

PROPOSAL 97 – 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions. Remove the requirement for applicants to have specific customary and traditional use patterns for participating in the community subsistence harvest hunts in Unit 13 as follows:

Eliminate the regulatory requirement that all applicants for community subsistence hunts (CSH) for Unit 13 caribou and moose, must practice or convert to local Ahtna Athabaskan customs and traditions (C&T) in accordance with board findings #206-170-BOG, and under penalty of \$10,000 fine and one year in jail for CSH permit non-compliance.

What is the issue you would like the board to address and why? Eliminate: Requiring all moose and caribou CSH applicants to practice or convert to Ahtna racial C&T imposes an **unconstitutional racial discrimination limitation and bar** to the community subsistence hunt user group. *McDowell v. State*, 785 P.2D1 (Alaska 1989); *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995) [racial preference is unconstitutional].

Requiring **racial C&T** compliance with **one race customs and traditions (Ahtna C&T)** exceeds and violates all statutory enabling authority of Alaska Statute 16.05.255, regulations of the Board of Game, management requirements, AS 16.05.258 Alaska Subsistence Law, and constitutional equal protections of Alaska Constitution Article I Section 1 equal rights, and Article VIII Section 3 common use; violates Alaska Native Claims Settlement Act (ANCSA) 43 U.S.C. 1601 Section 4b terminating all future aboriginal native priority hunting and fishing rights.

PROPOSED BY: Kenneth Manning (HQ-F17-012)
