

Hammond on repeal:

'When in doubt, vote against

The following statement was presented by Gov. Jay Hammond to the Joint Boards of Fish and Game recently. Although the comments on the 35 proposals concerning subsistence would appear to be moot, we feel the entire statement is worth printing in the Tundra Times.

"When first asked about the 35 controversial subsistence 'proposals' requested by the Game Board, I replied that: 'No one working for me supported them.'"

Since almost no one else supports them either, the question is why were they proposed? Frankly, while not completely satisfied with answers I've gotten to date, I am not so dissatisfied that "heads will roll" as some advocate.

Nothing would so likely increase aggravation and support for the ill-designed subsistence repealer initiative and that concerns me far more than what motivated those who requested or drew up the proposals.

"Though the word 'proposal' suggests advocacy, I find no one in the Department of Fish and Game who advocates their adoption.

Therefore, I am directing the Department to withdraw or testify against all the proposals they do not support. In turn, I would ask Board members to reject further consideration of specific "proposals" for which neither they nor anyone else expresses support. To do otherwise, simply adds fuel to an already incendiary issue.

Lamentably, lost in arguments over such matters are these larger questions: Do you wish to invite federal management of fish and game on federal lands rather than retain the state's right to manage? Can and will the feds more equitably apply subsistence allocations than could the State?

Regardless of differing views on subsistence itself, I believe most Alaskans would answer both the above with resounding "no's!"

If you agree, I urge you to join me in voting "No" on the subsistence law repealer initiative since its passage virtually

guarantees federal takeover. Meanwhile, I would encourage any member of this Administration who disagrees with that policy position to either forego further comment to the contrary or resign.

My discussions with Interior secretary James Watt, the Congressional delegation, and the Department of Law, leave little question but that passage of the initiative will do violence to the best interests of most Alaskans — ironically, perhaps most to those who, despite reasons for so doing which I can in part understand, support the initiative.

Were the initiative simply to repeal the state's subsistence law I would not be so concerned. The state might still conform to federal law. However, the initiative goes much further than simple repeal. It would deny the state the right to allocate resources on any grounds including "need." Since our Constitution permits management of our fish and game resources "subject to preferences among beneficial uses" (such as "need") contrary language in the initiative poses serious constitutional questions.

However, it poses no question at all as to whether we could conform to the requirements of federal law. By removing any means of providing preference, including "need," we cannot possibly comply. In turn, by law, the feds must assume management.

Some who tell you: "Don't worry, we could win a lawsuit." Or that the feds will find it "mission impossible" to manage for subsistence preferences, seem less concerned about gambling with your long term best interests than intent upon milking this issue for whatever political points it might make them.

Heat on this issue could have been avoided had the Legislature not passed a bill which provided a subsistence preference based on such unquantifiable qualifications for preferential treatment as "customary and traditional usage."

Then the state could have managed for inadequate resources where and as needs

arose on precisely that basis—comparative need. I believe this is all most rural residents really desire and what most urban sportsmen could live with.

Instead, however, existing law could permit the situation I mentioned in my State of the State wherein an urban Native with 1/10th my income could be denied access to resources which I, by virtue of rural residence, (customary and traditional usage) would be permitted to take. Who can blame urban residents for being outraged over this possibility?

Subsistence advocates could help defuse the issue by urging the Legislature to remove language which provides for subsistence opponents could do so by re-writing their initiative to do no more than simply repeal the subsistence law. If the former occurred, most people, I think, would accept granting some preference to someone who had greater true needs than themselves should it become necessary to restrict resource harvest. After all, for years the public's accepted such "need" preferences in both the so-called two-bit license for low income folk and special allowances for those faced with basic survival.

Similarly, if the initiative were so amended and passed, we might still comply with the federal act through board regulations.

Unfortunately, however, neither side wants to give in one iota. Accordingly, don't expect the Legislature or the governor to respond unless we sense that at least one side or the other wants them to do so. To date that's not occurred. I made these proposals to the Legislature in my State of the State. Understandably they have ignored them. After all, neither side has supported my efforts. They prefer to fight it out over the initiative issue.

Accordingly, only an informed voting public is likely to best resolve it. Those who know the true facts I'm sure will vote "no" on the initiative. For those who do not, a good rule of thumb is: when in doubt, vote against it.