

# Natives have a right to use sea otters

To the Regional Director of the U.S. Fish and Wildlife Service:

Thank you for the opportunity to comment on the USFWS's proposed interception changes.

It is our opinion that it was, and is, the intent of the U.S. Congress to allow the harvesting of sea otters by Alaska Natives for subsistence usage, as well as the sale of authentic Native articles of handicraft and clothing.

We agree with Gilbert Olsen of the Sea Otter Commission that if a precedent is set by excluding the sea otter from such usage, it most certainly is a first step toward excluding all marine mammals from similar usage by Natives.

The argument set forth by the USFWS that sea otters were not being taken for handicraft or clothing uses and sale in 1972 when Congress passed the act and should not be eligi-

ble for Native usage today is unfair and unreasonable.

The only reason sea otters were not being taken or utilized prior to 1972 was that it was illegal.

What the USFWS now proposes would in effect penalize Alaska Natives for having obeyed this law. This result is a Catch 22 situation and to use this line of reasoning is inherently wrong.

The faunal remains from middens in the Aleutians clearly show sea otters have been harvested in pre-historical times.

This fact should be all the evidence of "traditional usage" needed to determine that Alaska Natives utilized sea otters prior to their usage being outlawed by previous legislation.

The exact historical usage or specific articles made from the sea otter by Native ancestors is not relevant;

what is important is that sea otters were traditionally used.

We would also like to address the USFWS's interpretation that the creation of sea otter teddy bears and other assorted items is not a traditional use which should not be allowed under Native exemptions. It is well documented by anthropological and archaeological studies that Natives have always used *any* material available in the creation of handicrafts and clothing and then traded and/or sold these items for subsistence.

If someone is not complying with the tagging regulations or is poaching sea otters, then the law provides for their prosecution. It is not necessary to place the burden of guilt and consequences on the livelihood and well-being of all Natives.

It is the job of the USFWS to enforce the laws and regulations and not

to change those laws; they are incapable of doing so. Perhaps, if the USFWS spent more time in the field and less time in the gift shops and minds of the people, they could do a better job of enforcement.

The sea otter is not an endangered species at this time. In fact, in many coastal village areas the otters are so numerous that they effectively strip these areas of edible sea creatures.

We believe there is no danger of depleting the sea otter through Native handicraft and clothing usage. Effective enforcement of the existing USFWS regulations is all that is needed to maintain the sea otter population.

Sincerely,  
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