

# Committee on Resources

## Subcommittee on Fisheries Conservation, Wildlife and Oceans

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### Statement

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**TESTIMONY OF CHARLES JOHNSON, ALASKA NANUUQ COMMISSION  
ON MMPA CO-MANAGEMENT BEFORE  
HOUSE RESOURCES COMMITTEE, US CONGRESS  
APRIL 6, 2000**

Mr. Chairman and Members of the Committee, it is an honor to address you on behalf of the villages of North and Northwest Alaska on issues of the conservation of Nanuuq the polar bear. I am known as Tomungnuaq to the elders of my village or as Charles Johnson in English. I am the Executive Director of the Alaska Nanuuq Commission, which was formed in the village of Point Hope in June 1994 to represent the villages in Alaska, which are in the range of Nanuuq or polar bear, on matters concerning the conservation and management of polar bear.

Alaska's Native Peoples have long been an integral part of the environment and have always maintained an intimate relationship with the plants and animals that make up our diet. In the harsh climate of the arctic this knowledge has literally meant the survival of the Native Peoples. In Northern coastal Alaska marine mammals are the cornerstone of the culture of the Inupiat and Yupik Peoples. Knowledge of the seasons, currents, ice movements and the animal's relationship and use of the ice is vital for the hunting success of the people.

#### CO-MANAGEMENT BEGINNINGS IN ALASKA:

It wasn't until 1977 that we were allowed to use this knowledge to manage the use of marine mammals. That was when the Alaska Eskimo Whaling Commission signed its first co management agreement with the National Marine Fisheries Service. That agreement did not come easy. The scientists of the National Marine Fisheries Service had put the bowhead whale on the endangered species list. They had estimated that the population of bowheads was down to approximately 700 animals. But the whalers of the North Slope knew that there were at least ten times that many whales. They were able to convince the scientific community that most of the whales were missed when they were being counted. Today the population is estimated to be at least 7500 whales.

The agreement between the whaling commissions and NMFS has set the standard for other co management agreements between Alaska Native Peoples and the federal management agencies. However the authority to manage the hunt is derived from the International Whaling Commission quotas.

In 1988 concern over the potential for over harvest of polar bears from the population shared with the Yukon and Northwest Territories of Canada led the North Slope Borough Department of Wildlife Management to develop The North Slope Borough/Inuvialuit Game Council Agreement for the Southern Beaufort Sea. The plan set voluntary annual harvest quotas that are split between the North Slope in Alaska and the Beaufort Sea area of the Northwest Territories in Canada. The agreement also calls for protection of

females and females with cubs.

The success of this voluntary agreement is such that to date of the annual combined quotas of 80 animals the average taken is 68. And the percentage of females taken from this population is only 25% compared with 40% in Western Alaska.

A clear policy on co-management with Alaska Natives did not exist until June 28, 1994 when the late Director Mollie Beattie, issued "THE NATIVE AMERICAN POLICY" of the U.S. Fish and Wildlife Service. Under Article IV SELF-DETERMINATION the policy states:

The Service favors empowering Native American governments and supporting their missions and objectives in assuming program management roles and responsibilities through contracting and other mechanisms. Therefore, the Service supports the rights of Native Americans to manage, co-manage fish and wildlife resources, and to protect their Federally recognized authorities.

The issuance of the Service's co-management policy was very timely for the Alaska Nanuuq Commission. In 1989 Soviet Union notified the U.S. Fish and Wildlife Service that it wished to participate in the harvest of the shared polar bear population in Alaska and Chukotka. Polar bear hunting had been officially stopped in the Soviet Union in 1956 when all polar bear stocks were listed in the red book as depleted. In 1989 the Bering and Chukchi stock was reclassified as a recovered stock in the Soviet Union's Red Book. Alaska Natives had continued to hunt bears from this stock under the Alaska Native Exemption of the 1972 MMPA.

The U.S. Fish and Wildlife Service began discussing the possibility of a polar bear treaty with Russia with the Eskimo Walrus Commission and regional groups such as Maniilaq and the North Slope Borough Department of Wildlife Management. The Native groups felt that if a treaty with Russia was negotiated they wanted to be an equal partner in the negotiations. They also felt that the treaty must include a Native-to-Native Agreement with the Natives of Russia similar to the North Slope/Inuvialuit

Agreement. The Native groups stated that they also wanted to be involved in setting research priorities for polar bears.

## **ALASKA NANUUQ COMMISSION**

In 1994 the tribal governments of the villages in North and Northwest Alaska in the range of the polar bear authorized the formation of the Alaska Nanuuq Commission. Each village government adopted a resolution that authorized the Commission to represent them on matters concerning the conservation and sustainable subsistence use of polar bear. The tribes also authorized the Commission to develop co-management agreements with local, regional and national governments and to enter into international agreements. And the resolutions gave authority to the Commission to join with other Native groups in efforts for the conservation of marine mammals, which also were aimed at preserving and enhancing the subsistence rights of Alaska Natives.

In 1997 the Alaska Nanuuq Commission signed its first cooperative management agreement with the U.S. Fish and Wildlife Service. The contract had two work plans:

1. To represent the villages of Alaska that are in the range of the polar bear on matters concerning the conservation of polar bear, to conduct meetings of the Commission and the Executive Committee, to keep

the villages and hunters informed and to develop school presentations.

2. To assist the U.S. Fish and Wildlife Service in the development of a bilateral treaty with Russia for the conservation of the shared polar bear population in Chukotka and Alaska, and to develop a Native-to-Native agreement with the Chukotka Union of Marine Mammal Hunters which represent the Natives of Chukotka.

We are now in the third year of co-management with the U.S. Fish and Wildlife Service. Each contract has been for \$90,000 annually. The Commission has had four annual meetings. The Executive Committee has met seven times. Reports in writing have been made to all of the village governments informing them of the progress of the bilateral discussions and the development of the Native to Native Agreement. Most of the village governments have been given verbal reports.

### **UNION OF MARINE MAMMAL HUNTERS:**

In June 1997 leaders from the coastal villages of Chukotka met in the village of Yanrakynnot and formed the Union of Marine Mammal Hunters (UMMH). It was a grass roots organization with both the Chukchi and Yupik village hunter organizations represented. Three commissions were formed: The Bowhead Whale Commission, The Pacific Walrus Commission and the Polar Bear Commission. These Commissions were to address the

problems associated with the sustainable use of their respective species and to cooperatively seek solutions to these problems.

### **BERINGIA PROGRAM:**

In June 1998 the Alaska Nanuuq Commission signed a cooperative agreement with the National Parks Service Beringia Program to collect information on polar bear habitat use in Chukotka by interviewing experienced hunters in each of the coastal villages. This information had already been collected in Alaska by U.S. Fish and Wildlife biologist Susanne Kalxdorff. By using the same methods and training the UMMH personal to do the report we would not only complete the habitat information on this population but also at the same time help the UMMH build their credibility. This is a three-year program now in its second year.

### **BILATERAL TREATY**

The "**U.S.-Russia Bilateral Conservation Agreement for the Alaska-Chukotka Polar Bear Population**" is in its final draft, being reviewed by the governments before it is presented to congress and the duma for ratification. The Alaska Nanuuq Commission has been an equal partner with the U.S. Fish and Wildlife Service on the U.S. negotiating team. The Natives of Chukotka have not been as well represented on the Russian delegation.

The objectives of the Agreement are to develop a conservation plan founded on the involvement of the Native Peoples and interested public in both countries. The Agreement will provide a joint long-range science based conservation plan for the protection of important habitat. And will provide Native people direct and equal involvement in the management programs.

Terms of the Agreement:

The Agreement will be between the U.S. and Russian Government authorities.

The governments will support cooperative implementation between Alaska and Chukotka Native organizations, in Alaska through the Alaska Nanuuq Commission.

The Agreement will be consistent with the 1973 international "Agreement for the Conservation of Polar Bears" and for the first time formally implement management arrangements for an internationally shared population.

The will implement the 1994 amendments to the MMPA which directs the Secretary of Interior to "consult with the appropriate officials of the Russian Federation on the development and implementation of enhanced cooperative research and management programs for conservation of polar bears in Alaska and Russia".

Subsistence harvest by Native Peoples will be the exclusive consumptive use.

The Agreement as proposed will provide for enforceable harvest limits based on sound wildlife management principles and population sustainability including protection for denning bears and females with cubs less than one year old and the prohibit the use of aircraft and large motorized vessels in the taking of polar bears, and enhance coordinated habitat conservation measures through bio-monitoring and other efforts, and provide for additional population studies.

A Joint Commission will administer implementation of the terms of the Agreement. The Joint Commission will operate by consensus, and will be comprised of 4 representatives: a governmental official and a Native official from each jurisdiction.

In the U.S., the Agreement will require stand alone enabling legislation to augment terms of MMPA. Ultimately the State Department will submit a final Agreement to the U.S. Senate for ratification.

The Agreement will require additional funding for full implementation. The Service will seek Congressional authority to appropriate funds and will consult with the Interior Department's Office of the Budget and the Office of Management and Budget.

From the perspective of the Alaska Nanuuq Commission there are several key features of the draft Agreement:

The governments recognize and respect the accumulated knowledge and wisdom of the Native people who best know the polar bear, and will use this traditional knowledge as a basis for management programs.

The Native peoples of Alaska and Chukotka, as represented by the Alaska Nanuuq Commission and the Union of Marine Mammal Hunters respectively will play an equal role with the governmental representatives on the Joint Commission, which will set harvest limits and other policy principles.

The Bilateral Treaty will be implemented by an Agreement between the Native peoples of Alaska and Chukotka.

Subsistence is the primary use of polar bear.

Essentially the process of negotiating the draft treaty satisfies two of the demands made by the Alaska Native Organizations when they were notified of Russia's desire to resume hunting polar bear. These are: the Alaska Natives were an equal partner in the negotiations, and that a Native-to-Native Agreement will be developed to implement the treaty. The third demand, setting

research priorities will be realized during the implementation of the treaty.

Since 1972 when the MMPA was enacted, Alaska Natives hunted polar bear and most other marine mammals with no restrictions other than the wasteful take limitations. The Native exemption allows nonwasteful uses of marine mammals unless the species was listed as depleted or endangered under the Endangered Species Act. Restrictions such as quotas could then be placed on species such as bowhead and specific stocks of other species. Since polar bear have not been listed, theoretically Alaska Natives could hunt them until they became threatened or depleted at which time restrictions could be enacted through regulation.

Essentially the Alaska Nanuuq Commission has expressed a willingness to accept restrictions by developing a Native-to Native Agreement to implement the treaty. The language of the draft treaty states that the Joint Commission created to establish harvest limits will operate on a consensus basis. This means that the Native representative must agree to the harvest limits. The Alaska Nanuuq Commission realizes that if the Natives of Chukotka are to share in the harvest, it means they will take half of the harvest from the shared polar bear population. Essentially numbers boil down to quotas. But since any harvest limit will already be agreed to on the Joint Commission, we will be implementing quotas we had already agreed to.

The difference between the Alaska-Chukotka Native-to Native Agreement and the North Slope Borough/Inuvialuit Agreement is that the Alaska-Chukotka quotas will be enforceable. And therein lies a big hurdle facing the Native-to-Native Agreement Process. On the Alaska side it is envisioned that the tribal governments will eventually enact tribal ordinances adopting the quotas. We then expect the federal authorities to also issue regulations to formalize the quotas. Enforcement will first be worked out at the local levels with federal authority for backup.

In Alaska it is a matter of placing restrictions on hunting. It is just the opposite in Russia where restriction will be lifted. How enforcement will work is not well understood by the U.S. side, but there is more concern over the commercialization of the hunt than there is for over harvest.

## **DIFFICULTIES OF WORKING IN CHUKOTKA**

In February 1998 the U.S. and Russian negotiating teams met in Eastsound, Washington and drafted what most of what is now in the final version of the Agreement. The listing of the members of the Joint Commission at that time was an addendum to the Agreement. The Union of Marine Mammal Hunters of Chukotka was named in the Definition Article as representing the Native People of Chukotka. The "of Chukotka" language was intended as a geographic indicator since it was not part of the official name of the UMMH.

In March 1998 the leadership of the UMMH were in Barrow working on whaling issues with the Alaska Eskimo Whaling Commission and the North Slope Borough Department of Wildlife Management. While they were in Barrow, the Governor of Chukotka, Alexander Nazarov, called a meeting of hunters and formed *The Union of Marine Mammal Hunters of Chukotka* and installed his Marine Mammal Director Yuri Tototto as the Executive Secretary of the organization.

This is the same Yuri Tototto that sold several hundred beluga whales to Japan in 1998. Only the protest of the International Whaling Commission, the United States and other international stopped the commercial hunt in Chukotka.

In September of 1999 Governor Nazarov ordered the Yupik Society of Chukotka dissolved for failure to file specific reports that were decreed without their knowledge. In February of this year, Governor Nazarov, Yuri Tototto and the leadership of the original UMMH were scheduled to attend a conference sponsored in Anchorage by the Alaska Eskimo Whaling Commission. Nazarov and Tototto went via Moscow and New York. The UMMH leaders were to come via Provideniya and Nome. According to airport officials in Provideniya, Nazarov ordered the airport to remain closed until after he left Anchorage. And that is exactly what happened. The original UMMH were not present in Anchorage to dispute his claim that Tototto was the real head of the Union of Marine Mammal Hunters of Chukotka and that there was no difference from the original UMMH, which he claimed, reorganized under their own volition.

Governor Nazarov through his Director of Protected Resources, Nicoli Zeleznov, have attempted to undercut the Beringia Program of the Alaska Nanuuq Commission and the UMMH, by demanding that U.S. Fish and Wildlife Biologist Susanne Kalxdorff obtain an impossible to get license to conduct research in Chukotka. The UMMH and Alaska Nanuuq Commission must find ways to get around these roadblocks to complete the habitat use study in Chukotka.

## **ECOSYSTEM APPROACH TO COMANAGEMENT**

The Alaska Nanuuq Commission has adopted what we view is an ecosystem approach to co-management. We have just signed a small contract with the National Marine Fisheries Service to conduct harvest surveys of ice seals in the Maniilaq Region in cooperation with the North Slope Borough Department of Wildlife Management and the Eskimo Walrus Commission. We feel that single species management makes no sense in the conservation and protection of polar bear and other species. Polar bear depend primarily on ice seals for prey. The small contract for the harvest surveys is the first step in broader ecosystem co-management.

## **BILATERAL AGREEMENT EFFECTS ON CO-MANAGEMENT:**

The success of the Bilateral Agreement on Polar Bear with Russia will set the standard for agreements on other shared species, such as walrus and ice seals.

The Agreement recognizes the needs of Natives and the knowledge they have accumulated in meeting these needs.

The Native People have an equal voice in the Agreement, at least on the U.S. side.

The Agreement provides an opportunity for the full exercise of the U.S. Fish and Wildlife Service Native American Policy.

The Agreement provides an opportunity for Alaska Natives, and to some extent, Natives of Chukotka to build the mechanisms for true participation in the management process.

The implementation of the Agreement will largely depend of Native self-regulation.

## **CHANGES TO MMPA THAT ARE NEEDED:**

### **"MANAGEMENT BEFORE DEPLETION"**

In order for the bilateral treaty to be successful and the Native-to-Native Agreement to be realized, the

restriction on "management before depletion" must be lifted. Most Alaska Native represented by the Alaska Nanuuq Commission realizes that if the polar bear is to be enjoyed by our grandchildren and their grandchildren we must put install conservation efforts. They also recognize the desire and the right of the Native People of Chukotka to use polar bear as they had always done before 1956. Therefore we are willing to accept restrictions on our hunting if we set those restrictions ourselves.

## "ENFORCEMENT OF TRIBAL REGULATIONS"

If we are willing to give up our right to unlimited hunting then the federal government must help by adopting regulations enacted by the affected tribes. Advocacy commissions like the Alaska Nanuuq Commission have the ability to enter into co-management and other agreements, but only the tribes can enact ordinances for self-regulation. If there is to be true co-management then the federal government must assist in the enactment of these ordinances and the enforcement of them if it becomes necessary.

## FUNDING ISSUES:

To date the full congressionally authorized funding had not been requested either by the Secretary of Interior or the Secretary of Commerce. This has stymied the development of co-management with Alaska Native Organizations. The Alaska Nanuuq Commission receives \$90,000 from its co management agreement with the U.S. Fish and Wildlife Service. With this I am to pay salaries, visit all the villages, hold commission and executive committee meetings and develop school presentations. Additionally I am to assist the Service in the development of the Bilateral treaty with Russia and to assist the Union of Marine Mammal Hunters develop their programs. Granted these funds give us a base and allows us to go after other funds from agencies such as the National Park Service Beringia Program and the National Marine Fisheries Service Harvest Monitoring.

Other than the lack of adequate funding the biggest issue is timing and the budget process itself. We, like most nonprofits and tribal organizations, are on a federal fiscal year. Because of the budget process we go for the beginning of each year without funds. Even though our fiscal year starts October 1, we usually don't receive funds until mid February.

## ALASKA NANUUQ COMMISSION NEEDS

1. Funds to develop a long-term strategic plan and to set research priorities. This will involve a 4-5 day meeting of the Commission and would cost approx. \$40,000.
2. Additional funds to pay Executive Director full time with other expenses \$90,000
3. Additional staffing to develop self-regulation rules with the tribal governments. This will involve legal assistance, travel and other expenses totaling approx. \$140,000 a year for at least two years.
4. Travel funds for increased interaction with the UMMH to develop the Native-to-Native Agreement of approx. \$28,000 a year.
5. Additional habitat studies in Chukotka for 3 year of approx. \$50,000 a year.

These additional funds would allow the Alaska Nanuuq Commission meet its current needs and to prepare itself to completely develop the Native to Native Agreement with the Union of Marine Mammal Hunters.

## **OTHER CONGRESSIONAL ASSISTANCE:**

Chukotka recently elected a new Deputy to the Duma, Roman Abramovich. Deputy Abramovich is involved in oil and gas. It might be very helpful for members of the House Resources Committee, particularly the Congressman for all Alaska, Don Young to invite Deputy Abramovich to come to the U.S. and Alaska in particular to learn about the Bilateral Agreement on Polar Bear and to learn how we do business.

Thank you Mr. Chairman, that is my last suggestion.

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