

State subsistence approach changes

State lawmakers will play a watchdog role in the area of subsistence this year. While specific measures related to subsistence will be pursued, the thrust of legislative involvement will be review of emerging state and federal regulations which affect subsistence users.

"... the Committee will be involved extensively with overseeing the development of various sorts of administrative regulations. There will probably not be any one big subsistence bill as there was last year," says a recent report of the House Special Committee on Subsistence, written by administrative assistant, David Hoffman.

Last year the legislature approved HB 960 which established a section of subsistence within the Department of Fish and Game (ADF&G) and codified subsistence as the priority use of wild and renewable resources. Making the law work is the charge for this year.

"I think the bush caucus perceives that it's a time for retrenchment and legislative oversight," says Don Clocksin, chief counsel for Alaska Legal Services which represents a high number of clients who are subsistence users.

Clocksin observes three reasons why this year's approach to subsistence has changed: major state legislation will determine the state's role in fish and game management; and many lawmakers are realizing that a number of matters pegged "subsistence interests" have broader implications.

"Our range is not as large as it was last year," confirms Rep. Jack Fuller (D-Nome), chairman of the Special Committee on Subsistence. While there is some friction between ADF & G and bush interests due to delay in getting the subsistence section rolling, Fuller says he wants the committee to "start with smiles" this year.

The committee is considering a \$1.4 million dollar 1980 budget for the new section, which will be headed by Dr. Tom Lonner, a resource and land use planning consultant. Legislation establishing a full division of subsistence within ADF & G is also being pushed by the committee.

"I'm not sure resources available to a section or division would be different," says Lonner. "There is some value in having a section which can cross jurisdictional lines within the department. We could gain clout as a division, but lose our free

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wheeling characteristic. It's a toss up."

Probably the biggest problem in implementing a law that gives subsistence priority in resource use is determining eligibility. "Nobody knows what the hell subsistence is," says Fuller, "although we're moving toward agreement on definitions."

Hoffman calls it "limited entry onshore" and says, "this is where the lawsuits will come

down." The committee is recommending that eligibility be tied to local residency, while ADF & G wants to base it on need and tie it to income.

"The word causes people to think of major reallocation of resources on either side," says Carl Rosier, deputy commissioner of ADF & G. "We can provide for subsistence use through regulation without affecting allocation of resources. The evolution of the subsistence priority

will be an ongoing process."

"We must start with general categories, like local and customary need, and then move toward distinctions," says Lonner. "Let's not split any more hairs than we have to. Let's examine patterns of use and not get caught up in a definition of subsistence that's too narrow."

Lonner points out that defining will be done by the Boards of Fisheries and Game when they meet in late March to adopt regulations. "They will base their decisions on what they conceive subsistence to be, which will set precedent and thus define it."

While the boards will be key in carrying out subsistence regulations, a press release says the subsistence committee "will not really be dealing with a bill to regionalize the statewide panels."

Only one name related to the

bush caucus — that of Rep. Jim Duncan (D-Juneau) — is attached to the regionalization measure sponsored by House Speaker Terry Gardiner (D-Ketchikan). Apparently the core of the bush caucus prefers that the leadership carry the ball on this crucial proposal, rather than risk having it killed because it is viewed strictly as a subsistence issue, instead of a fish and game management matter.

The measure would establish seven regional boards with a statewide master board. During testimony last week before the House Resources Committee, Gardiner said continuous interest in regionalization indicates a "general dissatisfaction" with ADF & G.

Rosier told the committee that regional boards is "not an acceptable mechanism" for broadening public input. He suggested beefing up the 57 citizen advisory panels which submit proposals to the present statewide boards.

"We ought to be leary of creating little fiefdoms," says Bob Waldrop, special assistant to Gov. Jay Hammond. Hammond plans to introduce an alternative measure setting up on regional board on a tribal basis. Waldrop says the administration wants to make additional travel money and staff available to the advisory groups.

Public hearings on Gardiner's bill are set for March 6, to coincide with the RurAL CAP

Citizens Participation Conference set for March 5-8 in Juneau.

Another split between Native and bureaucratic thought is apparent when it comes to treatment of subsistence issues on the federal level. According to one source, an autumn meeting between Natives interests and state officials resulted in a "gentlemen's agreement" that portions of the new d(2) bill in the House (HR39) affecting subsistence would not be controversial in the Alaskan lobbying effort.

That title directs fish and game management on a regional basis and gives the Secretary of the Interior the right to close all but subsistence hunting. Native organizations, in general, support the federal oversight concept, and thought the Hammond administration did, too.

"The governor has backed out on his support for Title 7," says Norm Cohen of RurAL CAP.

"There had been no agreement on federal oversight," says Rosier. "Some misinformation went out. Basically subsistence is a state issue."

"As a goal, the state is seeking to minimize federal oversight of fish and game," says Waldrop.

So, the need for bush interests on the state level to keep on top of rulemaking in the subsistence arena is critical this year.