

An Open Letter on Subsistence – September 14, 1999

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The question to be considered again by your legislature is whether we should craft language for a statewide ballot that would change our constitution to allow a subsistence rural priority based on where you live. If no decision is made, the Federal government will take over management of our fish, thus making Alaska the only state with this government hierarchy in place. This is a tough question and its answer has evaded public policy makers for over a decade.

Upon entering the legislature in 1997, I knew I had to get current with this issue sooner than later. And I've tried: I've attended as many hearings possible and have listened to friends, acquaintances, lobbyists, constituents, urban and rural residents. I've gathered as much information as I could.

The Time is Here

Our State's leaders have recently suggested that the "day of reckoning" is here and we have until October 1st to do something to forestall Federal takeover. It's time to, in the words of one of my favorite Alaskan sayings, "fish or cut bait."

So I have reflected on the past 2½ years of data gathering and pondered a position.

I want to "fish."

Today I post my thoughts on the Web for two

purposes: 1) My constituents in West Fairbanks deserve to know where I am on this issue, and 2) I need the critical thinking of those who care about a resolution. I need to know, given what I know, what do you think? Am I right on the nose, out to lunch, need a tune-up? What do you think? Can you help?

Issue on Two Tracks

This issue seems to travel on two tracks: first are the legal concerns and second, for the want of a better word, are the "gut" considerations of what we are being asked to consider. My position centers more on the latter than the former. The tortuous path of the law in this case makes it difficult for me to wind my way through the legal arguments. However, there seems to be reasonable evidence that the Federal law to which we are being asked to capitulate may be a viola-

tion of the United States Constitution and in direct conflict with pertinent Supreme Court decisions.

Therefore, as far as the legal issues, we must have Alaska's day in court

to validate the constitutionality of ANILCA.

The other level of consider-

ation is the "gut" feeling, the fairness, and the equity of the need for this change. I offer two examples in order to explain my reluctance to grant a rural subsistence priority based on residence. If we change our constitution to come into agreement with 1980 ANILCA Federal law, could the following two scenarios become the norm?

Two Real-life Examples

Consider this: I'm 30 years old and live with my family in Noatak. I'm working full time at the Red Dog Mine, making \$50,000 a year. If I chose, I can hunt the caribou on the Kobuk River, as it should be. However, if I'm a 30 year old in West Fairbanks, making \$25,000 a year, and I want to hunt those same caribou on the Kobuk, I can't. I can't because I don't live there. Is this the system that we are being asked to put in place?

Second example: As a kid, I hunted with my dad along the Steese Highway and on the Salcha and McLaren Rivers. Today my son and I hunt together west of Fairbanks. We hunt because both of us have been raised on moose and think it's the best meat on earth and because our times together hunting are some of the most unique family times we have.

My son, Matt, has two young boys and my wife and I are enjoying the responsibilities of being grandparents. One of those responsibilities is thinking how Alaska will be when our grandchildren are old enough to enjoy their own families. I think about when Matt wants to take his kids hunting and is asked the question; "Dad, how come we can't hunt there?" As I see it today, the answer two generations from now will be: "Because we don't live there." Is that what the

framers of our Constitution had in mind when they guaranteed, through our State of Alaska constitution, equal access to all? I don't think so.

Other Qualifiers

So let's talk about other qualifiers other than "residence" – such as "need" or "in times of shortage." I agree with those that say the criterion of "need" is, while a noble thought, nearly impossible to quantify. To establish a system (i.e. state bureaucracy) that would grant a priority based on "need" is costly and, simply, not workable. So, attractive as it is, I set the "need" criterion aside; it just won't work.

How about a priority in "times of shortage?" Maybe, yes. For example, if there is a shortage of moose in the McGrath area and the Board of Game is trying to correct the shortage, I and other hunters will

respect that determination and stay away until the stocks are rebuilt. In times of shortage, let the people closest to the shortage have first, and maybe the only, try at the stressed fish or game population. "In times of shortage" has the potential as a solution.

Seek a Solution

I have promised both our legislative and executive leaders that I will actively seek and participate in reaching a solution to the subsistence dilemma. I will sit in a room until Christmas, if needed, to hammer out a deal. However, all players must be in the room and no group will have singular veto power over the decisions being made. I really believe that the Governor and the Legislature can solve this problem if left to do so. We can arrive at an "Alaskan Solution" and present it to the Federal government. That should be our goal.

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If I wrap the above together in a statement of position for you to consider, it would read something like this:

I am in favor of the people of Alaska voting on a rural subsistence priority to be in effect in times of fish and game shortage as determined by the State Boards of Fish & Game. If voted in the affirmative, the rural subsistence priority would be recognized immediately following its validation as constitutional under our United States Constitution.

I recognize that this solution involves some major steps, a statewide vote and a U.S. Supreme Court decision. There are some that will not accept what could be a three to five year process and therefore want the matter settled "on their watch." I ask, "What's the rush?" In the five hearings I've attended and 40 hours of reasoned testimony from interested groups from across the state, not once has anyone testified that the current system has failed those that require a subsistence bounty. So I conclude that, while some would like to get this over with, we must have patience and let the process follow a logical progression. What are a few years when we are dealing with an issue that will affect Alaskans for generations to come?

I really would like to hear from you prior to or during our special session. Thank you.