

Public Testimony Sign-Up Sheet

Agenda Item ~~5045 J~~

ARCTIC FINP
System
ISSUES

	NAME (PLEASE PRINT)	AFFILIATION
1	Chris Krenz	Ocedna
2	Dorothy Childers	AMCC
3	Bubba Cook	WWF
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

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.

MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver ^{DO} _{for}
Executive Director
DATE: May 27, 2008
SUBJECT: Ecosystem-based Management

ESTIMATED TIME 2 HOURS

ACTION REQUIRED

- (a) Report from Ecosystem Committee
- (b) Update on Arctic FMP (Council only)

BACKGROUND

- (a) Report from Ecosystem Committee

The Ecosystem Committee met on Tuesday, May 20th, 2008, in Seattle, and their minutes, with specific recommendations for the Council identified in bold, are attached as **Item D-1(a)(1)**. The Committee's agenda is attached as **Item D-1(a)(2)**. Discussion topics included review of the Arctic FMP (see below), further implementation of the AI Fishery Ecosystem Plan (a discussion paper prepared for the Committee is attached as **Item D-1(a)(3)**), and review of NOAA's Integrated Services Plan (a summary of which the Council received in April 2008).

- (b) Update on Arctic FMP

At its June 2007 meeting, the Council directed staff to begin preparing a draft Arctic Fishery Management Plan (FMP) and draft amendments to the scallop and crab FMPs that terminate their geographic coverage at Bering Strait, and to develop an accompanying analysis that considers several options for the Arctic FMP: close the entire Arctic region to all commercial fishing, or close the entire Arctic region to commercial fishing except for the red king crab fishery that has previously occurred in the southern Chukchi Sea. In October 2007, the Council gave further direction to staff in preparing a draft Arctic FMP and analysis documents. Council motions from the June and October 2007 meetings are attached as **Item D-1(b)(1)**.

A preliminary draft EA/RIR/IRFA was sent out in a Council mailing prior to the February 2008 meeting. This document is now in the process of being updated and supplemented with additional text and data.

The Council was scheduled to receive a preliminary report on the Arctic FMP at their February 2008 and April 2008 meetings, but postponed this agenda item – now to the June 2008 meeting. However, staff did present a progress report on the Arctic FMP in February to the Council's Ecosystem Committee and to the SSC and AP.

The February 2008 Ecosystem Committee, SSC and AP comments on the Arctic FMP are provided in **Item D-1(b)(2)**.

Per Council direction, the Ecosystem Committee has worked with staff as the Arctic FMP process continued. Staff again met with the Ecosystem Committee for additional guidance on May 20th (see above); the Committee's minutes and recommendations are attached as **Item D-1(a)(1)**.

Since February, staff has begun the process of addressing the comments received as described above, and has continued to enhance the EA/RIR/IRFA with additional sections, text, and data. Staff also has continued with the outreach program.

Based on recommendations from the SSC and the Ecosystem Committee, AFSC stock assessment scientists will contribute writing support for preparation of the Arctic FMP text. To that end, on May 27, 2008 staff met with scientists at the AFSC, and AKR staff joined by teleconference. This meeting outlined writing tasks and a schedule for completing a draft Arctic FMP.

At this Council meeting, staff will give the Council an overview of the status of the Arctic FMP, the accompanying analyses, and the schedule.

The recommended alternatives for Council consideration as it proceeds with the Arctic FMP are as follows. A table of the alternatives is attached as **Item D-1(b)(3)**.

Alternative 1: Status quo. Maintain existing management authority.

Alternative 2: Adopt an Arctic FMP that closes the entire Arctic Management Area to commercial fishing. Amend the scallop and crab FMPs to terminate their geographic coverage at Bering Strait.

Alternative 3: Adopt an Arctic FMP that closes the entire Arctic Management Area to commercial fishing. Amend the scallop and crab FMPs to terminate their geographic coverage at Bering Strait. A red king crab fishery in the Chukchi Sea, of the size and scope of the historic fishery (*emphasis added per Ecosystem Committee recommendation*), would be exempt from the Arctic FMP.

Alternative 4: Adopt an Arctic FMP that closes the entire Arctic Management Area to commercial fishing. Amend the scallop FMP to terminate its geographic coverage at Bering Strait. The Arctic FMP would cover the area north of Pt. Hope for crab and north of Bering Strait for groundfish and scallops.

Ecosystem Committee Minutes

Tuesday, May 20, 2008 9am-12pm
Swedish Cultural Center, Seattle, WA

Committee: Stephanie Madsen (chair), David Benton (teleconf), Jon Kurland, Jim Ayers (teleconf), Dave Fluharty, John Iani, Diana Evans (staff), Bill Wilson (staff)

Others attending included: Lisa Lindeman, Sarah Gaichas, Jennifer Sepez, Jennifer Boldt, Chris Krenz, John Gauvin, Dave Fraser, Joe McCabe, Melanie Brown, Francis Wiese

The Ecosystem Committee discussed the Arctic FMP, further implementation of the Aleutian Islands Fishery Ecosystem Plan, and received updates on other issues.

Arctic FMP

Mr Wilson briefed the Committee on progress on the FMP since February. The Committee had several recommendations for the Council in February with respect to the structure of the alternatives, in particular Alternative 3, and notes that Mr Wilson has followed the Council's instruction to incorporate these changes. **The Committee concurs with the revised alternatives language.**

One issue that has been raised with respect to the development of the Arctic FMP is whether it will pass the Office of Management and Budget (OMB)'s approval. There have been other FMPs submitted nationally which prohibit fishing, and these have had difficulty in this respect. The Committee heard, however, that the Pacific Council's FMP amendment to prohibit krill fishing has recently been approved, after amendments to address OMB's concerns. Mr Wilson has indicated that he will follow up with the Pacific Council to make sure that any lessons from their experience can be put into effect in the case of the Arctic. The Committee noted that this may result minor changes to wording in the purpose and need statement, or the alternatives.

The Committee spent some time discussing an element of the NOAA GC guidance on the Arctic FMP. NOAA GC notes that the Council has the option to make a 'finding' that the State could be granted the authority to regulate unregistered vessels in the Arctic, in which case prohibiting fishing in the Arctic might be accomplished by deferring management to the State, without writing a Federal FMP. The Committee understands the option put forward by NOAA GC, but does not believe that the option reflects the Council's intent. For clarity's sake, and to prevent further confusion, **the Committee recommends that this option be treated in the Arctic FMP analysis as an alternative that was considered and rejected by the Council.**

The Committee recommends that the Council keep the development of the Arctic FMP high on the priority list, and on the timeline that would allow Council initial review in October 2008, and final action in December 2008. The schedule has slipped since the last time the Committee met in February 2008. At that time, Mr Wilson was concerned that the crafting of the FMP text would cause a delay to the schedule. Since then, Mr Wilson has set up a working group with Alaska Region, AFSC, and NOAA GC staff, which should hopefully address this issue. The Committee looks forward to reviewing a revised draft of the FMP.

The Committee gave minor feedback directly to Mr Wilson, including a suggestion to look at information on Arctic fishing conditions from other countries that do manage Arctic fisheries (e.g., Norway, Canada).

Aleutian Islands Fishery Ecosystem Plan

The Committee discussed how to proceed with further implementation of the AI FEP, particularly the issue of defining ecosystem health and desirable states for indicators. The staff discussion paper from February 2008 addresses some of these issues. In February, the Committee did not have time to address all elements of the discussion paper. The Committee would, however, like to recall the Council's attention to specific recommendations in February, addressing the issue of AI Ecosystem Team membership. The Team has highlighted some gaps in its expertise, which could be addressed by adding members to the Team before the next meeting. **The Committee recommended that the Council solicit a panel of names from the SSC, in order to add a marine mammal biologist to the AI Ecosystem Team.** In February, the Committee also discussed adding an economist to the Team, and what the specific contribution of an economist would be to the Team and to the FEP. The Committee asked staff to work with the Team and Council / NMFS economists to come up with a description of the type of additional economic analysis that might be informative for the FEP (including considerations of both market and non-market factors), and what the scope of socioeconomic expertise should be on the Team. This issue will be addressed at the next Committee meeting.

The Committee discussed at length a plan for moving forward with the policy elements of the FEP, to do with defining desirable ecosystem states. So far, the FEP has used an indicator approach to monitor the state the AI ecosystem. Dr Fluharty suggested that there are other approaches that might prove useful for the Council, including a 'limit of acceptable change' approach that might keep the focus more on management enterprise and impacts. Mr Ayers suggested identifying the basic elements and management practices that contribute to maintaining the health of the ecosystem. The Committee concluded that these issues are more profitably discussed in a face-to-face meeting. The Committee encourages the Team to organize a meeting to consider these various approaches, and also to come up with a structure for the Committee and the Council to work through some of these questions and decision points. It may be useful to invite some of the leading theorists to a seminar or working group exchange format. The Committee, or a subset of the Committee if full attendance is not possible, could participate in these discussions. Ms Evans noted that these discussions may have an additional utility to the Council, as a preparation for issues to be addressed when the programmatic groundfish PSEIS is updated.

NOAA's Integrated Services Plan

NOAA's Alaska Regional Collaboration Team has produced an integrated services plan for NOAA Alaska Region, which has been out for public review since April. The plan provides an overview of the NOAA products and services in Alaska, and includes a series of vision papers, each following a specific template, which identify ways in which NOAA would like to improve services in Alaska by 2020.

Although the public comment period has technically ended, NOAA has indicated that it is still interested to receive the Council's comments. The Committee notes that the concept of the 'vision' in each template is unclear; is it NOAA's vision (which seems inconsistent), or are the papers forecasting a possible future scenario? With respect to the Arctic fisheries vision paper, the paper does not appropriately reflect the Council's impending action to prohibit Arctic fisheries. Additionally, the Committee discussed the integrated services plan in the context of NOAA's planned integrated ecosystem assessments, a first step of which is to bring together information about NOAA's services across agencies. **The Committee does not note any policy concerns with respect to the plan, however the Committee recommends sending NOAA a letter to correct some factual issues in the plan and to request clarification about certain elements.** In particular with respect to integrated ecosystem assessments, the Committee appreciates the

agency's work in collecting such information together for the first time, and the plan could be a useful tool for NOAA to inform the Alaskan public of NOAA services, and receive feedback on the value of these services. The draft plan would benefit from revisions to give it a clearer focus.

Updates on NOAA's integrated ecosystem assessments

Dr Fluharty informed the Committee that the NOAA Science Advisory Board is creating a standing committee that will address ecosystem management and track NOAA's integrated ecosystem assessments. As originally conceived, these ecosystem assessments were to be created at a regional level (so as to reflect regional ecosystem differences) and in partnership with non-NOAA agencies. Dr Fluharty, through the Science Advisory Board forum, has been trying to emphasize the importance of these partnerships. Nominations for the standing committee will be solicited through a Federal Register announcement, and **the Committee recommends that the Council track the call for nominations and actively participate in suggesting candidates for membership of the standing committee.**

Additionally, the Committee recalls that in October 2007, the Council sent a letter to Dr Steve Murawski requesting him to attend a Council meeting and provide a presentation on the agency's progress with implementing integrated ecosystem assessments, and specifically the proposed public input process, and linkages with partners such as the Council in the development of the assessments. **The Committee recommends that the Council contact Dr Murawski again to ask for this presentation.**

Ecosystem Committee DRAFT Agenda

Tuesday, May 20, 2008 9am-12pm
Swedish Cultural Center, 1920 Dexter Ave N., Seattle, WA

1. Arctic FMP

Review progress since last meeting

Discuss issues

- NOAA GC Recommendations
- Ecosystem Committee Recommendations
- SSC and AP Comments
- Outreach
- Alternatives Language
- FMP Drafting Team Concept
- Schedule Implications

2. AI FEP

- review staff discussion paper on further implementation of FEP, and approach to identifying desirable/ undesirable states of the ecosystem

3. Review NOAA Integrated Services Plan

**Aleutian Islands Fishery Ecosystem Plan
Further implementation**

Prepared for Ecosystem Committee, February 2008

The Aleutian Islands Fishery Ecosystem Plan (FEP) was approved by the Council in June 2007, and is intended to be a living document. The FEP includes various considerations related to further implementation and improvement of the FEP, in order to be a useful tool for the Council in understanding the impacts of management actions affecting the Aleutian Island ecosystem. The following outlines suggestions and thoughts related to further implementation.

Aleutian Islands Ecosystem Team

The Council requested that the Aleutian Islands Ecosystem Team remain active, as the designated group to help the FEP serve an effective role in the Council management process. Specific tasks for the team are as follows:

- refine the FEP on a periodic basis as new information becomes available,
- bring forward the assessment of FEP indicators and AI modeling to the Plan Teams, on an annual basis,
- report to the SSC with regard to the FEP indicators and updates to the document, and
- serve as a conduit for the Council to provide Aleutian Islands FEP information to other agencies, through the Alaska Marine Ecosystem Forum.

Meeting in 2008. The Ecosystem Team should meet in 2008 and produce a supplemental report for the FEP, to include any new information relevant to the FEP that should be brought before the Plan Teams. Additionally, the Team would look at the FEP indicators and make sure that monitoring of the indicators is reported to the Council (see item below).

Add an economist to the Team. The group preparing the document did not have an economist as a group member. As a result, the economic analysis in the document is not adequate. This item has been addressed in the short term by soliciting review of the plan by an Alaska Fisheries Science Center economist, and should be addressed in the long term by the appointment of economist as a full member of the group and the preparation of an economic analysis for the next version of the AIFEP.

Add a marine mammal biologist to the Team. The same comment as above applies to the lack of a marine mammal expert. The Team included marine mammals among the biological processes synthesized in the FEP, but a group member with marine mammal expertise was missing in the development of the risk assessment.

Ecosystem Considerations chapter / FEP indicators

Focus on providing available data sources to the Ecosystem Considerations chapter editor. Many of the FEP considerations about 'what else the Council might do' to address the risk associated with the various interactions include an aspect of monitoring specified indicators. The annual Ecosystem Considerations chapter is the appropriate place to include that monitoring, and report to the Council. The editor of the

chapter is already fully allocated in her time, and while data sources might be available for the new indicators, she needs help to access them and format them in a manner consistent with the existing chapter.

Defining 'ecosystem health'

The Council summarized the goal of the FEP with the following statement:

The goal of this FEP is to provide enhanced scientific information and measurable indicators to evaluate and promote ecosystem health, sustainable fisheries, and vibrant communities in the Aleutian Islands region.

This goal statement represents a Council policy with regards to the Aleutian Islands, and identifies the FEP as a tool to achieve this goal. The exact nature of the policy is vague, however, because the concepts of 'health', 'sustainability', and 'vibrancy' are subjective. They are imbued with human values, which may differ from person to person. In order for the Council's goal or policy to be accurately encapsulated by the Council's scientific advisors (the SSC, Plan Teams, NOAA/ADF&G/NPFMC scientists) in their recommendations, it may be necessary for the Council to be more specific.

How can ecosystem health be defined? The purported reason why the term is popular is because it is intuitive: different people can apply a similar understanding of a healthy human body to an abstract concept such as an ecosystem, and find common ground. The difficulty comes when different user groups all have different ideas about the purpose or function of the ecosystem, and so indicators of 'health' become difficult to pin down. Numerous articles in the scientific literature have attempted to capture the meaning of the term. One such defines a healthy ecosystem as "a social-ecological unit that is stable and sustainable, maintaining its characteristic composition, organization, and function over time while remaining economically viable and sustaining communities"¹.

The FEP identified twenty-two key interactions in the AI ecosystem, which were considered by the Team to be those most relevant for determining or indicating ecosystem status. Measurable indicators were matched to each of these interactions, which should help the Council track change in the interaction which might indicate a changing ecosystem state. Ecosystems are dynamic and exhibit great natural variability; change does not necessarily imply a worsening situation, or a descent to 'unhealthiness'. There are, however, boundary conditions to most ecosystem states, and threshold levels that may result in what have been referred to as 'regime shifts'. The trigger for such changes of ecosystem state may be natural or anthropogenic, or a combination of the two. In general, fisheries, and business in general, proceed most efficiently in a stable environment, and such are the conditions that are most likely to result in benefit to industry, fishery-dependent communities, and the nation as a whole.

Consequently, the Council is interested in understanding many types of change. A natural effect that is likely to result in a change of ecosystem state is important because the Council may be able to take adaptive measures to mitigate adverse effects (e.g., institute research projects to understand the impacts of fish migrating northwards to warmer waters). An anthropogenic effect that is likely to result in a change of ecosystem state is equally important to understand, particularly if fishery management actions are contributing to the change in state (e.g., reduce fishing pressure on an important prey species). It is also important for the Council to understand variability that may occur within a stable ecosystem state, when it

¹ Costanza et al 1992, Rapport et al 1998, quoted in T. Munoz-Erickson, B. Aguilar-Gonzalez and T. Sisk, 2007, "Linking Ecosystem Health Indicators and Collaborative Management: a Systematic Framework to Evaluate Ecological and Social Outcomes", *Ecology and Society*, v.12(2), p.6. Other references: R. Costanza, B. Norton, B. Haskell, *Ecosystem health: new goals for environmental management*, Island Press, Washington D.C., USA; D. Rapport, R. Costanza, P. Epstein, C. Gaudet, R. Levins, *Ecosystem Health*, Blackwell Malden, MA, USA.

affects, for example, a fishery target species. Two species might have the same functional role in the ecosystem, and so if over time one becomes more numerous than another it might not affect the stability of the ecosystem, but if only one of the species is commercially valuable, the change impacts the fisheries.

Once indicators are developed for monitoring the ecosystem state, it is necessary to understand what is being monitored. The purpose of the indicators is to alert the Council about when the system may be reaching a threshold of change, and in the words of the Council's goal system, the desirable ecosystem state is 'healthy'. This implies that when the ecosystem is approaching an 'unhealthy' or undesirable state, the Council would wish to be alerted.

Various criteria have been proposed in the scientific literature to define a 'healthy ecosystem'. These include naturalness (or a pristine, pre-human state), normality (presumed near-natural), variability, diversity, stability, and sustainability². Rapport et al (1998) discuss vigor (the productivity of the system), organization (species diversity and complexity of interactions), and resilience (ability to resist or recover from stress).

The FEP's food web model can be used to inform some of these criteria. Productivity and species diversity are discussed in the FEP. The FEP looks at the AI focus species, such as Atka mackerel, Pacific ocean perch, and myctophids, all high biomass species, and simulates the effect of a 10 percent mortality increase for these species (which could result from fishing pressure or a natural source). The simulation demonstrates that the effect on Pacific ocean perch would result in very little change to other species in the food web, but should such a mortality increase occur for Atka mackerel or myctophids, the effects could be widespread. The ecosystem appears to be less resilient to effects on these species than on Pacific ocean perch.

Currently, the AI food web model is the least developed of the three Alaska models, and as such, does not yet have forecasting ability. Once resources are available to work on the model and provide it with forecasting function, the AFSC will be able to provide more information to help identify important thresholds for the AI ecosystem. Some such simulations have already occurred for the Bering Sea and Gulf of Alaska ecosystems.

The ideal would be to develop a process for creating ecosystem 'control rules' to be implemented at the appropriate level (stock assessment, Plan Team, SSC) of the management process. The control rules would specify, for example, that if a certain indicator crossed a given threshold, an action would ensue. Developing the process by which such rules would be put into use, rather than the rules themselves, would allow for adaptive management in the face of changing circumstances or understanding.

We do not yet have sufficient confidence in our understanding of ecosystem processes, and our modeling of them, to be able to create definitive control rules prescribing action based on particular environmental conditions. This means that the Council must remain somewhat abstract in its goal to promote ecosystem health. Yet there is an opportunity to fine tune this concept, and in doing so, for the Council to provide better guidance to its advisory bodies. If the Council can define what it perceives to be a healthy ecosystem, it will be easier for its advisory bodies to provide recommendations that help to achieve that goal.

What are the characteristics of the ecosystem state that the Council is trying either to preserve or steer away from? Some of these are already defined in fishery management practice, and are in fact articulated in the Council's groundfish management policy: prevent overfishing of managed species, promote

² B. Coates, A. Jones, R. Williams, "Is 'Ecosystem Health' a Useful Concept for Coastal Managers?", Coast to Coast, 2002.

stability for fisheries and communities, preserve the structure and function of the food web, protect habitat for managed species, avoid species extinctions, and others. Some of these, such as overfishing, have measurable thresholds that are reported to the Council on a regular basis. Others, such as community stability and food web function, may be more difficult to measure. The table below summarizes some of the Council's existing 'ecosystem' objectives. These do not include all the objectives that are included in the groundfish management policy, as some relate to specific programs rather than to the socio-ecological web of the ecosystem. While some of these objectives are specific (e.g., overfishing definitions), others are rather abstract.

Desirable/Undesirable ecosystem characteristics (organized loosely around the goal statements from the Groundfish PSEIS)	Specific Council 'ecosystem' objectives
Prevent overfishing of managed species	<ul style="list-style-type: none"> • provide optimum yield (NS1) • prevent overfishing through overfishing definitions for managed species • (non-managed species addressed through food web)
Promote sustainable fisheries and communities	<ul style="list-style-type: none"> • overall net benefit to the nation (RIR) • avoid significant disruption of social and economic structures • fair and equitable allocation (NS4) • increase safety at sea (NS10)
Preserve structure and function of food web	<ul style="list-style-type: none"> • protect the integrity of the food web through limits of forage species • improve procedure to adjust ABC levels to account for uncertainty and ecosystem factors • incorporate ecosystem-based considerations into fishery management decisions
Manage incidental catch Reduce bycatch and waste	<ul style="list-style-type: none"> • minimize bycatch and mortality of bycatch (NS9) • incentive programs for bycatch reduction • reduce discards and waste
Avoid impacts to seabirds and marine mammals	<ul style="list-style-type: none"> • avoid extinctions (ESA) • protect ESA-listed animals
Reduce and avoid impacts to habitat	<ul style="list-style-type: none"> • mitigate fishery impacts on the habitat of managed species (EFH)
Promote equitable and efficient use of fishery resources	<ul style="list-style-type: none"> • provide economic and community stability through fair allocation • consider efficiency in conservation and management measures (NS5)
Increase Alaska Native [and community] consultation	<ul style="list-style-type: none"> • increase Alaska Native participation and consultation in fishery management • incorporate local and traditional knowledge into management • minimize adverse economic impacts on communities (NS8)
Improve data quality, monitoring, enforcement	<ul style="list-style-type: none"> • (mechanisms to achieve ecosystem objectives)

The Council's scientific advisors are able to provide recommendations with respect to preventing overfishing of managed species in a straightforward manner, because the threshold is relatively clear to interpret and the Council's policy is specific. Recommendations, for example, regarding the integrity of the food web, and the risk of ecosystem-level overfishing, which may be appropriate as part of the harvest specifications process, are much more difficult. The information base is qualitative, and management action requires an assessment of risk. An example from the FEP of a food web interaction occurs between Atka mackerel and pollock in the Aleutian Islands. Both are species that are targeted commercially, and predate on each other. Model simulations show that a relatively small change in the biomass of either could result, through increased predation pressure, in large changes in the population of the other, and in broader food web changes (as these species are important as prey to fish, mammal, and bird predators). Considerable uncertainty is apparent both in the direction and the magnitude of impacts from the interaction. It is the Council's ultimate responsibility, however, to balance any risk to ecosystem sustainability imposed by the fishery, and without clear guidance it is difficult for their scientific advisors to provide appropriate recommendations. The more specific the Council can make its objectives, the more targeted will be the scientific advice it receives.

It is noteworthy that the programmatic review of the groundfish fisheries is coming up for reconsideration. Programmatic reviews are said to have a life span of between 5 and 10 years, depending on the changes that occur to the programs in that time. The groundfish PSEIS was approved by the Council in 2004. This discussion of ecosystem health, and Council policy, may be an appropriate precursor to the revision of that document.

Expanding the analysis

In addition to other areas of the FEP that may be ripe for further work, some of which are identified in section 8.2 of the FEP, members of the Team put forward these two items as important areas to continue working on the FEP.

Incorporate Local and Traditional Knowledge (LTK). The AIFEP was not able to undertake any gathering of LTK about the fishery ecosystem, and the small amount of information that already exists in published literature was only incorporated as a few sentences about language and a few sentences about subsistence. LTK is widely recognized as an important aspect of ecosystem-based management. For example, the North Pacific Research Board is spending a substantial amount of money on LTK research in conjunction with the Bering Sea Integrated Ecosystem Research Program. Unfortunately, this program does not cover our AIFEP communities. The communities with local and traditional knowledge that need to be addressed are the civilian communities within the ecosystem (Atka and Adak) and communities with fishermen who have fished in the Aleutians for substantial periods of time (including Dutch Harbor and Seattle). The AIFEP needs to plan for, contribute to, or encourage the appropriate funding organizations to support LTK research in the AIFEP area that can be incorporated into future iterations of the plan.

Consider an environmental justice analysis. Because this FEP does not constitute a Federal action, EO 12898 requirements for environmental justice do not apply. However, it might be prudent to consider and incorporate a preliminary environmental justice 'baseline' analysis in future iterations of the FEP.

Community consultation and stakeholder processes

The development of the FEP did include stakeholder involvement, both because it was developed through the Council process and through deliberate outreach to Aleutian communities. Additionally, public outreach has been planned for through the creation of a summary brochure that describes the FEP, and through various conference presentations. The importance of stakeholder processes, however, is

highlighted in the ecosystem study required by the reauthorized Magnuson-Stevens Act (MSA Section 406).

Increase community consultation. The AIFEP needs to send a representative to hold a preliminary community meeting in Atka and develop a system for ongoing consultation with relevant communities. The AIFEP held community meetings in Adak and in Dutch Harbor (with Akutan and Nikolski invited) to inform community members of the AIFEP process and solicit feedback and input on the plan. The proposed meeting in Atka was postponed due to weather difficulties combined with budgeting/timing challenges. In addition, as the AIFEP moves forward to define its role in the planning and management structure of the North Pacific, community consultations need to be incorporated in a meaningful way.

One suggestion would be to form an advisory committee of 3-5 persons in each of the communities (Atka, Adak, Dutch Harbor (including Nikolski and Akutan), and possibly Seattle) that would meet with an AIFEP team member in the communities annually.

Council motions on the Arctic FMP

- June 2007
- October 2007

Council Motion – Arctic Fishery Management (June 2007)

In October 2006, the Council directed staff to prepare a discussion paper on management of fisheries in the Exclusive Economic Zone (EEZ) waters of the Arctic Ocean. The Council is interested in exploring policy options, such as a Fishery Management Plan (FMP), to conserve marine resources and manage existing or potential future fisheries in this region. The Council received that report at the December 2006 meeting, and tasked staff to further develop options for fishery management in the Arctic.

At present, the Council does not have an FMP that provides comprehensive authority over fishery management issues in the EEZ waters of the Chukchi and Beaufort Seas. Two of the Council's FMPs cover parts of the Arctic region for some species (i.e. the crab FMP and scallop FMP both cover part of the Chukchi Sea north of Bering Strait to Point Hope).

The Council has determined that a more deliberate and comprehensive management regime should be put in place for the Arctic region. This is partly in anticipation of potential fishery development in the region if climate conditions continue to warm. But this is also in response to some of the unique ecological conditions in the Arctic region, and the unique nature of the region's coastal communities, that merit more attention than has been given to this area previously.

The Council has reviewed several options for accomplishing its goal. These options were analyzed in a discussion paper prepared by staff for Council review in June 2007. These options include amending the existing FMPs so that they cover the Arctic region, writing a new Arctic FMP, or preparing a Fishery Ecosystem Plan. The issues each of these approaches raise have been evaluated by the Council at its June 2007 meeting, and the Council believes that a combination of amending the existing crab and scallop FMPs to terminate their coverage at Bering Strait and preparing a new comprehensive FMP for the Arctic region is the best approach. A single FMP covering the Alaskan Arctic would be a more holistic approach to marine resource management in the ecosystem. As part of that process, the Council intends that this new FMP contain elements of a Fishery Ecosystem Plan in that it should emphasize the unique habitats and resources of the Arctic and how marine resource management could be accomplished against this backdrop.

Therefore, the Council tasks staff with developing a draft Arctic Marine Resources FMP. This should include development of a problem statement or purpose and need statement, a suite of alternative management actions, and other supporting information required under the MSA, as amended in 2006.

An initial problem statement could include this language:

Under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Council is authorized to conserve and manage the fishery resources of the Alaskan EEZ, including the Chukchi and Beaufort Seas. To date, no large commercial fisheries have developed in these

areas, and thus the Council has not had a compelling reason to develop Fishery Management Plans for these Arctic marine areas off Alaska.

But the environment for commercial fishery development in the Alaskan Arctic may be changing, with warming trends in ocean temperatures and changes in seasonal sea ice conditions potentially favoring the development of commercial fisheries.

Although at this time there are no such fisheries in the Alaskan EEZ in the Arctic Ocean, and no routine fish surveys conducted in the region, the Council is interested in exploring policy and management options to prepare for future change.

In addition, the Council recognizes the unique ecological conditions of the Arctic, and expresses its concern over potential effects of commercial fishing on local residents who rely on subsistence fishing and hunting. The Council views the development of an Arctic Marine Resources FMP as an opportunity for implementing an ecosystem-based management policy that recognizes the unique issues in the Alaskan Arctic.

The Council also desires to clarify management authorities in the U.S. Arctic EEZ, and this action would accomplish that objective. A new Arctic Resources FMP would provide the Council a vehicle for addressing future management issues, including deferral of management to the State of Alaska.

The Council's initial preferred alternative will be to close the entire Arctic region, defined as the Chukchi and Beaufort Seas off Alaska, to commercial fishing for all marine species, including forage species, except for fisheries that have traditionally been prosecuted in these waters; currently, the only known commercial EEZ fishery in the Alaskan Arctic is for red king crab in the southern part of the Chukchi Sea. The Council will define its management approach in more detail in the Arctic Marine Resources FMP, including the conditions under which the Council will reconsider its policy for a general fishery closure.

Thus, the Council requests that the following alternatives be analyzed:

1. Status quo
2. Adopt an Arctic Marine Resources FMP, and amend the scallop and crab FMPs to terminate their geographic coverage at Bering Strait, with two options:
 - a) Close all waters north of Bering Strait to commercial fishing for all species, including forage species;
 - b) Close all waters north of Bering Strait to commercial fishing for all species, including forage species, but leave waters between Bering Strait and Point Hope open to commercial fishing for red king crab.

The Council will appoint members of an Arctic Marine Resources FMP Team to work with staff to develop a draft FMP.¹ Staff should consult with stakeholders to the extent practicable, including Arctic communities, outlining the Council's intent and objectives and seeking input and suggestions for future marine resource management in the Alaskan Arctic EEZ.

The Council, as part of this action, tasks staff with preparation of amendments to the existing scallop and crab FMPs to terminate their geographic coverage at Bering Strait. The Council requests that an initial

¹ Note After passing this motion, the Council recommended that the Arctic FMP be deferred to the Ecosystem Committee in the interim, and that the Council may appoint an Arctic FMP Team some time in the future.

draft Arctic Marine Resources FMP be presented to the Council at its December 2007 meeting. At that meeting, the Council will suggest further development of the draft FMP or send the draft FMP out for public review.

An outline of the process required, and draft language for the amendments, should be part of the package to be presented to the Council at the December 2007 meeting.

Council Motion - Arctic Fishery Management Plan (October 7, 2007)

The Council recommends development of a comprehensive fishery management plan (FMP) and environmental assessment for the Arctic Management Region defined in the staff discussion paper (north of Bering Strait). This FMP should accommodate existing fisheries in that region. The Council also supports the proposed outreach plan and recommends that staff consider specific outreach during AFN and other seasonal gatherings of northern region community members. The Council recognizes that letters to communities and other entities may be appropriate as part of the outreach program.

The Council also supports these recommendations from the Ecosystem Committee:

1. That the document under development be call an Arctic Fishery Management Plan.
2. That final action on the Arctic FMP be targeted for June 2008.
3. That Arctic fishery management proceed in a stepwise progression. The Council's first step would be expeditious implementation of an Arctic FMP that is simple and straightforward. The conditions under which fisheries might be permitted in the future, and their management, would be addressed at a later stage.
4. That the Ecosystem Committee continue to oversee the development of the Arctic FMP.

The Council clarified the schedule for development of the Arctic FMP:

- December 3-11, 2007, Council meeting in Anchorage – Additional review of FMP outreach plan
- February 4-12, 2008, Council meeting in Seattle – Preliminary review of FMP analysis and draft FMP
- April 1-8, 2008, Council meeting in Anchorage – Initial review of FMP analysis and draft FMP
- April to June 2008 – Ongoing public review of FMP analysis and draft FMP language
- June 2-10, 2008, Council meeting in Kodiak – Final review of FMP analysis and Council approval of FMP
- After the June 2008 meeting, the Council would send its recommended FMP to the Secretary of Commerce for review and approval. Prior to approval by the Secretary, a public comment period would be noticed in the Federal Register.
- 2009 – Anticipated date when the Arctic FMP would be effective

Motion passed 10/0.

Recommendations on the Arctic FMP from the February 2008 Council meeting

- Ecosystem Committee
- SSC
- Advisory Panel

EXCERPT FROM ECOSYSTEM COMMITTEE MINUTES, FEBRUARY 6, 2008

Arctic FMP

Mr Wilson briefed the Committee on the preliminary EA/RIR/IRFA for the Arctic FMP. The Committee appreciates the work that has been put into this document to date, and recognizes Council and NMFS staff effort. In general, the Committee agrees with the approach of the preliminary draft, and notes that staff have addressed the Committee's recommendations from their last meeting, regarding analysis and outreach.

The Committee recommends that Alternative 3 be amended to state that the exemption would be exclusively for the reported red king crab fishery in the Chukchi Sea. Changing this language would allow the Council to distinguish clearly between Alternatives 3 and 4. Under Alternative 3, the exemption would apply to a fishery of the size and scope of the reported historical fishery, and the fishery would not be allowed to occur in the whole of the Chukchi Sea but only in that geographic area where it has reportedly occurred. This contrasts with Alternative 4, under which any crab fishery that might develop in the area south of Point Hope would be managed under the existing crab FMP.

Mr Wilson also brought up an issue that has come out through NOAA General Counsel review. The document incorrectly characterizes State authority in Arctic Federal waters as being able to regulate all vessels fishing in the area. The State does not have authority over vessels that may wish to fish in the Arctic EEZ and are not registered with the State of Alaska. The Council and Secretary could, through a provision under the MSA, give the State authority to regulate unregistered vessels; this could be pursued as an interim measure on the path to finalizing the FMP. The Committee believes this would complicate and potentially delay the completion of the FMP, and is not an issue since the Council's intent is to adopt an Arctic FMP that would establish Federal authority. Therefore, **the Committee recommends that the document be corrected to accurately represent status quo, but that no other interim measures be initiated.**

The Committee recommends that the Council keep this analysis high on the priority list, and on its current timeline. Given the current heightened interest in the Arctic, the Council's action has national and international implications. Mr Wilson noted that the aspect of the analysis most likely to delay the schedule is the crafting of text for the FMP. NOAA GC has commented that particular care will be needed for the language of the MSA-required FMP provisions, given that the FMP will not allow fishing (for example, how to specify maximum sustainable yield or overfishing reference points). The SSC also has suggestions for writing the FMP. **The Committee recommends that the Council ask NOAA GC and the AFSC to work actively with staff to help prepare the FMP text to address these issues.**

The Committee also had some specific suggestions for improving the analysis, relating to the description of the reported historical red king crab fishery, the process for future management decisions, and the implications of ESA-listing for ice-dependent Arctic marine mammals.

EXCERPT FROM SSC MINUTES, FEBRUARY 2008

D-3 (c) Draft EA/RIR/IRFA for an Arctic FMP

Bill Wilson (NPFMC) presented a preliminary draft EA/RIR/IRFA for an Arctic Fishery Management Plan. Chris Krenz (Oceana) and Donna Parker (Arctic Storm) presented public testimony on this issue.

¶In June 2007, the Council directed staff to begin preparing a draft analysis. The motion was made in response to heightened interest in the Arctic, due to climate change and its associated warming trend, and sea ice recession. As presently conceived, this FMP would encompass all invertebrates and non-salmonid fishes.

The SSC reviewed the draft analysis and suggests that the drafting team consider the following comments.

- The Council has the opportunity to develop an FMP that will be useful as the foundation for future fisheries management for the region. The FMP should be written with a framework that closes fisheries in Federal waters, until sufficient scientific information is accumulated, particularly on stock status, which would justify rescission of the closures. **The SSC agrees that current information does not provide a sufficient basis for opening the Arctic region to commercial fishing.** This approach is consistent with the National Standard 2 requirement that conservation and management measures shall be based on the best scientific information available. If criteria for opening a fishery are included in the FMP, the SSC suggests that the drafting team examine the State of Alaska policies for developing new fisheries.
- The MSFCMA and National Standards require definitions of MSY, an MSY control rule, and MSY stock size, and reference points for overfishing and overfished levels. Consequently, the FMP should include these reference points and control rules, defined at the stock level or in aggregate. The lack of information is not an appropriate rationale for failing to define the methods for estimation of MSY and overfishing levels. These concepts can be defined based on existing knowledge, regarding acceptable harvest control rules, and can be modified as required and as information accumulates. **The definitions currently applied to BSAI and GOA fish and invertebrate stocks could be used as examples of a framework for management in the Arctic.**
- **The species or species groups to be covered by the Arctic FMP should be reviewed. For example, consideration should be given to whether whitefish, herring, clams, and a host of other species are to be included.** Input from the State of Alaska should be sought in this regard. The rationale for inclusion or exclusion of particular species should be articulated in the analysis. For example, although it may be premature to categorize many Arctic species as “forage fish,” there may be sufficient data on some species to make recommendations (e.g., juvenile Arctic cod are known to be important to black guillemots in the Arctic). In addition, the species or species groups included under the FMP should be reviewed in light of the current deliberations of the non-target committee.
- **Conservation measures to address the sensitivity of the Arctic ecosystem could be addressed as an OY consideration.** The current draft analysis argues that the uniqueness of the Arctic ecosystem is a rationale for closing the region to directed fishing. All ecosystems are unique and, therefore, this argument alone is not sufficient to justify a blanket prohibition on fishing. Instead, the analysis should draw attention to particular attributes of the Arctic ecosystem that elevate the likelihood of adverse outcomes.

- Where possible, the EA/RIR/IRFA should include existing information from various surveys and reviews of the Arctic. A survey of the Beaufort Sea is planned for 2008, and there have been University of Alaska RUSALCA surveys in the Chukchi Sea. These surveys may provide some quantitative estimates of fish abundance for the region. Also, a recent National Research Council (NRC) review of available information on the Beaufort Sea benthic ecosystem could be referenced. This review concluded that the productivity of the area is low and may be sensitive to benthic impacts. Likewise, the analysis should address available information about the experience of other nations that conduct fishing in Arctic regions (e.g., Russia, Chukchi Sea; Norway, Barents Sea; Canada, Arctic). Inclusion of additional information on food habits of marine mammals and seabirds in the Arctic region would also enhance the document.
- **The SSC is supportive of stakeholder outreach activities that have occurred during development of this EA/RIR/IRFA.** If the drafting team adds technical information regarding biological reference points, the outreach staff should make sure that the potentially impacted communities are apprised of the additional information and the rationale for its inclusion, and that they understand the Council process that would be required to undertake changes to the FMP.
- The description of cumulative effects, included in the draft analysis, should be expanded to include a discussion of the impacts of oil and gas leases in the region.
- The draft analysis should be revised to more fully explain the differences between Alternatives 3 and 4, in terms of the effect of exempting the Kotzebue Sound red king crab commercial fishery and deferring management to the State.

EXCERPT FROM ADVISORY PANEL MINUTES, FEBRUARY 2008

D-3 (c) Preliminary review of Arctic FMP

Recognizing that Arctic marine waters support a unique and fragile ecosystem as well as human communities, the AP supports advancing the Arctic FMP development. The AP recommends that analysts continue outreach to engage Arctic Alaskans and other stakeholders in crafting the FMP. Further, the AP recommends that the analysts incorporate the recommendations of the Ecosystem Committee.

Motion passed 19/0.

DRAFT

Table 2-1 Summary of Alternatives

Alternative	Groundfish Authorized?	Authority	Scallops Authorized?	Authority	Crab Authorized?	Authority	Scallop northern boundary	Crab northern boundary	Notes on Chukchi Sea red king crab fishery management
1	no	State regs	yes	Scallop FMP	yes	Crab FMP	Pt Hope	Pt Hope	Open - Crab FMP defers mgt authority to State
2	no	Arctic FMP	no	Arctic FMP	no	Arctic FMP	Bering Strait	Bering Strait	Closed
3	no	Arctic FMP	no	Arctic FMP	yes	Magnuson-Stevens Act/State	Bering Strait	Bering Strait	Open by State – exempt from Federal management
4	no	Arctic FMP	no	Arctic FMP	yes	Crab FMP	Bering Strait	Pt Hope	Open - Crab FMP defers mgt. authority to State



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

TEL: (907) 443-5231 • FAX: (907) 443-4452

SERVING THE
VILLAGES OF:
BREVIG MISSION
COUNCIL
DIOMEDE
ELIM
GAMBELL
GOLOVIN
KING ISLAND
KOYUK
MARY'S IGLOO
NOME
SAVOONGA
SHAKTOOUK
SHISHMAREF
SOLOMON
STEBBINS
CHAEEL
ELLER
NALAKLEET
MALES
WHITE MOUNTAIN

Chris Oliver, Executive Director
North Pacific Fisheries Management Council
605 W. 4th Avenue
Anchorage, AK 99501

May 26, 2008

Re: Comments to the Council regarding salmon bycatch (Major issue C-2), the Arctic Fisheries Management Plan (D-1a), and Tribal consultation (D-6c)

Dear Mr. Oliver,

Kawerak, Inc. is an Alaska Native non-profit corporation providing programs and services to people of the Bering Strait/Norton Sound region. We represent twenty Tribal governments in this region. Several actions currently under review by the Council have the potential to greatly impact our communities and subsistence lifestyles.

Salmon Bycatch, C-2

Kawerak provided testimony regarding the salmon bycatch EIS to both the Advisory Panel and the Council at the April 2008 meeting (enclosed). As no updated documents have been released, our comments remain essentially the same and are summarized below.

- Appropriate Tribal consultation has not been carried out
- A hard cap should immediately be implemented
- The EIS timeline should be modified so that Tribal consultation can be carried out
- Protocols should be developed outlining the process of Tribal consultation that the Council will follow

At the April 2008 Kawerak, Inc. Board meeting our Board of Directors also passed a resolution incorporating these comments (enclosed). Kawerak strongly believes that this is a critical issue for our communities and calls on the Council to be extremely cautious and to give weight to the needs of subsistence resource dependent communities.

Arctic Fisheries Management Plan, D-1b

Kawerak supports the creation of an Arctic Fisheries Management Plan. With the rapid change that is occurring in the Arctic we need to be pro-active.

The management plan should close all waters north of Bering Strait to commercial fishing for all species, including forage species. The plan should indicate that existing small or subsistence fisheries will not be affected. Residents of the region are concerned about the potential effects of commercial fishing on their subsistence fishing and hunting.

Any conditions for future commercial use of the area under the jurisdiction of the plan should require detailed studies. We believe there is a lack of information regarding our resources, including marine mammals, migratory birds and fish.

All aspects of the development and implementation of such a plan should include government-to-government Tribal consultation. We would like to note that consultation should not be limited to Tribes living at or north of the Bering Strait. Tribes in the Norton Sound region, and even further south, may be significantly affected by actions in the Chuckchi Sea. The Council needs to have clear protocols to identify

affected/interested Tribes (these protocols would necessarily be part of overall Tribal consultation protocols; see below).

Tribal Consultation, D-6c

Kawerak would like to, again, request that NMFS and NPFMC immediately create suitable and binding Tribal Consultation protocols.

Kawerak has seen a draft paper (N. Kimball, 7/18/07) outlining possible consultation procedures. We have several comments on this document. The draft appears to have been based off of the 2004 BSAI and GOA groundfish management policy "goal statements." Kawerak recommends that Tribal consultation protocols be developed on the basis of relevant Executive Orders (EO 12898, Environmental Justice; EO 13175 Tribal Consultation and Coordination), the Department of Commerce American Indian and Alaska Native Policy (1995), and Secretarial Order on government-to-government consultations (1997).


Kawerak strongly agrees with the proposed action of hiring a Tribal Liaison. Other Federal entities have used Tribal Liaisons with great benefit to both the entities and the Tribes involved. We recommend that a Liaison be hired as soon as possible.

Another matter of concern regarding this draft is the continued placement of "community" concerns alongside those of Tribes. We would like to emphasize that Federally Recognized Tribes have the status of sovereign nations and are not simply another interested party. We recognize the importance of community and other stakeholder interests, but Tribal concerns should not be addressed in the same context as that of "communities." Doing so dilutes the importance of Tribal concerns.

We recommend that the Council adopt consultation policies from other agencies that are proven to succeed rather than creating an entirely new way of carrying out your government-to-government responsibilities.

If you require any additional information, please contact Julie Raymond-Yakoubian, Social Scientist, at 907-443-4273 or jraymond-yakoubian@kawerak.org.

Sincerely,
KAWERAK, INC.


Loretta Bullard, President

Enclosures



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



TEL: (907) 443-5231 • FAX: (907) 443-4452

SERVING THE

VILLAGES OF:

BREVIK MISSION

COUNCIL

DIOMEDE

ELIM

GAMBELL

GOLOVIN

KING ISLAND

KOYUK

MARYS IGLOO

NOME

SAVOONGA

SHAKTOOLIK

SHISHMAREF

SOLOMON

STEBBINS

CHAEI

ELLER

WALAKLEET

WALS

WHITE MOUNTAIN

Chris Oliver, Executive Director
North Pacific Fisheries Management Council
605 W. 4th Avenue
Anchorage, AK 99501

May 26, 2008

Re: Comments to the Council regarding salmon bycatch (Major issue C-2), the Arctic Fisheries Management Plan (D-1a), and Tribal consultation (D-6c)

Dear Mr. Oliver,

Kawerak, Inc. is an Alaska Native non-profit corporation providing programs and services to people of the Bering Strait/Norton Sound region. We represent twenty Tribal governments in this region. Several actions currently under review by the Council have the potential to greatly impact our communities and subsistence lifestyles.

Salmon Bycatch, C-2

Kawerak provided testimony regarding the salmon bycatch EIS to both the Advisory Panel and the Council at the April 2008 meeting (enclosed). As no updated documents have been released, our comments remain essentially the same and are summarized below.

- Appropriate Tribal consultation has not been carried out
- A hard cap should immediately be implemented
- The EIS timeline should be modified so that Tribal consultation can be carried out
- Protocols should be developed outlining the process of Tribal consultation that the Council will follow

At the April 2008 Kawerak, Inc. Board meeting our Board of Directors also passed a resolution incorporating these comments (enclosed). Kawerak strongly believes that this is a critical issue for our communities and calls on the Council to be extremely cautious and to give weight to the needs of subsistence resource dependent communities.

Arctic Fisheries Management Plan, D-1b

Kawerak supports the creation of an Arctic Fisheries Management Plan. With the rapid change that is occurring in the Arctic we need to be pro-active.

The management plan should close all waters north of Bering Strait to commercial fishing for all species, including forage species. The plan should indicate that existing small or subsistence fisheries will not be affected. Residents of the region are concerned about the potential effects of commercial fishing on their subsistence fishing and hunting.

Any conditions for future commercial use of the area under the jurisdiction of the plan should require detailed studies. We believe there is a lack of information regarding our resources, including marine mammals, migratory birds and fish.

All aspects of the development and implementation of such a plan should include government-to-government Tribal consultation. We would like to note that consultation should not be limited to Tribes living at or north of the Bering Strait. Tribes in the Norton Sound region, and even further south, may be significantly affected by actions in the Chuckchi Sea. The Council needs to have clear protocols to identify

affected/interested Tribes (these protocols would necessarily be part of overall Tribal consultation protocols; see below).

Tribal Consultation, D-6c

Kawerak would like to, again, request that NMFS and NPFMC immediately create suitable and binding Tribal Consultation protocols.

Kawerak has seen a draft paper (N. Kimball, 7/18/07) outlining possible consultation procedures. We have several comments on this document. The draft appears to have been based off of the 2004 BSAI and GOA groundfish management policy "goal statements." Kawerak recommends that Tribal consultation protocols be developed on the basis of relevant Executive Orders (EO 12898, Environmental Justice; EO 13175 Tribal Consultation and Coordination), the Department of Commerce American Indian and Alaska Native Policy (1995), and Secretarial Order on government-to-government consultations (1997).

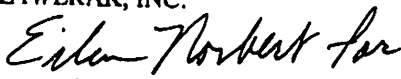
Kawerak strongly agrees with the proposed action of hiring a Tribal Liaison. Other Federal entities have used Tribal Liaisons with great benefit to both the entities and the Tribes involved. We recommend that a Liaison be hired as soon as possible.

Another matter of concern regarding this draft is the continued placement of "community" concerns alongside those of Tribes. We would like to emphasize that Federally Recognized Tribes have the status of sovereign nations and are not simply another interested party. We recognize the importance of community and other stakeholder interests, but Tribal concerns should not be addressed in the same context as that of "communities." Doing so dilutes the importance of Tribal concerns.

We recommend that the Council adopt consultation policies from other agencies that are proven to succeed rather than creating an entirely new way of carrying out your government-to-government responsibilities.

If you require any additional information, please contact Julie Raymond-Yakoubian, Social Scientist, at 907-443-4273 or jraymond-yakoubian@kawerak.org.

Sincerely,
KAWERAK, INC.


Loretta Bullard, President

Enclosures

Congress Passes Senator Stevens' Resolution Protecting Arctic Fisheries

WASHINGTON, D.C. - Congress today passed Senator Ted Stevens (R-Alaska) and Senator Lisa Murkowski's (R-Alaska) joint resolution (S.J. Res 17) directing the United States to negotiate an international agreement for managing fish stocks in the Arctic Ocean. The measure now heads to the President for his signature.

"Alaska has set the gold standard in ensuring robust fish stocks for commercial, recreational, and subsistence purposes," said Senator Stevens. "Science-based management has kept fisheries a cornerstone of our economy and preserved an important piece of Alaska Native culture. Global climate change is opening up the Arctic and we must act to protect its fisheries. After the President signs this resolution I will work with the State Department to bring this issue to the United Nations."

"Conserving our fish stocks requires action both domestically and internationally," said Senator Murkowski. "The North Pacific Fisheries Management Council is taking action to develop a fisheries management plan for the Chukchi and Beauford Seas. Congress must now ensure that steps are taken to create an international framework for the management of fisheries in Arctic waters."

Congressman Don Young (R-Alaska) helped speed the bill through the House of Representatives under the suspension of the rules.

"Alaskan fishermen have worked both at home in our own waters, through the North Pacific Fishery Management Council, and in international regional fishery organizations to make sure that North Pacific Ocean and Bering Sea fisheries are sustainably managed and that management is based on sound science," said Congressman Don Young (R-Alaska). "This resolution makes it clear that the United States wants this track record of sound management to continue into new areas of the Arctic Ocean if they become open to fishing. I commend Senator Stevens for taking the lead on this resolution and I hope the State Department will work with us to ensure that Arctic fisheries are well managed through an appropriate international agreement."

Currently, commercial fishing in the Arctic Ocean has been limited by the distribution of fish habitat and short fishing seasons. Due to the possible impacts of climate change, ocean temperatures may shift, causing fish to enter new habitats and creating more viable fishing conditions. The North Pacific Fishery Management Council recognized the importance of properly managing these emerging fisheries and it proposed in June that the U.S. close all federal waters in the Arctic Ocean until a management regime is put in place. S.J. Res 17 is consistent with that effort.

The resolution also addresses the problem of illegal, unreported, and unregulated (IUU) fishing. It calls upon the U.S. to help prevent fishing on the high seas of the Arctic until an international fisheries management plan is developed. The plan would contain measures to combat IUU fishing that continues to undermine fisheries worldwide. Senator Stevens is leading the fight against IUU fishing and believes that eliminating these illegal fishing practices is a key to maintaining the health of Alaska's fisheries.



You will need to have Real One Player installed on your computer to be able to listen or watch the clips above. Real One Player is free software that lets you play audio and video files. [Download Real One Player](#)

 [SEARCH](#) | [HOME](#) | [HELP](#) | [ABOUT STATUS](#)

S.J.RES.17

Title: A joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

Sponsor: [Sen Stevens, Ted \[AK\]](#) (introduced 8/3/2007) [Cosponsors](#) (10)

Latest Major Action: Became Public Law No: 110-243 [[GPO: Text](#), [PDF](#)]

ALL ACTIONS:

8/3/2007:

Sponsor introductory remarks on measure. (CR [S10936](#))

8/3/2007:

Read twice and referred to the Committee on Foreign Relations. (text of measure as introduced: CR [S10936-10937](#))

9/5/2007:


Senate Committee on Foreign Relations discharged by Unanimous Consent.

9/5/2007:

Referred to the Committee on Commerce, Science, and Transportation.

9/27/2007:

Committee on Commerce, Science, and Transportation. Ordered to be reported without amendment favorably.

 **10/4/2007:**

Committee on Commerce, Science, and Transportation. Reported by Senator Inouye without amendment and with a preamble. Without written report.

10/4/2007:

Placed on Senate Legislative Calendar under General Orders. Calendar No. 407.

10/4/2007:

Passed Senate without amendment and with a preamble by Unanimous Consent. (consideration: CR [S12826-12827](#); text as passed Senate: CR [S12827](#))

10/5/2007:

Message on Senate action sent to the House.

10/5/2007 3:03pm:

Received in the House.

10/5/2007:

Referred to the House Committee on Natural Resources.

1/23/2008:

Referred to the Subcommittee on Fisheries, Wildlife, and Oceans.

5/19/2008 12:17pm:

Ms. Bordallo moved to suspend the rules and pass the resolution.

5/19/2008 12:17pm:

Considered under suspension of the rules. (consideration: CR [H4067-4068](#))

5/19/2008 12:17pm:

DEBATE - The House proceeded with forty minutes of debate on [S.J. Res. 17](#).

 **5/19/2008 12:21pm:**

At the conclusion of debate, the chair put the question on the motion to suspend the rules. Mr. Issa objected to the vote on the grounds that a quorum was not present. Further proceedings on the motion were postponed. The point of no quorum was withdrawn.

5/21/2008 4:21pm:

Considered as unfinished business. (consideration: CR [H4402](#))

On motion to suspend the rules and pass the resolution Agreed to by voice vote. (text:CR
5/19/2008 [H4067-4068](#))

5/21/2008 4:21pm:

Motion to reconsider laid on the table Agreed to without objection.

5/21/2008:

Cleared for White House.

5/23/2008:

Presented to President.

6/3/2008:

Signed by President.

6/3/2008:

Became Public Law No: 110-243.

THIS SEARCH

[Hit](#)
[Prev Hit](#)
[Hit List](#)

THIS DOCUMENT

[Forward](#)
[Back](#)
[Best Sections](#)
[Contents Display](#)

THIS CR ISSUE

[Next Document](#)
[Prev Document](#)
[Daily Digest](#)

GO TO

[New CR Search](#)
[HomePage](#)
[Help](#)

Congressional Record article 1 of 2

[Printer Friendly Display - 9,428 bytes.](#)[\[Help\]](#)

MANAGING FISH STOCKS IN ARCTIC OCEAN -- (House of Representatives - May 19, 2008)

[Page: H4067] [GPO'S PDF](#)

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 17) directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

J. Res. 17

Whereas the decline of several commercially valuable fish stocks throughout the world's oceans highlights the need for fishing nations to conserve fish stocks and develop management systems that promote fisheries sustainability;

Whereas fish stocks are migratory throughout their habitats, and changing ocean conditions can restructure marine habitats and redistribute the species dependent on those habitats;

Whereas changing global climate regimes may increase ocean water temperature, creating suitable new habitats in areas previously too cold to support certain fish stocks, such as the Arctic Ocean;

Whereas habitat expansion and migration of fish stocks into the Arctic Ocean and the potential for vessel docking and navigation in the Arctic Ocean could create conditions favorable for establishing and expanding commercial fisheries in the future;

Whereas commercial fishing has occurred in several regions of the Arctic Ocean, including the Barents Sea, Kara Sea, Beaufort Sea, Chukchi Sea, and Greenland Sea, although fisheries scientists have only limited data on current and projected future fish stock abundance and distribution patterns throughout the Arctic Ocean;

Whereas remote indigenous communities in all nations that border the Arctic Ocean engage in limited, small scale subsistence fishing and must maintain access to and sustainability of this fishing in order to survive;

Whereas many of these communities depend on a variety of other marine life for social, cultural and subsistence purposes, including marine mammals and seabirds that may be adversely affected by climate change, and emerging fisheries in the Arctic should take into account the social, economic, cultural and subsistence needs of these small coastal communities;

Whereas managing for fisheries sustainability requires that all commercial fishing be conducted in accordance with science-based limits on harvest, timely and accurate reporting of catch data, equitable allocation and access systems, and effective monitoring and enforcement systems;

Whereas migratory fish stocks traverse international boundaries between the exclusive economic zones of fishing nations and the high seas, and ensuring sustainability of fisheries targeting these stocks requires management systems based on international coordination and cooperation;

Whereas international fishing treaties and agreements provide a framework for establishing rules to guide sustainable fishing activities among those nations that are parties to the agreement, and regional fisheries management organizations provide international fora for implementing these agreements and facilitating international cooperation and collaboration;

Whereas under its authorities in the Magnuson-Stevens Fishery Conservation and Management Act, the North Pacific Fishery Management Council has proposed that the United States close all Federal waters in the Chukchi and Beaufort Seas to commercial fishing until a fisheries management plan is fully developed; and

Whereas future commercial fishing and fisheries management activities in the Arctic Ocean should be developed through a coordinated international framework, as provided by international treaties or regional fisheries management organizations, and this framework should be implemented before significant commercial fishing activity expands to the high seas: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That--

(1) the United States should initiate international discussions and take necessary steps with other Arctic nations to negotiate an agreement or agreements for managing migratory, transboundary, and straddling fish stocks in the Arctic Ocean and establishing a new international fisheries management organization or organizations for the region;

(2) the agreement or agreements negotiated pursuant to paragraph (1) should conform to the requirements of the United Nations Fish Stocks Agreement and contain mechanisms, inter alia, for establishing catch and bycatch limits, harvest allocations, observers, monitoring, data collection and reporting, enforcement, and other elements necessary for sustaining future Arctic fish stocks;

(3) as international fisheries agreements are negotiated and implemented, the United States should consult with the North Pacific Regional Fishery Management Council and Alaska Native subsistence communities of the Arctic; and

(4) until the agreement or agreements negotiated pursuant to paragraph (1) come into

[Page: H4068] GPO'S PDF

force and measures consistent with the United Nations Fish Stocks Agreement are in effect, the United States should support international efforts to halt the expansion of commercial fishing activities in the high seas of the Arctic Ocean.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. *Bordallo*) and the gentleman from California (Mr. *Issa*) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise

and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Senate Joint Resolution 17 directs the United States to initiate international discussions and take necessary steps with other nations to negotiate an agreement to manage migratory and transboundary fish stocks in the Arctic Ocean.

It is important that any new or expanded fishing by the United States and other countries be conducted in a sustainable manner with science-based limits on catch as well as effective enforcement and monitoring systems. So to that end, it is important for the United States to begin the process to negotiate agreements with other Arctic nations to manage migratory, transboundary, and straddling fish stocks in the Arctic Ocean before any overfishing or overdevelopment of these fisheries can occur.

I urge the support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I too rise in support of Senate Joint Resolution 17, introduced by Senator *Ted Stevens*. Clearly, he knows firsthand the importance of fishing to the United States, to the State of Alaska, and to the world. He also has seen, in his tenure in the Congress, firsthand the effects of overfishing.

As one after another worldwide fleets begin deploying to our shores when their own shores have been overfished, we will have and will see a reduction in our domestic catches. For that reason I believe this resolution sends a strong statement of America's policy to manage scientifically our fisheries both onshore and offshore, and I join with the gentlewoman from Guam in support of this resolution and urge its success.

Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge all of my colleagues to support the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. *Bordallo*) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 17.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

THIS SEARCH

[Next Hit](#)

[Prev Hit](#)

[Hit List](#)

THIS DOCUMENT

[Forward](#)

[Back](#)

[Best Sections](#)

[Contents Display](#)

THIS CR ISSUE

[Next Document](#)

[Prev Document](#)

[Daily Digest](#)

GO TO

[New CR Search](#)

[HomePage](#)

[Help](#)