

Marine Mammal Protection Act

The U. S. Fish and Wildlife Service in Alaska has been given the responsibility for administering portions of the Marine Mammal Protection Act of 1972 recently enacted by Congress; specifically, these mammals are walrus, polar bear, and sea otter.

This Act and the regulations which were published in the Federal Register on December 21, 1972, are currently in effect and have many implications concerning the taking of marine mammals.

The following highlights of the Department of Interior Regulations should answer questions now being asked by coastal residents. Information regarding seals, sea lions, and whales, which are under the jurisdiction of the Department of Commerce may be obtained from National Marine Fisheries Service, P. O. Box 1008, Juneau, AK 99801.

The Act establishes a complete moratorium on the taking and importing of all marine mammals. The one exception is for Indians, Aleuts, and Eskimos who dwell on the North Pacific Ocean and Arctic Ocean providing it is for subsistence, for the purposes of creating authentic native articles of handicrafts and clothing, and in each case is not accomplished in a wasteful manner.

Subsistence, as defined in the Regulations, means the actual use of marine mammals for food, clothing, shelter, heating, transportation, and other uses necessary to maintain life of the taker or for those who depend upon the taker to provide them with subsistence.

Authentic native articles of handicraft and clothing means items which were commonly produced on or before December 21, 1972.

Wasteful manner means any taking or method of taking which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence purposes or for the making of authentic native articles or handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.

Section 18.23 Native Exceptions (b) Restrictions reads as follows: "(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 Alaska 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..."

In brief this means Congress has made special provisions for Alaska Natives to continue taking marine mammals for their way of life; however, they require the people to use all of the animals they kill.

Every effort must be made to bring in the meat of all walrus taken and does not allow the killing of animals for just the tusks.

It allows the sale or barter of

(Continued on page 9)

Marine Mammal...

(Continued from page 8)

ivory between Natives but does not provide for non-natives to buy, acquire, or possess ivory or any other parts of marine mammals until they have been transformed into authentic native articles of handicraft or clothing. This includes polar bear hides.

Hopefully, the Native people will live within the framework of the special exemption provided for them by Congress. The U.S. Fish and Wildlife Service wants to assist everyone to understand the law and asks for the cooperation of all in complying with the regulations.

Any questions should be directed to U.S. Game Management Agent-in-Charge Ray Tremblay, Fish & Wildlife Service, 813 D Street, Anchorage, AK 99501, or phone 265-4808.