

Original sponsor(s): SEN. ZHAROFF, Adams, Eliason, Coghill, Binkley,  
Szymanski, Kerttula, Duncan, Pearce, Jones, Sturgulewski, Uehling

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 HOUSE CS FOR SENATE JOINT RESOLUTION NO. 50 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - SECOND SESSION  
5 Relating to the rule adopted by the  
6 United States Fish and Wildlife Service  
7 relating to sea otters.  
8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 WHEREAS the Native people of the state have been using sea otters for  
10 subsistence and handicraft purposes for thousands of years; and  
11 WHEREAS the Native people of the state are the original conservation-  
12 ists and have historically managed resources in an ecologically sound  
13 manner; and  
14 WHEREAS the taking and use of marine mammals, including sea otters,  
15 for handicrafts is a mainstay of the livelihood and cultural survival of  
16 Natives in the state; and  
17 WHEREAS the United States Fish and Wildlife Service has adopted a rule  
18 that prohibits the taking of sea otters by Natives for use in creating and  
19 selling authentic Native handicrafts, including clothing; and  
20 WHEREAS the rule will subject Natives in the state who create and sell  
21 handicraft items made out of sea otters to penalties of up to a year in  
22 prison and fines of up to \$20,000; and  
23 WHEREAS the rule violates the intent and express language of the  
24 Marine Mammal Protection Act (16 U.S.C. 1361 - 1407), which specifically  
25 provides an exemption for Alaskan Aleuts, Eskimos, or Indians who reside on  
26 the North Pacific and Arctic Ocean coasts to take marine mammals, including  
27 sea otters, for the purpose of creating and selling authentic Native handi-  
28 crafts; and  
29 WHEREAS the United States Fish and Wildlife Service is following 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 rule is not biologically justified because the sea otter  
4 population in the state is healthy and growing; and

5 WHEREAS the rule would allow the unrestricted growth of the sea otter  
6 population in the state, which would threaten the food resources that rural  
7 persons depend on for subsistence; and

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

11 WHEREAS the rule does not take into account Native traditional prac-  
12 tices and culture, and attempts to extinguish the rights of Natives in the  
13 state; and

14 WHEREAS the rule originated with the Division of Law Enforcement in  
15 the United States Fish and Wildlife Service, was written with ease of  
16 enforcement as its main objective, and reflects an antagonistic, hostile,  
17 adversarial, and dictatorial attitude toward the Native people of the state;  
18 and

19 WHEREAS the rule was developed in the absence of a comprehensive sea  
20 otter management plan and without the cooperation of the people who would  
21 be affected, despite their willingness to work with the United States Fish  
22 and Wildlife Service; and

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

27 WHEREAS the original notice for the rule when it was first proposed  
28 was inadequate and did not allow enough time to inform the people in the  
29 rural parts of the state about its purpose and effect; and

1           WHEREAS, the public comment in the state on the rule from both indi-  
2           viduals and organizations was overwhelmingly opposed to the rule, and the  
3           opponents included the state Department of Fish and Game, the Alaska  
4           Federation of Natives, Inc., Alaska Legal Services Corporation, the Alaska  
5           Sea Otter Commission, the Alaska Village Participation Conference, the  
6           Aleutian/Pribilof Islands Association, Inc., the City of Cordova, Cook  
7           Inlet Tribal Council, Inc., Kawerak, Inc., the City of Kodiak, the North  
8           Pacific Rim, the mayor of the North Slope Borough, the Regional Resource  
9           Management Commission for the Chugach Region, the Rural Alaska Community  
10          Action Program, Inc., the Rural Alaska Resources Association, the Sealaska  
11          Corporation, the Seldovia Native Association, Inc., the United States  
12          Department of the Interior Indian Arts and Crafts Board, and others; and

13           WHEREAS the adoption of the rule demonstrates a disregard for the  
14          views of the persons who will be directly affected by the rule; and

15           WHEREAS the United States Fish and Wildlife Service may replace the  
16          rule with a final rule after a management plan for northern sea otters has  
17          been completed;

18           BE IT RESOLVED that the Alaska State Legislature condemns in the  
19          strongest possible terms the adoption by the United States Fish and Wild-  
20          life Service of the rule prohibiting the taking of sea otters by Natives  
21          for use in creating and selling Native handicrafts, urges the Service to  
22          reconsider its adoption of the rule, and urges the Service to work with the  
23          state's Native people, through the Alaska Sea Otter Commission and other  
24          appropriate organizations, to develop regulations that meet the concerns of  
25          both the Service and the Native people of the state and that comply with  
26          the Marine Mammal Protection Act.

27           COPIES of this resolution shall be sent to the Honorable George Bush,  
28          President of the United States; the Honorable Manuel Lujan, Jr., Secretary  
29          of the U.S. Department of the Interior; the Honorable Daniel K. Inouye,

1 Chair of the U.S. Senate Select Committee on Indian Affairs; the Honorable  
2 Morris K. Udall, Chair of the U.S. House of Representatives Committee on  
3 Interior and Insular Affairs; the Honorable Becky Norton Dunlap, Assistant  
4 Secretary for Fish and Wildlife and Parks of the U.S. Department of the  
5 Interior; the Honorable Richard N. Smith, Acting Director of the U.S. Fish  
6 and Wildlife Service; the Honorable Walter Stieglitz, Regional Director of  
7 the U.S. Fish and Wildlife Service; and to the Honorable Ted Stevens and  
8 the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,  
9 U.S. Representative, members of the Alaska delegation in Congress.