Juneau Douglas Fish and Game Advisory Committee
Sept 19, 2002

Members Present: Bob Cartmill, Paula Terrel, Eric Norman, Linnea Osborne, Dave Hansen, Frank Fink, Nick Yurko, Jim Welch, Albie Morin, David McKenna and Kathy Hansen
Public: Tom Gemmell, UFA; Doug McBride; Brian Glynn; ADFG; Art Hughes, Board Support; Dale Kelley, ATA;

Meeting called to order at 6:35 pm. Members of the public were introduced. Presentation was given by Doug Woodby - ADFG. Purpose of the task force, what to advise to Board of Fish on public process for MPA's. Doug stressed that this report focused mainly on fishery reserves and not MPA's.

Questions were raised regarding definitions used and a recommendation was made to stress "Alaskan" local public feedback and impacts. Marine fishery reserve verses Marine Reserve – better definitions needed. Only legislature can create a refuge or Marine Reserve. The BOF can create a Marine Fishery Reserve.

Question was raised as to why this was being done and why fast tracked. Discussion took place as to Federal issues and state action.

Question was raised on whether large vessel could be prevented from transiting marine reserves. - Yes

Question was raised if Marine reserves need to go through the Coastal zone management program. - Yes

Comments were made by several committee members that they found the report confusing and difficult to understand what the actual recommendations were.

The committee recommended changing the following:
Formatting and wording of definitions, which apply throughout documents
(Make the definition for MPA as number one and then label a., b., and c., the terms Marine reserve, Marine fishery Reserve and Protected Marine habitat to more clearly define that these are sub-sets of a MPA.) That a different title be found for Marine fishery reserve.
Format within report recommendations in bullet form and then provide the details for each recommendation following the list.
Stress that public process will include local Alaskan residents, advisory committees, and local stakeholders. That this process will not allow outside environmental interests to dominate the process.

The committee recommends that any proposed policy and decisions coming from BOF work session be provided for further review and comments.

Prearrange meeting schedule:
Kensington Bay mining presentation and impacts on Berner's Bay – members agreed to meet on this issue. (To be scheduled later)
Sport fishing strategic plan – a copy of the plan was provided to the members by Brian Glynn and the consensus was to let individual members comment if they wished.

Next to be scheduled were the meeting for game proposals (comments due Oct. 18th) and a strategy for public participation on the two topics that the committee felt would generate significant public comment. The consensus of the committee was to schedule one hearing for public comment on the white bear regulation and Douglas Island wolves limiting public testimony to 3-5 minutes depending on the turnout but to wait until the following meeting to determine the Advisory committee recommendation on the issues until the following meeting.
Dates set were October 8th and 15th at 6:15pm. At the meeting on the 15th we will make our recommendation on the white bear regulation, Douglas Island wolves and all the other game proposals in the book.

Meeting was set to discuss the wild trout policy being considered in Oct. on October 3rd at 6:30 with the trout sub-committee meeting on Oct 2nd at the Breakwater at 1:00 to look at the information and develop a set of recommendations for the whole Advisory committee to look at.

Board of Fish proposals. (Still tentative while checking if biologist and protection will be available along with meeting room.)

December 5th (Time to be determined)
(tentatively consider Groundfish,& LAMPS – 33 proposals)
December 10th (Time to be determined)
(tentatively consider Subsistence and Herring – 61 proposals)
December 17th (Time to be determined)
(tentatively consider Dungeness crab, scallops, misc. shellfish and dive – 47 proposals)
January 2, 2003
(tentatively consider shrimp – 31 proposals)

Dale Kelley from Alaska Trollers Association commented that NMFS is taking public comment through September 23rd on the Code of Conduct for responsible Aquaculture Development in the US EEZ Zone and asked if the committee would send a letter asking for a comment deadline and for no open net cage farming to be allowed for the Alaskan coastline in the EEZ zone.

Motion was made with unanimous consent by Paula/Frank to request NMFS to extend the comment deadline and for no open net cage farming to be allowed for the Alaskan coastline in the EEZ zone. Hearing no opposition the motion passed.

Respectfully submitted,
Kathy Hansen. Chair
Juneau Douglas Fish and Game Advisory Committee

Subject: Scallop content
Date: Wed, 24 Jul 2002 17:24:20 -0700
From: "Teressa Kandianis" <teressa@kodiakfishco.com>
To: <MPA_program@fishgame.state.ak.us>

I pulled down the web copy of the MPA in Alaska: Recommendations. I've only reviewed it briefly but wanted to let you know that you've left out all information on the Alaska scallop fishery and all the areas closed full time or part time for that fishery. The observer data is all catalogued by the Western Region. If you add this prior to the due date for comments, I'd like to have an opportunity to review it before the comment period is over.

Thanks, Teressa Kandianis
Kodiak Fish Company
360-671-1678

MARINE CONSERVATION ALLIANCE

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JUNEAU, AK 99802

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MPA Task Force
ATTENTION: Doug Woodby
Alaska Department of Fish and Game
Commercial Fisheries Division
P.O. Box 25526
Juneau, AK 99801

October 2, 2002

Dear Mr. Woodby:

Thank you for the opportunity to comment on the Alaska Department of Fish and Game's report, "Marine Protected Areas in Alaska: Recommendations for a Public Process." We commend you and your colleagues for creating a useful review of Marine Protected Areas (MPA) and a solid starting point for what will surely be a long and complex conversation about the potential role of MPAs in Alaska fisheries management. We encourage the Alaska Board of Fisheries' careful deliberation on this important subject.

The Marine Conservation Alliance (MCA) was established by fishing associations, communities, Community Development Quota (CDQ) groups, harvesters, processors, and support sector businesses, to promote the sustainable use of North Pacific marine resources by present and future generations, based on sound science, prudent management, and a transparent, open public process. We seek practical solutions to resource use questions to both protect the marine environment and minimize impacts on the North Pacific fishing community. We support research and public education about the fishery resources of the North Pacific. Certainly, the ecological health of the North Pacific is central to sustainable use of its renewable resources. We are equally convinced the human portion of the equation deserves consideration.

In concept, we believe MPAs can serve legitimate management objectives if they 1) are scientifically justified, 2) have clearly articulated goals, and 3) incorporate provisions for continued monitoring to ensure those goals are being achieved.

Clear definitions and goals for MPAs are paramount; there already exists a wide variety of opinion on what constitutes said designation. Scientific justification should be oriented toward reducing or minimizing

known, demonstrable adverse impacts, not peremptorily creating no-take reserves for the sake of creating reserves. Further, Alaska-specific data are needed regarding the effectiveness of MPAs. Most existing information on MPAs or their equivalents comes from faraway, often tropical, regions; reliable data from Alaska are in decidedly short supply.

In our view, temporary, seasonal, or gear-limited closures imposed to achieve conservation and management objectives, by whatever name they may be called, qualify as *de facto* MPAs; MPAs are not just no-take marine reserves. We further believe state and federal regulators already enjoy ample authority to designate *de facto* MPAs at many levels of restriction, and we encourage regulatory agencies to fully consider that authority in deliberations on limiting use of marine areas. No restrictions, especially creation of new no-take marine reserves, should be imposed until MPAs are properly defined and specific goals identified.

However they are known, MPAs have long been a fact of life in the North Pacific. As noted in your report, tens of thousands of square nautical miles are already closed or restricted to fishing to protect habitat or otherwise conserve sensitive species. The North Pacific has a substantial network of protected areas already in place.

We encourage the establishment of MPA guidelines with the same transparent, public, science-driven process central to state and federal fishery management decisions. Since half of all fish and shellfish landings in the U.S. come from federal and state waters off Alaska, we expect the North Pacific fishing community will be well-represented in those deliberations.

With those general tenets in mind, we offer the following specific observations and suggestions:

Page 4

Definitions: We believe any definition of MPAs should be broad enough to include fishery management actions that close an area permanently or seasonally and/or restrict the use of a certain type or types of fishing gear for purposes of achieving conservation and management objectives.

The three specific terms and distinctions used in this report are supposedly subparts of the overall concept of an MPA. The distinctions between "marine reserve," "marine fishery reserve," and "protected marine habitat" are somewhat artificial and arbitrary. We applaud your taking the initiative to develop an accepted lexicon, because in the MPA arena, terms have been used imprecisely and inconsistently, leading to confusion and misunderstanding.

However, the terms used are not carefully delineated. Therefore, some types of managed areas we believe should be considered as MPAs don't fall under any of the definitions, e.g., "marine fishery reserve" seems narrow enough to exclude management

areas such as the "Red King Crab Savings Area (RKCSA)," because they are not areas where "extraction of a specified fishery resource" is prevented. Report authors may have been trying to distinguish between a management closed area for one species rather than a complex of species or all species, but we feel they set the definition too narrowly. The RKCSA is intended to protect red king crabs and their habitat, yet because some portions of the area are accessible to fishing, it doesn't fit into any of the definitions. If there is no definition that would include the herring, salmon, and crab management areas, we believe the Department needs to modify their definitions to ensure recognition of the considerable territory already designated as *de facto* MPAs.

Also, "protected marine habitat" suggests the only type of management protection for habitat pertains to bottom structure or benthic habitat. Habitat for fish or other animals is usually construed to be more than benthic structure and MPAs should encompass more than just the realm of benthic habitat. For instance, sea lion rookery restrictions for groundfish off Alaska would not fit into this definition because trawling for species other than cod, pollock, and mackerel is allowed (as is bottom contact fishing with fixed gears). Since the focus of sea lion rookery closures is protection of one aspect of "habitat," sea lion rookery closures fit most closely with this category. However, once again, these areas would not qualify as protected marine habitats or marine fishery reserve.

Goals of Marine Reserves in Alaska: Some of these stated goals reflect a habitat focus that is too narrow and somewhat misdirected. For example, in the second bullet, the report suggests to rebuild overfished populations and stocks, only habitat protection and leaving some habitat "undisturbed" (presumably from man-made disturbance) are considered.

The goal of MPAs for stock rebuilding is broader than this, generally being presented as leaving a portion of the stock unfished so fish can grow to maturity and the genetics and spawning dynamics of the population are better preserved in the reserve area. In actuality, the linkage between fish population health and "undisturbed" habitat has hardly been demonstrated.

Likewise, the final bullet on enhancing fishery yields may be a laudable objective, but it has largely fallen from the list of reasons to create MPAs in recent years because many MPA plans now call for a reduction in Total Allowable Catch (TAC) proportionate to the reduction in area available for fishing. In most cases, larval dispersal and increased yield from "spillover" is thought to be applicable only to a limited set of circumstances where networks of reserves supposedly seed one another or provide for yield spillover into areas where fishing is allowed. If this case applies, it is in tropical reef systems with mostly sedentary species, or shelves with the dynamics of predictable larval dispersion. Ascribing this particular goal and high expectations for MPAs off Alaska is improbable at best.

Page 5

Specific Recommendations for Marine Reserves and Protected Marine Habitats in Alaskan Waters: The report's conclusion is to consider adopting MPAs and create an adequate public process for stakeholders, a reasonable timeline and review process, a process for input from communities, and accessibility for the public. Public process should not simply define "affected community" as those municipalities directly adjacent to proposed MPA areas.

For example, the "stakeholder" process launched by the North Pacific Fishery Management Council on Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HPAC) did little to incorporate concerns of affected communities not directly adjacent to proposed HAPCs. Many potentially affected fishermen are not simply local people, and with the CDQ program in Alaska, there is a greater cross fertilization than ever in terms of partnerships between local and non-local users that could be affected. We ask that you not define "affected community" narrowly.

While public process priorities are truly worthwhile and laudable, the process of determining if MPAs would create benefits for fisheries off Alaska first and foremost needs significant input from the scientific community. In areas and regions where MPAs have been suggested as beneficial management tools, successful implementation has hinged on 1) an adequate scientific design with well constructed and articulated goals and designs, incorporation of experimental designs and controls to help establish the efficacy of the program, and 2) adequate pubic input. This report is long on public process mechanisms and short on descriptions of how scientific planning will be addressed.

Page 6

Evaluate Needs for Reserves and Habitat Protection: These considerations for selecting what fisheries and what areas might be considered fails to describe 1) how these decisions will be made (the technical aspects of the analysis), and 2) who will make these calls (who will perform such an in-depth and potentially subjective analysis where little or no data are available for many of the important variables).

Under 1) above, the emphasis is heaviest on benthic disturbance as the most important consideration as the target for MPA focus. While overfished stocks and other considerations are listed, little of the MPA objective of biodiversity and species assemblages survived through to this list of considerations.

Of the few items listed not related to benthic habitat, the potentially most troublesome is (j), "historical distributions of commercial fisheries," especially "hot spots" and "representative habitat types." Much of the fishing industry's concern over MPAs stems from the possibility that elements of (j) would be used to target potential MPA sites. Under that scenario, areas with highest catch rates would be deemed most critical for protection. This technique could well be applied to each and every representative habitat type, effectively closing off the best fishing grounds. If (j) is really

the intent, we wonder how managers will go about making these determinations and how are the benefits fishermen, communities, and consumers may derive from MPAs affected by placing MPAs in the high Catch Per Unit Effort (CPUE) areas? Clearly, this concern should be addressed at the head of the report.

Item 2) deals with the decision matrix for how the most valuable habitats and sites would be selected and how such concepts as buffers, boundaries, connectivity, and review of MPA effectiveness might be handled. These are the core issues for MPA decisions, and we find little comfort from a list of decision variables without details on what particular scientific expertise will be available to provide guidance on these enormous decisions. That the public will be involved is commendable, but we fear the combined efforts of the Board of Fish, its existing staff (with few, if any, MPA specialists at hand), and the public will be insufficient to such a massive and complex task.

Reserve Site Selection: Item (2) mentions scientific advisors along with an interdisciplinary approach and a public process for MPA development. This concedes the need for scientific advisors but provides scant detail as to how the Department would bring these resources together and how they would ensure that the effort is both adequate and balanced. Particularly worrisome is the return to using high productivity as a criterion for site selection (Item 5). If CPUE would be the determinant, we re-emphasize our comments above.

Item 6 includes the anticipated effect of displaced fishing effort as a consideration, which is a positive approach, but what information will managers use to understand these effects? We have, for a long time now, needed models to evaluate effort shifts in Federal fisheries off Alaska. To our knowledge, such models are still not available, and we wonder what would be used to evaluate effort shifts and effects. Even industry input would likely prove inadequate because the evaluation of "next best" alternatives is complex, and any one vessel operator may not be able to predict what his response would be without knowing what the rest of the fleet would do.

Item 6 also mentions economic stability. We applaud the Department's recognition that we need economic analysis of effects of MPAs on the industry and affected communities. However, "stability" may be an imperfect goal, e.g., we suspect few in the salmon industry would advocate for the stability of that industry in its present form. Even for groundfish, for affected fishing communities that are already fully involved in deriving benefits from the resource, stability may not be an acceptable goal. For several communities interested in exploiting fishery resources that are thought to be underexploited at this time, stability is probably not an acceptable criterion for economic performance.

Page 8

Sensitive Marine Habitats: This section prioritizes sensitive habitats such as deep sea corals and sponges because these areas are thought to "structurally enhance the diversity of habitats and promote greater diversity." While few would argue that corals

provide obvious structural enhancement, as do boulders and other non-living features, the argument that corals "promote greater biological diversity" is not clearly demonstrable, especially in areas outside of the tropics.

Coordination with Federal Efforts and with other State Agencies: We are encouraged by the Department's recognition of the State's role in the process, especially with regard to its lack of authority to set regulations in federal waters. The State apparently sees its MPA process as working in conjunction with the federal EFH and HAPC process, and will seek opportunities where state and federal areas of jurisdiction overlap. The language also seems to imply that the State's role may extend to providing direction to the federal process through its joint Board/Council protocol committee as well. We find the argument for such coordination compelling, particularly in the Aleutian Islands, where coral bycatch data suggests that many of the areas where corals are affected by fishing gear include both state and federal waters.

Page 9

Management Plans for Reserves: Our earlier concerns about scientific guidance available to the State apply here as well. The elements of an MPA plan will need scientific guidance in order to develop a design 1) capable of achieving its goals, 2) that incorporates a monitoring plan to evaluate whether the MPA is accomplishing its objectives, and 3) that optimizes site selection so as to be adequate scientifically.

We note with no small amount of concern the Department's acknowledgment of inadequate funding for scientific and management planning aspects of MPA consideration (Page 6, Item 1: "The analysis is expected to be a significant effort requiring additional funding and potentially conducted under contract"). If the Department lacks funding, will it attempt to just do the best job possible "in house," or might it seek funding from outside sources? We see both options as difficult at best and fraught with peril at worst.

We are encouraged by Item 4, confirming that the State feels it is important for any MPA design to include a plan to evaluate its effectiveness. Incorporation of a monitoring plan would certainly lend needed credibility to any efforts to establish MPAs. Elsewhere, MPAs have frequently failed to incorporate monitoring plans, ostensibly due to the complexity of the experimental designs for such plans. We applaud the Department's recognition of the necessity for monitoring plans, and offer our assistance to insure sufficient commitment to such plans that they do not drop from the table in future efforts to implement an MPA.

Monitoring and Evaluation: We concur with the Department's suggestion of inviting independent scientific personnel to participate in the design of monitoring (performance evaluation) plans for MPAs.

Appendix B: Scientific Basis For Reserves, sections on benefits inside and outside reserve areas: This literature review is reminiscent of others produced to convince readers of the supposed benefits of MPAs, especially in that it begins with an admission that there are very few scientific case studies of the effectiveness of MPAs at attaining their stated objectives. Most of the literature is conceptual or theoretical and not grounded by empirical studies to show the actual effects of the MPAs. Unfortunately, circumstantial evidence is easily elevated to more than that, and other potential causes for the outcome are casually dismissed.

MPAs are not often created as controlled experiments, and other fishery management measures are often enacted simultaneously. This confounds the question of any even cursory evaluation of the effects of an MPA. One case in point is the New England scallop fishery, where the Department's paper assigns some positive benefit to the closed areas. In actuality, the management regulations which reduced the allowed fishing days at sea, the swings in environmental conditions, and the reduction in scallop predators all could help explain the increase in scallop biomass (which was significant, both inside and outside the closed areas). Yet this review describes this scallop closed area as an example of a successful application of MPAs.

The other clear deficiency with this review is that the introduction states the MPA case studies and other evaluations from tropical areas are probably not relevant to conditions and fisheries in Alaska. Despite this, the review goes on to make most of its positive conclusions on MPAs based on studies in tropical areas.

The report does an adequate job of raising the issue of whether tropical reef examples are applicable. Much of the larval broadcast perceived benefits of MPAs are predicated on life strategies that are not applicable to species off Alaska, and predictable larval dispersion which is not really applicable to most species in our area. The problem the reviewers clearly faced was if one eliminates tropical MPA studies, there is little or nothing to consider. This lack of studies is more than a hindrance to an MPA literature review for Alaska; it's an indication that little at all is known about how MPAs would work in our fisheries.

One final criticism is that the paper cites some studies that are barely even remotely appropriate for use as examples of MPA successes. Two such papers, by Cushing and by Smith, describing North Sea "closures" during WWI and WWII, are at best tangential to the issue of MPA effectiveness. Many factors can contribute to a doubling in the biomass of flatfish. North Sea flatfish populations have also undergone these swings outside of cataclysmic war events or other situations where fishing was temporarily curtailed.

The approach taken for the review is to evaluate studies of benefits within the reserves and those on the outside of reserves. One issue discussed is the tradeoff on bycatch associated with closing parts of the ocean. The review states that bycatch of

coral might be reduced if areas with abundances of corals are closed to fishing. The study also points out, however, that other bycatch reduction incentives such as reducing salmon or crab bycatch might be negatively affected because reductions in allowable fishing areas remove potentially low bycatch fishing areas where fishermen might otherwise locate effort. This is an important point, and we encourage you to augment this argument.

Benefits ascribed to population genetics from MPAs appear more relevant to reef fish in tropical waters than to fish stocks off Alaska. In addition to life history differences, fishery exploitation rates are thought to be relatively low in our fisheries, so the benefits of an area that allows fish to grow to maturity are not very relevant. Age data collected for stock assessments in Alaska have not shown a compression of catch of mostly younger year classes. In fact, both fishery dependent and survey data for long-lived species (such as rockfish) harvested off Alaska continue to show strong mixes of year classes.

In the section on benefits of MPAs outside of the MPA areas, the predominance of tropical reef fish examples renders the evaluation irrelevant. The cases cited, both positive and negative for MPA applications, are nearly all of questionable relevance because they come from tropical areas involving fish with life histories that are largely not applicable to fish stocks found off Alaska. The single example in this section not from a tropical area is the case of scallops off New England. We already questioned the utility of the scallop closed area example to determine the effects of the closed area, particularly the purported benefits outside the closed area.

Page 17

Sections on theoretical models to illustrate the benefits of MPAs: The section on MPA models is of little value in determining potential benefits of MPAs. Rockfish models are probably more applicable, but we remain unconvinced the benefits and costs of MPAs can be captured in models where there are little or no data for the fundamental input variables.

Page 20

Section on Costs: The report adequately points out the basic cost to fishermen of closed areas in terms of potentially having to fish in the "next best alternative" area, where catch rates are presumably lower (or they'd have fished there in the first place) and fishing costs could be higher. The interaction of the bycatch tradeoffs as a cost associated with closed areas needs to be better illustrated in this section. For fisheries where bycatch constraints drive fishery performance, the loss of a fishing area that has a relatively low associated bycatch cost can be devastating in terms of the potential to make up for catches in areas left open to fishing. These effects are important for many groundfish fisheries off Alaska, yet there are no models available to adequately illustrate these tradeoffs.

Simple models used in the past tended to predict effects based on the assumption that all fishing effort will simply relocate to the area with the next highest CPUE. This assumption can lead to misleading and incorrect estimates of the costs of a closed area. In our experience with how our fishing patterns have shifted in the face of a new closed area (where the next highest CPUE was expected to buoy the effects of the closure), this assumption has in some cases not proven true at all. Large bycatch constraints or lack of an adequate abundance of fish to support the influx of fishing effort can occur. Determination of costs of MPA closed areas needs to reflect the interrelated issue of bycatch for bycatch constrained fisheries, but there is a decided lack of models which can depict these effects adequately. This situation offers a good use of modeling, but the simplistic models used to model area and fishery switching behavior are not up to the task of adequately estimating what MPA closure areas would create in terms of costs to the fishing sector. Finally, consumer surplus effects should also be included in the analysis of costs of MPAs.

Page 25

Reserve Size: We believe a percentage-based goal, such as designating 20% of a management area as an MPA, is neither appropriate nor useful. However, if a regulatory agency set such an arbitrary goal, calculations should not be based solely on no-take designations, but on the vast areas already designated as *de facto* MPAs for fishery management purposes or to achieve other conservation goals. The report needs to discuss the issue of size in the context of a monitoring plan that seeks to evaluate the effects of an MPA.

Page 26

Configuration: Reserve networks: Once again, this section is dominated by examples of reserves configured around the life history parameters of tropical reef fish. Larval dispersion "patterns" are almost unknown off Alaska. This section of the Department's paper, however, does a good job of illustrating the lack of applicability of some of these studies to Alaska, even to rockfish – one of the most sedentary species managed off Alaska.

Page 28

Coverage: Papers arguing for differing proportions of total area, or total area of a given type, are largely arbitrary arguments based on little or no empirical backing. The section on the "ethical argument" brings morals and ethics into the MPA coverage debate, which has no place in a scientific review.

The final sections on precautionary approach report the coverage expectations that some of the more extreme MPA advocates support. As the review points out, closing a large proportion of the available area to fishing and other activities in order to increase productivity and yields is counterintuitive at best. Likewise, these studies assume fishery management would consist of MPAs alone; no other management controls would be

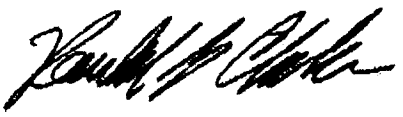
used. This is an unrealistic assumption for Alaska, as we doubt managers are ready to drop all other controls and roll the dice with a huge MPA (as much as 80% of the overall area held in a no-take reserve). We believe fishermen would rather have management controls and a lower percentage of reserve area than a very high percentage of reserve area and a very small area in which they can harvest whatever they want/can. Overall, the section on coverage is sufficiently sketchy that we would recommend it be discarded, if for no other reason, so it doesn't further polarize the different user end environmental groups on this issue.

Finally, we enclose information on MPAs from the June, 2000 annual meeting of the International Coalition of Fisheries Associations, with which you may be unfamiliar. We have also ordered, but not yet received, an Australian report on MPAs that may prove illuminating; we will share that document with you as soon as we receive it.

Thank you for the opportunity to comment. No one is more concerned with the long-term health of the North Pacific and its vast and diverse resources than the people whose lives and livelihoods depend on them. They want and believe we can have clean water, sustainable fisheries, good jobs, and prosperous, livable coastal communities. We are proud to represent those interests.

Thank you for considering our views. We look forward to working with you to resolve the many challenges associated with MPAs in the North Pacific.

Sincerely yours,



Ronald G. Clarke
Executive Director
Marine Conservation Alliance

Encl.

NANA Regional Corporation, Inc.

P.O. BOX 49 / KOTZEBUE, ALASKA 99752 / (907) 442-3301 / FAX (907) 442-2866

INUPIAT ILITQUSIAT

With guidance and support from Elders, I teach my children these Inupiaq Values:

Respect for Elders

Knowledge of Language

Love for Children

Knowledge of Family Tree

Respect for Others

Responsibility to Tribe

Respect for Nature

Hunter Success

Domestic Skills

Family Roles

Sharing

Cooperation

Humility

Avoid Conflict

Hard Work

Humor

Spirituality

October 3, 2002

MPA Task Force, attention Doug Woodby
Alaska Department of Fish and Game
Commercial Fisheries Division
P.O. Box 25526
Juneau, Alaska 99801

Dear Mr. Woodby:

On behalf of NANA, I would like to take this opportunity to provide comments as requested in the report entitled: "Marine Protected Areas in Alaska: Recommendations for a Public Process". As you are probably aware, the NANA Regional Corporation is a Native regional corporation serving villages located within the Northwest Arctic Borough. Both subsistence and resource development are very important to the region. In order for communities to grow and maintain an economic base, there needs to be a healthy balance between resource protection and development. If new "Marine Protected Areas" are to be established to the detriment of residents in the region, there needs to be a serious review of the process.

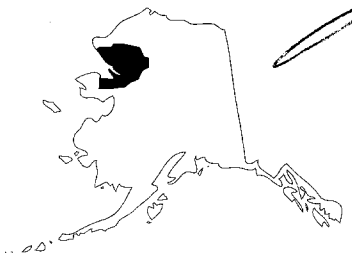
Within the NANA Region there are a number of local organizations such as the Alaska Federal Subsistence Regional Advisory Council, the State organized Arctic Region Advisory Committees, and the Northwest Arctic Borough Coastal District, which help make decisions on fish and game issues in the region. These organizations along with NANA should be actively involved in the decision making process for the future of Marine Protected Areas in Alaska, particularly those areas which effect Northwest Alaska.

Most of all, NANA is concerned about how new Marine Protected Areas in Alaska would affect NANA lands, development of NANA lands, community development projects, and affects to NANA shareholders currently and in the future.

Sincerely,

Jeffrey J. Nelson for

Helvi Sandvik
President – NANA Development Corporation



Subject: MPA comments
Date: Wed, 02 Oct 2002 16:49:38 -0800
From: kwilliams@tribalnet.org (Kate Williams)
To: MPA_program@fishgame.state.ak.us

Please accept the following comments on the MPA Public Process Recommendations submitted by the Native Village of Eyak. These were also faxed to your office today at 5:00 p.m.

Thank you-

Kate Williams
Director of Environmental and Natural Resource Programs
Native Village of Eyak
P.O. Box 1388
Cordova, AK 99574
(907)424-7738
(907)424-7739 fax
****
October 2, 2002

MPA Task Force
Attn: Doug Woodby
Alaska Department of Fish and Game
Commercial Fisheries Division
PO Box 25526
Juneau, AK 99801
(907)465-6115

Dear Mr. Woodby,

Please accept the following comments regarding the report "Marine Protected Areas in Alaska: Recommendations for a Public Process." The Native Village of Eyak submits these comments in hopes that they will be incorporated into the state's process for responding to public proposals for the creation of Marine Protected Areas (MPAs). This report was reviewed by an NVE staff anthropologist and biologist.

The report is clearly presented, well written and provides comprehensive information on issues surrounding MPAs. The state's recognition of this issue and an attempt to create a workable process is important. However, federally recognized Tribes and their role as local governments are conspicuously absent from the report. Our comments center around this concern.

One of the only mentions of Tribes is in the section regarding Washington State Marine Protected Areas (pages 48-56) and concerns the "Boldt Decision". We assert that, in Alaska, there are also numerous mandates that require consultation and coordination with Tribes regarding the creation of MPAs. Executive Order 13175 (federal) regarding consultation and coordination with Indian Tribal governments and the Millennium Agreement (state) both require that Tribes be consulted in matters that significantly impact them. The potential creation of MPAs near Alaska Native villages and Tribal traditional and customary use areas is certainly significant and warrants the involvement of Tribes on a government-to-government basis with state and federal agencies. The statement "the cooperation and involvement of tribal authorities is essential to the process of creating MPAs in Washington" readily applies to Alaska as well.

The Alaska Department of Fish and Game and Alaska Boards of Fisheries and Game recently released their policy on government-to-government relations with the federally recognized Tribes of Alaska. This policy "reinforces a

government-to-government relationship between the Alaska Department of Fish and Game (ADF&G) and Boards of Fisheries and Game (boards), and the federally recognized tribes in Alaska through consultation on significant matters of mutual concern". At a minimum, mechanisms for implementation of this policy should be included in Appendix D: Legal Processes and Authorities.

The State's report includes the protection of culturally important sites as part of a larger context that demonstrates the need for marine protected areas. It seems absolutely essential, then, for ADF&G to recognize the importance of Tribal involvement in the protection of cultural resources. Tribes are listed numerous times in the National Historic Preservation Act of 1966 as partners with the federal government in providing leadership and stewardship in protecting national heritage and prehistoric and historic resources. The Archaeological Resources Protection Act of 1979 and Executive Order on Sacred Sites further reiterates Tribal involvement regarding cultural resources. We hope that these would be considered in the process of designating MPAs.

We understand that this report addresses a Public Process and that Tribal involvement is a separate issue. Government-to-government consultation does not occur with members of the public or individual Tribal members, but instead with the appropriate governing body of the Tribe. However, the inclusion of a section on "Coordination with Federal Efforts and with other State Agencies" in the report (page 8) makes it appropriate to also include a process for meaningful involvement of Tribes. Tribes have environmental, natural resource and fisheries programs that are moving forward and coordination with federal and state programs is ongoing on various levels. Tribes are capable of conducting research, monitoring and evaluation of MPA designation. It is also important to note that Executive Order 13158 states that Tribes can designate and manage their own MPAs.

A cohesive process that establishes protocol for Tribal involvement is essential for successful MPAs in Alaska. The guiding principles for MPA development developed by British Columbia (included in the State report) could serve as a good model for Alaska. Such a model should include:

? Respecting Tribes as sovereign nations
? Ensuring and respecting continued use of MPAs by Tribes for subsistence, cultural, ceremonial purposes and other traditional practices so that MPAs do not automatically preclude access or activities critical to the livelihood or culture of Tribes
? Addressing opportunities for Tribes to benefit from MPAs.

Thank you for the opportunity to provide these comments on this important issue. Please contact me or Kate Williams, Director of Environmental and Natural Resource Programs, if you should have any questions. We look forward to working with the Alaska Department of Fish and Game to refine processes related to Marine Protected Areas.

Sincerely,

Robert Henrichs, President
Native Village of Eyak Traditional Council