

Introduced: 1/23/84
Referred: State Affairs and
Resources

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1 IN THE SENATE

2 SENATE JOINT RESOLUTION NO. 31

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 Relating to the capture of orcas in
6 Alaska waters.

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

8 WHEREAS the National Marine Fisheries Service on November 1, 1983,
9 issued a permit to Sea World, Inc., of San Diego, California, for the
10 capture of 100 orcas (killer whales) in Alaska waters; and

11 WHEREAS the only public hearing on the issuance of the current permit
12 to Sea World, Inc., was held at Seattle, Washington, rather than in Alaska;
13 and

14 WHEREAS the permit authorizes Sea World, Inc., to keep 10 of the
15 captured orcas for public display in its aquarium facilities at San Diego,
16 California; Aurora, Ohio; and Orlando, Florida; and

17 WHEREAS the permit authorizes Sea World, Inc., to capture, perform
18 tests on, and release an additional 90 orcas up to three times each during
19 the next five years; and

20 WHEREAS there is evidence that Sea World, Inc., has in the past vio-
21 lated the terms of a similar permit issued for the capture of orcas in
22 Washington state waters by using underwater explosives to keep orcas from
23 escaping from nets; and

24 WHEREAS, as a result of a federal lawsuit brought by the State of
25 Washington, Sea World, Inc., agreed never again to seek to capture orcas in
26 that state; and

27 WHEREAS the capture of orcas is offensive to the religious and cul-
28 tural traditions of the Native people of Southeast Alaska; and

29 WHEREAS there is evidence that orcas are reluctant to return to areas

1 where there have been capture activities; and

2 WHEREAS the capture of orcas in Alaska waters is, therefore, likely to
3 diminish the opportunities for Alaska residents and visitors to observe
4 orcas in their natural setting; and

5 WHEREAS the current permit was issued to Sea World, Inc., without
6 adequate information concerning the population of orcas in Alaska waters
7 and the effect of capture of orcas on Alaska's commercial fishing industry
8 and on the ecosystem in and around Alaska waters; and

9 WHEREAS the National Marine Fisheries Service apparently ignored or
10 rejected a request by the Alaska Department of Fish and Game that the State
11 of Alaska be given authority to approve or disapprove capture activities by
12 Sea World, Inc., in order to avoid conflicts in state marine sanctuaries
13 and viewing areas and to preclude situations that might arouse strong
14 opposition from Alaska citizens;

15 BE IT RESOLVED by the Alaska State Legislature that the members of the
16 Alaska congressional delegation are respectfully requested to use their
17 best efforts to persuade or require the National Marine Fisheries Service
18 to

19 (1) conduct a study of the impact of the capture of orcas by Sea
20 World, Inc., on the Alaska commercial fishing industry and on the ecosystem
21 in and around Alaska waters before the capture of orcas by Sea World, Inc.,
22 begins;

23 (2) assure that the capture of orcas by Sea World, Inc., does
24 not encroach upon the interest of Alaskans and visitors to Alaska to view
25 orcas in their natural setting;

26 (3) restrict the terms of the permit issued to Sea World, Inc.,
27 in order to avoid offending the religious and cultural sensitivities of
28 Alaska Native people;

29 (4) provide that the permit issued to Sea World, Inc., and any

1 future permits issued to any party for the capture in Alaska waters of
2 orcas require the permit holder to conduct scientific research at the site
3 of the capture that responds directly to recommendations of the University
4 of Alaska, the Alaska Department of Fish and Game, or national or interna-
5 tional scientific bodies charged with research or management of marine
6 mammals;

7 (5) station observers aboard vessels that participate in every
8 capture of orcas in Alaska waters by or on behalf of Sea World, Inc., in
9 order to assure compliance with the terms of any permit issued to Sea
10 World, Inc.; and

11 (6) reimburse the State of Alaska for expenses incurred in
12 performing any acts necessary to protect the state's interests from loss or
13 damage as a result of orca capture activities by Sea World, Inc., in Alaska
14 waters; and be it

15 FURTHER RESOLVED that the Governor of the State of Alaska is respect-
16 fully requested to use every lawful means available to assure that Sea
17 World, Inc., complies with the terms of the permit issued to it for the
18 capture of orcas in Alaska waters, and to protect the interests of Alaskans
19 in relation to orcas.

20 COPIES of this resolution shall be sent to the Honorable Ted Stevens
21 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don
22 Young, U.S. Representative, members of the Alaska delegation in Congress;
23 and to Governor William Sheffield.