

Co-Management in Alaska

Highlights

1. All formal co-management agreements in Alaska are between Federal and Tribal governments.
2. Dual management plans are the result of the Federal government maintaining jurisdiction over Alaska.
3. Cooperative management plans serve as forums to reduce conflict between Federal, State, and Tribal governments. The stakeholders are not granted regulation-making or enforcement status.

Federal, State, and Tribal governments value natural resources. In 1961, Inupiat hunters protested management of migratory birds, demonstrating the mismatch between federal government and Alaska Native wildlife management. In 1984, the first formal co-management agreement regarding bowhead whale was signed between the Alaska Eskimo Whaling Commission and the National Oceanic and Atmospheric Administration. Today, co-management agreements, and dual management and cooperative management plans, incorporate Indigenous knowledge, improving communication, information collection, and results.

Why does co-management exist?

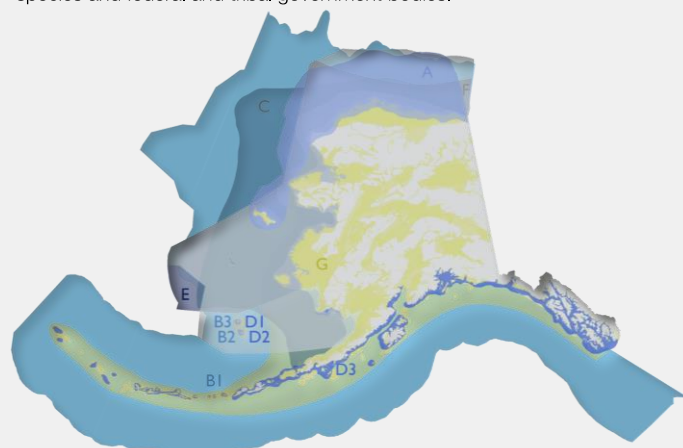
The Alaska National Interest Land Conservation Act (ANILCA) (1980) is a congressionally negotiated agreement among Alaska Native, State, extractive industry, sporting, and environmental interest groups. Following the 1971 Alaska Native Claims Settlement Act (ANCSA), ANILCA redefined subsistence management and use.

ANILCA Title VIII allows rural communities to continue to hunt and fish for subsistence in traditional use areas regardless of conservation status. Sections 805, 812, and 809 establish local participation, research, and cooperation that have later become the basis for cooperative management.

Federal-Tribal co-management exists due to trust responsibilities through Federal legislation such as ANILCA, the Marine Mammal Protection Act (MMPA), and the Endangered Species Act. For example, the MMPA (16 U.S.C. 1388 Sec. 119)

allows the Secretaries of the Interior or their agents to “enter into cooperative agreements with Alaska Native organizations to conserve marine mammals and provide co-management of subsistence use by Alaska Natives.” Around 90 years after the ratification of the Migratory Bird Treaty Act, 50 CFR § 92.10 established the Alaska Migratory Bird Co-Management Council.

Figure 1 All formal co-management agreements and their respective species and federal and tribal government bodies.



ID	Species	Federal	State	Tribal
A	Polar Bear	U.S. Fish and Wildlife Service (FWS)	-	Alaska Nannut Co-Management Council
B1	Seals	National Marine Fisheries Service (NMFS)	-	Ice Seal Committee
B2	Northern Fur Seal	NMFS	-	Traditional Council of St. George Island
B3	Northern Fur Seal	NMFS	-	Tribal Government of St. Paul
C	Walrus	FWS	-	Eskimo Walrus Commission
D1	Steller Sea Lion	NMFS	-	Traditional Council of St. George Island
D2	Steller Sea Lion	NMFS	-	Tribal Government of St. Paul
D3	Steller Sea Lion	NMFS	-	Aleut Marine Mammal Commission
E	Bowhead Whale	National Ocean and Atmospheric Administration	-	Alaska Eskimo Whaling Commission
F	Beluga Whale	NMFS	-	Alaska Beluga Whale Committee
G	Migratory Birds	FWS	-	Alaska Native Representatives

Source: <http://www.adfg.alaska.gov/index.cfm?adfg=maps.refugeboundaries>

Where does co-management exist in the State of Alaska?

The largest expansion of co-management began with the 1994 Amendments to the Marine Mammal Protection Act (see Figure 1).

What is dual management?

Dual management, intended to be a temporary bridge, allows for both State and Federal interpretations of wildlife management.

In 1980, ANILCA required the State of Alaska to adopt a rural preference for subsistence activities. Throughout the 1980s the State of Alaska attempted to adopt regulations to comply with the rural preference until *McDowell v. State of Alaska* (1989). The Alaska Supreme Court determined that rural preference violated the State constitution's Article VIII, which grants equal access to wildlife resource to all Alaskans. Due to this decision, a temporary system of dual management allowed rural preference to wildlife resources on federal lands and no preference on state lands.

Thirty years on, efforts continue to try and bridge the state and federal systems, yet dual management remains.



Figure 2 One example of a region with a dual management plan.

In western Alaska, fishing is subject to both federal regulations such as ANILCA Title VIII (the Yukon Delta National Wildlife Refuge has vertical lines) and State general and special regulations (the lower Kuskokwim-Goodnews and the Yukon River drainages have horizontal lines).

What is cooperative management?

Cooperative management plans consider the concerns of Federal, State, Tribal, and other stakeholders. However, while the planning is cooperative, cooperative management plan stakeholders are not granted regulation-making or enforcement status.



Figure 3 Four examples of cooperative management plans and their respective species and governing bodies.

(1) Caribou: Bureau of Land Management, National Park Service, FWS, Alaska Department of Fish and Game (ADF&G), (2) Moose and caribou: U.S. Department of the Interior, Ahtna Inter-Tribal Resource Commission, (3) Moose: ADF&G, Koyukuk River Moose Hunters Working Group; (4) Brown bear: U.S. Forest Service, ADF&G.

In 2014, U.S. Representative Don Young introduced the Alaska Native Subsistence Co-Management Demonstration Act as legislation for State-Federal-Tribal co-management of wildlife in the traditional Ahtna hunting territory in southern Alaska. The State of Alaska declined to testify under the condition that the Alaska Constitution bars co-management with other entities. As of June 2019, the number of State-Tribal or Federal-State-Tribal co-management agreements remains zero.

The Center for Arctic Policy Studies (CAPS) at the University of Alaska makes knowledge concerning rapid environmental and social changes in the Arctic accessible to decision-makers, the public, and scholars.

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