

ALASKA LEGISLATURE COMMITTEE FILES 1985 - 1986 8672  
4222.29 RES SUBSISTENCE: NEWSCLIPPINGS - PUBLICATIONS (FILE 1)

Act and any other existing law, including this Act) with regard to selection and transfer of any federal lands located within conservation system units, national forests, the National Petroleum Reserve-Alaska, or any other lands withdrawn or classified for Federal purposes, including military reservations.

Further, it is clear that Section 908 does not have the effect of enlarging or diminishing the State's entitlement to receive federal lands under the Alaska Statehood Act or any other applicable law. And, it should be stressed, the "future selection applications" which are referred to in subsection (e) of Section 908 will not by themselves give the State any vested rights to public lands which, at the time of the filing of such applications, are not available to the State for valid selections under the Alaska Statehood Act or other applicable law.

In short, these "future selection applications" will have the effect of merely expressing the interest of the State in selecting and receiving the applied for lands, if and when Congress at some future date should decide to make such lands available for selection by the State and provided that the State has not at such later time already received its total entitlement to federal lands.

Title VIII—Subsistence Management and Use, and other subsistence provisions.

Of all the groups in Alaska with a stake in passage of the Alaska National Interest Lands Conservation Act, no group will be more profoundly affected than the Alaska Native residents of the more than two hundred Native villages scattered throughout rural Alaska. The cultural identity of those residents, and the economy of their villages, remain intertwined today, as they have for generations, with the harvest of fish, wildlife and plants, for subsistence uses.

With only a few exceptions, the Alaska Native villages to which I am referring are located along the Alaska coastline or upon the shore of one of Alaska's lakes or rivers. The location of these villages is no accident. Prior to the intrusion of western culture into Native Alaska in the late 1800's, most Alaska Natives traveled from hunting camp to fish camp, and fish camp to hunting camp, following the natural cycle of the seasons and the migratory patterns of the fish and wildlife in their area. With the arrival of the missionary and the schoolteacher, more permanent villages were established. Those villages were located in the most advantageous locations from which to subsistence hunt, fish, and gather. Today, the same social, cultural, and economic purpose of these same villages remains. Indeed, the only purpose in an economic sense of almost every Native village is to serve as a staging area from which the residents of the community continue to participate in the subsistence way of life which is central to their cultural identity.

If for any reason, Mr. Speaker, the fish stocks and wildlife populations which are the subject of Alaska Native subsistence uses are significantly reduced, either as the result of the degradation of habitat, the overharvesting of subsistence resources by urban or non-resident sport hunters and fishermen, or a prohibition of subsistence uses of fish and wildlife on portions of the public lands such as national parks and monuments, then the Alaska Native Culture as we know it will simply cease to exist. And the rural Native villages which are the strongholds of that way of life will be abandoned as their residents are unwillingly drawn to Anchorage, Fairbanks, and other urban centers. Indeed, if rural Alaska is to continue to exist, the Alaska Native subsistence way of life and the fish stocks and wildlife populations upon which the continuation of that way of life depends must be adequately protected by the Congress.

Mr. Speaker, in 1971 the Congress passed

the Alaska Native Claims Settlement Act, an historic benchmark in the relationship between the Alaska Native people and the Congress. That legislation authorized the conveyance of forty-four million acres of land, located primarily around the Native villages to which I have referred earlier, to villages and regional corporations established by the Act. At that time the Congress realized, however, that the lands conveyed to Native corporations would be insufficient to adequately protect subsistence resources and provide for subsistence uses. It recognized that the continuation of the Alaska Native subsistence way of life also depended upon the use of Federal and State lands for subsistence uses, and the protection of such uses on those lands as well as on Native lands.

In furtherance of this objective, the Settlement Act bill enacted by the Senate included a provision on subsistence hunting by Alaska Natives. Unfortunately, that provision was not adopted by the Conference Committee, which in its stead substituted the following language in the Report of the Managers: "The Conference Committee expects both the Secretary and the State to take any action necessary to protect the subsistence needs of the Natives."

The Conference Committee's recognition of the joint responsibility of the Federal and State governments to protect Alaska Native subsistence activities is consistent with the historic trust responsibility of the Federal government to the Alaska Native people, a responsibility which transcends the termination of aboriginal hunting and fishing rights by the Settlement Act. It also is consistent with the policy adopted by the United States government when it signed the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights in 1977. Article I of both covenants states that "in no case may a people be deprived of its own means of subsistence." And Article XXVII of the International Covenant on Economic, Social, and Cultural Rights guarantees that ethnic minorities in the United States, of which the Alaska Native people are a pre-eminent example, shall not be denied the right to enjoy their own culture.

Regretably, during the time period between the enactment of the Alaska Native Claims Settlement Act and the introduction of H.R. 39 in the 96th Congress, neither the Secretary nor the State of Alaska made sufficient effort to abide by the direction of the Conference Committee. Overwhelming evidence of their failure, or at best their indifference, was thoroughly documented in hearings held by both the House Interior Committee and the Senate Energy and Natural Resources Committee during the 95th Congress, and by the House Interior Committee again last year. I would direct any member of this body interested in a more detailed exposition of the subsistence issue to the hearing records and reports of both of those committees as well as the hearing record and committee reports published by the House Merchant Marine and Fisheries Committee which also was actively involved in the subsistence issue.

Although I have my disagreements with several of the provisions of the version of H.R. 39 passed by the Senate, I am particularly proud of the subsistence language in the bill because it fully reflects the commitment that Congressman Selberling, Gudger, and I, with other members of the Interior Committee, made to the Alaska Native people at the beginning of the 95th Congress. At that time we promised that any legislation enacted into law would recognize the importance of the subsistence way of life to the survival of the Alaska Native people, and would contain management provisions which recognize the responsibility of the Federal

government to protect the opportunity for generation to generation for the continuation of subsistence uses by the Alaska Native people so that Alaska Natives now engaged in subsistence uses, their descendants, and their descendants' descendants, will have the opportunity to determine for themselves their own cultural orientation and the rate and degree of evolution, if any, of their Alaska Native culture.

We made good on that promise by including a detailed subsistence title in the version of H.R. 39 which was passed by the House of Representatives during the 95th Congress. The Senate Energy and Natural Resources Committee rejected the "State subsistence program" requirement of our subsistence title, and adopted a "judicial enforcement" approach in lieu of our "Secretarial action" section to ensure that the State will meet its responsibilities. But with those two relatively minor exceptions, the Committee adopted our subsistence title conceptually intact.

During the 96th Congress, I studied the subsistence provisions of the bill reported the previous Congress by the Senate Energy Committee, and after being certain that with the exception of the "judicial enforcement" provision, the rest of the subsistence title was essentially the title which I and the other members of the Interior Committee had drafted, I included a subsistence title in the Udall-Anderson bill similar to that of the Senate Energy Committee. The bill passed by the Senate and now under consideration by this body, continues the broad consensus on the subsistence issue by again adopting the work of the Senate Energy Committee, which, as I have explained above, in turn was based upon the work of the House Interior Committee.

Consequently, as chairman of the committee which developed the concepts which are the foundation of the subsistence title and other subsistence provisions of the Senate bill, I would like to highlight for the other members of the House, and for the persons in the Department of the Interior and Department of Agriculture who will be charged with responsibility for implementing the subsistence management system established by this legislation, the history of several of the most important ideas developed by the House Interior Committee and retained by the Senate.

Although the Federal and State subsistence management system established in the bill is racially neutral, it is important to recognize that the primary beneficiaries of the subsistence title and the other provisions in the bill relating to subsistence management are the Alaska Native people. Although there are many non-Natives living a subsistence way of life in rural Alaska which may be an important national value, the subsistence title would not be included in the bill if non-Native subsistence activities were the primary focus of concern. Rather, the subsistence title and the other subsistence provisions are included in recognition of the ongoing responsibility of the Congress to protect the opportunity for continued subsistence uses in Alaska by the Alaska Native people, a responsibility consistent with our well recognized constitutional authority to manage Indian affairs.

Early drafts of the subsistence title by the House Interior Committee allocated access to subsistence resources on an ethnic basis, an approach similar in concept to that suggested by the Settlement Act Conference Committee. However, that approach was abandoned in the House after Governor Hammond correctly pointed out that under the Alaska Constitution the State cannot participate in a subsistence management system which would require it to allocate access to subsistence resources on the basis of "Nativity." The written testimony submitted to the Energy Committee in 1978 by

John Shively, representing the NANA Corporation and the Alaska Federation of Natives, is an excellent summation of the evolution of the "Nativeness" issue in the House to which I would direct any member interested in more information on this subject.

Because of the Governor's objections, we adopted (and the bill retains) a racially-neutral approach to the subsistence allocation issue. Subsistence uses are defined as the customary and traditional uses of wild, renewable resources for personal and family consumption by all residents of rural Alaska, Native and non-Native alike. Subsistence uses by rural residents shall have a priority over the taking of renewable resources by non-rural residents of Alaska, non-residents of Alaska, and aliens.

If in a particular instance a particular fish or wildlife population cannot even safely sustain a harvest only by rural residents engaged in subsistence uses, then priorities among such rural residents will be established on the basis of the racially-neutral criteria of local residency, availability of alternative subsistence and other food resources other than the resource being allocated, and the degree of dependency of individual rural residents on the allocated resource as the mainstay of livelihood. These neutral criteria will be applied evenhandedly to all rural residents, Native and non-Native alike, who harvest the allocated resource for subsistence uses.

Although I will address the operation of the subsistence priority later in my remarks, I raise the history of the subsistence priority here to point out that while the statutory allocation scheme is racially neutral, its application may result in instances in which significantly more Natives than non-Natives may be afforded access to a particular subsistence resource. Such a result will be consistent with a statutory approach based, as the subsistence title is, upon the constitutional authority of the Congress to manage Native affairs.

However, Mr. Speaker, I would hasten to emphasize that it is also true that a racially-imbalanced allocation system may result from time to time not because the subsistence priority favors Natives over non-Natives, but merely (as is a well-recognized fact of life) the vast majority of the residents of rural Alaska happen to be Alaska Natives.

For example, if there are only six communities in a particular State game management unit, all of which are Alaska Native villages in which Alaska Natives predominate in the population, and the biologists determine that the local moose herd cannot safely sustain a harvest greater in size than the number normally harvested by residents of the local area for subsistence uses, then the subsistence priority requires the State to adopt regulations which restrict moose hunting within that game management unit to only the residents of that unit. The responsibility of the Federal Government to protect Alaska Native subsistence activities will be met, but all non-Native residents of the area will be treated in a manner identical to that of their Native neighbors. In other words, the criteria used to allocate access to the moose in my example is based upon "residency," with all similarly situated residents treated in an identical manner. It also should be noted that the residency component in the subsistence priority, both rural residency and local residency, is not intended to impose a durational residency requirement.

Mr. Speaker, there is another significant reason to emphasize that the subsistence title and the subsistence provisions in other titles are enacted based upon our constitutional authority to manage Indian affairs. The so-called "(d)(2)" issue in general, and the subsistence title and other subsistence provisions of this bill in particular, are

derivative of the Alaska Native Claims Settlement Act. The Federal courts have consistently recognized the Settlement Act to be Indian legislation, entitled to all of the legal presumptions and statutory interpretations associated with that generic class of statutes. While the Alaska National Interest Lands Conservation Act obviously is not Indian legislation in its entirety, the subsistence title and the other subsistence related provisions are. And under well-recognized canons of statutory construction, any ambiguities in the title and other provisions must be resolved in favor of the Alaska Native people.

This result is also consistent with the Congressional policy established by section 802(1) that the management of the public lands shall cause the least adverse impact possible on rural residents who depend upon subsistence uses. This policy requires that administrative structures and regulations for conservation system units, including national parks and monuments, shall be established and implemented in a manner consistent with the protection and continuation of Alaska Native culture and Native subsistence activities.

Consequently, in general, no permit or quota system for the subsistence use of wildlife within national parks and monuments and other conservation system units should be imposed on rural residents unless necessary to protect the continued viability of a particular wildlife population, and then only with respect to that particular population. However, trapping and other customary trading activities may be an exception to this general rule.

The policy also requires that regulatory systems which employ income requirements not be imposed upon rural residents. Income requirements are by their very nature capricious classifications in rural Alaska, and consequently can be invidiously destructive to Alaska Native culture. To key eligibility to harvest wildlife within a national park, for example, upon a determination of whether a resident of a Native village was able to secure temporary employment away from his village, has a wife who is a health or teacher's aide with a steady source of income, or has a job in the village as a corporation officer or power plant operator, is to key eligibility on criteria which embody the seeds of destruction of Native culture sewn in the guise of regulation. Such regulatory structures may be bureaucratically convenient but represent a disrespect for the Alaska Native culture, and the community cohesion which is one of its greatest attributes, which we have gone to great lengths throughout the Alaska lands bill to protect. It is the intent of the bill in general, and the subsistence title in particular, so far as possible to allow the Alaska Native people to choose for themselves the direction and pace, if any, of the evolution of their own culture.

Mr. Speaker, I also would like to briefly review the requirements imposed on the subsistence management system by the subsistence priority established in section 804. Section 804 is based upon section 704(b)(5)(B) and (C) of the version of H.R. 39 passed by the House during the 95th Congress. The only major difference between any of the subsistence preference sections has been the inconsistent use of the words "preference" and "priority". Mr. Speaker, in terms of the legal effect of the section I do not believe that there has ever been any intent to alter the legal requirements of the section by the use of one, as opposed to the other, of these two terms. Rather, this difference reflects the idiosyncratic styles of the various committee draftsmen. Consequently, I do not believe that the State of Alaska need modify its State subsistence statute, which uses the term "priority", in order to be in compliance with the "preference" requirement of section 804. However, the State statute may need to be modified to comply with other

requirements of both section 804 and other provisions of the title.

The subsistence preference applies to individual wildlife populations and fish, and State regulation of the taking of each population and stock must be consistent with section 804.

The State must first identify the customary and traditional subsistence uses of each population and stock by rural residents. It should be emphasized that this evaluation must be based upon subsistence use, not upon any form of economic or other need. It also should be emphasized that the level of subsistence uses by rural residents of particular wildlife populations and fish may have been repressed by State regulatory activities and, consequently, recent historical levels of harvest of a particular population or stock may not accurately reflect the normal level of the customary and traditional subsistence use of such population.

The king salmon fishery on the west side of Cook Inlet and the caribou harvest in the Copper River area are two recent examples of this situation. From 1964 until this past June, when the subsistence king salmon fishery was finally opened to the residents of the village of Tyonek by a State court order implementing the State subsistence statute, the residents of that village have been prohibited from harvesting a subsistence resource which prior to 1964 had been harvested for generations. Obviously, an analysis of the customary and traditional subsistence use of king salmon by residents of the village of Tyonek over even the past ten years would result in a determination that king salmon are not a customary and traditional subsistence resource of that village, a determination which would be erroneous.

Because of the decline of the caribou population in the Copper River area, the State reduced the total harvest of the population and established a lottery in which the residents of villages in the Copper River area have had to compete against sport hunters from around the State for a caribou hunting permit. Any analysis of the level of customary and traditional subsistence use of caribou by rural residents in the Copper River area will produce a figure far below the normal customary and traditional subsistence use of the resource which would have resulted if the State had not imposed a regulatory system on the rural residents of the area which subordinated subsistence uses to the needs of urban sport hunters.

Mr. Speaker, similar examples are too numerous to mention. The point I am making is that the subsistence priority requires the State of Alaska to determine the customary and traditional subsistence use of a particular wildlife population or fish which would have reasonably been made by rural residents if their subsistence uses had consistently been respected and adequately protected by State regulation.

It also should be noted that customary and traditional subsistence uses must be evaluated on a community or area basis, rather than an individual basis. If not, our commitment in this legislation to the protection of the Alaska Native subsistence way of life would be terminated in one generation as rural residents with established subsistence uses pass away and their descendants with no established customary and traditional uses take their place in the subsistence cycle.

As I have mentioned earlier, and as the subsistence title itself specifically states, it is the intent of this legislation to protect the Alaska Native subsistence way of life, and the Alaska Native culture of which it is a primary and essential element, for generation upon generation, for as long as the Alaska Native people themselves choose to participate in that way of life, and to leave for the Alaska Native people themselves, rather than to Federal and State resource

managers, the choice as to the direction and pace, if any, of the evolution of the subsistence way of life and of Alaska Native culture.

Once the customary and traditional subsistence uses of a particular wildlife population or fish stock have been determined, the State must next determine whether its viability is such that the harvest demands of all user groups can be satisfied without endangering the health of the resource. If the population is sufficiently viable then all user groups may participate in the harvest, but regulations concerning such subjects as seasons and means of taking must be adopted which have the least adverse impact upon rural residents engaged in subsistence uses of the population.

If the population cannot safely sustain a harvest by all user groups, then the State must adopt regulations establishing subsistence uses as the priority uses of such population. All genuine subsistence uses must be met before the State may permit taking of the population for any type of non-subsistence uses.

For example, if residents of the villages in a particular area normally harvest five hundred moose for subsistence uses, and fly-in hunters from outside the local area normally harvest five hundred moose from the same herd, but the biologists determine that the herd can safely sustain a total harvest of only six hundred moose, the subsistence priority in section 804 requires that only one hundred moose be made available for harvest by persons other than residents of the local area engaged in subsistence uses. This result could be achieved by opening the moose season to the residents of the game management units in which the moose herd is located for hunting without a permit to obtain moose for subsistence uses, and then allocating access to the remaining one hundred moose to non-residents of the area by lottery.

If in the previous example the moose herd is only capable of sustaining a total harvest of four hundred moose, then not only must no hunting of the herd be permitted by persons not resident of the local area, but the State must also establish priorities for access to the herd by the rural residents of the local area as well, based upon the three criteria set forth in the subsistence preference: local residency, availability of alternative resources, and dependence upon the resource. Only at this stage of the regulatory process, when dependence upon the resource as the mainstay of livelihood for the first time becomes a permissible allocation criteria, does the income of individual rural residents become a permissible factor in the allocation process. The availability of alternative resources criteria is intended to focus on alternative subsistence or other food resources, not money. For example, if caribou are reduced, are some villages better able to withstand the hardship than others because they have more access to seals or moose?

As long ago as August of 1977 Governor Hammond testified to the importance to resource protection that one management system, and one manager, be in control of fish and wildlife resources throughout their range. This is particularly important with fishery resources. Consequently, it has always been our intent to apply the subsistence preference to all fish stocks in the waters of Alaska. This result enables the State of Alaska to continue its lead in fisheries management without unnecessary disruption. It also should be stressed that if for any reason the State should ever repeal its subsistence statute, this preemptive section would continue the subsistence preference for fish throughout the waters of Alaska. For the purposes of section 804, the reference to "fish populations" is intended to mean any species, sub-species, race, geographical grouping, population, run, or other category of fish characterized by similar morphological, meristic, or life history traits, or which is

geographically, ecologically, or genetically interrelated, or affected as a group by fishing practices, or capable of being managed as a unit on a rational and timely basis.

Mr. Speaker, the subsistence provisions of the bill now before us differs from those in the House bill primarily by the Senate's adoption of a "judicial enforcement" approach to proceedings by the Secretary of the Interior or Secretary of Agriculture, depending upon which lands are involved, to assure the State's implementation of the subsistence preference. In that regard I would point out that it is not my understanding that this section in any way compromises the administrative authorities of the Secretaries, or their legal responsibilities, to protect subsistence uses on the public lands and in the waters of Alaska; otherwise, the section may be unconstitutional.

The judicial enforcement approach was developed by the Senate Energy and Natural Resources Committee during the 95th Congress. Senators Abourezk, Ford, and Durkin were three of the members of that committee who were particularly involved in the development of the Senate subsistence title. Their supplemental views detailing the responsibility and authority of the Secretary to exercise his administrative authority over the public lands and the waters of Alaska to protect subsistence uses in appropriate instances are the basis of my interpretation of the effect of section 808 of the Senate bill. Since section 808 is intended to be the remedy of only the local committees and regional councils, obviously rural residents engaged in subsistence uses and other persons who are directly affected by State implementation of the subsistence preference are entitled to have the Secretary take appropriate action if the State fails to do so, and, consequently, will be entitled to mandamus such action from the appropriate Secretary if he should fail to fulfill his duty to manage the public lands and the waters of Alaska in a manner consistent with the management standards established by the Congress in this legislation.

Lastly, Mr. Speaker, I would like to briefly discuss the manner in which subsistence hunting by local residents is to be managed within new national parks and national park monuments and within the additions to those national parks and national park system monuments which were established prior to December 1, 1978. As you know, hunting of any kind generally is not permitted within national parks in the United States. However, during the development of the Department of the Interior's legislative proposal to the Congress, it became obvious to the Secretary of the Interior and to the National Park Service that much of the acreage within the large parks and monuments desired by the National Park Service included acreage which customarily and traditionally has been used, and is now being used, by Alaska Natives and other rural residents for subsistence hunting. Application of the traditional no hunting policy to these proposed areas would result either in significant disruption of subsistence hunting activities and resultant community hardship, or would require the cutting back of the boundaries of the proposed park units to accommodate subsistence activities.

In recognition of this uniquely Alaskan situation, the Department of the Interior represented to the residents of the affected villages and to Native village and regional corporations representing the same residents, that subsistence hunting within all of the new parks and within the additions to existing parks would be statutorily guaranteed. And it was as a result of this agreement, Mr. Speaker, that most local communities and village and regional corporations have supported, or at least not opposed, the creation of new parks and monuments within their regions.

Mr. Speaker, consistent with their promise

to the Native community, since 1977 Secretary Andrus and the National Park Service have consistently recommended to both Houses of the Congress that subsistence hunting by local residents be continued within all parks and monuments established or expanded by this legislation, other than the Kenai Fjords National Park. Consistent with this recommendation, the Antiquities Act proclamations signed by President Carter on December 1, 1973 not only guaranteed the continuation of subsistence hunting by local residents, but specifically recognize subsistence hunting as an important value of each monument, other than the Kenai Fjords.

Consistent with the Secretary's recommendation and the language of the monument proclamations, both the version of H.R. 39 passed by the House in 1979 and the Udall-Anderson bill passed last year establish subsistence uses by local residents, including subsistence hunting, as a purpose of each new park and park monument, other than the Kenai Fjords, and of the additions to parks and monuments established prior to December 1, 1978.

The Alaska Lands bill passed by the Senate (and which we today concur in) statutorily guarantees that subsistence hunting by local residents will be permitted within all of the same areas as are open to such uses in the Udall-Anderson bill, but regrettably does not designate subsistence uses as a purpose of each new area and addition. However, Mr. Speaker, I would note that sections 201 and 202 indicate that the purposes of each new park and addition set forth in the legislation are not intended to be all inclusive. I would strongly suggest that in establishing regulations for the management of each of these areas, the Secretary of the Interior designate subsistence uses by local residents as a specific purpose of each park and park preserve. To do any less would be inconsistent with the longstanding representations which the Secretary, the National Park Service, and the House Interior Committee, have made to the Alaska Native residents of areas within or adjacent to these new areas.

It also should be noted Mr. Speaker, that with respect to several of the new parks, the Senate bill intends to permit subsistence hunting only within certain subsistence zones within the park. I have reservations about this concept because I am uncertain if data presently exists which is definitive enough to enable the National Park Service to say with any degree of confidence that subsistence hunting has or has not traditionally taken place within a certain area. Consequently, if the subsistence zone concept is to be applied to any park areas, fundamental fairness seems to require that the designation and boundaries of these zones be made by the subsistence resource commissions established by section 808, rather than by park planners and researchers, and that if there is any doubt as to whether subsistence hunting should be permitted within a particular area, that the decision be made on the basis that subsistence hunting should be permitted rather than restricted. Finally with respect to this issue Mr. Speaker I would like to assure the Alaska Native people that the House Interior Committee intends to closely follow the implementation of the subsistence hunting program in the parks over the years ahead to make sure that our representations to the Alaska Native people on this critical issue do not take their place in the litany of other forgotten or broken promises made by the Federal government to Indian people when consent to accomplish the goals of those with a different agenda.

Mr. Speaker, this discussion has touched upon only a few of the many important concepts embodied in the subsistence management system established by the Senate bill.

ALASKA NATIONAL INTEREST LANDS  
CONSERVATION ACT

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REPORT

OF THE

COMMITTEE ON MERCHANT MARINE  
AND FISHERIES  
HOUSE OF REPRESENTATIVES

together with

SUPPLEMENTAL AND DISSENTING VIEWS

(Including the cost estimate of the  
Congressional Budget Office)

TO ACCOMPANY

H.R. 39



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the area's existing pulp and saw mills. Some 10 mmbf. of State lands timber annually may also have impact.

Set forth below in tabular form is a summary of the Committee's action last year relative to timber availability and wilderness designation in the Tongass. While some of the base data has changed slightly since the completion of the TLUMP, the assumptions and approach employed by the Committee in designating wilderness in Southeast Alaska are still valid.

	<i>Million board feet</i>
<b>Estimated Timber Yield Available for Harvest Each Year:<sup>1</sup></b>	
Total potential sustained yield from all classifications (excludes State or Native timber).....	1,180
Unregulated (reserved, small parcels, 75-plus percent slopes, soil hazards).....	-290
Other reserved and not available (various timber retention factors applied for resource protection).....	-172
<b>Total potential sustained yield less unregulated and other reserved...</b>	<b>718</b>
Marginal (available but subject to economic or technical restraints).....	-153
<b>Net total sustained annual yield of standard and special categories or "available average annual harvest".....</b>	<b>560</b>
<b>Estimated Effect of Committee Wilderness Package:</b>	
Total annual potential yield less what is reserved, non-harvestable, or marginal "A-base".....	560
10,000,000 per year investment for increased timber yield and \$5,000,000 loan fund.....	60
Impact of Native timber.....	36
<b>Estimated allowable cut before deductions.....</b>	<b>656</b>
Additional Reduction for Proposed Wilderness Designation.....	-60
Additional reduction for possible relocation of Native timber off Admiralty Island.....	-7
<b>Annual allowable cut less wilderness and Native timber relocation.....</b>	<b>569</b>

<sup>1</sup> Assumes the "A-base" Alternative from the Tongass Land Use Management Plan including a \$1,800,000 investment for pregrading into selected areas.

Thus, it appears that the Committee recommendations will indeed protect the existing timber industry in Southeast while providing wilderness designation for several key areas.

The Committee realizes that there is some disagreement regarding the figures presented above relative to timber availability, potential yield investment opportunities, etc. During its deliberations, the Committee was unable to obtain a consistent set of data from the Forest Service regarding these factors. However, the Committee feels that the numbers employed in the calculations above are fair estimates of the effect the Committee actions will have on timber supply levels from the Tongass.

## TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

### OVERVIEW

Alaska's more than 200 rural villages are unique in that they are the last communities in the United States in which a substantial number of residents are still dependent upon the harvest of renewable re-



## COMMITTEE AMENDMENT

The subsistence management provisions of S. 9 as introduced reflect a delicate balance between the traditional responsibility of the State of Alaska for the regulation of fish and wildlife populations within the State and the responsibility of the Federal Government for the attainment of national interest goals, including the protection of the traditional lifestyle and culture of Alaska Natives.

The Committee amendment differs from Title VII of H.R. 39, as passed by the House of Representatives in two respects. The first relates to subsistence hunting by local residents within national parks and monuments. Under the Committee amendment, parks and monuments are closed to all forms of hunting unless subsistence uses are permitted by this Act. Subsistence resources commissions are to be established to recommend a program for subsistence hunting in such parks and monuments.

The second major difference is the means for enforcement of the subsistence preference. The House bill requires the Secretary to take certain administrative actions if he determines that the State has failed to establish a subsistence program or to implement such a program in a manner which adequately satisfies the preference for subsistence uses. While the committee has retained broad Federal guidelines to ensure the adequate implementation of the subsistence preference on the public lands and the Secretary's ongoing responsibility to monitor the State's implementation of such preference, the Committee believes that the responsibility of the Secretary to ensure the protection of subsistence uses and the satisfaction of subsistence needs of Alaska Natives and other rural residents can best be met by providing legal representation for such residents before the United States District Court in appropriate instances in which the Secretary has determined, after consultation with the State, that the State has not timely or adequately provided for the preference for subsistence uses. Although it is the intent of the committee to neither enlarge nor diminish any existing authority of the Secretary to take appropriate administrative action to protect subsistence uses and satisfy subsistence needs of rural residents of Alaska, the committee believes that the responsibilities and authorities of the Secretary and the United States District Court set forth in section 804-807 ensure the protection of subsistence activities and the discharge of Federal responsibilities.

During consideration of Alaska National Interest Lands legislation, the Committee adopted several changes to the subsistence management and use title in S. 9 which clarify the Committee's intent and improve the workability of the subsistence management system.

Major changes adopted by the Committee include:

*The Conservation of Healthy Populations of Fish and Wildlife*

Long-term protection of fish and wildlife populations is necessary to ensure the continuation of the opportunity for a subsistence way of life. Consequently, subsistence uses on the public lands must be conducted in a manner consistent with "the conservation of healthy populations of fish and wildlife", an approach emphasized by the Committee in a series of amendments to incorporate that concept into the language of Sections 802(1), 805(b), and 815 (1) and (3). It also



# Group petitions for change in

## subsistence definitions

Daily News-Miner, Fairbanks, Alaska, Thursday, August 8, 1985—7

By DAN JOLING  
Staff Writer

The Alaska Federation of Natives has petitioned the state and federal governments to have federal law guide the Boards of Fisheries and Game in making subsistence regulations, which would again mean subsistence users would be defined as "rural" Alaskans.

Until February, that's how the state Board of Fisheries and state Board of Game had defined a subsistence user, in some cases limiting the definition to residents of communities outside the state's highway system.

However, the Alaska Supreme Court in February tossed out that interpretation, ruling that the 1978

Legislature did not intend urban residents be excluded from subsistence use. An attempt in the Legislature this session to amend the 1978 law and narrow the definition of subsistence user to rural residents was blocked in the state Senate.

The AFN petition states that in the absence of state law which conforms to the federal Alaska National Interest Lands Conservation Act of 1980, provisions of ANILCA should supercede state law.

"That's our reading of what the federal law requires," said AFN attorney Don Mitchell this morning.

"The more responsible thing to have done is pass that very simple legislation that's sitting in the state

Senate," he said.

Mitchell said there's been much confusion caused by recent court rulings and subsequent administrative action.

"It's time to end the confusion," he said.

February's Supreme Court decision was followed by a state Court of Appeals decision that said persons arrested for poaching could not be prosecuted because the state Board of Game had never drawn up specific subsistence regulations.

In previous hunting seasons, when the board applied a narrow definition of subsistence user, remaining permits were passed out through drawings and other methods. Since all Alaska qual-

ified as subsistence hunters after the court rulings, the board could no longer use lotteries.

The board instead set up a questionnaire and point system to determine which Alaskans were most qualified for subsistence hunting as measured by three criteria in the 1978 subsistence law: customary and traditional use, local residency and the availability of alternative resources.

The net effect is that many urban residents, and all non-residents, who in the past have been able to put their names in a hat to be drawn for popular hunts are now virtually eliminated from consideration because they have little chance of qualifying for the "preferred" list

of subsistence hunters.

Mitchell said the three criteria were never intended to be applied to the whole population.

"Originally, that was to be done only among that small group of rural hunters who qualify as subsistence hunters in the first place," he said.

He said AFN filed the petition because the failure of the Senate to pass a revised subsistence bill "created a real management problem."

Larry Edfelt, assistant director for the Fish & Game Department's Division of Boards, said the petition will be considered by the Fish and Game boards at a joint meeting in early November. Edfelt said the

department has not formulated an official response.

Mitchell said federal law requires the federal government to act "in a reasonable time" but does not specify a time limit to act.

Mitchell said the short-term effect of the petition will be to increase hunting opportunities for urban hunters.

The federal ANILCA defines subsistence users as "rural" residents. It also includes provisions for the federal government to manage fish and game on federal lands if state law does not conform to the federal law or if the state does not enforce similar regulations.

AFN's petitions said the purpose of Title VIII of ANILCA "is to en-

sure that the taking of fish stocks and wildlife populations in Alaska are regulated by the State of Alaska in a manner which ensures the continuation and protection of the taking of such stocks and populations by residents of rural communities and areas for personal and family consumption."

The petitions cite a long history of federal recognition of rural residents' rights to take fish and game, including the first game law passed by Congress in 1902, a hesitation in transferring regulatory to the new state after the Alaska Statehood Act passed in 1958, and during discussions prior to passage of the Alaska Native Claims Settlement Act in 1971.

# New regs<sup>6-17-83</sup> affect few hunts in local area

Empire

By DEAN FOSDICK  
The Associated Press

Only three of about 35 permit hunts in Southeast Alaska would be affected by two recent court rulings on subsistence under emergency regulations adopted Friday by the state Board of Game.

That means virtually no changes in the way deer, goats, brown and black bear are hunted in Alaska's Panhandle, said Don McKnight, the state Fish and Game Department's Southeast regional game supervisor.

But several moose hunts may have to be put on hold until officials can determine if they'll be able to handle the paperwork in time, he said.

"The board is taking a look at all the hunting populations for all species and deciding where subsistence hunting is being impeded," McKnight said. "In Game Unit One (Southeast Alaska), they've found that court rulings should not change the way things were being handled for all species and all hunts except three moose hunts."

Those include the Berners Bay moose hunt near Juneau (15 animals), the Haines Unit 1-D herd (15 bulls) and the Yakutat forelands fall hunt (50 bulls), McKnight said.

"We'll have to determine who gets the permits," he said. "We'll probably do things by questionnaire, rating information on a number of things — local unit residence, hunting history and availability of other resources.

"A computer will score it and the people with the highest scores will do the hunting," McKnight said. "It will still be a lottery, but it won't be open to the general public, only to people who have met subsistence requirements."

"But I don't know yet if those hunts will be conducted at all," he said. "It may be logistically impossible."

Alaska's complex hunting and trapping regulations depend upon a system of 26 game management units, 14 of which are divided into subunits.

Those units are the bedrock for all area regulations. Hunting and trapping seasons, bag limits, possession limits, methods and means of taking game are set out in terms of those geographic units.

All that, however, was thrown up for grabs by two recent court cases pertaining to subsistence. The rulings mean that virtually all Alaskans now qualify for subsistence rights.

Gov. Bill Sheffield introduced a bill about mid-session that would have returned first subsistence rights to rural users. Legislative leaders refused to rush the bill into law, however, contending the issue was too complicated and politically charged to be solved in two months.

They shelved a long-term solution for the subsistence issue until next year, forcing the Game Board to come up with a temporary set of rules.

6/25/85 FBK

## 32 permit hunts revised; board seeks comments

JUNEAU (AP)—The state Board of Game is looking for public comment on emergency rules affecting the way at least 32 permit hunts will be handled in Alaska this year, an official said today.

Larry Edfelt, a spokesman for the Department of Fish and Game, said the panel made the changes after completing the "Herculean task" of determining whether hundreds of permit and quota hunts fit new subsistence guidelines laid down by the courts.

The courts earlier this year threw out the way Alaska's subsistence law had been handled because the rules restricted subsistence hunting and fishing to rural residents.

That, in effect, opened subsist-

ence hunting and fishing to everyone in the state. And it prompted the game board's emergency meeting in Juneau.

The decisions coming out of the 12-day meeting were designed to protect Alaska's wildlife resources by reallocating who got to hunt what in the way of big game this year, Edfelt said.

"They looked at hundreds of hunts and finally applied tier two criteria to 32 of them," Edfelt said. "Most of the hunts affected are in Southcentral and the Interior.

"The emergency rules are effective for 120 days," he said. "They'll be looking for public comment before they can be made permanent."

The so-called "tier two" criteria  
(See *SUBSISTENCE*, page 3)

### SUBSISTENCE . . .

(Continued from page 1)

are a way of measuring the needs of one subsistence hunter over those of another.

Scoring under the tier two point system will vary according to where people live in the state, how dependent they are upon the resource and whether they have access to other wildlife resources.

The point system will apply only to Alaska's big game — moose, caribou, brown and black bear, sheep, goats, elk, musk ox and bison.

If a hunt is labeled tier two, that means it's off-limits to non-residents — a move that could cost the state and big-game guides a bundle of money, officials have said.

Lew Pamplin, state director of game, said recently that no matter how the rules are applied, the state probably will "be sued six ways from sundown."

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# State likely to limit Delta bison

The Associated Press

FAIRBANKS — Emergency subsistence hunting regulations probably will exclude all but Delta-area hunters from taking Delta bison this year, a state game official said Wednesday.

Dick Bishop, regional supervisor for the Division of Game of the Department of Fish and Game, said it is highly likely, although not certain, that only Delta residents will be allowed to hunt Delta bison.

Bishop explained that under the current interpretation of the subsistence law that

resulted from recent Alaska Supreme Court and Alaska Court of Appeals decisions, all state residents can be classified as subsistence users.

But if a hunt is conducted in any way that results in a significant impairment of hunting opportunity for subsistence users, the game board is required to remedy the situation, he said.

The Department of Law told the game board that anything that can be eaten is a subsistence resource, even an introduced species, such as the Delta bison.

"If people have taken the

resource to eat it, it has to be considered a subsistence species," Bishop said. "Because bison are eaten, they are a subsistence species."

Because all state residents are subsistence users, Bishop explained, the board had to eliminate non-residents because not all state residents had an opportunity to participate in the hunt based on subsistence use of the resource. The bison hunt was a random permit drawing hunt, which did not give a priority to subsistence users.

The elimination of non-residents resulted in a Tier 1

Anchorage Daily News

Friday, June 28, 1985

C5

## hunt to local residents

hunt, in which all residents would be allowed to participate.

The game board then had to consider whether the species could be hunted under Tier 1 "without threatening the sustained yield of the population," Bishop said. "If they find that participation in the hunt is not feasible without that, they must further restrict participation by subsistence users."

The game board did just that. The Delta bison hunt, along with many others in the state, was made a Tier 2 hunt. In a Tier 2 hunt, any resident

can apply and fill out a questionnaire that will be rated and points will be assigned under three criteria:

- How close the resident lives to the hunt area.
- The availability of other resources to the applicant, including the level of the applicant's income and the population level of other fish and game resources in the applicant's area.
- Customary and direct dependence on the resource.

Since bison are an introduced species and hunting was only open on a random permit basis, no tradition of

use was established by any individual, so the third criterion will not be applied to bison hunts, he said.

"What it comes down to is that people in Delta are in the Zone 1 area of the immediate vicinity of the hunt," Bishop said.

With a limited number of permits available, the likelihood is that someone who lives closer to the bison herd will rate more points than someone who lives further away, he said. "Participation in hunting has shifted from one of general opportunity to subsistence priority," Bishop said.

# J.S. government stresses poaching issue

by DEAN FOSDICK  
The Associated Press

JUNEAU — The U.S. government has repeated its threat to take over management of subsistence hunting and fishing on federal lands if the state can't enforce its laws against poaching.

In a letter earlier this month to Attorney General Norm Gorsuch, Craig Potter, an Interior Department assistant secretary, said the agency was concerned that recent court decisions might affect the taking of game and fish on federal parks, reserves and refuges throughout Alaska.

The state enforces poaching laws for the federal government in those areas.

The courts earlier this year threw out the way Alaska's subsistence law had been handled because the regulations restricted subsistence hunting and fishing to rural residents.

That, in effect, opened subsistence hunting and fishing to everyone in Alaska. And it prompted fish and wildlife managers to express some immediate fears that the state's resources might be overharvested.

Fish and wildlife protection officers, meanwhile, were told to stop seizing evidence, executing search warrants and issuing citations in poaching cases until the courts could clarify a ruling allowing subsistence as a legal defense.

Don Tetzlaff, deputy director of the division of wildlife protection, said Friday there were "no changes in that policy."

But it will be business as usual — arrests for any poaching — as soon as the new emergency rules issued by the Game Board last week are signed by the lieutenant governor, Tetzlaff said.

Potter made it plain in his letter the

Interior Department was considering setting its own emergency subsistence rules for the 240 million acres of federal lands in Alaska.

"We are particularly concerned, in view of recent press reports, that ... Alaska fish and wildlife enforcement personnel have been directed not to make arrests or seize physical evidence unless specifically directed to do so by a state district attorney," Potter wrote.

"If the state has now decided that it cannot enforce applicable wildlife regulations because of the Eluska decision, then we are concerned that this situation will result in unregulated taking of fish and wildlife on federal conservation system unit lands," he said.

"... We cannot, however, stand by and permit wildlife resources to be harmed as a result of state enforcement difficulties."

## Subsistence closure opposed

EMPIRE 7/3/85

A copy of the following letter to Fish and Game Commissioner Don Collinsworth was submitted for publication.

Dear Commissioner,

The City of Angoon wishes to state formal objection to your department's July 24th closure of subsistence fishing in Basket Bay, Kanalku Bay, Sitkoh Bay and Lake Eva areas.

While we in Angoon have no problem with your objective (which is the same as ours, i.e., preservation of the resource), we must question your methods in making such a determination. Due to your staff shortage, no one from Fish and Game has been to Kanalku for field survey of the escapement situation there. Given the shortage, it seems reasonable to expect that your department would have consulted with Angoon regarding escapement. We have plenty of people here who do such things as a matter of course, and would be happy to share such information. We have done this for thousands of years as a matter of survival. When you address the activities of a subsistence people, Angoon suggests more investigation along with the abundance of regulations. It should be obvious our goals are the same, and that it is not in our own best interest to over-use.

Interestingly, I have recently received many inquiries from the community regarding the presence of pilings near Kootznahoo Inlet which may interfere with subsistence activities. What sense does it make to object to these things when a state department tries to regulate the food from our mouths?

As of yet, Angoon has seen no Notice of Closure of sport or commercial fishing in these areas. My understanding of the law is that subsistence shall be the last use to be discontinued in the interest of preservation of a resource. I must question your department's priorities as well as the legality of the department's action.

Sincerely,  
Edward J. Gamble, Sr.  
Mayor  
City of Angoon  
P.O. Box 189  
Angoon, 99820

# Peninsula man threatens suit to expand subsistence fishery

By RONNIE CHAPPELL  
Daily News reporter

**KENAI** — Andy Johnson, one of the plaintiffs in a recent lawsuit that resulted in subsistence hunting and fishing rights extended to all Alaskans, has threatened to go to court again if the state fails to expand the subsistence fishery on the Kenai Peninsula.

This time, Johnson says, he's going to shut down sport and commercial fishing in Cook Inlet if a reasonable subsistence fishery is not provided.

Johnson believes that he and other Alaskans should be able to fish for kings, reds and other species of salmon during the peak of the run.

Now, he says, they must wait until the commercial season is over or use a remote, boulder-strewn beach that is so rocky it is impossible to fish without doing severe damage to nets and other gear.

"We want them to come up with some regulations that will allow us to fish," Johnson said Wednesday. "We're entitled to this. If I have priority rights, why should a commercial fisherman be able to fish in my backyard. I should be able to go out and get my fish. You should be able to also."

Under state law, Johnson said, "subsistence fishermen are guaranteed first crack at the fish."

The statute directs fisheries managers to close sport and commercial fisheries before restricting subsistence fishermen. Many, including the attorney that represented Johnson in what is known as the Madison case before the Alaska Supreme Court, have argued that the priority takes effect only when there are not enough salmon to meet spawning needs and satisfy all user groups.

Soldotna attorney Chuck Robinson, one of the lawyers

who argued Madison, contends that the Board of Fisheries has the authority to set subsistence seasons and bag limits.

In Cook Inlet, subsistence fishermen are allowed to take 25 salmon for themselves and 10 additional fish for every member of their household.

According to Johnson, the bag limit is so small that subsistence fishermen "can't exercise their statutory right to barter fish" for food, clothing, shelter and other needs.

As long as the salmon are not wasted, there should be no limit on the amount of fish subsistence users are allowed to take, Johnson said.

After the Supreme Court ruled that all Alaskans qualified as subsistence users, Gov. Bill Sheffield predicted the decision would create havoc in the state's fisheries.

"I probably will make his prophecy come true," Johnson said. "We don't want to. We'd rather arbitrate and get some fish."

ANCHORAGE  
NEWS  
7/16/85

# City's hunters rank last

By CRAIG MEDRED  
Daily News reporter

Anchorage hunters will stand last in line for most drawing permits to hunt dall sheep, caribou and bison this fall, according to officials of the Alaska Department of Fish and Game.

Chances for Anchorage residents to get permits for the more popular hunts will likely depend on how many rural residents apply for those hunts, said Paddy McGuire, a spokesman for the state agency.

Emergency permit procedures approved by the state Board of Game this spring changed permit drawing procedures to favor rural and low-income residents of the state.

The board changed the permit system after the state Supreme Court ordered the state to begin implementing a law giving subsistence hunters and fishermen a priority on the state's wildlife resources.

Subsistence is the harvest of fish and game for food. The Supreme Court said all Alaskans are entitled to the subsistence priority, but it stipulated local residents can be given special privileges when resources are in short supply.

State attorneys interpreted that to mean that local residents should be given a priority in almost all permit hunts, said Joel Bennett, a member of the state board of game.

Non-residents were immediately banned from applying for most of the permit hunts, and state fish and game officials began developing a point

See Back Page, ANCHORAGE

# Anchorage hunters last in line for autumn permit hunts

Continued from Page A-1

system to decide which state residents would get permits for almost 50 different hunts.

General hunts were not affected by the board's action, but many permit hunts were — from hunts for cow moose in the Matanuska Valley to special, backpack hunts for sheep in the mountains near Tok.

Until this year, all hunters applied to participate in a random drawing for these permits, but the board's action this spring has changed all of that.

"I don't think people ... comprehend," said McGuire.

Some state wildlife officials say they are expecting someone to challenge the new permit standards in court. Members of the Alaska Wildlife Federation and Sportsmen's Council — the state's largest conservation group — said they have discussed a suit.

"Of course we're unhappy," said Warren Olson, an Anchorage member of the council. "I don't think I can even qualify to hunt in the (Chugach State) park next to town, and I've been here since 1958."

A drawing permit hunt for sheep has been conducted annually in the remote parts of the park. It has become an extremely popular hunt at-

tracting many applications for a few permits.

The new, 90-point scoring system will give low-income and subsistence hunters a priority on those permits; recent state studies have concluded less than 2 percent of the sheep hunting in Alaska is done by subsistence hunters; and nearly all of it is done by people who make more than \$20,000 per year.

Permit drawing hunts were originally begun in Alaska when sport hunters began complaining about the quality of hunts in areas where seasons kept getting shorter and shorter. State game biologists said the only way to avoid overharvesting popular wildlife species without short seasons was to establish a permit system.

Up to 10,000 hunters per year have paid a \$5 fee for a chance at one of about 2,000 permits to hunt caribou in the Nelchina Basin north of Anchorage.

Other hunts for bison and dall sheep have been nearly as popular, attracting up to five times more applicants than permits.

All permit drawing hunts for bison and dall sheep will fall under the subsistence permit system this fall, as will a special Kenai Peninsula hunt for moose with antlers wider than 50 inches. That hunt was

originally set up as a program to harvest trophy bulls.

Now, it will become a subsistence hunt with an advantage in applying for permits given to low-income Kenai residents.

The answers to five questions will determine who gets the permits. Points will be awarded for each question. Here's how it works, according to an application for the hunts:

- Residency in the hunt area is good for 30 points. Residency in the same game management unit, but not in the hunt area, nets 20. Residency in the game management area next to the hunt area means 10 points. And residency in any other area means zero points.

Anchorage hunters would get 30 points for hunts in the Anchorage Bowl, 20 points for hunts in Chugach State Park, 10 points for some hunts in the Matanuska Valley and on the north end of the Kenai Peninsula, and no points for hunts elsewhere in Alaska.

- One point will be given for each year in which the hunter legally killed an animal, up to a maximum of 10 points.

- Dependency on the "the game population as a principal means of support for yourself and/or your family" means 20 points if the appli-

cant claims to be greatly dependent, 15 points for moderately dependent, 10 points for slightly dependent and no points for not dependent. The terms are not defined.

- Availability of "other kinds of big game and/or fish which are reasonable substitutes for the animal" means 15 points if unavailable, 10 points if slightly available, 5 points if moderately available and zero points if greatly available.

- A household income "large enough to purchase food and other items as a reasonable alternative to taking wild fish and game" means zero points. A household income that will not allow that means 15 points.

The points that will be awarded for each answer are not shown on the permit application form. There was no room to put the points on the form so people could score themselves, McGuire said.

"It's no big secret," he added.

The permit applications should be available for hunters to begin filling out this week, McGuire said. Fees submitted with an earlier permit drawing — the now-canceled random drawing usually scheduled for each fall — should start coming back to hunters in the mail in the near future, he said.

# Game rules may muzzle some hunters

FBK8 7/20/85

By KATHI BERRY  
Staff writer

Big game hunters in Fairbanks may have fewer chances to hunt in some of their old stomping grounds because of emergency hunting regulations set last month by the Alaska Board of Game.

Hunters who seek caribou near Ferry, a village about 100 miles south of Fairbanks, and some sheep hunters will feel the most noticeable pinch, while moose and bear hunters will be less affected by the new restrictions.

A pair of court decisions prompted the Game Board emergency meeting to draw up new subsistence regulations. The state Supreme Court said no Alaskans could be restricted from subsistence hunting unless other uses—such as guided hunts by out-of-state residents—had been eliminated.

The state Court of Appeals also decided that in the absence of specific subsistence regulations for every hunt, subsistence hunters who killed and used game in violation of sport hunting regulations could not be prosecuted for poaching.

The Game Board decided which hunts should be open to everyone (general hunts), which should be open to Alaskans only (Tier I hunts) and which should be restricted to preferred hunters (Tier II hunts).

To determine who will receive permits for Tier II hunts, the Game Board developed a scoring system based on the 1978 subsistence law. Scoring will be based on answers to a questionnaire enclosed with permit applications.

Hunters applying for a Tier II hunting permit can earn up to 90 points in the new scoring system: 30 points each for their customary and direct dependence on the animal, the proximity of their home to the hunting area, and the availability of alternative resources.

The Game Board classified 32 Tier II hunts in the Interior. Most are in areas where there is great hunting demand but limited game resources, said state Fish and Game Department biologist Cathie Harms.

Many of the new Tier II hunts were previously classified as draw-

(See HUNTING, page 3)

## HUNTING . . .

(Continued from page 1)

ing permit hunts, in which permits were awarded by lottery.

"Everyone who wanted to hunt in these areas had an equal chance of getting a permit before. Whether you got the permit or not was the luck of the draw," Harms said.

"This year Fairbanks hunters will probably have less of a chance to hunt in Tier II areas because they won't score as high as residents living close to the game."

The caribou hunt in unit 20A near Ferry, classified as Tier II, was regulated by registration permit last year.

"People were apparently standing elbow-to-elbow in Ferry," Harms said. "The harvest was so good that we had to close the area in five days."

Harms said the new point system will probably allow considerably fewer area residents to caribou hunt near Ferry and two other major areas. The Macomb herd in unit 20D south of the Alaska Highway and the Nelchina herd in units 13 and 14B were also designated Tier II hunts.

Sheep hunters who frequented units 12 and 20 in the Tok Management and the Delta controlled-use areas will also be squeezed by the new regulations. Permits for both of these areas were previously awarded by lottery. Now both are Tier II hunts.

The only major moose hunting area in the Interior classified as Tier II this year is the Minto Flat Management portion of unit 20B. The Tanana Flats area in 20A and the areas in 20B along the banks of the Salcha and Chena Rivers are classified as general hunts open to residents and non-residents.

# Lawsuit: Bag subsistence measures

Times Staff

7/31/86  
State subsistence laws relating to game hunts are unconstitutional and should be scrapped, according to a lawsuit filed Monday in Anchorage Superior Court.

Even if the law is upheld as constitutional, emergency regulations adopted by the Board of Game in June should be thrown out and an open lottery for hunting permits restored, the lawsuit states.

Anchorage attorney Stephen Sims filed the lawsuit on his own behalf and asks that all legal costs be borne by the state.

In the lawsuit, Sims contends that subsistence preference for taking game, including bison, moose, mountain goat and caribou, is unconstitutional because it denies to some state residents any chance of getting a hunting permit.

Sims said his application filled out late last week to obtain a subsistence permit to hunt bison will not be evaluated because of where he lives and his economic status.

# Man files suit over subsistence regulations

By CRAIG MEDRED  
Daily News reporter

7/31/85

An Anchorage big-game hunter and attorney on Monday filed suit in Superior Court charging the state's new subsistence hunting regulations are unconstitutional.

Rules designed to allocate hunting permits to rural and low-income residents of the state violate equal protection and anti-discrimination sections of both the state and U.S. constitutions, said attorney Stephen Sims, who asks that the old random permit process be reinstated.

The state Board of Game this year eliminated a permit lottery in favor of a point system favoring low-income and rural residents. The board said the system was intended to meet the mandates

of a state Supreme Court decision requiring a preference for subsistence hunters and fishermen.

Subsistence, as the court defined it, is the harvesting of fish or wildlife for food, and any resident hunter could qualify. The court ruled subsistence should be given preference over all other forms of harvest, and said rural subsistence hunters could be given a harvest preference over urban hunters when resources were in short supply.

Prior to the Supreme Court decision, the Alaska Department of Fish and Game had been conducting a random drawing for permits for about 50 hunts — permit hunts originally created to provide opportunities for trophy or wilderness hunting.

For instance, state biologists said only about 1,000 caribou per year could be harvested in the Nelchina Basin north of Anchorage if the Nelchina caribou herd was to continue to thrive. But about 10,000 people wanted to hunt there.

Faced with the choice of a one- or two-day hunting season with a fairly unpredictable harvest, or a monthlong season with a fairly predictable harvest, state biologists opted for a permit system.

Sims said that since 1977 he has three times qualified for permits for that hunt. But this year, he charged, he will not be able to qualify for a permit because the point-system is stacked against middle-income Anchorage residents. Sims wants the state to return to the random drawing it used in the past.

# City hunters rallying against regulations

By CRAIG MEDRED  
Daily News reporter

Angry about inequities they see in Alaska's new subsistence hunting regulations, Anchorage big game hunters have organized to pressure state officials for changes.

Hunting-permit regulations that give rural and low-income hunters preference over urban and middle-income Alaskans are a fiasco, said Dave Chatfield, spokesman for the newly formed Southcentral

Outdoor Coalition.

The group plans a rally at 7 p.m. Aug. 14 in the East High School Auditorium to express outrage at the new hunting rules.

"We expect to have an overflow crowd," said Chatfield. "There are a lot of people out there angry about this.

"I'm a caribou hunter for the Nelchina herd, and I got angry about it."

Nelchina Basin caribou northeast of Anchorage are one of several species of big game to be allocated among hunters

on the basis of income and residency this year. In the past, about 10,000 hunters per year have participated in a random drawing for approximately 2,000 permits to hunt the animals.

This year, hunters are being required to fill out forms which will decide who gets permits based on residency in or adjacent to the Nelchina area, past success in killing Nelchina caribou, availa-

See Page B-3, CITY HUNTERS

8-4-85 "ADN"

## City hunters rallying against new subsistence regulations

Continued from Page B-1

availability of other meat and family income.

Chatfield said the scoring system makes it almost impossible for him to qualify for a permit. Anchorage big game hunter and attorney Stephen Sims leveled similar charges in a lawsuit filed against the regulations earlier this week.

The Alaska Board of Game said the regulations are necessary to carry out the mandate of a state law guaranteeing a priority for subsistence hunting and fishing — the harvest of fish or wildlife for food.

The Alaska Supreme Court early this year ruled the law requires the state to set up subsistence seasons. The court said all Alaskans who eat what they kill can qualify for subsistence, but it added that

if resources are in short supply, rural residents can be given a priority to harvest fish and game.

The state Department of Law subsequently advised the Board of Game that most of the state's approximately 50 permit hunts must be structured so that rural residents could take advantage of the priority outlined by the high court.

"Suddenly, because you live in Anchorage, because you work for a living, or because you've never been lucky enough to draw a permit before, you're out of luck," said Chatfield.

A variety of general seasons still allow Anchorage residents to hunt for most species of game in various areas of the state, but the permit hunts long have been among the most popular trips for outdoorsmen.

Many of the hunts were established to ensure high-quality, wilderness hunting conditions. The Board of Game, for instance, established hunts for trophy moose with antlers of 50 inches or larger on the Kenai Peninsula, and hike-in hunts for dall sheep with horns of a full curl or greater in the Tok area of the Alaska Range. These are now subsistence hunts.

"This is a fiasco," said Chatfield.

It is unfathomable, he added, that the state would on the one hand sell people remote homesites — primarily for hunting camps and recreation cabins — and then say those people can't hunt there because they live in Anchorage.

"Now they have the land and they can't hunt on it," he said. "I think this issue is about to blow up."

SUBSISTENCE

PRESS

RELEASES

Alaska State Legislature

APR 12 1985

POUCH V  
JUNEAU, ALASKA 99811  
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2201 ROOSEVELT DRIVE  
ANCHORAGE, ALASKA 99503  
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MEMBER  
HOUSE RESOURCES COMMITTEE  
MEMBER  
HOUSE STATE AFFAIRS COMMITTEE

Representative Roger Jenkins

DISTRICT 11

PRESS RELEASE

For Immediate Release

April 12, 1985

For More Information Contact:

Rep. Roger Jenkins 465-4453

SUBSISTENCE

Rep. Roger Jenkins, today, has once again cautioned the House to handle subsistence in a careful and reasonable manner. In order to clarify subsistence, legislature must continue the public hearing process, for both rural and urban residents. The House should not be stampeded into making a hasty decision that will effect all Alaskans for sometime to come.

A decision on an issue as grave as subsistence begs for a complete debate. No one not even the Governor should short circuit the debate process. Rep. Roger Jenkins, sent the governor a letter today outlining his concerns. Subsistence has been an ongoing problem since before statehood. We are now in 1985 and we must look at the problem and issue of subsistence in that manner.

Rep. Roger Jenkins assessment of the House is that House Bill 288 will not be successful without destroying the present goodwill and the possibility of a compromise solution.

# Alaska State Legislature

POUCH V  
JUNEAU, ALASKA 99811  
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MEMBER  
HOUSE RESOURCES COMMITTEE  
MEMBER  
HOUSE STATE AFFAIRS COMMITTEE

## Representative Roger Jenkins

DISTRICT 11

April 12, 1985

The Honorable Bill Sheffield  
Governor  
State of Alaska  
Pouch A  
Juneau, Alaska 99811

Dear Governor Sheffield,

Attached please find for your review my March 27th House floor address on subsistence. As a member of the House Resources Committee, subsistence has received my close attention in attempting to make a sound long lasting decision on Alaskan subsistence. In my view, as it was introduced, House Bill 288 will not survive a vote on the House floor. The subsistence issue is possibly the one issue that could destroy an otherwise very amicable and productive legislative session.

Subsistence deserves a total examination and full public hearings throughout Alaska. Only after careful scrutiny and input by all Alaskans can we derive a solution that will bind us together for common utilization of our very precious fish and game resources. The events of the past three weeks and resultant dialogs within the House has strongly indicated to me that Representatives from all parties and areas of state are honestly and sincerely attempting to achieve that lasting solution. If this legislature is afforded the time to go beyond the rural-urban schism, we may be successful in that effort.

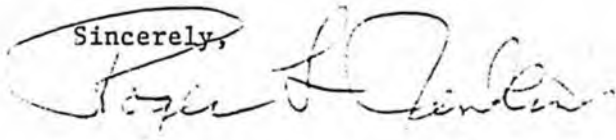
Many of the concerns of my March 27th Special Orders have been addressed in the subsequent hearings. Testimony from throughout our great land has been very enlightening. Rural and urban citizens are both for and against House Bill 288. Most of the rhetoric is reasoned, informative, and of real value. In particular the testimony of the prevailing and unsuccessful attorneys is worthy of your personal review.

Attempts to define geographical residency or domicile, rural, customary and traditional uses have been less than satisfactory. The questions of equal access to common resources in the pending McDowell case raised more questions than were answered. Perhaps fish and game resources will ultimately have to be legislated separately. However, I remain convinced that any bill that clearly differentiates on geographical residency will not legally prevail. Additionally, hand held hook and line fisheries might once again be considered customary and traditional subsistence use. Finally, we must explore the concept that those who directly utilize the resource have access to them on a needs basis.

At the present time the events that are unfolding in the House may preclude the possibility of successful resolution of the subsistence problem. Indeed the course as it is now charted would only produce an up or down vote on House Bill 288. As I assess the mood of the House, this bill would not be successful without destroying the present goodwill and potential of a compromise solution acceptable to a large majority of Alaskans.

In conclusion, I feel we have journeyed a long way toward gathering the necessary background and base line data on subsistence. Additionally, legislation without language that clearly involves all Alaskans probably would ultimately be a failure. Consequently, it may be opportune for your administration to revise your priorities and allow the subsistence issue the reflection time it needs to achieve satisfactory long term results.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger L. Jenkins". The signature is written in dark ink and is positioned below the word "Sincerely,".

Representative Roger L. Jenkins  
District 11

Attachments

RLJ/dg

F O R I M M E D I A T E R E L E A S E

The state's largest commercial fishermen's group has issued an appeal to Alaska's users of fish and wildlife to work together for a peaceful resolution of the subsistence issue that benefits all Alaskans.

Bob Blake, president of the United Fishermen of Alaska, said that commercial fishermen are interested in pursuing common goals with the other users of Alaska's fisheries resources, rather than continuing the divisive debate over subsistence.

"The United Fishermen of Alaska believes that the political energy generated over the subsistence issue should be directed toward increasing the amount of fish available to each user group," Blake said. "Commercial, sport, personal use and subsistence fishermen should be working together on enhancement projects and putting an end to high seas interceptions of our salmon by foreign fishing fleets."

"Each user group can end up with far more salmon through these joint efforts," Blake said. "The political wars over subsistence result in no additional fish, but promise to leave this state even more divided than it has been in the past."

"UFA wants to resolve the subsistence issue this session and move onto productive cooperative arrangement with all users of Alaska's fisheries resources. The facts are that the subsistence salmon take before Madison was insignificant. Cook Inlet and Copper River subsistence harvests have accounted for less than one percent of the take in each management system."

"By working together, we can easily accommodate this continued use and increase the takes of sport, personal use and commercial fishermen," Blake said.

According to figures distributed by the Alaska Department of Fish and Game, Japanese and Taiwanese fishing fleets took 27.5 million Alaska-bound salmon on the high seas during 1983. Most of the salmon taken by the high seas fishing fleets are very immature and weigh a fraction of what they would if allowed to complete their growth cycles.

(more)

Blake pointed out that biologists estimate more than 100,000 king salmon destined to Southcentral Alaska were intercepted by the high seas fleets during 1983. This is more than the combined catch that year of all user groups in Cook Inlet.

"All user groups should be working together as a cohesive political force to stop these destructive fisheries," Blake said, "rather than fighting amongst ourselves."

The joint efforts of commercial fishermen in Prince William Sound and Fairbanks lawmakers to put more fish into the Copper River is a very good example of what can be accomplished by cooperation, Blake said. He explained that the cooperative efforts have resulted in a state-run hatchery at Gulkana which should produce a return in 1990 of 200,000 adult fish to the Copper River.

The returns are timed to allow significant catches by sport, personal use and commercial fishermen while not impacting natural stocks. The projected returns would result in an additional 60,000 to 90,000 sockeyes available for personal use fishermen in the upper tributaries of the Copper River. In 1984, personal use dipnetters in the Copper River were allocated 60,000 sockeyes.

Blake said commercial fishermen in Prince William Sound are deeply committed to large-scale enhancement projects that will produce significant benefits to all user groups. The commercial fishermen recently voted to support a two percent tax on their gross earnings to pay for a hatchery producing, among other stocks, one million king salmon eggs and one million coho eggs. The king and coho production is designed to benefit sport fishermen.

(end)

# NEWS RELEASE

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU  
BILL SHEFFIELD  
GOVERNOR



Office of the Governor  
Pouch A, Juneau, AK 99811  
Phone (907) 465-3500

FOR INFORMATION CONTACT: John Greely, Press Secretary    Pete Spivey, Deputy Press Secretary

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INTERIOR DEPARTMENT SETS JUNE 1 DEADLINE FOR SUBSISTENCE  
COMPLIANCE  
September 26, 1985  
No. 85-168

## FOR IMMEDIATE RELEASE

FAIRBANKS--The U.S. Department of Interior has set June 1, 1986, as the deadline for the State of Alaska to bring subsistence hunting and fishing laws into compliance with federal statutes, Governor Bill Sheffield announced today.

"This deadline for federal intervention confirms my concern that the Alaska Legislature address the subsistence issue. The possibility of federal intervention is real, but fortunately we have nine months to act. I'm confident that in working with the leadership of the House and Senate, we can pass a law that is constitutional, enforceable, and fair to all user groups."

The Alaska Supreme Court, in ruling on February 22, negated regulations that had been used since 1982 to guide management of subsistence hunting and fishing in the state. Governor Sheffield sponsored legislation to correct the problem, but after passing the Alaska House of Representative, the bill (HB 288) was stalled in the Senate State Affairs Committee.

"...The absence of legislative action this year to amend the State subsistence statute to conform to ANILCA has confirmed our preliminary determination that the State is no longer in compliance with the requirements" of federal law, wrote Bill Horn, assistant secretary of the Interior Department, in a letter to Sheffield this week.

In setting a June 1 deadline for the Alaska Legislature to act, Horn said if no remedy was found by that date, the

-MORE-

Department of Interior "will be obligated to discharge its obligations" under requirement of the Alaska National Interest Lands Conservation Act of 1980. One section of that law requires the federal government to assume control over fish and wildlife management on federal land and associated waters, if state hunting and fishing laws are out of compliance with federal law.

"Most Alaskans would agree that the loss of state management authority on sixty percent of the state would be detrimental to our resources and our use of them," the Governor said. "I don't want to overstate the potential threat of federal intervention, but Alaskans must realize the possibility is real if we don't take action soon."

Horn said he had instructed the U.S. Fish and Wildlife Service to prepare a contingency plan for federal management of fish and game on federal land. He added, however, that he was "confident and hopeful that the State can make the necessary changes in its program" by June 1.

"We have chosen as a deadline June 1, 1986, because it is roughly one year from the time the State legislature failed to rectify the State subsistence statute," Horn said.

"This course of action is further justified due to the fact that it appears unlikely that any adverse impact on rural subsistence uses will occur during the grace period. The State subsistence program will continue to ensure that...rural subsistence users are able to hunt, trap, and fish for necessary resources.

"The problem is that the (Supreme Court) decision permits urban residents to be included in the subsistence class, contrary to the requirement of ANILCA that the preference be limited to rural residents. My decision that a grace period is warranted would, of course, have to change if significant adverse impacts on rural, customary, and traditional subsistence users and on subsistence resources subsequently become apparent," Horn said.

-MORE-

The Governor's legislation, as amended by the House in April, would have restored to the Boards of Fish and Game the authority to identify subsistence uses narrowly. HB 288 also would have allowed the boards to authorize permit drawing hunts, limited registration hunts, and general hunts more widely available to other users, as they had been prior to the February court ruling.

"There was no reason other than legislative inaction for these hunts to go out the window in 1985. I hope we can solve the problem quickly in time for the next hunting season," Sheffield said.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

September 23, 1985

Honorable Bill Sheffield  
Governor of Alaska  
Juneau, Alaska 99811

Dear Governor Sheffield:

On May 14, 1982, former Secretary of the Interior James Watt certified that the State of Alaska's subsistence program complied with the requirements of sections 803, 804 and 805 of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. §§ 3113, 3114 and 3115. Accordingly, the State has for the last three years assumed primary responsibility for the management of the program providing the preference for subsistence uses on the public lands in Alaska. Unfortunately, the Department of the Interior finds it necessary to advise you formally that the State subsistence program is no longer in compliance with the requirements of ANILCA as specified in Title VIII.

As you are aware, the Alaska Supreme Court, in Madison v. Alaska Department of Fish and Game, 596 P.2d 168, Op. No. 2911 (Alaska Feb. 22, 1985), invalidated a State Board of Fisheries regulation designed to determine eligibility for subsistence fishing in the Cook Inlet Region because the regulation was inconsistent with the State subsistence statute. This ruling held that under the State statute the subsistence preference must be extended to both "rural" and "urban" subsistence users. Because section 803 of ANILCA limits the subsistence preference to "rural Alaska residents," the Madison decision raised questions as to the continuing eligibility of the State to manage subsistence on public lands in Alaska under section 805(d) of ANILCA. In an effort to determine the State's views on this issue prior to Departmental action, I requested on April 7, 1985, the legal opinion of the State Attorney General on the effect of the Madison decision. To date we have received no formal response from the State on the effect of Madison on the State's eligibility under section 805(d) of ANILCA. We did receive a letter outlining the administrative actions taken by the State in the wake of Madison but it offered no opinion regarding compliance with Title VIII. Nonetheless, the absence of legislative action this year to amend the State subsistence statute to conform to ANILCA has confirmed our preliminary determination that the State is no longer in compliance with the requirements of section 805(d).

You are hereby advised that the State has until June 1, 1986, to revise its subsistence program to bring it back into compliance with the requirements of sections 803, 804 and 805 of ANILCA. Compliance will require that the subsistence preference be limited to those rural Alaska residents who customarily and traditionally make use of subsistence resources. If the State has not conformed its subsistence program to the requirements of ANILCA by that date, the Department will be obligated to discharge its obligations pursuant to section 805. As we noted to the State Boards of Fisheries and Game in 1982, there are various ways to comply with the requirements of section 805; the regime in force when the Madison decision was handed down represented one possible approach. I am confident and hopeful that the State can make the necessary changes in its program within this period, and I offer the full cooperation and assistance of the Department in this effort. \*

The Department has concluded that section 805(d) does not require an immediate Federal take over of the subsistence program, given the circumstances by which non-compliance with the ANILCA requirements has occurred. Section 805(d) provided the State with a one year period of grace following enactment of ANILCA in order to give the State an adequate amount of time to prepare and implement a program that met the requirements of ANILCA. After successfully establishing an adequate program, the State made a good faith effort to keep in compliance with the requirements of Title VIII of ANILCA. Indeed, the recent problems that have befallen the State's program have not been the result of legislative repeal of the program; instead, an unexpected State Supreme Court ruling in a case that was vigorously defended by the State has altered the State's subsistence program and created a non-compliance situation. Under these circumstances, we are persuaded that the spirit and intent of section 805(d) warrants a grace period in order to provide the State with a reasonable opportunity to make the necessary adjustments to its program. We have chosen as a deadline June 1, 1986, because it is roughly one year from the time the State legislature failed to rectify the State subsistence statute.

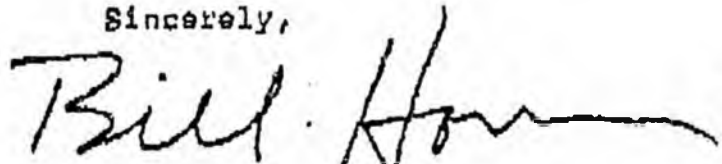
This course of action is further justified due to the fact that it appears unlikely that any adverse impact on rural subsistence users will occur during the grace period. The State subsistence program will continue to ensure that the Title VIII class of rural subsistence users are able to hunt, trap, and fish for necessary resources. The problem is that the Madison decision permits urban residents to be included in the subsistence class, contrary to the requirement of ANILCA that the preference be limited to rural residents. My decision that a grace period is warranted would, of course, have to change if significant adverse impacts on rural, customary and traditional subsistence users and on subsistence resources subsequently become apparent.

I fully expect that the State, in cooperation with the Department, will bring its subsistence program back into compliance with the requirements of Title VIII of ANILCA prior to June 1, 1986. I have, however, directed the U.S. Fish and Wildlife Service, in cooperation with the Office of the Solicitor, to begin preparation of a contingency plan for providing the subsistence preference on public lands that meets the requirements of ANILCA. My goal is to ensure that, in the event that the State is not able to bring its program into compliance by June 1, 1986, the Department is ready and able to discharge effectively its obligations under sections 803, 804 and 805 of ANILCA.

As a matter of information, the Madison ruling does not expand eligibility to pursue subsistence activities in those national parks and monuments where subsistence taking is authorized. Eligibility to engage in subsistence activities within those units of the National Parks System in Alaska is still determined pursuant to Federal regulations issued in 1981, since the State of Alaska never sought to acquire control of this aspect of the ANILCA subsistence program.

I regret the unexpected decision by the Alaska Supreme Court in the Madison case that has moved the State subsistence program out of compliance with the requirements of ANILCA. I am confident, though, that the State will be able to bring its program back into compliance by within one year.

Sincerely,



William P. Horn  
Assistant Secretary  
Fish and Wildlife and Parks

cc: AK Delegation  
CHM-Sen Energy  
CHM-House Interior  
Ranking Minority of both Committees  
Asst. Sec, Peter Myers, U.S. Dept. Agriculture

# Alaska State Legislature

P. O. BOX 2801  
FAIRBANKS, ALASKA 99707



P. O. BOX V — STATE CAPITOL  
JUNEAU, ALASKA 99811

## Senate Office of the President

FOR IMMEDIATE RELEASE

CONTACT: SENATOR DON BENNETT

MARCH 7, 1986

465-3755

### BENNETT SAYS SUBSISTENCE BILL ON TRACK

Senate President Don Bennett said today that the Senate review of a House subsistence bill was on track and would be completed in the near future.

House Bill 288, introduced at the request of Governor Sheffield, passed the House in a storm of controversy last May. The bill was sent to the Senate on the 111th day of the session, eight days before the legislature adjourned, and too late for the Senate to take action.

"The Senate's State Affairs and Resources Committees have held extensive public hearings around the state in the last nine months," said Bennett, a Fairbanks Republican. "They have revised the House bill considerably as a result of the public comments received."

"The bill is significantly improved compared to the House's version," Bennett continued. "However, there is still some work which needs to be done to ensure that the subsistence controversy is settled in a just and equitable way."

Bennett noted that last session, the House barely approved the governor's subsistence solution on a vote of 21-18. "Obviously many House members felt that the governor's bill was not in the best interests of their constituents. Unlike the House, the Senate is making the effort to draft a bill which will have the support of more than a bare majority of the public. In a democracy, it is always best to take the time to establish a consensus on a controversial issue. The federal government has given us until June, which is ample time to do this."

Bennett went on to say that those persons who are criticizing the Senate for not yet passing a subsistence bill are the same persons who tried to ramrod the governor's bill through the Senate last year, before the public could be given a chance to comment.

A handwritten signature in cursive script, appearing to be "John Bennett", written in dark ink.

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# Alaska State Legislature



Senator Mitch Abood  
CHAIRMAN

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4714

## Senate Committee on State Affairs

REVISED

PRESS RELEASE FOR SUBSISTENCE HEARINGS  
SENATE STATE AFFAIRS

The Senate State Affairs Committee, chaired by Senator Mitch Abood will be holding the first in a series of hearings on the issue of subsistence starting August 27th and 28th. The times will be from 1:00 to 4:30pm and 6:30pm to 9:00pm on Tuesday August 27th continuing on Wednesday August 28th at 9:00 to 11:30am and 1:30 to 5:00 pm. The hearings will be held at the National Guard Armory at the corner of International Airport Road and Spenard, next to the International Airport Inn. The hearing on the 28th will be serviced by a statewide teleconference. Public is welcome and urged to attend and give testimony on this very important issue. The next hearings are tentatively set for October 9th and 10th in Fairbanks. For more information regarding the hearings, please contact Senator Mitch Abood's office at either 274-5941 or 274-2843.

SUBSISTENCE

*Publications*

(FILE 1)

managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Alaska for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

## TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

### FINDINGS

16 USC 3111.

**Sec. 801.** The Congress finds and declares that—

(1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence;

(2) the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses;

(3) continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management;

43 USC 1601  
note.

(4) in order to fulfill the policies and purposes of the Alaska Native Claims Settlement Act and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents; and

(5) the national interest in the proper regulation, protection, and conservation of fish and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by residents of rural Alaska require that an administrative structure be established for the purpose of enabling rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.

### POLICY

16 USC 3112.

**Sec. 802.** It is hereby declared to be the policy of Congress that—

(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized

scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

*Ante*, p. 2377.

(2) nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population, the taking of such population for nonwasteful subsistence uses shall be given preference on the public lands over other consumptive uses; and

(3) except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies, and other nations.

#### DEFINITIONS

SEC. 803. As used in this Act, the term "subsistence uses" means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade. For the purposes of this section, the term—

16 USC 3113.

(1) "family" means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "barter" means the exchange of fish or wildlife or their parts, taken for subsistence uses—

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

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.

#### PREFERENCE FOR SUBSISTENCE USES

SEC. 804. Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria:

16 USC 3114.

Priority criteria.

(1) customary and direct dependence upon the populations as the mainstay of livelihood;

(2) local residency; and

(3) the availability of alternative resources.

## LOCAL AND REGIONAL PARTICIPATION

16 USC 3115.

Sec. 805. (a) Except as otherwise provided in subsection (d) of this section, one year after the date of enactment of this Act, the Secretary in consultation with the State shall establish—

(1) at least six Alaska subsistence resource regions which, taken together, include all public lands. The number and boundaries of the regions shall be sufficient to assure that regional differences in subsistence uses are adequately accommodated;

(2) such local advisory committees within each region as he finds necessary at such time as he may determine, after notice and hearing, that the existing State fish and game advisory committees do not adequately perform the functions of the local committee system set forth in paragraph (3)(D)(iv) of this subsection; and

(3) a regional advisory council in each subsistence resource region.

Regional advisory council, authority.

Each regional advisory council shall be composed of residents of the region and shall have the following authority:

(A) the review and evaluation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;

(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(C) the encouragement of local and regional participation pursuant to the provisions of this title in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;

Annual report to Secretary.

(D) the preparation of an annual report to the Secretary which shall contain—

(i) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(ii) an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region;

(iii) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and

(iv) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. The State fish and game advisory committees or such local advisory committees as the Secretary may establish pursuant to paragraph (2) of this subsection may provide advice to, and assist, the regional advisory councils in carrying out the functions set forth in this paragraph.

(b) The Secretary shall assign adequate qualified staff to the regional advisory councils and make timely distribution of all available relevant technical and scientific support data to the regional advisory councils and the State fish and game advisory committees or such local advisory committees as the Secretary may establish pursuant to paragraph (2) of subsection (a).

(c) The Secretary, in performing his monitoring responsibility pursuant to section 806 and in the exercise of his closure and other administrative authority over the public lands, shall consider the report and recommendations of the regional advisory councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses. The Secretary may choose not to follow any recommendation which he determines is not supported

by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation is not adopted by the Secretary, he shall set forth the factual basis and the reasons for his decision.

(d) The Secretary shall not implement subsections (a), (b), and (c) of this section if within one year from the date of enactment of this Act, the State enacts and implements laws of general applicability which are consistent with, and which provide for the definition, preference, and participation specified in, sections 803, 804, and 805, such laws, unless and until repealed, shall supersede such sections insofar as such sections govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. Laws establishing a system of local advisory committees and regional advisory councils consistent with section 805 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based, to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall set forth the factual basis and the reasons for its decision.

Implementation.

(e)(1) The Secretary shall reimburse the State, from funds appropriated to the Department of the Interior for such purposes, for reasonable costs relating to the establishment and operation of the regional advisory councils established by the State in accordance with subsection (d) and the operation of the State fish and game advisory committees so long as such committees are not superseded by the Secretary pursuant to paragraph (2) of subsection (a). Such reimbursement may not exceed 50 per centum of such costs in any fiscal year. Such costs shall be verified in a statement which the Secretary determines to be adequate and accurate. Sums paid under this subsection shall be in addition to any grants, payments, or other sums to which the State is entitled from appropriations to the Department of the Interior.

Reimbursement to States.

(2) Total payments to the State under this subsection shall not exceed the sum of \$5,000,000 in any one fiscal year. The Secretary shall advise the Congress at least once in every five years as to whether or not the maximum payments specified in this subsection are adequate to ensure the effectiveness of the program established by the State to provide the preference for subsistence uses of fish and wildlife set forth in section 804.

Report to Congress.

## FEDERAL MONITORING

SEC. 806. The Secretary shall monitor the provisions by the State of the subsistence preference set forth in section 804 and shall advise the State and the Committee on Interior and Insular Affairs and on Merchant Marine and Fisheries of the House of Representatives and the Committees on Energy and Natural Resources and Environment and Public Works of the Senate annually and at such other times as

Report to congressional committees.  
16 USC 3116.

he deems necessary of his views on the effectiveness of the implementation of this title including the State's provision of such preference, any exercise of his closure or other administrative authority to protect subsistence resources or uses, the views of the State, and any recommendations he may have.

#### JUDICIAL ENFORCEMENT

Civil actions.  
16 USC 3117.

Sec. 807. (a) Local residents and other persons and organizations aggrieved by a failure of the State or the Federal Government to provide for the priority for subsistence uses set forth in section 804 (or with respect to the State as set forth in a State law of general applicability if the State has fulfilled the requirements of section 805(d)) may, upon exhaustion of any State or Federal (as appropriate) administrative remedies which may be available, file a civil action in the United States District Court for the District of Alaska to require such actions to be taken as are necessary to provide for the priority. In a civil action filed against the State, the Secretary may be joined as a party to such action. The court may grant preliminary injunctive relief in any civil action if the granting of such relief is appropriate under the facts upon which the action is based. No order granting preliminary relief shall be issued until after an opportunity for hearing. In a civil action filed against the State, the court shall provide relief, other than preliminary relief, by directing the State to submit regulations which satisfy the requirements of section 804; when approved by the court, such regulations shall be incorporated as part of the final judicial order, and such order shall be valid only for such period of time as normally provided by State law for the regulations at issue. Local residents and other persons and organizations who are prevailing parties in an action filed pursuant to this section shall be awarded their costs and attorney's fees.

Hearing.

(b) A civil action filed pursuant to this section shall be assigned for hearing at the earliest possible date, shall take precedence over other matters pending on the docket of the United States district court at that time, and shall be expedited in every way by such court and any appellate court.

(c) This section is the sole Federal judicial remedy created by this title for local residents and other residents who, and organizations which, are aggrieved by a failure of the State to provide for the priority of subsistence uses set forth in section 804.

#### PARK AND PARK MONUMENT SUBSISTENCE RESOURCE COMMISSIONS

16 USC 3118.

Sec. 808. (a) Within one year from the date of enactment of this Act, the Secretary and the Governor shall each appoint three members to a subsistence resources commission for each national park or park monument within which subsistence uses are permitted by this Act. The regional advisory council established pursuant to section 805 which has jurisdiction within the area in which the park or park monument is located shall appoint three members to the commission each of whom is a member of either the regional advisory council or a local advisory committee within the region and also engages in subsistence uses within the park or park monument. Within eighteen months from the date of enactment of this Act, each commission shall devise and recommend to the Secretary and the Governor a program for subsistence hunting within the park or park monument. Such program shall be prepared using technical information and other pertinent data assembled or produced by necessary field studies or

Subsistence  
hunting pro-  
gram.

investigations conducted jointly or separately by the technical and administrative personnel of the State and the Department of the Interior, information submitted by, and after consultation with the appropriate local advisory committees and regional advisory councils, and any testimony received in a public hearing or hearings held by the commission prior to preparation of the plan at a convenient location or locations in the vicinity of the park or park monument. Each year thereafter, the commission, after consultation with the appropriate local committees and regional councils, considering all relevant data and holding one or more additional hearings in the vicinity of the park or park monument, shall make recommendations to the Secretary and the Governor for any changes in the program or its implementation which the commission deems necessary.

(b) The Secretary shall promptly implement the program and recommendations submitted to him by each commission unless he finds in writing that such program or recommendations violates recognized principles of wildlife conservation, threatens the conservation of healthy populations of wildlife in the park or park monument, is contrary to the purposes for which the park or park monument is established, or would be detrimental to the satisfaction of subsistence needs of local residents. Upon notification by the Governor, the Secretary shall take no action on a submission of a commission for sixty days during which period he shall consider any proposed changes in the program or recommendations submitted by the commission which the Governor provides him.

(c) Pending the implementation of a program under subsection (a) of this section, the Secretary shall permit subsistence uses by local residents in accordance with the provisions of this title and other applicable Federal and State law.

Program and  
recommendation  
implementation.

#### COOPERATIVE AGREEMENTS

SEC. 809. The Secretary may enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and, acting through the Secretary of State, other nations to effectuate the purposes and policies of this title.

16 USC 3119.

#### SUBSISTENCE AND LAND USE DECISIONS

SEC. 810. (a) In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency—

16 USC 3120.

(1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805;

(2) gives notice of, and holds, a hearing in the vicinity of the area involved; and

Hearing.

(3) determines that (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

Notice and hearings.  
42 USC 4332.

(b) If the Secretary is required to prepare an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act, he shall provide the notice and hearing and include the findings required by subsection (a) as part of such environmental impact statement.

48 USC note prec. 21.  
43 USC 1601 note.

(c) Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the Alaska Statehood Act or the Alaska Native Claims Settlement Act.

(d) After compliance with the procedural requirements of this section and other applicable law, the head of the appropriate Federal agency may manage or dispose of public lands under his primary jurisdiction for any of those uses or purposes authorized by this Act or other law.

#### ACCESS

16 USC 3121.

SEC. 811. (a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.

(b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

#### RESEARCH

16 USC 3122.

SEC. 812. The Secretary, in cooperation with the State and other appropriate Federal agencies, shall undertake research on fish and wildlife and subsistence uses on the public lands; seek data from, consult with and make use of, the special knowledge of local residents engaged in subsistence uses; and make the results of such research available to the State, the local and regional councils established by the Secretary or State pursuant to section 805, and other appropriate persons and organizations.

#### PERIODIC REPORTS

Submittal to Speaker of House and President of Senate.  
16 USC 3123.

SEC. 813. Within four years after the date of enactment of this Act, and within every three-year period thereafter, the Secretary, in consultation with the Secretary of Agriculture, shall prepare and submit a report to the President of the Senate and the Speaker of the House of Representatives on the implementation of this title. The report shall include—

- (1) an evaluation of the results of the monitoring undertaken by the Secretary as required by section 806;
- (2) the status of fish and wildlife populations on public lands that are subject to subsistence uses;
- (3) a description of the nature and extent of subsistence uses and other uses of fish and wildlife on the public lands;

(4) the role of subsistence uses in the economy and culture of rural Alaska;

(5) comments on the Secretary's report by the State, the local advisory councils and regional advisory councils established by the Secretary or the State pursuant to section 805, and other appropriate persons and organizations;

(6) a description of those actions taken, or which may need to be taken in the future, to permit the opportunity for continuation of activities relating to subsistence uses on the public lands; and

(7) such other recommendations the Secretary deems appropriate.

A notice of the report shall be published in the Federal Register and the report shall be made available to the public.

Publication in  
Federal Register.

#### REGULATIONS

SEC. 814. The Secretary shall prescribe such regulations as are necessary and appropriate to carry out his responsibilities under this title.

16 USC 3124.

#### LIMITATIONS, SAVINGS CLAUSES

SEC. 815. Nothing in this title shall be construed as—

16 USC 3125.

(1) granting any property right in any fish or wildlife or other resource of the public lands or as permitting the level of subsistence uses of fish and wildlife within a conservation system unit to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife. No privilege which may be granted by the State to any individual with respect to subsistence uses may be assigned to any other individual;

(2) permitting any subsistence use of fish and wildlife on any portion of the public lands (whether or not within any conservation system unit) which was permanently closed to such uses on January 1, 1978, or enlarging or diminishing the Secretary's authority to manipulate habitat on any portion of the public lands;

(3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law; or

(4) modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife, including the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927; 16 U.S.C. 668dd-jj), the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4), the Fur Seal Act of 1966 (80 Stat. 1091; 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531-1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361-1407), the Act entitled "An Act for the Protection of the Bald Eagle", approved June 8, 1940 (54 Stat. 250; 16 U.S.C. 742a-754), the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-711), the Federal Aid in Wildlife Restoration Act (50 Stat. 917; 16 U.S.C. 669-669i), the Fishery Conservation and Management Act of 1976 (90 Stat. 331; 16 U.S.C. 1801-1882), the Federal

Aid in Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777-777K), or any amendments to any one or more of such Acts.

CLOSURE TO SUBSISTENCE USES

16 USC 3126.

SEC. 816. (a) All national parks and park monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence uses and sport fishing shall be authorized in such areas by the Secretary and carried out in accordance with the requirements of this title and other applicable laws of the United States and the State of Alaska.

(b) Except as specifically provided otherwise by this section, nothing in this title is intended to enlarge or diminish the authority of the Secretary to designate areas where, and establish periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population. Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. If the Secretary determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Secretary may immediately close the public lands, or any portion thereof, to the subsistence uses of such population and shall publish the reasons justifying the closure in the Federal Register. Such emergency closure shall be effective when made, shall not extend for a period exceeding sixty days, and may not subsequently be extended unless the Secretary affirmatively establishes, after notice and public hearing, that such closure should be extended.

Publication in  
Federal Register.

TITLE IX—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

SUBMERGED LANDS STATUTE OF LIMITATION

43 USC 1631.

SEC. 901. (a) Notwithstanding any other provision of law, the ownership by a Native Corporation or Native Group of a parcel of submerged land conveyed to such Corporation or Group pursuant to the Alaska Native Claims Settlement Act or this Act, or a decision by the Secretary of the Interior that the water covering such parcel is not navigable, shall not be subject to judicial determination unless a civil action is filed in the United States District Court within five years after the date of execution of the interim conveyance if the interim conveyance was executed after the date of enactment of this Act, or within seven years after the date of enactment of this Act if the interim conveyance was executed on or before the date of enactment of this Act. If a parcel of submerged land was conveyed by a patent rather than an interim conveyance, the civil action described in the preceding sentence shall be filed within five years after the date of execution of the patent if the patent was executed after the date of enactment of this Act, or within seven years after the date of enactment of this Act if the patent was executed on or before the date of enactment of this Act. The civil action described in this

43 USC 1601  
note.

(B) The purposes for which the Kodiak National Wildlife Refuge is established and shall be managed include—

- (i) to conserve fish and wildlife populations and their natural diversity including, but not limited to, Kodiak brown bears, salmonoids, sea otters, sea lions and other marine mammals and migratory birds;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge.

(6) TOGIAK NATIONAL WILDLIFE REFUGE.—(A) The Togiak National Wildlife Refuge shall consist of the existing Cape Newenham National Wildlife Refuge, including lands, waters, and interests therein, which shall be redesignated as a unit of the Togiak National Wildlife Refuge, and an addition of approximately three million eight hundred and forty thousand acres of public lands, as generally depicted on the map entitled "Togiak National Wildlife Refuge", dated April 1980.

(B) The purposes for which the Togiak National Wildlife Refuge is established and shall be managed include—

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, salmonoids, marine birds and mammals, migratory birds and large mammals (including their restoration to historic levels);
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge.

(7) YUKON DELTA NATIONAL WILDLIFE REFUGE.—(A) The Yukon Delta National Wildlife Refuge shall consist of the existing Clarence Rhode National Wildlife Range, Hazen Bay National Wildlife Refuge, and Nunivak National Wildlife Refuge, including lands, waters, interests, and whatever submerged lands, if any, were retained in Federal ownership at the time of statehood, which shall be redesignated as units of the Yukon Delta National Wildlife Refuge and the addition of approximately thirteen million four hundred thousand acres of public lands, as generally depicted on the map entitled "Yukon Delta National Wildlife Refuge", dated April 1980.

(B) The purposes for which the Yukon Delta National Wildlife Refuge is established and shall be managed include—

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, shorebirds, seabirds, whistling swans, emperor, white-fronted and Canada geese, black brant and other migratory birds, salmon, muskox, and marine mammals;

(ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;

(iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and

(iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge.

(C) Subject to such reasonable regulations as the Secretary may prescribe, reindeer grazing, including necessary facilities and equipment, shall be permitted within areas where such use is, and in a manner which is, compatible with the purposes of this refuge.

(D) Subject to reasonable regulation, the Secretary shall administer the refuge so as to not impede the passage of navigation and access by boat on the Yukon and Kuskokwim Rivers.

#### ADMINISTRATION OF REFUGES

Sec. 304. (a) Each refuge shall be administered by the Secretary, subject to valid existing rights, in accordance with the laws governing the administration of units of the National Wildlife Refuge System, and this Act.

(b) In applying section 4(d) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) with respect to each refuge, the Secretary may not permit any use, or grant easements for any purpose described in such section 4(d) unless such use (including but not limited to any oil and gas leasing permitted under paragraph (2)) or purpose is compatible with the purposes of the refuge. The Secretary shall prescribe such regulations and impose such terms and conditions as may be necessary and appropriate to ensure that activities carried out under any use or easement granted under any authority are so compatible.

(c) All public lands (including whatever submerged lands, if any, beneath navigable waters of the United States (as that term is defined in section 1301(a) of title 43, United States Code) were retained in Federal ownership at the time of statehood) in each National Wildlife Refuge and any other National Wildlife Refuge System unit in Alaska are hereby withdrawn, subject to valid existing rights, from future selections by the State of Alaska and Native Corporations, from all forms of appropriation or disposal under the public land laws, including location, entry and patent under the mining laws but not from operation of mineral leasing laws.

(d) The Secretary shall permit within units of the National Wildlife Refuge System designated, established, or enlarged by this Act, the exercise of valid commercial fishing rights or privileges obtained pursuant to existing law and the use of Federal lands, subject to reasonable regulation, for campsites, cabins, motorized vehicles, and aircraft landings directly incident to the exercise of such rights or privileges: *Provided*, That nothing in this section shall require the Secretary to permit the exercise of rights or privileges or uses of the Federal lands directly incident to such exercise, which he determines, after conducting a public hearing in the affected locality, to be inconsistent with the purposes of a unit of the National Wildlife Refuge System as described in this section and to be a significant

Refuge use or easements

Regulations

Commercial fishing rights or privileges

16 USC 668dd  
note

16 USC 668dd  
note

(3) determines that (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

(b) If the Secretary is required to prepare an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act, he shall provide the notice and hearing and include the findings required by subsection (a) as part of such environmental impact statement.

(c) Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the Alaska Statehood Act or the Alaska Native Claims Settlement Act.

(d) After compliance with the procedural requirements of this section and other applicable law, the head of the appropriate Federal agency may manage or dispose of public lands under his primary jurisdiction for any of those uses or purposes authorized by this Act or other law.

#### ACCESS

SEC. 811. (a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.

(b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

#### RESEARCH

SEC. 812. The Secretary, in cooperation with the State and other appropriate Federal agencies, shall undertake research on fish and wildlife and subsistence uses on the public lands; seek data from, consult with and make use of, the special knowledge of local residents engaged in subsistence uses; and make the results of such research available to the State, the local and regional councils established by the Secretary or State pursuant to section 805, and other appropriate persons and organizations.

#### PERIODIC REPORTS

SEC. 813. Within four years after the date of enactment of this Act, and within every three-year period thereafter, the Secretary, in consultation with the Secretary of Agriculture, shall prepare and submit a report to the President of the Senate and the Speaker of the House of Representatives on the implementation of this title. The report shall include—

(1) an evaluation of the results of the monitoring undertaken by the Secretary as required by section 806;

(2) the status of fish and wildlife populations on public lands that are subject to subsistence uses;

(3) a description of the nature and extent of subsistence uses and other uses of fish and wildlife on the public lands;

Submittal to  
Speaker of  
House and Presi-  
dent of Senate.  
16 USC 3123

(4) the role of subsistence uses in the economy and culture of rural Alaska;

(5) comments on the Secretary's report by the State, the local advisory councils and regional advisory councils established by the Secretary or the State pursuant to section 805, and other appropriate persons and organizations;

(6) a description of those actions taken, or which may need to be taken in the future, to permit the opportunity for continuation of activities relating to subsistence uses on the public lands; and

(7) such other recommendations the Secretary deems appropriate.

A notice of the report shall be published in the Federal Register and the report shall be made available to the public.

Publication in  
Federal Regis-  
ter

#### REGULATIONS

SEC. 814. The Secretary shall prescribe such regulations as are necessary and appropriate to carry out his responsibilities under this title.

16 USC 3124

#### LIMITATIONS, SAVINGS CLAUSES

SEC. 815. Nothing in this title shall be construed as—

16 USC 3125

(1) granting any property right in any fish or wildlife or other resource of the public lands or as permitting the level of subsistence uses of fish and wildlife within a conservation system unit to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife. No privilege which may be granted by the State to any individual with respect to subsistence uses may be assigned to any other individual;

(2) permitting any subsistence use of fish and wildlife on any portion of the public lands (whether or not within any conservation system unit) which was permanently closed to such uses on January 1, 1978, or enlarging or diminishing the Secretary's authority to manipulate habitat on any portion of the public lands;

(3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law; or

(4) modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife, including the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927; 16 U.S.C. 668dd-jj), the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4), the Fur Seal Act of 1966 (80 Stat. 1091; 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531-1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361-1407), the Act entitled "An Act for the Protection of the Bald Eagle", approved June 8, 1940 (54 Stat. 250; 16 U.S.C. 742a-754), the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-711), the Federal Aid in Wildlife Restoration Act (50 Stat. 917; 16 U.S.C. 669-669i), the Fishery Conservation and Management Act of 1976 (90 Stat. 331; 16 U.S.C. 1801-1882), the Federal

Aid in Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777-777K), or any amendments to any one or more of such Acts.

CLOSURE TO SUBSISTENCE USES

Sec. 816. (a) All national parks and park monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence uses and sport fishing shall be authorized in such areas by the Secretary and carried out in accordance with the requirements of this title and other applicable laws of the United States and the State of Alaska.

(b) Except as specifically provided otherwise by this section, nothing in this title is intended to enlarge or diminish the authority of the Secretary to designate areas where, and establish periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population. Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. If the Secretary determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Secretary may immediately close the public lands, or any portion thereof, to the subsistence uses of such population and shall publish the reasons justifying the closure in the Federal Register. Such emergency closure shall be effective when made, shall not extend for a period exceeding sixty days, and may not subsequently be extended unless the Secretary affirmatively establishes, after notice and public hearing, that such closure should be extended.

TITLE IX—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

SUBMERGED LANDS STATUTE OF LIMITATION

SEC. 901. (a) Notwithstanding any other provision of law, the ownership by a Native Corporation or Native Group of a parcel of submerged land conveyed to such Corporation or Group pursuant to the Alaska Native Claims Settlement Act or this Act, or a decision by the Secretary of the Interior that the water covering such parcel is not navigable, shall not be subject to judicial determination unless a civil action is filed in the United States District Court within five years after the date of execution of the interim conveyance if the interim conveyance was executed after the date of enactment of this Act, or within seven years after the date of enactment of this Act if the interim conveyance was executed on or before the date of enactment of this Act. If a parcel of submerged land was conveyed by a patent rather than an interim conveyance, the civil action described in the preceding sentence shall be filed within five years after the date of execution of the patent if the patent was executed after the date of enactment of this Act, or within seven years after the date of enactment of this Act if the patent was executed on or before the date of enactment of this Act. The civil action described in this

Published in  
Federal Register

16 USC 1601

16 USC 1601  
note

subsection shall be a de novo determination of the ownership of the parcel which is the subject of the action.

(b) No agency or board of the Department of the Interior other than the Bureau of Land Management shall have authority to determine the navigability of water covering a parcel of submerged land selected by a Native Corporation or Native Group pursuant to the Alaska Native Claims Settlement Act unless a determination by the Bureau of Land Management that the water covering a parcel of submerged land is not navigable was validly appealed to such agency or board prior to the date of enactment of this Act. The execution of an interim conveyance or patent (whichever is executed first) by the Bureau of Land Management conveying a parcel of submerged land to a Native Corporation or Native Group shall be the final agency action with respect to a decision by the Secretary of the Interior that the water covering such parcel is not navigable, unless such decision was validly appealed prior to the date of enactment of this Act to an agency or board of the Department of the Interior other than the Bureau of Land Management.

(c) If the court determines that a parcel of submerged land which is the subject of a civil action described in subsection (a) is owned by the Native Corporation or Native Group to which it was conveyed pursuant to the Alaska Native Claims Settlement Act or this Act, each defendant Native Corporation and Native Group shall be awarded a money judgment against the plaintiffs in an amount equal to its costs and attorney's fees, including costs and attorney's fees incurred on appeal.

(d) No Native Corporation or Native Group shall be determined to have been conveyed its acreage entitlement under the Alaska Native Claims Settlement Act until—

(1) the statutes of limitation set forth in subsection (a) have expired with respect to every parcel of submerged land conveyed to such Corporation or Group; and

(2) a final judgment or order not subject to an appeal has been obtained in every civil action filed pursuant to subsection (a).

(e) Whenever a parcel of submerged land to be conveyed to a Native Corporation or Native Group is located outside the boundaries of a conservation system unit such Corporation or Group and the State of Alaska may mutually agree that such parcel may be selected by and conveyed to the State under the provisions of section 9(b) of the Alaska Statehood Act

(2) In any instance in which the State could have selected a parcel of submerged land pursuant to an agreement between the State and a Native Corporation or Native Group pursuant to paragraph (1) if such parcel had not previously been conveyed to such Corporation or Group, such Corporation or Group is authorized to reconvey such parcel to the Secretary, and the Secretary shall accept such reconveyance. If the surface estate and subsurface estate of such parcel are owned by different Native Corporations or Native Groups, every Corporation and Group with an interest in such parcel shall reconvey its entire interest in such parcel to the Secretary.

(3) In any agreement made between a Native Corporation or Native Group and the State of Alaska pursuant to paragraph (1), and in any reconveyance executed by a Native Corporation or Native Group pursuant to paragraph (2), each affected Corporation or Group shall disclaim its interest in the parcel which is the subject of the agreement or reconveyance. If such parcel underlies a lake having a surface area of fifty acres or greater or a stream having a width of three chains or greater, the Secretary shall determine the acreage

16 USC 1601  
note

Costs and  
attorney's fees

16 USC 1601  
note

Agreements or  
reconveyances  
with State

48 USC 1606  
para. 21

✓ S. Rep. No. 413, 96th Cong., 1st Sess. (Nov. 14, 1979)

the area's existing pulp and saw mills. Some 10 mmbl. of State lands timber annually may also have impact.

Set forth below in tabular form is a summary of the Committee's action last year relative to timber availability and wilderness designation in the Tongass. While some of the base data has changed slightly since the completion of the TLUMP, the assumptions and approach employed by the Committee in designating wilderness in Southeast Alaska are still valid.

	Million board feet
<b>Estimated Timber Yield Available for Harvest Each Year:</b>	
Total potential sustained yield from all classifications (excludes State or Native timber)	1,180
Unregulated (reserved, small parcels, 75-plus percent slopes, soil hazards)	-200
Other reserved and not available (various timber retention factors applied for resource protection)	-172
Total potential sustained yield less unregulated and other reserved	718
Marginal (available but subject to economic or technical restraints)	-158
Net total sustained annual yield of standard and special categories or "available average annual harvest"	560
<b>Estimated Effect of Committee Wilderness Package:</b>	
Total annual potential yield less what is reserved, non-harvestable, or marginal "A-base"	600
10,000,000 per year investment for increased timber yield and \$5,000,000 loan fund	60
Impact of Native timber	38
Estimated allowable cut before deductions	658
Additional reduction for Proposed Wilderness Designation	-80
Additional reduction for possible relocation of Native timber on Admiralty Island	-7
Annual allowable cut less wilderness and Native timber relocation	560
<small>Includes the "A base" Alternative from the Tongass Land Use Management Plan in a \$1,600,000 investment for pregrading into selected areas.</small>	

Thus, it appears that the Committee recommendations will indeed protect the existing timber industry in Southeast while providing wilderness designation for several key areas.

The Committee realizes that there is some disagreement regarding the figures presented above relative to timber availability, potential yield investment opportunities, etc. During its deliberations, the Committee was unable to obtain a consistent set of data from the Forest Service regarding these factors. However, the Committee feels that the numbers employed in the calculations above are fair estimates of the effect the Committee actions will have on timber supply levels from the Tongass.

#### TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

##### OVERVIEW

Alaska's more than 200 rural villages are unique in that they are the last communities in the United States in which a substantial number of residents are still dependent upon the harvest of renewable re-

sources on the public lands for their sustenance. The importance of subsistence uses of such resources to the physical, economic and cultural well-being of Alaska Natives and other rural residents has been exhaustively chronicled in testimony presented at hearings, town meetings and workshops held by the committee during consideration of both the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act. The committee notes that the report of the Committee on Interior and Insular Affairs of the House of Representatives on H.R. 39 (House Report No. 95-1045, Part I, pp. 181-187) documents the importance of such uses in considerable detail.

##### HISTORY OF CONCERN

The Committee has had a long-standing concern for the protection of subsistence resources and uses in Alaska. In Section 21 of S. 35, the Senate version of the Alaska Native Claims Settlement Act, the Secretary was directed to establish subsistence zones on the public lands, and, in circumstances in which subsistence resources or uses were threatened, to exercise his closure authority by prohibiting all consumptive uses of such resources within a zone except for subsistence uses by Alaska Natives. The conferees failed to adopt this provision in the conference report; however, the statement of the managers clearly established the intent of the Congress that the Secretary exercise his closure authority in a manner consistent with the purposes of Section 21:

The conference committee, after careful consideration believes that all Native interest in subsistence resource lands can and will be protected by the secretary through the exercise of his existing withdrawal authority. The secretary could, for example, withdraw appropriate lands and classify them in a manner which would protect native subsistence needs and requirements by closing appropriate lands to entry by non-residents when the subsistence resources of these lands are in short supply or otherwise threatened. The conference committee expects both the secretary and the state to take any action necessary to protect the subsistence needs of the natives.

In 1973, the committee adopted, and the Congress enacted, provisions in the Trans-Alaska Oil Pipeline Act (P.L. 93-153) which provided for strict liability of the pipeline right-of-way holder for "fish, wildlife, biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes" and required stipulations in all oil and gas pipeline right-of-way permits to protect the "interests of individuals living in the general area of the right-of-way permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes." Other Acts of Congress also have recognized the unique dependence of rural Alaskans on subsistence resources. For example, the Marine Mammal Protection Act includes a subsistence exemption for Native residents of coastal villages in Alaska (16 U.S.C. 1371(b)). Similarly, subsistence uses by Alaska Natives and other residents of Native villages are exempted from coverage of the Endangered Species Act (10 U.S.C. 1530(o)).

## COMMITTEE AMENDMENT

The subsistence management provisions of S. 0 as introduced reflect a delicate balance between the traditional responsibility of the State of Alaska for the regulation of fish and wildlife populations within the State and the responsibility of the Federal Government for the attainment of national interest goals, including the protection of the traditional lifestyle and culture of Alaska Natives.

The Committee amendment differs from Title VII of H.R. 30, as passed by the House of Representatives in two respects. The first relates to subsistence hunting by local residents within national parks and monuments. Under the Committee amendment, parks and monuments are closed to all forms of hunting unless subsistence uses are permitted by this Act. Subsistence resources commissions are to be established to recommend a program for subsistence hunting in such parks and monuments.

The second major difference is the means for enforcement of the subsistence preference. The House bill requires the Secretary to take certain administrative actions if he determines that the State has failed to establish a subsistence program or to implement such a program in a manner which adequately satisfies the preference for subsistence uses. While the committee has retained broad Federal guidelines to ensure the adequate implementation of the subsistence preference on the public lands and the Secretary's ongoing responsibility to monitor the State's implementation of such preference, the Committee believes that the responsibility of the Secretary to ensure the protection of subsistence uses and the satisfaction of subsistence needs of Alaska Natives and other rural residents can best be met by providing legal representation for such residents before the United States District Court in appropriate instances in which the Secretary has determined, after consultation with the State, that the State has not timely or adequately provided for the preference for subsistence uses. Although it is the intent of the committee to neither enlarge nor diminish any existing authority of the Secretary to take appropriate administrative action to protect subsistence uses and satisfy subsistence needs of rural residents of Alaska, the committee believes that the responsibilities and authorities of the Secretary and the United States District Court set forth in section 804-807 ensure the protection of subsistence activities and the discharge of Federal responsibilities.

During consideration of Alaska National Interest Lands legislation, the Committee adopted several changes to the subsistence management and use title in S. 0 which clarify the Committee's intent and improve the workability of the subsistence management system.

Major changes adopted by the Committee include:

*The Conservation of Healthy Populations of Fish and Wildlife*

Long-term protection of fish and wildlife populations is necessary to ensure the continuation of the opportunity for a subsistence way of life. Consequently, subsistence uses on the public lands must be conducted in a manner consistent with "the conservation of healthy populations of fish and wildlife", an approach emphasized by the Committee in a series of amendments to incorporate that concept into the language of Sections 802(1), 808(b), and 815 (1) and (3). It also

should be noted that a recommendation of a regional council pursuant to Section 805 would not be supported by substantial evidence if the recommendation is inconsistent with the conservation of healthy populations of fish and wildlife. The Committee intends the phrase "the conservation of healthy populations of fish and wildlife" to mean the maintenance of fish and wildlife resources and their habitats in a condition which assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystems, including recognition that local rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species; and ensures maximum practicable diversity of options for the future. The greater the ignorance of the resource parameters, particularly of the ability and capacity of a population or species to respond to changes in its ecosystem, the greater the safety factor must be. Thus, in order to insure that subsistence uses are compatible with the maintenance of healthy populations of fish and wildlife, it must be recognized that the likelihood of irreversible or long-term adverse effects to a population or species must be proportional to the magnitude of the risks caused by a proposed use of such population or species.

The Committee recognizes that the management policies and legal authorities of the National Park System and the National Wildlife Refuge System may require different interpretations and application of the "healthy population" concept consistent with the management objectives of each system. Accordingly, the Committee recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and manipulation of the components of the ecosystem.

*Definition of "Subsistence Uses"*

Although many residents of cities such as Ketchikan, Juneau, Anchorage, and Fairbanks harvest renewable resources from the public lands for personal or family consumption, by its very nature a "subsistence use" is something done only by Native and non-Native residents of "rural" Alaska. The Committee adopted an amendment to clarify this point by limiting application of the definition to areas of "rural" Alaska including communities such as Dillingham, Bethel, Nome, Kotzebue, Barrow, and other Native and non-Native villages scattered throughout the State. However, the Committee does not intend to imply that the rural nature of such communities is a static condition; the direction of the economic development and rural character of such communities may change over time. It should be emphasized that this amendment is not intended to impose a "durational" rural residency requirement in the definition or impede the traditional movement of Alaska residents between the rural areas and the major population centers and vice versa. Nor does the amendment prohibit the taking of fish and wildlife on certain public lands by normal residents. Rather, nonsubsistence uses may continue in accordance with existing law but do not enjoy any preference on the public lands, and, consequently, may be restricted pursuant to Section 804 when necessary to protect subsistence resources or to ensure the satisfaction of the subsistence needs of rural residents.

The definition has been modified to eliminate the "for personal or family consumption" limitation upon the taking of wild, renewable resources for "customary trade". The Committee does not intend that "customary trade" be construed to permit the establishment of significant commercial enterprises under the guise of "subsistence uses". The Committee expects the Secretary and the State to closely monitor the "customary trade" component of the definition and promulgate regulations consistent with the intent of the subsistence title.

#### *Local And Regional Participation*

An amendment to section 805 clarifies that regardless of whether the regional council system is established by the Secretary or the State, the relationship between the regional councils and the Secretary or the State is the same; that is, either the Secretary or the State may choose not to follow a recommendation made by a council if the recommendation is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. Another important amendment clarifies that if the State enacts and implements laws of general applicability which satisfy the requirements of Sections 803, 804, and 805, then, unless and until repealed, such State laws shall supersede Sections 803, 804, and 805 insofar as such sections govern State responsibility for the taking of fish and wildlife on the public lands for subsistence uses.

#### *Judicial Enforcement*

The major amendment to Section 807 clarifies that while the Secretary is not required to hold a hearing (either informal or pursuant to formal procedures set forth in the Administrative Procedures Act) prior to bringing a civil action against the State on behalf of a local committee or regional council, he is required, prior to bringing such action, to make a determination in writing setting forth substantial evidence that the State has failed to make adequate and timely provision of the subsistence preference after having been provided a reasonable opportunity to do so, and that such failure threatens the ability of local residents to satisfy their subsistence needs.

#### *Subsistence and Land-Use Decisions*

The Committee adopted two important technical amendments to Section 810. The first substitutes the well-recognized legal standard of "reasonable" in place of "adequate" to describe the steps which the head of a Federal agency must take to minimize adverse impacts on subsistence uses prior to permitting a withdrawal, reservation, lease, permit, or other use, occupancy, or disposition of the public lands which would significantly restrict subsistence uses, although it should be recognized that steps which are "inadequate" to minimize adverse impacts will rarely be "reasonable" within the meaning of this section. The second amendment clarifies that the requirements of Section 810 are "procedural" in that until the requirements of the section have been satisfied the proposed action may not proceed, but once the requirements of the section are satisfied and incorporated into existing land use planning processes the proposed action may proceed even though its effect may be adverse to subsistence uses.

#### *Elimination of the 10-Year Level of Use*

The Committee adopted an amendment to Section 815(1) which eliminated the 10-year standard of measurement on the level of subsistence uses on the public lands. In place of the 10-year standard the Committee substituted language to clarify that nothing in the subsistence management and use title is intended to permit the level of subsistence uses of fish and wildlife within a conservation system unit to be inconsistent with "the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife". The reference to "natural and healthy populations" with respect to national parks and monuments recognizes that the management policies of those units may entail methods of resource and habitat protection different from methods appropriate for other types of conservation system units.

#### *Nonsubsistence Uses of Fish and Wildlife on the Public Lands*

An amendment to Section 815(3) clarifies that the subsistence management and use title is not intended to restrict nonsubsistence uses of fish and wildlife permitted on the public lands except as necessary pursuant to Sections 804 and 810. Nonsubsistence uses also may be appropriately restricted in accordance with other applicable laws in addition to the subsistence title.

The amendments described above are the major clarifying amendments to the subsistence management and use title adopted by the Committee. However, the Committee also adopted a number of technical amendments which are consistent with the title developed last year and which improve the technical workability of the subsistence management system. It also should be noted that nothing in Sections 802, 804, or 807 is intended to affect the Secretary's closure authority pursuant to Section 810.

#### TITLE IX—IMPLEMENTATION OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AND THE ALASKA STATEHOOD ACT

Title IX of S. 9, as introduced, established an expedited legislative conveyance procedure for Native land selections under the Alaska Native Claims Settlement Act and for State selections under the Alaska Statehood Act. Several other provisions designed to facilitate State and native land conveyances were also included in Title IX. The title was adopted by the Committee as a means, along with the designation of national interest lands in the remainder of the bill, to help resolve Alaska's uncertain land ownership status with respect to State and Native land selections and conveyances. Title IX contains the substantive provisions which follow from the finding in Title I, that a prompt and thorough resolution of the status of Alaska public lands is in the best interest of everyone in the Nation.

Several minor amendments to Title IX were agreed to by the Committee and are described in the discussion below.

H.R. 39, as passed by the House, contains language which is similar to the Committee amendment with respect to conveyances to village corporations and other provisions related to native lands, but does not include a provision comparable to Section 902 (other Conveyances to Native Corporations).

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to exclude these lands from the park. This exclusion would also remove a trail that has been used in the past by miners who have worked these claims. The Committee notes that this is considered a unique situation.

The Committee recommends the establishment of a two-unit preserve within the overall management unit, in the northeast and southwest. The Committee recommends the establishment of the preserve (Cathedral Spires and Minchumina units) in order to provide for sport hunting, subsistence uses and continued trapping within the area. The preserves shall be managed in the same manner as the park, except that hunting, trapping and other subsistence activities shall be allowed. Subsistence uses shall be permitted within the preserve portion of the management unit, but not in the park.

#### *Section 203: Administration*

The consumptive use of wildlife resources for subsistence, recreational, and other purposes is a recognized and permitted use of such resources within National Park Preserves. Section 203 clarifies that such use of wildlife resources within areas designated by Sections 201 and 202 as National Park Preserves shall continue subject to reasonable regulation, including the provisions of title VIII.

Since the establishment of the National Park System in 1916, the consumptive use of wildlife resources within National Parks and National Monuments has been prohibited. Such units have traditionally been viewed as wildlife sanctuaries for the nonconsumptive enjoyment of the American public. However, when establishing new units of the National Park System the Congress has had a long-standing traditional practice of reviewing those values and activities within new units which, if immediately curtailed, might result in substantial hardships to the local residents of the area. Consequently, in appropriate instances certain grazing and inholder activities have been phased out of such units gradually, rather than terminated immediately at the time of establishment of the unit.

In other instances, because of their unique significance to the Nation the Congress has authorized the continuation of certain uses within new parks and monuments which would be prohibited under traditional National Park Service management policies. For example, in Hawaii Volcanoes National Park and the Big Cypress National Preserve certain types of subsistence activities are authorized to continue as a result of congressional recognition of their cultural significance. In both units subsistence activities within the park and preserve were specifically linked by the Congress to culturally distinct groups of people: Native Hawaiians at the Volcanoes Park, and the Miccosukee and Seminole Indian tribes of Florida in Big Cypress. The Congress also adopted a similar approach with respect to the continuation of local commercial fishing within the Virgin Islands National Park.

With respect to the situation of local residents in and near certain new national parks and monuments established by this Act, the Committee believes that the establishment of these units should protect the opportunity for local rural residents to continue to engage in a subsistence way of life. The Committee notes that the Alaska Native people have been living a subsistence way of life for thousands of

years, and that the Alaska Native way of life in rural Alaska may be the last major remnant of the subsistence culture alive today in North America. In addition, there is also a significant non-Native population residing in rural Alaska which in recent times has developed a subsistence lifestyle that also is a cultural value.

In addition to the cultural importance of the subsistence lifestyle, the Committee also is aware that curtailment of subsistence uses would impose major hardships upon many residents of rural Alaska. It is a combination of these factors which has led the Committee to conclude that there is a need to continue the opportunity for subsistence uses of renewable resources, including wildlife, within certain National Parks and Monuments by local rural residents who have, or are a member of a family which has, an established or historical pattern of subsistence uses within such units. The Committee believes that local rural residents who maintain their primary, permanent residence within or near such units should have the opportunity to decide for themselves the course, pace, and extent, if any, of their own lifestyle and community evolution.

It should be noted that in most new units of the National Park System the taking of wildlife by local rural residents for subsistence uses has not necessitated the use of aircraft as a means of access, but this concept is not absolute. For example, some years the caribou herds do not use the mountain passes near the village of Anaktuvuk Pass during their annual migration. Since this village has no alternative sources of food, the use of aircraft is essential for the continued survival of the Anaktuvuk Pass people. Similarly, residents of Yakutat have customarily used aircraft for access to the Malaspina Forelands in the Wrangell-St. Elias area for subsistence purposes, since traveling by boat, the only other possible means of transportation, can be extremely dangerous due to the violent storms that frequent the Gulf of Alaska. Although there may be similar situations in other areas of Alaska in which aircraft use for subsistence hunting may be appropriate and should be permitted to continue, the Committee believes that these types of situations are the exception rather than the rule and that only rarely should aircraft use for subsistence hunting purposes be permitted within National Parks and National Monuments. It is not the intent of this Committee to invite additional aircraft use.

In keeping with the philosophy and management policies described above, the Committee recognizes that local rural residents within or near the Gates of the Arctic National Park, Cape Krusenstern National Monument, and the Kobuk Valley National Park have depended for generations upon the subsistence use of wildlife within those units as the foundation of their lifestyle. The Committee intends, and section 203 authorizes, subsistence hunting within those three units by local rural residents to continue subject to reasonable regulation, including the provisions of title VIII. It should be emphasized that this modification of National Park Service policy is based upon the commitment of the Committee and the National Park Service to the protection and continuation of the lifestyle of local rural residents who have, or who are a member of a family which has, an established or historical pattern of subsistence hunting within the park or monument, during those periods of time during which such persons maintain their primary, permanent residence in or near the park or monument.

Consistent with the policy set forth in section 802(1), the Committee intends that communities which contain concentrations of local rural residents with established or historical patterns of subsistence use of wildlife within those units be identified and designated as "resident zones". Persons whose primary, permanent place of residence is within a zone should be permitted to harvest wildlife within the park or monument for subsistence uses without obtaining a National Park Service permit. Of course, such activities would continue to be regulated by the State of Alaska and the National Park Service pursuant to the provisions of title VIII and other State and Federal laws.

The Committee believes that designation of resident zones rather than National Park Service regulation of subsistence hunting by individual permit has a number of advantages. The National Park Service is spared the expense and administrative complications attendant in the implementation of a comprehensive permit system. The traditional movement of local rural residents between rural villages and Alaska's larger population centers can continue, consistent with unit values, without the interference of a complicated administrative structure. And most importantly, rural communities and cultures will not be burdened by implementation of a complex, and in many instances culturally disruptive, regulatory system, unless necessary in specific instances to protect and administer unit values.

In the latter regard, the Committee notes that the resident zone approach to subsistence hunting is consistent with the protection of park and monument values only so long as such zones remain composed primarily of concentrations of residents with an established or historical pattern of subsistence uses of wildlife within the units. The direction of the evolution of many rural communities within resident zones is as yet undetermined. As a result, the composition of residents within a particular community may alter substantially in the future. If so, the Committee expects, and section 203 and title VIII so authorize, the National Park Service to protect unit values by determining eligibility of residents of communities within previously designated resident zones for subsistence hunting purposes through implementation of an individual permit system.

The Committee also recognizes that there may come a time when wildlife available for subsistence uses may be insufficient to satisfy the subsistence needs of local rural residents who choose to continue the subsistence way of life. For example, pressures on a wildlife population may become sufficiently intense that in order to insure the perpetuation of a viable self-sustaining population within the park system unit there may be a need to restrict the subsistence take of such population by residents of communities properly within designated resident zones and by residents who engage in subsistence uses by permit. In such situations the Committee intends that local rural residents of communities or areas which are the most dependent upon the resource and which have the least access to alternative resources should be given a priority use of the population for subsistence purposes pursuant to the provisions of section 801. Priority among local rural residents within such communities or areas also should be established pursuant to the criteria set forth in section 801. The Committee expects the National Park Service to make such critical allocation

decisions in close consultation with the State of Alaska and affected communities and local rural residents.

In authorizing subsistence uses within National Parks, Monuments, Preserves, and National Recreational Areas, it is the intent of the Committee that certain traditional National Park Service management values be maintained. It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources. Rather, the National Park System concept requires implementation of management policies which strive to maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystem, and the Committee intends that that concept be maintained. The National Park Service recognizes, and the Committee agrees, that subsistence uses by local rural residents have been, and are now, a natural part of the ecosystem serving as a primary consumer in the natural food chain. The Committee expects the National Park Service to take appropriate steps when necessary to insure that consumptive uses of fish and wildlife populations within National Park Service units not be allowed to adversely disrupt the natural balance which has been maintained for thousands of years. Accordingly, the Committee does not expect the National Park Service to engage in habitat manipulation or control of other species for the purpose of maintaining subsistence uses within National Park System units.

Several of the new park units established by this legislation, most notably the Gates of the Arctic, Wrangell-St. Elias, the Denali additions, and Lake Clark, encompass some of the most magnificent, remote and untouched mountain terrain in North America. Within these units, whole mountain ranges intersect in a spectacular jumble of unclimbed, uncharted peaks, with rugged spires, great glaciers and snow fields and deep, glacier-carved gorges. These features offer unparalleled opportunities for the whole range of climbing and mountaineering activities, from short day hikes and overnight trips to long treks and major expeditions in truly rugged and remote terrain. The Committee expects that future management of these areas for such purposes will allow such recreational uses with minimal formal regulatory requirements, and with recognition of the desire of such users for solitude, self-reliance and freedom of movement. These uses, and management practices, must be accomplished in a manner consistent with the purposes for which the areas are established and within the limits of sound management principles, including providing for visitor and resource protection.

#### *Section 204: Native selections*

Section 204 provides that valid Native selections or nominations of lands within the boundaries of the Wrangell-St. Elias National Park and Preserve are recognized and shall be honored and conveyed by the Secretary in accordance with the Alaska Native Claims Settlement Act and title IX of this bill. The Committee has determined that the fairest and most equitable means of resolving the dual withdrawal status of lands withdrawn both for Native selection under section 11 and for possible inclusion in one of the conservation systems pursuant to section 17(d)(2) of the Alaska Native Claims Settlement Act is to recognize and honor valid Native selections in the dual-withdrawn

## VII. SECTION-BY-SECTION ANALYSIS

In general, the table of contents and the language of the Committee substitute speak for themselves. However, the language in title VII relative to the Special Management Areas and Forest Utilization Program; title VIII, Subsistence Management and Use; title IX, Implementation of Alaska Native Claims Settlement Act and Alaska Statehood Act; title X, Federal North Slope Lands Study Program; title XI, Transportation and Utility Systems In and Across, and Access Into, Conservation System Units; title XII, Federal State Cooperation; title XIII, Administrative Provisions; title XIV, Amendments to the Alaska Native Claims Settlement Act and Related Provisions; the title XV, National Need Mineral Activity Recommendation Process, is technical in nature and is therefore analyzed in greater detail in the following section of the report.

### TITLE VII—NATIONAL WILDERNESS PRESERVATION SYSTEMS

#### *Section 705: Designation of Special Management Areas Within the Tongass National Forest*

This section designates nine areas of national forest land as "Special Management Areas" to protect the lands now and to provide management flexibility. Thus, the designation recognizes the important public values of these lands and the many existing uncertainties about future timber supply and demand in Southeastern Alaska.

#### *Section 706: Management Rules for Special Management Areas*

This section sets forth the management rules for special management areas. Under subsection 706(b) timber sales from these lands are prohibited for at least ten years after date of enactment. Despite this prohibition the timber volume on these lands will be included in determining the annual allowable sale quantity on the Tongass National Forest. This provision does not affect timber sales made prior to enactment of this Act.

The Committee intends that the special management areas will be managed so as not to preclude any land management options which Congress may consider in the future. No timber shall be sold from the special management areas without the approval of Congress. The Secretary may take certain steps to control disease, insects, and fire which might involve the harvesting of trees. In certain instances, it may also be desirable for the Secretary to authorize the harvest of wind thrown timber, when the harvest of such timber can contribute to the timber base without adversely affecting the other resource values of the special management area. The Committee does not intend that the Secretary would authorize the harvest of wind thrown timber in situations where the construction of roads or other developments would be necessary, or under any circumstances in which the scenic,

(268)

cultural, or scientific resources of the special management area would be adversely affected.

Subsection 700(c) withdraws the land in special management areas from the operation of the United States Mining law. The provision for classification and opening of these lands are identical to those provided for national conservation areas established pursuant to Title IV. The Committee does not intend that these lands be managed as wilderness.

Subsection 700(d) directs the Secretary of Agriculture to monitor timber supply and demand in Southeastern Alaska. At any time after ten years after the date of enactment, the Secretary is directed to request a waiver of the prohibition on timber sales if he finds that timber in any special management area must be sold to maintain the supply to dependent industry at a rate of 520 million board feet per year.

Subsections 706 (e) and (f) provide an expedited procedure for a Congressional approval of any waiver request.

Subsection 706(g) gives the State of Alaska standing to seek a Federal Court Order directing the Secretary of Agriculture to make the finding required and transmit a proposed statutory waiver. The Committee included this provision so as to give the State an opportunity to challenge the Secretary's failure to seek a waiver if it believes that the Secretary of Agriculture should have made the finding required by subsection 706(d). Of course, the State would have to present evidence substantiating its claim and the Secretary of Agriculture would have the opportunity to rebut such evidence.

#### *Section 707: National Forest Timber Utilization Program*

Section 707 establishes a special timber utilization program for the Tongass National Forest. The program is designed to help make Federal timber available from marginal lands. The program includes construction and maintenance of forest development roads under subsection 707(a) and a special loan program to assist timber purchasers under subsection 707(b).

### TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

#### *Section 801: Findings*

The findings are based on the hearings, town meetings and workshops held by the committee in Alaska and Washington. The findings provide the factual and legal foundation for Congressional action to protect subsistence resources and uses on the public lands. The committee recognizes the importance of continued subsistence uses to the economy and lifestyle of rural Alaska, and particularly to the culture of the Alaska Natives. Alternative food sources generally are not available in most rural village to offset a diminution of the traditional subsistence harvest. However, the continuation of subsistence uses in rural Alaska is threatened by the rapid population growth of Anchorage, Fairbanks and other urban centers and the resultant pressure which urban residents engaged in subsistence and sports uses have placed upon important fish and wildlife populations in heretofore remote areas of the State. The subsistence management and use title is the culmination of Congressional action initiated

by Congress by the Alaska Native Claims Settlement Act to protect and provide for continued subsistence uses by Alaska Natives and other rural residents, and is based upon the constitutional authority of Congress over Native affairs and its authority under the Property Clause and the Commerce Clause. The committee also has determined that the protection of the subsistence way of life and the fish and wildlife populations upon which that lifestyle depends necessitates the establishment of an administrative structure which enables rural residents with personal knowledge of local conditions and requirements to have a meaningful role in the regulations and management of fish and wildlife and subsistence uses on the public lands.

#### *Section 802: Policy*

Based upon the findings in the preceding section, three basic policies have been established which shall guide the activities of the Federal government and the State on the public lands: that the utilization of the public lands is to cause the least adverse impact possible upon rural residents who depend upon subsistence uses for their economic and physical well-being and cultural vitality; the nonwasteful subsistence uses of fish, wildlife and other renewable resources, e.g., berries, timber, grasses, shall be the first priority consumptive use of such resources on the public lands, and when or where it is necessary to restrict the taking of such resources, taking for nonwasteful subsistence uses shall be given preference over other consumptive uses; and that the successful management of subsistence resources and activities requires long term cooperation between adjacent landowners and managers, including appropriate State and Federal agencies, Native corporations, and other nations.

#### *Section 803: Definition*

The committee has adopted a definition of "subsistence uses" based on the definition of that term set forth in section 15, ch. 151 SLA 1978 (A.S. 16.05.040) of the Alaska Statutes. In turn, the State definition was modeled on section 703 of the House bill. "Subsistence uses" are defined as the customary and traditional use in Alaska of fish, wildlife and other renewable resources for direct personal or family consumption, for the making and selling of handicraft articles from the non-edible by-products of fish and wildlife taken for direct personal or family consumption, and for customary trade, barter, or sharing for personal or family consumption. The definition of "family" recognizes extended family patterns common to all of Alaska's Native cultures. "Family" includes any person living in a household on a permanent basis as well as those persons living outside the household who are related by blood, marriage or adoption (legal or equitable). "Barter" means the exchange or trade of fish or wildlife, or their parts, for other fish or wildlife, or their parts, or for other food or nonedible items other than money if the exchange is of a limited and noncommercial nature. This definition of "barter" recognizes that in many rural villages the subsistence diet must be supplemented with other foods which may be available from the village store and other sources, and that the limited noncommercial barter of subsistence resources for nonedible items is an essential element of the rural subsistence lifestyle. The definition of "subsistence uses" is intended to include all

Alaska residents who utilize renewable resources for direct personal or family consumption.

However, the phrase "customary and traditional" is intended to place particular emphasis on the protection and continuation of the taking of fish, wildlife, and other renewable resources ~~in a way of and by persons (both Native and non-Native) resident in a part of Alaska~~ in which such uses have played a long established and important role in the economy and culture of the community and in which such uses incorporate beliefs and customs which have been handed down by word of mouth or example from generation to generation. The factors of local residency, economic dependence, and availability of alternative resources have been included in section 804 rather than in the definition. Although a truly comprehensive definition of "subsistence uses" must include a mix of those factors, the committee has determined that they should be incorporated through appropriate action by the State rulemaking authority in conjunction with the recommendations of the regional councils established pursuant to section 805 to implement the subsistence preference set forth in section 804. Sections 803-805 are intended to establish a dynamic process for the regulation of subsistence resources and uses which will enable rural people to participate in the decisionmaking process of the State rulemaking authority in the inclusion of the local residency, economic dependence, and availability of alternative resources factors into the definition of "subsistence uses" on a case-by-case basis to meet the needs of a particular management situation in a particular area.

#### *Section 804: Preference for Subsistence Uses*

This section requires both the State and the Federal government to accord nonwasteful subsistence uses a preference over the taking of such resources for other purposes on the public lands. Although the committee recognizes that only rarely will the failure to adequately provide for the preference result in the threat of literal starvation, in many instances the failure to obtain fish to dry for winter use or fresh meat to supplement other foods can engender considerable individual, community and cultural trauma and hardship. Consequently, this section envisions that governmental action affecting subsistence resources and uses shall be undertaken in a manner which adequately provides for the preference on an ongoing basis and not only when critical allocation decisions may be necessary because a particular subsistence resource may be threatened with depletion, so long as such action is conducted in a manner which is consistent with the protection of the continued viability of fish and wildlife populations which may be affected by such action. If a particular fish or wildlife population (e.g. salmon, moose or caribou) in a particular area is sufficient to sustain a harvest by all persons engaged in subsistence and other uses, the implementation of restrictions on taking set forth in this section need not be imposed by the State rulemaking authority. However, if the continued viability of a particular population or the ability of rural subsistence-dependent residents to satisfy their subsistence needs would be threatened by a harvest by all such persons, the State rulemaking authority, in conjunction with the recommendations of the regional council representing the affected area, is required by this section

to establish regulations which restrict the taking of such population to Alaska residents engaged in subsistence uses.

If "subsistence uses" must be further restricted to protect the continued viability of the population or to ensure the satisfaction of rural subsistence needs, the State rulemaking authority, in conjunction with the recommendations of the regional council, must limit such uses to local residents of the affected area, or, if necessary, only those local residents with the most customary and direct dependence on the population as the mainstay of livelihood and with the least access to alternative food supplies. In the latter situation, the committee believes that in making such difficult allocation decisions, the State rulemaking authority, in conjunction with the recommendations of the regional council, should endeavor to utilize the special knowledge of local conditions and requirements of the local advisory committees within the affected region. This section also requires the Secretary of the Interior and the Secretary of Agriculture to give subsistence uses preferential consideration in their management activities on the public lands which directly relate to the taking of fish and wildlife, and to take appropriate action to protect such uses and the continued viability of fish and wildlife populations upon which the continuation of such uses depend.

*Section 805: Local and Regional Participation*

The committee has determined that the opportunity for rural residents of Alaska with personal knowledge of local conditions and requirements to participate effectively in the management and regulation of subsistence resources on the public is important in order to assure both the continued viability of fish and wildlife populations of national importance and the ability of rural people engaged in a subsistence lifestyle to continue to do so. Although the State has indicated that it intends to provide greater support to its existing local advisory committees and establish a system of regional councils throughout the rural areas of the state which will have a major role in the State rulemaking authority's establishment of seasons, bag limits and the provision of the preference for subsistence uses in their respective areas, the State still is in the process of establishing such a system. Section 805 implements section 801 (5) by requiring the Secretary of the Interior to establish a regional council, and if necessary a local committee, system on the public lands if within one year from the date of enactment of this Act the State has not yet established a system for local and regional participation which satisfies the requirement of this section.

The State system of local and regional participation shall be in compliance with the requirements of this section and the Secretary shall not establish local committees or regional councils if the State: (1) divides the public lands into at least six regions. The number and boundaries of the regions must be sufficient to assure that regional differences in subsistence uses are adequately accommodated.

However, it is the intent of the Committee that the number and boundaries of the regions be established in a manner which does not permit the large urban population centers to dominate the regional council system and exercise control over the regulation of subsistence resources in the rural areas; (2) strengthens the existing State local

fish and game advisory committee system by adequately funding committee activities, assigning appropriate staff and distributing available support data to the committees, and encouraging the committees to work closely with the regional councils to develop a recommended strategy for the management of subsistence resources within each region and recommendations concerning policies, standards, guidelines, and regulations to implement the strategy; (3) establishes a regional council within each region composed of residents of the region with duties and responsibilities analogous to those set forth in section 805(a)(3), and assigns staff and distributes available support data to the councils; and (4) provides by statute or regulation that recommendations made by the regional councils to the State rulemaking authority concerning the taking of fish and wildlife populations on the public lands within their respective regions for subsistence uses shall be considered by the authority during the course of its administrative proceedings.

The rulemaking authority may choose not to follow a recommendation if it determines that based on the evidence presented during the course of the administrative proceedings of the board the recommendation is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If the authority makes such a determination and chooses not to follow the recommendation it shall set forth the factual basis and the reasons for its decision.

So long as the State is in full compliance with the requirements of this section, the Secretary of the Interior shall reimburse the State for reasonable costs relating to the operation of the local committees and the establishment and operation of the regional councils. Such reimbursement may not exceed 50 per centum of such costs in any fiscal year, and total payments to the State shall not exceed the sum of \$5,000,000 in any one fiscal year.

If the Secretary determines, one year after the date of this Act and after notice and hearing, that the State is not in full compliance with the requirements of this section, he shall establish a regional council system, and if necessary a local committee system, on the public lands pursuant to the requirements of this section. In performing this monitoring responsibility pursuant to section 806 and in the exercise of his closure and other administrative authority over the public lands the Secretary of the Interior and the Secretary of Agriculture shall be guided by the annual report and advice of the regional councils established by the Secretary of the Interior pursuant to this section, and shall follow such advice unless he determines in writing that such evidence is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.

*Section 806: Federal Monitoring*

This section requires the Secretary of the Interior to monitor the State's provision of the preference for subsistence uses on the public lands including, in consultation with the Secretary of Agriculture, units of the National Forest System. Such monitoring responsibilities should include ongoing communication and cooperation between Federal land and resources managers and Alaska Department of Fish and

Game personnel, local fish and game advisory committees, regional councils, the State Board of Game and the State Board of Fisheries. In addition, the Secretary must develop a capability to monitor both the status of fish and wildlife populations on the public lands harvested for subsistence uses and State regulatory and enforcement activities to provide the preference for subsistence uses, particularly in the rural areas of Alaska. The monitoring capability must enable the Secretary to aid in the identification of potential problems before fish or wildlife populations become threatened with depletion with resultant hardship to rural subsistence-dependent residents, and communicate information about, and suggested recommendations for the solutions of, such problems to the State, the local committees, and the regional councils in a timely manner. However, such monitoring capability need not necessarily require the creation of a new or separate administrative structure within the Department of the Interior.

*Section 807: Judicial Enforcement*

In addition to his monitoring responsibilities set forth in section 806, this section requires the Secretary of the Interior to investigate any allegation made by a local committee or regional council established by the Secretary or the State pursuant to section 805 that the State is not adequately providing for the preference for subsistence uses within a particular area of the public lands, as to the taking of a particular fish or wildlife population on such lands, or in some other manner. The Secretary shall investigate and report publicly on the results of his investigation. After communicating the results of his investigation to the State, if the Secretary determines that the State still is not adequately providing for the preference after having had a reasonable opportunity to do so, he shall file a civil action against the State in the District Court on behalf and at the request of the local committee or regional council which made the allegation to require the State to take such actions as are necessary to adequately and timely provide such preference.

The failure to adequately restrict the harvest of a particular fish or wildlife population by persons engaged in subsistence or other uses in a particular area (e.g. salmon on the Copper River, moose on the lower Yukon, or caribou in the northwest arctic) pursuant to the criteria set forth in section 804 may threaten such population with immediate and irreparable harm and engender considerable hardship among residents of rural communities which are dependent upon such populations. Consequently, the committee believes that in many situations time may be of the essence to prevent such threat of harm to subsistence resources or human hardship and that temporary judicial relief may be necessary.

The committee also recognizes that because of the location of the Federal courts, inclement weather, poor communication and transportation systems, and the geographical, and in many instances cultural, isolation of many rural communities, timely and effective temporary relief may not be possible under normal judicial procedures. In recognition of these unusual circumstances, this section requires that upon the filing of the complaint, if the District Court makes appropriate findings based upon the pleadings as set forth in this section it shall issue an order to the State to show cause why relief requested in the

complaint should not be granted, and also requires the court to expedite the action in every way. However, no order granting temporary relief shall be issued until the State has been provided an opportunity for hearing. Temporary relief may not be necessary in every case and should terminate upon the alleviation of the circumstances which required such relief. Based upon the circumstances of each situation, the court should endeavor to give due deference to the expertise of the Alaska Department of Fish and Game in regulating and conserving fish and wildlife populations in Alaska which are the subject of subsistence uses. Temporary relief should be limited to an order directing the State to issue an emergency regulation either closing a portion of the public lands to the taking of a particular fish or wildlife population except for subsistence uses by local residents of the affected area (or the most subsistence dependent residents of the area), or, less frequently, opening the harvest of such population to such residents. The taking of fish or wildlife for subsistence uses as directed in the order shall be conducted in conformance with applicable State regulations governing such taking which are not directly related to the regulations which have been superseded by the order, or are not in conflict with such order.

To the extent practicable the court should endeavor to fashion a temporary order which draws upon the expertise and special knowledge of the Alaska Department of Fish and Game. Permanent relief shall be limited to directing the State to submit new regulations to the court which adequately provide for the preference for subsistence uses in the situation which gave rise to the action. When, and if, the court determines that such regulations adequately provide for the preference such regulations shall be incorporated as part of the final order. Such final order shall terminate upon the expiration of the normal period of validity under State law (generally one year) of the regulations which were superseded by the regulations incorporated in the order. Although local committee or regional council may obtain immediate judicial review in State court of a determination of the Board of Game or Board of Fisheries that a regional recommendation should not be adopted because it is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs, this section shall be the sole Federal judicial remedy created by this title for a local committee or regional council which determines that the preference for subsistence uses has not been adequately provided by the State in its region. Consequently, such board or council could simultaneously seek judicial review in State court of the refusal of the Board of Game or Board of Fisheries to adopt a regional recommendation and request an investigation by the Secretary, and potentially the filing of a civil action, pursuant to this section.

*Section 808: Park and Monument Resources Commissions*

This section establishes a subsistence resources commission for each national park or monument within which subsistence uses are permitted by this Act. Each council shall be composed of nine members: Three members appointed by the Secretary of the Interior, three members appointed by the the Governor of Alaska, and three members

appointed by the regional council established by the Secretary or the State pursuant to section 805 which has jurisdiction within the area in which the park or monument is located. Members of the commission appointed by the regional council must be a member of either the regional council or a local committee within the region, and also a resident of a village within or adjacent to the park or monument or whose residents engage in subsistence uses within the park or monument. The commissions shall be established within one year from the date of enactment of this Act, and within eighteen months from the date of enactment of this Act shall devise and recommend a program which provides for subsistence uses of wildlife within the park or monument. Each commission should work closely with the local committees and regional boards in its region and with local communities whose residents are dependent upon the continuation of subsistence uses within the park or monument.

Each year thereafter each commission shall make recommendations to the Secretary and the Governor for any changes in the program or its implementation which it deems necessary, if any. The Secretary shall promptly implement the subsistence program, or yearly recommendations, unless he determines in writing that such program, or yearly recommendation, violates recognized principles of wildlife conservation, is contrary to the purposes for which the park or monument is established, or would be detrimental to the satisfaction of subsistence needs. Pending development and implementation of the subsistence program in each park or monument, the Secretary shall manage such park or monument to permit subsistence uses by local residents.

#### Section 809: Cooperative Agreements

This section authorizes and encourages the Secretary of the Interior and the Secretary of Agriculture to enter into cooperative agreements and otherwise cooperate with other Federal agencies, the State, Native corporations, and other appropriate persons and organizations, including other nations, to manage and protect fish and wildlife resources utilized for subsistence purposes and to otherwise effectuate the purposes and policies of this title.

#### Section 810: Subsistence and Land Use Decisions

This section requires all Federal land managers and Federal agencies with primary jurisdiction over the public lands, including conservation system unit managers and the Bureau of Land Management, to evaluate the effect on subsistence uses and needs in determining whether to withdraw, reserve, lease or otherwise permit the use, occupancy, or disposition of the public lands under any provision of law authorizing such actions. Prior to any withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses, the head of the appropriate Federal agency shall give notice to the appropriate State agency and local committees and regional councils, give notice to local residents of the area and hold a hearing in the vicinity of the area involved, and determine that such significant restriction of subsistence uses is necessary and consistent with sound management principles for the utilization of the public lands. That the proposed activity will involve the minimal amount of public lands necessary to accom-

plish the purposes of the proposed action, and that reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources. If the Secretary is also required to prepare an environmental impact statement pursuant to the National Environmental Policy Act as well as comply with the requirements of this section, he shall provide the notice and hearing as part of the preparation of, and include the findings required by this section in, such environmental impact statement. This section is not to be construed as prohibiting, impairing or in any manner affecting the selection by, and conveyance to the State of Alaska or any Native corporation of any portion of the public lands selected or conveyed pursuant to the Alaska Statehood Act or the Alaska Native Claims Settlement Act.

#### Section 811: Access

This section requires the Secretary of the Interior and Secretary of Agriculture to ensure that residents engaged in subsistence uses shall have appropriate access to subsistence resources on the public lands, and shall permit the taking of fish and wildlife for subsistence uses in areas of Alaska designated as national preserves, national conservation areas, national recreation areas, national parks and monuments in which subsistence uses specifically are permitted by this Act, and areas of the National Wildlife Refuge, National Forest, and Wild and Scenic Rivers Systems in accordance with the requirements of this title and other applicable laws of the United States and the State of Alaska.

The committee intends that access to fish and wildlife populations shall be provided to local residents engaged in subsistence uses regardless of where such populations may be located in the future (except that the section is not intended to permit the subsistence use of wildlife in national parks and monuments which are permanently closed to such uses). Traditional habitat and migration routes may be altered by transportation systems and development activities on the public lands. By focusing on access to the resource itself rather than on the particular portion of the public lands upon which the resources may presently be located, this section provides the flexibility necessary to ensure the continuation of subsistence uses in the future, subject to reasonable regulation.

This section also recognizes the importance of the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes on the public lands. Although aircraft are not included within the purview of this section, reference to means "traditionally employed" for subsistence purposes is not intended to foreclose the use of new, as yet unidentified means of surface transportation, so long as such means are subject to reasonable regulation necessary to prevent waste or damage to fish, wildlife or terrain.

#### Section 812: Research

This section requires the Fish and Wildlife Service and the National Park Service to work in close cooperation with each other and with the State of Alaska and other appropriate Federal agencies in conducting new and ongoing research on fish and wildlife populations utilized for subsistence purposes on the public lands, and on the subsistence use of such populations. The section requires both agencies to utilize the

special knowledge of local conditions and requirements of local residents engaged in subsistence uses in their area.

The expertise of the local committees and regional councils also is a valuable source of information about subsistence resources and uses and the committee expects all Federal agencies engaged in subsistence related research to inform the appropriate committees and council about research projects being planned or conducted in their respective areas and work closely with those organizations. The results and data obtained from research conducted pursuant to this section shall be made available to the State, the local committees and regional councils and other appropriate persons and organizations. The committee also respects that research conducted pursuant to this section will be undertaken in a manner which does not disrupt the traditional activities of rural residents engaged in subsistence uses, as well as the communities and cultures of which such residents may be a part.

#### *Section 813: Periodic Reports*

Four years after the date of enactment of this Act and every three years thereafter, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall prepare and submit a report to the Congress which shall include a description and evaluation of monitoring activities undertaken pursuant to section 806, the status of fish and wildlife populations on the public lands harvested for subsistence uses, a description of the nature and extent of subsistence and other uses of fish and wildlife on the public lands, a description of the role of subsistence uses in the economy and culture of rural Alaska, comments on the report by the State of Alaska, the local committees and regional councils and other appropriate persons and organizations, a description of those actions taken by the Secretary or the State, or which may need to be taken in the future to protect and continue subsistence uses on the public lands, and such other recommendations as the Secretary deems appropriate. A notice of the report shall be published in the Federal Register and the report made available to the public.

#### *Section 814: Regulations*

This section requires the Secretary of the Interior and the Secretary of Agriculture to prescribe such regulations as are necessary and appropriate to carry out their respective responsibilities under this title.

#### *Section 815: Limitations; Savings Clauses*

This section provides that nothing in this Act is intended to be construed as granting any property right in any subsistence resource on the public lands; permitting the level of subsistence uses to be inconsistent with the conservation of healthy populations of fish and wildlife, within a conservation system unit, and with the conservation of natural and healthy populations within a national park or monument; permitting any privilege which may be granted by the State to any person with respect to subsistence uses to be assigned; permitting any subsistence use of fish or wildlife on any portion of the public land which was permanently closed to such uses on January 1, 1978; vesting elsewhere than in the Secretary any authority to manipulate habitat on any portion of the public lands; enlarging or diminishing the responsibility and authority of the State of Alaska for the management

of fish and wildlife on the public lands except as specifically provided in this Act; amending the Alaska constitution; or modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife.

#### *Section 816: Closure to Subsistence Uses*

This section provides that all national parks and monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence and sport fishing shall be permitted in such areas in accordance with the provisions of this title and other applicable laws of the United States and the State of Alaska. Except as specifically provided in this section nothing in this title is intended to enlarge or diminish the authority of the Secretary under existing law including the Wildlife Refuge Administration Act, and the BLM Organic Act, to designate areas where, and establish periods when, no taking of fish or wildlife shall be permitted on the public lands for reasons of public safety, administration, to assure the continued viability of a particular fish or wildlife population or for other purposes. Thus, the Secretary remains empowered to authorize a more restrictive hunting season than is otherwise permitted by State law. However, in recognition of the importance of subsistence uses by rural residents of Alaska, notwithstanding any other provision of this Act or other law, subsistence uses of a particular fish or wildlife population on the public lands, and such uses by local residents within conservation system units which are open to subsistence uses (including national parks and monuments), may be prohibited on the public lands, or on any portion thereof, only temporarily for reasons of public safety, administration, or to assure the continued viability of such population.

Such a closure must be preceded by consultation with the State and adequate notice and hearing in the vicinity of the area of the closure, unless the Secretary determines that an emergency situation exists and that emergency measures must be taken to protect the public safety or the continued viability of a particular fish or wildlife population. In the latter situation, the Secretary may immediately close the public lands, or any portion thereof, to subsistence uses of a particular fish or wildlife population for a period not to exceed sixty days, which may not be subsequently extended unless the Secretary affirmatively establishes, after notice and hearing, that such an extension is justified. No closure for purposes of administration may be made prior to notice and hearing in the vicinity of the area of the closure. No closure order to the taking of a fish or wildlife population for subsistence uses authorized by this section shall extend longer than necessary to achieve the immediate purpose for the closure established at the hearing held prior to the issuance of such order.

Thus, for example, while the Secretary may prohibit the taking of wildlife for subsistence uses for reasons of public safety in a certain area surrounding a public campground, roadway or hiking trail, such a closure should not be limited to any arbitrary or inflexible time period. Rather, it should remain in effect only so long as reasonably necessary to provide for the public safety during normal periods of consistent public use, and only apply to the minimum portion of

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the public lands reasonably necessary to achieve this purpose. Although, this section authorizes the restriction of subsistence uses for purposes of administration, recognition of the importance of subsistence activities to most rural residents requires that this authority be utilized narrowly and with consistent restraint. In exercising its authority to protect the continued viability of a fish or wildlife population, it is not the intent of the Committee that actual depletion of a population or an emergency exist before a closure under this section may be justified. Continued subsistence uses by rural residents can only be maintained if the continued viability of fish and wildlife populations utilized for subsistence purposes can be maintained.

#### TITLE IX—IMPLEMENTATION OF ALASKA NATIVE CLAIMS SETTLEMENT ACT AND ALASKA STATEHOOD ACT

##### *Section 901: Conveyances to Village Corporations*

This section provides for the conveyance by legislative action of surface rights to eligible Village Corporations, and in some cases, subsurface rights to eligible Regional Corporations. All conveyances made by this section are subject to valid existing rights and may be subject to public easement reservations as provided in Section 903(a).

Subsection (a) provides that the provisions of this section shall be applicable only to Native corporations which elect to receive conveyance pursuant to this section within 180 days.

Subsection (b) legislatively conveys land to eligible Village Corporations where such land is mandated by ANCSA to be selected by the Village Corporation.

Paragraph (1) conveys to a Village Corporation, found eligible by the Secretary, the surface estate to public land in its "core" township or townships. A "core" township is that township which encloses all or part of the improved area constituting the Village. The conveyance is immediate, subject to valid existing rights, and must be otherwise consistent with provisions of the ANCSA such as acreage limitations, contiguity, and location in respect to Home Rule or First-class cities.

Where two or more Villages, by reason of locality, have claimed the same township, the conveyance is delayed until the Village Corporations involved agree to the division of the township, or such dispute is settled by arbitration (see subsection (c)).

Paragraph (2) conveys to a Village Corporation, found eligible by the Secretary, the surface estate to State of Alaska "selected" lands (such are not public lands under Section 3(e) of the ANCSA) in the "core" township. The conveyance procedures and criteria are the same as for paragraph (1) except that certain types of lands, currently in litigation or dispute, are not conveyed by this legislation. These types of land are those lands selected, but not yet patented to the State under the School or University Land Grants, the Mental Health Land Grant, or where the State had by December 18, 1971, conditionally granted title to a third party pursuant to the tentative approval authority of Section 6(g) of the Alaska Statehood Act. Should the results of the litigation or settlement of the disputes be in favor of the Native Corporation, the Secretary would be required to subsequently convey such lands under either the procedures of Section 902 or the ANCSA, as appropriate.

JUL 09 1985

NOTICE OF ADOPTION  
OF EMERGENCY REGULATIONS

As required by AS 44.62.250, notice is given that, under authority vested by AS 16.05.255, AS 16.05.340, AS 16.05.346, AS 16.05.780, AS 16.05.920, and AS 16.05.930, the Alaska Board of Game adopted on this date, as emergency regulations, 5 AAC 78,001 - 5 AAC 78.600, 5 AAC 80.001 - 5 AAC 80.600, 5 AAC 82.001 - 5 AAC 82.600, 5 AAC 86.001 - 5 AAC 86.910, 5 AAC 88.001 - 5 AAC 88.910, 5 AAC 92.001 - 5 AAC 92.990, relating to the use or taking of game.

Regulations adopted as emergency regulations and emergency orders of repeal are as follows:

CHAPTER 78. SOUTHEAST ALASKA

- 5 AAC 78.001. DESCRIPTION OF SOUTHEAST ALASKA
- 5 AAC 78.002. APPLICATION OF REGULATIONS
- 5 AAC 78.005. DESCRIPTION OF GAME MANAGEMENT UNITS
- 5 AAC 78.015. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR BLACK BEAR
- 5 AAC 78.020. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR BROWN AND GRIZZLY BEAR
- 5 AAC 78.030. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR DEER
- 5 AAC 78.040. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR GOAT
- 5 AAC 78.045. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR MOOSE
- 5 AAC 78.060. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR FUR ANIMALS
- 5 AAC 78.065. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR SMALL GAME
- 5 AAC 78.070. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR UNCLASSIFIED GAME
- 5 AAC 78.115. GENERAL HUNTING SEASONS AND BAG LIMITS FOR BLACK BEAR
- 5 AAC 78.120. GENERAL HUNTING SEASONS AND BAG LIMITS FOR BROWN AND GRIZZLY BEAR
- 5 AAC 78.130. GENERAL HUNTING SEASONS AND BAG LIMITS FOR DEER
- 5 AAC 78.140. GENERAL HUNTING SEASONS AND BAG LIMITS FOR GOAT
- 5 AAC 78.145. GENERAL HUNTING SEASONS AND BAG LIMITS FOR MOOSE
- 5 AAC 78.160. GENERAL HUNTING SEASONS AND BAG LIMITS FOR FUR ANIMALS
- 5 AAC 78.165. GENERAL HUNTING SEASONS AND BAG LIMITS FOR SMALL GAME
- 5 AAC 78.170. GENERAL HUNTING SEASONS AND BAG LIMITS FOR UNCLASSIFIED GAME

- 5 AAC 78.210. PERMITS, PERMIT PROCEDURES, AND PERMIT CONDITIONS
- 5 AAC 78.300. AREAS CLOSED TO HUNTING
- 5 AAC 78.600. CLOSURES AND RESTRICTIONS ON STATE GAME REFUGES

CHAPTER 80. SOUTHCENTRAL ALASKA

- 5 AAC 80.001. DESCRIPTION OF SOUTHCENTRAL ALASKA
- 5 AAC 80.002. APPLICATION OF REGULATIONS
- 5 AAC 80.005. DESCRIPTION OF GAME MANAGEMENT UNITS
- 5 AAC 80.010. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR BISON
- 5 AAC 80.015. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR BLACK BEAR
- 5 AAC 80.020. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR BROWN AND GRIZZLY BEAR
- 5 AAC 80.025. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR CARIBOU
- 5 AAC 80.030. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR DEER
- 5 AAC 80.040. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR GOAT
- 5 AAC 80.045. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR MOOSE
- 5 AAC 80.055. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR SHEEP
- 5 AAC 80.060. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR FUR ANIMALS
- 5 AAC 80.065. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR SMALL GAME
- 5 AAC 80.070. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR UNCLASSIFIED GAME
- 5 AAC 80.115. GENERAL HUNTING SEASONS AND BAG LIMITS FOR BLACK BEAR
- 5 AAC 80.120. GENERAL HUNTING SEASONS AND BAG LIMITS FOR BROWN AND GRIZZLY BEAR
- 5 AAC 80.125. GENERAL HUNTING SEASONS AND BAG LIMITS FOR CARIBOU
- 5 AAC 80.130. GENERAL HUNTING SEASONS AND BAG LIMITS FOR DEER
- 5 AAC 80.140. GENERAL HUNTING SEASONS AND BAG LIMITS FOR GOAT
- 5 AAC 80.145. GENERAL HUNTING SEASONS AND BAG LIMITS FOR MOOSE
- 5 AAC 80.155. GENERAL HUNTING SEASONS AND BAG LIMITS FOR SHEEP
- 5 AAC 80.160. GENERAL HUNTING SEASONS AND BAG LIMITS FOR FUR ANIMALS
- 5 AAC 80.165. GENERAL HUNTING SEASONS AND BAG LIMITS FOR SMALL GAME
- 5 AAC 80.170. GENERAL HUNTING SEASONS AND BAG LIMITS FOR UNCLASSIFIED GAME

5 AAC 81.340 is repealed  
5 AAC 81.350 is repealed  
5 AAC 81.360 is repealed  
5 AAC 81.400 is repealed  
5 AAC 81.900 is repealed  
5 AAC 81.910 is repealed  
5 AAC 81.920 is repealed  
5 AAC 81.930 is repealed

CHAPTER 82. SOUTHWEST ALASKA

5 AAC 82.001. DESCRIPTION OF SOUTHWEST ALASKA  
5 AAC 82.002. APPLICATION OF REGULATIONS  
5 AAC 82.005. DESCRIPTION OF GAME MANAGEMENT UNITS  
5 AAC 82.015. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS  
FOR BLACK BEAR  
5 AAC 82.020. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS  
FOR BROWN AND GRIZZLY BEAR  
5 AAC 82.025. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS  
FOR CARIBOU  
5 AAC 82.030. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS  
FOR DEER  
5 AAC 82.035. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS  
FOR ELK  
5 AAC 82.040. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS  
FOR GOAT  
5 AAC 82.045. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS  
FOR MOOSE  
5 AAC 82.055. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS  
FOR SHEEP  
5 AAC 82.060. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS  
FOR FUR ANIMALS  
5 AAC 82.065. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS  
FOR SMALL GAME  
5 AAC 82.070. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS  
FOR UNCLASSIFIED GAME  
5 AAC 82.115. GENERAL HUNTING SEASONS AND BAG LIMITS FOR  
BLACK BEAR  
5 AAC 82.120. GENERAL HUNTING SEASONS AND BAG LIMITS FOR  
BROWN AND GRIZZLY BEAR  
5 AAC 82.125. GENERAL HUNTING SEASONS AND BAG LIMITS FOR  
CARIBOU  
5 AAC 82.130. GENERAL HUNTING SEASONS AND BAG LIMITS FOR  
DEER  
5 AAC 82.135. GENERAL HUNTING SEASONS AND BAG LIMITS FOR  
ELK  
5 AAC 82.140. GENERAL HUNTING SEASONS AND BAG LIMITS FOR  
GOAT  
5 AAC 82.145. GENERAL HUNTING SEASONS AND BAG LIMITS FOR  
MOOSE  
5 AAC 82.155. GENERAL HUNTING SEASONS AND BAG LIMITS FOR  
SHEEP  
5 AAC 82.160. GENERAL HUNTING SEASONS AND BAG LIMITS FOR  
FUR ANIMALS

- 5 AAC 80.210. PERMITS, PERMIT PROCEDURES, AND PERMIT CONDITIONS
- 5 AAC 80.300. AREAS CLOSED TO HUNTING
- 5 AAC 80.400. CONTROLLED USE AREAS
- 5 AAC 80.500. MANAGEMENT AREAS
- 5 AAC 80.600. CLOSURES AND RESTRICTIONS ON STATE GAME REFUGES

CHAPTER 81. HUNTING

- 5 AAC 81.010 is repealed
- 5 AAC 81.013 is repealed
- 5 AAC 81.020 is repealed
- 5 AAC 81.021 is repealed
- 5 AAC 81.022 is repealed
- 5 AAC 81.030 is repealed
- 5 AAC 81.040 is repealed
- 5 AAC 81.055 is repealed
- 5 AAC 81.056 is repealed
- 5 AAC 81.057 is repealed
- 5 AAC 81.060 is repealed
- 5 AAC 81.072 is repealed
- 5 AAC 81.075 is repealed
- 5 AAC 81.080 is repealed
- 5 AAC 81.090 is repealed
- 5 AAC 81.110 is repealed
- 5 AAC 81.115 is repealed
- 5 AAC 81.125 is repealed
- 5 AAC 81.126 is repealed
- 5 AAC 81.130 is repealed
- 5 AAC 81.140 is repealed
- 5 AAC 81.145 is repealed
- 5 AAC 81.160 is repealed
- 5 AAC 81.170 is repealed
- 5 AAC 81.175 is repealed
- 5 AAC 81.180 is repealed
- 5 AAC 81.185 is repealed
- 5 AAC 81.200 is repealed
- 5 AAC 81.210 is repealed
- 5 AAC 81.215 is repealed
- 5 AAC 81.216 is repealed
- 5 AAC 81.218 is repealed
- 5 AAC 81.237 is repealed
- 5 AAC 81.238 is repealed
- 5 AAC 81.239 is repealed
- 5 AAC 81.240 is repealed
- 5 AAC 81.250 is repealed
- 5 AAC 81.260 is repealed
- 5 AAC 81.270 is repealed
- 5 AAC 81.280 is repealed
- 5 AAC 81.290 is repealed
- 5 AAC 81.300 is repealed
- 5 AAC 81.310 is repealed
- 5 AAC 81.320 is repealed
- 5 AAC 81.330 is repealed

- 5 AAC 82.165. GENERAL HUNTING SEASONS AND BAG LIMITS FOR SMALL GAME
- 5 AAC 82.170. GENERAL HUNTING SEASONS AND BAG LIMITS FOR UNCLASSIFIED GAME
- 5 AAC 82.210. PERMITS, PERMIT PROCEDURES, AND PERMIT CONDITIONS
- 5 AAC 82.230. SPECIAL PROVISIONS FOR GENERAL PERMIT HUNTS
- 5 AAC 82.240. PERMIT FOR ACCESS TO MCNEIL RIVER STATE GAME SANCTUARY
- 5 AAC 82.250. PERMIT FOR ACCESS TO WALRUS ISLANDS STATE GAME SANCTUARY
- 5 AAC 82.300. AREAS CLOSED TO HUNTING
- 5 AAC 82.400. CONTROLLED USE AREAS
- 5 AAC 82.600. CLOSURES AND RESTRICTIONS ON STATE GAME REFUGES

CHAPTER 84. TRAPPING

- 5 AAC 84.010 is repealed
- 5 AAC 84.020 is repealed
- 5 AAC 84.030 is repealed
- 5 AAC 84.040 is repealed
- 5 AAC 84.050 is repealed
- 5 AAC 84.060 is repealed
- 5 AAC 84.080 is repealed
- 5 AAC 84.110 is repealed
- 5 AAC 84.115 is repealed
- 5 AAC 84.120 is repealed
- 5 AAC 84.160 is repealed
- 5 AAC 84.170 is repealed
- 5 AAC 84.175 is repealed
- 5 AAC 84.280 is repealed
- 5 AAC 84.285 is repealed
- 5 AAC 84.300 is repealed

CHAPTER 86. WESTERN AND ARCTIC ALASKA

- 5 AAC 86.001. DESCRIPTION OF WESTERN AND ARCTIC ALASKA
- 5 AAC 86.002. APPLICATION OF REGULATIONS
- 5 AAC 86.005. DESCRIPTION OF GAME MANAGEMENT UNITS
- 5 AAC 86.015. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR BLACK BEAR
- 5 AAC 86.020. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR BROWN AND GRIZZLY BEAR
- 5 AAC 86.025. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR CARIBOU
- 5 AAC 86.045. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR MOOSE
- 5 AAC 86.050. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR MUSK OXEN
- 5 AAC 86.055. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR SHEEP
- 5 AAC 86.060. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR FUR ANIMALS
- 5 AAC 86.065. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR SMALL GAME

- 5 AAC 86.070. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR UNCLASSIFIED GAME
- 5 AAC 86.115. GENERAL HUNTING SEASONS AND BAG LIMITS FOR BLACK BEAR
- 5 AAC 86.120. GENERAL HUNTING SEASONS AND BAG LIMITS FOR BROWN AND GRIZZLY BEAR
- 5 AAC 86.125. GENERAL HUNTING SEASONS AND BAG LIMITS FOR CARIBOU
- 5 AAC 86.145. GENERAL HUNTING SEASONS AND BAG LIMITS FOR MOOSE
- 5 AAC 86.150. GENERAL HUNTING SEASONS AND BAG LIMITS FOR MUSK OXEN
- 5 AAC 86.155. GENERAL HUNTING SEASONS AND BAG LIMITS FOR SHEEP
- 5 AAC 86.160. GENERAL HUNTING SEASONS AND BAG LIMITS FOR FUR ANIMALS
- 5 AAC 86.165. GENERAL HUNTING SEASONS AND BAG LIMITS FOR SMALL GAME
- 5 AAC 86.170. GENERAL HUNTING SEASONS AND BAG LIMITS FOR UNCLASSIFIED GAME
- 5 AAC 86.210. PERMITS, PERMIT PROCEDURES, AND PERMIT CONDITIONS
- 5 AAC 86.220. PERMIT FOR MUSK OXEN ON SEA ICE
- 5 AAC 86.225. BROWN AND GRIZZLY BEAR PERMITS
- 5 AAC 86.300. AREAS CLOSED TO HUNTING
- 5 AAC 36.400. CONTROLLED USE AREAS
- 5 AAC 86.500. MANAGEMENT AREAS
- 5 AAC 86.600. CLOSURES AND RESTRICTIONS ON STATE GAME REFUGES
- 5 AAC 86.910. ELIGIBILITY FOR HUNTING IN GATES OF THE ARCTIC NATIONAL PARK

CHAPTER 88. INTERIOR ALASKA

- 5 AAC 88.001. DESCRIPTION OF INTERIOR ALASKA
- 5 AAC 88.002. APPLICATION OF REGULATIONS
- 5 AAC 88.005. DESCRIPTION OF GAME MANAGEMENT UNITS
- 5 AAC 88.010. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR BISON
- 5 AAC 88.015. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR BLACK BEAR
- 5 AAC 88.020. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR BROWN AND GRIZZLY BEAR
- 5 AAC 88.025. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR CARIBOU
- 5 AAC 88.040. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR GOAT
- 5 AAC 88.045. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR MOOSE
- 5 AAC 88.055. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR SHEEP
- 5 AAC 88.060. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR FUR ANIMALS
- 5 AAC 88.065. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR SMALL GAME

- 5 AAC 88.070. SUBSISTENCE HUNTING SEASONS AND BAG LIMITS FOR UNCLASSIFIED GAME
- 5 AAC 88.115. GENERAL HUNTING SEASONS AND BAG LIMITS FOR BLACK BEAR
- 5 AAC 88.120. GENERAL HUNTING SEASONS AND BAG LIMITS FOR BROWN AND GRIZZLY BEAR
- 5 AAC 88.125. GENERAL HUNTING SEASONS AND BAG LIMITS FOR CARIBOU
- 5 AAC 88.140. GENERAL HUNTING SEASONS AND BAG LIMITS FOR GOAT
  
- 5 AAC 88.145. GENERAL HUNTING SEASONS AND BAG LIMITS FOR MOOSE
- 5 AAC 88.155. GENERAL HUNTING SEASONS AND BAG LIMITS FOR SHEEP
- 5 AAC 88.160. GENERAL HUNTING SEASONS AND BAG LIMITS FOR FUR ANIMALS
- 5 AAC 88.165. GENERAL HUNTING SEASONS AND BAG LIMITS FOR SMALL GAME
- 5 AAC 88.170. GENERAL HUNTING SEASONS AND BAG LIMITS FOR UNCLASSIFIED GAME
- 5 AAC 88.210. PERMITS, PERMIT PROCEDURES, AND PERMIT CONDITIONS
- 5 AAC 88.300. AREAS CLOSED TO HUNTING
- 5 AAC 88.400. CONTROLLED USE AREAS
- 5 AAC 88.500. MANAGEMENT AREAS
- 5 AAC 88.600. CLOSURES AND RESTRICTIONS ON STATE GAME REFUGES
- 5 AAC 88.910. ELIGIBILITY FOR HUNTING IN GATES OF THE ARCTIC NATIONAL PARK

CHAPTER 90. GENERAL PROVISIONS

- 5 AAC 90.005 is repealed
- 5 AAC 90.010 is repealed
- 5 AAC 90.020 is repealed

CHAPTER 92. STATEWIDE PROVISIONS

- 5 AAC 92.001. APPLICATION OF THIS CHAPTER
- 5 AAC 92.002. LIABILITY FOR VIOLATIONS
- 5 AAC 92.005. POLICY FOR CHANGING BOARD AGENDA
- 5 AAC 92.010. HARVEST TICKETS AND REPORTS
- 5 AAC 92.012. LICENSES AND TAGS
- 5 AAC 92.014. BROWN AND GRIZZLY BEAR TAG FEE EXEMPTION
- 5 AAC 92.016. MUSK OXEN TAG FEE
- 5 AAC 92.018. WATERFOWL CONSERVATION TAG
- 5 AAC 92.020. APPLICATION OF PERMIT REGULATIONS AND PERMIT REPORTS
  
- 5 AAC 92.025. PERMIT FOR EXPORTING RAW SKINS
- 5 AAC 92.027. PERMIT FOR EXPORTING TROPHIES
- 5 AAC 92.029. PERMIT FOR POSSESSING LIVE GAME
- 5 AAC 92.031. PERMIT FOR SELLING SKINS AND TROPHIES
- 5 AAC 92.033. PERMIT FOR SCIENTIFIC, EDUCATIONAL, OR PROPAGATIVE PURPOSES
- 5 AAC 92.037. PERMIT FOR FALCONRY

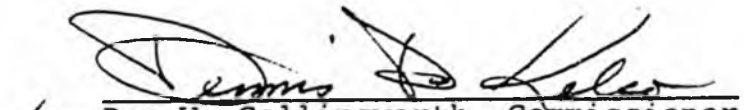
5 AAC 92.039. PERMIT FOR TAKING WOLVES FROM AIRCRAFT  
 5 AAC 92.041. PERMIT TO TAKE BEAVERS TO CONTROL DAMAGE TO  
 PROPERTY  
 5 AAC 92.043. PERMIT FOR CAPTURING WILD FUR BEARERS FOR  
 FUR FARMING  
 5 AAC 92.045. PERMIT FOR HUNTING BLACK BEAR WITH DOGS  
 5 AAC 92.050. REQUIRED PERMIT HUNT CONDITIONS AND  
 PROCEDURES  
 5 AAC 92.052. DISCRETIONARY PERMIT HUNT CONDITIONS AND  
 PROCEDURES  
 5 AAC 92.054. PRIORITY FOR SUBSISTENCE HUNTING  
 5 AAC 92.056. POINT SYSTEM FOR CUSTOMARY AND DIRECT  
 DEPENDENCE  
 5 AAC 92.058. POINT SYSTEM FOR LOCAL RESIDENCY  
 5 AAC 92.060. POINT SYSTEM FOR AVAILABILITY OF  
 ALTERNATIVE RESOURCES  
 5 AAC 92.075. LAWFUL METHODS OF TAKING GAME  
 5 AAC 92.080. UNLAWFUL METHODS OF TAKING GAME  
 5 AAC 92.085. UNLAWFUL METHODS OF HUNTING BIG GAME  
 5 AAC 92.090. UNLAWFUL METHODS OF HUNTING FUR ANIMALS  
 5 AAC 92.095. UNLAWFUL METHODS OF TRAPPING FUR BEARERS  
 5 AAC 92.100. UNLAWFUL METHODS OF HUNTING WATERFOWL,  
 SNIPE, AND CRANES  
 5 AAC 92.105. LOCAL RESTRICTIONS ON TAKING GAME  
 5 AAC 92.110. CONTROL OF PREDATION BY WOLVES  
 5 AAC 92.120. WOLF PREDATION CONTROL PROGRAMS  
 5 AAC 92.140. UNLAWFUL POSSESSION OR TRANSPORTATION OF  
 GAME  
 5 AAC 92.150. EVIDENCE OF SEX AND IDENTITY  
 5 AAC 92.160. MARKED OR TAGGED GAME  
 5 AAC 92.165. SEALING OF BEAR SKINS AND SKULLS  
 5 AAC 92.170. SEALING OF MARTEN, LYNX, OTTER, WOLF OR  
 WOLVERINE  
 5 AAC 92.175. SEALING OF BEAVER  
 5 AAC 92.200. PURCHASE AND SALE OF GAME  
 5 AAC 92.210. GAME AS ANIMAL FOOD OR BAIT  
 5 AAC 92.220. SALVAGE OF GAME MEAT, FURS, AND HIDES  
 5 AAC 92.230. FEEDING OF GAME  
 5 AAC 92.240. TRANSFER OF MUSK OXEN TO PRIVATE OWNERSHIP  
 5 AAC 92.250. TRANSFER OF MUSK OXEN FOR SCIENTIFIC AND  
 EDUCATIONAL PURPOSES  
 5 AAC 92.260. TAKING CUB BEARS AND FEMALE BEARS WITH CUBS  
 PROHIBITED  
 5 AAC 92.400. EMERGENCY TAKING OF GAME  
 5 AAC 92.410. TAKING OF GAME IN DEFENSE OF LIFE OR  
 PROPERTY  
 5 AAC 92.800. ENDANGERED SPECIES  
 5 AAC 92.990. DEFINITIONS

It is estimated that this action will require increased appropriations as follows: FY 86, \$321,400; FY 87, \$37,500; FY 88, \$37,500; FY 89, \$37,500.

Copies of these regulations may be obtained by writing to the Alaska Board of Game, PO Box 3-2000, Juneau, Alaska, 99802, or may be inspected at any Department of Fish and Game regional office.

Notice is given that the Alaska Board of Game intends to make these regulations permanent under AS 44.62.240, and any person interested may present written statements or arguments relevant to the proposed action by writing to the Alaska Board of Game, PO Box 3-2000, Juneau, Alaska, 99802, so that comments are received no later than August 30, 1985.

DATE: July 5 1985  
Juneau, Alaska

  
for Don W. Collinsworth, Commissioner  
Alaska Dept. of Fish and Game

ADFG · Division of Boards  
Box 3-2000  
Juneau, Alaska 99802

OFFICIAL BUSINESS  
STATE OF ALASKA

STATE PENALTY FOR  
PRIVATE USE

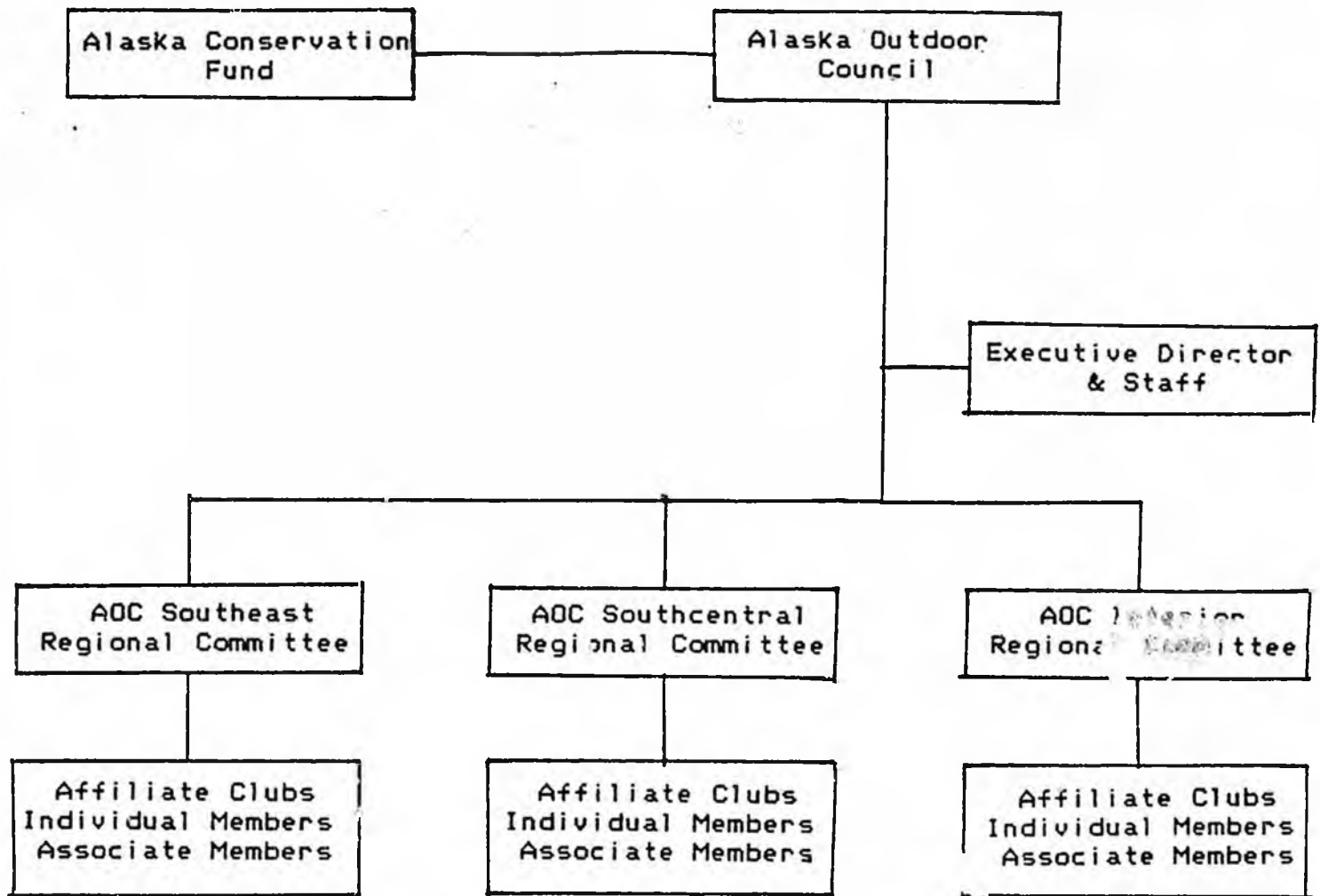


MAIL TO  SEN DON BENNETT  
BOX 2801  
FAIRBANKS AK 99707

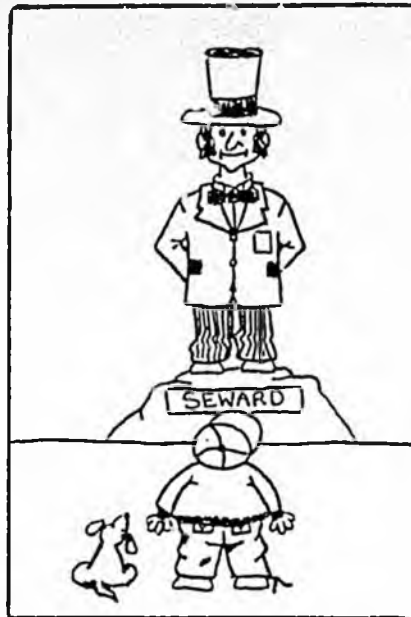
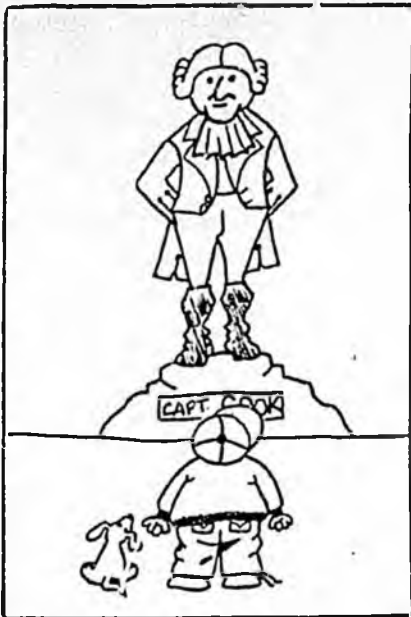
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FIRST CLASS MAIL

**Alaska Outdoor Council  
&  
Alaska Conservation Fund  
Organizational Chart**



1. Board of Directors elected from membership.
2. Regional coordinating committees consisting of representatives from each affiliate organization and representatives at large.
3. Local clubs, other affiliates and individual members. Delegates from these organizations and representatives at large elect Board of Directors and establish policy guidelines for Board of Directors and the Executive Director.
4. Alaska Fish and Wildlife Conservation Fund Board of Directors elected by AOC Board of Directors. This is a tax deductible organization.



WELCOME... TO THE

*SOUTHCENTRAL  
OUTDOOR  
COALITION*

**PROTECT YOUR:**

- ACCESS rights
- HUNTING rights
- FISHING rights
- FIREARMS rights
- TRAPPING rights
- PUBLIC LAND USE rights

**PRESERVE ALASKA'S  
NATURAL RESOURCES  
and  
CRITICAL HABITAT**

Join in a TOTAL commitment towards positive action!

# ALASKA FISH & WILDLIFE FEDERATION AND OUTDOOR COUNCIL

**WHAT AND WHO is the Alaska Fish and Wildlife Federation and Outdoor Council?**

We are a nonprofit corporation, newly reorganized and revitalized, with a membership of 5,000 and growing.

We are a federation of concerned and active sportsmen and outdoor enthusiasts who want to help Alaska speak loudly and clearly with a strong effective voice on important matters involving fishing, hunting, trapping, outdoor recreation, and the right to keep and bear arms.

## GOALS AND COMMITMENTS:

- Maintenance of Alaska's fish & wildlife resources;
- Preservation of critical wildlife habitat;
- Assurance of access to, and use of public resources;
- Perpetuation of the public's hunting, fishing, trapping & shooting rights;
- Equality among public resource users;
- Support of professional, state management of Alaska's wildlife and other natural resources;
- Dedication to continued public education on renewable resource management;
- Participation in regulatory, legislative, administrative, judicial policy-making decisions affecting Alaska's natural resources and their uses.



**JOIN the Alaska Fish and Wildlife Federation & Outdoor Council. For more information, please write to address on this brochure.**

I support the goals and commitments of the ALASKA FISH & WILDLIFE FEDERATION and OUTDOOR COUNCIL and wish to become a member. I enclose my donation of \$\_\_\_\_\_ of which \$15.00 covers my annual membership dues.

**ALASKA FISH  
& WILDLIFE  
FEDERATION &  
OUTDOOR  
COUNCIL**

3780 McGinnis Dr.  
Juneau, AK  
99801

NAME \_\_\_\_\_ DATE \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_

\_\_\_\_\_ Hm. Phone # \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

\_\_\_\_\_ Wk Phone # \_\_\_\_\_

Are you a member of an outdoor club?



\_\_\_\_\_ name of club

## ATTENTION

The following is a list of suggestions for writing to Legislators:

1. Be polite/never threaten
2. Be as brief as possible
3. Describe your problem or complaint  
(Subsistance or Tier Two)
4. Tell how it effects you
5. Tell how it affects your family
6. List your concerns: future generations, game management, separate classes of citizens, etc.
7. Ask for their response - how do they feel, can you support them, do they support you.

Remember: 50 Letters will get their attention and make it hard for them to ignore you.

---

Office of the Governor  
Bill Sheffield, Governor  
Third Floor, State Capitol  
Pouch A, Juneau, Ak. 99811

---

### Senators

Mitch Abood  
3102 Northwood Dr.  
Anchorage ,Ak. 99503

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6060 Yukon Dr./SRA Box 62F  
Anchorage, Ak. 99516

Vic Fischer  
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Anchorage, Ak. 99501

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Anchorage, Ak. 99501

Jalmar Kerttula  
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Palmer, Ak. 99567

Arliss Sturgulewski  
2957 Sheldon Jackson  
Anchorage, Ak. 99508

Edna DeVries  
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Palmer, Ak. 99645

Paul Fischer  
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Soldotna, Ak. 99669

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Kenai, Ak. 99611

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Box 110912  
Anchorage, Ak. 99511

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Eagle River, Ak. 99577

Marco Pignalberi  
6712 Lunar Drive  
Anchorage, Ak. 99504

Steve Rieger  
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Anchorage, Ak. 99511

Rick Uehling  
3605 Arctic, HH  
Anchorage, Ak. 99501

# ALASKA OUTDOOR COUNCIL AFFILIATES

File: Council Member Clubs  
 Report: Listing  
 Club

Page 1  
 8 5 85

Club	Address	City/State	Zip
Alaska Alpine Rescue Group	3641 Sandvik	Fairbanks, AK.	99701
Alaska Boating Assoc.	6614 E .10th	Anchorage, AK.	99504
Alaska Ch/F.N.A.W.S.	PO Box 10-774	Anchorage, AK.	99511
Alaska Falconers Association	P.O. Box 55390	North Pole, AK	99705
Alaska Frontier Trappers Assoc.	P.O. Box 2856	Palmer, AK.	99645
Alaska Gun Collectors Assoc.	Box 10-1496	Anchorage, AK.	99511
Alaska Mycological Society	PO Box 1471	Soldotna, AK	99669
Alaska Prof. Hunters Assoc.	P.O. Box 441	Talkeetna, AK.	99676
Alaska Prof. Sportfishing Assoc.	P.O. Box 6748	Anchorage, AK.	99502
Alaska Sportfishing Assoc.	3605 Arctic Blvd. #	Anchorage, AK.	99503
Alaska Sports & Wildlife Club	P.O. Box 5122	Ketchikan, AK.	99901
Alaska Trappers Assoc.	P.O. Box 60418	Fairbanks, AK.	99706
Alaska Waterfowl Assoc.	3105A Lake Shore Dr	Anchorage, AK.	99503
Alaskan Alpine Club	3641 Sandvik	Fairbanks, AK.	99701
Alaskan Bowhunters Assoc. Inc.	P.O. Box 6629	Anchorage, AK.	99502
Alaskans Unite Slana Chapter	ST Box 350	Slana, Alaska	99586
Chitina Dipnetters	1002 Pioneer Road	Fairbanks, AK.	99701
College Cubs Rifle Club	469 NRA Lane	Fairbanks, AK.	99701
Delta Sportsmen's Asso	P.O. Box 1309	Delta Junction	99737
Eastern Brooks Rge. Guides Assoc	P.O. Box 72906	Fairbanks, AK.	99707
Fairbanks Practical Shooting Clu	579 University Ave.	Fairbanks, AK.	99701
Gold Nugget Skydivers	P.O. Box 82033	College, AK.	99708
Interior Trail Riders Assoc.	PO Box 10128	Fairbanks, AK.	99710
Interior Wildlife Assoc.	1426 Second Ave.	Fairbanks, AK.	99701
Juneau Rifle & Pistol Club	6001 North St.	Juneau, AK.	99801
Kenai R. Sportfishing Assoc.	2819 Dawson	Anchorage, AK.	99503
Ketchikan Marine Charters	PO Box 7896	Ketchikan, AK.	99901
Ketchikan Volunteer Rescue Squad	P.O. Box 5786	Ketchikan, AK.	99901
Kodiak Island Sportsmens Assoc.	P.O. Box 1098	Kodiak, AK.	99615
Matanuska Valley Sportsmen	P.O. Box 1875	Palmer, AK.	99645
McKinley Mountainmen	188 Citation	Eagle River, A	99577
Midnight Sun Moose Hiders & M. L	P.O. Box 80443	College, AK.	99708
Muskeg Muzzle Loaders Club	9951 Sprucewood #68	Juneau, AK.	99801
Petersburg Rod & Gun Club	Box 528	Petersburg, AK	99833
Safari Club International	8240 Hartzell	Anchorage, AK.	99509
Sitka Sportsmen's Assoc.	Box 1200	Sitka, AK.	99835
Snow Shoe Gun Club	P.O. Box 125	Kenai, AK.	99611
Tanana Valley Rifle & Pistol Clu	2801 Talkeetna	Fairbanks, AK.	99701
Tanana Valley Sportsmen Assoc.	P.O. Box 669	Fairbanks, AK.	99707
Territorial Sportsmen	3780 McGinnis Dr.	Juneau, AK.	99801
Tok Trap Club	c/o Box 134	Tok, AK.	99780
Ultralight Flyers of Alaska	SR 2 Box 4155	Chugiak, AK.	99567