

Court upholds YK Delta Goose Management plan

by **Jim Benedetto**

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Federal district Judge James A. von der Heydt refused to set aside the Yukon Kuskokwim Delta Goose Management Plan, and wrote that "initial reports indicate that the cooperative plan has been successful." Judge von der Heydt also reaffirmed the right of Alaska Natives to harvest migratory birds for subsistence purposes.

The ruling was in response to a lawsuit filed by the Outdoor Council and Alaska Fish and Wildlife Federation. The two groups sued the U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game over management of four species of

geese — the cackling Canada goose, the emperor goose, the white-fronted goose and the black brant — that use the Yukon-Kuskokwim Delta as a nesting area in spring and summer.

The sporthunting coalition wanted the management plan set aside in favor of the more stringent regulations of the Migratory Bird Treaty Act (MBTA). The Alaska Federation of Natives (AFN), the Association of Village Council Presidents (AVCP) and Representative Tony Vaska joined the suit as intervenors to protect Native subsistence rights and to preserve the goose management plan.

AFN, AVCP and Rep. Vaska

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argued that the Alaska Game Law of 1925 supersedes the Migratory Bird Treaty Act, and that it establishes a subsistence exception to the MBTA.

"But no such regulation...except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds dur-

ing the close season when he is in absolute need of food and other food is unavailable..." the 1925 Act states in part.

Spokesmen for AVCP and Nunam Kitlutsisti praised the decision and pledged to continue to enforce the voluntary agreement in order to boost the numbers of geese.