

Stevens and Sparcks disagree on D-2

BY PAMELA HERMAN

Conflicts with federal authorities over subsistence hunting of ducks and bowhead whales should be a warning to rural Alaskans of the future impact of the d-2 bill, claims Senator Ted Stevens (R-Alaska). However, advocates of rural subsistence hunting rights still appear

to support H.R. 39, the d-2 bill which passed the House of Representatives in Washington two weeks ago. Senators Stevens and Mike Gravel (D-Alaska) have promised that they will keep the bill from passing the Senate this year. The bill contains Title VII, specifically requested by the Alaska Federation of Natives to provide for federal oversight by State fish

and game management to protect subsistence hunting rights.

The controversy over duck hunting by rural Natives in the Bethel area in violation of the Migratory Bird Treaty Act, meanwhile, appears to be cooling down. Undersecretary James A. Joseph of the Department of the Interior telegraphed the Association of Village Council Presidents (AVCP) in Bethel to reassure them that "the U.S. Fish and Wildlife Service has no intention of filing charges against subsistence-dependent Alaska Natives who are harvesting migratory birds to feed themselves and their families."

According to Harold Sparcks, director of Nunam Kitlutsisti (the environmental arm of AVCP), Title VII of the d-2 bill is principally intended to protect subsistence users where conflict with commercial and

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sports hunting by other Alaskans exists. Problems with whale and waterfowl hunting arise from international treaties and not actually from competing interests within the State of Alaska.

No Change in Duck Policy

On May 26, departing area director of the U.S. Fish and Wildlife Service Gordon Watson announced that the state would begin selective enforcement of the Migratory Bird act against Native hunters who had entered the "cash economy." A report in the Ketchikan Daily News on June 2 quotes North Slope Borough Mayor Eben Hopson as saying the statement "was made without any authority from the secretary of Interior who had this responsibility." Federal officials have tacitly ignored subsistence waterfowl hunting since the early 60's, when a Barrow incident brought the issue to public attention.

Rural residents traditionally hunt geese, swans and ducks in the off-season because they are not present in Alaska before March 1, when the season closes, and because there is often little other game available in early spring.

Watson was in the process of being transferred to a new post as special assistant to the director of the U.S. Fish and Wildlife Service when the announcement was made.

The telegram from Undersecretary Joseph, sent on June 1, reads:

"The U.S. Fish and Wildlife Service has no intention of filing charges against subsistence-dependent Alaska Natives who are harvesting migratory birds to feed themselves and their families, if our investigations concerning last week's incidents determine that the hunting activity was indeed a subsistence harvest. Of course, sports hunting out of season cannot

be allowed. . . Although there is currently no specific exception for subsistence users, under this treaty and law, we are hopeful that this oversight can be corrected through future negotiations. In the meantime, the Fish and Wildlife Service does not intend to change its current policy regarding the taking of birds for food by subsistence dependent people. Certainly the fact that a subsistence user also obtains some of his livelihood through the earning of a salary or other cash income would not necessarily compensate for legitimate subsistence needs or preclude him from satisfying those needs."

Bethel Attorney Norman Cohen, who represents the individuals whose ducks were seized by federal authorities, told the Tundra Times that to his knowledge the investigation of his clients was not yet complete.

Senator Stevens announced June 2 that his office had requested further clarification from the Interior Department on federal policy in this matter.

Conflicting Demands on Resources

According to Stevens, the federal threat to prosecute duck hunters, and the failure of the President to object to the International Whaling Commission's ban on Eskimo whale hunting, are indications that subsistence users cannot trust federal protection promised in the d-2 bill.

Federal protection is needed, however, Harold Sparcks told

the Tundra Times. The problem which is addressed by Title VII of the d-2 bill is really the allocation of state money and manpower when there are conflicting demands on resources within the State.

This would apply specifically to salmon, herring, moose, caribou, bear, and some species sought by trappers.

Section 705 of H.R. 39 provides for enforcement by the Secretary of the Interior of subsistence rights protected by the bill. Actual management of game resources on public lands is left up to the State, but criteria for protecting fish and wildlife for subsistence use are established, along with regional councils with strong powers to recommend management plans for areas of the state.

The Secretary is required to make a report to both houses of Congress detailing his efforts to monitor State fish and game management. If he finds that the State has failed in its duty to protect subsistence rights, he has the power to supercede State authority and manage hunting on public lands himself. This power, Stevens believes, is a violation of the State's rights under the Statehood Act.

State Spending Challenged

Sparcks says Stevens should be aware of rural residents' concern over the State's real failure to protect subsistence rights.

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State Department of Fish and Game received federal dollars on a formula of three-to-one to State money spent on game management. He claims that rural residents have gotten short-changed continually in the allocation of these funds. Inadequate surveys of the northwest Arctic caribou herd are a particular example of that misallocation, he says; and ignorance about the rapid decline in caribou numbers led to a sudden closing of caribou hunting in the northwest two years ago. Hunting has since resumed on a limited basis.

Rotten Herring

insensitivity of subsistence needs is management of herring re-

Another example of State sources in Bristol Bay and north, says Sparcks.

At the request of southwestern residents, the North Pacific Fishery Management Council two years ago eliminated Japanese and Russian gill-netting of herring within the 200-mile fisheries conservation zone near Bristol Bay.

A year later, the State Board of Fish opened an American purse-seine herring fishery which takes eight times as many fish as the Japanese and Russians once did, within the three-mile State limit.

This has dramatically reduced the amount of herring available to subsistence users north of Bristol Bay, Sparcks charges. Local residents cannot compete with the large purse-seining operations and the herring shortage has caused social and economic disruption of villages.

This is particularly painful to villagers since the purse-seiners are only after roe, and the millions of herrings they catch are allowed to rot.

Sparcks says the section of Title VII providing for regional management councils ought to reduce the likelihood that subsistence users will be ignored in

such a fashion in the future.

Filibuster Vow

"We've told them (Stevens and Gravel) that we want the d-2 bill passed this year," Sparcks said. Nevertheless, Stevens indicated in the strongest language that he intends to fight passage of the bill in the Senate.

"The Senate has never closed debate on a bill when it affected only one State, and both Senators from that State oppose the measure," Stevens told Fairbanks newspeople at a luncheon June 2. A filibuster may not be necessary, however. Senator Gravel has enlisted the aid of

his close personal friend, Senator Byrd, who as majority leader may be able to keep H.R. 39 off the Senate calendar. Senator Henry Jackson (D-Washington) also announced Saturday that he intends to hold the bill in the Energy Committee until certain issues are clarified. Jackson has not taken a direct stand against the measure, however.

"This will be the most terrible fight the Senate has ever seen," Stevens vowed. "We'll never give up."