

Law undid unfair regulations

By Linda Lord-Jenkins

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The state subsistence law was a method to undo unfair regulations foisted upon subsistence users by non-resident and resident sportsmen, Willie Hensley told a meeting of old-time Anchorage businessmen and civic leaders recently.

Speaking to the Anchorage Downtown Rotary Club, a group of established leaders in the Anchorage community, Hensley recounted the state's battle to first gain control over fish and game management in the state.

He said that the U.S. Congress at first refused to give Alaska control of fish and game "because powerful sports interests from outside Alaska were concerned that Alaskans would not let them continue their excursions to take Alaska's big game."

That control was finally granted by executive order of then president Dwight D. Eisenhower.

Hensley said that several key incidents of unfair exclusion of traditional users led to the establishment of the state subsistence law in 1978.

The first incident was when the Tyonek King Salmon Fishery was closed by the Alaska Department of Fish and Game (ADF&G) from 1964 to 1979 because the fish harvest was threatened by commercial fishing.

In 1979, ADF&G said that 13,000 king salmon could be taken and the village asked for a harvest of 3,000. That

request was fought by Sam McDowell, then of the Izaak Walton League who now is spearheading the Alaskans for Equal Hunting and Fishing Rights campaign to repeal the subsistence law.

On McDowell's argument that only sports fishermen should be allowed into the fishery, the Fish and Game Board granted exclusive access to sports fishermen. They caught 7,900 salmon that year.

Tyonek returned in 1980 with its request for an allocation of 3,000 kings since the previous year there were 5,000 kings left over. The board again sided with McDowell and only after going to court did Tyonek secure access to 3,000 kings.

McDowell repeatedly criticizes the Tyonek allocation in his campaign to eliminate the law.

Hensley then discussed the decline of the Western Arctic Caribou Herd of the mid-1970s.

The herd decreased to about 70,000 animals but no one knows how many were in the herd originally or why it declined, said Hensley. The board closed the harvest but finally allowed a take of 3,000 animals to go to people in the villages which were near the herd and dependent on the herd for food.

The Tanana Valley Sportsmen Association of Fairbanks went to court to fight that allocation of game and won the battle. That led to the establishment of the law which Hensley said was passed by

urban as well as rural legislators.

The law does several simple things, he said. It establishes the subsistence division to do research on state subsistence use; it requires that subsistence be the priority use of fish and game for personal and family use; it defines subsistence; it provides subsistence users reasonable access to harvest resources; and it requires that fish and game must be managed on a sustained yield basis for all uses which means that fish and game stocks cannot be depleted for any reason, even to maintain subsistence users.

Hensley criticized the initiative which would repeal the current law because it would eliminate flexibility in providing local responses to fish and game problems and would not require that fish and game stocks be maintained.

Nor, would the repealer allow game managers to regulate the resources other than to open seasons, and specify gear and bag limits, he said.

The repealer also wouldn't allow the state to exclude non-resident trophy hunters when there is a shortage of game and could throw the limited entry fishing law into limbo, he said.

Hensley said "the wiser course would be to vote down Proposition 7 and patch up some of the problems of rule-making by the Boards of Fish and Game. If Alaskans can't solve the problem, who can?" he asked.