

Senate Committee on Commerce, Science, and Transportation  
Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard

**Testimony of Michael Miller, Chair, Indigenous Peoples Council on Marine Mammals**

Washington, D.C.  
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The Indigenous Peoples Council for Marine Mammals (IPCoMM) is a coalition of eighteen (18) Alaska Native marine mammal commissions, councils, and organizations. It was formed in 1992 for the purpose of identifying and addressing marine mammal issues of common concern. Our membership stretches from the northernmost town in the United States, Utqiagvik (formerly Barrow) on the banks of the Arctic Ocean, down the Bering Sea coast out to Attu Island at the end of the Aleutian chain, and along the Gulf of Alaska past Ketchikan in southeast Alaska. Alaska's coastline is 6,640 miles long, which is longer than the coastlines of all other states combined. Including islands, our shoreline is 33,904 miles long. As you can imagine, the ocean and its bounty is part of the fabric of life for our communities. As of the 2010 U.S. Census, the total population in Alaska was 710,231, of which Alaska Natives comprise about 20 percent. Over the course of as many as 10,000 years in some villages, our communities have been stewards of the lands and resources that form the basis of who we are as distinct peoples. Our solemn commitment to serve as stewards for the marine mammals that have sustained our people for many generations is strong, and we co-manage these resources with our children, grandchildren and future generations in mind.

The Marine Mammal Protection Act (MMPA)<sup>1</sup> prohibits the hunting of all marine mammals in federal waters, in addition to other forms of taking marine mammals.<sup>2</sup> The MMPA contains a provision referred to as the "Native exemption," which provides that the prohibition of marine mammal takes does not apply to Alaska Natives who reside in Alaska and dwell on the coast, if such take is for subsistence purposes, for purposes of creating and selling "authentic native articles of handicrafts and clothing,"<sup>3</sup> and is not accomplished in a wasteful manner.<sup>4</sup> It is under the Native exemption that Alaska Native peoples across the state are able to continue to hunt and use marine mammals, which are critical to our nutritional, cultural, mental, and spiritual wellness.

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<sup>1</sup> 16 U.S.C. § 1361-1423h.

<sup>2</sup> 16 U.S.C. § 1372.

<sup>3</sup> Defined in 50 CFR 18.3.

<sup>4</sup> 16 U.S.C. § 1371(b).

The National Marine Fisheries Service (NMFS) within the Department of Commerce is charged with regulating whales, seals, and sea lions. The Fish and Wildlife Service (FWS) in the Department of the Interior regulates polar bears, sea otters, and Pacific walrus. Under Section 119 of the MMPA, NMFS and FWS and certain Alaska Native organizations have cooperative agreements in place to conserve and co-manage Alaska Native subsistence uses of specific marine mammals.<sup>5</sup>

Avoiding depletion of a marine mammal stock is a primary shared goal of the MMPA and one of the most significant areas of co-management between Alaska Natives and the managing federal agencies. Under the MMPA, if a species or stock of marine mammal is “depleted,”<sup>6</sup> the appropriate department can restrict or regulate Alaska Native subsistence hunting.<sup>7</sup> As co-stewards of marine mammals, some Alaska Native organizations have developed harvest management plans as tools to guide and promote sustainable harvests and ensure the opportunity to continue their cultural, economic and nutritional way of life. However, this essential tool is not being fully utilized. All Alaska Native organizations need clear and enhanced authority, and sufficient capacity and funding, to develop management plans well in advance of any threat to the conservation of the stocks. These plans are particularly vital with the growing impact of climate change in the Arctic and on the marine mammal stocks in Alaska. We believe that the MMPA is a strong statute as written, and great care should be exercised before any amendment is considered that would impact the subsistence harvest and management rights that are currently protected in the Act. If, however, amendments were to be considered, IPCoMM would want to discuss including language strengthening the authority and funding for Alaska Native co-management organizations to fully develop, implement and enforce harvest management plans.

Subsection (d) of Section 119 authorized appropriations to both federal agencies to carry out cooperative agreements from 1994-1999. For ten years now, there has not been a specific appropriation to implement cooperative agreements. Each agency does its best to find funding to commit to cooperative agreements, though it is on a year-by-year basis. The FWS budget does not include a specific line item for cooperative agreements. NMFS has a cooperative agreements line item, though it is typically insufficient to meet needs. The result of this budget reality is that there is a tremendous amount of uncertainty around funding, with multiple negative impacts. It is difficult to plan and carry out important work around the species themselves – for example, population monitoring is something that needs to occur on a multi-year basis to produce meaningful data. It can be difficult to recruit and retain high quality professionals to carry out the work of our co-management organizations and cooperative agreements with NMFS and

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<sup>5</sup> 16 U.S.C. § 1388.

<sup>6</sup> 16 USC 1362(1)(A)-(C).

<sup>7</sup> 16 U.S.C. § 1371(b)(3).

FWS. There is consistently insufficient funding to engage in succession planning; there is typically funding for one executive director in an organization and no funds for a high caliber person for the executive director to hire and mentor to perform the unique work of an Alaska Native marine mammal co-management organization. Finally, Alaska Native organizations with cooperative agreements covering different species are required to compete with each other for funding. A solution to this funding predicament would be to update subsection (d) to authorize appropriations for a particular multi-year period as was done in the past. Congress could also create a line item that resulted in multi-years blocks of funding coming directly to the Alaska co-management organization rather than being sifted through the budget of a federal agency.

Thank you very much for the opportunity to submit testimony. Guanlchéesh (thank you in Tlingit).