

Subsistence bird hunting begins with spring despite enforcement reports

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Every year it happens. Every year.

The snow rots. The cold ice-grip of winter loosens.

And the birds come back, thousands of them.

Ducks, cranes, geese and swans. Tens, hundreds of thousands of them.

And its a damn good thing, too.

For in the villages across Alaska, the Spam, the canned tomatoes, the peanut butter are frequently gone from the shelves of the village store. Even in the old days though, spring was a lean time. A time when the families ran out of seal and dried fish.

And then the birds come, and the people can eat again.

Like many other traditions, the hunting of migratory birds by Indians and Eskimos has been disrupted since outsiders came to Alaska.

Early in this century, white men in the United States and Canada realized that among the civilized acts committed by their people was the killing of migratory birds who they thought destroyed crops. Some people realized that farmers and sport hunters were killing all the birds, and they got worried.

Canada and the United States agreed to restrict the spring hunting of migratory birds. Although you would not necessarily know it from reading the Migratory Bird Treaty Act, it does seem apparent that the federal governments intended that Native people be allowed to continue hunting birds as long as their needs required.

Regardless of how the law reads, that is the way it has been enforced with respect to Natives. That is, it hasn't been enforced at all.

Until recently, that is.

Although federal enforcement officers have generally looked the other way when Native hunters took spring birds, bush residents have become increasingly vocal about efforts made by the Alaska Department of Fish and Game to restrict spring hunting.

Subsistence . . .

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According to a member of the Board of Game, greater state control efforts have been prompted by the experience of the federal government. As he describes it, when the feds tried to bust Native bird hunters in the early sixties, the Natives got upset.

They banded together and brought political pressure to bear and forced the government to back down and keep looking the other way. According to the Game Board member, this may have left the federal government hamstrung, unable to restrict hunting if it really becomes biologically necessary. He commented:

"The state enforcement people don't want to fall into the same trap, and I don't blame them."

Native people have been upset by rumors that the state is going to increase its enforcement effort even more this year, particularly in the Yukon-Kuskokwim River Delta area.

People were particularly disturbed about incidents which allegedly occurred last year, including buzzing of hunters by state aircraft, snow machine chases and interception of hunters who were ordered to give up their guns. They reportedly refused.

In the last two years, four arrests have been made for Native subsistence bird hunting. Only one hunter has been convicted.

At the request of the Association of Village Council Presidents, regional non-profit association for the Bethel area, State Attorney General Avrum Gross met with Yupik villagers earlier this year to talk about future prosecutions.

Although he predicted greater restrictions on the taking of birds in the future, Gross said it was not the state's intention to take food out of people's mouths. He told the Tundra Times the state would "not prosecute people who took birds for subsistence."

At the meeting in Bethel, Gross promised to personally review any bird hunting case that his office was asked to prosecute.

Does this mean other state agencies will go along with Gross' hand-off policy?

Biologists of the Department of Fish and Game are authorized to make arrests for game violations. According to Robert Rausch, director of the Division of Game, "I expect them to use common sense and reasonableness in making arrests. I will advise them of Gross' statement, I would expect them to be guided by that."

Rausch also said he interpreted Gross' statements to mean that only in cases of "dire emergency" when people had "no other food" would they be exempt from prosecution.

Col. Fred Woldstad, director of the Division of Fish and Wildlife Protection, Department of Public Safety, said the AVCP had suggested that village councils be given an opportunity to determine who has true subsistence need and who doesn't. "We found no problem with that," he said. However, he added, an officer has an obligation to arrest if a violation occurs in his presence.

So, Native hunters, it looks like if you need those birds, you can have them. Maybe.

In spite of Gross' assurances, some people are still concerned about who is going to decide who needs birds and who does not, and how this will be decided.

There have been rumors of threats of violence.

In the meantime, there is no guarantee, certainly no written guarantee, that you will not be arrested and have your gun and your birds taken away, while somebody far away decides whether or not your family is hungry.

Of course, you yourself would not be hungry—prisoners are served three daily meals, free of charge.