

## Questions and Answers

### For Sea Otter Hunters and Handcrafters

[The Marine Mammal Protection Act](#), 16 United States Code 1361 et seq. and [50 Code of Federal Regulations Part 18](#), are the law and regulations that apply to sea otters.

#### **BEFORE THE HUNT**

##### **Who may hunt sea otters?**

Alaska Native peoples of at least one-fourth Alaska Native blood (see 50 CFR Part 18 for the full definition of Alaska Native <http://www.gpo.gov/fdsys/pkg/CFR-2000-title50-vol1/pdf/CFR-2000-title50-vol1-sec18-3.pdf> ), who reside in Alaska and dwell on the coast may harvest sea otters without a permit

- (1) For subsistence purposes, or
- (2) For purposes of creating and selling authentic Native articles of handicraft and clothing, and
- (3) In each case, not accomplished in a wasteful manner.

##### **Why does Fish and Wildlife require Alaska Native people to have one-fourth degree Alaska Native blood?**

50 CFR 18.3 provides:

Alaskan Native means a citizen of the United States who is one-fourth degree or more Alaska Indian, Eskimo, or Aleut blood.

##### **What does coastal dwelling mean?**

Coastal dwelling in the marine mammal regulations refers to any Alaska Native person who resides in Alaska and lives on the coast of Alaska.

##### **If I am Native American from Washington State but live on the coast of Alaska, can I hunt sea otters?**

No, only Alaska Native peoples who reside in Alaska and live on the coast can hunt sea otters.

##### **If I am Alaska Native from Fort Yukon but live on the coast, can I hunt sea otters?**

Yes, if you are an Alaska Native person and currently dwell on the coast, even if you do not originate from the coast, you may hunt sea otters.

To be an Alaska Native person you must be a citizen of the United States who is one-fourth degree or more Alaska Indian, Eskimo, or Aleut blood.

**If I am an Alaska Native person from Barrow but live in Fairbanks can I still hunt sea otters?**

No, because you do not dwell on the coast.

**Can a person who is Alaska Native but is no longer living in Alaska return temporarily to hunt sea otters? (Such as vacationing in Alaska)**

No, because they are no longer residing in Alaska and dwelling on its coast.

**Is there a hunting season for sea otters?**

Alaska Native people can hunt sea otters anytime of the year.

**Do Alaska Native persons need a permit to hunt sea otters?**

Not from the U.S. Fish and Wildlife Service. Some Tribal governments require a permit. Please check with the Tribal government in the area you are hunting.

**Is there a specific area that I cannot hunt in?**

The Marine Mammal Protection Act does not limit the areas of Alaska where sea otters may be harvested. However, there may be some areas with hunting or access restrictions, such as National Parks (e.g. Glacier Bay National Park), state game sanctuaries, or private land. Some areas have state or local ordinances limiting where firearms can be discharged. Some Tribal governments encourage hunting in some areas and discourage hunting in other areas.

**Do I need to check with a Native entity before I hunt?**

The U.S. Fish and Wildlife Service does not require this, but we encourage you to check with the Tribal government in the area you are hunting.

**Can an Alaska Native person stay in non-Alaska Native lodging prior to and after the hunt?**

Yes.

**Can a non-coastal dwelling Alaska Native person hunt sea otters if the hunter belongs to an Alaska Native corporation that extends to the coast?**

No. The hunter must dwell on the coast.

**If a sea otter hunter lives on the coast in one area, can he or she hunt in another area hundreds of miles from his home?**

Yes.

**Are there age restrictions for Alaska Native sea otter hunters?**

No.

**DURING THE HUNT**

**Is there a harvest limit for sea otters?**

No.

**Is there a limit of how many family members can hunt?**

No.

**Can a non-Alaska Native person accompany an Alaska Native person during the hunting of sea otters?**

Yes, as long as the non-Alaska Native person does not actively participate in the take (i.e. search for animals, shoot the animal, run the boat while the animal is being hunted, harvested, herded, recovered or collected).

**Can an Alaska Native person charter a boat from a non-Alaska Native person to go sea otter hunting?**

An Alaska Native person can rent a boat from a non-Alaska Native person. However, the non-Alaska Native person cannot actively participate in the hunt, including driving the boat while the animal is being hunted, harvested, herded, recovered or collected.

**Can a non-Alaska Native person drive the boat that is taking sea otter hunters out?**

A non-Alaska Native person can drive the boat until the sea otter hunt begins. Once hunting, harvesting, herding, recovering or collecting of sea otters begins, only an Alaska Native person can drive the boat. The non-Alaska Native person may drop a hunter off at a hunting location.

**If an Alaska Native person uses a skiff to hunt sea otters, and is based out of a larger boat operated by a non-Alaska Native person, can the Alaska Native person leave harvested sea otters on the larger boat while out hunting?**

The hunter may leave the harvested otters on the larger boat. However, the Marine Mammal Protection Act prohibits the transportation of marine mammals by non-Alaska Native people. Therefore, the Alaska Native person must be on board the larger boat when the otters are transported.

**If the meat is not desirable to eat, how can the hide be harvested in a manner which is not regarded as wasteful?**

50 CFR 18.23 allows for the taking of marine mammals for subsistence purposes *or* purposes of creating and selling authentic Native articles of handicraft and clothing. This regulation requires only the hide and skull to be kept from a harvested sea otter.

**What does wasteful mean?**

Wasteful manner is defined in 50 CFR 18.3 as:

Any taking or method of taking which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence purposes or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.

**Can sea otters be hunted even if they are protected by the Endangered Species Act (ESA)?**

Yes. The ESA provides an exemption for Alaska Native peoples to take species listed under the ESA, including the Southwest Alaska sea otter, if such taking is for subsistence purposes and is not accomplished in a wasteful manner.

**AFTER THE HUNT**

**What is a pelt? When is it no longer a pelt?**

The regulations do not refer to a pelt.

50 CFR 18.3 states:

Marine mammal means any specimen of [a sea otter], whether alive or dead, and any part thereof, including but not limited to any raw, dressed or dyed fur or skin.

A pelt would be any part of the fur or skin of a sea otter whether raw, dressed or dyed; a part cannot be sold to a non-Alaska Native person until it has been significantly altered into an authentic Native handicraft.

**Do sea otter harvests need to be reported?**

Yes, sea otter hides and skulls must be tagged by a U.S. Fish and Wildlife Service tagger within 30 days of the harvest.

**Why do these remains need to be tagged?**

This allows harvest numbers to be monitored and provides important biological information about the health of the sea otter population.

### **How long does the tag need to remain in the hide?**

The tag must remain attached to the hide throughout the tanning process and until the skin has been cut into parts for creating an authentic Native article of handicraft or clothing.

### **Why is the skull required for tagging?**

The skull provides the U.S. Fish and Wildlife Service with valuable biological data about the sea otter. For example, teeth are used for aging the animal.

### **What do I do if the tag breaks?**

Contact the U.S. Fish and Wildlife Service marine mammal marking and tagging program. Call (907) 786-3800 or 1-800-362-5148

### **Where do sea otter hides need to be taken for tanning?**

Sea otter hides may be home tanned by Alaska Native peoples or they may be tanned at tanneries that are registered with the U.S. Fish and Wildlife Service. For a list of registered tanneries contact (907) 786-3800 or 1-800-362-5148 or go to the web at <http://www.fws.gov/alaska/fisheries/mmm/mtrp/mtrpmain.htm>

### **Must a sea otter hide be tagged before tanning?**

A sea otter hide must be tagged within 30 days.

If the hide is tanned within 30 days of the sea otter take, it doesn't need to be tagged before it's tanned. If the hide was tagged before tanning, the tag must stay on throughout the tanning process. A tannery may require the hide be tagged before they accept it.

## **SIGNIFICANTLY ALTERED**

### **What qualifies as significantly altered?**

A sea otter will be considered "significantly altered" when it is no longer recognizable as a whole sea otter hide, and has been made into a handicraft or article of clothing as is identified below:

1. A tanned, dried, cured, or preserved sea otter hide, devoid of the head, feet, and tail (i.e., blocked) that is substantially changed by any of the following, but is not limited to: weaving, carving, stitching, sewing, lacing, beading, drawing, painting, other decorative fashions, or made into another material or medium; and cannot be easily converted back to an unaltered hide or piece of hide.
2. Tanned, dried, cured, or preserved sea otter head, tail, or feet, or other parts devoid of the remainder of the hide which includes any of the following, but is not limited to: weaving, carving, stitching, sewing, lacing, beading, drawing, or painting, other decorative fashions, or made into another material or medium.

Significantly altered photo gallery

[http://www.fws.gov/alaska/fisheries/mmm/photo\\_gallery\\_significant\\_altered.htm](http://www.fws.gov/alaska/fisheries/mmm/photo_gallery_significant_altered.htm) This gallery shows examples of items that are, and are not, significantly altered.

**Can I sell a sea otter blanket to a non-Alaska Native person?**

Yes, provided it is significantly altered.

**How many hides sewn together constitute a blanket?**

There is no minimum or maximum number of hides needed to constitute a blanket, as long as the final product is significantly altered.

**Can one make a rug in the shape of a sea otter?**

Yes, as long as it is not sold to a non-Alaska Native person. To sell it to a non-Alaska Native person, a rug may not be made out of the complete hide of a sea otter because it would not meet the definition of significantly altered. A blocked hide cut into the shape of a sea otter, lined and stitched on the back, would be significantly altered, and may be sold to a non-Alaska Native person.

**Can I make a life-sized stuffed sea otter?**

A whole sea otter mount would not be considered significantly altered and could not be sold to non-Alaska Native peoples.

A stuffed toy, made from pieces of sea otter hide sewn together, would be considered significantly altered and could be sold to non-Alaska Native peoples.

**Can a sea otter skull be sold as a display or made into a handicraft? How about if it is cleaned, bleached and has a painted native design on it?**

A cleaned skull or a cleaned skull mounted on a board would not be considered significantly altered and could not be sold to non-Alaska Native persons.

Skulls, like ivory, claws, or bones, must be significantly altered, which would mean it has been substantially carved or scrimshawed. Painting alone, which could be removed easily from such hard parts, would not be considered a significant alteration.

**Can the claws, feet, and bacula of sea otters be made to jewelry and/or hunting implements for sale?**

Yes, when the hard parts are substantially altered; for example, carved or scrimshawed.

**Can you make yarn out of sea otter fur and sell the spun yarn to a non-Alaska Native person?**

Yes. The yarn would be considered significantly altered. However, a non-Alaska Native person could not create a new handicraft (scarf, sweater, etc.) from the yarn for resale.

However, a non-Alaska Native person could use the yarn to create a garment for personal use.

**Can sea otters be made into pillows (for example blocking the hide and sewing it into a pillow with no liner)?**

Yes, that would meet the definition of significantly altered.

**What portion of a sea otter hide needs to be painted?**

Besides being tanned and blocked as in the guidance, the hide must be substantially or completely painted.

**MAKING AND SELLING SEA OTTER PRODUCTS**

**Does the U.S. Fish and Wildlife Service have a clearinghouse or place handicrafters can take their items to be approved for sale?**

The Fish and Wildlife Service will answer individual questions, but does not have a handicrafter clearing house.

**What kind of punishment or consequence is there for selling an item that is not significantly altered?**

Violation of the Marine Mammal Protection Act is a Class A federal misdemeanor. The maximum penalty is a fine of up to \$100,000 and up to one year in jail. This is the maximum penalty only. Each case is evaluated individually.

**Who can make authentic Native articles of handicraft and clothing?**

Only Alaska Native peoples may make authentic articles of handicraft and clothing.

**May unaltered (tanned or untanned) sea otter hides be sold or transferred?**

Yes, but unaltered hides may only be sold/transferred to another Alaska Native person or to a registered agent for re-sale to other Alaska Native peoples.

**Is there a listing of all handcrafter(s) that utilize sea otter for their crafts?**

The U.S. Fish and Wildlife Service does not maintain a list of handcrafters.

**Is it legal for an Alaska Native person to sell sea otter products to a non-Alaska Native person?**

Yes, as long as those products have been significantly altered into an authentic Native handicraft or article of clothing.

**Can an Alaska Native person who no longer lives in Alaska make handicrafts from sea otter pelts?**

Yes. Any Alaska Native person residing anywhere can make and sell handicrafts from sea otter parts. However, if taking, selling, or transferring raw parts from Alaska to another State, you must work with a registered agent.

**What do I have to do to sell internationally?**

All sea otter populations are listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Therefore, exports of raw or finished products require a CITES export document before legally leaving the United States. Our issuance of a CITES Appendix-II export permit for a sea otter handicraft relies on two findings: (1) the specimen being exported was legally acquired (i.e., came from a legally-harvested otter and otherwise complied with legal requirements, including applicable requirements of the MMPA and ESA), and (2) the export is not detrimental to the survival of the species, such as by contributing to the unsustainable harvest of sea otters to produce such items. If an item is derived from a legally-authorized and sustainable subsistence harvest and otherwise complies with the legal requirements for such handicrafts, the Service can issue a CITES export permit for it.

For more information contact the U.S. Fish and Wildlife import/export office in Anchorage at (907) 271-6198.

**Can I take/trade sea otter pelts/products with my family in Canada?**

Canadian law prohibits the take of sea otters and does not allow commerce or trade involving sea otter products.

**As an Alaska Native person, can I travel across the international border with a sea otter hide or product?**

A CITES permit is generally required for sea otter products to move internationally. However, different countries have different requirements and some may allow sea otter products to move across the border if they are personal effects.

**Can a non-Alaska Native person alter a significantly altered product?**

If a non-Alaska Native person purchases or acquires a significantly altered product, they – as the owner -- may alter that item. However, once they alter the item, they may no longer sell the product.

**Is there a limit on the number of sea otter hides that can be sold, or on the amount of money that can be made from the sales?**

There are no limits on the number of sea otter hides sold or on the amount of money made from those sales.

**Do I have to keep a record of all the sea otter handicrafts I sell?**



No.

**What is the definition of mass production?**

The MMPA at 16 USC 1371(b)(2) requires that handicrafts be made “without the use of pantographs, multiple carvers, or other mass copying devices.

The regulation at 50 CFR 18.3 requires that handicrafts be made “without the use of pantographs, multiple carvers, or similar mass-copying devices.”

Further, the regulation states: “Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery...may be used so long as no large-scale mass-production industry results....The formation of traditional native groups, such as a cooperative is permitted so long as no large-scale mass production results.”

**Can two or more people work on the same sea otter garment?**

Yes, so long as no large-scale mass production results.

**If I have 10 sewing machines and my friends and I make otter coats, is that considered mass production?**

Not if each of your friends makes and sells their own coats, even if they use your sewing machines.

**Do non-Alaska Native peoples who purchase sea otter handicrafts need proof the item was made by an Alaska Native person?**

No proof is required by law or regulation.

**Are there labeling requirements for sea otter handicrafts?**

There are no labeling requirements for the items themselves.

**Can sea otters be used for educational purposes, such as a cultural camp or skin sewing class?**

Raw sea otter parts may be used in classroom situations to make handicrafts, provided the individuals using the material are Alaska Native peoples.

If non-Alaska Native students wish to participate in such a class, substitutions for sea otter parts, such as moose hide, may be used.

**FURTHER QUESTIONS RELATED TO SEA OTTERS**

**What jurisdiction does the State of Alaska (Alaska State Troopers) have as far as telling a person what is significantly altered?**

None. The Marine Mammal Protection Act is a federal law under the jurisdiction of the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration (NOAA).

**Why is there a requirement that sea otter hides be altered?**

Federal regulation requires that all marine mammal parts be significantly altered, and made into authentic Native articles of handicraft and clothing before being sold to non-Alaska Native peoples or sold in interstate commerce. The Marine Mammal Protection Act allows an exception for Alaska Native peoples in recognition of their long-standing cultural practices.

**Do sea otter furs need to come from a tannery?**

No.

**Do sea otter furs need to be purchased for cultural use?**

No.

**Are museums allowed to display unhandicrafted sea otter pelts?**

Yes, with a permit from the U.S. Fish and Wildlife Service.

**Are sea otters listed under the Endangered Species Act (ESA)?**

Yes, but only the Southwest Alaska population.

**What should be done if a dead or sick sea otter is found?**

Report it to the Alaska SeaLife Center's 7 day/24 hour hotline. Call 1-888-774-7325. The SeaLife Center then contacts the appropriate U.S. Fish and Wildlife Service Marine Mammals Management biologist.

**Does the same process of hunting and tagging apply to seals and sea lions?**

No. NOAA regulates these species and should be consulted.

**What do we do if we observe non-Alaska Native peoples killing sea otters or violating federal wildlife laws?**

Report your observation to U.S. Fish and Wildlife Office of Law Enforcement with as much pertinent information as you can. Call Anchorage (907) 271-2828, Fairbanks (907) 456-2335, Juneau (907) 586-7545, Nome (907) 443-2479.

