

# Mammal management endangered

JUNEAU--Effective marine mammal management in Alaska is in danger, according to Alaska Department of Fish and Game Commissioner Ronald O. Skoog, because pending Federal court action could prevent either the State or Federal government from regulating the harvest of marine mammals by Alaska Natives.

Native residents of Togiak have filed suit against the federal government in a dispute over marine mammal hunting rights. On April 3, 1979, Judge Harold H. Green of Washington, D.C. ruled against the government's (Dept. of Interior) motion for a dismissal of the suit. Skoog said the court's decision on the dismissal motion may indicate the direction Greene will take in his decision on the merits of the suit itself.

The people of Togiak argued that the Marine Mammal Protection Act (MMPA) of 1972 preempted the State's authority to regulate Native subsistence hunting of walrus. Further, they held that the MMPA does not authorize the U.S. government to return management authority to the State of Alaska with regard to Alaska Natives. The suit was prompted in part by Togiak residents' desire to hunt walrus within the Walrus Islands State Game Sanctuary.

In his refusal to dismiss the suit, Judge Greene discussed the MMPA, saying "In short, overall purpose evidently sought to be achieved by Congress in this and related laws is wholly at odds with a construction which would have the Alaska

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Natives subject to a total prohibition on walrus hunting, whether that prohibition be achieved by the Federal authorities, the State of Alaska, or both in combination."

Should Greene rule similarly in the suit itself, according to Skoog, neither the Federal nor State government will be able to effectively regulate the Native harvest of marine mammals. Skoog said his major concern is that "badly needed conservation programs--including management, research, and enforcement--may not occur, and the State may lose a major struggle to insure the conservation of Alaska's marine mammal resources."