

Subsistence law repeal debate heats up

A move toward repeal of the state's subsistence law has heated up over the past few weeks both in the legislature and among groups with interest in the state's wildlife resources.

A bill calling for repeal has been stalled in the House Subcommittee on Subsistence chaired by Rep. Tony Vaska, D-Bethel. A chief sponsor of the repeal move, Rep. Ramona Barnes, R-Anchorage, has been counting

votes to push the bill out of Vaska's committee, but Vaska said he has no plans to bring the bill out and will continue with meetings as scheduled and subsequently develop a report on any action the committee feels is necessary.

Also advocating repeal is Rep. Ken Fanning, a big game guide and Libertarian from Fairbanks. In hearings before the committee, Fanning called the sub-

sistence law legally wrong, morally wrong, biologically wrong and practically wrong. In addition to advocating repeal by legislation, Fanning is backing an initiative against the law. Sponsors of the initiative hope to have enough signatures on petitions to place it on the 1982 statewide ballot.

At the center of the controversy is a state law that grants priority to subsistence users of game and fish stocks when populations become scarce. The law was passed in response to a section of the Alaska Lands Act which called for priority use of game animals on federal lands in Alaska for subsistence hunters and fishermen.

The law has been opposed by sports hunting groups and others who claim everyone has the right to Alaska's game animals. The issue is clouded, however, by the possibility of federal intervention into the management of Alaska fish and game should the state fail to protect the rights of subsistence users.

John Katz, a special advisor to the governor who will become commissioner of Natural Resources in July, told a hearing in Juneau the state could repeal its subsistence law and still comply with federal requirements, but without the law it would be difficult for the boards of fish and game to maintain priority distribution of game and fish to subsistence users.

And, Katz said, if subsistence needs were not met without the law, federal management of wildlife on federal lands would be guaranteed. He pointed out the need for a definition of subsistence, a belief shared by others attempting to resolve the controversy.

Rodger Painter, executive director of the United Fishermen of Alaska, an organization of commercial fishermen, has told the committee that rather than throwing out the subsistence law, the definition of subsistence should be narrowed to give the boards of Fish and Game more direction.

And Gov. Jay Hammond also has called for a stricter definition of subsistence, suggesting it be made in relation to personal income. At a Republican luncheon in Juneau, Hammond said subsistence is like pornography, everyone knows it when they see it, but they can't define it.

Hammond pointed out the consideration of cultural and traditional uses of wildlife when deciding who is a subsistence user, he was not sure if "an Eskimo in Kotzebue making \$50,000 a year from the borough," should be given preference over someone who earns less but lives in Anchorage.

But Hammond said he would rather see the boards deal with subsistence problems through more restrictive regulations, ra-

ther than see a stronger law put on the books.

A statewide teleconference hearing two weeks ago on the repeal brought so many people out to testify, the hearing was extended for several hours. Groups gathered around the machines in legislative affairs offices in Anchorage, Fairbanks, Juneau, Kotzebue, Ketchikan, Haines, Seward, Bethel and Nome. Among those testifying was Axel Johnson of Emmonak, who said, "The land and sea were our stores—we do not have social welfare at our fingertips like in Anchorage. We have to hunt and fish so we can live." His comments and feelings were echoed by many Natives who testified.

Another issue in the dispute was raised by Tony Hoeffler who testified from Bethel. "Repeal of the subsistence laws will alienate the two major landholders, the federal government and the Native associations," he said.

Scrapping the subsistence law would force Natives to enforce trespassing laws on their lands, Hoeffler said and corporations would be forced to post their land and drive off trespassers in order to protect fish and game.

In yet more testimony before the committee, Don Mitchell, an attorney for the Alaska Federation of Natives said the state would sacrifice control over wildlife on federal lands if the law were repealed. He said fish and game regulations were not strong enough to protect the claims of subsistence users.

Mitchell recalled one of the reasons he said the framers of the Alaska Lands Act put in the section on subsistence. He said in part the section was fostered by a case a few years ago when four elderly Indians were arrested for using fish wheels in the Copper River. He said federal lawmakers asked, "how on earth can you stand here and say that as a state government you are prepared to do right by these people" when old men are tossed in jail for taking salmon they need to eat, so fish are saved for sportsmen from Anchorage and Fairbanks?

In one heated exchange members of the committee, Rep. Barnes and Rep. Jack Fuller, D-Nome, head of the legislative Bush Caucus, argued the issue. Barnes said Alaskans should live under the Constitution which guarantees equal rights for all.

But Fuller, who favors keeping the law, urged her to visit the bush to see how the subsistence lifestyle works, and said "Your forefathers and my forefathers wrote the Constitution. Not the Eskimos."