

Offered: 3/8/84
Referred: Rules

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1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE JOINT RESOLUTION NO. 31 (Resources)

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

14 WHEREAS the permit authorizes the permittee to capture, perform tests
15 on, and release an additional 90 orcas up to three times each during the
16 next five years; and

17 WHEREAS the capture of orcas in Alaska waters is, if improperly con-
18 ducted, likely to diminish the opportunities for Alaska residents and
19 visitors to observe orcas in their natural setting; and

20 WHEREAS the Marine Mammal Protection Act of 1972 intended participa-
21 tion of coastal states in programs of marine mammal management in areas of
22 jurisdictional responsibility; and

23 WHEREAS the National Marine Fisheries Service ignored a request by the
24 Department of Fish and Game that the state of Alaska be given authority to
25 approve or disapprove capture activities by the permit holder, in Alaska
26 waters; and

27 WHEREAS the only National Marine Fisheries Service public hearing on
28 the issuance of the permit was held in Seattle, Washington, and not in
29 Alaska; and

1 WHEREAS the state of Alaska has responsibility for management of its
2 waters, and the Department of Fish and Game is authorized to issue permits
3 for activities involving wildlife in state waters; and

4 WHEREAS Sea World, Inc. has applied for a permit from the Department
5 of Fish and Game to conduct capturing and collecting activities in state
6 waters and has stated that it will obtain a state permit before initiating
7 activities authorized under its current federal permit;

8 BE IT RESOLVED BY THE Alaska State Legislature that the Department of
9 Fish and Game is requested to grant a permit to conduct orca capturing
10 activities in state waters only if the department requires the permit
11 holder to:

12 (1) annually submit to the Department of Fish and Game informa-
13 tion collected concerning Alaska's orca population, including documentation
14 of the number of individual orcas; number, composition, and distribution of
15 pods; movement patterns and feeding habits; and other information required
16 by the Department of Fish and Game before initiating annual capturing
17 activities;

18 (2) assure that the scientific field research on orcas in Alaska
19 waters responds directly to recommendations of the University of Alaska or
20 the Alaska Department of Fish and Game, and provide the department with
21 complete access to any research, data, and analysis resulting from studies
22 on Alaska orcas;

23 (3) abide by conditions set by the department, including, but
24 not limited to, methods, means, time, place, and conditions of capture of
25 orcas in Alaska waters;

26 (4) allow the Department of Fish and Game to station observers
27 aboard each vessel that participates in any capture or study coincidental
28 with capture of orcas in Alaska waters by or on behalf of the permit holder
29 in order to assure compliance with the terms of the state permit and any

1 federal permit; and

2 (5) reimburse the state of Alaska for expenses incurred in
3 placing these observers, beyond any reimbursement to the state by the
4 National Marine Fisheries Service; and be it

5 FURTHER RESOLVED that the Governor is respectfully requested to use
6 every lawful means available to assure that the terms of permits for the
7 capture of orcas in Alaska waters are complied with, to protect the inter-
8 ests of Alaskans in relation to orcas, and to assure that public hearings
9 in Alaska will be conducted before the issuance of future state or federal
10 permits for the capture of orcas in Alaska waters.