earned Right so long as they meet the requirements.

* * * * *

END

* * * * *

by Theodore J. Almasy
Theodore J. Almasy



CORDOVA DISTRICT FISHERMEN UNITED

P.O. Box 939

Cordova, Alaska 99574

(907) 421-3177

Representative Adelheid Herrmann,
Co Chairman, Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska

Representative Herrmann,

I am writing to urge you to pass House Bill #288 as quickly as possible. It is most urgent that the flexibility to manage the resources is returned to the Board of Fisheries this year. The Copper River will be hard to manage if the Madison decision stands the way it is now.

A lot of hard work has been accomplished by Fish and Game, PWSAC and the Advisory Board to come up with a management plan for the Copper River. This plan did work and did provide for all the user groups on the Copper River in the form of personal use and Subsistence. That balance to manage and maintain a small sockeye fishing time will further burden the financial stability of Cordova as a whole.

Thank you for your cooperation on this important matter.

Sincerely,

Jerry McCune
Vice President
CDFU

JM/ru

cc Richard Shultz
F. Day Wallis
Bette Cato
Roger Jenkins
Mike W. Miller
Drue Pearce
John Sund
Dave Thompson

23 March 1985

Representative Richard Shultz
Pouch V
Juneau, Alaska 99811

Subject: Subsistence

Dear Representative Shultz,

Reference subsistence: The Alaskan Alpine Club is appalled by the nature and degree of fallacious information presented to legislators by Governor Sheffield's appointees.

These are the same tactics used by the Native Corporations/ Sierra Club to gain the blackmail Federal subsistence law. It is important that Alaska legislators not tolerate such tactics.

Futhermore, the recommendation of Governor Sheffield's now fully politicized Boards of Game and Fisheries demonstrate a classic case of dishonest politics undermining the achievements of scientific wildlife management in this nation.

Every credible wildlife management agency and organization in the nation is on record as acknowledging that subsistence priorities greatly harm sound biological management of wildlife resources.

If the Alaska State Legislature holds any vestage of honesty, it is inconceivable that Legislators would acquiesce to the same entity which illegally managed the subsistence law amid years of public complaints against that abusive and illegal management.

The self-serving intents of Sheffield administrators are too obvious to later claim any position other than intentional dishonesty, and acquiescence to such.

The subsistence issue CANNOT avoid blowing up in the face of Alaska, not only for Alaskans, but for the witness of the nation.

Its ramifications involve all outdoor users.

Alaska's legislators may not then wish to be identified with the actions that caused such irreparable harm.



23 March 1985
Representative Shultz: Subsistence
page two

Now is the time to demonstrate the honesty and integrity so notably lacking in the imposition of the subsistence scam.

We urge you to address this profound issue with the care and full public participation that it demands.

I must ask: where are the recommendations of Governor Sheffield's Subsistence Task Force?

Like many other Alaskans, who sincerely accepted the merits of that promised Task Force, the Alaskan Alpine Club was waiting to testify before that entity!!!!

Governor Sheffield categorically lied to the public when he used the promise of that Task Force to get elected and gloss over this critical issue. That sham Task Force has branded Sheffield and Butrovitch as contemptable examples of Alaskan government officials.

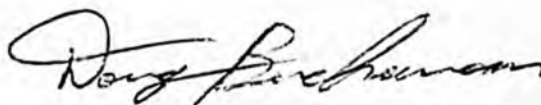
Are the Interior Alaska State Legislators of the same nature, and too cowardous to demand credible results from that Task Force? Are they incapable or unwilling to study the results of this law and hear the people, as Alaskans were led to believe would be done?

I respectfully request answers to these questions from yourself and other interior legislators.

Thank you for considering these views.

And have a pleasant day.

Sincerely,



Doug Buchanan
Executive Director

cc: interior delegation
Governor Sheffield
Mr. Butrovitch
Board of Game and Fisheries
news media

GREGORY FRANK COOK

ATTORNEY AT LAW

P.O. Box 618, Douglas, Alaska 99824

Residence (907) 586-9719

Admitted to Practice in Alaska and Oregon

Representative Dick Shultz
Chairman, House Resources Committee
Pouch V
Juneau, Alaska 99811

March 26, 1985

Dear Representative Shultz,

This is in response to your request for a written memorandum of the oral testimony I presented before the House Resources Committee on March 25, 1985 regarding subsistence legislation.

In dealing with the subsistence issue, the Legislature should bear in mind two key provisions of the Alaska Constitution.

"Wherever occurring in the natural state, fish, wildlife, and waters are reserved to the people for common use."
(Article VIII, Sec. 3.)

"Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation."
(Article VIII, Sec. 17.)

Recently introduced legislation (HB 288; SB 231) should be carefully assessed in the light of these Constitutional provisions.

Before adopting any subsistence legislation, the Legislature would be wise to carefully formulate the specific goals it seeks to achieve. Also, it would be prudent to specify the tasks to be delegated to the Board of Fisheries and Board of Game.

Once its goals are made clear, the Legislature's purposes should be put into draft legislation. A broad variety of public comment, together with a range of legal opinions, should be studied until a political resolution is reached that does not violate our state Constitution.

Thank you.

Sincerely,



Gregory F. Cook

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
1117 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
907-456-2899

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
OFFICE (907) 465-3763
HESS COMMITTEE
(907) 465-3834
HOME 907-780-6027



Senate

March 26, 1985

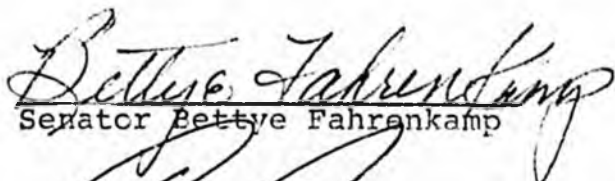
Representative Richard Shultz
Chairman, House Resources Committee
Pouch V
Juneau, AK 99811

Dear Dick:

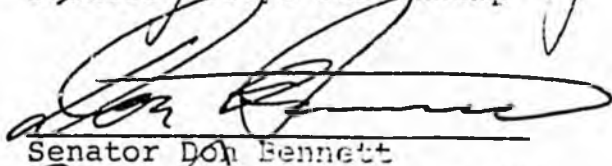
Because of the ramifications of the recent Supreme Court decision in Madison vs. the State of Alaska, the Governor has introduced legislation to establish a personal use fishery in law and further broaden the definition of "subsistence user" to mean customary and traditional uses by rural Alaska residents.

HB 288 currently before the House Resources Committee affects many of our constituents. Last year many of our Interior Delegation teleconferences were dominated by those interested in this issue. Now, once again our constituents are requesting hearings before the Legislature takes any final action on the Governor's proposal. We respectfully request that you hold hearings on this bill in those communities most affected, including Fairbanks.

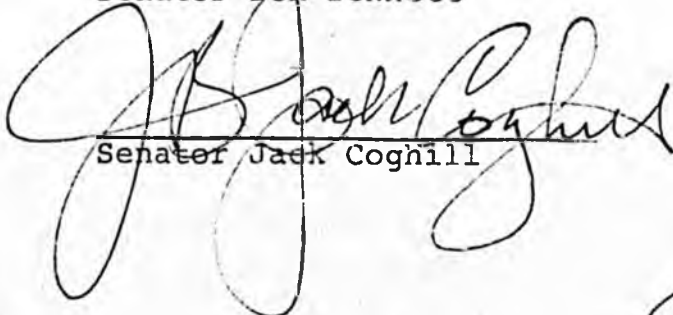
Thanking you in advance for your consideration.

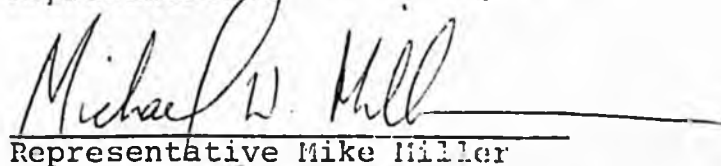

Senator Bettye Fahrenkamp

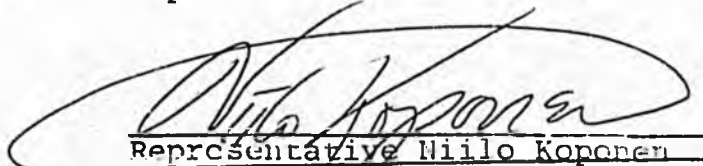

Representative John Ringstad

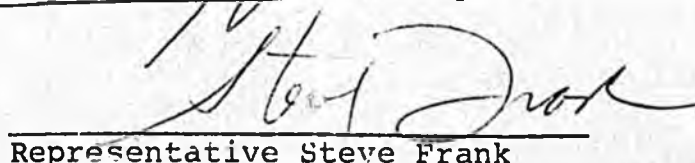

Senator Don Bennett


Representative Mike Davis


Senator Jack Coghill


Representative Mike Miller


Representative Niilo Koponen


Representative Steve Frank

APR 02 1985

SUBSISTENCE

With the recent Supreme Court decision, the State now has the direction and opportunity to assure to All Alaskans the equal consideration to take fish and game for their own personal consumptive use. This decision supports the Constitution's provision that "Wherever occurring in their natural state fish, wildlife and waters are reserved to the people for common use." The court stressed that common 'use' and not priority 'users' was the main intent and should be the effect of the subsistence regulations. They found that all consumptive users, and not just rural residents, are eligible priority subsistence users.

Government and its laws should apply even handedly to All Alaskans and make sure that whatever criteria is used is not unjustly discriminatory in intent or effect. The Constitution does not on a whole and should not have severe restrictive provisions. This same need should be observed by any legislation and should be used to make sure that its clear intent is to protect and insure the equal and just consideration of All Alaskans.

But the same politics that supported the illegal discriminatory subsistence regulations are at work to speedily fix their court failure. Their main weapon, now as in the past, is their threats aimed at the majority of Alaskans. One such threat is that the over 200,000 sportfishermen will be severely impacted by the Supreme Court decision. The court, in fact, said that all personal consumptive user were to be given equal consideration. As most so-called sport fishermen eat the fish that they catch, any priority subsistence use must include them. And those 'pure sport fishermen' who catch and release are not harvesters of the resource, therefore have a negligible impact. With an annual harvest of well over 100,000,000 salmon, All Alaskan should be entitled to the equal opportunity to take fish for their own dinner table.

Another political threat used is that the federal government will deny our State the right to manage our fish and game unless the subsistence priority is based on rural residency. When the Feds mandate that the resource must be managed as they say, the State has in fact already lost the right of management authority. This restriction resulted from State politics that requested and supports such residency discrimination. When Ron Sommerville, Alaska's representative during early d-2 / ANILCA, opposed this federal mandated discrimination he was removed from his Washinton D.C. post. Governor Hammond admitted in a public meeting of the Boards of Fish and Game that Sommerville was removed because of Native pressure. His replacement, John Katz, has compromised the Alaskan public's constitutional rights on this and many other issues. For the State not to politically and judicially oppose this discriminatory action, which specifically denies equality to all residents of Anchorage, Fairbanks, Juneau and Ketchikan, shows a planed sell out of our rights. This plan includes the continued lobbying action of Larry Spengler, Attorney General office, supporting a priority subsistence use of Alaska's fish and game to be as discriminatory and restrictive as has been politcally motivated. Alaska would be better served if our Attorney General would be motivated by a responsibility to assure that all residents are not discriminatorly restricted in their rights.

The history of Governor Sheffield's stern actions has been a well known threat to any state employee who would question these unconstitutional subsistence regulations. He fired Fish and Game Commissioner Ron Skoog and Game Division Chief Ron Sommerville because of their private personal stands against these regulations. And he then requested the resignations of all Board of Fish and Game members when they began questioning the balatant directions ordered by Larry Spengler. It is time that All Alaskans are again equal under the law, no matter where they reside, and that such equality is promoted by our State and is not necessitated by continued court challenges by its residents.

Dale Bondurant

Dale Bondurant
SR 1 Box 2516
Chugiak, Alaska 99567

MAR 29 1985

Adelheid Herrmann, Co-Chairman
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Ms. Herrmann,

I live in Cordova and I run a small fish business, along with Tom Johnson also of Cordova. The whole of our business runs strictly off the Copper River red and king salmon run.

I'm writing to you now in the hopes that you will support House Bill #288. If this bill is not passed, I'm afraid the future of the people of Cordova and our children will be limited to handouts from the state welfare. I know this sounds drastic but everything in this small fishing town is centered around the commercial fishing fleet. Personally the affects on myself if this bill is not passed will be devastating as I have no other means from which I depend. I feel stuck between a rock and a hard spot as we who depend on commercial fishing are a minority. I only hope you will take our livelihoods into serious consideration.

Thank You for your time and effort.

Sincerely
Betty J. York

Betty J. York

*Betty York
Box 835
Cordova 99574*

MAR 29 1985


Adelheid Herrmann, Co-Chairman
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Ms. Herrmann,

I was born and raised on the Copper River, and I have been a commercial fisherman for 19 years. Over the past few years the fishing time on the Copper River has been restricted time and time again due to escapement reasons and increasing pressures on the upper Copper River. Over 50% of my annual income is generated from gillnetting on the Copper River. I am also a partner in a small fishing co-op. We started this five years ago with 12 fishermen, and our operation has been selling fresh reds and kings to various restaurant markets throughout the country. The entire success of the operation is based on the early fishing we have had and solely relies on the Copper River.

I live in Cordova 12 months a year and 90% of what I buy is bought in Cordova. In my opinion the gillnet fleet cannot survive without utilizing the Copper River fisheries. Therefore I'm asking you to support House Bill #288. I feel that this would be devastating to the economy of Cordova, and I feel that the community itself would have a hard time surviving it if this bill is not passed.

Thank You


Tom Johnson
Box 835
Cordova



Box 1210 602 Railroad Avenue
Cordova, Alaska 99574
Phone: (907) 424-3237
or 424-3238

"The Friendly City"

March 20, 1985

MAR 23 1985

Leonard V. Pingatore
Mayor

Richard J. Leland
City Manager

Donna M. Sherby
City Clerk

Council Members

Joe Gunderson
Phyllis Day
Oliver Osborn
Lew L. Cochran
R. L. Van Brocklin
John Wheeler

Representative Bette Cato
Pouch V
Juneau, AK 99811

Dear Representative Cato:

On March 3, 1985, Governor Sheffield introduced Senate Bill 231 and House Bill 288 relating to the taking of fish and game for subsistence and personal use. As you know, this was necessitated by the Supreme Court's findings in the matter of Madison et al versus the Alaska Department of Fish and Game and the Alaska Board of Fisheries. The intent of the proposed legislation is to provide definition and clarification to the Board of Fisheries' authority to manage Alaska's most valuable renewable resource.

We, in Cordova, have reviewed the proposed legislation with representatives of the commercial and sport fishing industry as well as those who participate in the personal use fisheries. While it is clear that additional work will be necessary to define the various fisheries and the role of the Board of Fisheries over the long term, we feel it is imperative that the Legislature enact the proposed legislation immediately to assure a fishing season in 1985.

On behalf of my colleagues and the City Council and all Cordovan's who depend on a well-managed fishery, I strongly urge your immediate passage of Senate Bill 231 and House Bill 288.

Sincerely,


LEONARD V. PINGATORE
Mayor

Enclosure Resolution 85-9

CITY OF CORDOVA, ALASKA

RESOLUTION 85-9

A RESOLUTION OF THE CITY OF CORDOVA, ALASKA URGING IMMEDIATE PASSAGE OF SENATE BILL 231 AND HOUSE BILL 288, RELATING TO SUBSISTENCE FISHERIES, BY THE ALASKA STATE LEGISLATURE

WHEREAS, the Supreme Court of the State of Alaska recently found the Alaska Board of Fisheries Regulation, 5 AAC 01.597 inconsistent with the Legislative intent to provide guidelines for the protection of subsistence fishing, and

WHEREAS, the court found the regulation exceeds the authority delegated to the Board because it operates too restrictively in non-subsistence uses, and

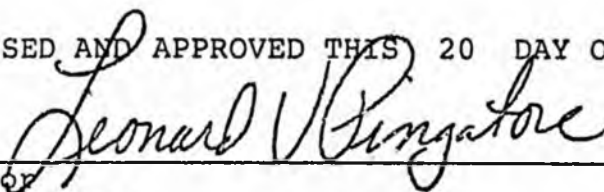
WHEREAS, Governor Sheffield has proposed legislation in the form of Senate Bill 231 and House Bill 288 which provides the necessary definition and clarification of the subsistence and non-subsistence fishery issues, and

WHEREAS, the economy of the City of Cordova is critically dependant on the Copper River Fishery, as is the State of Alaska dependant on the revenue and employment resulting from the commercial and sport fisheries, and

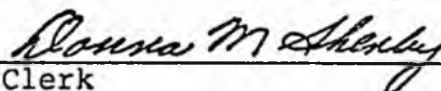
WHEREAS, the proposed Senate Bill 231 and House Bill 288 when enacted will serve to the benefit of subsistence, personal use, commercial and sport fisheries, and the Board's management of Alaska's most valuable renewable resource.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council of Cordova, Alaska, recommend and urge the immediate consideration and enactment of Senate Bill 231 and House Bill 288 as proposed by Governor Sheffield.

PASSED AND APPROVED THIS 20 DAY OF March 1985.



Mayor



City Clerk

Richard Shultz, Co-Chairman
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Shultz,

I live in Cordova and I run a small fish business, along with Tom Johnson also of Cordova. The whole of our business runs strictly off the Copper River red and king salmon run.

I'm writing to you now in the hopes that you will support House Bill #288. If this bill is not passed, I'm afraid the future of the people of Cordova and our children will be limited to handouts from the state welfare. I know this sounds drastic but everything in this small fishing town is centered around the commercial fishing fleet. Personally the affects on myself if this bill is not passed will be devastating as I have no other means from which I depend. I feel stuck between a rock and a hard spot as we who depend on commercial fishing are a minority. I only hope you will take our livelihoods into serious consideration.

Thank You for your time and effort.

Sincerely
Betty J. York

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Richard Shultz, Co-Chairman
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Shultz,

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I live in Cordova 12 months a year and 90% of what I buy is bought in Cordova. In my opinion the gillnet fleet cannot survive without utilizing the Copper River fisheries. Therefore I'm asking you to support House Bill #288. I feel that this would be devastating to the economy of Cordova, and I feel that the community itself would have a hard time surviving it if this bill is not passed.

Thank You



Adelheid Herrmann Co-Chairman
(John Gregory
Box 342 - Cordova 99574)

MAR 29 1985

PAGE I

Addressing House of Representatives Resources

Dear Representative, as a Copper River Commercial Salmon Gillnet Fisherman and a ten year resident of Alaska, I urge you to support House Bill # 288 or similar legislation to save the Copper River Salmon Fishery, my profession, and the town of Cordova. Failure to stop unlimited subsistence usage by the Urban masses of the state will end the Traditional 70 year old Commercial Fishery on the Copper River, as well as take 75% of my yearly earned income away. As a Gillnet Fisherman for Salmon, the Copper River Fishery provides the bulk of my yearly catch, and supports my livelihood. Cutting off the Copper River Commercial fishing season would put a serious threat to the town of Cordova's very existence. Cordova's local economy depends on the revenue generated thru the Copper River Fishery. All local business would face the possibility of closing their doors in the event of No Commercial Fishing on the Copper River. Without this Fishery my profession as a Gillnetter would be seriously jeopardized. I rely totally on the income from Salmon Fishing. If the fishery is taken away from me, I have no way to make a living and have limited training in other fields of work. How would you as a legislator like it if a law was passed that basically eliminated politicians as a bread earning profession, thus forcing you to find another way to earn a living?

You would probably react the same way I am and make an effort to protect your way of life and career. My Career as a Drift Gillnetter is likely to be finished without the Copper River Fishery. I strongly urge you to support legislation that would return the power back to the Alaska Board of Fisheries and Game to regulate the resource. They have studied the Copper River Fish Stocks and have a set management plan. We must protect the resource above all else. Unlimited subsistence harvests would soon eventually wipe out the Copper River Salmon Runs. I feel subsistence should be based on the individuals needs and traditional use basis. Those individuals who need the Salmon to help survive should be able to take what they can personally consume. For one individual to take 200 Salmon or a Family 500 Salmon when they cannot in all probability consume that many Fish is absurd. That makes an under-the-table Fish Sale situation likely for illegally dealing with the surplus Fish. It turns every subsistence fisherman into a Commercial Fisherman on the 200 fish quota system. How many Families actually eat that many fish? There are only a few choices with that many fish, Sell them, Smoke them, or blatantly waste them! I myself eat a lot of Salmon annually. Including Canning, Smoking, and gifts to relatives,

(Cont)

I have personal use of 30 to 50 Salmon at the most, and I am a professional fisherman! There should be a personal use fishery for all resident Alaskans, but it should be regulated by need. Those residents who need the fish to subsist on would get them under House Bill #288. This Bill would also allow Traditional use groups, such as Commercial Fisherman, and Copper River Valley resident to be able to continue our set-way of existence and help assure management of future stocks of Salmon. I have my whole life's investment tied up in the industry at age 32. I have State backing on a resident loan from the Alaska Commercial Fishing and Agriculture Bank. All in all I have over \$100,000 tied up in my fishing business. I live a modest existence and work hard and take many risks against the ocean just to get by on most years I have participated in this fishery. So it's not as easy or lucrative as many might seem to think about the life of an Alaskan Commercial Fisherman. It should be my constitutional right to be allowed to continue this traditional way to make a living. Why is my profession any different than anyone's **elses**? Give me a chance to earn a living! With Alaska's concern over falling oil Revenues, the State should be concerned about enhancing its Commercial Fishing Industry, not pinching it out of existence and those who earn their livings from it.

Fishing Vessel

Sincerely,

John C. Gregory

John C. Gregory

Copper River
Salmon DRIFT
GILLNETTER

"NAIAD"



Box 1210 602 Railroad Avenue
Cordova, Alaska 99574
Phone: (907) 424-3237
or 424-3238

"The Friendly City"

March 20, 1985

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Leonard V. Pingatore
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Representative Bette Cato
Pouch V
Juneau, AK 99811

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Mayor

City Clerk

Richard Shultz, Co-Chairman

PAGE I

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Fishing Vessel

—

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John C. Gregory

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Copper River
Salmon DRIFT
GILLNETTER

Richard Shultz, Co-Chairman
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

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Thank You



Richard Shultz, Co-Chairman
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

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Thank You for your time and effort.

Sincerely
Betty J. York

Betty J. York

I am writing to urge you to pass House Bill #288 and give the Board of Fisheries the flexibility to manage the resource for the user groups. Thank You.

Jim Johnson
Box 1179
CORDOVA, AK. 99574

Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4453/4530

2201 ROOSEVELT DRIVE
ANCHORAGE, ALASKA 99503
(907) 248-4234



MEMBER
HOUSE RESOURCES COMMITTEE
MEMBER
HOUSE STATE AFFAIRS COMMITTEE

Representative Roger Jenkins

DISTRICT 11

MEMORANDUM

TO: Representative Richard Shultz
Chairman, House Resources Committee

FROM: Representative Roger L. Jenkins
Representative Drue Pearce

Handwritten signatures of Representative Roger L. Jenkins and Representative Drue Pearce.

DATE: March 27, 1985

SUBJECT: Information Requested for HB 288

The following information is requested to aid in making a sound longlasting decision on the Subsistence House Bill 288:

1. During the next Resource Committee hearing on HB 288 request the prevailing attorneys, Martin Freidman and Chuck Robinson to give their interpretation of the Madison Case decision.
2. Ask the Attorney General's Office to define the following words:
 - a) rural
 - b) customary
 - c) traditional
3. What is the Attorney General's Office opinion on the ability of hand held hook and line fishing being used for subsistence?
4. Since a large number of Alaskans do not understand the full impact of HB 288 that public hearings be held at least in Anchorage, Fairbanks, and maybe other areas of Alaska

Only after we acquire and review the preceding information can we make a responsible decision.

Thank you.

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
1117 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
907-456-2899

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
OFFICE (907) 465-3763
HESS COMMITTEE
(907) 465-3834
HOME 907-780-6027



Senate

March 26, 1985

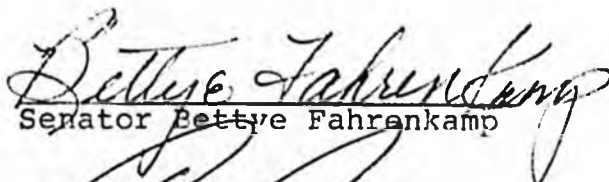
Representative Richard Shultz
Chairman, House Resources Committee
Pouch V
Juneau, AK 99811

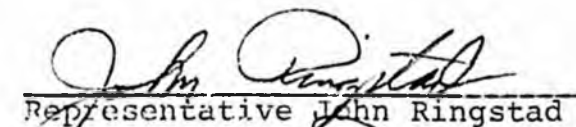
Dear Dick:

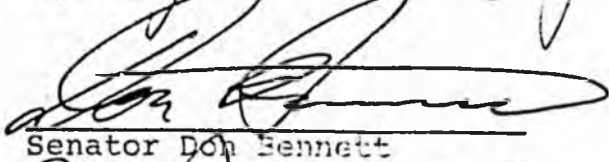
Because of the ramifications of the recent Supreme Court decision in Madison vs. the State of Alaska, the Governor has introduced legislation to establish a personal use fishery in law and further broaden the definition of "subsistence user" to mean customary and traditional uses by rural Alaska residents.

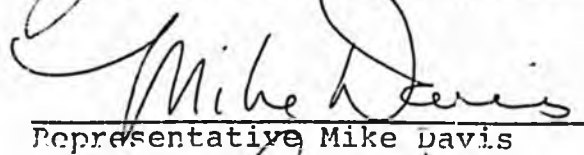
HB 288 currently before the House Resources Committee affects many of our constituents. Last year many of our Interior Delegation teleconferences were dominated by those interested in this issue. Now, once again our constituents are requesting hearings before the Legislature takes any final action on the Governor's proposal. We respectfully request that you hold hearings on this bill in those communities most affected, including Fairbanks.

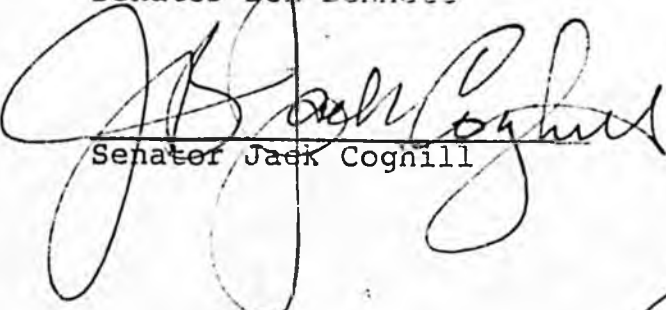
Thanking you in advance for your consideration.


Senator Bettye Fahrenkamp

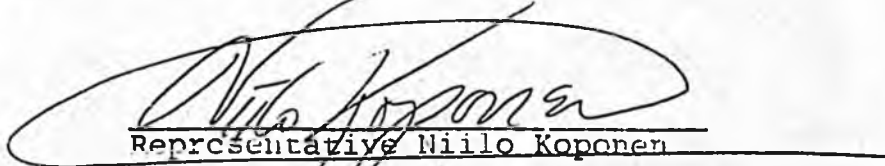

Representative John Ringstad

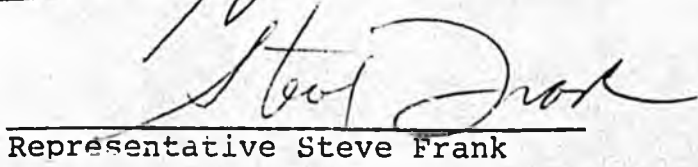

Senator Don Bennett


Representative Mike Davis


Senator Jack Cognill


Representative Mike Miller


Representative Niilo Koponen


Representative Steve Frank

GREGORY FRANK COOK

ATTORNEY AT LAW

P.O. Box 618, Douglas, Alaska 99824

Residence (907) 586-9715

Admitted to Practice in Alaska and Oregon

Representative Dick Shultz
Chairman, House Resources Committee
Pouch V
Juneau, Alaska 99811

March 26, 1985

Dear Representative Shultz,

This is in response to your request for a written memorandum of the oral testimony I presented before the House Resources Committee on March 25, 1985 regarding subsistence legislation.

In dealing with the subsistence issue, the Legislature should bear in mind two key provisions of the Alaska Constitution.

"Wherever occurring in the natural state, fish, wildlife, and waters are reserved to the people for common use."
(Article VIII. Sec. 3.)

"Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation."
(Article VIII, Sec. 17.)

Recently introduced legislation (HB 288; SB 231) should be carefully assessed in the light of these Constitutional provisions.

Before adopting any subsistence legislation, the Legislature would be wise to carefully formulate the specific goals it seeks to achieve. Also, it would be prudent to specify the tasks to be delegated to the Board of Fisheries and Board of Game.

Once its goals are made clear, the Legislature's purposes should be put into draft legislation. A broad variety of public comment, together with a range of legal opinions, should be studied until a political resolution is reached that does not violate our state Constitution.

Thank you.

Sincerely,



Gregory F. Cook



CORDOVA DISTRICT FISHERMEN UNITED

P.O. Box 939

Cordova, Alaska 99574

(907) 424-3177

Representative Adelheid Herrmann,
Co Chairman, Resources Committee
Alaska State Legislature
Pou... V
Juneau, Alaska

Representative Herrmann,

I am writing to urge you to pass House Bill #288 as quickly as possible. It is most urgent that the flexibility to manage the resources is returned to the Board of Fisheries this year. The Copper River will be hard to manage if the Madison decision stands the way it is now.

A lot of hard work has been accomplished by Fish and Game, PWSAC and the Advisory Board to come up with a management plan for the Copper River. This plan did work and did provide for all the user groups on the Copper River in the form of personal use and Subsistence. That balance to manage and maintain a small sockeye fishing time will further burden the financial stability of Cordova as a whole.

Thank you for your cooperation on this important matter.

Sincerely,

Jerry McCune
Vice President
CDFU

JM/ru

cc Richard Shultz
F. Day Wallis
Bette Cato
Roger Jenkins
Mike W. Miller
Drue Pearce
John Sand
Dave Thompson

THEODORE J. ALMASY

Pioneer "Alaskan Woodsman" Guide-Outfitter
McGrath, Alaska 99627
The Tikchik Lakes - The Kuskokwim - The Alaska Range
Trophy Fishing - Trophy Hunting - Recreation & Exploration
Dec. 15, 1984

State of Alaska
Boards of Fisheries & Game
Box 3-2000
Juneau, Alaska 99801

Subject: Regulation Proposal Item 4. (extra sheets as required)

DEFINITION: Subsistence in Alaska today is simply all or that portion of an individual or family unit's living or livelihood that is derived and obtained from land and sea by self-employment through use, utilization and development of available natural resources by Alaska's permanent inhabitants (without regard to race or ancestral heirdity); and, including, but not limited to: agriculture, mining and forest products along with personal harvest of fur, fish and game.

IN SHORT: Self-support by direct acquisition and personal processing and use of Alaska's land and sea natural resources to provide all or most of one's living or livelihood, and with cash flow not involving wages and salaries from this self-employment.

* * * * *

LEGAL BASIS: "GRANDFATHER RIGHTS" established by present day Alaskan inhabitants by and through historic personal use. These rights are not limited to any particular race, but rather belong to an ethnic group in a mixed and integrated society. The U.S. Government, after all, invited foreign immigration, permanent settlement, and encouraged and fostered economic development by these pioneers through use, utilization and development of Alaska's natural resources for more than 100 years; and, while she may have changed the rules and policies with reference to recent and current immigrants - she (and her Colonial Arm - the so-called State of Alaska) are legally duty and honor bound to keep promises and commitments made in the past. Thus, after some 250 years (beginning with the Russian occupation) of foreign immigration, permanent settlement, and racial integration and assimilation both an ethnic group has developed and a way of life evolved in which individual rights cannot be decided nor judged based upon racial nor ancestral heirdity; but must be treated on the basis of members of an ethnic society. We are now aware of many flaws in thw Alaska Native Claims Settlement Act, and a major flaw yet to be contested in the courts is based on the Civil Rights of those Alaska Nationals forcefully segregated and disenfranchised because of our race, and thus denied our "equal rights".

IN SHORT: "GRANDFATHER RIGHTS".

* * * * *

* * * * *

DETERMINATION of WHO and WHOM QUALIFIES

* * * * *

WHO IS QUALIFIED? ; All Legal Residents of Alaska whose home and permanent residence is outside of the limits of first and second class cities tied into the integrated highway system and Marine Highway Systems, and who as individuals or family units qualify as subsistence users under the "DEFINITION" and "LEGAL BASIS" as stated.

WHO IS EXCLUDED ? ; All persons whose home and permanent residence is located within the city limits of any First or Second Class City tied into the integrated highway or Marine Highway systems; residents of government (federal or state) owned housing located upon government owned or reserved lands; and, all U.S. Citizen immigrants who may hold Alaska Resident Status under Law, but whom are themselves in Alaska under "labor" or "tour of duty" contracts or agreements on full time wages and/or salaries; and, who are granted and accorded special benefits, privileges, and tax exemptions including "cost of living allowances" by their employer and governments "as an condition of employment" that are not equally granted nor accorded nor available to local permanent inhabitants of Alaska. Such "Residents" cannot claim Subsistence Rights in Alaska.

IMPLIMENTATION

1. (a) For the purpose of implimenting this Section: Each Full Game Unit (as they currently exist including all divisions and sub-units) shall henceforth be declared to be also a Subsistence Unit and Unit of Permanent Residence for all legal (one year) Alaska Residents who maintain their home and permanent Post Office address within such Unit's boundaries.

(b) Both Subsistence Rights and Resident Hunting and Fishing Rights (without payment of trophy fees) for all Resident Alaskans shall be limited to (1) Unit only - the Unit of Permanent Residency; and, in order to maintain these rights a party must reside year around in Alaska and not less than six (6) months per year within the boundaries of the Unit for which he claims these rights.

2. All Subsistence Users and legal Residents hunting and fishing outside of their Unit of Permanent Residence shall be deemed to be Trophy Hunting and Sports Fishing and subject to the prevailing trophy fees, but exempt (as Residents) from the Registered Guide Requirement.

3. Trapping is hereby designated as a subsistence right, and trapping is closed except to Subsistence Users.

4. Any Alaskan holding a "Permanent Hunting, Fishing & Trapping License is automatically declared to be a subsistence user and hold Subsistence Rights.

5. That where the taking of certain game animals is restricted by permit that subsistence users within said Game Unit shall have first preference rights to these permits with the general public taking the excess.

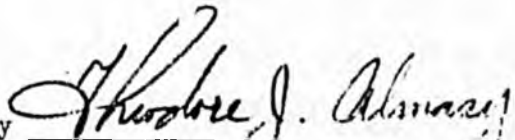
Implimentation Continued:

6. Nothing in this or these regulations is intended nor shall prevent immigrant settlers from acquiring Subsistance Rights as an Earned Right so long as they meet the requirements.

* * * * *

END

* * * * *

by 
Theodore J. Almsy

Dear Sir

3-21-85

I am writing to urge you to Pass
House Bill # 288 and give back to
the Board of Fisheries the flexibility
to manage the resource for the user
groups.

Thank you

John Johnson

3/23/85

Representative Shultz

Pouch V

Juneau Ak 99811

Dear Representative Shultz

I am in shock that the Subsistence law could be passed as is. Please remit the issue to more public hearings. The future of my children's Alaska is at stake. Thanks

Michael R. Penn
292 Narraw View Lane
Fairbanks, Alaska 99701

P.S. Don't let it pass.

March 23/85

Tina M. Simmons
Box 80303
College, AK 99708

Representative Shultz
Pouch V
Juneau, Alaska 99811

Dear Representative Shultz,

I am opposed to Governor Sheffield's
subsistence law.

Sincerely

Tina Simmons

Tina Simmons

Dear Rep. Richard Shults.

Please hold public hearings

in Fols on the substance law

before acting on it.

Thank you

Tori Petersen

1153 Donna Dr

Fols, AK 99701

P.O. Box 1142
Cordova, Alaska 99574
March 24, 1985

House of Representatives
Resources Committee
Alaska State Legislature
Fouch V
Juneau, Alaska 99811

Dear Sirs,

As a resident of Cordova, Alaska, and a Prince William Sound Drift Gillnet permit holder I am urging your support of HB #288 and any similar legislation restoring the Alaska Board of Fisheries and Game to their previous management position of fish and game. The impact of the Madison Decision on my community and myself is catastrophic. Please reinstate the Board of Fisheries and Game as the managing body for our fisheries.

Sincerely,

Karol R. Max

Karol R. Max

I am willing to urge you to put
Route 411 288 and your back to the
board of health the responsibility to
manage the reserves for the main projects.

Thank you
Goff Dwyer

3-21-85

March 25

Dear Mr. Schultz,

I'm writing to urge
you to please pass
House Bill 288 and
give to the Board of
Fisheries the flexibility
to manage the resource
for the user groups.

Thank you,
Mike McKinzie

REP. SHULTZ

THIS LETTER IS IN SUPPORT OF SENATE BILL #231
AND HOUSE BILL #288 WHICH WILL SAVE THE COPPER
RIVER FISHERY.

I MOVED TO CORDOVA TOO LATE TO BE ELIGIBLE
FOR A LIMITED ENTRY PERMIT ON THE POINT
SYSTEM. FOR THE PAST 10 YEARS I HAVE FISHED
FULL-TIME AS A DECKHAND ON CRAB & SALMON
BOATS WHILE ALSO RUNNING MY SMALL BOAT
ON OTHER HARVESTS.

AS OF LAST YEAR MY HOUSE WAS NEARLY PAID
~~FOR~~ FOR AND I COULD INVEST IN A P.W.S GILLNET
PERMIT (VIA A STATE LOAN). IF I AM NOT ALLOWED
TO FISH THE COPPER RIVER RED SALMON TEN
YEARS OF EFFORT, IN ACCORDANCE WITH
LEGISLATIVE POLICY, WILL HAVE BEEN WASTED.

CRAB & OTHER FISHERIES AT THIS POINT ARE NOT
LUCRATIVE ENOUGH TO MAKE PAYMENTS. WITHOUT
THE GILLNET FISHERY I WOULD BE FORCED TO
LEAVE CORDOVA.

AFTER WORKING FOR 10 YEARS, IN COMPLIANCE
WITH LEGISLATIVE POLICY, TO HAVE ALL I'VE
WORKED FOR THROWN OUT BY LEGISLATIVE
ACTION WOULD ~~BE~~ LEAVE ME WITH A
DEEP RESENTMENT A LOSS OF RESPECT FOR
THOSE LAWS I HAVE TRIED TO OBEY AND
RESPECT.

SINCERELY

LYNN POTTER - COMM. FISHERMAN
CORDOVA.

Cordova Chamber of Commerce

P.O. Box 99
Cordova, Alaska 99574
(907) 424-7260



March 19, 1985

R E S O L U T I O N

WHEREAS commercial fishing is the backbone of the economy of Cordova and other Prince William Sound Communities, and

WHEREAS the Madison Decision severely impairs the opportunity for commercial gillnetting on the Copper River Flats, and

WHEREAS a speedy resolution is necessary in order to allow the 1985 commercial gillnet fishing to start as scheduled, now therefore

BE IT RESOLVED that the Cordova Chamber of Commerce supports the passage of HB 288 and SB 231 and urges members of both the House and Senate to put their support behind these bills.

CORDOVA CHAMBER OF COMMERCE

Margy K. Johnson
President

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
ANCHORAGE, ALASKA 99511
007. 44 C. 1400

To: Resources
Room 118 CAPITOL

Ms. Hermann, Mr. Shultz +
COMMITTEE MEMBERS,

I AM A Cordova, Alaska resident.
AT present, I have all my personal
FUNDS TIED UP AND HANGING IN THE
BALANCE OF FURTHER DECISIONS, FOLLOW
THE INITIAL decision ON SUBSISTANCE
WHICH HAS BROUGHT SUCH CHAOS TO
OUR COMMUNITY. THE LAST INDUSTRY
OF Cordova BEING CHOKEED OFF AT
THE WHIM OF ONE SUPREME COURT
decision.

I AM AT THE MERCY, FINANCIALLY
AT A CRITICAL MOMENT, HAVING

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

HEALTHY STATE CAPITAL
BUREAU ALASKA 09811
907-465-1810

invested properly & safely in
A viable Limited entry fishery,
which another ARM OF STATE
Government - The Dept. of Fish & Game
has worked hard & well to manage
and the results are beginning to show
Suddenly - this is all in jeopardy
and the future of an Alaskan town
with the fishermen who've worked
& died on these coasts for so
many years will suffer a dismal
& degrading end.

I beg that your committee will find
solutions acceptable to all Alaskans
in this matter. Give the working person -
the fisherman - the respect he has earned
over the long history of fishing in Alaska

Dennis McGuire

My name is Roy Eats. I was
born here in Cushing.

I believe that our renewable
resources can be shared equally, by
all of the people of Alaska. This can
be done only if the Board of Fish &
Game are allowed to do the job they
are best qualified for.

As a lifelong fisherman, I can see
no feasible way to allow any sensible
management under present conditions.

Allowing unlimited harvesting means the
end of our fisheries - and eventually, our
salmon. This is cold reality, as things
stand now.

Please pass SB 231 and House
bill 288. Without it, Cordova will just
about cease to exist.

Thank you
Roy Eats
Box 1307
Cushing, Alaska

To: House Resources Committee

From: Mary Bishop
1555 Gus's Grind
Fairbanks, AK 99701 Phone: 455-6151

Date: March 26, 1985

Re: HB 288, Subsistence priority

Yesterday, in Anchorage, I attended the Joint Boards of Fisheries and Game hearing on the Madison case. During the hearing the winning lawyers on the Madison case offered their advise--free of charge--to the boards. I fear the boards may not accept the offer.

These two lawyers, Martin Freidman and Chuck Robinson, have a very different interpretation of the subsistence priority law than does the AG office. Using that interpretation Freidman and Robinson have not only won the Madison case before the state's supreme court. Evidently they have also won other cases against the state regarding this issue. Yet, for some reason, the administration continues to listen only to the AG office and not to the "winners".

I urge your committee to receive substantial input from Mr. Friedman and Mr. Robinson before taking any action on HB 288. It would be nice if they could make a 10 minute presentation at the April 8 teleconference so that all of us who are interested in the issue might benefit from their input.

After speaking personally to Mr. Freidman, I am convinced that the impact upon Cordova commercial fishing interests has been misrepresented by the AG office. The boards may, right now, regulate and restrict total subsistence harvest of a resource to the customary and traditional level of that subsistence use. For example, if the traditional level of subsistence harvest at Chitina is 60,000 sockeye, then any fish available for harvest above that 60,000 quota can be allocated to recreation, sport or commercial users in any manner the board desires.

This is not the same as saying all Chitina subsistence users get the traditional "bag limit" of 300 fish. Rather, the traditional total harvest level (60,000) must be maintained. As the court opinion makes clear on both pages 17 and 19, the priority goes for the customary and traditional use, not for the user.

The priority language as written in AS 16.05.251(b) and .255(b) needs to be rewritten and the intent of the legislature made clear. The original bill was passed in haste back in 1978. The language is vague and confusing; I am concerned about parts of the legislative history. We don't need to do this right now.

The Boards of Fisheries and Game are dealing with an incredibly difficult situation--not made easier by the fact that virtually all of them are newly appointed, with the notable exception of Sydney Huntington.

A problem exists--not necessarily the one described by the AG office. Passing the Governor's bill is no solution. It would merely create more tension among state residents.

Mary Bishop



Box 1210 602 Railroad Avenue
Cordova, Alaska 99574
Phone: (907) 424-3237
or 424-3238

"The Friendly City"

March 22, 1985

Leonard V. Pingatore
Mayor

Richard J. Leland
City Manager

Donna M. Sherby
City Clerk

Council Members

Joe Gunderson
Phyllis Day
Oliver Osborn
Lew L. Cochran
R. L. Van Brocklin
John Wheeler

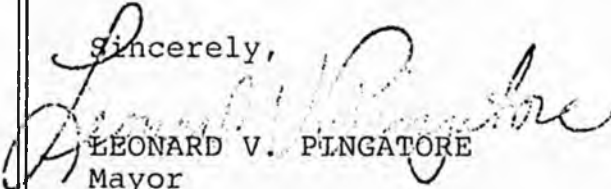
Chairman, House Resources Committee
State of Alaska

On March 13, 1985, Governor Sheffield introduced Senate Bill 231 and House Bill 288 relating to the taking of fish and game for subsistence and personal use. As you know, this was necessitated by the Supreme Court's findings in the matter of Madison et al versus the Alaska Department of Fish and Game and the Alaska Board of Fisheries. The intent of the proposed legislation is to provide definition and clarification to the Board of Fisheries' authority to manage Alaska's most valuable renewable resource.

We, in Cordova, have reviewed the proposed legislation with representatives of the commercial and sport fishing industry as well as those who participate in the personal use fisheries. While it is clear that additional work will be necessary to define the various fisheries and the role of the Board of Fisheries over the long term, we feel it is imperative that the Legislature enact the proposed legislation immediately to assure a fishing season in 1985.

On behalf of colleagues and the City Council and all Cordovans who depend on a well-managed fishery, I strongly urge your immediate passage of Senate Bill 231 and House Bill 288.

Sincerely,


LEONARD V. PINGATORE
Mayor

CITY OF CORDOVA, ALASKA

RESOLUTION 85-9

A RESOLUTION OF THE CITY OF CORDOVA, ALASKA URGING IMMEDIATE PASSAGE OF SENATE BILL 231 AND HOUSE BILL 288, RELATING TO SUBSISTENCE FISHERIES, BY THE ALASKA STATE LEGISLATURE.

WHEREAS, the Supreme Court of the State of Alaska recently found the Alaska Board of Fisheries Regulation, 5 AAC 01.597 inconsistent with the Legislative intent to provide guidelines for the protection of subsistence fishing, and

WHEREAS, the court found the regulation exceeds the authority delegated to the Board because it operates too restrictively in non-subsistence uses, and

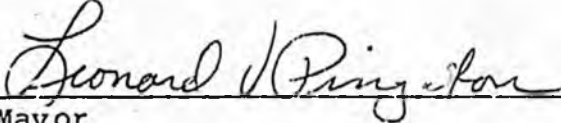
WHEREAS, Governor Sheffield has proposed legislation in the form of Senate Bill 231 and House Bill 288 which provides the necessary definition and clarification of the subsistence and non-subsistence fishery issues, and

WHEREAS, the economy of the City of Cordova is critically dependent on the Copper River fishery, as is the State of Alaska dependent on the revenue and employment resulting from the commercial and sport fisheries, and

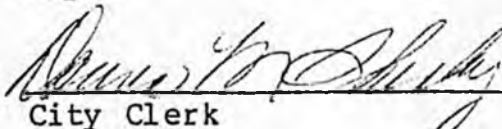
WHEREAS, the proposed Senate Bill 231 and House Bill 288 when enacted will serve to the benefit of subsistence, personal use, commercial and sport fisheries, and the Board's management of Alaska's most valuable renewable resource,

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of Cordova, Alaska, recommend and urge the immediate consideration and enactment of Senate Bill 231 and House Bill 288 as proposed by Governor Sheffield.

PASSED AND APPROVED THIS 20th DAY OF March, 1985.



Mayor



City Clerk



Grand Camp
Alaska Native Brotherhood

320 West Willoughby Avenue
Juneau, Alaska 99801
(907) 586-2049

1984 Officers
Grand President ANB
Ronald D. Williams
1st Vice President
William Thomas
2nd Vice President
James Martinez
Secretary
Albert Kookesh
Treasurer
Paul Young
Sergeant-At-Arms
Lawrence Sweet
Grand President ANS
Eihel Lund

August 16, 1984

Honorable Donald W. Collinsworth
Commissioner
Alaska Department of Fish & Game
Post Office Box 3-2000
Juneau, Alaska 99802

Dear Commissioner Collinsworth:

There is some confusion among the people of Southeast Alaska regarding the Personal Use fishing category, and its interaction with subsistence law. It would be much appreciated if you could clarify the situation by providing answers to a series of questions.

In an effort to avoid a major confrontation these questions and your responses will be printed in the SEALASKA Shareholder, a monthly publication which goes out to the 16,000 + shareholders. We feel that if our constituents are informed they are less likely to react to some of the letters to the editor(s) appearing frequently in Alaska Newspapers.

Please provide answers to the following questions:

1st ANB Grand Presidents
Dr. Alfred Widmark
Patrick J. Paul
Thomas Jackson

John Hope
Frank Gies
Dr. Walter Sobotoff

Richard Stitt
Steven V. Holch
Nelson D. Frank

Frank O. Williams
Herbert Hope
Robert R. Martin

Roy Peratrovich, Grand President Emeritus
Dr. Cyrus Peck, Sr. Grand Secretary Emeritus
Dr. Mildred Sparks, ANS Grand President Emeritus

- 1 ° "Personal use fishing" is not a category of fishing mentioned in the Alaska Statutes. Could you please explain the origin of this category of fishing?
- 2 ° Is there any foundation to concerns that personal use fishing could jeopardize subsistence fishing by establishing a new and competing use group?
- 3 ° What is the relative priority that personal use fishing has with relation to subsistence fishing, commercial fishing, and sport fishing?
- 4 ° Are there any Personal Use regulations that cover: waterfowl, shellfish, aquatic plants, fur bearing animals, deer, moose, wild roots, berries and vegetables, bottom fish and trout species?
- 5 ° Can any person participate in personal use fishing? In other words, are there any eligibility requirements?
- 6 ° What are the reporting requirements for Personal Use fishing? for Game?
- 7 ° Can people engage in personal use fishing if the Board of Fisheries has not authorized personal use fishing by regulation?
- 8 ° What seasons have been instituted by regulation on salmon, halibut and other bottom fish, wild game, waterfowl?

- 9 ° Will Personal Use cause a reduction of allocation for Subsistence?
- ° Are there areas that are open to Personal Use, but closed to Subsistence?
- 11 ° Will the advisory councils/committees have a role in Personal Use in their areas, and of the region?
- 2 ° What is the difference between Personal Use and Subsistence? Sports?
- 13 ° Since 1982, what has been the annual take of salmon in the Southeast in the following categories? Commercial, Sports, Subsistence, Personal Use.
- ° Is there a limit for fish taken for Personal Use? Game? Waterfowl?

Commissioner, so often correct information can eliminate misunderstandings and problems before they begin. We will appreciate your help by responding to the above questions, and done so timely for this being published.

Thank you in advance for your cooperation.

Sincerely,

ALASKA NATIVE BROTHERHOOD
RONALD D. WILLIAMS
GRAND PRESIDENT

BY: *Ronald Williams*

Chairman ANB
Legislative Affairs Committee

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF FISH AND GAME

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: (907) 465-4100

OFFICE OF THE COMMISSIONER

September 6, 1984

Mr. Robert Willard, Chairman
Legislative Affairs Committee
Alaska Native Brotherhood
320 West Willoughby Avenue
Juneau, Alaska 99801

Dear Mr. Willard:

Thank you for your August 16, 1984, letter regarding the personal use fishing category. I am pleased to have this opportunity to help clarify this topic for your shareholders. Since you plan to run my responses in your newsletter, perhaps it would be best to answer the questions in the order you presented.

1. Before 1978, "subsistence fishing" was defined as fishing with a net for personal use, and "sport fishing" was defined as fishing with rod and reel for personal use. Thus, the difference between "subsistence" and "sport" fishing was based on the type of gear used.

After the state subsistence law was passed in 1978, subsistence fishing was defined differently. It was no longer defined in terms of "personal use," but rather, in terms of "subsistence uses." In 1978, the legislature also enacted a definition of subsistence uses which hinged upon "customary and traditional uses."

The other important change brought about by the state subsistence law was that before 1978, the Board of Fisheries could authorize subsistence fisheries at its discretion. Since 1978, the board has been required to authorize subsistence fishing if subsistence uses have been associated with a particular fish stock, unless the sustained yield of that stock would be jeopardized by fishing. Additionally, if fishing must be restricted to protect a certain fish stock, sport, commercial, and personal use fisheries must be curtailed before the subsistence harvest could be cut back.

As the Boards of Fisheries and Game began to implement the subsistence law, they developed a FAC 99.010 -- a regulation which interprets the statute. This regulation

statutory priority. It is up to the board to allocate reasonably between these three categories.

4. So far the Fisheries Board has established personal use salmon fisheries for the Copper River, Cook Inlet, and Bristol Bay. As the board applies the subsistence criteria to more and more fisheries, they will probably continue to create personal use fisheries. The Game Board has not established a personal use hunting category.
5. Unlike subsistence fisheries, where eligibility hinges on the board's eight criteria, there are no special eligibility requirements for personal use fisheries other than general requirements -- for finfish, a resident Alaska sport fishing license and for aquatic plants or shellfish, a resident or non-resident Alaska sport fishing license.
6. Reporting requirements for personal use fisheries are set by the board when each fishery is established and are generally similar to subsistence fishing reporting requirements.
7. No one may legally fish unless the board has authorized the fishery by regulation.
8. In southeastern Alaska, the board has not yet established personal use fisheries. As mentioned above, so far personal use fisheries have only been authorized for salmon in Bristol Bay, Cook Inlet, and the Copper River. As noted above, the Game Board has never established a "personal use" hunting category.
9. The subsistence law clearly mandates that where harvestable surpluses occur, the board must provide for subsistence uses first. Likewise, when the harvestable surplus is not great enough to satisfy all uses, subsistence uses are the last to be cut back. Therefore, under the law, subsistence allocations could not be reduced to protect personal use allocations.
10. There are areas open for personal use fisheries that are not open for subsistence fishing. For example, in Cook Inlet, the board found that only the communities of Tyonek, English Bay, and Port Graham met the criteria set out for subsistence fisheries. Since no other communities qualified for subsistence fisheries, the board used the personal use category to allow historical non-commercial net fisheries to continue in areas where subsistence fisheries are no longer authorized. Anyone with an Alaska resident sport fish license may participate, including residents of Tyonek, English Bay, and Port Graham.

11. Advisory committees and regional councils always play an important role in the regulatory process and we certainly hope that they will continue to do so. The information they provide the board is critical to the board's ability to analyze regulatory proposals relating to all fishing--subsistence, commercial, sport, and personal use.
12. The primary difference between subsistence and personal use is that subsistence uses are defined as customary and traditional uses and must be authorized, with a priority as necessary. Authorizing personal use and sport fishing is left to the board's reasonable discretion and no statutory priority applies. Sport fishing is restricted to hook and line gear attached to a pole, whereas personal use fishing primarily includes nets.
13. The annual southeast salmon catch for 1982 and 1983 is as follows (there are no personal use salmon fisheries in Southeast):

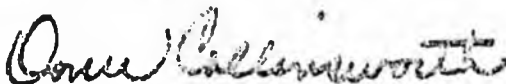
	<u>COMMERCIAL</u>	<u>SPORT</u>	<u>SUBSISTENCE</u>
1982	29,536,800	138,486	40,180
1983	42,202,700	138,510	not available

14. The board sets bag and possession limits for personal use fisheries as they are established or modified just as it does for sport and subsistence fisheries. The Game Board has not established a personal use hunting category.

I hope that these responses will help your readers understand the personal use category. While it is a new term, it simply describes fisheries that have long been conducted, but which no longer fit under the 1979 definition of subsistence.

Please let me know if my staff and I can be of any further assistance. We greatly appreciate your efforts to help people better understand fish and game regulations.

Sincerely,



Don W. Collinsworth
Commissioner



ALASKA OUTDOOR COUNCIL, INC.

3780 McGINNIS DR. JUNEAU, AK 99801
(907) 789-3450

March 5, 1985

PRESIDENT
Rupert Andrews
9416 Long Run Drive
Juneau, AK 99801
(907) 789-7122

REGIONAL VICE-PRESIDENT
Lyle Carlson
Box 2741
Fairbanks, AK 99707
(907) 452-3498

REGIONAL VICE-PRESIDENT
Robert Rausch
P.O. Box 2662
Juneau, AK 99803
(907) 789-3764

REGIONAL VICE-PRESIDENT
Ron Swanson
3417 Kallian
Eagle River, AK 99577
(907) 694-9564

TREASURER
Ed Grasser
Box 1350
Palmer, AK 99645
(907) 745-3772

SECRETARY
Sam Harbo
P.O. Box 80522
Fairbanks, AK 99708
(907) 452-7815

DIRECTOR-AT-LARGE
Warren Hofflich
6901 Tall Spruce Dr.
Anchorage, AK 99502
(907) 243-4790

Representative Richard Shultz
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Re: Possible Amendment to 1978 Subsistence Law


Dear Representative Shultz:

This letter is written because our Executive Director was recently advised that there may be an effort to amend the 1978 subsistence law and that effort may be tailored to accomplish those amendments with little or no public hearings.

We understand that if an effort to amend the law is offered this year, it will be to permit the Alaska Boards of Fish and Game to discriminate against individuals who reside in a community defined as "urban".

The purpose of this letter is to make it as clear as possible that we believe the 1978 subsistence law should not be amended in the absence of committee hearings which are open to the public, including hearings which involve teleconferences. In other words, public participation should be permitted.

Sincerely,


LYLE R. CARLSON
Vice-President Interior Region

REPRESENTATIVE
BEN GRUSSENDORF

P O Box 926
SITKA, ALASKA 99835
(907) 747-8458

RULES COMMITTEE
LEGISLATIVE COUNCIL

DISTRICT 3
ELFIN COVE
PELICAN
PORT ALEXANDER
SITKA
TENAKEE

Alaska State Legislature



House of Representatives
SPEAKER OF THE HOUSE

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 485-3824
(907) 465-3720

PRESS RELEASE #7

March 12, 1985

COMMENTS ON SUBSISTENCE BY REP. BEN GRUSSENDORF

Today the Governor introduced a proposed remedy for the recent court action on subsistence. We now have before us an unexpected, undiscussed issue which requires us to proceed carefully, calmly and constructively.

It appears that the court decision, unless remedied this spring, could cause significant disruption in the livelihood of thousands of Alaskans. Not only subsistence users, but also sport and commercial fishermen, and big game guides could be very directly and deeply impacted. The court decision also raises the old and unwelcome issue of federal management of Alaska's fish and game. But, with appropriate action by the Legislature, these potential impacts can be minimized, if not avoided altogether.

We will begin by gathering basic facts and clearly identifying issues. We will also evaluate the immediate and longterm impacts on all the resource users. We recognize that there may be differing perspectives and perhaps competing concerns.

Throughout our discussions, we will seek a solution which recognizes the importance of subsistence fishing and hunting in our rural areas, and provides for the needs of personal users, guides, sportsmen and commercial groups as well.

We will provide, of course, for extensive public comment and, hopefully, at the same time, provide a forum for public understanding of what is really at stake in our deliberations. We will seek throughout this process to work on the basis of facts, not opinions; on the basis of reason, not emotion. Our goal will be to minimize any disruptions this unexpected and largely unwelcome change might cause. Only after fact-finding and public input will we decide what constitutes positive, reasonable action on our part.

THE CHITINA DIPNETTERS ASSN.

1002 PIONEER ROAD
FAIRBANKS, ALASKA 99701

March 9, 1985



Rep. Richard Shultz
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Rep. Shultz:

In a teleconference Tuesday night 3-5-85 I along with Stan Bloca, Dick Burley and Marry Bishop all testified on the Alaska Supreme Court Opinion on subsistence.

The Chitina Dipnetter's Assn. agree with this opinion and want the law to stay as it is and we do not want to be disfranchise again.

I received a phone call from Juneau the next day (3-6-85) in which it was stated that there was some confusion after the teleconference as why we wanted the law to be changed. We do not want the law to be changed we support the Supreme Court Opinion. If there is a bill from the Governor or other legislatures to change this Opinion the Chitina Dipnetter's Assn. would like for you to do whatever you can to defeat there efforts.

If the interior delegation is positive the other side may have a chance to get a bill passed then you should work for a compromise to make sure that RURAL, LOCAL RESIDENCY OR COMMUNITY are not included and to try an identify "CUSTOMARY AND TRADITIONAL" in order to cut down on users.

If any changes are going to be made there will need to be public hearings on all changes. The main thing is that you go slow and get all of the input you can and make a good and constitutional law.

In the Daily News-Miner this morning Rep. Peter Gell stated that "Alaskans voted overwhelmingly in 1982 to keep the subsistence priority for rural Alaskans". This is incorrect the vote was to repeal the State of Alaska Subsistence Law and the word RURAL is not in the State Law.

Again I say if there has to be a change go very slowly.

Sincerely
Bryan W. Haley
Bryan W. Haley President

Alaska Fish and Wildlife Federation and Outdoor Council

and

Alaska Fish and Wildlife Conservation Fund
3780 McGinnis Dr.
Juneau, AK. 99801

SPECIAL NOTICE

Alaska Supreme Court Subsistence Ruling

The Alaska Supreme Court Friday February 22, 1985 struck down a Board of Fisheries regulation designed to identify eligibility for subsistence fishing in the Cook Inlet region. Under the regulation, certain residents of the Kenai coastline and an area near Homer were forbidden to fish for subsistence purposes.

The Supreme Court, in a 5-0 ruling, held that the board erred in denying subsistence permits to certain residents who had fished with set nets for personal and family use for many years. The Supreme Court found that the board's regulation on subsistence uses was inconsistent with Alaska law because the regulation was too restrictive.

The opinion stated: "Under a statute designed to protect subsistence uses, the board has devised a regulation to disenfranchise many subsistence users whose interests the statute was designed to protect."

The ruling by the Supreme Court was not a Constitutional decision but rather a statutory ruling. The Court decision went far beyond just eliminating the particular regulation, however.

The Court opinion emphasized the following points:

1. The State subsistence law does not allow the Boards of Fisheries and Game to distinguish between rural and urban subsistence fish and game users.
2. The State law does not allow the Boards to restrict initial subsistence users to a specific community.
3. The Court ruled that the ten point criteria used by the Board of Fisheries was too restrictive and was thrown out.
4. The State law requires the Boards to adopt regulations permitting "subsistence uses".
5. A major point of departure from the State's previous position was the ruling by the Court that all sport and

7. The Alaska Outdoor Council annual meeting is scheduled for Juneau from April 11-14, 1985 where subsistence and other critical issues are scheduled for deliberation. We request that no immediate action be taken until after the Council's annual meeting.

8. We agree that some resource management problems could exist this year if the administration chooses to direct the Fisheries and Game Boards to adopt sweeping regulatory changes. It is our opinion that this type of action isn't necessary nor equitable to the general public.

9. If however, it is determined, after full deliberations by the legislature, that immediate temporary corrective measures are essential, we propose that the legislature consider passing a law creating a one year moratorium or "freeze" on the subsistence law which will give them, the public and the Subsistence Task Force one full year to appropriately tackle the entire issue.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Alaska Fish and Wildlife Federation and Outdoor Council

and

Alaska Fish and Wildlife Conservation Fund
3780 McGinnis Dr.
Juneau, AK. 99801

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3. The Court ruled that the ten point criteria used by the Board of Fisheries was too restrictive and was thrown out.
4. The State law requires the Boards to adopt regulations permitting "subsistence uses".
5. A major point of departure from the State's previous position was the ruling by the Court that all sport and

commercial uses must be eliminated before subsistence uses are restricted in any way.

The Administration Proposal

It is our understanding that the Sheffield Administration is preparing a bill to at least insert the word "rural" into the State law. This would offer a patchwork response to the court ruling that has opened subsistence use to all Alaskans. This type of reaction will perpetuate the present political atmosphere of competition between urban and rural residents. The divisiveness of this issue requires a full and open discussion of what the legislature intends to define as subsistence use and users.

The Alaska Outdoor Council Position

The following points and options should be considered:

1. The court ruling has focused on several critical issues involved with the State subsistence law and any changes should be carefully considered and the public fully involved. This was a socially divisive issue two years ago and any exclusion of the public will only create more animosities.
2. The Governor created a Subsistence Task Force two years ago, to prepare recommendations on this issue. So far, there has been no report from the committee.
3. Legislative action this session should focus on clarifying the elements of the issue as the first step in resolving this controversy. Hasty amendments will cause the issue to emerge annually.
4. It is feasible to consider the desirability of changing the Federal law to comply with existing State law by excluding the word "rural". All of the original hearings in Alaska on the State subsistence law did not include "rural" in the proposal which led everyone equally situated to believe they were a subsistence user.
5. The position of the Alaska Outdoor Council membership has consistently been that subsistence should be based on some equitable basis of individual or family "need". Is this the proper time to consider restructuring the State law to include "need" as a viable criteria?
6. We propose the Legislature not be panicked into quickly altering the State's subsistence law because of this accurate interpretation by the Supreme Court without due deliberations and consideration of all alternatives.