

Minto-Nenana Advisory Committee Testimony (Pt 1-Olivia Irwin) and Regulations Referenced

5 AAC 92.019 protects the right for Alaskans to harvest moose for religious ceremony- a regulation that aids in ensuring our Alaska Native people (not specified but our Tribal citizens as residents of Alaska) have constitutionally protected access to this resource for traditional, ceremonial religious uses. The only caveat to exercising this right is if the population gets so low that the department determines that ceremonial take would be unsustainable and adds the specific population to the prohibition list.

In 1979 the Alaska Supreme Court agreed with Carlos Frank who had harvested a cow out of season, because she presented herself while he was out hunting for a funeral potlatch.

Nothing in Frank v. State of Alaska (1979) court decision found in 5 AAC 92.019 requires annually reauthorized antlerless moose seasons and bag limits to be in regulation in 5 AAC 85.45 in order for ceremonial harvest to occur.

The Alaska Supreme Court said: “No value has a higher place in our constitutional system of government than that of religious freedom. The freedom to believe is protected, absolutely. The freedom to act on one's religious beliefs is also protected. A law imposing criminal or other penalties on the performance of acts which conscience compels, pressures the underlying beliefs and infringes to that extent the freedom to believe.”

The harvest of moose for ceremonial or potlatch purposes in exercising our religious rights outlined in 5 AAC 92.019 is **INDEPENDENT** of the regular hunting seasons and bag limits, including the annually reauthorized regular antlerless moose hunts under consideration here. 5 AAC 92.019 is a statewide ceremonial take regulation which is not legally noticed at this regional meeting.

We ask that the Board considers our testimony and asks questions to clarify that in fact the take of moose for funerary and mortuary purposes is a religious protection for Alaskans which is INDEPENDENT of antlerless hunt reauthorizations.

Our ability to harvest cows for potlatch is based on department conservation concerns and ability to meet sustain yield, it does not correlate with whether an antlerless hunt as been reauthorized in the unit.

AS 16.05.255(13) Regulations of the Board of Games management requirements including (13) promoting hunting and trapping and preserving the heritage of hunting and trapping in the state

“Heritage” originated for and by Indigenous peoples but is now a shared culture among all Alaskans

Alaska Native Tribes are NOT a monolith. This is a strong belief held by our Elders and Tribal Citizens in Minto, Nenana, Tanana, Rampart, and Manly. We ask that the Board not weaponize our AC decisions on the reauthorization of antlerless hunts against our Tribes protected constitutional religious rights.

Please let's not have to include another branch of government to make these clarifications.