

Report from the National Marine Fisheries Service Tribal Consultation
Unalakleet, AK , February 16, 2010

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NMFS Alaska Region, Sustainable Fisheries Division 3-18-10

The Native Village of Unalakleet (NVU) invited the National Marine Fisheries Service (NMFS) to a tribal consultation in Unalakleet, Alaska, on February 16, 2010. See attached memo from NVU. Bill Karp, Deputy Director of the Alaska Fisheries Science Center (AFSC), Jon Kurland, NMFS Alaska Region Acting Deputy Regional Administrator, and Melanie Brown, NMFS Alaska Region Sustainable Fisheries Division represented NMFS. The consultation was organized by Art Ivanoff of NVU and included representatives from a number of outlying villages and Kawerak. See the attached list of attendees and attached agenda.

Kathy Johnson, President of the Tribal Village of Unalakleet, opened the meeting. The main issues of concern are salmon and the expansion of the groundfish fisheries north and preventing overfishing. Commercial harvest of salmon is needed to support their subsistence activities. She also stated that we appreciated that the NSEDC funded villagers come to this meeting and that they provided the food.

After going around the room and introducing each participant, Kurland, Karp, and Brown described their roles in NMFS. Roles include working with the North Pacific Fishery Management Council on sustainable policies, gathering information, developing the research plan for the Northern Bering Sea Research Area (NBSRA), and providing the best available science for decision making. The AFSC has 350 scientists in Seattle, Kodiak, Dutch Harbor, and Juneau.

A. Ivanoff reviewed the purpose of the consultation from the perspective of the NVU to build relationships and understanding between the federal government and tribes. Brown stated the purpose of the consultation for NMFS was to exchange information and to have the opportunity to meet face to face in discussion of issues. Kurland also described meeting with the Alaska Marine Conservation Council on February 15 and how NMFS representatives are impressed with the information collected regarding subsistence uses of the Bering Sea. It is an amazing amount of knowledge and needs to be synthesized into the science used for managing fisheries. This information will be very helpful in the development of the NBSRA research plan and sharing of the information is appreciated.

Tribal Consultation

The tribal consultation process was reviewed and discussed. Kurland presented information on tribal consultation authorities and agency activities. (See attached powerpoint slides.) The challenge for NMFS is how to do a better job at outreach and coordination and consultation with no dedicated funds to support this work. The new tribal consultation website was shown to the participants. Kurland explained that consultation under the Marine Mammal Protection Act (MMPA) is co-management and more authority is provided for cooperation as opposed to fisheries consultations. This results in different processes to consult on marine mammals versus fisheries. NMFS wants to improve reaching out to tribes and improve our consultation process. The constraint is resources with staffing and funding being the challenges.

J. Raymond-Yakoubian from Kawerak expressed concern about NMFS's approach to consultation. They have no formal process or protocols. There was no follow up by the Agency from the consultation in Nome in January 2009 on Chinook salmon bycatch. Even though participation at Council meetings is important for having ideas considered, the Councils are not required to do tribal consultation, according to NMFS attorneys. The tribal representatives that met with NMFS in Anchorage in November 2009 have asked NMFS for clarification of the Council's requirements for tribal consultation in November 2009 during the tribal consultation workshop. NMFS needs to help figure out how to mesh the Council/NMFS process in relation to tribal consultation. What is the plan to do this? The development of the NBSRA did not involve consultation. Kawerak would like to figure out how to make the process work, beyond attending Council meetings, as they find that the processes may lag and the tribal consultation may not happen.

Charles Degnan with the NVU stated that his experience is that advisory councils do not take advice. One solution to improve tribal participation is the federal government directly share revenues with tribes to support addressing issues that impact their lives (e.g., offshore oil). A clean environment is needed to support the food chain. The federal and state governments do not define subsistence the same as subsistence users define subsistence and do not recognize the importance. Some measures like bag limits and other limitations are targeted to individuals. The needs of the entire tribe need to be taken into consideration. Each tribe implements its own traditions. Little Chinook salmon is taken by subsistence users compared to trawlers. The subsistence users need to have a say on how their lives are impacted, and it takes money to support this kind of participation.

Kurland: The Council has a Community Outreach Committee which is one small step by Council to improve addressing community concerns. NMFS recognizes that it is difficult for rural communities to participate in the Council process. The meetings can be lengthy and far away. Federal revenue sharing may be part of the solution but is something that Congress would need to consider.

Margaret Hemmes with NVU stated that she is concerned about the Council make up not having a tribal seat.

Kurland recognized that it was a November 09 workshop recommendation that the Council have a native representative on the Council. He described the current Council membership and that it usually included fishing industry expertise but could include other types of expertise, (e.g., subsistence expertise). Correspondence to AK congressional delegation may help getting native wishes known. The Pacific Council does have a native seat. One question is how one native seat could represent the diversity of native interest.

M. Hemmes stated that NMFS is not seeing the whole picture of subsistence economic impacts, because western culture is so market driven. There should be a dollar figure put on the industry of subsistence and how it influences food, cash, and the way of life. What would be the consequences of not having subsistence opportunities or resources? Is there any science on this?

Subsistence as an industry should have a seat at the Council table. Can this kind of analysis be done before an action is done?

J. Raymond-Yakoubian stated that it is good that Department of Commerce (DOC) has a tribal liaison but NMFS AK Region also needs one. NMFS needs a point person that can keep tribes up to date, a single person that can be contacted regularly. This works well in other agencies and is a benefit to both the agency and to tribes.

Paul Ivanoff of Norton Sound Economic Development Corp stated large dissatisfaction with the hard caps for Chinook salmon for the pollock fishery. Discussion on chum will come later in the year. Are there any recommendations for the process to get tribes heard, as it seems the tribes were not heard on the Chinook issue?

C. Degnan of NVU suggested that there should be a Bering Sea (BS) fisheries council and to see whether it is better for managing Bering Sea resources.

John Jemewouk of Elim stated that fishing in the east of the United States is devastating. Are the North Pacific management practices better? What do we need to do to prevent the same problems as experienced in the east?

Kurland explained that he started his NMFS career in the east and that the communities there are going through painful adjustment in management. In the North Pacific, federal fisheries did not have industrial fishing until after we had a chance to learn from mistakes made elsewhere. The Council manages in a sustainable way so that there is no overfishing here. We use a stock assessment process with recommended harvest levels that are followed by the Council. Following the scientific recommendations is not always done in other places, but it is done in the North Pacific. Science has evolved and we have learned from mistakes. We have a greater appreciation of ecosystem relationships and factor this into the fisheries management process. It is not perfect, but done well in comparison to other areas. We continue to learn and improve. The fishing industry has been supportive of learning and improving management approaches and conservation measures. Fisheries management in the North Pacific is based on science, and we factor protection into the decision making.

Karp stated we have lots to learn and we make conservative decisions regarding fisheries management. The science done for the North Pacific fisheries management is recognized as the best in the world and sets the example for others. We have a collective working relationship between scientists and managers and the Council. Our data are good because of the regular and comprehensive surveys and comprehensive observer program. The observer program's collection of information provides good data from the fisheries on catch and bycatch.

J. Jemewouk of Elim stated that more information to tribes in BS area is needed regarding protection of habitat which is vital to the subsistence lifestyle. What kind of consultation has there been on the pollock fishery on the Russian side? Are the fish stocks the same?

Karp stated that we have worked with the Russian fishery agencies with varied success. Major surveys are conducted with bottom trawl and with sonar and midwater trawl. During the annual

acoustic survey, NMFS has been permitted to go into the Russian zone in the past 2-3 years. Stocks in the Russian and United States waters are managed separately and there is little exchange of science. Most of the fish harvested by the United States is spawned in United States zone. Annual meetings are held for pollock fishing management in the Donut hole, but no directed pollock harvest has occurred here for years.

J. Jemewouk of Elim stated that they take the consultation very seriously and how it affects their lives. He would like to ensure the tribes are included in the Council process and make sure President Obama knows.

J. Raymond-Yakoubian stated that consultation is supposed to be an ongoing relationship. There needs to be information exchanged and incorporated into decision making, and it needs to be done in a meaningful and timely manner. These criteria are already in agency guidance like EO 13175 and DOC policy. The stated commitment to an ecosystem approach to management is positive and supported by tribes, but is missing the social and human component. How many social scientists are available to analyze the impacts of fishery management actions? This consideration needs to be incorporated into the process.

Kurland explained how comments are considered regarding fishing management actions. NMFS may receive a high volume of comments on certain actions. Even though we can not directly respond to each person, we do look at each comment in great detail and will always consider advice. So it may be hard to see how we considered comments but be assured that each one is considered.

M. Hemmes of NVU asked if the data collected are public information.

Karp explained that information is made available. In some cases it takes time to analyze the data and publish the results. Ultimately, everything is available.

M. Hemmes of NVU stated that there can be more of a dialogue to share data.

Karp stated that there could be things to do to make sharing of information better, depending on the type of information they are interested in. For example, sonar data would be better in reports rather than the raw data. The way information is available would depend on the kind of data. NMFS can provide reports on DVDs, like stock assessment reports which may be difficult to download.

A. Ivanoff asked if the Secretary of Commerce supported having a native seat on the Council and if this issue has been passed onto the Washington DC.

Kurland responded that the November 2009 workshop report has been sent to NMFS Headquarters to be sent to the tribal liaison (Chapman) of the DOC with tribal affairs.

A. Ivanoff stated that natives need to inject themselves into the tribal consultation process and be treated like a state, similar to how EPA treats tribes. The tribes need to be at the table.

Salmon

Kurland presented the salmon powerpoint slides and showed a film clip of a salmon excluder device being tested by the pollock industry.

Sheldon Katchatag of NVU was worried about the salmon caps under Amendment 91 and if they may be additive. He wanted to know how the fishery would be managed.

M. Brown reviewed the basic management scheme of Amendment 91 and explained that the caps are not additive.

Kurland explained that comment can be taken on the proposed rule for Amendment 91, but we have a narrow way of looking at the action. We cannot change the numbers. We can only approve, disapprove, or partially approve the action and can only stop the action if it does not meet the law.

One of the participants stated that letters have been sent to ask the Secretary of Commerce to disapprove the action.

S. Katchatag of NVU stated that there is frustration with the Department of Interior tribal consultation process as it seems that the decision makers are going through the motions yet the action is unchanged after consultation. He finds it insulting. He does not want to see the same kind of behavior in the Council decision process. He is concerned about the Chinook salmon. The Secretary of Commerce declared a disaster for Yukon Chinook, but Norton Sound has not had a Chinook fishery for years. How can the Norton Sound area be included in the disaster declaration?

Kurland sympathized with Sheldon considering the decision making on Amendment 91 is already further along in the process. NMFS is different from other federal agencies because of the Council process. He apologized for the perception that we are going through the motion. There is public input at this stage, but we can only address specifics of how the regulations are done and not substitute our ideas into the management.

C. Degnan of NVU suggested that if there is an error in catch, the harvester should pay into a fund to compensate people that missed the opportunity to harvest.

J. Raymond-Yakoubian stated that Kawerak and region tribes *did* participate in the Council process on Chinook and still had an unfavorable outcome. Within their limited capacity, they attended meetings, provided written and oral testimony to the Council and Council committees, they facilitated the attendance and participation of tribal representatives at Council meetings, and they participated in tribal consultation (Jan. 09). She would like recommendations on what they could have done differently to be more effective and what they could do in the future to have a more fair outcome; with chum bycatch, for example.

Kurland responded that people being at the Council meeting and providing testimony early on is important. The Council meeting on the Chum salmon management preliminary preferred

alternative will be in Nome. This is a huge opportunity for input by native communities. The Council meeting location is a big deal and affects audience. The participants need to help each other to carry the message and share information. Writing letters to the Council is also an effective method to provide input. Early and often participation is essential.

J. Raymond-Yakoubian stated that the agency also needs to talk to tribes early and often.

K. Johnson asked if studies on genetics on salmon taken in the trawl fishery include Norton Sound salmon that may be intercepted.

Charlie Fitka of St. Michael stated that he is a fisherman, or used to be. He harvested herring and salmon on the Yukon. He used to be able to make a good living but now is lucky to pay the gas bill. The 47,000 number for Chinook bycatch in Amendment 91 is still too high considering chum and Chinook are still declining. He is concerned about the pollock fishery taking all the salmon bycatch.

J. Jemewouk of Elim stated that the cap numbers will cause negative impacts and wants to save their salmon fisheries.

Kurland replied that the disaster determination is based primarily on natural causes, ocean conditions affecting marine survival. He encouraged participants to comment on cap but wanted to be clear on limits on what NMFS can do regarding how the management program is structured.

Frank Kavairlook of Koyuk stated that they have rivers that are not monitored and rely on them for subsistence. They currently rely on neighboring villages' counts on salmon to gauge how their salmon runs may be doing.

S. Katchatag of NVU stated that instead of throwing Chinook over side in the pollock fishery, they should give the fish to the natives. This should be added to the Incentive Plan Agreement. Each catcher processor should be required to carry two salmon technicians that process the chums and Chinook and ship salmon to native groups. The salmon bycatch should take up freezer space. At least this way the natives will be able to use the fish, and it goes to the first users.

Louisa Paniptchuk of NVU stated that her daughter works on a catcher processor. Louisa fishes for 7 families and now needs to harvest silvers. She would prefer to have two or three kings in her freezer. She has not commercial fished on the Yukon since 1995. Last year she got 5-8 fish. Is the bycatch in the pollock fishery also affecting residents on the Yukon? This type of consultation should also be brought to the Yukon interior.

Kurland responded that the Council held a series of outreach meetings including in Bethel and the Yukon-Kuskokwim Delta area, but he did not think they were interior Yukon.

A. Ivanoff stated that the natives need to get the letters to the agencies to get things moving on any disaster declarations.

Kurland stated that there have been other salmon disasters declared.

Paul Ivanoff III of NSEDC asked about the annual Stock Assessment and Fishery Evaluation (SAFE) report and which stocks are assessed. Are Norton Sound salmon stocks assessed and considered for management?

Karp explained that the SAFE reports cover all of the species managed under the groundfish Fishery Management Plans (FMPs) and are comprehensive. These reports do not provide assessments of salmon stocks. There is a Salmon FMP that delegates salmon management to the State. Salmon is addressed as bycatch in the groundfish fisheries management and habitat is described for salmon in the Salmon FMP. The Alaska Department of Fish and Game primarily manage salmon stocks.

Kermit Ivanoff of NVU stated that he has testified at the Council meeting with two other representatives. More sports fishermen were testifying. The salmon disaster started in 2005 but relief did not occur until 2009.

Kurland stated that NMFS sits on the Council so the agency is involved in the Council process, and testimony heard at the Council is also heard by NMFS.

Karp explained that the Council process is public, including the Council sponsored working groups and committees (e.g., Salmon Bycatch Working Group (SBWG)). These workgroups and committees discuss analysis to take to the Council. Diana Stram staffs the SBWG. Then he presented the salmon AFSC slides.

Fred Pete Sr. of Stebbins was a commercial fisherman on the Yukon but no longer participates because of costs. He asked about the mesh size of pollock trawls.

Karp responded that pollock trawls are enormous. The mesh is wider in the front of the net so that some fish may leave it before entering the codend. It is likely that salmon going through the mesh will not survive due to scale loss.

Karp presented the AFSC information on salmon genetics work.

J. Raymond-Yakoubian asked if NMFS has any information about the effectiveness of the salmon excluder device on pollock trawls. If they are effective, why aren't they mandatory?

Karp responded that we do not know the effectiveness of the salmon excluder devices in commercial use. The industry could have IPAs that require excluders. There are also other ways to reduce salmon bycatch such as the rolling hot spot authority that moves the fleet out of high salmon bycatch areas.

C. Fitka of St. Michal stated that it is doubtful that the salmon would survive swimming out of the excluder.

Karp responded that we think the panel is big enough to allow escape without injury or mortality.

J. Jemewouk of Elim asked about the percentages or numbers on bycatch of western Alaska salmon.

Karp explained that the samples that we have for genetics are not proportional to the bycatch of salmon in the fisheries, so we have a hard time linking the percentage of western Alaska salmon showing in the samples taken with the actual bycatch in the fishery, and the data are old.

Simon Kinneen of NSEDC asked if there will be finer resolution to the genetics results, including chum salmon.

Karp explained that they are working to improve genotyping known samples, including chum. Future data will have better resolution.

J. Jemewouk of Elim asked if there is a portion of the work being done with the State.

Karp confirmed that NMFS is sharing genetic work with the State.

F. Pete of Stebbins asked if pollock is part of the king salmon food chain.

Karp confirmed that juvenile pollock are likely eaten by salmon. The size of salmon taken as bycatch in the pollock fishery are not likely to be eating pollock, as both of these species are harvested as adults.

J. Jemewouk of Elim stated that the Alaska Beluga Whaling Commission has information that should be considered, including impacts on salmon and how it may affect belugas

Karp agreed that this information is important to understand pieces of the puzzle.

S. Kinneen stated that the Council is considering chum salmon mitigation that is similar to Chinook salmon management, including time and area closures. Triggered area closures and discrete closure areas are under consideration. These alternatives will be refined in June for the pollock fishery.

A. Ivanoff stated that he understands that the Council has lowered the caps from those previously proposed.

Karp explained the observer program and the Amendment 91 observer requirements. Observer data are under a confidentiality agreement in raw form but are available aggregated to the public. The Council is considering restructuring the program. Fisheries information is available daily. This information is available to fishery managers within same day to make fisheries closure decision and to avoid high bycatch areas.

Brown reviewed the Prohibited Species Donation (PSD) program. It is expected to expand as a number of new participants have signed up. Salmon has to be handled in a way that it would be fit for human consumption and not enter commerce. Unfortunately, the fish is distributed in the

Seattle area and is not used in Alaska. It would be good to get an organization that can meet the requirements of the program to apply for the permit and distribute food in Alaska.

Karp explained the different types of vessels that participate in the pollock fishery. NMFS understands that the donation program is not an alternative to lower caps. Subsistence harvesters need to have the practice of harvesting the fish as well as eating the fish.

A. Ivanoff stated that other resources are also affected by the bycatch of one species and we should be concerned about the overall impact.

Karp explained that the Observer program accounts for all bycatch. Bycatch does not exceed the total allowable catches for groundfish.

P. Ivanoff of NSEDC stated that the participants need to start concentrating on the chum bycatch as the decisions for Chinook have already been made.

Northern Bering Sea Research Area (NBSRA)

Karp and Kurland presented the NBSRA slides. Brown showed some slides on the modified gear under Amendment 94 and answered questions about how the gear works and how it reduces impacts on the bottom habitat and reduces crab mortality without affecting catch rates.

Karp stated that evidence of fish stocks movement north is from survey information. NMFS has seen some yellow fin sole and other flatfish distribution moving northward. The area off of St. Lawrence Island is an important nursery area and NMFS understands that fisheries moving north may be a problem. NBSRA is a protective action for the Northern Bering Sea area. Putting this Area into place takes into account current status of the fisheries and environment, the ongoing changes, and was developed in a public process. A standard trawl is used for doing surveys, and this trawl is smaller than trawls used in commercial fisheries. Survey trawling causes very little disturbance, and it is important to be consistent to monitor change.

One participant asked how NMFS will use hunter information in development of the NBSRA research plan.

Karp responded that NMFS is learning how to use this type of information and our minds are open to how this should be done. Any experimental fishing in the NBSRA will be based on the scientific plan. If the research plan goes forward, any experimental fishing needs to not take place in locations important to subsistence. NMFS needs to know how to restrict fishing activity in the NBSRA relative to subsistence practices and relative to the distribution and abundance of animals important for subsistence. The more we know about what the subsistence users know, the more we can use for the science.

J. Raymond-Yakoubian stated that she understands that technically no decisions have been made, but if you read NMFS/AFSC documents or Council motions, the language seems clear that trawling will eventually happen and that the agency is planning based on this assumption.

Karp replied that no change can happen without the Council process, and therefore no commercial bottom trawling can occur in the NBSRA until that process happens. The purpose of the NBSRA is to set up the framework for where to manage fisheries once we have the information to make smart decisions about the management.

One participant suggested employing locals to understand what is really in the NBSRA. Locals know the seasons and productivity. NMFS needs the whole picture and needs to understand that the locals are part of the ecosystem. This type of information needs to be presented to the bodies that make the decision. Locals need to be included in the research. Bering Sea is still healthy, and the humans here have adapted and live under rules to feed themselves and to share resources. These practices have been successful to this day.

J. Raymond-Yakoubian stated that the research plan needs to include local science and collaboration with communities. There needs to be well designed, structured social science research that is well-documented in order for it to be useful for decision making. Without this type of information and research, there cannot be well-informed decision making.

Karp responded that NMFS shares concern for the social science to be part of the process. NMFS will try to engage the social scientists in this work.

J. Raymond-Yakoubian stated that NMFS needs to consider impacts on not just benthic habitat but the cumulative impacts of climate change, decreasing sea ice, increasing marine traffic, etc. on top of the possibility of commercial trawling. There are so many existing pressures already, and these need to be taken into consideration in terms of how subsistence may be impacted.

One of the participants from St. Lawrence Island requested that the no bottom trawl closure around St. Lawrence Island be expanded to 75 to 100 miles. This is needed to protect habitat and will be part of a governing body resolution.

Kurland explained that the Council at the moment is not looking at the closure area around St. Lawrence Island but can factor this request into the consideration of NBSRA research plan.

A. Ivanoff stated that the sensitive area is everywhere the animal needs to go so migratory patterns need to be considered. These migratory areas are part of the ecosystem.

K. Johnson read an Elders' statement which is attached to these meeting notes. She noted that one of the elders had suggested that there should be no trawling from Norton Sound down to the Aleutian Islands.

Jerry Ivanoff of NVU stated that the subsistence harvesting patterns and fishing patterns overlap. At different times these types of harvesters may be harvesting in the same area. He had no trouble harvesting the fish in the past but now there is less to pass around and share. The science for managing and understanding the fish stocks has become imperfect. Belugas and seals eat the fish and are all part of the cycle. Pollution is a concern. The people in the Norton Sound area are poor money-wise but rich in resources.

Ecosystem Management

Karp presented the ecosystem slides.

Michael Sookiayk of Shaktoolik asked what more can be done to help natives survive. What can be stopped to allow natives to live they way the always have?

Karp responded that this is a good question and NMFS recognizes that communities are intregal to the ecosystem.

Kurland stated that sustainability drives fisheries management. Traditional uses are part of that, but should be treated more explicitly. Fishery managers tend to focus on the amount of harvest of managed stocks, but need to look at other ecosystem effects. How does the act of fishing affect the ecosystem? The science is evolving to be more sensitive to these other issues.

A. Ivanoff stated that NMFS needs to look at what the natives need to do. What are NMFS's plans for addressing this and how can natives work with NMFS to protect the native way of life. We need to work together to protect the way of life.

C. Fitka of St. Michael stated that historically, they have been penalized for doing subsistence gathering. Local people should be able to harvest what they need in the way that they need it.

Karp stated that marine spatial planning and thinking more broadly may help addressing these varied needs for the resources. This is an additional opportunity to engage and to identify spatial and temporal factors to protect. This approach is consistent with marine spatial planning.

A. Ivanoff asked if there is a way to help with collecting samples for studying ocean acidification. They would like to know what is happening in the Norton Sound area.

Karp stated that the measurements are difficult to make.

A. Ivanoff stated that there needs to be sampling from different parts of Alaska for the baseline.

Reflections from Village Representatives

A representative from each village made a statement regarding their concerns most of which is captured below.

Ruby Nassuk of Koyuk stated that their main concerns are the impact of fishing and bottom trawling.

M. Sookiayk of Shaktoolik observed that they always are at the table but still on the outside looking in. He feels that they are overlooked even if they are heard. He felt that there is a unique opportunity with NBSRA to be driving force. Their culture revolves around a circle which is not broken amongst the people. The circle has gotten smaller with a cash society and troubles

reaching resources that they depend on. It is a good start to determine whether to allow or not allow industry into area of subsistence resources.

Rose Fosdick of Kawerak stated that her people depend on resources every day. These resources include the land, ocean, air, and rivers. She is concerned about their health and the water and these issues fit in with the topic discussed today. These resources are who they are.

The St. Lawrence Island representatives (Ron Toolie and Melvin Apassignok) requested that trawlers should be kept away from the south side of the island. They would like to help other villages on salmon concerns. They have no zones to protect them and their habitat. No trawling should be allowed in those areas.

Sylvester Ayek of King Island stated that he has hunted in Bering Strait and is finding it harder to find walrus, having to go to extremes to find the animals. Last year he was lucky to get his share of walrus. He is worried that if bottom trawlers come into this area, they may disturb the feeding beds of the walrus. He suggested a 100-year ban of bottom trawlers in the area.

Kermit Ivanoff of NVU is opposed to the Council's Nunivak Island vote to changes in the bottom trawl closure boundary in 2011. If extend trawl fishing it may impact the beluga which eat salmon and bottom fish. Trawling should not go into the Nunivak Island area.

L. Paniptchuk of NVU stated that she feeds 7 families year round. She depends on the land, air, and ocean. The families will starve without resources because they do not eat from stores. She does not want Unalakleet to become like the Yukon where they cannot find much fish. She will have to move to harvesting silvers. Generations have done the salmon harvesting under no rules.

K. Johnson stated that she was glad for open dialogue with other villages and visitors. In future impact, they need to conserve what they have now. She is worried about diseases and health and, especially, diet problems. Their grandkids have a dark future unless we work together. Decision making must consider what is happening in the bush and must create a balance.

F. Kavairlook of Koyuk stated that he had plenty of dried fish as boy, but does not see as much any more. He did not get results of tagging studies. People are dependent on subsistence resources for food and for trade. This part of the circle is getting smaller. Places where they can do hunting is getting more restricted

C. Degnan of NVU stated that the world is a unit. They need the ecosystem to keep healthy. There has been a history of development and poisons from the military and mining that impact people. Salmon bycatch numbers are a big concern. NMFS is ignoring the people that need the fish here. NMFS needs to consider the native people's usage of the world. Native people are not used to a cash economy, but depend on the oral history and work to keep everyone alive. NMFS need to not look at individuals but look at the collective and recognize that this area is their homeland.

F. Pete of Stebbins stated that he grew up on subsistence food. He looks forward to harvesting marine mammals and hunting birds. Trawling is worrisome. The sea is their garden. Depleted

resources result in cultural problems as they cannot go to the store because no cash economy. They use what they have harvested and saved.

Charles Saccheus Sr. of Elim stated that subsistence hunting is the top priority. The coastal villages depend on Norton Sound. The Sound is his refrigerator for marine mammals and crab. There should be no trawling in the Norton Sound and conservation of migration routes of walrus, seals, and belugas. Crabs and clams are eaten by bearded seal and walrus. Scraping the ocean bottom kills the crabs and clams and hurts the people in the villages. He wants NOAA and NMFS to work with the natives.

C. Fitka of St. Michael stated that he is a subsistence and commercial fisherman on the Yukon. The Yukon has the best salmon in the world. He used to make a living and put away fish with no problem. Now there are regulations on subsistence harvests with openings for fishing. The commercial harvesting is about gone for chum, silver, and Chinook salmon. The biggest river in Alaska is running out of fish. He questions whether the salmon excluder for trawl gear really works. Modified trawl gear is still touching the ocean bottom, wiping away the bottom of the ocean.

J. Jemewouk of Elim was a manager of a fish cooperative in the 1980s. It had 43 fishermen, of which 6-8 were from Elim. No chum is coming back so no commercial fishing on chum, and the fishing period is open only for silvers. Not as much fishing effort occurs now. He thinks there should be more observers on vessels, as 30 percent is not enough. Natives need to be treated equally and have a place at the table. Fishery managers cannot even manage what they have now in the BS, so probably can't manage additional fishing. The natives need to have the dialogue and equal access to final decisions. This is a recognized part of consultation. He felt that fisheries management is fragmented and similar to the Grand Banks cod fishery, which makes him concerned about future. Families do not go to fish camp any more. He wondered if NMFS threatens trawlers for not providing information.

Raymond-Yakoubian stated that Kawerak supports the tribes and has same concerns. They want to be at the table for decision making.

Arlene Soxie (Elder from Unalakleet) was born in White Mountain, and lived in other places. Resources are shared from sea and land, providing to those who cannot hunt. She is opposed to trawling because it disrupts the bottom of the sea, affects the whole area, including mammals. The smallest animals are an important part of the system. Food is more important than fishing licenses. Who is making these decisions for people in Alaska? They are not aware of the impacts of their decision. She gathers food in the spring time, greens and roots. Preservation is done without refrigerators and freezers. Native food is most important.

Janice Dickens of NVU expressed her thanks for hearing concerns. She hopes we take the concerns and keep them in mind. She is opposed to bottom trawling and its destruction. We need to work together and have balance lives.

Simon Kinneen of NSEDC expressed his thanks for the consultation.

P. Ivanoff of NSEDC stated in his simplistic view, that they can get fined for getting more than two Chinook with rod and reel, and it is disturbing that the fishing fleet can catch 47,000 fish and nothing happens. It says a lot about how to view things. He does not support trawl fishing in the area. The natives need to focus on chum salmon bycatch.

Wes Jones of NSEDC works on local biological information for NSEDC. He hopes that management agencies see that there is a lot of local knowledge. NSEDC also has a lot of local knowledge that can be used by state and federal research staff.

Information requests and Action items

A few items were mentioned during the meeting and later discussed during the tribal caucus for development of recommendations. These items included:

Need to see the Department of Commerce response to the November 2009 NOAA memo regarding tribal consultation planning.

Follow-up to the Nome salmon meeting is needed.

Research on subsistence needs to show the entire socioeconomic impact; NMFS is seeing only the tip of the iceberg.

NMFS needs to respond regarding the Council's responsibility for tribal consultation under E.O. 13175.

The tribes need to send a letter to DOC requesting the extension of the Yukon Chinook disaster relief to the Norton Sound area.

A final list of recommendations to NMFS from the consultation is attached to this report.

High School Visit

A. Ivanoff arranged a visit by Brown, Karp, and Kurland on February 17, to the Unalakleet High School. They presented information to approximately 45 students on NMFS activities and potential career options. Brown presented a powerpoint review of animals that NMFS works with and also showed the submarine video footage of the Aleutian Islands coral gardens. Karp and Kurland provided general career information. They provided NMFS posters and other educational items to the school.

Attachments:

Tribal consultation request letter from Unalakleet

NMFS response to Unalakleet letter

Powerpoint slides used during the tribal consultation

List of attendees

Agenda

Kathy Johnson Statement

Elders Statement

Photos

Action Items/Recommendations

Native Village of Unalakleet

October 7, 2009



Doug Mecum
Acting Regional Administrator
National Marine Fisheries Service
Box 21668
Alaska Region
Juneau, Alaska 99802

RECEIVED

OCT 13 2009

National Marine Fisheries Service
Juneau, AK

RE: REQUEST TO ENGAGE IN A TRIBAL CONSULTATION PROCESS

Dear Mr. Mecum:


On behalf of the Native Village of Unalakleet, we hereby request a one-on-one government to government consultation process with National Marine Fisheries Service. The Bering Sea is the habitat for the salmon which our peoples depend upon for carrying on the culture of fishing. Bycatch of Chinook and other salmon, Northern Bering Sea Research Area, climate change and marine mammals are all matters of great concern to our tribal membership. We would like to host a meeting in Unalakleet prior to the February 24-25, 2010 discussion on the proposed Northern Bering Sea Research Area Plan.

We call for direct consultation with the National Marine Fisheries Service to educate our tribal members so we will make decisions that are based on the facts and science. We have never discounted the fact that Pollock provides economic opportunities for our coastal communities. We are concerned about the cumulative impacts of industrial fishing off the coast of Alaska.

We are all stewards of the lands, rivers, oceans, fish and wildlife which is why we must be involved in the decision making process. By working together, we can achieve greater results that protect the natural environment. We believe the tribes must play a greater role in the decision making process. The current processes i.e. Alaska Native Outreach are good measures for bridging the communication gap that may exist, however, the decision making process needs to be inclusive of Alaska Native constituents who have been underserved and underrepresented by the current regime. We call on changes that will create a balance while serving the national interests in commercial fishing in the Bering Sea Aleutian Island.

We look forward to meeting you and others in our community. Please contact myself or Art C. Ivanoff at (907) 624-3622. Thank you.

Sincerely,


Margaret Hemnes
General Manager

Cc: Eric Olson, North Pacific Fisheries Management Council

P.O. Box 270
Loretta Bullard, Kawerak, Inc.
Unalakleet, AK 99684
Ph: (907) 624-3622

Fax: (907) 624-3621
Email: unkira@kawerak.org



1504-13
Tribal 10/28/09
10-28-09

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

October 28, 2009

Margaret Hemmes, General Manager
Native Village of Unalakleet
P.O. Box 270
Unalakleet, Alaska 99684

Dear Ms. Hemmes:

Thank you for your letter requesting that the National Marine Fisheries Service (NMFS) conduct a government-to-government consultation with the Native Village of Unalakleet regarding several Bering Sea fisheries management issues. These issues include salmon bycatch management, development of a research plan for the Northern Bering Sea Research Area, climate change, marine mammals, and the culture of fishing. We understand that you want to be informed of the facts and science related to these issues to allow for better participation in the decision-making process for fisheries management. We also would appreciate knowing about your perspective and local and traditional knowledge on these important issues.

We appreciate your offer to host a meeting in Unalakleet to discuss these issues through a one-on-one, government-to-government consultation process. We understand the importance of face-to-face communication and will strive to take advantage of every opportunity to meet with representatives of your community in person. Teleconferences and video conferences also may be options to explore for tribal consultation.

Melanie Brown of my staff and Art Ivanoff of your staff have taken advantage of meeting at the International Arctic Fisheries Symposium in October to discuss effective methods of tribal consultation with your village. Ms. Brown, Mr. Ivanoff, and Pat Livingston of the Alaska Fisheries Science Center (AFSC) are scheduled to meet on December 9, 2009, at 6 PM at the Anchorage Hilton to share information regarding the issues identified above. After the December 9 meeting, we will continue to work with you towards meaningful tribal consultation within staffing and funding resources available.



We appreciate your perspective and participation as we work together on these important issues. If you have any questions or concerns please contact Melanie Brown at (907) 586-7006. I look forward to our consultation.


Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc: Eric Olson, North Pacific Fishery Management Council
Pat Livingston, AFSC
Loretta Bullard, Kawerak, Inc.

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Tribal Consultation Responsibilities

Jon Kurland
Acting Deputy Regional Administrator
NOAA Fisheries, Alaska Region

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Tribal Consultation Policies

- Presidential Memorandum (1994)
- Department of Commerce Policy (1995)
- Executive Order 13175 (2000)
- Requirements related to Alaska Native Corporations (2005)
- Presidential Memorandum (2009)

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1994 Presidential Memorandum

"Each executive department and agency shall consult, to the greatest extent practicable... with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals."

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Department of Commerce Policy (1995)

- *American Indian and Alaska Native Policy of the U.S. Department of Commerce*
- Ten principles for Department of Commerce interactions with American Indian and Alaska Native tribal governments
- "The Department will consult and work with tribal governments before making decisions or implementing policy, rules or programs that may affect tribes to ensure that tribal rights and concerns are addressed."

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Executive Order 13175 (2000)

- Requires each federal agency to "have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications."
- Federal agencies must consult with tribal officials early in the process of developing proposed regulations and must consider the tribal impacts of proposed actions.

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Consultation Requirements Related to Alaska Native Corporations

- The Consolidated Appropriations Acts of 2004 and 2005 extended the consultation requirements of Executive Order 13175 to Alaska Native corporations.
- All federal agencies "shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order 13175."

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2009 Presidential Memorandum

- Issued November 5, 2009, at the White House Tribal Nations Conference
- Reaffirms consultation requirements of Executive Order 13175 including "regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications"
- Each agency must submit to the White House within 90 days a plan of actions it will take to implement E.O. 13175 and then must submit progress reports

7

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Consultation on Fishery Management Issues

- Under the Magnuson-Stevens Fishery Conservation and Management Act, the North Pacific Fishery Management Council develops fishery management plans, amendments, and regulations for federally managed fisheries.
- The Council submits its recommendations to NOAA Fisheries for implementation and the agency's only choices are to approve, disapprove, or partially approve based on consistency with the Magnuson-Stevens Act and other applicable law.
- Tribal consultation with NOAA Fisheries is therefore much more effective if it occurs while an issue is still under consideration by the Council.

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November 2009 Workshop Between NOAA Fisheries and Tribal Representatives

- Purpose was to help inform NOAA Fisheries on ways to improve its process for consultation and coordination with Tribes and Alaska Native corporations
- Convened with assistance from Rural CAP and involved about 15 tribal representatives
- Resulted in a series of recommendations (examples: hire tribal liaisons; recommend amending Magnuson-Stevens Act to require voting seats for tribes; fund tribes' participation in consultations; engage with tribes in a continuous manner; create procedures for Council to participate in tribal consultation)
- NOAA Fisheries is evaluating how to proceed given available resources

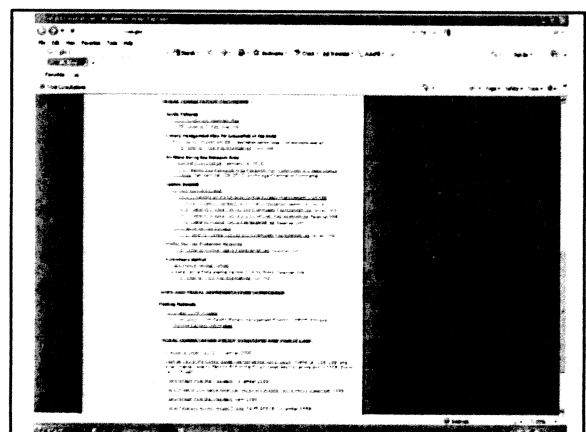
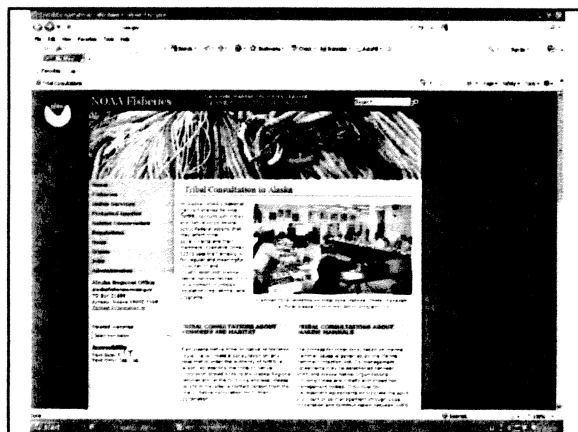
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Information Sources

- New NOAA Fisheries Alaska Region website for tribal consultation: www.alaskafisheries.noaa.gov/tc/
- Also developing a DVD with background information that we will be able to send to tribal groups so they can access large documents and information without having to download from the internet

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Tribal Consultation on Salmon Issues

Unalakleet, Alaska
February 16, 2010

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Chinook Bycatch Management

- The North Pacific Fishery Management Council's plan for addressing Chinook bycatch is contained in Amendment 91 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.
- Amendment 91 combines a limit on the amount of Chinook that may be caught incidentally with an incentive plan agreement and performance standard designed to minimize bycatch to the extent practicable in all years and prevent bycatch from reaching the limit in most years.

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Chinook Bycatch Management

- Aiming to implement the new program in 2011
- NOAA Fisheries will soon publish the notice of availability for Amendment 91 and a proposed rule with public comment period
- NOAA Fisheries will mail copies to Alaska Native representatives, request comments, and invite consultation
- NOAA Fisheries already published the documents that analyze the impacts of this program (final Environmental Impact Statement and Regulatory Impact Review – see www.alaskafisheries.noaa.gov) and mailed a copy of the executive summary to Alaska Native representatives

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Chinook Bycatch Management

- Two different overall Chinook salmon caps (60,000 fish and 47,591 fish) for the pollock industry
- 60,000 cap with sector performance standards would be available to those participating in a private contractual arrangement called an incentive plan agreement (IPA)
- 47,591 cap would apply fleet-wide if industry does not form any IPAs
- Combination of the cap, transferable allocations, and IPAs is intended to provide a more flexible and responsive approach to minimizing salmon bycatch than would be achieved by a cap alone


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Chinook Bycatch Management

After NOAA Fisheries reviews all public comments and conducts any additional tribal consultations we will issue a Record of Decision and either approve, disapprove, or partially approve Amendment 91 and, if approved, publish the final regulations.



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Chum Bycatch Management

- June 2010: Council will refine alternative for analysis
- February 2011: Council preliminary review of analysis
- June 2011: Council will take initial action at a meeting in Nome to choose a preliminary preferred alternative
- October 2011: Council will take final action to recommend measures to NOAA Fisheries
- Council has an outreach plan that includes rural outreach meetings to improve the decision-making process
- Schedule is subject to change
- Council staff contact is Nicole Kimball at 907-271-2809

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Yukon Chinook Disaster Determination

- On January 15, 2010, the Secretary of Commerce determined that there has been a commercial fishery failure for Yukon River Chinook salmon due to low returns in 2008 and 2009.
- A determination by the Secretary paves the way for Congress to appropriate funds for assistance.
- If funds are appropriated, per the Magnuson-Stevens Act section 312(a)(3) the federal share of the cost may not exceed 75%, however the 25% can be in-kind services or Congress could waive this requirement.

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NOAA FISHERIES SERVICE

Yukon Chinook Disaster Determination

- If Congress appropriates funds, NOAA Fisheries would work with the State of Alaska and affected communities to develop a spending plan which describes the activities that could be used to mitigate adverse impacts.
- The spending plan development process would include input from members of affected communities.
- Funds would be administered as grants and as such must comply with applicable guidelines.

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Tribal Consultation on the Northern Bering Sea Research Area

Unalakleet, Alaska
February 16, 2010

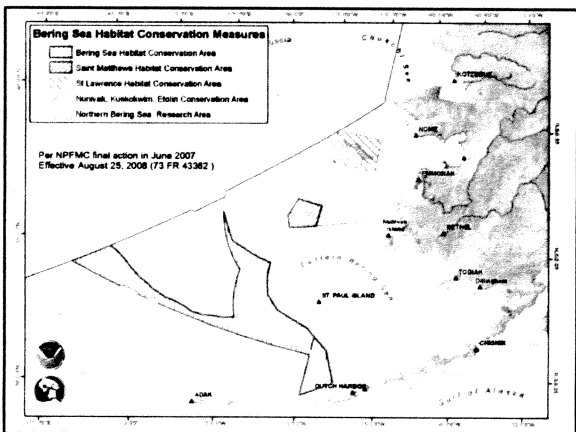
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New Habitat Conservation Measures in the Bering Sea

- North Pacific Fishery Management Council adopted new measures to protect Essential Fish Habitat in the Gulf of Alaska and Aleutian Islands in 2005
- Council then initiated a new analysis for the Bering Sea to consider options to reduce potential adverse effects of bottom trawling
- Final measures recommended by the Council in 2007 included bottom trawl closures in areas that haven't previously been fished, nearshore areas that support subsistence marine resources, and a research area for further study of the effects of bottom trawling
- Regulations took effect in August 2008

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Proposed Modifications to Bering Sea Habitat Conservation Measures

In October 2009 the Council voted to make two modifications to the Bering Sea habitat conservation measures:

- Create a Modified Gear Trawl Zone east of St. Matthew Island where trawling would be allowed with modified sweeps to reduce contact with the seafloor. Council changed the eastern boundary of this area in response to public testimony about importance to subsistence users.
- Revise the eastern boundary of the St. Matthew Island Habitat Conservation Area to provide additional protection for blue king crab populations located east of the island.

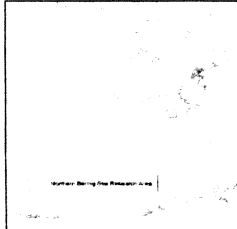
The map shows the proposed modifications to the Bering Sea habitat conservation measures, specifically focusing on the area east of St. Matthew Island. It highlights the Modified Gear Trawl Zone and the revised eastern boundary of the St. Matthew Island Habitat Conservation Area.

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Northern Bering Sea Research Area

- Designated by the North Pacific Fishery Management Council for further study before bottom trawling is allowed
- Will remain closed to bottom trawling until the Council develops a plan to manage fishing in the area, including appropriate protection measures
- Experimental trawling will adhere to a scientific research plan to be developed by NOAA Fisheries in 2010 – adaptive management



Science Service Stewardship




**Research Conducted by the
Alaska Fisheries Science Center**
Unalakleet, AK
February 18, 2010

Dr. Bill Karp, Deputy Director
Alaska Fisheries Science Center

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Identified Items of Interest

Salmon


- Update on salmon bycatch research
- Northern Bering Sea Research Area (NBSRA)
- Living marine resources in NBSRA
- Fishing effort in NBSRA, current and future
- Information transfer between AFSC and Communities

Ecosystem Approach to Management

- Climate change and ocean acidification research
- Ecosystem considerations for fishery management

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Science Service Stewardship



Salmon Bycatch Research
Unalakleet, Alaska
February 16, 2010

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**Stock composition of salmon
bycatch**


National Marine Fisheries Service Goals:

1. Annual count – How many were caught?
2. Annual stock composition estimates – Where were they from?
3. Application for salmon management (NMFS and Alaska Department of Fish and Game) – Information for policy making and management.

This work is in collaboration with ADF&G and the University of Alaska – Fairbanks. Some financial support has been provided by the fishing industry.


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Salmon genetics: requirements

1. Improved sampling from the commercial groundfish fisheries (observer collected samples)
2. Sufficient genetic laboratory capacity
3. Selecting group of cost-efficient genetic markers




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Stock composition analysis to date

- Ongoing work on 2008 Chinook bycatch genetic analysis
- Preliminary analysis for 2005 Chum bycatch show Asian fish dominate in sample set, with Western AK and BC/WA largest contributors from North America
- Main limitations are sample size and inability for accurate individual stock identification across all populations

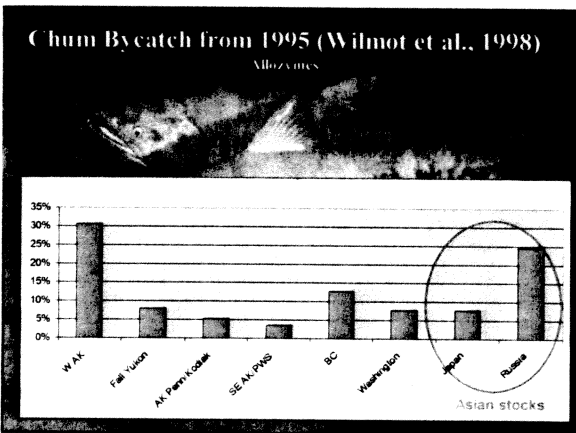
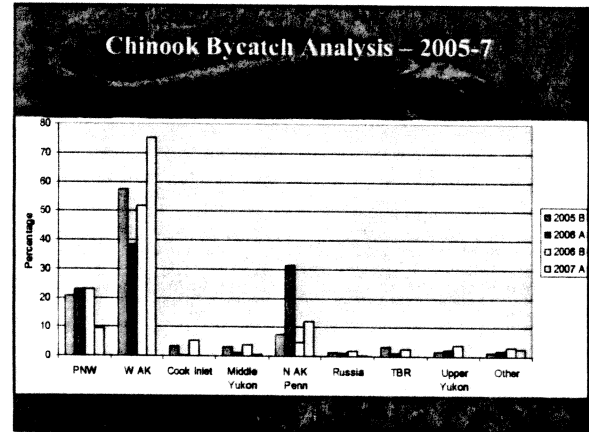


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Scheduled completion of stock composition reports

Chinook Bycatch	Stock Composition Report
2007B	June 2010
2008	March 2010
2009	June 2010
Chum Bycatch	
1988-2005	April 2011
2005	January 2010
2006	October 2010
2007	December 2010
2008	December 2010
2009	June 2010

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Additional AFSC salmon research

Adult equivalents model: estimating impacts of salmon bycatch

- Analysis to determine how many salmon would return to spawn each year (the “adult equivalents”) had they not been incidentally caught

Cooperative work developing salmon excluders for the pollock fisheries

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Northern Bering Sea Research Area

Unalakleet, Alaska
February 16, 2010.

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Northern Bering Sea Research Area (NBSRA)

The NBSRA is an area in the northern Bering Sea specially identified by the Council

The area is currently closed to fishing with bottom trawl gear, and will remain closed until the Council develops a plan for managing fishing in the area, which will include appropriate protection measures

- Any fishing allowed in the area will be in accordance with the guidelines of a scientific research plan

Amendment 89 to the FMP for Groundfish of BSAI

Dr. Lawrence B. Crowder
Continuation

NBSRA Research Plan

Background

- Evidence of the northward expansion of groundfish/crab distribution into the Northern Bering Sea with climate change
- Anticipate corresponding movement of bottom trawl fisheries into the Northern Bering Sea


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What Do We Know About NBSRA Habitat?

Area is important for bottom habitat dependent species

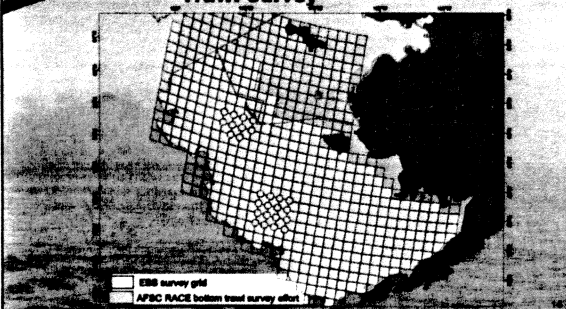
- Snow crab
- Blue king crab
- Marine mammals (Ice seals, walrus, whales)
- Seabirds (aiders)

Area is important for subsistence harvests



NBSRA Research Plan Outline

AFSC Annual Bering Sea Bottom Trawl Survey



NOAA FISHERIES SERVICE

NBSRA Community and Subsistence Workshop (Feb. 24-25, 2010)

Participants

- Communities and subsistence harvesters
- NOAA (trawl impact studies, fisheries statistics, stock assessment, policy)
- US Fish and Wildlife Service

Agenda

- Overview of NBSRA concept and planning
- Subsistence activities and traditional knowledge
- Open discussion

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NBSRA Community and Subsistence Workshop

Information Exchange:

- AFSC is seeking traditional information on where and when animals are found in the NBSRA
 - Will assist in designing management plans which minimize impact to traditional areas and activities
- Subsistence harvest maps and methods provide necessary information
- Identification of species of highest concern to communities and subsistence harvesters

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Ecosystems Consideration in Fisheries Research

Unalakleet, Alaska
February 16, 2010

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Loss of Sea Ice (LOSI) Research

Climate change is causing loss of sea ice. Ice-adapted animals are moving north as ocean temperatures warm.

- Some commercially important fish and crab species have shifted north
- Limited information on populations of ice-dependent marine mammals exists

Research Needs

- Expand monitoring of ocean conditions, fish, shellfish, and mammals
- Determine how northward shifts change food webs and impact growth, maturity, and feeding
- Forecast change in location and numbers of animals and the economic and sociological impacts

Loss of Sea Ice Research Plan

New, temporary funding to begin work on Loss of Sea Ice Research Plan

- Expanding the bottom trawl survey of fish and shellfish in the northern Bering Sea – will assist in the development of NBSRA research plan
- Prepare for two broad-scale surveys for ribbon, spotted and bearded seals planned for 2012 and 2013 in the Bering Sea and Sea of Okhotsk

Ocean Acidification (OA) Research

OA research focuses on effects on king and Tanner crabs, including:

- Testing effects of increased acidity on development and survival
- Developing CO₂ delivery to mimic natural systems
- Assessing animal locations and numbers relative to known CO₂ concentrations
- Forecasting impacts and economic consequences

Ecosystem approach to fisheries management

Monitoring can provide an early warning system for fishery managers, signaling changes that may warrant management action. The AFSC seeks to provide scientific advice beyond single-species stock assessments.

The AFSC conducts, and collaborates on, a broad suite of research efforts, including:

- Habitat research
- Trophic (food-web) interactions
- Long-term monitoring of fish, crab and mammals
- Multispecies and ecosystem modeling

Ecosystem Considerations

The North Pacific Fishery Management Council includes some ecosystem research information in the "ecosystem considerations" chapter of the groundfish stock assessment reports.

Includes summary of climate, ecosystem, and fishery trends

New contributions in 2009 include:

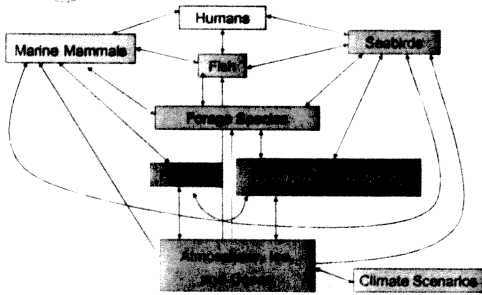
- Area disturbed by trawl gear in the Eastern Bering Sea
- Spatial distribution of groundfish stocks in the Bering Sea

Bering Ecosystem Study (BEST) and Bering Integrated Ecosystem Research Program (BSIERP)

- Funded by North Pacific Research Board and National Science Foundation - \$52M; 2007-2012
- Federal, State, University and private institutions are collaborating; 94 individual scientists
- Integrated research covering atmospheric forcing and physical oceanography to humans and communities
- Focuses on understanding trophic interactions among: 1) colony-based foragers, 2) hot spot foragers, 3) pelagic forage species and 4) pelagic predators



**Bering Ecosystem Study (BEST)
and Bering Integrated Ecosystem
Research Program (BSIERP)**



AGENDA

**TRIBAL CONSULTATION
UNALAKLEET/NATIONAL MARINE FISHERIES SERVICE
UNALAKLEET COMMUNITY CENTER
UNALAKLEET, ALASKA**

**TUESDAY, FEBRUARY 16, 2010
9 AM**

9:00 AM **Introductions and Welcoming** by Kathy Johnson & Margaret Hemnes

Purpose of the meeting

Unalakleet and NMFS perspectives on learning from each other.

9:30 AM **Review of the tribal consultation responsibilities**

Executive Order 13175

President Obama's Nov. 2009 speech

DOC policy on tribal consultation

November 2009 Tribal Consultation Process RurALCAP meeting results

10:00 AM **Topics for Discussion (in priority order)**

1. Salmon

Genetics studies update

Chinook bycatch management update & Chum salmon bycatch management update

Yukon River Chinook Salmon Disaster Determination

Lunch Break 12:00 -1:00 PM

2. Northern Bering Sea Research Area

How do we do information transfer between AFSC and communities?

Discussion on marine mammals, seabirds, habitat, and fish and crab resources

Who can and do fish in the NBSRA now, and who might fish there in the future?

3. Ecosystems management

How is the ecosystem considered in the management of fish harvest?

Ocean warming and ocean acidification and changes expected and seen

3:30 PM Wrap up -Development of Action items and agreement on the next steps.

**SIGN UP SHEET
TRIBAL CONSULTATION MEETING W/
NVU/NMFS**

TUESDAY, FEBRUARY 16, 2010

NAME	ORGANIZATION	CONTACT INFORMATION
1. Julie Raymond-Yakoubian	Kawerak	jraymond-yakoubian@kawerak.org
2. Ruby Nassuk	Koyuk	akuaiivi311@yahoo.com
3. Charles Saccheus Sr.	Elim	belugaman@yahoo.com
4. Charlie Fitka	St Michael	N/A
5. Rose Fosdick	Kawerak and Nome	rfosdick@kawerak.org
6. John Jemewouk	Elim	jemewouk@hotmail.com
7. Ron Toolie	Savoonga	(907) 984-6416
8. Melvin Apassingok	Gambell	(907) 985-5346
9. Fred Pete, Sr.	Stebbins	(907) 934-2653
10. Michael Sookiayk	Shaktoolik	(907) 955-3701
11. Margaret Hemnes	Unalakleet/NVU	(907) 624-3622
12. Kermit Ivanoff	Unalakleet/NVU	(907) 625-1072
13. Lousia Paniptchuk	Unalakleet/NVU	(907) 625-1247
14. Charles Degnan	Unalakleet/NVU	(907) 624-3125
15. Sheldon Katchatag	Unalakleet/NVU	(907) 624-3622
16. Laureli Kinneen	KNOM Radio/Nome	(907) 443-5221
17. Arlene Soxie	Unalakleet/Elder	N/A
18. Janice Dickens	NVU	(907) 624-3622
19. Slyvester Ayek	King Island NV	(907) 443-7614
20. Frank Kavairlook	Koyuk	(907) 963-3291
21. Simon Kinneen	Nome/NSEDC	(907) 443-2477
22. Paul Ivanoff III	Unalakleet/NSEDC	(907) 624-3190
23. Wes Jones	Unalakleet/NSEDC	(907) 624-3193
24. Jerry Ivanoff	Unalakleet/Fish	(907) 624-3190
25. Muriel Morse	Anchorage/AMCC	(907) 277-5353
26. Dorothy Childers	Anchorage/AMCC	(907) 277-5353
27. Fred Ivanoff	Unalakleet	(907) 624-3038
28. Art C. Ivanoff	Unalakleet/NVU	(907) 624-3622
29. Bill Karp	Alaska Fisheries Science Center	bill.karp@noaa.gov
30. Jon Kurland	NMFS Alaska Region	jon.kurland@noaa.gov
31. Melanie Brown	NMFS Alaska Region	Melanie.brown@noaa.gov
32. Kathy Johnson	Unalakleet/NVU	(907) 624-3622

WELCOMING REMARKS BY KATHY JOHNSON/CHAIR, NATIVE VILLAGE OF UNALAKLEET

PLEASE LET ME EXTEND AN INVITATION TO THE AGENCY & VILLAGE REPRESENTATIVES;

- The time has come for the tribal governments to play a greater role in the decision-making process that impact's our subsistence way of life.
- This is the first step in many to ensure tribes are given an opportunity to voice our collective concerns.
- We are concerned about our salmon stocks for conservation, meeting subsistence needs and ample resources for a targeted take of salmon species for commercial fisheries. This commercial take compliments our subsistence way of life by providing tools we need for engaging in our subsistence way of life.
- The expansion of fisheries into the Northern Bering Sea brings new jobs, opportunities, but more critically, new threats to the subsistence way of life, our bread basket.
- What is important is to prevent an over fishing of any species in the Bering Sea. We hope to develop a road map for next generation so they will play a critical role in the decision making process.

A statement of Elders regarding moving lines enabling major ocean fishing and trawling boundaries in the Bering Sea

We treasure the Bering Sea and Norton Sound that provides our daily sustenance since time immemorial. Like our forefathers and ancestors we depend upon the fish, mammals, clams and other resources to maintain our body and spirit in a natural healthy way. We recognize the effects of climate change. We are very concerned that our waters will be disturbed and are damaged by over fishing by industrial commercial fisheries. This will not only affect us as humans but will harm all living creatures on whom we depend for food sources, culturally relevant materials for tools and household implements that are important to us. We value our environment in its natural state. Which supports all of nature in balance-healthy and in a state of well being.

Richard M. Etageak Anna Etageak

Joseph H. Kitching Jr. Kevin J. Swaff Sr.

Charles Lockwood John O'Hara

Luther Swetish Sean Koutchak

Frances Charles Janice Jukes

Laura Paripetchuk Ann Swaff Sr.

Arlene Soxie Boba Swaff

Joanne Swanson Glenn Swaff

Francis Swanson Edward Wakahak Sr.

Mae Sarran Roger J. Nicholas

Onessia Baker ~~Clarence M. Swaff~~

Bob Swaff



Consultation participants at Unalakleet Community Hall. February 16, 2010



Bill Karp (AFSC) and Jon Kurland (NMFS AK Region) providing information.



Edge of Unalakleet village along the Norton Sound Coast.



Wind Turbines supplying 30 Percent of Unalakleet's energy needs, partially funded by the Norton Sound Economic Development Corp. (CDQ group)



View of Unalakleet from hills above town. Town is located close to subsistence resources but experiencing flooding and erosion and may have to move.

Recommendations

To the National Marine Fisheries Service, Alaska Fisheries Science Center, and the North Pacific Fishery Management Council from Tribes represented at the 2/16/10 Tribal Consultation in Unalakleet

Highest Priority Requests:

- Tribes want NMFS to postpone their planned 2010 bottom trawl research in the Northern Bering Sea Research Area¹ (NBSRA) at least until tribal consultation has been carried out
- Tribes do not want commercial bottom trawl fishing to be expanded northward into the NBSRA

Other Action Items/Recommendations:

- Want follow up from NMFS regarding today's meeting (2/16/10) – what will NMFS do with the feedback and concerns they heard here, what is their plan for additional action?
- Want the Department of Commerce to extend Chinook disaster relief to the Norton Sound area
- Want follow up from NMFS regarding the January 2009 Tribal Consultation in Nome on Chinook Bycatch (i.e. how were tribal concerns communicated to agency and department heads, how were concerns addressed/incorporated into final action, etc.)
- Want NMFS to support the tribal recommendations that came out of the November 9-10, 2009 Tribal workgroup meeting held in Anchorage at the RurAL CAP offices
- Want formal legal opinion from NMFS/NOAA/NPFMC attorneys regarding why the North Pacific Fisheries Management Council should not be held to the same Tribal Consultation requirements that NMFS/DoC are held to (i.e. Executive Order 13175)
- Want the Department of Commerce's response plan of action requested by the November 5 Presidential Memorandum regarding Tribal Consultation forwarded to all Kawerak region tribes
- Want NMFS/NOAA to make specific funding requests in their budgets to carry out tribal consultation responsibilities (this would include funding to hire an AK Region Tribal Liaison, funding for tribes to travel to meetings, funding for agency staff to travel to meetings, etc.)
- Want the pollock industry to be required to process and freeze all suitable salmon bycatch for delivery to and for the use of Western Alaska communities.
- Want more engagement by NMFS/NOAA into social science research – i.e. funding for research that both quantifies the economic contributions of subsistence resources to communities and the region, and examines the social and cultural importance of the resources
- Want NMFS to respond to specific request from St. Lawrence Island, King Island and Diomedes Island tribes to have the protected area surrounding their islands extend to a 100mi radius.

¹ This request was added after the Feb. 24-25, 2010 NBSRA workshop in Anchorage. Tribes were not informed of the proposed research until the workshop.