

ALASKA BOARD OF GAME FINDINGS
Taking of Big Game for Certain Religious Ceremonies
96-98-BOG

During the publicly convened Board of Game meeting in March 1996, the Board heard public and advisory committee testimony and ADF&G staff reports on the taking of big game for certain religious ceremonies. Based on testimony and reports, and after due consideration, the Board finds that:

- 1) Protection for the use of moose as part of the Athabascan funeral potlatch ceremony, as authorized in Frank v. State 604 P.2d 1068 (Alaska 1979), should extend to other big game animals used as food in customary and traditional Alaska Native funerary or mortuary religious ceremonies. The Board heard testimony from several residents and advisory committee representatives describing the use of big game species as part of funerary and mortuary practices in Alaska Native religious ceremonies. The Board also heard ADF&G staff reports describing the harvest patterns, use of big game in these ceremonies, and associated practices with respect to the taking of big game for religious purposes.
- 2) There is a compelling state interest in regulating the take of big game for any reason. Provisions for allowing and regulating the take of big game are important and necessary for managing game consistent with the constitutionally mandated sustained yield principle. Testimony by ADF&G staff indicates that there are no known cases where sustained yield has been threatened by taking of big game for Alaska Native religious ceremonies. The ADF&G will notify the public of any big game populations for which the taking of a big game animal would be inconsistent with sustained yield principles and which are closed to taking. Notification by the users to the department of the number of big game animals taken from a population is necessary and important as part of responsible management of the big game populations.
- 3) The adoption of this proposal provides regulations which are reasonable and least intrusive with respect to Alaska Native religious practices. The regulations adopted by the Board provide for a harvest report after the ceremony. The Board heard testimony in support of a harvest report only after the taking of big game or after the ceremony, within a specified amount of time. The regulations provide for an annual cycle of twelve months in which to harvest big game for religious ceremonies, described as a necessary and customary practice in some of the mortuary and funerary ceremonies. The regulations adopted by the Board provide that the big game harvest for funeral or mortuary religious ceremonies does not count as a hunter's individual bag under general or subsistence regulations, because the Board heard testimony that the harvest for a ceremony is an additional harvest above that normally used to feed one's family during a yearly cycle.

4) The adoption of this proposal will not result in significantly increased costs to individuals. The regulations adopted provide for telephone contact to ensure submission of a written report and do not require travel to a Fish and Game office in order to make a report.

DATE: 4/18/96
Juneau, Alaska

Larry Holmes
Larry Holmes, Chair

VOTE: 6 Favor 0 Oppose
1 Assent