

MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver
Executive Director *Chris*
DATE: September 20, 2012
SUBJECT: Groundfish Issues

ESTIMATED TIME 6 HOURS All D-1 Items
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ACTION REQUIRED

- (c) Review Nunivak Island-Etolin Straits-Kuskokwim Bay Habitat Conservation Area Boundary.
- (d) Discussion paper on Northern Bering Sea Research.

BACKGROUND

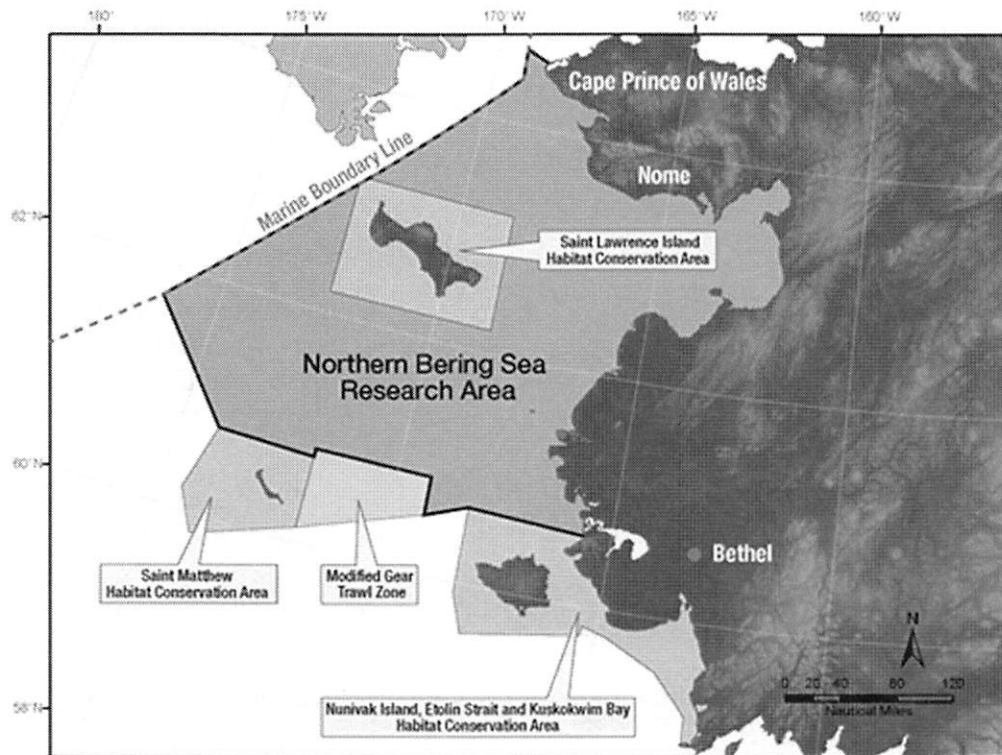
(c) Review Nunivak Island-Etolin Straits-Kuskokwim Bay Habitat Conservation Area Boundary

In July 2007, the Council adopted Amendment 89 to the BSAI Groundfish FMP, Bering Sea Habitat Conservation measures, which created a number of habitat conservation areas (HCAs) in which bottom trawling is prohibited. One of these areas is the Nunivak Island-Etolin Strait-Kuskokwim Bay Habitat Conservation Area (Nunivak HCA, see map).

During the Council's consideration of Amendment 89, the boundaries for the Nunivak HCA were developed in close consultation with an industry and Association of Village Council Presidents (AVCP) working group. Communities and industry agreed on a southern boundary line for the habitat conservation area, which was subsequently established in regulation. The flatfish industry members committed to continued work with the AVCP communities in an ongoing process to communicate and share information on fishing activities and scientific information about the area.

As part of the Council's final motion adopting the closure, the Council agreed to review the boundary line developed for the Nunivak HCA in four years, and to consider whether further action is appropriate. The review of that boundary is the subject of this agenda item. This item has been rescheduled several times to allow the industry, tribal, and community representatives to arrive at a mutually agreed upon solution. Representatives of industry and tribal and community organizations have met several times since the Council was last updated, and hope to have a proposed resolution to bring to the Council for review.

At this meeting the Council will hear from representatives of industry and community organizations and could initiate analysis of a new boundary or other protection measure, take no action, or again reschedule the issue to allow more time for discussion.



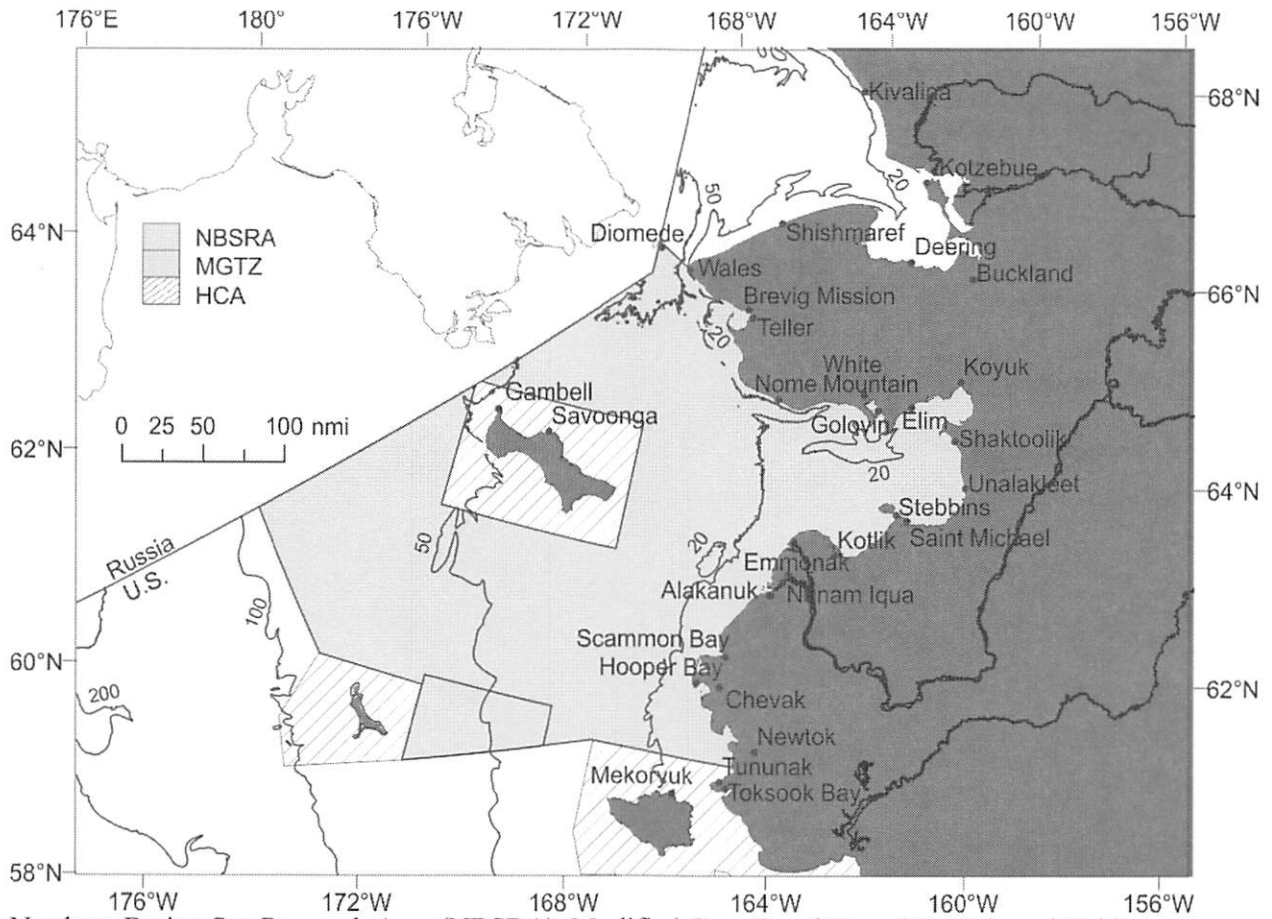
(d) Review Northern Bering Sea Research Area discussion paper

Amendment 89 also created the Northern Bering Sea Research Area (NBSRA, see map) and required the development of a management plan to identify areas where nonpelagic trawl fishing would be allowed, pursuant to a scientific research plan. The Council requested that the Alaska Fishery Science Center (AFSC) design an adaptive management experiment in the closed northern area to study “the effects of nonpelagic trawl gear in previously untrawled areas.”

In response to the Council’s request, the AFSC began developing a scientific research plan for the NBSRA to study the effects of bottom trawling on the benthic community to help with developing future protection measures in the NBSRA for crab, marine mammals, endangered species, and the subsistence needs of western Alaska communities.

In June 2011, an update on the research plan was presented to the Council. The Council also heard considerable public testimony from tribes and members of communities adjacent to the NBSRA expressing concern about the research plan and the desire for more community engagement and inclusion in the development of a research plan. In response, the Council chose to suspend work on the research plan, and requested a discussion paper to compile background information on the NBSRA which will allow the Council to reevaluate the feasibility and need to continue with developing a research plan. The discussion paper was completed and mailed September 21, 2012.

At this meeting, the Council is scheduled to review the discussion paper on the Northern Bering Sea Research Area, and determine what action they wish to pursue in the Northern Bering Sea Research Area. The AFSC scientist leading the development of the discussion paper is not available for this meeting. The paper will be presented by Council staff.



Northern Bering Sea Research Area (NBSRA), Modified Gear Trawl Zone (MGTZ), and Habitat Conservation Areas (HCA) in the Northern Bering Sea.



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

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September 24, 2012

Eric Olson, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252
[sent via email to npfmc.comments@noaa.gov]

RECEIVED
SEP 25 2012

Subject: Agenda Item D-1(d), Northern Bering Sea Research Plan

Dear Chairman Olson,

Kawerak, Inc. is a non-profit Tribal consortium of 20 federally recognized Tribes in the Bering Strait region. Kawerak and region Tribes have a strong and deep connection to the northern Bering Sea extending back to time immemorial. Our families and communities continue to depend on the resources of the northern Bering Sea for social, cultural, economic and nutritional well-being. We have reviewed the September 2012 discussion paper on the Northern Bering Sea Research Area (NBSRA) and would like to provide some comments and recommendations.

First, we would like to reiterate some of the concerns that Bering Strait tribes have regarding the northern Bering Sea in general and the NBSRA in particular. Tribes are opposed to the expansion of bottom trawl fisheries into the northern Bering Sea because of the potential impacts to a variety of animals that they depend on for subsistence. The cumulative impacts of increased marine shipping and other development activities in the region, in addition to climate and other changes, are large and growing but remain unevaluated. Tribes do not want additional pressures added to the northern Bering Sea ecosystem as it is Tribes that will have to bear the burden of any negative impacts.

Bering Strait region Tribes are pleased that the NBSRA remains closed to bottom trawling activities. Tribes were also happy to see that the Council recognized that the previously developed draft research plan was insufficient and that you recommended this current discussion paper be prepared to detail more of the existing research and what is known about the effects of bottom trawling.

Based on the discussions that have taken place over the past several years at Council meetings, Tribal and community meetings, with the fishing industry, at a Tribal consultation with NMFS, and at community and scientific workshops, it is Kawerak's strong recommendation that the NBSRA remain closed to bottom trawling and that further development of a research plan be terminated

at this time. The fishing industry, scientists, conservation groups, Tribes and others all agree that now is not the time to open the northern Bering Sea to bottom trawl activities.

Finally, while our main recommendation is that the NBSRA remain closed to bottom trawling and that further development of a research plan be terminated, we would like to once again emphasize that if any additional planning regarding the NBSRA takes place in the future, it should include formal government-to-government consultation with Bering Strait region Tribes. The Department of Commerce recently re-confirmed that research activities are subject to Executive Order 13175 and the DoC's Tribal Consultation and Coordination Policy (DoC Webinar, 9/19/12). Bering Strait Tribes wish to be consulted on the development of any future northern Bering Sea research plans or fisheries development.

Thank you for consideration of our comments. If you have any questions, please contact Julie Raymond-Yakoubian at 907-443-4273 or juliery@kawerak.org.

Sincerely,

KAWERAK INCORPORATED



Melanie Bahnke
President

Cc: Bering Strait Region Tribes
James Balsiger, Regional Administrator NMFS Alaska Region
Douglas DeMaster, Alaska Fisheries Science Center Director
Myron Naneng, Association of Village Council Presidents

Association of Village Council Presidents * Alaska Marine Conservation Council
Bering Sea Elders Group * Oceana * Yukon River Drainage Fisheries Association

September 25, 2012

Mr. Eric Olson, Chair
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501

Re: Agenda Item D-1(d), Northern Bering Sea Research Plan

Dear Chairman Olson and Members of the Council:

Thank you for the opportunity to comment on the white paper "Considerations for Research Planning in the Northern Bering Sea" prepared by the Alaska Fisheries Science Center. Further action by the North Pacific Fishery Management Council (NPFMC) is not required at this time.

In 2007, the NPFMC wisely recommended and the Secretary of Commerce in 2008 approved 1) closing the northern Bering Sea to bottom trawling as a precautionary measure, and 2) establishing the Northern Bering Sea Research Area (NBSRA). The NBSRA currently is closed to bottom trawling and the NPFMC has engaged the National Marine Fisheries Service (NMFS) in the development of a research plan. In June 2011 the NPFMC requested that the agency develop a white paper to include background information on the northern Bering Sea before continuing on with a research design. The NPFMC acknowledged that this paper is "not a high priority, nor does it need to result in subsequent action" (NPFMC motion).

The northern Bering Sea – the transition between the warmer Pacific Ocean and the colder Arctic Ocean – is characterized by seasonal ice cover and especially rich benthic communities. Gray whales undertake annual migrations of more than 4,000 miles to reach the rich feeding grounds of the northern Bering Sea shelf and beyond. Bowheads spend winters among the ice floes. The world's population of spectacled eiders amasses in enormous flocks to spend winters between St. Matthew and St. Lawrence Islands. These seabirds dive to the ocean floor to feed, and therefore depend on healthy seafloor habitat for survival. Pacific walrus forage on the productive seafloor, with each animal eating up to 6,000 clams a day in order to fulfill their energy needs. The northern Bering Sea is important habitat for all five species of salmon, and Western Alaska Chinook salmon spend much of their life in the Bering Sea. The northern Bering Sea may also be the last stronghold of commercially important opilio crab, supporting one of Alaska's valuable shellfish fisheries. Furthermore, healthy and productive habitat for numerous species is necessary to support the subsistence needs and traditions of many Bering Sea villages.

The discussion over the past few years about an NBSRA plan has raised important questions about the scope of research needed to guide management of a potential bottom trawl fishery in the northern Bering Sea. In reviewing the 2011 draft plan, the Scientific and Statistical Committee (SSC) raised concerns about the utility of the proposed Before-After-Control-Impact (BACI) experiment in addressing ecological considerations associated with chronic impacts of a potential bottom trawl fishery in the region. "The SSC has fundamental questions about the ability to draw correct conclusions about the effects of a prospective trawl fishery from a small-scale, one-time research experiment" (SSC Minutes, June 2011).

Our groups have advocated for a multi-disciplinary ecosystem research plan, informed by a wide spectrum of scientific expertise and input from tribes and communities, to first understand the ecology of the Northern Bering Sea. This is necessary to support a management plan that would effectively fulfill the NPFMC's commitment to protect marine mammals, ESA-listed species, crab populations and subsistence should the NPFMC and NMFS consider opening a bottom trawl fishery in the northern Bering Sea. It is premature to propose trawl experiments in the NBSRA to induce changes to an ecosystem that is not yet understood.

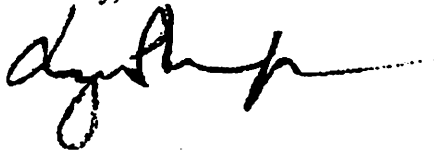
This kind of research is clearly a large and expensive undertaking at a time when research funds are limited. Furthermore there is not sufficient reason for the NPFMC to consider opening the area to bottom trawling in the near future. The white paper summarizes recently published findings made in the Bering Sea Ecosystem Study and Bering Sea Integrated Ecosystem Research Program (BEST-BSIERP) that the northern region is expected to remain too cold for a dramatic re-distribution of groundfish:

Overall ecosystem response to climate change will depend on a complex suite of interactions between and among the physical environment and the biological communities, and not expected to be manifested in a simple northward shift in the distribution of species.

Our recommendation is to maintain the bottom trawl boundary (acknowledging that the Nunivak Island/Kuskokwim Bay segment is an ongoing subject of discussion between the Bering Sea Elders Group, the Association of Village Council Presidents and the Alaska Seafood Cooperative) and forego further development of a research plan that is based on trawl experiments. Our groups support research initiatives in the northern Bering Sea structured around an interdisciplinary ecosystem approach along with a long-term commitment to monitoring, and that bring together marine scientists and coastal communities for continued understanding of the ecosystem, variability and climate change implications for marine life, ocean habitat, local fisheries and the food security of traditional communities.

Thank you for your consideration of our comments.

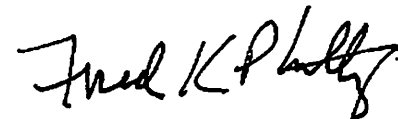
Sincerely,



Myron Naneng
Association of Village Council Presidents



Dorothy Childers
Alaska Marine Conservation Council



Fred Phillip
Bering Sea Elders Group



Jon Warrenchuk
Oceana



Becca Robbins Gisclair
Yukon River Drainage Fisheries Association

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: D-1 (c, d) BS Habitat Cons. Northern Bering Sea Research

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	Jason Anderson / Valerie Brown	AKSC / TFA
2	Dorothy Childers	AMCC
3	George PLETNIKOFF	Greenpeace
4	Julie Raymond-Jakoubien (D-1(A))	Kawerak
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

New findings strengthen the case for protecting the Bering Sea Canyons

Building on the research conducted in the Bering Sea Canyons in 2007, a second expedition completed 14 successful submarine dives into the canyons in July 2012. Explorers from the Scripps Institution of Oceanography, the Waitt Institute, and Greenpeace conducted systematic video surveys in Zhemchug and Pribilof canyons, collecting valuable data on the marine life in these unique areas.

Launched from the Greenpeace ship Esperanza, a two-person submarine equipped with powerful lights, indexing lasers, and high-definition video gathered information that will help scientists, fishermen, Alaska National Tribal Governments and policy-makers to better understand the importance of the canyons.

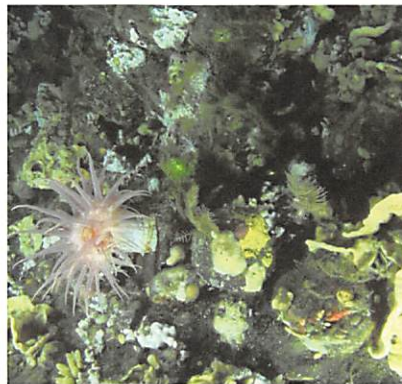
Transect surveys were conducted at a depth of 250–400 meters in the range fished by commercial fisheries in the area. Broken corals and extensive damage from fishing, especially trawling, was observed on at least two dives.

Contrary to a belief of the canyons as having only mud, sand, and silt covering their sloping surfaces, each dive brought different discoveries. Kirk Sato from Scripps was on board to manage specimens and wrote: one rock sample yielded 10 species of invertebrates ranging from sponges and anemones to various polychaete worms and sea cucumbers. Another rock, collected only meters away from the first, contained 5 species of hydroids, 3 species of bryozoans, brittle stars and brachiopods all living in harmony.

Coral and Sponge Habitat

The team observed juvenile rockfish hiding out in sponges, and fish and crab resting next to corals, further evidence that delicate corals and sponges provide critical habitat for fish and other creatures. A Giant Pacific octopus walked across the seafloor to settle down next to a sea fan coral.

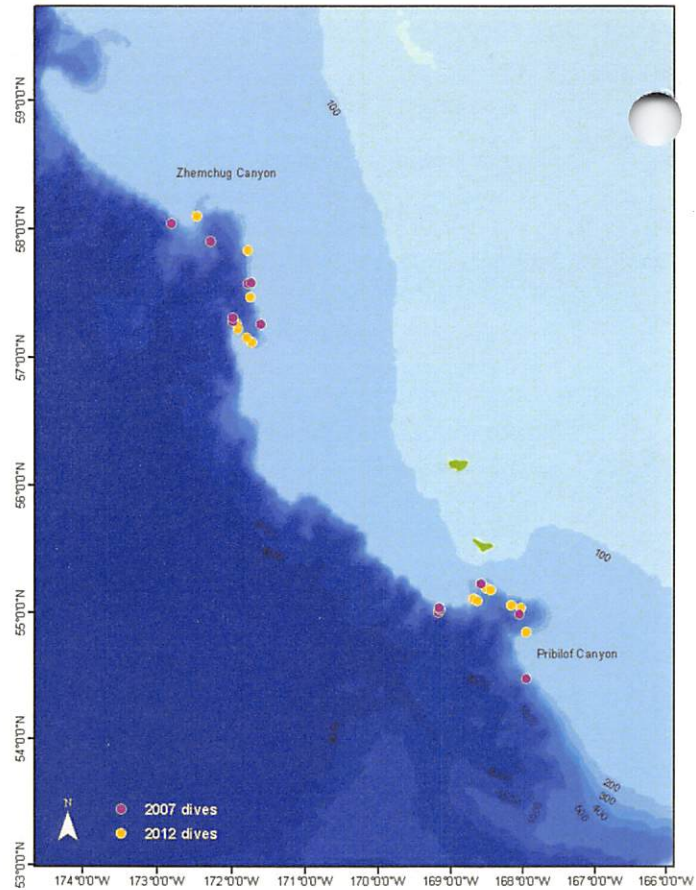
At 270 meters researchers documented steep rocky walls carpeted in marine life—nearly 100% invertebrate cover including many varieties of sponges, corals, anemones and sea stars and numerous other invertebrates—rivaling tropical coral reefs in beauty and diversity. Explorers encountered incredibly dense schools of rockfish, swimming halibut and cod and other fish. Fern-like corals and groves of sea whips waved in the current as the submarine passed over on transect.



Breeding zones and nurseries

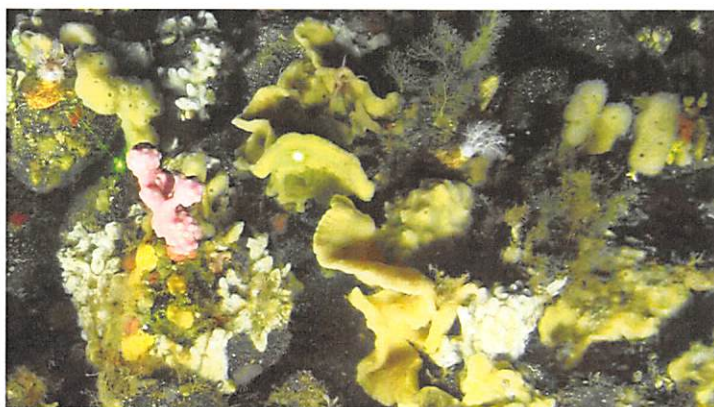
Perhaps the most surprising find was the discovery of a large skate nursery, with thousands of egg cases piled up over a huge stretch of seafloor, perhaps the size of a football field. Adult skates swam throughout, gliding over the mounds of eggs. Skates have very low reproductive rates, with eggs often taking more than three years to hatch, so protecting their nursery areas is vital to ensuring the survival of skate populations.

Frequently, researchers saw juvenile fish—especially rockfish—taking shelter in sponges, or nestled up against corals. Clouds of what appear to be tiny fish larvae swarm around gorgonians. Many of the sponges collected turn out to be holding globs of fish eggs.



Science-informed policy

Our priority was to complete transect surveys that could be incorporated into the review NOAA is doing for the North Pacific Fishery Management Council to create a more comprehensive picture of the canyons. Now, together with independent scientists from Scripps Institution of Oceanography, the University of California-Santa Barbara and elsewhere, we will analyze what we have found and share the results with scientists at the Alaska Fishery Science Center who are preparing a review of the canyons. This review will inform the public discussion about what types of new management and conservation measures are needed for these “Grand Canyons of the Sea.”



JOINT LETTER TO THE NORTH PACIFIC FISHERIES COUNCIL
FROM ALASKA SEAFOOD COOPERATIVE, ASSOCIATION OF VILLAGE
COUNCIL PRESIDENTS AND
THE BERING SEA ELDERS GROUP

October 6, 2012

Eric Olson, Chair
North Pacific Fishery Management Council
605 W. 4th Avenue
Anchorage, AK 99510

Re: Nunivak Island-Etolin Straits- Kuskokwim Bay Habitat Conservation Area



Dear Chairman Olson and Council Members:

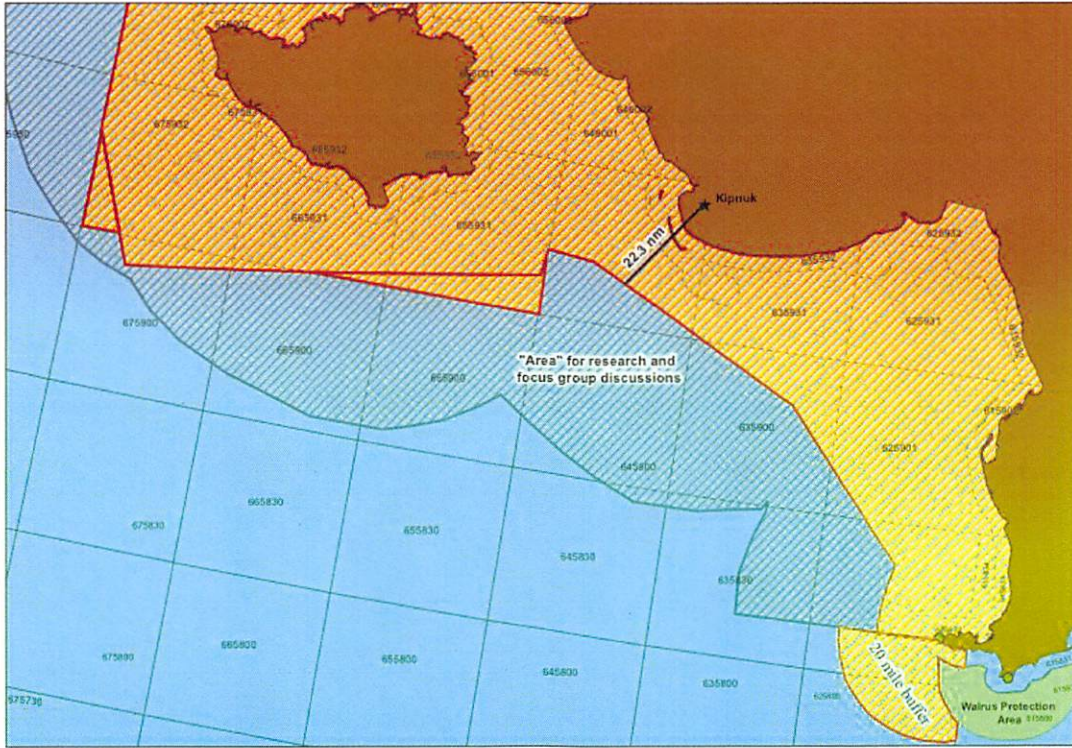
In 2007, the Council voted to establish the Nunivak Island-Etolin Straits-Kuskokwim Bay Habitat Conservation Area (Nunivak HCA) within which bottom trawling is prohibited. The boundaries of the Nunivak HCA were based upon an agreement between the bottom trawl industry and representatives from the Association of Village Council Presidents (AVCP) and its villages. The Council agreed that in 2011 it would consider making changes to the Nunivak HCA boundary. Since that time villages in the Yukon-Kuskokwim and Bering Strait regions formed the Bering Sea Elders Group (BSEG) to address the Nunivak HCA boundary. In addition, the bottom trawl industry formed the Alaska Seafood Cooperative (AKSC) which has allowed them to manage their bycatch more effectively and invest in gear technology improvements.

BSEG, AVCP, and AKSC have been engaged in discussions for the better part of two years and we have reached a tentative agreement for a voluntary agreement regarding the Nunivak HCA.

The highlights of our agreement include boundary adjustments near Nunivak Island, Kipnuk, and Cape Newenham as depicted on the two maps that are attached to this letter. We are also working together to establish a working group that will meet in person twice a year. The working group will share information, review fisheries data and subsistence impacts, and work together to design and fund research that will be useful to all parties. We have agreed on all but some minor details in exactly how the funding for the working group will be structured and we are fine tuning the guiding principles for the working group that we have collaboratively developed. We have also worked out a dispute resolution system which we hope will allow the working group to continue even if there is an isolated issue upon which we cannot agree. The last resort of this process would be for the participants to ask the Council to take up any issue upon which we cannot agree.

Proposed Revisions to Nunivak/Kusko/Etolin Strait Area

-  Modified Boundary
-  Area designated for research and working group discussions



We anticipate putting the final agreement in place and convening the working group before the next fishing season. We collectively request that the Council refrain from scheduling this issue for the next five years. Thank you for allowing us the time to negotiate the issues. All of us have benefited from the development of this agreement and we hope to continue to work together.

Sincerely,



Fred Phillip
Bering Sea Elders Group



Jason Anderson
Alaska Seafood Cooperative



Myron Naneng
Association of Village Council Presidents

Nunivak/Kusko/Etolin Straight Area with Proposed Area around Kipnuk Highlighted

— Kipnuk Area

