

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

TESTIMONY OF

DAVID B. ALLEN, REGIONAL DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, BEFORE THE HOUSE RESOURCES SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS, OVERSIGHT HEARING ON THE IMPLEMENTATION OF SECTION 119 OF THE MARINE MAMMAL PROTECTION ACT.

April 6, 2000

Mr. Chairman, I am grateful for the opportunity to provide testimony on the U.S. Fish and Wildlife Service's (Service) implementation of the 1994 amendments to the Marine Mammal Protection Act (MMPA) of 1972 and in particular, our implementation of Section 119 - Marine Mammal Cooperative Agreements in Alaska. The Marine Mammal Protection Act establishes a Federal responsibility for the management and conservation of marine mammals. Under this statute, both the Secretary of the Interior and Secretary of Commerce have management responsibility. Specifically, the Secretary of the Interior, through the Service, protects and manages polar bears, sea and marine otters, walruses, three species of manatees, and dugongs. One of the 1994 amendments to the Act (Section 119) authorized the Service to enter into cooperative agreements with Alaska Native Organizations to conserve marine mammals taken for subsistence and handicraft purposes. Mr. Chairman, the Service believes that Section 119 has been a positive addition to the Act for the conservation of marine mammals. Marine mammals are a vitally important cultural and subsistence resource for Alaska Natives, and are visible indicators of change in the marine environment. Alaska Natives, as subsistence users, are often first to note changes in marine mammals that are important to assessing conditions in the marine environment. Section 119 recognizes these connections and allows their potential benefits to be realized.

To illustrate the benefits of Section 119, I will share some of the progress we have made in working with our Alaska Native partners to increase our knowledge about marine mammals, improve communication and management processes, and negotiate a new bilateral agreement with Russia for the Conservation and Management of Polar Bears.

I will also provide suggestions that we believe will build on this significant progress and enhance our ability to protect marine mammal resources. We recommend the Committee consider expanded authority for co-management agreements under the Act. Specifically, as we reported to this committee last year, we believe it is time to develop a proposal that allows Alaska Native Organizations, in cooperation with the Service, to manage their subsistence use of marine mammals prior to individual stocks becoming depleted.

First, let me share with you some of our success stories. The Service currently has three cooperative agreements in place: (1) for sea otter, with the Alaska Sea Otter and Steller Sea Lion Commission; (2) for polar bear, with the Alaska Nanuuq Commission; and (3) for Pacific walrus, with the Eskimo Walrus Commission. These agreements have been in place since 1997 and provide a contractual framework for

accomplishing specific activities, which are detailed through "scopes-of-work" attached to the cooperative agreement. Agreements are reviewed and implemented annually. A basic benefit of these agreements and the resources they provide is improved communication not only between the Commissions and ourselves, but also among the Commission members.

Both the Alaska Sea Otter and Steller Sea Lion Commission and the Service emphasize involving local Native organizations in the management of activities that affect sea otters throughout the State of Alaska. Such efforts include: development of local sea otter management plans; collection of traditional knowledge regarding sea otter distribution and abundance; and ongoing local projects to assess sea otter population trends and health. A specific example illustrating the involvement of tribal members is the cooperative biological sampling program and mortality surveys that documented the change in feeding habits and the associated mortalities of sea otters around a fish processing facility over the past several years. This has led to efforts, involving the local tribe, the fish processing facility, the Service and the U.S. Environmental Protection Agency, to change the discharge practice. This problem was first identified by a local observer working with the Commission.

The Alaska Nanuuq Commission (ANC) was formed in 1994 to represent Alaska Native hunters from 16 coastal communities in Alaska on polar bear matters. Our cooperative agreement with the ANC supports polar bear conservation with the direct involvement of subsistence users. A highlight of our work with the ANC has been the Commission's support in developing a draft bilateral agreement with Russia on the conservation of the Alaska-Chukotka Polar Bear population. The ANC coordinated meetings, conducted negotiations, and developed a Native-to-Native agreement with Russia's Chukotka Natives to assist in implementing the agreement between countries. Another accomplishment of working with the ANC has been the expansion of the effort to study and compile traditional ecological knowledge of polar bear habitat use to include Chukotka, Russia.

Our agreements with the Eskimo Walrus Commission relating to Pacific walrus help the Commission network with village hunters, conduct biological and contaminant monitoring, and promote sustainable harvest and conservation actions. An important outcome of our partnership with this Commission is the collection of walrus harvest information in Russia. The collaboration began with a bilateral workshop on harvest monitoring followed by the training of Russian harvest monitors in Gambell during that village's spring harvest. Subsequently, the newly trained monitors collected harvest data in Chukotka. This partnership among native hunters from the two countries provides vitally important information about the walrus population.

Although we have made significant progress in working with our Alaska Native partners, we can do much more to manage and conserve marine mammals cooperatively by expanding the authority for co-management agreements. The MMPA does not include enforceable provisions for management of subsistence harvests of marine mammal stocks before they become depleted. Under Section 119 and our existing cooperative agreements, we can work with our Native partners to develop management strategies implemented through existing authorities, such as tribal ordinances. This is a limited capability, however, as it is a strictly voluntary endeavor on a village-by-village basis with further limitations related to the scope of jurisdiction and the level of compliance and enforcement authority.

Our goal is to work with our Alaska Native partners to develop an expanded Section 119 with enforceable management provisions for marine mammal stocks prior to depletion through co-management agreements. We are working with our Alaska Native partners and the National Marine Fisheries Service to develop such a proposal. When we reach consensus on the provisions of a co-management proposal, we will advise the

subcommittee.

Mr. Chairman, in closing, I would like to emphasize the Service's commitment to continued collaboration with our Alaska Native partners to further enhance their role in the conservation and management of marine mammals. Ultimately, we believe we can be more effective at addressing our responsibilities in marine mammal conservation through enhanced co-management agreements between Alaska Native subsistence users and the appropriate Federal partner. Such agreements can be structured to ensure our Alaska Native partners have the first opportunity to address specific management issues and concerns. We do envision, however, that the Federal government will retain ultimate authority for enforcement of the MMPA, international treaty obligations, certain monitoring and reporting requirements, life history studies and permit programs.

Mr. Chairman, this concludes my remarks and I would happy to answer any questions.

#