

# Subsistence decision by game board deferred

by Steve Kakaruk

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The House Interim Committee on Subsistence hearings, last week received about 30 testimonies locally and via teleconference network on the controversial subsistence issues. Also this week, the Alaska Joint Boards of Fisheries and Game met at the Northern Lights Inn to discuss the Alaska Federation of Native's petitions on subsistence.

At the subsistence hearings, Rep. Jack Fuller, Chairman, kept the floor open without intervention to those that testified.

Janië Leask, President of the Alaska Federation of Natives, speaking about the court's decision to open subsistence hunting to all Alaskans, said "although this may seem an attractive result to many urban hunters and fisherman, in actual practice, including urban Alaskans in the subsistence category has produced regulatory chaos and — ironically — has disrupted traditional hunting and fishing activities by urban Alaskans."

The three criteria in the 1978 law on subsistence were addressed: dependence on the game population as the mainstay of livelihood, the availability of alternative food resources, and local residency. These criteria determined hunting opportunities for urban hunters for selected hunts in which the game population could not support a large harvest.

AFN filed administrative rulemaking petitions. The Boards of Fisheries and Game voted 10-4 to defer action on AFN's petition to limit subsistence hunting and fishing to rural residents

who customarily relied on fish and game.

The boards said that the Alaska Legislature is to decide if state subsistence law should give priority to rural residents.

The board will send a letter informing AFN of their vote.

Pending before the U.S Department of Interior are two AFN petitions. One regards the state's non-compliance with ANILCA and the other requests Interior to take control of wildlife regulation for Alaska.

Leask said, "Both the language and legislative history of title eight indicate that the Congress intends the Board of Fisheries and Board of Game to adopt hunting and fishing regulations based upon the definition and regulatory standards set forth in sections 803 and 804 of ANILCA." She added, "If the Alaska Legislature amends the 1978 subsistence law to conform to the ANILCA standards, then the Congress has authorized the Boards to adopt regulations pursuant to the state law rather than sections 803 and 804."

Don Mitchell, attorney for AFN said, "Petition alleges that congress has constitutional authority to supercede the authority of Alaska legislation to determine how subsistence hunting and fishing will be regulated. Petitions also allege that Congress has done so; what has been superceded is not the Board of Game and Fisheries' authority to adopt hunting and fishing regulations — rather, what has been... is the state law as to how it's to be conducted."

Mitchell was also asked to clarify if this means the petition is first (to be observed). He said, "basic thrust of

the petition is that the state Subsistence statute which is in title 16, is not consistent with the standard... established by the Congress in title 8 of ANILCA.

"Consequently because of the state standard that is no longer consistent with ANILCA, the Congress requires the Board of Fisheries, Board of Game, to adopt subsistence hunting and fishing regulations based on the ANILCA regulations, not the standard in the state subsistence law."

Dale Bondurant, 35-year Alaskan

resident at both the subsistence hearings and Boards of Fisheries and Games meetings said that he has been blackmailed. "It's not the American way to do it," he said, "the AFN avenue is wasting our time; why write a law that the Feds can take over?" Bondurant also said, "Bring it to court, find out if it's constitutional," and finally bellowed out, "Hurry up and adopt that blackmail regulation, that's all they're (AFN) saying."

Bondurant, during his testimony said "they're (Alaska Natives) going to do it thru 'soverienty' — to take control. With ANCSA it said 'now we're all equal;' let's get our money back if it's not true."