

Subsistence Threats Loom

State agencies, judges threaten subsistence usage

Protection of subsistence hunting and fishing needs of Alaska Natives has been targeted as a top priority of the Alaska Federation of Natives and many regional Native corporations in addressing the D-2 issue and actions of state officials and agencies regulating subsistence activities in recent months.

Defenders of traditional subsistence activities, however, have suffered substantial losses since last fall in six areas of critical importance to Native subsistence users in rural Alaskan villages.

Six events, primarily due to actions of agencies and government officials representing the State of Alaska, indicate that the Alaska Native people are losing the fight to continue traditional subsistence practices: (1) the conviction this past week of Athabascan Indian Carlos Frank for transporting a moose killed out of season for a traditional funeral potlatch; (2) the rejection by the State Board of Game of all five proposals from village subsistence users for the creation of state subsistence zones under provisions of state law; (3) the action of the State Board of Game to prohibit entirely the taking of caribou from the Western Arctic herd for at least one year; (4) predictions from state officials that subsistence hunting of migratory birds will face greater restrictions, (5) allegations in December from state game officials that Native

(Continued on Page 12)

Subsistence threats grow ...

(Continued from Page 1)

subsistence walrus hunters in the Norton Sound area are wasteful and predictions from the same officials of enforced quotas and other restrictions on walrus subsistence hunters; and (6) an announcement in March from the National Marine Fisheries Service that traditional subsistence harvests of bowhead whales by Arctic Slope whalers is being examined by federal officials for possible regulation by quota or limitation.

The events, primarily actions of state agencies and officials aimed against subsistence usage, show an alarming pattern of state indifference to the needs of Native subsistence hunters.

Carlos Frank Case

District Court Judge Monroe Clayton this week denied a motion to dismiss charges against Carlos Frank of Minto who was found guilty of transporting illegally taken game.

Clayton, a Fairbanks judge has ruled that Native cultural rights do not supersede state game regulations. The case is one that Native groups and state officials say may prove to be a landmark one in determining if cultural practice should be protected by the first amendment, freedom of religious rights.

Frank is not charged with killing a moose out of season but rather with transporting of an illegally killed moose. The charges refer to a female moose killed in October 1975 during a closed game season for a celebration of the culturally religious Athabascan Indian. Clayton said that he was unable to find sufficient evidence that fresh moose meat was necessary for this ceremonial occasion no matter how desirable it may be.

Sentencing has been set for May 6. Attorneys for Frank are expected to appeal.

Subsistence Zones Defeated

In a long session beginning March 29, the State Board of Game rejected five requests from village subsistence users to establish subsistence zones under provisions of legislation adopted last year by the state legislature.

Three of the proposals, originating in the Bristol Bay region, were rejected by the board according to board member Chuck Evans because no Native-selected land was included in the proposed zones.

Two other zone proposals, from areas along the Yukon River, were also rejected by the game board. Instead controlled use areas, prohibiting the use of aircraft for moose hunting, were established by the board.

State game officials have been critical of the subsistence zone approach. One official commented to the Tundra Times, "We feel that the framework for allowing for a separate type of use is there already without infringing on the right of the rest of the public which has a right to that resource."

Caribou Closure

In the same session of the State Board of Game, the board ordered the complete closure of all hunting from the Western Arctic caribou herd, the major source of food for villagers of northwest and northern Alaska. The board last year enlisted the assistance of Native leaders from northwest and northern Alaska in devising a permit system to allow for the taking of caribou by villagers on the basis of need. Non-native sportsmen, however, challenged the permit system in court and won a decision which declared that the state's method of granting permits on a need basis for village families was illegal and an infringement on the right of all Alaskans, urban and rural, to harvest the caribou. Additionally, environmentalists won a court order delaying the state's planned wolf control hunts in the area. Commissioner of Fish and Game James Brooks stated difficulties in managing the herd in light of court decisions has forced total closure of caribou hunting. Hardest hit are Native families of the region who have had their supply of fresh meat cut off.

Subsistence Bird Hunting

Early in this century, the United States and Canada agreed to the Migratory Bird Treaty to limit the spring hunting of migratory birds by farmers (who thought the birds were damaging crops) and sport hunters. It seemed apparent that the Treaty intended to allow Native people of both countries to continue bird hunting for subsistence needs, although the law does not address subsistence. Accordingly, federal officials have not enforced the restrictions against Alaska Native subsistence hunters.

Recent reports that state game officials would begin enforcement of springtime migratory bird hunting against Native subsistence hunters have caused widespread alarm among villagers. The coming of birds in the springtime has traditionally provided Native hunters with a chance to replenish food stocks of depleted canned goods and meat and fish. It has been a part of the subsistence food cycle for as long as there have been hunters and birds in the spring.

Hunters have complained of harassment by state game officials which is reported to have become acute last spring, with Native hunters being reportedly buzzed by state aircraft, chased by state officials on snow machines and ordered to surrender guns. In the past two years, four

subsistence Native hunters have been arrested resulting in one conviction. State attorney general Avrum Gross has predicted greater restrictions on subsistence bird hunting, although he told the Tundra Times in early April that the state would "not prosecute people who took birds for subsistence." There is no guarantee, however, that state officials will not make arrests of Native hunters for bird hunting.

Walrus Hunting

In April of last year management of walrus was transferred to the State of Alaska and provided for the protection of Native subsistence hunting. In an article in the *Nome Nugget* in December, state game biologist Carl Grauvogel charged subsistence hunters in the Norton Sound area with wasteful hunting practices and commercialization of walrus hunting, suggesting further restrictions on walrus hunting (when the State assumed management, it placed a limit on the taking of cow walrus and caliber of rifles used in hunting). Native spokesman Caleb Pungowiyi responded that villagers were upset at inferences that hunters were wasteful. In fact, Pungowiyi proposed, "Regulations could be developed to prosecute those who willfully waste and not place restrictions on the total population." He stated, "We are open to establishment of certain restrictions provided that all possible consequences are taken in consideration. We suggest that the members of the Game Board travel to the villages to get their input on any proposed regulations."

Whaling

Whaling practices of Arctic Slope whalers are also under review this spring by federal officials of the National Marine Fisheries Service, although officials responsible for reviewing federal management of whaling subsistence activities appear to be taking a much less cavalier approach to Native subsistence usage than their State counterparts. The National Marine Fisheries Service (NMFS) is concerned at the rising rate of the whale catch. A NMFS statement released in March said, "The NMFS is hopeful that a greater awareness of this rising harvest will result in suggestions by whale users for management improvement as well as better local control of hunting activities and whale utilization. Response by whaling captains and village leaders has been encouraging."

D-2 Concern

The difference in approaches to management of subsistence hunting between federal management systems and State management has caused many Native leaders to address the subsistence protection problem through the D-2 management proposals. While state game managers and court judges have intensified threats against continued subsistence usage, managers of federal systems have indicated a more objective approach and a greater willingness to cooperate with villagers to provide for intelligent management of the subsistence resource and provision for continued subsistence needs of village families.

While Native leaders are publically stating that use of the Udall D-2 Bill as a vehicle for D-2 was a *tactical* decision and that they are philosophically opposed to the amount of land provided by the bill, many Native leaders are privately stating that a large amount of land under federal management in Alaska with guarantees of subsistence protection may be in the best interest of people in the villages.

One prominent spokesman noted, "We have seen more and more what state management has to offer village people. 115 million acres in federal management is not beginning to sound bad at all." All Native interests are agreed, however, that regardless of the amount of land placed in the D-2 systems, Native options for resource development on Native lands as well as requirement for land conveyances to Native corporations in the amount of ANCSA entitlements are essential to any D-2 package acceptable to Natives.