

Subsistence foe outlines new attack

By **BILL HESS**

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One of the leaders in the unsuccessful fight to repeal Alaska's subsistence law now says his side is going to force implementation of the law, and claims that the resultant strife will change the thinking of

state voters in the next election.

Tom Scarborough, chairman of the Fairbanks Advisory Committee on Fish and Game, testified last week that most voters in the last election didn't realize that no matter how the vote on subsistence

last November turned out, his side couldn't lose. Scarborough spoke at joint hearings of the Alaska Fish and Game Boards, held last week at the Anchorage Westward Hilton.

Before Proposition 7, which would have struck down the state subsistence law, was vo-

ted on, said Scarborough, any attempts to modify the law to satisfy more people were "delayed and delayed . . . Now, you have no option but to implement subsistence . . . do nothing, and the courts will take care of it for you. We are going to implement the law,

and you won't like it."

Scarborough claimed that implementation of the subsistence law, which allows rural subsistence users of fish and game first access to the resource during times of shortage, will create havoc in

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Subsistence foe warns of doomsday plan

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Alaska. "I thank God I'm not a commercial fisherman or a big game guide," Scarborough told the board. "They're in for a shock!"

Scarborough charged that Alaskans had disenfranchised themselves by accepting regulations through the Alaska National Interest Lands Act (ANILCA) designed to implement social change.

"Today it is illegal to bird-watch, sport fish or hunt or to do any other action other than subsistence . . . you or I cannot go out and cross-country ski!"

"If half as much time were spent trying to work on this, to reach an agreement," one board member told Scarborough, "as is spent trying to tear down, we would have resolved this months ago." Scarborough countered by saying it was inactivity that forced him to take action.

In his doomsday scenario, Scarborough claimed that the law will block all development in the state of Alaska and that commercial fishing as practiced today must be abolished by law. "There will be no commercial fishing on the Yukon and Kuskokwim Rivers . . . you implement this, or the courts will do it for you . . . In order to regulate subsistence use by subsistence users, all other actions have to stop," Scarborough claimed. "Things are only going to get worse, they are only going to get worse!"

If the board chose to do nothing, Scarborough said, it would be to the "advantage of us who will see you in court." He promised that by the time the board meets again in spring things will have gotten "interesting."

Before the board met, Bill Sheffield, who was sworn in as governor Monday of this week, had requested it take no action on any subsistence proposals, but wait instead for the spring session. Sheffield is expected to make some new appointments to the board by that

time. The current board agreed to the request.

Scarborough threatened closure of the Chitna River to salmon fishing. "When we implement the law, things are going to change," he said, predicting that sentiment against it would spread just as the "Tundra Rebellion" has. "We were just two years too early," he said of the initiative to repeal subsistence. "It will be a different story next time!"

"You're in quicksand and you're quickly sinking," Scarborough said he had come to testify for legal reasons. "We may have to show in court that you were warned," he explained.

Scarborough claimed that although he was a major supporter of Proposition 7, and despite his current threats, he is actually a believer in the subsistence lifestyle. "I'm a great advocate of subsistence," he said. "I'm just opposed to

the law and what it's going to do. It's going to create the most god-awful strife you ever saw."

Different members of the board challenged Scarborough to come up with some positive suggestions, rather than threats of doomsday.

Although there were many representatives from subsistence areas gathered at the meeting, few addressed the issue of subsistence, perhaps because no action would be taken from these hearings, and perhaps because of the recent victory of the polls.

"I'm not talking about a rural definition of subsistence," spoke Harry Wild, chairman of the Lower Yukon Advisory committee after commenting on other topics during the public testimony, "because I'm tired of hearing of it!"

Charlie (Etuk) Edwardsen, Jr., addressed the subsistence

issue from the platform of tribal jurisdiction. After introducing himself as a worker for the Inupiat Community of the Arctic Slope, Edwardsen said that tribal governments have their own regulatory powers recognized by the federal government, and that these extend to fish and game.

Edwardsen said subsistence has become a "semi-racial" matter. The state cannot discriminate on the basis of race, but the federal government is obligated to protect tribal rights.

Edwardsen noted that when

Alaska became a state, it accepted a disclaimer forever ending any rights of jurisdiction over fish and game. ANILCA restored those rights, at least partially, he said.

"We do not want to appear antagonistic," Edwardsen said while stressing the doctrine of tribal jurisdiction protected by the federal government.

Edwardsen proposed that the state and tribal governments enter into contracts on a government-to-government basis giving the local people the right to manage game and fish.