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EXAMINING THE IMPACTS OF THE FEDERAL AFRICAN ELEPHANT IVORY BAN AND RELATED STATE LAWS

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WATER, AND WILDLIFE

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

OCTOBER 20, 2016

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EXAMINING THE IMPACTS OF THE FEDERAL AFRICAN ELEPHANT IVORY BAN AND RELATED STATE LAWS

THURSDAY, OCTOBER 20, 2016

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON FISHERIES, WATER, AND WILDLIFE,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:00 p.m. in the Northern Lights room, Carlson Center 2010 Second Avenue, Fairbanks, Alaska, Hon. Dan Sullivan (chairman of the subcommittee) presiding.

Present: Senators Sullivan, and Murkowski.

OPENING STATEMENT OF HON. DAN SULLIVAN, U.S. SENATOR FROM THE STATE OF ALASKA

Senator SULLIVAN. Good afternoon, everybody. I'm Senator Dan Sullivan. I'm very honored to be holding an official U.S. Senate hearing at AFN, and very honored to have so many friends and colleagues, and my Senate colleagues, Senator Murkowski here to discuss a very, very important issue for Alaska, for the Alaska Native community.

And this is a hearing of the Subcommittee on Fisheries, Water, and Wildlife for the Environment and Public Works Committee of the U.S. Senate. And as I mentioned, no better place to be holding this hearing than here at AFN where we are surrounded by dozens of talented artists that are directly affected by the topic we are going to discuss today.

As a matter fact, my wife, Julie, is here and showed me some of the ivory that she's already bought since being here this morning.

So what we're talking about is, I think, a big issue where there's a lot of confusion. Earlier this year, the Federal Government finalized regulations that tightened trade in African elephant ivory, banning most commercial sales outright.

These regulations have, in turn, unfortunately, and from our perspective, misguidedly spawned several State laws that broadly expand the types of banned ivories allowed in different states, well beyond the Federal regulation.

And these bans now include walrus and mammoth ivory that are commonly used by many Alaska Native craftsmen and others to help with the culture and the economy of many of our communities and our State.

While perhaps well-intentioned, these State bans have had the unintended consequences of limiting the ability to trade authentic articles of Natives handicraft, and in other cases, they have created confusion among the buyers who might think that importing all forms of ivory is prohibited.

As a result, this is already beginning to reduce demand for authentic Alaska Natives handicrafts and clothing from tourists, from Alaskans, from collectors all over the country and, indeed, all over the world.

I want to take a moment and recognize an important issue for this country, for the world, and that is that elephant poaching and the resulting illegal ivory trade in poached species, is a serious problem that needs to be addressed. Currently, the United States is doing this with mechanisms like the Convention on International Trade and Endangered Species, known as CITES, and continued international cooperation to conserve elephants as needed. Nobody argues that.

But today, we will focus on an issue that goes well beyond conserving elephants, and, instead, imposes burdens on Alaska Natives and other Alaskan artisans without any justifiable corresponding conservation benefit for species.

I've called this hearing to raise awareness of the impacts of broadly written State ivory bans and tho—the impacts that it has on Alaskans, and to help ensure that, as other states look at this issue, they do not move forward with such bans. And if they insist on doing that, such bans account for the impacts on Alaskans who rely on selling these products for their livelihood and cultural engagement.

As I mentioned, the Fish and Wildlife Service finalized their new rule on the trade of African elephant ivory to and from the U.S. this past June. This rule, as the Fish and Wildlife Service, itself, notes, only impacts elephant ivory. It does not apply to Alaska Natives using other ivory or bones from animals to produce handicrafts.

So the Federal regs are clear. However, soon after that reg was issued, other states began banning the selling of, quote, tooth or tusk from a species of elephant, hippopotamus, mammoth, walrus, whale, narwhal, or piece thereof, whether raw ivory or worked ivory, unquote. So that's what's happening in the states, and that covers all of us.

By including walrus, mammoth, and whale, among the species subject to the ban, states like California and now New Jersey and others are starting to get in line, have gone well beyond the Federal standard, and have created an environment that is having a chilling effect on the Alaska Native handicraft market that we see is so vibrant just outside the halls of this hearing.

As you all know, many Alaskan Natives not only rely on walrus as an important subsistence food source, but also depend on the economic benefits of selling worked ivory. Alaskans who realize economic benefits from selling worked mammoth ivory found during mining and foraging, also have this opportunity and it's not—just not in the craft shows. Just look at downtown Fairbanks in terms of what they sell.

While data is limited on the full economic impact of these activities, what is clear is that many in rural and even urban Alaska receives significant economic benefits from working with and selling these products. In addition, walruses are not listed as endangered or threatened under the Endangered Species Act. Many people don't know that, but they're not listed.

And the Marine Mammal Protection Act explicitly allows Alaska Natives to harvest walrus for subsistence purposes and permits the sale of authentic articles of Native handicraft factioned from them.

States are following the lead of the Federal Government to regulate ivory sales. Yet, what seems clear and what this hearing hopes to highlight is that—is the restrictions pertaining to Alaska Natives, and non-Natives do not further the goal of conservation. Our goal here is to try and gain a better understanding of how these Federal and State laws affect Alaskans, and we want to raise awareness,not only here, but, importantly, in all the other states in the country as states consider further laws regarding the restricting trade and ivory.

We also want to try to start to get commitments from the Federal Government agencies, like NOAA, Fish and Wildlife Service, Secretary Jewell who is here, to help us in the related NGO's, like the World Wildlife Fund—it's one of our witnesses today—to get the word out and push back on State laws that are hurting Alaskans, especially Alaska Natives, and yet, are having no positive impact on species conservation in Alaska.

So I want to—I'm going to mention our—we have a great, great witness panel here today. We have a great turnout. I also want to mention we've had a lot of interest just in the last couple of days on this hearing, so we're going to keep the record for this Senate hearing open for the next 2 weeks, so whoever wants to submit testimony, we will get the word out on where you can submit that testimony. It's going to be to Pierce Wiegard, who is one of my staffers on this issue. His e-mail is pierce, p-i-e-r-c-e—wiegard, w-i-e-g-a-r-d@sullivan.senate.gov. (pierce—wiegard@sullivan.senate.gov) And if you didn't get all that, you can hit up Pierce at the end of this hearing.

But what we—in all seriousness, we want to hear from as many Alaskans as possible and just—at the beginning of this hearing, for the record, I will submit for the record, the testimony of Vera Metcalf from Fairbanks, Alaska, her written testimony, and the testimony of Kawerak, Inc. Their written testimony for this hearing is going to be submitted for the record.

And before we start with our panel of distinguished witnesses, who I want to thank, again, for coming, I do want to have the opportunity for my close friend and colleague, the Chairman of the Energy and Natural Resources Committee for the U.S. Senate, Senator Murkowski to say a few words on this important topic. Senator Murkowski.

OPENING STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM THE STATE OF ALASKA

Senator MURKOWSKI. Thank you, Senator Sullivan, for your leadership on this and for convening this important field hearing. For those who are not familiar with some of the process that goes on

in the Senate, an opportunity to have a field hearing in one State to gather information for the committee record to be considered at a later point in time, is really key to the education that goes on.

I think it's fair to say looking at the friends and the faces around the room, that most in this room here, today, probably most here in the Carlson Center, know and understand the implications of the confusion as you have outlined in your statements so clearly, the confusion that will be created and then the impact to our artisans,to those who have passed these traditions, this craftsmanship, this sharing down for decades, for generations, that we lose that.

But we need to be part of a committed record. We need to get this information so that our colleagues who, whether they be from New Jersey or California where we are seeing some of the—these concerns and its confusion, really play out, so that they can understand directly from you as Alaskans.

So I appreciate you highlighting this at this AFN Convention. I appreciate the witnesses and the testimony that they will bring. But I do want to reiterate the concern that you have raised here. It's one thing to have Federal regulations that are clear. And you hear a lot from your delegation talking about when the overreach of Federal regulations.

It seems now that we are dealing with a little bit of overreach from states with regards to their regulations, and how we deal with this in a way that is respectful to what—where the states are coming from, but making sure that they understand the impact here, and, truly, I think some very unintended consequences that could have significant consequence to us.

It kind of takes me back to a few AFNs ago, when you're out in the hall out there. We were pulled aside by those who were harvesting sea otters, harvesting those pelts, providing for a little bit of income for their families, but there was confusion with the interpretation of the regs from Fish and Wildlife. And what it did, was it sent a very, very chilling impact to those who were trying to provide for their families,trying to continue traditions that, again, were clearly allowed, but the confusion that it causes is very detrimental.

So the effort that is underway today here is greatly appreciated. Appreciate your leadership on this. I'm not going to be able to stay for the whole hearing, but I'm going to stay for as long as my time allows me. Just thank you for that.

Senator SULLIVAN. All right.

Senator MURKOWSKI. —opportunity to kind of horn in on your parade here.

Senator SULLIVAN. We're glad—no, this is everybody's parade. We're just trying to raise awareness.

Senator MURKOWSKI. OK.

Senator SULLIVAN. So we're very glad you're here. Well, I want to—as Senator Murkowski mentioned, this is an official Senate hearing coming to Alaska, so you don't have to travel to D.C. for it.

So I really want to thank our panel of distinguished experts, and want to welcome Dr. Rosita Worl, President of Sealaska Heritage, Inc., Tara Sweeney, the Executive Vice President, External Affairs, Arctic Slope Regional Corporation, Susie Silook, an artist, a writer,

who has given some great commentary in front of all of AFN just a couple minutes ago on this important topic, and Margaret Williams, the Arctic Program Managing Director of the World Wildlife Fund. We are very excited to hear from each of you.

And I know some of you have a time limit, so Dr. Worl, if you want to begin your opening statement, and anything that you want to submit for the record, for the written record, we can do that, as well, before we begin questions. Dr. Worl.

STATEMENT OF ROSITA WORL, PhD., PRESIDENT, SEALASKA HERITAGE, INC.

Rosita WORL. (Speaks Tlingit) Honorable Senator Sullivan, (speaks Tlingit), Lady of the land (speaks Tlingit),

Senator Murkowski, my name is Rosita Kaahani Worl. I currently serve as the president of the Sealaska Heritage Institute. I also serve as chair of the Alaska Federation of Natives Subsistence Committee.

Sealaska Heritage Institute is a nonprofit organization dedicated to the preservation and enhancement of Alaska Native cultures with goals of promoting cross cultural preservation and enhancement of cultures and diversity.

The AFN Subsistence Committee is dedicated to the protection of Native subsistence rights, food security, and the use of byproducts of wildlife resources for cultural objects, clothing, and arts and crafts production and sale.

Thank you for this opportunity to offer my comments on the adverse impacts on Alaska Native economic self-sufficiency that will come from the Federal African elephant ivory ban, and that will result from other bans by five State laws and additional states that are considering a ban.

As I understand, the Federal ban relates to an African elephant ivory ban, while most State laws include all ivory, including both old and new walrus ivory that is used by Alaska Natives. A number of State bans also apply to mammoth ivory, including mastodon that is used by both Alaska Natives and non-Natives. I also understand that some states have included or have proposed to include whale, polar bear, and sea otter products.

The array of Federal and State laws highlights one of the major problems. The differing legislation bans are confusing and, collectively, may serve as a deterrent to those who might be inclined to buy Alaska ivory art, and will only serve to seriously undermine the ivory art market. Suppression of the ivory market will be devastating to Alaska Native hunters, craftspeople, and artisans, and would be further disastrous if, in fact, whale, polar bear, and sea otter products are also banned.

First, may I say—State that Alaska Natives firmly believe and support measures to ensure a healthy, sustainable African elephant population. Conservation and sustainability are values that are entrenched in our ancient societies that remain dependent on the use of natural resources for our livelihood and for our cultural survival.

However, we do not believe that such measures to protect elephants should have an adverse impact on Alaska Native ivory carvers and the market for their products. I would like to believe

that the advocates of the ivory ban that includes walrus, were unaware of the negative consequences on the ban—of the ban on Alaska Natives. I would like to believe that they appreciate the value of cultural diversity and support this cultural survival of Alaska's indigenous societies.

Rural Alaska villages are economically depressed and high rates of unemployment are the norm. SHI studies have demonstrated that out-migration of villagers to urban centers has been intensified in the last decade, primarily as a result of the lack of economic opportunities.

There is little prospect for economic development in our rural remote communities. Rural villages are characterized by high energy and transportation costs, and lack of infrastructure to support economic development. The production and exchange of arts and crafts is an ancient tradition that supported vibrant and sustainable indigenous communities throughout Alaska. It was expanded to include the sale of arts and crafts with the arrival of Westerners.

Today, arts and crafts still play an even greater role in village economies. Walrus ivory, including mammoth and mastodon ivory, are also used as creative high art expressions that are widely coveted in the art world.

I must emphasize that walrus is a major food source among northern and western coastal communities. In some communities, walrus is the primary food source. Walrus skins are used to make skin boats that are essential for hunting and travel. Its ivory is also important as a source of income, but above all, walrus is prized for the food security provides.

Arts and craft production and sale, including ivory, is one means of providing modest, but critically financial benefits to Natives who otherwise lack economic opportunities. While we lack hard data on the value of ivory production, we know that ivory plays a significant role in Alaska's small-scale subsistence economies, and the annual arts and crafts tourist market that is well over $32 million.

We know that village artisans can make up to 35,000 to 50,000 dollars annually, and that those earnings are widely shared among family and community members. SHI is intimately familiar with the benefits of the arts and craft markets to Native people through our sustainable arts projects that we have implemented, including basketry, seal skin, sea otter, and wood carving as a means to achieve economic self-sufficiency in our community.

We have also initiated efforts to ensure that artists have access to ivory. When SHI first learned of the California initiative to ban the sale of all ivory, we immediately contacted various officials and lawmakers to oppose the legislation. Our efforts were far too late. Even if we had the adequate notice, it is a certainty that we could not match or overcome the international and national public relations and political efforts supported by the advocates of the ivory ban.

The existing ivory ban by several states and a national ban, pose a serious threat to the survival of Native communities that are primarily dependent on a subsistence economy and the sale of arts and crafts. That ban adds to the ongoing threats facing Alaska Natives that is associated with climate change, and is increasingly evident in our coastal communities.

While we support measures to ensure the survival of the elephant and other animals, the survival of Alaska Native communities must be considered. We, respectfully, offer the following recommendations:

Include language in any legislation or regulations related to African elephant ivory that provides for an explicit Alaska Native exemption for legally harvested walrus and ivory, and ensures that the language is consistent with the Marine Mammal Protection Act of 1972.

Initiate action to ensure that all State laws be consistent with the MMPA and provide for an Alaska Native exemption.

Require the Indian Arts and Craft Board to develop a public relations effort to inform the public of Alaska Natives sustainable use and dependency on the sale of Alaskan ivory, including mammoth and mastodon and the critical role Alaska ivory plays in the survival of indigenous communities. (Speaks Tlinget).

[The prepared statement of Ms. Worl follows:]

SEALASKA HERITAGE

IMPACTS OF THE IVORY BAN
ON
ALASKA NATIVE SELF SUFFICIENCY

TESTIMONY
TO

U.S. SENATE COMMITTEE ON ENVIRONMENT AND
PUBLIC WORKS
SUBCOMMITTEE ON FISHERIES, WATER, AND
WILDLIFE
HEARING
EXAMINING THE IMPACTS OF THE FEDERAL
AFRICAN ELEPHANT IVORY BAN
AND RELATED STATE LAW
CARLSON CENTER
FAIRBANKS, ALASKA

BY

ROSITA KAA HÁNI WORL, PH.D.
SEALASKA HERITAGE INSTITUTE

OCTOBER 20, 2016

MY NAME IS ROSITA KAA HÁNI WORL. I CURRENTLY SERVE AS THE PRESIDENT OF THE SEALASKA HERITAGE INSTITUTE. I ALSO SERVE AS THE CHAIR OF THE ALASKA FEDERATION OF NATIVES SUBSISTENCE COMMITTEE. SEALASKA HERITAGE INSTITUTE IS A NONPROFIT ORGANIZATION DEDICATED TO THE PRESERVATION AND ENHANCEMENT OF ALASKA NATIVE CULTURES WITH GOALS OF PROMOTING CROSS-CULTURAL UNDERSTANDING AND DIVERSITY. THE AFN SUBSISTENCE COMMITTEE IS DEDICATED TO THE PROTECTION OF NATIVE SUBSISTENCE RIGHTS, FOOD SECURITY, AND THE USE OF BYPRODUCTS OF WILDLIFE

RESOURCES FOR CULTURAL OBJECTS, CLOTHING, AND ARTS AND CRAFTS PRODUCTION AND SALE.

THANK YOU FOR THIS OPPORTUNITY TO OFFER MY COMMENTS ON THE ADVERSE IMPACTS ON ALASKA NATIVE ECONOMIC SELF-SUFFICIENCY THAT WILL COME FROM THE FEDERAL AFRICAN ELEPHANT IVORY BAN AND THAT WILL RESULT FROM OTHER BANS BY FIVE STATE LAWS AND ADDITIONAL STATES THAT ARE CONSIDERING A BAN.

AS I UNDERSTAND, THE FEDERAL BAN RELATES TO AN AFRICAN ELEPHANT IVORY BAN WHILE MOST STATE LAWS INCLUDE ALL IVORY INCLUDING BOTH OLD AND NEW WALRUS IVORY THAT IS USED BY ALASKA NATIVES. A NUMBER OF STATE BANS ALSO APPLY TO MAMMOTH IVORY, INCLUDING MASTADON THAT IS USED BY BOTH ALASKA NATIVES AND NON NATIVES. I ALSO UNDERSTAND THAT SOME STATES HAVE INCLUDED OR HAVE PROPOSED TO INCLUDE WHALE, POLAR BEAR, AND SEA OTTER PRODUCTS.



THE ARRAY OF FEDERAL AND STATE LAWS HIGHLIGHTS ONE OF THE MAJOR PROBLEMS. THE DIFFERING LEGISLATIVE BANS ARE CONFUSING AND COLLECTIVE MAY SERVE AS A DETERRENT TO THOSE WHO MIGHT BE INCLINED TO BUY ALASKA IVORY ART AND WILL ONLY SERVE TO SERIOUSLY UNDERMINE THE IVORY ART MARKET. SUPPRESSION OF THE IVORY MARKET WILL BE DEVASTATING FOR ALASKA NATIVE HUNTERS, CRAFTS PEOPLE AND ARTISANS AND WOULD BE FURTHER DISASTROUS, IF IN FACT WHALE, POLAR BEAR, AND SEA OTTER PRODUCTS ARE ALSO BANNED.

FIRST MAY I STATE, THAT ALASKA NATIVES FIRMLY BELIEVE AND SUPPORT MEASURES TO ENSURE A HEALTHY, SUSTAINABLE AFRICAN ELEPHANT POPULATION. CONSERVATION AND SUSTAINABILITY ARE VALUES THAT ARE ENTRENCHED IN OUR ANCIENT SOCIETIES THAT REMAIN DEPENDENT ON THE USE OF NATURAL RESOURCES FOR OUR LIVELIHOOD AND CULTURAL SURVIVAL. HOWEVER, WE DO NOT BELIEVE



SUCH MEASURES TO PROTECT ELEPHANTS SHOULD HAVE AN ADVERSE IMPACT ON ALASKA NATIVE IVORY CARVERS AND THE MARKET FOR THEIR PRODUCTS.

I WOULD LIKE TO BELIEVE THAT THE ADVOCATES OF THE IVORY BAN THAT INCLUDES WALRUS WERE UNWARE OF THE NEGATIVE CONSEQUENCES OF THE BAN ON ALASKA NATIVES. I WOULD LIKE TO BELIEVE THAT THEY APPRECIATE THE VALUE OF CULTURAL DIVERSITY AND SUPPORT THE CULTURAL SURVIVAL OF ALASKA S INDIGENOUS SOCIETIES.

RURAL ALASKA VILLAGES ARE ECONOMICALLY DEPRESSED, AND HIGH RATES OF UNEMPLOYMENT ARE THE NORM. SHI STUDIES HAVE DEMONSTRATED THAT OUTMIGRATION OF VILLAGERS TO URBAN CENTERS HAS BEEN INTENSIFYING IN THE LAST DECADE PRIMARILY AS A RESULT OF THE LACK OF ECONOMIC OPPORTUNITIES. THERE IS LITTLE PROSPECT FOR ECONOMIC DEVELOPMENT IN OUR RURAL, REMOTE VILLAGES. RURAL VILLAGES ARE CHARACTERIZED BY



HIGH ENERGY AND TRANSPORTATIONS COSTS AND LACK OF INFRASTRUCTURE TO SUPPORT ECONOMIC DEVELOPMENT.

THE PRODUCTION AND EXCHANGE OF ARTS AND CRAFTS IS AN ANCIENT TRADITION THAT SUPPORTED VIBRANT AND SUSTAINABLE INDIGENOUS ECONOMIES THROUGHOUT ALASKA. IT WAS EXPANDED TO INCLUDE THE SALE OF ARTS AND CRAFTS WITH THE ARRIVAL OF WESTERNERS. TODAY ARTS AND CRAFTS SALES PLAY AN EVEN GREATER ROLE IN VILLAGE ECONOMIES. WALRUS IVORY, INCLUDING MAMMOTH AND MASTODON IVORY, ARE ALSO USED AS A CREATIVE, HIGH ART EXPRESSION THAT IS WIDELY COVETED IN THE ART WORLD.

I MUST EMPHASIZE THAT WALRUS IS A MAJOR FOOD SOURCE AMONG NORTHERN AND WESTERN COASTAL COMMUNITIES. IN SOME COMMUNITIES, WALRUS IS THE PRIMARY FOOD SOURCE. WALRUS SKINS ARE USED TO MAKE SKIN BOATS THAT ARE ESSENTIAL FOR

HUNTING AND TRAVEL. ITS IVORY IS IMPORTANT AS A SOURCE OF INCOME, BUT ABOVE ALL WALRUS IS PRIZED FOR THE FOOD SECURITY IT PROVIDES.

ARTS AND CRAFTS PRODUCTION AND SALE, INCLUDING IVORY, IS ONE MEANS OF PROVIDING MODEST, BUT CRITICAL FINANCIAL BENEFITS TO NATIVES WHO OTHERWISE LACK ECONOMIC OPPORTUNITIES. WHILE WE LACK HARD DATA ON THE VALUE OF IVORY PRODUCTION, WE KNOW THAT IVORY PLAYS A SIGNIFICANT ROLE IN ALASKA S SMALL-SCALE SUBSISTENCE ECONOMIES AND THE ANNUAL ARTS AND CRAFTS TOURIST MARKET THAT IS WELL OVER #32 MILLION. WE ALSO KNOW THAT VILLAGE ARTISANS CAN MAKE UP TO #35,000 TO 50,000 ANNUALLY AND THAT THOSE EARNINGS ARE WIDELY SHARED AMONG FAMILY AND COMMUNITY MEMBERS.

SHI IS INTIMATELY FAMILIAR WITH THE BENEFITS OF THE ARTS AND CRAFT MARKET TO NATIVE PEOPLE THROUGH THE SUSTAINABLE ARTS PROJECTS WE HAVE

IMPLEMENTED, INCLUDING BASKETRY, SEAL SKIN, SEA OTTER, AND WOOD CARVING AS A MEANS TO ACHIEVE ECONOMIC SELF- SUFFICIENCY IN OUR COMMUNITIES. WE HAVE ALSO INITIATED EFFORTS TO ENSURE THAT ARTISTS HAVE ACCESS TO IVORY.

WHEN SHI FIRST LEARNED OF THE CALIFORNIA INITIATIVE TO BAN THE SALE OF ALL IVORY, WE IMMEDIATELY CALLED VARIOUS OFFICIALS AND LAWMAKERS TO OPPOSE THE LEGISLATION. OUR EFFORTS WERE FAR TOO LATE. EVEN IF WE HAD HAD ADEQUATE NOTICE, IT IS A CERTAINTY THAT WE COULD NOT MATCH OR OVERCOME THE INTERNATIONAL AND NATIONAL PUBLIC RELATIONS AND POLITICAL EFFORT SUPPORTED BY THE ADVOCATES OF THE IVORY BAN.

THE EXISTING IVORY BAN BY SEVERAL STATES AND A NATIONAL BAN POSE A SERIOUS THREAT TO THE SURVIVAL OF NATIVE COMMUNITIES THAT ARE PRIMARILY DEPENDENT ON A SUBSISTENCE ECONOMY AND

THE SALE OF ARTS AND CRAFTS. THE BANS ADDS TO THE ONGOING THREAT FACING ALASKA NATIVES THAT IS ASSOCIATED WITH CLIMATE CHANGE AND IS INCREASINGLY EVIDENT IN OUR COASTAL COMMUNITIES.

WHILE WE SUPPORT MEASURES TO ENSURE THE SURVIVAL OF ELEPHANTS AND OTHER ANIMALS, THE SURVIVAL OF ALASKA NATIVE COMMUNITIES MUST ALSO BE CONSIDERED.

WE RESPECTFULLY OFFER THE FOLLOWING RECOMMENDATIONS:

- INCLUDE LANGUAGE IN ANY IN LEGISLATION OR REGULATIONS RELATED TO AFRICAN ELEPHANT IVORY THAT PROVIDES FOR AN EXPLICIT ALASKA NATIVE EXEMPTION FOR LEGALLY HARVESTED WALRUS AND IVORY AND ENSURES THAT THE LANGUAGE IS CONSISTENT WITH THE MARINE MAMMAL PROTECTION ACT OF 1972 (MMPA).
- INITIATE ACTION TO ENSURE THAT ALL STATE LAWS TO BE CONSISTENT WITH THE MMPA AND PROVIDE FOR AN ALASKA NATIVE EXEMPTION.
- REQUIRE THE INDIAN ARTS AND CRAFTS BOARD TO DEVELOP A PUBLIC RELATIONS EFFORT TO INFORM THE PUBLIC OF ALASKA NATIVE

SUSTAINABLE USE AND DEPENDENCY ON THE SALE OF ALASKAN IVORY, INCLUDING MAMMOTH AND MASTODON, AND THE CRITICAL ROLE ALASKAN IVORY PLAYS IN THE SURVIVAL OF INDIGENOUS ECONOMIES.

GUNALCHÉESH.

DR. ROSITA KAA HÁNI WORL, IS TLINGIT FROM THE THUNDERBIRD CLAN AND HOUSE LOWERED FROM THE SUN IN KLUKWAN. SHE IS A HARVARD-TRAINED ANTHROPOLOGIST WHO HAS CONDUCTED RESEARCH THROUGHOUT ALASKA AND THE CIRCUMPOLAR ARCTIC AND HAS AUTHORED NUMEROUS SCHOLARLY WORKS.

Senator SULLIVAN. All right. Thank you very much. That was outstanding testimony. I look forward to having a further discussion when we are discussing these issues. Mrs. Sweeney, thank you.

STATEMENT OF TARA SWEENEY, EXECUTIVE VP, EXTERNAL AFFAIRS, ASRC

Tara SWEENEY. Thank you. Chairman Sullivan and Senator Murkowski, thank you for the opportunity to provide testimony today.

My name is Tara Sweeney and I serve as the Executive Vice President for Arctic Slope Regional Corporation or ASRC. ASRC is an Alaskan Native corporation established pursuant to the Alaska Natives Claims Settlement Act of 1971.

The creation of Alaska Native corporations was mandated by Congress as a means to promote the health, education, or welfare of our Alaska Native shareholders. And at ASRC, we take that mandate seriously. We work to go beyond promoting health, education, and welfare of our shareholders. We actively pursue and create strategic partnerships and invest in initiatives aimed at improving the quality of life of our shareholders.

ASRC is the largest Alaskan owned company in the State and we have 10,000 employees nationwide, and approximately 13,000 Inupiat shareholders from the North Slope region of Alaska.

Our region is strong in its Inupiat identity, rich in culture, with a deep-seated tradition of subsistence, including the harvesting of terrestrial and marine mammals like walrus, which provides much-needed sustenance for our families. And through the lawful harvest of its ivory, it provides financial assistance to families in some of the most remote and disconnected communities in this Nation.

I'm not an expert on African elephant ivory. And to be clear, ASRC does not support the unsustainable practice of harvesting African elephants simply for its ivory.

But I'm not here to oppose the ban. Instead, I'm here to help shine a light on the unintended consequences of State laws that broadly ban the sale of ivory, and the unintended consequences of these laws on Alaska's first people.

Since the U.S. Fish and Wildlife Service banned the importation of African elephant ivory, there seems to be a wave of cultural imperialism sweeping the country with serious consequences for Alaska Natives. States, compelled by animal welfare groups to end harvesting practices in other parts of the world, regardless of sustainability, are establishing by legislative fiat, that sales of all ivory are illegal, and implementing policies at the State level that adversely impact Alaska Native communities and obstruct the ability of Alaska Natives to engage in free commerce.

As a lead—as leaders in the Senate, both Chairman Sullivan and Senator Murkowski, I believe it is your responsibility to help us draw the distinction between banned elephant ivory and domestic lawfully harvested walrus ivory.

We must act to ensure that elephant ivory is not somehow considered to be synonymous with walrus ivory, and protect our hunters and artisans from being targeted for carrying on a sustainable and culturally and conomically valuable practice.

We are seeing states like New Jersey and California ban all types of ivory, and this has real life impacts on your constituents. Our rural Alaska is the poster child for challenging economic environments. We need to support employment opportunities that support and sustain our traditional way of life and protects us from the social consequences of a weak economy.

Therefore, when our rural residents and shareholders enhance an ivory product after the lawful harvest of walrus, the commerce that accompanies the sale of an Alaskan ivory product has meaningful impacts on the livelihoods of our people.

Since 2010, ASRC alone has spent over $620,000 to support the small-scale and sustainable ivory art sales of our shareholders. This beautiful art from our region, rightfully, brings a premium and, yet, prices keep getting depressed because policy leaders have wielded a blunt weapon to fight the unrelated global trade in unsustainable ivory.

This is just one example of how Federal policies impact Alaska Native lives. Another example can be seen in the confiscation of ivory seal or other marine mammal products by uninformed Federal officers attempting to enforce the Marine Mammal Protection Act.

For example, by confiscating products at the U.S. Canada border, taking them from Alaska Natives who are lawfully traveling across the border, items that Natives can rightfully possess within the U.S. Since 2000, nearly 1,200 marine mammal products have been confiscated by the U.S. Fish and Wildlife Service.

Senator Sullivan, Senator Murkowski, as always, I sincerely appreciate your leadership on these issues, and thank you for champion—championing issues like this for the Alaska Native community.

I do know that you're committed to ensuring that the Alaska Native voice is heard at the national level, and is heard by Members of Congress who represent all 50 states. And it's with your leadership that we can carry this message throughout the halls of Congress and to states around the Nation that are trying to do the right thing, but, ultimately, are hurting our communities, our economy, and our way of life.

Thank you for the opportunity to provide comments.

Senator SULLIVAN. Thank you. Thank you, Ms. Sweeney. And thank you for the—I didn't know about the 1,200 marine mammal products confiscate—confiscation, which is another issue we will be looking at. Ms. Silook, you have a—your opportunity to deliver your testimony. Thank you.

STATEMENT OF SUSIE SILOOK, LOCAL ARTIST

Ms. SILOOK. Thank you, Senators, for inviting me and for me to be given this opportunity to speak on this issue. I didn't prepare anything. I've done too much writing on this and I'm, frankly, burned out.

But I would just like to share a little bit of what I've learned along the way in our Sikuliiq Advocacy. We are an artist group. I'm also from St. Lawrence Island, born and raised. I was raised eating walrus. My father and my brothers are artists; I am also, of 30 years. My mother sewed, and in the sway, without any government

aid, also working full-time jobs, and the subsistent thing, they raised eight of us. So I'm well aware of who this is impacting; it's me; it's us.

And the old ivory on St. Lawrence Island that's in the ground—St. Lawrence Island is possibly the only legal place you can get that, because we own subsurface rights to the island based on rejecting the cash settlement during the Land Claims Settlement Act.

And back in 1996, I worked out a grant with the tribal government and we're trying to address the feeling that too much of this resource was leaving the island without enough money being given back into the community.

But as we try to work that, we realized that everyone in our community depends upon that seasonal activity. You know, even elders could do this, you know, going—because the vast majority of the material that's in the ground is unworked raw whale bone and ivory, and this is an important resource, in addition to the new harvesting that we do with the walrus.

So we couldn't develop any law enforcement around that. Not only do we not have the—did we not have the capacity to carry that out, but we didn't want to make our own people criminals. So that old ivory is more important than people realize, and the old whale bone. And I just wanted to throw that out there.

And I also want to point out walrus ivory is entirely distinguishable from walrus and mammoth ivory. It does not contain that crosshatching and it's marbled on the inside. Part of the argument is that they have to ban walrus ivory because all ivory looks alike or, you know, something to that effect. That's not true.

They're saying that a lot of the illegal elephant ivory is coming in disguised as mammoth ivory. And there might be something to that, because I've never seen elephant ivory. I've seen mammoth ivory, but there might be something to that angle. But you have to remove walrus ivory from those descriptions, because it is visually distinguishable. It doesn't have the crosshatching. It's got the cracks on it. And when you open it up, there's a core inside that's different from the other ivories. But that's both new and old. Mammoth ivory, we use a lot, too, but, you know, in my circle, we—that's not as important to us as the old ivory and the walrus ivory.

And like they've mentioned, this—they are also banning quail, and many artists use quail bone. I do myself, also. That's going to impact communities quite a bit. And I can't believe they're doing that. A lot of this is ancestral material, also from the ground, just like the mammoth; it's extinct. But it's almost like they're making the mammoth a protected species now. And this is ridiculous.

Senator SULLIVAN. The mammoth has been extinct for how many years?

Susie SILOOK. What's happening, though there's something—happening because of the ban on mammoth ivory, there—and because—but because it's—China is the main—so, we are told anyway. I'm beginning to doubt everything I'm told. China is the main consumer of elephant ivory, because their middle class increased dramatically and that is a status symbol for them, so that's why there's a lot of elephant ivory there.

And they're also saying that there was a sale back in—I think it was 1999, they did illegal sale of ivory—elephant ivory that came

from food sources and—not food sources, elephants that died from natural causes, because many elephants died from natural causes in Africa.

So they did a mass sale of these two—China and Japan, and then I've read differing accounts on how this spiked the poaching of African elephants. One report says as high as 16—60 percent, but I've also seen like 17 percent, so it's unclear.

And the—you know, when they were passing this law we weren't invited to the table——

Senator SULLIVAN. Yes.

Susie SILOOK.—you know, that Department of Interior said they looked at their duty to inform us and decided this would not affect us, so we were not invited to the table.

Whereas, they do mention there are a few ivory artists in America, and they were given a voice. These are non-Native artists that worked with elephant ivory and they were given a voice. So that's a problem, that whole tribal consultation thing, that——

Senator SULLIVAN. Yes.

Susie SILOOK. And, then, you know, if this was accident—if this was unintentional, why then all our efforts toward Fish and Wildlife and President Obama have gone completely unaddressed?

Senator SULLIVAN. Yes.

Susie SILOOK. Completely. This is a president that's determined to be the conservation president, and he is in bed with these wildlife organizations that are—that's actually the source of these bans.

The International Union for the Conservation of Nature, IUCN, they just had their major convention in Hawaii. President Obama gave the keynote address for that. And he is quoted in—I hope I get this right. There's some names I'm going to get wrong. There's just so much out there. It's like the United States Alliance of Fish and Wildlife, something along those effects. He created that.

He was also there quoted as saying, we're here to eliminate all ivory markets worldwide. But they go further than that. If you look into—if you do any research into their sites, they want to eliminate all wildlife product markets worldwide. They are not going to stop at walrus ivory. And, in fact, they were saying they were hoping that states would drag in other animals into this ban.

There are two new laws that are coming up, and I think they are significant when you look at the whole picture, because one of them is called the Native Act. You know, that's the tourism act for Natives. That's passing or passed.

And then there's END. Have you heard of END? Eliminate, Neutralize, and Disrupt wildlife trafficking; END. That's on the table now. So that's another law that we are going to have to look at in terms of our resources.

There really needs to be Native American representatives in the U.S. Fish and Wildlife, in everything that has to do with wildlife. You know, there—OK. I wrote—instead of writing something, I wrote a list of concern—a list of recommendations——

Senator SULLIVAN. OK.

Susie SILOOK. —based on all my research that could help with this.

Senator SULLIVAN. Good.

Susie SILOOK. So I'll just get to that rather than ramble.

Senator SULLIVAN. Well, we'll have plenty of time for Q and A here, too. But if you want to get to the recommendations, that's perfect.

Susie SILOOK. OK. CITES——

Senator SULLIVAN. Yes.

Susie SILOOK. —they need to develop an indigenous peoples' policy somehow. Any time some animal comes up that they are discussing, there needs to be indi—if it does concern indigenous people that use that as a subsistence resource, they need to be present and their voices heard. And I think the United States should write a resolution to this effect, and then if they don't honor that, we should pull out. That's my recommendation.

Indigenous people—these wildlife organizations, the way that they carry out conservation, the data shows based on MacArthur Foundation research—there's a paper on this, 50 pages—that many times, it results in displacement of indigenous people from their territorial lands, and also severance from their natural resources. They, then, become poachers of their own food sources, and encroaches on their own land. This happens repeatedly.

Even when those organizations purport to adopt the United Nations indigenous peoples' rights, what (indiscernible) you know, that thing, they recognize that they haven't been doing the best in terms of addressing indigenous peoples' concerns, so they've said they've adopted that.

But in both this recent IUCN convention in Hawaii and also at the CITES, I couldn't get anybody from Alaska to go. I tried. But ICC Can—Canadian Inuit Circumpolar Conference, they were at the IUCN in Hawaii, and they were treated as traitors to the cause when they brought up our concerns about this impacting our rights. So CITES——

Senator SULLIVAN. Yes.

Susie SILOOK. —that whole—really, it needs to be addressed. OK. And then, of course, U.S. Fish and Wildlife with the tribal consultation, I e-mailed Bruce Dale (ph). He's the man that attends the CITES——

Senator SULLIVAN. Right.

Susie SILOOK. —conventions about this issue. And I asked him to be responsible to our communities and to raise this—raise awareness at CITES, the fact that all language that is—it's like Rosita said, you know, anytime the issue of elephant ivory comes up, it has to be differentiated from——

Senator SULLIVAN. Yes.

Susie SILOOK. —walrus ivory to remove us from that—any association with that, because it's not—we're not poachers and we're not sport hunters.

Senator SULLIVAN. Yes.

Susie SILOOK. Well, let me talk about sports hunters for a minute. OK. So the elephants are listed as either—under CITES, they are listed as either category I or category II. Category I is—means that they are endangered.

OK. So why, then, in countries where they are listed as category I, they are allowing sports hunting? Americans can go and head hunt two elephants a year. And then this ban doesn't necessarily

ban ivory sales intraState. It does—in the State, if I'm getting that right——

Senator SULLIVAN. Yes.

Susie SILOOK. —in their states. So they can bring it to their State and who knows what's going to happen from there. They're saying they allow these kinds of trophy hunting for purposes of conservation in those areas where they are trying to protect the elephants.

Senator SULLIVAN. So, Ms. Silook, can we—I'm going to get to Ms. Williams' testimony, and then we're going to open up for more questions. And then if you have——

Susie SILOOK. Yes.

Senator SULLIVAN.—additional comments——

Susie SILOOK. No problem.

Senator SULLIVAN. —is that fine?

Susie SILOOK. That's no——

Senator SULLIVAN. So thank you, again, very much for your testimony. And I think Senator Murkowski has to step out, so——

Susie SILOOK. I did——

Senator SULLIVAN. —thank you for coming. And——

Susie SILOOK. If I might interrupt, I did submit my letter to the president as written material, so that is there also.

Senator SULLIVAN. Oh, good. Well, we will submit that for the record here.

[The referenced letter follows:]

Statement Silook

October 5, 2016

Dear Mr. President,

I write as a sculptor of walrus ivory and bowhead whale bone, from the food sources I was raised on, and as a founding member of Sikuliiq: Alaska Native Artist's Advocacy Group. Sikuliiq means "new, thin ice along the edges of older floes." It is a Siberian Yupik word from St. Lawrence Island in northwestern Alaska, my birthplace. As artists and allies we formed our Facebook group in response to the fallout to our precious subsistence resource of walrus ivory, stemming from your Executive Order ending the elephant ivory trade in the country. You are quoted in the United States Wildlife Trafficking Alliance newsletter as follows:

"I can announce that we're proposing a new rule that bans the sale of virtually all ivory across our state lines, which will eliminate the market for illegal ivory in the United States," Obama stated at a press conference in Kenya.

"Virtually all ivory" conflates our legal and sustainable use of walrus ivory from food sources with the tragic poaching of African elephants solely for their tusks. While your Executive Order includes an exemption for items permitted under existing federal legislation, not many people know that this includes the Marine Mammal Protection Act, and those who do know have not cared enough to raise awareness and sensitivity, or any form of redress. We are not explicitly identified as exempted in your Executive Order, nor in the numerous state's new laws banning not only elephant ivory, but other animal by products of species they'd subjectively like to protect, such as whales, polar bears, and sea otters. These are our historic resources, also, and federally protected subsistence resources. Consequently there is mass confusion about what exactly is now illegal, and some states have banned walrus ivory anyway, despite MMPA.

Our artists are important providers within our communities through the small revenue our arts and crafts generate, in accordance with the cultural value that prohibits waste. In some remote communities with a 75% unemployment rate (personal communication: Sivuqaq, Inc., Gambell, Alaska), our work is the only economic resource. Oftentimes the income is used by our hunters for further subsistence pursuits, a never ending responsibility of our providers. On St. Lawrence Island approximately 70-80% of our food continues to be from the sea. This is true in lesser but not insignificant degrees throughout Alaskan Native's villages.

According to some published scientific estimates, the walruses are now at capacity for the arctic and subarctic ecosystems that we share, and this positive factor demonstrates a successful recovery from the devastating commercial European harvests of these mammals for oil and ivory in the 1800-1900s. This heedless slaughter contributed to a year of starvation and death in 1879 on St. Lawrence Island, where only 200 people from an estimated population of 3,000 survived. Many of these deaths were from our lack of immunity to the diseases these foreigners carried from their domestication of

animals, in addition to severe weather conditions and the decimation of the whale and walrus populations.

Significantly, we've continued to harvest walruses during this entire period of recovery in numbers, proving that our sustainable use does not cause an endangered status. Indeed, an informative white paper from the MacArthur Foundation, Indigenous Peoples and Conservation (Judith Alcorn), notes the growing global awareness of the important role Indigenous Peoples cultural values contribute to successful, authentic conservation. We've sustainably managed our environments and animal populations for countless centuries. We are aware of the balance required to safeguard the earth's natural resources, and our methods are now studied and emulated.

The MacArthur Foundation's white paper outlines the various types of human rights violations that are too often the legacy of well funded conservation organizations, in their work to save endangered species and preserve biodiversity. Indigenous People suffer displacement and severance from their sustainable resources and tribal territories, a cruel irony, given our very long and wise stewardship role.

This is colonization under a newly cloaked guise of benevolence. The last one was all about the self serving myth of Manifest Destiny and the divine right of kings. That history is largely ignored in America, whereas in other parts of the world Peace and Reconciliation efforts can be ignited through these conservation efforts when the our land based cultures are respected and our concerns taken seriously.

An example of successful stewardship is found on St. Lawrence Island. Our leaders opted out of the cash settlement provided in the Alaska Native Claims Settlement Act (ANCSA), and consequently retain fee simple title, surface and subsurface, to our ancestral territory. In the four decades since the passage of ANCSA, our Native organizations have declined numerous offers from various mineral and oil field companies for development of our resources or our advantageous location in the Bering Sea. We are less than 40 miles from Russia and our kinship based clans extend across the continents. We have consistently chosen to protect our environment for the sake of the animals on which we depend, and whom we've respected as sentient beings with whom we are engaged in important relationship.

This successful conservation commitment is impressive given the poverty levels of our two villages, and the high expense of living in remote Alaska. There are sporadic poaching incidents, but they are not frequent and we are generally self reporting. It is understood that the actions of a few implicate our entire cultures in the double standards of the dominant culture.

The MacArthur research, compiled from many wildlife and environmental undertakings, further denotes the complicity of unsympathetic and at times corrupt governments, as another factor with detrimental impact to our human rights, our cultures and territories.

For instance, we American Inuit were informed about the ban of our arts mediums through the confusion generated by the ivory ban legislation currently sweeping the states. A press release from the Department of Interior stated they'd reviewed their mandated responsibility to consult with Alaska Native and American Indian tribes, and decided none of us were affected by the ban of "blood ivory." A pretty glaring oversight, in my opinion, that proves the need for more Native Alaskan staff within these organizations that wield tremendous control over us.

Meanwhile, musicians with less than 2 ounces of ivory were invited to the table to express their concerns, as were sports hunters and knife and gun manufacturers.

We, who depend on the walrus for nutritional needs, and walrus ivory as one of our few economic resources, were not provided an opportunity to express our concerns and issues. We, who are not poachers or sports hunters of elephant ivory, have been banned by association, regardless of our rights. It is highly unlikely that we'll be compensated for losses incurred, and we now must expend unnecessary and most likely costly financial resources fixing this mess created by your administration. This is truly not fair, and does not honor the trust responsibilities inherent to our rights.

While this may be an unintentional oversight, all attempts at communication after the fact, by our various Alaska Native organizations and Sikuliiq advocacy, have been met with a wall of silence from USFWS and the Department of Interior. I've tried unsuccessfully to get representation of our concerns at the recent International Union of the Conservation of Nature (IUCN) convention in Hawaii. I know you were there, hailing their efforts. The Canadian Inuit Circumpolar Conference delegation were in attendance and vigilant, and fought to address our shared objections and concerns. They were ignored, disregarded, treated as traitors to the designated greater cause of eliminating ivory markets worldwide.

In addition, I've emailed the USFWS representative in the Western Alliance Of Fish and Wildlife Agencies, a Mr. Bruce Dale, who attends to CITES matters, and urged him to responsibly represent our urgent dilemma at the recent convention in Johannesburg, South Africa. In mass emails, donors were urged to assist in this gathering to save the elephants and eliminate worldwide ivory markets. He has not replied to my email, and it's unknown to me whether he represented or ignored our concerns, although I've yet to see press coverage affirming he was responsive to our dilemma. Nevertheless, he was duly informed, whatever the case may be.

IUCN and other groups and coalitions have purportedly adopted the UN Declaration of Indigenous Peoples Rights in their work, but they have yet to commit in any meaningful way to human rights. This is evident in this ivory ban, and we are no match for their emotive mass email campaigns that make no distinction between walrus and elephant ivory, despite the fact our hunting and markets have no impact on the poaching of elephants. New or fossilized walrus ivory is easily and visually differentiated from elephant or mammoth ivory. Mammoth ivory, another traditional arts medium, is from an extant animal and poses no threat to elephants. It, too, is distinguishable from old elephant ivory, which is the method of deception used by operators of the black market in elephant ivory.

Due to our current erasure by our government agencies, and in the blatant disregard of our legal rights afforded under MMPA and Tribal Consultation, our market is slowly but surely being eliminated. This is in alignment with the conservation communities stated goals. Former USFWS employees do become executives in these conservation groups, and this is a conflict of interest when it comes to the protection of our rights.

In Greenland, an EU ban on seal products destroyed 90 percent of our fellow Inuit's seal product's market. Again, this effort was led by conservation groups and their opposition to the inhumane methods of non-Native commercial sealers. This situation is identical to ours in that seals are an important food and subsistence resource of circumpolar peoples. This ban affects Canadian Inuits as well. Our outreach to the business owners of the Native arts and crafts sector indicates that the EU ban has begun to affect our seal products market as well. Confiscations are reported in San Francisco of

entirely legal seal products, with customers incurring the high cost of the process of return for these items. One business reported a discontinuance of these once popular items, as customers are not willing to purchase due to the possibility of confiscation and the fees involved in their return.

In the EU seal ban, the Prime Minister of Denmark stepped in belatedly to protect the rights and resources of the Greenlandic people, but their market has yet to recover adequately. Greenpeace apologized in the media for their role in this destruction to an ancient people's culture, vowing they'd do better in the future. My fear is that this scenario is now replicated in the United States, and that this is just the beginning of eliminating all products not from commercial enterprises, such as leather from cattle. States have listed whales, polar bears, and sea otters in their bans. These are also important food sources and the inedible portions produce arts and crafts, and again MMPA protects our right to harvest.

This is absolutely a time sensitive matter, and it has been a frustrating process thus far to get it addressed in a timely manner. Through Sikuliiq advocacy we've enlisted the support of the National Congress of the American Indian in this issue, as well as Senator Murkowski's office. She has initiated dialogue with Governor Brown of California, the site of the most confusion. Our Alaskan organizations, Kawerak, Inc., and Bering Straits Native Corporation, in the Bering Straits region, are also informed and actively seeking to address this through their respective channels.

We now may face a costly and lengthy battle in federal court to protect our rights under MMPA. We bear the brunt of the cost of fixing this mess that is not of our creation. We will most likely face it again, with some other species, some other historic resource.

We do not have access to the kinds of revenue of these conservation agencies, who are listed as charitable organizations, to raise awareness and build sensitivity for the human concerns in the realm of this anti - trafficking movement. All countries with ivory issues, whether source, transit, or destination, must create and fund their National Ivory Action Plans, and build the necessary capacity to implement their plans. We are not identified as a source country, though we absolutely are, and so are not provided with the tools and funds necessary for our own capacity building, which we now require to maintain a vigilant safeguarding of our few remaining resources.

Our villages face the reality of our sea mammals carrying high levels of PCBs in their fat layers. The world's pollutants travel to our cooler regions and settle in the environment. Climate change brings sinking villages and disappearing ice, thawing permafrost and the release of methane gas. We face uncertain futures. Our newly open seas are regarded as a highly anticipated opportunity by many countries not remotely connected to our environment.

Our rights and culture must be protected within this modern day gold rush. We must be treated fairly and equitably, and there must be the creation and articulation of ethical protocols demanded from all agencies that want to do business in our ancient homelands. We must share in the co-management of resources, and in the opportunities and challenges brought by the very possible tremendous change to our world, again.

The conservation groups do not deserve any of the millions of dollars provided them by our government if they do not fully commit to respectful and equitable collaborations with indigenous people worldwide. The local and indigenous populations should be the designated points of

accountability for these groups in their work within our regions. We must demand that more funds from their coffers provide for the poverty, habitat loss, and climate change issues that impact elephant and other animal populations. There is little to no accountability in the current scenario, and I've come to liken these groups to televangelists and charitable organizations who take in millions in donations for noble causes, yet spend substantial amounts instead on their executive structures.

This new dilemma we face is unconscionable. Decisions are made by people far removed from our realities, such as the over reach of eliminating all ivory markets worldwide, regardless of differing regional concerns and situations. This type of paternalistic treatment and disregard is nothing new to us, it is the status quo. Our sole economy in some regions of Alaska is set to suffer unnecessary and perhaps unrecoverable damage and possible elimination without any consultation, in the name of saving elephants we shall never see in our lifetime. By all means, save the elephants, they are wonderful, sentient creatures. Just don't punish and conflate us with poachers, terrorists, and criminal syndicates. Many of us, including myself, are United States Veterans.

I voted for you, Sir, and watched in anger and frustration as you withstood, with admirable dignity, the predictable and ugly racism, the treasonous behavior from Congress. I was given a pin of your family by my late mother, who supported you even with her limited grasp of English. It is on my altar as I pray that you hear me and are moved to right action. You've done much for Native Americans and the environment, and I am grateful. Yet, apparently even your commitment could be strengthened. We've waited a long time for equal rights, equal protection; we are still waiting and fighting for change. When our rights to consultation are routinely ignored, as in Standing Rock, or in this over reaching wildlife trafficking ban, we pay dearly time and again for our crime of being the original people on this land. We need and demand change. It is time to repair relationships with Tribal People everywhere.

Now they want to ban our art, the most important side of this to me, personally, and which I haven't discussed for the sake of brevity. I've attached an image of my work, now outlawed in many states, that speaks to this. This piece was a part of an exhibit by Alaska Native Women Artists, called the Ceremony of Healing, which spoke to the tremendous degree of violence against us, and lack of police protection for us. It is entitled "What Does It Take For You To See My Heart?," and is in the collection of the Anchorage Museum of History and Art. Materials: Walrus ivory, stomach, and penis bone, seal whiskers, beads, wood, whalebone, metal.

This isn't just about an economic resource, Sir, it's about our art, our ancient cultures, the things that bind us together as a people.

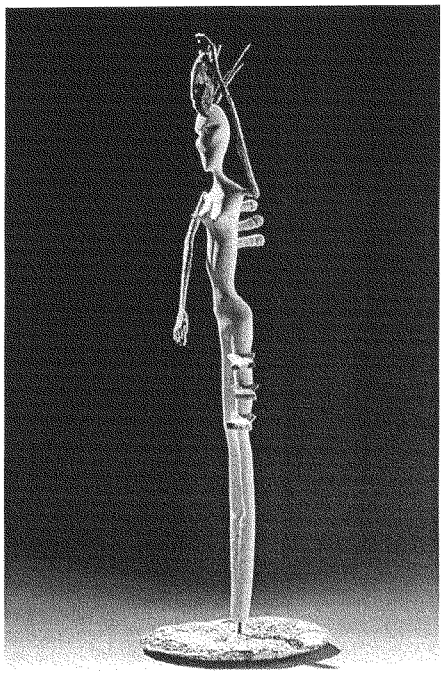
When will they have enough, Sir?

Sincerely,

Paallengetaq

Aka

Susie Silook



Susie SILOOK. OK. Thank you.

Senator SULLIVAN. Thank you. I look forward to reading that. Ms. Williams.

STATEMENT OF MARGARET WILLIAMS, PROGRAM MANAGING DIRECTOR, WWF

Margaret WILLIAMS. Thank you, Chairman Sullivan. And thank you for the opportunity and thanks to members of the committee for this opportunity to testify today.

I'm here representing World Wildlife Fund, the largest private conservation organization working internationally to protect wildlife and wildlife habitats. We work in more than 100 countries and have the support of over five million members worldwide.

World Wildlife Fund, otherwise known as WWF has over 40 years of experience in elephant conservation. But we've been engaged in this part of the world for about 30 years; we have an office in Anchorage and we focus on Arctic conservation.

We collaborate closely with many partners throughout the State, including Alaska Native organizations, Native corporations, coastal communities, and others, in Bristol Bay, the Bering Strait, and the Chukchi and the Beaufort Seas.

We have great respect and appreciation for the many people that sub—maintain a subsistence way of life. Indeed, WWF recognizes that sustainable use is a powerful incentive for conservation, including among hunters. WWF respects and appreciates the work of the Eskimo Walrus Commission and the U.S. Fish and Wildlife Service toward their co-management goals.

As you know, on June 6th of this year, the Fish and Wildlife Service finalized a revised 4(d) rule for African elephants under the Endangered Species Act that institutes a near total ban on commercial trade in African elephant ivory within the United States.

WWF strongly supports that ruling for three reasons:

First, we see it as critical to ensuring that the U.S. consumers are not engaged unwittingly or wittingly in driving the illegal trade of African elephant ivory. We see the Federal rule as essential to help spur complementary conservation actions by major ivory consumer nations, including China. And we believe that the Fish and Wildlife Service is no way a threat, legally, to Alaska Native carvers.

And I'd like to come back to all of the really important points made here about the confusion and misunderstanding of the interpretation of this regulation.

But it's important to consider the context of this recent Federal ban. African elephant ivory—African elephants are currently facing the worst poaching crisis in a generation. And as was mentioned, there had been a previous decline in the 1980's. A ban on the sale of ivory was put in place, and that did help with the recovery of elephants.

But in the last decade, we have seen a new and very acute poaching crisis emerge. Just last month, a major report of the International Union for the Conservation of Nature was released, estimating of the crash in the elephant population by over 100,000. Other reports estimate that, in a 3-year period, alone, in the last

decade, up to 35 elepha—35,000 elephants were poached in a single year.

African elephants have declined by two-thirds—forest elephants, rather, and Tanzania has seen a 50 to 60 percent decline of its elephants. So the problem is really at a crisis point.

The illegal trade in elephant ivory is part of an eight to ten billion dollar tra—annual trade in illegal wildlife products. This trade is one of the top five transnational crimes globally run by sophisticated criminal syndicates that helps to finance industrial scale poaching and armed insurgencies in Africa.

That National Intelligence Community in the U.S. has even connected ivory trafficking to financing for terrorist activities in Africa. Ivory consumption in China is the primary driver of illegal trade in ivory today, and China remains the key for stopping the growing poaching crisis facing Africa's elephants.

The United States, which historically was one of the primary consumers of ivory products, elephant ivory that is, remains a destination for significant amounts of illegal ivory. So the Fish and Wildlife responded by issuing its revised rule and instituting this near total ban on commercial trade in elephant ivory.

Fish and Wildlife Service has, effectively, shifted the burden on the seller to demonstrate that items made from African elephant ivory are, in fact, legal to sell under Federal law. And there are some exemptions, which I can explain in a Q and A period.

Perhaps one of the greatest impacts of this revised rule has been to help spur reciprocal and complementary actions by other demand countries, such as China. For example, up to the last year, China—until the past year,

China pointed out to the U.S. our own inadequate regulatory regime. And more recently, China has taken steps in following the U.S. actions which are aimed at phasing out its domestic ivory market.

And in September of last year, the U.S. and China issued a joint statement on their commitment to enact a near complete ivory trade ban in each country, again, for elephant ivory only.

Let me emphasize that the Fish and Wildlife Service has made explicit that the revised rule applies only to African elephant ivory and will not impact activities with other type of ivory. And, again, with additional time, I—during the Q and A, I could read some excerpts from the Fish and Wildlife material.

So, in conclusion, African elephants are in crisis.

U.S. con—and U.S. consumers have played an unwitting role in driving the African elephants into the situation. The Fish and Wildlife Service rule institutes this near total ban on the trade as an essential and reasonable response to present to—to prevent the U.S. from further driving the crisis.

Fish and Wildlife Service has also made it explicit that the new rule should have no impact on Alaska Native carvers of walrus, mammoth, or mastodon ivory. WWF completely supports this position and encourages state governments that may be considering their own ivory bans, to take the Federal approach into consideration when crafting state-level regulations, and to take guidance from Alaska's walrus co-management partners, while engaging

meaningfully with the Alaska—the Eskimo Walrus Commission and U.S. Fish and Wildlife Service Region 7.

So WWF looks forward to continuing to work closely with Alaska Native communities on the conservation of Arctic ecosystems to ensure healthy wildlife populations and sustainable communities connected to those wildlife populations. Thank you, again, for the opportunity to speak.

[The prepared statement of Ms. Williams follows:]

Statement Williams

WRITTEN TESTIMONY OF MARGARET WILLIAMS
MANAGING DIRECTOR, ARCTIC PROGRAM
WORLD WILDLIFE FUND
FOR THE SENATE ENVIRONMENT AND PUBLIC WORKS SUBCOMMITTEE
ON FISHERIES, WATER AND WILDLIFE
U.S. SENATE

OCTOBER 20, 2016

Chairman Sullivan, Ranking Member Whitehouse, and members of the subcommittee, thank you for the opportunity to testify on the steps that the U.S. government has taken to protect African elephants by restricting the sale and importation of products made from African elephant ivory and what impacts, if any, this will have on Alaskan Native carvers. WWF is the largest private conservation organization working internationally to protect wildlife and wildlife habitats. We currently sponsor conservation programs in more than 100 countries with the support of over 1.2 million members in the United States and more than 5 million members worldwide. WWF has over 40 years of experience in elephant conservation, and through our African Elephant Program, we aim to conserve forest and savanna elephant populations through both conservation projects and policy development with elephant range state governments, local people and non-governmental partners. WWF also has 17 years of experience working in Alaska and collaborates with a diverse group of partners, including Alaska state agencies, federal agencies, Alaska Native organizations, and coastal Alaskan villages.

As an organization that has deep knowledge and expertise in both African elephant conservation and the conservation of Alaskan species, including walrus, and one with deep experience collaborating with local and indigenous communities on conservation and the sustainable use of local natural resources, WWF strongly supports the recent steps by U.S. Fish and Wildlife Service (FWS) to finalize and implement the revised 4(d) rule on African elephants, which institutes a near-total ban on elephant ivory commerce in the U.S. We believe this action by FWS is: 1) a critically important step to ensure that United States consumers are not wittingly or unwittingly driving the illegal trade in African elephant ivory; 2) essential to continuing to spur complementary actions by major ivory consumer nations, including China; and 3) no threat to Alaskan Native carvers working in walrus ivory or other non-elephant ivories, because FWS has made explicit that this new rule only applies to African elephants and African elephant ivory and has no impact on "ivory" from other species, including walrus and extinct species, such as mammoths.

The Poaching Crisis and the Status of Elephants in Africa

African elephants are currently facing the worst poaching crisis in a generation. These animals once numbered in the millions across Africa, but by the mid-1980s their populations had been devastated by poaching. An international ban on the sale of ivory, put in place in 1989, helped to slow the rate of decline significantly for the past two decades in many parts of Africa, and the status of the species now varies greatly across the continent. Some populations have remained in danger due to poaching for meat and ivory, habitat loss and conflict with humans. In Central Africa, where enforcement capacity is weakest, estimates indicate that populations of forest elephants in the region declined by 62% between 2002 and 2011 and lost 30% of their geographical range,[1] primarily due to poaching.

[1] Maisels F, Strindberg S, Blake S, Wittemyer G, Hart J, et al. (2013) Devastating Decline of Forest Elephants in Central Africa.PLoS ONE 8(3):e59469. doi: 10.1371/journal.pone.0059469

Elephants in Central Africa are also heavily impacted by the existence of large, unregulated domestic ivory markets, especially those still functioning in Kinshasa, Democratic Republic of Congo (DRC) and Luanda, Angola. In other parts of Africa, populations have remained stable or grown until recently, but evidence now shows that African Elephants are in the midst of the most serious crisis at least since the 1989 ban, and conservation gains made over the past 25 years are in the process of being reversed.

Tens of thousands of African elephants are being killed every year to supply the illegal ivory market, with an average of 18 tons of ivory seized per year over the past 20 years and annual highs of over 32 tons seized. CITES has reported that roughly 25,000 elephants were illegally killed on the African continent in 2011 and that another 22,000 fell victim to poaching in 2012, but many independent experts see these estimates as conservative and believe the number to be significantly higher, with some estimates ranging from 30,000 to as high as 50,000. The consensus is that in the three years from the start of 2012 through the end of 2014, approximately 100,000 elephants were illegally killed across the African continent – a brutal loss for the species. Just last month, at the start of the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) in Johannesburg, South Africa, the International Union for the Conservation of Nature (IUCN) released an African Elephant Status Report that concluded that Africa's elephant population has crashed by an estimated 111,000 in the past decade primarily due to poaching. The authoritative report[2] estimates that there are now 415,000 elephants across the 37 range states in Africa, which constitutes a huge drop since the last full update in 2006 and amounts to the worst decline in 25 years. The main driver of the decline has been the surge in poaching for ivory that began approximately a decade ago – the worst that Africa has experienced since the 1970s and 1980s.

Data clearly show an increasing pattern of illegal killing of elephants throughout Africa and demonstrate an escalating pattern of illegal trade – one that has reached new heights over the past five years. Those working on the ground throughout Africa have seen an alarming rise in the number of elephants being illegally killed, even in areas that were until recently relatively secure and free from large-scale poaching, such as southern Tanzania and northern Mozambique.[3] Reports from those two countries last year indicated that elephant populations had declined by 60 percent in the former and 50 percent in the latter in just five years' time – shocking declines. Witnesses have also seen a disturbing change in the sophistication and lethality of the methods being used by the poachers, who are frequently well armed with automatic weapons, professional marksmen and even helicopters. In most cases, poachers are better equipped than park guards and supervisors. In some instances, they are better equipped even than local military forces.

Illegal trade in ivory has been steadily increasing since 2004 with the real surge beginning in 2009. Each of the subsequent years has hit historic highs for large-scale ivory seizures. Successive years of high-volume, illegal trade in ivory is not a pattern that has been previously observed in data collected by the Elephant Trade Information System, or ETIS. This new trend represents a highly worrying development and is jeopardizing two decades of conservation gains for the African elephant, one of Africa's iconic flagship species and an animal that the U.S. public feels adamant about protecting.

Because large-scale movements of ivory require greater finance, levels of organization and an ability to corrupt and subvert effective law enforcement, they are a clear indication that organized criminal

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[2] https://www.iucn.org/news/poaching-behind-worst-african-elephant-losses-25-years-%E2%80%93-iucn-report

[3] http://namnewsnetwork.org/v3/read.php?id=180566; http://www.sanwild.org/NOTICEBOARD/2011a/Elephant%20poachers%20use%20helicopter%20in%20Mozambique%20National%20Park.HTM; http://www.savetheelephants.org/news-reader/items/selous-the-killing-fields-40tanzania41.html

syndicates are becoming increasingly more entrenched in the illicit trade in ivory between Africa and Asia. In fact, illegal wildlife trafficking and poaching to supply the illegal trade in wild fauna and flora, (including elephant ivory) is not only one of the greatest current threats to many of our planet's most charismatic, valuable and ecologically important species – it also poses significant threats to security, good governance and economic development objectives around the globe. Wildlife trafficking has become a transnational criminal enterprise worth billions of dollars annually – one which is strongly connected to other transnational organized crimes, such as drug and arms trafficking, and is helping to finance agents of instability and corruption in many developing countries.[4] According to the best estimates, the illegal wildlife trade has a value of $7.8 – $10 billion per year, a figure which puts it the top 5 largest illicit transnational activities worldwide, along with counterfeiting and the illegal trades in drugs, people, and oil.[5] If the illegal trades in timber and fish are included in the total, then the estimated value of illegal wildlife trafficking rises to $19-20 billion annually. In terms of its size, wildlife trade outranks the small arms trade. It also has strong connections to other illegal activities – guns, drugs and ivory may be smuggled by the same criminal networks and using the same techniques and smuggling routes.

The illegal trafficking of ivory in particular has been strongly linked to the financing of armed groups and security threats in Africa. Poachers who profit from killing elephants and harvesting illegal ivory may also have ties to criminal gangs and militias based in countries such as Sudan (in the case of Central Africa) and Somalia (in the case of East Africa). Longstanding historical ties between slave trading, elephant poaching and the tribes that form Sudan's Janjaweed militia (responsible for many of the worst atrocities in Darfur), mean that illegal ivory may well be being used as powerful currency to fund some of the most destabilizing forces in Central Africa. In parts of West and Central Africa, the situation has been dire for some time, and severe poaching is already resulting in the local extinction of elephant populations. In the past few years, the situation has grown even worse as we have seen a disturbing change in the sophistication and lethality of the methods being used by the poachers, who are frequently well armed with automatic weapons, professional marksmen and even helicopters. In most cases, poachers are better equipped than the park supervisors and guards. In some instances, they are better equipped even than local military forces. The security and intelligence agencies of the U.S. government recognized these linkages in a 2013 report issued by the Office of the Director of National Intelligence, entitled ***Wildlife Poaching Threatens Economic, Security Priorities in Africa.***[6] Among other things, the report concluded the following:

> "Criminal elements of all kinds, including some terrorist entities and rogue security personnel, often in collusion with government officials in source countries are involved in poaching and movement of ivory and rhino horn across east, central, and southern Africa. We assess with high confidence that traffickers use sophisticated networks and the complicity of public officials in order to move ivory and rhino horn from relatively remote areas to markets and ports of export, perpetuating corruption and border insecurity in key eastern, central and southern African states. We judge some of these networks probably are the same or overlap with those of other illicit goods such as drugs and weapons."

[4] www.dni.gov/files/documents/Wildlife_Poaching_White_Paper_2013.pdf
[5] http://transcrime.gfintegrity.org/
[6] https://www.dni.gov/files/documents/Wildlife_Poaching_White_Paper_2013.pdf

Demand for Elephant Ivory

At the root of the current elephant poaching crisis and the recent surge in the illegal ivory trade is consumer demand, particularly rising demand for ivory over the past decade by newly affluent consumers in Asia. China and Thailand are the two paramount destinations for illegal ivory consignments from Africa. While repeated seizures of large consignments of ivory have occurred in Malaysia, the Philippines and Viet Nam since 2009, these countries essentially play the role of transit countries to China or Thailand. Directing large shipments of ivory to other Asian countries for onward shipment is an adaptation by the criminal syndicates to the improved surveillance and law enforcement action in China and Thailand where targeting of cargo from Africa has increased. Importation into other Asian countries allows the shipping documents to be changed, concealing the African origin of the containers in question. In the case of Viet Nam, which shares a long terrestrial border with China, ivory is being smuggled overland into China. CITES data also suggest that Cambodia, Laos and most recently Sri Lanka have been emerging as new trade routes into China and Thailand, reflecting further adaptations by criminal trading networks.

Without any doubt, ivory consumption in China is the primary driver of illegal trade in ivory today, and China remains the key for stopping the growing poaching crisis facing Africa's elephants. The Chinese government recognizes ivory trafficking as the country's greatest wildlife trade problem, and law enforcement officials are making almost two ivory seizures every single day, more than any other country in the world. Regardless, strict implementation of China's domestic ivory trade control system seriously faltered in the wake of the CITES-approved one-off ivory sale held in four southern African countries in late 2008. Various observers to China, including TRAFFIC monitors, have found government-accredited ivory trading retail outlets persistently selling ivory products without the benefit of product identification certificates, which previously were an integral discriminating feature in the Chinese control system. The ability of retail vendors to sell ivory products without these certificates means that they do not become part of China's database system, which is designed to track ivory products at the retail level back to the legal stocks of raw ivory at approved manufacturing outlets. This circumvention creates the opportunity to substitute products from illicit sources of ivory into the legal control system. Within the country, stricter internal market monitoring and regulation are needed, as well as scaled up and dedicated investigative efforts directed at fighting the criminal syndicates behind the ivory trade. Chinese nationals based throughout Africa have become the principle middleman traders behind the large illegal movements of ivory to Asia, and the advent of Asian criminal syndicates in Africa's wildlife trade stands as the most serious contemporary challenge. China needs to collaborate with African counterparts to address the growing Chinese dimension in Africa's illegal trade in ivory and other wildlife products.

At the same time, the United States – which was historically one of the primary consumers of ivory products – remains a destination for significant amounts of illegal ivory. In 2012, prosecutors in New York City arrested two midtown Manhattan jewelers for possessing and attempting to sell $2 million in illegal ivory, one of the largest such busts in U.S. history. In 2011, an African art dealer in Philadelphia was arrested for possessing one ton of illegal ivory, worth over $1 million. The felony indictment said the dealer paid a co-conspirator to travel to Africa to purchase raw elephant ivory, carve it to specifications and stain or dye it to appear old before smuggling it into the U.S. Cases such as these and surveys of the U.S. market have demonstrated that, up until very recently, the U.S. ivory market has provided a cover for the smuggling and laundering of illegal ivory into the U.S. to be sold to U.S. consumers. Because of inconsistent and often lax requirements under state laws and the manner in which federal laws on African elephant ivory had been regulated, the previous system was not able to prevent illegal ivory from being laundered into the legal U.S. market once it was smuggled into the

country, putting U.S. consumers at risk of driving the poaching crisis and adding to the demand that makes illegal elephant poaching profitable.

The U.S. Response to the African Elephant Poaching Crisis

Over the past three years, the U.S. government has taken strong and significant steps to recognize that wildlife crime is a serious crime with serious consequences. Congress has increased the resources available U.S. agencies working to combat wildlife trafficking, including elephant poaching and the illegal ivory trade, and just this fall Congress passed and the President signed into law the END Wildlife Trafficking Act, which strengthens U.S. laws and programs designed to combat wildlife trafficking and build anti-poaching capacity in developing countries. The Administration has also taken unprecedented action, including President Obama's Executive Order 13648 and subsequent release by the Administration in February 2014 of the first ever National Strategy for Combatting Wildlife Trafficking. Included as a key part of that strategy was the call to "immediately pursue a series of administrative actions to establish a U.S. ban with limited exceptions on elephant ivory and rhino horn trade in response to unparalleled and escalating threats to these species."

On June 6, 2016, after 18 months of drafting and consultation, the US Fish and Wildlife Service (FWS) instituted a near-total ban on the commercial trade in elephant ivory in the United States by publishing a final rule revising the African elephant rule under section 4(d) of the Endangered Species Act (ESA). The new regulations do nothing to affect possession of elephant ivory, but focus on its commercial trade (or buying and selling). FWS has effectively shifted the burden on to the seller to demonstrate that items made from African elephant ivory are in fact legal to sell under federal law. Some states, such as California, Washington and New York, have instituted stricter measures than the federal rule, but given that WWF has only actively engaged at the federal level and not in these individual states, I will limit my testimony to the federal action. It is important to note for the purposes of this hearing that these new federal regulations only apply to elephant ivory of African origin and in no way impacts ivory from other species, such as walrus, or extinct species, such as mammoth.

In short, the federal rule now prohibits the sale of African elephant ivory except when it meets either of two exemptions:

A) It is a bona fide antique. In order to qualify as an antique under the law, it must be 100 years or older, must be composed in whole or in part of an ESA-listed species, must not have been repaired or modified with any such species after December 27, 1973, and must have been imported through a designated endangered species "antique port."[7]
B) It contains a *de minimis* amount of African elephant ivory. Certain manufactured or handcrafted items are exempted from prohibitions on selling or offering for sale in interstate and foreign commerce if they contain only a small (or *de minimis*) amount of African elephant ivory. To these items must meet either (i) or (ii) of the criteria below and all of the criteria (iii) – (vii):
    i) If the item is located within the United States, the ivory was imported into the United States prior to January 18, 1990, or was imported into the United States under a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) pre-Convention certificate with no limitation on its commercial use;
    ii) If the item is located outside the United States, the ivory was removed from the wild prior to February 26, 1976;

Under FWS Director's Order 210, as a matter of enforcement discretion, items imported prior to September 22, 1982, and tems created in the United States and never imported must comply with the first three elements but not the final one, :oncerning importation.

iii) The ivory **is** a fixed or integral component or components of a larger manufactured or handcrafted item and is not in its current form the primary source of the value of the item, that is, the ivory does not account for more than 50 % of the value of the item;
iv) The ivory is not raw;
v) The manufactured or handcrafted item is not made wholly or primarily of ivory, that is, the ivory component or components do not account for more than 50 % of the item by volume;
vi) The total weight of the ivory component or components is less than 200 grams; and
vii) The item was manufactured or handcrafted before July 6, 2016.

Current regulations prohibit the commercial import of African ivory and the import or export of raw ivory. Current regulations allow personal possession and noncommercial use, noncommercial movement within the U.S., sale across state lines of antique ivory (Asian or African) or African ivory meeting *de minimis* exemption, intrastate sale of Asian ivory imported prior to 1975 and African ivory imported prior to 1990, import of Asian ivory meeting the antiques exemption, and export of antique worked ivory (Asian or African).

In drafting and finalizing the revised rule, FWS actively engaged with stakeholders on both sides, including the regulated community, making significant changes to the original proposed rule in the process and working diligently to accommodate concerns raised by a variety of regulated interests over many months. The final rule reflects the agency's efforts to address those concerns while still improving the ability of the U.S. government to prevent illegal ivory from entering or being sold in the United States. The rule is broadly supported by the wildlife conservation community, and last year over 1 million Americans submitted comments supporting the revised FWS rule – the largest number of comments ever received by the agency on a single rulemaking. The degree to which the agency successfully accommodated stakeholder concerns is also reflected by the fact that some stakeholders that had originally been skeptical of the draft rule, such as musicians' representatives, ended up strongly supporting the final rule. After the final rule was published, the following statement was issued by the League of American Orchestras, which was deeply involved in discussions with FWS over the revised rule:

> "The music community is fully committed to the goals of wildlife conservation and combating illegal trade in ivory and other protected species. The new rules present reasonable solutions that protect the domestic and international use of musicians' tools of their trade, and preserve the use of historically and legally made instruments now and for future generations to come."[8]

U.S. Action Spurs International Action

Perhaps one of the greatest impacts of the revised U.S. rule on the elephant poaching crisis has been to help spur reciprocal and complementary actions by other major demand countries, particularly China. China is recognized to be the largest consumer market driving illegal ivory sales. For the past three years, the Obama Administration has been engaging the Chinese government on this issue diplomatically, particularly through the Strategic and Economic Dialogue, encouraging the Chinese to undertake needed reforms of their internal ivory market to prevent laundering of illegal ivory. The issue has even raised at the Presidential level on several occasions.

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[8] http://americanorchestras.org/advocacy-government/travel-with-instruments/endangered-species-material/ivory-ban-impact-on-orchestras.html

Up until the past year, China could point to the U.S. and our own inadequate regulatory regime as an excuse not to act on closing their own ivory markets. But the action by FWS to institute a near-total ban in the U.S. provided additional leverage for the U.S. State Department to engage China to do the same. The proposed FWS rule was specifically cited as a reason for China to partner with the U.S. on the issue. In May of 2015, the Chinese government stunned many when it announced its intentions to phase out its domestic ivory market entirely by 2017, and in September 2015, China and the U.S. issued a joint announcement on their commitment to enact nearly complete ivory trade bans in each country. Once finalized and implemented, this will be a game-changer for Africa's elephants, removing the largest source of demand that is driving the poaching crisis. Following the 2015 announcement, China had publically noted the need for the U.S. to take complementary steps and address the role of its own domestic ivory market in the problem – steps which FWS took when they finalized the revised 4(d) rule in June 2016. China announced in June that it would publicly lay out its own timeline for a ban by the end of the year, and the U.S. is now working to ensure the Chinese take that final step and announce specific time-bound measures to put their own ban in place.

WWF and our partner organization, TRAFFIC, have also launched a major public awareness campaign in early July to persuade Chinese citizens to 'Stop Buying Ivory' and support the government's preparations to phase out the country's domestic market. Using social and traditional media, the campaign dissuades people from buying ivory and raises awareness of the link to the slaughter of elephants, including by urging individuals to link their index fingers with others and pass the images along to show their commitment to protecting elephants. Also helping the push in China was the decision by Hong Kong leaders to join the global movement to shutter ivory markets by announcing plans to shut down Hong Kong's legal ivory market within five years, a plan which WWF praised while also calling for a much-faster timetable of two years to implement it.

The CITES meeting past September was also a key moment for governments of the Convention's 182 parties to discuss a range of issues relating to elephant conservation. WWF's delegation played a significant role in ensuring key proposals were accepted or rejected by the CITES parties. The overall results were impressive, including major steps forward to support elephant conservation and address illegal ivory trade. CITES countries voted to maintain the existing ban on international ivory trade and strengthened the National Ivory Action Plan (NIAP) process, which currently involves 19 countries that are most implicated in the illegal ivory trade chain, including 12 in Africa and 7 in Asia. WWF is very pleased to see that countries have now united behind a deal that strengthens the national ivory action plan process, which is absolutely central to the global fight against the illegal ivory trade. Under the process, these countries have had to develop and implement national ivory action plans to ramp up their efforts to tackle the illegal trade.

While the poaching trends have been inching in the right direction, they are still too high for elephants to begin to recover. WWF's continues to focus on targeting the fundamental drivers of illegal trade such as corruption, lack of enforcement and weak laws. But at the root of the problem is demand, which is why we strongly support steps such as those taken by FWS to shut down domestic ivory markets and continue to advocate strongly for other demand countries, particularly China, to take similar steps.

Alaska Natives and Walrus Ivory

It is important to reiterate that the revised FWS 4(d) rule on African elephants applies only to elephant ivory of African origin and in no way impacts ivory from other species, such as walrus or mammoth. WWF recognizes and respects the culturally and economically important tradition of Alaska Native artists using the by-products of subsistence harvest to create and sell artwork. As a conservation organization, WWF is committed to working with people who depend on and value wildlife, to ensure that sustainable populations of key species remain intact for use and enjoyment by future generations of Alaskans. WWF relies upon peer reviewed science, traditional knowledge, and rigorous studies to guide our conservation positions, priorities, and actions. In order to inform our position on the impact of trade in walrus ivory on the population of walrus in Alaska, WWF commissioned a report, published by WWF Canada and TRAFFIC[9] in 2014, which examines the international trade in walrus parts and derivatives in view of the looming additional threat posed to this Arctic species from climate change and the breakup of sea ice.

Although commercial hunting of Walrus populations has not occurred since the mid-20th Century, hunting for subsistence purposes is still permitted in Canada, the United States, Greenland and Russia, with a small walrus sport hunt allowed in Canada. Norway is the only range State that prohibits the hunting of walrus. Hunting helps to maintain the cultural identity of Arctic peoples and contributes to a traditional subsistence economy in the region, both as a source of food and in generating income. According to the report ***Hauling out: International trade and management of Walrus***[10], on average up to 5,406 walruses (555 Atlantic Walruses *Odobenus rosmarus rosmarus* and 4,851 Pacific Walruses *O. r. divergens*) were hunted per year from 2006/2007 to 2010/2011. This equates to less than 3% and 4% respectively of the estimated global populations for each subspecies. International trade in walrus parts and derivatives is regulated by CITES, and based on CITES trade data on walrus skulls and tusks, between 461and 772 walruses were represented in international trade during 2005 to 2009, an average of 92-154 per year. The majority of the skulls and tusks were from Atlantic Walrus. However, "Limitations in available trade data make it very difficult to make inferences on the impact of international trade, whether current provisions and regulations are adequate and whether further action is needed," says the report. Overall, the report finds a lack of long-term data and poor quality of information on population estimates for walruses making it difficult to determine the true impact of international trade or what the current or future impact on walrus populations will be from climate change. **Currently neither illegal hunting nor illegal trade appear to be at levels that would cause conservation concern.**

Existing Walrus Regulations Under the Marine Mammal Protection Act

Walrus are protected under the MMPA, which contains provisions for Alaska Natives to harvest walrus, use their parts for artwork, and to sell the walrus ivory carvings within the United States. In the United States, all marine mammals (including walrus) are protected under the MMPA[11], enacted by the United States federal government in 1972[12]. The Marine Mammal Commission (MMC) is an independent agency of the federal government created under Title II of the MMPA to provide independent oversight of policies and programs pertaining to marine mammals carried out by the

[9] TRAFFIC, the wildlife trade monitoring network, is a joint program of WWF and IUCN and is the leading non-governmental organization working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development.
[10] http://d2ouvy59p0dg6k.cloudfront.net/downloads/haulingout_report.pdf
[11] Public Law 92-522
[12] Anon., 1972

federal regulatory agencies[13]. The primary focus is on the protection and conservation of marine mammals[14].

The MMPA also has provisions under section 119 for cooperative management agreements with Alaskan Native organizations to provide co-management of subsistence use by Alaskan Natives. In 1997, the USFWS signed a formal co-management agreement[15] with the Eskimo Walrus Commission (EWC). The Alaska Department of Fish and Game (ADF&G) works closely with the USFWS through their marine mammal program, which conducts research projects that complement and/or supplement those undertaken by Alaska Native organizations and federal agencies. The ADF&G promotes co-management of marine mammals with Alaska Native marine mammal organizations.[16] A conservation plan for walrus in Alaska was developed in 1994 to ensure walrus in Alaska are healthy functioning components of the Bering-Chukchi Shelf ecosystems and to maintain the populations within their optimum sustainable range. This also ensures that walrus remain a sustained resource for coastal Native inhabitants of the region[17].

The introduction of the MMPA transferred the authority for walrus management from the State of Alaska to the USFWS. The MMPA provides for more liberal regulations on walrus hunting compared to the previous Alaska state regulations. Under the MMPA, qualified Alaskan Natives are permitted to take walrus at any time of the year for subsistence purposes, or for the purposes of making and selling traditional clothing and handicrafts, without regulations on the sex, age, time of hunt and number of walrus providing the harvest is not wasteful and the population is not determined to be depleted.[18] Although the MMPA has not needed to take action to regulate the harvest (i.e. there are no federally imposed quotas), some local management programs have been developed.[19] For example, the communities of Gambell and Savoonga on St. Lawrence Island formed Marine Mammal Advisory Committees to implement local regulations imposing limits on the number of adult/sub-adult walrus that can be killed per hunting trip. In the early 1990s, the Board of Game was petitioned by hunters from Bristol Bay to reinstate subsistence access to traditional hunting grounds.[20] After several years, permission was granted, and in 1995 the Qayassiq Walrus Commission (QWC) was formed. In September 1995, the USFWS entered into a cooperative agreement with the ADF&G, the QWC and the EWC to establish a co-management plan for a limited subsistence walrus hunt on Round Island.[21] Under the terms of this agreement, Native hunters honor a self-imposed harvest limit and season.[22] A maximum of 20 walruses may be taken including any walrus struck and lost, and the QWC Commissioners and hunters decide the allocation for each village prior to each season.[23] Struck and lost animals are subtracted from the total allowable catch for the villages.[24]

The MMPA implemented a moratorium on hunting and importation of marine mammals (including walrus) unless exempted or authorized under the MMPA, which requires permits issued by the Secretary of the Interior. However, coastal-dwelling Alaskan Natives are exempt from the moratorium.

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[13] MMC, 2010a
[14] MMC, 2010a
[15] Garlich-Miller et al., 2011
[16] ADF&G, 2010
[17] USFWS, 1994
[18] USFWS, 1994; Anon 1972
[19] Garlich-Miller et al., 2011
[20] BBNA, 2009
[21] EWC, 1997
[22] Okonek and Snively, 2005
[23] Okonek and Snively, 2005
[24] Okonek and Snively, 2005

Any qualified Alaskan Native that lives on the coast of the north Pacific Ocean or the Arctic Ocean is permitted to take marine mammals for subsistence purposes or for making and selling authentic Native clothing and handicrafts, provided it is not done in a wasteful manner.[25]Amendments to the MMPA in 1994 allowed for marine mammal products to be imported into the United States if they were[26]:

- legally possessed and exported in conjunction with travel out of the United States providing the products were then imported back into the United States by the same individual; or
- acquired out of the United States as a part of cultural exchange by an Alaskan Native residing in Alaska; or
- owned by a Native inhabitant of Russia, Canada or Greenland and imported for non-commercial purposes in conjunction with travel to the United States or as part of a cultural exchange[27].

Walrus hunting is monitored through two separate programs administered by the USFWS: the Marking Tagging and Reporting Program (MTRP) and the Walrus Harvest Monitoring Program (WHMP).[28] The USFWS derives its harvest estimates by comparing and extrapolating data from these programs.[29] Created in 1988, the MTRP is a federally mandated, year-round state-wide program which requires hunters to present walrus tusks to USFWS representatives for tagging within 30 days of harvest.[30] In the 1960s and 70s the ADF&G carried out a harvest monitoring program, which was taken over by the USFWS in 1980.[31] The WHMP was established as a co-managed e ort between the EWC and the USFWS. This program began monitoring the subsistence harvest of walrus in Gambell, Diomede, Wales and Savoonga,[32] but now operates only in Gambell and Savoogna.[33] Once hunters return from a hunting trip, village residents (under contract to the USFWS) meet their boats and collect information on the size and demographics of the harvest by interviewing hunters and obtaining biological samples.[34] The value of a subsistence hunt cannot be determined solely by the monetary value of the animal parts because this does not take into account other aspects of the hunt, such as providing food to the community and the cultural importance of the hunt itself. The monetary value of the international trade in walrus and its parts and derivatives is not known. In 1994, the dollar value of the walrus harvest for Alaskan Natives was estimated to be in the millions.[35]

Trade in Walrus Ivory

Items made from walrus ivory that are derived from the subsistence harvest (e.g. modern ivory post-1972) and beach-found ivory can be sold to non- Alaskan Natives (non-indigenous people), provided they are first fashioned into authentic Native handicrafts. To be considered Native handicrafts, items must be significantly altered from their raw appearance and cannot be fashioned using pantographs, multiple carvers or other mass copying devices (Anon., 1972). Non- Alaskan Natives can be in possession of raw beach-found ivory provided it has been registered within 30 days of its find, but this ivory cannot be transferred to another owner without written permission from the USFWS (USFWS,

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[25] Anon., 1972
[26] Anon., 1972
[27] Anon., 1972
[28] Garlich-Miller and Burn, 1999; MMC, 2010b
[29] MMC, 2003
[30] Garlich-Miller and Burn, 1999; USFWS, 2008b
[31] MMC, 2003
[32] EWC, 1997; Garlich-Miller and Burn, 1999
[33] USFWS in litt. to T. Shadbolt, March 25, 2013
[34] EWC, 1997; Garlich-Miller and Burn, 1999
[35] USFWS, 1994
WWF

2012). Fossil ivory does not need to be carved into a Native handicraft before being sold and can be sold to anyone as a raw tusk (USFWS, 2007b; 2012). There is also substantial trade in fossil ivory collected or mined from ancient walrus haul-out sites (e.g. on St. Lawrence Island and surrounding islands) (Hollowell, 2006). These areas provide a source of natural deposits of ivory, bones, and tusks from animals that died years ago (Hollowell, 2006). Fossil ivory can be collected from private or reservation lands with permission from the landowner (USFWS, 2001). It is not regulated under the MMPA and does not need to be registered before being traded or sold. However, this ivory cannot be collected if found on state or federal public lands (USFWS, 2001).

Walrus ivory cannot be exported out of the United States for commercial purposes unless the item is approved as a pre-Act specimen (i.e. antique or fossil ivory) (USFWS, 2012). Modern ivory (post-1972) and beach-found ivory cannot be exported for commercial purposes even if carved into a handicraft. However, modern ivory and beach-found ivory made into authentic Native handicrafts can be exported for non-commercial purposes (C. Hoover, Division of Management Authority, in litt. to T. Shadbolt, February 3, 2012). Walrus parts and derivatives can only be imported with issuance of permits under specific circumstances (e.g. pre-Act specimens, part of cultural exchange involving Alaskan Natives) (Anon., 1972; USFWS, 2012). Walrus parts and derivatives permitted for export out of the United States (as explained above) require a CITES permit or certificate, except for items which are considered personal or household effects (as per the definitions of the United States (USFWS, 2007b; 2012). Meat and other edible parts of a walrus may only be sold to an Alaska Native or sold within an Alaskan Native village (Anon., 1972).

Based on analysis from TRAFFIC, lack of long-term data and precise population estimates make it difficult to determine sustainable harvest levels and whether resulting trade is from sustainable sources. New and improved information gathering and reporting can help to assess various threats, including climate change, and ultimately can be used in adaptive management. There are substantial limitations to analyzing walrus CITES trade data as they are currently reported, and it is difficult to assess current levels of international trade and whether regulations are adequate to ensure sustainability of walrus populations. That said, neither illegal hunting nor illegal trade appear to be at levels that would cause conservation concern at present.

WWF respects and appreciates the co-management efforts of the Eskimo Walrus Commission (EWC)[36] and the US Fish and Wildlife Service (USFWS) in managing Alaska's walrus populations. WWF encourages thorough inquiry to increase understanding of walrus Traditional Ecological Knowledge (TEK) and scientific knowledge of walrus population status and the potential impacts of climate change and sea ice loss on Alaska's walrus populations. WWF urges EWC and USFWS to consider the best available science and TEK in their walrus management decisions and actions.

Conclusion

Africa's elephants are in crisis, and WWF strongly supports the FWS final revision to the 4(d) rule for African elephants. By finalizing new regulations that will help shut down commercial elephant ivory trade within its borders and stop wildlife crime overseas, the United States is setting a strong example for the world in the fight to save elephants. By shifting the burden of proof to the seller to prove that a piece of ivory is legal, FWS is significantly advance enforcement efforts and helping to disincentive illegal trade, thereby ensuring that US consumers are not unknowingly complicit in the slaughter of elephants. Not only do the new regulations make it much harder for criminals to use the United States

[36] http://eskimowalruscommission.org/

as a staging ground for illegal ivory trade, they also send a strong signal to the international community that the US is committed to doing its part to save elephants in the wild and that other demand countries should take similar steps. This has already helped to spur positive actions by China – the largest demand country for ivory and subsequently the major driver of Africa's poaching crisis – to move towards shutting down their own domestic market.

Nothing in the new FWS rule will affect Alaska Native carvers working in walrus ivory or other traditional materials. The new federal rule applies only to African elephants and their ivory, as is clearly stated by FWS:

> "This rule regulates only African elephants and African elephant ivory. Asian elephants and parts or products from Asian elephants, including ivory, are regulated separately under the ESA. Ivory from marine species, such as walrus, is also regulated separately under the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.). Ivory from extinct species, such as mammoths, is not regulated under statutes implemented by the Service... [This rule] does not impose any documentation requirements for non-African elephant ivory."[37]

As individual states consider taking action to address illegal wildlife trafficking and the elephant poaching crisis, as some states have already done, WWF encourages state governments to consider the federal approach in their state-by-state regulations and to engage with Alaska Native subsistence users when considering potential regulations along these lines in order to avoid unintended outcomes. WWF also looks forward to continuing to work closely with Alaska Native communities, the Alaskan government and communities and individuals throughout the state on the conservation of Alaska's wildlife and natural resources to ensure healthy ecosystems and sustainable livelihoods.

On behalf of WWF, I thank you for the opportunity to provide testimony to the subcommittee today.

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[37] https://www.fws.gov/international/pdf/questions-and-answers-african-elephant-4d-final-rule.pdf
WWF

Senator SULLIVAN. Well, thank you, Ms. Williams. And, again, I don't think anyone here is—do you have time for one question?

Rosita WORL. OK.

Senator SULLIVAN. Because I really want to get to an important question. I don't think anyone here has opposed the elephant ivory poaching issue.

The purpose of the hearing is to strategize and come up with ideas on how we make sure that what's happening, we can either roll it back or prevent it from continuing, because it's clearly hurting Alaska Natives, Alaska citizens.

Dr. Worl, I just wanted—you mentioned, in your testimony, you reached out to California, you reached out to the officials.

Rosita WORL. Yes.

Senator SULLIVAN. What I really want to try and get to is, in your experience—and any of the witnesses can jump in on this, but I know you have to run, and I really want to just get your views on this.

Do you think that the states that are starting to implement this ban, this broad ban, are they doing it unintentionally? Do they think that, oh shoot, we made a mistake; oh, darn, we can fix this. Or do you think they fully know what they're doing and they are putting a total ban for reasons that Ms. Silook mentioned, which the ultimate goal here is a ban on all ivory, whale bone, and everything?

So what do you think the intention is of the legislators in California, in New Jersey? Because I think our strategy, really, will depend on, are these states making a mistake and we just need to go explain to them and they'll fix it, or is that their goal anyway? And what do you think in your experience is happening?

Rosita WORL. Senator, in the case of California, I think they were very much aware that there was Alaska Natives who use ivory, but they chose—they said our—it was kind of a value statement that we used it, and they just chose to ignore it.

Senator SULLIVAN. So it wasn't a mistake?

Rosita WORL. No.

Senator SULLIVAN. They knew?

Rosita WORL. They knew.

Senator SULLIVAN. And then here's my next question to followup on that. Who—what are the advocacy groups—And maybe Ms. Williams or anyone else, what are the—which advocacy groups are driving the full ban? I mean, it's not you guys, is it?

Margaret WILLIAMS. No. I—and I do not know the answer to that.

Susie SILOOK. You don't? Why?

Margaret WILLIAMS. No. Well, we're allowing (indiscernible). (General laughter)

Senator SULLIVAN. No, it's actually a really—it's a really important question. We need to know this, right?

Margaret WILLIAMS. Perhaps—I cannot speak on behalf of other groups, but the World Wildlife Fund is not promoting an all-out ban. I mean, we've tried to make it clear that we—I hope in my testimony I communicated that we certainly don't oppose—that we would like to see very clear communication about that exemption.

It seems—I'm—I guess I'm also surprised that there has been—and I'm regretting for you that you have had such a poor reception on this issue from the administration, because I think—I've seen in the Arctic policy and the effort to really listen to Alaska Native communities, and with the Arctic policy about promoting sustainable Arctic communities.

I think there would be a more receptive ear, maybe perhaps now, I don't know. But I, actually—World Wildlife Fund is not an animal welfare organization and we don't collaborate with them very closely, so I can't name which groups are promoting such a State ban.

Senator SULLIVAN. Do you guys know?

Rosita WORL. I don't know which one, but I will tell you that maybe it shows my ignorance, but I view all of the wildlife conservation groups about the same. We just finished our Sealaska land legislation, and I was just totally amazed, you know, at the resistance from the environmental conserva—and, I guess, there's some difference between environmental conservation groups. I'm sorry, I can't make that distinction, because what I found is they seem to be uniformly opposed to just, you know, Native use of our land and resources.

Senator SULLIVAN. Well, I would agree with that.

Tara SWEENEY. Sir—

Rosita WORL. I'm sorry, I have to go.

Senator SULLIVAN. OK. Thank you, again, for your testimony. Sorry this has run a little long, but it's very important. And we'll work together, all of us, on a strategy on this.

Rosita WORL. OK. Thank you.

Senator SULLIVAN. Great.

Tara SWEENEY. So, sir, just one point. It—I cannot remember a time in which ASRC has been aligned, philosophically, with an organization like WWF. I mean, this is historic——

Senator SULLIVAN. Yes.

Tara SWEENEY. —in the sense that I'm so pleased to hear Margaret say that they are supportive of the sustainable harvest of Alaskan walrus, and then the byproducts that come with it, and recognizing the impact that it has on the Native community. To me, that's amazing.

Senator SULLIVAN. Yes.

Tara SWEENEY. We've never—and we've sat at different hearing tables and testified on opposite ends of the spectrum she has with Richard Glenn (ph), with me, on different issues.

Senator SULLIVAN. Yes.

Tara SWEENEY. And so as we look to the World Wildlife Fund, it's no secret that they have an enormous network.

Senator SULLIVAN. Yes.

Tara SWEENEY. And when I'm talking about helping us distinguish between elephant ivory and the importance of Alaskan ivory to the Alaska Native community, their network is enormous. And, perhaps, what we can do is look for ways to partner with——

Senator SULLIVAN. Yes.

Tara SWEENEY.—WWF to get the word out to their network, which, of course, could impact other State policy decisions down the road, and so——

Senator SULLIVAN. Let me followup on that. Ms. Williams, would be willing to do what Mrs. Sweeney mentioned, which I think is a great idea, which is use your network, your guys' power on this issue, if there's alignment? And I think it's great. Actually, it's unusual in the EPW hearing like this where all the witnesses agree. Usually, they don't, just so you guys know. Normally, there's a battle. This is quite unusual, but it's good.

But let me ask a related question for any and all of you. What more can the Federal Government do? Do you think the feds were also saying, hey, this is a mistake? Or do you think there's elements of the Federal Government who want a total ban as well?

And I mention that because Secretary Jewell is here, all right. And if everybody who sees her in the hallways in the next 2 days, mentions this to her, she'll get the message. I, sometimes don't always think that what they tell us is what their real intention is. So do you think they really want to help us on this as well? Is that—I mean, I'll open that up to all three of you.

Susie SILOOK. They haven't said a thing. You know, we've notified them. I—you know——

Senator SULLIVAN. But you don't think they do?

Susie SILOOK. This issue was raised in the Arctic Ministerial meeting that was at——

Senator SULLIVAN. Yes.

Susie SILOOK. —the science meeting. Gail Anagik brought that. You know, she got information from me and she raised that there. And then there's been several different ways that we've gotten it to the White House and there's been absolute silence there, as well as from U.S. Fish and Wildlife.

She says that U.S. Fish and Wildlife has made this explicitly clear. The only place I see that is in some of the places that I have to research on the internet for. They've never come out publicly and said, wait a minute, people, this does not involve walrus ivory.

Senator SULLIVAN. So you think they're being a little passive?

Susie SILOOK. No. They're entirely ignoring us at this point. I have yet to see——

Senator SULLIVAN. Worse than passive?

Susie SILOOK. —any action from them on this issue; none.

Senator SULLIVAN. OK. Do you agree——

Margaret WILLIAMS. They——

Senator SULLIVAN.—with that, Ms. Williams.

Margaret WILLIAMS. Sure. Chairman Sullivan and to my esteemed colleagues, I just wanted to thank Tara for recognizing that. And I do think we're very much on the same page.

And just for the record, I—I'm sorry that the—most of the people who left, because I think the World Wildlife Fund is—works very collaborative with many communities. We support subsistence harvest in the sustainable way. We recognize how important that livelihood is for nutrition and food security and culture.

And, I, myself, have been beneficiaries of many hospitable, generous hosts around the Arctic. So I really feel that it's—WWF is distinguished and many other conservation groups share that—the philosophy that conservation use—sustainable use is an incentive for conservation.

So—but I—just maybe I could read something from Fish and Wildlife published materials because I—it does actually specify the issue of exemptions.

So according to the agency's published materials, the rule regulates only African elephants and African elephant ivory. Asian elephants and parts or products from Asian elephants, including ivory, are regulated separately under the ESA.

Ivory from marine species, such as walrus, is also regulated separately under the Marine Mammal Protection Act, and I think that's very important that MMPA is a key here.

Ivory from extinct species, such as mammoths, is not regulated under statutes. So it, specifically, says that ivory from mammoth is not regulated under statutes implemented by the service. So I think there is a lot of misunderstanding.

Senator SULLIVAN. Well, let me ask this.

Margaret WILLIAMS. OK.

Senator SULLIVAN. I don't want to be disrespectful here, but just to—we're limited on time. What more can the Federal Government—what more can Secretary Jewell—what more can Dan Ash—it's one thing to put out a notice in the code of Federal regulations and nobody reads it. It's another thing that we know that it's already negatively impacting a very important element of the Alaska economy and cultural life.

What more do you three recommend that the Federal Government—the Federal agencies—I'm certainly going to raise this her and Dan Ash, the Director of Fish and Wildlife Service, on the negative impact. But what more do you think they can be doing to proactively help us, or do you think that they're not that interested? It sounds like the President Obama statement makes it sound like he might have a goal of banning all ivory or something along those lines, which I think would be very——

Susie SILOOK. All——

Senator SULLIVAN.—disappointing.

Susie SILOOK. All countries in Africa that are part of CITES, they have to come up with these things called the National Ivory Action Plans, NIAPs. And they're identified as either source transit or destination. And depending on what they are, depends on what the creation of that particular NIA—(cell phone rings) I'm sorry about my phone—will be—the plan will be in their country, because we were not identified as a source country, even though we are.

We don't get that plan and we don't get that funding. We need a National Ivory Action Plan for the United States for walrus ivory.

Senator SULLIVAN. OK.

Susie SILOOK. And so this provides for capacity building for—in this case, we should have someone who is always looking at the new laws that are coming up, and also what the wildlife organizations are emoting through their e-mail systems——

Senator SULLIVAN. Yes.

Susie SILOOK. —mass e-mail system for the mass public to do. They use these behavioral—these—President Obama mentioned this also. We're going to change behaviors. If you go into TRAFFIC, T-R-A—you know, it's capital letters and it's affiliated with like

IUCN and all these other people. They menti—they show you how you can change people's behaviors. It's a science.

OK. They're applying that because I started getting e-mails from them. They're turning the public—this is the other part of it. They're turning the American public against wildlife products, without any education on—

Senator SULLIVAN. Yes.

Susie SILOOK. —the complex nature of some these—and I hate using that term, even, anymore, you know, wildlife products, you know. And then we're mentioned as being ecosystem people, you know, in some of their literature, like we're the other, you know.

So there needs to a National Ivory Action Plan for Alaska Native people. It needs to be funded, fully funded so that we can do a mass educational campaign nationally. And that should include posters like some of these other countries, posters at seaports, airports. We need training. The seal products are being confiscated out of San Francisco. The seal products are totally legal for us, but they're being confused with the EU bans on the seal products.

So that points to a need to train——

Senator SULLIVAN. Yes.

Susie SILOOK. —security personnel.

Senator SULLIVAN. That's Federal agents doing banning.

Susie SILOOK. Right. And also tourist personnel, so there's—and they've also trained prosecutors and police in some of these countries, you know. So, you know, there needs to—that needs to happen. I have it written down.

Senator SULLIVAN. Mrs. Sweeney, do you have any other recommendations on Federal actions right now——

Tara SWEENEY. Actually, I do.

Senator SULLIVAN.—agency actions?

Tara SWEENEY. I have two, the first being, yes, if Secretary Jewell is here, it's important for the Department of Interior to come out and make a statement——

Senator SULLIVAN. Yes.

Tara SWEENEY. —that——

Senator SULLIVAN. Make a statement.

Tara SWEENEY. —this ban does not apply to walrus ivory, and recognize the importance that this is having on the Alaska Native community. That's my first recommendation.

And before—Margaret, thank you for letting me jump in. The second is, we need to take a hard look at the Marine Mammal Protection Act and the restrictions that Act has on the transportation or importation of marine mammals for Alaska Natives that are going across the Alaska—the Canadian/U.S. border. So many times, we have had things confiscated, and there has got to be a better way than applying for a permit 60 days out.

Senator SULLIVAN. Right.

Tara SWEENEY. If you're on the Alaska side and you're going over to Canada for an Inuit Circumpolar Conference, in Inuvik, you have no idea whether or not you are going to receive a gift like a seal skin binder or a seal skin purse. And you run the risk of either becoming a criminal when you bring it back into the country or having it confiscated, because you didn't apply for a permit 60 days out.

Senator SULLIVAN. Yes.

Tara SWEENEY. The process inside the U.S. Fish and Wildlife Service with respect to Alaska Natives and the possession of items and the Marine Mammal Protection inside—contained in the Marine Mammal Protection Act, severely impact Alaska Natives. And I welcome the opportunity to work on that issue with you.

Senator SULLIVAN. Great, thank you. And, Ms.

Williams, did you have a——

Margaret WILLIAMS. Sure. Yes, I have a recom——

Senator SULLIVAN.—what the feds can do more?

Margaret WILLIAMS. I have a recommendation. Well, I think in terms of communicating to other agencies, just an additional measure might be communicating through the Arctic Executive Steering Committee, because there are representatives, senior representatives from all of the agencies, NOAA, BLM, BIA, DOE. And you actually had the executive director of that Executive Steering Committee today here this morning, Mark Brzezinski. So if he's still around, I wouldn't be surprised if he'd be willing to help.

And I think there's another opportunity with a new regional director from Fish and Wildlife Service who is returning from Alaska after spending many years living here——

Senator SULLIVAN. Yes.

Margaret WILLIAMS. —and I think would be—I just think it would be good to speak with him. And just one point I did want to raise. WWF works with TRAFFIC, and, actually, TRAFFIC published a report a couple of years ago on the trade of walrus and concluded that the international trade is not a threat to walrus. And so it's not even a conserva—we do not see trade of walrus ivory as a conservation issue, so I just wanted to clarify that that's——

Senator SULLIVAN. And so just to clarify, would you—would WWF help with getting the word out——

Margaret WILLIAMS. Yes.

Senator SULLIVAN.—to your members——

Margaret WILLIAMS. We'd be glad——

Senator SULLIVAN.—on this issue, because you have a powerful network?

Margaret WILLIAMS. We'd be glad to clarify. Yes, we would be glad to clarify the meaning of this ban and the importance of this——

Tara SWEENEY. Good, that would be great.

Senator SULLIVAN. Well, let me ask a final question. Everybody has been very patient. We've—we're about out of time here. I just want Ms. Silook and Ms. Sweeney, just the impacts that are happening already.

Are you seeing any lessening of demand of your artwork, which I know is world renowned? Are you seeing a lessening of that in—are you seeing kind of in the cash economy and some the economic benefits—I mean, some of the numbers that were mentioned by Dr. Worl and others about, that's a lot of money, 30 to 50 thousand dollars annually, 32 million. Are you seeing, already, a negative impact, either on demand for your products or more broadly, kind of village economies that are being negatively impacted already?

Tara SWEENEY. Yes, I'm happy to. When you look at products that can range from $80 to 8,000 or 10,000 dollars of those contributions to a family economy is extremely important.

Senator SULLIVAN. Enormous.

Tara SWEENEY. In rural Alaska, where we all know it's extremely high, there's an extremely high cost of living, $80 or $8,000 is enormous.

Senator SULLIVAN. Yes.

Tara SWEENEY. And when you have a negative connotation of ivory——

Senator SULLIVAN. Yes.

Tara SWEENEY. —and walrus and Alaska ivory is being lumped in with elephant ivory, it has an impact on the demand for the product. Whether or not tourists, when they come to your community, will engage in trade——

Senator SULLIVAN. Yes.

Tara SWEENEY.—or a commercial activity with you because of this, and that's extremely, extremely concerning to anorganization like ASRC. And so, at any point in time, that we can advocate on behalf of the rights of, not only our shareholders,but all Alaska Natives engaged in this art, we're going to be there at the forefront.

And one thing I have to say is, Susie, she has made some of the most amazing and beautiful pieces of art.

Senator SULLIVAN. I know.

Tara SWEENEY. And we have a collection at ASRC that is in our permanent collection, so for organizations who usually request contributions for ivory carvings for their efforts, the edict inside our organization is, none of the Susie pieces of ivory will ever be donated; they're part of our permanent collection on display.

Susie SILOOK. Yes.

Senator SULLIVAN. Have you seen—and, look. One of the things I'm getting out of this is—I'm very worried about, if there is an ulterior motive to just ban ivory. And we have to really fight back against that; all of us. I think all of us.

Susie SILOOK. So I——

Senator SULLIVAN. Including WWF, but everybody. But are you seeing a lessening of demand for your art already?

Susie SILOOK. I haven't done much art. I've been working on this issue for the last—almost—since March of this year. But one gallery that I deal with in Seattle, they've stopped dealing with ivory and whale bone and any other Alaskan materials, because of these bans.

Senator SULLIVAN. Geez.

Susie SILOOK. So that's them——

Senator SULLIVAN. And this is not even—there is no ban in Washington State yet.

Susie SILOOK. No. But I've also done some outreach through our advocacy to shops in Alaska, and—OK, so there's one in Nome and, you know, he helps out the Bering Straits Region. That's the biggest area for ivory artwork, Bering Straits Region. And every year, he would go to the Marin show in California, and that's where he would get most of his revenue to continue his business.

And it's an old business. But the last 4 years, he's seen sales steadily drop off because of the threat of the bans and then the ac-

tual ban. So this year, he didn't even bother going, because he—nobody is buying ivory, he said. His brother said, everybody is freaking out; nobody is buying ivory. You know, they don't care what you tell them. It's how it is.

So since then, he's gotten calls from villagers, you know, he told me, from in that region, and he's had to tell them, no, I can't buy your work because I didn't make any money in California at the Marin show. So there's him.

And then there's a shop, Two Spirits. Is it Two Spirits in Anchorage? You know——

UNIDENTIFIED AUDIENCE MEMBERS. Yes, yes.

Susie SILOOK. Yes, at Two Spirits, she represents like 200 artists. And this is Native-owned shop. And so I spoke with her and she makes most of her money at WEIO, World Eskimo Indian Olympics; yes, WEIO. And this year, 50 percent of her market—it was down 50 percent in her market, and that's where she makes most of her money.

But there's other—you—I've talked to a lot of different shop owners, and some of them say, the younger generation, when they hear it's ivory, they don't recognize that it's walrus ivory; they just turn their back, because they've been influenced by——

Margaret WILLIAMS. Don't blame me.

(General Laughter)

Susie SILOOK. I don't want to (indiscernible laughter)—by wildlife organizations that make no distinction in——

Senator SULLIVAN. Yes.

Susie SILOOK. —in their emotive e-mails, you know. So there's them. And, yes, sales are down.

Senator SULLIVAN. OK. Well, listen, I want to thank everybody. I want to thank everybody who attended today. This is a very important issue and the—our witnesses, thank you. Your guy—your testimony was very illuminating.

And what we're going to do, we will work with all of you—all of you on exactly what we're talking about. We can't let this get to the point where the ulterior motive of some—and I'm sure it's out there—banning all ivory, which would actually hurt conservation, by the way. We can't allow that happen.

So we will continue to work on this. I have a lot of ideas. We want to work with you, but thank you, again.

And, again, this hearing will be open for the record for two more weeks, and Pierce can, again, hand out his e-mail address for additional testimony. I want to thank the witnesses. I want to thank everybody who attended on this important issue.

We will be sure to followup and fight back and push back on something that's really threatening our economies in the Native Alaskan culture here in our great State.

[Whereupon, at 3:34 p.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows.]

VOICE OF THE ARCTIC INUPIAT

P.O. Box 431 | 914 Appiq St. | Point Hope, AK 99766 | 907.368.6621 | voiceofthearcticinupiat.org

October 31, 2016

Senator Dan Sullivan
702 Hart Senate Office Building
Washington, DC 20510

Sent via email: Pierce_Wiegard@sullivan.senate.gov

RE: Proposed Ban on Walrus Ivory

Dear Senator Sullivan,

On behalf of Voice of the Arctic Iñupiat (VOAI), I write you out of concern over recent legislative efforts to establish a domestic ivory ban. I share your concern that this could have negative impacts on the Iñupiat people of the North Slope and the Alaska Native population.

VOAI is a newly formed 501(c)4 non-profit corporation whose twenty members include representatives from North Slope tribal councils, municipal governments, Alaska Native Corporations, a regional non-profit and the tribal college from the North Slope of Alaska. VOAI was formed to provide a unified, local voice of the Iñupiat people from the Arctic Slope region. We are deeply concerned that a ban on ivory would have adverse economic, social, and cultural impacts to the Iñupiat people, Alaska Native businesses, local artisans, families, and North Slope communities. As a fellow Alaskan with deep regard for the Alaska Native population and our way of life, I request that you voice the potential adverse impacts of this ban to Alaska Natives and defend our traditional use of legally acquired walrus, mammoth, and mastodon ivory.

As you know, many Alaska Natives rely on our local resources and traditional way of life to sustain our communities; this includes the walrus we hunt for subsistence and the ivory we use for construction, tools, arts and crafts. The Iñupiat culture is very vibrant with strong roots in tradition; the preservation of our culture sustains our communities and future generations of Iñupiat. With the proposed legislation to ban domestic ivory in several states, I grow increasingly concerned that this will have negative economic and cultural impacts to the Iñupiat people and other Alaska Natives. Many of the local people rely on the selling of ivory products as a source of income—this domestic ban could not only threaten that but may cause residents to face persecution for buying, owning, or bringing home legally acquired ivory from Alaska.

VOICE OF THE ARCTIC INUPIAT

P.O. Box 431 | 914 Agiiq St. | Point Hope, AK 99766 | 907.368.6621 | voiceofthearcticinupiat.org

Alaska Natives lawfully harvest walruses as permitted under the Marine Mammal Protection Act (MMPA)—we have relied on walruses long before the government installed these acts and legislation. We utilize the entire walrus, including the ivory tusks, and have done so for many generations. Many local artists and crafts people create and sell ivory products which provide a source of income and local revenue. This proposed ban could threaten this economic opportunity and an appreciation for Alaska Native art. The traditional and cultural use of the resource should be respected by future legislative efforts. I am concerned that efforts to ban domestic ivory which fail to consider its use to indigenous peoples will have enormous economic and cultural impact on Alaska Natives. A ban which is not fully informed about the traditional and economic necessity of legally obtained ivory by indigenous peoples would be culturally insensitive and detrimental to Alaskans.

As a community leader, I am concerned that earnest efforts to protect the African elephant may actually result in negative economic and cultural impacts to Alaska Natives. I ask you to inform your fellow Senators and lawmakers about the unintended consequence of this ban and help clarify their legislation to avoid wrongfully impacting the Iñupiat people and our way of life. Any legislation banning ivory should exclude walrus, mammoth and mastodon ivory. The Iñupiat people have a right to pursue our economic, social, cultural self-determination; the laws of the U.S. should not interfere with that right but support the indigenous populations.

We appreciate your continue support and advocacy for all of the Alaskans, especially the Iñupiat people, and look forward to your continued efforts to clarify these bans in the best interest of the Alaska Native population. We respectfully ask you to encourage collaboration between the Iñupiat people, VOAI, Eskimo Walrus Commission (EWC), U.S. Fish and Wildlife Service, and lawmakers.

Taikuu,

Sayers Tuzroyluk, Sr.
President

Member Organizations

Arctic Slope Native Association

Arctic Slope Regional Corporation

Atqasuk Corporation

City of Anaktuvuk Pass

City of Atqasuk

City of Barrow

City of Kaktovik

City of Point Hope

City of Wainwright

Ilisagvik College

Kaktovik Iñupiat Corporation

Native Village of Atqasuk

Native Village of Point Lay

North Slope Borough

Nunamiut Corporation

Olgoonik Corporation

Tikigaq Corporation

Ukpeagvik Inupiat Corporation

Wainwright Tribal Council

Submitted Testimony of the Wildlife Conservation Society
U.S. Senate Committee on Environment and Public Works Subcommittee on Fisheries, Water and Wildlife
November 3, 2016

Contact: Sara Marinello, Executive Director, WCS Government & Community Affairs, smarinello@wcs.org, (718) 220-5113

Chairman Sullivan, Ranking Member Whitehouse and Members of the Subcommittee, thank you for the opportunity to submit testimony regarding the impacts of federal and state ivory bans on Native Alaskans. The Bronx Zoo-based Wildlife Conservation Society (WCS) was founded with the help of Theodore Roosevelt in 1895 with the mission of saving wildlife and wild places. Globally, WCS aims to conserve the world's largest wild places in 15 priority regions, home to more than 50% of the world's biodiversity. With our government and local partners, WCS manages more than 200 million acres of protected lands, employing more than 4,000 staff including 200 Ph.D. scientists and 100 veterinarians.

WCS aims to protect Arctic wildlife such as polar bear, walrus, arctic fox, muskoxen, seals, and shorebirds from pressures related to a rapidly changing climate and the onset of new industrial development. At the same time, WCS works to ensure the region's indigenous communities can continue to depend on local resources for food, as well as economic and cultural vitality. Implementing conservation in such a rapidly changing environment can only be effective through working with scientists, local experts, and indigenous communities.

Recent concerns have been raised regarding the impact of the federal elephant ivory ban and various state ivory bans on the ability of Native Alaskans to carve and sell their legally harvested walrus ivory. The Wildlife Conservation Society (WCS) respects the federally-protected rights of Native Alaskans through the Marine Mammal Protection Act (MMPA) to sustainably hunt marine mammals and to use their parts to produce and sell authentic handicrafts. A wealth of scientific evidence supports the perspective that wildlife and natural resources are most likely to be conserved when they are co-managed with the people whose wellbeing and culture are both founded and dependent on them. Partnering with indigenous groups is central to WCS's conservation work in key landscapes. In the Arctic, WCS works closely with Alaska Native groups and other partners to promote sustainable indigenous livelihoods.

WCS scientists are working to save elephants in central and eastern Africa, where an average of 96 elephants are being illegally slaughtered every day for their ivory. WCS is also working to stop the trafficking of and demand for elephant ivory through various efforts including the establishment of domestic bans on the commercial sale of elephant ivory. It is important to understand that the Federal rule recently finalized by the US Fish and Wildlife Service on ivory applies only to ivory from African elephants. No ivory or similar products from any other species were included.

WCS believes the above-mentioned rights of Native Alaskans should continue to be upheld under the MMPA as long as such harvests continue to be sustainable. WCS understands the importance of Native Alaskans' reliance on natural resources for their economic and cultural vitality and is committed to working with Alaska Native partners to resolve their concerns surrounding domestic ivory bans.

Testimony of Vera Metcalf
Ivory Field Hearing
Fairbanks, AK
October 20, 2016

Senator Sullivan, thank you for the opportunity to provide a written testimony today.

As a representative of the Eskimo Walrus Commission (EWC) and 19 coastal marine mammal hunting communities, the issues we face relate to securing and preserving these and other natural and cultural resources for our future. As for minority groups, it is for Alaska Native communities and organizations that politics is inherent in every activity and relationship involving the larger society, government or authority. This sentiment is alive in many fields as I have experienced it in educational policy, social or natural science researchers or state and federal government relationships, e.g., US Fish and Wildlife Service who currently has a "cooperative agreement" with EWC. In every situation with public policy and the rights of indigenous people, we often are in a conflict situation. This is the context for many of the decisions we must make.

EWC is often addressing various critical policy issues and research activities that concerns Alaska Natives that have potential negative implications. Consequently, we try to make decisions based on working with communities we represent, as directly as possible or with community leaders and Commissioners as an Alaska Native Organization. We do not presume to make decisions for communities we represent, but only act on their behalf with their explicit consent.

EWC (created by Kawerak, Inc. in 1978) existed sixteen years before the Marine Mammal Protection Act (MMPA) was amended to recognize and authorize co-management framework. EWC advocates in protecting the livelihood of Alaska Native residents and artists who rely on marine mammal products including walrus ivory in their arts and handicrafts. The MMPA specifically authorizes Alaska Natives to use these by-products including the right to hunt and use marine mammals which they have exercised for centuries. The Native-exemption provision in MMPA further states that "taking of any marine mammal by any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or Arctic Ocean if such taking –

(1) is for subsistence purposes; or
(2) is done for the purposes of creating and selling authentic native articles of handicrafts and clothing.

ADVOCACY WORK

The EWC's Executive Council (EC) met in June 2016 to address the increasing issue of several US states (NJ, CA, HI, NY) passing laws to ban the sale, use or possession of ivory in an effort to curb commercial trade of African elephant ivory. EWC EC took action by passing a resolution opposing the 'inclusion of walrus, mammoth, and mastodon ivory in ivory ban laws."

Kawerak, Inc. Executive Committee met in June 2016 and also took action on the ivory ban by supporting EWC's Resolution. Other supporting resolutions came from the Native Village of Barrow Inupiat Traditional Government, joint resolutions from Native Village of Savoonga, City of Savoonga, Kukulget, Inc., Sivuqaq, Inc., City of White Mountain, and Qayassiq Walrus Commission in Dillingham. Kawerak has submitted a resolution to AFN board "in support of use and sales of walrus ivory in tools,

arts, and crafts" to be considered during this week's Convention and further advocating the concerns at a shared booth with Bering Strait Native Corporation and Norton Sound Economic Development Corporation at the Convention.

Alaska Native residents and artists utilizing ivory should not be affected and/or adversely restricted from using ivory legitimately and legally obtained. If the ivory bans continue to include walrus ivory either intentional or not, this will have an enormous negative economic and cultural impact on Alaska Natives communities.

RECOMMENDATION:
EWC recommends that the Alaska Congressional delegation write a letter to State of Alaska Governor Walker explaining the ivory ban issue and that ivory bans in individual states specify only 'elephant ivory.' Governor Walker could then move further by taking his letter to the annual meeting of Governors and request that:

1) states with ivory bans amend their legislation, and
2) other states specify elephant ivory only, if doing similar legislation
3) include raising awareness in the Alaska Municipal League and with state and federal legislative requirements.

Thank you again, Senator, for the opportunity to provide testimony. If there's anything EWC can do, please contact our office at vmetcalf@kawerak.org or 907-443-4380. Igamsiqanaghhalek.

Testimony of Kawerak, Inc. - Melanie Bahnke, President
Ivory Field Hearing
Fairbanks, AK - October 2016

Senator Sullivan, thank you for the opportunity to provide written testimony on the Ivory Field Hearing. Besides our written testimony you will find attached a resolution from the Kawerak Full Board of Directors and the National Congress of American Indians.

Introduction/Background:
Kawerak, Inc. is the tribal consortium in the Bering Strait region of Alaska, an area with 20 federally recognized tribes and 16 communities. Our service area is approximately 26,000 square miles or roughly the size of West Virginia. The region's population is about 9,000 people, of which 75% are Alaska Native. For us, subsistence and our traditional way of life are critical for our continued survival as individuals, families, communities, and they also are the cornerstone of our continued survival as a People. Our subsistence way of life provides us with sustenance, a sense of well-being and purpose, a feeling of belonging, the understanding that we are part of something much bigger than us as individuals, pride in carrying on a way of life passed down from generation to generation, joy in sharing, and also serves as the core of our identity as Alaska Native people.

Attached is a resolution from the National Congress of American Indians. Information about the Marine Mammal Protection Act (MMPA) is included within the resolution. State governments such as California, Hawaii, Massachusetts, New Jersey and New York have adopted state laws that are inconsistent with the MMPA and prohibit the sale of "authentic native artifacts of arts, crafts, and clothing." The MMPA was enacted in 1972, and through its provisions coastal Indians, Aleuts, and Eskimos may for the purpose of traditional, non-wasteful practices harvest marine mammals. Your support is needed to enforce the Alaska Native exemption in Section 101(b) of the MMPA allowing for traditional and customary practices and economies continue utilizing ivory from marine mammals.

Current Situation:
In an effort to stem the horrendous ongoing poaching of African elephants, various U.S. states including California, Hawaii, New Jersey, New York and Washington have passed laws banning the sale, use, or possession of all ivory. Additional states (Massachusetts, Illinois, and Oregon for instance) are considering and will possibly pass similar laws which are inconsistent with the MMPA. These domestic ivory ban laws may cause residents to face prosecution for buying, owning, or bringing home legally acquired ivory from Alaska.

We wholeheartedly support the efforts to stop poaching of elephants. However, there are misconceptions and a general lack of knowledge about the difference between walrus and elephant ivory. For as long as our history, we who live in the Arctic and subarctic, live near the sea and have harvested walrus. Walrus provides meat, hides, blubber and ivory, all of which are put to use in traditional ways for food, construction, tools, arts and crafts. Foremost walrus is harvested as food security. The entire walrus, including the ivory tusks, does not go to waste. Walrus ivory is an economic resource and art medium.

Walrus hunters and hunting communities from Barrow, Alaska to Dillingham, Alaska are represented by the Eskimo Walrus Commission (EWC) which was formed by Kawerak, Inc. in

KAWERAK, INC. • P.O. Box 948 • Nome, Alaska 99762

1978. The EWC represents 19 coastal subsistence walrus hunting communities in Alaska. The traditional and customary use and harvest of walrus has never been the reason for a decline of the species and walrus continues to be a source of pride, traditions, stories, dance and artistic production. We are the first stewards of our lands and seas and for centuries we have managed our resources in a clean and healthy environment.

Walrus ivory has a positive economic impact to communities who harvest and use the resource. In turn, the business of making and selling ivory products benefits Alaska Native artists, crafts people, gift shops and buyers who treasure walrus ivory products.

The adopted measures to protect the African elephant are having a detrimental impact to those who utilize walrus ivory and those who may sell legally acquired walrus and mastodon ivory within gift shops. It is my belief, that due to the Executive Order to Combat Wildlife Trafficking, and the strong push by conservation groups, states are passing laws without fully understanding and differentiating between legally caught walrus, mammoth and mastodon ivory and the banned elephant ivory. States also may not be familiar with the MMPA and Section 101(b).

If artists are not able to sell their handicrafts due to ivory ban laws, it may have a detrimental impact within our region and State. This may potentially increase the need for public assistance and tribal welfare assistance. Stress from the economic impacts may increase the need for mental/behavioral health services. This in turn may impact hospitals and mental/behavioral health centers.

Within the Executive Order, it allows for legal and legitimate commerce involving wildlife to continue. Unfortunately, this is not the case for Alaska Native artists who use walrus, mammoth and mastodon ivory in their art work. There are States which have already passed laws banning ivory and many artists, gift shops and legitimate ivory buyers have noticed that sales of their walrus ivory products have declined. For many of our artists and hunters, the sale of walrus ivory or art provides an income and allows for subsistence hunting to continue. The economy provides a means to purchase gas, boats, guns, shells and other equipment that may be needed to subsist. Due to the high cost of living, our residents rely on all available resources.

Recommendations:
We recommend to the US Fish and Wildlife Service, the Protected Resources Division and other appropriate federal agencies work collaboratively with the Eskimo Walrus Commission to address issues and concerns that are resulting from the Executive Order.

Although this issue may seem inconsequential, it is important the U.S. government further promote and protect the rights of indigenous peoples to pursue their economic, social and cultural traditions and customs. It is our hope that State governments will consult and cooperate in good faith with indigenous people before adopting and implementing legislative or administrative measures that may affect them. I believe you have an opportunity to further strengthen our government to government relations in this matter and further support Alaskan native hunters and artists. We need your support to ensure our customary and traditional use of legally acquired walrus, mammoth and mastodon ivory continues without restrictions.
Thank you.

KAWERAK, INC. • P.O. Box 948 • Nome, Alaska 99762

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KAWERAK, INC.
RESOLUTION 2016-03

A RESOLUTION OF SUPPORT FOR ESKIMO WALRUS COMMISSION'S OPPOSITION OF INCLUDING WALRUS, MAMMOTH, AND MASTODON IVORY IN AFRICAN ELEPHANT IVORY BAN LAWS IN THE UNITED STATES

WHEREAS, Kawerak, Inc. is the regional tribal consortium in the Bering Strait region of Alaska; and

WHEREAS, the Eskimo Walrus Commission was formed in 1978 by Kawerak, Inc. and represents 19 coastal subsistence walrus hunting communities in Alaska; and

WHEREAS, the use of legally acquired walrus, mammoth, and mastodon ivory by Alaska Native carvers to create tools, handicrafts, jewelry, and artwork is a longstanding cultural tradition that continues to be a vital component of Alaska Native culture today; and

WHEREAS, the Marine Mammal Protection Act (MMPA) explicitly protects the right of coastal Alaska Natives to harvest marine mammals and utilize their byproducts in handicrafts for sale in the United States; and

WHEREAS, the sale of walrus, mammoth, and mastodon ivory tools, handicrafts, jewelry, and artwork by Alaska Natives is an important source of income in the cash-limited economies of rural Alaska; and

WHEREAS, in efforts to stem the poaching of African elephants, various U.S. states have passed laws banning the sale, use, or possession of all ivory, and additional states are considering such laws; and

WHEREAS, these ivory ban laws fail to acknowledge the difference between African elephant ivory and legally acquired walrus, mammoth, and mastodon ivory used by Alaska Native artists; and

WHEREAS, these state ivory ban laws may cause residents of those states to face prosecution for buying, owning, or bringing home legally acquired ivory from Alaska; and

WHEREAS, these state ivory ban laws will negatively impact Alaska Native artists who depend on the sale of their handicrafts as a source of important income in a cash-limited economy;

NOW THEREFORE BE IT RESOLVED, that Kawerak, Inc. supports EWC Resolution 2016-01 opposing the inclusion of walrus, mammoth, and mastodon ivory in ivory ban laws; and

BE IT FURTHER RESOLVED that Kawerak, Inc. requests that walrus, mammoth, and mastodon ivory be exempted from current and future ivory ban laws in the United States.

Frank Katohatag, Board Chairman

CERTIFICATION

I, the undersigned Secretary of the Kawerak, Inc. Board of Directors, hereby certify that the foregoing resolution was adopted by majority vote of the Board Executive Committee of Kawerak, Inc. during a duly called meeting on June 30th, 2016 with 7 for, 0 against, and 0 abstentions.

Kirsten Tinfbers, Kawerak Board Secretary

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NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #PHX-16-049

TITLE: A Call for the National Oceanic and Atmospheric Administration to Actively Enforce Section 101(b) of the Marine Mammal Protection Act

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, Indigenous peoples' have harvested marine mammals for time immemorial for both nutritional and utilitarian needs; and

WHEREAS, Alaska Native peoples have developed rich cultures and practices around marine mammals and these practices continue today; and

WHEREAS, many Rural Alaska Native communities are subsistence based and substantially depend upon marine mammals for economic purposes and nourishment; and

WHEREAS, Alaska Native peoples have always utilized ivory from marine mammals and ivory is now an economic driving force for many native households; and

WHEREAS, this dependent relationship between Indigenous peoples and marine mammals is protected by the Marine Mammal Protection Act; and

WHEREAS, the Marine Mammal Protection Act was enacted in 1972 prohibiting the take, import, and export of marine mammals by United States citizens; and

WHEREAS, Section 101(b) of the Marine Mammal Protection Act exempts coastal Indians, Aleuts, and Eskimos from the provisions for the purpose of traditional, non-wasteful practices which includes harvesting marine mammals; and

WHEREAS, Section 101(b) recognizes the importance of harvesting marine mammals by the exemption of Alaska Natives for the purposes of creating or selling "authentic native artifacts of arts, crafts, and clothing;" and

WHEREAS, State governments such as, California, Hawaii, Massachusetts, New Jersey, New York and possible others have adopted state laws that are inconsistent with the Marine Mammal Protection Act and prohibit the sale of "authentic native artifacts of arts, crafts, and clothing."

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians calls upon the National Oceanic and Atmospheric Administration to actively enforce the Alaska Native exemption in Section 101(b) of the Marine Mammal Protection Act so they can continue to practice traditional and customary lifeways and economies utilizing the ivory from marine mammals; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2016 Annual Session of the National Congress of American Indians, held at the Phoenix Convention Center, October 9th- 14th 2016, with a quorum present.

Brian Cladoosby, President

ATTEST:

Aaron Payment, Recording Secretary

Native Village of Diomede
P.O. Box 7079
Diomede, Alaska 99762
Telephone (907) 686-2175

October 31, 2016

Pierce Wiegard, Majority Staff Director
Subcommittee on Fisheries

Dear Senator Sullivan,

Native Village of Diomede is humbly asking on behalf of our walrus hunters, best family providers, and the women and children that domestic ivory ban legislation exclude walrus, mammoth, and mastodon ivory. Walrus is known as our main staple and we'd like to continue our traditional legacy. What does walrus means to us? I can tell you this, we have many ways we use and consume walrus and I am still learning and teaching our younger generation. Customarily, for thousands of years we survived off walrus in all ways imagined. We still eat walrus, use hides for skin boats and hunting and gathering essentials, making Eskimo dance drums, and our finest carvers use the ivory to support their families and make hunting tools, most of all feeding us during the winter. Our community has the hardest time getting processed meat, can and dry goods here, so we still rely heavily on walrus. Our economy here is not stable and jobs are always limited. Ivory is also, limited too, there for it, is so important to Diomede.

We are having been having the hardest time hunting walrus because of climate and walrus migration pattern change. Over the past ten years our intake of walrus greatly reduced to 8-15 a year, which effects how we are surviving especially through the long winter. Knowing we are facing a ban on ivory in the lower 48 states our concerns are raised to its highest. Please consider Diomede needs to survive here and the importance walrus and ivory products play in our way of life.

If you have any question, please contact our Tribal Coordinator Frances Ozenna at: tc.dio@kawerak.org

Thank you,

Robert F. Soolook Jr., President

Senator Sullivan,

Background on the issue: To stem the poaching of African elephants, various U.S. states including California, Hawaii, New Jersey, New York and Washington has passed laws banning the sale, use , or possession of all ivory. Additional states (Massachusetts, Illinois, and Oregon for instance) are considering and will possible pass similar laws which are inconsistent with the Marine Mammal Protection Act (MMPA). These domestic ivory ban laws may cause residents to face prosecution for buying, owning, or bringing home legally ivory from Alaska. The adopted measures to protect the African elephant are having a detrimental impact to those who utilize walrus ivory and those who may sell legally acquired walrus and mastodon ivory within gift shops.

The Native Village of White Mountain Alaska Tribal Council support to ensure our customary and traditional use of legally acquired walrus, mammoth, and mastodaon ivory continue withour restrictions. We would like to inform you that walrus, mammoth, and mastodon ivory be excluded from domestic ivory ban legislation.

-Walrus provide meat, hides, blubber, ivory, all of which are used in trational ways for food, construction, tools, arts, and crafts. The entire walrus, including the ivory tusks, does not go to waste. Walrus ivory is a highly valued economic resource and art medium.
-Walrus ivory has a positive economic on communities who harvest and us the resource. In turn the business of making and selling ivory products benefits Alaska Native artists, crafts people, gift shops, and buyers who treasure walrus ivory products.
-State governments may not be familiar with the Marine Mammal Protection Act (MMPA) and the provisions that allow for traditional and customary practices and economies to continue utilizing ivory from marine mammals.
-Alaska Native residents and artists utilizing exempted ivory under MMPA should not be affected and/or adversely restricted from using ivory legitimately and legally obtained. If further laws continue to be passed, intentionally or not, it could have an enormous negative economic impact and cultural impact on Alaska Native communities.
-We recommend that states with ivory bans amend their legislation to exclude walrus, mammoth, and mastodon ivory.
-We recommend that the US Fish & Wildlife Service and other appropriate federal agencies work collaboratively with the Eskimo Walrus Commission (EWC) to address issues and concerns resulting from ivory bans. The EWC was formed by Kawerak in 1978. The EWC represents the 19 coastal subsistence walrus hunting communities in Alaska -It is important that the U.S. government further promote and protect the rights of indigenous people to pursue their economic, social, and cultural traditions and customs.
-We also recommend that Senator Sullivan do what he can to clarify the meaning of the ban and continue to raise awareness about this issue.

Thank you very much.

Sincerely,

Dorothy Barr
Tribal Coordinator
Native Village of White Mountain, Alaska Lincoln M. Simon Sr., President

Senator Sullivan,

The mission statement of Nome Public Schools is that in partnership with families and the community, we educate and inspire students to become successful and responsible global citizens in an environment that represents our rich cultural diversities and local traditions. Many skills and the passion for learning start at school. Some of the local traditions we teach in our Cultural Arts classes include Iñupiaq/St. Lawerence Yup'ik language, how to skin sew, and ivory carving. We want to continue to support traditional learning methods in the schools of our small district. However, these could be adversely impacted by oversight of laws that states continue to pass banning the sale, use, or possession of ivory. Alaska Native residents, artists, and students utilizing exempted ivory under MMPA Marine Mammal Protection Act (MMPA) should not be affected and/or adversely restricted from using ivory legitimately and legally obtained. The Federal government should promote and protect the rights of indigenous peoples to pursue their economic, social and cultural traditions and customs. Please help work to restore and defend these rights and protect the culture of the next generation.

Thank you,
Shawn Arnold
Superintendent, Nome Public Schools
PO Box 131 | Nome, AK 99762
Office: 907.443.2231 | Fax: 907.443.5144





NATIVE VILLAGE OF KOYUK IRA COUNCIL
PO BOX 53030 KOYUK, ALASKA 99753
PHONE: (907) 963-3651 FAX: (907) 963-2353 EMAIL: tc.kka@kawerak.org

Resolution # 16-10-13-01

A Resolution Opposing the Inclusion of Walrus, Mammoth, and Mastodon Ivory in African Elephant Ivory Ban Laws in the United States

WHEREAS, the Native Village of Koyuk is a federally recognized tribal government body for the community of Koyuk, Alaska in the Bering Straits region of Alaska.

WHEREAS, the use of legally acquired walrus, mammoth, and mastodon ivory by Alaska Native carvers to create tools, handicrafts, jewelry, and artwork is a longstanding cultural tradition that continues to be a vital component of Alaska Native culture today; and

WHEREAS, the Marine Mammal Protection Act (MMPA) explicitly protects the right of coastal Alaska Natives to harvest marine mammals and utilize their byproducts in handicrafts for sale in the United States; and

WHEREAS, the sale of walrus, mammoth, and mastodon ivory tools, handicrafts, jewelry, and artwork by Alaska Natives is an important source of income in the cash-limited economies of rural Alaska; and

WHEREAS, in efforts to stem the poaching of African elephants, various U.S. states have passed laws banning the sale, use, or possession of all ivory, and additional states are considering such laws; and

WHEREAS, these ivory ban laws fail to acknowledge the difference between African elephant ivory and legally acquired walrus, mammoth, and mastodon ivory used by Alaska Native artists; and

WHEREAS, these state ivory ban laws may cause residents of those states to face prosecution for buying, owning, or bringing home legally acquired ivory from Alaska, and

WHEREAS, these state ivory ban laws will negatively impact Alaska Native artists who depend on the sale of their handicrafts as a source of important income in a cash-limited economy;

NOW THEREFORE BE IT RESOLVED THAT the Native Village of Koyuk opposes the inclusion of walrus, mammoth, and mastodon ivory in ivory ban laws; and

BE IT FURTHER RESOLVED THAT the Native Village of Koyuk requests that walrus, mammoth, and mastodon ivory be exempted from current and future ivory ban laws in the United States.

CERTIFICATION

This resolution was passed on this 13th day of October, 2016, with a vote of 6 yeas, 0 nays, 0 absentions, 1 absent.

Lola Hannon, President

Travis Dewey, Treasurer



NATIVE VILLAGE OF KOYUK IRA COUNCIL
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Resolution # 16-10-13-02

A RESOLUTION IN SUPPORT OF ESKIMO WALRUS COMMISSION'S OPPOSITION OF INCLUDING WALRUS, MAMMOTH, AND MASTODON IVORY IN AFRICAN ELEPHANT IVORY BAN LAWS IN THE UNITED STATES

WHEREAS, the Native Village of Koyuk is a federally recognized tribal government body for the community of Koyuk, Alaska in the Bering Straits Region of Alaska.

WHEREAS, the Eskimo Walrus Commission was formed in 1978 by Kawerak, Inc. and represents 19 coastal subsistence walrus hunting communities in Alaska; and

WHEREAS, the use of legally acquired walrus, mammoth, and mastodon ivory by Alaska Native carvers to create tools, handicrafts, jewelry, and artwork is a longstanding cultural tradition that continues to be a vital component of Alaska Native culture today; and

WHEREAS, the Marine Mammal Protection Act (MMPA) explicitly protects the right of coastal Alaska Natives to harvest marine mammals and utilize their byproducts in handicrafts for sale in the United States; and

WHEREAS, the sale of walrus, mammoth, and mastodon ivory tools, handicrafts, jewelry, and artwork by Alaska Natives is an important source of income in the cash-limited economies of rural Alaska; and

WHEREAS, in efforts to stem the poaching of African elephants, various U.S. states have passed laws banning the sale, use, or possession of all ivory, and additional states are considering such laws; and

WHEREAS, these ivory ban laws fail to acknowledge the difference between African elephant ivory and legally acquired walrus, mammoth, and mastodon ivory used by Alaska Native artists; and

WHEREAS, these state ivory ban laws may cause residents of those states to face prosecution for buying, owning, or bringing home legally acquired ivory from Alaska; and

WHEREAS, these state ivory ban laws will negatively impact Alaska Native artists who depend on the sale of their handicrafts as a source of important income in a cash-limited economy;

NOW THEREFORE BE IT RESOLVED, that the Native Village of Koyuk supports EWC Resolution 2016-01 opposing the inclusion of walrus, mammoth, and mastodon ivory in ivory ban laws; and

BE IT FURTHER RESOLVED that the Native Village of Koyuk requested that walrus, mammoth, and mastodon ivory be exempted from current and future ivory ban laws in the United States.

CERTIFICATION

This resolution as passed on this 13th day of October, 2016, with a vote of 6 yeas, 0 nays, 0 absentions, 1 absent.

Lola Hannon, President

Travis Dewey, Treasurer