

Key events in recent history of subsistence

The following are key events in the recent history of subsistence in Alaska:

- Under the terms of the Alaska Native Claims Settlement Act of 1971, Natives gave up claims to aboriginal hunting and fishing rights in exchange for roughly \$1 billion and 44 million acres of land.

- Responding to the plummeting population of the Western Arctic Caribou Herd, the Alaska Board of Game for the first time in 1975 limited eligibility for hunting permits to local residents of the area most dependant on the herd.

- The Tanana Valley Sportsmen's Association filed suit in 1975 in Fairbanks to prevent the Board of Game

from implementing the permit regulations. The case reached the Alaska Supreme Court in 1978, by which time the regulations were out of date and no policy issues were settled.

- The Alaska Legislature authorized, but did not compel the Board of Game to establish subsistence hunting areas in 1975. In 1976 the Legislature divided fish and game management between the newly created Board of Game and the Board of Fisheries.

- The 10th Alaska Legislature passed in 1978 the first comprehensive subsistence law. Urban residents and sportsmen protested, calling the new law unfair. They predicted the destruction of game resources by the grow-

ing rural population.

- In a case between the Kenai Peninsula Fisherman's Cooperative Association and the state in 1981, it was ruled that Section 15, Article VIII of the Alaska Constitution does not prohibit differential treatment of sport, commercial and subsistence fishermen.

- Ballot Measure 7, an attempt to repeal the 1978 subsistence law, failed in 1982 in a statewide election.

- Four men, two of them Anchorage residents, filed a lawsuit in 1983 challenging the constitutionality of the 1978 subsistence law.

- The Alaska Supreme Court struck

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down in 1985 the 1978 subsistence law in the Madison case, stating that all Alaskans should be able to use subsistence, and only when resources are extremely scarce should preferences be allowed.

- The Alaska Legislature in 1985 adopted a letter of intent leading to the development of the 1986 subsistence law.

- The U.S. government informed the state in 1986 that the Madison decision contradicted the Alaska National Interest Lands Conservation Act, and threatened to take over the management of all federal land in Alaska unless a new subsistence law was created to meet ANILCA specifications.

- The Alaska Legislature created in 1986 a new law defining eligibility for participation in subsistence practices. The new guidelines were based on residency, with a 10-point criteria system deciding what areas qualified. The lawsuit filed in 1983 was modified to challenge the new law.

- A U.S. judge ruled in 1987 against the Kenaitze Indian Tribe, stating that the 1986 subsistence law agrees with ANILCA provisions.

- The 9th U.S. Circuit Court of Appeals in 1988 reversed the 1987 Kenaitze decision, telling the state that

a better definition of "rural" was needed.

- An attempt by the state in 1989 to get federal legislation to match the federal definition of rural to that of the state, thus bypassing the 9th Circuit Court decision by changing the laws it was based upon, was thwarted by Native groups.

- The state and Kenaitzes agreed in 1989 to a one-year fishery solution until a permanent agreement is decided upon.

- The Alaska Supreme Court struck subsistence law as unconstitutional in December 1989.