

Subsistence rights must be protected

by Rep. Eileen MacLean
for the Tundra Times

What do we mean by "subsistence"?

To those who live in cities, subsistence conjures up scenes of eking out a miserable existence in an unfriendly land.

**Inupiat Paitot
People's Heritage**

OPINION

To those of us in rural Alaska who live directly off the land, subsistence embraces our whole way of living. It describes the unique hunting and fishing rights we enjoy in order to live. It encompasses the way of our ancestors who taught us to respect the environment and its inhabitants.

Subsistence requires special skills and a complex understanding of the local environment that allows us to directly live off of the land and sea.

In the words of Thomas Berger, it "involves cultural values and attitudes: mutual respect, sharing, resourcefulness, and an understanding that is both conscious and mystical of the intricate interrelationships that link humans, animals and the environment."

Subsistence does not mean mere survival. It extends far beyond. . . .

Subsistence, does not mean mere survival. It extends far beyond survival to describe an indigenous culture that, against increasing demands on fish stocks and wildlife populations, chooses to survive in an age of change.

Today, our food gathering activity is controlled by mandated state and federal regulations. Regulations determine when, how much and what species may be harvested at any given time.

These regulations are in turn influenced by many factors, not the least of which is the lobbying of special interest groups such as sports hunters, sports fishermen, commercial hunters, commercial fishermen, environmentalists and animal rights groups.

Despite pressure from these groups, in 1980, Congress assured that subsistence uses would have preference over other uses when it enacted the Alaska National Interest Lands Conservation Act.

Since the enactment of ANILCA, many controversies have come up. From the start, there have been differences in how to define who is to be included for the subsistence priority.

ANILCA defines subsistence as the "customary and traditional uses by rural Alaska residents of wild renewable resources."

Unfortunately, this federal definition conflicts with the Alaska Constitution.

On Dec. 22, the Alaska Supreme Court struck down a provision of the state's subsistence law that gave rural residents priority hunting and fishing privileges.

In a four-to-one vote, the court ruled that the subsistence law illegally discriminates against urban residents.

A law that preserves opportunities to live off the land in Alaska is accep-

table based on "individual needs," the majority wrote, but not based on "residence," be it urban or rural.

The court based its decision on the "common-use clause" of the Alaska Constitution which says that all residents of the state are due an equal opportunity to use fish and wildlife.

On Jan. 5, Chief Justice Warren Matthews of the Alaska Supreme Court issued a stay on the court's December decision. He postponed the effect of the decision until July 1, and thus allowed subsistence hunts to continue under the current state regulations. With the stay, most subsistence hunts can continue as originally planned.

Gov. Steve Cowper has applauded the chief justice's postponement because he claims that it will give the state time to come up with a system that will protect fish and wildlife resources, provide for subsistence uses and meet the provisions of both the Alaska Constitution and ANILCA.

However, either the Alaska Constitution must be changed to accommodate ANILCA or ANILCA must be changed to accommodate the Alaska Constitution.

One approach may be to propose federal legislation guaranteeing Native subsistence first priority with non-Native subsistence receiving a secondary priority. This would limit the

number of people who would qualify for a priority and would maximize the numbers of fish and wildlife available for non-subsistence hunting and fishing.

Alaska Natives cannot be expected to ignore their ancestral way of gathering, harvesting and sharing of fish and wildlife resources. We must work together to protect the land, water, sea and all its inhabitants.

Subsistence rights must be protected from the threat of special interest groups be they commercial groups using the resources for economical gain, be they sports groups using the resources for pleasure or be they

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animal rights groups wishing to prevent any use of the resources whatsoever.

Alaska Natives must cooperate with each other, and, as difficult as this may be, we must work with the government agencies that regulate fish and wildlife. We must share our cultural values with those who are not familiar with them — especially with those who are responsible for making decisions that affect fishing and hunting rights.

It is up to us Alaska Natives to be aware of subsistence issues and to understand the arguments as we advocate for our hunting and fishing rights. If we do not, we will lose control over our destiny and our culture shall not survive.

We must continue to stand up and speak for our needs, so that we will not wake up one day to find that we are no longer able to gather the resources which sustain us. We must keep our authority of local control.

We must give support and encouragement to the various groups and commissions that advocate for our way of life and show our appreciation for their efforts and dedication. They are working to protect our resources and our right to the resources not just for themselves, but for us and for our future generations.