

June 2, 2011

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

Dear Chairman Olson and Members of the Council:

In 2007, the North Pacific Council voted to establish the Nunivak Island-Etolin Straits- Kuskokwim Bay Habitat Conservation Area (Nunivak HCA) within which bottom trawling is prohibited. The boundaries of the Nunivak HCA were based upon an agreement between the bottom trawl industry and representatives from the Association of Village Council Presidents (AVCP) and its villages. In addition, the Council also established the Northern Bering Sea Research Area (NBSRA) which is adjacent to the Nunivak Island HCA. Taken together, they represent a northern bottom trawl boundary established as a precautionary measure which prevents the bottom trawl fishery from moving northward beyond its current footprint at this time. The Council agreed that in 2011 it would consider making changes to the Nunivak Island-Etolin Strait-Kuskokwim Bay HCA boundary, which is currently twenty miles from Kipnuk. This issue is now scheduled to be considered at the upcoming June 2011 meeting in Nome.

The purpose of this letter is to report to the Council about the progress made since 2007 and to propose that discussion of the Nunivak Island-Etolin Strait-Kuskokwim Bay HCA boundaries be postponed until the December 2011 meeting in Anchorage.

The villages and the bottom trawl industry have both made significant progress since 2007. The villages in the Yukon-Kuskokwim and Bering Strait regions have formed the Bering Sea Elders Advisory Group (BSEAG) to address the Nunivak Island-Etolin Strait-Kuskokwim Bay HCA boundary and the NBSRA. Each of the thirty-nine member villages has designated a respected elder from its community to serve on the BSEAG, and the group frequently meets by teleconference and in-person one to two times per year as its budget allows. The group has also hired Fred Phillip as its Executive Director and has secured the services of attorneys from the Native American Rights Fund and Trustees for Alaska to advise it on hunting and fishing and environmental laws. BSEAG is working cooperatively with AVCP and Kawerak through memoranda of understanding.

The bottom trawl industry has formed the Alaska Seafood Cooperative (AKSC) which has allowed them to manage their bycatch more effectively and invest in gear technology improvements such as the sweep modifications designed to reduce potential adverse impacts on bottom habitat. The AKSC has contracted with Dorothy Lowman, Natural Resource Consultant, to assist in identifying and executing outreach opportunities. As part of this outreach, AKSC has met with representatives from BSEAG approximately ten times. AVCP representatives have participated in many of these sessions and Kawerak representatives participated in the January 2011 BSEAG Summit in Nome.

- In October 2008, the bottom trawl industry met with several members of the BSEAG, the BSEAG chair, and the BSEAG Executive Director.
- In August 2008, Dorothy Lowman traveled to Kwigillingok to meet with BSEAG Executive Committee.
- In June 2009, the AKSC met with the BSEAG Executive Director during the Council meeting regarding plans to resolve concerns about the Nunivak Island-Etolin Strait-Kuskokwim Bay boundary.
- In November 2009, industry representatives traveled to Bethel to attend a BSEAG meeting and provided a presentation about the Alaska Seafood Cooperative and ideas for reviewing the Nunivak Island-Etolin Strait-Kuskokwim Bay boundary issue.
- AKSC and BSEAG met again in December 2009, February 2010, and April 2010 to discuss plans to resolve concerns over the boundary.
- In December 2010, AKSC and BSEAG met in Anchorage and at this time incorporated the Native American Rights Fund for the first time.
- In January 2011, members of AKSC traveled to Nome to attend the BSEAG Summit and provided a detailed presentation on bottom trawling, bycatch, and modified gear.
- BSEAG and AKSC met again in April 2011 in Bethel, and at this meeting BSEAG showed AKSC maps of subsistence use areas that BSEAG had been compiling for the past two years.

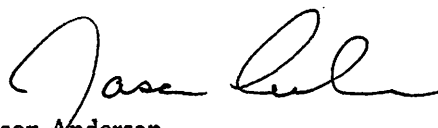
As this list shows, BSEAG and AKSC have devoted a significant amount of time to organizing themselves and meeting with each other in order to develop a process to address the Nunivak Island-Etolin Strait-Kuskokwim Bay boundary issue. At this point, the two groups plan to meet once more over the summer and several times in the fall to exchange proposals and hopefully negotiate a solution that will meet the needs of both the BSEAG and the AKSC. The goal is to protect subsistence hunting and fishing while at the same time provide for a yellowfin sole fishery.

We are the parties with the most knowledge and experience about this particular problem and therefore, we respectfully request that the Council postpone discussion of the Nunivak Island-Etolin Strait-Kuskokwim Bay boundary issue until the December 2011 meeting in Anchorage. At that time, we will notify the Council that we have either reached a solution or that the parties will submit separate proposals.

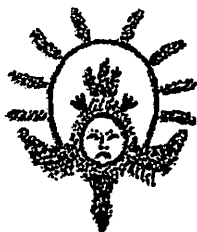
We thank you for your consideration. We encourage the Council to contact the undersigned for further information.

Sincerely,


 Myron P. Naneng, Sr.
 Association of Village Council Presidents


 Jason Anderson
 Alaska Seafood Cooperative


 Fred Phillip
 Bering Sea Elders Advisory Council



Alaska Migratory Bird Co-Management Council
1011 E. Tudor Rd, MS 201
Anchorage, AK 99507
Toll-Free 1-877-229-2344

June 6, 2011

North Pacific Fisheries Management Council
605 W. 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Fax No. (907) 271-2817

Reference: Critical Habitat For Spectacled Eiders in Alaska

Dear Sir:

At the recent meeting of the Alaska Migratory Bird Co-management Council (AMBCC), the AMBCC agreed to encourage the North Pacific Fisheries Management Council (NPFMC) to consider the importance of Spectacled Eider critical habitat south of St. Lawrence Island in the Bering Sea, as you develop recommendations for regulating the trawl fishery in that area.

Spectacled Eider was listed as threatened under the Endangered Species Act in 1993. Critical habitat is designated throughout the species' North American range. One of the areas specifically designated for critical habitat is the wintering area south of St. Lawrence Island for all the Spectacled Eiders known to exist today. Any encroachment by fishing trawlers in or around the designated wintering habitat could result in the depletion of the Spectacled eider forage base and could be deleterious to the species. The AMBCC urges the North Pacific Fisheries Management Council to ensure that any fishing trawler activities avoid the designated critical habitat wintering area and to consider an additional buffer zone around that designated critical habitat to ensure that the birds can continue to winter in that area in perpetuity.

Partner Members: U.S. Fish & Wildlife Service, Alaska Department of Fish & Game, Aleutian/Pribilof Islands Association, Bristol Bay Native Association, Association of Village Council Presidents, Copper River Native Association, Chugach Regional Resources commission, Sun'ag Tribe of Kodiak, Kawerak Inc, Manillaq Association, North Slope Borough, Tanana Chiefs Conference

I have attached a copy of the Federal Register designating the Spectacled Eider Critical Habitat area as a guide to use when discussing the issue. If you need additional information regarding the critical habitat designation, please contact Fred Armstrong, Executive Director at (907) 786-3887.

The AMBCC was formed in 2000, and consists of the U.S. Fish & Wildlife Service, the State of Alaska and eleven representatives of Alaska Natives acting as equals whose primary purpose is to conserve migratory birds through the development of recommendations for the spring and summer subsistence season in Alaska.

Sincerely



Fred Armstrong
Executive Director

Partner Members: U.S. Fish & Wildlife Service, Alaska Department of Fish & Game, Aleutian/Pribilof Islands Association, Bristol Bay Native Association, Association of Village Council Presidents, Copper River Native Association, Chugach Regional Resources commission, Sun'aq Tribe of Kodiak, Kawerak Inc, Manillaq Association, North Slope Borough, Tanana Chiefs Conference

Northern Bering Sea Research Area: C-3 (b)
June 9, 2011

Julie Raymond-Yakoubian
Anthropologist
Kawerak Inc.
POB 948
Nome, AK 99762
juliery@kawerak.org

My name is Julie Raymond-Yakoubian and I work for Kawerak as an Anthropologist. First I want to welcome you to Nome and thank you for choosing to hold your meeting here.

I want to highlight and review some of the concerns that Bering Strait region Tribes have about the northern Bering Sea and the research plan being developed.

- Tribes are extremely concerned about commercial bottom trawl fisheries moving north and have formally expressed to you and to NMFS/AFSC on several occasions that they are opposed to bottom trawl fisheries in the northern Bering Sea.
- The pressures on subsistence resources and the communities that rely on those resources are growing daily – from climate changes that have modified species distributions to increased marine shipping through the region and the threats that that brings, just to mention a few. The cumulative effects of all these pressures are unknown and also likely to become intensified as climate change in the north continues. Tribes should not have to bear the burden of additional pressures on the resources that are critical to their nutritional, cultural, spiritual and economic well-being.
- You heard from Ms. Kimball in the staff report about the ‘community and subsistence workshop’ and the concerns that tribes and tribal organizations expressed then. These have not been addressed – as you heard Ms. Yeoung say in her presentation, they have been “registered.” It should also be pointed out that that workshop was the first time that Tribes heard about the 2010 trawl survey. I’m sure you can understand why Tribes were so upset at that meeting to hear about the trawl survey, just months before it was to happen.
- I want to emphasize that consultation with is **required** by Executive Order 13175 on any actions that have the potential to impact Tribes or Tribal resources – this includes research and planning activities. This has not been completed and it appears that NMFS believes that they are not required to consult on such activities. Again – consultation is required. The fact that it has not been completed, and the fact that Tribes have expressed so much (and such intense) concern on this issue should also be of great concern to the Council as the body that has directed this plan and research to be carried out.
- The AFSC and the Council have both mentioned that they want more and more specific information on subsistence activities and areas of concern related to subsistence. I think that Tribes have provided this information – they are not be evasive when they say that they use and are concerned about the entire northern Bering Sea. This is the truth; people either directly use or indirectly rely upon the entire region.
- If you read the draft NBSRA research plan you will see nothing substantive about subsistence. You also heard little about it in the presentation earlier. Subsistence activities, knowledge and

systems are no less complex than ecological or habitat studies. Subsistence cannot, in fact, be successfully separated from them. The implications of this plan are huge for the residents of our region and it is both frightening and offensive that we are being pushed to the side in the development of this plan, as well as associated research.

- Tribes – the subsistence users we are talking about here – are not just “stakeholders” in this issue. Tribes are sovereign governments and you are talking about their backyard, their bread basket, their cultural practices and heritage. Tribal consultation is not optional and Tribal concerns need to be addressed. This should not wait until an interpretation or analysis phase, it needs to happen now.
- Kawerak strongly recommends that the Council direct NMFS to carry out real and meaningful consultation and that the Council fully participate in this process.

Hendersheet

C 3(b)

Motion is highlighted text only

Northern Bering Sea Research Area Research Plan:

Move that we

* (1) ~~I suggest we request a compilation of background information on the northern Bering Sea ecosystem, previous and ongoing relevant research in the northern Bering Sea, chronic or acute effects of bottom trawl studies, and outcomes of the 2010 and 2011 science and community & subsistence workshops.~~

* (2) This background should be put into a white paper along with a description of the areas within the NBSRA likely to be attractive in the future to commercial trawling interests in order to help focus any subsequent outreach to, and input from, Northern Bering Sea communities.

Back in terms of stock distribution and habitat type
Comment

(4) This is not a high priority, nor need to result in subsequent action.

Note: Some of the research has been summarized already for presentations to the various workshops. The information on potential areas of interest by the trawl industry would not only inform further outreach to and input from communities, but also inform the Council as to whether there is need to develop a research plan in the future.

* (3) The white paper should also provide some discussion of the feasibility of conducting additional research into the acute and chronic effects of trawling in the Northern Bering Sea region in the Modified Gear Trawl zone.

Supportive of work done by Bering Sea Elders Advisory Group

Research plan requires -

Council taking a step back

re-evaluate both how and where research is done

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: C-3(b) ~~Original Document~~ Northern Bering Sea Research Plan

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	Charles O. Degnan	Native Village of Unalakleet
2	Jon Warrenchuk	Oceana
3	FRED PHILLIP / Muriel Morse } Dorothy childrens }	BERING SEA Elders - AMCC
4		
5	Tim Andrew	AUCP
6	DAVID O. DAVID	myself
7	Michael Sloan	Nome Eskimo Community
8	Julie Raymond-Yakoubian	Kawerak
9	TIM SMITH	NOME FISHERMEN'S ASSOCIATION
10	ERIC OSBORNE	Commercial Fisher (sole)
11	Loretta Bullard	Kawerak
12	Az e NAWOFF	SNAC
13	Edwina Krier	Native Village of Diomed
14	JOHN GAUVIN	Alaska Seafood Cooperative
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.