

"Rural" definition deleted from subsistence laws

The "rural" definition of subsistence, used for the past year to determine which Alaskans could qualify as subsistence users of fish and game was struck down by the Alaska Boards of Fish and Game at meeting held last week in Anchorage. That definition limited subsistence use to people living "outside the road-connected area of a borough, municipality or other community with a population of 7,000 or more."

Federal law under the Alaska National Interest Lands Conservation Act requires the state to have a law protecting subsistence for rural users. Under the urging of Senator Ted Stevens, an Interior Undersecretary Bill Horn, the boards last year defined rural.

Recently, state Attorney General Norman Gorsuch issued his opinion that the definition was unconstitutional, and that rural probably did not have to be defined under the act. "ANILCA requires only that subsistence uses be rural customary and traditional

uses," Gorsuch said.

Many sportsmen in Alaska have been very unhappy with the entire subsistence issue. Last year they succeeded by initiative in placing a measure on the ballot which would have repealed the state subsistence law, giving everyone — including sportsmen whose main object is pleasure and recreation and rural people who literally depend on game and fish for survival — equal access to wild resources.

Had the measure passed, the federal subsistence law would still have been in effect, and would have mandated the government to take over management of fish and game on all federal lands. Native Alaska led the fight which successfully defeated the ballot measure.

With the rural definition repealed, eight criteria will be used to determine who can qualify for a subsistence permit, although no one is certain just how the criteria will be applied. The criteria include:

*Long-term and consistent
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Subsistence criteria

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use of the resource;

- *Consistent annual use of the resource;

- *Efficient and economic use of the resource;

- *Harvest of the resource in an area close to or reasonably accessible from the home;

- *Preparation, handling or

preserving the use by traditional means, although more recent technology can be used where appropriate;

- *The traditional handing down of hunting and fishing knowledge skills, values and lore from generation to generation among the users;

- *A history of sharing the resource within a community;

- *A use pattern which includes reliance for subsistence purposes upon a wide diversity of the fish and game resources of an area, and which provides substantial economic, cultural, social and nutritional elements of the subsistence user's life.

Although most of the subsistence users in the state are Alaska Natives, the law precludes any racial criteria in determining subsistence users.