

Debra Thompson

From: Bradley Gilman <mackerel@hsgblaw-dc.com>
Sent: Wednesday, November 29, 2017 11:50 AM
To: Stephen Giesbrecht
Cc: Debra Thompson; tarpon@hsgblaw-dc.com
Subject: fr: Brad Gilman re: Marine Mammal Protection Act

Stephen: Per the discussion with the Assembly, the following are my initial thoughts on how best to approach the Marine Mammal Protection Act issues relating to sea otters.

Senator Sullivan is currently holding a series of hearings relating to future changes to the Marine Mammal Protection Act. I believe that he will eventually seek to introduce legislation to reauthorize the MMPA and will be amenable to suggestions from Alaskan communities on common sense changes to the Act. The problem, however, is that any suggested legislative change which might result in the lethal take of marine mammals will be met with stiff opposition from animal rights organizations. Due to Senate procedures and the threat of a Senate filibuster, it is relatively easy to block controversial natural resources legislation.

The better approach is to explore potential administrative changes to the interpretation of the existing Native Exemption to the MMPA. This would require the Administration engaging in a federal rulemaking process to expand the scope of the types of activities that could be undertaken by Native hunters and artists in harvesting and selling sea otter products. In order for this to be successful, we would need to enter into a dialogue with the Native community in Southeast Alaska to determine whether they can articulate a broader market for furs if the regulations were relaxed, and whether they would actively participate in an effort to relax the regulations. We foresee the following initial steps—

- Identify Native individuals or groups in Southeast who might be interested in expanding the harvest of sea otters for commercial purposes. Individuals living within the boundaries of the Petersburg Borough would be especially important because it creates a nexus between the Borough and the Native constituency.
- Assist these individuals or groups in clarifying what needs to be changed in the current Fish & Wildlife Service regulations to allow for an expansion of their trade.
- Draft a proposal to the Department of the Interior petitioning for a rulemaking to modify the regulations to expand the Alaska Native handicraft sea otter trade.
- Coordinate with the Alaska Congressional Delegation throughout the process.

Let me know what the Assembly thinks about this issue.

Brad