

# Caribou in high court

The Supreme Court of Alaska recently heard argument on the caribou management issue from the State of Alaska and the Tanana Valley Sportsmen's Association.

In 1976, the Department of Fish and Game issued special regulations on caribou management to help curb the problem of dwindling stocks of caribou. One regulation called for the distribution of hunting permits in villages where residents are dependent on the caribou for food.

In the same year, the Tanana Valley Sportsmen's Association and Mark Wartes filed suit against the Department of Fish and Game, stating that it did not have the jurisdiction to allocate the wildlife to hunters on the basis of need. The State of Alaska and various Native groups asserted that some hunters need for caribou is greater than others.

The Tanana Valley Sportsmen's Association won the first round, when the Superior Court of Alaska granted its motion on who was eligible for permits. The State of Alaska then filed a notice of appeal in May of 1977.

Doug Mertz, representing the State, concentrated his Supreme Court argument on whether the State does have the right to allocate the caribou on the basis of need. He told the court that the state constitution does contain language setting forth the common use of resources and the equality of application of those laws to all citizens. Mertz went on to say the constitution also contains language allowing preferences for beneficial usage of natural resources, such as caribou.

Mertz went on to tell the court that recreational hunting was a privilege, not a fundamental right, but gathering, hunting activities which are subsistence-related, in a sense are a fundamental right.

Tanana Valley Sportsmen's Association attorney Lyle R. Carlson said the Superior Court judge was correct in saying that the legislature has defined the matter of subsistence hunting.

Carlson went on to say that T.V.S.A. hoped the Department of Fish and Game would not become a welfare agency in the matter of subsistence hunting and maybe in the future there will be more explicit guidelines in the state constitution.

In closing, Carlson asked the court to uphold the Superior Court ruling.

The Supreme Court has six months in which to render a decision on the caribou management issue.