SENATE JOINT RESOLUTION NO. 13

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY SENATORS STEDMAN, Wilson, Hoffman, Shower, Stevens, Giessel, MacKinnon, Micciche, Bishop, Coghill, Egan, Kelly

Introduced: 2/19/18
Referred: Resources

A RESOLUTION

Urging the United States Congress to amend the Marine Mammal Protection Act and
urging the United States Department of the Interior to permit Alaska Native
organizations and the Alaska Department of Fish and Game to co-manage, take, and
study marine mammals under the Marine Mammal Protection Act.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS, between 1965 and 1969, the Alaska Department of Fish and Game
reintroduced approximately 400 sea otters in six different locations in Southeast Alaska's
coastal waterways without a long-term management plan; and

WHEREAS, in the absence of a management plan, the sea otter population in
southern Southeast Alaska's coastal waters has grown at an alarming rate; while 5,800 sea
otters were observed in 2003, an aerial survey conducted by the United States Fish and
Wildlife Service in 2010 estimated the population at over 11,000, an apparent population
growth rate of 13 percent each year; and

WHEREAS the federal government, which is responsible for protecting marine
mammals under the Marine Mammal Protection Act (16 U.S.C. 1361 - 1423h) has not
established an effective and ecologically balanced management plan for sea otters that serves
to protect Southeast Alaska's coastal marine ecosystem and shellfish resources that are
adversely affected by sea otters; and

WHEREAS a growing sea otter population appears to be contributing to ecological
imbalances and diminished human subsistence and commercial harvests of Alaska shellfish
resources; and

WHEREAS the reintroduced sea otter population has proliferated without
management, consuming unquantified yet significant volumes of crab, abalone, urchins, sea
cucumbers, clams, and other shellfish resources on which Southeast Alaska's human residents
rely; and

WHEREAS the drastic population growth of the reintroduced sea otters and the
current population density of sea otters has, in some areas, depleted shellfish stocks so
severely that human subsistence, sport, personal use, and commercial harvest of shellfish is
not permitted because of unsustainably depleted shellfish resources; and

WHEREAS many residents of the state's coastal communities depend, directly or
indirectly, on the abundance and harvest of fisheries resources; and

WHEREAS the state's coastal communities face substantial challenges in developing
economic opportunities for their residents; and

WHEREAS, because revenue from harvests of the state's fisheries resources
contributes significantly to the economies of the state's coastal communities, residents of
these communities are sensitive to situations that threaten the harvest of fisheries resources;
and

WHEREAS Alaska Natives have harvested sea otters since time immemorial; and

WHEREAS the Marine Mammal Protection Act denies Alaska Natives their
customary and traditional practice of selling intact sea otter pelts; and

WHEREAS the Marine Mammal Protection Act permits Alaska Natives to harvest
marine mammals for subsistence if the harvest is accomplished in a manner that is not
wasteful; and

WHEREAS the Marine Mammal Protection Act permits Alaska Natives to harvest
sea otters for purposes of creating and selling authentic Alaska Native handicrafts and
clothing if the sea otters are harvested in a manner that is not wasteful; and
WHEREAS, under the Marine Mammal Protection Act, Alaska Natives may sell handicrafts and clothing made with sea otter pelts; and

WHEREAS the State of Alaska is a model for the successful and sustainable harvest of fish and game resources; and

WHEREAS federal implementation of a sustainable sea otter management regime would maintain sea otter populations at a level that allows for ecological balance in the state's coastal shellfish habitat and provide for expanded economic activity in the state's coastal regions; and

WHEREAS, under the Marine Mammal Protection Act, the United States Secretary of the Interior is permitted to enter into cooperative agreements with Alaska Native organizations to conserve marine mammals and provide co-management of subsistence resources by Alaska Natives, and such an agreement could include a management plan for the harvest of sea otters that also protects shellfish resources adversely affected by an unsustainable sea otter population;

BE IT RESOLVED that the Alaska State Legislature urges the appropriate federal agencies to work with the Alaska Department of Fish and Game and Southeast Alaska's Native and non-Native leaders to establish a plan for sea otter management that will maintain a balance between sustainable human harvest of shellfish resources and the region's reintroduced sea otter population; and be it

FURTHER RESOLVED that the Alaska State Legislature urges state and federal agencies, in developing the management plan, actively to consider how the plan may expand and enhance small businesses and provide other economic opportunities for Southeast Alaska's residents; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the United States Congress to amend the Marine Mammal Protection Act to expand the scope of allowable uses for harvest of marine mammals; permit an Alaska Native to assign that individual's right to take certain marine mammals to any individual with a hunting license issued by the State of Alaska; and allow the Alaska Department of Fish and Game or an Alaska Native organization authorized under a cooperative agreement with the United States Secretary of the Interior to co-manage subsistence uses of marine mammals, including the authority to permit the sale and foreign export of sea otter pelts; and be it
FURTHER RESOLVED that, when an Alaska Native organization or the Alaska Department of Fish and Game certifies to the United States Secretary of the Interior, in writing, that a marine mammal poses a threat to Alaska Native subsistence resources and that the marine mammal may withstand higher levels of taking without becoming unsustainable, and the Alaska Native organization or the department provides a management plan for the study and taking of the marine mammal designed to protect other fishery resources used for subsistence purposes, the Alaska State Legislature urges the Secretary to issue a scientific permit to the department or Alaska Native organization to carry out the management plan; and be it

FURTHER RESOLVED that the Alaska State Legislature urges that the scientific permit issued by the United States Secretary of the Interior

(1) authorize the Alaska Department of Fish and Game or an Alaska Native organization to take as many marine mammals as is necessary to protect other subsistence fisheries resources;

(2) grant the department or Alaska Native organization the authority to administer the management plan, including the plan's amendment or modification, as circumstances, including changes in the sustainability of the marine mammal or other fisheries resources, may dictate; and

(3) permit the department to delegate all or part of the agency's management authority to an Alaska Native organization.

COPIES of this resolution shall be sent to the Honorable Paul D. Ryan, Speaker of the U.S. House of Representatives; the Honorable Orrin Hatch, President pro tempore of the U.S. Senate; the Honorable Ryan Zinke, United States Secretary of the Interior; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.