

# Agencies prepare subsistence plans

by Geoff Kennedy

for the Tundra Times

The first phase ends today in the federal takeover of fish and game management on federal lands in Alaska.

For the past month, the U.S. Fish and Wildlife Service has collected comments on how the federal government should manage its lands in the state.

Such management has to conform to provisions of the 1980 Alaska National Interest Lands Conservation Act. The provisions require the federal government to:

- Maintain a healthy population of fish and game.
- Define subsistence use for rural Alaskans to include personal use of fish and game, handicrafts made from the resources and customary trade.
- Provide a priority for non-wasteful uses.
- Provide reasonable access for subsistence users.
- Provide a system for regional participation.

In the first comment period, the Fish and Wildlife Service has been looking for "generic responses," said Bruce Batten, the public information officer for the Alaska region. He compared the process to a "fishing expedition" in search of ideas.

Starting today, the federal officials will begin incorporating the comments into a draft plan, Batten said. That plan will be available for another round of comment late this month or early June, he said.

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A working group has been devising this plan since February, Batten said. Alaskan representatives of Fish and Wildlife, the Forest Service, the Bureau of Land Management, the Bureau of Indian Affairs, the National Park Service, the Army, the Air Force and the National Marine Fisheries Service comprise the working group, he said.

Batten said the group has been devising a contingency plan based on the results of recent court decisions, including the McDowell case, in which the state Supreme Court declared that the subsistence law unconstitutionally discriminates in favor of rural residents.

The Fish and Wildlife Service, which is coordinating the working group, will have emergency regulations in effect by July 1. That's the deadline a Supreme Court justice imposed on the state to devise a new subsistence law.

Because of that deadline, the federal government has to use a "compressed public review system," Batten said.

If federal officials decide that the state will not solve its subsistence dilemma before the end of the year, then Fish and Wildlife will begin the process of devising permanent regula-

tions, Batten said.

The Alaska Federation of Natives plans to turn in a package of comments from the Native community today, said Julie Kitka, AFN president.

In an interview last week, Kitka said she would be seeking opinions of representatives of Native organizations, discussing options and deciding what to tell Fish and Wildlife. AFN's task would be to ensure Native groups have an adequate opportunity to participate in the process and to facilitate their responses, Kitka said.

An AFN legislative committee would prepare a draft commentary for Native organizations to comment upon, she said.

As of last week, at least two Native groups were preparing to propose that the federal government contract out management of federal lands in their area.

The Association of Village Council Presidents plans to propose management of federal lands in the Calista Region, said the organization's president, Myron Naneng.

And the Southeast Native Subsistence Commission has instructed the Tlingit and Haida Central Council to

position itself for management of all federal lands in Southeast Alaska, said Robert Willard, president of the Southeast Native Subsistence Commission.

In last month's AFN subsistence summit conference, several participants said the Indian Self-Determination Act already has set a precedent for Native organizations to contract out services with the federal government.

At that conference, Tom Koester with the State Department of Law suggested the state consider contracting with the federal government to manage federal lands in Alaska.

Such a procedure is theoretically possible, but unlikely, Batten said, because federal law requires a rural preference, which the state Supreme Court has already declared unconstitutional.

Norman Cohen, the state Fish and Game Department deputy commissioner, agreed.

"It's very unlikely that it would happen," Cohen said, noting that the federal government has its own responsibility, which is very different from the responsibilities of the state.