

PROPOSAL 54 – 5 AAC 92.070. Tier II subsistence hunting permit point system. Modify the Tier II subsistence hunting permit point system as follows:

Eliminate the Tier II eligibility rural preference application point-scoring questions on:

1. Location of purchase of most of applicant's gasoline and groceries during the last year; and
2. Number of days in the local hunt area spent on subsistence activities.

Change to: (1) Eligibility questions on number of the applicant's related **living**-generations that have and will benefit from applicant's subsistence harvests; and

(2) applicant's total reliance and dependency on all their subsistence use activities no matter where applicant does subsistence hunt-fish-pick berries in the state; and

(3) the number of years the applicant has hunted or applied for this particular Tier II hunt; based on the following:

(1) Count each living generation as one each for applicant and spouse, plus one generation for children, plus one for grandchildren, plus one for parents of applicant, plus one for grandparents, plus one for great grandparents, plus one for great grandchildren, plus one for generation of living nieces and nephews, and plus one great nieces and nephews. This will help assure compliance with 5 AAC 99.010 defining long-time customary and traditional subsistence use of at least one generation, i.e., ten years or more.

(2) Consider all the subsistence activities use days for all hunt-fish-pick berries subsistence reliance and dependency of the applicant, no matter where applicant lives in the state or exercised subsistence use rights.

(3) Consider applicant's number of years for hunting or applied for the Tier II species hunt being applied for, along with any other Tier II and Tier I general hunts for other big game species hunted or applied for and used for subsistence reliance and dependency.

What is the issue you would like the board to address and why? The present Tier II application questions, and the community subsistence harvest (CSH) applications, do not adequately address and protect long-time customary and traditional subsistence use reliance and dependency. Present questions are geared toward **rural preference** as the controlling eligibility, and not protection of long-time customary and traditional subsistence use and reliance (dependency). AS 16.05.258(b).

Eligibility questions presently use location of residency and priority for location of hunt area of subsistence use, while denying (ignoring) a resident's all other subsistence use activities in other areas of the state. For example, I exercise my hunt-fish-pick berries subsistence use in the Kenai Peninsula area almost year round, yet I receive unequal or no subsistence use days eligibility if I apply for Tier II moose and caribou or subsistence use permit anywhere else in the state.

Naturally, a person hunts-fish-picks berries, as well as buys most groceries and gasoline annually—in and closest to his location of residency.

The present cumulative eligibility criteria in effect is a poorly disguised rural preference, where grants a location-residency-rural preference priority for the hunt area, without consideration of total subsistence use needs, reliance, and dependency of the individual applicant on subsistence use.

This will require a new way of thinking for the Board of Game, to get away from unconstitutional rural-local-residency and **racial** C&T priority preference eligibility, and change focus to protect long-time customary and traditional subsistence use reliance and dependency, no matter where the applicant resides in the state, and **equal for all races**, and will avoid continued litigation for unconstitutional residency-rural-racial-location permit priority preferences that violate *McDowell v. State*, 785 P.2d 1 (Alaska 1989); violate Alaska Constitution Article VIII Section 3 common use, and Alaska Native Claims Settlement Act (ANCSA) 43 U.S.C. 1601 Section 4b terminating all future aboriginal native priority preference of fish and game rights.

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(HQ-F17-014)
