

ALASKA CONSTITUTION

ARTICLE VIII – NATURAL RESOURCES

Section 1. Statement of Policy. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

Section 2. General Authority. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Section 3. Common Use. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Section 4. Sustained Yield. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Section 15. No Exclusive Right of Fishery. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section shall not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State.

Section 17. Uniform Application. Law and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

SELECTED CASES
ARTICLE VIII COMMON USE-EQUAL ACCESS

Interior Alaska Airboat Association v. State, 18 P.3d 686 (Alaska 2001)

O'Callaghan v. Rue, 996 P.2d 88 (Alaska 2000)

Brooks v. Wright, 971 P.2d 1025 (Alaska 1999)

Rutter v. State, 963 P.2d 1007 (Alaska 1998)

Pullen v. Ulmer, 923 P.2d 54 (Alaska 1996)

Alaska v. Kenaitze Indian Tribe, 897 P.2d 632 (Alaska 1995)

Shepherd v. State, 897 P.2d 33 (Alaska 1995)

Stepovak-Shumagin Set Net Ass'n v. State, 886 P.2d 632 (Alaska 1994)

Tongass Sport Fishing Ass'n v. State, 866 P.2d 1314 (Alaska 1994)

Alaska Fish Spotters v. State, 838 P.2d 798 (Alaska 1992)

State v. Hebert, 803 P.2d 863 (Alaska 1990)

Gilbert v. State, 803 P.2d 391 (Alaska 1990)

McDowell v. State, 785 P.2d 1 (Alaska 1989)

Owsichek v. State, Guide Licensing Board, 763 P.2d 488 (Alaska 1988)

Johns v. CFEC, 758 P.2d 1256 (Alaska 1988)

Meier v. State, 739 P.2d 172 (Alaska 1987)

State v. Ostrovsky, 667 P.2d 1184 (Alaska 1983), *appeal dismissed*,
Ostrovsky v. Alaska, 467 U.S. 1201, 104 S.Ct. 2379, 81 L.Ed.2d 339 (1984)

Kenai Peninsula Fisherman's Cooperative Ass'n v. State, 628 P.2d 897
(Alaska 1981)