

REPORT AND RECOMMENDATIONS REGARDING  
THE STATE OF ALASKA'S ROLE  
IN MANAGEMENT OF MARINE MAMMALS

Alaska Department of Fish and Game  
Division of Game

Prepared by:

W. Lewis Pamplin, Jr.  
Lloyd F. Lowry  
and  
Kathryn J. Frost

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## INTRODUCTION

Since Alaska achieved statehood in 1959, the Alaska Department of Fish and Game (ADF&G) has been involved in the management of certain species of marine mammals. Significant programs were developed for 10 species: polar bear; walrus; sea otter; belukha; Steller sea lion; and ringed, bearded, ribbon, spotted, and harbor seals. Passage of the Marine Mammal Protection Act (MMPA) in 1972 withdrew management authority from the state and charged federal agencies with conservation and management of marine mammals. The MMPA contained provisions (Section 109) which allowed for the transfer of management authority to coastal states. In 1973, Alaska requested return of management authority for the 10 species. Alaska received management of walruses in 1976 and resumed a walrus research and management program. Management authority was returned to the U.S. Fish and Wildlife Service (FWS) in 1979 because of the administrative complexities of the MMPA.

In 1981, amendments were made to the MMPA which clarified and streamlined the process by which a state could obtain authority to manage marine mammals. Since the amendments, the issue of whether or not Alaska should resume management of certain marine mammals has received a considerable amount of attention from the public, professional resource managers, and administrators. In 1984-85, public meetings were held in 48 communities in Alaska to discuss this issue and solicit public input. The decision of whether to apply for management was postponed due to several factors including the state's uncertain financial situation.

Early in 1987, Governor Cowper requested ADF&G to reevaluate the issue of state marine mammal management and provide a recommended course of action. The department prepared an issue paper in which they concluded that the state should consider pursuing management of only polar bears, walrus, and sea otters. Continued state involvement with the other 7 species was desirable, but a variety of factors precluded an actual state management program. This approach was approved by the state administration.

In October and November 1987, ADF&G staff held or attended 29 meetings (Appendix I) to inform the public regarding the new approach to state marine mammal management and to identify public concerns relative to conservation and management of polar bears, walrus, and sea otters. This report presents a summary of the public input, describes options, and provides recommendations regarding the state's future role in marine mammal conservation and management.

## ANALYSIS OF ISSUES

Concerns regarding management of marine mammals were identified through meetings with the public, representatives of diverse interest groups, and other agency and professional personnel;

through written comments which were mailed to department staff; through comments made by telephone or in person; and through a detailed internal analysis by department personnel. Public input regarding various issues is discussed in detail in Appendix II. Major issues can be grouped into five broad categories and are summarized below.

- A. Funding. The availability and sources of funding for a state marine mammal management program were identified as major concerns by virtually all interested parties. Major questions included: whether the Alaska Legislature would allocate the necessary funds on a continuing annual basis; whether federal funds would be available on a continuing annual basis; if funds were not adequate to conduct necessary research, would management options be unduly restricted because of lack of data; could budget shortfalls severely impact the state's ability to enforce regulations; and would state funds be better spent on other species that are now receiving less attention, or increase support to ongoing cooperative management efforts?

As part of the FY89 budget planning process, the Division of Game prepared a budget increment which includes state and federal funds required for research and management programs for polar bears, walruses, and sea otters. Department personnel have discussed funding with federal agencies, staff from Alaska's congressional delegation, and others. There has been no firm commitment of funding. Instead, we have been cautioned that even if funds are secured for the first few years, a long-term commitment is unlikely. Thus, funding is still problematic. This does not preclude the state's filing an application for management, but without funding a viable management program could not be implemented. Also, budget shortfalls could later preclude adequate data collection, population monitoring, public involvement, and enforcement. Obtaining adequate long-term funding would require strong support from the state administration, the Alaska Legislature, Alaska's congressional delegation, and the general public.

- B. Management Structure and Regulatory Processes. All interested parties were concerned about how management would actually work. Many public comments indicated dissatisfaction with the existing Board of Game process, including a concern that local or general public input is not adequately considered; that the basis for board decisions is often unclear; that the board is strongly oriented toward sport hunting interests or subsistence uses; and that the board is already overloaded. Many groups suggested an independent "Marine Mammal Board" as a solution to the problem. Regardless of how the present board system might be modified, cooperative management, involving not only state and federal agencies but also user and other interest groups, was generally considered essential in

any management regime. Local people wanted to be ensured of their involvement in research, management, and planning. However, there was concern whether the existing game management framework could accommodate cooperative management planning, what form it would take, and how it would interface with already active groups such as the Eskimo Walrus Commission (EWC).

There were a variety of concerns about state/federal interactions, including whether there would be too little or too much federal oversight, whether the state could ensure federal cooperation in conducting necessary research, whether there would be too much local input which would override the intent of the MMPA, and whether the federal agencies would make unrealistic demands regarding data collection and reporting.

It was clear from public input that some form of cooperative management planning is a requirement for a successful marine mammal management program. In fact, this process is already ongoing through the state's participation in and commitment to the Memorandum of Agreement with the FWS and the EWC regarding walrus management. However, this concept is in the developmental stage in Alaska, and much work would be required to develop satisfactory programs.

Some of the perceived problems with the Board of Game could be alleviated by creating a special marine mammal advisory committee, which would include representatives of user and other interest groups; by holding board meetings in coastal regional centers; and by clarifying how decisions are made and the respective roles of the board and ADF&G. Unlike creation of a Marine Mammal Board which would require legislative action, establishment of a Marine Mammal Advisory Committee could be done by the Board of Game. However, the actual role of an advisory committee and the influence of its recommendations are not clear at this time.

Interaction between state and federal agencies is necessitated by the process for transfer of management, whether or not federal funding support is needed. It is anticipated that agency personnel could work together to design research necessary in support of management programs. However, there is no guarantee that funding for existing FWS marine mammal research programs would be available in the future if the FWS did not have primary management responsibility.

- C. Use of the Resource. Who would have the opportunity to use marine mammals and marine mammal products, the status of the Native exemption under state management, whether the subsistence preference would be adequately protected, and whether state management would result in increased harvest or competition among users were the primary concerns regarding use of these resources. There were also

substantial concerns about how economic benefits from marine mammals might change, what effects state management would have on the Native handicraft industry, whether added economic values would compromise conservation of the species, and whether and how guided hunting might occur.

Under the Alaska Constitution, the opportunity to use sea otters, polar bears, and walruses could not be based on ethnic background. In 1979, Alaska passed a law which states that subsistence use of fish and wildlife will be the priority use. This law, as amended in 1986, satisfies requirements of the MMPA that subsistence be the priority use of marine mammals in Alaska, but differs from the Native exemption under the existing MMPA in that subsistence preference is based on rural residency and customary and traditional use of the resource. For some species, particularly sea otters, state management could result in many more potential subsistence users than under the present system. We cannot predict what effects this change would have on communities whose economies rely heavily on the sale of Native handicrafts, because the evaluation of which communities qualify for subsistence must be done by the board on a case by case basis.

Under state management, it would be possible to allow the sale of certain marine mammal products, as long as this did not result in unacceptable levels of harvest. Because the MMPA requires that maximum allowable take of a species would be determined through hearings to evaluate population status, maximum harvest levels could not be set based on economic needs. Increased economic opportunity, however, would necessitate more carefully controlled harvests and would increase competition among users.

Although guiding and the opportunity to guide were of broad concern, it is likely that a state management program could satisfactorily address these issues. The Guide Board has passed draft regulations establishing a special category of marine mammal guides. The intent of these regulations and of the MMPA is to provide opportunity for coastal marine mammal hunters to serve as licensed guides and to provide economic benefit to rural communities. If guided hunting were allowed, it would be on a permit basis to ensure that the harvest was biologically sound and the MMPA would require that it did not interfere with subsistence.

- D. Ability of the State to Manage. Many comments dealt with whether the state could or would do what it said regarding marine mammal management. These included whether and how changing political administrations would affect state policy on subsistence and the balance between conservation of and economic gain from natural resources; whether there was adequate public support, especially from user groups, for the state to implement an effective program; whether the

state had the resources necessary for enforcement; whether controversy among diverse special interest groups would impair the state's ability to implement a management regime; and whether the state system was flexible enough to incorporate concepts of cooperative management, traditional use patterns, and innovative approaches to allocation, monitoring, and reporting.

It is not possible to predict how politics or legal challenges would impact a state program. The state currently has an effective management regime for resident species that has functioned for over 25 years through changing administrations, changes in public opinion, and legal challenges. However, because marine mammals have been hunted only under the Native exemption of the MMPA for the last 15 years, resumption of state management would require many unusual considerations. Also, a state management program would be subject to federal oversight to ensure compliance with the unique policies and provisions of the MMPA.

- E. Conservation Concerns. Two primary concerns regarding conservation issues were identified. The first was the present lack of conservation and management plans for marine mammal species and the need to establish acceptable means to regulate the harvest of marine mammals before a species becomes depleted. Second was the concern that in choosing to manage polar bears, walrus, and sea otters, the state would devote limited staff and money to only these three, which are apparently healthy and at high or stable population levels. Thus, the state would be unable to address critical issues such as declining fur seal, seal lion, and harbor seal populations; fishery-marine mammal interactions; and bowhead whales.

#### OPTIONS

- A. Submit an application to FWS for return of management for polar bears, walrus, and sea otters.

A draft application for return of management authority for 10 species was prepared in 1984. This draft could be updated and revised to reflect a request for management of only 3 species. The application would be submitted to FWS which would review the proposed state program to ensure compliance with the policies and provisions of the MMPA. If the application were approved, management authority would remain with the FWS until such time that the state held hearings to evaluate population status and determine allowable harvests. Prior to holding the hearings, it would be necessary to secure funding, develop management plans, and attempt to accommodate the significant concerns identified in the previous section. Estimated costs to the

state are approximately \$230,000, assuming maximum allowable federal funding. This represents an increase of \$94,000 over the existing program. If federal funds were not available, management costs to the state would increase to about \$450,000 annually.

B. Terminate efforts at regaining state management.

If Alaska does not intend to be involved in either unilateral or cooperative management programs for marine mammals, it is essential that federal agencies work with user groups to develop such programs. The state should encourage and where possible facilitate the development and implementation of management plans that will ensure long-term conservation and sound management of the resources. Estimated costs to the state are \$136,000 annually which represents the cost of the existing marine mammals program.

C. Develop management programs in cooperation with federal agencies and other interest groups.

Section 109(k) of the MMPA authorizes federal agencies to enter into cooperative arrangements with states to administer and enforce the MMPA. In May 1987, the ADF&G, FWS, and the EWC signed a memorandum of agreement to facilitate cooperative conservation and management programs for Pacific walrus. Development of a management plan has begun under the auspices of this agreement. The state could initiate or become involved in other cooperative arrangements, however, the state's participation would not be required and it's role would be purely advisory. Estimated costs to the state are approximately \$170,000 annually. This represents an increase of \$34,000 over the existing program.

D. Establish a system that would encourage and allow state and federal agencies to develop cooperative management programs.

The optimum system for developing conservation and management programs for marine mammals in Alaska would involve the appropriate federal agencies (FWS and National Marine Fisheries Service), ADF&G, user groups, and the general public. The federal agencies have ultimate authority over marine mammals and will continue to have such authority regardless of what actions are taken by the state or other groups. While federal agencies are allowed to enter into cooperative agreements as described under Option C, their participation is voluntary and the role of other parties is largely advisory. A more desirable system would give all groups a formal role in the process from establishing priorities through the formulation of policy to the implementation of comprehensive management programs.



The Pacific Marine Fisheries Commission has proposed an amendment to Section 109 of the MMPA which would allow state/federal cooperative management programs. However, it is unclear how the co-management plans would be implemented (i.e., to what agency would management authority be transferred?). As proposed, the process would involve all complexities inherent in Section 109 requirements. An alternative would be the creation of an Alaska Marine Mammals Council which would be charged with development of management plans for all marine mammals of concern (Appendix III). This council would include representatives from federal and state agencies, and major interest groups. Plans would be submitted to the Secretary of the appropriate agency (Interior or Commerce) for approval, and would be implemented through normal federal procedures or through cooperative agreements. Estimated costs to the state are \$248,000. This represents an increase of \$112,000 over the existing program, of which approximately \$26,000 would be for state funding of a proposed Marine Mammal Advisory Committee.

#### RECOMMENDATIONS

The options presented in the previous section describe a range of alternative levels of state involvement in marine mammal management. We make the following recommendations regarding those options based on our analysis of the needs for conservation of the resources, fiscal and legal constraints, and the concerns expressed by the public. It is the state's goal to facilitate sound conservation and management of marine mammals in a non-divisive manner, regardless of who has actual management authority.

Option A provides for a move toward state management of walrus, polar bears, and sea otters through an application for transfer of management authority from the FWS. If the application were approved, the ADF&G would have to develop management plans (in cooperation with other interest groups), initiate several legislative and regulatory actions, secure funding, hold hearings before the Board of Game, and implement research and management programs. The Division of Fish and Wildlife Protection would be required to expand its responsibilities for enforcement of regulations pertaining to marine mammal management.

The state would have primary responsibility for all aspects of the program, but would be required to coordinate many activities with federal agencies and would be subject to federal oversight. For example, a cooperative allocation agreement which would provide for the allocation of allowable taking between state and federal waters is required under Section 109(d) of the MMPA. The state would have to submit annual reports to the FWS, and the Secretary of Interior could revoke the transfer of management authority if he determined that the state's program

was inconsistent with the MMPA. We reject this option because of uncertainty regarding the availability of long-term funding, various administrative and legal complexities, and the fact that a viable state management program of 3 species would largely preclude state involvement in other important species and issues.

Option B would terminate state efforts at regaining management authority under section 109 of the MMPA and minimize state involvement in management planning. Management plans, if developed, would be prepared by federal agencies with some input from user groups. The ADF&G marine mammal staff would limit their involvements to issues such as marine mammal-fishery interactions, habitat protection, and existing commitments such as the walrus memorandum of agreement. We reject this option because we, and much of the Alaskan public, believe that sound management plans need to be developed, and the state has expertise in marine mammal biology and wildlife management procedures which should be incorporated into marine mammal management plans.

Option C would also terminate state efforts at regaining management authority under Section 109 of the MMPA. However, under this option, ADF&G staff would direct a major effort toward encouraging and facilitating the development of management plans. Under present federal legislation, the state's role would be limited to providing advice and technical assistance during development of management plans. The state's ability to direct the content of management plans and ensure that the plans are properly implemented would be very limited. We consider this a minimally acceptable option because it would accommodate many of the concerns expressed regarding the state's ability to fund programs, changes in user group composition that would occur under direct state management, and the lack of strong public support for state management. However, this option does not fully address the need to ensure that management plans are developed or the need to devise and implement an appropriate management structure. If additional efforts are not devoted to management of Alaska's marine mammal populations, we anticipate that existing problems will go unresolved and many new crisis situations will arise in the future.

Option D is similar to Option C except that the state would pursue the establishment of a new and comprehensive management system for marine mammals in Alaska. This action might require amendments to the MMPA. Under this system (Appendix III), management plans would be developed by an Alaska Marine Mammal Council consisting of representatives from federal agencies, the ADF&G, and major interest groups. A Marine Mammal Advisory Committee (Appendix IV) would be established to provide for public involvement and assist in the development of draft management plans. Management plans would be approved by the Secretary of Interior or Commerce, then implemented through normal federal procedures or cooperative agreements. We consider this to be the preferred option for many reasons including:

- A. The council system would formalize the role of the State of Alaska and major interest groups within Alaska in the development of management plans, including the necessary research programs, regulations, and other related factors (Appendix V).
- B. The system would allow the state, where appropriate and necessary, to become involved with any marine mammal species or issue (i.e., not just management of polar bears, walrus, or sea otters).
- C. The system would allow an optimum and cost-effective mix of federal, state, and other group involvement to be used in addressing particular species and issues (i.e., it would not be necessary to dismantle ongoing federal programs and replace them with state programs).
- D. The system would provide for federal involvement in management, as opposed to federal oversight (as would occur with transfer of management to the state), and should encourage consistency in policies and approaches used by the FWS and the National Marine Fisheries Service.
- E. The system would avoid the need for major changes to Alaska's regulatory system in order to accommodate requirements of the MMPA and other specific aspects of marine mammal management.
- F. The system would not preclude the state from applying for management authority in the future for any species under Section 109 of the MMPA.
- G. The council system would help safeguard the resources and users against changing political and financial situations by providing a balance of federal, state, and public involvement.

# APPENDIX I

## Meetings Attended by ADF&G Staff to Discuss Marine Mammal Management.

Organization and location	Date(s)	Principal state representative(s)
Rural Alaska Resources Assoc. - Anchorage	24 Aug.	Lowry, Frost
Alaska Federation of Natives Board of Directors - Anchorage	4 Sep.	Pamplin
Eskimo Walrus Commission and Kawerak, Nome	10 Sep.	Lowry
North Pacific Rim - Anchorage	21 Sep.	Lowry
Conservation Groups - Anchorage	24 Sep.	Frost
Mayor's Conference - Bethel	7 Oct.	Cohen, Lowry
Public meeting - Togiak	8 Oct.	Cohen, Lowry
Public meeting - Mekoryuk	9 Oct.	Cohen, Lowry
United Villages of Nelson Island meeting - Newtok	10 Oct.	Cohen, Lowry
Public meeting - Kaktovik	12 Oct.	Lowry
Public meeting - Wainwright	13 Oct.	Lowry
Public meeting - Shishmaref	13 Oct.	Frost
Public meeting - Point Hope	14 Oct.	Frost
Public meeting - Kivalina	15 Oct.	Frost
North Slope Borough Fish and Game Management Committee - Barrow	15 Oct.	Lowry
Eskimo Walrus Commission - Kotzebue	19 Oct.	Collinsworth, Cohen, Lowry
AFN, EWC, RARA Workshop - Anchorage	21 Oct.	Cohen, Lowry, Frost
Public meeting - Homer	22 Oct.	Frost
Alaska Outdoor Council meeting - Fairbanks	28 Oct.	Frost
Public meeting - Cordova	3 Nov.	Frost
Public meeting - Juneau	5 Nov.	Frost
Public meeting - Sitka	6 Nov.	Frost
Interior Guides Association meeting - Fairbanks	9 Nov.	Frost
Public meeting - Gambell	9 Nov.	Lowry
Public meeting - Savoonga	10 Nov.	Lowry
Public meeting - Wales	11 Nov.	Lowry
Public meeting - Nome	12 Nov.	Lowry
Public meeting - Kodiak	18 Nov.	Lowry
Public meeting - Anchorage	19 Nov.	Frost

## APPENDIX II

### Concerns Regarding Possible State Management of Polar Bears, Walrus, and Sea Otters.

#### 1. Funding (identified as a major concern)

##### A. Where would the money come from?

- ° Would the state legislature really allocate the necessary funds? (Many thought not.)
- ° Would there really be enough funds so that management would not be unduly restrictive because of lack of data?
- ° Would it be possible to obtain the necessary federal funds in light of recent federal budgetary cutbacks?
- ° Long-term commitment (beyond the first year or two) of federal dollars would be unlikely.
- ° There could be restrictive requirements on federal funds which would limit the state's flexibility.

##### B. Money could be better spent elsewhere.

- ° Money could be better spent to support information and education.
- ° Money could be better spent on existing cooperative management efforts such as those being promoted by the Eskimo Walrus Commission (EWC).
- ° Money would be better spent on other ADF&G programs. A marine mammal program should not jeopardize other ADF&G programs, or overload existing staff.

##### C. User fees.

- ° Revenues from hunting would cover some program costs.
- ° A system funded by user fees would be unduly responsive to hunters.

#### 2. Management Structure

- ##### A. The Board of Game is seen as a major stumbling block to satisfactory management by many Native groups and conservation groups.

- ° Local input has not been adequately considered.
- ° Decisions have been overly influenced by urban or non-hunting residents.
- ° The board has listened too much to local input, has been overly sympathetic to subsistence interests, and not enough to the majority of Alaskan residents.
- ° The basis for the board's decisions has often been unclear.
- ° The existing board is already overloaded and would be unable to handle any additional workload.
- ° The board is unfamiliar with marine mammals and the Marine Mammal Protection Act (MMPA).
- ° The board has been too strongly oriented toward sport hunting and has not been very sympathetic to either subsistence or nonhunting interests.
- ° Rural communities think the board should meet somewhere besides Anchorage or Fairbanks.
- ° There is great confusion about the relationship between the board and ADF&G, and their respective roles.
- ° A separate "Marine Mammal Board" was suggested by many groups. This board should have strong representation from coastal subsistence hunters and people who are familiar with marine mammals.
- ° Many people stated that a Marine Mammal Advisory Committee would be a good idea but that the Board of Game would still have to make the actual decisions. They indicated that a marine mammal committee would be a better group to make the decisions.
- ° Some people think the existing board works fine and could handle marine mammals.

#### B. Cooperative Management

- ° There should be cooperative management involving user groups, the state, and the federal government.

- ° Local people should be ensured of involvement in research, management, and planning. This could include subcontracting management tasks to a group like the EWC and hiring local people to monitor and sample harvests.
- ° The existing EWC should be expanded rather than building a new system through state management.
- ° The existing game management framework is not flexible enough to accommodate cooperative management.
- ° How would the EWC and the existing memorandum of agreement fit into a state management program?
- ° Would state management be flexible enough to incorporate traditional (i.e., Native) use patterns and social mechanisms?
- ° Sportsmen and conservation groups should also be represented in cooperative management planning.
- ° Because cooperative management planning is not spelled out as part of the Fish and Game statutes, changes in state administrations might not support this approach to marine mammal management.
- ° There should be a lot more communication and cooperation between the state and federal governments.

#### C. State/Federal Interactions

- ° The state and federal governments should cooperate and communicate more.
- ° Federal oversight could inhibit the states flexibility to manage. How would federal oversight work?
- ° Would the MMPA still be in effect under state management?
- ° Would the FWS continue to do their part of the necessary research on polar bears, walruses, and sea otters, if the state had management authority?

### 3. Use of Resources

- A. Exclusive Native use was identified as a major issue by all major groups.

- ° Most Native interest groups indicated that exclusive Native use should be preserved. They prefer the status quo of Native-only take of marine mammals which is currently unregulated by federal agencies.
- ° Given a choice between federal or state authority to regulate Native take, groups and communities are mixed.
- ° Under state management, would non-Natives be allowed to carve ivory? Could raw ivory be sold to non-Natives? Would there be a permit system for the sale of ivory?
- ° The livelihood of village carvers would be threatened by non-Natives making handicrafts from marine mammal products.
- ° There would be increased competition for marine mammals if non-Native hunting were allowed. This would cause a hardship to local subsistence hunters.
- ° Sportsmen's groups and many members of the public think that they should have the opportunity to use marine mammals. They do not think that exclusive Native use is right or fair.
- ° Some groups prefer exclusive Native use because it limits the number of potential users and precludes sport hunting, to which many are opposed.

#### B. Subsistence Preference

- ° There is concern that the state would not protect Native subsistence uses to the same degree as the federal government.
- ° How would subsistence definitions pertain to sea otters?
- ° Application of the state subsistence law to marine mammals could result in greatly increased use of the resource, because it is possible that all residents of rural marine mammal hunting communities could legally hunt polar bears, walruses, and sea otters.
- ° Greatly increased and possibly excessive hunting of sea otters could occur under the state's subsistence law because many entire communities could be classified as subsistence communities.



C. Economic benefits

- ° The use of marine mammals as an economic resource is supported by some groups and discouraged by others.
- ° Native groups have suggested legalized sale of marine mammal products (such as meat or hides).
- ° Some groups do not like the concept of marine mammals as "resources" with potential economic benefits. They think the desire for money would override sound conservation of the species.
- ° Legalized sale of marine mammal products would increase the demand and therefore the harvest.
- ° Rural villages need more ways to earn money, and marine mammals are a resource that should be used.

D. Guided hunting was mentioned as an issue of concern by most groups.

- ° Sportsmen's groups think that guided hunting for marine mammals should be legal and that the opportunity to hunt marine mammals should be available to all Alaska residents.
- ° Native groups are concerned that if guided hunting occurs it should return maximum economic benefits to coastal communities.
- ° Guiding could bring substantial income into rural communities.
- ° Would non-local guides dominate guided marine mammal hunting?
- ° Would interpretation of the part of the MMPA stating that economic benefits should accrue to the "maximum extent practicable" to rural subsistence users mean that non-local, non-Native guides could not guide for marine mammals?
- ° Would the Guide Board really license rural subsistence hunters as guides?
- ° Many think that individual communities should have the right to decide whether they want guided hunting in their area.
- ° Airplanes should not be used to hunt polar bears.

- ° Populations might decline if guided hunting were allowed.
- ° Some groups do not support sport hunting of any kind for marine mammals, whether guided or not.

#### 4. Ability of the State to Manage

- ° The state's overall management philosophy was questioned in a variety of ways.
- ° Many groups do not want ADF&G to manage marine mammals, but virtually all think the state should have a role in cooperative management and in addressing issues of importance to Alaskans.
- ° Is there adequate public support, particularly by rural subsistence hunters, for the state to successfully implement a program.
- ° Commissioners and governors change, and with them conservation ethics and attitudes toward things like cooperative management planning can change.
- ° Native groups are worried that the state might impose quotas.
- ° Conservation groups are worried that the state would not be restrictive enough in regulating harvests.
- ° Rural communities fear increased complexity in regulations relating to marine mammal hunting, too much red tape, and that management would not be appropriate in a cultural sense.
- ° Some people criticized the state for not preparing comprehensive management plans for each species before holding public meetings.
- ° Native groups want to be involved in all steps of management plan preparation.
- ° Some groups do not think the state could adequately enforce regulations regarding marine mammals, particularly polar bears and sea otters. They cited wolves and furbearers as examples of ineffective state management.
- ° Special interest groups might have too great an influence under state management.

- ° Protectionist groups might create adverse publicity or initiate legal proceedings regarding subsistence or sport hunting of marine mammals, or regarding fisheries-marine mammal interactions. Could the state accomplish its goals or would it spend all of its time and money fighting legal battles?
- ° Publicity campaigns and lawsuits by protectionist groups are seen as a potential threat to individual livelihoods, as well as to the state's ability to implement management plans.

## 5. Conservation Concerns

### A. Current lack of management

- ° A decision about state management should be made for the good of the animals. If the state does not seek management, it should insist that federal agencies implement sound management programs.
- ° There is concern over waste of walrus meat when walruses are hunted primarily for ivory.
- ° The general public, sportsmen, and conservation groups think that harvests should be monitored and, if necessary, regulated and that more research should be conducted. The current lack of management is considered unacceptable.
- ° We manage all of our other resources, why not marine mammals? The ADF&G does a good job on terrestrial species. It could do the same for marine mammals.
- ° Harvests by Native hunters have been unregulated for 15 years and the populations are healthy and doing fine. Why should there be state or federal regulations when things are working without them?

### B. Why polar bears, walruses, and sea otters?

- ° Why did ADF&G choose only the "big money" species that could be hunted for sport or commercial purposes?
- ° Some people think that there are no conservation issues on these species, or that the FWS is doing an adequate job.
- ° There are major conservation issues with harbor seals, fur seals, sea lions, killer whales, and belukhas. The state should address these issues.

- ° Why doesn't the state consider the problematic species? Why did it pick the "easy" ones when the others need attention?
- ° All 3 species selected by the state are healthy, at high population levels, and have been stable or increasing for the past 15 years. The Fish and Wildlife Service has ongoing research and management programs. User-based cooperative management planning has begun for walrus and polar bears. The ADF&G should focus attention on more problematic species and issues.

#### C. Fisheries-Marine Mammal Conflicts

- ° Marine mammals can negatively impact fisheries through direct gear damage, or by eating commercial species. Someone should listen to the fishermen's concerns and address their problems.
- ° Fisheries can negatively impact marine mammals. Right now we do not know how many sea otters are killed incidental to fisheries. Someone should monitor incidental take.
- ° Sea otters cannot be used as a resource and because there is no place for fishermen to have their problems heard about sea otters, many take matters into their own hands.
- ° Sea otters are now perceived as competitors by some people who used to like them. This is partly because there is no management system in place to resolve conflicts.
- ° There are major questions about the interactions of fisheries and marine mammals such as sea lions, harbor seals, fur seals, and killer whales. The state should address these concerns before it spends money on healthy species.
- ° If the state managed sea otters, fisheries concerns might cause the state to implement predator control programs on otters in order to protect fisheries resources.

## APPENDIX III

### Alaska Marine Mammal Council (AMMC)

#### I. Purpose and duties

- A. Identify and prioritize issues and species requiring attention.
- B. Develop comprehensive management plans necessary for conservation of marine mammal populations in Alaska.
- C. Coordinate and respond to local, national, and international concerns regarding the conservation of marine mammals in Alaska.
- D. Interface with the Marine Mammal Commission and other entities on policy issues related to marine mammals.

#### II. Composition

- A. Council members--voting
  - 1. National Marine Fisheries Service
  - 2. U.S. Fish and Wildlife Service
  - 3. Alaska Department of Fish and Game
  - 4. Chairman of a marine mammal advisory committee (see below)
  - 5. Independent representative (appointed by Marine Mammal Commission)
- B. Council members--nonvoting
  - 1. Marine Mammal Commission
  - 2. North Pacific Fisheries Management Council
  - 3. Others as appropriate
- C. Technical Committees--species or issue specific, created by the AMMC to prepare management plans, advise on issues, etc.; consisting of agency personnel and representatives of user and other interest groups.
- D. Marine Mammal Advisory Committee (MMAC)--members appointed by the governor or his designee to ensure regional and interest group representation.
- E. Staff--1 secretary and an administrative assistant; other staff needs provided by agencies.

#### III. Authority and Procedures

- A. Make recommendations to the Secretary of Interior or Commerce on all aspects of marine mammal conservation and management in Alaska.

- B. Develop management plans with public input and involvement.
- C. Submit management plans to appropriate Secretary for approval and implementation.
- D. Review and where appropriate prepare status reports.
- E. Other authorities as delegated by Congress or the Secretaries of Interior and Commerce.

#### IV. Requirements

- A. Formal establishment of an AMMC might require amendments to the MMPA.
- B. Federal agency participation in and consultation with an AMMC would be required.
- C. Federal funding for operational expenses of the council and staff salaries.
- D. State funding for a MMAC and state marine mammal staff.

## APPENDIX IV

### Marine Mammal Advisory Committee (MMAC)

#### I. Purpose and duties

- A. To identify issues and species that need attention by the Alaska Marine Mammal Council (AMMC), based on the concerns of Alaskans.
- B. To suggest and provide participants in technical committees which investigate issues and prepare draft management plans.
- C. To review and comment on issue papers and draft management plans prepared by technical committees.
- D. To help inform and educate Alaskans about important marine mammal issues and actions of the AMMC.
- E. To advise and assist the AMMC agencies in implementing management programs.
- F. To coordinate and consult with other marine mammal user groups such as the Eskimo Walrus Commission.
- G. To provide information to the Board of Game on important marine mammal issues, status of management plans, and actions of the AMMC.

#### II. Composition

Committee members to be selected by the governor or his designee from a list of nominees submitted from each region. Suggested representation as follows:

1. Northern Alaska
2. Northwest Alaska
3. Northern Bering Sea
4. Yukon-Kuskokwim
5. Bristol Bay
6. Pribilofs
7. Southcentral (Prince William Sound, Cook Inlet)
8. Kodiak area
9. Southeast Alaska
10. At large representative
11. At large representative

#### III. Authority and procedures

- A. Chairman would be elected by committee members and would be a full voting member of the AMMC.

- B. Committee would meet twice annually with meeting expenses paid for by the state.

#### IV. Requirements

- A. Establishment of an AMMC.
- B. Establishment of a MMAC by appropriate state process.
- C. State funding for a MMAC.



APPENDIX V: Management Decision-Making Process

