



## **PROTECT CEREMONIAL MOOSE**

**WHEREAS,** Tanana Chiefs Conference (TCC) is an Alaska Native tribal health and social services consortium established by the Interior Alaska tribes and tribal communities, to provide a unified voice in advancing sovereign tribal governments through the promotion of physical and mental wellness, education, socioeconomic development and culture of the Interior Alaska Native; and

**WHEREAS,** Whereas, the Alaska Supreme Court in *Frank v. State*, relied on the testimony of Traditional Chief Peter John of Minto and other Alaska Native experts to reverse the criminal violation of Carlos Frank for his actions in participating in his religious practice of harvesting a moose for a funeral potlatch, to find:

"Death is the life crisis receiving the greatest attention in current Athabascan culture...

The funeral potlatch is the most important institution in Athabascan life. It is mandatory. Peter John, seventy-six, a former tribal chief in Minto, could not remember a death that was not followed by a funeral potlatch. It is apparently an obscenity to suggest that possibility. While a potlatch may be held to celebrate secular occasions, the funeral potlatch is distinguished by its fundamentally sacred aspect...

We think the evidence is inescapable that the utilization of moose meat at a funeral potlatch is a practice deeply rooted in the Athabascan religion. While moose itself is not sacred, it is needed for proper observance of a sacred ritual which must take place soon after death occurs. Moose is the centerpiece of the most important ritual in Athabascan life and is the equivalent of sacred symbols in other religions." *Frank v. State*, 604 P.2d 1068 (1979); and

**WHEREAS,** TCC seeks to ensure, the Alaska Native rights to continue in their ceremonial practices are protected by the first amendment to the United States Constitution and Article I, Section 4 of the Alaska Constitution; and

**WHEREAS,** in a letter dated, December 4, 2018, ADFG Division of Wildlife Conservation determined that the use of cow moose for certain Alaska Native religious ceremonies is unsustainable in Unit 20B, Minto Flats Management Area, Unit 20C, Unit 20F, and Unit 25C (emphasis added): and

**RESOLUTION 2019-30**  
**Tanana Chiefs Conference Full Board of Directors****Tanana  
Chiefs  
Conference**

**WHEREAS,** TCC was informed on January 14, 2019, of this December 4th action by Chief Tim McMannus of the Nenana Native Council after being informed by ADF&G that cow moose could no longer be taken for funerary or memorial potlatches under 5 AAC 92.017, 5 AAC 92.019, 5 AAC 92.053, and 5 AAC 92.055; and

**WHEREAS,** Fairbanks Area Management Biologist states there is a lack of adequate harvest records for ceremonial, cultural education, and potlatch moose:

“With the actual harvest unknown and the population estimate of moose in Unit 20B falling within the IM population objective, the number of female moose harvested with these permits may begin to cause a reduction in permits available for drawing permits to the general public. A better system for tracking the harvest of moose from these permits is needed for the department to provide maximum hunting opportunity for hunters” (Hollis 2018a:25) (emphasis added); and

**WHEREAS,** the Moose Management Report and Plan for Game Management Unit 20B includes that cow moose continue to be available for hunting throughout Unit 20B for both subsistence and nonsubsistence uses in order to keep within population objectives and over-exploiting moose browse; Antlerless moose hunting continues to be available in MFMA (RM785); and Nonresident and General moose hunting opportunities continue to be available in MFMA; and

**WHEREAS,** Clearly absent from the Moose Management Report and Plan for Game Management for Units 20C, 20F, and 25C is mention of problems with unreported ceremonial harvests. In addition, ADFG indicates that the general moose hunting season in these units was increased by the Board of Game in 2012 in order to increase moose harvests to increase harvests to be within the IM harvest objective; and

**WHEREAS,** TCC is concerned the constitutionally-protected ceremonial harvest of cow moose outside normal hunting seasons for funerary and memorial religious uses has been unilaterally curtailed in order to maintain drawing permit hunts of cow moose that do not even provide reasonable opportunity under the subsistence law let alone the higher priority uses of certain religious ceremonies as outlined by the Alaska Supreme Court.

**RESOLUTION 2019-30**  
Tanana Chiefs Conference Full Board of Directors



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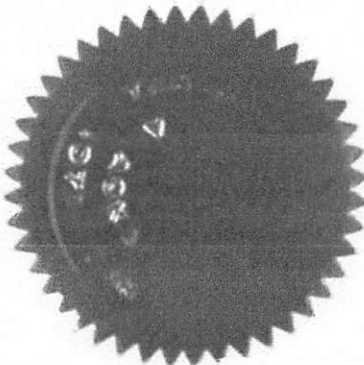
**NOW THEREFORE BE IT RESOLVED** that the Full Board asserts the December 4, 2018, decision by ADFG Division of Wildlife Conservation is unsubstantiated, unlawful, represents an allocative decision and limitation on harvest that was administrative in nature and not brought before the Alaska Board of Game in keeping with the requirements of the Administrative Procedures Act, and the prohibition of cow moose for ceremonial uses in these units by ADF&G is arbitrary and capricious; and

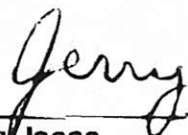
**BE IT FURTHER RESOLVED** that the Full Board requests that ADF&G follow the law as outlined by the Alaska Supreme Court in *Frank v. State*, 604 P.2d 1068 (1979) and remind the managers that "Justifications founded only on fear and apprehension are insufficient to overcome rights asserted under the First Amendment..." (Id at 1074); and

**BE IT FINALLY RESOLVED** that if such improvements in permitting records are in fact necessary, rather than prohibit the Alaska Native people to act on our religious beliefs, work with Alaska Native tribal leadership for improvements in recording of ceremonial, cultural education, and potlatch moose.

**CERTIFICATION**

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference Full Board of Directors on March 14, 2019 at Fairbanks, Alaska and a quorum was duly established.



  
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Jerry Isaac  
Secretary/Treasurer

Submitted by: Tetlin IRA Council