

Marine Mammals: A New Era?

by Lloyd Lowry



ADF&G Staff

Three marine mammal species in Alaska are the focus of special attention this month: polar bear, Pacific walrus, and sea otter. Within a matter of weeks, ADF&G will have made a recommendation to Governor Steve Cowper as to whether or not the State of Alaska should request from the federal government return of management authority for these three species.

History of Management

Marine mammals have always been valuable and important resources to Alaskans. They have been hunted for their meat, skins, ivory, or other parts; they interact with fisheries; and they live in areas that may be affected by human activities. They are also high-profile species of national and international concern.

Shortly after statehood in 1959, in recognition that marine mammals were important, the newly created Alaska Depart-

ment of Fish and Game (ADF&G) established a marine mammal research and management staff. State programs conducted from 1959 through 1972 were varied and complex. Major accomplishments included: developing conservation programs for each marine mammal species; resolving conflicts between marine mammals and fisheries; reintroducing sea otters in areas where they were formerly abundant; eliminating control programs which involved the direct and wasteful killing of seals and sea lions; eliminating the seal bounty; passing regulations, in cooperation with hunters, which allowed the walrus population to increase rapidly from depletion caused by excessive commercial hunting; monitoring harvests and conducting research; developing recreational and commercial uses; initiating public education and information programs.

In 1972, the U.S. Congress passed the Marine Mammal Protection Act (MMPA), which placed all marine mammals under federal protection and withdrew management authority for



ADF&G Staff

marine mammals from coastal states. The U.S. Fish and Wildlife Service (USFWS) was given authority for polar bears, walruses, and sea otters, and the National Marine Fisheries Service for seals, sea lions, and whales. Although intended as a conservation measure, strict provisions of the MMPA, in some cases, have inhibited effective management of the very species they were designed to protect.

The MMPA, as passed in 1972, allowed for the transfer of management authority back to the states. Since ADF&G already had conservation and management programs in place for 10 marine mammal species, Alaska immediately requested the return of management authority for those species. Alaska's request was the first test of what proved to be a difficult process.

In 1973 Alaska submitted management plans and proposed regulations to federal agencies and in 1976-77 took part in extensive hearings before a federal administrative law judge to determine the population status of the 10 species. In April 1976 management of walruses was returned to the State.

The transfer of management for walruses was a "test case" and the results were disappointing. Because federal regulations required the state to impose inflexible quotas, the state was not allowed to liberalize hunting regulations even though the walrus population had increased to the point where it was beginning to stress its food resources. Proposed federal regulations for state management of the other 9 species also contained restrictive provisions that allowed little flexibility. Rather than move deeper into an unworkable situation, the state returned management authority for walruses to the federal government in August 1979.

In 1981, the MMPA was amended to clarify and streamline the process for transfer of management authority from the federal agencies to the states. Any state program would still have to comply with the MMPA, but the states would be responsible for evaluating population status and designing regulations needed to maintain healthy populations. The regulations needed to implement these 1981 amendments were not published until 1983.

Since 1983, ADF&G has taken a serious look at the advantages of state management to the marine mammals and to

Alaskans. Public meetings were held in over 40 communities of the state during 1984 and 1985 to hear what Alaskans thought about state management of marine mammals. The public meetings identified a number of concerns, including whether the state could afford a marine mammal management program, the need for management to respond to local needs and issues, and that management should be based on sound biological principles.

The Reevaluation Process

Earlier this year, Governor Steve Cowper asked ADF&G to reevaluate the state's position—one that had considered management of ten species of marine mammals. Fourteen years have passed since the state's first request for return of management. During this time, there have been significant changes in the state's financial situation and in the status of some marine mammal populations. It was an appropriate time for reevaluation.

Five criteria were used to recommend which, if any, marine mammal species should be managed by the state. They were:

1. Are populations healthy and within optimum sustainable population (OSP)?
2. Do conservation issues exist which can best be addressed by state management?
3. Could a state management program be effective?
4. Is there public support for state management?
5. Is a state management program economically feasible?

Based on these criteria, ADF&G recommended that a state program is feasible for three species: polar bears, walruses, and sea otters.

- **Polar bear**—USFWS estimates that there are approximately 5,700 polar bears in Alaska. The polar bear population has been relatively stable since 1960 and is within the OSP range. Important conservation issues include a need to protect female polar bears with cubs and polar bear denning areas, and to ensure that harvests are within sustainable limits. The United States signed an international agreement in 1976 on the Conservation of Polar Bears, but has been unable to fulfill its requirements because the MMPA does not allow regulation of Native harvest unless a species is depleted. Alaska had an effective polar bear management program prior to the MMPA which regulated and monitored the harvest and prohibited the taking of sows with cubs. The state presently manages brown and black bear populations on a sustainable basis. Polar bears are a valuable resource and state management would continue to provide for subsistence uses; it could also provide for some economic opportunities, especially for coastal residents of western and northern Alaska.

- **Pacific Walrus**—Walruses are abundant and may be at the maximum level the environment can support. Based on aerial surveys in 1985, there are approximately 234,000 Pacific walruses. Scientists don't know whether the population will continue to grow, remain stable, or decline. There is a need to determine the population trend and ensure that harvests are sustainable. Walruses are harvested along the coasts of Alaska and the Soviet Union, and management should include inter-



ADF&G Staff

national cooperation. State management of walrus from 1959-1972 enhanced recovery of the population after it had been depleted by commercial hunting. Given their present status, walrus could be managed to make sure the population stays healthy. Coordination with user groups would be very important. Walrus are a very significant subsistence resource and a major source of income to coastal residents of western and northern Alaska. State management would continue to provide for subsistence uses while also providing hunters more options in using the walrus resource.

- **Sea Otter**—The population of sea otters in Alaska is large and growing. In 1976, the last time otters were surveyed, there were estimated to be 100,000-150,000 in the state. Since then, density of otters has increased in many areas and the total population is probably larger. Otters feed on shellfish and their expansion into certain areas has caused, and will continue to cause, the loss of some important fisheries. Sea otters are harvested for subsistence and taken incidental to commercial fisheries. That take should be monitored. There is an immediate need to systematically evaluate sea otter conservation issues and conflicts, determine what issues Alaskans think are most important, and address solutions from an Alaskan perspective. A zonal management plan which would protect otters in some

areas and possibly restrict them in other areas should be developed and evaluated to determine whether state management could accommodate the concerns of most interest groups. Certain areas could be set aside to protect sea otters and provide optimum viewing opportunities. Conflicts with fisheries could be addressed and possible solutions could be proposed and discussed to determine whether they are feasible.

The other species (seals, sea lions, and belukha whales) did not satisfy the criteria for a variety of reasons. Because of a lack of research funding in recent years, the data on population status of belukha whales, spotted seals, ribbon seals, and bearded seals is very poor and probably not adequate to allow the required OSP determination. The data are better for Steller sea lions and harbor seals, but the information indicates that populations are declining for unknown reasons. If these species were found to be below OSP, the MMPA would prohibit state management. Adequate research programs would be very costly. Ringed seal populations are large and healthy, but there are presently no major conservation issues that require state management.

What State Management Would Mean

The goal of state marine mammal management would be to implement organized and scientific conservation and management programs for polar bears, walrus, and sea otters—programs which would take into account questions of habitat protection, industrial development, interactions with fisheries, and harvesting. Some parts of a state management program would be determined by the MMPA and other legislation and agreements, but a wide variety of management options could be considered.

The issue of marine mammal management has often been portrayed as "State versus Federal." That is not the type of arrangement envisioned by the designers of the MMPA and required by its provisions. When requested, the federal agencies may transfer certain management authorities to the state. However, the federal agencies are still obliged to ensure that all parties, including a state management agency, comply with the MMPA, and they must monitor and issue permits for a variety of actions that occur in federal and international waters. Also, they are authorized to continue research programs needed to ensure the long-term health of populations. A state agency, after it resumes management, can allow and regulate harvest (as provided for in the MMPA), monitor and permit various activities in state waters—such as incidental take associated with coastal fisheries—and conduct necessary research.

Funding would also require a cooperative approach. The MMPA states that the federal government can fund up to 50 percent of the costs of a state management program and 100 percent of the costs of state-conducted research. In order for Alaska to implement a management program, it would be necessary for Congress and federal agencies to provide the funding support that is authorized by the MMPA. Continued federal support of USFWS research and management programs must be ensured. Also, Alaska's legislature would have to fund the state portion of management costs.

The MMPA does not allow federal agencies the flexibility necessary to respond to many of the problems that may occur involving resource development, fisheries interactions, hunting, or other marine mammal concerns. Because of this, various Alaskan organizations have begun the important process of user-based management planning. In May 1987, the Eskimo Walrus Commission (EWC), ADF&G, and USFWS signed a Memorandum of Agreement relating to cooperative conservation and management of the Pacific walrus population. Similarly, in September 1986 the North Slope Borough Fish and Game Management Committee and the Inuvialuit Game Council (which represents residents of the western Canadian Arctic) signed a Memorandum of Understanding on the management of Beaufort Sea polar bears.

These events have set the stage for what could be an effective management partnership, one that could provide for long-term conservation of polar bears, walruses, and sea otters while balancing national and international concerns with those of Alaskans. In this partnership, federal agencies would conduct research on the species, regulate most activities in federal waters, and make sure that the state management program complies with the MMPA and other legislation. State agencies would conduct complementary and cooperative research programs, regulate most activities in state waters, and provide a framework for implementing conservation and management programs with public input. The Alaska Board of Game would take public comments, hear proposals, and make decisions about marine mammal management. The Board could establish a special marine mammal advisory committee to study marine mam-

mal issues, develop management options, and make recommendations to the Board. Interested groups and user groups such as EWC would cooperate in research and management planning, and coordinate interest and user group input into the management process.

If the state decides to apply for management, an application will be submitted to USFWS which describes the laws and procedures that Alaska uses to manage wildlife. The state must also show how it will comply with the MMPA. If USFWS approves the application, it will then transfer management authority to Alaska. However, no changes could occur in how marine mammals are managed until the Alaska Board of Game held OSP hearings (possibly in fall of 1988) to evaluate the population status of each species. Only after the OSP hearings could the Board, the public, and ADF&G develop and implement whatever management plans are considered appropriate at that time. Meanwhile, it would be necessary to get funding commitments from both state and federal sources, gather data for OSP hearings, and work on cooperative management planning.

Alaskans are now being asked to voice their opinion. Their statements, being expressed in meetings around the state, will help shape the decision ADF&G carries to the Governor. A new chapter in marine mammal management could be the result, one ending 14 years of unresolved discussion.

Lloyd Lowry, A Game Biologist with the Division of Game, ADF&G, Fairbanks, serves as the state's Marine Mammal Coordinator.

ADF&G Staff



v. 19(6), Nov-Dec 1987

Alaska Fish & Game

November-December 1987

\$2.00

