



ALASKA FEDERATION OF NATIVES, INC.

2012 AFN CONVENTION

RESOLUTION 12-10

ALASKA FEDERATION  
OF NATIVES  
TITLE:

SUPPORTING THE DEFINITION OF "SIGNIFICANTLY ALTERED" FOR THE PURPOSES  
OF SEA OTTER HANDICRAFT IN THE MARINE MAMMAL PROTECTION ACT TO  
PREVENT FURTHER OVERSEALOUS LAW ENFORCEMENT PRACTICES

**WHEREAS:** The Indigenous People's Council for Marine Mammals is a coalition of Native organizations formed for the purpose of identifying and addressing marine mammal issues of common concern; and

**WHEREAS:** The Indigenous People's Council for Marine Mammals has identified the regulatory language of "significantly altered" used by the United States Fish and Wildlife Service as vague and ambiguous; and

**WHEREAS:** The Marine Mammal Protection Act was made law in 1972 prohibiting the take, import, and export of marine mammals by United States citizens; and

**WHEREAS:** Section 101(b) was included in the Marine Mammal Protection Act to exempt coastal Indians, Aleuts, and Eskimo's from these take prohibitions for subsistence and handicraft purposes; and

**WHEREAS:** The Code of Federal Regulations (CFR) implementing the Marine Mammal Protection Act of 1972 includes the language "significantly altered" which has not been clearly defined and continues to be problematic for artists who wish to make a living through the sale of their handicrafts as which was originally intended by the Act; and

**WHEREAS:** The indigenous residents of coastal communities have shared a close relationship with marine mammals for over 10,000 years as an essential element of the diet, social fabric, economy, and cultural well-being; and

**WHEREAS:** The production of Marine Mammal handicrafts, garments or art whether traditional or contemporary, can be a significant revenue source for Alaska Natives who live in economically depressed communities; and

**WHEREAS:** Cultural traditions and knowledge are in danger of being lost due to these unclear definitions; and

**WHEREAS:** The term “significantly altered” is not clearly defined by US Fish and Wildlife Service, leaving Alaska Natives and consumers of Native handicrafts, produced from sea otter, fearing that the items they buy and sell could be considered illegal.

**NOW THEREFORE BE IT RESOLVED** by the Delegates to the 2012 Annual Convention of the Alaska Federation of Natives, Inc. petition the Secretary of Interior and the Director of the US Fish and Wildlife Service to adopt the language clarifying “significantly altered” for the purposes of sea otter handicrafts, upon concurrence by IPCOMM, as follows: consider a marine mammal product to be “significantly altered” when it is no longer recognizable as a whole hide. This includes 1) a tanned hide, devoid of head, feet, and tail which includes but is not limited to weaving, carving, stitching, sewing, lacing, beading, drawing, painting, other decorative fashions, or made into another material or medium, or 2) a tanned head, tail, feet or other part devoid of the remainder of the hide which is made into a handicraft using one the aforementioned processes.

**SUBMITTED BY:** BOARD OF DIRECTORS OF ALASKA FEDERATION OF NATIVES

**CONVENTION ACTION:** PASSED

