

Marine Mammal Protection Act-

There's Still Time to Recommend Changes in Act

By LYNN CHAMBERS

There is still time to recommend changes in the regulations put out by the Department of Interior and Commerce covering the Marine Mammal Protection Act of 1972.

Each Department restricts the use of "improvement methods of production, using modern implements, such as sewing machines" in handicraft production.

If you think changes should be made, and I do, you should write to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C.

Are you not to be allowed make use of modern technology in your sewing, carving, living?

Outlawing use of mass production equipment is understandable, it would use up the supply of marine mammal products faster than may be ecologically safe, but modern implements such as sewing machines are totally operated by hand and by most authorities are not considered mass production devices.

The Act is regulated by two



U.S. Departments. The Bureau of Sport Fisheries & Wildlife, Fish & Wildlife Service, Department of Interior is responsible for enforcing the Act in regard to Polar Bear, Northern and Southern Sea Otter, Atlantic and Pacific Walrus, and several other mammals not found in Alaska waters.

The National Marine Fisheries Service, National Oceanic & Atmospheric Administration, Department of Commerce is responsible for enforcing the Act in regard to all other marine mammals covered in the Act

including Seals, Oogruk, Whale, etc.

The department of Commerce regulations which can be changed until February 21, when they will become final, include the following regulations about native exceptions:

216.2 Definitions.

(b) "Authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices, or other improved methods of production utilizing modern implements, such as sewing machines.

Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as cooperatives, is permitted so long as no large scale mass production industry results.

(f) "Indian, Aleut, or Eskimo" shall mean a citizen of the United States who is one-fourth

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degree or more of American or Alaskan Indian (including Tsimshian Indians enrolled or not enrolled in the Metlakatla Indian Community), Eskimo or Aleut blood, or combination thereof.

The term includes any such person either or both of whose adoptive parents do not fall within such definition. It also includes in the absence of proof of a minimum blood quantum, any citizen of the United States residing in the State of Alaska who is regarded as being an Indian, Aleut, or Eskimo by the native village or town in Alaska of which he claims to be a member and whose father or mother is (or, if deceased,

was) regarded as being an Indian, Aleut, or Eskimo by any native village or town in such State.

Any citizen enrolled by the Secretary of Interior pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Indian, Aleut, or Eskimo for purposes of this part.

(j) "Native village or town" shall mean any tribe, clan, group, village, community or association of Alaskan natives which the Alaska Native Claims Settlement Act or the Secretary of Interior finds eligible for land conveyances under subsection 14(a) of that Act.

216.9 Same-Taking and re-

lated acts by certain natives.

(a) Any marine mammal may be taken by an Indian, Aleut, or Eskimo who resides on the coast of the North Pacific Ocean or the Arctic Ocean in the States of Alaska, Washington, Oregon, or California, and no permit shall be required if the taking is:

(1) By Alaskan Natives for subsistence purposes of Alaskan Natives, or

(2) For purposes of creating and selling authentic native articles of handicraft and clothing and

(3) In each case, not accomplished in a wasteful manner.

In Addition, any such

Indian, Aleut, or Eskimo, and direct and indirect transferences of such native may incidental to such taking and disposition possess, and transport such marine mammal or a marine mammal product made thereof from and use any port, harbor or other place under the jurisdiction of the United States. No marine mammal taken pursuant to the subparagraph (2) of this paragraph may be sold except when transformed into authentic native articles of handicraft and clothing, provided that edible portions of such marine mammals may be sold in Alaska native villages and towns or for native consumption so long as,

in each case, no interstate commerce is involved.

(b) Notwithstanding the preceding provisions of this section, whenever, under the Act, the Secretary determines any species or stock of marine mammals to be depleted, he may prescribe regulations pursuant to section 103 of the Act upon the taking of such marine mammals by any Indian, Aleut, or Eskimo, and during the existence of such regulations, all takings of such marine mammals by such persons shall conform to such regulations.

The Department of Interior regulations became final on December 21, 1972. However, since their area of authority covers only Polar Bear, Otter, and Walrus here in Alaska, we don't have to be quite concerned. Their regulations governing Alaska Native use of Marine Mammal include:

18.3 Definitions.

In Addition to definitions contained in the Act and unless the context otherwise requires, in this Part 18:

"Act" means the Marine Mammal Protection Act of 1972, 86 Stat. 1027, Public Law 92-522.

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. section 1603 (b)(8) Stat. 588) as a citizen of the United States who is one-fourth degree or more Alaskan Indian (including Tsimshian Indians enrolled or not enrolled in the Metlakatla Indian Community, Eskimo, or Aleut blood, or combination thereof.)

The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives.

It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaskan Native by the Native village or Native town, of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town.

Any such citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

"Authentic native articles of handicrafts and clothing" means items which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices, or other improved methods of production utilizing modern implements, such as sewing machines.

Traditional native handicrafts include but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting.

18.23 Native exceptions.

(a) Taking. Notwithstanding the prohibitions of Subpart B of this Part 1 but subject to the restrictions contained in this section, any Indian, Aleut, or Eskimo who resides on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, if such taking is:

(1) By Alaskan Natives who reside in Alaska and such taking is for subsistence or

(2) For purpose of creating and selling authentic native articles of handicraft and clothing, and

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(3) In each case, not accomplished in a wasteful manner.

(b) Restrictions. (1) No marine mammal taken pursuant to this section may be sold or otherwise transferred to any person other than an Indian, Aleut, or Eskimo, or delivered, carried, transported, or shipped in interstate or foreign commerce by any person, unless

(i) It has first been transformed into an authentic native article or handicraft or clothing, or

(ii) It is an edible portion and sold in Alaskan native villages and towns.

(2) No person who is not an Indian, Aleut, or Eskimo may purchase or otherwise acquire or possess any marine mammal taken pursuant to this section except as permitted in this subsection.

(3) No person shall use any aircraft to take any marine mammal in violation of 16 U.S.C. 742j-1 Stat. 480, Public Law 92-150.

(c) Notwithstanding the preceding provisions of this section, whenever under the Act, the Secretary determines any species or stock of marine mammal be depleted, he may prescribe regulations pursuant to section 103 of the Act upon the taking of such marine mammals by any Indian, Aleut, or Eskimo, and during the existence of such regulations, all takings of such marine mammals by such persons shall conform to such regulations.