

Onramps for Local Knowledge, Traditional Knowledge, and Subsistence Information in the North Pacific Fishery Management Council's Process

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Abstract:

The Council's motion from January 2020 directs the Local Knowledge, Traditional Knowledge, and Subsistence Taskforce to identify potential onramps (or points of entry) for incorporating Local Knowledge, Traditional Knowledge, the social science of Local Knowledge and Traditional Knowledge, and subsistence information into its decision-making process. This document contains eleven onramp recommendations for the Council to consider. These recommendations are for changes to the Council's current decision-making process to better incorporate these knowledge systems. The onramp recommendations are presented individually to provide the Council a highly flexible approach to determining whether to take action and initiate future work on any individual onramp(s). The onramp recommendations are directly related to the eight guidelines housed in the *Local Knowledge, Traditional Knowledge, and Subsistence Protocol*. Together, the protocol and onramp recommendations provide the full suite of information for the Council to consider how it could achieve its goals of better identifying, analyzing, and incorporating LK, TK, and subsistence information into its decision-making process.

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Introduction

The Council's [January 2020 motion](#) directs the Local Knowledge (LK), Traditional Knowledge (TK), and Subsistence Taskforce to identify potential onramps (or points of entry) to incorporate LK, TK, the social science of LK and TK, and subsistence information into the Council's decision-making process. This document contains eleven onramp recommendations for the Council to consider making changes to its current decision-making process to better incorporate these knowledge systems. The onramp recommendations are directly related to the eight guidelines in the LKTKS Protocol and can be understood as eleven different opportunities for the Council to implement those guidelines. Together, the LKTKS Protocol guidelines and onramp recommendations are the full suite of information for the Council to consider how it could achieve its goals of better identifying, analyzing, and incorporating LK, TK, and subsistence information into its decision-making process.

While there are interlinkages among the LKTKS Protocol guidelines and the onramp recommendations, the onramps are presented separately to provide the Council opportunity to consider each document separately. To be clear, if the Council adopts the LKTKS Protocol, the Council is not adopting the onramp recommendations. Rather, the onramp recommendations are presented separately to provide the Council a highly flexible approach for determining how it may want to take action and initiate future work on the individual onramp(s). To help the Council in its decision-making, the Taskforce has provided additional context and rationale for each onramp as well as some initial ideas for how to move them forward. While there are eleven distinct recommendations, they are not numbered to not signal a prioritization; each onramp recommendation offers different opportunities for incorporating LK, TK, the social science of LK and TK, and subsistence information.

If the Council initiates work on any individual onramp(s), the Council would need to consider and provide feedback on *who* should move the work forward. Would the Council's preference be for staff to move forward with further developing these onramps, this Taskforce as a reconstituted body, or a Taskforce with new or modified membership? The Taskforce was originally formed to complete its work over a 2–3-year period, after which it would disband. The ideas and next steps for moving each onramp forward are written in a way that indicates Council staff would carry out any future work because of the Council's original intent was to disband the Taskforce after its final products and report is presented.

LK, TK, and subsistence information onramp recommendations:

- **The Taskforce recommends the Council adopt the LKTKS Protocol.**

The Taskforce developed the LKTKS Protocol over a multi-year process in response to the Council's adopted goals for this body. The LKTKS Protocol provides foundational information for working with LK, TK, and subsistence information, and its content is based on the diverse expertise and consensus of Taskforce members. Over the last three years (2020-2023), the Taskforce has the LKTKS Taskforce has had significant public engagement in its meetings and received input from the Council and its advisor bodies including the Bering Sea Fishery Ecosystem Plan Team, Ecosystem Committee, Social Science Planning Team, Science and Statistical Committee, and the Advisory Panel. Adopting the LKTKS

Protocol would demonstrate the Council's commitment to this work and the guidelines help to define the Council's approach to working with LK, TK, and subsistence information.

- **The Taskforce recommends the Council express support for the use of the LKTKS search engine when appropriate and dedicate Council staff time to maintaining it as needed.**

In response to the Council's motion directing the Taskforce to create *processes* and protocols for identifying, analyzing, and incorporating LK, TK, and subsistence information into the Council's decision-making process, the Taskforce developed the LKTKS [search engine](#). The search engine contains sources of LK, TK, the social science of LK and TK, and subsistence information including peer reviewed articles, databases, narrative sources of information, reports, technical memos, and other sources of information. The search engine is one tool that could help analytical staff identify and then analyze and incorporate sources of LK and TK, the social science of LK and TK, and subsistence information in the timelines that analytical staff work under.

To test the utility of the search engine, analytical staff have used it when preparing recent Council analyses (e.g., the BSAI Halibut Abundance-based Management of Amendment 80 Prohibited Species Catch Limit, BSAI Pacific cod small vessel access, and the BSAI snow crab rebuilding analysis) that did not return robust results relevant to the region or scope of the Council's action. The mis-match in the accessible and usable LK and TK social science that is process- or action-specific does not mean these knowledge systems do not have contributions to make to the Council's decision-making process; rather, this observation indicates a need for building the necessary relationships to foster trust and willingness to share knowledge, as well as additional social science of LK, TK and subsistence that is specific to the Council's jurisdiction. This would likely require additional capacity and human resources on multiple levels.

Ideas for moving forward

- To move forward with this onramp recommendation, the Council could express its support for the continued use of the LKTKS search engine. The search engine is a living resource that can be updated, added to, or modified over time. Doing so would require time and resources from Council staff as the responsibility of updating and keeping track of new submissions would lie with the assigned Council staff. The Taskforce does not anticipate the time or resources required to be significant, but it is important for the Council to be aware of and consider among its staffing priorities.
- **The Taskforce recommends the Council initiate a process whereby Tribes could engage directly with the Council.**

Council staff worked with NOAA General Counsel to understand what would be feasible for the Council with respect to Tribal engagement. There are two engagement pathways available to the Council for its consideration.

Option 1: The Council or a Council advisory body could host an engagement session with Tribes. There is flexibility for the form of these sessions, meaning they could occur under an agenda item (e.g., B

reports at a Council meeting) or as a separate meeting between Tribes and the Council. In either scenario, the Magnuson-Stevens Act's procedural requirements would apply to any Tribal engagement session hosted by the Council or a Council committee. That means Tribal-Council engagement sessions in any form would be noticed and open to the public. Because these would be publicly noticed sessions, a quorum of Council members could attend. It is important to note that this approach is different from Tribal Consultations or engagement sessions held by Federal agencies, which are non-public meetings with single or multiple Tribes that do not trigger the Magnuson-Stevens Act's procedural requirements.

Option 2: A second pathway available to the Council is to participate in outreach and engagement trips as the Council has done in the past. When participating in these trips, a non-quorum (i.e., no more than 5) of Council members can participate without the trip being noticed as a public meeting though that does not prohibit members of the public who are not Tribal members or officials from attending.

The Taskforce has discussed the input from NOAA General Counsel and agrees that both pathways for Tribal engagement are important. While there could be some challenges or sensitivities with Tribal-Council engagement sessions being hosted as public meeting, the Taskforce's dialogue on the issue has noted Tribes could choose to engage and share on some topics with the Council in a public format while reserving more sensitive issues for Tribal Consultations with NMFS.

The Council has experienced consistent and increased engagement from Alaska Native Tribes and Consortia in its decision-making process. Alaska Native Tribes are sovereign governments with constitutions, bylaws, and a right to self-determination. This legal status distinguishes Tribes from other fishery stakeholder groups that engage the Council's decision-making process. The Taskforce understands the National Marine Fisheries Service is the Federal agency responsible for undertaking Tribal Consultations under Executive Order 13175, and it is not suggesting the Council lead formal Tribal Consultations as Consultations are government-to-government relations.

Implementing a process for Council-Tribal could afford the Council, Alaska Natives Tribes and/or Tribal Consortia meaningful opportunities for deliberative and inclusive dialogue as well as opportunities to build relationships and mutual trust. Additionally, TK resides within people, and it is usually shared orally, though the lack of written TK does not mean knowledge does not exist for a particular action or issue. It is possible but not guaranteed that TK could be shared directly with the Council during these engagement sessions. The oral nature of sharing TK can make it challenging for Council staff to attain and use written forms of TK, or the social science of TK, to include in analytical documents that inform a broad range of Council actions.

Ideas for moving forward

- To move forward with option 1, the Council would need to consider its goals for hosting Council-Tribal engagement sessions (e.g., receiving input on management actions, information sharing, receiving information updates from Tribal and community members on ecosystem changes, etc.). The Council could task Council staff with developing a conceptual model for Council-Tribal engagement. The conceptual model could be brought back to the Council (and/or any committees or Plan Teams the Council would want input from) for the Council to

consider and the public to weigh in on. Points for consideration that would need to be flushed out in the conceptual model include participation, staff involvement, the timing of these sessions, and more.

- To move forward with option 2, the Council could task the Community Engagement Committee with creating a strategic outreach and engagement plan. This plan could include key meetings for staff outreach presentations, communities to target for outreach trips, and more. The Council and/or the Community Engagement Committee could consider whether an over-arching strategic outreach and engagement plan is appropriate or whether the plan and related efforts would be more effective at an action- or issue-specific level.
- **The Taskforce recommends the Council request NMFS lead Consultations with Tribes early in the Council’s decision-making process, and that a non-quorum of Council members participate in these sessions when requested by NMFS or Tribes.**

Council staff worked with NOAA General Counsel to understand whether the Council could participate in the Tribal Consultations hosted by NMFS to improve direct communication between Tribes and the Council. NOAA General Counsel provided input that Executive Order 13175 indicates that NMFS should consult with Tribes prior to the agency promulgating any regulation that has Tribal implications. Regulations have Tribal implications when they would have “substantial direct effects on one or more Indian Tribes, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes.” Additionally, EO 13175 directs agencies to have “an accountable process to ensure meaningful and timely input by Tribal officials in the development of regulatory policies that have tribal implications.”

NOAA General Counsel also clarified that a non-quorum of Council members and any number of Council staff could participate in Tribal Consultations led by NMFS. The Council’s Tribal and Rural Community Liaison could work with NMFS Alaska Regional Office to develop a process for communicating the results and outcomes of Tribal Consultations. This would take cooperation and collaboration from the agency, but the liaison role could anchor a direct pathway for communication among Tribes, the Council, and the agency. The Council’s Rural Fishing Community and Tribal Liaison could provide reports to the Council on the outcomes of Tribal Consultations.

The Council has received consistent feedback from Alaska Native Tribes, Tribal Consortia, and their representatives on the importance of ongoing and meaningful Tribal Consultations. The Council has also received input on the importance of the results of those Consultations being communicated to the Council early in its decision-making process so the substantive dialogue and outcomes of Tribal Consultations could inform the Council’s decision-making. NMFS has historically conducted Tribal Consultations after the Council selects a Preferred Alternative and this can make it challenging for Tribes and their representatives to having meaningful and timely input in the development of fisheries management and regulations. NMFS is not obligated to consult only after a Preferred Alternative is selected, though it is historical precedent.

The information shared at Tribal Consultations could help the Council to better understand Tribal

perspectives and knowledge on the potential impacts of different actions. The rationale for how this onramp recommendation could better incorporate LK and TK into the Council's decision-making process is largely the same as the onramp for Council-Tribal engagement above. However, it is important to note that TK may be more likely to be shared in Tribal Consultations because they are not public meetings, though there is no guarantee that TK would be shared.

Ideas for moving forward

- To move forward, the Council could express its commitment to have a non-quorum of Council members participate in Tribal Consultations. The Council could also task Council staff with coordinating with NMFS Alaska Regional Office staff, and particularly their Tribal Liaison and Tribal Engagement Team, to create a communication plan for the outcomes of Tribal Consultations and engagement sessions. The communication plan could be brought back to the Council for the Council to consider and the public to weigh in on if needed.
- **The Taskforce recommends the Council request Federal agencies with Tribal co-management partners to extend invitations to Tribal partners to present on co-management activities during the B reports.**

The Taskforce is aware that Tribal co-management partners are periodically invited to provide presentations to the Council or committees alongside Federal agency staff (e.g., Northern Fur Seal co-management). However, there are disparities in when this form of engagement occurs. The intent of this onramp recommendation is for the Council to express its expectation that Federal agencies engaging in co-management work with Tribes, and that provide reports to the Council under the B report items, would invite Tribal co-management partners to participate in these presentations to the Council. The Taskforce is not recommending it be mandatory for Tribal co-management partners to be present, rather that agency staff would have connected with their Tribal partners to make these presentations known and extend an invitation to participate.

Ideas for moving forward

- The Council could task Council staff to modify working practices and approaches for organizing the Council's B reports. Should the Council initiate action on this onramp, the onus would be on Council staff to remind agencies periodically about the Council's intent and interest to have co-managers part of the agency presentations.
- **The Taskforce recommends the Council modify the TOR and/or Council SOPPs for advisory bodies to include specific language to add designated Alaska Native Tribal seat(s).**

The Taskforce supports the Council's recent action to add one designated Alaska Native Tribal seat to its Advisory Panel at the October 2022 meeting. This recommendation looks to build on that Council action to facilitate expanded Alaska Native Tribal representation across the Council's advisory bodies (meant collectively to include Plan Teams, Committees, and the Science and Statistical Committee (SSC)). Modifying the TOR and/or Council SOPPs to add designated Alaska Native Tribal seat(s) across Council

advisory bodies could encourage Alaska Native Elders, Tribes, and communities to participate in the Council's process, feeling as though added representation is a meaningful invitation to participate.

Because there is a wide range of capacity and expertise among Alaska Native Tribes, the Taskforce is not recommending specific advisory bodies for additional designated seat(s). Likewise, the Taskforce is not recommending a particular count of seats to not be overly restrictive. The Taskforce has intentionally chosen the language 'Alaska Native Tribal seat' to signal the importance of these seats being held by a Tribal member or the designated representative of a Tribe or Tribal Consortia. If that individual is not a TK holder, Tribes could authorize that individual to share TK on their behalf. The Taskforce has agreed that individual Tribes and/or Tribal Consortia are best equipped to recommend highly qualified individuals who have the skill set for specific Council bodies. For example, someone identified by the Tribe or community as a TK holder who meets the membership criteria of a particular body and has the interest and resources to support participation, should the Council choose to re-solicit for nominations.

Ideas for moving forward

- To help its decision-making, a first step for the Council could be tasking Council staff with developing a brief discussion paper that identifies (among other things pending Council input) a) the affiliation, discipline, and representation within all Council bodies (e.g., this would include disciplinary training, fisheries sector, regional and organization affiliation, and more); b) an approach and timeline for how the Council could consider adding one designated Alaska Native Tribal seat to its advisory bodies (e.g., take a tiered approach to ensure the Council is not reviewing all nominations at one time). The Council would need then to consider the advisory bodies for which it may want to solicit nominations, how many seats the Council would consider, and whether regional or issue/action-specific expertise would be most beneficial. The Council would then need to task staff with drafting solicitation language or other points of consideration.
- **The Taskforce recommends the Council solicit nominations for expanded LK and TK social science expertise on the Scientific and Statistical Committee (SSC).**

The SSC plays a vital role in the Council's process by reviewing all assessments, analyses, and reports for their scientific/analytical approaches, validity, and utility to inform the Council's decision-making. The Taskforce is not asking for a designated LK and TK social science seat or for a particular count of seats. At the time of writing, the SSC currently has two non-economic social scientists. Expanding the SSC's existing expertise related to LK and TK systems would better support the use of best scientific information available across the Council's decision-making process, and in turn, improve the SSC's overall recommendations to the Council.

More specifically, in a future where there is greater access and inclusion of LK, TK, and subsistence information in Council decision-making documents, the SSC and the Council would benefit from broadening that specific expertise to provide input and feedback on analytical reports and documents. For example, additional LK and TK social science expertise could help the SSC and Council navigate those instances where LK and TK yield different insights that western scientific information (guideline 8).

Expanded LK and TK expertise on the SSC could also provide analytical staff and AFSC scientists additional feedback on the methods or approaches used for assessments, analytical documents, and other reports through the Council's iterative process.

Ideas for moving forward

- The Council could direct staff to write a solicitation for SSC nominations that includes explicit language signaling the Council's interest and intent for soliciting nominations from social scientists with experience working with LK and TK systems.
- **The Taskforce recommends the Council host a workshop in concert with its research priorities process to solicit broad public input on selecting core research questions to assist the Council in managing the nation's resources.**

Section 302(h)(7) of the Magnuson-Stevens Act directs that the Councils shall "develop, in conjunction with the scientific and statistical committee, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes." The Council reviews research priorities at the Council's June meeting. Prior to Council review, the Council's Plan Teams (Gulf of Alaska and BSAI Groundfish, crab, and Scallop) review existing research priorities and make recommendations for modifications or additions to the list, as needed. The Council currently reviews research priorities on a triennial basis.

Nevertheless, the Council has received public comment from Alaska Native Tribes, Tribal Consortia and fishery stakeholders that the current research priorities process can be difficult to navigate and lacks transparency. It can also be challenging for the public, particularly those that reside in remote communities, to participate across multiple Plan Team meetings. Additionally, the research priorities that emerge from the Plan Team process often focus on stock assessment priorities, and in relation to LK, TK or subsistence information, it is the Taskforce's understanding that the Plan Team's membership do not include LK or TK expertise.

The Taskforce is making this recommendation because a workshop held in advance of the SSC's review of Plan Team research priorities could provide a meaningful opportunity for the SSC and Council to solicit broad input on the key research questions and needs for future management. This could augment the current research priorities process, particularly related to LK and TK observations or impacts on subsistence gatherers. This approach could also provide a streamlined and inclusive opportunity for Alaska Native Tribes and Consortia, industry, community representatives and more to bring forward their proposals and ideas on these important questions or topics. The Taskforce has noted there could be challenges for setting scope of the workshop, and the Council could find it more effective to host region-specific workshops.

Ideas for moving forward

- The Council's next review of research priorities is tentatively scheduled for 2024. The Council could task staff with developing a workshop prior to, or in conjunction

with, the June 2024 Council meeting to receive streamlined recommendations from Alaska Native Tribes and Consortia, industry, and community representatives on the key research questions and topics to inform fisheries management. If the Council would like to initiate a workshop, it would be ideal for the Council to provide input on whether it would like that workshop to have a regional focus (e.g., Bering Sea), the scope of the workshop, whether it envisions a planning subgroup and broad input on who would compose that subgroup (e.g., SSC members, AFSC staff, Council staff, etc.).

- **The Taskforce recommends the Council implement the LKTKS analytical template to formalize a process for incorporating LK, TK, the social science of LK and TK, and subsistence information into the Council’s decision-making process.**

The Taskforce developed an analytical template that includes guiding questions for analytical staff to consider as they build out their analyses. This template is one approach to formalizing a process for incorporating LKTKS information in a standardized way to support Council decision-making. The template is not intended to prescribe a narrow approach for staff. Rather, it aims to provide a starting point for staff analyses. This template is meant to be used in conjunction with other staff analytical templates and the LKTKS Protocol, as needed and appropriate. It is envisioned that this template will be modified and evolve over time as it is put into practice by analytical staff. When engaging work with TK systems in particular, it is important to be mindful of whether there is appropriate expertise, training, and resources available to work with TK systems and TK holders. The template could also be shared with AFSC and NMFS Alaska Regional Office staff, if deemed desired and appropriate.

Ideas for moving forward

- The Council could express its support for Council staff to implement the LKTKS analytical template (see Appendix A)
- **The Taskforce recommends the Council modify its public comment procedures to allow testifiers to provide introductions without it counting against their allowed time limit for oral public comments.**

The Taskforce has discussed how Alaska Native peoples have a unique way of introducing themselves which is an important step for relationship building as people get to know each other better. Traditional introductions often center the person in relationship with their family and community among other things, emphasizing the importance of the connections between people as well as people and places. However, to provide balance and equity, the Taskforce is recommending that all members of the public participating in the Council’s process be allowed to introduce themselves before their timer for oral comments begins. This would be a gesture to demonstrate respect.

Ideas for moving forward

- The Council could task staff with updating its SOPPs to reflect these changes to public comment procedures to allow all members of the public to provide introductions without those introductions counting towards their allowed time

limit. Additionally, the Council could provide direction to staff to update the eAgenda platform to allow the public to indicate whether they want their time to start after introductions when they sign up for testimony, just as members of the public are currently allowed to waive questions.

- **The Taskforce recommends the Council develop a plan to increase capacity in non-economic social sciences, and LKTKS expertise more specifically.**

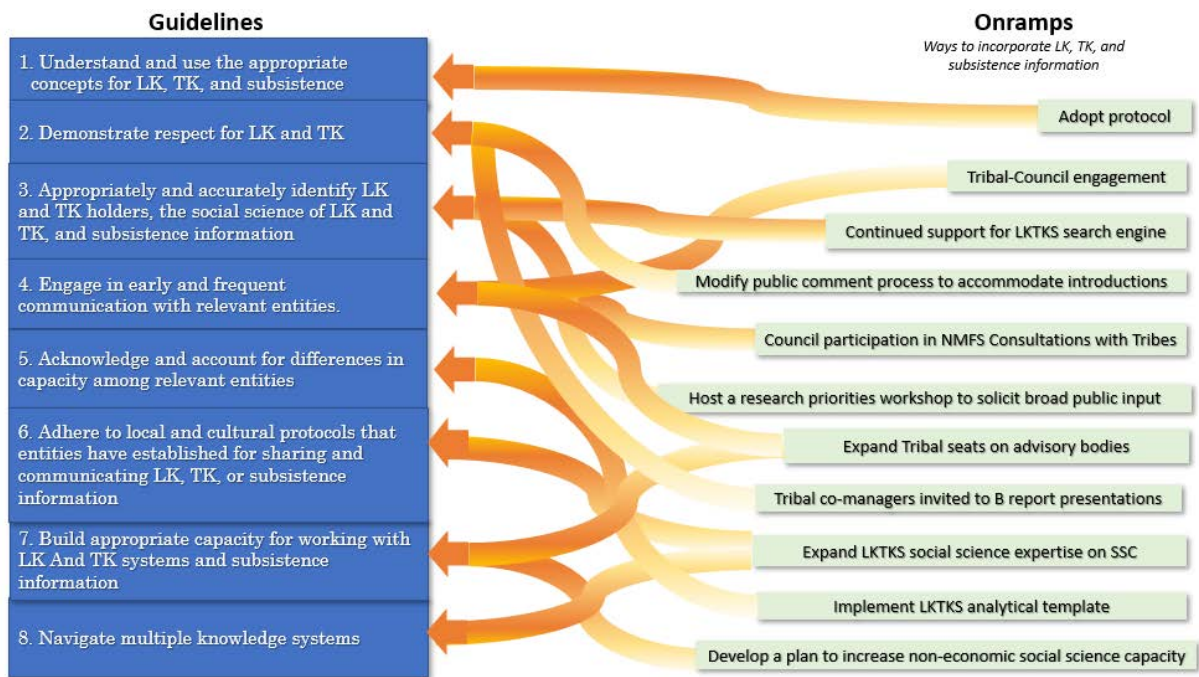
The Taskforce is making this recommendation because, while the LKTKS search engine is a useful tool, and it is anticipated it could help analytical staff more easily locate sources of LKTKS information, there continues to be a dearth of social science research specific to the Council, its process, and regularly occurring actions. As stated above, LK and TK can yield broadscale observations about environmental and climate changes, shifts in species distribution, the importance of particular cultural or subsistence practices and more. It is the non-economic social sciences (e.g., anthropology, sociology, human geography, political science, and others) that are uniquely positioned to collect and analyze LK and TK because of the methodologies that are required to work with these knowledge systems.

Ideas for moving forward

- The Council could write a letter to the Alaska Fisheries Science Center expressing its support for additional non-economic social science staff, particularly with an emphasis working with LK or TK systems.
- The Council could direct the SSPT to complete and report to the SSC and Council its data gaps analysis. Potential examples of such projects include large-scale, regularly occurring IFQ holder surveys, oral histories with Bering Sea crab skippers, etc. These types of broad-scale projects could be designed to achieve multiple research goals (e.g., understanding social and economic impacts or changes in a fishery as well as environmental observations). This analysis is an important first step towards understanding the current gaps and opportunities for social science, but particularly LK, TK, and the social science of LK and TK, in the Council's process.

Figure 1-1 below shows some of the connections between the LKTKS Protocol guidelines and the onramp recommendations and to help illustrate the Taskforce's approach to provide the Council a highly flexible approach for determining whether it wants to take action and initiate future work on any individual onramp(s). For example, adopting the LKTKS Protocol would be a first step towards implementing work on the guidelines by signaling the Council's support and defining its approach to working with LK, TK, and subsistence information.

Figure 1-1 **Connections between onramp recommendations and the LKTKS Protocol guidelines**



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