

The Official publication of the Alaska Outdoor Council and Alaska Fish & Wildlife Conservation Fund. "Protecting your hunting, fishing, trapping, and outdoor heritage since 1955"

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Back at Camp

Sharing Alaska's Wildfood Bounty

By Rod Arno, AOC Executive Director

Alaska's political history has been shaped by "who" gets to benefit from its bounty of fish and game. Since the second group of gathers arrived in Alaska from the Asian continent there has been conflict between user groups.

Archeological evidence continues to support the theory that waves of immigrants from the Asian continent displaced earlier groups of hunter & gatherers arriving in Alaska for thousands of years. This cycle continued and was expanded to circumpolar migration and migrations from the southern American continent north into Alaska. Peter the Greats' aspirations lead to the expansion of Russian territories into Alaska for the purpose of obtaining additional sources of state income in the early 1700's. The bounty of furs in Alaskan waters lead to the occupation of Alaska by Russia until the U.S. government bought them out in 1867. As Senator from New York, William Seward had supported the Eastern U.S. whaling industry in Alaska's waters for Fall 2011

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twenty-five years before he talked Congress into buying Alaska.

While most students of history will agree that other than within the immediate family there was little sharing of fish and game going on up to this point in social development. Of course bartering for fish and game occurred as long you had something of value to trade and the strength to keep it. Normally it was more a matter of who had the greater force, got first pick of any bounty whenever the demand for fish and/or game exceeded the supply.

Sharing of wildfood resources became incorporated in the government structure along with the beginnings of what is now considered to be part of the **Public Trust Doctrine**, a concept of sharing wildfood harvests under democratic principles. The US government first applied this concept in Alaska when Congress adopted the *Alaska Game Act* in 1902. This

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Presidents Message

By Bill Iverson, AOC President

Honesty is its own reward.

This summer I had the opportunity to go fishing up at the Russian River with a friend of mine. We park out on the highway to save a buck and the walk is good for me. We got out of the truck and started to get ready when I found a small wallet on the ground. It had credit cards, non-resident fishing license, driver's license and other personal items including a business card. I put the wallet in my pocket and went fishing for the day. When I returned home I called the long distance phone number on the card and left a message that I had found the wallet. A few hours later I received a call from a very happy gentleman. He was in Seward at the time and had plans. He told me he was going to cancel them but asked if he could meet with me to get his wallet back? I gave him directions to my home outside of Soldotna and he said he would see me in the morning. When he showed up, he turned out to be a guide out of Minnesota, on vacation in Alaska. We had a long talk about AOC and other issues around the state. He thanked me profusely for being so honest and calling him. We gave him some of our canned smoked salmon and jerky. He left and that was that. About a month later we received a check in the mail made out to AOC for \$200.00 donation from him and a copy of his book, The Line, by William A. Urseth. He invited me down to his Club to hunt for ducks or pheasant, all on him. I always try to do the right thing but it is nice once in awhile to get an acknowledgement.

Banquets Sold out.

We had our first banquet on the Kenai Peninsula on October 8th and it was a full house. I would like to personally thank all that turned out. I would also like to thank the generous donations and help from the local businesses. Trustworthy Hardware & Fishing and Impact Area Guns sold tickets for us.

The 18th Matsu Banquet was also a great success and was sold out.

There are too many others that donated and volunteered to name them all, but thank you all. Anyone who would like to help next year, please contact Pam or myself.

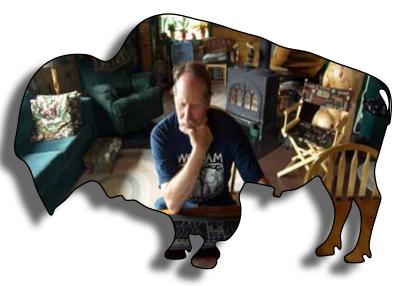
Bison Raffle Tickets Available.

We have received from the State of Alaska a Delta Bison Permit for the 2012-13 seasons, to raffle off. There will be only 1000 tickets sold. They are available by calling Bill @244-6285 or Pam @260-5723 or go to these businesses:

Trustworthy Hardware & Fishing Impact Area Guns in Soldotna

Barney's Sports Chalet on West Northern Lights Blvd in Anchorage

Weld Air Alaska, 340 E. Centaur Ave. on the Knik-Goose Bay Road in Wasilla.



I attended the last AC meeting in Soldotna recently and the main topic were the proposals 35 and 36 from the Board of Game proposal book. These deal with the Intensive Management Plan for the Kenai Peninsula. It was to set up a Wolf predation control area. The mood of the large crowd was that it wasn't enough. The consensus was that brown bear management was needed to be added to the plan. The departments own numbers show that aprox. 6% of the predation is from wolves but that 34% was from brown bears. These proposals will all be discussed in Barrow on November 11-14th, far away from the Kenai Peninsula. We need to get an Agenda Change to get the bear part of this management plan discussed at the March 2012 Statewide BOG meeting. AOC will be at both meetings.

Upcoming Events

28th Annual Fairbanks Banquet	Annual Meeting & Awards
& Fundraiser	Banquet
Saturday, November 19, 2011	Meeting will be at the Juneau
Westmark Gold Room	Centennial Hall
Doors open 5 pm, Dinner at 6:30	Friday & Saturday, February
4	3-4, 2012

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Executive Director Report

By Rod Arno, AOC Executive Director



The U.S. Congress passed the Alaska National Interest Lands Conservation Act (ANILCA) in 1980 and this federal law has been the driving force behind how Alaskans will be able to access and use federal public lands and resources ever since. Federal lands account for 64% of the State of Alaska so that makes it a big deal to outdoors people. The State was promised 28% of Alaska in the Alaska Statehood Act of 1959. And Congress promised Alaskan

regional and village native corporations around 11% of the State in the Alaska native Claims Settlement Act of 1971 (ANCSA). With 95% of those ANCSA lands promised to Alaskan natives having just been conveyed to them a clear pattern of land ownership in Alaska has emerged.

Prior to the conveyance of 11% (around 44 million acres) of the State to private Alaskan native land holders approximately 99% (around 373 million acres) of Alaska was public land, open to varying degrees of public use. ANILCA set aside approximately 45% (around 155 million acres) of Alaska in new and expanded national conservation units; National Parks & Preserves, National Wild & Scenic Rivers, National Wildlife Refuges, and National Forests. Bureau of Land Management (BLM) lands, 20% of the State (around 80 million acres), contains National Wild & Scenic River System corridors plus the Sec. of Interior Ken Salazar has called for the creation of Wild Lands and protection of all lands with "wilderness characteristics". Access to **all** federal lands in Alaska is steadily becoming more restrictive

The passage of federal law, ANILCA, has basically left Alaska with around 25% (90 million acres) of the whole state as an economic base where public access to resources can be provided and enhanced. That puts a lot of pressure on the State to manage those lands for present and future Alaskans. Alaska's State Constitution sets the ground rules on how that development is to occur.

For outdoors people interested in hunting, fishing, trapping, and recreating on public lands we depend on a number of Sections (1-4,15, and 17) in Title VIII <u>Natural Resources</u> of the State's Constitution to ensure that State lawmakers and agencies are making decisions that will continue to encourage access to State public lands. With the recent loss of over ³/₄ of the State to federal conservation units and private land owners, outdoors people need to take a close look at how State agencies, Alaska Fish & Game Department (ADF&G), Alaska Department of Natural Resources (DNR), and the Department of Transportation (DOT) manage the remaining lands and resources on State public lands.

Hunters, fishers, and trappers are dependent on the Alaska Joint Board of Fisheries & Game and ADF&G to implement management plans that will enhance game populations and fish stocks for public use. Since the federal land managers have chosen to ban predator/prey management on the majority of their lands the burden of active wildlife management falls solely on the State. The State is working to provide a harvestable surplus of fish and game to allow for subsistence, personal use, and the commercial fisheries on lands and waters under state management. Should the Alaska native private land owners choose to allow predator/ prey management on their private lands this additional acreage will still only give ADF&G less than ¹/₂ the State to manage wildlife resources for abundance.

Now more than ever before the burden of how people access a wildfood harvest on State public lands falls directly on DNR, DOT and ADF&G. Boat launches to access navigable waterways, maintainable trails, and landing sites are all more critical to public access than before. When the public had more public lands to spread out on there was less conflict among users. User conflicts arise when users are forced into ever decreasing access corridors.

Trespass on to newly conveyed private Alaska native lands escalates as the public is not directed toward 17(b) easements access points, required by federal law, through private lands to public lands beyond.

It's going to be up to the State to provide parking and signage where ANCSA 17(b) easements intersect the public highways. Only the State Department of Transportation (DOT) can build a parking lot in a State right-of-way. AOC has asked BLM if they are going to provide signage marking 17(b) easements to public land beyond Alaska native lands and to date have heard nothing back from BLM that they intend to post 17(b) easement trailheads. The State needs to help the public access these 17(b) easements or they can be vacated forever.

After 3 years of vehicle restrictions on the Rex Trail in the Interior, GMU 20A, DNR has still yet to come up with a plan to fix the closures. When ADF&G manages a wildfood resource for increased use by the public it has to work with DNR and DOT to make sure enough of the public are getting there to harvest the available wildlife resource. Outdoors people should ask that State land use planners to make sure this same bottleneck to public access does not occur in other areas where ADF&G is working to increase the harvestable surplus of moose, like GMU 16.

It is more important than ever that outdoors people let the Legislature and Governor know they want more access on state lands, not restrictions. Public participation in DNR land management planning process is important to make sure State public domain lands remain open to traditional means of access. This is protected by State statute, AS 38.04.200. <u>Traditional means of access</u>. Loss of access on new private lands in State settlement areas or inclusion of public domain into new legislative designated areas could further aggravate overcrowding conflicts.

AOC representatives continue to participate in State land planning processes, in the legislature, and with the Governor's staff to help balance the loss of access to 64% of the state being locked up by federal land managers.

Your membership in AOC helps boost the collective clout of outdoors people in the State's regulatory process. If you're not a member join up, the timing is important.

2012 AOC Annual Meeting Invite

By Rod Arno, AOC Executive Director

The Alaska Outdoor Council (AOC) is a federation of aprox. 50 individual statewide clubs who share an interest in Alaska's outdoor activities. On February 3-4, 2012 delegates from each of AOCs clubs are invited to attend the 2012 AOC Annual Meeting which will be held in Alaska's capital city, Juneau.

The 2nd Session of the 27th Alaska Legislature will just be getting underway, which is an excellent time for AOC to communicate with legislators about legislation and funding of departments and special projects in the state budget. Support for state funding of the Department of Law to actively challenge federal takeover of Alaska's resource management will be critical in the upcoming year. Bills to create more legislatively designated areas on state public domain, a Sport Fish Guide Service Board, and elevation of the priority of personal use fisheries are already on the docket. These, and other issues affecting our outdoor lifestyle, will all be discussed by AOC delegates during the annual meeting. Representatives from the Governor's office, state agencies, and legislators will join us to share the most up-to-date information on these issues prior to our discussions as a committee of the whole.

This is a great opportunity for representatives from AOC member clubs to walk the halls of the legislature and meet with their Senators and Representatives. Also on **Friday night, February 3th** AOC will hold its **2012 Awards Banquet** to honor outstanding efforts by Alaskans to further AOC's causes to perpetuate the natural resource base upon which member groups activities depend and insure equality in access and use of public resources. Please consider attending whether you will be representing your club in an official capacity or not. As an **individual member of AOC**, you can be elected as a **delegate-at-large** at the annual meeting. Individual (associate) members will be represented by one delegate from each region: Southeast, South-central, and Interior Alaska.

Delegate registration forms, hotel rates for AOC members, and information on how to obtain "constituency fares" for flights to Juneau on Alaska Airlines are provided in this issue of the AOC newsletter.

AOC's Board of Directors is hopeful that each of the 50 individual clubs will be able to send their own delegate to the Annual meeting. Should any of the clubs require financial assistance in order to attend they should contact me or AOC President Bill Iverson.

The Alaska Outdoor Council's 2011 Annual Meeting will take place at the **Centennial Hall.**

- Friday Feb. 3rd (8:30am 5:00pm) -Informative meetings with guest speakers will take place in the Egan Room at Centennial Hall.
- Friday Feb. 3rd night starting at 6:00pm The AOC Awards Dinner in Ballroom 3 at Centennial Hall.
- Saturday Feb. 4th (8:30am- 5:00pm) The AOC Annual Business meeting for AOC delegates and interested members will take place in the Egan Room at Centennial Hall.

AOC Awards Dinner tickets can be purchased (\$55.00/singles and \$100.00/couples) by emailing membership@alaskaoutdoorcouncil. org or calling Pam Iverson (907) 260-5723, Bill Iverson (907) 244-6285 or Rod Arno (907) 841-6849.

Hope to see you in Juneau for the 2012 AOC Annual Meeting.

Chitina Dipnet fisheries before the Board of Fisheries - Again

By Rod Arno, AOC executive director

Once again the Alaska Board of Fisheries (BOF) will get another chance to decide where it wants to go with its discriminatory allocation practices for Copper River salmon. The BOF will meet in Valdez, December 2 -7, 2011 to consider, among other subjects, subsistence and personal use fisheries on the Copper River and in Prince William Sound.

The Chitina River dipnet fishery has been the battlefield over whether the BOF will treat all Alaskans as equal, under the state subsistence law as amended by the Alaska Supreme Court, or not. Since the mid-70's the Subsistence Division of ADF&G has provided data to the BOF legitimizing their adoption of separate groups of Alaskans fishing the Copper River based on where on the river they fished (above the McCarthy bridge) and whether they used a dipnet or fishwheel.

The Eastern Interior Alaska Subsistence Regional Council (RAC), Proposal 55, and the Fairbanks AC, Proposal 54, are asking the BOF to return the Chitina River dipnet fishery back to a subsistence fishery. AOC/AFWCF is before the Alaska Supreme Court asking the courts to do just that. The BOF is getting data on subsistence use from ADF&G based on 8 criteria adopted by the Boards at a time when State Law gave rural residents a priority to fish and game. The *McDowell v. State* suit in 1989 said a rural priority was unconstitutional, but that is what you get when ADF&G applies the 8 criteria found in 5 AAC 99.010 <u>Boards of Fisheries and Game</u> <u>Subsistence Procedures.</u>

The first subsistence proposal on the roadmap for Valdez is proposal 51 to reclassify the Copper River District salmon subsistence fishery. This proposal should set the tone for the rest of the board's deliberations on subsistence fisheries proposals in the Copper River drainage.

Support for proposals 54 and 55 (deadline for written comment Nov. 15th) could help the BOF return the Chitina dipnet fishery back into a subsistence fishery. That would make sure **all** Alaskan residents come first when it comes to gathering wildfood fish stocks.

HOW MANY TRIES DOES IT TAKE TO GET A FISHERY REGULATION CORRECT?

By Howard Delo

At the late February-early March, 2011 Upper Cook Inlet (UCI) Alaska Board of Fisheries (BOF) meeting, the board made sweeping changes to the Central District Drift Gillnet Management Plan in an attempt to move more Northern District sockeye salmon through the Central District commercial fishery and into their natal streams. The Susitna/Yentna sockeye stocks had been declared a Stock of Concern during the 2008 UCI board meeting. The action plan drafted by ADF&G during that meeting had done nothing to help the struggling stocks rebound over the next three years. The board felt a dramatic conservation-oriented action was necessary to reverse the continuing downward trend of Northern District sockeye stocks.

The changes restricted the areas and times when the drift fleet could fish inlet-wide. The changes also addressed concerns that restricting the fleet would allow too many fish to escape up the Kenai and Kasilof Rivers. The board expanded the east side commercial fishing corridor during certain fishing periods and decoupled the times when the drift fleet and the setnet fleets could fish. This corridor expansion, in essence, created a terminal fishery in front of the Kenai and Kasilof Rivers. ADF&G now had the tools to pulse Northern District fish through the fishery while better controlling the numbers of fish escaping up the Kenai and Kasilof Rivers. Of course, the drifters hated the plan!

The regulations folks with Fish and Game take the board intent from proposals passed during a meeting and write the actual regulations, usually in conjunction with the Department of Law (DOL) attorneys assigned to assist the BOF. Mistakes occasionally are made in the translation of intent into regulation language, but are usually fairly minor in nature and can be easily corrected by the commissioner, once the error is discovered, with specific authority delegated from the BOF to do so.

Even though the board took great pains to make sure the changes to the drift fleet management plan were clearly described on the record during the original meeting, major errors were made in the translation to regulatory language. The errant regulation actually did the opposite of what the board had passed by adding more area during certain fishing periods. The errors were pointed out to the department with the expectation corrections would be made. None were. The commissioner had the authority to correct the errors her department made, but chose not to do so in a timely manner. The errant regulations became final.

The BOF called a special teleconference on June 30 to address this error in regulation. The process called for a finding of emergency

with the errant regulations and, if accepted, a discussion of possible actions to be taken and a vote on what, if any, actions to take. The board voted that the errant regulations constituted an emergency and, in the subsequent deliberations, voted to replace the errant regulations with the exact version originally passed in the March UCI meeting. The association representing the drift fleet immediately filed suit over the board's action.

The drifters had been threatening a lawsuit but had no grounds on which to base it. This teleconference gave them a procedural situation to challenge. The presiding judge sided with the drifters and issued a temporary restraining order against the corrected regulations. His decision stated that ADF&G screws up board regulations so often that this specific time could hardly constitute an emergency.

The BOF called another special teleconference in early August to, yet again, address the errant regulations, and voted, yet again, to support the original regulations as developed back in March, and, yet again, instructed the commissioner that the BOF expected her to make the necessary corrections using the designated authority given to her office.

As of this writing, I have not heard the final outcome of this ridiculous situation. However, at the early-October BOF Workshop Meeting, newly elected BOF Chairman Karl Johnstone asked the commissioner the status of the correction procedure. The commissioner answered that her department had taken the required administrative steps and turned to the DOL attorney for continued explanation of the status. The attorney stated that, pending further internal review within the DOL, the regulations as originally passed by the BOF should become the new permanent regulations within a few weeks. Being an old retired Fish and Gamer myself, I have also learned that things aren't final in the department until the blood has dried on the signature line of the document.

Regarding the temporary restraining order, the presiding judge has decided to reconsider his ruling. Apparently, he realized that he made a decision without allowing the opposite side to offer a reasoned and thorough rebuttal to the original complaint. That's fine, but we lost one whole year of trying to reverse the downward spiral of Northern District fisheries numbers because of this legal wrangling.

This whole situation, quite frankly, should never have occurred. Even if a mistake was made, an administrative procedure already existed to correct the errors in a timely manner, without the need for court hearings and emergency BOF meetings. Let's hope both the BOF and ADF&G learn from this situation and take steps to see that an error of this magnitude never happens again.

Sharing: Continued from Page 1

federal law established the first bag limits, open and closed seasons, and imposed restrictions on the methods and means of hunting. The rational for passage of the *Alaska Game Act* was to stop the commercial overharvest of deer in Southeast Alaska to feed the huge influx of miners in the area. Commercial mining endeavors were causing a depletion of the local wildfood source and laws were needed to preserve the opportunity for residents to continue harvesting their wildfood.

It was an old story that had played out in most parts of the world as civilizations grew beyond the carrying capacity of unmanaged wildfood resources. The sharing of wildfood resources doesn't seem to be an inherit trait of the human species, which helps explain way over the centuries humans have migrated away from each other to occupy every corner of the earth.

Armed conflict and force isn't used to determine the allocation (sharing) of fish and game in Alaska anymore. Instead harvest regulations are being created based on the protection of laws. Alaska's Supreme Court depends on adherence to protections of equal access to fish, wildlife, and waters found in Alaska's State Constitution, Article VIII, Section 3- <u>Common Use</u> when ruling on challenges to "who" gets to harvest fish and game.

Unfortunately for Alaskans who believe in sharing public resources, such as fish and game, federal laws have been allowed to "trump" the state's Common-Use clauses enshrined in the State Constitution. Tt started with the Marine Mammal Act in 1972. Then in 1980 Congress passed the Alaska National Interest Lands Conservation Act (ANILCA) creating a priority to fish and

game in Alaska based on your zip code. At that

point Alaska lost its ability to enforce sharing of fish and game wildfood resources and as of yet has been unable to regain that authority.

Now the battle to ensure sharing of Alaska's wildfood bounty rages on in both the federal regulatory process and that of the states', as well as in Congress and both the state and federal courts system. Alaska's legislature has chosen to ignore the issue knowing that in the past it met political suicide for legislators who pushed it.

AOC remains at the forefront of the battle to share Alaska's fish and game bounty with **all** Alaskans who choose to take part in the harvest of wildfood. There is only one of two outcomes in this struggle;

either sharing will occur or Alaska's Constitutional protection of common-use of fish, game, and waters will have to be struck down.

Here is a look at the battlefield over equal access to fish and game in Alaska at this moment:

• The Alaska Federation of Natives (AFN) is still declaring that the Alaska National Interest Lands Conservation Act (ANILCA) was "Indian legislation" (http:// nativefederation.org/documents/AFNFedPriorities-2011-APRIL.pdf) and that Alaskan natives should have a priority to fish and game on all federal lands and waters in Alaska. AFN continues to ask Alaska's congressional delegate to introduce legislation to amend ANILCA to make it a native priority. While AFN's position is clearly contrary to what the late Senator Ted Stevens argued for and got passed through Congress in the waning hours of 1980 it does show the high level of tension that still exists over who gets to benefit from Alaska's fish and game reserves.

The Federal Subsistence Board, (http://alaska.fws.gov/ asm/board.cfml), continues to adopt federal hunting & fishing regulations that set bag limits and seasons more liberal than state regulations for rural Alaskan residents only.

• The Alaska Board of Fisheries allows for a subsistence salmon fishery at the mouth of the Copper River above and the McCarthy Road Bridge, but not at the long established Chitina dipnet site. (The Alaska Fish & Wildlife Conservation Fund is currently challenging this Board action in the Alaska Supreme Court)

• The Alaska Board of Game has adopted a Community Subsistence Hunt (CSH) for residents

of the Nelchina Basin and any group of 25 or more Alaskans only. (The Alaska Fish & Wildlife Conservation Fund is currently challenging this Board action in the Alaska Supreme Court)

One thing is for sure, in order to get a fair share of Alaska's wildfood bounty you need to ask.

Public participation in the regulatory process, either as an individual or organization, is mandatory in today's political process of allocating fish and game in Alaska. Although it is time consuming and costly it still beats the old method of wildfood allocation, the use of brute force.

Contribute to the Legal Fees of these brave Alaskans

By Rod Arno, AOC Executive Director

The news is getting out; recent headline news of National Park Rangers drawing down on an Alaskan boater traveling on the Yukon River for not having "numbers" and refusing to shut off their engine in midstream caught most Alaskan's attention. Travelers on rivers which because of their navigability status belong to the State shouldn't have National Park Rangers out patrolling for State boat numbers. There are other examples of the feds regulating boating on State waters; float trips in the Togiak National Wildlife Refuge (NWR) and hovercraft in the Yukon-Charley Rivers National Preserve are two examples.

Alaska Senator Fred Dyson, the sponsor of Senate Resolution No. 2 (SJR2) last spring made the statement "Alaska has entered a period of extraordinary efforts by certain federal agencies and environmental groups to lock up Alaska's resources." The Senator was more likely concerned with environmental groups' use of the Endangered Species Act (ESA) to stop resource development, from oil & gas to renewable timber resources, when he wrote the quote in his sponsor statement.

Yet federal limitations to public access were still part of the package of why the Governor and AG were being fully supported by the Alaska Legislature to go after the feds and make them stop. Senator Fred Dyson, as well as every member of the Alaska House and Senate who **all** voted to support SJR2, know the feds are ratcheting down on public use of public resources in Alaska.

Last spring, July 19, 2011, the Governor's office wrote back to the Senate saying the Governor had read the resolution and sent it off to the Lt. Governor for permanent filing. The people in the best position to try and stop the federal takeover of resource management in Alaska are all aware of our loses.

The State has been strong in its challenges to a number of the ESA determinations. The State is slowly stepping up to resist the federal takeover of public resource management. Good examples are: in response to federal land management planning processes currently open to public comment. The State has informed the National Wildlife Refuge folks that their draft plan for the ANWR CCP/EIS is out of compliance with the National Environmental Protection Act (NEPA). The State let the feds know they were ready to go to court if the U.S. Bureau of Land Management (BLM) attempted to ignore ANILCA access provisions in the update of the Delta Wild & Scenic River Area. Plus the State came out strong against the creation of Wild Lands designated areas on BLM lands.

Yet still the brunt of the load in the judicial system, to regain State control of access to public resources, is being carried by passionate individuals. At the cost of countless hours and tens if not hundreds of thousands of dollars, two hunters and one miner are leading the charge in federal court:

Jim Wilde, one of the moose hunters, has been convicted by a Federal Magistrate for not having State registration numbers, for interfering with federal agency functions and violating a lawful

federal order. He is awaiting sentencing.

Carey Mills, the miner, has lost his case in federal court trying to get access to his mining claim. The federal judge agreed with BLM that State Statutes adopted after 1979 to claim RS2477 access routes don't mean anything to the feds. That piece of news cost Mr. Mills over \$50,000. You can donate to his attorney fee's Fund at our website: www.alaskaoutdoorcouncil.org. Click on the Donation link on our website to make the donation, it is called the **"Access Assertion Fund"**. It is Tax Deductible

John Sturgeon, the other moose hunter, has just filed his complaint in federal court asking for <u>Declaratory Judgment and</u> <u>Injunctive Relief</u> after getting thrown off State waters because he was operating a hovercraft. John has been told by his legal council to figure on going all the way to the U.S. Supreme Court. You can donate to his attorney fees by sending a check to AFWCF made out to the law firm of; **Ashburn & Mason, P.C.**

The AFWCF will gather checks made out to; Ashburn & Mason, P.C. and obtain a receipt after deposit to inform Mr. Sturgeon of the amount.

AOC is hopeful the State will take advantage of these men's efforts and join the litigation where State involvement can be helpful and use the positions taken by federal agencies in these cases to try and reverse the federal intrusion into State management of resources and access to those resources.

The states' rights that came with the **Alaska Statehood Act** are being diluted by federal policy.

Outdoor's people can help by letting the State Legislature know they support action by the Governor and AG to stop this federal takeover. Also helping contribute to the attorney fees of these brave individuals who have chosen to challenge the federal takeover is a must.



Madge, Bill, Dave, Bill & Teresa 2011

Resist the federal takeover The state must fight to preserve access rights

by Mike Kramer of Fairbanks - republished from the Daily News Miner Oct 16, 2011 Community perspective

In 1959, the federal government recognized that Alaska belonged to its people. Alaskans soon ratified a constitution that specifically recognized our ownership of waters, land and resources to be managed by the state in trust for the benefit of its residents. For the next 10 years, we governed ourselves, united in a common desire to live the Alaska lifestyle, free from unwanted government interference.

Then we found oil. In 1980, Congress approved Alaska National Interest Lands Conservation Act, a federal

law that added 53.7 million acres to national refuges, 25 Alaska rivers to the National Wild and Scenic Rivers System, 3.3 million acres to national forests and 43.6 million acres to national parks.

Thousands of federal bureaucrats came north and propagated. Excluding the military, there are now 17,065 federal employees living in Alaska. They built large office complexes and started making rules. We welcomed federal spending, and didn't understand that when the federal agents became bored with regulating the half of Alaska they

with regulating the half of Alaska they already owned, they would eventually feel Mike Kramer With daughter Kendall compelled to take over as much of the remainder as they could.

First, they started buying private property surrounding the 106 million acres they already controlled. Then they took over management of subsistence hunting and fishing on federal land, then they started coveting our rivers.

State ownership and control of navigable waters and the fish that swim in those waters was uncontested until a federal judge declared that the federal government could indeed manage those rivers in order to discriminate among Alaskans when allocating the fish. Then-Gov. Tony Knowles promised to appeal that decision as a matter of state sovereignty. Fourteen governors of other western states filed briefs in the Katie John case in an effort to protect their rights to manage their own waters. Knowles broke his promise and ceded control of our navigable waters. The feds immediately started hiring more rangers and buying jet boats.

Ten years later, we still can't seem to effectively resist the ongoing federal takeover of our lands, resources and waters. Gov. Sean Parnell has recently tasked the Public Access, Assertion and Defense Unit in the Department of Natural Resources to begin to fight back. It may be too late.

This past week, a federal judge ruled that shotgun-wielding federal park rangers had jurisdiction and authority to arrest Alaskans who fail to register a boat operating on a state-owned river. Last year, the federal Bureau of Land Management refused to recognize a gold miner's right to access his state mining claims on a state-owned public road. In 2007, three armed federal agents ran a jet boat up the Nation River and ordered an Alaska



moose hunter to turn his hovercraft around and leave the Yukon-Charley Rivers National Preserve because the hovercraft was forbidden under Park Service rules from operating on a stateowned river, even to access state land clearly outside the preserve.

All of these recent federal encroachments have arisen in or near the Yukon-Charley preserve. The magnitude of the federal encroachment in that corner of the state seems directly proportional to the size of Yukon-Charley preserve headquarters building on Geist Road.

The gold miner and moose hunter have both recently sued the

federal government to enforce their access rights. It will take state intervention in these challenges to make a difference, yet the state has so far resisted supporting either lawsuit.

Our economic dependence on federal funds has fostered a culture of conciliation and deference to federal claims of authority. Those of us who value individual and state rights need to demand that our state government get off its hands to vigorously defend what few rights we still cling to.

Mike Kramer is a 43-year resident of Fairbanks and a partner in the law firm of Borgeson & Kramer. He has litigated several cases involving land access issues, including representing the gold miner referenced in the article

Lawsuit Updates

By Mike Kramer, attorney for AFWCF

The 2009 version of the Community preference hunt for Nelchina caribou and moose was declared unconstitutional. Ahtna appealed and the case was argued to the state supreme court on September 15. The court seemed very concerned that even if they agree the 2009 version of the hunt was discriminatory, that such a decision would not affect future versions of a community based preference to our commonly owned tier 1 resources. On behalf of our membership, I urged the Supreme Court to not limit their inquiry to the 2009 hunt conditions, but to rather consider the constitutionality of the entire community hunt concept, and if such a preference was legitimate, the extent that such a preference could be given over individual tier 1 subsistence users.

The 2011 version of the Community preference hunt was declared legitimate by a superior court judge in Fairbanks and a notice of appeal has been filed by AFWCF. Our intent is to combine the two cases and urge the Supreme Court to issue a comprehensive decision that affects all possible version of a community preference. Such a decision would bring finality to the issue and would prevent the Game Board form continuing to annually make small changes to the discriminatory hunt conditions to simply keep pace with court decisions. AFWCF cannot afford to continually fight the BOG and Ahtna.

Continued on Page 9 - Lawsuits



opportunity given by the AFWCF-AOC board to defend the equal access rights of our members.





WHEN LOOKING FOR THE BEST, CALL:

The Halibut Charter Industry Finally got the attention of NOAA's Fisheries Service, after 17 years of trying.

by Rod Arno, AOC Executive Director

That's the way North Pacific Fisheries Management Council (Council) member Ed Dersham summed up NOAA's decision to halt the implementation of the halibut charter Catch-Share Plan (CSP). Finally the Council pushed hard enough against the charter fleet allocation of halibut that the industry spent some time and money letting the angling public know what would happen to their halibut fishing opportunity if the Council went ahead and adopted the CSP. NOAA has asked the Council to take a look at a "number of policy and technical issues" that were raised by thousands of comments opposing the halibut charter CSP.

Everyone should continue to monitor where this planning process goes. This is a domestic allocation issue that needs resolved by the National Marine Fisheries Service (NMFS) and the Council. Back in 1995 the Council gave approximately 85% of all the halibut taken commercially to the commercial fisheries industry. The 15% of

Todd Clark

AOC/AFWCF Board Member

Todd, a third generation Alaskan, was born in Anchorage in - an original resident of Spenard. His grandfather came to Alaska in 1951 as a road construction contractor. His father was a pilot and owned an Anchorage based air taxi operation. Todd's wife, two daughters and yellow lab are also born and raised in Alaska. Todd spent twelve adolescent seasons as a crew member in Lower Cook Inlet.

Todd became involved in outdoor issues when battling against several Matsu ordinances resulting in access restrictions. This prompted Todd to become involved in the Alaska Boating Association eventually becoming a board member and President.

Todd was also the founding president of the Alaska Outdoor Access Alliance – an organization highly motivated to maintain and

increase access to Alaska's resources for all means of access.

Todd's current interests are balanced between raising a family, growing his business, keeping two freezers full, fighting for our Alaska way of life and eventually moving to the Matsu valley.

Outdoor Activities

- Avid hunter (consumptive user)
- Shooting sports enthusiast
- Avid snowmobiler
- Avid airboater
- Avid fisherman (consumptive user)

the halibut allocated to the charter fleet just isn't enough to meet the individual angler demand taken on halibut charter trips. The allocation of halibut (GHL) needs to be increased, anglers shouldn't settle for anything else.





Beliefs

- We should be maximizing the benefit to the people of Alaska's resources
- Conservation not preservation
- Maximum sustainable yield for renewable resources
- One user group should never be restricted to enhance the experience of another user group
- Manage the resource not the people

I want to ensure my daughters and eventual grandchildren have the same outdoor opportunities in Alaska that my father and grandfather had.

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In Memoriam

By Dick Bishop



Alaska lost one of its greatest fans with the passing of Bill Stroecker on Nov. 8, 2010 at age 90. AOC lost a long-time friend.

Bill was a third generation Alaskan, born and raised in Fairbanks, where he lived all his life.

He took part in and supported a wide variety of civic and charitable causes. As a banker, he was involved in the life of Fairbanks and many of its citizens for decades. He was an avid outdoorsman. His obituary in the Fairbanks Daily News Miner notes: "As public as his life was, Bill saved his most enjoyable times to himself and a few friends. An avid outdoorsman, he spent literally every weekend soaking up the great outdoors, whether it be boating, fishing, hunting, hiking or snowshoeing. Joining him on such adventures would be his prized Labrador retrievers." Bill also hunted across the state, from Southeast Alaska to the Brooks Range.

Bill was a long-time, substantial supporter of the NRA, and of the Alaska Outdoor Council and its "sister" corporation, the Alaska Fish & Wildlife Conservation Fund. His advice and support are sorely missed, along with his example as an ethical fisher and hunter who truly appreciated Alaska's great outdoors.

Fortunately, Bill made sure in his will that his support for AOC could continue, by listing AOC among the many good causes he directed the trustees of his estate to consider for financial support.

Thank you, Bill, for your devotion to Alaska, Fairbanks, and Alaskans. Your legacy lives on.

Bill Stroecker was a "world class" trumpeter. His life and contributions to the local music landscape were celebrated at the University of Alaska Jazz Fest in April. This memorial image was designed by student artist Hannah Foss. Recognizing Bill's fervent appreciation of the natural world and Raven's place in Alaskan folklore, Foss wrote: "I created a flying Raven with a trumpet...to signify the amazing light and joy that Bill (like Raven) had brought into the world and to emote in pictorial form the wish that his spirit may encounter a safe journey to the next world."

Long-time AOC supporter Dean Cummings passed away September 22, 2011 at age 86. Dean was an accomplished hunter, trapper, an advocate of sound fish and game management, and a proponent of fairness in allocation of fish and game resources. He was an original member of the Delta Fish & Game Advisory Committee and charter member of the Delta Sportsmen's Association. Dean was a man of great knowledge and good judgment. It was a privilege to have known and worked with him. He served his family, community and state well.



Mom's Clam Chowder

By Pam Iverson

5 or 6 large potatoes, 6-8 slices of bacon

3 cups of clams (60 or so Razor clams) siphons are pureed in 3 cups of water in a blender.

The remainder of the clams is finely diced.

 $\frac{1}{2}$ onion finely diced, 6 stalks celery, diced, $\frac{1}{2}$ cube butter

1 tablespoon of salt, and parsley (diced)

About 1 teaspoon of pepper, celery salt, garlic salt & a dash of cayenne pepper.

2 cubes of Knorr chicken bouillon cubes (I found these in the ethnic foods isle)

6 to 12 tablespoons of corn starch as needed to thicken, in 1 cup of water

1/2 gallon of heavy cream

Cook and peel the potatoes. Cool and dice into bite size pieces. Set aside.

Brown the bacon until crisp and dice into small pieces.

Add celery, onions and butter in a large pot, cook for 5 minutes Add pureed clams, boil for 5 minutes.

Add the clam pieces, cornstarch & water, and then bring back to a boil for 2 minutes.

Add the seasoning, cream and heat to a boil, but DO NOT BOIL. Add the potatoes.

If the chowder is not thick enough, add a bit more cornstarch or some flour.

We find that it tastes even better the next day when re-cooked.

Enjoy.

(note: Pam's Mom passed away this summer)





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