

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9460 HOUSE STATE AFFAIRS

cc:Mail for: Representative Beverly Masek

Subject: HJR 21

From: 103174.3043@CompuServe.COM ("John A. Miller") at CC2MHS1 3/14/97 11:21 PM

To: representative beverly masek at LAA_TRANS

cc: representative al vezey at LAA_TRANS

cc: senator gary wilken at LAA_TRANS

cc: representative scott ogan at LAA_TRANS

cc: representative john davies at LAA_TRANS

cc: representative jeannete james at JNU_LAA

cc: Representative Gene Therriault at LAA_TRANS

cc: senator bert sharp at LAA_TRANS

I urge your support of HJR 21. There is NO WAY Alaskans are going to accept the racist demands of the Federal Govt. to reserve what is now the bulk and will eventually be all of the hunting opportunity for rural residents. The ONLY acceptable way out of this mess is to change ANILCA so that we are all treated equally.

Thanks for your efforts on behalf of the vast majority.

cc:Mail for: Representative Beverly Masek

Subject: HJR21

From: 102262.2135@CompuServe.COM (Mary/Dick Bishop) at CC2MHS1 3/14/97 12:34 AM

To: representative beverly masek at LAA_TRANS

Dear Rep. Masek:

I wish to strongly support this proposed legislation. Because of Title VIII in ANILCA "all other uses must be eliminated before "customary and traditional" subsistence use by rural residents can be restricted." That is a quote from a 1995 Interior Dept. memo to the Federal Subsistence Board. Customary and traditional uses have been defined in court to mean virtually year-round hunting -- and we all know that customary and traditional techniques include such things as netting waterfowl.

Harvest practices that once were necessary to avoid starvation are no longer necessary. If allowed, they will preclude all other users and uses. We know (and AFN's "no net loss" policy passed in 1996 agrees) that the federal priority exists all the time -- not just when there is a shortage. We also know (and again the AFN policy agrees) that customary and traditional subsistence harvests can be sold for substantial amounts of cash in commercial markets.

ANILCA must be amended. We must learn to share -- share the resource, the technology used in modern resource harvest, and the conservation ethic that safely allows sustainable harvests.

Thank you for pursuing this legislation. This is my first e-mail ever to an elected official. I would appreciate a response if you can find the time.
Sincerely, Mary Bishop



Bristol Bay Driftnetters' Association, Inc.

P.O. Box 21951

Juneau, AK 99802

Phone: (907) 463-4970 • FAX: (907) 586-1001 4970

3-7-97

TO: Rep. Beverly Masek

FROM: Dean Peddock

SUBJECT: HJR 21

Bravo for the introduction of
this resolution. Without the
sought-for action by Congress
our society will be forever
divided and our viability as a
state destroyed!



Alaska State Legislature

Please enter into the record my testimony to the House Resources
committee name
committee on HJR 21, dated March 13, 1997.
bill/subject

Strongly support HJR 21.

However, whenever possible we need to find ways to eliminate "preferences" and begin to emphasize how people live and not where they live. When the "how" is the center of focus then the terms subsistence preference, or customary and traditional use preference no longer have application.

Let me be up front, the intent of the "native" population is as clear today as in the 1970's (during development of ANCSA). That intent was to leave one leg staunchly rooted in "tradition" but the other leg in the modern corporate economy & there in reap the fruits of multiple economies & cultures.

Signed: *Ernest Portscheller, Jr.*
Testifier

Representing (Optional)
P.O. BOX 2544 Palmer, Alaska, U.S.A. 99675
Address

Phone No.

①

Alaska State Legislature

Please come into the record my testimony to the House Resources
 committees on HJR 21 (committee name) dated 3-14-97
 bill/subject

I would like to commend Representative Masek for offering the most logical /common sense approach to solving the subsistence issue that is breaking the state of Alaska apart. ~~XXXX~~ I believe this is a good approach and support HJR 21.

1st I support subsistence to put game and fish on a persons table as food. I believe that was the intent and that the Feds & others are using subsistence to achieve their own personal agendas.

2nd The state of Alaska was accepted into the Union of the United States of America with a state constitution prepared and accepted by Alaskans and also accepted by the US Congress, The state constitution was not in conflict with the US Constitution. I donot believe the US Congress or the President has the authority

Signed: Dick Cooso Phone: _____
 Testifier
 Representing (Optional)
 Address

Fax transmitted from Ketchikan Legislative Information Office
 Phone: 225-9675 Fax: 225-8546

cc:Mail for: REPRESENTATIVE SCOTT OGAN

Subject: anilca

From: galloway@mosqitonet.com (Bob galloway) at CC2MHS1 3/13/97 3:50 PM

To: Representative Scott Ogan at LAA_TRANS

Dear Mr. Ogan, thanks for helping push in a bill about resolving the anilca issue, I would like to say you have my full support as well as all of my friends and if I can write any one or email please let me know, lets put Alaska Wildlife managment back where it belongs in alaska. thanks again Bob Galloway

cc:Mail for: REPRESENTATIVE SCOTT OGAN

Subject: HJR 21

From: 102262.2135@CompuServe.COM (Mary/Dick Bishop) at CC2MHS1 3/14/97 12:34 AM

To: representative scott ogan at LAA_TRANS

Dear Representative Ogan:

I wish to strongly support this proposed legislation. Because of Title VIII in ANILCA "all other uses must be eliminated before "customary and traditional" subsistence use by rural residents can be restricted." That is a quote from a 1995 Interior Dept. memo to the Federal Subsistence Board. Customary and traditional uses have been defined in court to mean virtually year-round hunting -- and we all know that customary and traditional techniques include such methods as netting waterfowl.

Harvest practices that once were necessary to avoid starvation are no longer necessary. If allowed, they will preclude all other users and uses. We know, and AFN's "no net loss" policy passed in 1996 agrees that the federal priority exists all the time -- not just when there is a shortage. We also know, and again the AFN policy agrees, that customary and traditional subsistence harvests can be sold for substantial amounts of cash in commercial markets.

ANILCA must be amended. We must learn to share--share the resource, the technology used in modern resource harvest, and the conservation ethic that safely allows sustainable harvests.

Thank you for pursuing this legislation. This is my second e-mail ever to an elected official. I would appreciate a response if you can find the time.
Sincerely, Mary Bishop

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

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cc:Mail for: REPRESENTATIVE SCOTT OGAN

Subject: HJR 21

From: mcgehee@mosquionet.com at CC2MHS1 3/13/97 12:58 PM

To: Representative Scott Ogan at LAA_TRANS

Representatives Masek and Ogan:

I am writing to express my support for the resolution you have sponsored to urge Congress to amend ANILCA and restore Alaskans' right to manage their own fish and game.

The United States government does not, in my opinion, have the authority to direct the people of Alaska to amend their state's constitution to suit appointed bureaucrats who write regulations based on statutes, the constitutional authority of which are themselves questionable. The U.S. Constitution requires state constitutions to abide by the U.S. Constitution and federal statutes "pursuant" to it, but as I understand "pursuant," this applies only to statutes particularly necessary to give force to the powers expressly granted in the U.S. Constitution.

There being no explicit federal power to manage fish and game, even on federal lands, ANILCA clearly does not meet this standard. The Interior Department's efforts, then, to extort Alaskans into altering their state constitution is in violation of the U.S. Constitution.

By rights, it should not be necessary to amend ANILCA to relieve this problem -- but "by rights" means very little in these blighted times.

Thank you for introducing HJR 21, and I want very much to see it adopted by the Legislature. Maybe then our friends, Senators Stevens and Murkowski, and Rep. Young, will recognize that a decision has been made, and will use their vaunted clout to get the job done.

Kevin McGehee
North Pole, Alaska
mcgehee@mosquionet.com
<http://www.mosquionet.com/~mcgehee/>

cc:Mail for: REPRESENTATIVE SCOTT OGAN

Subject: HJR 21

From: PENRITH@aol.com at CC2MHS1 3/13/97 5:02 PM

To: Representative Scott Ogan at LAA_TRANS

cc: Representative Beverly Masek at LAA_TRANS

I commend your efforts at passage of HJR 21, and the attendant changes in ANILCA. Please number me, my wife, and four other adult members of our Alaska family as strong supporters of HJR 21. There are no more noble provisions of our State constitution than those which insure equal enjoyment of our natural resources for all citizens. The solution to our subsistence problems lies with the amendment of ANILCA, not with changes in our constitution which would divide our people and regress to segregation.

March 14, 1997

Patrick & Arleta O'Connor
PO Box 3687
Palmer, Alaska 99645
March 14, 1997

TO: ALL MEMBERS OF THE HOUSE RESOURCE COMMITTEE

We would like to show our support for HJR21 by Representative Bev Masek.

The people of Alaska accepted the constitution for the state when we became a state. The federal government accepted our constitution as written when we became a state. Years later, why should the federal government decide that we should change our constitution to meet their way of thinking?

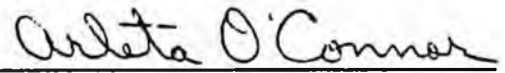
We used to hunt on lands that were added to Denali Park long before the lands were added to the park. In 1985 the Park Service said that we no longer had customary and traditional use of the land. We have been bounced around like a ping pong ball by the different federal agencies for 12 years. It is a no-win situation for us unless we had a lot of money for high power attorneys.

Our question is; what is the definition of customary and traditional use of the land?

We trust that you all can agree to the HJR21 bill.



Patrick O'Connor



Arleta O'Connor

cc:Mail for: Representative Beverly Masek

Subject: ANILCA

From: akklaich@ptialaska.net at CC2MHS1 3/19/97 8:52 PM

cc: Representative Scott Ogan at LAA_TRANS

To: Representative Beverly Masek at LAA_TRANS

Please support the effort to fix ANILCA by changing it at the Federal level. The Alaska constitution prohibits discrimination against any/all Alaskans with respect to the use of fish and game. Please help change ANILCA (HJR 21) so that it does not contradict our constitution.

Thank you.

Steve Klaich

cc:Mail for: Representative Beverly Masek

Subject: [Fwd: ANILCA]

From: galloway@mosquitonet.com (Bob galloway) at CC2MHS1 3/13/97 3:52 PM

To: Representative Beverly Masek at LAA_TRANS

Message-ID: <33289239.5A0E@mosquitonet.com>
Date: Thu, 13 Mar 1997 14:48:10 -0900
From: Bob galloway <galloway@mosquitonet.com>
X-Mailer: Mozilla 3.0 (Win95; U)
MIME-Version: 1.0
To: masek@legis.state.ak.us
Subject: ANILCA
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit

Dear Ms or Mrs Masek, I am behind you 100% on amending anilca. I know that every alaskan that I have spoken with about anilca is in agreement that we need to manage our own fish and wildlife, shoot that's what we pay biologists for. Our men and women in the fish and game department have attended the same universitys that other biologist in the federal government have attended and I believe that they each and every one love alaska, and its natural resources and will go to any length to protect it for future generations of alaskans and it is about time that the US Congress realizes this, and returns management where it belongs, in alaska for alaska, again Beverly keep up the good work. Bob Galloway

cc:Mail for: Representative Beverly Masek

Subject: HJR 21

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To: Representative Scott Ogan at LAA_TRANS

bcc: Representative Beverly Masek at LAA_TRANS

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Thank you for introducing HJR 21, and I want very much to see it adopted by the Legislature. Maybe then our friends, Senators Stevens and Murkowski, and Rep. Young, will recognize that a decision has been made, and will use their vaunted clout to get the job done.

Kevin McGehee
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Mr. Gregory
12931 Stephenson St

A Myhre

345-6085

Anchorage

AK 99515

Distribution

60

Affiliation

Reg Voter

Y

Date POM Sent

Constituency

Bill Number

Response

Subject

03/31/97

N

HJR 21

Supports

I AM IN SUPPORT OF REPRESENTATIVE MASEK'S RESOLUTION, HJR 21. REQUEST THAT YOU ALL WORK TOGETHER TO SEE THAT IT IS PASSED SO WE CAN BRING CONTROL BACK TO THE STATE OF ALASKA.

Mr. Al M Sharp 562-1415
 907 W 57th Ave
 Anchorage AK 99518 Distribution 60 Affiliation Reg Voter
 U
 Date POM Sent Constituency Bill Number Response Subject
 04/01/97 N HJR 21 Supports

I AM IN FULL SUPPORT OF HJR 21 BECAUSE THE CONSTITUTION OF ALASKA SAYS THAT THE NATURAL RESOURCES BELONG TO ALL THE PEOPLE OF ALASKA.

Mr. Michael Evans 000-0000
 HC01 Box 6205
 Palmer AK 99645 Distribution 60 Affiliation Reg Voter
 Y
 Date POM Sent Constituency Bill Number Response Subject
 04/01/97 N HJR 21 Supports

I TOTALLY SUPPORT THIS BILL AND ENCOURAGE YOUR SUPPORT ALSO.

Mr. Robert Mielke 745-6622
 PO Box 870988
 Wasilla AK 99687 Distribution 02 Affiliation Reg Voter
 Y
 Date POM Sent Constituency Bill Number Response Subject
 04/01/97 C HJR 21 Supports

I SUPPORT HJR 21 AND I URGE THE STATE LEGISLATURE TO ADOPT THIS RESOLUTION.

Mr. Paul A Smith 776-8196
 PO Box 7471
 Nikiski AK 99635 Distribution 60 Affiliation Reg Voter
 Y
 Date POM Sent Constituency Bill Number Response Subject
 04/01/97 N HJR 21 Supports

I WANT TO ENCOURAGE YOU TO SUPPORT HJR21.

Mr. John
2022 Brandilyn St

A Gimarc

345-0629

				Distribution	Affiliation	Reg Voter
Anchorage	AK	99516		60		Y
Date POM Sent	Constituency	Bill Number	Response	Subject		
04/02/97	N	HJR 21	Supports			

I STRONGLY SUPPORT HJR 21. IT IS TIME FOR THE ALASKA LEGISLATURE TO TAKE STEPS TO TAKE CONTROL OF FISH AND GAME MANAGEMENT IN ALASKA.

Mrs. Roberta
6525 Roosevelt Dr

Shields

225-6334

			Distribution	Affiliation	Reg Voter
Ketchikan	AK	99901	42		Y
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/01/97	N	HJR 21	Supports		

I APPRECIATE YOUR TAKING THE STAND IN TRYING TO PULL EVERYBODY TOGETHER FOR A SOLUTION ON THIS SUBSISTENCE ISSUE. I REALLY SUPPORT YOU FOP YOUR EFFORTS. I THINK YOU ARE DOING A GREAT JOB.

Mr. Earl
1450 Tongass

Mossburg

225-9330

			Distribution	Affiliation	Reg Voter
Ketchikan	AK	99901	42	Life-long	Y
Date POM Sent	Constituency	Bill Number	Response	Subject	
04/01/97	N	HJR 21	Supports		

REPRESENTATIVE MASEK: I SALUTE YOU FOR YOUR INTRODUCTION OF HJR 21. YOU ARE ONE WHICH UNDERSTANDS THE OATH OF OFFICE WHICH YOU SWORE TO UPHOLD. YOU MAY HAVE LOST A FEW FRIENDS BUT YOU WILL GAIN MANY. HJR 21 HAS BEEN YEARS

IN COMING FROM ALASKA'S LEGISLATURE. KEEP UP THE GOOD WORK. YOU ARE A TRUE ALASKAN.

cc:Mail for: Representative Beverly Masek

Subject: ANILCA , Title 8 and HJR 21

From: 103174.3043@CompuServe.COM ("John A. Miller") at CC2MHS1 4/7/97 2:03 AM

bcc: representative beverly masek at LAA_TRANS

cc: representative al vezey at LAA_TRANS

cc: senator bert sharp at LAA_SSHA

To: representative tom brice at LAA_TRANS

cc: representative john davies at LAA_TRANS

cc: representative jeannete james at JNU_LAA

cc: senator gary wilken at LAA_TRANS

cc: senator_murkowski@murkowski.senate.gov at CC2MHS1

cc: senator_stevens@stevens.senate.gov at CC2MHS1

cc: donyoung@hr.house.gov at CC2MHS1

Ted Stevens is a racist bully. Straight to hell with him!

He and Tony Knowles advocate the same approach - We re going to retain the State s right to manage fish and wildlife, and the way we re going to do it is by doing exactly what the Feds tell us to do]. What difference does it make if we do their bidding or they do it themselves? (The only difference I can see is who gets to pay for the Gestapo to enforce it.)

Please continue to resist the idea that because the Federal Government may have the power to shove us in this cesspool, we should just jump. Make them shove, make it as difficult for them as possible, leave some scratch marks on the rim.

Show some backbone. Pass HJR 21.

Thank you.

John A. Miller
1260 March Dr.
Fairbanks, 99709

**The Alaska Boating Association**

P.O. Box 210430

Anchorage, Alaska 99521

Donald Sherwood- President

April 7, 1997

Representative Jeannette James, Chair
House State Affairs Committee
Alaska State Legislature, House of Representatives
State Capitol, Interdepartmental Mail Stop: 3101
Juneau, AK 99801-1182

Dear Representative James:

We ask you and your committee to support HJR0021 relating to amendment of Title VIII of the Alaska National Interest Lands Conservation Act, sponsored by Representatives Beverly Masek and Scott Ogan. This is well written, concise, and clearly states the need for amendments to Title VIII of ANILCA. These two young legislators should be commended for this resolution.

The rights and powers of the state and people within the state to manage their own resources have truly been jeopardized by Federal Agency use of provisions within Title VIII to preempt state authority over a portion of fish and wildlife management on public land and water in Alaska. This is both unfair and unnecessary. Now the Federal Government tells us that we must amend our State Constitution if we are to regain control of management of our resources. Our Constitution conforms to the United States Constitution and requires no change. Title VIII of ANILCA is the document that requires change to bring this issue to a quick and just end.

We see this resolution as a means to begin to pave the way for amendment of Title VIII and encourage it's adoption as swiftly as possible.

Thank you,

Roy J. Burkhart, Legislative Affairs Officer, Alaska Boating Association

cc: All Members of the House State Affairs Committee: Dyson, Ivan, Hodgins, Vezey,
Berkowitz, and Elton
Representative Beverly Masek
Representative Scott Ogan
Don Sherwood, President, Alaska Boating Association



FRAN ULMER
LIEUTENANT GOVERNOR
STATE OF ALASKA

April 3, 1997

Mr. Paul Stuart
Frontiersman
1261 Seward Meridian
Wasilla, AK 997654

Dear Mr. Stuart:

I am writing to request that you immediately correct the April 2 Frontiersman article on subsistence. I said nothing that would suggest support for HJR 21. The resolution contains numerous inaccuracies and is worthless without a constitutional amendment to allow the state to provide for a rural subsistence priority. The resolution is not "just the ticket" to anything unless a whole package approach (constitutional amendment, state statutes and definition of terms in ANILCA) is adopted simultaneously. That will require the cooperation of the Alaska Legislature and the congressional delegation. If HJR 21 opens a dialogue to achieve that cooperation and to put a constitutional amendment before Alaskans voters, that would be a step forward! However, if it is only used as a way of shifting blame or tossing a hot potato to avoid meaningful action on this important issue, then it is a waste of paper.

I have observed but not "accepted" the Legislature's inaction on the Governor's constitutional amendment. We still believe it is absolutely essential that they pass it. No "solution" is complete without it.

Sincerely,


Fran Ulmer
Lieutenant Governor



FRAN ULMER
LIEUTENANT GOVERNOR
STATE OF ALASKA

April 3, 1997

Mr. Paul Stuart
Frontiersman
1261 Seward Meridian
Wasilla, AK 997654

RECEIVED BY

APR - 9 1996

Rep. Jeannette James

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Sincerely,



Fran Ulmer
Lieutenant Governor

Rep Beverly Masek

HOUSTON HONORS FIREFIGHTERS FOR MILLER'S REACH EFFORTS. SEE PAGE A3

MIDWEEK

Volume 49, Number 62 April 2, 1987

50¢

Frontiersman

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Growing with Alaska's Mat-Su Valley since 1947



Ulmer: subsistence resolution vital

By PAUL STUART
Frontiersman reporter

WASILLA — A statement by Lt. Gov. Fran Ulmer last week indicated possible administration support for a resolution now before the state Legislature, aimed at regaining control of fish-and-game management for the state.
The resolution, sponsored by Rep. Beverly Masek, R-Willow,

urges the federal government to rewrite a contentious section of the 1981 Alaska National Interest Lands Conservation Act (ANILCA). The rewording would keep the concept of rural preference for fish and game harvesting in times of need, but the state would get to define the meanings of rural and traditional use. In Masek's view, this could both satisfy federal authorities, and bring ANILCA

into harmony with those parts of the state constitution that guarantee equal rights for all Alaskans.
Ulmer, in an interview Wednesday, said she thinks the resolution would "do more than that."
She agreed with Masek that Congress might jump at the opportunity to resolve the 16-year-old deadlock on subsistence, and yield back to the state the

widening federal control of fish-and-game management.
And Ulmer also stressed she doesn't think resolving the subsistence issue can wait, "even though some politicians are saying court rulings in favor of Indian Country might make the issue moot."
Ulmer said even if Indian Country were established in all 226 Alaska villages, it wouldn't make fish-and-game manage-

ment problems go away.
"That would still leave millions of acres of federal land that weren't in Indian Country," Ulmer said. "And it would be more complicated than ever. We'd have three authorities instead of just two managing our fish and game." She foresaw adding tribal authorities to the federal and state agencies already clashing over fish-and-game management.

Ulmer said Alaska's congressional delegation, consisting of Republican Senators Frank Murkowski and Ted Stevens, and Rep. Don Young, has been saying it doesn't want to make a move on the subsistence quandary until some kind of consensus is reached in the state.
The lieutenant governor indicated Masek's resolution might
See GAME, Page A9

Ancient art



Fire consolidation plan entangled in red tape

By SUE STUART
For the Frontiersman

PALMER — The state fire consolidation project at Palmer

administration. According to City Manager Tom Smith, some facts and desires of the state can't be light that would materially change the original intent of the

with Federal Aviation Administration grants, and although City Attorney Jack Snodgrass said a way could probably be found to sell it, it would be

Art deadline nears

All briefs of amicus — of the court — on both side of the state and in opinion, must be entered no later than 30 days after the April 7 deadline. He said the court then has 10 days in which to make any responses. Botelho said the Supreme Court then would likely make a decision by the end of June or to accept the case. The court could ask the Solicitor General for his views, Botelho said. That times is done, he said, in a case where the federal government is not directly involved, but nevertheless significant interests, as in Venetie. There would normally be no deadline for the solicitor general to submit views to the high court, he said. Whether or not the solicitor

general becomes involved, Botelho said if the Supreme Court accepts the case, it would not be heard until the justices convene for their fall session, and possibly not until the spring of next year.

Besides rushing through the \$1 million appropriation, Alaska House Speaker Gail Phillips, R-Homer, and Senate President Mike Miller, R-North Pole, also quickly issued a six-page report, detailing severe impacts they say might result from claims that could follow the Venetie ruling of Indian Country status by all 226 Alaska villages.

The report described potential erosion of the state's revenue base, threats to civil rights of Alaskans — both Native and non-Native — and the loss of state authority in fish and game management.

Continues to spread

its were never surrendered



GAME: Resolution on target

Continued from Front Page

be just the ticket to ending the impasse.

"If the Legislature passes this (Masek's resolution), then we could say to our congressional delegation, 'There, we have some kind of consensus. Now the ball's in your court,'" Ulmer said. She said she has accepted the present Legislature is not going to agree to put a measure on the ballot to amend Alaska's constitution to bring it into harmony with the existing Title VIII

of ANILCA. That means another solution is needed, Ulmer said.

The federal stand on the conflict between the two has been the source of the deadlock.

Masek's resolution cleared the House Resources Committee last week, and Resources chairman Scott Ogan, R-Palmer, said he is optimistic it can quickly move on to final approval.

Ogan also said Friday he was eager to meet with the lieutenant governor about the new development.

The Mat-Su Council



Largest Alcohol free event of it's kind in the State!
 Saturday, April 19, Lake Lucille Inn

Preview 5:30 • Dinner 6:30 • Fun 7:30 • Call 376-4000

Dinner tickets \$25 (Table of 10 for \$235)
 Ticket price includes auction & door prize opportunities

ALASKA
Health Fair
 Saturday, April 5
 9am - 2pm
 Health Screening & Information
 by Valley professionals



NANA Regional Corporation

P.O. BOX 49 / KOTZEBUE, ALASKA 99752 / (907) 442-3301 / FAX (907) 442-2886

INUPIAT ILITQUSIAT

April 9, 1997

*With guidance and support
from Elders; I teach my
children these Inupiaq Values:*

State Affairs Committee Members:

- Rep. Jeanette James, Chair
- Rep. Fred Dyson
- Rep. Ivan Ivan
- Rep. Mark Hodgins
- Rep. Al Vezey
- Rep. Ethan Berkowitz
- Rep. Kim Elton

Respect for Elders

Knowledge of Language

Love for Children

Knowledge of Family Tree

Respect for Others

Responsibility to Tribe

Respect for Nature

Hunter Success

Domestic Skills

Family Roles

Sharing

Cooperation

Humility

Avoid Conflict

Hard Work

Humor

Spirituality

I would like to provide you with a written testimony on HJR 21 -- Relating to amendment of Title VIII of the Alaska National Interests Lands Conservation Act.

Essentially, this resolution is an attempt to gut the key subsistence provisions of Title VIII of ANILCA. It asks Congress to amend Title VIII in 10 specific areas; the key amendments would allow the state to define the terms "rural" and "customary and traditional", would remove the federal government from any enforcement role in subsistence protection, and would reduce the role and authority of the subsistence advisory boards. This is the reason NANA Regional Corporation opposes HJR 21.

Here are further comments on each of the 10 proposed amendments as specified in HJR 21, by the amendment number in the resolution:

1. Changing the definition of "public lands" to exclude state and private (ANCSA) lands and waters eliminates the option of federal subsistence protection on millions of acres of land that have been selected but not yet conveyed to the state or ANCSA corporations.

The federal government gives ANCSA corporations approval authority over activities proposed on selected lands; this amendment would eliminate that authority from being extended in the future to subsistence protection.

2. This amendment would prevent the federal government from enforcing the rural subsistence priority by assuming management of fish and game resources in the event the state continued to not comply with the rural preference specified in Title VIII unless authorized by an act of Congress. This would completely remove the only incentive for the state to address the rural subsistence preference issue.

3. Removing navigable waters from the management authority of federal agencies is directly counter to the decision in the Katie John ruling, and means again the federal government could not manage subsistence resources on state lands and waters to ensure the rural preference.

4. This would eliminate the jurisdiction of the federal courts to oversee state compliance with Title VIII. In other words, there would be no oversight of state compliance with ANILCA with authority to compel compliance.





LETTER TO STATE AFFAIRS COMMITTEE ON HJR 21
PAGE two

5. This section authorizes the state to define the terms "rural" and "customary and traditional". This obvious intent is to skew the definitions of these key terms to include urban residents.
6. This amendment revises the criteria in Title VIII for the subsistence preference from the stronger federal standard of "least adverse impact" on customary and traditional uses to a weaker standard of providing a "reasonable opportunity" to carry out subsistence activities. The result is it would be more difficult to maintain and enforce a strong rural subsistence preference.
7. This section would state that ANICLA neither affirms nor denies tribal sovereignty. ANILCA is already sovereignty neutral.
8. This provision gives authority to the state to determine whether subsistence advisory councils should be established. It is unlikely the state would then support the creation of advisory boards to advise the state on an issue to which they are opposed in the first place.
9. This provision furthermore states that regional subsistence advisory councils are advisory only, with no ability to require regulatory councils to adhere to their advice. If the above provision fails, this provision renders an advisory councils essentially useless.
10. This section would disallow the commercial sale of fish and wildlife taken for subsistence use. Sale, trade and barter of subsistence resources is a customary traditional subsistence activity.

Clearly, these provisions are intended to effectively eliminate any rural subsistence preferences and to render ineffective all mechanisms established by ANILCA to enforce the rural subsistence priority. The direct beneficiaries of these changes are residents of the more urban areas who by and large do not subsist and who do not need to subsist. This resolution only serves to worsen an already divisive debate and to foreclose other more sensible solutions, such as a constitutional amendment.

There is a win-win situation for every Alaskan on this issue and it requires coming up with an "operational definition" of subsistence that everyone can live with. Once and only once an "operational definition" is agreed upon by all groups of Alaskans, then and only then can an effective dialogus amongst all groups begin. We must go to the table with the same definition of "subsistence" otherwise talking about it will be like playing ping pong (just goes back and forth), as it is happening today.

NANA Regional Corporation opposes HJR 21 in its entirety.

Sincerely,

Charlie A. Curtis
President & CEO

RICK J. SCHIKORA
CERTIFIED PUBLIC ACCOUNTANT

1416 GILJAM WAY
FAIRBANKS, ALASKA 99701

(907) 456-1566

April 9, 1997

Representative Jeanette James
State Affairs, Chair
Alaska State Legislature

Dear Jeanette:

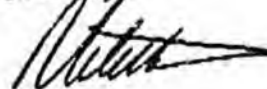
As you can imagine, I do not have time to send a letter to every member of your committee. However, I do support HJR #21.

I believe it could be made a stronger by changing the sixth Whereas to read: Whereas, the Alaska State Legislature has steadfastly resisted pressure from federal agencies and our congressional delegation to amend the Constitution of the State of Alaska ...

I believe the strongest possible message should be sent to our Congressional delegation that the rural subsistence priority is the most discriminatory action that they have and continue to inflict upon Alaskans. It will be so divisive to the residents of this state, that I believe the "rural" folks will loose in the long run. I foresee significant economic impacts to these areas when the urban legislators have their fill of this issue. We shouldn't have that in this state.

Please pass my support along to your committee. Thanks for your work on this issue.

Sincerely,



Rick Schikora

ALFRED MCKINLEY, SR.
EXECUTIVE COMMITTEE MEMBER
ALASKA NATIVE BROTHERHOOD GRAND CAMP
P.O. BOX 21713
JUNEAU, ALASKA 99802-1713

APRIL 10, 1997 - 8:00 AM

W/CA form
MR. CHAIRMAN, STATE AFFAIRS. THANK YOU FOR GIVING ME THE
OPPORTUNITY TO TESTIFY BEFORE YOU. MY NAME IS ALFRED
MCKINLEY, SR. I AM EXECUTIVE COMMITTEE MEMBER OF THE ALASKA
NATIVE BROTHERHOOD GRAND CAMP, I AM ALSO A ELECTED DELEGATE
TO A RECOGNIZED TRIBE OF CENTRAL COUNCIL TLINGIT-HAIDA INDIAN
TRIBES OF ALASKA. I AM HERE TO TESTIFY IN OPPOSITION TO HJR
21 BECAUSE IT ANNULS OR ALTERS ANILCA.

ANILCA TITLE VIII, SEC. 801 (4) STATES "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 THE 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 NATIVES AND NON-NATIVES RURAL RESIDENTS."

ALFRED MCKINLEY, SR.
EXECUTIVE COMMITTEE MEMBER

APRIL 10, 1997

PAGE 2

THE ALASKA NATIVE COMMUNITY MAINTAINS THAT THE CURRENT LEVEL OF FEDERAL SUBSISTENCE PROTECTIONS GRANTED UNDER TITLE VIII OF ANILCA MUST BE GUARANTEED IN ANY SOLUTION TO RESOLVE THE ONGOING SUBSISTENCE IMPASSE. THE ALASKA NATIVES WILL NOT SUPPORT ANY COMPROMISE THAT DIMINISHES THE SUBSISTENCE PREFERENCE, TITLE VIII'S GEOGRAPHICAL JURISDICTION. THE POWERS AND THE RESPONSIBILITIES OF THE FEDERAL AGENCIES AND FEDERAL COURT OVERSIGHT ON THAT MANDATES FEDERAL JUDICIAL DEFERENCE TO STATE COURTS OR STATE REGULATORY DECISIONS. THE ALASKA NATIVES COMMUNITY WILL NOT SUPPORT ANY AMENDMENT TO ANILCA OTHER THAN THAT WHICH GUARANTEES A NATIVE SUBSISTENCE PREFERENCE.

THE ALASKA NATIVE COMMUNITY ENDORSES AN AMENDMENT TO THE STATE CONSTITUTION THAT BRINGS THE STATE INTO COMPLIANCE WITH ANILCA.

MR. CHAIRMAN THIS IS OUR CONCRETE POSITION ON HJR 21 WHICH WE STRONGLY OPPOSE. IF THE BILL IS PASSED BY THE STATE LEGISLATURES, WE WILL STRONGLY OPPOSE ANY AMENDMENT TO ANILCA AT THE CONGRESSIONAL LEVEL.

ATTACHMENT BACKGROUND
CONCLUSION:

ANTICIPATED QUESTION:

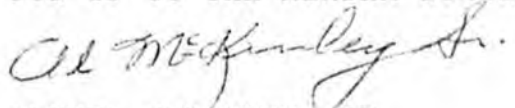
IN 1971, CONGRESS EXTINGUISHED ABORIGINAL FISHING RIGHTS.
43 U.S.C. S 1603(b).

REPLY:

CONGRESS EXPECTED THAT THE STATE AND FEDERAL AGENCIES
WOULD PROTECT SUBSISTENCE HUNTING AND FISHING, 1971
U.S.C.C.A.N. 2247, 2250. IN 1980, FRUSTRATED WITH THEIR
FAILURE TO DO SO, CONGRESS ENACTED ANILCA. TITLE VIII OF
ANILCA REQUIRED THAT RURAL ALASKA RESIDENCE BE ACCORDED A
PRIORITY FOR SUBSISTENCE HUNTING AND FISHING ON PUBLIC
LANDS. 16 U.S.C. 3113, 3114.

IF THE STATE LEGISLATURE WERE TO AMEND THE STATE
CONSTITUTION OR OTHERWISE COMPLY WITH ANILCA'S RURAL
SUBSISTENCE PRIORITY, THE STATE COULD RESUME MANAGEMENT
OF SUBSISTENCE USES ON PUBLIC LANDS INCLUDING NAVIGABLE
WATERS.

ITS UP TO THE ALASKA STATE LEGISLATURES TO ACT.



ALFRED MCKINLEY, SR.
EXECUTIVE COMMITTEE MEMBER
ALASKA NATIVE BROTHERHOOD
GRAND CAMP AND
DELEGATE TLINGIT-HAIDA
P.O. BOX 21713
JUNEAU, ALASKA 99802-1713

STATE OF ALASKA
HOUSE OF REPRESENTATIVES

STATE AFFAIRS COMMITTEE
Representative Jeannette James, Chair



Room 102, Capitol Building, Juneau

Phone 465-3743, FAX 465-2381

April 14, 1997

**Please add the attached
information to your packets on
HJR 21.**

Mary L. Bishop
1555 Gus's Grind
Fairbanks, AK 99709
907-455-6151

April 10, 1997

Dear Rep. James and members of the House State Affairs Committee:

I am writing in support of HJR21. It is so important that our Congressional delegation receive some sort of message from the Legislature. This resolution is not what I would prefer, but it is a way to allow ALASKANS to make the decision on the "nature of the priority".

Many people believe that the priority comes into play only rarely -- when there is some sort of unusual resource shortage, or when there is some sort of need. Even our Congressional delegation did not understand the priority for many years -- claiming that it only came into effect in these rare times of shortage. Many reporters still think it's only in times of shortage -- and mislead the public.

In reality Judge Holland and the Dept. of Interior have made it clear that this is not at all the case. AFN, the Outdoor Council, and the Interior Department all pretty much agree on the "nature of the priority" as it stands right now. The nature of that priority has been set by Congress and the courts.

The Interior Dept says: "All other uses must be eliminated before customary and traditional subsistence use can be restricted"

AFN, in their "no net loss" policy says: "The subsistence priority applies at all times, not just when there is a resource shortage. The Boards (of Fisheries and Game) are required to provide fully for customary and traditional uses before any non-subsistence uses may be allowed."

Please allow Alaskans the option of defining the nature of the priority. We can do this by redefining the terms "rural" and "customary and traditional". What Alaskans come up with may be, or may NOT be, consistent with the state's Constitution. I personally hope it will be consistent with our Constitution. I'll take the chance in this effort to find compromise. I'll take the chance in this effort to regain state management.

Meanwhile some of the more onerous provisions of the federal law would be gone if this resolution were carried out. For example, "public land" would mean federal public land, not state and private lands and waters; subsistence harvests could not be sold in competition with commercial harvests.

Please give Alaskans a chance to resolve this dreadful problem. Thank you for your efforts.

Sincerely,


Mary Bishop

Subsistence In Alaska: 1994 Update

Division of Subsistence, Alaska Department of Fish and Game
Box 25526, Juneau, Alaska, 99802 (907) 465-4147
March 1, 1994

Introduction

Subsistence fishing and hunting are important for the economies and cultures of many families and communities in Alaska. This report provides an update on subsistence in Alaska, including participants, harvest levels, and current legal issues.

What is Subsistence?

State and federal laws define subsistence as the "customary and traditional" uses of wild resources, for food, clothing, fuel, transportation, construction, art, crafts, sharing, and customary trade. Customary and traditional uses of fish and game are important to Alaskans from diverse cultural backgrounds, including Aleut, Athabaskan, Alutiiq, Euroamerican, Haida, Inupiat, Tlingit, Tsimshian, and Yup'ik. Harvesting, sharing, and using fish and wildlife are integral to the customs and traditions of a variety of cultural groups.

Subsistence uses also are important for Alaska's economy. Many Alaskan communities depend upon mixed, subsistence-cash economies, where subsistence production

is a major economic sector. The household economies of many families are dependent upon food and raw materials from subsistence activities.

State and federal subsistence statutes recognize the importance of customary and traditional subsistence uses of wild resources. Subsistence uses are given a preference over commercial fishing and recreational fishing and hunting in state and federal law.

Who Participates in Subsistence Uses?

State and federal laws differ in who qualifies for subsistence uses. Currently, all state residents qualify for subsistence fishing and hunting under state law. In 1990, there were 550,043 people living in Alaska (Fig. 1).

Under federal law, rural residents (about 21% of the population 1990) qualify for subsistence fishing and hunting on federal lands in Alaska. Of the 116,663 rural residents 55,888 were Alaska Natives (48%) and 60,765 were not Alaska Native (52%), while of the 433,390 urban residents, 29,810 were Alaska Natives (16%) and 403,580 were not Alaska Natives (84%).

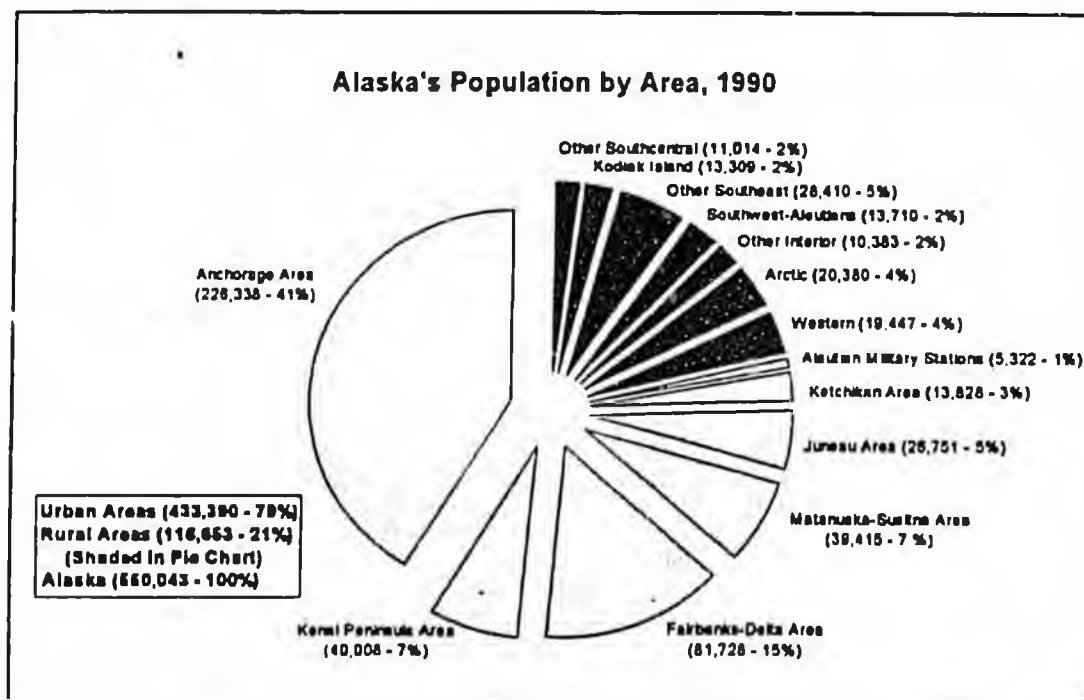


Figure 1

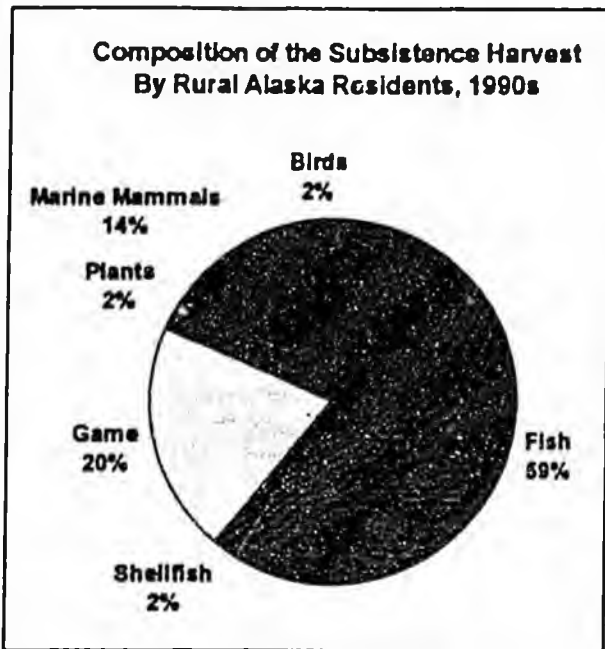


Figure 5

The annual rural harvest of 375 lbs per person contains 243% of the protein requirements of the rural population (that is, it can supply about 107 grams of protein per person per day; about 44 grams is the mean daily requirement). The subsistence harvest contains 35% of the caloric requirements of the rural population (that is, it contains about 840 Kcal daily, assuming a 2,400

Kcal/day mean daily requirement). The urban wild food harvests contain 15% of the protein requirements and 2% of the caloric requirements of the urban population.

The Monetary Value of Subsistence Harvests

Subsistence fishing and hunting are important to the local economies of many areas in Alaska. Attaching a dollar value to subsistence uses is difficult, as subsistence products generally do not circulate in markets. However, if families did not have subsistence foods, substitutes would have to be imported and purchased, which would require larger cash incomes. If one assumes a replacement expense of \$3-\$5 per pound, the simple "replacement costs" of the wild food harvests in rural Alaska may be estimated at \$131.1-\$218.6 million dollars annually (Fig. 6).

The monetary value of subsistence harvests is substantial when compared with cash incomes of families in many rural areas. For instance, the per capita cash value of subsistence foods in the rural interior (\$3,063 per person) compares with a per capita income of only \$6,205 for Native families – the cost of replacing subsistence foods would be 49% of mean incomes in that case. Similarly, subsistence replacement costs represent 59% of Native family income in the western region, 31% of Native family income in the arctic region, and 22% of Native family income for all rural Alaska. The replacement value of wild

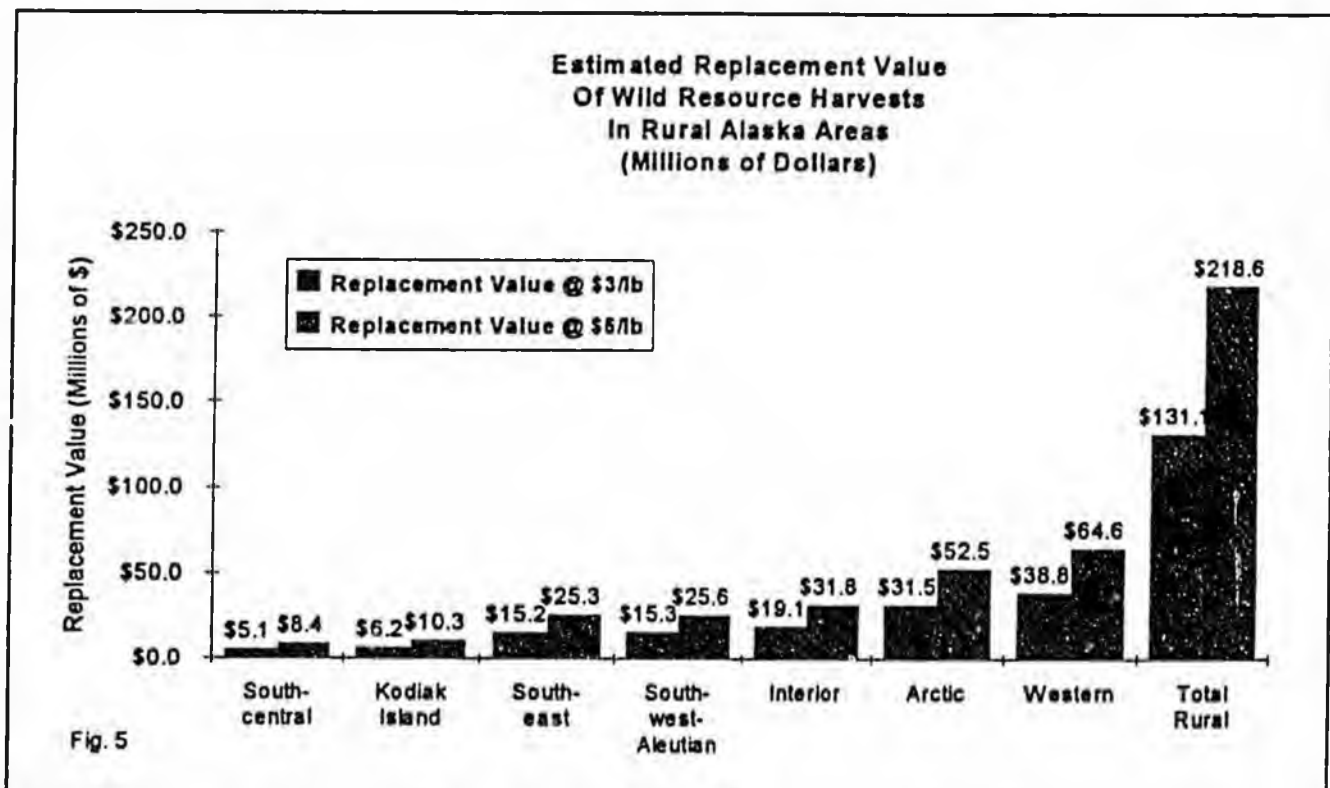


Figure 6

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

Subsistence In Alaska: 1994 Update

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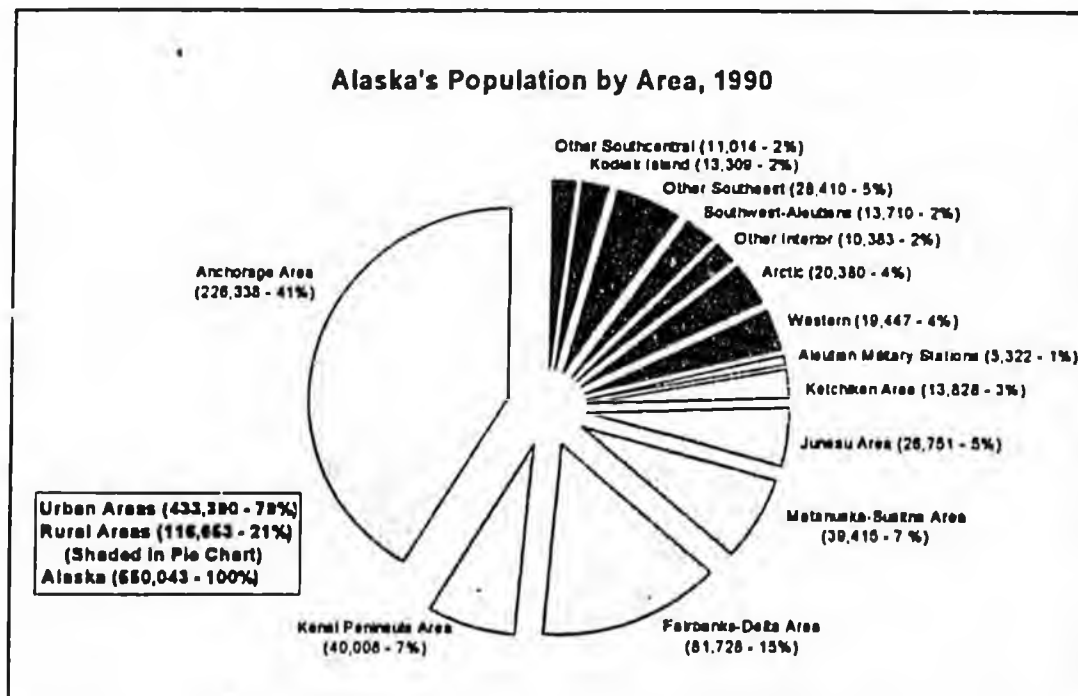


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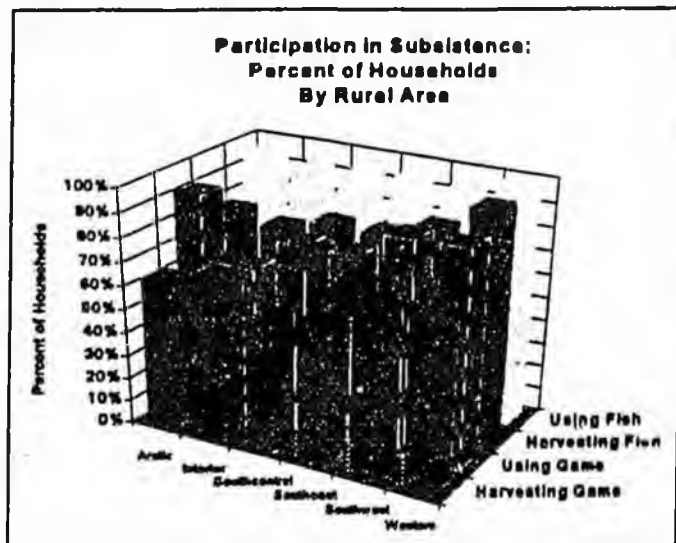


Figure 2

A substantial proportion of rural households harvest and use wild foods (Fig. 2). For surveyed communities in different rural regions, from 92%-100% of sampled households used fish, 75%-98% used wildlife, 75%-98% harvested fish, and 48%-70% harvested wildlife. Because subsistence foods are widely shared, most residents in rural communities make use of subsistence foods during the course of the year to some extent. A substantial number of urban residents engage in hunting and fishing also, as shown by the number of licenses sold in 1991: Anchorage-Matanuska-Susitna Area (32,428; 12 percent of all residents), Fairbanks Area (11,059; 14 percent), Kenai Peninsula Area (8,282; 20 percent), Ketchikan (2,648; 19 percent) and Juneau (3,683; 14 percent).

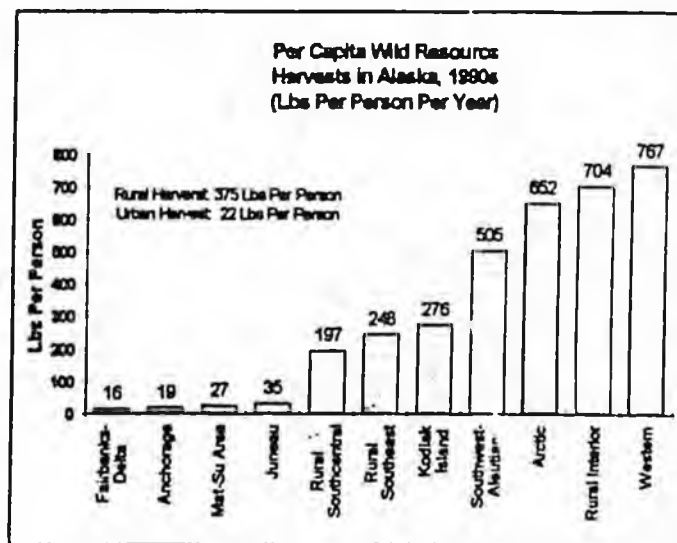


Figure 4

Wild Food Harvests in Alaska

Subsistence fishing and hunting provides a major part of the food supply of rural Alaska (Fig. 3). Our best estimate is that about 43.7 million lbs (usable weight) of wild foods are harvested annually by residents of rural areas of the state, and 9.8 million lbs by urban residents.

On a per person basis, the annual wild food harvest is about 375 lbs per person per year for rural areas (about a pound a day per person), and 22 lbs per person for urban areas (Fig. 4). Harvests vary substantially by area, with the greatest average regional harvests (about 500-800 lbs per person) in communities off the state's road system.

The composition of the wild food harvest by rural residents

is about 59% fish, 20% land mammals, 14% marine mammals, 2% shellfish, 2% birds, and 2% plants (Fig. 5). The harvest by urban residents is 68% fish, 30% land mammals, 1% birds, and 1% shellfish and plants.

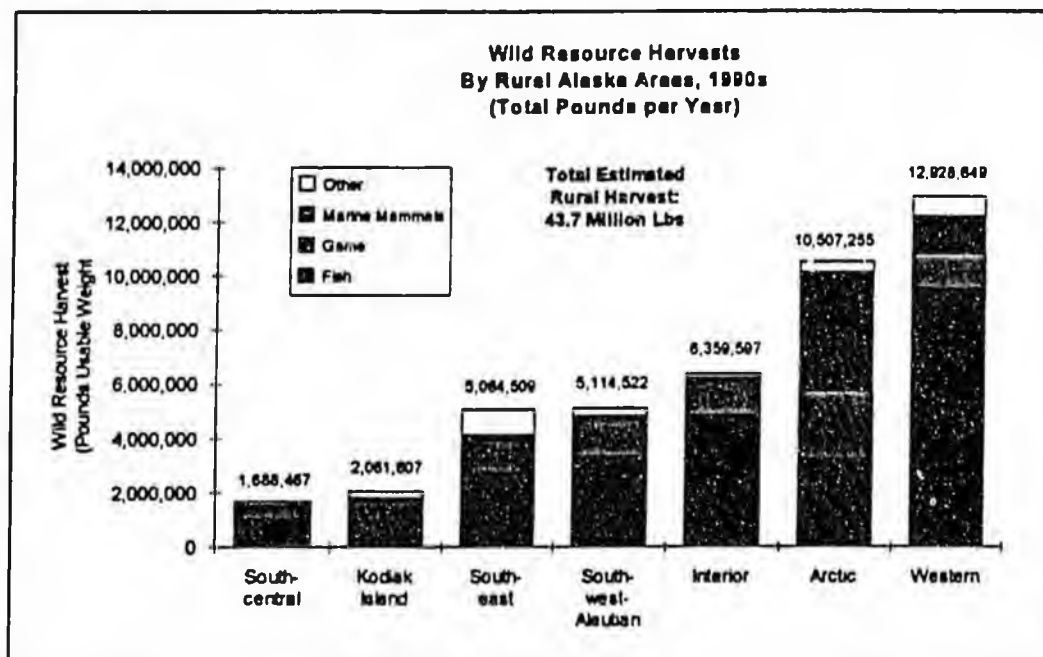


Figure 3

The Nutritional Value of Subsistence Harvests

The subsistence food harvest provides a major part of the nutritional requirements of Alaska's population.

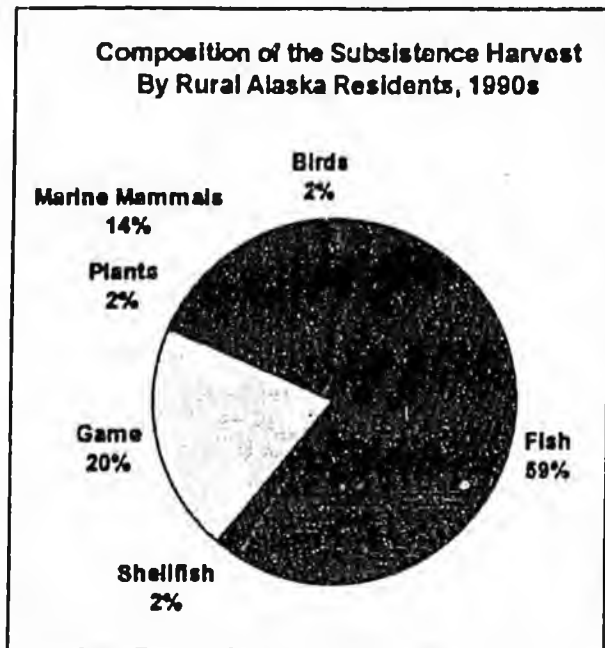


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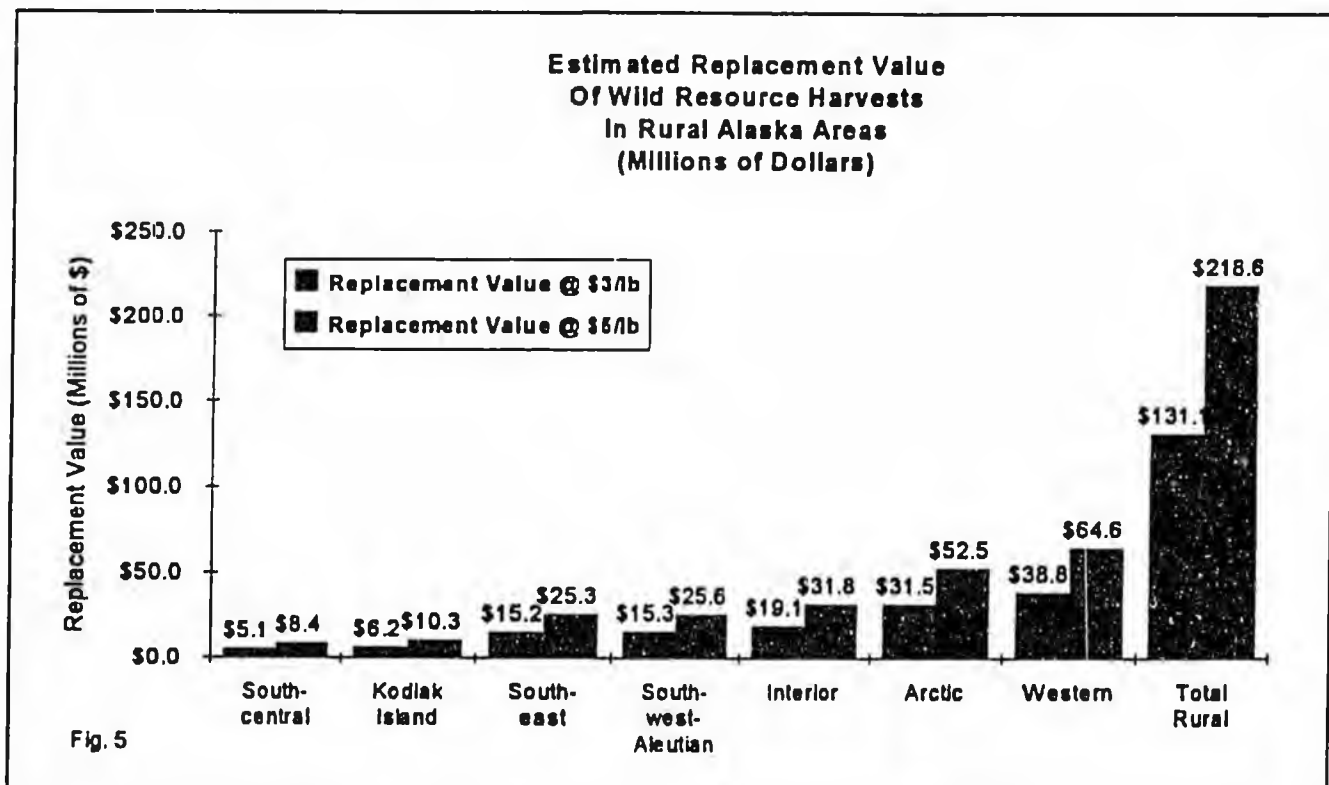


Fig. 5

Figure 6

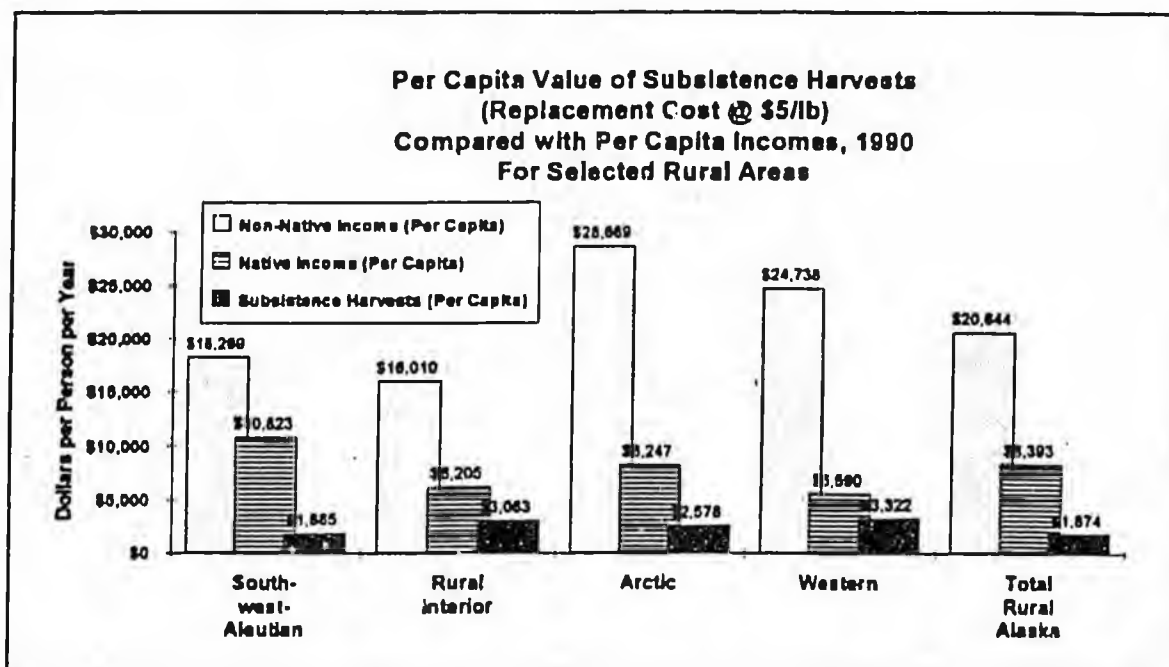


Figure 7

foods represents about 10% of the average rural non-Native income (Fig. 7). Clearly, many families would have difficulty paying cash for foods to replace the subsistence harvest

Real Employment

Subsistence harvesting, processing, and non-market distribution employ large numbers of rural residents annually. While wage paying jobs are commonly few and insecure in rural areas, work in fishing, hunting, and processing wild foods employs people consistently from one year to the next. For instance, in Ft. Yukon along the Yukon River in 1987, 82% of households hunted, and 65% fished. The subsistence take was about 680 lbs per person. These activities employed more people than the single largest wage employer in Ft. Yukon (local government), which employed persons from 40% of the community's households that year.

Subsistence activities are organized locally and draw upon local knowledge and skills. Subsistence is an area of life where extended families can support themselves in meaningful, productive work.

Legal Framework for Subsistence Management

Subsistence management has undergone considerable change since 1989, when state law fell out of compliance with federal requirements. In 1994, subsistence hunting and fishing was being managed under two separate legal frameworks. The Alaska Boards of Fisheries and Game

developed subsistence regulations for state and private lands and navigable waters, for which all state residents qualified. A Federal Subsistence Board developed subsistence regulations for federal public lands and waters, for which rural residents qualified. In addition, the federal National Marine Fisheries Service and Fish and Wildlife Service regulated marine mammal hunting under the Marine Mammal Protection Act, for which Alaska Natives qualified.

State and federal governments agree that split federal-state management of fish and wildlife is undesirable. However, the way to regain unified state subsistence management authority is uncertain at this time. It is expected that the federal subsistence management program may continue to grow over the next few years, and that jurisdictions and authorities will ultimately be clarified through administrative and judicial activity.

Summary

Subsistence continues to be an important part of the diverse cultures and regional economies in Alaska. Subsistence fishing and hunting produce a substantial portion of the state's food supply, particularly in rural areas. Subsistence provides a measure of economic stability in areas with mixed, subsistence-cash economic systems. And subsistence expresses customary and traditional values and ways of living that are important to Alaska's diverse cultural groups.

Prepared by Robert J. Wolfe and Robert G. Bosworth

ORGANIZED VILLAGE OF KWETHLUK
KWETHLUK IRA COUNCIL
P.O. BOX 84
KWETHLUK, ALASKA 99621-0084
PHONE NO. (907) 757-6714
FAX NO. (907) 757-6329

KWETHLUK JOINT GROUP
KWETHLUK INDIAN REORGANIZATION ACT COUNCIL
KWETHLUK CITY COUNCIL
KWETHLUK, INCORPORATED
Resolution No. 97-03-01

A Resolution opposing Alaska Legislature House Joint Resolution 21 (HJR 21) Requesting Amendments to Title VIII of Alaska National Interest Lands Conservation Act (ANILCA).

Whereas, the Kwethluk Indian Reorganization Act Council (IRA) is the lead entity in various areas of concerns covering land, water, fish and wildlife, sanctuaries and habitats in the Permanent Subsistence Kwethluk River and Tributaries upon which its tribal members heavily depend on for their keeping of Cultural Integrity of traditional and customary subsistence way of living, and ;

Whereas, in 1959 when Alaska became a State, many- Alaska Natives residents living in rural villages were, and still are, intelligent in the way of their respective cultures and their Native Language during the period when the English Language could be barely spoken or understood, and this brings to question- who voted for Statehood?; and which included the management of Fish and Wildlife Natural renewable resources; and ,

Whereas, HJR 21 insults the Alaska Native Community way of life by seeking that the State of Alaska define the terms "rural", "subsistence uses" of the natural renewable resources when the State of Alaska has done dismally poor with respect to these concerns; and . .

Whereas, since 1959 the Alaska Native Community has experienced poor "reasonable opportunity" to practice customary and traditional subsistence way of life; and,

Whereas, Kwethluk has a history of Elder Tribal members having had their subsistence fishing nets wrapped around holding poles, dragged unto beach with fish catches, creating wanton waste, which truly is suppression of "reasonable opportunity" to practice customary and traditional subsistence way of life; and ,

Whereas, Public Law 96-487, ANILCA, enacted 1980, Title VIII of which is providing positive protection to Alaska Natives subsistence way of life, legally encourages Alaska Native entities for Co-Management Agreements with the Federal and Alaska State agencies involved, enhances Fish and Wildlife conservation with sustain yield principles; and,

Now, Therefore, Be it Resolved: that the Kwethluk Joint Group composed of the Kwethluk Indian Reorganization Act Council in behalf of its tribal members, the

Handwritten signature:
Hawseet -
Joseph
Ivan

Kwethluk City Council in behalf of its residents, and the Board of Directors of Kwethluk Incorporated in behalf of its shareholders oppose passage of House Joint Resolution 21 in the Alaska State Legislature; and,

Be it Further Resolved: the copies of this resolution 97-03-01 is sent to:
Honorable Tony Knowles, Governor of Alaska- Juneau
Honorable Senator Lyman Hoffman, Representative Ivan M. Ivan, Representative Irene K. Nicholai, Representative Beverly Masek, and Honorable Representative Gail Phillips, Speaker of the House of Representatives- Alaska, Honorable U.S. Senator Ted Stevens, Honorable U.S. Senator Frank Murkowski, Honorable U.S. Congressman Don Young, Honorable Representative Georgiana Lincoln.

PASSED AND ADOPTED THIS 13th DAY OF MARCH 1997.

Moses Nicolai, President
Kwethluk IRA Council
for Sam E. Eklund vice mayor
John J. Owens, Mayor
Kwethluk City Council
Phillip Knoff, vice chairman for
Nick J. AYAPAN, Chairman
Kwethluk Incorporated

Attest: Margaret Angerson
Secretary

Attest: Dean P. Larson
Clerk/Administrator Secretary

Attest: David Eklund
Secretary/Treasurer



NANA Regional Corporation

P.O. BOX 48 / KOTZEBUE, ALASKA 99752 / (907) 442-3301 / FAX (907) 442-2686

INUPIAT ILITQUSIAT

April 9, 1997

*With guidance and support
from Elders, I teach my
children these Inupiaq Values*

State Affairs Committee Members:

- Rep. Jeanette James, Chair
- Rep. Fred Dyson
- Rep. Ivan Ivan
- Rep. Mark Hodgins
- Rep. Al Vezey
- Rep. Ethan Berkowitz
- Rep. Kim Elton

Respect for Elders

Knowledge of Language

Love for Children

Knowledge of Family Tree

Respect for Others

Responsibility to Tribe

Respect for Nature

Hunter Success

Domestic Skills

Family Roles

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Humor

Spirituality

I would like to provide you with a written testimony on HJR 21 -- Relating to amendment of Title VIII of the Alaska National Interest Lands Conservation Act.

Essentially, this resolution is an attempt to gut the key subsistence provisions of Title VIII of ANILCA. It asks Congress to amend Title VIII in 10 specific areas; the key amendments would allow the state to define the terms "rural" and "customary and traditional", would remove the federal government from any enforcement role in subsistence protection, and would reduce the role and authority of the subsistence advisory boards. This is the reason NANA Regional Corporation opposes HJR 21.

Here are further comments on each of the 10 proposed amendments as specified in HJR 21, by the amendment number in the resolution:

1. Changing the definition of "public lands" to exclude state and private (ANCSA) lands and waters eliminates the option of federal subsistence protection on millions of acres of land that have been selected but not yet conveyed to the state or ANCSA corporations.

The federal government gives ANCSA corporations approval authority over activities proposed on selected lands; this amendment would eliminate that authority from being extended in the future to subsistence protection.

2. This amendment would prevent the federal government from enforcing the rural subsistence priority by assuming management of fish and game resources in the event the state continued to not comply with the rural preference specified in Title VIII unless authorized by an act of Congress. This would completely remove the only incentive for the state to address the rural subsistence preference issue.
3. Removing navigable waters from the management authority of federal agencies is directly counter to the decision in the Katie John ruling, and means again the federal government could not manage subsistence resources on state lands and waters to ensure the rural preference.
4. This would eliminate the jurisdiction of the federal courts to oversee state compliance with Title VIII. In other words, there would be no oversight of state compliance with ANILCA with authority to compel compliance.





LETTER TO STATE AFFAIRS COMMITTEE ON HJR 21
PAGE two

5. This section authorizes the state to define the terms "rural" and "customary and traditional". This obvious intent is to skew the definitions of these key terms to include urban residents.
6. This amendment revises the criteria in Title VIII for the subsistence preference from the stronger federal standard of "least adverse impact" on customary and traditional uses to a weaker standard of providing a "reasonable opportunity" to carry out subsistence activities. The result is it would be more difficult to maintain and enforce a strong rural subsistence preference.
7. This section would state that ANICLA neither affirms nor denies tribal sovereignty. ANILCA is already sovereignty neutral.
8. This provision gives authority to the state to determine whether subsistence advisory councils should be established. It is unlikely the state would then support the creation of advisory boards to advise the state on an issue to which they are opposed in the first place.
9. This provision furthermore states that regional subsistence advisory councils are advisory only, with no ability to require regulatory councils to adhere to their advice. If the above provision fails, this provision renders an advisory councils essentially useless.
10. This section would disallow the commercial sale of fish and wildlife taken for subsistence use. Sale, trade and barter of subsistence resources is a customary traditional subsistence activity.

Clearly, these provisions are intended to effectively eliminate any rural subsistence preferences and to render ineffective all mechanisms established by ANILCA to enforce the rural subsistence priority. The direct beneficiaries of these changes are residents of the more urban areas who by and large do not subsist and who do not need to subsist. This resolution only serves to worsen an already divisive debate and to foreclose other more sensible solutions, such as a constitutional amendment.

There is a win-win situation for every Alaskan on this issue and it requires coming up with an "operational definition" of subsistence that everyone can live with. Once and only once an "operational definition" is agreed upon by all groups of Alaskans, than and only then can an effective dialogue amongst all groups begin. We must go to the table with the same definition of "subsistence" otherwise talking about it will be like playing ping pong (just goes back and forth), as it is happening today.

NANA Regional Corporation opposes HJR 21 in its entirety.

Sincerely,

Charlie A. Curtis
President & CEO

**CHEVAK TRADITIONAL COUNCIL
P.O. BOX 140
CHEVAK, ALASKA 99563
(907) 858-7428
(907) 858-7812 FAX**

Chevak Traditional Council's Opposition to House Joint Resolution No. 21

The Kashunamiut are a federally recognized tribe who is represented by their tribal government, the Chevak Traditional Council whose primary goal is to protect the health, safety and welfare and the inherent traditional and cultural rights of the Kashunamiut and for their best interests. Let this affidavit acknowledge that we are in Opposition to the House Joint Resolution No. 21 as it infringes upon our inherent rights and will exploit our ancestral lands which are located on the Yukon Kuskokwim Delta National Wildlife Refuge and has been protected by Alaska National Interest Land Conservation Act-- Title VIII (ANILCA, Title VIII, hereinafter), Subsistence Use and Management as it is written.

ANILCA Title VIII, should not be amended because the Resolution HJR21 contradicts the whole purpose of the Policy and Purpose of the Title VIII. These amendments are directly contradicting the Rural Cap Subsistence Roundtable, held in Anchorage February 1997. The State of Alaska may be of compliance of ANILCA TITLE VIII, concerning Subsistence. The State of Alaska tends to lean towards "sports, commercial and other special interest groups" that are not aware of the importance of subsistence issues and use for the rural communities.

The following are section responses to "FURTHER RESOLVED" of the proposer's resolution:

- (1) "Public Land" is already defined in the Federal Register. Volume 57 No. 20. and ANILCA, Title VIII.
- (2) Congress is already authorized to take over management if the State is not in compliance.
- (4) "Section 807" provides for protection of subsistence users and repeal would undermine authority of the Federal Judicial System.
- (5) The terms Customary and Traditional Use, Subsistence Use, and rural are defined and established in the Federal Registrar of the Department of Agriculture, and Interior, under Sec. 4 Definition of Subpart A-General Provision. They listed as such in the Final, Subsistence Management for Federal Public Lands in Alaska which attests to the Webster's definition of: The definition of the aforementioned terms are already defined and what this resolution proposes to do is authorize the State of Alaska to rewrite the Webster's Dictionary to soothe Masek's and Ogan's HJR 21.
- (6) Under ANILCA Title VIII, Sec. 804, the subsistence preference is addressed. HJR21 contradicts the purpose and policy of Title VIII.
- (7) Tribal Sovereignty and Indian Country issues have been awarded to the Tribes across Alaska but is presently in the Appeal process, no amendments should even be considered as Court cases are and may be pending.
- (8) The State of Alaska should not have an option- If subsistence management is handed to the State of Alaska, than it would be their obligation to establish regional advisory councils, meaning they should be mandated to establish such councils rather than choose to.

(9) The Sections (8) and (9) proposed amendments are addressed in Sec. 805 (a) (2) and (3) (D) (IV).

(10) The sale of Fish and Wildlife taken for subsistence uses, supplements incomes for expenses incurred for hunting necessities, i.e. ammuniton, gasoline and oil, and other gears to do more subsistence hunting and fishing.

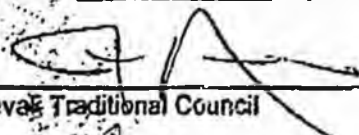
There are provisions in the ANILCA Title VIII, Section 16 USC 3119 that the State can enter into an Cooperative Agreement rather than rewriting the whole purpose and policy of the Act.

ANILCA, Title VIII should not be Amended the resolution would undermine the purpose of ANILCA and the groundwork that has been established for Subsistence Management.

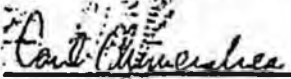
The items that are addressed in HJR 21 are already defined and addressed by the Dept. of Agriculture and Department of Interior, published in Federal Register Vol. 57, No. 20, January 1992, Proposed Rules.

THE KASHUNAMIUT, THE CHEVAK TRADITIONAL COUNCIL, THE CHEVAK TRIBAL COURTS AND THEIR DEPARTMENTS URGES DO NOT PASS THIS RESOLUTION !!!


Dated this 20th day of March, 1997.



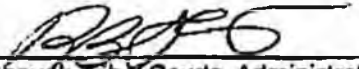
Chevak Traditional Council



Chevak Traditional Council, Administrator



Chevak Traditional Council, Administrator Assistant



Chevak Tribal Courts, Administrator/Liaison

BRISTOL BAY NATIVE ASSOCIATION
P. O. BOX 310
DILLINGHAM, ALASKA 99576
(907) 842-5257

RESOLUTION FY 97-42
by
THE FULL BOARD OF DIRECTORS

A RESOLUTION OPPOSING HOUSE JOINT RESOLUTION NO. 21

WHEREAS: the Bristol Bay Native Association is a tribal organization serving 31 Alaska Native communities, each of which is heavily dependent upon subsistence use of Fish and Game; and

WHEREAS: the laws of the State of Alaska provide no meaningful priority or protection for subsistence use of Fish and Game because they equate recreational; and

WHEREAS: if the current policies and laws of the State of Alaska regarding subsistence use of Fish and Game are extended to apply statewide, then Alaska Native culture, traditions, and indeed village life itself will eventually be destroyed because of continuing urban population growth and resultant pressure on Fish and Game resources; and

WHEREAS: cutbacks on government spending on welfare and other services in rural Alaska are making subsistence even more essential; and

WHEREAS: the only meaningful legal protection for subsistence and the continued vitality of Native subsistence-based culture is Title VIII of the Alaska Native Interest Lands Conservation Act (ANILCA); and

WHEREAS: House Joint resolution 21 has been introduced in the Alaska State Legislature and asks Congress to amend Title VIII of ANILCA in a manner which will effectively destroy the protection it gives to subsistence; and

WHEREAS: some of the changes requested by HJR 21 would have no practical effect as they reflect a fundamental misunderstanding of the law, for example:

- State and private land are already excluded from the definition of public land in ANILCA; and

- ANILCA already neither confirms nor denies the existence of tribal sovereignty and Indian Country in Alaska; and

WHEREAS: HJR 21 contains many other inaccuracies of law and fact; and

WHEREAS: HJR 21 is cleverly worded to distort the truth and appears intended to work a subterfuge upon the people of Alaska; and

BBNA Full Board
Resolution 97-42
March 17 - 19, 1997

WHEREAS: among the falsehoods in HJR 21 are:

- its title implies it is asking for a mere amendment to Title VIII whereas it actually would gut the protections for subsistence uses in Title VIII;
- the views expressed in HJR 21 are not a "plurality" of opinion in Alaska, but a minority, polls have continually shown a majority preference for a constitutional amendment to restore a rural subsistence priority to state law;
- Title VIII of ANILCA does not "unnecessarily" encroach upon state authority but is a reasonable and necessary exercise of Congressional authority to meet the trust obligations of the United State government toward Native Americans;
- Title VIII of ANILCA does not contradict the 10th Amendment to the U. S. Constitution; both state and federal courts have consistently upheld the constitutionality of Title VIII against 10th Amendment and other constitutional challenge;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bristol Bay Native Association, on behalf of itself and the following Alaskan Native communities:

Aleknagik, Chignik Bay, Chignik Lagoon, Chignik Lake, Clarks Point, Dillingham, Egegik, Ekuk, Ekwok, Igiugig, Iliamna, Ivanof Bay, Kanatak, King Salmon, Kokhanok, Koliganek, Levelock, Manakotak, Naknek, New Stuyahok, Newhalen, Nondalton, Pedro Bay, Perryville, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, and Ugashik;

that they ardently oppose HJR No. 21 and urge its defeat in the Alaska State Legislature and its rejection by Congress.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Alaska Congressional Delegation; Governor Tony Knowles; the honorable Bruce Babbitt, Secretary of Interior; Senator Ben Nighthorse Campbell; Senator Daniel Inouye; the House and Senate leadership in the Alaska State Legislature; State Senator Lyman Hoffman; and Representatives Ivan Ivan and Carl Moses.

Signed: Donald S. Nielsen
President

CERTIFICATION:

I, the undersigned Secretary of the Bristol Bay Native Association, hereby certify that the foregoing resolution was passed by majority vote of the Board of Directors of the Bristol Bay Native Association at a duly called and noticed meeting this 19 Day of March, 1997, and that a quorum was present.

Signed: Margaret K. ...
Secretary

KIPNUK TRADITIONAL COUNCIL

Box 67 • KIPNUK, ALASKA 99614
(907) 898-5515 • FAX (907) 898-5240

April 11, 1997

Honorable Jeanette James, Chairperson
State Affairs Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

VIA FAX & MAIL : 907-465-2381

Re: HJR 21

Dear Representative James:

The Kipnuk Traditional Council would like to submit this testimony in opposition to HJR 21 because it infringes on the rights of Alaska Natives to be provided a priority in their exercise to subsistence hunt and fish in the traditional and cultural way that the Natives are accustomed to. Title VIII of ANILCA provides protections that are necessary to make sure that our subsistence way of life will not be diminished or negatively affected. We are in agreement with Senator Stevens remarks in his latest address to the Alaska State Legislature on April 2, 1997, where he said that a constitutional amendment of the State that complies with Title VIII of ANILCA is one solution that he supports.

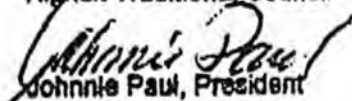
The subsistence issue has been a problem for the state because the Natives exercise it. The subsistence way of life is not a constitutional right, to the Natives, it is a birthright that has been passed down from generation to generation. We must protect it in its present form. We will only support a State managed fish and game, if we are guaranteed that our subsistence way of life will not be diminished or negatively affected in its present form.

We understand that equality is what the State must support in enforcing the State Constitution, but since the exercise of subsistence is unique and is needed for the economic and social well-being of the Natives in Alaska, we must be protected in our rights to subsistence hunt and fish for the resources that we depend on from the land and sea. In that regard we feel that the Natives in Rural Alaska must have the ability to co-manage the fish and game in agreement with the Federal Government. Natural Resources throughout the State has their seasons. We would call to your attention that the Federal Subsistence Board has done a good job of considering the subsistence use areas, customs, and traditions in their formulation of regulations that affects our resources and that in itself has satisfied the Natives throughout Alaska.

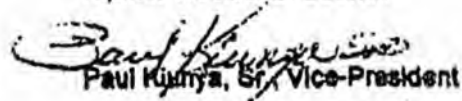
A constitutional amendment of the State Constitution with proper input from the people of Alaska that complies with Title VIII of ANILCA might be a resolution that we would support as a community. Furthermore, the Native Community leaders, with support from their respective Rural Alaska villages assembled on February 15-17, 1997, and created a strong proclamation of which we are enclosing a copy, that should be considered before HJR No. 21 is allowed to come out of your committee. Again we are strongly opposed to HJR No. 21, because it will not benefit all Alaskans, nor will it protect the Native Alaskans subsistence way of life.

Thank-you for considering our testimony, on behalf of the Native Village of Kipnuk.

Sincerely,
Kipnuk Traditional Council


Johnnie Paul, President

Kipnuk Traditional Council


Paul Kumya, Sr., Vice-President

CC: Representative Ivan Ivan

WORKING DRAFT

Proclamation

We the Alaska Native People assembled at the Subsistence Roundtable conference on the 17th day of February, 1997, find and declare that the right to forever live the Native way of life; to govern ourselves; to determine our own destiny; and to maintain our cultural existence, are basic human rights.

We further find and declare:

1. That in order to determine our own destiny, Alaska Native Tribal Governments must be recognized by the State and Federal Governments and acknowledged as having a co-equal right to manage our fish, wildlife and other renewable resources.

2. That because the State of Alaska has proven itself incapable of protecting these basic human rights, we oppose any proposal, by constitutional amendment or otherwise, that would restore the State of Alaska's management of subsistence hunting and fishing under the current provisions of the Alaska National Interest Lands Conservation Act (ANILCA).

3. That ANILCA does not provide adequate recognition and long-term protection for the Native subsistence way of life.

In order to secure these basic human rights and transmit the blessings of our way of life to future generations, we declare and demand full recognition of our inherent hunting and fishing rights.



**ORGANIZED VILLAGE OF KWETHLUK
KWETHLUK IRA COUNCIL
P.O. BOX 129
KWETHLUK, ALASKA 99621-0129
PHONE NO. (907) 757-6714
FAX NO. (907) 757-6328**

DATE: MON APRIL 14, 1997

NO. OF PAGES 3

TO: Jeanette James
COMPANY Committee Chairperson
LOCATION Alaska, Juneau

DEPARTMENT House State Affairs Commit.
PHONE NUMBER (907) 545-3743
FAX NUMBER (907) 465-2381

FROM: John Nicori Jr. / Natural Resources Specialist

COMMENTS: this Resolution by the Kwethluk Joint Group
opposes the HJR 21. We hope that this is what you are
looking for.

If you have any questions regarding information on this fax, or if the fax did not come in clearly, please feel free to call me at the numbers above. Thank you for your attention.

Sincerely;
John Nicori, Jr.
John Nicori, Jr.
Natural Resources Specialist
Kwethluk IRA Council



KOTZEBUE IRA



P.O. Box 296
Kotzebue, Alaska 99752
(907) 442-3467

April 14, 1997

Honorable Jeanette James
Chair, House State Affairs Committee
Alaska Legislature

Dear Representative James:

The Kotzebue IRA Council opposes HJR 21.

In formulating ANILCA, Congress clearly felt itself to have a responsibility for protecting the livelihoods of people in rural Alaska. The authorities spelled out in Title VIII were the deliberate means to meet that responsibility.

If Congress had not been concerned to begin about how the State might approach a rural subsistence priority, federal supervision of the State's program would not have been incorporated into Title VIII. For the same reasons, Congress rightfully saw fit to retain authority over defining the various terms critical to meaningful protection of rural subsistence--terms such as "rural" and "traditional and customary." Considering what Congress views as its obligations, it makes sense for the federal government to continue supervising subsistence management.

Most of the land in our region is federal land, and all of our villages rely heavily on local food harvests. To areas like ours, the federal system, though not perfect, has definite advantages over the State's. First, the federal advisory system allows us, as rural subsistence users, a more substantive role in management decisions than does the State's. Secondly, the federal government has a stable history of recognizing the existence of tribes, so (though ANILCA fails to mention them) it is more realistic for tribes and villages to look forward to developing long term, mature relationships with federal agencies than with those of the State.

Rather than assuring at the outset that the State will respect and protect the livelihoods of those in rural Alaska, HJR 21 attempts to destroy all assurances afforded rural people under federal law. This is an odd way to try convincing Congress that the State can behave responsibly on this issue. And it certainly is not a way to generate a consensus in Alaska.

We oppose all of the proposed amendments to ANILCA contained in HJR 21. The resolution is not a credible message to send to Congress. We recommend that the State Affairs committee not pass it. Thank you for your time and consideration.

Sincerely,

Charlie R. Gregg
Charlie R. Gregg, Chairman

Post-it* Fax Note	7671	Date	4/14/97	# of Pages	01
To	Rep. Jeanette James,	From	John Erlich		
Co./Dept.	Chair, House State Affairs	Co.	Kotzebue IRA		
Phone #	(907) 465-2743	Phone #	(907) 442-3467		
Fax #	(907) 465-2381	Fax #	(907) 442-2162		



NANA Regional Corporation

P.O. BOX 40 / KOTzebue, ALASKA 99762 / (907) 442-3301 / FAX (907) 442-2868

INUPIAT ILITQUSIAT

April 14, 1997

*With guidance and support
from Elders, I teach my
children these Inupiaq Values:*

Respect for Elders

**Representative Jeanette James
Alaska State Capitol, Room 102
Juneau, AK 99801-1182**

Knowledge of Language

Dear Representative James,

Love for Children

Knowledge of Family Tree

I am writing in opposition to HJR 21 -- relating to amendment of Title VIII of the Alaska National Interest Lands Conservation Act.

Respect for Others

NANA Regional Corporation represents the interests of the people of the northwest arctic as well as over fifteen hundred shareholders living in Anchorage, Fairbanks and other parts of our great state. We feel strongly that the protections offered under ANILCA are necessary for the people we represent and our culture.

Responsibility to Tribe

Respect for Nature

We urge you to hold HJR 21 in your committee to die. We account for taking only 5% or less of the total fish and game taken within Alaska. We are no threat to anyone in this great state.

Hunter Success

Sincerely,

Domestic Skills

Family Roles

**Charlie A. Curtis
President & CEO**

Sharing

Cooperation

Humility

Avoid Conflict

Hard Work

Humor

Spirituality



City of Napakiak

GENERAL DELIVERY
NAPAKIAK, ALASKA 99634
PHONE (907) 589-2611

April 14, 1997

Representative Jeanette James
House State Affairs Committee Chairperson
Fax: (907) 465-2381

Re: HJR 21

Dear Honorable Rep. James,

The community of Napakiak population of 345 is one of the many rural Alaska villages that depend on the resources of the land and the water, fish, wildlife and renewable resources for subsistence livelihood as it has been and will be now and in the future. There will be no changes on our customary traditions of the subsistence use.

We strongly oppose to House Joint Resolution 21, we are in agreement with the state in managing fish and wildlife and it is beneficial for all Alaskans.

Languages of Alaskan Natives, Native Country, livelihood by the country by the Fish and Games as subsistence use will not be changed regardless what rules may change, it will be waste of time and money for the House to amend ANILCA.

The Congress should amend the Title VIII of ANILCA to protect the interests of the State of Alaska. In the management of fish and wildlife resources on, behalf of all Alaskans. That depend on fish and game subsistence uses as livelihood.

The State of Alaska has Board of Fish and Game that meets annually to review proposals. The rural communities make proposals. Proposals that were submitted by the rural communities, which can be benefit to the villages.

With respect,

James Willie
James Willie
Mayor



TRANSMISSION DATE: 04.18.97

TO: Rep. Jeanette James FAX-NO.: 1-907-465-2381

ATTENTION: 3 pgs. incl. cover

FROM: Roy and June Burkhart

P.O. Box 204, Willow, AK 99688-0204

FAX-NO: (907)495-6338

VOICE: (907)495-6337

E-MAIL: rjburk@alaska.net

Roy Cellular: 355-0303

June Cellular: 355-0404

SUBJECT: _____





The Alaska Boating Association
P.O. Box 210430
Anchorage, Alaska 99521

Donald Sherwood- President

April 18, 1997

Representative Jeannette James, Chair
House State Affairs Committee
State Capitol, Interdepartmental Mail Stop: 3101
Juneau, AK 99801-1182

Dear Representative James:

Our organization has been closely following HJR0021, relating to amendment of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), sponsored by Rep. Beverly Masek.

We are disturbed that your committee has held this Resolution up within committee instead of allowing it to go forward. It is extremely important that our Congressional Delegation in Washington, D.C. receive this excellent document to send the message that we do not appreciate the Federal "blackmail" that is being imposed upon our great states Constitution.

We want to see an end come to the long drawn out debate on Subsistence, as much as anyone else does. However, it is ludicrous that the Federal Government suggests that we change our State Constitution to conform to the ANILCA document. Our Constitution conforms to the Constitution of the United States and should not have to be changed. The logical and fair way to settle this issue is to amend ANILCA to conform to our State Constitution.

Please don't let it be said that your committee, through unwillingness to move this Resolution, made it impossible for we Alaskans to be heard by our Federal Congressional Delegation. That would be an injustice to all Alaskans that our organization would be extremely upset about. Let us "get on with subsistence", but only through practical and just procedures. Move this Resolution out of committee, **NOW**, and let us go forward to manage our problems without Federal intervention and coercion.

Thank you,


June Burkhart, Legislative Affairs Officer, Alaska Boating Association

cc: Members of House State Affairs Committee: Representatives; Dyson, Ivan, Hodgins, Vezey
Berkowitz, and Elton
Speaker of the House: Gail Phillips
President, Alaska Boating Association: Don Sherwood

April 18, 1997

Representative Jeannette James, Chair
House State Affairs Committee
Alaska State Legislature, House of Representatives
State Capitol, Interdepartmental Mail Stop: 3101
Juneau, AK 99801-1182

Dear Representative James:

We were disturbed to learn today that your committee has not acted upon HJR0021, relating to amendment of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), sponsored by Representatives Beverly Masek and Scott Ogan.

The real issue at stake here is not subsistence itself, the issue is whether the Constitution of the State of Alaska should be amended. We feel, strongly, that the State Constitution should not be amended to comply with ANILCA. This issue should be settled in the Federal Courts. If the Supreme Court rules that the Federal Government cannot pass a law that is in contradiction to our State Constitution, then the Federal Government should be required to pay damages to the Alaskan natives for promising them something that they did not have the authority to do. On the other hand, if the court rules that the Federal Government had the authority to pass a law in violation of our State Constitution, then the Federal Government should pay damages to the State of Alaska, since we were not given the same rights as the other 49 states were given when they became a state.

The only logical and fair way to settle this issue is to amend ANILCA to conform to our State Constitution. However, if it is determined that our State Constitution must be amended to conform to the Federal Law pertaining to ANILCA, then the amendment should contain language that states that any Federal Law that exists now or that is passed in the future, that is in contradiction to the State Constitution, supercedes the State Constitution. Otherwise, we will continually be amending our State Constitution to make it comply with whatever Federal Law they want to impose upon us, whenever they want to impose it. As ridiculous as that may sound, we would suggest that you give it serious thought!! Please move HJR0021 out of your committee and let it go forward as a message to our Congressional Delegation that the people of Alaska want to settle the long-overdue issue on subsistence, yet we want to do it without some sort of Federal "blackmail" imposition to our great states Constitution.

Thank you,


Roy and June Burkhardt, P.O. Box 204, Willow, Ak 99688-0204 - Fax: (907)495-6338

cc: Members of House State Affairs Committee: Representatives; Dyson, Ivan, Hodgins, Vezey
Berkowitz, and Elton
Speaker of the House: Gail Phillips

FACSIMILE TRANSMITTAL

CITY OF HOONAH
PO BOX 360
HOONAH, ALASKA 99829
(907) 946-3663
FAX (907) 946-3448



DATE: 4-16-97 TIME: _____

FROM: Maureen Obert, AWS Grand Secretary
Total Pages 2 Including Cover Sheet

TO: Representative Jeannette James
Co Barbara Cotting, Legislative Assistant

FAX: 1-907-465-2381 PHONE: 907-465-3742

MESSAGE

As we talked the other day,
hear is my state ment for
House Resolution
21. Thank you for letting
me participate in this hearing process.
Maureen S. Obert



**GRAND CAMP
ALASKA NATIVE SISTERHOOD**

**1996-97
GRAND OFFICERS**

Founded 1923
Tax ID 92-0013400

KIMBERLY STRONG
Grand President

Alaska State Legislature
Representative Jennette James
State Capitol, Room 102
Juneau, Ak. 99801

JACKIE MARTIN
Grand 1st Vice President

LAVINA JACK
Grand 2nd Vice President

MAUREEN OBERT
Grand Secretary

RE: House Joint Resolution No. 21

GERALDINE WILLIAMS
Grand Treasurer

Dear Honorable Jennette James;

MONICA WOLF
Grand Sergeant at Arms

My name is Maureen E. Obert, my Tlingit name is Sea Clien. I am Chookanidee yeiti from the Brown Bear Fort. I am currently serving my second year as a Grand Camp Officer of the Alaska Native Sisterhood, as the Grand Secretary. And we are in opposition of House Resolution Number 21 because it would delete us as Alaska Natives.

EXECUTIVE COMMITTEE

CLARA NATKONG
Grand President Emeritus

- ANN ZUBOFF PETERSON**
- STELLA MARTIN**
- MARTHA BRADLEY**
- GERTRUDE WOLFE**
- MARY JONES**
- BARBARA LEWIS**
- JOHANNA HOTCH**
- EMMA G. WIDMARK**
- ETHEL LUND**
- CAROL JORGENSEN**
- MARY E. GUTHRIE**
- EVELYN HOTCH**
- MILLIE BERRY STEVENS**
- SELINA EVERSON**

The Alaska Native Sisterhood and the Alaska Native Brotherhood is a grand organization which has been organized since 1912 for the Alaska Native Brotherhood and 1923 for the Alaska Native Sisterhood. This has been a great learning experience for me. I have learned a great number of things being in the heart of this grand organization. The very first thing that I have learned is that our Native people come first and all of our rights must be spoken for and Title VIII, of the Alaska National Interest Lands Conservation Act (ANILCA) protects our rights as rural residents. Any changes in this act would delete us as people, destroy our Customary and Traditional usage of our land and wild renewable resources. It seems to us that yes everyone has the right to gather their food; without being made a criminal of how they gather food. Restrictions have been placed on us to where we need a permit just to go down to the beach.

Well enough of this I would say, Alaska residents can go to any grocery store or wholesale distributor to feed their family, meat, fish, milk, vegetables, etc. The only restrictions that they may face is to have purchase a Costco card this I consider to be a permit without limitations on what you can purchase to survive.

Considering that we are all the same, living as one people we still face road blocks where ever we go, meaning if you have applied for the State of Alaska Permanent Fund and you find that you have a question and need to call the office you will most likely have to listen to a voice recording stating that your call is important to us please remain on the line and we will answer your call the way that it has been received, this message is in two languages one in English and one in Spanish. Why is it not in Tlingit or other Native language which is lacking in Alaska.

Sincerely in Sisterhood;

*Maureen E. Obert for
Kimberly Strong*

Maureen E. Obert, ANS Grand Secretary for
Kimberly Strong, ANS Grand President
cc: ANB/ANS Officers, Executive Committee

DOUGLAS N. LARSEN
58 BULL PINE PLACE
KETCHIKAN, AK 99901
(907) 247-3562

April 9, 1997

Representative Jeannette James
House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative James:

I am writing to express my support for HJR 21, and to encourage you and other House members to consider supporting this bill which seeks to responsibly resolve an untenable fish and wildlife management issue that continues to have far-reaching implications for Alaskans and Alaska's fish and wildlife resources. My support for HJR 21 comes as a result of resource use and management observations which I have made over the past several years. I would like to share some of these observations with you in this letter.

As a life-long Alaskan, I was born and grew up in Juneau. During the 18 years that I lived in Juneau, I had what seemed to me to be unlimited opportunities to fish and hunt with my family and friends. Deer meat, fish, and crabs were a big part of my family's diet during those years, and I can't recall ever feeling unnecessarily restricted in our opportunities to harvest and utilize these resources. Following 4 years of college, I returned to Alaska in 1980 and relocated to a remote field site on the east side of Prince of Wales Island. During the year and-a-half that I lived at this site, I had ample opportunity to harvest deer, fish, crabs, shrimp, and clams for my personal use. In the early to mid-1980s, I moved to Sitka where I again enjoyed ample opportunity to harvest fish and wildlife. Interestingly, throughout these years of living in an "urban" area (Juneau) and in "rural" areas (POW Island and Sitka), I was neither identified as a rural nor as a non-rural user. I was simply an Alaskan who, like other Alaskans, had an opportunity to share a part of the state's harvestable surplus of fish and wildlife.

In 1985 I moved to Kotzebue where, as in many parts of our great state, I found fish and wildlife populations to be healthy and abundant. Under state management, I watched as the Western Arctic caribou herd grew from an estimated 230,000 in 1985 to over 400,000 in 1990. With year round bag limits of 5 caribou per day, along with a moose and a sheep each season, I did not feel the slightest bit restricted in my opportunity to provide game meat for my family during the 5 years we spent in Kotzebue. Neither did I see others in

Northwest Alaska experiencing any lack of opportunity or success in providing game meats for their families.

In 1990 my family and I relocated to Ketchikan where we continue to enjoy fishing and hunting opportunities. With a 5-month deer season and 4-deer bag limit, obtaining sufficient meat for my family has not been a problem. With the added opportunity to harvest a moose, 2 mountain goats, and 2 black bears from the area, it has been relatively easy to keep an adequate supply of meat in the freezer.

During all but a couple of my 40 years as an Alaskan, the state has been managing the bulk of our fish and wildlife resources. Based on my experiences in both "rural" and "non-rural" areas, I have to conclude that state management has worked, and has worked well. Recently, however, with the intrusion of the federal government into wildlife management and allocation in Alaska, I have seen things that trouble me deeply and which have raised my level of concern for the ultimate well-being of the state's fish and wildlife populations.

As a case in point, I would like to share with you a situation that has arisen in Game Management Unit 2 (Prince of Wales and adjacent islands). Two years ago, over the opposition of both state and federal wildlife biologists, the federal Southeast Regional Subsistence Advisory Council elected to open a rural hunt for doe deer in the unit because a couple of council members reported seeing numerous does along the island's extensive road system. When confronted with biologists' concerns, the council indicated that federal staff would be closely monitoring the doe hunt and that the council could always revisit the issue if it appeared to be a problem in the future. Not surprisingly, no federal monitoring of the doe hunt was ever initiated. In fact, the only harvest data that was obtained came from hunters responding to the state's annual questionnaire.

Two years after the doe hunt was implemented, several hunters reported seeing fewer deer in Unit 2 than they had in past years. Although the cause for this wide-spread perception is presently unclear, biologists will be surveying several parts of the unit this April in an effort to obtain a clearer understanding of the status of the unit's deer population. In the meantime, the federal council decided to address hunter perceptions by proposing to eliminate non-rural, buck-only hunters from hunting in Unit 2. At the same time, despite their assurance 2 years ago that they could review the doe hunt if potential population problems arose, the council elected to retain the rural doe hunt because they claimed it was a customary and traditional use of the resource and people needed the opportunity to harvest does.

Like many other Ketchikan residents, I am willing to forego hunting deer in Unit 2 if there is a biological concern for the deer resource that can only be corrected by eliminating my opportunity to hunt there. However, if there is indeed a biological concern for the Unit 2 deer population, as the council's actions indicate they believe, then the responsible, science-based action would have been to first eliminate the existing rural doe hunt. This doe hunt, incidentally, has not only been opposed by biologists, but has also been opposed by the Sumner Strait Advisory Committee (rural residents of north POW Island), by the

Klawock Cooperative Association, by 65 Craig and Klawock residents who signed and submitted a petition, and by numerous residents of Unit 2 who have submitted individual letters of opposition. Indeed, in talking recently with a federal subsistence staff member in Anchorage, I learned that his office has not received a single letter supporting the doe hunt.

There are a couple of management implications that this Unit 2 situation illustrates for me. First, unlike the state's Fish and Game Advisory Committees, which submit proposals and suggested actions to the state Board of Game for consideration, the federal Advisory Councils appear to have repeatedly served as policy ~~boards~~ with little oversight or interference from the federal Subsistence Board. Furthermore, unlike the state system, where public input is considered an integral part of the decision-making process, we observed in this instance what appears to be total disregard by the Southeast Council for the opposition to the doe hunt expressed by numerous rural residents. And finally, in making their decision, the Southeast Council totally ignored responsible, well-established and proven wildlife management considerations when they retained a doe hunt but eliminated the harvesting of bucks. This, more than anything else, is what causes me concern. If the federal system is going to allow biologically irresponsible recommendations to be implemented because of ANILCA's wording and interpretation, it is apparent that changes to the act need to be considered immediately. Herein lies my support for HJR 21. Unfortunately, because of federal oversight clauses in the act, I do not believe at this point that an amendment to our state constitution will solve our dilemma.

During recent teleconferences, I have heard rural Alaska. express concerns about losing the rural preference they are guaranteed under ANILCA. Although I see many inconsistencies with the rural preference allowance, I am willing to support it if that is what it takes to get the federal system out of Alaska and allows the state to resume its responsible, science-based management. Again, my concern is first and foremost for the long-term integrity of our fish and wildlife resources.

I strongly encourage you to support HJR 21 or similar legislation that would make appropriate and necessary changes to ANILCA, and thereby facilitate the return of fish and game management to the state.

Sincerely,



Doug Larsen

cc: State Affairs Com. members



Tanana Valley Sportsmen's Association

INCORPORATED

P.O. Box 669

Fairbanks, Alaska 99707

Phone (907) 474-0437

Fax (907) 474-0437

FAX COVER SHEET

FAX #: 48-97 DATE: 4/15/97
TO: Alaska State House of Representatives
ATTENTION: Jeannette James
RE: HJR. 21

FROM: Oliver "Bud" Burris, Legislative Affairs Committee

Number of pages transmitted including coverpage: 2.

Call (907) 474-0437 for confirmation or transmission problems.

*Please distribute to the rest of the
House State Affairs Committee.*

cc via Fax to:

*Kelly
Therriault
Davies
Wilken
Brice
Sharp
Miller
Vezev*



Tanana Valley Sportsmen's Association

INCORPORATED

Page 1

Fairbanks, Alaska 99707
April 15, 1997

Phone (907) 474-0437
Fax (907) 474-0437

Jennette James, Chairwomen
House State Affairs Committee

The Tanana Valley Sportsmen's Association has been involved in the subsistence issue since its inception. The TVSA was the first organization to successfully challenge the State's subsistence law.

There is no way that we can modify the State Constitution or State statutes that will prevent Federal takeover of the management of our fish and game under the terms of ANILCA - despite the false rhetoric of persons supporting Title 8 of ANILCA.

The constitutionality of State and Federal subsistence law has been challenged in both State and Federal courts. Millions of dollars have been spent on the politics of subsistence while fish and wildlife (especially wildlife) suffer from lack of management.

We urge the Legislature to pass HJR21 and to do everything possible to amend ANILCA to restore our States rights to manage our fish and game and all their beneficial uses.

It's getting late but not too late to return to the constitutional policy of managing our fish and wildlife resources for abundance and to satisfy the beneficial uses of our renewable fish and wildlife resources. please support HJR 21 and whatever it takes to amend or repeal ANILCA.

Sincerely,

Oliver "Bud" Burris, Chairman
Legislative Affairs Committee

TO HOUSE STATE AFFAIRS COMMITTEE
ALASKA STATE LEGISLATURE

I request all of you to support
HJR 21.

This is far and away the most
responsible approach in dealing with
the subsistence issue.

"Fixing" the Alaska Constitution is
a sell-out to federal bureaucrats
and should be offensive to all
citizens.

We admire the courage of those
sponsoring the resolution in representing
our interests against those who
manage our affairs "long distance."

Thanks

Scott Gilber
Box 94
Aniak, Ak
99557

April 15, 1997

TO: House State Affairs Committee
Alaska State Legislature

Today, I heard our local representatives
the local Bethel radio station say they
tie up HJR 21 in committee it keeps
from being voted on by our legislators.

While he may have been elected,
does not represent our feelings on

The sponsors of this bill are
positively. We are all Alaskans
we cannot allow people such

Mr. Ivan ^{to} pursue personal agendas.

We are bush dwellers, and support
HJR 21 as the fair solution for
Alaskans. Alaska must manage its
resources, for all of Alaska's residents.

Let's get the federal government to a
ANILCA, and take care of this issue.

Please — support HJR 21 for all
Alaskans, past and present —
for our future.

With heart-felt thanks,

Sincerely,
Mrs. Linda Gibbons
P.O. Box 94
Aniak, Ak. 99557

HOUSE STATE AFFAIRS COMMITTEE
ALASKA STATE LEGISLATURE

04/15/97

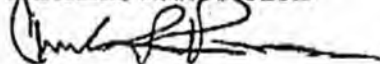
IT WAS WITH GREAT DISAPPOINTMENT THAT I HEARD MY LOCAL REPRESENTATIVE OVER
BETHEL RADIO STATION PROCLAIMING HOW HE INTENDS TO TIE UP HJR 23 IN YOUR COMMITTEE
IT CAN'T BE VOTED UPON BY THE LEGISLATURE. THIS POSITION REFLECTS HIS OWN VIEW
BUT IT DOES NOT NECESSARILY REPRESENT THE VIEWS OF THOSE HE REPRESENTS.

I URGE ALL OF YOU, INCLUDING MR. IVAN, TO SUPPORT THIS RESOLUTION. LET'S ADDRESS
SUBSISTENCE ISSUE BY AMENDING FEDERAL LAW, NOT BY CHANGING THE STATE CONSTITUTION.

I APPLAUD THE SPONSORS' COURAGE FOR ATTEMPTING TO STAND UP FOR OUR RIGHTS AS A STATE
AND TO STOP DRIVING THE WEDGE FURTHER BETWEEN ALASKANS.

THANK YOU FOR YOUR CONSIDERATION,

CHARLES R. RODGERS



P. O. BOX 293,
ANIAK, AK. 99557

DOUGLAS N. LARSEN
58 BULL PINE PLACE
KETCHIKAN, AK 99901
(907) 247-3562

April 9, 1997

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House of Representatives
State Capitol
Juneau, AK 99801-1182

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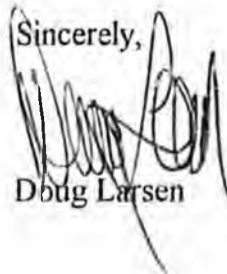
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I strongly encourage you to support HJR 21 or similar legislation that would make appropriate and necessary changes to ANILCA, and thereby facilitate the return of fish and game management to the state.

Sincerely,

Doug Larsen

cc: State Affairs Com. members

Mary L. Bishop
1555 Gus's Grind
Fairbanks, AK 99709
907-455-6151

April 10, 1997

Dear Rep. James and members of the House State Affairs Committee:

I am writing in support of HJR21. It is so important that our Congressional delegation receive some sort of message from the Legislature. This resolution is not what I would prefer, but it is a way to allow ALASKANS to make the decision on the "nature of the priority".

Many people believe that the priority comes into play only rarely -- when there is some sort of unusual resource shortage, or when there is some sort of need. Even our Congressional delegation did not understand the priority for many years -- claiming that it only came into effect in these rare times of shortage. Many reporters still think it's only in times of shortage -- and mislead the public.

In reality Judge Holland and the Dept. of Interior have made it clear that this is not at all the case. AFN, the Outdoor Council, and the Interior Department all pretty much agree on the "nature of the priority" as it stands right now. The nature of that priority has been set by Congress and the courts.

The Interior Dept says: "All other uses must be eliminated before customary and traditional subsistence use can be restricted;"

AFN, in their "no net loss" policy says: "The subsistence priority applies at all times, not just when there is a resource shortage. The Boards (of Fisheries and Game) are required to provide fully for customary and traditional uses before any non-subsistence uses may be allowed."

Please allow Alaskans the option of defining the nature of the priority. We can do this by redefining the terms "rural" and "customary and traditional". What Alaskans come up with may be, or may NOT be, consistent with the state's Constitution. I personally hope it will be consistent with our Constitution. I'll take the chance in this effort to find compromise. I'll take the chance in this effort to regain state management.

Meanwhile some of the more onerous provisions of the federal law would be gone if this resolution were carried out. For example, "public land" would mean federal public land, not state and private lands and waters: subsistence harvests could not be sold in competition with commercial harvests.

Please give Alaskans a chance to resolve this dreadful problem. Thank you for your efforts.

Sincerely,


Mary Bishop

04/15/97 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
 09:51:28 PARTICIPANT LIST (TESTIFIERS ONLY) BY:JNU
 TCN:70630 SCHEDULED FOR:04/15/97 08:00 TO 10:00 FOR:ALL

PUBLIC HEARING HOUSE STATE AFFAIRS

LOCATION:ANCHORAGE

HJR 21 CARL JACK TESTIFY

LOCATION:DILLINGHAM

HJR 21 RUSSELL NELSON BBNA TESTIFY

LOCATION:KENAI LIO

HJR 21 MR. CLARK WHITNEY SELF TESTIFY

HJR 21 MR. JOE HARDY SELF TESTIFY

HJR 21 MR. RANDY SHUMATE SELF-SCI TESTIFY

HJR 21 MR. GARY HULL SELF TESTIFY

LOCATION:KOTZEBUE

HJR 21 MR CHARLIE CURTIS NANA TESTIFY

HJR 21 MR JOHN ERLICH KOTZ IRA TESTIFY

LOCATION:KETCHIKAN

HJR 21 MR. BEN HASTINGS TESTIFY

HJR 21 MR. JOHNNY RICE TESTIFY

HJR 21 MR. DON WESTLUND TESTIFY

HJR 21 MR. DICK COOSE TESTIFY

HJR 21 MR. JOHN PECKHAM TESTIFY

HJR 21 MS. KAY ANDREW TESTIFY

~~HJR 21 MS. ROBERT SHIELDS TESTIFY~~

LOCATION:MATSU

HJR 21 MR. ROD ARNO TESTIFY

LOCATION:NOME

HJR 21 APRIL FERGUSON KAWERAK TESTIFY

HJR 21 EILEEN NORBERT KAWERAK TESTIFY

HJR 21 LORETTA BULLARD KAWERAK TESTIFY

Patrick Cleveland

536 - 5128

Eek

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

04/15/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

09:51:28

PARTICIPANT LIST (TESTIFIERS ONLY)

BY:JNU

TCN:70630

SCHEDULED FOR:04/15/97 08:00 TO 10:00

FOR:ALL

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HJR 21 LORETTA BULLARD KAWERAK TESTIFY

MR. SAM JACKSON AKIAK

MR. PATRICK CLEVELAND EEK

MR. FRITZ WILLIE NAPA KIAK

MR. WALTER JOHNSON YAKUTAT

Patrick Cleveland

536 - 5128

Eek

Apr 4/15/97 off - Nets Tues:

OK
Per Eric
4/11/97

will call at
8:30 AM
4/11/97

AKIak Native Comm.

Sam Jackson - Ex Dir

765 - 7888

on line too:

Arch
Fox
Home
Willingham
Kengai
Ketchikan
Juneau
VTS Noonah (Debbie
Beadley)

PHONE MESSAGE		DATE	TIME	A.M. P.M.
FOR	Barb		Tues	
M	ART LAKE			
OF				
PHONE ()		EXT.		
<input type="checkbox"/> FAX <input type="checkbox"/> MOBILE <input type="checkbox"/> PAGER, ()				
MESSAGE	Kwigillingok, Ad		<input type="checkbox"/> URGENT <input type="checkbox"/> PHONED <input type="checkbox"/> RETURNED YOUR CALL <input type="checkbox"/> PLEASE CALL BACK <input type="checkbox"/> WILL CALL AGAIN <input type="checkbox"/> WAS IN <input type="checkbox"/> WANTS TO SEE YOU	
Leave #	Inuuk District mouth of		SIGNED _____	
	588-8114			

THES - HJR 21

Called
for
Mon. ✓



GRAND CAMP
Alaska Native Sisterhood
1996-97

Maureen Obert
Grand Secretary

Box 313
Hoonah, AK 99829

907-945-3400

Requested Hoonah
as volunteer
site.

PHONE MESSAGE		DATE	TIME	A.M. P.M.
FOR	<i>para</i>			
M	<i>Carl Jack</i>			
OF	<i>HJR 21</i>			
PHONE ()	<i>279-2511</i>			
<input type="checkbox"/> FAX	<input type="checkbox"/> MOBILE	<input type="checkbox"/> PAGER ()		
MESSAGE				
<i>Two witnesses (Anah. L10)</i>				
SIGNED _____				

- URGENT
- PHONED
- RETURNED YOUR CALL
- PLEASE CALL BACK
- WILL CALL AGAIN
- WAS IN
- WANTS TO SEE YOU

Called
them
Mon.

PHONE MESSAGE		DATE	TIME	A.M. P.M.
FOR	<i>Walter Johnson</i>			
M	<i>Walter Johnson</i>			
OF	<i>Department</i>			
PHONE ()	<i>784-3503</i>			
<input type="checkbox"/> FAX	<input type="checkbox"/> MOBILE	<input type="checkbox"/> PAGER ()		
MESSAGE				
<i>HJR 21</i>				
<i>Wants to testify</i>				
<i>THES</i>				
SIGNED _____				

- URGENT
- PHONED
- RETURNED YOUR CALL
- PLEASE CALL BACK
- WILL CALL AGAIN
- WAS IN
- WANTS TO SEE YOU

told him to
call at
9:30

PHONE MESSAGE

DATE 4-14

TIME 12:02 A.M.
P.M.

FOR
M
OF

B
Percy Ballot

PHONE (

Buckland TX
494-2171

EX [scribble]

FAX MOBILE PAGER ()

MESSAGE

HJK 71 - wants to
testify - please set up.
teleconference #

VERY

Willie Thomas 494-9119

SIGNED _____

- URGENT
- PHONED
- RETURNED YOUR CALL
- PLEASE CALL BACK
- WILL CALL AGAIN
- WAS IN
- WANTS TO SEE YOU



Legislative Council

✓ Herman Morgan

675-4393

Aniak

(Cassander -
Michaelia)

FAXed HJR 21

675-4486



Slats
Legislative Council

✓ Patrick Omiak ✓

1-800-
478-7612

686-3071

Denali Island
Little Diomed

*(Paula)
incom*

PHONE MESSAGE		DATE	TIME	A.M. P.M.
FOR	13-			
M				
OF				
PHONE (408 21			
FAX	MOBILE	PAGER (
MESSAGE	<i>Richard Slats ✓</i> <i>Chisvak 858-7252</i> <i>Richard Slats</i>			
				<input type="checkbox"/> URGENT <input type="checkbox"/> PHONED <input type="checkbox"/> RETURNED YOUR CALL <input type="checkbox"/> PLEASE CALL BACK <input type="checkbox"/> WILL CALL AGAIN <input type="checkbox"/> WAS IN <input type="checkbox"/> WANTS TO SEE YOU
				SIGNED _____

**How Alaska's Subsistence Law is Working:
Comparing Its Implementation
Before and After 1992**

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A Report to the
Alaska Department of Fish and Game
Division of Subsistence
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