



Via Federal e-Rulemaking Portal
<http://www.regulations.gov>

April 6, 2013

Assistant Regional Administrator
Protected Resources – National Marine Fisheries Service
Southeast Regional Office
263 13th Avenue South
Saint Petersburg, FL 33701

Re: Comments of the Indian Arts and Crafts Association on the National Oceanic and Atmospheric Administration's Proposed Rule to List 66 Reef-Building Coral Species; Proposed Reclassification of Elkhorn *Acropora cervicornis* and Staghorn *Acropora cervicornis* Under the *Endangered Species Act*. 78 Fed. Reg. 37, 12702 (Feb. 25, 2013)

Dear Sir or Madam:

Established in 1974, the Indian Arts and Crafts Association (IACA) is a not-for-profit trade association whose mission is to support the effective protection, ethical promotion and preservation of American Indian arts and crafts. Headquartered in Albuquerque, New Mexico, IACA is a well-respected trade association which represents all facets of the American Indian arts and crafts industry – artists, retailers, wholesalers, cottage industry, museums, other related organizations and businesses (e.g., suppliers, educational institutions, book publishers, studio photographers), as well as collectors. IACA also promotes ethical business standards within the Indian art market through education, publicity, authentication, and use of its logo to certify reputable businesses. IACA hereby submits its comments on the subject proposed rule (“the Proposed Rule”) to list 66 reef-building coral species as threatened and endangered. 78 Fed. Reg. 37, 12702 (Feb. 25, 2013).

American Indian arts and crafts is estimated to be a \$1 billion industry. The most common stones used in American Indian jewelry include carnelian, lapis lazuli, onyx, shell, turquoise, and coral. The arts and crafts industry is critical to American Indian economies and small businesses. Income from a single artist often provides the only income for his/her family and, more often than not, to an extended family. In addition to providing primary and supplemental income, the arts are a source of strength and pride, reinforcing cultures and traditions within tribal communities.

While IACA and our membership are proponents of environmental preservation,

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seventy-three percent of our membership are concerned and will be significantly impacted if the Proposed Rule is finalized in its current form. The Proposed Rule would prohibit imports, exports, and commercial activities dealing with the coral species. The Proposed Rule would significantly impact the tribal economies, Indian artists' livelihoods, and others directly involved in the distribution and sales of this artform by prohibiting access, use, future purchase, and sales of jewelry containing coral.

The U.S. Department of Commerce and the National Oceanic and Atmospheric Administration (NOAA) have a federal trust responsibility to tribal governments in accordance with Executive Order No. 13175 and the Department of Commerce Tribal Consultation and Coordination Policy. The IACA recommends that formal government-to-government consultations be held before the Proposed Rule becomes final. In addition, the IACA recommends that NOAA consider an accommodation for tribal governments and Indian arts and craftspeople in terms of an exemption from the Proposed Rule so that they can continue to access coral for traditional and cultural uses.

Thank you for the opportunity to submit these initial comments. We look forward to actively participating in the regulatory development process and we expect that our comments will be given every consideration.

If you have any questions, please do not hesitate to contact me at (847) 426-6901.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph P. Zeller', is written over a light blue horizontal line.

Joseph P. Zeller
President



cc Hon. Kevin Washburn
Assistant Secretary for Indian Affairs

Ms. Dee Alexander, Senior Advisor for Native American Affairs
U.S. Department of Commerce

Hon. Tom Udall
U.S. Senator

Hon. Martin Heinrich
U.S. Senator

Hon. Ben Ray Lujan
Member of Congress

Hon. Michelle Lujan Grisham
Member of Congress

Hon. Steve Pearce
Member of Congress