

Summary of Amendments 89 and 94 to the BSAI Groundfish FMP: Bering Sea Habitat Conservation Measures

In June 2007, the Council adopted precautionary measures to conserve benthic fish habitat in the Bering Sea by “freezing the footprint” of bottom trawling and limiting trawl effort only to those areas more recently trawled. The measures prohibit bottom trawling in a deep slope and basin area (47,000 nm²) and the Northern Bering Sea Research Area that includes the shelf waters to the north of St. Matthew Island (85,000 nm²).

The entire Northern Bering Sea Research Area is closed to bottom trawling while a research plan is developed. The research plan may include an adaptive management design, which could allow bottom trawling in designated areas to evaluate effects, or research using other experimental fishing approaches. Specific areas within the Northern Bering Sea Research Area, however, will always remain closed to bottom trawling. These Habitat Conservation Areas (HCAs) were established to conserve blue king crab habitat and other essential fish habitat where subsistence harvesting and small-scale local fisheries take place, and include the nearshore areas of Nunivak Island and Kuskokwim Bay, and around St. Lawrence and St. Matthew Islands. The research plan may also identify additional protection measures for blue king and snow crab, marine mammals, ESA-listed species, and subsistence needs for western Alaska communities in nearshore areas.

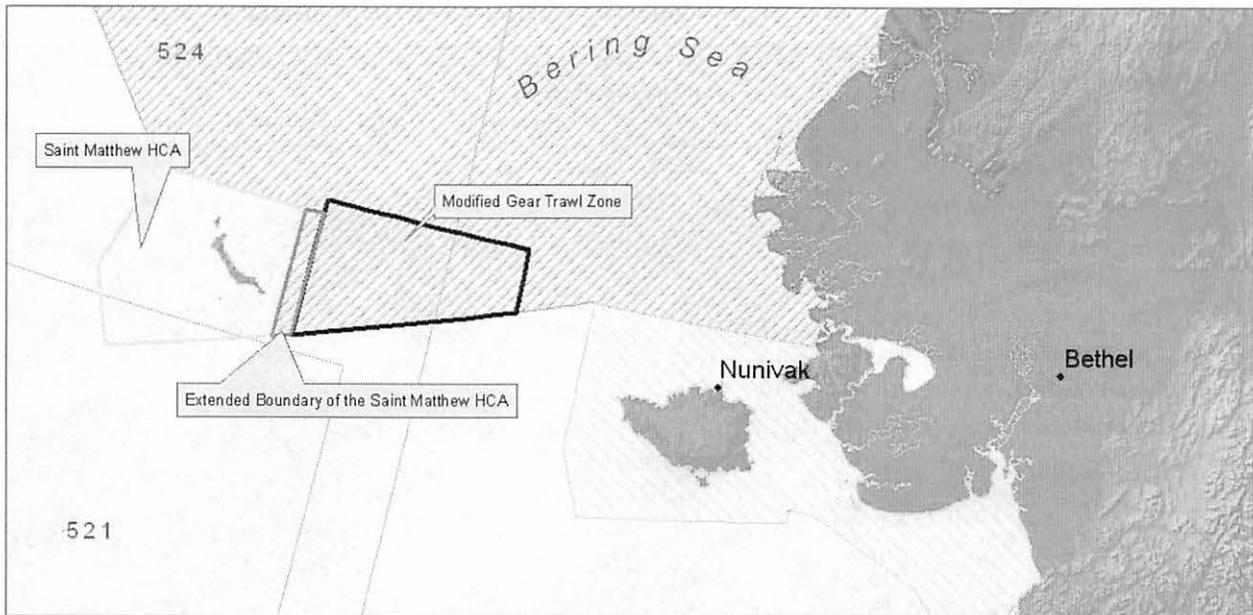
Bering Sea Habitat Conservation measures, as adopted by the Council and implemented in August 2008.



As a trailing amendment, following the adoption of Amendment 89, the Council adopted restrictions for the Bering Sea flatfish fishery in October 2009, following three years of research by the Alaska Fisheries Science Center, in cooperation with the flatfish industry. Under Amendment 94, any vessel targeting flatfish with nonpelagic trawl gear anywhere in the Bering Sea subarea of the BSAI management area is required to use elevating devices (e.g., discs or bobbins) on their trawl sweeps. The gear modification raises trawl sweeps off the seabed, and protects habitat by reducing damage to seafloor invertebrates, including crab species. The regulations implementing this amendment became effective at the beginning of the 2011 fishing year, in order to provide sufficient time for vessels to make any modifications necessary to comply with the gear requirement.

In addition to the trawl sweep modification, the amendment revised the boundaries of the St Matthew Island HCA and the Northern Bering Sea Research Area, and created a Modified Gear Trawl Zone (MGTZ). The Council moved the eastern boundary of the St Matthew Island HCA in order to provide some additional protection for blue king crab populations that are located to the east of the island. The MGTZ was part of the NBSRA as implemented in 2008, but the NBSRA boundary was revised to exclude this area. In the MGTZ, the use of modified trawl sweeps would be required at all times when using nonpelagic trawl gear, no matter what the target fishery.

Changes to the Bering Sea Habitat Conservation measures, as implemented in 2011 under Amendment 94.



November 23, 2011

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

Dear Chairman Olson and Members of the Council:

The purpose of this letter is to describe progress since the June 2011 North Pacific Fishery Management Council (Council) meeting on the Nunivak Island-Etolin Strait-Kuskokwim Bay Habitat Conservation Area (HCA) boundary, and request that the Council postpone discussion of this issue until the April 2012 meeting in Anchorage to allow for further discussions and consideration of additional information.

In 2007, the Council adopted the HCA, within which non-pelagic trawling is prohibited. The HCA boundaries were based upon an agreement between the flatfish industry and representatives from the Association of Village Council Presidents (AVCP) and its villages. The Council agreed to consider in 2011 making changes to the HCA boundary, which is currently twenty miles from Kipnuk.

At the June 2011 Council meeting in Nome, representatives from the Bering Sea Elders Group (BSEG, formally the Bering Sea Elders Advisory Group) and the Alaska Seafood Cooperative (AKSC) presented a letter to the Council describing progress since 2007 and proposing that discussion of the HCA boundary be postponed until the December 2011 meeting in Anchorage (see attached). The Council agreed and scheduled this issue into its December 2011 agenda.

In addition to the meetings described in the attached letter, the following groups have engaged in several meetings:

- Subsequent to Council action at the June 2011 meeting, AKSC, the BSEG Chair and Executive Director, AVCP, the Native American Rights Fund (NARF), Trustees for Alaska (TFA), and the Alaska Marine Conservation Council (AMCC) met in Nome to discuss a process leading to the December 2011 Council meeting.
- In June 2011, AKSC received a proposal from BSEG and AVCP (through NARF and TFA) to extend the current HCA boundary.
- In August 2011, AKSC met with BSEG, AVCP, NARF, TFA, and AMCC in Anchorage. The group discussed the implications of the BSEG/AVCP proposal relative to summer yellowfin sole fishing, halibut bycatch, and local commercial and subsistence use.
- In October 2011, BSEG and AVCP received a proposal from AKSC to establish incentives to decrease halibut bycatch within the BSEG/AVCP proposal area, create a working group among industry and western Alaska partners, and fund research to address concerns relative to yellowfin sole fishing within the BSEG/AVCP proposal area.
- In November 2011, AKSC met with BSEG, AVCP, NARF, TFA, and AMCC in Bethel to discuss the AKSC proposal. While BSEG and AVCP were receptive to some aspects

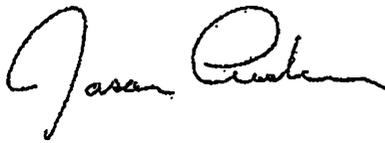
of the AKSC proposal and agreed to further discussion, they indicated that they would like to explore additional options, some of which rely on detailed fishing and subsistence use information they are in the process of collecting. There is not sufficient time to obtain that information and reach a stable resolution of these issues before the December 2011 Council meeting.

BSEG, AVCP, and AKSC continue to engage in good faith discussions and hope to come to a mutually satisfactory agreement for presentation to the Council. Postponing Council discussion until the April 2012 meeting would allow BSEG and AVCP to collect information that would further inform these discussions and provide resolution. The group is scheduled to meet during the December 2011 Council meeting and plans to meet once per month, at a minimum, prior to April 2012. Our goal continues to be to protect subsistence hunting and fishing while at the same time providing for a yellowfin sole fishery.

For these reasons, we respectfully request that the Council postpone discussion of the HCA boundary issue until the April 2012 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.

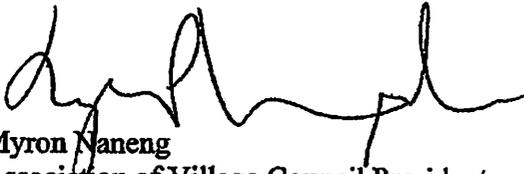
Sincerely,



Jason Anderson
Alaska Seafood Cooperative



Fred Phillip
Bering Sea Elders Group



Myron Naneng
Association of Village Council Presidents

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.

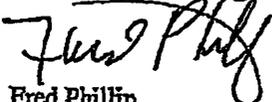
As this list shows, BSEAG and AKSC have devoted a significant amount of time to organizing themselves and meeting with each other in order to develop a process to address the Nunivak Island-Etolin Strait-Kuskokwim Bay boundary issue. At this point, the two groups plan to meet once more over the summer 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


Fred Phillip
Bering Sea Elders Advisory Council


Jason Anderson
Alaska Seafood Cooperative