



Co-management of Marine Mammals in Alaska

MMPA Alaska Native Exemption and Section 119

Marine mammals have long been essential to Alaska Native subsistence, culture and way of life. Recognizing this, Congress included an Alaska Native Exemption in the Marine Mammal Protection Act (MMPA) of 1972 that allows Alaska Natives to take marine mammals for subsistence purposes and for creating and selling authentic native articles of handicrafts and clothing, provided that the take is not accomplished in a wasteful manner.

In 1994, the MMPA was amended to add Section 119, giving explicit authority to the National Marine Fisheries Service (NMFS; for whales, porpoises, seals, and sea lions) and the U.S. Fish and Wildlife Service (FWS; for walrus, polar bears, and sea otters) to enter into cooperative agreements with Alaska Native Organizations (ANOs) to conserve marine mammals and provide co-management of subsistence use by Alaska Natives. Among other things, Section 119 of the MMPA provides a structure for incorporating Indigenous Knowledge and local perspectives into the research, management, and conservation of marine mammals.

What is Co-management?

Co-management of marine mammals is not defined in the MMPA, although it generally refers to shared responsibility and decision-making between the federal government and non-federal entities (ANOs in this case) regarding management of subsistence uses. ANO members are typically authorized by Tribal leadership to represent them in the development and implementation of cooperative agreements with the appropriate federal agency (NMFS or FWS) pertaining to specific marine mammal species and/or areas. The structure and type of agreement, as well as the activities conducted under each agreement vary amongst ANOs. However, implicit in all agreements is the idea that a cooperative approach that incorporates the knowledge, skills, and perspectives of Alaska Natives is more likely to achieve the conservation goals of the MMPA than is management by the federal agencies alone.



Under the MMPA, Alaska Natives are permitted to create and sell authentic Alaska Native handicrafts made from marine mammal materials, like these ear muffs made from sea otter skins. (Credit: Raven Cunningham)

Existing Section 119 Cooperative Agreements

[Nine ANOs](#) have active cooperative agreements with NMFS (six) or FWS (three). The Indigenous People's Council for Marine Mammals (IPCoMM), a coalition of marine mammal ANOs that works to address marine mammal conservation and subsistence issues of common concern, also has an [umbrella co-management agreement](#) with both NMFS and FWS. These agreements provide the basis for annual or multi-year funding by NMFS and FWS for research, harvest monitoring, and co-management activities.

Cooperative agreements under Section 119 may, among other things, include funding and provisions outlining shared responsibilities for the following activities:

- Collecting and analyzing data on marine mammal populations;
- Monitoring the subsistence harvest of marine mammals;
- Participating in marine mammal research conducted by federal and state governments, academic institutions, and private organizations;
- Developing co-management structures with federal and state agencies.

Strengthening Co-management of Marine Mammals Between ANOs and Federal Agencies

- **Increased opportunities for Alaska Native participation in marine mammal research and management activities.** Section 119 of the MMPA provides a structure for involving Alaska Natives in research and management activities and, along with other federal laws and directives, for incorporating Indigenous Knowledge and perspectives in decision-making processes. Expanding involvement in research and management activities and developing a better process for incorporation of Indigenous Knowledge could help facilitate community acceptance and support for management decisions.
- **Expanded authority for co-management of marine mammal hunting.** Some ANOs have Tribally-authorized harvest management plans for ensuring sustainable harvest of marine mammals for subsistence and handicraft purposes. With the exception of large whales, polar bears, and fur seals, which are subject to international agreements or other statutes, federal management agencies have limited authority to regulate subsistence taking by Alaska Natives (see MMPA section 101(b)). In some cases, Tribes have developed species and/or area-specific harvest management plans; however, the enforcement of those plans is limited to hunters and areas subject to the Tribe's jurisdiction. Amendments to the MMPA have been proposed in the past to expand management authority of ANOs and federal agencies, which, if incorporated, could strengthen the ability to co-manage marine mammal harvests.
- **Adequate funding and staff for ANOs and federal agencies to develop and fully participate in co-management.** The current competitive funding process for ANOs has left some groups with the impression that federal agencies have adopted an oversight role rather than participating as co-management partners. The existing funding process requires significant time and resources from ANO's limited staff to submit and manage the grants following federal requirements. A simpler funding process could make existing agreements more effective for both agencies and ANOs. Additional funding could allow for additional Section 119 agreements to be established for species and in areas that are currently not covered by existing agreements.



Sampling of Native-harvested marine mammals for scientific purposes (known as biosampling) provides tissues and other samples for a variety of studies. (Credit: Anna Bryan, Alaska Department of Fish and Game).

Co-management Review

The Commission conducted a review of marine mammal co-management in 2018 to identify essential components and key impediments to effective co-management of marine mammals in Alaska. More information about the review and its findings can be found on the [Co-management Review Project](#) webpage.

