North Pacific Fishery Management Council

Local Knowledge, Traditional Knowledge, and Subsistence Taskforce
REPORT

November 9-10, 2020: 8:30am-1:30pm AKDT

Zoom Teleconference

Taskforce members in attendance:

Kate Haapala (Co-chair, NPFMC)
Sarah Wise (Co-chair, AFSC)
Alida Trainor (ADFG)
Rachel Donkersloot (Coastal Cultures Research)

Robert Murphy (APU)
Julie Raymond-Yakoubian (Kawerak)
Bridget Mansfield (NMFS)
Toby Anungazuk Jr. (Golovin)

Richard Slats (Chevak)
Darcy Peter (Beaver)
Simeon Swetzof (St. Paul)

Others in attendance:

Diana Stram (NPFMC), Steve Maclean (NPFMC) Megan Petersen (Ocean Conservancy) Lauren Divine (St. Paul), Raychelle Daniel (Pew), Stephanie Madsen (ASPA), Baine Etherton (ADFG), Rose Fosdick (Nome), Austin Ahmasuk (Kawerak), Frank Kelty (Unalaska), Mellisa Johnson (Bering Sea Elders Group), John Moller (State of Alaska), Mateo Paz-Soldan, Ernie Weiss (AEB), Chris Tran, Catherine Monicreff (YRDF), Jennifer Hooper (AVCP), Natasha Hayden (Afognak Tribal Council and Native Corporation), Gay Scheffield (Alaska Sea Grant), Abby Jahn (NMFS)

Introductions

The co-chairs of the Local Knowledge, Traditional Knowledge, and Subsistence (LKTKS) Taskforce opened the meeting with introductions and gave an overview of the agenda. The co-chairs explained the purpose of the meeting, namely that the Taskforce would discuss its ongoing work on identifying sources of LKTKS information, further develop its onramp recommendations, reach a consensus for a description of subsistence, discuss the possibility of a Norton Sound Red King Crab case study, and create the initial outline for the LKTKS protocol.

Identifying Sources of LKTKS Information

The Taskforce received an update from Dr. Kate Haapala on ongoing work to build a search engine for published and publicly available sources of LKTKS information, which will enable the end user to query sources in a database by using different search terms and parameters. The Taskforce has set May 2021 as a target completion date for the search engine. The search engine is responsive to the Council's February 2020 motion that directs the Taskforce to identify and define sources of LK and TK, the social science of LK and TK, and subsistence to support the use of best scientific information available in Council decision-making. The Taskforce sees this project as an opportunity to reduce the burden Council staff and agency partners face when trying to find potentially new sources of scientific information to inform decision-making.

Dr. Bobby Murphy and Dr. Julie Raymond-Yakoubian gave a presentation and led discussion on how the Taskforce might give guidance to the Council, Council staff, and agency partners on how to identify sources of information such as metadata, archival materials, oral transcripts, or subsistence maps based on LK and TK expertise and contain critically valuable information. It is important to note that these sources may not have undergone academic peer review but may have undergone other types of rigorous peer review and therefore can be considered representative legitimate bodies of information (e.g. marine mammal hunters reviewing maps of marine mammal harvest areas). The Taskforce will create a product that identifies sources for this kind of information (e.g., Eskimo Heritage Program, Alutiiq Museum and Archeological Repository, and the Leo Network), provides a description of the source, and gives guidance where appropriate for how accessing these information sources. Narrative sources of data are complementary and additive to the published or publicly available works housed in the search engine.

Description of Subsistence

The Taskforce received a presentation from Ms. Alida Trainor and Mr. Richard Slats on subsistence which guided the Taskforce in its discussion on what would constitute an appropriate description of subsistence for its work. The presentation covered federal and state definitions for subsistence that are included within the Alaska National Interest Lands Conservation Act of 1980 and Alaska state law. Notably both federal and state definitions for subsistence define *subsistence uses* rather than subsistence. **The Taskforce came to consensus that the state and federal definitions for subsistence cannot be left out of the Taskforce's work because they have real impacts on people's lives, and further agreed that a description of subsistence for the Taskforce's purposes should also include the cultural and spiritual dimensions as well**. For the Taskforce's purposes, *a description of subsistence* is more appropriate than a definition of subsistence or subsistence use because the practices and significance of subsistence varies across indigenous cultures and communities. Below is the Taskforce's description for subsistence, which will be included in the Taskforce's workplan and glossary of terms. The products will then be considered complete and available on the Taskforce's webpage.

> *Subsistence: There are different ways of understanding or defining subsistence in Alaska, and those understandings influence how communities access resources and engage a subsistence way of life. For example, the State of Alaska has historically approached defining subsistence as traditional or customary use of resources and considers all Alaska residents qualified subsistence users. Federal policy, as designated under the Alaska National Interest Land Conservation Act of 1980, also focuses on the uses of wild resources while establishing a "rural preference" for subsistence rights for resource access and use on federal lands (Anderson 2016). While the State and Federal policies diverge on who can participate in subsistence activities, both definitions focus on the use and harvest of wild resources without recognizing the broader context in which they exist. An "Indigenous perspective" expands the understanding of subsistence by recognizing how hunting and gathering related activities are deeply connected to history, culture, and tradition (Raymond-Yakoubian, Raymond-Yakoubian, Monicreff 2017). The importance of subsistence for Alaska Native communities, and the continuation of subsistence-related practices, is that it is a critical linkage to linguistic and cultural survival (Active 1999). Participation provides opportunities for different generations to learn from one another and pass on critical knowledge and value systems. As such, subsistence practices are meaningful beyond the harvest of nutritional and cultural goods as they create and reproduce linkages across multiple social and ecological domains.*

A Conceptual Model for Tribal Engagement

The Council directed the LKTKS Taskforce to produce a document that identifies and provides rationale for potential 'onramps,' or points of entry, for LKTKS information into the Council's process. **At its April 2020 meeting, the Taskforce made four initial onramp recommendations:** hiring or training a Tribal Liaison on Council staff, establishing a process for tribal engagement with the Council, creating guidelines for including LKTKS information within Council analyses, particularly Regulatory Impact Reviews and Social Impact Assessments, and expanding LKTKS and social science expertise on existing committees or Plan Teams in the Council's process. **These four recommendations are interdependent and represent the most significant opportunity for building relationships, improving communication, and incorporating LKTKS information across the Council's entire process.**

At the November 2020 meeting, the Taskforce received a presentation from Dr. Kate Haapala and Dr. Rachel Donkersloot on a conceptual model for tribal engagement (recommendation 2). The choice to discuss the conceptual model for tribal engagement at this meeting does not reflect this onramp's relative importance in comparison to the others, but rather the amount of time the co-chairs felt this agenda item would need. The Taskforce is aware that this recommendation would create a new institutional process for Bering Sea region tribes and the Council to interact, and it reflects the reality that systematically including LKTKS information into the Council's process is a new endeavor and could bring tribal members and TK holders into the Council's process in a more meaningful way. It is also important to note that LK and TK are living sources of knowledge that resides within individuals and communities, and TK in particular, is conveyed orally across generations. This means building relationships is key to including LKTKS into the Council's process.

The Taskforce came to consensus on how tribal engagement could move the Council forward in terms of including LKTKS information by proving relationships and trust between tribes and the Council, facilitating two-way communication, potentially supporting NMFS as they periodically engage formal Tribal Consultation, and reducing the burden that the Council and its staff face by ensuring principles of Free Prior and Informed Consent are adhered to. **The Taskforce recommends the following design elements for a tribal engagement process:**

1. The Council could establish a new process for tribal engagement that allows either the Council or Bering Sea region tribes to request an engagement meeting or workshop on an ad hoc basis.
    a. These meetings would occur when solicited by the Council or tribes, like other ad hoc stakeholder workshops, and could be action specific or occur at a high-level.
2. The agenda should be flexible and would depend on why the meeting is being requested.
3. All meetings should be open to the public.
4. The expectations should be clear—a tribal engagement meeting does not guarantee policy outcomes or the explicit sharing of Traditional Knowledges.
    a. Should TK be shared by tribes or their appointed representative in the engagement process, it must retain the relevant context, and it is important to maintain a Do No Harm approach.
5. The individual or group representing tribal interests during the engagement process should be an official representative of a tribal government or entity (i.e., they are speaking with permission on behalf of their group). This ensures that all information that is shared is appropriate, has been approved, and meets FPIC principles while providing opportunity for direct engagement in decisions affecting them.

Tribal engagement is one potential onramp for LKTKS in the Council's process, and the Taskforce envisions each onramp being included within the final protocol. If the Council would like to pursue this onramp, the next step would be to task staff or the Taskforce with developing or formalizing the conceptual model for tribal engagement. In making this determination, the Council would need to consider its own goals for pursuing tribal engagement (e.g., receive regular input on specific actions). Over the long-term, if the Council took action to implement tribal engagement, staff would need to establish and maintain relationships with tribes and Alaska Native Organizations (ANOs), communicate and disseminate information on Council actions and requests, and ultimately act as a point of contact with tribes and ANOs to convey issues, questions, and information. For this reason, the Taskforce sees a close relationship between a new tribal engagement process and the appointing or hiring of a Tribal Liaison on Council staff.

Norton Sound Red King Crab Case Study

The Taskforce received a presentation from Dr. Sarah Wise, Mr. Toby Anunguzuk Jr., and Mr. Simeon Swetzof on Norton Sound Red King Crab (NSRKC) and the potential of a case study. Recall that the SSC reiterated its February 2019 recommendation at the January 2020 Council meeting, that the NSRKC stock assessment authors should consider LK and TK related to the summer and winter NSRKC fisheries to potentially answer questions about the spatial patterns, size distributions, changes in spatial distribution, and migratory behavior of the stock. The SSC suggested the Taskforce could help NSRKC stock assessment authors and potentially clarify elements of its own work by using NSRKC as a case study to groundtruth potential protocols.

Mr. Toby Anunguzuk Jr. gave a detailed account of the marine ecosystem and linkages to subsistence practices. He noted several recent (in the past 5 years) changes in the coastal and marine environment which directly affect residents throughout Norton Sound, including shifts in weather patterns, currently, migratory patterns, abundance and health of marine species. He highlighted the relationship to food security and well-being.

Mr. Simeon Swetzof weighed in on the importance of a case study to highlight an ecosystem wide perspective and the need for residents to have their voices heard on various platforms. Mr. Swetzof also expressed concern about increased shipping and commercial fishing in the Northern Bering Sea as residents have already experienced some negative impacts. He emphasized the importance of St Paul and St George residents to provide food for their communities.

The presentation and subsequent discussion highlighted that the purpose of a case study is to put into practices its protocols that explicate guidelines and concrete steps for identifying, analyzing, and including LK, TK, the social science of LK and TK, and subsistence information in the Council's process. The NSRKC case study provides one region-specific, fishery-specific example for how to do this. Although the Taskforce is not a research team, meaning it does not have the capacity, nor has it been authorized to conduct primary research (i.e., interviews, participant observation, or focus groups), the case study work could support the stock assessment authors and Plan Teams, as well as inform management decisions in the following ways:

1. By identifying existing sources of LKTKS information. Some potential examples of existing social science may be Alaska Department of Fish and Game's subsistence reports or TK, data housed with Kawerak's Eskimo Heritage Project archive, and there is a small oral history project that is just starting at AFSC and will provide qualitative data on NSRKC.

2. By completing a qualitative analysis of the existing data that is in-line with best practices for social science as well as our overall protocol guidelines. Depending on the pace of this work, it's possible this could be useful for the 2022 assessment and the Taskforce is aware it needs to work closely with the assessment authors.

3. By giving guidance or recommendations on how to identify LKTK expertise in the region, approach community members and/or knowledge holders, and suggest how to build the capacity to conduct this type of practice-based systematic social science.

4. By networking with existing efforts to include LKTK in the region (e.g. Arctic Observing Network) to identify and document practical methods, individuals, and institutions for further collaboration.

In sum, the NSRKC case study is one way to test and illustrate Taskforce protocols all the way through the process in a regional- and fishery-specific example. More specifically, this work could illustrate useful decision points, concrete onramps that are specific to the case, information sources and linkages, and information gaps. **Because this case study will test the protocol, however, the Taskforce felt it would be appropriate to initially prioritize work on protocol development.**

LKTKS Protocol Development

The Taskforce received a presentation from Dr. Sarah Wise, Dr. Rachel Donkersloot, and Ms. Darcy Peters on existing protocols for including TK into research initiatives as well as tribal engagement, which provided important context for the Taskforce's discussion on its development of analytical protocols. The Taskforce had significant discussion related to the protocol's content and understands the protocol to be the main element of its work. Members envision a document that contains over-arching guidelines with and practical, concrete steps to carry out the guidelines that are tailored to the Council's process. The Taskforce came to a consensus on twelve initial guidelines that will be developed further between now and winter 2021 meeting.

Below is a list of the initial, high-level guidelines included in the draft protocol:

1. Understand key concepts and definitions related to LK, TK, and Subsistence
2. Recognize and respect the role of multiple knowledge systems
3. Recognize how to identify sources of LK, TK, the social science of LK and TK, and subsistence
4. Use appropriate methods to identify or collect LK and TK data
5. Guidance on how to analyze sources of LKTKS Information
6. Engage in early and frequent communication with tribes, tribal entities, and community members
7. Ensure the presence of appropriate tribal and community representatives for every given stage of the process
8. Have an understanding of and respect for existing tribal protocols and decision-making processes
9. Ensure a transparent and accountable process that provides clarity on the research and/or decision-making process, or potential impacts of actions.
10. Ensure appropriate data management processes to protect intellectual property.
11. Ensure and provide for appropriate capacity – this may include additional staff or staff training specific to the project/action.
12. Establish and maintain institutional onramps or interfaces for LK, TK, the social science of LK and TK, and subsistence with the Council and its advisory bodies

It is important to note that there are several key terms or principles (i.e., inclusivity, equity, Do No Harm, Free Prior Informed Consent, etc.) that are not yet explicit in the guidelines but will be included in the

protocol. Some overarching themes captured within the Taskforce's discussion include the importance of starting with the implicit assumption that LKTK has equal validity to western science, understanding the Council's work on including LKTKS into its process relative to other bodies like the Department of Interior, the Arctic Council, and the National Science Foundation, the criticality of building relationships, and that no one part of the protocol should be seen or interpreted as independent from the others.

Public Testimony

The Taskforce received public testimony from Mateo Paz-Soldan, Rose Fosdick, and Mellissa Johnson. Mateo Paz Soldan supported the Taskforce's work on protocol development and noted that the language of National Standard 4 of the Magnuson Stevens Act could provide additional supporting rationale for the inclusion of TK. Rose Fosdick supported the Taskforce's ongoing work, and emphasized that protocols should have clear language, give concrete guidance, and that subsistence ways of living should be considered in every onramp. Melissa Johnson commented that the development of protocol guidelines should be inclusive of tribal communities along the Bering Sea coast and asked the Taskforce to keep in mind tribal diversity, meaning that each tribe has their own engagement protocols.

References

Active, J. 1999. Why subsistence is a matter of cultural survival: a Yup'ik point of view. Alaska Native Writers, Storytellers & amp; Orators: The expanded Edition.

Anderson, R. T. 2016. Sovereignty and subsistence: native self-government and rights to hunt, fish, and gather after ANCSA." *Alaska Law Review* 33(2), 187-227.

Raymond-Yakoubian, J., B. Raymond-Yakoubian, and C. Moncrieff. 2017. The incorporation of traditional knowledge into Alaska Federal fisheries management. *Marine Policy* 78, 132–142.