

Alaska State Legislature

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Potential Subsistence Solution Lies at Hand

(ANCHORAGE) – As Alaska’s political leaders wrestle with the vexing issue of subsistence hunting and fishing, they would be wise to consider the efforts of other state leaders who considered the problem in the past. Like the new gold discovered by reworking old tailings, the answer to the subsistence question may already be in our hands.

Two months ago Alaska’s elder statesman, former Gov. Jay Hammond, published his proposal for a constitutional amendment that would reconcile the rural preference required under the Alaska National Interest Lands Conservation Act with the Alaska Constitution’s guarantees for equal access to public resources. It builds on a belief expressed three years ago by then-Rep. Mark Hanley that subsistence use of a resource must be its highest and best use in times of shortage. It is also substantially similar to a proposal arising from then-Gov. Wally Hickel’s subsistence commission 10 years ago.

In essence, the ideas put forth by Hammond, Hanley and Hickel support a constitutional amendment that would take effect whenever the harvestable surplus of fish or game in a game management unit (GMU) was less than the five-year average subsistence harvest. At that point, subsistence would become the highest-priority use, and subsistence priority would be allotted to those living within that GMU and to those who could show a five-year history of using or depending on the resource in that area.

Such an amendment would address Native concerns by enhancing and protecting local subsistence rights in urban and rural areas alike, and by eliminating the risk that subsistence rights would erode away from growing communities like Barrow or Bethel under a strictly “rural” subsistence preference.

It would also reassure urban, non-Native residents and civil liberties advocates who value the state Constitution’s equal protection and equal access guarantees, which were threatened under efforts by Gov. Tony Knowles and former Interior Secretary Bruce Babbitt to change state law to match federal mandate.

And finally, by meeting the technical rural preference requirements in the Alaska National Interests Lands Conservation Act, this amendment would make it easier for Alaska’s Congressional delegation to win the minor changes in federal law we need to bring a final solution to one of Alaska’s most divisive and pressing issues.

I have introduced legislation formalizing this proposal. While the Legislature could not normally take it up until it convenes in regular session next January, there is a forum in which this amendment might see rapid legislative consideration and action.

This summer, Knowles picked 40 people from around the state and asked them to spend two days solving subsistence. After they endorsed the governor's call for a Babbitt-style constitutional amendment, he picked 11 of them and asked them to draft amendment language he can present to the Legislature in another special session this fall. This group could, at the governor's direction, consider the ideas contained in my proposed constitutional amendment when they meet in Juneau from Oct. 10-11 to continue writing a draft constitutional amendment on subsistence.

Alaska has been blessed with a motherlode of statesmanship, and the vein may not be played out yet. I respectfully request Knowles' task force to consider this subsistence solution already put forward by some of Alaska's outstanding past leaders.

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