



# Outdoor Alaska



The Official publication of the Alaska Outdoor Council  
"Protecting your hunting, fishing, trapping, and access to public lands since 1955"

Volume 23, Issue 1

[www.alaskaoutdoorcouncil.org](http://www.alaskaoutdoorcouncil.org)

Fall 2015

## Increased Opportunity to Hunt and Fish in Alaska

By Rod Arno, AOC Executive Director

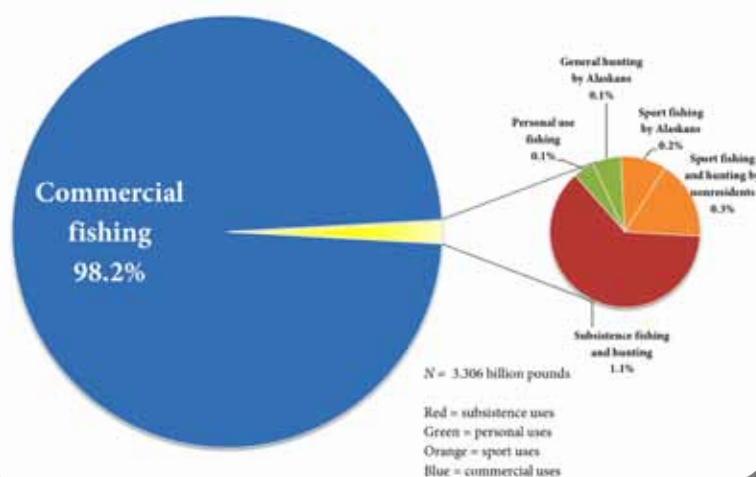
The Alaska Outdoor Council (AOC) is a statewide nonprofit organization whose primary purpose is to increase the opportunity for ALL Alaskans to share in the use of a publicly owned resource - fish and game. AOC has worked hard toward achieving the goal of sustainable harvest of fish stocks and game populations since before statehood. Currently AOC represents 50 outdoor clubs as

well as individual members, for a total membership of around 10,000 Alaskans who pay to have representation present whenever fish or game management and allocation decisions are being made for Alaska.

Conservation of public resources is AOC's No. 1 priority. That means protecting Alaska's productive wildlife habitat and waters comes first. There may be activities that humans do globally that affect climatic weather variations resulting in negative impacts to wildlife habitat. There is very little AOC can do about that, but because of State and federal regulations regarding development AOC does have a say in how humans impact Alaska's ecosystems. AOC staff review and comment on resources development and access construction projects proposed on both state and federal lands during numerous planning process that may compromise the quality of the habitat. To date Alaska's wildlife habitat and waters remain largely undisturbed and are not a limiting factor to increasing hunting and fishing opportunity.

Increasing opportunities to hunt and fish means

Who harvests fish and game?  
Resource harvests by use in Alaska



[http://www.adfg.alaska.gov/static/home/subsistence/pdfs/subsistence\\_update\\_2012.pdf](http://www.adfg.alaska.gov/static/home/subsistence/pdfs/subsistence_update_2012.pdf)

### Upcoming Events

**Palmer State Fair**  
August 27th-September 7th

**AOC Kenai Peninsula Banquet & Fund-raiser**  
Soldotna Sports Center  
Saturday - October 3, 2015

**AOC Annual Wasilla Banquet & Fund-raiser**  
Evangelos Restaurant  
Wasilla, Alaska  
Saturday - October 17, 2015

**WE NEED VOLUNTEERS.**  
Please contact:  
[president@alaskaoutdoorcouncil.com](mailto:president@alaskaoutdoorcouncil.com)

Continued on Page 5 - Hunt and Fish

### In This Issue

Increased Opportunity to Hunt and Fish in Alaska	1
Presidents Message	2
Executive Director Report	3
Conserving the kings	4
2015 Alaska Board of Game actions regarding Dall sheep Management and Allocation	6
Open letter from AOC to:	7
AK Department of Natural Resources (DNR)	7
Summary of the Issue: Fee-to-trust Tribal Lands in Alaska	8

The creation of "Indian Country" in Alaska	9
That Rainy Day!	10
Bill's Famous Moose Meatloaf	11
ALASKA FISH & WILDLIFE CONSERVATION FUND	12
Alaska Trust Fund - A Gift to Alaska	12
Karen Gordon	13
AOC Sustaining Business Members	14
AOC Member Clubs (to get contact info go to our website)	15

# Presidents Message

By Bill Iverson, AOC President

We have got to stop letting the fox count the chickens in the hen house. That is what allowing the Commercial Fisheries Division of the Alaska Department Fish & Game count the escapement numbers on the Kenai, Kaslof and Copper Rivers, amounts to. Higher escapement numbers result in a larger allocation to commercial fisherman, therefore the Commercial Fisheries Division (Comm Fish), the ones counting salmon escapement, has a very vested interest in nudging the salmon count higher than reality in order to assure their constituency a larger piece of the allocated salmon "pie" and a smaller piece for the rest of us Alaskans. The fact that the Comm Fish is doing the counting that gives commercial fishermen the sanction to fish even more salmon when the numbers are actually distressingly low enough to result in an emergency closure to individuals but still open to the commercial fishing industry, is not only a very clear unacceptable conflict of interest, but should result in the immediate barring of Comm Fish from doing the escapement counts. The Commissioner should ensure a private entity with NO ties to the Alaska salmon industry is hired to carry out the escapement counts in a scientifically and statistically significant and acceptable manner.

The published numbers counted by the Comm Fish and the reality on the river did not match this year, again.

I was born and raised in Alaska. I have been fishing on the Kenai River most of my life, but this has been the worst fishing season I have experienced. Most people around me know I am a good red fisherman and act as a weather vane on the strength of the run. This year was very bad and yet the count said otherwise. This gives me less and less faith in the accuracy of the system used to count for escapement.

I and others were given a tour of the ADF&G facility in charge of the counting a few years ago, and was surprised about what I learned. A person sits in front of the sonar screen and counts with a hand clicker, for 10 minutes of each hour, how many fish cross the screen. They then multiply that number out to get the approximate number for the balance of the hour. They then do this for 8 hours and multiply this out by 3 to get the number for the 24 hour period. This is not an actual count but just a GUESS. This year I was told that they have changed the procedure again and now wait for peaks to begin their counts, thereby inflating the numbers even more. This gives an over inflated number which allows the commercial fleet in the water for more and more days. The last time I checked ADF&G were at emergency order #50 extending the season. Say goodbye to the Kenai Silver run.

We need to have an independent agency do the counting, someone with no skin in the game, if for no other reason than the perception of it being above board, without a conflict of interest.

Surely there is software available that can count the screen 24 hours a day 7 days a week that would be more accurate than the system currently used. It should also have a camera on it so the public, if it so chooses, can do their own counting to audit the accuracy of the software and numbers used for escapement goals. These changes could restore the faith back in the Department of Fish and Game that has been eroding for years.

When we lose faith in the system we all lose. The only thing that should be important is the resource. We all need to have a fair and level playing field.



Bill with this years Red Salmon from the Kenai River

## Donations and volunteers

Anyone who would like to help with any of our banquets or sports shows please contact me. We still need donation of items for each of our banquets, so if you have that item sitting around your home, that you could part with, we could re-purpose it to a new user and help support AOC.

## AOC Supporters

I would like to stress the importance of you supporting the Sustaining Business Members in this newsletter. They have committed their time and reputation by aligning the names with AOC and deserve acknowledgement of their commitment to Alaskan's. by you frequenting their business it shows them you care.

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# Executive Director Report

By Rod Arno, AOC executive Director



## Federal takeover of State's jurisdiction to manage and allocate publicly owned resources in Alaska - fish and game:

The U.S. Fish & Wildlife Service (FWS) manages around 78 million acres of prime wildlife habitat in Alaska. In 2001 FWS decided that the purpose for creating National Wildlife Refuges (NWR) nationwide was going to change by policy to include: **maintain and**

**restore the biological integrity, diversity, and environmental health** of all NWRs.

So now FWS believes they are "mandated" to override the Purposes of the NWRs create by ANILCA in 1980 and manage game to achieve population levels prior to human beings on the landscape. As absurd as that is its true.

The FWS is proposing to adopt regulatory changes that prohibit implementation of AK Board of Game regulations that they feel are primarily intended to reduce predation on ungulate populations. FWS's primary purpose in Alaska is to provide for subsistence uses of fish and game for rural residents. Yet they're saying their mandate now is to keep game populations at the low level equilibriums historically found in northern latitudes.

AOC has been working with U.S. Senator Dan Sullivan's staff to ask if he could help rein in FWS before they publish their proposed rulemaking in the Federal Register. If and when the proposed rule is published AOC will inform members as to how they can provide public comments to FWS as to the absurdity of their proposed policy.

The US District Court, District of Columbia has decided that the Alaska exception passed by Congress in the 1971 Alaska Native Claims Settlement Act (ANCSA) to not allow the creation of "Indian Country" in Alaska is invalid. For outdoor folks who hunt and fish what that means is the federal government will have primary jurisdiction over any Alaska Native lands that they take into trust along with any of the 220 tribes that may choose to give up their fee simple lands and ask that their lands become trust lands. Due to the checkerboard pattern of Alaska native lands (around 40 million acres) and state lands (around 90 million acres) fisheries and game management and allocation on a sustained yield bases will be a nightmare for the state to implement. You can contact Gov. Bill Walker's office before the end of August and tell him to appeal the US District Court decision. Additional information on this court ruling and its ramifications can be found on pages 8-9 in this newsletter.

September 4, 2014 will mark the 1st year anniversary since the National Park Service (NPS) proposed to takeover sport hunting and trapping on National Preserve lands in Alaska whenever the AK Board of Game adopts regulations involving predator reduction. Public comment was extended and then closed February

15, 2015. Now AOC will continue to await the outcome and see what the state plans on doing should NPS adopt the permanent federal prohibition.

USFWS also proposes to takeover game management on the Kenai NWR by permanently prohibiting baiting of brown bear at regulated bait station. The public comment period for that just close so it may be some time before any rulemaking appears. FWS has made the decision to allow baiting black bears but not brown bears yet provided no science based data as to why brown bear baiting is incompatible with Refuge values.

AOC is hopeful that the state will challenge whichever federal land manager is first at codifying regulations to preempt state game management in Alaska.

## The 1st Session of the 29th Legislature:

For outdoor folks the 1st session was a rather lackluster event in Juneau. Falling oil prices meant declining revenue for the state. That was the major topic on everyone's mind. Knowing that General Funds available to ADF&G would also decline AOC club member Territorial Sportsmen Inc. (TSI) worked with the department staff to draft a bill increasing hunting and fishing licenses and tag fees to help the department make up state GF losses by increasing funds in the dedicated Fish & Game Fund. The Alaska chapters of SCI had the same funding concerns for ADF&G and an agreement was made among the NGOs (AOC, TSI, SCI and The Alaska Professional Hunters Association) to have one bill introduced by House Resource Co-chair Representative David Talerico. HB137, increasing hunting and fishing license fees, made it through the House but stalled out in Senate Resources as more and more outdoors folks became disenchanted with the direction Governor Walker's new Commissioner of Fish & Game was taking the department. AOC and the other hunting and angler NGOs supportive of the license increase hope to discuss their dissatisfaction with the Department of Fish & Game prior to supporting any license increase bill during the upcoming legislative session.

After years in the Alaska State House of never getting his bill to elevate harvest by personal use fisheries afforded a high priority above that of the commercial fisheries industry heard in committee Senator Bill Stoltze finally got a hearing on his bill, SB42, in Senate State Affairs. Support by Alaskans was overwhelming. The bill was referred to Senate Resources awaiting action during the Second Session convening January 19, 2016. AOC will be asking for public support from dipnetters and their families to get SB42 passed into law.

Thanks in large part to years of effort by the Citizen's Advisory Commission on Federal Areas (CACFA) legislators have become intimately aware of the federal lands managers continued attempts to usurp state authority to manage fish and game on federal lands and navigable waters

Continued on Page 9 - ED Report



# Conserving the kings

By Les Palmer (*REVISED* column for *An Outdoor View*, Aug. 14, 2015)

I can't remember the last time I fished for Kenai River king salmon, but it was at least four years ago, and then only once that summer. I've resigned myself to not bothering the kings until the runs are healthy again.

This year started out looking grim from the git-go. In February, the Alaska Department of Fish and Game (ADF&G) closed the Kenai to fishing for kings until July 1 by Emergency Order. That meant was no harvest of early-run kings, and no playing with them under catch-and-release rules. For the early run, ADF&G forecasted a total run of only 5,265 kings. If it happened, it would be the next-to-the-lowest return in the past 30 years.

According to the agency's sonar count, the early run as of June 30 ended up at 6,190 kings, a little better than expected and within the optimal escapement goal of 5,300 - 9,000 fish.

This is the kind of fish management I like. If you're going to err, err on the side of conservation.

ADF&G's outlook for the late run Kenai River kings this year also was "well below average," with a total run of only 22,115 fish, the 3rd lowest in 20 years of recording. As it turned out, the outlook was on the low side. According to ADF&G, the total run ended up being 30,383, still not a healthy run, but better than expected.

Even so, if I'd been Supreme Ruler this summer, ADF&G would've closed the late run to in-river fishing, as it closed the early run. Instead, harvest of late-run Kenai River king salmon was allowed, with a few restrictions, right on schedule, July 1. Anglers were restricted to using only one, single-hook and no bait or scent, and were limited to fishing only about 18.5 miles of the lower river.

Despite the restrictions, anglers were out there, and catching kings. Several times, I was disappointed to hear fishing guides and an ADF&G biologist on a local radio station's fishing report saying encouraging things about fishing for Kenai kings. Anglers went forth and harvested. By season's end, they had killed an estimated

4,093 kings.

At the same time anglers were killing kings in the river, commercial fishermen were killing them in Cook Inlet. As of Aug. 10, the East-side setnet harvest attributable to Kenai-bound kings was 5,603.

It might sound just ducky that both sport and commercial fishermen were able to fish during July, but that's not how I see it. The so-called "paired restrictions" — if sport fishing is restricted, then commercial fishing has to be restricted — lead to too much optimistic thinking on the parts of the managers.



Given the dismal runs of recent years, it seems to me that ADF&G should've been more conservative. Instead, the agency issued an EO on July 25, allowing anglers to use bait. On the same day, another EO allowed personal-use dipnetters to harvest kings, which they hadn't been allowed to do all month. Commercial fishermen were given fishing time in August, time in which their gillnets harvested 1,640 kings. According to ADF&G, the total "exploitation rate" (the total harvest of sport, commercial and personal-use) through Aug. 10 was about 33 percent.

When I add up all this king salmon harvest, along with a guess at the number of kings that were harvested and not reported, it makes me wonder. Are we truly concerned about king salmon, or are we mainly concerned about making a living from a resource that we hope somehow turns out to be able to renew itself?

Having seen years when it was nothing to see a boat come off the Kenai River with three or four 50-pound-plus kings aboard, I know this river is a long way from having healthy runs. So, I'll just keep on not fishing for kings, doing my small part to maybe save one or two. I only wish more people would do the same.

Les Palmer can be reached at [les.palmer@rocketmail.com](mailto:les.palmer@rocketmail.com)

## Hunt and Fish - Continued from Page 1

management of fish and game resources to provide high levels of harvest. Managing fish stocks and game populations to provide for high levels of harvestable surplus requires managers to be knowledgeable of what the carrying capacity of their habitat is. That takes a well-funded Alaska Department of Fish & Game (ADF&G) with highly trained staff. AOC has consistently worked with the Alaska State Legislature and the state administration to acquire funding for expert department staff (supportive of active management) to do their job.

Unfortunately Alaska is hampered by federal land management policies that do not allow active fish and game management to increase harvestable surplus on their lands or waters. That precludes any active management on over half of Alaska land mass. AOC staff spends a considerable amount of time and money fighting back federal overreach of the state's primary authority to manage and allocate its fish and game resources. What this means is that for the state to increase the amount of harvest of fish and game for Alaskans they have to be able to achieve that on less than half of the state lands still remaining under their jurisdiction.

AOC's second priority is to advocate for equal opportunities to harvest fish and game on publicly owned lands and waters. Once again Alaskans are disadvantaged by federal law, the Alaska National Interests Lands Conservation Act (ANILCA), give a harvest priority to Alaskans with a rural zip code. If you live in rural Alaska the feds give you a priority to hunt and fish on 63% of the state, all federal lands and waters. To qualify under the federal law you do not need to be dependent on a wildfood harvest, an Alaskan native, or come from a family that has historically harvested wildfood in the past. All you need to do is move to rural Alaska to get the priority. AOC has actively opposed this type of federal discrimination since the Alaska Boards of Fisheries and Game adopted a rural priority to public resources prior to the passage of ANILCA. (The state rural priority adopted by the AK Boards of Fish & Game was overturned by the Alaska Supreme Court in 1989 because it was unconstitutional.)

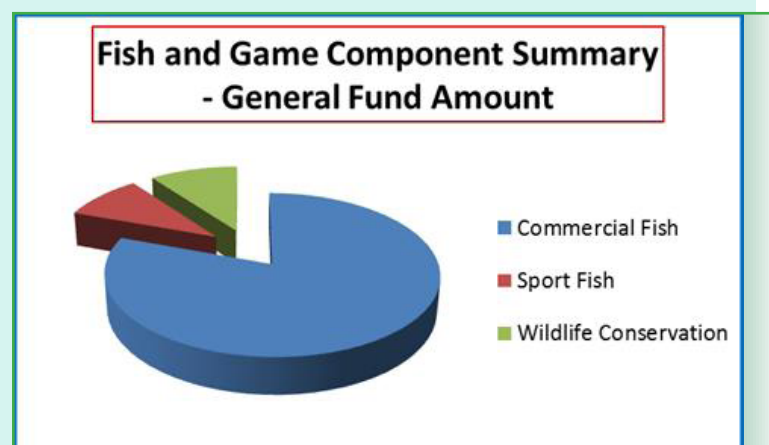
Alaska's legislature has delegated allocation of fish and game to the Alaska Boards of Fisheries and Game. Fortunately the legislature also gave the Board of Fisheries allocation criteria in statute, AS 16.05.251(e), when allocating among; commercial, personal use, sport, and sport guided fisheries. AOC advocates for a increased allocation of fish for its membership, and all Alaskans, before the Board of Fisheries whenever their harvest would be sustainable and their current share of the harvestable surplus does not meet Alaskans demands. It's a tougher battle advocating for an increase in game harvest before the Board of Game due to the fact that they have no allocation criteria in statute to hold their feet to the fire. Increasing game harvest depends on the amount of harvestable surplus available as well as whether or not the public have access to the game population. Advocating for equal access for AOC's membership, as well as all Alaskans, to game populations with a harvestable surplus consumes much of the AOC staff and board's energies annually.

Often increased hunting and fishing opportunity is achieved through improving public access to fish stocks and game populations during harvest season. Federal land policy is to ignore traditional road access (RS2477) and restrict watercraft access on navigable waters within many of the Conservation System Units created by ANILCA. Meanwhile Alaska's Department of Natural Resources and the Alaska Department of Transportation continue to drag their feet when it comes to supporting projects that would provide more public access to wildfood resources. The result of these state public lands managers unwillingness to increase public access leads to greater hunting and fishing restriction due to user conflict caused by overcrowding in areas where Alaskans can access fish stocks and game populations. AOC could use the support of tens of thousands of more Alaskan residents, who currently are not members of AOC, who do depend on motorized access to gather their wildfood harvest to turn this situation around.

It's not unreasonable for Alaskans to expect a greater opportunity to harvest a wildfood supply of publicly owned fish and game resources. According to ADF&G figures around 3.3 billion pounds of fish and game are harvested annually in Alaska, 98.2% of that total poundage is taken by commercial fisheries. That leaves a meager 1.8% of the total poundage to be taken by subsistence users, personal use fishers, and sport hunters and anglers. Understandably the majority of the harvest occurs too far offshore by the commercial fisheries industry to be accessible to the public, but that is no excuse for the state and feds to not support an increase in harvest for those who choose to gather wildfood resources to feed themselves and their families.

By joining AOC you can help increase hunting and fishing opportunities in Alaska by adding your names to others who are already members and have been advocating for Alaskans to gather a wildfood harvest since before statehood. You can join online at [alaskaoutdoorcouncil.org](http://alaskaoutdoorcouncil.org) or email at [membership@alaskaoutdoorcouncil.com](mailto:membership@alaskaoutdoorcouncil.com). Family dues are \$30.00 annually, which is less than a few pounds of commercially caught salmon.

<b>\$6.0 million</b>	<b>Sport Fish</b>
<b>\$6.5 million</b>	<b>Wildlife Conservation</b>
<b>\$51.7 million</b>	<b>Comm Fish</b>



# 2015 Alaska Board of Game actions regarding Dall sheep Management and Allocation

By Rod Arno, Executive Director for AOC

AOC spent much of the spring of 2015 defending the state's public process of game management and allocation against a Board of Game (Board) determined to implement its own agenda regarding Dall sheep hunting methods and means.

Declining sheep harvest statewide over the last two decades has led to hunter frustration and increased conflict in the field between resident hunters and guided nonresidents. Lack of sheep harvest has inspired a few disgruntled resident hunters to repeatedly submit proposals for either a resident head start season or to limit nonresidents to 10% of the total harvest.

The Alaska Professional Hunters Association has jumped at this opportunity to exploit the brewing dissatisfaction by advocating for a guide concession program on state lands as a purported cure to the resident sheep hunters' frustrations. This has only exacerbated the problem. For years the Board has either deferred or "taken no action" on sheep allocation proposals, instead gambling that the Legislature and the Department of Natural Resources would create a guide concession program on state, BLM, and private lands. Now that legislators have made clear they are unwilling to fund such a program, the Board's notion of the perfect fix is off the table, while a significant backlog of unaddressed sheep hunting proposals remains in limbo.

Rather than the Board simply deliberating and voting on the pending proposals, the board chairman chose to introduce two Board Generated Proposals (BGPs) related to sheep hunting methods and means. By a vote of 6-1 the Board approved both BGPs in January 2015 and scheduled them for the February 2015 Board of Game meeting in Wasilla (dissenting member was Teresa Sager Albaugh). A majority of Fish & Game Advisory Committees (ACs) and a majority of the public opposed both BGPs during public

testimony, yet the Board voted 6-1 to reschedule the two BGPs to its March 2015 meeting in Anchorage. At that time, a majority of the ACs and the public again testified in opposition to the two BGPs. However, the Board voted 6-1 to adopt BGP 207 to ban the use of aircraft for spotting sheep during the entire open sheep season, and to defer BGP 208, which contains a list of possible sheep hunting restrictions for both residents and nonresidents, to its Statewide meeting in Fairbanks in March 2016.

As if this repeated disregard for the majority of public and AC recommendations was not enough, on August 7, 2015 the Board voted 6-1 to create a sheep working group that will be comprised of entities with any special interest in sheep: big game guides, national trophy hunters, preservationists - and hopefully all the ACs with sheep populations in their areas of representation - to advise the Board on a compromise approach to sheep allocation.

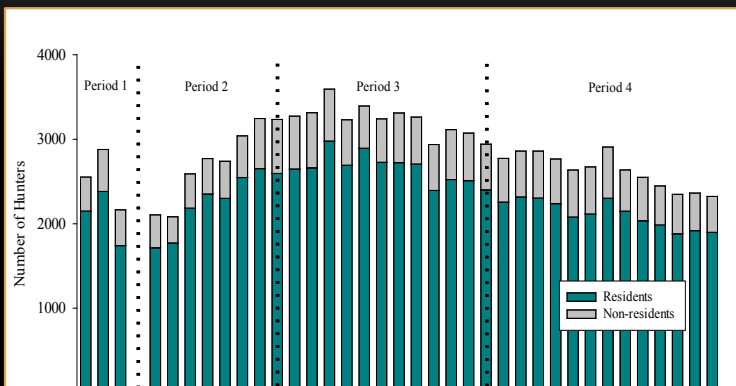
The Department of Fish & Game has made it clear from the beginning that there is no conservation problem for sheep that the Board needs to "fix" as long as harvest is limited to full curl rams. Board members have taken it upon themselves to impose their own standards for Dall sheep hunt aesthetics upon all sheep hunters, across the full spectrum of sheep seasons and bag limits statewide. To be sure, an aesthetically pleasing hunt is important to many sheep enthusiasts, yet it is only one of the many values held

dear by those with the drive and desire to hunt Dall sheep in Alaska. Additionally, current regulations already offer numerous options for pristine hunt conditions, including limited draw permit areas, walk-in only areas, and other non-motorized and controlled use areas.

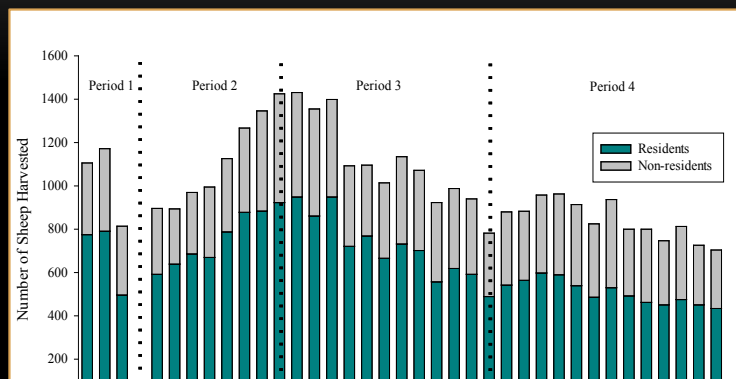
The Board of Game is on a mission that will result in lost opportunity for Alaskans to hunt Dall sheep. The only effective way to prevent this from happening is to change Board leadership: it starts with the Governor's appointments and ends with the Legislature during confirmation hearings.

## Hunters adjust to available harvest, as harvest declines fewer hunters participate in sheep hunting

### The total number of sheep hunters has been declining over the last 20 years.



### The total sheep harvest has also been declining for over 20 years.





## Open letter from AOC to: AK Department of Natural Resources (DNR)

Jeanne Proulx, Regional Manager  
Northern Regional Manager, Land Section  
Division of Mining, Land and Water  
Department of Natural Resources  
State of Alaska  
3700 Airport Way  
Fairbanks, Alaska 99709

### RE: 2015 Extension of 2009 Decision to limit public access on the Eastern Rex Trail;

DNR (Department of Natural Resources) DMLW (Division of Mining, Land and Water) is apparently considering an extension of the 2009 Rex Trail restrictions for the stated purpose of collecting additional data regarding trail conditions, vehicle use, and impacts. Such an extension is NOT in the public interest. Until the data already collected is aggregated and formatted in a manner that is useful to both the public and land managers, all restrictions on the Rex Trail should be lifted.

The rationalization for establishing the original restrictions was protection of public safety and utility of the trail. The public was told that the trail was too dangerous for safe travel, and that DNR would study trail use and users in an attempt to determine how to make it more safe. After 5 years of restricting the public from using their land, DNR has done nothing to improve safety, or to define "safety." There are certainly more challenging state lands on which ORVs operate than the Rex Trail, yet they aren't shut down and locked up.

Maybe most damaging to the public, and the relationship between the public and their professional land managers, is DNR's refusal to establish transparent trail condition metrics or goals. If DNR is going to interpret the statute in a way that allows them to close this important public access in the name of safety, then the public deserves to know what condition, or state, is "safe" for the public. We need clear standards and examples of what acceptable levels of use are. The public is demanding more access to their public land. ATV dealers in Alaska are selling more, and more types of, off-road vehicles than ever before. The public deserves to know why they can't use their land, and what DNR sees as an acceptable trail condition for public use.

The data collection effort has generated a very low return on investment of public dollars. The effort to collect more data should be stopped. The restrictions should be lifted. The data that has already been collected should be made useful, instead of just raw numbers sitting on a shelf. Who knows, maybe it will illustrate something relevant like how off-road-vehicle use could be allowed on a sustainable bases. DNR's current course on the Rex Trail is not good for the public, nor the department. Do not extend the 2009 restrictions.

/s/ Rod Arno, Executive Director,  
Alaska Outdoor Council

cc: Ed Fogels, Deputy Commissioner, DNR  
Senator Pete Kelly, Fairbanks  
Senator Mike Dunleavy, Wasilla  
Representative Tammie Wilson, North Pole  
Representative Lance Pruitt, Anchorage  
Representative David Talerico, Healy



Robert Caywood Big Rig



Robert Caywood - Big Rig



Mel Grove - Big Rig

# Summary of the Issue: Fee-to-trust Tribal Lands in Alaska

By Mary Bishop, Updated August 13, 2015, [dmbishop@ptialaska.net](mailto:dmbishop@ptialaska.net)

**Those who understand Indian law best are those who passionately and patiently advocate for increased tribal authority and financial benefit available through judicious use of this complex body of law. They do not necessarily have the broader interests of all Alaskans in mind. That responsibility lies with the State.**

Because of a lawsuit which the Village of Akiachak won in a lower court – and a change in interpretation of ANCSA by a new Interior Department solicitor-- the DOI is now accepting applications for tribally owned land to be placed in federal trust status. DOI is only accepting applications – not yet approving or disapproving of applications. Presumably, they are waiting until the Walker Administration decides whether to drop or appeal the lower court decision – or consider other options. Please let the governor know **immediately** of your point of view on the issue.

**What is the issue?** The issue is often called “fee-to-trust” and refers to land owned in fee title by a tribe and moved to federal trust status. Land in trust status cannot be taxed or regulated by the state or its municipalities (cities, boroughs, counties). The tribe can tax and regulate. For example, the 1998 Venetie case involved a failed effort by the Venetie tribe to tax a contractor who was building a State school in the community.

According to one source, Alaskan tribes now own over a million acres of land but it is not held in trust – except in the southeast community of Metlakatla. Tribes may receive other lands anywhere in the State through purchase or donation. Any of the numerous individual native allotment lands could be turned over to a tribe; village or regional corporation lands could be turned over to a tribe through a vote of the shareholders. Several allotment lands are located within the city limits of Alaskan communities like Fairbanks and Dillingham.

The land over which a tribe has governmental authority is known as “Indian country”. The federal government still has tax authority in Indian country but not the state or municipalities. In a Public Law 280 state, such as Alaska, the state loses zoning, planning, fishing, hunting, occupational licensing and other regulatory authority (think marijuana). Any activity allowed through regulation can be regulated and/or taxed by the tribe—not the State. Trust status provides a “territorial base” for tribal judicial, taxation and regulation authority. The specifics of tribal court jurisdiction over non-tribal members (Native or not) are not well defined.

News reports indicate that the U.S. Justice Department told Indian tribes last December that they can grow and sell marijuana as long as they follow the same federal conditions laid out for Washington, Colorado and other states that have legalized the drug.

Tribal residents of Indian country are full voting state citizens and must receive all usual state benefits-- roads, schools, Alaska PFD's, etc. They can vote on bonding issues but cannot be taxed to support them--a situation of “representation without taxation”.

Tribal immunity from suit generally extends to tribal officials in their official capacity and tribal businesses within and beyond the boundaries of Indian country unless they have “clearly” signed a formal waiver of sovereign immunity.

Tribes must apply to the BIA for trust status of their land. The BIA has a record of “rubber-stamping” these requests with little regard for opposition from the surrounding community -- or the BIA simply puts the request on long-term hold and no one knows what will happen. This is hardly a recipe for cordial relationship between tribes and surrounding communities.

The Governor has recently met with tribal leaders in several Southwestern Alaskan communities in an attempt to get their views on this important subject. In addition he should receive candid viewpoints from you and from:

- Municipal leaders – who can't tax or regulate on tribal trust lands;
- Businesses – who likely can't compete with tax and regulation free tribal neighbors;
- Environmental and fish/game interests – who recognize that no state regulations apply on tribal trust lands;
- Access advocates – who recognize the possible loss of access on unresolved historic RS2477 trails and perhaps other access routes;
- Native Regional and Village Corporations – who have been conspicuous by their silence on the issue, but would be competing with subsidized tribal businesses, and subject to change in taxation & regulations when operating on tribal trust lands;
- Taxpaying neighbors of potentially tax exempt tribal residents within our state's municipalities.

## Additional information on the impact of Indian Country:

- Simply google: “tribal legal pot”
- The Law of Business in Indian Country, Galanda and Broadman, winter 2009, Am.Bar Assoc., Law Trends and News.
- What Does Indian Country Really Mean for Alaska? Alaska State Legislature, Feb. 26, 1997.
- Law360, New York, Feb. 13, 2015, DOI Rules Will Drastically Impact Alaska Land Management
- Price, Robert E. 1982. Legal Status of the Alaska Natives, a Report to the Alaska Statehood Commission. State of Alaska, Dept. of Law. Pp 66-68.
- DOI answers questions submitted by Sen. Lisa Murkowski, U.S. Senate Committee on Indian Affairs, Leg. Hrg., May 7, 2014.
- Tribal Jurisdiction in Alaska, Alaska Legal Services, 2012, pp 18-29
- AG Geraghty, State of Alaska, Press Release. Dec. 6, 2013.
- Waples, Kelsey J. Extreme Rubber-Stamping: The Fee-to-Trust Process of the Indian Reorganization Act of 1934, 40 Pepp. Law Rev., Issue 1 (2013).
- Hiltzig, Michael. LA Times, May 9, 2014 – Chumash have political backer in fight with Santa Barbara County.
- Springer, Dan. Fox News, May 7, 2015. Slap in the face: Ruling leads to tax hike for half of Washington town, tribal taxes for others.
- Akiachak Native Community, et.al. v. Jewell. Reply motion to suspend briefing for six months. – and others

Contact Alaska's Governor Bill Walker ([bill.walker@alaska.gov](mailto:bill.walker@alaska.gov)) to appeal the federal court decision - Governor Bill Walker has the authority to challenge the federal court's ruling in the Akiachak Native Community v. The US Secretary of the Interior lawsuit.

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By FAX: 1-907-465-3532  
email: [bill.walker@alaska.gov](mailto:bill.walker@alaska.gov)



# The creation of “Indian Country” in Alaska

By Rod Arno, AOC Executive Director

The Alaska Native Claims Settlement Act (ANCSA) of 1971 had long been interpreted by the US Department of the Interior, in what was known as “the Alaska exception,” to preclude the federal government’s acquisition of land in trust for tribes in Alaska (except for the Metlakatla Indian Community). In 2013, however, a federal district court vacated the regulation codifying the Alaska exception in *Akiachak Native Community v. Salazar*, 935 F. Supp. 2d 195 (D.D.C. 2013). The court held that ANCSA did not repeal the secretary’s authority to take lands into trust pursuant to another statute, Section 5 of the Indian Reorganization Act of 1934 (IRA). The court further held that the Alaska exception impermissibly diminished the privileges and immunities of Alaska tribes relative to other tribes, in violation of the 1994 amendments to the IRA. The U.S. and Alaska both appealed the decision to the D.C. Circuit, but despite the appeal and the DOP’s defense of the Alaska exception, BIA announced a proposed rule to eliminate the Alaska exception from its trust regulations. 79 Fed. Reg. 24,648 (May 1, 2014). Shortly thereafter, the U.S. dismissed its appeal, leaving Alaska as the only appellant.

**The deadline for Alaska to appeal the federal district court’s decision has been extended until August 24, 2015.**

Alaska should appeal the decision; Governor Bill Walker can do that. Let him know you want the state’s primary authority to manage public resources protected. Transferring primary jurisdiction of Alaska Native lands over to the federal government is not in Alaska’s best interest.

Most folks believed that after the passage of the Alaska Native Claims Settlement Act (ANCSA) in 1971 that fish and game management and allocation in Alaska would be regulated by the state, consistent with the “Common Use” principle enshrined in Alaska’s State Constitution, Article VIII, section 3. The U.S. Congress voted to extinguish all aboriginal claims by Alaskan Natives to fish, game, and land thus turning over management to the state.

The enacted text of ANCSA is clear:

Section 4 (b) All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting and fishing rights that may exist, are hereby extinguished.

Now +40 years after becoming public law the Bureau of Indian Affairs (BIA) believes they have the clout to circumvent the law and authorize individual natives and tribes to apply for their lands to be held in trust by the U.S. government. This would take the primary authority to manage and allocate fish and game on Alaska native lands away from the state and give that authority to the federal land managers.

**Congressional findings and the declaration of policy** in Section 2, 1601 of ANCSA is clearly written “settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims should be settled without establishing any permanent racially defined institutions, rights, privileges, or obligations.....”. Changing fee simple lands to trust status will create a racial difference regarding how public resources are managed and allocated in Alaska. ANCSA was crafted to prevent that from happening.



*ED Report - Continued from Page 3*

within the state. That fact plus numerous incidence of federal land managers blocking traditional public access to federal public lands and waters encouraged the legislature to pass Senate Resolution 4. SR4 will establish a Senate Special Committee on Federal Overreach. The committee will report back to the full Senate in 2016 with recommendations for remedies to Alaska’s grievances with the federal government. AOC cannot thank Senator Mike Dunleavy enough for his efforts shepherding this resolution through the Senate.

Board of Fisheries confirmations continue to be contemptuous as newly elected Gov. Bill Walker put forth two appointments, Roland Maw and Robert Ruffner, both with strong support from the commercial fisheries interests during the last session. Neither were confirmed. If the Alaska Board of Fisheries is to remain a **balanced board**, meaning a fair representation of users between commercial fisheries interest and Alaskans gathering their annual food supply of fish, Alaskan governors must start listening to Alaskans before making appointments. Clearly the legislature has figured that out.

Once again next legislative session AOC will have a full time lobbyist in Juneau for the 2nd Session of the 29th Legislature, but it’s the grassroots support of the AOC Clubs and membership that really makes a difference to legislators. Please consider traveling to Juneau during the next session. As state revenues decline outdoors folks must let their representatives know how much they depend on public resources as part of their annual food source.

# That Rainy Day!

By Greg Brush

It's a trait our parents tried to instill in us at a young age; save a little for a rainy day.

Don't be reckless or short sided with what you are presently blessed with, instead taking it upon yourself to plan for the future by nest eggging..just in case. Nobody is going to do it for you; it's your responsibility.

Saving for the future is actually quite simple, in concept anyway. Diligently applying the discipline is much harder.

Take Sat. July 26, 2015 on the lower Kenai River for example. As I sit at my desk this blustery fall morning, I painfully recall the day like it was yesterday.

While fishing sockeye on a gravel bar with visiting guests at river mile fifteen, I witnessed a short-sided greed and reckless behavior of unfathomable proportions.

For the second year in a row, Alaska Department of Fish and Game had closed the Kenai to all fishing for kings during the early run of May and June. Managers of our resource said the situation was so dire that they couldn't even let anglers wet a line for one of the big wild chinook that made this river world famous, not even to catch and release. Then, on July first, with some magical wave of a governmental wand and an all-knowing flip of a calendar page, king fishing was suddenly opened and full retention of ones' catch was allowed. Our managers weren't even conservative enough to adjust the limit or apply an over/under slot limit.

The stage was set as "the perfect storm" brewed right before our eyes. Several months of closure "banked" a few fish, the late run built with decent (not record) numbers, and near-perfect water conditions blessed sport anglers with good success rates. A few prudent fishermen looked to the future and either chose other fishing options or practiced catch and release king fishing, but for the most part, anglers harvested their catch at a high rate, as if the mighty Kenai King had never stumbled.

Which brings me back to July 26th, a day that greatly saddened my heart. ADF&G, in all their wisdom, estimated we would surely achieve the low end of our King salmon escapement goal and with

their actions, professed that we had "banked" more than enough fish for the future. And thus, our managers liberalized the sport fishery to the use of bait and turned the in-river user loose.

Most of us know the politics of fishery management, the concept of paired restrictions and paired liberalizations, as well as the long-standing clash of user groups (sport vs. commercial) in this area, but that's not what this is about.

It's about being personally responsible for your own actions.

As I stood on the river bank that morning, I watched my friends and peers, the very people that had grumbled about the July 1 opener and largely been vocally opposed to the sudden granting of the use of bait, lose all self-control and totally throw conservation aside. The night before, private boaters clearly called their friends and guides hurriedly booked their boats. And the frenzy commenced.

As the dim light cracked around 4 a.m., I watched boat after boat drift by me in the center column of the Kenai's beautiful turquoise waters, with nets high and rods bent. The kings were netted, bonked, and lifted over the gunnel as smiles and high-fives were shared.

Bloody hero-shots were hastily posted on Facebook from smartphones everywhere. And then, like kids in a candy store with a few dollars burning a hole in their pocket, they ran back upriver with short-sided glee to spend every penny of that relatively tiny allowance with reckless abandon.

While the final carnage has yet to be officially tallied, it's safe to say that hundreds of kings were taken that morning and thousands harvested over the next few days. Don't get me wrong- there is nothing wrong with that, IF we have a harvestable surplus.

Notice the caps; that's a pretty big IF, folks.

On Alaska's Nushagak River, where chinook are highly abundant and a harvestable surplus clearly presents itself-harvest away, within the parameters of the law and your own personal needs. In June, four friends from Texas and I landed nearly 200 there in six days, bringing home seven or eight total for the table.





But on the Kenai River, where we are going through what ADF&G has curiously termed “a period of low abundance” with a chinook cycle that has recently supplied managers with unprecedented low numbers...in the words of my teenage daughter, “Not cool!”

Indeed, most knowledgeable locals and seasoned Kenai King fishermen would contend that the approximately 11, 000 fish that were recorded in-river at the time the decision to allow bait was made was hardly enough to guarantee sustainability. Remember, it wasn't that many years ago that we had late run totals enumerating 40,000 or more chinook. And so, Kenai River sport anglers grumbled about the politics of the river and guides professed to be largely against the bait liberalization...yet “we” still fished and we still harvested at a very high level.

If it sounds like I'm pointing fingers at others from my little soapbox, let me say this: I too am guilty. I am part of the problem, having prosecuted the Kenai River king fishery with a blind eye and recklessly harvesting our big chinook at a high level with clients for decades in the past. But “IN THE PAST,” are the key words here.

And so, moving forward, the question I pose to you today is simple enough, in concept anyway.

At which point will you, as responsible users of our genetically unique, wild Kenai kings and good stewards of our precious resource, take it upon yourself to think about the future and show some self-control?

After all, if we keep spending as if there is no tomorrow, that rainy day is sure to come.

# Bill's Famous Moose Meatloaf

By Bill Iverson, AOC President

Utensils:

Large bowl, mixing spoon, squirt ketchup bottle, meat loaf pan, mixer.

Directions:

Preheat oven to 375\*. Combine all liquids and spices in large bowl and mix thoroughly. Add burger and mix again thoroughly. Add croutons (we use Brownberry Seasoned Croutons, but any cubed croutons will do.) Mix croutons by hand so as not to crush them. Grease meatloaf pan. Put Mixture in meatloaf pan and mound so it tapers down to edges. Sprinkle additional brown sugar on top. Create a zigzag pattern on top with your squirt ketchup bottle. Put in oven and cook for 45-50 minutes. Check to see center is done. Let cool for 10 minutes. Remove from pan. Cut of pieces like from a loaf of bread. Serve with ketchup for those who like it.

<i>Ingredient</i>	<i>Quantity</i>	<i>Comments</i>
Eggs	2	
Brown Sugar	½	cup
Ketchup	1	cup
Lemon Juice	½	cap full
Mustard	2	tbs. (5-6 second squirt)
Sweet Pickle Juice	1	tablespoon
Worcestershire	3	slashes
Salt	¼	teaspoon
Pepper ¼	teaspoon	
Onion salt	¼	teaspoon
Celery salt	¼	teaspoon
Lawry's seasoned salt	½	teaspoon
Garlic salt	1/8	teaspoon
Don't overdue garlic as it overpowers flavor.		
Moose Burger	2-3 aprox.	lb.
Croutons (seasoned)	1	6oz. box



Aaron Bloomquist - Full Curl Outdoors - King fishing



Todd Clark's Airboat with moose

# ALASKA FISH & WILDLIFE CONSERVATION FUND

For 31 years AOC's sister corporation, the Alaska Fish & Wildlife Conservation Fund, has sponsored a banquet and auction fund-raiser for the Fund. This year's event is Saturday November 7, 2015, at the Westmark Hotel.

For most of its history the Fairbanks event has been the leading fund-raiser for the Fund. The tremendous support of Interior residents has enabled the Fund to defend in court the privileges of all Alaskans to be equal under the law with regard to fishing, hunting, trapping and public access to public lands and waters.



Caption: Mary Pate presents to President Bill Iverson a substantial check from the Estate of Jack McCombs, long time Alaskan adventurer and Fund trustee. During his life Jack donated thousands of dollars to the Trust Fund and many hours of volunteer work and wise counsel.

Donations like the one above help all Alaskans hang onto our long heritage of participating in the great outdoors.

Remember to think of us when estate planning.



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*By Mary Bishop, Secretary, Alaska Trust Fund*

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donated to the Trust stays right here at home - protecting the outdoor heritage you and I have grown to love and enjoy.

Trust Fund trustees Warren, Byron, Kenton, Ron, Dick and I **ask you to consider an annual gift to the Trust Fund.** Become a Trustee by donating \$250. Make it permanent by adding \$750 over 3 more years. Other donation options are available.

Please use the form below to donate – or inquire by calling me at 907-455-6151 or Warren Olson @ 1-907-346-4440.



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## Karen Gordon

*AOC/AFWCF Board Member*

I am an ardent supporter of the Alaska Constitution's sustained yield management mandate. My main interest is in preventing a loss of hunting and fishing opportunities and fighting federal overreach.

My formative influences were derived from my time working for Alaska Departments of Fish and Game and Natural Resources. I grew up hunting and fishing with my grandfather and father, and naturally wanted to be a biologist. I got sidetracked by a well-meaning career counselor at UAF who directed me toward the field of business in which I have a Master's degree in management.

During my career I have worked in banking, public administration, for a Native-owned management consulting firm and a subsidiary of four ANCSA village corporations, the Alaska Department of Natural Resources, and the Alaska Department of Fish and Game where my interest in sheep biology developed. I became a self-taught and biologist-tutored Dall sheep advocate. I was appointed to the Wild Sheep Foundation (WSF) grants review committee in 2005. I was elected to the WSF Board of Directors in 2010 and 2013, and am in my second term. In addition, I serve on the WSF Professional Resources Advisory Board.

### Here's What I've Done

- Started shooting competitively when I was 14
- Shot on the University of Alaska Rifle Team 3 years
- Earned a Bachelor's and Master's degree in Business Administration from the University of Alaska
- Was Chairman of Fire Commission for 17 years (managing capital expenditures from a \$500,000 budget)
- Was a Red Cross volunteer and disaster instructor for 20 years including service in American Samoa after Cyclone Val
- Worked for the Alaska Department of Fish and Game and the Department of Natural Resources for nearly 30 years
- As part of the Alaska Interagency Incident Management Team (AIIMT) was assigned to several wildland forest fires in several western states
- Served in New York City after 9/11 at the World Trade Center Ground Zero with the AIIMT



- Have written articles for a variety of wildlife conservation, hunting-oriented, and international scuba diving publications
- Earned Divemaster certification and have led group diving trips to many international destinations
- Planned and coordinated the Northern Wild Sheep and Goat Council biennial symposium of 2004
- Co-authored a paper on Dall sheep management in Alaska for the Northern Wild Sheep and Goat Council Proceedings in 2004
- Was a Logistics Coordinator for the 2006 National Association of State Foresters in Anchorage
- Lived in Alaska 42 years

### Here's What I'd Like To See:

- I'd like to see the Board of Game be more scientifically as opposed to socially directed
- I'd like to see the Department be more proactive in abundance management
- I'd like to see the feds put back in their traditional role of managing habitat they own while the State manages wildlife it owns
- I'd like to see more assertion of state's rights regarding RS 2477 trails and navigable waters

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Alaska Charter Association .....	Homer	Juneau Gun Club .....	Juneau
Alaska Frontier Trappers Association .....	Palmer	Juneau Rifle and Pistol Club, Inc .....	Juneau
Alaska Gun Collectors Association Inc. ....	Anchorage	Juneau Shooting Sports Foundation, Inc. ....	Juneau
Alaska Interior Marksmanship Committee .....	Fairbanks	Kodiak Island Sportsman's Association .....	Kodiak
Alaska Machinegun Association .....	Chugiak	Matanuska Valley Sportsmen, Inc.....	Palmer
Alaska Moose Federation .....	Anchorage	Mat-Su Anglers .....	Wasilla
Alaska Outdoor Access Alliance .....	Palmer	McKinley Mountainen Muzzle Loading Rifle Club .....	Wasilla
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☐ Club Membership \$50 annual

☐ Sustaining Business \$150 per year

☐ Sustaining Business - Life \$1500 one time

☐ Life Membership \$400 one time

☐ Lobbying Donation \$ \_\_\_\_\_

TOTAL: \$ \_\_\_\_\_