



**Despite decision on March 22, 2021 Sitka Tribe of Alaska prevailed overall in *Sitka Tribe of Alaska v. State of Alaska, Department of Fish and Game*, 1SI-18-00212CI**

On March 22, 2021, the Superior Court issued its ruling on the constitutional questions raised in *Sitka Tribe of Alaska v. State of Alaska, Department of Fish and Game*, 1SI-18-00212CI. The court concluded that the Sitka Tribe of Alaska's ("STA") constitutional claim alleging that the Alaska Department of Fish & Game ("ADF&G") violated its constitutional obligations under the Sustained Yield and Common Use Clauses of the Alaska Constitution was not moot. But the court ultimately concluded that ADF&G does not have a constitutional duty to use the best available science in its decision-making.

STA is disappointed in the court's ruling. STA continues to believe that scientific management of Alaska's natural resources, as required by the Alaska Constitution, requires ADF&G to use the best available information. Alaska's Constitution requires the conscious application of principles of management intended to sustain healthy and abundant fish stocks. There is wide consensus among fishery scientists and management agencies that use of the best available information is a critical element of responsible fishery management. It is disappointing that ADF&G and the Alaska Attorney General chose to argue against the State's constitutional responsibility to incorporate use of the best available information rather than embrace this principle to help ensure application of the best management practices for Sitka herring and other fish stocks in Alaska.

"STA is considering its options and the implications of this decision going forward," said STA General Manager Lisa Gassman. "STA has not yet decided whether to appeal the court's ruling or seek changes from the Alaska Legislature or Board of Fisheries to explicitly require ADF&G to use the best available information."

The court's decision on the constitutional claim means that all of STA's claims have been resolved. Judge Schally had previously ruled in the Tribe's favor on March 31, 2020 finding in support of the Tribe's position that ADF&G unlawfully failed to follow the Board of Fisheries regulation 5 AAC 27.195(a). Judge Schally further ruled in STA's favor on November 30, 2020 when he ruled that the ADF&G failed to follow regulations requiring it to meaningfully consider the "quality and quantity" of herring spawn on branches when managing the commercial herring fishery in Sitka Sound.

The court's decision on the constitutional claim means that all of STA's claims in the current litigation have been resolved. The parties have agreed to move forward with requesting the court enter final judgment in this case.

For further information please contact STA's General Manager Lisa Gassman at 907-747-3207.

###