

# Subsistence





## Subsistence

By John Quinley

Title VIII of ANILCA provided rural residents with a priority for subsistence activities in many parks, activities such as hunting and trapping that were unusual in Lower 48 national parks. Originally managed by the State of Alaska, subsistence users saw an intensified federal management role after a series of state and federal court decisions regarding the terms of the Lands Act and the constitution of the State of Alaska.

A 1988 state case, *McDowell vs. State of Alaska*, determined that the state's subsistence law illegally discriminated against urban residents (Norris 2002). The Alaska Legislature was unable to resolve the issue, and on July 1, 1990, the federal government began managing certain subsistence activities, primarily hunting. Five years later, in a federal case (*Katie John vs. USA*), Anchorage District Court Judge H. Russel Holland ruled "the federal government has the legal power and obligation to take over management of subsistence fisheries on all navigable waters" (Norris 2002:245). A year later, the Ninth Circuit Court of Appeals

generally agreed, broadening the federal role for a second time.

The effect of the enlarged federal role has been seen not only in the developing mechanics of subsistence management—for instance, proposals made by a public process and the setting of seasons and bag limits by the Federal Subsistence Board—but in a growing series of research projects focused on understanding better the resources and the users involved in subsistence.

The study of subsistence resources in parks has been a mix of long-term work

and projects instigated by issues facing the Federal Subsistence Board. An example of the latter was when managers saw declining moose numbers in the Koyukuk drainage south of Gates of the Arctic National Park in 2002. Recognizing the need for current data to support restrictions in the park, in 2004 the NPS and partners conducted the first moose survey in the area since 1987. The research determined that numbers in the park were down from earlier levels, similar to the decline reported south of the park. This information, along with

**Winter hunting is an important subsistence activity in many Northwest Alaska communities and park areas.**

National Park Service photograph by Bob Belous, ARCC



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National Park Service photograph by Bob Behou, ARCC

A subsistence lifestyle frequently involves many family members and multiple generations participating in taking and processing fish and game.

other factors, led to regulatory changes by the Federal Subsistence Board restricting moose hunting.

Likewise, provisions in the Lands Act regarding access and subsistence eligibility were tested, on the south side of Denali National Park in an area near Cantwell which was added to the park in 1980. Section 811(b) of ANILCA allows “surface transportation traditionally employed...by local residents” for access to subsistence resources. In the Cantwell area, all-terrain

vehicles were generally used for subsistence access. While the legal status of that access was debated over the years, there was minimal impact to parkland and the issue was somewhat in the background for both users and park managers.

However, in the fall of 2003, a small number of local hunters ventured into an area where their all-terrain vehicles caused clear disturbance in the wetlands. The park promptly revisited research into whether all-terrain vehicles had been traditionally employed by local residents prior to the establishment of the park. In the early 1980s, park managers had documented some vehicle use as part of doing other habitat research in the Cantwell area. The State of Alaska, as part of its subsistence management work, had also documented access for subsistence harvests, looking at areas both outside and inside the park boundary. Additional information was gathered in the 1990s, but no definitive determination was reached.

As the issue came to a head in 2003 and 2004, more detailed research was employed to fill in the knowledge gaps. The park needed to determine if motorized access to subsistence resources had occurred prior to 1980, and was a multi-generational activity—not just a chance use of a vehicle a year or two before the park was established.

“We interviewed residents, looked at oral histories, maps, agency records that went back several decades, letters, community archives, family photos, mining records, harvest records, and many other actions,” Superintendent Paul Anderson said (2005). Don Callaway, an NPS ethnographer, and

Hollis Twitchell, the park’s subsistence manager, “found a high correlation in the information gathered from many different sources” (Anderson 2005).

“Without question, to a high degree of certainty, we can show a long, unbroken pattern of use of all-terrain vehicles for access to subsistence resources by several families, and how they have shared those resources within the community... Without the legal issues being brought to a head by the 2003 hunting season and requests from the community, I doubt we would have done this extensive work at this time” (Anderson 2005).

## REFERENCES

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## COMMUNITY PERSPECTIVES

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**Eleanor C. Johnson,**  
**President and CEO of Kijik Corp, Anchorage**

*“As far as the [Federal government] taking over subsistence, I haven’t heard anything negative. I think that’s been positive. I think the people felt they had more input and more control as a Native group than under state management...The state just hasn’t had a good relationship with subsistence users. And I think people think why not just leave it under federal control, because the state hasn’t done that much to help us manage fish and game...even today, I don’t see anything that the state has done to come to a satisfactory conclusion for everybody in the state...”*

*Changes in availability of resources are mostly linked to changes in the weather, I think. A couple years ago when we didn’t have fish, we had high water and the fish couldn’t get up the falls. Now we get kings and silvers where before they were a rare sight. Also, in the past few years I’ve seen circular sores on the fish that no one had seen before. Even the plants and berries...we used to get all the berries. Now you either get one or the other whereas years ago you had all of them. We’re chalking it up to global warming.”*