



Alaska State Legislature

Alaska State Legislature
120 4th St. State Capitol
Juneau, AK 99801

April 14, 2025

Sent Via Email

The Honorable Lisa Murkowski
U.S. Senate
522 Hart Senate Office Building
Washington, DC 20510

The Honorable Dan Sullivan
U.S. Senate
302 Hart Senate Office Building
Washington, DC 20510

The Honorable Nick Begich
U.S. House of Representatives
153 Cannon House Office Building
Washington, DC 20515

Dear Senators Murkowski, Sullivan, and Congressman Begich,

The Alaska Bush Caucus represents legislative districts with high concentrations of Alaska Natives and rural Alaskans. Subsistence hunting and fishing, while important to all Alaskans, is critical to our constituents. As such, Caucus members have been following the “the *Kuskokwim* case” with great interest. We understand from recent Ninth Circuit pleadings that the Dunleavy Administration may be working with the White House to derail the case in the wake of the Trump Administration’s executive order to boost the development of the state’s natural resources. If this proves true, the Bush Caucus will be called upon to protect the subsistence priority outlined in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) through every means possible, including partnering with the Congressional Delegation on legislative strategies.

When Congress enacted ANILCA in 1980 it expressly recognized that “subsistence uses by rural residents of Alaska, including **both Native and non-Natives** is essential to [their] physical, economic, traditional, and cultural existence.” The intent was clear: “[to] provide the opportunity for rural residents engaged in a subsistence way of life to do so.” The current dual-management system between federal and state authorities was not Congress’s original design. Rather, the State was initially entrusted with managing all fish and game resources, contingent upon the implementation of ANILCA’s rural subsistence priority, which only applies in times of shortage. In 1982, the State began to do so. However, in 1989, the Alaska Supreme Court ruled the federal priority unconstitutional in *McDowell*, citing the “common use clause” of the state’s constitution. Since then, the State has not adopted a constitutional amendment that would enable it to fully resume management of these vital resources.

Meanwhile in 1985, Alaska Native elders Katie John and Doris Charles courageously pursued legal action to defend their subsistence fishing rights at their traditional fish camp at Batzulnetas. Their efforts, now recognized as “the *Katie John* cases,” spanned **four decades** and sought to clarify the applications of ANILCA’s rural subsistence priority. The Ninth Circuit ultimately affirmed that the priority does apply to certain navigable waters, a significant victory for rural residents.

In 2001, during a visit to the headwaters of the Copper River, then Governor Knowles met with Katie John. Upon his return, he acknowledged that the lessons learned that day surpassed the knowledge contained in the many boxes of legal briefs accumulated over the years of litigation. Ultimately, the State declined to appeal the case to the U.S. Supreme Court with Gov. Knowles stating, “I cannot continue to oppose in court what I know in my heart to be right.”

The State then made a solemn promise to Katie John and to all rural Alaskans: "From this time on, the State will do everything we can to protect [their] subsistence rights." For years, this commitment was honored. Indeed the 2016 *Sturgeon* case, which addressed federal regulation of a hovercraft on the Nation River under a different section of ANILCA, the State of Alaska submitted an amicus brief to the U.S. Supreme Court, urging the Court that it "need not and should not disturb the Katie John [cases]."

Unfortunately, the Dunleavy Administration has departed from this course. It is now pursuing costly and unnecessary litigation aimed at undermining the *Katie John* decisions and, in doing so, breaking the State's promise to all rural Alaskans. In ongoing litigation between the United States and the State of Alaska concerning the management of the Kuskokwim River, the State is explicitly calling for the *Katie John* precedents to be overturned. Notably, the United States has thus far maintained that *Katie John* remains settled and controlling law.

Compounding this concern, the Dunleavy Administration has also sought to persuade the federal executive branch to align with its efforts. In its "Transition Plan," submitted to the Trump Administration following the 2024 election, the State included a list of priorities, including the goal to "Return Primacy of Fish and Game Management to the State." Further, the Plan requested that "President Trump . . . issue an Executive Order that overhauls how the federal government implements the rural priority found in ANILCA."

On January 20, 2025, President Trump issued Executive Order 14153, *Unleashing Alaska's Extraordinary Resource Potential*. While the Executive Order appropriately recognizes the cultural significance of hunting and fishing in Alaska and directs all federal agencies to align opportunities on federal lands with those on state lands, it also risks undermining the very subsistence protections rural communities depend upon under Title VIII of ANILCA.

While there are aspects of the Executive Order that acknowledge the importance of Alaska's cultural traditions, eroding the foundations of our rural way of life is not—and cannot be—among them. The State must uphold its commitment to protect the subsistence rights of rural Alaskans. Efforts to weaken these protections threaten not only food security but also the cultural heritage and the very identity of our constituents.

The Bush Caucus looks forward to working with the Congressional Delegation to preserve the subsistence rights of rural Alaskans, the bulk of which reside in our legislative districts.

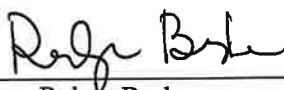
Respectfully,



Rep. Bryce Edgmon
Speaker of the House



Rep. Louise Stutes
House Fisheries, Chair
House Rules, Chair



Rep. Robyn Burke
House Resources, Co-Chair



Sen. Lyman Hoffman
Senate Finance, Co-chair



Rep. Neal Foster
House Finance, Co-Chair



Rep. Maxine Dibert
House Resources, Co-Chair
Tribal Affairs, Chair



Sen. Donny Olson
Senate Finance, Co-Chair



Rep. Nellie Jimmie
House Finance, Member

CC: Tyson Gallagher, Chief Of Staff
Governor Mike Dunleavy