

A potential approach to implementing the Council's Groundfish Policy Workplan priority: Increase Alaska Native and Community Consultation

Revised draft May 16, 2008

Introduction

The Council reviewed a discussion paper in February 2008 that was provided in response to one of the management objectives in the Final Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement (Programmatic SEIS) (NMFS, August 26, 2004). The management objective (#37) is: "Increase Alaska Native participation and consultation in fishery management." This priority was reinforced by public comments received on the draft plan. While all of the management objectives resulting from the Programmatic SEIS are part of the Council's overall management policy, there are several that have been identified as priority actions through a workplan. One of the priority actions in the workplan is directly related to management objective #37. Note that this priority is not limited to Alaska Native interests, it includes communities in general:

Increase Alaska Native and Community Consultation

- a. *Develop a protocol or strategy for improving the Alaska Native and community consultation process*
- b. *Develop a method for systematic documentation of Alaska Native and community participation in the development of management actions*

The paper provided in February 2008 outlined a draft approach to implementing the above workplan priority, as well as background on the current Council process and existing Federal policies and processes for Native (tribal) consultation that govern the actions of executive branch agencies. This paper is attached as **Appendix 1** for reference. Note that the primary Federal mandate for Native consultation is Executive Order 13175, which requires executive agencies¹ to establish regular and meaningful consultation and collaboration with Indian tribes² in the development of Federal policies that have tribal implications. "Policies that have tribal implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that 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. While the Council does not fall under the definition of executive agency for the purposes of E.O. 13175 and is not required to provide formal consultation with tribes, the impetus for this paper is the Council's independent desire to improve communication and consultation with communities and Alaska Native entities, per the programmatic workplan priority. Note that this does not mean that the Council could not be party to a

¹ For the purpose of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 'agency' means any authority of the U.S. that is an 'agency' under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5). In 44 U.S.C. 3502(1): the term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include - (A) the General Accounting Office; (B) Federal Election Commission; (C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or (D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities.

² "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. Note, however, that Section 161 of the Consolidated Appropriations Act of 2004 (Public Law 108-199), as amended by Section 518 of the Consolidated Appropriations Act of 2005 (Public Law 108-447), extends the consultation requirements of Executive Order 13175 to Alaska Native corporations.

consultation process undertaken by NMFS, but it does mean that the responsibility for consultation as required under E.O. 13175 remains with NMFS.

NMFS undertakes a formal consultation process with Federally-recognized tribal governments under E.O. 13175 during the development of proposed management actions. Almost half of all Federally-recognized tribes in the U.S. are located in Alaska. There are currently 229 tribal entities within Alaska that are Federally-recognized tribes, which are those officially recognized as such by inclusion in the list of “Indian Entities Recognized and Eligible to Receive Services from the U.S. Bureau of Indian Affairs.” This list is updated annually.³

In addition, per amendments to the Consolidated Appropriations Act of 2005, Federal agencies are required to consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175. There are currently 13 Alaska Native Regional Corporations (ANRCs) and over 100 Alaska Native village corporations, as created under the provisions of the Alaska Native Claims Settlement Act (ANCSA). However, while NMFS has a special obligation to consult with ANCSA corporations and tribal governments under E.O. 13175, the agency typically sends a letter to more than 700 Native corporations, commissions, village councils, regional non-profit corporations, city governments, and boroughs to inform these entities of a proposed action and solicit feedback during the process. There is significant overlap among the 700 groups contacted by the agency in terms of represented regions and Native villages, however, the point is that it is a very large number of entities with which to consult.

In sum, the impetus for action by the Council is its own policy priority to improve Alaska Native and community consultation processes, as identified in the workplan resulting from the Programmatic SEIS. In February and April 2008, the Council expressed interest in several ideas proposed in the February 2008 paper to expand both formal and informal communication and consultation with communities and Alaska Native entities and ways to document such a process. The purpose of this updated paper is to discuss and further develop some of those concepts in order to make progress on an overall approach. While this paper expands on ideas discussed in the February 2008 paper, it deviates from the initial categorization of formal and informal consultation approaches. This paper instead categorizes the approaches as ‘ongoing’ and ‘project-specific’.

In February, the Council stated that it would like to review progress on this effort at least annually, with a scheduled report at each June Council meeting. The intent is for the Council to review this paper at the June 2008 Council meeting, and take action as determined necessary. The suggestions in this paper should be considered a starting point for Council review.

Proposed approaches to expand ‘ongoing’ consultation

A short review of the Council’s existing process relative to meetings and representation on committees, the Advisory Panel, and the Council itself, is provided in Appendix 1. Aside from its public meetings, the Council uses an email list, website, mailings, newsletters, etc., to regularly reach out to stakeholders, and recently created a handbook entitled “Navigating the North Pacific Council Process.”⁴ The Council also participates in annual conferences and meetings throughout the North Pacific and beyond, when appropriate. These are the Council’s standard ways of communicating with the public about its purpose, agenda, and upcoming management actions.

³73 FR 18553, April 4, 2008.

⁴http://www.fakr.noaa.gov/npfmc/misc_pub/Navigating_NPFMC.pdf

Clearly, there are logistical and financial challenges for rural residents to participate in Council meetings that most regional councils do not face. As the majority of Alaska communities are not located on the road system, the cost and frequency of airline flights makes travel to meetings more time-consuming and expensive. Thus, even though Council meetings are open to the public, travel to the usual meeting sites (Anchorage, Seattle, Portland, Kodiak, Dutch Harbor, Sitka) is often cost-prohibitive to members of rural communities. This is important to note if only to qualify the common viewpoint that simply having open meetings enables public participation. While the Council has been responsive to rural and Alaska Native concerns when they are effectively raised at the Council meetings, the more relevant question is how to get those concerns to the table.

There are several possible ways to expand and improve upon the Council's efforts to provide ongoing consultation with potentially affected stakeholders, particularly communities and Alaska Native entities. For the purpose of this paper, 'ongoing' consultation and communication differs from 'project-specific' consultation in that it denotes a regular and consistent method of communication that is undertaken regardless of any particular proposed management action.

The following were discussed in February 2008 as possible ways to expand ongoing consultation:

- Create a standing committee of Alaska Native, rural community and Council representatives to discuss ongoing issues and convey information between parties.
- Provide funding for one or two Council members and staff members to travel to Alaska Native and rural communities to discuss ongoing issues and convey information between parties.
- Hire a Tribal/Communities Liaison or assign existing Council staff to oversee the above (and including the project-specific protocol discussed in the following section) and maintain ongoing and proactive relations with Alaska Native and/or community entities.
- Participate in national, regional, and local conferences pertaining to tribal and community fishing interests (e.g., the National Tribal Environmental Conference; Alaska's Fishing Communities: Harvesting the Future; Alaska Young Fishermen's Summit).

The four ideas above are potential ways to better engage communities and Alaska Native entities on a consistent basis, with the intent to provide meaningful two-way communication. They are not mutually exclusive. **One approach is to create a standing committee of Alaska Native and rural community representatives, which would meet on a regular basis to review Council issues.** Appropriate representation (e.g., key individuals in the community or regional leaders) on such a committee would provide the means to disseminate information back into the represented regions, as well as provide a liaison for communities to contact the Council.

Note, however, that all of the Council's existing committees are 'no-host', meaning travel and accommodations are not paid for by the Council. As mentioned previously, such expenses may currently prohibit many individuals from rural communities to volunteer for committee seats or attend Council meetings. However, understanding that participation on this type of committee would likely be much more effective than providing several minutes of public testimony at various Council meetings may spur the necessary interest, investment, and participation. In addition, the Council could consider hosting the committee meetings in various rural communities, such that a portion of members would not need to travel each time. Possibly committee members could also seek travel scholarships from their representative regional or village Native corporation, or CDQ corporation, if applicable. Leveraging existing regional community and Native structures in order to fund travel for rural community residents may have merit.

Related to the issue of securing the appropriate individuals to represent the broad stakeholder groups present in communities is the need to ensure that the committee membership adequately covers the regions of Alaska. Alaska is commonly divided into the following regions, four of which are coastal: Southeast, Southcentral, Southwest, Interior, and Far North. These are huge geographic regions, however, each encompassing many major communities and hundreds of smaller ones. For example, the U.S. Census recognizes 349 Alaska communities, including both incorporated cities and Census designated places. The Alaska Fisheries Science Center recently identified and profiled 136 Alaska communities that have significant involvement in commercial North Pacific fisheries, and 125 in other U.S. states.^{5,6} In addition to geographic representation, it was noted earlier that there are currently 229 Federally-recognized tribal entities within Alaska, 13 Alaska Native regional corporations, over 100 Alaska Native village corporations, and many more commissions, village councils, and regional non-profit corporations. Determining adequate representation for these regions and Native entities, while maintaining a committee of workable size, will require a deliberative process should the Council decide to initiate such a committee.

A balanced, diverse group is necessary in order to create a highly effective committee, and to reduce the risk that an important perspective or interest is overlooked during the committee process. Some Council committees make recommendations to the Council by consensus, and others by majority vote. Council committees typically range from six to twelve members, with some exceptions. To be ‘workable’, a standing committee of community and Native representatives would likely need to stay within this general range. While it is a notable goal to ensure that all of the appropriate regions and groups are represented on this type of committee, it is often evident that very large committees cannot work efficiently or agree on a potential range of solutions. Meetings are necessarily longer and each person has less time to contribute, potentially resulting in participants feeling that their input is not given adequate attention. The Council would need to take on the difficult task of balancing the need for broad regional and Native representation with the need to limit committee size to a level that is efficient and productive. In effect, not every community or Alaska Native group could be directly represented. Because individual communities, even those located in the same geographic region, can have very different backgrounds, fishing interests, and public policy positions, it may be extremely difficult to constitute a committee that represents each of the major regions of Alaska, and its associated Native groups, in a meaningful way.

The second idea is to provide funding for one or two Council members and staff members to travel to Alaska Native and rural communities to discuss ongoing issues and convey information between parties. The idea is to provide an opportunity for two-way communication, and update community residents on Council actions and issues. This initiative differs from the committee approach in that it makes Council members and staff available in various rural communities, and any interested community members could attend. Thus, communities and the Council could benefit from interaction with a larger group of stakeholders from any one community or group of communities. In addition, this approach does not require community members to travel, or at least limits travel to a nearby community, and it allows Council members and staff to experience and better understand a place that might otherwise be unrepresented in the Council process.

⁵“Community Profiles for North Pacific Fisheries – Alaska”, by J.A. Sepez et al, U.S. Dept. of Commerce, NOAA Tech Memo. NMFS-AFSC-160, December 2005. “Community Profiles for West Coast and North Pacific Fisheries – Washington, Oregon and Other U.S. States”, by K. Norman et al. U.S. Dept. of Commerce, NOAA Tech. Memo. NMFS-NWFSC-85, November 2007.

⁶ This document notes that while the profiles include information on recreational and subsistence fisheries, the selection process for determining the communities to profile was based solely on commercial fisheries data. Future efforts to update this document will include indicators of recreational and subsistence fisheries in order to select communities for profiling.

One of the questions associated with this approach is how to address the information or feedback gathered during these sessions. In order for this information to be disseminated to the rest of the Council and used to inform potential actions, it would need to be documented, organized, and presented to the Council, as part of the Council agenda. While part of the value of this approach is in the face-to-face meeting, and making Council members available to the residents of communities, another primary benefit (two-way communication) requires that the information gained reaches the rest of the Council and staff in a way that can be understood and used to inform policy decisions.

Resources and funding for such an effort may be an issue, depending on the number of communities targeted annually. For example, travel to many remote Alaska communities from Anchorage can range from \$500 - \$1,000, with some flights to the Aleutians exceeding \$1,000. Including other typical travel expenses, a trip for three Council/staff members could reasonably reach \$3,000, excluding any Council salaries. Under an example annual budget of \$12,000, approximately four communities (potentially one in each major coastal region of Alaska) could be visited per year. Thus, one of the disadvantages of this approach is the limited ability to visit any one community or region frequently. The benefit of bringing Council members to rural communities is balanced with the tradeoff of not being able to provide a regular presence in any one community. By comparison, with the appropriate representation, a standing committee would potentially allow for communication with all regions on a more regular basis. Both approaches could also be used in tandem, depending on funding and staff availability.

Both the committee approach and sending Council members out to rural communities will require additional staff resources, spurring the third idea of hiring a Tribal Liaison or reassigning existing Council staff to maintain ongoing and proactive relations with Alaska Native and/or community entities. Finding the appropriate contacts in communities, publicizing, coordinating and staffing meetings, preparing presentations, and producing follow-up reports take significant staff time, current staff for which are already allocated to other Council projects. Depending upon the frequency of meetings and/or the scope of communities visited, these approaches, combined with the project-specific consultation approaches in the following section, could necessitate a full-time staff member dedicated to these efforts, or the hiring of a consulting firm that specializes in this type of outreach. This issue is discussed further in the following section.

In sum, there are several details that would need to be addressed regarding these approaches:

- Representation on a standing committee (e.g., how to adequately represent the numerous appropriate regions, communities, and interests)
- Budget for sending Council members to rural communities
- Determining which communities would be visited and on what schedule
- How to compile and disseminate the information gathered during community meetings
- Staff resource issues

The issues outlined above may best be addressed by the Council, or a committee of Council members, in order to reach agreement on the details of a preferred approach. The Gulf of Mexico Fishery Management Council, for example, has recently initiated an Outreach and Education Committee, comprised of Council members and staff. The general purpose of the committee is to determine how the Gulf Council can improve outreach and education efforts.⁷

Finally, the fourth approach envisions a renewed effort to participate in national, regional, and local conferences pertaining to tribal and community fishing interests (e.g., the National Tribal Environmental Conference; Alaska's Fishing Communities: Harvesting the Future; Alaska Young

⁷Personal communication with Charlene Ponce, Public Information Officer, Gulf of Mexico Fishery Management Council, May 12, 2008.

Fishermen's Summit, Alaska Federation of Natives Annual Meeting, Alaska Tribal Conference on Environmental Management, etc.). The Council has helped sponsor and staff the steering committee for two fishing community conferences in 2005 and 2006. These conferences provided a forum for community members to exchange ideas and discuss how to support Alaska's coastal communities, fishing and seafood businesses, as well as develop strategies to ensure the sustainability of fishing for the benefit of the next generation. Feedback from those meetings, in the form of post-conference evaluations, emphasized that there is great value in being able to meet and discuss issues with Council members and other policymakers in a relatively informal workshop setting. Broadening the Council's presence (e.g., attending, staffing a booth) to annual conferences that are targeted specifically to rural and/or Native communities may provide new opportunities for communication with stakeholders not otherwise regularly reached at the Council meetings. The benefit of this approach is the wide variety of community representatives attending such meetings. The costs would include staff time or hired consultants, travel, and meeting registration fees and/or information booth fees. This approach is also beneficial for providing information to communities. To receive information, the Council may choose to set up specific opportunities, such as workshops or focus groups hosted at the meetings, and a mechanism for reporting on the results.

Proposed protocol to expand 'project-specific' consultation

There are many ways to expand and improve upon the Council's efforts to provide consultation with potentially affected community and Alaska Native stakeholders during the development of a specific management action, beyond that already provided through the regular Council public process. This section differs from ongoing consultation in that it provides a standardized, step-wise approach to notifying and communicating with community and Native entities when a particular fishery management action is proposed that may uniquely affect those entities. The following were proposed in February 2008 as possible ways to expand project-specific consultation:

1. Develop a GIS database that links standardized geographic areas (e.g., ADF&G statistical areas, IPHC areas, Federal management areas, etc) to a list of potentially affected communities located in or adjacent to those areas, or with significant stakeholder interests in those areas. Further links could be developed between the geographic community and the Alaska Native and/or governing entities present in the community. This would allow a more standardized approach to identifying the specific subset of Alaska Native and other community entities that should be contacted and/or consulted with during the development of a management action in a particular geographic area.
2. Contact/survey the identified entities to solicit input as to how they prefer to be contacted should the Council need to contact or consult with them on a proposed management action.
3. Contact (by email, fax, or letter) and solicit input from entities identified as being potentially affected by the proposed action, prior to the development of the final suite of alternatives for analysis. Provide each entity with the brochure on the Council process (*Navigating the North Pacific Council Process*).
4. Convene personal meetings, video conferences, or teleconferences, as necessary and appropriate, during the scoping of the alternatives for analysis. This step may only be necessary when it is determined that a Federal action has significant, unique, or substantial direct effects on an Alaska Native entity or community.
5. Contact (by email, fax, or letter) and solicit input from entities identified as being potentially affected by the proposed action, prior to the Council's scheduled final action.

6. Create a section in or appendix to each analytical document (EA/RIR/IRFA or EIS/RIR/IRFA) provided to the Council that identifies the tribes and/or communities whose interests may potentially be affected by the proposed action. Include a summary of the process undertaken to solicit input from affected entities, including solicitations for input, public meetings, or the distribution of documents. A brief summary of the issues discussed at meetings should be provided and made available to decision makers. This ensures that the consultation process is part of the formal record.
7. Upon formation of a Council committee, workgroup, or plan team on a particular issue, consider representation from an affected Alaska Native and/or community entity or entities.

Note that #1, development of a GIS database, could be undertaken by Council staff absent approval of a formal approach to increasing consultation with communities and Alaska Native groups. Unless directed otherwise, staff will work on implementing such a database in order to better inform analysts and the public on the potential impacts of a proposed action. This type of database is intended to provide a standardized method for identifying potentially affected communities and community stakeholders, including Alaska Natives, during the development of a management action in a particular geographic area. The Alaska Fisheries Science Center has compiled a list of hundreds of addresses and e-mails for representatives of the communities profiled for their involvement in commercial fisheries. For Alaska communities, these points of contact include cities, tribes, village corporations, regional corporations, and boroughs. However, this list is in need of updating and maintenance.

Several of the other proposed approaches (#2 - #6) may need to be incorporated into a more formal approach toward meeting the Council's stated priority. These approaches together comprise a step-by-step process that could be undertaken each time a potentially significant management action is being developed that may affect communities and/or Alaska Native entities. The primary intent of these ideas is to identify affected community and Native stakeholders and take steps to ensure that they are provided meaningful opportunities to participate during development of management actions. Council concurrence on an outreach approach is necessary not only because it is appropriate to seek Council approval on this type of policy, but because such outreach efforts can considerably affect the timeline, staff resources, and cost associated with a project.

Finally, #7 proposes that, upon formation of a Council committee, workgroup, or plan team on a particular issue, the Council consider representation from an affected Alaska Native and/or community entity or entities. This idea is aligned with the Council's typical 'ad-hoc' committee process, in that a committee is formed when a specific action is initiated which warrants detailed development and review by a particular group of stakeholders. Committees are often formed at the initial stages of an analysis, and are tasked to make recommendations on the problem statement, the suite of alternatives to be analyzed, and the preferred alternative. Ensuring that community and/or Alaska Native representation is present on committees, on an issue by issue basis, is one way to enhance formal participation.

An ad-hoc committee will generate challenges related to representation similar to those discussed under the standing committee approach. However, it is also likely that the proposed management action that spurred the initiation of an ad-hoc committee affects a narrower geographic range and stakeholder group than would be necessary on a broad-based, State-wide, standing committee. Participation is also likely to be stronger when there is a focused action, and committee members can be chosen that have a direct interest in and knowledge of the area and action at hand. It may be more difficult to select committee members for a standing committee that reviews a multitude of Council issues that can have meaningful participation on each of those issues. Individuals that may well represent a broad group of stakeholders may not be the same individuals that would best represent stakeholders that may be substantially, directly affected by a particular action.

Note, however, that ad-hoc committees are typically dominated by industry (and other) representatives due to their interest and expertise in the proposed action. Thus, community and/or Native interests would not necessarily be the primary voice on the committee, and may feel their views would be more effectively expressed through a committee that is more aligned with those interests overall (i.e., a standing committee). Essentially, the question is whether community and Native groups would be better served by being represented on a standing committee that may review Council issues on a periodic basis, including specific proposed actions, or on ad-hoc committees whose representation would be determined by the specific management action at issue. Both approaches have advantages and disadvantages, but representation on an ad-hoc committee that is formed at the initial stages of a proposed management action may allow for more meaningful contributions from community and Native stakeholders.

Example of project-specific consultation: Arctic FMP

The above proposed approach (#3 - #6) to project-specific consultation was tested during the development of the Arctic Fishery Management Plan (Arctic FMP). The Council approved an outreach plan for the Arctic FMP in order to solicit input from affected communities and stakeholders in a region in which the Council has limited previous experience. Council staff is responsible for overseeing this effort and maintaining ongoing and proactive dialogue with Native and rural communities as the Arctic FMP evolves. While the Council will receive a report on this outreach effort as part of initial review of the draft environmental analysis (EA) in October, a brief summary is provided here.⁸ The general sequence of outreach activities is as follows:

- Identify coastal communities within North Slope Borough, Northwest Arctic Borough, & Nome Census Area that are adjacent to the action area (Chukchi Sea, Beaufort Sea and Nome area).
- Identify regional and village corporations, community governments, or other community or Native entities in each of those communities (e.g., regional nonprofits, etc.).
- Initial contact will be made with Kawerak, Maniilaq Corporation, Northwest Arctic Borough, North Slope Borough, Alaska Eskimo Whaling Commission, and Eskimo Walrus Commission. Once the leadership for these groups is identified, develop contact information for each of those entities.
- Contact each of the above six organizations, plus additional regional groups or other groups associated with Arctic resource management or development, and explain the Council's proposed Arctic FMP. Seek recommendations for further outreach to members of these groups, including regional villages, Native organizations, Tribal organizations, IRA Councils, or other entities.
- Follow through with the recommendations obtained above. This may involve contact (by letter) and a request for input from each individual and entity identified as being potentially affected by the proposed action, prior to the release of the preliminary analysis. Letter contact may include:
 - One-page flyer on the Council's proposed Arctic FMP development
 - New brochure on Council process: *Navigating the North Pacific Council Process*
 - June 2007 Council motion on Arctic FMP
 - Other materials that may be appropriate for the recipients

⁸Generally taken from the draft Environmental Assessment for the Arctic Fishery Management Plan, Appendix II: Outreach Program Summary.

- Convene meetings as necessary and appropriate during the development of the analysis. This step may only be necessary if it is determined that the action has significant, unique, or substantial direct effects on a particular community. This could also be prompted by strong desires from individual communities that they have an opportunity for face to face discussion of the proposed action outside of the Council meetings or FMP Team meetings.
- Contact (by email, fax, or letter) and solicit input from each entity identified as being potentially affected by the proposed action, prior to the Council's scheduled final action (June 2008).
- After a decision by the Council, follow-up with the potentially affected entities (by email, fax, or letter) as to the results of the Council's action. Convey that the Council's action is a recommendation to the Secretary of Commerce, and further input can be provided to the Secretary.
- Document this consultation process including a summary of the process undertaken to solicit input from affected entities, solicitations for input, summaries of public meetings, and documents distributed. Include a brief summary of the participants and issues discussed at meetings.

The draft EA for the Arctic FMP notes that initial contacts were made with individuals either known to Council staff or recommended to staff during public comment or letters sent to the Council. From these initial contacts, additional persons and organizations were identified with whom further contact might be appropriate. Some initial contacts were made by email, others by phone or personal visits. Early opportunities for informing the public of the Council's intent for Arctic fishery management were during the December 2006, April 2007, and June 2007 Council meetings, at which times interested members of the public either testified or discussed with staff and Council members their particular interests in the Arctic. During the October 2007 Council meeting, additional clarification was provided for the proposed alternatives to be analyzed, and additional public comment was received. The Council was provided an update on outreach efforts at its December 2007 meeting, at which additional public comment was received.

Subsequently, a list of potential entities in villages of the northwest and Arctic regions was prepared, and specific individuals were identified for each entity. The Council's Ecosystem Committee recommended, and the Council concurred, that only specific individuals in entities that represented groups of villages be contacted first. The objective was to discuss with regional leaders the most appropriate way to increase participation and to help get the information out to the various individual villages, IRA Councils, or other organizations. A comprehensive discussion of the outreach plan, the main contacts made, the nature of the discussions, and any resulting recommendations are provided in the Arctic FMP EA the Council will review in October 2008. **Appendix 2** to this paper provides a list of travel and meetings attended as part of the Arctic FMP outreach plan.

A preliminary evaluation of the outreach process undertaken for the Arctic FMP suggests that it is relatively successful in terms of the scope of contacts made, the various methods used to contact individuals and groups, and participation at meetings. However, the staff time necessary to support such a process is not insignificant. Staff estimates that finding and making initial contacts took about 51 hours of staff time, and primary travel to communities and presentations took about 85 hours. Follow up contact and outreach as the analysis for the Arctic FMP is reviewed and finalized through the Council process is expected to take another 40 to 80 hours.⁹ In addition, the amount of time necessary to make initial

⁹Estimates from Council staff member, Bill Wilson. These estimates exclude staff time dedicated to focused presentations and/or workshops (i.e., those not particular to any community, Native, or regional interest) and time spent informally discussing the Arctic FMP with interested stakeholders at Council meetings, etc.

contacts and organize meetings would likely have been greater had the analyst not had professional experience and personal contacts in the region. This particular staff member has about thirty years experience working in the Arctic, which was of substantial value in this effort.

Issues with the project-specific approach

The situation with the Arctic FMP may be somewhat unique, in that the primary analyst was available and sufficient time was allotted to fulfill the outreach plan. In most cases, there would likely be a significant tradeoff in terms of staff time dedicated to outreach versus completing the analysis in a specified timeframe. With the responsibility of making community and Native consultation a priority comes the practical reality of increased time necessary prior to final action. A case in point is the current Bering Sea Chinook salmon bycatch management EIS that is currently under development and subject to a challenging timeline, with initial review scheduled for this June Council meeting. Had the primary analysts also been tasked to undertake the type of outreach plan developed for the Arctic FMP and proposed in this paper prior to the initial draft, the draft EIS could not have been completed for the June meeting. Thus, while the proposed salmon bycatch action likely warrants a specific outreach plan, the need to take action quickly makes it a more difficult undertaking. The Council and the public need to be aware that project timelines would likely be extended in order to incorporate these efforts.

Related to this issue is how to staff such an effort for the project-specific approach, given existing staffing and schedule constraints. As noted in the Arctic FMP example, the lead Council analyst also carried out the outreach plan. Unless new staff is hired or existing staff are reassigned, the lead analyst on each project would necessarily also head and maintain the outreach efforts associated with their particular project, the time for which is potentially significant. Even if new staff is hired or existing staff is reassigned such that their primary duties are community and Native consultation, the primary analysts would need to be involved to some extent in order to provide presentations and details on the proposed action that an outreach specialist or tribal liaison would not be able to provide. Thus, hiring or reassigning staff to specifically focus on these efforts would substantially lessen the responsibility of the analysts but not remove it completely.

Another of the fundamental questions related to the project-specific approach is how to determine which projects warrant a focused, but comprehensive outreach effort, such as was undertaken for the Arctic FMP. Clearly, this decision would need to be made on a subjective basis, but several general criteria could be considered. For example, is the proposed action likely to have substantial direct effects on one or more Alaska Native entities or communities? Does the proposed action occur in or affect communities that are not typically engaged in the Council process? Will the proposed action uniquely affect a particular community or Alaska Native stakeholder group? These are all general criteria that could be explored to determine whether a proposed regulatory or FMP amendment calls for a more extensive outreach effort than would otherwise be provided through the regular Council public process.

Summary

The Council currently has an open and public process by which it initiates, develops, and recommends fisheries management policy to the Secretary of Commerce. This process is open to all stakeholders, including community representatives and Native entities, and is detailed in a previous paper on this issue (see Appendix 1). However, the Council has identified improving community and Native consultation and participation as a policy priority in its programmatic workplan, approaches for which are the focus of this paper. The Council has been responsive to rural and Alaska Native concerns when they are effectively raised at the Council meetings. The more relevant question is how to get those concerns to the table.

Two sets of approaches have been discussed in this regard: ‘ongoing’ and ‘project-specific’ consultation. Ongoing consultation denotes a regular and consistent method of communication that is undertaken regardless of any particular proposed management action. This paper describes several of the ideas proposed under both approaches, with a particular focus on two ongoing approaches that were of interest to the Council in prior meetings: 1) a standing Council committee of Alaska Native and rural community representatives, which would meet on a regular basis to review Council issues; and/or 2) providing funding for one or two Council and staff members to travel regularly to Alaska Native and rural communities to discuss ongoing issues.

The Arctic FMP outreach plan to consult with Arctic and northwest communities and Native entities was highlighted as an example of a project-specific approach that could be formally approved by the Council. Recognizing the constraints and challenges, the project-specific approach undertaken for the Arctic FMP appears relatively successful, and its success can be better evaluated as the project evolves. Overall, the steps outlined in the project-specific approach, combined with ad-hoc committees as necessary, may allow for more focused, meaningful, and consistent consultation and collaboration with community and Native entities compared to the status quo, and thus make broad improvements relative to the Council’s workplan priority in the PSEIS.

Finally, concerns and tradeoffs have been identified with each of the proposed approaches, including the requirements for additional staff or consultant time and funding. Thus, while many individual projects may warrant a specific outreach plan, the Council and the public should recognize that project timelines may need to be extended in order to incorporate these efforts.

There are several potential avenues to make further progress on these issues. The Council could take action at this June meeting to initiate some or all of these concepts, and/or it could task staff to develop a more focused discussion paper on one or two of the ideas the Council would like to further explore. Alternatively, the Council could initiate a small committee of a few Council members, similar to the Gulf Council’s efforts, that can use a deliberative process to make recommendations to the whole Council on how to improve outreach and consultation efforts.

APPENDIX 1: Discussion paper presented at February 2008 Council meeting

A potential approach to implementing the Council's Groundfish Policy Workplan priority: Increase Alaska Native and Community Consultation

Introduction

The Council revised its BSAI and GOA groundfish management policy in 2004, following a comprehensive programmatic review of the fisheries. The policy contains a management approach and 45 objectives, which are categorized by goal statements. Three of the management objectives exist under the heading "Increase Alaska Native Consultation":

35. *Continue to incorporate local and traditional knowledge in fishery management.*
36. *Consider ways to enhance collection of local and traditional knowledge from communities, and incorporate such knowledge in fishery management where appropriate.*
37. *Increase Alaska Native participation and consultation in fishery management.*

The Record of Decision on the Final Alaska Groundfish Fisheries Programmatic SEIS (NMFS, August 26, 2004) states that "The goals and policies for Alaska Native consultation and participation in fishery management under the Preferred Alternative in the Programmatic SEIS would increase from current levels by expanding informal and formal consultation between NOAA Fisheries and the Council, and Alaska Native participants and tribal governments. Local and Traditional Knowledge would be more formally incorporated in fishery management and additional data would be collected." (p. 25). The Record of Decision also notes that: the alternatives analyzed in the PSEIS consider all of the statutory requirements and Executive Order (E.O.) mandates relevant to fisheries management, including E.O. 13084 (Consultation and Coordination with Indian Tribal Governments). The Record of Decision notes that the Preferred Alternative policy responds to E.O. 13084 by explicitly recognizing that Alaska Native consultation is an important part of the decision-making process (p. 27).

While all of the management objectives resulting from the Programmatic SEIS are part of the overall management policy, there are several that have been identified as priority actions at this time. The Council thus adopted a workplan of priority actions to implement its overall management policy. The status of the workplan is updated at every Council meeting, and the workplan was last updated by the Council in February 2007. The management objectives related to local and traditional knowledge (#35 & #36) are not identified in the workplan at this time and are not directly addressed in this paper. However, one of the priority actions in the workplan is to increase Alaska Native and community consultation, which is directly related to management objective #37:

Increase Alaska Native and Community Consultation

- a. *Develop a protocol or strategy for improving the Alaska Native and community consultation process*
- b. *Develop a method for systematic documentation of Alaska Native and community participation in the development of management actions*

Current Council process

Currently, the Council notifies and consults with affected stakeholders, including Alaska Native and coastal community representatives, through public notice of meetings. The Statement of Organization, Practices, and Procedures (June 2007) for the Council states that timely notice of each regular meeting, hearing, and each emergency meeting, including the time, place, and agenda of the meeting, shall be provided by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery) except that e-mail notification and website postings alone are not sufficient. Timely notice of each regular meeting is also published in the Federal Register.¹⁰ These are the primary mechanisms to make the public, including Alaska Native and community entities, aware of the specific issues being addressed by the Council.

The Council itself is comprised of 11 voting members, and 4 non-voting members. The eleven voting members include the Commissioner of the Alaska Department of Fish and Game, Director of the Washington Department of Fish and Wildlife, Director of the Oregon Department of Fish and Wildlife, the Alaska Regional Administrator of NOAA Fisheries, five members appointed by the Secretary from the State of Alaska, and two members appointed by the Secretary from the State of Washington.

The four non-voting members include the Alaska Regional Director of the U.S. Fish and Wildlife Service, the Commander of the Seventeenth Coast Guard District, the Executive Director of the Pacific States Marine Fisheries Commission, and a representative of the U.S. Department of State. Aside from these parameters, there is no seat is guaranteed to any gear type, fishery, geographic area, or Native Alaska organization. Currently, one of the Alaska appointees to the Council is an Alaska Native from a Community Development Quota (CDQ) group, which represents several rural communities from the Bristol Bay region primarily comprised of Alaska Natives. For the past fifteen years, the composition of the Council has included one Alaska Native.

In fulfilling the Council's responsibilities and functions, Council members may meet in plenary session, in working groups, or individually to hear statements in order to clarify issues, gather information, or make decisions regarding material before them. Each regular meeting and each emergency meeting is open to the public, and interested persons may present oral or written statements regarding the matters on the agenda at meetings, within reasonable limits established by the Chair. Current Council policy on oral testimony limits individuals to three minutes, and organizations to six minutes, per agenda item (SOPP, 2007). Written testimony can be provided prior to the Council meeting; if it is within established limits (typically received at least one week prior), it is copied and provided in the Council's written meeting materials.

The Council also appoints an Advisory Panel (AP) of recognized experts (a maximum of 20) from the fishing industry and several related fields. AP members represent a variety of gear types, industry and related interests as well as a spread of geographic regions of Alaska and the Pacific Northwest having major interest in the fisheries off Alaska. The Council relies on the AP for comprehensive industry advice on how various fishery management alternatives will affect the industry and local economies, on potential conflicts between user groups of a given fishery resource or area, and on the extent to which the United States will utilize resources managed by the Council's fishery management plans.

While no particular seat is guaranteed to any gear type, fishery, geographic area, or Native Alaska organization, the Council SOPP recognizes that: "The AP membership should represent a broad geographic spread both for Alaska and the Pacific Northwest. Representation for the three states should

¹⁰The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or such notice must be given at least 14 days prior to the meeting date, unless such modification is to address an emergency action under section 305(c) of the Act, in which case public notice shall be given immediately.

be in the same proportions as those of the voting membership of the Council...The AP membership should represent a variety of interests within the fishing industry and others with interests in maintaining and managing Council fisheries. While it is hoped that major gear types from the harvesting sector will be broadly represented, as with geographic representation, no particular seat is guaranteed to a gear type or fishery.”¹¹ The Council does not designate seats for particular stakeholders, recognizing that issues and priorities change over time. Currently, the AP members represent a broad geographic area, and include several members who may give voice to Alaska Native and community concerns, such as a Gulf of Alaska small coastal community representative, a member of a Community Development Quota (CDQ) group representing rural, western Alaska communities in the Norton Sound region, and a Native Alaskan from the Aleutian Islands.

The Council may also appoint standing and ad hoc committees from among the voting and non-voting members as it deems necessary for the conduct of Council business. The Council Chair may also appoint to these committees industry representatives or other participants to address specific management issues or programs (SOPP, 2007). In cases in which a defined sector, community, or other entity is potentially affected by the proposed action, the Council attempts to ensure that the affected entities are represented on the committee or working group appointed to make recommendations to the Council on that particular issue. Committee appointments are voluntary, non-paid positions that require submission of an application/nomination prior to consideration for acceptance.

Federal policies & processes for Native and community consultation

There is an extensive list of Federal laws, treaties, executive orders, policy directives, and Federal regulations that place legal responsibilities for addressing community and tribal interests on executive branch agencies. The relationship between the U.S. government and Federally-recognized Indian tribes is considered to be government-to-government in nature. These orders indicate that United States and its agencies, including NOAA, acknowledge the governmental powers of the recognized tribes, and that such power stems not from a delegation of U.S. authority, but from a pre-existing state of sovereignty.

For example, the National Environmental Policy Act (NEPA) establishes a framework of public and tribal involvement in land management planning and actions. NEPA also provides for consideration of historic, cultural, and natural aspects of our environment. Specifically, places of cultural and religious significance to tribes are to be considered by Federal agencies in policy and project planning.

The following sections highlight two key executive orders pertaining to the consideration of Native/tribal community interests during the development of Federal regulations, policy, or legislation. These sections are followed by examples of tribal policies implemented by three Federal agencies: the Department of Commerce, the Environmental Protection Agency, and the U.S. Army Corps of Engineers.

Executive Order 12898

Executive Order 12898, approved on February 11, 1994, also pertains to tribal entities and communities. The E.O. states that each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States. Among groups specifically singled-out for impact assessment are Native Americans. (Note that E.O. 12898 also covers groups that are not necessarily Federally-recognized tribal entities.) In addition, included is a provision that states that each Federal agency responsibility set forth under the order shall apply equally to Native American programs (Section 6-606). The provision

¹¹Statement of Organization, Practices, and Procedures of the North Pacific Fishery Management Council, Draft June 10, 2007, p. 6.

further states that the Department of the Interior, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

Executive Order 13175

Executive Order 13084¹² was approved in May 14, 1998, in part to ensure that each agency has an effective process to permit elected officials and other representatives of Indian tribal governments¹³ to provide meaningful and timely input in the development of regulatory policies on Federal matters *that significantly or uniquely affect their communities*. This executive order was replaced by E.O. 13175 on November 6, 2000, in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies *that have tribal implications*. "Policies that have tribal implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that 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. The definition of "Indian tribe" did not change under E.O. 13175.

Among other things, E.O. 13175 establishes policymaking criteria to which Federal agencies must adhere, to the extent permitted by law, when developing and implementing policies that have tribal implications. The order also includes a section on consultation, requiring that each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.

Department of Commerce Tribal Policy

As stated previously, the relationship between the U.S. government and Federally-recognized Indian tribes is considered to be government-to-government in nature. Recognition of this relationship is a matter of Federal policy, including for the U.S. Department of Commerce (DOC). The DOC approved an internal policy in recognition of the unique status of U.S. tribal governments in 1995: *American Indian and Alaska Native Policy*¹⁴. This policy pertains to Federally-recognized tribes, which are those officially recognized as such by inclusion in the list of "Indian Entities Recognized and Eligible to Receive Services from the U.S. Bureau of Indian Affairs."¹⁵ This list currently includes 225 Alaska Native entities within the state of Alaska.

The DOC's policy pertaining to actions dealing with American Indian and Alaska Native governments includes seven policy principles. Two of those in particular apply to the consultation process. One principle "acknowledges the trust relationship between the Federal government and American Indian and Alaska Native Tribes as established by specific statutes, treaties, court decisions, executive orders, and regulations." In keeping with this fiduciary relationship, DOC will consult with tribal governments prior to implementing an action when developing legislation, regulations, and/or policies that will affect the natural and/or environmental resources of tribes. The second principle states that DOC "will consult with tribal governments before making decisions or implementing programs that may affect tribes to ensure

Chapter 1¹²Executive Order 13084 - Consultation and Coordination with Indian Tribal Governments [Federal Register: May 19, 1998 (Volume 63, Number 96)].

¹³"Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

¹⁴<http://www.census.gov/prod/cen2000/d-3288.pdf#Page=34>

¹⁵Federal Register: July 12, 2002 (Volume 67, Number 134), Page 46327-46333.

that tribal rights and concerns are addressed.” In sum, DOC will seek tribal input on policies, programs, and issues that may affect a tribe.

EPA Tribal Policy

Following publication of the President’s Federal Indian Policy in 1983,¹⁶ the Environmental Protection Agency (EPA) developed and published a “Policy for the Administration of Environmental Programs on Indian Reservations” on November 8, 1984. The purpose of the statement was to consolidate and expand on existing EPA Indian Policy statements in a manner consistent with the overall Federal position on the relationship of the Federal government to tribal governments. The statement sets forth nine principles to guide the EPA in dealing with tribal governments and in responding to the problems of environmental management *on American Indian reservations* in order to protect human health and the environment.¹⁷

In addition, the EPA has formalized several approaches to consultation with tribal governments in response to E.O. 13175, which requires consultation and coordination in the development of Federal policies that have tribal implications. One of the ways in which the EPA has implemented the intent of this order is through the establishment of an EPA-Tribal Science Council in 2000.¹⁸ The EPA-Tribal Science Council, comprised of tribal and EPA representatives, provides a mechanism through which the EPA can understand the tribes’ highest priority scientific issues at a national level and an opportunity for tribes to influence the EPA’s scientific agenda. It appears to be a successful approach not only to a consultation process, but also to sharing local traditional knowledge with EPA scientists in order to contribute to improved environmental protection overall. As part of this effort, the EPA initiated a series of workshops, seminars, and projects that involve tribes in forming a framework for integrating tribal knowledge into EPA risk assessment and decision-making.

U.S. Army Corps of Engineers Tribal Policy

A third example is the approach used by the U.S. Army Corps of Engineers (Corps). The Corps has established several Tribal Policy Principles. In August 2001, regulations were established for the Northwestern Division covering the policy, responsibilities, and implementation of the Corps’ Tribal Policy Principles. One of these is “*Pre-decisional and Honest Consultation: The Corps will reach out, through designated points of contact, to involve tribes in collaborative processes designed to ensure information exchange, consideration of disparate viewpoints before and during decision making, and utilize fair and impartial dispute resolution mechanisms.*”

In effect, consultation is achieved through an effective communication process in which government officials engage in regular and meaningful discussions with representatives of Indian tribal governments. For example, the Corps engages and involves tribes in collaborative processes designed to facilitate the exchange of information and to effectively address effects of Federal actions and policies on tribal interests and rights. The Corps commonly documents this consultation process through an appendix to the relevant feasibility studies or environmental impact statements.

The appendix, typically entitled “Tribal Coordination and Consultation,” serves to identify potentially affected tribes whose interests may be affected by proposed Federal actions in the NEPA document. This document also describes the process undertaken to consult and coordinate with affected tribes, including

¹⁶The Federal Indian Policy (published January 24, 1983) supported the primary role of tribal governments in matters affecting American Indian reservations. The policy stressed two themes: 1) that the Federal government will pursue the principle of Indian “self-government”, and (2) that it will work directly with tribal governments on a ‘government-to-government’ basis.

¹⁷<http://www.epa.gov/indian/1984.htm>

¹⁸Cirone, Patricia, 2005. ‘The Integration of Tribal Traditional Lifeways into EPA’s Decision Making’, *Practicing Anthropology* Vol 27. No. 1, 20 – 24.

public meetings, distribution of draft documents and other background materials, and solicitation of input from tribes on how they want the Corps to fulfill plans for future consultation. A brief summary of the issues discussed at each of these meetings is provided and made available to decision makers.

Approach to implementing the Council's Groundfish Policy Workplan priority: Increase Alaska Native and Community Consultation

The Council's workplan priority to increase Alaska Native and community consultation is intended to be implemented through the two specific goals outlined above. In addition to the stated priority in the workplan, the need for an approach to improve the consultation process has been highlighted recently in the development of the Arctic Fishery Management Plan. Prior to its June 2007 meeting, the Council received letters from the Native Village of Kotzebue, and the Maniilaq Association, which represents twelve communities located in Northwest Alaska.¹⁹ The correspondence from these entities noted concern with the Council's lack of communication with communities living adjacent to the Arctic EEZ about the potential development of an Arctic FMP. Their comments on potential alternatives for an Arctic FMP were combined with a request for the Council to pursue "full consultation and input from affected communities and residents"²⁰, as well as a request to be considered for a role on an Arctic Plan Team to further develop an Arctic FMP.²¹

There are several possible approaches to developing: 1) a protocol for improving Alaska Native and community consultation, and 2) a system for documenting this participation. Several conceptual approaches are outlined below:

Proposed protocol to expand formal consultation:

- Create criteria to determine whether a Federal action has substantial direct effects on one or more Alaska Native entities or communities.
- Develop a GIS database that links standardized geographic areas (e.g., ADF&G statistical areas, IPHC areas, Federal management areas, etc) to a list of potentially affected communities located in or adjacent to those areas. Further links could be developed between the geographic community and the Alaska Native and/or governing entities present in the community. This would allow a more standardized approach to identifying the Alaska Native and other community entities that should be contacted and/or consulted with during the development of a management action in a particular geographic area.
- Contact/survey the identified entities to solicit input as to how they prefer to be contacted should the Council need to contact or consult with them on a proposed management action.
- Contact (by email, fax, or letter) and solicit input from each entity identified as being potentially affected by the proposed action, prior to the development of the final suite of alternatives for analysis. Provide each entity with the upcoming brochure on the Council process (*Navigating the North Pacific Council Process*).
- Convene meetings or teleconferences, as necessary and appropriate, during the scoping of the alternatives for analysis. This step may only be necessary when it is determined that a Federal

¹⁹Member villages of the Maniilaq Association include Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak, Noorvik, Selawik, Shungnak, and Pt. Hope.

²⁰Letter from H. Bolen, Maniilaq Association to S. Madsen, NPFMC. May 25, 2007.

²¹Letter from A. Whiting, Native Village of Kotzebue to S. Madsen, NPFMC. May 25, 2007.

action has significant, unique, or substantial direct effects on an Alaska Native entity or community.

- Upon formation of a Council committee, workgroup, or plan team on a particular issue, consider representation from an affected Alaska Native and/or community entity or entities.
- Contact (by email, fax, or letter) and solicit input from each entity identified as being potentially affected by the proposed action, prior to the Council's scheduled final action.
- Hire a Tribal Liaison or assign existing Council staff to oversee this protocol and maintain ongoing and proactive relations with tribal communities (many natural resource management bodies have tribal liaisons).

Proposed protocol to expand informal consultation:

- Provide travel funds for Alaska Native entities and community participation in Council meetings addressing an action specific to these entities.
- Create a standing committee of Alaska Native, rural community and Council representatives to discuss ongoing issues and convey information between parties.
- Participate in national, regional, and local conferences pertaining to tribal and community fishing and environmental interests (e.g., the National Tribal Environmental Conference; Alaska's Fishing Communities: Harvesting the Future; Alaska Young Fishermen's Summit)

Proposed documentation:

- Create a section in or appendix to each analytical document (EA/RIR/IRFA or EIS/RIR/IRFA) provided to the Council that identifies the tribes and/or communities whose interests may potentially be affected by the proposed action. Include a summary of the process undertaken to solicit input from affected entities, including solicitations for input, public meetings, or the distribution of documents. A brief summary of the issues discussed at meetings should be provided and made available to decision makers. This ensures that the consultation process is part of the formal record.
- Hire a Tribal Liaison or assign existing Council staff to document the Alaska Native entities or organizations that provide written responses/testimony on proposed actions. Update the GIS database as necessary with this information, so as to keep a comprehensive database of all potentially affected entities.

Summary and potential Council action

There are several possible approaches the Council could take to implement its workplan priority to improve the Alaska Native and community consultation process and documentation of such a process. A protocol to expand both formal and informal consultation could be approved by the Council and implemented in an iterative manner, in accordance with the type of management action being considered by the Council at the time. The suggested protocol in this paper should be considered a starting point for Council review.

APPENDIX 2: Arctic FMP outreach summary – list of contacts, meetings, and travel

Travel

Barrow: November 2007, January 2008, April 2008
Kotzebue: December 2007, February 2008
Nome: October 2007, January 2008?
Fairbanks: October 2007

Main Contacts²²

Arctic Community or Native Organizations:

Craig George & Dr. Robert Suydam, North Slope Borough, Dept. of Wildlife Management, Barrow
Richard Glenn, Vice President, Arctic Slope Regional Corporation, Barrow
Barrow Arctic Science Consortium
Ukpeagvik Inupiat Corporation
Naval Arctic Research Laboratory
Bobby Schaefer, Northwest Arctic Borough, Kotzebue
Caleb Pungowiyi, Maniilaq Association, Kotzebue
Alex Whiting, Environmental Specialist, Kotzebue IRA and Native Village of Kotzebue, Kotzebue
Vera Metcalf, Executive Director, Eskimo Walrus Commission, Nome
Loretta Bullard, President, Kawerak, Inc., Nome
Charlie Lean, retired ADF&G Fishery Manager, Norton Sound Economic Development Corporation, Nome
Reggie Joule, Representative for District 40T, Alaska Legislature, Juneau
Christine Hess, Chief of Staff, Alaska Legislature, Juneau

Agencies:

Lyman Thorsteinson, Center Director, U.S. Geological Survey, Western Fisheries Research Center, Seattle
Jim Menard, Area Management Biologist, Norton Sound and Port Clarence Districts, ADF&G, Nome
U.S. Coast Guard, Kodiak Air Station, Kodiak
Bureau of Indian Affairs, Alaska Region, Juneau

Other Contacts

Media:

Steve Taufin, Alaska Report, Kodiak
Casey Kelly, KMXT Radio, Kodiak
Richard Beck, University of Cincinnati, Barrow Arctic Science Consortium
Janelle Everett, KBRW Radio, Barrow
Ryan Pate, KOTZ Radio, Kotzebue

Oil and gas industry:

Dr. Diane Sanzone & Dr. Bill Streever, BP Exploration (Alaska) Inc., Anchorage
Caryn Rea, Conoco-Phillips, Anchorage
Marilyn Crockett, Director, Alaska Oil and Gas Association, Anchorage

²²These were people contacted directly by Council staff and most received a presentation or personal meeting. Almost all of the direct contacts suggested other contacts and/or forwarded the information to other interested stakeholders via email.

Conservation organizations:

Dr. Christopher Krenz & Jim Ayers, Oceana, Juneau
Janice Searles, Oceana, Portland, OR
Bubba Cook, World Wildlife Federation, Anchorage

Other Presentations²³

U.S. Arctic Research Commission meeting, Nome
North Slope Science Initiative, Anchorage
Kawerak, Inc., Board of Directors Meeting, Nome
Eskimo Walrus Commission, Annual Meeting, Nome
Northwest Arctic Borough Assembly Regular Meeting, Kotzebue
Northwest Arctic Borough Planning Commission & North Slope Borough Planning Commission, Special Meeting, Joint Planning Commission, Barrow
Alaska Federation of Natives, Annual Meeting, Fairbanks, October 2007²⁴
Arctic Issues Workshop, Center for Naval Warfare Studies, Naval War College, Newport, RI, April 2008
Environmental Implications Workshop, Arctic Marine Shipping Assessment, Protection of the Marine Environment Working Group/Arctic Council, San Francisco, CA, April 2008

²³In addition to email contacts, phone conversations, and personal meetings with individuals or groups, more formal presentations of the Arctic FMP development program were made to specific groups and workshops were attended.

²⁴Council staff shared an informational booth with the U.S. Fish & Wildlife Service's Tribal Grants Program and the Federal Subsistence Management Program.