

Cowper: Reconsider sea otter restriction

To Interior Secretary Manuel Lujan:

The U.S. Fish and Wildlife Service recently brought to a close an extended comment period on a controversial rulemaking affecting the rights of Native Alaskans.

In a proposal to amend regulations promulgated under the Marine Mammal Protection Act, you would prohibit Alaska Natives from taking sea otters to make authentic handicraft articles for sale. Although the State of Alaska is on record in the context of the rulemaking, I wanted to take this opportunity to communicate to you directly my opposition to this proposal.

The service is proposing to redefine "authentic Native articles of handicrafts and clothing" to exclude any items made from sea otters. The new definition would preclude Native Alaskans from selling any articles crafted from sea otters. The agency

maintains this exclusion is necessary because Alaska Natives have not historically produced and sold such handicrafts or clothing.

There are several reasons why this action is not warranted. There is no biological justification for the restriction, since Alaska sea otter populations are healthy. The level of take by coastal Natives is quite small.

Absent a conservation concern, the service relies instead upon a reinterpretation of the MMPA's subsistence take exemption that, in our view, ignores the clear historical record. Alaska Natives have used sea otters as a natural resource whenever and wherever they have been available, and that use is well documented in the ethnographic literature.

We concur with the service's concern that clarification of the rules is necessary following recent court decisions that call out for more precise

guidelines on the taking of Alaska sea otters under the subsistence exemption. However, the conclusion the agency has drawn after its administrative review appears to distort the historical record in order to arrive at a desired end.

We would like to see the Fish and Wildlife Service abandon this restrictive approach, with its severe cultural, economic and legal consequences, and instead work with affected parties toward an agreeable solution.

For example, last year Alaskans concerned about the health of sea otter populations formed the Sea Otter Commission to develop constructive relationships between sea otter users and state and federal management agencies.

Other useful consultations could be pursued with the department's own Indian Arts and Crafts Board (which opposes the rule) and the Smithsonian In-

stitution, with whom we have worked successfully in the past to resolve conflicts over the crafting, labelling and sale of authentic Alaska Native articles.

Mr. Secretary, I urge you to take this opportunity to keep this proposed rulemaking from widening the gaps between Native Alaskans and the agencies that manage the natural resources they use for subsistence. Let us instead pursue a means to address the technical concerns of the agency, while ensuring that we keep the promise Congress made in the Marine Mammal Protection Act to preserve the culture of coastal Alaska Natives and to provide them economic opportunities, as well.

Thank you for your attention to this important matter.

Sincerely,
Gov. Steve Cowper
Juneau