



Alaska Nanuuq Commission

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Representing the
Villages of:

Barrow



Brevig Mission



Gambell



Kaktovik



King Island



Kivalina



Kotzebue



Little Diomedé



Nuiqsut



Point Hope



Point Lay



Savoonga



Shishmaref



Wainwright



Wales

Follow-up Testimony of Charles Johnson, Executive Director, Alaska Nanuuq Commission to U.S. Commission on OCEAN POLICY regarding the U.S./Russia Polar Bear Treaty.

In 1956 an executive decree in the Soviet Union declared polar bear in Russia a depleted species and listed it in the "Red Book" of endangered species. Hunting of polar bear from any of the three populations in Russia was banned.

Alaska has two populations of polar bear: one in the Southern Beaufort Sea that is shared with the Northwest Territories of Canada, and in the Bering and Chukchi Seas that is shared with the Chukotka Autonomous Okrug of Russia. Alaska Natives continued to hunt polar bear out of these populations for subsistence as allowed under the 1973 International "Agreement on the Conservation of Polar Bears" and the 1972 Marine Mammal Protection Act (MMPA). Under the MMPA section 101 (b) Alaska Natives may take marine mammals for subsistence purposes without limits as long as that population or stock is not listed as depleted or endangered under the Endangered Species Act.

In 1988 concern by the Inupiat of the North Slope Borough and the Inuvialuit of the Northwest Territories that the bears of the Southern Beaufort Sea were in danger of being over harvested led to a voluntary quota agreement that also sought to protect female bears and females with cubs. That agreement called the "Inuvialuit Game Council and North Slope Borough Management Agreement for Polar Bears of the Southern Beaufort Sea" established an annual quota of 40 bears each for the North Slope Borough and the Inuvialuit for a total of 80 animals. That voluntary agreement has been such a success that on a ten year average a total of only 68 bears, equally split, were taken annually. Additionally the percentage of females taken out of this population was reduced to 33% as compared to 40% out of the Bering/Chukchi Seas population.

In 1989 Russia notified the U.S. Fish and Wildlife Service that it had reclassified the Bering/Chukchi population upgrading it to a "recovered" status and that it wished to share in the harvest of polar bears from this population. The Service notified Alaska Native groups that would be affected, including the Eskimo Walrus Commission, Northwest Arctic Native Association and the North Slope Borough that it was beginning the process of negotiating an agreement with Russia and invited them to comment and observe the process. The Native groups responded that since they were the only legal hunters of polar bears in Alaska, they wanted to be part of the negotiations and they wanted to develop a Native-to-Native agreement with the Natives of Chukotka similar to the Inuvialuit/North Slope Agreement.

In the early '90s the late Director of the U.S. Fish and Wildlife Service, Mollie Beattie developed a "Native American Policy" for the Service. Basically the Policy stated that where a Native American tribe or group relied on a species for subsistence purposes and the Service had management authority, the Service would develop a co-management regime with that Native American group.

In June 1994 the Eskimo Walrus Commission and other Alaska Native groups formed the Alaska Nanuuq Commission (ANC) to represent the polar bear hunting communities in matters concerning the conservation of polar bears in Alaska. The Commission goal is to advocate for and implement self-regulation of polar bear hunting and use by Alaska Natives.

With the encouragement of Director Beattie and Region 7 (Alaska) Director David Allen the Alaska Nanuuq Commission became part of the U.S. Delegation with the Service and the U.S. Department of State to negotiate the U.S./Russia Polar Bear Treaty. The ANC also insisted that Russia include representatives of the Natives of Chukotka on their delegation and a representative was present at most of the negotiation sessions.

After many very difficult negotiations and very hard work on both sides the "*Agreement Between the Government of the United States and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population*" was signed in Washington, D.C. on October 16, 2000. When he signed the treaty, Russian Ambassador to the United States, Yurie Ushakov stated that "...this is the most democratic treaty that Russia had ever agreed to." What prompted that statement was treaty language that created a "Joint Commission" that would set sustainable annual harvest limits based on science and traditional knowledge. Membership on the four member Joint Commission would include the Governments of the U.S. and Russia and Alaska Natives as represented by the Alaska Nanuuq Commission and Natives of Chukotka as represented by the Union of Marine Mammal Hunters. The treaty also stated that the Joint Commission would operate on a "unanimous basis".

Other key provisions of the treaty include:

- Harvest of polar bears limited to Native people of Alaska and Chukotka for subsistence purposes only.
- Sustainable harvest limits would be science based including traditional knowledge of the Native peoples.
- Provisions for setting and enforcing harvest limits or quotas.
- Establishment of a Science Advisory Working Committee to advise the Joint Commission.
- A process to resolve disputes.
- Provisions to protect critical habitat.
- Population boundaries, with provisions to refine if necessary.

The Alaska Nanuuq Commission and the Association of Traditional Marine Mammal Hunters of Chukotka (ATMMHC), the successor to the Union of Marine Mammal Hunters, are developing a Native-to-Native Agreement to implement the treaty. Each

Native organization will assign quotas and develop hunting regulations, including means and methods to enforce the quotas if necessary, seasons, protected areas and harvest monitoring.

The Alaska Nanuuq Commission gave up its ability to harvest without regulations under section 101(b) of MMPA by agreeing to sit on the "Joint Commission" established by the treaty.

The ability to manage the subsistence harvest is dependant on the passage of the ratification legislation and the enabling legislation that the Department of State has sent to the administration. The administration has not forwarded the legislation on to the Congress. We are requesting that the Oceans Policy Commission urge the administration to send the legislation on to the Congress for quick action.

Many Native people of Chukotka are under the impression that it is now legal to harvest polar bear since the treaty is signed. There are rumors that significant numbers of bears are being taken with no regulations in place to manage the harvest. The ability to manage the harvest is dependant on the treaty being put in place.

The establishment of harvest limits and quotas means "management before depletion" which is not allowed by the present Marine Mammal Protection Act. The Alaska Nanuuq Commission is part of a coalition of Alaska Native marine mammal commissions called the Indigenous Peoples Council on Marine Mammals (IPCoMM). IPCoMM came together in 1994 to work on reauthorization language for MMPA. IPCoMM has worked with the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the Marine Mammal Commission to come up with acceptable language in the present reauthorization of MMPA that will allow "management before depletion".

Other language agreed to would strengthen the co-management abilities of Interior and Commerce with Alaska Native tribes and tribally authorized organizations. This will allow the organizations to develop regulations to regulate harvest of marine mammals and the ability to enforce these regulations on their members. The legislation also gives the federal government the ability to enforce regulations on non-member hunters. The administration has agreed to the negotiated language and has passed the legislation on to Congress. We are also requesting the Oceans Policy Commission to urge Congress to act on the administration supported reauthorization of MMPA.

The ANC and ATMMHC are completing a three year polar bear habitat use study in Chukotka. This study is conducted by interviewing knowledgeable hunters in each village. The hunters put on maps their observations of where bears hunt and feed, their migration and travel routes and den sites by season. The Chukotka study is funded by the National Park Service Beringia Heritage Project and is modeled after a similar study completed by the USFWS on the Alaska side of the population.

True co-management will finally be achieved when the treaty is ratified and in place.