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Alaska's Boards of Fisheries and Game And Who gets to harvest wild food resources

By Rod Arno, AOC Executive Director

Alaska's Boards of Fisheries and Game (Boards) continue to stumble along trying to implement an Alaskan rural priority for fish and game. The Alaska Department of Law (DOL) attorneys assigned to the Boards keep telling the board members they can defend a rural community based subsistence priority that will exclude non-local Alaskan residents who live in "urban" state non-subsistence areas, such as Anchorage, Juneau, Ketchikan, Fairbanks, Mat-Su area, parts of the Kenai Peninsula, and Valdez.

The Alaska Supreme Court keeps telling the Boards they can't do that. no matter how often DOL council tells the Board they can:

In 1985 the Alaska Supreme Court told the Board of Fisheries, Madison v. Alaska Dept. of Fish & Game, they could not deny Gene Madison and Louis Gjosund a subsistence use permit to gather salmon for their families food supply on the Kenai because they were not part of an identifiable subsistence community or group. The Board's actions were overturned and remanded back to the Board to fix.

Continued on Page 5

President's Message

By Bill Iverson, AOC President

A lot has transpired over this year since I took over the President's position with AOC and AFWCF.

We are facing a few serious issues going forward that have come from our past. The Nelchina Tier hunt is a perfect example of this.

AFWCF (Alaska Fish and Wildlife Conservation Fund) is signed on as an intervener on the Manning suit because we believe that all Alaskans have equal rights to our resources. Allocating 300 caribou to any group because of where they live is just wrong.

Kevin Saxby (Senior Assistant Attorney General) and John Starky (Ahtna Lawyer) argued that "community rights" fulfills the individual Customary & Traditional requirements that the Boards counted on in the past to determine who got the priority to hunt. If the perception that communities, not individuals, get that standing, it would be detrimental to most AOC members.

This means that your individual rights are superseded by community rights. In order for you to hunt you have to be part of a community and then get permission from the community administrator to hunt, for the community. Your harvest would then be shared with the community. Sounds like socialism to me. Those who didn't even put in the time to hunt would get part of your game.

The design of this system is flawed and in a very few years, even if we bought into the temporary assignment of harvest tickets to a few villages theory, the whole caribou annual harvest will be consumed by other communities asking for the same privilege as the current villages.

All other subsistence hunts, where local residents feel competition, will soon be managed like Nelchina, if this scheme survives.

This is a subsistence hunt (Tier 1), yet is grants privileged access to those who live in identified communities. It is illegal and discriminates among Alaskans based entirely on where they live.

We surely don't what the concept of "only those that join a community can hunt on public lands" to spread.

Saxby writes "In short, the customary and traditional use finding that are the prerequisites for any subsistence use of caribou in GMU 13, by anyone, are based on a pattern that is communal and local in nature, not individualized and urban."

Basically that means individuals who live in a non-subsistence area DO NOT QUALIFY FOR A SUBSISTENCE USE AND ALLOCATION OF FISH AND GAME under Sec. 16.05.258.

What we did not recognize is that when the CHP (Community Harvest Program) was adopted for Chalkyitsik in 2002 is that it laid the framework for what they are trying to get away with now even though it is completely different.

Saxby is saying that Sec.16.05.330(c) supersedes the equal access clauses of the State Constitution and gives a priority to "Communal rights" over the rights constitutionally protected under Article 8, Sec. 3 for "Common Use".

Can the BOG (Board of Game) really misconstrue the State subsistence law enough to allow for a grant of the harvestable surplus of Nelchina caribou to any group willing to exercise their community rights?



Is it possible for the BOG to grant all of the harvestable surplus of fish or game if enough communities submit proposals to grant them a number of the fish or game being harvested?

Kevin Saxby hit the nail right on the head, when he told the judge, the grant to 8 Athna communities wasn't illegal, "any community that wanted to could apply".

Can we now see the hand writing on the wall??

By making these community harvests they in essence take a voluntary community harvest program and make it mandatory because they will allocate all the available game to communities rather than to the individual.

What happens when every community in Alaska applies for this program, as Saxby says can happen?

The community harvest program is fine until you give an allocation of any public resource. If people in a community want to voluntarily allow others to hunt for them, that is fine, but that is all a CHP can do legally.

If you are in one of these communities, with allocation, do you still have the right to have an additional permit in the general permit program?

The general public loses out a little bit at a time, one community at a time. After awhile no one but those communities will have an opportunity to hunt.

What a grand future for subsistence

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Executive Director Report By Rod Arno - AOC Executive Director



Access, Access, Access to public resources.

I couldn't say it enough, if you're denied access to public resources you don't get to share in the bounty. The framers of Alaska's State Constitution were well aware of that fact over fifty years ago. That is why they created what no other state has, an article in

the State Constitution on Natural Resources that enshrines "Equal Access Clauses" to make sure all Alaskans can share in the bounty.

Of course the framers of Alaska's constitution had no idea that Congress was going to pass a federal law, the Alaska National Interest Lands Conservation Act (ANILCA) that would negate the state's equal access protections on sixty percent of the state. Look at the map of "Who owns Alaska" in the center of the newsletter. There is no place in the state that you can travel north to south, or east to west without running into a federal area that doesn't prohibit equal access. Alaska contains nearly half of all the National Parks & Preserves and Monuments, plus U.S. Fish and Wildlife Refuges in the nation. There are approximately 500,000 miles of roads through and adjacent to these federal lands from the east coast to the west. While Alaska, with the other half of these federal public lands, has less then 14,000 miles of roads for the entire state. And the feds have been closing mining roads build before these lands became Parks and Refuges for the last 30 years.

Now even though ANILCA stated that the feds wouldn't create any new Parks, Refuges or wilderness areas land managers are asking for public comments to further restrict access in the Gates of the Arctic National Park. The purpose of a new general management plan is to guide management of the park's resources, visitors, and facilities. These plans provide a vision for resource preservation and visitor use that best achieve the National Park Service's mandate to preserve resources unimpaired for the enjoyment of future generations. The Gates of the Arctic National Park and Preserve General Management Plan Amendment will provide direction for stewardship of the park's wilderness. It will also include a wilderness study, which will consider whether or not additional lands within the park should be proposed for wilderness designation. Link to http://www.nps.gov/gaar/ parkmgmt/upload/GAAR_Scoping_News_1_2-16-10.pdf to send you comments in regarding creation of wilderness areas.

The BLM Eastern Interior RMP/EIS will soon be out for public comments proposing the creation of new Wild& Scenic River corridors and closures to motorized access in the White Mts. Recreation Area. You can follow the planning process at: www.blm.gov/ak/st/en/prog/planning/east_int_rmp.html

The Sealaska Lands Claim bill (S, 881) currently moving through Congress will greatly affect access throughout all of South East Alaska. Sealaska Native Corporation is trying to resolve their outstanding claim to approximately 80,000 acres granted to them back in 1971 in the ANCSA. For economic reasons Sealaska would like to choose lands outside of the originally selected areas. Most of their new land selections are in protected bays and harbors where most of the public have traditionally accessed upland areas for various activities. AOC club the Territorial Sportsman Inc. has been working with Senator Lisa Murkowski's office, DNR and Sealaska to address these access issues that will have long term effects on access to public lands in SE.

These three examples of some <u>current</u> federal land management planning efforts to further restrict access on federal public lands makes it that much more important for Alaska to keep the less then 25% of the state remaining under State management authority open to public access.

State managers in the Department of Natural Resources (DNR) are responsible for assuring public access to the approximately 90 million acres of State lands that as of yet have not been legislatively placed in "Special Use" areas. These public domain lands are managed by DNR under generally allowed use regulations that try as much as possible to encourage access while assuring the long term viability of the habitats of both fish and game.

Access to public resources in Alaska can only be assured if outdoors people continue to participate in the planning processes underway by both state and federal land managers. AOC will continue to update current management planning process information on our website, aoc@ alaskaoutdoorcouncil.org and in the AOC newsletter (read about the Hatcher Pass Management planning process in this issue, page?)

I can't say it enough, public access to public lands is the most important single issue facing outdoors people in Alaska today. Should you become aware of any land management planning processes in your area don't hesitate to contact the AOC office so AOC can inform other members of the need to participate on behalf of all outdoors people.

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Changes to Hatcher Pass Motorized Use By Todd Clark

The Alaska Department of Natural Resources (DNR) defines the Hatcher Pass planning area as 310,310 acres from the Kashwitna River to the Matsu Moose Range. In 1986 DNR completed the last plan and amended it in 1989. Now DNR has released a new draft revision of the plan. The draft plan is available for public review and comments are accepted until May 5th 2010.

According to the draft plan, the west portion of the planning area remains unrestricted to motorized use and significant portions of the East area, motorized use is prohibited. The draft plan includes some adjustments regarding areas closed or open to motorized use. However, we expect intense public comment from those who'd like to see significantly more area closed to motorized use. Once again we find ourselves motivating, convincing and even begging people to show up for public comment just to keep the status quo. If we don't show, DNR will certainly be compelled to appease those that do.

One area of concern is that we must ensure trail standards are not redefined as a result of this plan. The planning area contains miles and miles of trails that would not be practical or even desirable to manage to any particular standard. The danger is that once these standards are defined, any trail not meeting the standard could be closed.

Another area of significant concern is the Borough owned lands to the west of Hatcher Pass Road contained in the planning area. The borders created by the closed areas and accompanying geology make it difficult, if not impossible, for snowmobilers in the Wasilla Fishhook area to access even the open areas of Hatcher Pass without trailering to the already crowded parking lots or driving to the Willow side of the pass.

An AOC member organization, the Alaska Outdoor Access Alliance (AOAA) has a committee to deal with the plan and specifically to find a solution for the riders in the Wasilla Fishhook area. AOAA lobbied for a Borough resolution to recommend DNR provide a corridor through the closed lands to give the riders a chance to reach open land in a legal and safe fashion. This corridor would be aligned with the historic Carle Wagon Road. The resolution also included an East/West corridor to prevent any future East to West trail from being on the section line which is in people's back yards. Rather the East/West corridor would be through the Borough lands to the North of the residential properties. This is really about thinking ahead.

On March 2nd the Borough took public testimony on this resolution. 34 testified for the resolution and 34 against it. The 34 against the resolution referred to our side by a



number of derogatory monikers such as "arrogant motorheads" and even made a personal attack on the chair of the AOAA committee. We were told by the opposition that if the parking lot is full, we should just go home. We tried to reason that a corridor would keep more snowmobilers out of these parking lots and thereby making it less congested with fewer chances for conflict. Rather than passing it, the Borough has tabled the resolution "indefinitely". If you live in the Matsu Borough, please call your assembly member on this matter.

DNR has scheduled three open house public meetings to discuss the public review draft. They are scheduled as follows

City	<u>Date</u>	<u>Time</u>	<u>Location</u>
Willow	03/22/2010	5:30 - 7:00PM	Willow Elementary School Gym 31706 W Parks Hwy
Wasilla	04/01/2010	6:30 -	Central Mat-Su Fire & EMS Station 6-1
		9:00PM	Training Room, 101 W. Swanson Avenue, Corner of Lucille Street and Swanson Ave
Anchorage	04/06/2010	6:30 - 9:00PM	Central Middle School of Science 1405 E Street, corner of 14th and E

Please attend one of these meetings and read the plan.

Comment can be sent to:

Philana Jarvis, Land Use Planner Department of Natural Resources Hatcher Pass Management Plan 550 West 7th Ave, Suite 1050 Anchorage, Alaska 99501-3579 Email: dnr.mlw.hpmp@alaska.gov

Phone: (907) 269-8529 Fax: (907) 269-8915

:

Alaska's Boards Continued from Page 5

- In 1989 The Alaska Supreme Court told the Boards, *McDowell v. State of Alaska and Boards of Fisheries and Game*, that a rural preference to fish and game was unconstitutional. The Boards cannot exclude urban Alaskans from participating in subsistence use fisheries or hunts just because they live in a non-subsistence urban area.
- In 1997 the Alaska Supreme Court had to remind the Board of Fisheries and tell the State Superior Court, *Payton v. State of Alaska and the commissioner of F&G*, that the intent of the 1978 State subsistence law was to <u>protect</u> subsistence uses. Just because the Paytons were taught how to harvest and preserve salmon by a non-familial person with prior generations of subsistence use shouldn't have excluded them from participating in a subsistence fishery under State law. The eight criteria in 5 AAC 99.010(b) was not to be used as a tool by the Board to reduce the opportunity common to all Alaskans to supplement their food supply with wild harvest.

Every time the Board attempts to reduce subsistence use opportunities are challenged in State court, it has been remanded back to the Board, to back-off on the Board's use of criteria that leads to a blanket loss of subsistence opportunity for all urban Alaskan residents; *Morry, Madison, McDowell, Payton, Kenaitze, Manning, and recently the Chitina Dipnet* case. Yet, the DOL attorneys for the Boards, continues to allow the Boards to attempt to reduce subsistence use opportunities.

What does the Alaska Department of Law have against the intent of the State subsistence law to protect all Alaskan opportunity to gather a wild food harvest? Findings that will allow both Boards to deny "customary and traditional use" to all Alaskans living in urban areas were not what the framers of the Alaska State Constitution had in mind when they drafted Article VIII. Article VIII enshrined the "Equal Access Clauses" to fish and game for all Alaskans, not just those rural residents who could jump through the community-based hoops.

Alaska Department of Fish & Game staff is trying to relieve some of the conflicts among users over who gets to take the "last of the harvestable surplus of game" by implementing predator/prey management. As of yet, the increase in harvestable surplus on the game side has not caught up with the demand. The Board of Game constantly has to deliberate on proposals determining customary & traditional (C&T) subsistence uses and setting the amounts of harvest necessary to meet the subsistence uses, (ANS). Based on the recorder deliberations on C&T and ANS proposals, the Board is confused. From re-evaluating the ANS for residents of GMU 19 and 18 along the Kuskokwim River at the Nome Fall 2009 Board of Game meeting, to the Fairbanks Spring 2010 meeting regarding the Chisana caribou herd, to creating a community harvest program for the village of Minto, some Board of Game members are not sure which users needs are

to be considered in the ANS, much less who determines the C&T standards. Board members are not sure which groups of Alaskan residents meet the C&T standards adopted by the Boards. Apparently, neither their council from DOL nor ADF&G staff are able or willing to straighten the Board out regarding how the State says the Boards are to implement the State subsistence law (AS 16.05.258). The Board of Game makes C&T use determinations based on historic Alaska Native culture use patterns, and then tries to establish an ANS to meet the demands of local hunters. The current State subsistence law as amended by AK Supreme Court decisions does not allow the Board to take such actions. Yet, the DOL allows the Board to push denying a C&T subsistence use finding for Alaskans living in urban areas every chance they get and only a court challenge can fix that.

Why are the Boards and DOL willing to abandon the "common use' protections enshrined in Article VIII of the State of Alaska's Constitution? Surely they don't still believe the State will regain subsistence management on federal lands in Alaska by adopting the federal rural priority, do they? The feds have already said that isn't going to happen. Why isn't the DOL working with the Boards to try and assure that all Alaskans will have the opportunity to count on wild food harvest to supplement there food supply?

Urban residents have been relegated by the Board of Game to one chance in four years, to get a Nelchina caribou permit, while 2,000 residents of eight Nelchina basin communities split up over a third of the Nelchina caribou harvest among themselves every year. (AOCs sister organization the Alaska Fish & Wildlife Conservation Fund is still waiting for a decision from the Alaska Superior Court on whether community-based rights take precedent over individual rights in the Manning case challenging the Athna Community Harvest Program.)

What is the fate of urban Alaskans who harvest their caribou from the road connected fortymile herd in eastern interior Alaska? Members of the Board of Game made it clear they wanted to avoid a Tier II hunt for the Fortymile caribou herd, if at all possible. The Board chose to delay the State hunt until August 29th in order to give the caribou bulls time to disperse and move away from the road system and thus lessen hunter success. The Board of Game hopes that by reducing non-locals opportunity of successfully harvesting a fortymile caribou during the first days of August, they can put off implementation of the State subsistence law AS 16.05.258(b)(4).

The Board of Game would rather avoid implementation of the State subsistence law at all costs. Why? Because subsistence regulations adopted by the Board during a time that the State was trying to comply with the federal rural priority doesn't work, under the State's equal access regime.

Conflicts over allocation of fish and game will only escalate during Alaska Board of Fish and Game meetings, until the Board returns to the policies of the past and provides increased opportunities for gathering a wild food harvests for all Alaskans.

Oral argument in McDonald v. Chicago

by Alan Korwin, Author Gun Laws of America

EYEWITNESS REPORT

Mar. 1, 2010 (Late)

I'm back in my hotel, having endured the weather in front of the U.S. Supreme Court, anticipating oral arguments in McDonald v. Chicago in the a.m., the case that will decide the standing of our Second Amendment rights in the 50 states.

Well, people are lining up alright. Young people who can withstand it.

It's bitter cold with a 20 MPH wind, but if you've decided to come here for the latest most seminal gun-rights case imaginable that's not going to stop you.

At 5PM when I arrived (night before the oral argument) there were eight people awaiting seats for tomorrow's McDonald v. Chicago 14th Amendment/ Second Amendment case. By the time I left, with my feet too numb to feel, there were thirteen people trickled in, including a GW law-school student and her Mom who brought an air mattress and a comforter. When I cell-phoned some of the stalwarts later, before beginning this draft, I was told there were nearly 50 people there, including 15 or so high-school students who decided to rough it and see a landmark case at the Supreme Court. Only 50 are guaranteed seats, so the window of opportunity is practically closed. The Marshall's office expected the crowd to develop in the a.m., looks like they'll be SOL. Coulda been worse -- for Heller, the line started TWO days ahead of time. This night-before stuff is child's play. But it's COOOOLD.

As usual, the hale and hearty on line are more knowledgeable about this case than most of the public (and the media -- Wash Post made their above-the-fold front-page story today a referendum on Justice Scalia, read like an unsavory biography (they don't like the guy!), instead of the merits and implications of the case; what facts Court reporter Robert Barnes did provide were out of whack, thin, misleading, pretty standard for that rag. Guess what they chose for an illustration -- a picture of Chris Broughton carrying his AR-15 at the Obama rally in Phoenix!! I kid you not. That makes sense, right? The Wash Compost's idea of a gun image is a months-old piece of discriminatory controversy, not something

depicting basic human rights).

We had dynamic chats on the street about the premise of the case (the Post barely touched it), constitutional realities, the unknowns, the likely outcomes, the vote -- Mike-the-blogger, incredibly knowledgable and with past cases at his fingertips with such detail and a tongue too fast even for me to follow, predicts a 9 - 0 result -- the Court will not overrule its Heller jurisprudence, and even hopelessly anti-gun-rights Ginsburg will forgo her hatred of 2A to reinstate 14A, or so he believes. Robert Cumberland flew in from California and is first in line -- and he knows his stuff. This case affects him more than even Heller -- that case set the groundwork, but this is the one that might actually force reinstatement of his abrogated rights, and he wants to be here to see it. The carnival atmosphere is definitely lacking, there isn't a single camera crew set up -- at Heller there were dozens at this point, but no doubt there will be some tomorrow. Yet this case stands to have more net effect than Heller, it just doesn't break ground in the same way. Dick Heller was out there after I left (I got phone tips from the folks I met, seven men and one woman), he was chatting up the crowd, enjoying his 15 years of fame, McDonald's nephew plans to be on line to see the proceedings, some guy named Robert is holding a place in line in the freezing cold for a party unnamed, at \$20 an hour. Dan Schmutter, attorney for JPFO dropped by to see what's up, this is definitely the hot ticket in town -- all seats in Chambers are reserved, save for the precious few for the rabble (what one lawyer calls the public). Perhaps the most telling perspective came from a British theology professor visiting here, met him in a bar (Maddy's) on the frigid way home -- he thinks the only rights you legitimately have are those the government gives you. You can have a gun if government "allows" it, with no ammo, locked in a locker, and this is freedom. If he was on the Court we'd be doomed. I'm not making this up. Exhausted, need to pack, will observe tomorrow and provide my observations soon. Real soon.

Continued on Page 14

New Members Round out AOC Board

By Pam Iverson, Administrative Director

Alaska Outdoor council voted in 4 new board members at the annual meeting in Fairbanks on 02/27/2010. The new members are Ralph Seekins from Interior, Gary Stevens & Mel Grove from SouthCentral and Richard Yamada from Southeast. Stevens, Grove and Yamada are new vice-presidents from their regions. They join, Bill Iverson - President, Todd Clark – Treasure and Randy Quincy – Secretary, all from SouthCentral.

Ralph Seekins is a well known State Legislator and car dealership owner in Fairbanks, Anchorage and Soldotna. His resume is long and varied. He is married with 4 children and 9 grandchildren. He came to Alaska in 1974 and has been on the board of the Alaska Permanent Fund Corporation, Chamber of Commerce, Alaska Wildlife conservation Association and the American Quarter Horse Association, to name only a few.

Gary Stevens has lived in Alaska since 1974 and acquired a Bachelors degree at UAA in Public Communications with a minor in Criminal Justice. He has been a manufacturing representative for 20 companies in the hunting and fishing industries since 1989 and currently owns his own company. He is an endowment level Life member of the NRA and Alaska

Chapter of the Wild Sheep Foundation (FNAWS).

Mel Grove grew up in Ohio learning to trap and hunt. He joined the Air Force and learned to be a jet engine mechanic, later earning a degree in meteorology at Florida State University. His commission as a weather officer led him to Fort Wainwright in Fairbanks supporting the Army. After retiring in 2005 from the Air Force, he ran his own charter boat, the Halibut Grove out of Valdez. He is actively involved in the Alaska Outdoor Access Alliance, the Prince William Sound Charter Boat Association and the Mat Valley Fish and Game Advisory Committee.

Richard Yamada moved to Juneau in 1980 to become a lodge owner for 29 years and charter boat captain. He was raised in Hawaii and attended the University of Hawaii, and later joined the Air Force, where he became a Russian linguist which eventually led him to Fairbanks, being stationed at Eielson Air Force Base. He later worked at UAF and with the Tanana Chiefs Conference. His neighbor Jim Greiner taught him to be an Alaskan- get his private pilot's license, run the Tanana, dip net salmon and hunt big game.

Mel Grove

New Board Member

I grew up in Ohio farm country trapping and hunting as a kid with my father and brother. After high school I joined the Air Force as a jet engine mechanic and eventually earned a degree in meteorology from Florida State University and a subsequent commission as a weather officer. In 1996, I was fortunate enough to get stationed at Fort Wainwright Alaska supporting the Army and fell in love with Alaska and finally found the time to enjoy the great outdoors Alaska has to offer. Since arriving to Alaska my family has always supplemented our basic food supply with fish and game that we harvest; there's simply nothing also that compares to what we have here in Alaska. After retiring from the Air Force in 2005, I began my own charter service out of Valdez operating the vessel Halibut Grove.

I'm actively involved in the Alaska Outdoor Access Alliance working to protect our rights as Alaskan to access and enjoy our state resource. I'm also a committee member of the Mat Valley Fish and Game Advisory Committee advising the BOF and BOG on proposals that directly impact our resources and Alaskans. I'm also actively involved in the Prince William Sound Charter Boat Association fighting to protect citizens right to

harvest their own fish whether they choose to use a charter or personal means. As an AOC board member I intend to continue protecting and promoting the rights of all Alaskans to harvest fish and game resources to supplement the basic necessities of life as authorized by our state constitution. It is of great honor that I have been elected as a board member of the AOC and I intend to serve and protect the rights of all Alaskans to equally share in our state's great resources.



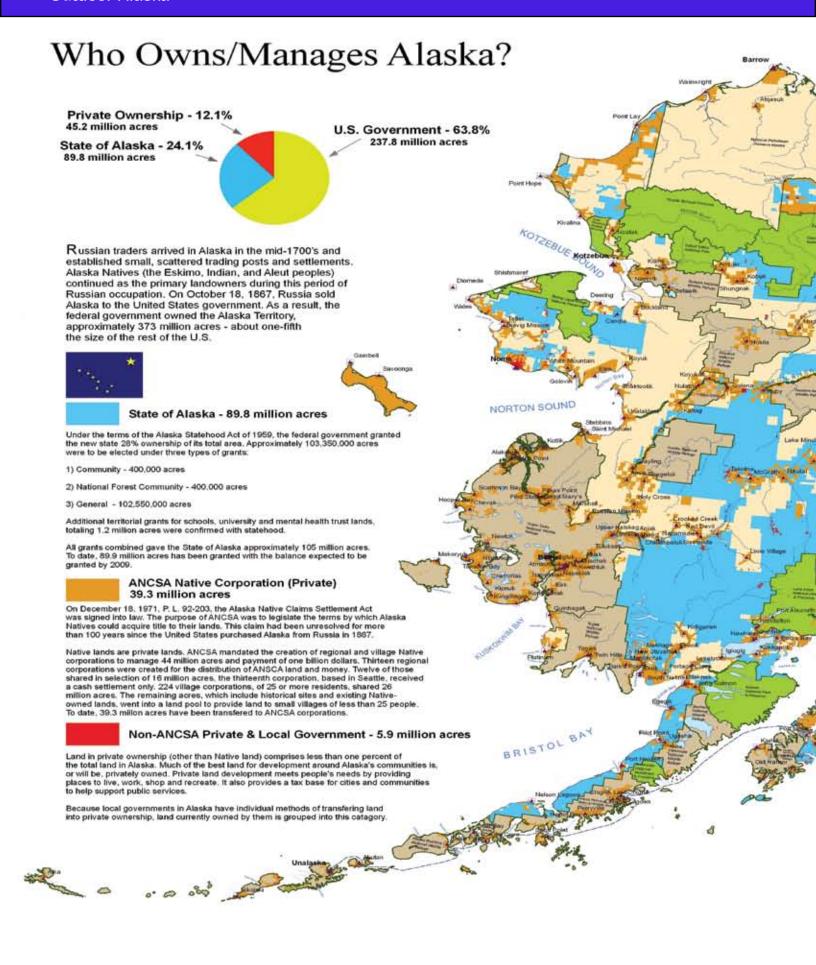
Charter Catch Sharing Plan needs Makeover

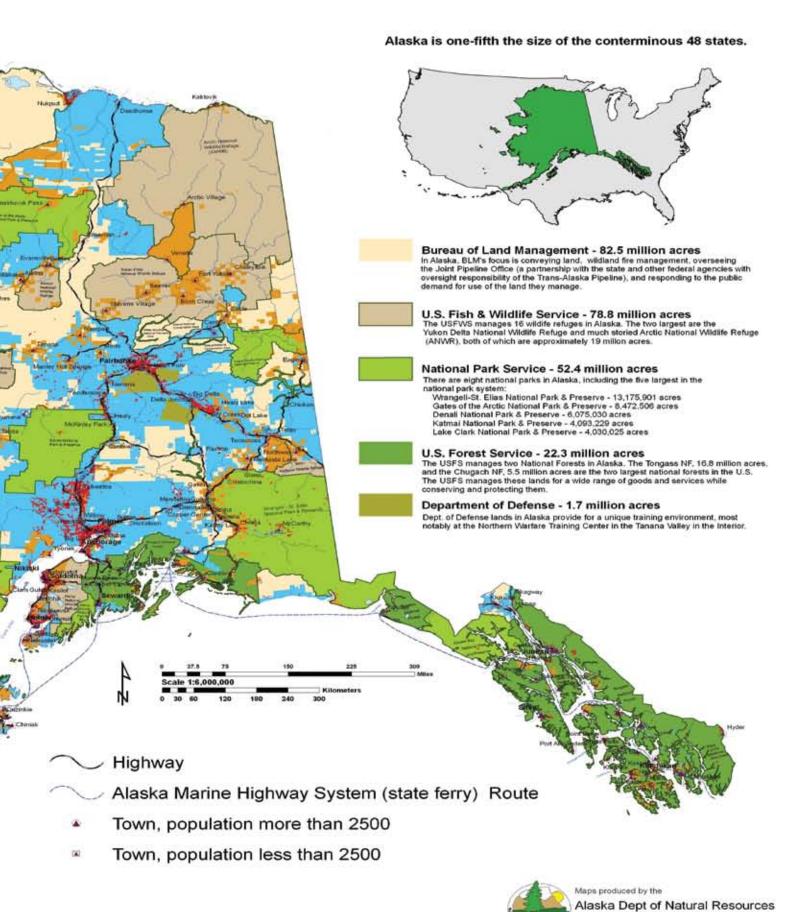
By Richard Yamada, Editor

The current Catch Sharing Plan (CSP) currently under analysis by the National Marine Fisheries Service (NMFS) is seriously flawed. If adopted, both Area 2C (Southeast) and 3A (Southcentral) will have halibut allocations below current Guideline Harvest Levels (GHL). In the case of Area 3A, this allocation would be a million pounds below the GHL and in all probability would trigger a size limit on the second fish caught (must be under 32"). Area 2C would face further restrictions beyond the one fish they now are allowed. Severely restrictive annual limits or in-season closures will be expected. To top this, if you wish to give your clients additional opportunity to catch another halibut, this halibut will have to be leased from a commercial fisherman.

Alaska Charter Association is proposing fixes to the CSP and will be presenting them to the North Pacific Fishery Management Council (NPFMC) in April. These fixes include a Compensated Reallocation Pool Plan where commercial halibut IFQ shares are purchased and not leased from commercial fishermen and placed in a common recreational angler pool to bolster recreational halibut allocations. If you are interested in a PowerPoint presentation on this, contact richard@alaskaoutdoorcouncil.org or info@alaskacharter.org

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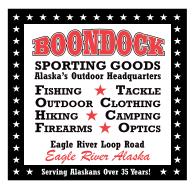




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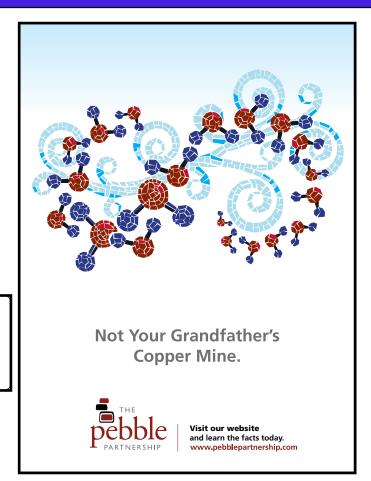
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EMERALD ISLE PULL TABS IN FAIRBANKS

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Susitna River Sockeye Salmon Research

by Lowell Fair, ADF&G Fishery Biologist IV

Located in Upper Cook Inlet, Alaska, the Susitna River is a large, glacially-dynamic system that typically produces a total run of about 900,000 sockeye salmon. This run is similar in abundance to that of the Kasilof River, but smaller than the average Kenai River run of 3.4 million sockeye. Susitna sockeye salmon have been sporadically studied since the early 1970s. However, in the 1980s, the proposed Susitna Hydroelectric Project created a renewed interest in understanding the river's salmon production. In 2006, ADF&G once again intensified sockeye salmon studies in the Susitna River. From the looks of it, much more research lies ahead. Weaker than average runs and uncertainty in the assessment of the number of spawning fish have prompted a wide array of innovative, multi-faceted studies to better understand sockeye salmon productivity in the drainage. These studies provide a platform for the long-term sustainability of Susitna River sockeye salmon by relating spawning abundance to overall production at levels conducive to sustained yield.

Because of the Susitna River's large size and high turbidity, sonar has been the mainstay for estimating overall salmon abundance on the Yentna River, a major tributary of the Susitna. The sonar program that began in the early 1980s continues to this day, although

significant changes have occurred along the way. One project that started in 2006 was to compare, and eventually replace, the outdated sonar of the past (Bendix) with a dual-frequency identification sonar (DIDSON), which is a multi-beam system coupled with an acoustic lens that focuses sound energy to create a video-like image of passing fish.

As part of ADF&G's Susitna River sockeye salmon core annual research and management program, numbers of spawning fish, commercial harvests, and sport harvests are estimated, along with corresponding age, size, and sex composition. Although commercial harvests in

and research.

2.0 Cook Inlet are composed of mixed stocks, the ADF&G Gene Conservation Laboratory has identified stock-specific genetic markers to help identify Susitna sockeye through DNA analysis. Genetic stock separation techniques over the past 10 years have greatly advanced our understanding of stock productivity and will remain a key aspect of Cook Inlet management

5.0

To better understand the number of fish spawning each year, ADF&G initiated a large mark-recapture tagging project and operated counting weirs at seven of the most prolific lakes (Chelatna, Judd, Shell, Larson, Byers, Stephan, and Swan) where sockeye spawn and then rear for one or two years before migrating to the ocean for an

additional two or three years. In 2008, ADF&G installed a speciallydesigned weir that floats with the rise and fall of the water's surface at Chelatna Lake to minimize the effect of changing water levels throughout the season. The mark-recapture project has provided valuable information about spawning distribution and abundances throughout the Susitna drainage.



Chelatna Lake floating weir.



Airplane strut fitted with radio tracking antenna.

Because sockeye salmon spend considerable portions of their life in lakes, it is important to understand fresh water production by identifying key factors that affect juvenile fish survival, such as food sources like zooplankton and predators like invasive northern pike. ADF&G currently studies these fresh water components in the Susitna drainage, which includes estimating the number of fry in the lake each fall and the number of smolt leaving the major lakes each spring. These weir and smolt projects are cooperatively operated by ADF&G and Cook Inlet Aquaculture Association.

Two other studies that began in the summer of 2009 were designed to (a) compare the catchability of sockeye, pink, coho, and chum salmon in fish wheels that are used to apportion sonar counts to speciesspecific estimates, and (b) estimate the potential error sources of sonarbased fish counts. Although ADF&G has gained much knowledge about Susitna sockeye in the past few years, there is still much more to understand.

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7.0

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EYEWITNESS REPORT Mar. 2, 2010

This case was way more complicated than Heller.

Both attorneys faced hostility from the bench. Chicago's lawyer got hit from all sides with little in the way of what you might call support. But the surprise was the way Alan Gura got blasted, even by the best friend gun-rights has up there, Justice Scalia.

Whoever or however we believed the Court might be ready to review the Privileges or Immunities clause of 14A was totally wrong. Every Justice had problems with the scope of such a decision, and poor Gura had to withstand withering assaults on his reasoning and approach.

I definitely need a transcript to go over what exactly happened, I thought audio was weak in chambers, complexity was way large, and in chatter afterwards found I wasn't the only one. How those aging Justices keep up -- and they did, note for note, cite for cite -- is a bloody miracle.

BOTTOM LINE -- it looks like the Heller majority may hold together for this case, and the Second Amendment will be incorporated against the states, under the familiar selective incorporation of Due Process. The same 2A that controls federal activity will apply to the states, no more, no less, though that issue of degree got a lot of attention. Not that the scope of 2A is all the well defined, but there was animus to the idea that incorporation would yield a "shadow" version for the states.

Gura may get the win, but not for any brilliant strategic planning -- there was open hostility to the idea, central to his arguments, of 2A being a Privilege or Immunity of citizenship (I'll discuss soon). The win, if there is one, may be more of a result of the bench being unprepared to treat 2A as some special bastard child the states do not have to follow, unlike the rest of

the Bill of Rights that has been incorporated so far.

And let me tell you, thank God for the NRA. They took a lot of heat for asking for and getting some of Gura's oral argument time, using Paul Clement who had argued the government's unsavory position for a low standard of scrutiny in Heller, getting their hat in the ring. That turned out to be baloney, they were life savers. Considering the ferocity with which Gura and P&I were attacked, we were lucky to have at elegant, articulate, eloquent voice to apply 2A through Due Process. (Don't get me wrong, Chicago fared just as poorly, but for different reasons.)

Clement's arguments were so well made and so compelling, he got to speak at length without interruption, with the Justices in rapt attention. I asked him about that afterwards and he said yeah, it was really nice getting some "air time."

There's so much more to tell, the back-and-forth over substantive and procedural due process, and the -- un-frickin-believable -- lengthy consideration by the Justices of how much RKBA we'd enjoy if there was "no Second Amendment" (protected instead as a privilege or immunity), plus Breyer's astounding hostility towards guns in general ("guns kill!"), and Stevens' 'parading around with guns' concerns... it'll have to be later (been on the go since 5:30 a.m., probably when I return to Phoenix, beginning of next week.

It was an honor and a thrill witnessing it all.

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Annual Awards Banquet

By Bill Iverson, AOC President

The Awards Banquet was a great success this year with a great last minute turnout that had the service providers scurrying. They did a great job getting us covered. We had many different groups show up from the BOG, the legislature, and many other factions.

Representative Mike Kelly was the guest speaker and kept us all laughing. It was great to hear him.

Ralph Samuels spent the entire day with us at our annual meeting and then attended the Awards dinner.

We gave our 2 Door Prizes of \$250.00 cash and a very nice Skinning Knife. The \$250.00 prize was donated back to AOC by Robert Fithian, APHA Executive Director.

The food was delicious and there was plenty of it, thanks to the great staff at the Fairbanks Princess Riverside Lodge. Everyone seemed to enjoy themselves as many of them hung around way past the dinner, talking.

Awards were given for:

The <u>AOC Legislator of the Year</u> award was given to Representative Mike Kelly for his aid in crafting and supporting AOC in many legislative actions. We couldn't have done what we have without his help.

The <u>Special Recognition</u> award was given to Rick and Cheryl Schikora for their long time support of AOC, serving on banquet committees, work on our accounting and so many other things.

The <u>Outstanding Member of the Year</u> award was given to Grant Lewis for his many contributions furthering Alaska Outdoor Council's purposes in 2009.

The <u>Outstanding Supporter</u> award was given to Dave Lambert for his continued support, by allowing us to be one of his non-profits.

Our heartfelt thanks goes out to all that came and to all that volunteered with all the prep work.

Continued from Page 2

in Alaska. The game board will spend all its time allocating subsistence animals among the competing communities.

The 40 mile herd will be next. They have already changed this great registration hunt. One of the last caribou hunts accessible by the road system that all you have to do is register and join in with anyone else to try to get one of the caribou set by harvest goals. When the goal is reached the hunt is closed. I personally think their harvest goal numbers are set to low, as the herd is very strong. The Board of Game (BOG) accepted proposal 14, which now makes the opening date the August 29th instead of August 10th like it has been for years. It also makes it a bull only hunt.

If you are unhappy with this you need to call or write the BOG members and let them know you would like them to reverse their position. Unfortunately most of us work in reactive mode instead of proactive and we didn't show up in any numbers to stop this at the BOG meeting in Fairbanks this February. Info on the BOF is at:

http://www.boards.adfg.state.ak.us/gameinfo/member/gmemadd.php

We need each of you to call your local AC (Fish & Game Advisor Committee) members and get them up to speed on this freight train coming at us.

Speaking of the AC's. I want to tell you all how proud I was of the turnout, by you, this spring for the AC board elections. Because of you we now have AC boards that represent us.

In closing, we need funding to keep this lawsuit going and get this board action overturned.

Please contact AOC and contribute to these most important issues.



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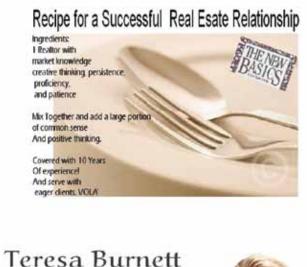
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