

8.4 Alaska Eskimo Whaling Commission Management Plan

ALASKA ESKIMO WHALING COMMISSION

MANAGEMENT PLAN

AS AMENDED ON

FEBRUARY 15, 1991

FEBRUARY 14, 1992

FEBRUARY 15, 1995

ALASKA ESKIMO WHALING COMMISSION

MANAGEMENT PLAN

SUBPART A

INTRODUCTION

SUBSECTION 100.1 PURPOSE OF REGULATIONS.

It is the purposes of the regulations contained herein to:

- (a) insure an efficient subsistence harvest of bowhead whales;
- (b) provide a means within the Alaska Eskimo customs and institution of protecting the habitat of the bowhead whale and limiting the bowhead whale harvest in order to prevent the extinction of such species; and
- (c) provide for Eskimo regulation of all whaling activities by Eskimos who are members of the Alaska Eskimo Whaling Commission.

SUBSECTION 100.2 SCOPE OF REGULATIONS.

The regulation contained herein apply to the subsistence hunting of whales by Eskimos who are members of the Alaska Eskimo Whaling Commission.

SUBPART B

ALASKA ESKIMO WHALING COMMISSION

SUBSECTION 100.11 POWERS.

- (a) The Alaska Eskimo Whaling Commission (hereinafter AEWC) is empowered to administer the regulations contained herein to insure that the purposes in Subsection 100.1 of these regulations are attained.
- (b) The AEWC is empowered to enforce the regulations by:
 - (1) denying any person who violates these regulations the right to participate in hunting bowhead whales.
 - (2) making civil assessments.
 - (3) acting as an enforcement agent for any governmental entity authorized to enforce these regulations.
- (c) The AEWC is empowered to promulgate interim regulations that are in addition to, but not inconsistent with regulations contained herein.

SUBSECTION 100.12 DUTIES.

- (a) The AEWC shall administer and enforce the regulations contained herein (including any interim regulations).
- (b) The AEWC shall conduct village education programs to facilitate compliance with these regulations, including training programs for whaling captains and crew.
- (c) The AEWC shall initiate research for improvement of the accuracy and reliability of weapons.

SUBPART C
REGULATIONS

SUBSECTION 100.21 DEFINITIONS.

- (a) "bowhead whale" means a whale whose scientific name is baleana mysticetus and which migrates past whaling villages in Alaska.
- (b) "captain" means the person in charge of a whaling crew.
- (c) "harvest" means to kill and bring to shore or butchering area.
- (d) "non-traditional weapons" means any instrument that could be used to harvest a bowhead whale that is not a traditional weapon.
- (e) "traditional weapon" means a harpoon with line attached, darting gun, shoulder gun, lance or any other weapon approved by the AEWG as such a weapon in order to improve the efficiency of the bowhead whale harvest.
 - (1) "harpoon with line attached" means a harpoon with a rotating head which is attached to a line and float and which has no explosive charge. (See Figures 7 and 8 of Appendix E of the FEIS on the International Whaling Commission's Deletion of Native Exemption for the Subsistence Harvest of Bowhead Whales. (October 1977) (hereinafter FEIS).

- (2) "darting gun harpoon" means a harpoon with an explosive charge and with a line and float attached. (See Appendix E of FEIS of Figure 4)
- (3) "shoulder gun" means a whaling gun, adapted from the era of commercial whaling in the 19th century, which has an explosive charge and which has no attached line and float. (See Appendix E of the FEIS in Figure 5).
- (4) "lance" means a non-explosive sharply pointed weapon without a harpoon head.
- (5) "explosive charge" as used in subparagraph (2) of this paragraph means for initial strikes a penthrite-based explosive charge developed, approved, and issued to a whaling captain by the AEWC, unless such explosive charge has not been issued or is not compatible with the darting gun harpoon in which case every effort shall be made by the AEWC to provide a compatible darting gun harpoon.
- (f) "whaling crew" means those persons who participate directly in the harvest or attempted harvest of the bowhead whale and are under the supervision of a captain.

- (g) "whaling village" means the Alaska Eskimo Whaling village in which resides a whaling captain and crew which participates in the harvest of bowhead whales and which is represented by a Commissioner of the AEWC.
- (h) "whaling season" means customary period of time during which the bowhead whale is harvested, either in the Spring or Fall.
- (i) "garbage" means anything that the whaling captains and crew brings out to the ice that is not biodegradable.
- (j) "habitat" means the waters and associated land and ice environment used by the bowhead whale.

SUBSECTION 100.22 REGISTRATION.

- (a) Each captain shall register with the AEWC on forms provided by the AEWC for that purpose which disclosed his name, address, age, qualifications as a captain, and his willingness to abide by the regulations of the AEWC and to require his crew to abide by those regulations.
- (b) The AEWC shall take into account any reading or language difficulties in developing procedures and forms for registration.

SUBSECTION 100.23 REPORTS.

- (a) Each whaling captain shall be responsible for keeping a written record of the number of whales:
- (1) attempted to be harvested by using traditional weapons but not harvested,
 - (2) harvested by the captain or his crew, and
 - (3) sighted by the captain and his crew.
- (b) Each whaling shall report the date, place, and time of any striking not resulting in harvesting and shall describe:
- (1) the size and type of bowhead whale,
 - (2) any known latter attempted harvest or actual harvest of said whale,
 - (3) the reason for the captain or crew not harvesting the whale, i.e., environmental factors, the failure of traditional weapons, or other reasons, and
 - (4) the conditions of the whale that was not harvested.
- (c) Each whaling captain shall make other reports as the AEWG requires in order to accomplish the purposes of the regulations herein or in order to advance the scientific knowledge of the bowhead whale.

SUBSECTION 100.24 PERMISSABLE HARVESTING METHODS.

- (a) No whaling captain or crew shall harvest or attempt to harvest the bowhead whale in any manner other than the traditional harvesting manner.

- (b) "Traditional harvesting manner" means:
 - (1) only traditional weapons shall be used as defined in Subsection 100.21 (e).

 - (2) the bowhead whale may be struck with a harpoon or darting gun with line and float attached.

 - (3) the shoulder gun may be used:
 - (i) after a line has been secured to the bowhead whale, or

 - (ii) when pursuing a wounded bowhead whale with a float attached to it.

 - (4) the lance may be used after a line has been secured to the bowhead whale.

- (c) Whaling captains and crews should harvest bowhead whales that are less than 40 feet plus (+) or minus (-) 15% in length.

Subsection 100.25 TRADITIONAL PROPRIETARY CLAIM.

The bowhead whale shall belong to the captain and crew which first strikes the bowhead whale in the manner described in Subsection 100.24.

SUBSECTION 100.26 LEVEL OF HARVEST.

- (a) The AEWG shall establish the levels of harvest or attempt harvest for each whaling village during each season or seasons.
- (b) In establishing the levels of harvest or attempted harvest, the AEWG shall consult each whaling village.

SUBSECTION 100.27 REGULATION TO PROTECT THE BOWHEAD WHALE HABITAT.

- (a) All whaling crew shall bring their garbage back to land and dispose of it in a proper manner.

SUBSECTION 100.28 Native Consumption.

The meat and products, except for traditional native handicrafts, of whales taken in the subsistence hunt must be exclusively for native consumption and may not be sold or offered for sale.

SUBSECTION 100.31 DENIAL OF PARTICIPATION IN HARVEST AND FINES.

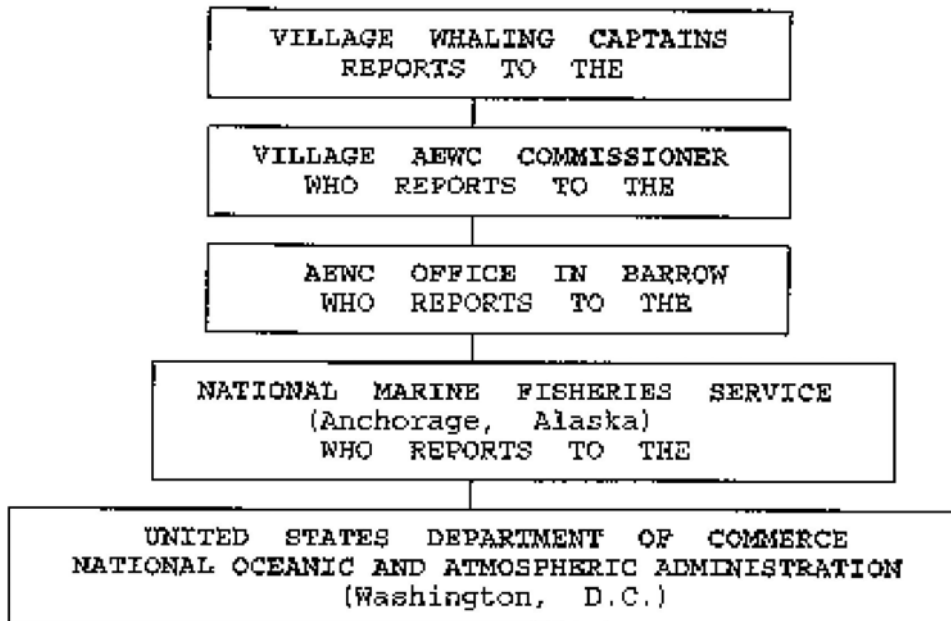
- (a) Any person who the AEWG determines has violated the

regulations contained in subsection 100.24 (a) and (b) and subsection 100.26 shall, after opportunity for a hearing before the AEWG, be prohibited from harvesting or attempting to harvest the bowhead whale for a period of not less than one whaling season nor more than five whaling seasons; and / or

- (b) Any person who violates the regulations contained in subsection 100.24 (a) and (b) and subsection 100.26 herein shall be subject to a fine of not less than \$1,000.00 nor more than \$10,000.00 as assessed by AEWG. The AEWG shall assess other fines at levels it deems appropriate, not to exceed \$10,000.00, for other violations of this Management Plan or federal law. No person shall harvest or attempt to harvest the bowhead whale until such fine has been paid.

It is the responsibility of the whaling captains/crew to report to the Commissioner of their village on a daily basis when they are whaling. The Commissioner then reports to the AEWG Central Office in Barrow. The AEWG office takes a report which they pass on to the National Marine Fisheries Service (NMFS) office in Anchorage. Following completion of the season, the AEWG office then submits a final report to the U.S. Department of Commerce in Washington, D.C.

ALASKA ESKIMO WHALING COMMISSION
BOWHEAD WHALE HUNT
MANAGEMENT REPORTING PROCEDURES



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