

1 IN THE SENATE

BY ZHAROFF

2

SENATE JOINT RESOLUTION NO. 50

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - FIRST SESSION

5

Relating to the rule proposed by the

6

United States Fish and Wildlife Service

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relating to marine mammals.

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

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WHEREAS the Native people of the state have been using sea otters for subsistence and handicraft purposes for thousands of years; and

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WHEREAS the Native people of the state are the original conservationists and have historically managed resources in an ecologically sound manner; and

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WHEREAS the taking and use of marine mammals, including sea otters, for handicrafts is a mainstay of the livelihood and cultural survival of Natives in the state; and

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WHEREAS the United States Fish and Wildlife Service has proposed a rule that would prohibit the taking of sea otters by Natives for use in creating and selling authentic Native handicrafts, including clothing; and

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WHEREAS the proposed rule, if adopted, would subject Natives in the state who create and sell handicraft items made out of sea otters to penalties of up to a year in prison and fines of up to \$20,000; and

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WHEREAS the proposed rule violates the intent and express language of the Marine Mammal Protection Act (16 U.S.C. 1361 - 1407), which specifically provides an exemption for Alaskan Aleuts, Eskimos, or Indians who reside on the North Pacific and Arctic Ocean coasts to take marine mammals, including sea otters, for the purpose of creating and selling authentic Native handicrafts; and

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WHEREAS the United States Fish and Wildlife Service has adopted an

1 inaccurate and overly restrictive interpretation of the Marine Mammal
2 Protection Act, and has ignored the actual language of the Act; and

3 WHEREAS the proposed rule is not biologically justified because the
4 sea otter population in the state is healthy and growing; and

5 WHEREAS the United States Fish and Wildlife Service's justification
6 for the proposed rule does not accurately reflect the historical use by
7 Natives of sea otters in the creation and sale of handicrafts; and

8 WHEREAS the proposed rule does not take into account Native tradi-
9 tional practices and culture, and attempts to extinguish the rights of
10 Natives in the state; and

11 WHEREAS the proposed rule originated with the Division of Law Enforce-
12 ment in the United States Fish and Wildlife Service, was written with ease
13 of enforcement as its main objective, and reflects an antagonistic, hos-
14 tile, adversarial, and dictatorial attitude toward the Native people of the
15 state; and

16 WHEREAS the proposed rule was developed in the absence of a comprehen-
17 sive sea otter management plan and without the cooperation of the people
18 who would be affected, despite their willingness to work with the United
19 States Fish and Wildlife Service; and

20 WHEREAS enforcement regulations that are developed in cooperation with
21 the people who would be affected would have broader support, would reflect
22 a consensus of opinion among the interested parties, and, because of this
23 agreement, would be much easier to enforce; and

24 WHEREAS the original notice of the proposed rule was inadequate and
25 did not allow enough time to inform the people in the rural parts of the
26 state about its purpose and effect; and

27 WHEREAS the proposed rule is opposed by many individuals and organiza-
28 tions throughout the state including the state Department of Fish and Game,
29 the Alaska Federation of Natives, Inc., Alaska Legal Services Corporation,

1 the Alaska Sea Otter Commission, the Alaska Village Participation Confer-
2 ence, the Aleutian/Pribilof Islands Association, Inc., the City of Cordova,
3 Cook Inlet Tribal Council, Inc., Kawerak, Inc., the North Pacific Rim, the
4 mayor of the North Slope Borough, the Regional Resource Management Commis-
5 sion for the Chugach Region, the Rural Alaska Community Action Program,
6 Inc., the Rural Alaska Resources Association, the Seldovia Native Asso-
7 ciation, Inc., the United States Department of the Interior Indian Arts and
8 Crafts Board, and others;

9 BE IT RESOLVED that the Alaska State Legislature requests the United
10 States Fish and Wildlife Service to abandon its proposed rule relating to
11 the taking of sea otters by Natives for creating and selling handicrafts
12 and to work with the state's Native people, through the Alaska Sea Otter
13 Commission and other appropriate organizations, to develop regulations that
14 meet the concerns of both the Service and the Native people of the state
15 and that comply with the Marine Mammal Protection Act.

16 COPIES of this resolution shall be sent to the Honorable George
17 Bush, President of the United States; the Honorable Manuel Lujan, Jr.,
18 Secretary of the U.S. Department of the Interior; the Honorable Susan Recce
19 Lanson, Acting Director of the U.S. Fish and Wildlife Service; the Honor-
20 able Walter Stieglitz, Regional Director of the U.S. Fish and Wildlife
21 Service; and to the Honorable Ted Stevens and the Honorable Frank
22 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,
23 members of the Alaska delegation in Congress.