

ALASKA STATE LEGISLATURE

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Sponsor Statement

House Joint Resolution 22: Resident Subsistence Use of Fish/Game

“Proposing an amendment to the Constitution of the State of Alaska relating to subsistence use of replenishable natural resources by state residents; and providing for an effective date for the amendment”.

The Alaskan National Interest Lands Conservation Act (ANILCA) set aside more than 100 million acres to be federally owned & managed. These conservation units include national parks and preserves, national wildlife refuges, designated wilderness areas, wild and scenic rivers, the Iditarod National Historic Trail, as well as the Steese National Conservation Area and the White Mountains National Recreation Area. Among other provisions, ANILCA specifically recognized and protected subsistence use on the newly designated lands.

The federal government allowed the Alaska state government to enforce subsistence priority on federal public lands until 1989. Prior to that, the Alaska Ninth Circuit Court of Appeals decided that the state's definition of "rural" was not in accordance with ANILCA in *McDowell v. State of Alaska*. The state was not in compliance with ANILCA; therefore, the federal government took over management of fish and wildlife on federal public lands in Alaska once again in 1990. They created several federal agencies to uphold their responsibility to provide rural resident subsistence priority.

The Alaska Supreme Court ruled that ANILCA violates Sec 3,15 and 17 of the Alaska State Constitution by violating the "equal access rule". Currently this creates special privileges, for certain groups, to take fish and game, which is prohibited by the constitution. This amendment brings Alaska in compliance with rules and regulations stipulated in ANILCA.

With Alaska in compliance, the State can manage fish and wildlife on both State and Federal lands, which will best benefit Alaskans using the sustainable yield model. Additionally, this amendment would allow those closest and most dependent on the resource to have access in times of low yield, as opposed to a complete closure.