

from 'division' to 'section' —

Legislature recognizes subsistence priority

LEGISLATIVE ANALYSIS

Editor's Note: This is the first part in a series of analysis of legislation of importance to rural Alaskans which was adopted by the Tenth Alaska Legislature. In this article, correspondent Nancy Harvey explains the anticipated impact of the subsistence bill adopted by the legislature. Later in the series, the writer will explain the intent of other legislative action, including alcoholism, housing,

energy, school construction and other legislative issues of concern to rural Alaskans.

BY NANCY HARVEY

Landmark subsistence legislation passed quickly through the State Senate in the final days of the 10th Alaska Legislature leaving only gubernatorial approval before the bill becomes law. H.B. 960, "An Act Relat-

ing to Fish and Game Management," won near unanimous approval by state lawmakers just one day prior to adjournment of the record-breaking session; but not before two significant amendments were tacked onto the precedent setting legislation.

Division Becomes Section

The first amendment, introduced by Senator Clem Tillion, R-Halibut Cove, and wholeheartedly supported by the

Governor and Department of Fish and Game, reduced the status of the proposed Division of Subsistence within the department to that of a section.

Explaining his amendment, Tillion said a section was perfectly capable of doing the job and that the emphasis should not be more than was necessary.

Senator John Butrovich (R-Fairbanks) told colleagues the amendment was a compromise. "To create a full fledged division

of subsistence in a department that is having trouble already is a little too much for me," he explained.

Senator Kay Poland (D-Kodiak), a key figure behind the bill as chairman of the powerful Senate Resources Committee, reported a poll of the Board of Fish and Game resulted in a close to unanimous preference to creating a section as opposed to a division.

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● Legislature provides first definition of subsistence

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Although the substitute for the bill which came out of Poland's committee recommended a division, the Kodiak Democrat told fellow senators it would be the "better part of wisdom to adopt the section."

When the dust settled, a voice vote taken on adoption of the amendment passed by an undisputed majority.

Toy with Intent

The second amendment offered by Senator Bill Ray (D-Juneau) toyed with the intent section of the bill, significantly altering subsistence committee's original draft of the legislation. A key phrase of the section read, "...it is in the public interest to clearly establish subsistence use as the priority beneficial use of Alaska's fish and game resources and to recognize the needs, customs, and traditions of Alaskan residents."

Ray's amendment changed the wording to read, "...clearly established subsistence use as a priority use..."

Delaying Tactic

Delaying tactics initiated by sportsmen's advocate Senator John Huber (D-Fairbanks) were unsuccessful in preventing final approval of the bill which came on a 17-3 vote; but resulted in holding the bill over for reconsideration to the following day.

Huber attempted to justify carry-over of the bill, saying he had been contacted by sportsmen's groups outside of Juneau to introduce another amendment, but that necessary information could not be received until the next day.

Walrus Reports

When reconsideration was brought up the next day, Huber produced copies of a report on walrus hunting (consisting of selected portions of field reports by state and federal biologists) which casts subsistence activities in negative light.

The report, compiled by sportsman Dale Bondurant included full color photographs of headless walruss carcasses and implied subsistence hunters have taken the heads of the walrus only for the value of the ivory.

Huber failed to introduce any additional amendments to the legislation. Huber's filibuster-like tactics were somewhat thwarted when several senators left the chambers as he began a lengthy dissertation aimed at defeating the bill.

"Is He Done Yet?"

When the Senate members of the legislature drifted back to their chairs a short time later, Senator Tillion walked on the floor and asked, "Is he done yet?"

The answer to Tillion's question was yes and a final tally resulted in only Senators Huber and Willis registering no votes on the bill with an additional four members either excused or absent.

Duties

Duties assigned the Section remain virtually those of the proposed division, including:

- compiling data and conducting studies to gather information on the role subsistence plays in the lives of Alaskan residents;

- qualifying the amount, nutritional value, and extent of dependence on subsistence-caught

foods;

- making information available to appropriate agencies and public;

- assisting the Department and the Boards of Fish and Game in determining what uses of fish and game, as well as which users and what methods should be termed subsistence uses, users and methods;

- evaluating the impact of state and federal laws on subsistence, and making recommendations to the department;

- making recommendations to the boards of fish and game regarding adoption, amendment and repeal of regulations relating to subsistence; and

- participating with other divisions in the preparation of a statewide and regional management plans to incorporate the needs of subsistence users of fish and game. Another major area of the bill states subsistence hunting and fishing shall be the priority use whenever it is necessary to restrict taking in order to assure continued maintenance of the resources.

Set Restrictions

The legislation directs that if further restrictions become necessary, the boards of fish and game shall establish restrictions, limitations, and priorities based on: customary and direct dependence upon the resources as the mainstay of one's livelihood; local residency; and availability of alternative resources.

Several disputed and unclear definitions affecting subsistence practices are clarified in the legislation attempting to abate existing regulations.

Subsistence hunting is amended to "mean the taking of game animals by the state resident for subsistence uses by means defined by the board of game"

Subsistence hunting area "means an area in which only



SUBSISTENCE CHAIRMAN — Rep. Nels A. Anderson (D-Dillingham) is chairman of the Interim Committee on Subsistence charged with oversight of the implementation of the new subsistence law.

subsistence hunting of the affected species is permitted and which is managed for maximum food potential."

Definition

The bill also defines one facet of the subsistence definition, that of subsistence uses. "Subsistence uses means the customary and tradition uses in Alaska of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of non-edible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade barter, or sharing for personal or family consumption; for the purposes of this paragraph, 'family' means all persons related by blood, marriage, or adoption and any person living within the household on a permanent basis."

An outdated statute prohibiting the barter of subsistence

caught fish and wildlife is repealed. And barter is defined to mean, "the exchange or trade of fish or game or their parts taken for subsistence uses; (a) for other fish or game or their parts; or, (b), for other food or for edible items other than money if of limited and non-commercial nature."

Subsistence Committee

Apart from passing subsistence legislation, state lawmakers created an Interim Subsistence Committee and staff to oversee implementation of the bill. The staff assistants, working through Rep. Nels Anderson (D-Dillingham) who chairs the subsistence committee, will coordinate closely with Fish and Game Commissioner Ron Skoog in the development of the subsistence section.

Organization of the section is already in the preliminary stages with staff developing position descriptions for field biologists and an organizational chart for the section.