

# Hooper Bay agreement upheld

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Tundra Times

A request to immediately force the U.S. Fish and Wildlife Service to stop Yukon-Kuskokwim Delta residents from hunting four species of geese in the Delta, was denied Friday by U.S. District Judge James von der Heydt.

The ruling came after two hours of arguments about the cooperative agreement worked out in Hooper Bay in November among Delta residents, the state of Alaska, federal Wildlife officials, and representatives of California Conservation and Sports hunters.

The ruling said that the Alaska Outdoors Association's Fish and Wildlife Conservation organization didn't show sufficient emergency to grant the immediate order and that the group didn't show that the balance of harm would fall upon them if the restraining order weren't granted.

The ruling means, however, that only the temporary order will not be granted and later

court action on the overall merits of the suit may still come.

The suit was brought by the conservation organization against the U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game. It contended basically that both groups were entrusted with the responsibility of carrying out the mandates of the Migratory Bird Act of 1916 and they were violating that trust by allowing subsistence hunters to take geese during nesting season and while on their nest.

The species of geese involved were Cackling Canada Geese which has dropped from 306,000 birds in 1976 to 26,000 in 1984; White Fronted Geese, which numbered near one million in 1967 but were down to 20,000 in 1984; Black Brants which numbered 160,000 in 1980 and dropped to 110,000 in 1983; and the Emperor Goose which dropped from 139,000 geese in 1964 to "half of that" today, according to the attorney Gregory Cook.

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# Historic agreement upheld by federal court

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Cook said that the main predator for geese on the Delta was man and that the game departments were not regulating human hunters as they should.

Cook indicated he wanted wildlife officers to enforce the laws instead of relying on the Hooper Bay plan where Delta residents agreed to not hunt Cackling Geese or any of the four species while they were on the nest.

He contended that the Hooper Bay plan and enforcement of the laws were not in conflict with each other. But an indication of the problems he faced in getting a court to believe that came when von der Heydt said "if I have learned anything in my 25 years on the bench,

it is not to issue injunctions, the enforcement of which are not possible."

James Kilbourne of the U.S. Department of Justice representing Fish and Wildlife, said that Delta residents have to be educated and involved in a program to curtail the geese hunting or it will never work.

The memory of civil disobedience in Barrow in 1961 when migratory bird laws were enforced and more than one thousand villagers broke the same law in order to be arrested, was mentioned. Attorneys cautioned that such civil disobedience might occur again.

A history of the various laws and treaties regulating migratory bird hunting was explained. The Conservation Fund relied heavily on the first Migra-

tory Bird Act which came in the form of a treaty between the U.S. and Canada but Don Mitchell, attorney representing the Association of Village Council Presidents and therefore the people of the Delta, said that the treaties from 1916 until the present were contradictory and confusing and led to unnecessary uncertainty and fear among Delta residents who depend on birds for their meat.

Mitchell recounted the months of planning that went into the agreement from last summer until the approval of the Hooper Bay agreement by village representatives. The agreement involved the federal and state government, and representatives of several California conservation groups Alaska outdoors groups observed but took no part, he said.

This involvement of many village representatives would backfire if enforcement officers were sent to the villages because villagers would probably "do more hunting, not less because the people out there will not understand why the things they agreed to are not true," warned Mitchell.

John Paul Jones of Nunam Kitlutsi, which was instrumental in arranging the Hooper Bay agreement, said that the agreement includes a provision that no enforcement be done.

However, said Jones, he and

others have carried on a massive education campaign including radio announcements in Yup'ik, posters, and village meetings, telling of the danger to the geese species and what the agreement said.

Jones said after the hearing

on Friday that Fish and Wildlife informed Nunam Kitlutsi on Wednesday that the geese were nesting and they, in turn, made radio announcements and sent notices to villages that no geese were to be taken as part of the Hooper Bay agreement.