

Stevens: Everyone loses with federal control

By Ted Stevens
U.S. Senator, Alaska

For the last quarter of a century, I have been involved in the fight for Alaska's right to manage fish and game on all lands -- including Federal lands. We fought against Federal management during the Statehood fight. When we were granted Statehood, fish and game management was withheld until the State submitted a fish and game management program which was approved by the Secretary of the Interior. It was a long, hard battle, but did gain that right.

Our right to manage fish and game was not easily gained and we should never jeopardize our authority. Federal management could lead to fish traps, to closed areas to "protect" the wolves, to prohibition on hunting -- not only on Federal lands but on those state and private lands near Federal lands. In short, it could lead to total disaster for Alaska's fishermen and hunters.

Yet, despite those high stakes, Alaska's right to manage fish and game is in jeopardy because of the "subsistence" controversy in our State. I think this controversy is widely misunderstood.

This is not an issue of Native vs. non-Native; it is not even a question of "rights" that others do not have. The question, most simply, is one of allocation. What I mean by allocation is this: if there is ever a

shortage of any species of fish or game, who will be allowed to take that particular species first? Of course, under proper game management, shortages of fish or game may occur on occasion and only in specific areas. But, because the potential does exist, contingency plans must be made in advance by the State.

One of the arguments I hear most often is that the Alaska Constitution prohibits a hunting preference. Proponents of that argument cite Article VIII, Section 3 of the Alaska Constitution which states: "Whenever occurring in the natural state, fish, wildlife and waters are reserved to the people for common use." That is what section 3 says and I support section 3.

However, what I never hear quoted is the next section of Article VIII of Alaska's Constitution. It says, "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.*" It is clear to me that the drafters of the Constitution understood the need to provide for allocations -- preferences among users -- in times of shortages and explicitly allowed for those allocations in Article VIII.

Fish and game allocation in Alaska has always been manag-

ed with an eye toward the interests of the local residents of any one area. Alaska has 26 game units. Under subsistence management schemes developed under state law, there is a preference for residents in the game unit near the area to be hunted or fished.

For instance, in the Nelchina area, which is the only area that I am aware of which will be specifically restricted for subsistence caribou hunters this year, out of 1,750 permits to be issued for the hunt, 450 are for the local residents. The remainder will go for other hunters on equal basis including a predominant number of Anchorage and Fairbanks hunters. This allocation is virtually identical to the historic state management of caribou when permits are required to preserve the herds.

The Cook Inlet area -- perhaps the most competitive fishery in the state -- is another example. The harvest of fish in that region can be broken down roughly as 95 percent commercial, 4.5 percent sport and .5 percent subsistence. State Fish and Game officials indicate that the Federal law will require no significant alteration of this traditional state fish and game allocation.

It is important to note only a few game species will ever be considered subject to a subsistence preference. State fish and game managers inform me that although each local area is examined to determine customary and traditional hunting and fishing patterns, we are talking primarily about moose, caribou, and salmon in the vast majority of cases.

I think most Alaskans would

agree that, if there is a shortage despite the best efforts of the State to prevent it, those who depend on fish and game for their daily survival ought to have preference. Similarly, a preference should exist for personal consumption over pure sport hunting. This is what the Alaska Constitution contemplates for resource allocation, that was the Alaska law before passage of the D-2 bill, and that is the law today.

However, the initiative on the ballot this fall, which, if passed would repeal the State law, will ultimately result in Federal management of fish and game to preserve a subsistence preference already existing in state law.

So, how did we get here and why are we now facing the loss of our right to manage fish and
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Current law thousand times better than feds

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game on Federal lands within the State?

During consideration of the D-2 bill, the State encountered

another threat to its right to manage fish and game. The Udall/Andrus legislation introduced in the House of Representatives *required Federal*

management of fish and game on virtually all Federal lands in Alaska. When D-2 came to the Senate Energy Committee, I tried to delete the House-passed requirement of Federal management. Frankly, we were not successful in deleting the House position altogether.

However, it was obvious that the Senate Committee did have some reluctance to deprive Alaska of its management authority. Because of that reluctance, we were able to work with Senators Hatfield, Jackson and McClure to develop an alternative to the House bill which avoided the takeover by the Federal Government.

When passed, the alternative approach in D-2 was based on the Alaska law already on the books — the law the subsistence initiative seeks to repeal. In fact, it is important to remember that the D-2 bill as passed did not require Alaska to make substantial changes in its laws, it simply required us to maintain the allocation system already in Alaska law at the time the D-2 bill passed.

There was then, and is now, an Alaskan subsistence priority of for *all* Alaskans — Native and non-Native — who are rural residents relying on fish and game for subsistence. When we say rural residents we're talking about places like Tok, Delta,

Haines, Skagway, as well as Anaktuvuk Pass, Kotzebue, and Bethel.

This State priority does not mean that subsistence users have an exclusive right to hunt or fish — it means that they have a right to a preference. The Alaska law does not create a class system, rather, it protects specific uses. It is an allocation of the resource to those who traditionally had priority when species protection requires limitations on taking.

The D-2 bill as passed, required Alaska to maintain the preference I just explained. But, it was also clear as to the question of what would happen if Alaska did not maintain such a preference — the Federal Government would then be *required* to take control of the management on Federal lands and would have impact on management over *all* lands to protect the subsistence preference.

I have talked with Secretary Watt on this point, and despite his personal reluctance and my strong opposition, he has no choice but to obey the law. This would be disaster for Alaska — not necessarily under Secretary Watt (although he might be forced to close Federal lands to *all* hunting because of the lack of funding and per-

sonnel to manage them) but could be a catastrophe under another Administration that simply opposed hunting altogether. Everyone would lose — except those in the House of Representatives and the last Administration who wanted Federal control from the very beginning.

That is the crux of the matter — if Alaska repeals its subsistence laws, the Federal Government will take over.

Some people believe that the passage of the initiative to repeal the Alaska law on subsistence will change the Federal law. This is simply not true. If the initiative passes, it will repeal the Alaska law which was the basis of the compromise enabling us to retain state management of fish and game.

I, for one, cannot believe that Alaskans want to see our fish and game regulations fashioned in Washington, D.C. Nor can I believe that we want Federal management concepts used in Alaska — that was one of the main reasons we fought for Statehood.

The language worked out in the Senate was not everything we wanted — but it was a thousand times better than the immediate Federal takeover that would have occurred under the Udall/Andrus bill. They sought Federal control — but lost. We must not let them win now.

For these reasons, I oppose the initiative.