



North Pacific Fishery Management Council

Simon Kinneen, Chair | David Witherell, Executive Director
1007 W. 3rd Avenue, Suite 400, Anchorage, AK 99501
Phone 907-271-2809 | www.npfmc.org

July 7, 2022

Kristina Kekuewa
Regional Director
NOAA ONMS, Pacific Islands Region
NOAA/Daniel K. Inouye Regional Center
1845 Wasp Blvd, Building 176
Honolulu, HI 96818
Via email: kristina.kekuewa@noaa.gov

Dear Ms. Kekuewa:

On behalf of the North Pacific Fishery Management Council, I want to thank you and your staff, Ms. Hoku Ka'aekua Hiwi Pousima and Mr. Kalani Quioco, for your informative presentation on the nomination process for the Alaġum Kanuuġ as a National Marine Sanctuary. With this letter, I am writing to express the Council's interest in any future plans or actions with respect to Alaġum Kanuuġ potentially moving from the Inventory to Sanctuary Designation.

The Council is interested in understanding more about the designation process and how and when the Council can provide input during what should be a long, deliberative, and public process. Can you tell us exactly what those steps in the process are, and how the boundaries for an Alaġum Kanuuġ sanctuary would be developed?

It is important to understand that the Regional Fishery Management Councils are not the public; rather, the Councils are officially an instrumentality of the Department of Commerce, and considered an agency partner with NOAA Fisheries to manage U.S. fisheries under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to sustain, protect, and increase domestic seafood supply, maintain and enhance recreational and subsistence fishing opportunities, protect ecosystem health and sustainability, create jobs, support related economic and social benefits, and sustain community participation and engagement. While Section 304(a)(5) of the National Marine Sanctuaries Act provides a consultative role for a council regarding establishing fishing regulations for a sanctuary, we believe that we are essential partners in ocean management, and thus should have a seat at the table in decision-making with respect to sanctuary designation in our region.

The Council would like the opportunity to provide input into the decisions as to whether and when to move forward with designation of Alaġum Kanuuġ, as well as decisions about boundaries, allowable activities, governance structure, and monitoring through its open and transparent public process. There appears to be no clear criteria or initiation procedure in place that determines when a successful nomination in the inventory is moved forward to the designation process. Absent direct legislation to establish a designation, it appears that decisions to move forward with a designation solely depend on the policy priorities of an administration. **To better understand the designation process, the Council requests a clear description of the public process going forward prior to scoping, as well as the proposed boundaries and operational details for Alaġum Kanuuġ, in order to understand the management implications for a critically important region currently under Council jurisdiction and MSA authority.**

With respect to potential designation of Alaġum Kanuuġ, we note that we received written comments at our June 2022 meeting from the mayor of the City of St. George and the Tribal President of the St. George Traditional Council withdrawing support for a sanctuary around St. George Island and requesting indefinite postponement of the Alaġum Kanuuġ nomination. If a decision is made to move forward with an Alaġum Kanuuġ designation, we strongly recommend that ONMS establish a transparent public process moving forward to help identify impacts, support, and concerns from Tribes, local communities, and fishery stakeholders.

Regardless of the specific sanctuary proposal or proposal objectives, the Council wants to retain management authority of the fisheries currently under its jurisdiction within any designated sanctuary. We look to your office to help us understand the best and most durable approach to meeting this goal. Would this require the designation document to be explicit that commercial fisheries are not included in the sanctuary's management authority? If it is the intent to have the Council continue to manage fisheries in the Alaġum Kanuuġ sanctuary as stated publicly on multiple occasions, then we suggest this be included in the goals and objectives of sanctuary designation and provided for formally in a way that has long-term stability.

Should the Council retain its authority to manage fisheries in the Alaġum Kanuuġ sanctuary under MSA, there are several questions related to potentially conflicting authorities that need to be answered well ahead of designation. What happens if that management conflicts with any other sanctuary goal or objective? It is not clear how to interpret Section 304(a)(5) of the Act. What happens in the event that fishing regulations developed by the Council using MSA National Standards are inconsistent or incompatible with the goals and objectives of the proposed sanctuary designation, which are determined by a separate body or bodies? The Council has implemented area closures in and around the Bering Sea to meet specific habitat protection or protected species objectives, and has invested in significant survey, research, modeling, and planning efforts to meet NOAA's goals of improved climate resilience. The Council does not support additional confusion or complexity in management authorities in the Bering Sea and seeks to avoid undermining or fragmenting these efforts, in order to continue to meet the MSA objectives stated above in a region that supplies and supports the vast majority of the Nation's fisheries.

Lastly, because the Council process is deliberative, based on the best scientific information available, and adheres closely to NEPA, the Administrative Procedure Act and other laws, it takes time to evaluate and recommend fishing regulations. This process takes a minimum of one year to complete, and frequently takes longer. The 120 days provided to the Councils under 15 CFR Part 922, to make recommendations and, if appropriate, prepare draft fishery regulations, is entirely unrealistic and simply not enough time to comply with the law.

In sum, a sanctuary has the potential to create a significant level of new bureaucracy and, absent retaining clear authority for the Council, may result in a fracturing of data collection, monitoring, and management in one of the most productive areas of the Bering Sea that may not align with NOAA's goals on climate resiliency and adaptive management. Hence, the Council needs to understand the process going forward. It is critical that ONMS establish a transparent, deliberative, and public process with many opportunities for public input and a clear role for the Council during any Alaġum Kanuuġ designation period and thereafter.

Sincerely,



Simon Kinneen
Council Chair