

ALASKA LEGISLATURE COMMITTEE FILES 1985 - 1986 8672

4222.18 SRES CORRESPONDENCE (file 3)

19

STATE OF ALASKA

LIEUTENANT GOVERNOR

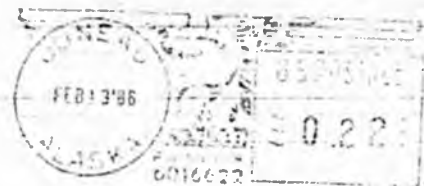
POUCH AA

JUNEAU

99811

OFFICIAL BUSINESS  
STATE OF ALASKA

STATE PENALTY FOR  
PRIVATE USE



Richard and Judy Spartz  
PO Box 42  
Kotzebue, AK 99752

February 28, 1986

Stephen McAlpine  
Lieutenant Governor  
Pouch AA  
Juneau, Alaska

Dear Mr. McAlpine:

I have just received your letter dated February 12, 1986 and I am writing as you requested. I find your letter to be quite a masterpiece in regards to inequality and have to wonder how a politician with any thought to the future of Alaska and all Alaskans could write it.


You say it is a question of our state's responsibility to assist in maintaining cultural distinctions which predates most Alaskans arrival by thousands of years. In this I can partly agree, but also strongly disagree. It may be the state's responsibility to help preserve the cultures that are Alaska, but not to the point that it allows any one group of people more rights than another. I have always considered all people in Alaska to be Alaskans be they Eskimo, Indian, black, or white. We all share a deep love for the state. I cannot trace my cultural background back thousands of years, but I do know that my father, his father, and his father before him were hunters. I can also trace my relatives back to their first arrival in the United States and Alaska—the mid 1700's and 1947 respectively. What I understand from your letter is I should forget my cultural background as it wasn't in Alaska. My question to you is do we live in the past or do we think to the future? Is it the state's responsibility to pass laws that discriminate between different peoples living in the state? That is my view of what you are proposing.

I think the future of fish and game in the state should not be used as a political pawn, as it will only hurt the fish and game and all Alaskans. Fish and game should be managed using sound practices for the benefit of all concerned.

As it stands now, in my eyes all subsistence laws are wrong. I do agree with your statement that it is the responsibility of all of us to protect the rights of Alaskans who depend on fish and game for their daily and to ensure they have access to this food source. I believe the current hunting seasons allow for this. If

an individual has the need for the food he will probably have more time to hunt during the season thus increasing his chances of success in obtaining the food he needs. If he does not obtain any game during this time period it should be the states responsibility to see that no one goes hungry either through food banks or through education to allow better jobs. But to promote subsistence hunting because it is "traditional" for certain groups and not others is discriminatory for almost all of us can make this same claim. It will only cause divisiveness between people.

Craig Morrow

A handwritten signature in cursive script, appearing to read "Craig Morrow", with a long horizontal flourish extending to the right.

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\* DELIVER TO: JFOM \*  
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\* ORIGINAL \*  
\* SENT: 03/06/86 TIME: 11:04 \*  
\* FROM: LIOFBX \*  
\* SUBJECT: POM/FBX/MW \*  
\* PRINT DATE: 03/06/86 TIME: 11:06 \*  
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14

TO: SENATE RESOURCES

SENS: ~~STURGOUEWSKI~~, FAHRENKAMP, ELIASON, ZHAROFF, I RD,  
COGHILL, V. FISCHER

ALSO: SENATOR BENNETT  
REPS FRANK, M.W. MILLER, RINGSTAD, KOPONEN, DAVIS

FROM: BYRON HALEY  
PRESIDENT CHITINA DIPNETTERS ASSOC.  
1002 PIONEER RD  
FAIRBANKS 99701

PH: 456-4426

*Kic*

RE: CHITINA DIPNETTING

MSG: PLEASE MAKE SURE THAT THE CUSTOMARY AND TRADITIONAL RIGHTS  
OF THE CHITINA DIPNETTERS ARE PROTECTED IN ANY BILL BEFORE YOUR  
RESPECTIVE BODIES ON SUBSISTENCE OR ANY BILL THAT WILL AFFECT  
THIS FISHERY.

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\*  
\* DELIVER TO: JPOM \*  
\*  
\* ORIGINAL \*  
\* SENT: 03/06/86 TIME: 12:20 \*  
\* FROM: JEAN MILLER \*  
\* SUBJECT: POM \*  
\* PRINT DATE: 03/06/86 TIME: 12:20 \*  
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8

TO: SENATE RESOURCES COMMITTEE

~~SENATORS~~ STURGULEWSKI, FAHRENKAMP, ELIASON, ZHAROFF, HALFORD,  
COGHILL AND V. FISCHER

FROM: JAMES WOODLEY  
P.O. BOX 775866  
EAGLE RIVER, AK 99577 PHONE: 694-5313

SUBJECT: FISH AND GAME SUBSISTENCE

TARGET SPECIFIC GAME AND FISH STOCKS AS NOT SUBSISTENCE SO LONG  
AS NOT TO AFFECT SUBSISTENCE ON THE WHOLE IN THE STATE OF ALASKA.

*Kia*

Kil

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* DELIVER TO: JPOM
*
* ORIGINAL
* SENT: 02/12/86 TIME: 14:46
* FROM: LIOSGL
* SUBJECT: POM
* PRINT DATE: 02/12/86 TIME: 14:47
*
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3

\*\*\*POM\*\*\*

TO SENS. ABOOD AND STURGULEWSKI

FROM R.L. PARKER JR./SECRETARY  
 COOK IN ET PROFESSIONAL SPORTSFISHERMEN ASSOCIATION  
 TROUT UNLIMITED  
 P.O.BOX 1042  
 SOLDOTNA, AK 99669  
 262-7743/7971

RE SUBSISTENCE BILL

MESSAGE: GOOD LUCK ON PASSAGE OF A SUBSISTENCE BILL THAT WE ALL  
 CAN LIVE WITH. WE WOULD LIKE HOWEVER TO SEE SUBSISTENCE FISH  
 COME OUT OF COMBERCIAL ALLOCATIONS AND NOT SPORTSFISH LEFTOVERS.  
 SUBSISTENCE SHOULD RE CONDUCTED IN SALT WATER WITH NETS AND NOT  
 IN FRESHWATER WITH HOOK AND LINE. EDM

Enclosed is a recent decision by Judge von der Heydt relating to the taking of migratory birds on the Yukon-Kuskokwim Delta.

The case is being appealed to the Ninth Circuit Court by the Outdoor Council/Alaska Fish and Wildlife Federation.

Does this decision and pending appeal affect our subsistence issue?

Maureen

## THE VON DER HEYDT DECISION AND SUBSISTENCE

### THE DECISION:

"In the absence of regulation to the contrary, subsistence hunting of migratory birds for nutritional (as opposed to cultural or other) needs remains legal."

### Note:

(Von der Heydt uses the word "subsistence", although neither the Migratory Bird Treaty Act nor the Alaska Game Law use it. He does not define it.

The Game Law, which von der Heydt says holds, states that no regulation "shall prohibit any Indian or Eskimo, prospectors, or travelers to take animals or birds during the close season when he is in absolute need of food and other food is not available..." (p. 9)

Von der Heydt says "This direct grant of authority under the statute allows Natives to undertake subsistence hunting." (p. 14)

The PLAINTIFFS:

Alaska Fish & Wildlife Federation and Outdoor Council, Inc.  
and  
Alaska Fish and Wildlife Conservation Fund., Inc.

PLAINTIFFS want to set aside the Yukon Kuskokwim Goose Management Plan, in which the Village Council Presidents Association pledged to refrain from hunting geese from onset of nesting until birds were on the wing.

They say this Game Management Plan violates a 1918 Migratory Bird Treaty Act which allowed subsistence hunting for migratory birds, such as auks, auklets, guillemots, murrets and puffins and prohibited spring subsistence hunting of migratory birds.

The DEFENDANTS:

U.S. Fish and Wildlife Service and  
Alaska Department of Fish and Game

INTERVENORS:

Alaska Federation of Natives,  
Assn of Village Council Presidents and  
Tony Vaska.

The INTERVENORS argue that the 1925 Alaska Game Law created a "subsistence" exception.

The Judge agrees.

The INTERVENORS argue that the 1925 Game Law repealed the Migratory Bird Treaty Act's closed season on spring subsistence hunting. They argue that the Migratory Bird Treaty Act was never intended for Alaska.

The 1925 Game Law says:

No regulation shall "prohibit any Indian or Eskimo, prospector or traveler to take animals or birds during the close season when he is in absolute need of food and other food is not available."

The Judge says that regulations written four months after the Game Law was passed support the interpretation. Those regulations say:

"An Indian, Eskimo, or half-breed who has not severed his tribal relations by adopting a civilized mode of living or by exercising the right of franchise and an explorer, prospector or traveler may take animals or birds in any part of the Territory at any time for food when in absolute need of food and other food is not available, but he shall not ship or sell any animals or bird or part thereof so taken."

The Judge also says it is reasonable to assume that Congress intended a person, faced with starvation, to be able to take all types of game available.

In 1940, Congress broadened the emergency subsistence provision of the Game Law:

It amended Section 10 to allow Natives to take birds and animals out of season when "in need of food and other sufficient food is not available."

(In 1944, the Fish and Wildlife Service deleted migratory birds from the subsistence exception. But the Judge says this reinterpretation was contrary to law and that the 1925 Game Act still controls.)

# ALASKA WATERFOWL ASSOCIATION

3105A LAKESHORE DRIVE, SUITE 102  
ANCHORAGE, ALASKA 99503  
TEL. (907) 243-3235

February 4, 1986

Senator Mitch Abood ✓  
Pouch V  
Juneau, Alaska 99811


RE: Subsistence Bill

Dear Senator Abood:

I have reviewed SB 8100. I have also just reviewed Judge von der Heydt's recent decision. It appears that if the natives use them for food a native can kill waterfowl at any time and in virtually any numbers. Federal District Court Case No. J84-013 CIV. We may just be wasting our time on a subsistence law if in fact the congressional 1925 game law controls this matter. The 1925 Act was amended by the 1940 Game act Ch. 845, 54 Stat. 103-04. There is a question about whether the decision will apply to all game on federal land. That may be the next lawsuit.

We hope all is going well but it looks like we need a repealer of the 1925 and 1940 game acts. (federal) before this matter can be solved.

Very truly yours,

  
John W. Hendrickson  
President

cc: Sen. R. Halford  
Sen. J. Josephson  
Sen. P. Rodey  
Sen. V. Fisher  
Sen. J. Faiks  
T. Colton  
T. W. Patch  
W. W. Sherwood  
M. Maier, WHOA  
J. Shepard, DU

JWH:kmf

RECEIVED  
FEB 10 1986

# ALASKA WATERFOWL ASSOCIATION

3105A LAKESHORE DRIVE, SUITE 102  
ANCHORAGE, ALASKA 99503  
TEL. (907) 243-3235

February 1, 1986


Senator Mitch Abood  
Pouch V  
State Capitol  
Juneau, AK 99811

Dear Senator Abood:

I enclose a recent article by Ron Dalby which appeared in Outdoor Life Magazine. We would favor one set of regulations called "Harvest Regulations." All of Alaska's citizens should be treated equally by the law.

The legislature should immediately seek repeal of Secs. 801-816 of ANILCA for it is the most dangerous law to the welfare of the states' game resources that has existed since statehood. If the Feds want to manage wildlife on federal land let them. On federal land in N.W. Alaska no one is doing it now.

Very truly yours,

  
John W. Hendrickson  
President of AWA

Enclosure. 1

JWH:kpf

RECEIVED  
FEB 10 1986

FEB 18 1986

749 Raffe Ct.  
Anchorage, ak.  
99518

Dear artist

This article appeared in  
the February issue of Outdoor Life.  
Please take a few moments of  
your time to read it and I'm  
sure you will agree that it's  
both truthful and to the point.

We're counting on you for a  
subsistence bill that is equal  
for all Alaskans.

Sincerely,

Claude Maney  
CLAUDE MANEY

# **CORRECTION**

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

FEB 18 1986

749 Raffke Ct.  
Anchorage, ak.  
99512

Dear artist

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Sincerely,

Claude Maney  
CLAUDE MANEY

# The Alaskan Subsistence Myth

Everyone can agree that earlier white men were not always forthright and fair in their dealings with Alaska's natives. But does this mean we should now overcompensate for our ancestors' sins?

By Ron Dalby

Few things inflame passion in Alaskans like the mere mention of the word "subsistence." Except for temporarily ambivalent newcomers, everyone in Alaska is either for or against subsistence. How they feel depends largely on the culture from which they have descended. Native groups adamantly support subsistence as the expression of their own interests. Other groups don't see the situation quite the same way.

Defining subsistence is the core of the

problem. The Alaska Legislature, with eyes trained on the political winds, has decided on a bland, safe statement concerning traditional and customary uses of naturally occurring resources; the statement leaves a lot to be desired. Both the state and federal governments are keenly aware of the potential political backlash if a stronger definition is adopted.

There is no middle ground to be taken when defining subsistence; one side or

continued on page 98

PHOTOGRAPH BY ERWIN AND PEGGY BAUER

## ALASKAN SUBSISTENCE MYTH

*continued from page 73*

the other is going to be extremely displeased with the still-unknown final determinant. Both sides are potent political forces.

The dictionary defines "subsistence" as "the act, state, or a means of subsisting." "Subsist" is defined as "to exist; to be sustained, nourished, etc.; live." Combining the two, we can view subsistence as a means of existing, a means of sustaining, a means of nourishing, or a means of life.

Considering that subsistence in Alaska refers to millions of pounds of fish and game each year, the definition is far-reaching in its impact. The potential for fraud is massive. Alaskan native groups, for example, have convoluted subsistence into meaning a lifestyle, which is obviously the most favorable interpretation for their goals.

Two other words that reappear in any subsistence discussion are "tradition" and "customary." The former is defined as "communal custom or usage." "Customary" is defined as "commonly practiced."

Customs and traditions are not created overnight. Every culture adopts its own only after generations of experience.

Archaeologists talk in terms of 10,000 years when discussing the development of the native cultures in Alaska. Most of us are used to reading such numbers and hardly give them a second thought. Think, though, of 10,000 years as 500 generations, quite an adequate length of time for developing customs and traditions. Then look at the white man's history in America. It's been about 10 generations since the Declaration of Independence was signed. In that sense, the white man in North America has few traditions when matched against an Eskimo culture that was active at the time the pyramids were built in Egypt. Then again, maybe the white man does in fact have a traditional subsistence culture.

Accepting, for the moment, the concept of subsistence as a lifestyle going back 100 centuries or more for the Eskimo, an immediate reaction is that subsistence is a bona fide claim. But wasn't the white man of 10,000 years ago also practicing subsistence? If you take one of the cultures back 10,000 years, it's only fair to do the same for the other. Only during the past few centuries has white man's technology become a cultural factor in Western civilization.

That technology was necessary for the survival of European society. Long before Alaskan native cultures faced, or would face, the problem, Europeans ran out of range. A barely inhabited New World discovered at the end of the Middle Ages was indeed fortunate for Europeans; they needed to expand. Technology transported their culture westward, beginning a 500-year saga of conflict with the scattered bands of peoples populating the Americas.

Columbus called the people he met Indians, assuming his navigation to be better than it really was. But who were these Indians, and how did they get here? Most scientists agree that the first men in the Americas came across a Bering Sea land bridge that existed during the Ice Age, probably following roving herds of game.

Their tools for making a life in the world were few and crude. Weapons were of stick and stone. Killing animals to sustain life was an all-consuming occupation. One

killed animals to sustain life and nourish the body. From the time of the crossing until the relatively recent contact with the white man, this was the native culture in Alaska. Subsistence was indeed a lifestyle.

Archaeologists suggest that in Alaska it was an all-pervasive lifestyle because little evidence exists indicating war or other social contact between native groups within the region. This is diametrically opposed to most native cultures elsewhere in the Americas. Cultures that flourished in milder climates had time to war and to socialize between feuds. Alaskan natives did not have that luxury except, to a certain extent, in milder southeastern Alaska.

Think for a moment what this subsistence lifestyle must have been like. If you were a coastal Eskimo, you spent long days on the frozen ocean waiting for a seal to come within range of your crude spear. Or you spent days trying to herd caribou into a killing pen so that your arm's-length weapons could be effectively used. Each animal killed provided food, clothing, and other necessities. Little was wasted. The more that was wasted, the sooner another animal would have to be acquired for the table.

Five hundred years ago, the subsistence lifestyle took every waking moment of every day. If you didn't work at it all day, every day, you died. There was no middle ground.

Farther inland, the Athapaskan Indians faced a slightly different environment but a similar challenge. Again, subsistence was a lifestyle, as a man's entire being was required to provide the necessary nourishment and materials for survival.

The men that followed Columbus came to settle a wild land and make it productive. As always when two cultures confront each other, one gives way more than the other, although neither remains unchanged. Slowly, over four centuries, the Indian and the Eskimo yielded much to the white man's ways. Some changes were forced, but many were eagerly embraced.

By the time Western civilization reached Alaska, most white men were more or less out of the habit of eliminating native tribes just because they were there. (The early Russians in the Aleutian Islands were an exception.) To be sure, natives were treated as second-class citizens in every sense of the word, but at least they weren't subject to politically inspired military campaigns

## Where Greed May Lead

In 1971, the U.S. government enacted the Alaska Native Claims Settlement Act. Part of that legislation specifically stated that Alaskan natives had to surrender all future aboriginal claims in exchange for 44 million acres of land and \$982 million. Ever since native leaders agreed to accept the money and the land, they have been screaming that it isn't enough. The only persons so far enriched by the scheme are the lawyers paid to grab more through the court system for the native corporations organized to manage the land and the money.

Approximately 75,000 natives (persons having one-quarter or more Alaskan-native blood) qualified under the terms of ANCSA. Thus, each pro-rated share of the settlement was 587 acres of land and more than \$13,000. Natives got first choice of the 90-plus percent of Alaska that was then federally owned.

The world's population is now past the four billion mark and is expected to double in 75 years or less. It's absurd for anyone in today's world to be entitled to nearly 600 acres of ground because of an ancestor's chance choice of campsite, and then to scream that it's not enough.

Recently, another idea has generated headlines—that Indian/Eskimo bands should become sovereign nations. They then could enter into treaties with the United States, thus controlling their own destinies. That is a preposterous argument. Anyone who accepts it is unwittingly suggesting that we carve up the entire country into isolated mini-nations centered around localized cultural/racial majorities. Instead of a single powerful nation able to shape our own destiny, we would become little more than a collection of economic and social basket cases.

Perhaps we should give one group a chance to make it as a separate nation

—the village of Venetie. The villagers have done a lot of complaining recently. Cast them adrift without state police services, without state-supported educational services, without qualified wildlife managers, and most of all, without state and federal welfare programs. Let them maintain their own airport, and allow them unrestricted access to the game on their lands. Two years from now, when they've shot all the animals and failed as a Third World country, ask them how they like it.

The issue of native sovereignty is a thorn in everyone's side, natives and others alike. It's a no-win proposition for all but the lawyers who argue any ridiculous position as long as their outrageous fees are met. Alaska's native peoples have much more pressing needs for their money, realistic problems that could be solved with the money now indiscriminately thrown at lawyers.

How many Indian and Eskimo children could have used money paid in legal fees for a college scholarship? How many natives in small villages suffer from a lack of local medical care—care that could be provided by building clinics and hiring doctors with some of the money used to buy lawyers?

And, perhaps most important of all, how many native corporations are in financial trouble—1991, when the corporations go public as mandated by the ANCSA, is only five years away. The millions squandered for legal battles will loom large when some of the fiscally troubled corporations are forced to sell out to private investors because they are financially unable to prevent a takeover. The Alaska natives' title to their lands now exists in the form of corporate stock, stock which soon can be sold by the owners to anyone wishing to buy it. When the stock is sold, the land is gone forever.

aimed at their extinction.

Limited, sporadic contact with European cultures began during the 18th century for Alaskan natives. Initially, the food-gathering clans that met the great sailing ships were reasonably content with their first experiences with an "advanced" culture. After all, these fair-skinned men brought trading objects that warmed a hunter's heart: steel knives, pots, and guns. Subsistence, though still fitting the natives' earlier idea of a lifestyle, became a little easier. This continued as more ships visited Alaska and the products they carried got better all the time. No longer was it necessary to be within arm's length of an animal to kill it. Bears could be challenged from safe distances. Just as automation had an impact on the manufacturing world, machines began reducing the amount of time it took to "earn a living" in Alaska.

Not all contact between Alaskan natives and white men went so smoothly, however. Besides a treasure trove of useful objects, the white man also brought disease, alcohol, and other social ills to the North. Our conscience and various vocal native groups won't let us forget that.

Still, it would be hard to think of village life in Alaska today as anything remotely resembling the past. Airplanes, jet boats, snowmobiles, and all manner of mechanical contrivances have eliminated the subsistence burden. Why walk when you can ride? Why spend two weeks stalking caribou when you can fly out and fill an airplane with meat in a couple of hours? Subsistence as a lifestyle in the 1980s is hard

to justify. One is forced to look closely at whether this is used as the only means of maintaining life.

The situation is more problematic when you realize that a remote northern Alaska village of 400 people imported 212,000 cans of soda pop in 1976. It has been pointed out that a village that can afford to pay air freight for 80 tons of soda and the resulting dental bills can certainly afford a sim-

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## Airplanes, jet boats, snowmobiles, and all manner of mechanical contrivances have eliminated the subsistence burden.

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ilar tariff on protein. Now ask yourself again if a subsistence lifestyle is necessary as a means of nourishing, of existing, or of sustaining. This is the key question.

The problem of subsistence began to confront Alaskans seriously as America reached the height of its liberal thinking during the 1960s and early 1970s. After World War II, many Americans led the good life, materially at least. But as this more comfortable way of living became more prevalent, our national conscience began bothering us. There were some people in the United States who didn't enjoy the same burgeoning prosperity. One group

many persons zeroed in on was the American Indian and, by association, the Eskimo—the descendants of the nonwhite groups who met Columbus.

Probably one of America's failings on the international scene is its national conscience. In the case of American natives, it just took us a little longer to see what lay on our doorstep. But when we did see it, we outdid ourselves with pangs of grief in the form of land grants and monetary awards to the native groups within our borders. Not that some of this wasn't justified; the white man's record in the New World is not unblemished. In keeping with our growing tradition of assistance, however, we may have overdone it with the Alaska Native Claims Settlement Act of 1971.

On December 18, 1971, President Nixon signed ANCSA into law. With a stroke of his pen, approximately 75,000 natives (only one-quarter native blood was all it took to qualify) gained fee-simple title to 44 million acres of land and \$982 million. Overnight, the natives of Alaska came to own more land than is held in trust by all the other Indian tribes in the United States. It works out to more than \$13,000 and nearly 600 acres of land per person, by far the most generous settlement ever granted. Historically, there is no precedent.

As all landowners may do, native groups holding title may restrict access and activities, and even create their own law enforcement. It is their land, and much of it is the best Alaska has to offer. Under the provisions of ANCSA, natives were able to se-

lect the lands they wanted from the more than 90 percent of Alaska that was then federally owned.

In recent years, the hue and cry over land use and ownership has assumed even greater dimensions. In 1980, at the urging of President Carter, Congress enacted legislation setting aside huge tracts of Alaska that covered nearly as much land as the state of California. These areas are administered by various departments of the National Park Service, Bureau of Land Management, and the Forest Service. In about half of this restricted land, hunting is outlawed, with one exception. Alaska natives who have "traditionally" used this ground have more or less free rein to practice their "customary" lifestyle. In simple terms, they have exclusive rights to shoot game animals in several national parks in addition to exclusive rights on the 44 million acres they already own.

The old adage that "possession is nine-tenths of the law" is a strong factor in the current battle over subsistence. The native groups own the land, land that is the source of the subsistence lifestyle they say they must practice.

Natives comprise about 15 percent of Alaska's population. There is considerable concern about such a minority owning and having exclusive access to a disproportionate share of the available resources. There are more than four billion people in the world today, a population that will double within 75 years. It's tough to argue logically that 75,000 people should be entitled to 600 acres of ground each, in addition to

special privileges on federal land otherwise closed to hunting for most Americans, just because of an ancestor's chance choice of campsite. Why should one special group be allowed as much as 100 percent of an available resource?

Separate laws govern subsistence gatherers in Alaska. Are these laws really necessary?

The time it takes in modern Alaska to gather enough wildlife to live on has been drastically reduced in the past couple of centuries. Thus, living a strictly subsistence lifestyle can either provide much more game than a person so engaged requires, or give the individual a lot of free time to pursue this lifestyle. And many who practice a subsistence lifestyle also collect a significant share of the various welfare monies available to those whose income is not up to a certain standard. Because this standard is based entirely on measurable quantities of money, there may well be a certain unfairness in paying someone cash and food stamps when this person and his family are eating a balanced diet, living in a government-built house, and spending their lives on land deeded to them.

In light of this problem and the enactment of separate laws governing those who fish and hunt for subsistence, consider just the sportfishing and sport-hunting regulations and their respective bag limits. Assume a subsistence family to be four people: husband, wife, and two children.

Taking the bag limits—which vary depending on the units hunted—for only one of the four family members, we find that it

is possible to take one moose, one to 10 caribou (unlimited caribou in one unit), one to three black bears, one to three Dall sheep, one or two mountain goats, one to five deer, and various other big-game animals. To this, add bag limits of five to 15 grouse and 10 to 20 ptarmigan daily for an eight-month-long season. In the fall, add seven to 10 ducks and six snow geese daily. There are also no closed seasons or limits on snowshoe hares in most parts of Alaska. The amount of meat available to a single hunter reaches astronomical proportions under sporting regulations alone.

Consider the hunter who, during the appropriate seasons, bags only one moose, one caribou, one black bear, 45 ducks, and 100 other birds and small-game animals. After butchering, that's at least 1,500 pounds of edible meat—almost one pound for each person in the family per day. And this is only a fraction of one family member's legal limit of game.

Sportfishing limits are also quite generous. Freshwater fishermen can take at least 30 fish or more each day if they seek more than a single species. There are many places in Alaska where it is possible to catch three or more kinds of fish in a single body of water. Even if the fish are small, this can easily be 15 pounds of fish a day. By only using a part of the allowable bag limits under sporting regulations for one person, it is possible to provide each member of a four-person family a pound of meat and a pound of fish daily. How many of us purchase 3,000 pounds of meat and fish annually to feed our family?

As a last note, using the bag limits available to the entire family, enough meat fish protein should be available to support a large dog team, another of the reasons advanced by subsistence users seeking special status, though many now ride snowmobiles instead of sleds.

Not everyone can hunt each of the animals listed because they don't range everywhere in the state. And not everyone is going to catch a limit of fish every time out, either. Still, when the sporting regulations are balanced with the types of fish and game available in the various regions of the state, 3,000 pounds per family per year is not at all unrealistic for the true practitioner of a subsistence lifestyle. All one has to do is part with a few dollars for the required licenses. Subsistence regulations are redundant and encouraged only by special interest groups looking for an easy way out.

Earlier we noted that a subsistence lifestyle occupied all of a man's time and energy 500 years ago. Restricting subsistence users to sporting regulations would tend to make subsistence a similar lifestyle once again. Those choosing such a lifestyle should be willing to spend the hours necessary to practice their way of life.

Native special interest groups, however, are fighting to continue the confusing overregulation that makes it easier for their members to get away with more than a fair share of dwindling or finite natural resources. This may be a key thought in the

entire subsistence argument. With the world's population escalating past the four billion mark, what gives a minority of a population in any area the right to a disproportionate share of the resources?

Sportsmen in Alaska generally agree that subsistence has been grossly mishandled by the state and federal governments. Most Alaskans supplement their diets with the fish and game they collect in their limited spare time. Why should a declared subsistence user with unlimited time to fish and hunt be allowed mass killing methods, more liberal bag limits, and greater access to land, all under the guise of a single word?

There are problems with implementing a sporting-regulations-only system in Alaska. It couldn't happen overnight; instead, it would require considerable conditioning. The end, however, could well justify the means. And if the declared subsistence hunter failed for any reason, he or she could then fall back on the welfare system, much as would anyone else laid off from a job or otherwise unable to work.

Limiting welfare payments to subsistence users is a powerful argument. People living in free housing on free land and who gather more than enough food to meet their needs are obviously in a different league than those to whom a welfare check is a sole means of support. More succinctly, if subsistence provides life's necessities, why should taxpayers living in the money economy fund the luxuries, especially when the choice of a subsistence lifestyle is made by

the individual? Subsistence is a job rewarded materially, not with money that can be exchanged for those materials.

Subsistence users are after the best of both worlds. They can have the personal satisfaction of providing for their own daily needs, yet someone else provides them with the money necessary to fit into another culture that they say is not theirs. This dualism, recognized or otherwise, is a fact of life in rural Alaska.

Few people have the option of choosing the best of two worlds; in fact, many don't have a chance to gain the best of one. Yet small groups in Alaska and elsewhere in the country are demanding and getting everything they want from our modern industrial society while claiming they belong to and practice another culture. Given the choice, there's probably no one who would decline the opportunity to have the best of two worlds.

There are no easy answers. Everyone can agree that earlier white men were not always forthright and fair in their dealings with natives. But are we now overcompensating for our past? Those natives who currently benefit say that all they receive is still not enough as they battle in court for more. Those who realize only higher taxes and limited access to land as a result are beginning to realize that the cost is far too much. It might be worth noting that the latter group is by far the larger in terms of numbers. And numbers are political power in a democracy.

749 Raffe Ct.  
Anchorage, Ak.  
99518

Dear Mitch,

This article appeared in  
the February issue of Outdoor Life.  
Take a few moments to read  
it and I'm sure you'll find it  
truthful and to the point.

We're counting on you to come  
up with a subsistence bill makes  
all Alaskans equal.

Sincerely,

Claude Maning

RECEIVED  
FEB 18 1986

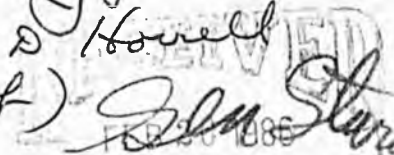
Received by Ben Stung  
D

Mitch Alwood -

2-17-86

Mitch - please take time to read this -  
I received permission from Outdoor Life - to reprint  
this - As a forty year resident of Alaska and  
having raised my family on fish and game - I resent  
the fact I cannot hunt in a lot of Alaska - and  
it's all for a chosen few -

You may remember me from  
the old H + D Market days  
on J Street -

Sincerely yours  
Robert D Howell  
(Bob)  Glen Stary

# ALASKA WATERFOWL ASSOCIATION

3105A LAKE SHORE DRIVE, SUITE 102  
ANCHORAGE, ALASKA 99503  
TEL. (907) 243-3235

February 2, 1986

Senator Mitch Abood  
Pouch V  
Juneau, AK 99811

RE: Subsistence Proposals

Dear Senator Abood:

Please send us a copy of the latest proposed subsistence bill. Find enclosed a bumper sticker for your car which expresses our views. This subsistence nonsense has wiped out a million geese, which is over one half of what Alaska produces.

Please contact the U.S. Congress and insist that actions 801-816 of ANILCA be repealed **now!**

Very truly yours,

  
John W. Hendrickson

Enclosure. 1

JWH:kpf

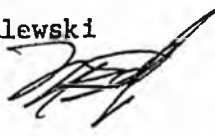
RECEIVED  
FEB 10 1986



FEB 26 1986

From the desk of:  
**Senator Mitch Abood**  
Alaska State Legislature

MEMORANDUM

TO: Senator Sturgulewski  
FROM: Senator Abood   
RE: Subsistence letters  
DATE: February 25, 1986

Please find attached 2 letters which I have recently received from citizens concerned about subsistence.

Since SCS CSHB 288 (SA), subsistence, is now in your committee, I feel that the letters will be best utilized in your care.

2/9/86

RECEIVED

FEB 11 1986

Loren Croxson

Box 1410

Petersburg, Ak 99832

772-3622

Dear Senator Abood,

I have reviewed the State Affairs Committee's "Subsistence Bill", and while it is an improvement over the Administration's attempt, it is still in need of amendment.

Prior to ANILCA there was no problem in providing for the personal use of fish and game in Alaska. The Board and the Dept, since statehood, made a conscious effort to provide management Direction and regulations which provided for the needs of ALL.

In the drafting (And subsequent passage) of ANILCA, certain groups saw the opportunity to obtain exclusive use of a resource which belongs

to everyone. These efforts were aided and encouraged by persons of limited vision and knowledge of the entire issue. They are sometimes referred to as "do gooders," etc. For various reasons they were (and are) Advocates for Subsistence. Some thought they were helping the underprivileged, some thought they saw an opportunity to curtail and eventually eliminate the other consumptive uses of fish and game.

Persons with those perceptions are still with us and your Bill will ~~assist~~ give them the greatest assist that they ever dreamed of!

Why do I say this? The role of the Subsistence Division in ADF&G has been that of an advocate for Subsistence.

I would write letters on how  
this Division has "pushed" the concept  
of Subsistence — and how both  
billed Sarge they will deliver  
them, where, how much (substantive)  
is needed — And they must  
only consult with other divisions  
in the Dept. He there experts  
in the Substantive Div. who are capable  
of determining the status of a Stock.  
No, there are not. But they give  
them the Authority - No - it Mandates  
that they do this.  
These people are Advocates —  
Some of them are the same  
people who "fought" to get the  
Substantive Section placed in ANILCA  
This is akin to asking the Fox  
to guard the Chicken house.

Mandating a Specific Division of an organization to perform certain functions which cut across so many disciplines is contrary to any and all accepted management practices and teachings.

I think there are still several parts of these Bills which are unconditional — the only solution to this problem.

To have the ANILCA amended, this can only be done with the full support of our State Administration, our Legislature, and our Congressional Delegation.

It should also be preceded by a truly objective study to determine the true need for substance.

Please excuse my sending this note in written form. My typewriter is in the "Typewriter Hospital".

Sincerely

Sam Proctor

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\*  
\* DELIVER TO: JPOM  
\*  
\*  
\* ORIGINAL  
\* SENT: 02/21/86 TIME: 14:25  
\* FROM: WALLY RICHARDSON  
\* SUBJECT: P.O.M.  
\* PRINT DATE: 02/21/86 TIME: 14:26  
\*  
\*\*\*\*\*

*Kie*

TO: ALL LEGISLATORS  
  
FR: NORMAN AND SALLY HOGG  
PO BOX 1385  
BETHEL, ALASKA 99559 543-4405  
  
RE: HB 288 - SUBSISTENCE

IN FAINESS TO THE MANY RURAL ALASKANS WHO DEPEND ON THE STATE'S FISH AND GAME FOR FOOD AND FOR MAINTAINING THEIR TRADITIONAL LIFESTYLE, PLEASE SUPPORT LEGISLATION THAT GIVES SUBSISTENCE PRIORITY TO RURAL ALASKANS.

FEB 10 1986

2636 Freeman Rd  
North Pole, AK 99705  
6 February, 1986

The Honorable  
Archie Sturgulewski  
Chairman, Senate Resources Committee  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Senator Sturgulewski:

On the morning of February 4 I presented much of the following testimony in Fairbanks at the teleconference hearings on the proposed state subsistence law. The Legislative Affairs Office staff called me immediately afterward to say that Senator Aho had sent the bill out of committee and that your committee would be next to work on it. Since part of my presentation was cut off I would like to be sure it is part of the record on subsistence.

My name is Helen Drury, 2636 Freeman Road, North Pole, AK. In July '85 I retired as an Indian Health Service Community Nutritionist after working for 10 years out of the Mt. Edgecumbe Hospital in the Native villages of Southeast Alaska from Waikeatuk to Metlukatla. I was very involved with the nutritional health problems of these people as are other nutritionists working for the Indian Health Service, state, and Native Corporations in Alaska.

One evening last week, on the Alaska News Nightly radio program, a reporter interviewed a community nutritionist in the Bethel area. She had done many 24-hour diet recalls among Natives and learned that the diet of these people reflects the decreased use of subsistence foods while at the same time greatly increasing their consumption of the high-fat, high-sugar foods about which the medical profession is now warning us. Small investigations in other parts of the state show similar results. Elizabeth Nohman, Area Indian Health Service nutritionist in Anchorage could provide many further details.

Because of this heavy use of these high sugar, high fat foods resulting in increased weight and hypertension, diabetes is on the rise as well among Alaska Natives. Indian Health Service is now gearing-up to try to prevent this from becoming the major health problem in Alaska that it has already become among many Indian tribes in the Lower 48. If time permitted I could go on to explain how the fish, game and wild plant foods which have formed the traditional Native diet works to prevent these "white man's diseases" which are now on the increase.

Another major health concern in rural Alaska is infant health. Low birth weight, higher infant mortality and morbidity rates among Native infants are also higher than for the general population. Joan Peltó, Chief Nutritionist for the state in Juneau, has much information available on this problem. Poor infant health is most often directly attributable to the poor health of the mother whose diet has been less than adequate.

Looking at all this from the dollars and cents view point I think the state should consider the phenomenal amount of money which is spent each year trying to improve Native Health. Isn't it more sensible to make it easier for Native people to build good health from the foods which traditionally have been used by them for centuries?

I view this so called revised bill with considerable skepticism. History has shown time after time that where the white man moves in to take over a territory only rarely are indigenous peoples and their rights (and their foods) adequately protected. I see what has happened to the herring koe and abalone fisheries in Southeast. Large fishing vessels from the entire West Coast "stack up" in Sitka's harbors ready to pounce on the fishery when it opens each spring. "Whites" with their sophisticated skuba and diving gear have nearly wiped

out the abalone in some areas. I could also ask, "Where have all the Alaska King Crab gone? Why is it so difficult now to catch a 70-80 lb king salmon? We can't blame these problems on either the Natives — or the walves!

Rural Native people need special protection and I believe it is the duty of the Legislature to provide it!

Very sincerely,

Helen M. Orum

\*\*\*\*\*  
\*  
\* DELIVER TO: JFOM  
\*  
\* ORIGINAL  
\* SENT: 02/26/86 TIME: 17:08  
\* FROM: MAXINE WALTON  
\* SUBJECT: POM/FBX/MW  
\* PRINT DATE: 02/26/86 TIME: 17:08  
\*  
\*\*\*\*\*

10

TO: SENATOR STURGULEWSKI, SENATOR BENNETT  
  
ALSO INTERIOR DELEGATION  
REP'S DAVIS, KOPONEN, RINGSTAD, MW MILLER, FRANK  
SEN'S FAHRENKAMP, COGHILL

FR: BRUCE W. CAMPBELL  
TANANA VALLEY SPORTSMEN'S RIFLE AND PISTOL CLUB  
BOX 82245  
FAIRBANKS 99708  
PH: 488-1667 479-3233 (W)

RE: SCS CS MB 288 - SUBSISTENCE

MSG: IN LIGHT OF SEC.16.05.258 IDENTIFYING SUBSISTENCE FISH AND  
GAME SPECIES, WOULD IT ALSO NOT BE DESIRABLE TO AMEND SEC.  
16.30.010 WANTON WASTE TO READ. ....KILLS A BIG GAME OR  
SUBSISTENCE\_GAME\_ANIMAL OR A SPECIES OF WILD FOWL.....

*Lies  
A constant*

\*\*\*\*\*  
\* DELIVER TO: JPOH \*  
\* \* \* \* \*  
\* ORIGINAL \*  
\* SENT: 03/03/86 TIME: 11:12 \*  
\* FROM: JEAN MILLER \*  
\* SUBJECT: P04 \*  
\* PRINT DATE: 03/03/86 TIME: 11:13 \*  
\*\*\*\*\*

5

TO: SENATORS FAIRB AND STURGOLEWSKI  
REPRESENTATIVE PETTYJOHN AND RIEGER

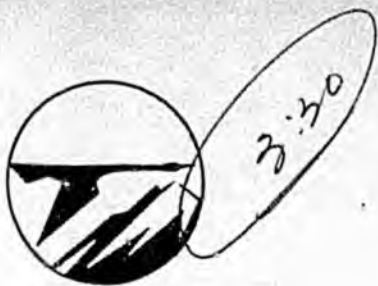
FROM: SUSAN STEWART  
1520 ELCADORE, APT. 133  
ANCHORAGE, AK 99507 PHONE: 544-8654

SUBJECT: HB 407 - USE OF GAME AS BAIT ON TRAP LINES

PLEASE OPPOSE HB 407. I FEEL THAT PASSAGE OF THE BILL WILL

- 1) CONSTITUTE A BACK DOOR APPROACH TO INCREASED KILLING OF WOLVES
- 2) CONTRIBUTE TO INCREASED ILLEGAL HUNTING OF CARIBOU, MOOSE AND OTHER GAME ANIMALS
- 3) WILL UNFAIRLY PRECLUDE PUBLIC ACCESS TO INFORMATION ACQUIRED BY FISH AND GAME.





# ALASKA OUTDOOR COUNCIL, INC.

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

## SUBSISTENCE MORATORIUM

March 19, 1985

The Alaska Outdoor Council acknowledges that there is a potential for creating severe hardships if the Madison subsistence ruling is implemented immediately and to the letter of the law. To-date, however, only partial solutions have been offered -- especially by the Governor's office. The Supreme Court ruling clearly enunciated several problems with the existing State law. In order to properly address these problems, provide adequate public input, and establish a permanent solution to the growing social conflicts created by the law, reasonable time and public exposure must be devoted by the legislature to restructuring the law.

If it is determined by the legislature that a temporary solution is needed to keep established industries and citizens of Alaska from being completely and unnecessarily disenfranchised during the legislative review process, we would support a temporary moratorium designed to freeze subsistence regulations that existed prior to the Madison case.

We propose that the following points must be addressed in any statute enacted to place a moratorium in effect:

1. The freeze must last only one year with a self destruct clause. ✓
2. Declare subsistence regulations in existence prior to Madison case as only existing valid subsistence uses in Alaska. ✓
3. Declare personal use fisheries established by the Fisheries Board prior to Madison Case as legal for one year. ✓
4. Declare that during one year freeze, only subsistence uses identified prior to Madison case have any legal standing. In other words, there is a freeze on the creation of any additional subsistence uses during interim. This will guarantee that no established sport hunting or fishing uses nor commercial uses will be eliminated until the subsistence law is adequately reviewed and restructured. ✓

The Outdoor Council is willing to help sponsor a special meeting to seek concurrence from the commercial and sport interests for a moratorium statute.

PRESIDENT  
Rupert Andrews  
9416 Long Run Drive  
Juneau, AK 99801  
(907) 789-7422

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 Katlian  
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  
901 Tall Spruce Dr.  
Anchorage, AK 99502  
(907) 243-4790

Chuck Grey - mizing ed - newsman

ext. ph

equitable dist jail

Article 8 - state Court.

Don't want in law found stamps

Jan 67

Blake - Cadova

Kensi

Jura

MAY 01 1985

ALASKA OUTDOOR COUNCIL  
3780 McGinnis Dr.  
Juneau, AK. 99801

SPECIAL NOTICE  
4/29/85

Alaska Subsistence Issue--Myths & Facts

Recent comments by the Governor, members of the Legislature and certain special interest groups have created a growing sense of hysteria over the Alaskan subsistence issue. As a result, numerous distortions of fact have occurred in order to panic the general public, the various user groups and the legislature into supporting a quick fix to the extremely complicated subsistence law. For your information, we are providing you a copy of our 4/17/85 Special Notice on the issue and we are also including herein a few comments on some of the myths and facts that have been circulated recently to the Legislature and the public.

-----

MYTH - The Governor's proposed bills (HB 288 & SB 231) will return the subsistence situation to pre-Madison (Supreme Court Ruling) by inserting the word "rural" into the existing State law and by creating a "personal use fishery" category.

FACT - The Governor's bills do not resolve the major problems clearly enunciated in the Madison Supreme Court ruling. His bills will allow the Boards of Fisheries and Game to eliminate urban users from subsistence uses but the Court also ruled (Supreme Court Opinion #2911):

1. The Boards must adopt regulations giving subsistence uses an absolute priority (Page 5).
2. The Boards must eliminate competing uses such as sport or commercial uses before restricting subsistence uses (Page 16 & 17).

-----

MYTH - The Governor's proposed legislation will solve the potential crises situations involving sport fishing in Cook Inlet, commercial fishing in Prince William Sound and sport hunting throughout Alaska this spring and summer.

FACT - The Madison Supreme Court ruling essentially eliminated the regulations that the Board of Fisheries had established discriminating between Alaskans on the basis of residency--including the ten point criteria used by the Board. Even if the Governor's legislation were to pass there is not enough time under the Administrative Procedures Act for regulations to be properly adopted before the fishing and hunting seasons commence. The only means for immediate relief is under the emergency powers of the Commissioner of Fish and Game.

-----

MYTH - The creation of a "personal use fishery" will provide for urban subsistence needs.

Fact - The personal use fishery provided in the Governor's bill gives no priority to the personal use fishery. Whenever it comes in conflict with subsistence uses, it must be eliminated along with sport or commercial uses. In addition, there is no proposed "personal use hunting" provision in the Governor's bills.

-----  
MYTH - The Governor's bills resolve the subsistence problems.

Fact - HB 288 and SB 231 further exacerbate a growing conflict between urban and rural users by giving an ultimate priority over use of common property resources to a portion of Alaskan residents based on their residency.

-----  
MYTH - The Governor is concerned with Federal takeover of Fish and Wildlife Management.

Fact - The Governor and the majority in the House refused to accept an amendment to HB 288 which would keep us in compliance with the Federal law but would have provided a sunset clause next year.

-----  
MYTH - The Federal Government will manage fish and wildlife if HB 288 does not pass in its present form.

FACT - Deputy Under Secretary William P Horn in his April 18, 1985 correspondence to Representative Goll indicated that "we would afford the State an opportunity to correct the program deficiencies". He also indicated "the Department has no immediate plans to undertake activities to discharge its obligations under Sections 805 (a), (b), and (c) if it is finally determined that the Madison decision puts the State in non-compliance and there are indications that the State will act to come into compliance". He did indicate that a Federal Court could require the Federal Government to assume subsistence management, however.

-----  
MYTH - The Anchorage Sportfishing organizations support HB 288.

FACT - Both the Alaska Sportfishing Association and the Kenai River Sportfishing Association have indicated:

1. They oppose HB 288 in its present form.
2. They favor a permanent solution to the Alaska subsistence law conflicts.
3. They favor legislation with a sunset clause which will allow the Boards of Fisheries and Game to regulate in the interim.
4. They favor hearings during the interim.

-----

MYTH - The Governor's bills resolve the Court of Appeals ruling on the Eluska case.

Fact - The Eluska case provided that the State could not continue to provide for subsistence uses under sport regulations and a subsistence priority must be provided by regulation. The court held that the Board may not relict subsistence hunting at all in an area in which sport or commercial hunting is permitted. Lacking regulations giving subsistence a priority, a subsistence user may essentially harvest game unrestricted. The Governor's proposal does not deal with this issue in any way.

-----  
MYTH - The Governor supports taking politics out of fish and game management by proposing HB 288.

FACT - The Governor's bills insert politics into management by legislatively instructing the Boards of Fisheries and Game to discriminate against most of Alaskans in the allocation of Alaska's common property fish and wildlife resources.

-----  
MYTH - Residents of Anchorage, Fairbanks, Juneau and Ketchikan may be allowed to participate in subsistence uses if HB 288 is passed.

FACT - ANILCA requires that a definition of the term "rural" requires that Anchorage, Fairbanks, Juneau and Ketchikan be considered urban and ineligible for subsistence.

-----  
MYTH - The Legislature and this Administration will take up the State subsistence law next year if there are still problems.

FACT - This Administration and many legislators promised to correct the problems three years ago; however, they failed to do so until the recent Supreme Court decision forced them to address the issue this year.

-----  
 There remain several major questions that should be answered:

1. Why does the Governor and certain special interest groups oppose a thorough review of the State subsistence law during the next year. Especially, if an interim law with a sunset clause could be passed keeping us in compliance with the Federal law while giving the regulatory Boards authority to regulate during the interim?
2. Why must all existing subsistence users in Anchorage, Fairbanks, Juneau and Ketchikan be eliminated from participating in legitimate subsistence activities if they also have the same needs?
3. Why does this Administration and certain special interest groups oppose a precise definition of the word "rural" if it is inserted into the State's law so that Alaskan's will know if they are subsistence users or not?

4. Why do the supporters of HB 288 oppose defining the term "restrict" which will allow for subsistence uses to be regulated?
5. Why do the supporters of HB 288 oppose amendments which will provide that in some cases, as determined by the regulatory Boards, that subsistence, sport and commercial uses may all be regulated rather than requiring that all sport and commercial uses be eliminated before restricting any subsistence uses?
6. Why do the supporters of HB 288 oppose "personal use fishing" including "hook and line" fishing?
7. Why do the supporters of HB 288 oppose a definition of "priority" to include a reasonable preference but not an exclusive use?
8. Why do the supporters of HB 288 oppose amendments which will exclude new Alaskan residents who move into a subsistence community from having a priority over Alaskans elsewhere who have greater dependency and history of use of the same fish and wildlife resources?

These are questions whose answers may help unravel the political web that is making the issue of subsistence nearly impossible to deal with.

ALASKA OUTDOOR COUNCIL  
3780 McGinnis Dr.  
Juneau, AK. 99801

SPECIAL NOTICE  
4/17/85

Alaska Subsistence Issue

This special notice summarizes, from the Alaska Outdoor Council's point of view, the most important issues involved in the present controversies surrounding the State's subsistence law. Because the legislature is examining amendments to the law, it is important that the amendment process carefully consider all major problems with the existing law so that these controversies are not perpetuated.

The Alaska Supreme Court Ruling

The Alaska Supreme Court February 22, 1985 struck down a Board of Fisheries regulation that had identified eligibility for subsistence fishing in the Cook Inlet region. Under the regulation, certain residents of the Kenai Peninsula had been eliminated from subsistence fishing.

The Court opinion emphasized the following points:

1. The State law requires the Boards to adopt regulations permitting "subsistence uses".
2. The State subsistence law does not allow the Boards of Fisheries and Game to distinguish between rural and urban subsistence fish and game users.
3. The State law does not allow the Boards to restrict subsistence use to a specific community, unless the resource is in jeopardy.
4. 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 Alaska Court of Appeals Ruling

On April 12, 1985 the Alaska Court of Appeals issued a ruling dealing with the State's prosecution of a subsistence hunter who had taken a deer on Kodiak Island during the closed season. The court indicated:

1. "Substantial uncertainty" exists on these issues but the

defendant is correct in arguing that his unregulated subsistence use is legitimate in the absence of regulations to the contrary.

2. The Board of Game must (emphasis added) adopt subsistence regulations according to the State's 1978 subsistence law.

3. The State has failed to carry out its responsibilities by not adopting subsistence regulations.

4. "A potential subsistence user must be able to determine before he or she hunts whether the hunt will comply with the law before he or she can be subjected to criminal prosecution for his or her hunting."

5. "The State must prove guilt beyond a reasonable doubt by convincing a jury that the hunting in question was not a subsistence use."

The practical effects of this case means that in instances where the State Boards have failed to identify and provide for existing subsistence uses, the subsistence users may legally participate in that activity. Since the Boards has recognized only a relatively few subsistence uses, most of the State could be essentially unregulated for subsistence.

#### The Administration Proposal

The Sheffield Administration introduced HB 288 and SB 231 to insert the word "rural" into the State law and provide for a "personal use fishery" category. This offers a patchwork response to the court rulings, fails to correct major flaws in the law and will perpetuate the present political atmosphere of direct competition between urban and rural residents.

#### The Alaska Outdoor Council Position

The Alaska Outdoor Council offers the following points and option as a basis for permanently correcting the flaws in the present subsistence law:

1. The courts rulings have focused on several critical issues involved with the socially divisive State subsistence law and any changes should be carefully considered and the public fully involved.

2. The Governor created a Subsistence Task Force two years ago that was a total failure and was disbanded.

3. Legislative action this session should focus on clarifying the elements of the issue as the first step in resolving this controversy. Poorly crafted amendments will

cause the issue to emerge annually. Due deliberations and consideration of all alternatives are essential.

4. If 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 Administration one full year to appropriately tackle the entire issue.

5. The 7 year history of controversy and court rulings is a clear statement that neither the public nor the elected public officials clearly understand "subsistence".

6. Other specific recommendations:

a. 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".

b. No common property resources, under provisions of the State Constitution, should be allocated on an exclusive use priority basis.

c. No subsistence user qualifications should be based on residency, including any community.

d. Terms like "Customary and traditional", "rural" or "family" must be clearly defined if they are used in any form in the law. It is imperative for the legislature to clearly define the terms of any subsistence law to allow an Alaskan resident to determine whether he is or is not a subsistence user.

e. The term "customary trade" must exclude all commercial sales.

f. The law must authorize the Boards of Fisheries and Game to regulate subsistence uses at any time, when appropriate.

g. Competing uses should not be eliminated whenever there is a conflict with subsistence uses.

h. The Boards should be allowed to regulate subsistence uses at historic levels of harvest.

i. The term "restricted" must be clearly defined to allow on-going regulation of subsistence uses.



ALASKA OUTDOOR COUNCIL  
3780 McGinnis Dr.  
Juneau, AK. 99801

SPECIAL NOTICE  
4/17/85

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4. "A potential subsistence user must be able to determine before he or she hunts whether the hunt will comply with the law before he or she can be subjected to criminal prosecution for his or her hunting."

5. "The State must prove guilt beyond a reasonable doubt by convincing a jury that the hunting in question was not a subsistence use."

The practical effects of this case means that in instances where the State Boards have failed to identify and provide for existing subsistence uses, the subsistence users may legally participate in that activity. Since the Boards has recognized only a relatively few subsistence uses, most of the State could be essentially unregulated for subsistence.

#### The Administration Proposal

The Sheffield Administration introduced HB 288 and SB 231 to insert the word "rural" into the State law and provide for a "personal use fishery" category. This offers a patchwork response to the court rulings, fails to correct major flaws in the law and will perpetuate the present political atmosphere of direct competition between urban and rural residents.

#### The Alaska Outdoor Council Position

The Alaska Outdoor Council offers the following points and option as a basis for permanently correcting the flaws in the present subsistence law:

1. The courts rulings have focused on several critical issues involved with the socially divisive State subsistence law and any changes should be carefully considered and the public fully involved.

2. The Governor created a Subsistence Task Force two years ago that was a total failure and was disbanded.

3. Legislative action this session should focus on clarifying the elements of the issue as the first step in resolving this controversy. Poorly crafted amendments will

cause the issue to emerge annually. Due deliberations and consideration of all alternatives are essential.

4. If 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 Administration one full year to appropriately tackle the entire issue.

5. The 7 year history of controversy and court rulings is a clear statement that neither the public nor the elected public officials clearly understand "subsistence".

6. Other specific recommendations:

a. 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".

b. No common property resources, under provisions of the State Constitution, should be allocated on an exclusive use priority basis.

c. No subsistence user qualifications should be based on residency, including any community.

d. Terms like "Customary and traditional", "rural" or "family" must be clearly defined if they are used in any form in the law. It is imperative for the legislature to clearly define the terms of any subsistence law to allow an Alaskan resident to determine whether he is or is not a subsistence user.

e. The term "customary trade" must exclude all commercial sales.

f. The law must authorize the Boards of Fisheries and Game to regulate subsistence uses at any time, when appropriate.

g. Competing uses should not be eliminated whenever there is a conflict with subsistence uses.

h. The Boards should be allowed to regulate subsistence uses at historic levels of harvest.

i. The term "restricted" must be clearly defined to allow on-going regulation of subsistence uses.

March 1981

## Subsistence Demand Forms

### Introduction:

These forms were prepared by the Game Division as a possible aid to the Board of Game in their regulatory deliberations. The purpose would be to assist the Board of Game in identifying on the record those areas and species for which the Board may determine subsistence uses are or are not valid. This should help in future regulation considerations as well as in the allocation of limited Departmental funds.

### Assumptions:

Development of the information on the enclosed Subsistence Demand Forms and subsequent interpretation of this information, required establishment of a set of assumptions upon which this information is based. These assumptions were:

1. Alaska residents are those people residing within the State.
2. Unit or subunit residents are people residing within designated Game Management Units or subunits thereof.
3. Harvestable surplus is the number of animals which may be harvested annually from populations within present constraints of regulations, which address socially acceptable uses (for example, excludes bear sows with cubs, cubs or cow moose where either-sex hunting is not acceptable.)
4. Demands are based upon the number of citizens within the State, a Unit or a subunit who would, theoretically, wish to use these resource surpluses. Demand figures do not take into consideration such practical matters as availability of the resource to the potential user, inability of some citizens to harvest the resource, or the fact that some citizens may not wish to avail themselves of the resource.
5. The location of the symbols in the chart are related to demand and surplus. For instance, state resident demands for deer are such that it is conceivable under the most lenient regulation that there would be little harvestable surplus for nonresidents. We know, however, that there is little chance of residents taking the surplus in most areas.
6. The symbols relate to the broadest possible definition of "subsistence" - for food, shelter, fuel, clothing, tools, transportation, and making and selling of handicraft articles---. No attempt is made to predetermine a traditional and customary definition or preclude other interpretations. Special emphasis is made of the words "maybe---" and "not usually---."
7. Commercial trapping is not considered as a subsistence use in this process. There is a significant difference between the State and federal interpretation that should be addressed, however. The federal government defines "customary trade" in such a manner to include commercial sale of furs.

Black BEAR

SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? NO

YES or NO

Alaska residents capable of taking statewide harvestable surplus? NO

YES or NO

Surplus Adequate to Allow Taking By:

UNIT OR SUBUNIT

	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12	
Residents & Nonresidents																												X
State Residents Only	X	X	X	X	X	X	X		X	X	X	X	X	Λ		Λ	X		X	X	X						X	
Unit &/or Subunit Residents Only																X												

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18					
Residents and Nonresidents																											X
State Residents Only	X	X	X	X	X	X					X	Λ	X	X	X	X	X	X			X						
Unit &/or Subunit Residents Only							X	X	X																		
Selected Unit or Subunit Residents Only										X												X			X		

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23	
Residents and Nonresidents	X	Λ	X	Λ	X	X	X		X	X	X	X	X	X	X	X	X								X
State Residents Only								X																	
Unit &/or Subunit Residents Only																			X		Λ				
Selected Unit or Subunit Residents Only																									

	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents	X	Λ	X	X				
State Residents Only								
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

- X May be considered subsistence species in this Unit or Subunit
- 0 Not usually considered subsistence species in this Unit or Subunit
- ? Subsistence status unknown

Brown Bear  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? No  
YES or NO

Alaska residents capable of taking statewide harvestable surplus? No  
YES or NO

Surplus Adequate to Allow Taking By:

	UNIT OR SUBUNIT																										
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12
Residents & Nonresidents	0	0	0	0	?			0	0	0	0	0	0	0	0	0	0	0	?	0	?	?	?	?	0	0	0
State Residents Only																											
Unit &/or Subunit Residents Only																											
Selected Unit or Subunit Residents Only																											

	UNIT OR SUBUNIT																					
	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18
Residents and Nonresidents	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	X	X	X	X	X
State Residents Only																						
Unit &/or Subunit Residents Only																						
Selected Unit or Subunit Residents Only																						

	UNIT OR SUBUNIT																							
	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23
Residents and Nonresidents	X	X	X	X	X	0	0	0	0	0	0	?	?	?	?	?	?	X	X	X		X		
State Residents Only																					X		X	X
Unit &/or Subunit Residents Only																								
Selected Unit or Subunit Residents Only																								

	UNIT OR SUBUNIT							
	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents	?	?	?	?	X	X	X	X
State Residents Only								
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

- X - May be considered subsistence species in this Unit or Subunit
- 0 - Not usually considered subsistence species in this Unit or Subunit
- ? - Subsistence status unknown

Bison

SPECIES

Alaska resident demands adequate to take statewide harvestable surplus?

YES YES or NO

Alaska residents capable of taking statewide harvestable surplus?

YES YES or NO

Surplus Adequate to Allow Taking By:

UNIT OR SUBUNIT

	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12	
Residents & Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																											X	

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18						
Residents and Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23				
Residents and Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only	X				X	X				X																		
Selected Unit or Subunit Residents Only																												

	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents								
State Residents Only								
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

- X May be considered subsistence species in this Unit or Subunit
- 0 Not usually considered subsistence species in this Unit or Subunit
- ? Subsistence status unknown

Caribou

SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? YES

YES or NO  
YES

Alaska residents capable of taking statewide harvestable surplus? NO

YES or NO  
NO

Surplus Adequate to Allow Taking By:

	UNIT OR SUBUNIT																											
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12	
Residents & Nonresidents																								X	X	X		
State Residents Only																				X								
Unit &/or Subunit Residents Only																							X				X	X
Selected Unit or Subunit Residents Only																	X	X				X						

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18					
Residents and Nonresidents																											
State Residents Only																											
Unit &/or Subunit Residents Only		X	X	X		X											X			X							
Selected Unit or Subunit Residents Only	X				X		X	X	X		X	X	X		X	X		X	X		X	X		X	X		

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23	
Residents and Nonresidents																									
State Residents Only	X	X	X	X	X	X	X					X			X	X									
Unit &/or Subunit Residents Only								X	X	X	X		X				X								X
Selected Unit or Subunit Residents Only																			X	X	X				

	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents							X	
State Residents Only	X	X			X		X	
Unit &/or Subunit Residents Only			X	X		X		
Selected Unit or Subunit Residents Only								

- X May be considered subsistence species in this Unit or Subunit
- O Not usually considered subsistence species in this Unit or Subunit
- ? Subsistence status unknown

DEER

SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? YES

YES or NO

Alaska residents capable of taking statewide harvestable surplus? No

YES or NO

Surplus Adequate to Allow Taking By:

	UNIT OR SUBUNIT																											
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12	
Residents & Nonresidents																		X										
State Residents Only	X		X					X	X		X	X					X											
Unit &/or Subunit Residents Only		X		X	X	X	X			X																		
Selected Unit or Subunit Residents Only															X													

	UNIT OR SUBUNIT																											
	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18						
Residents and Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												

	UNIT OR SUBUNIT																											
	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23				
Residents and Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												

	UNIT OR SUBUNIT							
	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents								
State Residents Only								
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

- X May be considered subsistence species in this Unit or Subunit
- O Not usually considered subsistence species in this Unit or Subunit
- ? Subsistence status unknown

ELK  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? YES  
 YES or NO  
 Alaska residents capable of taking statewide harvestable surplus? YES  
 YES or NO

Surplus Adequate to Allow Taking By:	UNIT OR SUBUNIT																											
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12	
Residents & Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												
Residents and Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												
Residents and Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												
Residents and Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												

- X May be considered subsistence species in this Unit or Subunit
- 0 Not usually considered subsistence species in this Unit or Subunit
- 7 Subsistence status unknown

Goat  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? YES

YES or NO  
YES

Alaska residents capable of taking statewide harvestable surplus?

YES or NO

Surplus Adequate to Allow Taking By:

	UNIT OR SUBUNIT																											
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12	
Residents & Nonresidents												X	X															
State Residents Only	X		X					X	X	X	X			X		X											X	
Unit &/or Subunit Residents Only		X		X	X																						X	
Selected Unit or Subunit Residents Only															X		X	X										

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18						
Residents and Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only	X				X		X	X	X	X	X	X	X	X	X													

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23				
Residents and Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												

	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents								
State Residents Only								
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

- X May be considered subsistence species in this Unit or Subunit
- O Not usually considered subsistence species in this Unit or Subunit
- ? Subsistence status unknown

Moose

SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? YES

YES or NO

Alaska residents capable of taking statewide harvestable surplus? NO

YES or NO

Surplus Adequate to Allow Taking By:

UNIT OR SUBUNIT

	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12
Residents & Nonresidents																											X
State Residents Only	X		X						X		X																
Unit &/or Subunit Residents Only				X	X					X		X	X	X					X	X	X			X		X	
Selected Unit or Subunit Residents Only		X													X	X	X						X	X			

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18				
Residents and Nonresidents																										
State Residents Only																X	X	X								
Unit &/or Subunit Residents Only	X	X	X	X		X																				
Selected Unit or Subunit Residents Only					X		X	X	X	X	X	X	X	X					X	X	X	X	X			

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23	
Residents and Nonresidents			X	X			X					X	X		X	X	X								
State Residents Only	X					X								X											
Unit &/or Subunit Residents Only		X			X			X	X	X	X							X	X	X			X		
Selected Unit or Subunit Residents Only																						X		X	X

	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents								
State Residents Only		X	X	X				
Unit &/or Subunit Residents Only	X				X	X	X	
Selected Unit or Subunit Residents Only							X	

- X May be considered subsistence species in this Unit or Subunit
- O Not usually considered subsistence species in this Unit or Subunit
- ? Subsistence status unknown

8

Mus Koxen

SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? YES

Alaska residents capable of taking statewide harvestable surplus? YES

YES  
YES or NO  
YES  
YES or NO

Surplus Adequate to Allow Taking By:

UNIT OR SUBUNIT

	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12	
Residents & Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18						
Residents and Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																											?	

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23				
Residents and Nonresidents																												
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																			?							?	?	?

	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents								
State Residents Only								
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only					?	?		?

- X May be considered subsistence species in this Unit or Subunit
- O Not usually considered subsistence species in this Unit or Subunit
- ? Subsistence status unknown

SHEEP  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? Yes  
 YES or NO  
 Alaska residents capable of taking statewide harvestable surplus? No  
 YES or NO

Surplus Adequate to Allow Taking By:	UNIT OR SUBUNIT																											
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12	
Residents & Nonresidents																												0
State Residents Only																											0	
Unit &/or Subunit Residents Only																						0						
Selected Unit or Subunit Residents Only																	X		0									

Residents and Nonresidents	UNIT OR SUBUNIT																											
	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18						
Residents and Nonresidents																												
State Residents Only																0	0	0				0						
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						0						X	

Residents and Nonresidents	UNIT OR SUBUNIT																										
	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23			
Residents and Nonresidents						X	X																				
State Residents Only	X			X					X	X	X																X
Unit &/or Subunit Residents Only																											
Selected Unit or Subunit Residents Only																											

Residents and Nonresidents	UNIT OR SUBUNIT							
	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents	X	X	X					
State Residents Only					X	X	X	X
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

X May be considered subsistence species in this Unit or Subunit  
 0 Not usually considered subsistence species in this Unit or Subunit  
 ? Subsistence status unknown

Wolf  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? No  
YES or NO

Alaska residents capable of taking statewide harvestable surplus? No  
YES or NO

Surplus Adequate to Allow Taking By:

	UNIT OR SUBUNIT																										
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12
Residents & Nonresidents	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0		0	0	0	0	0	0	0	0	X
State Residents Only																											
Unit &/or Subunit Residents Only																											
Selected Unit or Subunit Residents Only																											

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18	
	Residents and Nonresidents	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
State Residents Only																							
Unit &/or Subunit Residents Only																							
Selected Unit or Subunit Residents Only																							X

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23
	Residents and Nonresidents	X	X	X	X	X							X	X	X	X								
State Residents Only						X	X	X	X	X	X					X	X							
Unit &/or Subunit Residents Only																								
Selected Unit or Subunit Residents Only																		X	X	X	X	X	X	X

	24	25	25A	25B	26	26A	26B	26C
	Residents and Nonresidents		X	X				
State Residents Only	X			X				
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only					X	X	X	X

- X May be considered subsistence species in this Unit or Subunit
- 0 Not usually considered subsistence species in this Unit or Subunit
- ? Subsistence status unknown

Wolverine  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? YES  
YES or NO

Alaska residents capable of taking statewide harvestable surplus? No  
YES or NO

Surplus Adequate to Allow Taking By:	UNIT OR SUBUNIT																										
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12
Residents & Nonresidents	0	0	0	0	0	0			0	0	0	0	0	0	0	0	0			0	0	0	0	0	0	0	
State Residents Only																											X
Unit &/or Subunit Residents Only																											
Selected Unit or Subunit Residents Only																											
	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18					
Residents and Nonresidents	0	0	0	0	0	0	0	0	0		0	0	0	0	0	0	0										
State Residents Only																					0		0	0			
Unit &/or Subunit Residents Only										0																	
Selected Unit or Subunit Residents Only																											X
	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23			
Residents and Nonresidents																											
State Residents Only	X	X	X	X	X							X	X	X	X	X	X										
Unit &/or Subunit Residents Only						X	X	X	X	X	X																
Selected Unit or Subunit Residents Only																			X	X	X	X	X	X	X	X	X
	24	25	25A	25B	26	26A	26B	26C																			
Residents and Nonresidents																											
State Residents Only	X	X	X	X																							
Unit &/or Subunit Residents Only																											
Selected Unit or Subunit Residents Only					X	X	X	X																			

X May be considered subsistence species in this Unit or Subunit  
 0 Not usually considered subsistence species in this Unit or Subunit  
 ? Subsistence status unknown

BEAVER

SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? No

YES or NO

Alaska residents capable of taking statewide harvestable surplus? No

YES or NO

Surplus Adequate to Allow Taking By:

	UNIT OR SUBUNIT																										
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12
Residents & Nonresidents	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	X	?	0	?		?	
State Residents Only																	0										X
Unit &/or Subunit Residents Only																											
Selected Unit or Subunit Residents Only																											

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18	
Residents and Nonresidents	?	?	?	?	?	?									0	0	0						
State Residents Only							0	0	0		0	0	0	0				X		X			
Unit &/or Subunit Residents Only																			X		X	X	
Selected Unit or Subunit Residents Only									0														

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23
Residents and Nonresidents																								
State Residents Only	X		X	X	X		X		X		X	X	X	X	X									X
Unit &/or Subunit Residents Only		X				X		X		X						X	X							
Selected Unit or Subunit Residents Only																		X	X	X				

	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents								
State Residents Only	X	X	X	X				
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

- X May be considered subsistence species in this Unit or Subunit
- 0 Not usually considered subsistence species in this Unit or Subunit
- ? Subsistence status unknown

LYNX  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? No  
YES or NO

Alaska residents capable of taking statewide harvestable surplus? No  
YES or NO

Surplus Adequate to Allow Taking By:	UNIT OR SUBUNIT																											
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12	
Residents & Nonresidents	0	0	0	0	0														0	0			0				X	
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												

Residents and Nonresidents	UNIT OR SUBUNIT																										
	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18					
Residents and Nonresidents	0	0	0	0	0	0					0	0	0	0	0	0	0										X
State Residents Only							0		0										0		0						
Unit &/or Subunit Residents Only								0													0		0				
Selected Unit or Subunit Residents Only										0																	

Residents and Nonresidents	UNIT OR SUBUNIT																									
	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23		
Residents and Nonresidents	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X						X
State Residents Only								X																	X	
Unit &/or Subunit Residents Only																										
Selected Unit or Subunit Residents Only																										

Residents and Nonresidents	UNIT OR SUBUNIT							
	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents	X	X	X	X	X			
State Residents Only								
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

X May be considered subsistence species in this Unit or Subunit  
 0 Not usually considered subsistence species in this Unit or Subunit  
 ? Subsistence status unknown

MARTEN  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? No  
YES or NO

Alaska residents capable of taking statewide harvestable surplus? No  
YES or NO

Surplus Adequate to Allow Taking By:

	UNIT OR SUBUNIT																										
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12
Residents & Nonresidents	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	X
State Residents Only																											
Unit &/or Subunit Residents Only																		0									
Selected Unit or Subunit Residents Only																											

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18				
	Residents and Nonresidents	0	0	0	0	0	0	0		0						0	0	0								
State Residents Only								0																		
Unit &/or Subunit Residents Only											0	0	0	0				0		0	0					
Selected Unit or Subunit Residents Only																										

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23
	Residents and Nonresidents	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
State Residents Only																								
Unit &/or Subunit Residents Only								X																
Selected Unit or Subunit Residents Only																								

	24	25	25A	25B	26	26A	26B	26C
	Residents and Nonresidents	X	X	X	X			
State Residents Only								
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

X May be considered subsistence species in this Unit or Subunit  
 0 Not usually considered subsistence species in this Unit or Subunit  
 ? Subsistence status unknown

Alaska  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? No

YES or NO

Alaska residents capable of taking statewide harvestable surplus? No

YES or NO

Surplus Adequate to Allow  
Taking By:

UNIT OR SUBUNIT

	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12	
Residents & Nonresidents	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	X
State Residents Only																												
Unit 6/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18						
Residents and Nonresidents	0	0	0	0	0	0	0		0						0	0	0											X
State Residents Only								0			0	0	0	0				0	0	0	0							
Unit 6/or Subunit Residents Only									0																			
Selected Unit or Subunit Residents Only																												

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23	
Residents and Nonresidents	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
State Residents Only																									
Unit 6/or Subunit Residents Only							X																		
Selected Unit or Subunit Residents Only																									

	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents	X	X	X	X				
State Residents Only								
Unit 6/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

- X May be considered subsistence species in this Unit or Subunit
- 0 Not usually considered subsistence species in this Unit or Subunit
- 7 Subsistence status unknown

Muskrat  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? NO  
YES or NO

Alaska residents capable of taking statewide harvestable surplus? NO  
YES or NO

Surplus Adequate to Allow Taking By:

	UNIT OR SUBUNIT																										
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12
Residents & Nonresidents																			0	0	0	0		0		X	X
State Residents Only																											
Unit &/or Subunit Residents Only																											
Selected Unit or Subunit Residents Only																											

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18
	Residents and Nonresidents	X	X	X	X	X	X					X	X	X	X	X	X	X				
State Residents Only							X	X	X									X			X	
Unit &/or Subunit Residents Only										X										X		X
Selected Unit or Subunit Residents Only																						

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23
	Residents and Nonresidents	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X						
State Residents Only								X																
Unit &/or Subunit Residents Only																			X	X	X	X	X	X
Selected Unit or Subunit Residents Only																								

	24	25	25A	25B	26	26A	26B	26C
	Residents and Nonresidents	X	X		X			
State Residents Only			X					
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

- X May be considered subsistence species in this Unit or Subunit
- 0 Not usually considered subsistence species in this Unit or Subunit
- ? Subsistence status unknown

OTHER  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? NO  
YES or NO

Alaska residents capable of taking statewide harvestable surplus? NO  
YES or NO

Surplus Adequate to Allow Taking By:

	UNIT OR SUBUNIT																											
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12	
Residents & Nonresidents	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	X
State Residents Only																												
Unit &/or Subunit Residents Only																												
Selected Unit or Subunit Residents Only																												

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18	
Residents and Nonresidents	0	0	0	0	0	0					0	0	0	0	0	0	0						
State Residents Only							0	0	0									0			0	0	X
Unit &/or Subunit Residents Only										0											0		
Selected Unit or Subunit Residents Only																							

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23
Residents and Nonresidents	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X							X
State Residents Only								X																
Unit &/or Subunit Residents Only																			X	X	X	X	X	X
Selected Unit or Subunit Residents Only																								

	24	25	25A	25B	26	26A	26B	26C
Residents and Nonresidents	X	X	X	X	X	X	X	X
State Residents Only								
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

X May be considered subsistence species in this Unit or Subunit  
 0 Not usually considered subsistence species in this Unit or Subunit  
 ? Subsistence status unknown

SMALL GAME  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? No  
YES or NO

Alaska residents capable of taking statewide harvestable surplus? No  
YES or NO

Surplus Adequate to Allow Taking By:

	UNIT OR SUBUNIT																										
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12
Residents & Nonresidents	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
State Residents Only																											
Unit &/or Subunit Residents Only																											
Selected Unit or Subunit Residents Only																											

	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18	
	Residents and Nonresidents	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
State Residents Only																					X		
Unit &/or Subunit Residents Only																							X
Selected Unit or Subunit Residents Only																							

	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23
	Residents and Nonresidents	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X						
State Residents Only																			X	X	X	X	X	X
Unit &/or Subunit Residents Only																								
Selected Unit or Subunit Residents Only																								

	24	25	25A	25B	26	26A	26B	26C
	Residents and Nonresidents	X	X	X	X			
State Residents Only					X	X	X	X
Unit &/or Subunit Residents Only								
Selected Unit or Subunit Residents Only								

X May be considered subsistence species in this Unit or Subunit  
 O Not usually considered subsistence species in this Unit or Subunit  
 ? Subsistence status unknown

Waterfowl  
SPECIES

Alaska resident demands adequate to take statewide harvestable surplus? No  
YES or NO

Alaska residents capable of taking statewide harvestable surplus? No  
YES or NO

Surplus Adequate to Allow Taking By:	UNIT OR SUBUNIT																										
	1	1A	1B	1C	1D	2	3	4	5	5A	5B	6	6A	6B	6C	6D	7	8	9	9A	9B	9C	9D	9E	10	11	12
Residents & Nonresidents	X	X	X	X	X	X	X	X	X	X	X	X	X												X		X
State Residents Only														X	X	X	X	X	X	X		X	X	X		X	
Unit &/or Subunit Residents Only																					X						
Selected Unit or Subunit Residents Only																											
	13	13A	13B	13C	13D	13E	14	14A	14B	14C	15	15A	15B	15C	16	16A	16B	17	17A	17B	17C	18					
Residents and Nonresidents																											
State Residents Only	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X									X	
Unit &/or Subunit Residents Only																			X	X	X	X					
Selected Unit or Subunit Residents Only																											
	19	19A	19B	19C	19D	20	20A	20B	20C	20D	20E	21	21A	21B	21C	21D	21E	22	22A	22B	22C	22D	22E	23			
Residents and Nonresidents																											
State Residents Only	X	X	X	X	X	X	X		X		X	X	X	X	X	X	X	X									
Unit &/or Subunit Residents Only								X		X									X	X	X	X	X	X			
Selected Unit or Subunit Residents Only																											
	24	25	25A	25B	26	26A	26B	26C																			
Residents and Nonresidents					X		X	X																			
State Residents Only	X	X		X		X																					
Unit &/or Subunit Residents Only			X																								
Selected Unit or Subunit Residents Only																											

- X May be considered subsistence species in this Unit or Subunit
- O Not usually considered subsistence species in this Unit or Subunit
- ? Subsistence status unknown

Subsistence Amendments - CS for HB 288

1. Page 3, definition of "personal use fishing" should include hook and line. The present definition of "sport fishing" includes taking for personal use.
2. If decision is made to adopt a moratorium or freeze for one year, it is imperative to adopt an amendment to correct the problem of unregulated subsistence uses as raised by the Court of Appeals.

Amend Sec. 16.05.251 and Sec. 16.05.255 with following:  
During the moratorium, only subsistence uses specifically recognized and authorized by the Board of Fisheries or Game have any legal standing.

3. Amend Sec. 16.05.940 to include definition: "Customary Trade" excludes all commercial sales.
4. Amend Sec. 16.05.940 to include definition: "Priority" means a reasonable preference but does not mean an exclusive use.
5. Amend Sec. 16.05.940 to include definition: "Restrict" means any significant and long term impairment but does not include annual seasons, bag limits and methods and means.
6. If it is impossible to eliminate the word "rural" from the amended bill, a definition of rural is essential.

Amend Sec. 16.05.940 to included definition: "rural area" means a community not connected by the state road system, including the state ferry system, and which consists of less than 500 people in which the taking of fish or wildlife for personal and family consumption is a significant characteristic of the economy of the community or area;

# KENAI RIVER SPORTFISHING ASSOCIATION

3301 "C" Street Suite 202  
Anchorage, Alaska 99503  
Phone (907) 276-1451



April 30, 1985

Honorable Representatives

At our weekly Steering Committee meeting today, April 30, 1985, our body went on record to unanimously support the attached press release. Please note at the bottom of page 2 and the top of page 3, that our group requests subsistence legislation this session. The problem, both with us and on the horizon, cannot help but result in chaos and confusion, especially if 300,000 southcentral sportfishermen have to find other recreational diversion this summer and fall because they couldn't fish.

Sincerely yours,

*Bob Gerdon Jr.*

Bob Gerdon, Jr.  
acting President for Kenai River Sportfishing Association

SOUTHCENTRAL SPORTSFISHERMEN MAY BE OUT OF LUCK

On February 22, 1985 the Alaska Supreme Court handed down a decision on the subsistence issue that may have dire consequences for sportfishermen this summer. Basically the court stated that the State's Fish & Game Board had improperly interpreted the subsistence law which was passed by the legislature in 1981. The court's new ruling on February 22 mandated that all Alaskans, both urban and rural, should now have the right to qualify for subsistence hunting and fishing rights throughout the state, and that Fish & Game Management must protect and give priority to such subsistence rights, regardless of the needs or requirements of sportsfishing and commercial interests. What this interpretation means to the Southcentral fishery is basically this: subsistence net fishermen, be they urban or rural, now have the first right to fish for salmon stocks on any and all Southcentral streams. If these fishing efforts cause a depletion in stocks, which may occur if there are very many nets in the water, the commercial and sportsfishing efforts will be eliminated by a closure of the area. Since there is a mingling of Kenai, Susitna and Kasilof River salmon stocks along the Cook Inlet beaches each year, any concentrated netting in these areas by subsistence fishermen could cause a sportsfish closure for a majority of Southcentral waterways. This means the Anchor, Ninilchik, and Deep Creek drainages could be closed for the historical early king salmon fishery that occurs during the weekends in late May and early June. It also means that the Russian River could be closed during June, July and August to red salmon fishing. The Kenai River could be closed to king salmon fishing for the entire summer. Montana, Willow and Sheep Creek as well as other Susitna drainages could be closed to king, pink, chum and silver fishing this summer.

If you smile at this dissertation and feel it is simply a literary scare tactic, think again! Salmon stocks in Southcentral Alaska are not infinite in number. If they were, there would be no need for sportsfishing limits, seasons or Fish & Game Management, for that matter. The Supreme Court has ruled that these limited stocks shall now be allocated to subsistence net fishermen on a priority basis, and any other users at the discretion of "proper Fish & Game Management". Proper Fish & Game Management will require the elimination of any other users, if the stocks are jeopardized by the subsistence effort. If there are ten, twenty, thirty or more subsistence nets lined up off the Cook Inlet beaches, catching a majority of the salmon runs that migrate through the Southcentral area this year, and the commercial fishing effort is the same as it has been in past years, then you can readily assume that the stocks could be in jeopardy due to a potential lack of escapement (i.e. fish returning to natal streams to spawn). Fish & Game would have no choice at that point. They would have to curtail the users and you can bet, sportsfishing would be first!

At the present time there are two bills circulating in the State House and Senate on the subsistence issue. These bills, House Bill 288 and Senate Bill 231, were introduced by the Governor in an attempt to bring some sort of sanity to the chaos created by the recent Supreme Court ruling. The bills in essence dilute the terminology of subsistence users on salmon stocks. They authorize the Alaska Board of Fish and Game to adopt regulations identifying "subsistence uses" of fish stocks and game populations as the boards did from May 30, 1982 until February 22, 1985. Will this change in terminology resolve the problem of subsistence

netting that could occur on Cook Inlet beaches this summer? Possibly the potential problem for the early king run, but not the fall coho run. Are the 300,000 sportsfishermen still in jeopardy as far as their ability to fish the Southcentral area this summer, if no legislation is forthcoming? The answer is yes. Does the legislature understand this and will they act swiftly and decisively? Adjournment of the 120 day legislative session is scheduled for May 13. Present indications are the legislature, especially the Senate, doesn't want to pass a make-shift bill this session. It would be better to "study" the issue thoroughly, next year. But then, that's an election year. There ought to be a lot of changes when that time rolls around! Especially if 300,000 Southcentral sportsfishermen have had to find other recreational diversions this summer and fall because they couldn't fish!

MAR 25 1985



# KENAI RIVER SPORTFISHING ASSOCIATION

3301 "C" Street Suite 202  
Anchorage, Alaska 99503  
Phone (907) 276-1451



To: Alaska State Legislators:

On March 19, 1985 the Steering Committee of the Kenai River Sportfishing Association unanimously approved the following motion:

" We favor interim legislation this session having a sunset clause of December 31, 1985 that accomplishes:

- (1) Return of the regulatory jurisdiction of fish and game back to the boards of fish and game as it existed prior to the Madison decision of February 22, 1985 by the Alaska Supreme Court.
- (2) That the legislature then cause to have public hearings held state wide prior to the 1986 legislative session that would frame legislation that would accomplish a permanent solution to the relationship between subsistence, sport, commercial and personal use fisheries as well as all aspects of recreational and subsistence hunting."

Chaos must be removed from the management of our fish and game resource until a permanent solution be gained from public input from all citizens of the State of Alaska on the permanent use and allocation of fish and game. We cannot allow any situation to continue that has the potential of causing severe damage to the fishery resource. Resource regulation must be preserved.

Bob Penney - (w) 561-5221 (h) 274-7497  
Chairman

APR 04 1985



# Alaska Sportfishing Association

3605 Arctic Blvd., Suite 800 • Anchorage, Alaska 99503

April 1, 1985

Senator Jan Faiks  
Pouch V  
Juneau, AK 99811

Dear Jan,

Thank you for your response of March 23 re: HB's 29,36,43,86 and 93. It is a little strange to be pushing House bills through your Senate side but I find no similar bills in the Senate. Our Anchorage delegation needs to help the Mat-Su out all we can on these for mutual benefit to our users.

The first three bills do spend \$4.3 million. Isn't it about time that we invested in the sportfishing industry and a renewable resource that will return far more than that over the years? However, we feel that a natural source exists in the increased D-J funds that the State will receive and must use for recreational fishing related expenditures. Comparatively speaking though, if we are even considering spending the Governor's recommended \$18 million for the road and port development for the Red Dog mine (given the history world-wide of companies developing their own self-interest roads and railroads), the \$21 million in his recreational development program surely ranks high as a long term, logical investment in Alaska.

In reference to the bills establishing corridors and recreation areas, they are just that, corridors only to protect the streams. There are large areas for harvesting timber presumably or it wouldn't be considered a viable industry for the Mat-Su area. Unfortunately, placer mining or any other mining industry that dumps and pumps directly into the streams has a long history of destruction of the fishery. There are numerous examples, but perhaps the Birch Creek in the Fairbanks area is a prime example. After supporting excellent runs of salmon plus native trout and grayling it is now devoid of nearly all life. Directly a result of mining. Closer to home, Cache and Peters Creeks after 10 years of sludge and silt covering the spawning beds are now at below half of the historical level of kings and other salmon when the rest of the area is above average or historical level in run strength. These are acting as the sluice box for the Peters Hills mining activities.

We have a rare opportunity to see that other rivers don't become barren as a result of the loss of habitat. Unfortunately you can't have it both ways, destruction of trees adjacent to the water and mining in the streams destroys the fish...for many decades. They are not the "theoretical" threat that we might hope for, they are real and are finally being addressed. In the past they got away with it. No more.

Sincerely,  
*Bob Hunter*  
Bob Hunter

Alaska Sportfishing Association

*Arissa, thought this might be useful background info. We don't want to stimulate any other industry unless they are eliminating us. Then we get a little sensitive.*  
*Bob Hunter*



APR 04 1985

# Alaska Sportfishing Association

3605 Arctic Blvd., Suite 800 • Anchorage, Alaska 99503

December 3, 1982

Governor William Sheffield  
Pouch A  
Juneau, Alaska 99811

Dear Governor Sheffield:

This letter is written to encourage a dialogue between Cook Inlet sport fishermen and your incoming administration. First let us congratulate you on your recent election. You ran an intensive campaign and the voters certainly responded. We offer you our whole hearted congratulations and more importantly, our support.

As we indicated in a letter to you dated July 29, 1982, we are an organization of over 1,000 members representing the sport fishing industry. Currently, Alaska has over 200,000 licensed sport fishermen, not counting those younger anglers less than 16 years of age. In Cook Inlet, where our interest is centered, over 100,000 people participate in sport fishing.

A very critical point we wish to make is that sport fishing in Alaska is not merely a leisure time activity. Along with being the major means most Alaskans utilize to put fish on their table and meet their outdoor recreational needs, sport fishing supports a major number of small businesses. Sport fishing is the bread and butter for a great many roadside businesses in the railbelt area and particularly on the Kenai Peninsula. Sport fishing is the single biggest drawing card of our tourist industry. A healthy sport fishery is synonymous with and absolutely necessary for a healthy tourist industry.

Since we are by far the largest sport fishing organization in the state we feel we can provide an important service both to your administration and to the angling public by identifying and publicizing problems facing sport fishermen and pressing decision makers to address those problems. At the present time we believe we represent the views of most anglers, at least those of urban anglers in Cook Inlet. We hope to serve as a vehicle to make sport fishermen's needs known to your administration and as an outlet for information your administration may wish to disseminate to sport fishermen. We intend to cooperate in any way we can with your

*McKai - Info. Too bad  
it wasn't read more  
carefully about 3  
years ago. We aren't changing  
course. Bob Hunter*

We urge you to contact our organization on those issues sport fisheries, the fishery stocks sport fishermen and of Fishery appointments who will have such a profound impact on sport fishing.

Issue on which we need to clear the air is that of subsistence. We probably know we supported Proposition 7, to repeal the subsistence priority. However, the Alaskan public has very clearly supported subsistence priority. We accept that decision, we feel it is now time for all factions to put the divisive and emotional aspect of this issue to rest and attempt to restore order and direction to the management of our fish and game resources. We do still believe that the Alaska Legislature should be encouraged to examine the existing subsistence statute and attempt to modify some of its more onerous aspects such as the right of persons in Glennallen to qualify for subsistence regardless of income while Anchorage residents are precluded from subsistence again regardless of income.

One major area in which we feel we can play a role is that of identifying sites which must be acquired and/or developed (if already in state ownership) for public sport fishing access. Over half of all sport fishing occurs within Cook Inlet and the population of the area is increasing very rapidly. Many of our fisheries are already overcrowded. We need to increase access to allow more people to reach and utilize stocks of fish currently underused due to inadequate access. Last year we pushed for and secured partial funding to develop access down Willow Creek to the Susitna River. If this access development is completed it will substantially increase the public's ability to use stocks of fish west of the Susitna River. We urge your administration move to complete that access site. We would also like to assist in developing a list of other high priority sites badly needed for sport fishing access. *we have*

Alaska is always a hotbed of rumors when a new administration is taking over. Who will be retained and who will be fired, etc. This current transition has generated even more rumors than usual about the direction of future fish and game management due to the subsistence controversy. Frankly, one rumor we keep hearing is that all senior personnel in the Department of Fish and Game will be replaced. Because we are a sport fishing organization we have dealt only with the Sport Fish Division. We liked and respected Rupe Andrews prior to his retirement last spring. His replacement, Mr. Dick Logan, came to Anchorage and addressed our organization. He appears to be doing a good job and we support his remaining in that job. We feel another change in that Division at the director level would be disruptive in that programs just getting underway would be slowed down while another new director became acquainted with the job.

# **CORRECTION**

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

administration. We urge you to contact our organization on those issues involving the sport fisheries, the fishery stocks sport fishermen utilize and Board of Fishery appointments who will have such a profound impact on future sport fishing.

One subject on which we need to clear the air is that of subsistence. As you probably know we supported Proposition 7, to repeal the subsistence priority. However, the Alaskan public has very clearly supported the subsistence priority. We accept that decision, we feel it is now time for all factions to put the divisive and emotional aspect of this issue to rest and attempt to restore order and direction to the management of our fish and game resources. We do still believe that the Alaska Legislature should be encouraged to examine the existing subsistence statute and attempt to modify some of its more onerous aspects such as the right of persons in Glennallen to qualify for subsistence regardless of income while Anchorage residents are precluded from subsistence again regardless of income.

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We note with some concern the makeup of your natural resource transition team. We were disappointed that the team did not contain a representative knowledgeable about the needs of sport fishermen. Considering that over 200,000 sport fishing licenses are currently sold in our state, sport fishermen are just about the single biggest constituency in the state. We urge you to consider sport fishing as a full partner of both commercial and subsistence fishing when you appoint persons to the Board of Fisheries, senior positions in the Department of Fish and Game and bodies such as your transition team which can have a profound effect upon the direction fisheries management policy takes in our state. While Alaska's commercial fisheries harvest far more fish than the sport fishery, the sport fishery is the means by which a far greater number of Alaskans participate in our fisheries.

Recent publicity indicates you will soon be appointing three members to the Board of Fisheries. Will any of the new appointments be someone knowledgeable about sport fishing problems in our State? Will the Alaska Sport Fish Association be afforded an opportunity for input prior to the public announcement of appointments? This subject is discussed further later in this letter.

On July 13, 1982, the Alaska Sport Fishing Association hosted a debate with the various gubernatorial candidates. At that debate the candidates were asked for commitments on six issues important to sport fishing interests. Although you could not attend in person, Mr. Joel DeGange (sp) represented the Sheffield candidacy. Mr. DeGange assured us that he had your full authority to speak in your absence.

Listed below are the six issues which were addressed. Mr. DeGange indicated your opposition to passage of the subsistence initiative. However on issues 2 through 6 Mr. DeGange indicated your administration would firmly support the position put forth by the Alaska Sport Fish Association.

1. What is the candidate's position on the subsistence initiative and what are his reasons for that position.
2. What is the candidate's position on retaining and projecting from state land disposal streambank and lakeshore lands important for sport fishing access. As an example, public access corridors have been identified along some of our more important lakes and streams and identified as public interest lands by the Department of Fish and Game. Does the candidate support retaining those state lands classified for public interest lands? How would this protection be afforded?
3. Would the candidate support a program (and funding for) an economic analysis of Alaska's sport fisheries? We feel that

all to often sport fishing needs are treated very casually (or not treated at all) because the value of sport fishing, and its contribution to the tourist industry, has not been accurately quantified.

4. How would the candidate deal with the time problems being encountered by the Board of Fisheries? The Board now sets in session nearly 3 months each year. Board members are unpaid (they do receive expenses) and it is becoming increasingly difficult to attract or retain good members who can make the necessary major time commitments. Currently several members apparently plan to resign in the next year. Would the candidate continue an unpaid lay member board or move toward a salaried semi-full time board? We would support an examination of all reasonable alternatives to reduce the Board workload and/or increase the Board efficiency.

Finally, it has been more or less traditional for the administration to "touch base" with major commercial fishing groups to determine their feelings about potential commercial appointees to the Board. Conversely, major sport fish groups, such as the Alaska Sport Fishing Association, has never been afforded similar opportunity to recommend or comment on potential sport fishing appointees to the Board. The candidate should comment on how his administration would work with major clubs such as the ASFA when appointing to the board members whose primary interest is sport fishing.

5. The issue of whether Alaska streams are navigable or non-navigable is critically important to the angling public. If a stream is declared navigable the bottom up to the mean high water lines belongs to the state and provides at least limited public access for wading and/or boat mooring. The state is currently in litigation with the Federal Government over a number of navigability issues and Federal non-navigable decisions on specific streams which are clearly navigable. If elected, would the candidate take a strong position in pressing for increased navigability by providing adequate staffing, funding and strong direction from the Governor's office to the personnel in the Department of Natural Resources working on navigability problems?
6. Attempts have been made to split the statewide Boards of Fisheries and Game into regional boards. This process, if inacted, would result in fishing and hunting regulations being drafted at the regional level rather than the statewide level. The net result would be regulations favoring local residents of the respective regions. Anglers and hunters from out of the regions would be discriminated against in such a regula-

tory scheme. Currently, regional Boards (called Councils) are advisory to the state Boards rather than having the authority to draft regulations. The Alaska Sport Fishing Association is adamantly opposed to regionalizing Fish and Game management? Specifically would regional councils remain as advisory bodies or would they be given regulatory authority?

In closing, let me state again, we look forward to working with your administration for the public benefit of Alaska's sport fisheries. We feel we can provide constructive assistance and information on what (and where) programs are needed to benefit the state's sport fisheries and sport fishermen. We stand ready to assist and are eager to hear your comments.

Sincerely,

Dan Zivanich  
President  
Alaska Sportfishing Association



MAR 25 1985

# Alaska Sportfishing Association

3605 Arctic Blvd., Suite 800 • Anchorage, Alaska 99503

March 21, 1985

Senator Arliss Sturgulewski  
Pouch V  
Juneau, AK 99811

Dear Arliss,

The recent Alaska Supreme Court decision (Madison Case) has resulted in a potentially chaotic and explosive situation. It leaves nearly all of Alaska's people as "priority subsistence users" under the subsistence law and it precludes restricting these subsistence users until sport and commercial fishing is closed down. Although on the outside this may appear to be fair, it creates an unmanageable mess of the Dept of Fish and Game and renders the Board of Fisheries nearly useless. This could be disastrous to the sportfishing, commercial and hunting industries. Additionally, some rivers cannot stand an efficient harvesting method without a threat to the fish resource. The current legislation proposed by the Administration will not resolve these issues and, as a permanent bill, will harm sport and commercial fisheries.

The citizens of Alaska did not vote or participate in the designation of "rural" Alaska as the only ones qualified for priority subsistence, nor is the definition of "rural" or "subsistence priority" clearly understood. These are issues that need full public discussion prior to considering a permanent change to the subsistence law. Therefore, as an interim measure, the Alaska Sportfishing Association calls for immediate action to:

1. Enact legislation this session with a termination or sunset clause expiration date of December 31, 1985, that will enable the Dept of Fish and Game and particularly the Boards of Fish and Game to limit subsistence fishing in the same manner as they were before the Madison decision.
2. Immediately take action that will insure that prior to the 1986 legislative session the priority subsistence issue is fully aired at public hearings with this input assembled and given to the 1986 legislature.
3. During the 1986 legislative session, thoroughly debate the subsistence priority statute and bring about a long term, fair solution for resource users in all areas of the state.

One possible means of identifying the Boards authority in a temporary law for this year would be to include the eight points utilized by the Board.

We believe that a true subsistence priority need does exist for a very few long time residents in very remote areas. Putting any individual in a position where he has priority of a resource, if even legal, over all other people in Alaska, and the world for that matter, is a law and priority that must be severely restricted.

*Best of luck!*

*Bob Hunter*  
Robert L. Hunter  
Alaska Sportfishing Association