

# Peltola Comments On Goose Lawsuit

The following is part of an affidavit submitted by AVCP President Gene Peltola during the recent lawsuit on migratory waterfowl.

As president of AVCP I closely monitored the implementation of the YKDGMP on the Yukon-Kuskokwim delta throughout 1985. Based on my personal knowledge, it is my opinion that village residents did an outstanding job of eliminating egging and limiting hunting in the manner set forth in the YKDGMP. Because village gatherers and hunters voluntarily complied with the YKDGMP, during 1985

village hunters may be issued citations in any one of three situations. And during 1985, such a situation occurred. In October AVCP received a report that several Cackling Canada geese had been taken near the village of Mekoryuk on Nunivak Island. The YKDGMP prohibits all hunting of Cackling Canada geese. The report was true. The three hunters involved had committed a blatant violation of the YKDGMP. However, rather than sending enforcement officers into Mekoryuk as the lawsuit asks be done I and representatives of other

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*“Village residents did an outstanding job...”*

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egging of all four species and hunting for Cackling Canada geese was reduced to a negligible level. Hunting of the other three species was substantially reduced. In my judgement, if the YKDGMP had not been in effect, this reduction would not have occurred.

It is my understanding that the people who filed this lawsuit did so because they think that fewer eggs and birds among the four species of geese subject to the YKDGMP would have been taken on the Yukon-Kuskokwim delta during 1985 if Judge Von der Heydt had ordered enforcement officers to arrest village hunters. The fact that they would even think such a thought indicates how little they know about, and how little respect they have for, the Yup'ik people. Of the few incidents of egging and hunting which occurred this year in violation of the YKDGMP, most involved situations in which birds were taken by mistake and almost all were reported by the hunters who committed the violation. This is not surprising since honesty is an important tradition among the Yup'ik people. I am not familiar with many situations elsewhere in which sport hunters such as those whose interest are represented by the people who have filed this lawsuit have behaved in a similar fashion.

It is also my understanding that the people who filed this lawsuit have said that one of their major problems with the YKDGMP is the fact that enforcement is not part of the management plan. If that is what they think, it is simply not true. As previously mentioned, the YKDGMP recognizes that

signatories to the YKDGMP flew to Mekoryuk and held a village meeting to explain the situation. After discussing the matter for several hours, the village residents in attendance decided that the hunting which had occurred was wrong and by a vote of 33-0-2 unanimously agreed that the hunters involved should be issued citations. The hunters were each issued a citation and have each paid the required fine. In my judgement, the village meeting and the decision by the residents of Mekoryuk that citations should be issued will have an important longterm conservation benefit. It was certainly a much more valuable and productive way to deal with the matter than for the FWS to have flown enforcement officers into the village as the lawsuit requests.

The 1985 season has concluded and the YKDGMP has expired. Negotiations between the signatories to the UKDGMP to modify and extend the agreement into the 1986 season have been delayed until Judge von der Heydt issues a decision in the lawsuit.

From the time I was a child FWS has told the people of the Yukon-Kuskokwim delta the international treaties prohibit subsistence hunting for migratory waterfowl during the spring and summer months and, consequently, that FWS has no choice but to arrest hunters who do so. Although it was difficult to believe that the Congress could have made a law so incredibly unfair, it was what the FWS said, and, consequently, it was what

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we believed. However, when AVCP investigated the matter as the result of this lawsuit, we discovered that what the FWS has been saying all these years is not true. As we always knew in our hearts, the Congress never intended Yup'ik hunters to be considered criminals for hunting migratory waterfowl to obtain food to help feed their families. Instead, like the Native hunting exemption in the Marine Mammal Protection Act, the Congress exempted Native subsistence hunters from the regulations which prohibit sport hunting in Alaska and throughout the Pacific flyway during the spring and summer months. However, for many years prior to learning the truth, AVCP believed that our people would never be free of the fear of arrest un-

Secretary of the Interior, it has refused to ratify an amendment to the treaty with Canada which would do the same. In light of the success of the YKDGMP it is difficult to understand why the Secretary refuses to ask the Senate to ratify the amendment to the Canadian treaty particularly since the YKDGMP commits both FWS and AVCP to pursue ratification of the amendment.

However, whatever the Secretary's reason for not doing so, AVCP remains committed to the ratification of the amendment to the Canadian treaty and the YKDGMP contains a provision which reaffirms this commitment. AVCP supported the inclusion of the provision in the YKDGMP with full knowledge that it did not need to

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til the United States Senate amended the international migratory waterfowl treaties to authorize FWS to regulate the spring and summer subsistence hunt. Consequently, for the past ten years the Yup'ik people of the Yukon-Kuskokwim delta have repeatedly urged the federal government to negotiate and the Senate to ratify such amendments. To date, this effort has been unsuccessful. Although the Senate has ratified a migratory bird treaty with the Soviet Union which authorizes subsistence hunting, at the request of the

do so since the spring and summer hunt is already exempted from regulation. And it did not do so lightly. However, AVCP strongly believes that ratification of the amendment to the Canadian treaty will benefit both the longterm conservation of all migratory waterfowl species which breed in Alaska and the continuation of the spring and summer migratory waterfowl subsistence hunt which is so important on the delta. It is a commitment which will continue after the conclusion of this lawsuit.