

# Feds must come in if subsistence repealed

By PAUL JENKINS  
The Associated Press

Federal officials are worrying, planning and keeping a low profile on the sidelines as opposing forces slug it out in the fight over whether to repeal Alaska's subsistence priority law.

If the law is dumped in November and replaced with the Anti-Discrimination Hunting, Fishing and Trapping Rights Act, federal officials will be faced with the awesome prospect of enforcing a federal subsistence priority on more than 200 million acres of U.S. government land in the state.

The agency which would bear the brunt of enforcing the priority is the U.S. Fish & Wildlife Service, headed in Alaska by Keith Schreiner.

Schreiner can't preach quickly enough the federal government's position in the ongoing subsistence battle.

"We don't want the job," he says. "We want the state to handle the subsistence area. We cannot do the job as well as the state. They have more men, money and professionals. The resources could suffer."

"If we could do it as well as the state, I wouldn't be so worried. It's traditionally been -- and should remain -- the responsibility of the state. It would be just one more form of federal pre-emption."

"I'm convinced the secretary (Interior Secretary James Watt) will do what he always said he'll do -- enforce the law to the best of his ability. The reason I'm convinced is that he has no alternative."

The unwelcome specter of federal intervention in Alaska has been used with glee and abandon by those who favor the current law giving rural Alaskans first opportunity at fish and game.

They warn that the federal government -- faced with money, manpower or management

problems -- might shut down vast areas except to subsistence hunting and fishing.

Those seeking to repeal the law are undaunted. They insist Secretary Watt has promised several people privately in Alaska that he would handle the state with a gentle hand if the law is repealed. And they say the takeover threat is idle, that the federal government doesn't have the resources to make subsistence rights stick on its lands.

Each side may be right.

Schreiner in recent weeks has been meeting quietly with officials in Washington, D.C., to develop plans necessary to implement a subsistence management program in Alaska -- just in case.

Bill Horn, Department of Interior undersecretary, said the agency, under the Alaska National Interest Lands Conservation Act, has no choice in the matter.

If approved by voters, the new state law would bar preferences in fish and game allocations, including a subsistence priority.

Horn says the federal government must move to ensure those rights on its lands.

There are several choices, from trying to enforce the state's current program on federal lands to more drastic measures, he says.

"Closure certainly is one option," Horn says. "We could also close areas to subsistence use, but we think we can avoid that kind of blunderbuss approach."

He says the federal government probably won't have a contingency plan ready by the Nov. 2 election, but "we'll be able to move extremely fast to meet our obligations."

Schreiner's agency, with 300 personnel and a \$15.6 million budget last year in Alaska, fields about 10 law enforcement agents in the state. Of

its budget for Alaska last year, only \$600,000 went to law enforcement.

Schreiner says closure might be one alternative, "but it's not the best in my mind -- you still have to enforce it."

However, Schreiner says his agency will do the job, if necessary.

"I don't think there ought to be a doubt in anybody's mind," he says. "Anybody who thinks my agency will walk away is crazy as a bedbug -- and they're buying trouble."

But he says he's a realist. Many of his personnel "may have to get trained in a hurry" if voters repeal the state law, and they might need reinforcements. How many, he's not sure.

"I'll need a hell of a lot more than I've got now," he says. "We'd have to do our best, but I can't expect we'd do it well. Obviously we don't have the people to go out there and enforce the law."

Among the alternatives under consideration is the possibility of contracting with Alaska to enforce the law on federal lands, but he acknowledges the state would have no incentive to undertake such a program, and "frankly, that's a worrisome problem."

Gov. Jay Hammond, in the midst of an offensive to retain the state's law, hints that federal intervention on Alaska lands might be only one of the consequences of a repeal.

He says Native corporations could move to shut down their 44 million acres to sports hunting and fishing. That, added to possible closures on the federal acreage in Alaska, could put a sizable dent in land available for sport fishing and hunting.

Native corporations, barred from setting seasons and bag limits on their land's fish and

game, can close their vast holdings, putting millions of acres off-limits to sport hunters and fishermen, says Hammond.

However, Sen. Frank Ferguson, D-Kotzebue, says while it could happen, he has not heard it discussed in the Native community.

"Maybe individual corporations would do it, but I don't think it would be universal," says Ferguson, president of the Alaska Federation of Natives.

Willie Hensley, a banker heading Alaskans for Sensible Fish and Game Management, also says he's never heard the idea of closing Natives lands discussed "in any meetings I've ever attended."

"Until the governor mentioned it, I'd never heard any 'People are attributing motives to people which are not true.'"

Although closures may not be imminent, several Native corporations have started charging fees for access to popular recreation lands surrendered to them as part of the Alaska Native Claims Settlement Act.

As the state's population grows, and more land is transferred to private ownership, there will be more problems, Hensley predicts.

"Urban sprawl, that's what's going to cause the problem," Hensley says.

Both sides of the issue threaten to press for 20th century salvation -- a judge's ruling -- regardless of the decision on Nov. 2.

Opponents of the current law promise a lawsuit to challenge an Alaska Lands Act provision which requires subsistence priority on federal lands. They say Alaska is the only state burdened with such a provision.

"We will sue the federal government," said sportsmen's leader Sam McDowell.

Once the provision is strick-

en, the state would be free to do as it sees fit in the area of subsistence, sportsmen's groups maintain.

"We do have the right for equal protection on public lands," says Dave Stanciliff, Anchorage coordinator of Alaskans for Equal Hunting and Fishing Rights.

Advocates of subsistence priority say if Watt balks at enforcing federal subsistence priority or moves too slowly the Interior Department will be hauled into court.

"Our main fear," says Horn, "is that someone will take us to court. And you could find the court administering the program itself."

That leaves game and fish biologists, those responsible for ensuring healthy resource populations, worried sick. As they see it, management will be done on a political instead of biological basis -- to the detriment of the resources.

Fish and Game Commissioner Ronald Skoog says nobody would benefit as a result.

"It would frustrate good management of resources," he says. "It would leave a checkerboard of state, federal and Native lands. It would make it difficult to have a management regimen."

"Opportunity (to hunt and fish) for a lot of people would be curtailed. It could be a very complicated system, not in the best interest of the public."

Skoog also believes Washington could enforce its will on subsistence.

"The federal government rarely falls on its face -- it stumbles along, but rarely falls," Skoog says.

His deputy for game management, Bob Himmian, agrees the federal government will do what is necessary to preserve the game on public lands.