



## AFN summit conference Resolutions: Protect subsistence

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The Alaska Federation of Natives, which sponsored a Subsistence Summit Conference recently and reached a consensus on how to handle the state's subsistence problems, has released the three resolutions aimed at solving Alaska's subsistence problems created when the state Supreme Court declared the subsistence law unconstitutional.

John Shively, chairman of AFN's legislative committee, said the resolutions were given to the governor, state legislators and the congressional delegation for review.

After the Supreme Court ruling in

December that Alaska's subsistence law is unconstitutional, Natives now seek to amend the State Constitution to avoid what many people term a "disasterous" federal takeover of fish and game management on federal lands to ensure a subsistence priority for rural Alaskans.

Shively said the resolutions were designed to say the state has a problem with subsistence and the state's Natives want to keep management of fish and game resources in the state.

Shively said there also needs to be a complete review of all fish and game regulations. And he said when the regulations are looked at, any revisions made must be with the intent of

staying in tune with traditional hunting and fishing processes.

Action on these resolutions must be taken by July 1. If there is no action taken, then the federal government will take over management of fish and game on federal lands in Alaska on that date.

The resolutions developed from the conference are as follows:

### Resolution 90-1

**Entitled: Alaska Native Subsistence Rights: An Affirmation And A Strategy**

WHEREAS, the Alaska Federation of Natives, constituted of Regional

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Corporations, Regional non-profit organizations and other affiliated groups from throughout Alaska, represents those entities and communities in advancing their subsistence rights and interests; and

WHEREAS, approximately 4 percent of all fish and wildlife harvested in Alaska is taken by subsistence users; and

WHEREAS, less than 1 percent of salmon harvested in the State is taken by subsistence users; and

WHEREAS, in the 1980s 50,000 Natives and 60,000 non-Natives were subsistence users;

WHEREAS, approximately 40,000 urban Natives are deprived of their subsistence rights; and

WHEREAS, under ANILCA, the determination of priority subsistence rights among resource users is made only when it is necessary to restrict the taking of populations of fish and wildlife in order to protect the continued viability of such populations; and

WHEREAS, Congress declares that the continuation of opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands, and by Alaska Natives on Native lands is essential to Native physical, economic, traditional and cultural existence and to non-Native physical, economic, traditional and social existence; and

WHEREAS, as identified in Alaska Native Health Service studies, Alaska Natives may be adversely affected by the unavailability of scarcity of traditional foods and changes in Native lifestyle; and

WHEREAS, Title VIII of ANILCA was enacted in part to fulfill the unmet subsistence oriented requirements and purposes of ANCSA and to essentially protect the cultural and traditional Alaska Native lifestyle;

NOW THEREFORE BE IT RESOLVED that the Alaska Federation of Natives is directed by the

delegates herein assembled at the Subsistence Summit Conference to adopt as its principal direction and recommends to all appropriate Native organizations the following:

— Act to continue to support the inherent Native rights of subsistence resources and uses.

— Act to gain approval of an amendment to the Constitution of the State of Alaska that allows the State to exercise management jurisdiction over all fish, wildlife, plant and other renewable natural resources within its boundaries and provides that the State shall exercise management or subsistence resources therein in accordance with applicable federal law.

— Act prior to July 1, 1990, to have the State of Alaska review and revise as necessary all State subsistence statutes, policies, regulations, programs and practices in every area of State jurisdiction in order to establish an overall subsistence management regime that is responsive to the true subsistence needs of affected Alaskans. Such review and revision shall include representation from Native organizations that represent those Alaskans directly affected. This review shall seek to establish a definition of "rural" which includes as many Alaska Native people as possible and that the State administration adopt a subsistence system for individuals not in "rural" areas who can demonstrate traditional and customary utilization of natural resources. Such review and revision shall be undertaken with the fundamental intent to allow those Alaskans who by custom, tradition, location, and circumstance have practiced subsistence use of Alaska's resources up to the present and will in the future, to do so in an appropriately responsive, sensitive, comprehensive, timely and continuing manner.

— Act immediately to request and to take action to involve affected Native organizations directly and fully in development, promulgation and implementation of any federal subsistence management regime

developed for federal lands in the event State management is terminated. Native organizations shall resist, with all possible force, any attempt by the State of Alaska to contract with the federal government for any role in managing federal lands for subsistence uses. Tribal contracting for management of federal lands for subsistence uses will be strongly supported.

— Act to initiate a vigorous campaign to educate and familiarize public officials and legislators with all aspects of subsistence resources and uses.

— Act to initiate a vigorous registration campaign across the State of Alaska.

BE IT FURTHER RESOLVED that all Native entities and organizations shall withdraw after July 1, 1990, their support for State subsistence management on federal lands and for a State constitutional amendment if there is not a satisfactory resolution pursuant to the review and revision of State subsistence management requested herein; and

BE IT FINALLY RESOLVED that in the event of the above withdrawal of Native support, all affected Native organizations shall pursue with all appropriate resources any and all legal and Constitutional actions to secure their rights to Alaska's subsistence resources and uses.

## Resolution 90-2

**Entitled: Alaska Native Subsistence Rights: A Priority for Alaska Native Tribal Members**

WHEREAS, Alaska Native tribes have managed fish and game in their traditional areas since before anyone can remember, and both the Native people and the animals benefited from tribal management; and

WHEREAS, members of Alaska Native tribes today, and in the future, rely on the right to harvest subsistence resources to nourish their bodies, and for the survival of their culture; and

WHEREAS, the only way to guarantee subsistence rights for members of the Alaska Native tribes is for tribal members to be given a priority to harvest subsistence resources on all lands in Alaska that

they have traditionally and customarily used;

NOW THEREFORE BE IT RESOLVED that Native tribes and organizations will work in the long-term to gain a subsistence priority for Alaska Native tribal members, and to affirm the power of Alaska Native tribes to manage and regulate subsistence uses by their members.

## Resolution 90-3

WHEREAS, the McDowell v. State decision by the Alaska Supreme Court puts the State out of compliance with the federal subsistence preference found in Title VIII of ANILCA and will lead to a federal assumption of fish and game management authority on federal lands in the State after July 1, 1990, unless the law is changed; and

WHEREAS, there is a substantial doubt that the law can be changed in time to avoid federal takeover of fish and game management on federal lands; and

WHEREAS, joint state and federal planning for implementing a dual fish and game management system in the state after July 1, 1990, has taken place without participation or over consultation with the Alaska Federation of Natives or other Native organizations; and

WHEREAS, the sound management of Alaska's fish and game resources is inseparable from Native culture and tradition and must be protected by all possible means; and

WHEREAS, Representative Lyman Hoffman has proposed a State Constitutional amendment which would allow the state to manage subsistence resources in accordance with federal law and retain fish and game management authority on federal lands.

NOW THEREFORE BE IT RESOLVED that the body assembled herein directs the Alaska Federation of Natives to work toward amending the State Constitution to allow the state to manage subsistence resources consistently with federal laws and retain fish and game management authority on federal lands.