

Hammond warns of subsistence repeal, backs amendment

By LINDA LORD-JENKINS

Tundra Times Editor

A warning about the problems which would accompany the repeal of the state subsistence statute was issued by Gov. Jay Hammond last week along with a statement advocating amending the subsistence law to a need instead of customary use basis.

Hammond's warnings about

the effects of repeal of the statute were well received by those favoring continuation of subsistence requirements as they are, but his comments on changing the law were met on both sides of the issue with criticism.

In his last "State of the State" address before leaving the office of governor, Hammond gave himself an almost

"straight A" report card and spoke at great length on the thorny issue of subsistence, an issue which he called "a time bomb ticking in the wings since its passage, and which has now rolled to center stage."

He was speaking of the efforts by several anti-subsistence sportsmen's groups — primarily from Anchorage and Fair-

banks — which have been collecting signatures on a petition to require a statewide vote on repealing subsistence laws.

That group, Alaskans for Equal Hunting and Fishing Rights, has presented the signatures to the state elections commission for verification. Some 17,000 signatures are required to present the initiative to the Legislature.

Hammond pointed out that the subsistence law was born of the Alaska Native Claims Settlement Act which was a crucial part of getting permission to build the Trans-Alaska oil pipeline.

He said that the two sides of the issue are "partly right and partly wrong." Alaska Natives, Hammond said, view sub-
(Continued on Page Twelve)

Hammond speech criticized as a non-stand on subsistence issue

(Continued from Page One)

sistence rights as "almost a sacred writ which should not be changed," while sportsmen view it as "unnecessary and blatantly discriminatory."

The reason for the sportsmen's unhappiness with the statute, Hammond said, is the criteria on which the statute is based — the provision that persons must show that they need subsistence usage as part of their "customary and traditional" use instead of need.

Hammond said that if the subsistence law is repealed as the sportsmen groups want, it "could do more injury to (the sportsmen) than to those they view as their opponents."

If the subsistence repeal is passed, it will "prohibit using any need factor in determining subsistence preference as well as inviting the federal government to manage fish and game resources on federal lands," Hammond pointed out and added, "As one who remembers well that the statehood battle largely premised on the charge that we could better manage our affairs than could the federal government, I can't believe that most Alaskans would support return to such splintered management which can only

lead to greater division and confusion."

To avoid that, Hammond suggested that the statute be changed to a need-based priority system so that those people who have an economic need are able to use subsistence priority instead of basing it in what he termed an "unmeasurable yardstick" of customary and traditional use.

Hammond, a guide prior to his election to the governor's chair, said that under the customary and traditional requirements of the law, he might "be granted special subsistence privileges by simple virtue of area residency while, say, an Anchorage Native with but one-tenth of my income is disqualified."

Hammond did not present proposed legislation or the economic criteria to the Legislature to back up his suggestions, however, and that drew criticism from Roger Lang, outgoing president of the Alaska Native Foundation.

Lang said the Hammond speech was "a typical Hammond speech . . . He doesn't suggest anything concrete. He doesn't suggest an amendment

to the law. He doesn't present new legislation. He just comments very well without substance on a very important matter."

Lang said that when the law was first being discussed in the Legislature and at public hearings throughout the state, the need criteria was discussed and included in this law to some extent.

"But the income matter doesn't mean doodley . . . The resources still have to be managed. The pressure to manage a moose or caribou herd is still there regardless of income and trying to ignore the subsistence use of those herds is foolish."

Lang termed the Hammond speech "a non-stand."

"It's hard to tell what he thinks because he waffles on it. He says 'defeat the initiative but amend the law.' If he's serious let him write an amendment and talk about that," said Lang.

State Sen. Frank Ferguson, president of the Alaska Federation of Natives which is spear-

heading the campaign to retain the subsistence statute also was critical of the Hammond speech and said simply "there is no compromise," a sentiment echoed by anti-subsistence activists.

Nels Anderson, the former state representative who was hired to coordinate the pro-subsistence side of the issue, was in Juneau last week and Monday and could not be reached for comment.

Another observer who asked not to be quoted by name said he was "concerned that the governor does not understand that subsistence economy has nothing to do with income and welfare."

Don Mitchell, an attorney working for the Alaska Federation of Natives said he felt Hammond's warnings on the problems with state repeal of the initiative were well founded and he said he hopes "that all Alaskans pay particular attention to his expression of concern."

But the suggestion that the law be amended was met with

less concern by Mitchell who said "that was just Jay Hammond talking."

Dale Bondaurant of the Alaska for Equal Hunting and Fishing Rights committee, however, said he wanted to wait for comment until the group's governing board could analyze the statements and issue a formal statement.

State Rep. Al Adams of Kotzebue, a member of the House majority coalition who also sat on a Subsistence Summit Panel this fall, said the proposal to amend the statute would put the entire statute up to a legislative vote and he opposes that.

"I think we had sufficient hearings this fall" with the summit."

Adams agreed that he considered the statements nothing more than talk because no proposed legislation came down from Hammond. Adams said he believes "this is just something he might like to see. Perhaps he wants the new governor to do something on it."