

Supreme Court decides caribou hunting case

In a decision issued September 8, the Alaska Supreme Court reversed a lower court injunction against the issuing of permits for the killing of caribou. But the court stated that the way in which the Board of Game gave

instructions to issuers of the permits was wrong.

The Supreme Court did not give an opinion on whether state law allowed issuance of permits, because it said the law was changed when the legislature

passed the new subsistence hunting and fishing law.

The court was acting on an appeal of a superior court judgment which stopped issuance of permits on the basis of need to caribou hunters in Native villages of northwest Alaska in the fall of 1976.

In August of 1976, the Department of Fish and Game declared an emergency closure of caribou hunting of the Western Arctic herd because biologists said the population had been reduced by very large numbers.

The Board of Game held a special meeting in September to ask what regulations should be set. After the meeting, the board approved a permit system which would allow village hunters to kill caribou on a need basis. In December of 1976, the Tanana Valley Sportsmen's Association filed suit against the state to stop the permit system and emergency regulations. The suit also said that the permit system was unfair to whites, because only Natives were being given permits to hunt.

In April of 1977, the superior court agreed with the sports hunters and ordered the permit system stopped. The state ap-

pealed this decision to the Supreme Court in May.

The Supreme Court said the Board of Game was partly wrong because it did not issue written regulations for the permit system, but instead gave verbal instructions to the people who were to issue the permits. State law says that regulations must be written, the court said.

But the court said that the Board of Game was right to decide to issue permits, because the expert game biologists said there was a "reasonable basis"

for the permits. On this point, the supreme court said the superior court was wrong to stop the permit system.

The lower court had also said that there was no state law which allowed the Board of Game to approve permits on the basis of need for food. The supreme court said it would not take up this issue because the subsistence hunting and fishing law passed by the legislature has changed the hunting laws since the suit was filed, and since the appeal was made.