

**Second RC Submittal to the Alaska Board of Game by Ahtna Tene Nene' on February 17, 2018**

Included below are quotes from the two 2015 decisions of the Alaska Supreme Court upholding the statutory and constitutionality of the community subsistence hunt. It is Ahtna Tene Nene's position that the quoted sections clearly demonstrate that the BOG may enforce the hunt condition that participating groups must genuinely be a community and engage in the C&T pattern of community use recognized by the BOG and which is the foundation for the CSH.

*ALASKA FISH AND WILDLIFE CONSERVATION FUND v. STATE OF ALASKA and AHTNA TENE NENE'*, 347 P.3d 97 (Alaska 2015).

(at 101) "Based on these two recognized patterns of subsistence hunting, the Board adopted regulations that bifurcated subsistence hunts in Unit 13 into community harvests and individual hunts. A community harvest permit is issued to members of a group of 25 or more who agree to engage in the hunting practices described in the Board's 2006 findings, including meat sharing and organ salvage." (citing 5 AAC 92.072(c)(1)).

(at 102) "The Fund argues that the community harvest permit system is unconstitutional because it creates classifications that result in disparate treatment of Alaskans who are otherwise similarly situated. The superior court rejected this argument, reasoning that "[a]ny Alaskan is eligible to participate in either opportunity [i.e., the individual hunt or the community harvest] by complying with the regulatory requirements for each." We agree."

(at 105) The Board set the group membership at 25 " to ensure that it really is a communal experience, and not just two hunting buddies together, that there really is some level of interaction and sharing and that there's a genuine group." This tracks the Board's 2006 findings about the community use pattern, which showed that the community or group potentially benefitting from a hunt was larger than a nuclear family - it involved " all family members, elders, [and] others in need."

*KENNETH H. MANNING v. STATE OF ALASKA and AHTNA TENE NENE'*, 355 P.3d 530 (Alaska 2015).

(at 533) "The regulations establish that any group of 25 or more persons may apply for a community harvest subsistence permit entitling each group member to harvest one caribou during the regulatory year. **The group must follow the customary and traditional use pattern identified by the Board for community subsistence hunts.** Individual subsistence permit holders also are entitled to harvest one caribou per household during the regulatory year, **but are not subject to the community harvest hunt's customary and traditional use restrictions.**"