CS FOR SENATE JOINT RESOLUTION NO. 13(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 3/21/18
Referred: Rules

Sponsor(s): SENATORS STEDMAN, Wilson, Hoffman, Shower, Stevens, Giessel, MacKinnon, Micciche, Bishop, Coghill, Egan, Kelly

A RESOLUTION

Urging the United States Congress to amend the Marine Mammal Protection Act;

urging certain federal agencies to permit Alaska Native organizations and the Alaska

Department of Fish and Game to co-manage, take, and study sea otters; and urging the

United States Secretary of the Interior to review evidence and waive certain provisions

of the moratorium on taking sea otters.

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 2012 estimated the population at over 27,712, an apparent population
growth rate of 13 percent each year, placing the 2018 population at an estimated 51,058; 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 is 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 sea otters for subsistence and 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 certain handicrafts and clothing made with sea otter pelts; and
WHEREAS, to take a sea otter in the state, current federal law requires an individual to reside along the North Pacific or Arctic Ocean coasts and to possess 25 percent Alaska Native blood quantum, and there will be fewer individuals who meet those requirements in the future; and

WHEREAS the legal import of language in the Marine Mammal Protection Act, which cites "authentic Native articles of handicraft and clothing" and "significantly altered," may not be clear to Alaska Native hunters and craftspeople; and

WHEREAS the United States Fish and Wildlife Service has failed to develop a management plan for sea otters in consultation with any Alaska Native organization, even though Alaska Native organizations have approached the service about developing a management plan; and

WHEREAS implementation of a sustainable sea otter management plan 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 the State of Alaska is a model for the successful and sustainable management and harvest of fish and game resources and is best situated to manage sea otters along the state's coast; and

WHEREAS, after the Alaska Department of Fish and Game, the National Marine Fisheries Service is the next best situated state or federal agency to manage the state's sea otter population because the agency already manages other marine mammals and fishery resources that are being adversely affected by sea otters; 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 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; and

WHEREAS, rather than the United States Fish and Wildlife Service managing sea otters in a manner that allows for ecological balance and human harvest of fishery resources, the United States Fish and Wildlife Service has a record of protecting sea otters to the detriment of other fishery resources and human needs, resulting in a situation in which the
fishery resources that sea otters feed are imperiled and the sea otter population itself placed at risk of collapse;

BE IT RESOLVED that the Alaska State Legislature urges the United States Secretary of the Interior, in consultation with the federal Marine Mammal Commission, to review current data and scientific evidence relating to sea otter abundance and the detrimental effects of sea otters in Southeast Alaska under 16 U.S.C. 1371(a)(3)(A), and, after reviewing the evidence, waive the requirements of 16 U.S.C. 1371 to allow the taking of sea otters in Southeast Alaska; and be it

FURTHER 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 the United States Congress to transfer responsibility for sea otter management in the state from the United States Department of the Interior to the Alaska Department of Fish and Game under 16 U.S.C. 1379, or, if not to the Alaska Department of Fish and Game, to the National Marine Fisheries Service in the United States Department of Commerce; and be it

FURTHER RESOLVED that the Alaska State Legislature urges state and federal agencies, in developing a 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 provide for an ecologically balanced sea otter management regime instead of protecting sea otters at the expense of marine ecosystems and fishery resources; expand the scope of allowable uses for harvest of sea otters; permit any Alaska Native residing in the state who is a member of a federally recognized tribe under 25 U.S.C. 5130 or who is enrolled under the Alaska Native Claims Settlement Act, to take sea otters; provide that "authentic native articles of handicrafts and clothing" under 16 U.S.C. 1379 include sea otter pelts that may be sold without restriction; 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 or
the National Marine Fisheries Service to co-manage subsistence uses of sea otters, 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 or the
National Marine Fisheries Service, in writing, that a sea otter population poses a threat to
Alaska Native subsistence resources and that the population 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 sea otters designed to protect
fishery resources used for subsistence purposes, the Alaska State Legislature urges the United
States Secretary of the Interior or the National Marine Fisheries Service 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 or the National Marine Fisheries
Service

(1) authorize the Alaska Department of Fish and Game or an Alaska Native
organization to take as many sea otters as is necessary to protect 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 sea otter population or fisheries
resources within the same ecosystem, 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.