

SJR

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PUBLIC NOTICE

ALASKA ESKIMO WHALING COMMISSION MANAGEMENT PLAN

Subpart A — Introduction

S100.1 Purpose of regulations

It is the purpose of the regulations contained herein to: (a) insure an efficient subsistence harvest of bowhead whales; and (b) provide a means within the Alaskan Eskimo customs and institution of limiting the bowhead whale harvest in order to prevent the extinction of such species.

S100.2 Scope of Regulations

The regulations contained herein apply to the subsistence hunting of bowhead whales by Eskimos located in the State of Alaska.

Subpart B — Alaska Eskimo Whaling Commission

S100.11 Powers

(a) The Alaska Eskimo Whaling Commission (hereinafter AEWG) is empowered to administer the regulations contained herein to insure that the purposes stated in S100.1 of these regulations are attained.

(b) The AEWG is empowered to enforce these regulations by:

- (1) denying any person who violates these regulations the right to participate in hunting the bowhead whale.
- (2) acting as an enforcement agent for any governmental entity authorized to enforce these regulations.

(c) The AEWG is empowered to promulgate interim regulations that are in addition to, but not in lieu of, regulations contained herein.

S100.12 Duties

(a) The AEWG shall administer and enforce the regulations contained herein (including any interim regulations).

(b) The AEWG shall conduct village educational programs to facilitate compliance with these regulations, including training programs for whaling captains and crews.

(c) The AEWG shall initiate research for improvement of the accuracy and reliability of weapons.

Subpart C — Regulations

S100.21 Definitions

(a) "bowhead whale" means a whale whose scientific name is *Balean mysticetus* and which migrates past whaling villages in Alaska.

(b) "captain" means the person in charge of a whaling crew.

(c) "harvest" means to kill and bring to shore or butchering area.

(d) "non-traditional weapons" means any

instrument that could be used to harvest a bowhead whale that is not a traditional weapon.

(e) "Scientific Committee" means the committee established pursuant to S100.26 of these regulations.

(f) "traditional weapon" means a harpoon with line attached, darting gun, shoulder gun, lance or any other weapon approved by the AEWG with the concurrence of the Scientific Committee, as such a weapon in order to improve the efficiency of the bowhead whale harvest.

(i) "harpoon with line attached" means. . .

(ii) "darting gun harpoon" means. . .

(iii) "shoulder gun" means. . .

(iv) "lance" means. . .

(g) "whaling crew" means those persons who participate directly in the harvest or attempted harvest of the bowhead whale and are under the supervision of a captain.

(h) "whaling village" means an Alaska Eskimo village in which resides a whaling captain and crew which participates in the harvest or attempted harvest of bowhead whales.

(i) "whaling season" means customary period of time in which the bowhead whale is harvested in either spring or fall.

S100.22 Registration

(a) All whaling captains of whaling crews shall file and register with the AEWG on forms provided by the AEWG for that purpose which discloses his name, address, age, qualifications as captain, names of crew members, and his willingness to abide by the regulations of the AEWG and to require his crew to abide by those regulations.

(b) The AEWG shall take into account any reading or language difficulties in developing procedures and forms for registration.

S100.23 Reports

(a) Each whaling captain shall be responsible for keeping a written record of the number of whales —

- (1) attempted to be harvested by using traditional weapons but not harvested; or
- (2) harvested by the captain or his crews.
- (3) all sightings of bowhead whales.

(b) Each whaling captain shall report the date, place, and time of any striking not resulting in harvesting and shall describe —

- (1) the size of the bowhead whale,
- (2) any known later attempted harvest or actual harvest of said whale, and
- (3) the reason for the captain or crew not harvesting the whale — e.g. environmental factors, the failure of traditional weapons, or other reason.

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(c) Each whaling captain shall make such other reports as the AEWEC requires in order to accomplish the purposes of the regulations herein or in order to advance the scientific knowledge of the bowhead whale.

S100.24 Permissible harvesting methods

(a) No whaling captain or crew shall harvest or attempt to harvest the bowhead whale in any manner other than the traditional harvesting manner.

(b) "Traditional harvesting manner" means:

- (1) only traditional weapons shall be used; as defined in 100.21(f).
- (2) the bowhead whale may be struck with a harpoon darting gun with line and float attached or simultaneously with harpoon and shoulder gun or darting gun.
- (3) use of shoulder gun or darting gun:
 - (i) when accompanied by harpoon with or without darting gun
 - (ii) after a line has been secured to the bowhead whale
 - (iii) when pursuing a wounded bowhead whale with a float attached.

S100.25 Traditional proprietary claim

The bowhead whale shall belong to the captain and crew which first strikes the bowhead whale in the manner described in S100.24.

S100.26 Level of harvest

(a) The AEWEC shall establish the levels of harvest and attempted harvest for each whaling village during each season. Such levels may be set by methods including, but not limited to, the following:

- (i) Specification of number of whaling crews permitted to harvest or attempt to harvest bowhead whales during specified periods;
- (ii) Specification of the size or age of whales which may be taken during specified periods, after consultation with the Scientific Committee.
- (iii) Specification of the number of whales that may be taken by each crew.

(iv) Specification of the number of bowhead whales which may be harvested or attempted to be harvested by each village.

(b) The level of harvest supported by scientific data shall be no greater than that necessary to meet the nutritional needs of the Eskimo inhabitants of the State of Alaska.

(c) In establishing the levels of harvest and attempted harvest, the AEWEC shall not establish levels of harvest or attempted harvest greater than the carrying capacity of the bowhead whale stock supporting scientific data.

(d) The carrying capacity of the bowhead whale stock shall be determined by a Scientific Committee appointed by the Polar Research Board of the National Academy of Sciences. The Scientific Committee shall consist of nine members who are qualified by reason of their education and experience to make objective determination concerning the carrying capacity of the bowhead whale stock.

(e) In determining the carrying capacity of the bowhead whale stock the Scientific Committee shall not consider any prospective threats to the species resulting from oil and gas development within the habitat of such species. This section may further be implemented by the Scientific Committee and the AEWEC at a later date.

(f) The mortality rate for attempted harvest shall be determined by the Scientific Committee.

Subpart B — Penalties

S100.31 Denial of participation in harvest:

(a) Any person who the AEWEC determines has violated the regulations contained herein shall, after opportunity for a hearing before the AEWEC, be prohibited from harvesting or attempting to harvest the bowhead whale for a period of not less than one season nor more than five seasons.

(b) Any person who wilfully violates the regulations contained herein shall be subject to a fine of not more than \$1,000 assessed by the AEWEC. No person shall harvest or attempt to harvest the bowhead whale until such fine has been paid.

The Alaska Eskimo Whaling Commission
Barrow, Alaska
Jacob Adams, Chairman



Alaska State Legislature

House of Representatives

Official Business

Special Committee
on Subsistence

Pouch V
State Capitol
Juneau, Alaska 99811

Minutes: February 16, 1978
Labor and Management Hearing Room 207, Assembly Building

The meeting was called to order by Rep. Nels A. Anderson, Jr., Chairman, at 2:40 p.m. Committee members in attendance were: Rep. William Akers, Rep. Sam Cotten, Rep. Steve Cowper, Rep. Joe Hayes, Rep. Al Nakak, and Rep. Nels A. Anderson. Rep. Leo Schaeffer was absent.

Rep. Thelma Buchholdt was present to testify on House Bills: 686 and 687; and House Joint Resolutions: 49 and 55. Also present was Rep. Al Osterback of the Resource Committee, George Utermohle, Research Analyst, and Joe Guthrie, Legislative Counsel.

Chairman Anderson gave an activity report and stated that a staff assistant has not been appointed, but that the secretarial position was filled by Elizabeth Ali.

Rep. Buchholdt stated that HB 686 and 687 were companion bills addressing bowhead whaling. She believes in the conservation of natural resources yet recognizes the need for the coastal people to hunt whales. She is convinced of this need and has had meetings regarding the bowhead whaling controversy. She attended the whaling conference in Pt. Barrow and learned from the hearings and the International Whaling Commission (IWC) at the meeting in Tokyo that Alaskans should get a better view of the issue so she has introduced these bills.

HB 687 would make a special appropriation to the Department of Fish and Game for disbursement to the Alaska Eskimo Whaling Commission (AEWC). Rep. Cowper asked who comprised the AEWC and how the money would be spent. The AEWC members are a group of whaling captains from St. Lawrence, Pt. Barrow, Savoonga, Pt. Hope, and Pt. Leigh. \$250,000 appropriated from the general fund would enable the AEWC to: 1) gather data on the population, migration, and habits of whales; 2) monitor the subsistence harvest of whales; 3) reduce the number of whales struck and lost; and 4) present data gathered and represent the interest of the Alaskan subsistence whalers to the federal government and the IWC.

The IWC granted the AEWC a quota of 12 whales last year, this quota may change if it is known that there are more whales. Rep. Buchholdt asked that Sec. 2 of Senate Bill 440 sponsored by Senator Ferguson be amended to read: "This Act takes effect March 1, 1978".

Rep. Cowper felt that the committee needed to learn more about this issue. However, Rep. Nakak said that the issues had been discussed to his satisfaction and that the intention of the bill was for the Alaskan Eskimo to be the vehicle to conduct a survey with the National Oceanic and Atmospheric Administration and other conservation groups on the ban on bowhead whaling. The agreement of AEWG and IWC sets a quota of 12 whales, but more information is needed for next years meeting.

Rep. Copwer said that the AEWG information was not accepted by the IWC at the Barrow meeting. He asked whether or not the IWC would accept the data gathered by AEWG. Rep. Anderson replied that when Sen. Poland and Rep. Osterback heard the AEWG, the Alaska Department of Fish and Game had neither the capability or the staff to give accurate data on the whale population and the number of whales lost. The federal government stated that neither side has any answers and that the AEWG could gather data.

Rep. Cowper said that the AEWG may gather data, but should have the sanction of the IWC. Rep. Buchholdt was informed in June last year that there would be a ban after the September hearing. The State Department included Alaskan Eskimos as delegates in the United States membership at the conference. The information given at this conference was conjecture and from various opinions. Funding would be necessary to authenticate the account, to study improved hunting methods, to reduce the number of whales lost, and to get an accurate number of whales. Rep. Cowper stated again that the AEWG must have the sanction of perhaps the U.S. Fish and Wildlife so that the IWC accepts AEWG information.

The IWC has no jurisdiction on subsistence whaling, and Rep. Buchholdt felt that if the Alaska State Legislature cosponsor a bill addressing this issue than the AEWG would have more clout. This would impact the federal government. Rep. Hayes pointed out that House Joint Resolution 49 defines the goals and objectives of the AEWG. The appropriation implements the proposed plan, defines the extent and functions of the AEWG.

Rep. Nakak informed the committee that whaling captains were meeting with arms companies and manufacturers to improve antiquated hunting methods and guns.

Rep. Hayes told the committee that this bill should be reviewed before its gets to the House floor. Rep. Nakak replied that testimony material was not available and that the Alaska Department of Fish and Game has endorsed the AEWG management plan so that the Subsistence Committee does not have to convince the Department of Commerce or anyone else of the management plan. Rep. Anderson stated that House Bills 686 and 687 would go to the Resource and Finance Committees once they move from the Subsistence Committee.

Rep. Buchholdt said that House Joint Resolution 55 also addresses the whaling issue. HJR 55 requests the Secretary of Commerce to allocate adequate funding to a comprehensive long-term research program on the bowhead and other arctic whales; and to cooperate with

the State of Alaska and the AEW in the management of the bowhead conservation program. Rep. Hayes felt that he did not have adequate background and would like to get more information. Rep. Anderson said that there is no satisfactory background, but would get a tape of the joint meeting. There has been no action taken to date so House Bills 686 and 687 should move into the Resource Committee. Rep. Nakak moved to pass HB 686. Motion passed.

A motion was made to amend HB 687, Sec. 2 to read: " This Act takes effect March 1, 1978". Rep. Nakak moved to pass HB 687, motion passed.

HJR 49 endorses the AEW management plan and urges its full support before the International Whaling commission. Rep. Nakak said that the United States is not a whaling nation. The only people who hunt whales are represented by the AEW. The motion to move HJR 49 passed.

Rep. Buchholdt is very interested in HJR 55 and wishes the legislature to address the conservation of bowhead whale issue. The resolution asks the United States to address this problem. The Congressional delegation has Senator Ted Stevens assurance that they will cooperate in this venture so this resolution should pass to show that the Alaska State Legislature will cooperate. Rep. Nakek moved to pass HJR 55. Rep. Anderson will ask Speaker of the House Malone to refer this resolution to the House Resource Committee.

Discussion of HJR 48 followed. This resolution is a reflection of the desire of rural people who wish recognition of their need to hunt spring birds. They know that there will be considerable resistance to the spring harvest of migratory birds, but it is necessary to augment their food stores when airplanes are unable to land in rural areas. The resolution requests the President of the United States to amend existing treaties to conform to the approach taken in the recent U.S.-U.S.S.R treaty, allowing rural residents of Alaska to hunt migratory game birds in the springtime if consistent with the conservation of migratory birds stocks.

Rep. Buchholdt sees the need for spring hunting from her experience in traveling up north. She said that the treaty has no regard for Native people. The conservation aspects are important and a measure is necessary to protect the birds. Rep. Nakek gave strong support to the resolution, but stated that it is controversial and asked to hold it and not pass it. He felt that Rep. Cotten should have the opportunity to view the resolution and state his opinion to the committee.

A motion was made by Rep. Nakak to adjourn. Rep. Anderson informed the committee of the upcoming Citizen's Participation Conference in Juneau on February 23, 24, and 25. George Utermohle and Joe Guthrie were recognized and thanked for their work in the committee.

HJR 48 was held over for the next meeting. The meeting adjourned at 3:30 p.m.

Respectfully submitted,

Elizabeth C. Ali

Elizabeth C. Ali, Secretary