

ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON



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MEMO

To: Senate Resources Committee

From: Senator Donny Olson
SJR 4 Prime Sponsor

Subject: Walrus Protection Status

Date: January 31, 2018

Senate Resources Members,

Thank you for allowing me to provide additional information in response to questions regarding the status of walrus in the Endangered Species Act (ESA) and the Convention of International Trade in Endangered Species (CITES).

As of October 2017, the United States Fish and Wildlife found, upon reviewing the biological status and threats to their existence, that walrus are not considered threatened or endangered under the ESA.

Under the CITES appendices, walruses are listed under appendix III- which is the least stringent protection status under the three appendices- being listed based only upon a request to combat exploitation, not upon the status of threatened with extinction or the possibility of becoming threatened in the future, as appendix I and appendix II are listed.

Please contact my staff with any other questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donny Olson".

Senator Donny Olson


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Press Release

After Comprehensive Review, Service Determines Pacific Walrus Does Not Require Endangered Species Act Protection

October 4, 2017

Contact(s):

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The U.S. Fish and Wildlife Service has found that the Pacific walrus does not require protection as threatened or endangered under the Endangered Species Act (ESA). The finding follows a comprehensive review and analysis of the best available scientific information concerning the species, as well as local and traditional ecological knowledge of Alaska Native peoples.

The Pacific walrus is found throughout the continental shelf waters of the Bering and Chukchi seas and occasionally in the East Siberian Sea and Beaufort Sea. In its review, the Service paid particular attention to the impact to the species of the ongoing loss of sea ice in the walrus's range.

While walrus use sea ice for a variety of activities, including breeding, birthing, resting and avoiding predators, they have shown an ability to adapt to sea ice loss that was not foreseen when the Service last assessed the species in 2011. Given these behavioral changes, the Service determined that it could not predict, with confidence, future behavioral responses of the species beyond 2060. Accordingly, that date was used as the limit for determining whether the walrus was likely to become endangered within the "foreseeable future," under the ESA. Beyond that time, predicting behavioral responses becomes too speculative to be considered best available science for the purposes of a listing determination.

"Our decision not to list the Pacific walrus under the Endangered Species Act at this time is based on a rigorous evaluation of the best available science, which indicates the population appears stable, and the species has demonstrated an ability to adapt to changing conditions," said Fish and Wildlife Service Principal Deputy Director Greg Sheehan. "If future circumstances warrant or new information comes to light, we can and will re-evaluate the Pacific walrus for ESA protection. In the meantime, the species will continue to be federally protected under the Marine Mammal Protection Act."

Other stressors that were identified in 2011, including subsistence harvest, have declined. The Pacific walrus population appears to be approaching stability with reproductive and survival rates that are higher than in the 1970s–1980s.

The Pacific walrus will continue to receive protection in the U.S. under the Marine Mammal Protection Act (MMPA). Protections afforded under the MMPA include prohibitions on the harvest, import, and export of the Pacific walrus or walrus products, except by Alaska Natives for subsistence and handicraft creation and sale. In addition to monitoring the population, the Service will continue to work with the State of Alaska, coastal communities and other partners to conserve the Pacific walrus population and minimize the impacts of stressors where possible.

The decision today is the Service's final action regarding a petition submitted to the agency in 2008 to list the Pacific walrus. For more information regarding this decision, please visit: <https://www.fws.gov/alaska/fisheries/mmm/walrus/esa.htm> (<https://www.fws.gov/alaska/fisheries/mmm/walrus/esa.htm>).

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals, and commitment to public service. For more information on our work and the people who make it happen, visit www.fws.gov (<https://www.fws.gov/>).

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Last updated: May 10, 2016

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Subsistence Harvested Walrus Tagging Statistics By Location and Year

Walrus reported as harvested and tagged by Alaska Native subsistence hunters in accordance with the Marine Mammal Marking, Tagging, and Reporting Rule (50 CFR 18.23).

Village	1988-2011	2012	2013	2014	2015	2016	Total
Atkasuk	5	0	0	0	0	0	5
Barrow	490	35	23	11	20	10	589
Bethel	30	0	0	0	0	0	30
Brevig Mission	372	8	12	28	9	15	444
Buckland	1	0	0	0	0	0	1
Chefornak	14	3	0	1	0	0	18
Chevak	15	1	0	1	0	0	17
Dillingham	32	0	0	0	0	0	32
Elim	43	2	2	1	4	0	52
Emmonak	4	0	0	0	0	0	4
Fairbanks	0	0	0	0	0	0	0
Gambell	13068	766	173	195	193	394	14789
Golovin	0	0	1	0	0	0	1
Goodnews Bay	5	0	0	0	0	0	5
Hooper Bay	183	18	2	3	10	6	222
Kaktovik	2	0	0	0	0	0	2
King Island	935	16	19	38	17	4	1029
King Salmon	11	0	0	0	0	0	11
Kipnuk	73	7	9	5	4	6	104
Kivalina	73	0	0	0	0	0	73
Kongiganak	51	0	0	0	0	0	51
Kotzebue	23	0	0	0	1	0	24
Kwigillingok	39	0	0	1	0	0	40

Village	1989-2011	2012	2013	2014	2015	2016	Total
Little Diomedede	2735	13	3	5	4	9	2769
Manokotak	7	0	0	6	0	0	13
Mekoryuk	97	0	2	0	1	0	100
Newtok	5	1	0	0	0	0	6
Nightmute	0	0	0	1	0	0	1
Nome	298	14	14	0	4	31	361
Platinum	4	0	2	1	0	0	7
Point Hope	96	12	3	1	11	12	135
Point Lay	46	0	1	0	1	0	48
Quinhagak	18	0	0	0	0	0	18
Savoonga	10568	440	260	215	304	232	12019
Scammon Bay	1	1	0	0	4	1	7
Shaktolik	86	4	0	2	0	0	92
Shishmaref	705	0	11	3	12	1	732
St. Michael	1	0	0	0	0	0	1
Stebbins	19	0	0	0	0	0	19
Teller	38	1	13	1	3	0	56
Togiak	60	0	7	2	0	0	69
Toksook Bay	55	2	1	14	1	0	73
Tuntutuliak	32	0	0	0	0	0	32
Tununak	12	0	0	0	0	0	12
Twin Hills	13	0	0	0	1	0	14
Unalakleet	14	0	0	0	2	0	16
Wainwright	880	41	29	75	25	40	1090
Wales	290	1	4	2	2	0	299
Total	31549	1386	591	612	633	761	35532

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MEMO

To: House Community and Regional Affairs Committee

From: Senator Donny Olson
SJR 4 Prime Sponsor

For Senator Donny Olson

Subject: S.1965 Federal Legislation

Date: April 3, 2018

House Community and Regional Affairs Members,

Thank you for allowing me to provide additional information in response to a question regarding the effectiveness of a state resolution urging federal legislation to exempt Alaska ivory from Lower 48 ivory restrictions and bans.

Alaskan ivory artists and craftsmen have suffered a noticeable drop in ivory sales the past few years. Six states have already enacted restrictions or total bans of ivory and sixteen other states have similar legislation in process. Quick national action is needed to address the unintended consequences to Alaska ivory of these ivory restrictions and bans.

Senator Dan Sullivan introduced S.1965 into Congress, on October 17, 2017. This bill amends the Marine Mammal Protection Act and directly prohibits state ivory restrictions and bans affecting Alaska ivory. SJR 4 will be a helpful tool for Senator Sullivan demonstrating to senators and representatives how serious Alaska is taking the unintended impacts these state ivory restrictions and bans have had on Alaska ivory artists and craftsmen.

I direct your attention to page 4 of the S.1965 copy attached with this memo to read the language in S.1965 addressing this issue.

115TH CONGRESS
1ST SESSION

S. 1965

To amend the Marine Mammal Protection Act of 1972 to protect the cultural practices and livelihoods of producers of Alaska Native handicrafts and traditional mammoth ivory products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2017

Mr. SULLIVAN (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Marine Mammal Protection Act of 1972 to protect the cultural practices and livelihoods of producers of Alaska Native handicrafts and traditional mammoth ivory products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Allowing Alaska to
5 Improve Vital Opportunities in the Rural Economy Act”
6 or the “Allowing Alaska IVORY Act”.

1 **SEC. 2. ALASKA NATIVE HANDICRAFTS.**

2 Section 101(b) of the Marine Mammal Protection Act
3 of 1972 (16 U.S.C. 1371(b)) is amended—

4 (1) by striking paragraph (1) and all that fol-
5 lows through “is done” in the first sentence of para-
6 graph (2) and inserting the following:

7 “(A)(i) is for subsistence purposes; or

8 “(ii) is done”;

9 (2) by redesignating paragraph (3) as subpara-
10 graph (B), and indenting appropriately;

11 (3) in the matter preceding subparagraph (A)(i)
12 (as redesignated by paragraph (1)), by striking “(b)
13 Except as” and inserting the following:

14 “(b) APPLICATION TO CERTAIN ALASKA NATIVES.—

15 “(1) DEFINITIONS.—In this subsection:

16 “(A) AUTHENTIC NATIVE ARTICLE OF
17 HANDICRAFTS AND CLOTHING.—The term ‘au-
18 thentic native article of handicrafts and cloth-
19 ing’ means an item composed wholly or in some
20 significant respect of natural materials that is
21 produced, decorated, or fashioned in the exer-
22 cise of traditional native handicrafts without
23 the use of a pantograph, multiple carvers, or
24 any other mass copying device.

25 “(B) TRADITIONAL NATIVE HANDI-
26 CRAFTS.—The term ‘traditional native handi-

1 crafts' includes weaving, carving, stitching, sew-
 2 ing, lacing, beading, drawing, and painting.

3 “(2) APPLICATION.—Except as”;

4 (4) in subparagraph (A)(ii) of paragraph (2)
 5 (as redesignated by paragraph (1)), by striking “and
 6 clothing;” and all that follows through “painting”
 7 and inserting “and clothing”;

8 (5) in the flush text following subparagraph (B)
 9 of paragraph (2) (as redesignated by paragraph (2)),
 10 by striking “Notwithstanding the preceding provi-
 11 sions of this subsection, when” and inserting the fol-
 12 lowing:

13 “(3) LIMITATIONS.—Notwithstanding para-
 14 graph (2), if”;

15 and

16 (6) by adding at the end the following:

17 “(4) SPECIAL RULES.—

18 “(A) INTERSTATE COMMERCE.—Only au-
 19 thentic native articles of handicrafts and cloth-
 20 ing may be sold in interstate commerce.

21 “(B) EDIBLE PORTIONS OF MARINE MAM-
 22 MALS.—Any edible portion of a marine mammal
 23 may be sold in a native village or town in Alas-
 24 ka or for native consumption.

25 “(5) PROHIBITIONS.—

1 “(A) WALRUS IVORY OR WHALE BONE.—

2 No State shall prohibit the importation, sale,
3 offer for sale, transfer, trade, barter, possession
4 or possession with the intent to sell, transfer,
5 trade, or barter of walrus ivory or whale bone
6 produced under this title by an Indian, Aleut,
7 or Eskimo as an authentic native article of
8 handicrafts and clothing.

9 “(B) MAMMOTH IVORY.—No State shall
10 prohibit the importation, sale, offer for sale,
11 transfer, trade, possession or possession with
12 the intent to sell, transfer, trade, or barter of
13 mammoth ivory or a mammoth ivory product.”.

Alaska natives concerned after Etsy bans ivory products

WASILLA, AK - Ivory may be legal for some Alaskans to carve and sell, but the rest of the world, including some lower 48 states, have banned or are debating a ban of any ivory products being sold. These restrictions could hit Alaska native artists especially hard.

Three states have banned sales of all ivory within their borders and recently Etsy banned all sales of products from its website, legal or not. But Alaska native populations are not only allowed to hunt walrus but also sell or trade for their tusks to other natives, like Athabaskan Ivory Carver Leonard Savage. He claims the confusion over what's legal and no legal in the ivory trade is threatening his ability to make a living.

"You know I've done this probably longer than you've been alive I started when I was 15 and 16 years old and you know it was a good way to make a living raised my kids with it. I have lots to do, it never ends," said Savage.

The work may never end, but his ability to sell his products on Etsy did earlier this week when the website added ivory to their list of prohibited items.

In a statement to the Associated press, Etsy said: "We have updated our policies to reflect the increasingly global nature of our business and our community. With increased global regulation surrounding ivory and animal products, we can no longer accommodate such products produced by Native Alaskans in our marketplace."

Savage disagrees complete with the new policy and fears that more pressure to ban ivory, legal or not, will eventually do more damage to a native ivory art industry struggling to stay afloat.

"They don't realize that they're hurting a lot of people that do this legitimately and for a good reason. You know what I do helps a lot of people when I buy my tusks from people in St. Lawrence Isle people in Gambell and Savoonga and they, you know, in turn they are able to go and buy gasoline and things they can't find out there in the middle of nowhere. To me it's wrong I mean they have no idea what happens up here with the Walrus and how it's hunted and what it's used for," said Savage.

According to the Alaska Department of Law Consumer Protection Unit:

Any item produced after 1935 that is marketed with terms like "Indian," "Native American," or "Alaska Native" must have been made by a member of a state or federally-recognized tribe or a certified non-member Indian artisan. That's the law.

A certified Indian artisan is an individual certified by the governing body of the tribe of his or her descent as a non-member Indian artisan.

That's why Alaska Republican Senator Dan Sullivan responded to Etsys ban by saying: "Your policy fails to recognize that Alaska Natives are explicitly authorized under federal laws, the Marine Mammal Protection Act, to work with and sell walrus ivory, whale tooth and bone, and other non-elephant ivory."

Savage said he's tried carving some products using birch trees and was able to fashion various wooden carvings like an intricate nativity scene. But birch products don't pull in as much money Savage said the nativity scene birch carving might get him \$20-\$25 but a smaller ivory carving of say a small single small animal can get him as much as \$200 or more, a big difference in dollars especially when it's his main source of income.