

AFN position paper on subsistence

The harvest of fish and wildlife for subsistence uses by the Native and non-Native residents of Alaska's rural villages is of critical importance to the economic and social well-being of those communities. Indeed unless the subsistence harvest is protected there will be no rural Alaska, as we know it.

Prior to 1978 the Alaska Legislature encouraged, but did not require, the Alaska Board of Game to exercise its administrative discretion to protect subsistence hunting in the rural areas.

In 1978, the Legislature enacted ch. 151 SLA 1978 (the subsistence statute) which established a subsistence section within the Alaska Department of Fish and Game, defined the term "subsistence uses" in some detail and on a non-racial basis, created a priority for subsistence uses over other consumptive uses of Alaska's fish stocks and wildlife populations, and reaffirmed that under no circumstances are subsistence uses ever to be permitted to jeopardize the maintenance of fish stocks and wildlife populations on a sustained yield basis.

Since 1978, both the Alaska Board of Fisheries and the Alaska Board of Game have had difficulties implementing the subsistence statute. Primarily because of confusion in differentiating between "subsistence uses" and non-subsistence personal uses. Or put another way, confusion as to whether the Legislature intended the subsistence priority to apply in all parts of the state or just to the harvest of fish and wildlife by the residents of our rural communities?

If the subsistence harvest applies in all parts of the state then all personal use net fishermen in Cook Inlet have a legal priority over the sport and commercial fisheries. But if the latter interpretation of the subsistence statute is correct, then the subsistence priority only applies to fishing in a small number of distinct rural communities around the Inlet.

At its December 1980 meeting, the Board of Fisheries adopted by regulation 10 criteria for identifying "customary and traditional" subsistence uses of Alaska's fish stocks. The criteria focused the "subsistence uses" defini-

tion only on those geographically identifiable rural communities where community, rather than individual, harvest patterns are distinct and play a major role in the economic system of the village.

Applying the 10 criteria, the board identified only three rural communities around the Inlet entitled to the subsistence priority: Tyonek, English Bay, and Port Graham. This approach protected subsistence uses while at the same time ensured adequate and fair access to Cook Inlet salmon stocks by sport and commercial fishermen.

It did not permit the sport and commercial fisheries to be overrun by large numbers of net fishermen each claiming to be entitled to a "subsistence priority" over his sport and commercial fishing neighbors.

The Alaska Federation of Natives, Inc. supports the use of the 10 criteria adopted by the Board of Fisheries to identify "subsistence uses" entitled to the subsistence priority. The use of these criteria has gone a long way to eliminate confusion, protect subsistence uses in Alaska's rural

villages, and rid the subsistence statute of ambiguity which could be used to unnecessarily compromise the use of the Cook Inlet fishery by sport and commercial fishermen.

Consequently, the Alaska Federation of Natives, Inc. supports amending the subsistence statute to put the Board of Fisheries' 10 criteria into the body of the law. This chance will loosen the subsistence priority to guarantee that the sport and commercial use of Alaska's fish and game is not overly restricted while at the same time ensuring that "subsistence uses" by the Native and non-Native residents of our rural communities will be adequately protected.

In summary, the Alaska Federation of Natives, Inc. supports those provisions of ch. 151 SLA 1978 which ensure that:

1. Subsistence uses of Alaska's fish stocks and wildlife populations are

never permitted to jeopardize the maintenance of those stocks and populations on a sustained-yield basis.

2. "Subsistence uses" is defined on a non-racial basis so that all rural Alaskans, both Native and non-Native, enjoy equal opportunities.

3. The subsistence priority is continued as a non-negotiable necessity for the protection of Alaska's rural communities.

4. The subsistence section of the Alaska Department of Fish and Game continues to work to ensure that the subsistence priority is adequately and fairly implemented.

The Alaska Federation of Natives, Inc. supports amending ch. 151 SLA 1978 to include the 10 criteria adopted by the Board of Fisheries in December 1980 in the subsistence statute.