



Subsistence Hunting and Fishing

Subsistence hunting and fishing is both the livelihood and a way of life for many rural residents of Alaska, and is protected by the 1980 Alaska National Interest Lands Conservation Act. The federal jurisdiction over subsistence hunting and fishing extends to 60 percent of the state's land base, including the Tongass National Forest lands in Southeast Alaska and the Chugach National Forest lands in Southcentral Alaska. Subsistence management, a Forest Service program unique to the Alaska Region, is an important part of the region's mission.

Background

Many rural Alaskans obtain basic sustenance from the harvest of wildlife and fish resources. The subsistence heritage of rural Alaskans is the basis for Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). In this act, Congress found that continuation of the subsistence way of life by rural Alaskans was essential to their physical, economic, traditional, cultural and social existence. This applies not only to Indians, Eskimos, and Aleuts, but to non-Native rural residents as well.

The State of Alaska determined that Alaska Natives, in particular, may receive health benefits from a subsistence lifestyle that includes protection from cardiovascular disease and diabetes and improved maternal and neonatal nutrition.¹ Hunting and fishing reflect vital relationships of people and land that are woven into the history, cultural identity, and community life of rural Alaskans. As well, the lack of roads in Alaska means that many rural people have no access to grocery stores, and even if they did, those foods are likely to be unaffordable and lacking in variety.

Prior to late 1989, the State of Alaska had management authority over subsistence, sport, and commercial uses of Alaska's wildlife and fish resources. Eligibility for subsistence use under State of Alaska management, based on a concept of rural preference, was consistent with the federal requirement in Title VIII of ANILCA. In 1989, the Alaska State Supreme Court ruled in *McDowell v. Alaska* that the rural priority for subsistence use violated the Alaska State Constitution. *McDowell* had challenged whether the state could restrict the subsistence opportunity to rural people because the Alaska Constitution calls for "equal access to fish & wildlife resources by all Alaskans." The court found in his favor, which placed the state out of compliance with ANILCA. Pending the state's resolution of its constitutional conflict, the federal government, since 1990, has administered the rural subsistence priority for wildlife resources on all federal lands in Alaska.

Federal responsibility to manage subsistence fisheries was subsequently added following the Ninth Circuit decision in *Alaska v. Babbitt* (Katie John, 1995). This decision resulted in federal management of subsistence fisheries in waters associated with federal lands where the federal government has reserved water rights. This decision added significant responsibilities and cost to federal subsistence management. Federal subsistence fisheries regulations became effective October 1, 1999.

Prior to 2002, three governors, the Alaska congressional delegation, and a majority of State legislators supported a state constitutional amendment to resolve the conflict. Although a majority of Alaskan citizens also appeared to support amending the constitution to allow for a rural priority for subsistence, this amendment was not able to achieve the required two-thirds majority in both houses of the state legislature and was not passed. No legislative or judicial solution is expected in the

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foreseeable future that would allow the State of Alaska to comply with ANILCA provisions and to manage subsistence hunting and fishing on federal public lands and waters.

Unique Aspects

The secretaries of Agriculture and the Interior are legally bound to manage fish and wildlife for the rural subsistence priority on federal land and water because the State of Alaska is not able to do so under the provisions of ANILCA. The regional forester has been delegated authority to act for the Secretary of Agriculture for all program functions related to subsistence management. The Federal Subsistence Board, made up of Alaska agency heads of the Fish and Wildlife Service, National Park Service, Bureau of Indian Affairs, Bureau of Land Management, the Forest Service, and an appointed chair, establishes all hunting & fishing regulations. The Board is generally required to follow the recommendations of 10 regional advisory councils in decisions concerning the taking of fish and wildlife. The councils are made up of citizen representatives appointed by the Secretaries under the terms of the Federal Advisory Committee Act.

The Alaska Region Subsistence Program represents a unique Forest Service role in wildlife and fisheries management. Normally, the Forest Service role is confined to habitat management, with the state conducting population management. In Alaska, the Forest Service has a substantial role and workload in developing harvest regulations for subsistence wildlife and fish on all federal lands and waters within the State of Alaska and enforcing subsistence regulations on national forest lands.

Summary

We fully accept our responsibilities toward subsistence users and resources and have made significant progress toward meeting this commitment over the past 21 years. Achievements include developing the staff infrastructure and expertise needed to carry out critical subsistence management functions and the establishment of regional advisory councils to facilitate the meaningful participation of subsistence users. We have built strong relationships with Alaska Tribes, with other subsistence user organizations, and with communities in Alaska. The Forest Service is well integrated with the other federal agencies with which we share responsibility for subsistence management, while we maintain a lead role on national forest lands and waters. We work closely with State of Alaska natural resource managers and support cooperative state-federal projects. We implemented a law enforcement program aimed at protecting fish and wildlife resources and the subsistence priority of the people who depend on them.

Sustainable management of subsistence hunting and fishing requires accurate and timely information about the abundance, health, and distribution of fish stocks and wildlife populations. Much of this needed information is developed through service contracts with Tribes and other Native organizations that undertake harvest monitoring, traditional ecological knowledge, and stock assessment field projects. In addition to providing essential biological data, these contracts create local jobs, build capacity within communities, and involve subsistence users in meaningful stewardship roles.

More Information

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