

# Effects of subsistence ruling remain unclear State cancels three hunts

by Warren Jarvis  
for the Tundra Times

Two weeks after the Alaska State Supreme Court ruled the Native subsistence preference unconstitutional, there have still been no decisions by state agencies on how to deal with the growing crisis.

The decision leaves the state's rural population, which depended on the stricken law and the three hunts cancelled as a result, confused as to

what changes will made.

"People who had planned for and depend on these hunts will face significant problems feeding their families, or they will be forced to break the law," said Alaska Federation of Natives President Julie Kitka in a letter to Gov. Steve Cowper.

The letter went on to urge the reinstatement of the three cancelled subsistence hunts, suggesting that

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more rigorous enforcement of existing regulations would be a better response to fear of urban hunters than simple cancellation.

The three cancelled hunts, formerly due to begin Jan. 1, are the Nelchina caribou hunt, the 40-Mile caribou hunt and the Dot Lake Moose hunt. The cancellation of the hunts represents a swift change in the state's initial position of keeping existing subsistence hunt regulations in effect pending the Superior Court interpretation of the state Supreme Court ruling.

Steve Behnke, the director of subsistence for the Alaska Department of Fish and Game, said that the hunts were "delayed" because of uncertainty over the implications of the state Supreme Court ruling.

## SUBSISTENCE

A major factor in the decision, Behnke said, was the recommendation of the Alaska Department of Law that the state not prosecute any urban hunters who participated, a recommendation which could lead to overharvesting of the herds.

"These are all hunts in which there is a real limited number of take," Behnke said, noting that in the case of the Nelchina hunt the limit was 375 caribou, while in the Dot Lake hunt the allowable take was only five moose.

Behnke said that options about how to restore these hunts and keep upcoming ones from the same fate were to have been discussed at a meeting in the governor's office last week.

Bob Polasky, subsistence director for the Rural Alaska Community Action Program, feels the state is simply "taking the easy way out" of pressure by urban hunters.

"It seems clear to us that the court decision isn't effective yet," he said, adding he believes the state can and should enforce the existing regulations.

According to RurALCAP's legal advice, Polasky said, the state Supreme Court's decision does not go into effect until interpreted.

Two lawsuits were filed last week to open the hunts, Polasky said. Action on those suits is expected by early this week.