

## ALASKA BOARD OF GAME

LETTER OF INTENT REGARDING  
USE OF ALASKA'S GAME FOR RELIGIOUS CEREMONY

The Alaska Board of Game recognizes and respects traditional religious practices of Alaska's Indians, Eskimos, and Aleuts, some of whom use game animal meat during religious ceremonies.

During its March-April, 1980, meeting in Fairbanks, the Board received extensive written and oral testimony from diverse members of the Alaska Native community on proposed regulations that would govern taking of game for meat to be used during religious ceremonies.

The number and variety of religious ceremonies involving use of game meat by Alaska's Natives may vary from group to group, within groups, and from area to area. These variances include:

1. reasons for holding religious ceremonies;
2. a need for different foods for religious ceremony within a region, and from region to region;
3. acceptance of meat from highway kills for ceremonies by some groups or individuals, and objections to such meat from others who say it is not suitable for religious ceremonies;
4. in the case of funeral ceremonies, length of time after death, the number of religious ceremonies held to honor a deceased individual, and the relationship to the deceased (i.e., clan, relatives, friends) of individuals who assume responsibility for arranging religious ceremonies at the time of a death, or at some later date.

In Frank v. State, 604 P.2d 1068 (Alaska 1979), the Alaska Supreme Court held that taking of moose when moose meat is not otherwise available for use in traditional funeral potlatch ceremonies of Alaska's Athabascan people is protected by both the state and federal constitutions--at least where the person taking the moose is sincere in his or her religious beliefs and where the taking will not jeopardize appropriate resource population levels. These constitutional protections also may apply to the taking of other game species by non-Athabascans for use in traditional ceremonies according to the following principles:

1. there must be a religion involved;
2. the conduct in question must be religiously based; and
3. the person claiming constitutional protection must be sincere in his or her beliefs.

Because of the complexity and variety of the traditional religious practices of Alaska's Natives, and in order to protect all of these religious beliefs, the Board concludes that it is preferable at this

time to not adopt regulations governing the taking of game needed for religious ceremony. Such regulations could have an influence on the date, place, time, and extent of some religious ceremonies. Regulations could have an adverse impact on the religious experience.

Before meaningful regulations governing the taking of game for religious ceremony can be adopted, it would be desirable to have an authoritative study of all religious ceremonies in which game meat is used, for all Native groups and subgroups, from all communities in the state where such religious ceremonies are practiced.

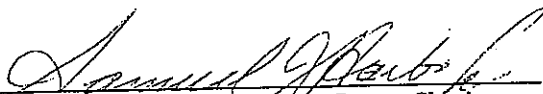
Until definitive guidelines can be established, the Board believes that the taking of game for religious ceremony should be informally administered by the Division of Fish and Wildlife Protection. In the interim, the guidelines established by the court in the Frank case provide sufficient direction for the Division of Fish and Wildlife Protection and the Department of Fish and Game to allow the taking of game for religious purposes.

Game meat used in religious ceremonies that can be scheduled and planned in advance should be obtained during regularly scheduled hunting seasons when feasible and consistent with religious practices and beliefs.

Full cooperation must exist between State officials and Natives who participate in the taking of game to be used in religious ceremonies. To the maximum extent possible and practicable, Native participants should provide advance notice to the nearest Fish and Wildlife Protection office, or official, when a need exists for the taking of game outside of the regular season. In all cases, a full accounting of such game must be made to the Department of Fish and Game after the fact if the nonregulatory approach is to succeed, either as a temporary or a permanent arrangement.

ADOPTED: Fairbanks, Alaska  
April 4, 1980

VOTE: 6/0

  
Dr. Samuel J. Harbo, Jr., Chairman-  
Alaska Board of Game