

30-LS1408J
Bullard
3/8/18

CS FOR SENATE JOINT RESOLUTION NO. 13()

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATORS STEDMAN, Wilson

A RESOLUTION

**Urging the United States Congress to amend the Marine Mammal Protection Act and
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.**

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 either possess 25 percent Alaska Native blood quantum or be enrolled under the Alaska Native Claims Settlement Act,

1 and there will be fewer individuals who meet those requirements in the future; and

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

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

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

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

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

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

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

31 **BE IT RESOLVED** that the Alaska State Legislature urges the appropriate federal

1 agencies to work with the Alaska Department of Fish and Game and Southeast Alaska's
2 Native and non-Native leaders to establish a plan for sea otter management that will maintain
3 a balance between sustainable human harvest of shellfish resources and the region's
4 reintroduced sea otter population; and be it

5 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
6 Congress to transfer responsibility for sea otter management in the state from the United
7 States Department of the Interior to the Alaska Department of Fish and Game under 16 U.S.C.
8 1379, or, if not to the Alaska Department of Fish and Game, to the National Marine Fisheries
9 Service in the United States Department of Commerce; and be it

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

14 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
15 Congress to amend the Marine Mammal Protection Act to provide for an ecologically
16 balanced sea otter management regime instead of protecting sea otters at the expense of
17 marine ecosystems and fishery resources; expand the scope of allowable uses for harvest of
18 sea otters; permit any Alaska Native residing in the state who is a member of a federally
19 recognized tribe under 25 U.S.C. 5130 to take sea otters; provide that "authentic native
20 articles of handicrafts and clothing" under 16 U.S.C. 1379 include sea otter pelts that may be
21 sold without restriction; and allow the Alaska Department of Fish and Game or an Alaska
22 Native organization authorized under a cooperative agreement with the United States
23 Secretary of the Interior or the National Marine Fisheries Service to co-manage subsistence
24 uses of sea otters, including the authority to permit the sale and foreign export of sea otter
25 pelts; and be it

26 **FURTHER RESOLVED** that, when an Alaska Native organization or the Alaska
27 Department of Fish and Game certifies to the United States Secretary of the Interior or the
28 National Marine Fisheries Service, in writing, that a sea otter population poses a threat to
29 Alaska Native subsistence resources and that the population may withstand higher levels of
30 taking without becoming unsustainable, and the Alaska Native organization or the department
31 provides a management plan for the study and taking of the sea otters designed to protect

1 fishery resources used for subsistence purposes, the Alaska State Legislature urges the United
2 States Secretary of the Interior or the National Marine Fisheries Service to issue a scientific
3 permit to the department or Alaska Native organization to carry out the management plan; and
4 be it

5 **FURTHER RESOLVED** that the Alaska State Legislature urges that the scientific
6 permit issued by the United States Secretary of the Interior or the National Marine Fisheries
7 Service

8 (1) authorize the Alaska Department of Fish and Game or an Alaska Native
9 organization to take as many sea otters as is necessary to protect subsistence fisheries
10 resources;

11 (2) grant the department or Alaska Native organization the authority to administer the
12 management plan, including the plan's amendment or modification, as circumstances,
13 including changes in the sustainability of the sea otter population or fisheries resources within
14 the same ecosystem, may dictate; and

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

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