

# STATE OF ALASKA

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GOVERNOR**

## DEPARTMENT OF FISH AND GAME

### BOARDS SUPPORT SECTION

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**RC 5**

To: Cliff Judkins, Chairman  
Board of Game

From: Kristy Tibbles, Executive Director  
Board of Game

Date: June 30, 2008

Re: Comments from the Ahtna Tene Nene' C&T Committee

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The attached letter was submitted by the Ahtna Tene Nene' C&T Committee for the Board's review at the July 2<sup>nd</sup> emergency teleconference. The Department of Law has advised that the letter be included as part of the meeting materials for Board members to be aware of the view and likely response to any Board actions during the meeting by those who were party to the litigation. It is the understanding by the Department of Law that this letter represents the view of all the plaintiffs in the case.



June 27, 2008

Cliff Judkins, Chair  
Alaska Board of Game  
C/O Boards Support Section  
P.O. Box 115526  
Juneau, AK 99811-5526  
Fax: 465-6094

Re: July 2, 2008 BOG Emergency Meeting

Dear Mr. Judkins,

Ahtna Tene Nene' C&T Committee writes to provide its comments for the July 2, 2008 emergency Board of Game meeting. Ahtna believes adopting the community subsistence permit as described below can result in a long term, win-win situation for the Board and all users. Ahtna is willing to try and work through any issues this proposal may raise, so please feel free to contact Ken Johns or Nick Jackson. Ahtna also provides below its position on incorporating cost of living into the Tier II scoring based on household income. Ahtna is firmly opposed to the current regulation's use of income to score Tier II applications.

### **The GMU Subsistence Moose Hunt**

It is Ahtna's position that the Board can comply with the court's order, and provide for subsistence uses, and potentially other uses, by adopting emergency regulations that establish community subsistence hunts for the Ahtna tribal communities and other like communities. Ahtna's proposal is consistent with the Board's C&T Findings for moose in GMU 13, and we believe with Alaska statutory and case law. The permit would allow Ahtna villages to share, harvest, teach and continue customary and traditional patterns and practices related to subsistence use of moose that are essential to the Ahtna way of life.

The permits would also provide the Board an opportunity to further its goal of more clearly differentiating between subsistence and other uses of moose in GMU 13, and to develop an ANS and hunting regulation that could allow for subsistence hunting, registration permits and other hunting opportunities. The permits could be the key to

developing a solution to this longstanding and controversial issue, and to providing essential stability for subsistence users, other hunters and ADF&G managers.

Ahtna proposes a community subsistence hunt as follows.

- The Ahtna Tene Nene' C&T Committee (formerly the "Subsistence Committee") would act as the administrator for a community subsistence harvest permit. The single permit would serve the tribal members for all eight Ahtna villages in GMU 13; Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti Kaah. Ahtna would distribute permits and harvest tickets to the villages and hunters, monitor and report harvest, and otherwise fulfill the administrative requirements of the permit.
- The permit would allot a quota of 150 moose to meet the subsistence needs of the tribal members of these eight villages. This quota is a good-faith estimate of what would satisfy subsistence needs for this season for the eight tribal communities subject to the permit. Ahtna anticipates that the community permit would spur a cooperative working relationship with the Board and ADF&G that would facilitate adjustment of the quota in the future if necessary.
- The permit would set the community moose season as open from August 20, 2008 through January 31, 2009, including a provision for emergency order closure if necessary for conservation. It would be important to manage the other GMU 13 moose hunts to minimize the risk of emergency closure before the villages had the full opportunity to harvest their subsistence moose quota.
- The season would be for any bull. There would not be an individual bag limit. A tribal hunter authorized to harvest according to the conditions of the permit could harvest any number of moose so long as the quota is not exceeded.
- It is very important that the community permit authorize subsistence hunting throughout Ahtna's traditional moose hunting territory. However, for the sake of this year's temporary emergency regulation, the Ahtna subsistence permit could be limited to hunting throughout GMU 13. The permit would not restrict hunters who are subject to the community permit from hunting for moose in other GMU's throughout Alaska.
- If the details of the permit cannot be completely worked out during the emergency session, Ahtna can work with ADF&G to finalize permit conditions pursuant to the Board's intent and sideboards.

### The Income Question

The income question remains important for Ahtna even if the community subsistence moose permit proposed above is adopted for this season since the GMU 13 caribou hunt will still be managed as a Tier II hunt. The Board should repeal the income criteria, 5 AAC 92.070(b)(4) in its entirety. The 20 points allotted to GMU 13 Tier II application scoring based on income levels should not be implemented this season. First, subsistence is not welfare; it is a way of life that cannot be measured through income. Second, scoring criteria that includes income is inconsistent with the 70/30 subsistence harvest pattern whereby those with the most resources also provide for a large part of the community harvest. Third, there is simply not enough time, nor is there sufficient available data, for the Board to rationally amend its income criteria to account for the cost of living in communities throughout Alaska. Fourth, the aspect of the income regulation that zero's out all points for ability to obtain food if subsistence use is eliminated or restricted grossly exaggerates the power of income for rural village people and fails to include any measurement of the ability to obtain other wild, renewable subsistence resources.

The Board should be especially concerned and careful using income as a test for Tier II permits this season given the harsh impact of escalating energy costs in rural Alaska. The Ahtna villages need full opportunity to harvest enough moose and caribou to sustain the whole community. All the hunters, including those with higher incomes, must be provided full opportunity to harvest what is needed for their households and the other households that depend on them. It is well acknowledged in the Board's C&T use findings that meat is widely shared throughout the village according to need and customary patterns. Denying successful hunters the opportunity to harvest for their household, as well as for others households, means less total meat for the community, not just for the household excluded because of income.

Repealing the income regulation in its entirety will allow ADF&G to score and issue Tier II permits in a timely and efficient manner. Applications already submitted are sufficient and can be assessed without the need to reopen the application process.

Thank you for your consideration of Ahtna's comments and we look forward to working with you on development of the proposed the community subsistence moose hunting permit.

Sincerely,

  
Ken John, President/CEO  
Ahtna, Inc