

# SUBSISTENCE: The definition



The Congress made a strong commitment in the Alaska Lands Act to provide the opportunity for subsistence uses to continue in rural Alaska. It recognized that rural residents of Alaska, both Native and non-Native, depend on natural renewable resources which are found on public lands (national parks, wildlife refuges, forests, wild and scenic rivers and BLM areas). So Congress wrote Title VIII of the Lands Act to ensure that "non-wasteful subsistence uses of fish and wildlife and other renewable resources [are] the priority consumption uses of all such resources on the public lands of Alaska."

If it becomes necessary to restrict subsistence taking in the interest of long-term protection or health of a fish stock or wildlife population, the stock or population would be allocated according to three criteria:

1. Customary and direct dependence upon the populations as the mainstay of livelihood;
2. Local residency;
3. The availability of alternative resources.

These three criteria are a safety mechanism to provide for a

system of allocation among rural residents during times of scarcity. These standards would be used only after other consumptive uses (fishing, and sport and trophy hunting) are curtailed.

**WHAT IS A SUBSISTENCE USE, EXACTLY?** Because subsistence means one thing to one person and something different to another, Congress found it essential to establish a legal definition. In order for a use of fish, wildlife, plants or other renewable resources to be a "subsistence use," it must meet one of the following requirements:

—The use must be for personal or family consumption. This means that the person who is hunting, fishing or gathering must use the fish or wildlife, plants or other resources either for his/her own use, or for the use of his/her family. This requirement is satisfied as long as the personal use is for food, shelter, fuel, clothing, tools or transportation.

Nonedible by-products of fish and wildlife resources may also be used for the making and selling of handicraft articles so long as the resources were originally taken for food, shelter, fuel, clo-

thing, tools or transportation. Or,

—The resource also can be used for barter, as long as the goods or resources acquired through the barter process are of a limited and noncommercial nature, and used for personal or family consumption. Or,

—Traditional community patterns of sharing fish, wildlife and plant resources also are included in the definition. Or,

—The exchange of furs for cash is allowed as customary trade. Congress realized that in order for many rural residents to continue to live in their home communities they must be able to trap fur-bearing animals. The sale of pelts to acquire money for the purchase of such necessities as heating oil, nets, clothing and other items, has become a part of Alaskan subsistence economics.

In the Gates of the Arctic National Preserve (Kobuk River Area) and Kobuk Valley National Park customary trade also includes the selling of handicraft articles made from plant materials. This provision covers birch bark baskets.

A "subsistence use" of fish, wildlife and other renewable re-

sources, as defined in the Lands Act, also must be customary and traditional. Congress wanted to emphasize that subsistence uses are those which have played a long established and important role in the culture and economy of the community. These uses also incorporate beliefs and customs which have been handed down by example or word-of-mouth from generation to generation.

This provision applies not only to hunting, fishing and trapping, but also to the subsistence use of live standing timber, dead timber, fruits, berries, mushrooms and other plant materials. (However, cutting of live trees greater than three inches in diameter requires a permit in national parks and refuges.)

**WHO IS A SUBSISTENCE USER? WHO CAN ENGAGE IN SUBSISTENCE USES?** Congress defined such a user as a rural Alaska resident, either Native or non-Native, who has customarily and traditionally engaged in subsistence uses. It recognized that while the taking of fish and wildlife by Alaska Natives and other residents of our urban areas is important,

the most important place in which subsistence must be protected is rural Alaska. An Alaska Native who is a resident of Anchorage or Fairbanks, for example, does not qualify as a subsistence user. But if the person moves back permanently to his/her rural community he/she could once again become a "subsistence user."

In national parks and monuments a subsistence user is further defined as a resident of a subsistence zone. This is further explained on page 7.

In order to determine whether or not uses are protected by subsistence provisions in a particular case — either in Federal management of public lands and waters or in State regulation of the taking of fish and wildlife — the activity must meet the above requirements. If it does, then it is entitled to specific legal protection under the Alaska Lands Act.

Some regret that the subsistence way of life had to be reduced to complicated laws and regulations. But in today's modern Alaska it is the only way to protect a way of life which is many centuries old.

## THE ALEUT REGION

National Wildlife Refuge System

- 1 Alaska Peninsula NWR
- 2 Izembek NWR
- 3 Alaska Maritime NWR

