



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
Edward K. Thomas Building
9097 Glacier Highway • Juneau, Alaska 99801

CENTRAL COUNCIL OF TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA
Eighty-Third Annual Tribal Assembly
April 18-20, 2018
Juneau, Alaska

Resolution TA 18-41

Title: Request that the Federal Government Apply the Marine Mammal Protection Act in a
Manner Consistent with Tribal Sovereignty

By: Petersburg Tlingit & Haida Community Council

WHEREAS, the Central Council of Tlingit and Haida Indian Tribes of Alaska (Tlingit & Haida) is a federally recognized tribe with more than 30,000 tribal citizens; and

WHEREAS, since time immemorial, the Tlingit and Haida engaged in commerce along trade routes from Kodiak to California; and

WHEREAS, the Russian expedition of Vitus Bering in 1741 led to large scale commercial harvesting of sea otters in Alaska; and

WHEREAS, by the early 1900s, only thirteen remnant colonies of sea otters remained, none of which were located in Southeast Alaska, where they were locally extinct; and

WHEREAS, the 1911 International Fur Seal Treaty, signed by the United States, Russia, Japan and Great Britain (binding Canada), halted the commercial harvest of sea otters; and

WHEREAS, the populations of sea otters rebounded, but, without local populations, sea otters remained absent from the waters of Southeast Alaska; and

WHEREAS, between 1965 and 1969, the Alaska Department of Fish and Game experimented with the reintroduction of sea otters to Southeast Alaska, translocating approximately 400 sea otters from other parts of Alaska to six different locations in Southeast Alaska's coastal waterways; and

WHEREAS, Congress passed the Marine Mammal Protection Act (MMPA) in 1972, shortly after the translocation efforts, in part because, "certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities"; and

WHEREAS, Congress simultaneously acknowledged that “marine mammals and marine mammal products move in interstate commerce ... [and] have proven themselves to be great international significance, [a]esthetic and recreational as well as economic, and ... they should be protected and encouraged to develop to the greatest extent feasible ...”; and

WHEREAS, sea otters have a reproduction rate of at least 13% per year; and

WHEREAS, current estimates are that approximately 40,000 sea otters now reside across Southeast Alaska today; and

WHEREAS, the unchecked population growth of sea otters has been devastating to commercial, sport and subsistence harvests of shellfish; and

WHEREAS, the damage to the above fisheries has negatively impacted the economies of Southeast Alaska; and

WHEREAS, the Marine Mammal Protection Act (MMPA) exempts “Alaska [N]atives” from its prohibitions on taking and importing marine mammals and marine mammal products, elaborating that the prohibitions shall not apply to “any Indian, Aleut, or Eskimo who resides in Alaska and dwells on the coast of the North Pacific Ocean or the Arctic Ocean”, when takings are for specifically allowable purposes; and

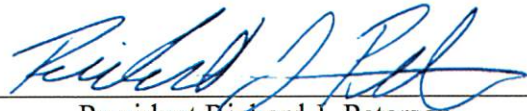
WHEREAS, the MMPA does not further define such Alaska Natives or Indians, Aleuts or Eskimos referenced above, nor does the MMPA require a blood quantum to qualify as such an Alaska Native or Indian, Aleut or Eskimo; and

WHEREAS, a one quarter blood quantum is only contained in the definition of “Alaska Native” in the regulations that accompany the MMPA (see 50 C.F.R. 18.3);

NOW THEREFORE BE IT RESOLVED, that that the Eighty-Third Tribal Assembly of Central Council of Tlingit and Haida Indian Tribes of Alaska delegation convened in Juneau, Alaska on April 18-20, 2018, hereby urges the federal government to apply the Marine Mammal Protect Act in a manner consistent with the MMPA's statutory language and remove the blood quantum requirement and recognize descendency that could be proven by tribal enrollment cards, BIA blood quantum certificates or other proof of descendency.

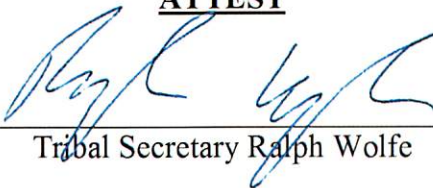
ADOPTED this 20th day of April 2018, by the Eighty-Third Tribal Assembly of Central Council of Tlingit and Haida Indian Tribes of Alaska.

CERTIFY



President Richard J. Peterson

ATTEST



Tribal Secretary Ralph Wolfe