

# State control of marine mammals tied to existence of subsistence law

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The state of Alaska can reassume management of marine mammals if it is willing to assure that a state subsistence priority law is on the books for marine mammals, according to an amendment to the Marine Mammal Act.

The amendment was passed in September and is being studied now by state workers in the Department of Law and in the Department of Fish and Game to determine what, if any, administrative problems would surface if the state takes control of the regulation of marine mammals.

The amendment and its ramifications will be discussed in Anchorage this week when employees of the state and federal fish and game departments meet to discuss issues common to them both. Al-

though the amendment was passed more than a month ago, it is believed that this will be the first time that the state and federal game wardens will be able to discuss the matter.

The state has been angling to have management of marine mammals returned to it since the federal Marine Mammal Act took that management away in 1973. The amendment assures that the state can regulate the taking of such mammals but with several strings, the tightest of which is the clause on subsistence.

According to Don Mitchell, an attorney working for the Alaska Federation of Natives such matters, the amendment assures that if the current drive to place an initiative on the ballot to repeal state subsistence laws is passed, the regulation of marine mammals goes back to the federal government.

Mitchell reported to the AFN board of directors at its meeting last week.

According to Bob Hinman of the state Department of Fish and Game, the department is still reviewing the amendment to see "if we can accept and implement the state management."

He said that review of the amendment will include a study of the degree that the state will have to accommodate local subsistence users. Hinman said that the amendment establishes a system parallel to the present subsistence law and he said a question exists about whether this would remain in the state program.

He said that the licensing of guides as referred to in the act, is governed by the Guide Board. He said that "right off hand, I don't see any problems" with the state regulation of marine mammal hunts.