

# **Commentary**

## **Seeking state management of fish and game**

**by Lt. Governor Fran Ulmer**

The Knowles-Ulmer Administration has two primary goals as it strives to find a fair solution to Alaska's subsistence impasse. The first is a state management system that will protect the legitimate needs of all Alaskans for whom subsistence is a way of life and that will accommodate the needs of all other users of our fish and game. The second goal is for the state to regain subsistence man-

agement on federal lands. We need the help of all Alaskans to achieve these goals.

The dilemma is caused by the conflict between the subsistence priority on federal lands granted rural residents by the Alaska National Interest Lands Conservation Act ("ANILCA") and Article VIII of the Alaska Constitution. The Alaska Supreme Court ruled in 1989 that the state could no longer link its subsistence priority to a person's place of residence. Be-

cause of ANILCA, Alaska's failure to maintain its long-standing rural preference resulted in the Interior Department taking over subsistence management on all federal public lands.

We now live with dual subsistence management— federal management on federal lands (and possibly some navigable waters) and state management on state and private land. Divided management is particularly ill-

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sued to sound management of migratory game and fish species.

Almost no one is satisfied with the status quo, which has spawned contentious lawsuits and pitted Alaskan against Alaskan. The problem is serious and getting worse.

Rural and urban residents, Natives and non-Natives — the great majority want a better solution, regardless of whether their focus is sport, commercial, or subsistence use. The challenge is

to find common ground that all groups will support, and to create a structure to permanently solve the problem.

We think it is possible. Incorporating what we have heard from hundreds of Alaskans, we developed a written concept that will regain state subsistence management on all lands in Alaska. It has four components: 1) revisions to our current fish and game statutes, 2) increased commitment to the state's system of local fish and game advisory committees and

revitalization of the state's version of regional subsistence councils; 3) a state constitutional amendment, and 4) targeted amendments to ANILCA.

Proposed statutory revisions provide a subsistence priority, consistent with sustained yield, to those who rely on Alaska's fish and game for their families' nutritional and cultural sustenance. It would generally apply to residents of communities which are subsistence areas

under current state law, but would also allow other individuals to qualify by demonstrating a history

of subsistence use of a particular fish stock or game population. It would minimize the perceived unfairness of the rural-only preference in ANILCA.

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The second part would increase local participation in subsistence management decisions, while the legislature and the boards of fish and game would retain final management authority. Several possible structures for regional councils are outlined in the concept.

The third component, a proposed constitutional amendment, would provide a subsistence priority consistent with sustained yield and allow the legislature to consider factors such as local residence, community or area characteristics, customary and traditional use, direct dependence, or the availability of alternative resources.

The fourth element, ANILCA amendments, is necessary to make federal law conform to the new state statute. The amendments would ensure that the state regains subsistence management on federal lands, and require federal courts to defer to state management determinations.

Later articles will explain in more detail each of these parts as well as comments we hear along the way. Throughout this process all Alaskans must be familiar with the issues and sensitive to the competing values that must be accommodated. No constituency can

be respected. Because our congressional delegation has said it will not change ANILCA without an Alaskan consensus, no solution will work without widespread support; nor can a plan work that is not a complete package that balances competing interests and links each component to all others.

To assure this "linkage," changes in state statutes and ANILCA will become effective only if people accept the constitutional amendment—it's all or nothing. By tying the effective date of the state statute and the ANILCA amendments to voter approval of the constitutional amendment, no constituency would be at risk. Either the entire package would be enacted, or we would be back where we are today.

When I took this assignment, I knew it would be challenging. Some have said, "This is an impossible task, Fran. Subsistence can't be resolved." I disagree. If Alaskans listen to each other, and understand and respect opposing viewpoints, we can find a fair solution that protects the health of our wildlife resources while meeting the needs of our people.

In order to meet these important goals for Alaska, we need your comments and suggestions about how to improve this concept. Thank you for your willingness to help. Contact me at P.O. Box 110015, Juneau AK 99811-0015 or Internet address: Fran\_Ulmer@Gov.State.AK.US.

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points of view, even different from our own, must