

# Gov. Hammond on subsistence

By Gov. Jay Hammond

Many will vote for or against the subsistence initiative for the wrong reason. Some will vote *for* it hoping it will eliminate any "subsistence preference." Others will vote *against* it fearing such is the case. Both will be wrong.

Make no mistake, if the initiative passes there still will be a "subsistence preference." By law the federal government would be compelled to wrest fish and game management on federal lands from the state and provide for it.

Unfortunately, this fact has been smothered in verbiage. Whether you favor the state subsistence law is not really the issue at all.

Even those who don't like the current law should vote against the initiative. Why? Consider: if the initiative passes, not only will the state law be repealed, but additional language would prohibit the State from using any criteria in allocation of resources in a manner which would be certified by the Secretary of the Interior as in compliance with federal law.

It is this state "hamstringing" which would compel the federal government to take over fish and game management on all federal lands and provide for a subsistence preference.

The law is clear. Pass the initiative and about two-thirds of Alaska's prime hunting and fishing areas will be federally managed with a subsistence preference. That the State might not grant such preference on its lands may prove small solace to those who were persuaded in ignorance to vote for the initiative believing that they were going to achieve "equality."

Moreover, what do you think will occur on the 44 million acres of Native owned land? Already Alaskans are starting to understand what I meant by private land ownership being the "ultimate lock-up" when it comes to harvesting fish and game resources.

Make no mistake, while not permitted to set seasons and bag limits, any private landowner can "manage" indigenous fish and game through denial of public access.

Furthermore, imagine the confusion under such splintered fish and game management. How any knowledgeable person who believes in state's rights and sound resource management could vote for the initiative frankly escapes me. Those who find the state's subsistence preference repugnant will only bloody themselves by taking it on in the wrong arena.

But, some say, the feds will not have funds, personnel nor sufficient fire in the belly to enforce fully a subsistence preference. Precisely. Accordingly, they'll doubtless do so most simplistically by closing whole ecosystems to all but subsistence users in a shotgun approach rather than tar-

geting in on far more limited areas, as our state boards of fish and game will feel compelled to do in order to balance the law with public pressure.

Certainly, neither the feds nor the state are going to call out the National Guard to uphold the law; however, under federal "broad brush" application I suspect we'll have many more law breakers.

The greatest losers, of course, will be the law abiding and those who wake up a little late as to just what they've done.

Some others say: "Don't worry about federal takeover; we'll sue or get Congress to change the law. Meanwhile, trust me, we can work something out." If the initiative simply repealed state law, we might. However, should the initiative pass, nearly all the tools we might use would be broken.

No State subsistence preference allocation could be granted for any reason unless we

invoked a conflicting state constitutional provision and thereby prodded a hornet's nest of litigation, political bombast and crippling divisiveness.

Those believing a federal subsistence preference might be preferable to what the State has already done forget that the current subsistence regulations which so affront them were reluctantly passed by the Boards of Fish and Game in response to assertions by Secretary Watt that anything less would not comply with federal law and therefore compel him, be it ever so reluctantly, to take over.

Accordingly, we have already "worked things out" to the best of our ability under federal law with Mr. Watt. Passage of the subsistence repealer would strip us of even that degree of self-determination. What a hollow victory for those who think they're striking a blow for equal  
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hunting and fishing rights.

As I've stated, I do not particularly like some features of the state subsistence law. In my last State of the State address, I urged it be amended. Prior to its passage we probably could have dealt adequately with subsistence needs through regulations rather than statutes.

Now, however, should the subsistence initiative pass (since it goes far beyond simply repealing law) we would find this option, as well, severely curtailed. Accordingly, I remain strongly opposed to the initiative and continue to urge the legislature to defuse the

issue by amending the law.

Meanwhile, make no mistake, if you vote for the initiative, you are: 1) not only inviting, but *requiring* the federal government to assume fish and game management and provide for a subsistence preference on about two-thirds of Alaska; 2) assuring that the state cannot recapture management for at least two years; 3) prompting Native landowners to assume the most rigid "management" possible on their 44 million acres; 4) aggravating the very same special interest divisiveness most Alaskans decry; and 5) granting politicians the right to blame *you* for all of the above rather than ad-

dress it themselves in the legislative arena.

In a nutshell, the vote is not at all on whether you are for or against a "subsistence preference." Rather, whether you think the State or federal government can and will better respond to your wishes.

Of course, if you really trust the federal government (or Congress which gave you D-2 in the first place) to be more sensitive than the State toward the hunting and fishing "rights" of all Alaskans, you should vote for the initiative . . . . Then, after that come see me. I've a bridge I'd like to sell you.