

Court's ruling on subsistence to be key issue

by Sen. John Binkley

for the Tundra Times

JUNEAU — With a stroke of their pens, members of the Alaska Supreme Court last month revived a bitter and divisive issue by ruling that Alaska's priority subsistence law violates the state constitution because it gives preference to rural residents.

OPINION

The ruling had the initial effect of forcing the Alaska Department of Fish and Game to cancel three winter subsistence caribou hunts when some urban hunters threatened to take caribou in these hunts under protection of the court's decision.

One of those hunts alone — in the Copper Basin area — provides an important food source to some 1,200 rural families; more than a dozen other critical winter subsistence seasons also are in jeopardy unless the court agrees to postpone its ruling while the state appeals.

Perhaps the worst thing about the court's decision is that it threatens to unravel years of hard work and compromise that had finally produced a subsistence law acceptable to the federal government.

The law allowed us to continue managing the 104 million acres of Alaska land that Congress placed in federal areas under the D-2 legislation in 1980. We now face the real possibility of losing the right to manage those lands.

That most Alaskans want to protect the subsistence rights of rural residents who need wild fish and game for their family table is without question. That was amply demonstrated in 1982, when a ballot question proposing to repeal our subsistence law was defeated by more than 32,000 votes.

I was proud of that vote, because the forces trying to take away subsistence waged a bitter campaign, and I was happy to see urban and rural Alaskans unite to defeat them.

But even though we know most Alaskans support subsistence, the difficulty now will be to come up with a system that meets the requirements of Alaska's constitution — or at least its Supreme Court justices — and also satisfies the federal requirement for protecting rural users.

I hope we can find that compromise because I'd like to see the state continue managing the D-2 lands. But my primary goal is to make sure there is no loss of protection for subsistence users in rural Alaska, and if we have to surrender those lands and rely on federal managers to protect subsistence, then that may be what we have to do.

At any rate, we need to keep our heads and try not to allow anyone to use this court ruling to pit Alaskans against one another again. For my part, I'll be meeting with the Bush Caucus early in the upcoming session to determine whether there's a role for the Legislature in trying to solve this problem. I'll also be giving my support for rural Alaska's subsistence rights wherever possible.

Otherwise, the largest single issue we'll take up this session is, as usual, the state budget, and the good news is that for the first time since 1986, the

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