

We must amend the state constitution

by Sen. John Binkley
for the Tundra Times

JUNEAU — July 1, 1990, could be a dark day in the history of Alaska. On that day, unless we chart a different course from the one we're following now, the people of Alaska essentially will turn over the responsibility of fish and game management to the federal government.

OPINION

And if that happens, instead of having our seasons and bag limits set by Alaskans appointed to the state Board of Game, bureaucrats from five federal agencies — the National Park Service and the U.S. Fish and Wildlife Service among them — will determine when and what we can hunt on some two-thirds of the lands in our state.

We can avoid this federal takeover by amending our constitution to provide a subsistence priority to rural residents.

The forces who oppose subsistence tell us not to do that, claiming there won't be any problems caused by federal management.

I happen to believe they're dead wrong.

Think for a moment about the history of Alaska's dealings with the federal government. It seems as if we've almost always been treated like a distant and somewhat odd cousin, with our paternalistic federal government setting the rules and telling us what's best.

During those dealings, we've had to fight hard for every right of self-determination we've won. Why on earth people think we now ought to surrender such an important aspect of managing our own affairs is beyond me.

Remember trying to deal with the National Park Service during the D-2 battles of the Alaska National Interest Lands Conservation Act? Some of the folks in that agency acted as if Alaska were their own private Disneyland and seemed to view the people living here as barely tolerable visitors, if not outright trespassers.

And what about the federal Fish and

Wildlife Service? Just a couple of years back, when falling duck populations along the West Coast of the Lower 48 caused a reduction in bag limits there, Fish and Wildlife cut our limits as well, despite the fact that our stocks were pretty healthy.

Even though hunters kill more ducks in California on opening day than we take in our whole season, Fish and Wildlife's wrong-headed rationale was that Alaskans needed to share the pain.

Fish and Wildlife also has been engaged in a vigorous fight with Alaska trappers over the right to continue trapping in the Kenai National Moose Range. Never mind that generations of Alaskans have run traplines there; Fish and Wildlife simply has decided it's no longer an appropriate activity for the Moose Range and has imposed restrictions to the degree that virtually no one can trap there.

Are these really the attitudes we want coming into play as decisions are made about managing our fish and game resources?

I'll admit the recently released federal management plan looks pretty benign. But don't kid yourself, it's only the beginning. And once we hand over the management reins to the federal government, you can bet we'll never get them back without a fight.

I can just imagine how the negotiations will go a few years from now: "OK, we're ready to return management to the state, but only if you agree to put a couple million more acres under a wilderness designation."

Subsistence may be a complex issue, but I'm convinced a majority of Alaskans support it for a simple reason: They believe that when fish and game stocks are scarce, it's only fair that the people who depend on these resources for food should have first call on them.

Some who oppose subsistence insist on trying to make this a Native versus non-Native issue, even though more non-Natives than Natives qualified as subsistence users under the law struck down last year by the Alaska Supreme Court.

These opponents deny the truth about our law — that it was not a matter of race but instead was a protection extended to all people living in rural Alaska.

To protect those rights, our justices seemed to think we should have some kind of an individually based permitting system, but I just don't believe that would work. Consider the bureaucracy we would need to determine which Alaskans qualified and consider the potential for abuse — and subsequent overharvest — that would occur if the system were inadequately overseen.

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Some legislators apparently aren't listening to the people, however. Instead they seem to be following the advice of campaign consultants to make this a partisan issue. It's hard for me to believe that retaining state management of our fish and game resources — a key element in our battle for statehood 31 years ago — could be so cheapened now.

A small but very vocal group would have you believe that subsistence has caused a whole host of problems, but actual conflicts have been few.

For the most part, the law has meant nothing more than a few extra hunting days in the fall or winter for subsistence users. Only in two instances — where moose populations were extremely low — has the subsistence law required a reduction in hunting opportunities for the general population.

There may be some legitimate concerns with administration of the law

that need to be addressed, but certainly they don't justify walking away from subsistence or surrendering our right to manage our own fish and game.

It makes more sense to me to approve the necessary constitutional amendment and then follow through with a dedicated effort, involving all the interested parties, to remedy any legitimate problems with subsistence.

But instead of doing that, some peo-



ple advocate suing the federal government as our major course of action. State attorneys tell us we would almost certainly lose such a lawsuit. And at any rate, we would be under federal management for the three or four years it would take for the case to make its way through the courts.

Others suggest amending the federal law that requires us to protect subsistence users. While I believe our congressional delegation can win some amendments to the law and fix the problems, it will only happen if we take care of our own business first with a state constitutional amendment.

The first piece of business to be taken care of consists of convincing a handful of legislators that Alaskans deserve to have their way on subsistence through a vote on a constitutional amendment.

If they get the chance, I have no doubt they'll vote to protect subsistence rights for rural residents and keep fish and game management where it belongs — in the hands of Alaskans.