

**HOUSE JOINT RESOLUTION NO. 35**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES MILLETT, Chenault**

**Introduced: 2/19/18**

**Referred: Community and Regional Affairs, Resources**

**A RESOLUTION**

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

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

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

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

14 **WHEREAS** the federal government, which is responsible for protecting marine  
15 mammals under the Marine Mammal Protection Act (16 U.S.C. 1361 - 1423h) has not

1 established an effective and ecologically balanced management plan for sea otters that serves  
2 to protect Southeast Alaska's coastal marine ecosystem and shellfish resources that are  
3 adversely affected by sea otters; and

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

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

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

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

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

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

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

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

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

29 **WHEREAS** the Marine Mammal Protection Act permits Alaska Natives to harvest  
30 sea otters for purposes of creating and selling authentic Alaska Native handicrafts and  
31 clothing if the sea otters are harvested in a manner that is not wasteful; and

1           **WHEREAS**, under the Marine Mammal Protection Act, Alaska Natives may sell  
2 handicrafts and clothing made with sea otter pelts; and

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

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

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

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

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

24           **FURTHER RESOLVED** that the Alaska State Legislature urges the United States  
25 Congress to amend the Marine Mammal Protection Act to expand the scope of allowable uses  
26 for harvest of marine mammals; permit an Alaska Native to assign that individual's right to  
27 take certain marine mammals to any individual with a hunting license issued by the State of  
28 Alaska; and allow the Alaska Department of Fish and Game or an Alaska Native organization  
29 authorized under a cooperative agreement with the United States Secretary of the Interior to  
30 co-manage subsistence uses of marine mammals, including the authority to permit the sale  
31 and foreign export of sea otter pelts; and be it

1           **FURTHER RESOLVED** that, when an Alaska Native organization or the Alaska  
2 Department of Fish and Game certifies to the United States Secretary of the Interior, in  
3 writing, that a marine mammal poses a threat to Alaska Native subsistence resources and that  
4 the marine mammal may withstand higher levels of taking without becoming unsustainable,  
5 and the Alaska Native organization or the department provides a management plan for the  
6 study and taking of the marine mammal designed to protect other fishery resources used for  
7 subsistence purposes, the Alaska State Legislature urges the Secretary to issue a scientific  
8 permit to the department or Alaska Native organization to carry out the management plan; and  
9 be it

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

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

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

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

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