

3-17-09

Overview:

The

Changing

Arctic

<target><bill></bill><subject>3-17-09 Overview The Changing Arctic</subject><comm>HFSH26</comm></target>

Alaska State Legislature

House Special Committee on Fisheries

Representative Bryce Edgmon, Chair

Rep. Craig Johnson
Rep. Wes Keller
Rep. Charisse Millett
Rep. Cathy Munoz
Rep. Bob Buch
Rep. Scott Kawasaki



Room 416
State Capitol
Juneau, AK 99801

Memorandum

Date: March 12th, 2009

To: Suzi Lowell, Chief Clerk

From: Representative Bryce Edgmon, Chairman
House Fisheries Committee

RE: House Fisheries Committee Schedule

Unless otherwise noted, all meetings will be held in Room 124 of the Capitol.

Tuesday March 17th 10:15 a.m. – 12:15 p.m.

+ The Changing Arctic—Issues on the Horizon for Coastal Communities in Western Alaska

Chris Hladick—Unalaska City Manager

Arne Fuglvog—Fisheries Policy Aide to Sen. Lisa Murkowski

Rear Admiral Arthur Brooks—Commander, U. S. Coast Guard District 17

David Benton—Executive Director, Marine Conservation Alliance

Invited testimony only.

Thursday March 19th 10:15 a.m. – 12:15 p.m.

+Department of Fish & Game Overview:

Sport Fish Division

Sport Fish Division Director Charles Swanton

Invited testimony only.

Contents

**1. Excerpts—NPFMC's DRAFT Fishery Management Plan
for Fish Resources of the Arctic Management Area**

**2. National Security Presidential Directive—Arctic
Region Policy**

**3. Senate Joint Resolution 17—Managing Migratory and
Transboundary Fish Stocks in the Arctic Ocean**

DRAFT

Fishery Management Plan

for Fish Resources of the Arctic Management Area



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November 2008

NOTE: This is an interim draft of what the Arctic FMP will look like. It is written assuming the Council chose Alternative 3 and exempted a small red king crab fishery in the eastern Chukchi Sea from this FMP. The Council has NOT chosen its preferred alternative, so this is merely an example of the FMP at this time. The Council also has not chosen its preferred option for specifying conservation and management measures; therefore, both Option 1 and Option 2 are included in this draft FMP. This draft does not fully respond to comments from the Council's SSC, particularly regarding Options 1 and 2; SSC comments on an earlier draft FMP are listed in the accompanying EA/RIR/IRFA. Please refer to this document for detailed analyses of the alternatives and options and for additional background information.

NOTE: This document has not been cleared by NOAA General Counsel, Alaska Region.

Executive Summary

This Fishery Management Plan (FMP) governs all commercial harvests of fish in the Chukchi and Beaufort Seas.¹ The FMP management area, the Arctic Management Area, is all marine waters in the U.S. Exclusive Economic Zone of the Chukchi and Beaufort Seas from 3 nautical miles offshore the coast of Alaska or its baseline to 200 nautical miles offshore, north of Bering Strait (from Cape Prince of Wales to Cape Dezhneva) and westward to the U.S./Russia Convention Line of 1867 and eastward to the U.S./Canada maritime boundary (see Appendix A). The FMP covers commercial fisheries (any commercial harvests) for all stocks of fish, which include all finfish, shellfish, or other marine living resources except salmonids, Pacific halibut, Pacific herring, whitefish, and Dolly Varden char.

The FMP was implemented on (**DATE**). It may be referred to as the Arctic Fishery Management Plan.

1.1 Management Policy

The Magnuson-Stevens Fishery Conservation and Management Act, as amended through January 12, 2007 (Magnuson-Stevens Act), is the primary domestic legislation governing management of the nation's marine fisheries. In 2007, the United States Congress reauthorized the Magnuson-Stevens Act to clarify and strengthen U.S. fishery management policy. The Magnuson-Stevens Act contains ten national standards, with which all FMPs must conform and which guide fishery management. Besides the Magnuson-Stevens Act, U.S. fisheries management must be consistent with the requirements of other regulations including the Marine Mammal Protection Act, the Endangered Species Act, the Migratory Bird Treaty Act, and several other Federal laws.

Under the Magnuson-Stevens Act, the North Pacific Fishery Management Council (Council) is authorized to prepare and submit to the Secretary of Commerce for approval, disapproval or partial approval, a FMP and any necessary amendments, for each fishery under its authority that requires conservation and management. The Council conducts public hearings so as to allow all interested persons an opportunity to be heard in the development of FMPs and amendments, and reviews and revises, as appropriate, the assessments and specifications with respect to the optimum yield from each fishery (16 U.S.C. 1852(h)).

The Council has developed a management policy and objectives to guide its development of management recommendations to the Secretary of Commerce. This management approach is described in Table ES- 1. For Arctic fish resources, the policy is to prohibit all commercial harvests except for a small red king crab fishery described in Appendix A. See Section 3.4 for a description of the annual specifications process the Council will use to implement this policy. Red king crab harvest management, for a fishery as described in Appendix A, is exempted from this FMP and is deferred to the State of Alaska.

¹The Magnuson-Stevens Fishery Conservation and Management Act defines "fish" as finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

Table ES- 1 Arctic Fishery Management Approach

The Council's policy is to apply judicious and responsible fisheries management practices, based on sound scientific research and analysis, proactively rather than reactively, to ensure the sustainability of fishery resources and associated ecosystems for the benefit of future, as well as current, generations. The productivity of the North Pacific ecosystem is acknowledged to be among the highest in the world. For the past 30 years, the Council management approach has incorporated forward looking conservation measures that address differing levels of uncertainty. This management approach has in recent years been labeled the precautionary approach. Recognizing that potential changes in productivity may be caused by fluctuations in natural oceanographic conditions, fisheries, and other, non-fishing activities, the Council intends to continue to take appropriate measures to insure the continued sustainability of the managed species. It will carry out this objective by considering reasonable, adaptive management measures, as described in the Magnuson-Stevens Act and in conformance with the National Standards, the Endangered Species Act, the National Environmental Policy Act, and other applicable law. This management approach takes into account the National Academy of Science's recommendations on Sustainable Fisheries Policy.

As part of its policy, the Council intends to consider and adopt, as appropriate, measures that accelerate the Council's precautionary, adaptive management approach through community-based or rights-based management, ecosystem-based management principles that protect managed species from overfishing and protect the health of the entire marine ecosystem, and where appropriate and practicable increase habitat protection and bycatch constraints. All management measures will be based on the best scientific information available. Given this intent, the fishery management goal is to provide sound conservation and sustainability of the fish resources; provide socially and economically viable fisheries for the well-being of fishing communities; minimize human-caused threats to protected species; maintain a healthy marine resource habitat; and incorporate ecosystem-based considerations into management decisions.

This management approach recognizes the need to balance many competing uses of marine resources and different social and economic goals for sustainable fishery management, including protection of the long-term health of the ecosystem and the optimization of yield from its fish resources. This policy will use and improve upon the Council's existing open and transparent process of public involvement in decision-making.

1.2 Summary of Management Measures

The management measures that govern the Arctic Management Area are summarized in Table ES-2.

Pursuant to Title II of the Magnuson-Stevens Act, there is no allowable level of foreign fishing for the fisheries covered by this FMP. While fishing vessels and fish processors of the U.S. have the capacity to harvest and process up to the level of optimum yield of all species subject to other Council FMPs, Council policy as articulated in this Arctic FMP is to prohibit commercial harvests of all fish resources of the Arctic Management Area. Management of commercial harvest of red king crab in the Chukchi Sea of the size and scope of the historic fishery in the geographic area where the fishery has historically occurred is exempted from this FMP and deferred to the State of Alaska. A description of the specific red king crab fishery that is exempted from this FMP is provided in Appendix A to this FMP.

Table ES-2 Summary of Management Measures for the Arctic

Management Area	All marine waters in the U.S. Exclusive Economic Zone of the Chukchi and Beaufort Seas from 3 nautical miles offshore the coast of Alaska or its baseline to 200 nautical miles offshore, north of Bering Strait (from Cape Prince of Wales to Cape Dezhneva) and westward to the U.S./Russia Convention Line of 1867 and eastward to the U.S./Canada maritime boundary. Subareas: While two contiguous seas (Chukchi and Beaufort) of the Arctic Ocean are referenced, this FMP does not divide the Arctic into subareas.
Stocks	All stocks of finfish, marine invertebrates, and other fish resources in the management area except salmonids, Pacific halibut, Pacific herring, whitefish, and Dolly Varden char.
Maximum Sustainable Yield (MSY)	The process for specifying MSY in the Arctic Management Area is described in Section 3.4 of this FMP.
Optimum Yield (OY)	The process for specifying OY in the Arctic Management Area, is described in Section 3.4 of this FMP.
Procedure to set Total Allowable Catch (TAC)	In the future, if fisheries develop in the Arctic Management Area, measures that establish TAC will be specified following the procedures described in Section 3.4 of this FMP.
Apportionment of TAC	In the future, if fisheries develop in the Arctic Management Area, TAC may be apportioned by the Council based on criteria specified by the Council at that time. Currently, no TAC is specified for any fish resource of the Arctic Management Area..
Attainment of TAC	In the future, if fisheries develop in the Arctic Management Area, measures that determine the attainment of TAC will be specified following the procedures described in Section 3.4 of this FMP.
Permit	Fishing permits may be authorized, for limited experimental purposes (exempted fishing permits), for the target or incidental harvest of fish resources that would otherwise be prohibited.
Authorized Gear	Gear types authorized by this FMP will be determined in the future, if fisheries develop in the Arctic Management Area, and then defined in regulations.
Time and Area Restrictions	No time and area restriction measures are established in this FMP.
Prohibited Species	In the future, if fisheries develop in the Arctic Management Area, prohibited species are Pacific halibut, Pacific herring, Pacific salmon and steelhead, Dolly Varden char, red king crab, and whitefishes. These prohibited species must be returned to the sea with a minimum of injury except when their retention is authorized by other applicable law.
Prohibited Species Catch (PSC) Limits	No PSC catch limits or other restrictions are established in this FMP. If fisheries develop in the future in the Arctic Management Area, PSC limits will be prescribed by the Council at that time.
Retention and Utilization Requirements	No retention or utilization requirements are established in this FMP.
Community Development Quota (CDQ) Multispecies Fishery	No CDQ program is established for the Arctic Management Area.
Flexible Authority	In the future, if fisheries develop in the Arctic Management Area, the Regional Administrator of NMFS is authorized to make inseason adjustments through gear modifications, closures, or fishing area/quota restrictions, for conservation reasons, to protect identified habitat problems, or to increase vessel safety.
Recordkeeping and Reporting	In the future, if fisheries develop in the Arctic Management Area, recordkeeping that is necessary and appropriate to determine catch, production, effort, price, and other information necessary for conservation and management may be required. This may include the use of catch and/or product logs, product transfer logs, effort logs, or other records as specified in regulations. Recordkeeping and reporting requirements will be specified as part of any exempted fishing permits issued for fishing activities in the Arctic Management Area.

Table ES-2 Summary of Management Measures for the Arctic

Observer Program	In the future, if fisheries develop in the Arctic Management Area, U.S. fishing vessels that catch groundfish in the EEZ, or receive groundfish caught in the EEZ, and shoreside processors that receive groundfish caught in the EEZ, will be required to accommodate NMFS-certified observers as specified in regulations, in order to verify catch composition and quantity, including at-sea discards, and collect biological information on marine resources.
Monitoring and Enforcement	In the future, if fisheries develop in the Arctic Management Area, monitoring and enforcement measures necessary and appropriate to ensure conservation of Arctic fish stocks may be required. This may include the use of observers, electronic logbooks, VMS, or other measures that will be specified in regulations. Currently, commercial fisheries, other than the red king crab fishery described in Appendix A, are prohibited, and enforcement of the fishery closure of the Arctic Management Area will be by the U.S. Coast Guard and NOAA Office of Law Enforcement.
Evaluation and Review of the FMP	<p>The Council will maintain a continuing review of the fish resources managed under this FMP, and all critical components of the FMP will be reviewed periodically.</p> <p>Management Policy: Objectives in the management policy statement will be reviewed every five years or as determined necessary by the Council.</p> <p>Essential Fish Habitat (EFH): The Council will conduct a complete review of EFH once every 5 years, and in between these reviews the Council will solicit proposals on Habitat Areas of Particular Concern if fisheries develop, and/or conservation and enhancement measures to minimize potential adverse effects from fishing may be considered.</p>

1.3 Organization of the FMP

This FMP is organized into six chapters. Chapter 1 contains an introduction to the FMP, and Chapter 2 describes the policy and management objectives of the FMP.

Chapter 3 contains the conservation and management measures that regulate Arctic fish resource management. Two options are described; the Council will select one or a combination of these options for setting conservation and management measures. Sections 3.1 through 3.5 outline the details of the two options including procedures for determining harvest levels for the species and maximum sustainable yield and optimum yield specifications. Sections 3.6 and 3.7 describe overfishing criteria and procedures for setting TAC, respectively. Sections 3.8 to 3.11 contain permit and participation, gear, time and area, and catch restrictions information. No share-based programs are established for the Arctic Management Area (Section 3.12). Measures that allow flexible management authority are addressed in Section 3.13, and Section 3.14 designates monitoring and reporting requirements. Section 3.15 describes the schedule and procedures for review of the FMP or FMP components.

Chapter 4 contains a description of the Arctic's fish resources and their habitat (including essential fish habitat definitions), current fishing activities, the economic and socioeconomic characteristics of current fisheries and communities, and ecosystem characteristics. Additional descriptive information is also contained in the appendices. Section 4.4 provides a description of the Arctic ecosystem and interrelationships among the physical and biological components. It includes a discussion of potential climate change effects on the North Pacific and Arctic region. Chapter 5 specifies the relationship of the FMP with applicable law and other fisheries. Chapter 6 provides a fishery impact statement. Chapter 7 references additional sources of material about the Arctic, and includes the bibliography.

Appendices to the FMP include supplemental information. Appendix A describes the characteristics of the red king crab fishery exempted from this FMP and deferred to the State of Alaska. Appendix B contains descriptions of essential fish habitat and a discussion of adverse effects on essential fish habitat. Appendix C contains maps of EFH. Additional information about the Arctic Management Area, including its fish, bird, and marine mammal species, and an ecosystem description, are provided in the October 2008 Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for this FMP.

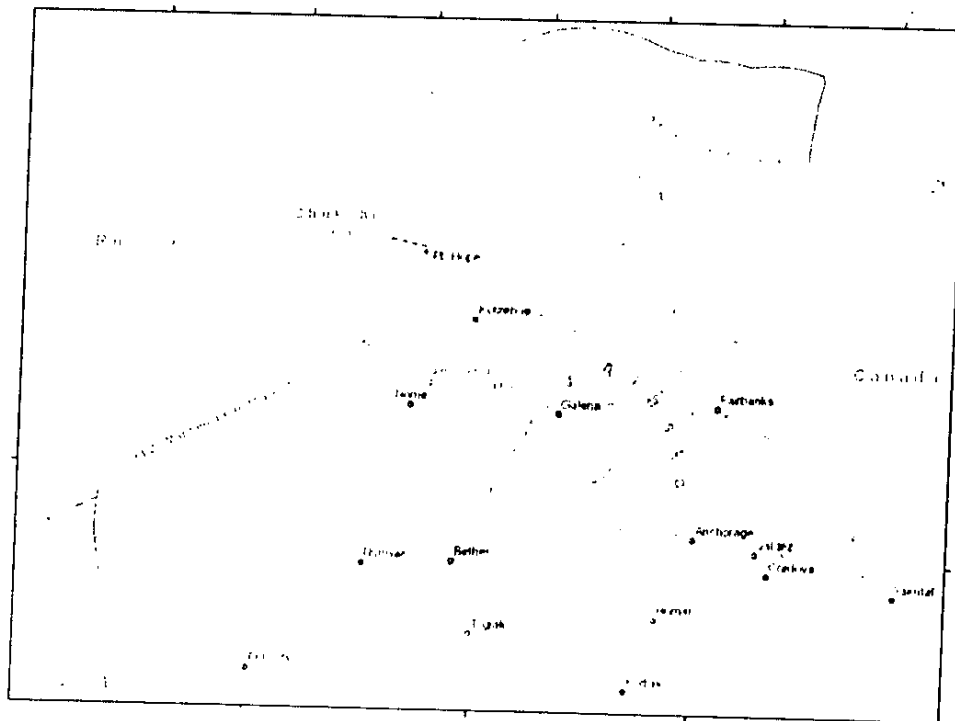
Chapter 1 Introduction

This chapter contains a description of the fishery management unit covered by the FMP and addresses foreign fishing and processing in the Arctic Management Area.

1.1 Fishery Management Unit

This Fishery Management Plan (FMP) governs commercial fisheries or commercial harvests of fish resources of the Chukchi Sea and Beaufort Sea - the Arctic Management Area. The geographic extent of the FMP management unit is all marine waters in the U.S. Exclusive Economic Zone of the Chukchi and Beaufort Seas from 3 nautical miles offshore the coast of Alaska or its baseline to 200 nautical miles offshore, north of Bering Strait (from Cape Prince of Wales to Cape Dezhneva) and westward to the U.S./Russia Convention Line of 1867 and eastward to the U.S./Canada maritime boundary (Figure 1-1).

Figure 1-1 The Arctic Management Area.



The FMP covers management of all fish², as defined by the Magnuson-Steven Act, except salmonids, Pacific halibut, Pacific herring, whitefish, and Dolly Varden char. In terms of geographic fish resource management, the Arctic Management Area includes the Chukchi Sea and Beaufort Sea without a distinct boundary between these two contiguous seas of the Arctic Ocean. Red king crab management, for a

² finfish, marine invertebrates, and other marine plant and animal life, other than marine mammals and birds

fishery of the size and scope and geographic location of the historic red king crab fishery as described in Appendix A, is exempted from this FMP and deferred to the State of Alaska. The Council closes the Arctic Management Area to commercial fishery development until such time in the future that sufficient information is available with which to initiate a planning process for commercial fishery development. Criteria the Council will consider in the planning process for opening a fishery in the Arctic Management Area are provided in Chapter 3.

1.2 Foreign Fishing

Title II of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) establishes the criteria for the regulation of foreign fishing within the U.S. EEZ. These regulations are published in 50 CFR 600. The regulations provide for the setting of a total allowable level of foreign fishing (TALFF) for species based on the portion of the optimum yield that will not be caught by U.S. vessels. At the present time, no TALFF is available for any fisheries covered by this FMP and no processing capacity if needed to support commercial fishing. If in the future fisheries develop in the Arctic Management Area, the Council will specify TALFF and foreign processing at that time.

Chapter 2 Management Policy and Objectives

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act or MSA) is the primary domestic legislation governing management of the nation's marine fisheries. In 1996, the United States Congress reauthorized the Magnuson-Stevens Act to include, among other things, a new emphasis on the precautionary approach in U.S. fishery management policy. The Magnuson-Stevens Act was reauthorized again in 2007 (PL 109-479). The Magnuson-Stevens Act contains ten national standards, with which all fishery management plans (FMPs) must conform and which guide fishery management. The national standards are listed in Section 2.1, and provide the primary guidance for the management of U.S. fisheries.

Under the Magnuson-Stevens Act, the North Pacific Fishery Management Council (Council) is authorized to prepare and submit to the Secretary of Commerce for approval, disapproval or partial approval, a FMP and any necessary amendments, for each fishery under its authority that requires conservation and management. The Council conducts public hearings so as to allow all interested persons an opportunity to be heard in the development of FMPs and amendments, and reviews and revises, as appropriate, the assessments and specifications with respect to the optimum yield from each fishery (16 U.S.C. 1852(h)).

The Council has developed a management policy and objectives to guide its development of management recommendations to the Secretary of Commerce for the Arctic Management Area. This management approach is described in Section 2.2.

2.1 National Standards for Fishery Conservation and Management

The Magnuson-Stevens Act, as amended, sets out ten national standards for fishery conservation and management (16 U.S.C. § 1851), with which all fishery management plans must be consistent.

1. Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.
2. Conservation and management measures shall be based upon the best scientific information available.
3. To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.
4. Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be A) fair and equitable to all such fishermen; B) reasonably calculated to promote conservation; and C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.
5. Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.
6. Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.
7. Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.
8. Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into

account the importance of fishery resources to fishing communities in order to A) provide for the sustained participation of such communities, and B) to the extent practicable, minimize adverse economic impacts on such communities.

9. Conservation and management measures shall, to the extent practicable, A) minimize bycatch and B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.
10. Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

2.2 Management Approach for Arctic Fisheries

The Council's policy is to apply judicious and responsible fisheries management practices, based on sound scientific research and analysis, proactively rather than reactively, to ensure the sustainability of fishery resources and associated ecosystems for the benefit of future, as well as current, generations. The productivity of the North Pacific ecosystem is acknowledged to be among the highest in the world. For the past 30 years, the Council management approach has incorporated forward looking conservation measures that address differing levels of uncertainty. This management approach has in recent years been labeled the precautionary approach. Recognizing that potential changes in productivity may be caused by fluctuations in natural oceanographic conditions, fisheries, and other, non-fishing activities, the Council intends to continue to take appropriate measures to insure the continued sustainability of the managed species. It will carry out this objective by considering reasonable, adaptive management measures, as described in the Magnuson-Stevens Act and in conformance with the National Standards, the Endangered Species Act, the National Environmental Policy Act, and other applicable law. This management approach takes into account the National Academy of Science's recommendations on Sustainable Fisheries Policy.

As part of its policy, the Council intends to consider and adopt, as appropriate, measures that accelerate the Council's precautionary, adaptive management approach through community-based or rights-based management, ecosystem-based management principles that protect managed species from overfishing and protect the health of the entire marine ecosystem, and where appropriate and practicable increase habitat protection and bycatch constraints. All management measures will be based on the best scientific information available. Given this intent, the fishery management goal is to provide sound conservation and sustainability of the fish resources; provide socially and economically viable fisheries for the well-being of fishing communities; minimize human-caused threats to protected species; maintain a healthy marine resource habitat; and incorporate ecosystem-based considerations into management decisions.

This management approach recognizes the need to balance many competing uses of marine resources and different social and economic goals for sustainable fishery management, including protection of the long-term health of the ecosystem and the optimization of yield from its fish resources. This policy will use and improve upon the Council's existing open and transparent process of public involvement in decision-making.

2.2.1 Management Objectives

Adaptive management requires regular and periodic review. Objectives identified in this policy statement will be reviewed periodically by the Council. The Council will also review, modify, eliminate, or consider new issues, as appropriate, to best carry out the goals and objectives of this management policy.

To meet the goals of this overall management approach, the Council and NMFS will seek to maximize the overall long-term benefit to the nation of Arctic fish resources by coordinated Federal and State management. In this Arctic EMP, management of a red king crab fishery as described in Appendix A is exempted and deferred to the State of Alaska. The Council would follow these management objectives for the development of a fishery:

1. *Biological Conservation Objective. Ensure the long-term reproductive viability of fish populations, by: (a) preventing overfishing and rebuilding depleted stocks by adopting conservative harvest levels using adaptive management to develop harvest limits; (b) adopting procedures to adjust acceptable biological catch levels as necessary to account for uncertainty and ecosystem factors; (c) protecting the integrity of the food web by accounting for, and controlling bycatch mortality for target, prohibited species catch, and non-commercial species; (d) avoiding impacts to seabirds and marine mammals; and (e) incorporating ecosystem-based considerations into fishery management decisions, as appropriate.*
2. *Economic and Social Objective. Maximize economic and social benefits to the nation over time by: (a) promoting conservation while providing for optimum yield in terms of the greatest overall benefit to the nation with particular reference to food production, and sustainable opportunities for recreational, subsistence, and commercial fishing participants and fishing communities; (b) promoting management measures that, while meeting conservation objectives, are also designed to avoid significant disruption of existing social and economic structures; (c) promoting fair and equitable allocation of identified available resources in a manner such that no particular sector, group or entity acquires an excessive share of the privileges; and (d) promoting increased safety at sea.*
3. *Gear Conflict Objective. Minimize gear conflict among fisheries.*
4. *Habitat Objective. Preserve the quality and extent of suitable habitat by reducing or avoiding impacts to habitat where practicable.*
5. *Vessel Safety Objective. Include vessel safety considerations in the development of fisheries management measures, including temporary adjustments to the fishery to allow access, after consultation with the U. S. Coast Guard and fishery participants, for vessels that are otherwise excluded because of weather or ocean conditions causing safety concerns while ensuring not adverse effect on conservation in other fisheries or discrimination among fishery participants..*
6. *Due Process Objective. Ensure that access to the regulatory process and opportunity for redress are available to interested parties.*
7. *Research and Management Objective. Provide fisheries research, data collection, and analysis to ensure a sound information base for management decisions.*
8. *Alaska Native Consultation Objective: Incorporate local and traditional knowledge in fishery management and encourage Alaska Native participation and consultation in fishery management.*
9. *Enforceability Objective: Cooperate and coordinate management and enforcement programs with the Alaska Board of Fish, Alaska Department of Fish and Game, and Alaska Fish and Wildlife Protection, the U.S. Coast Guard, NMFS Enforcement, International Pacific Halibut Commission, Federal agencies, and other organizations to meet conservation requirements; promote economically healthy and sustainable fisheries and fishing communities; and maximize efficiencies in management and enforcement programs through continued consultation, coordination, and cooperation.*
10. *Marine Mammal and Seabird Objective: Cooperate and coordinate with the U. S. Fish and Wildlife Service and NMFS for the management and conservation of Arctic marine mammal and seabird species to ensure fisheries management includes conservation of these species in the Arctic*

2.2.2 Criteria for Opening a Fishery in the Arctic (NOTE - the following assumes a blend of elements in both Options 1 and 2)

Until information is available to develop a sustainable fisheries management program, the Council prohibits commercial fisheries in the Arctic Management Area. A small red king crab fishery may have previously occurred in a localized area of the southeastern Chukchi Sea, as described in Appendix A; the Council exempts management of this red king crab fishery in this FMP and defers management of this fishery to the State of Alaska.

The Council will consider the following criteria for opening a new fishery:

A. The Council will initially require a plan for a new fishery that will ensure resource conservation, minimize impacts on other users of the area, complies with the Magnuson-Stevens Act and its National Standards, complies with other applicable laws and orders, and provides net positive economic benefits.

B. Any proposed fishing in the Arctic would be organized into one or more target fisheries. In most cases, the target would be a single species, though there may be situations where designating several species as a mixed species target may be more appropriate. Establishing a target fishery may require that the species be transferred from the ecosystem component category to the target species category.

C. The Council will consider designating a new target fishery in the Arctic Management Area upon receiving a petition from the public, or a recommendation from NMFS or the State of Alaska. The Council will initiate a planning process to evaluate information in the petition and other information concerning the proposed target fishery. The Council will require a fishery development analysis to ensure the best available science is used to move a species from unfished status to full fishery development. This analysis could be included in any NEPA and economic analysis required to support FMP amendments. The fishery development analysis will contain the following information:

- A review of the life history of the target species
- A review of available information on any historic harvest of the species, commercial, sport or subsistence
- An analysis of customary and traditional subsistence use patterns and evaluation of impacts on existing users
- Initial estimates of stock abundance (B_0) and productivity (M) sufficiently reliable to apply a Tier 5 control rule
- Evaluation of the vulnerability (susceptibility and productivity) of species that will be caught as bycatch in the target fishery.
- Evaluation of potential direct and indirect impacts on endangered species
- Evaluation of ecosystem/trophic level effects
- Evaluation of potential impacts on essential fish habitat, including biogenic habitat
- A plan for inseason monitoring of the proposed fishery
- A plan for collecting fishery and survey data sufficient for a Tier 3 assessment of the target species within a defined period
- Identification of specific management goals and objectives during the transition from unexploited stock to exploited resource
- Descriptions of proposed fishery management measures and justification for each
- Proposed regulations to implement the management approach

D. The analysis described above will be reviewed by the Council, and if appropriate the Council will initiate an environmental review consistent with NEPA and MSA and proceed through the process of amending this Arctic FMP, including appropriate initial review, public review, and final review and

rulemaking and completion of the FMP amendment process as specified in the MSA and NOAA guidelines.

E. The Council may authorize the proposed fishery consistent with measures specified in the proposed FMP amendment and adopt additional measures it believes are necessary for stock conservation, fishery sustainability, and allocation considerations.

F. The Council may require onboard observers on fishing vessels, shoreside processing facilities, or at harvest sites if non-vessel platforms (i.e., ice) are used for harvesting. The Council also may require additional research associated with the new fishery, other monitoring programs, recordkeeping and reporting requirements, and periodic review of the fishery's performance relative to requirements of the MSA and other applicable law.

National Security Presidential Directive and Homeland Security Presidential Directive

January 9, 2009

NATIONAL SECURITY PRESIDENTIAL DIRECTIVE/NSPD -- 66
HOMELAND SECURITY PRESIDENTIAL DIRECTIVE/HSPD -- 25

SUBJECT: Arctic Region Policy

I. PURPOSE

A. This directive establishes the policy of the United States with respect to the Arctic region and directs related implementation actions. This directive supersedes Presidential Decision Directive/NSC-26 (PDD-26; issued 1994) with respect to Arctic policy but not Antarctic policy; PDD-26 remains in effect for Antarctic policy only.

B. This directive shall be implemented in a manner consistent with the Constitution and laws of the United States, with the obligations of the United States under the treaties and other international agreements to which the United States is a party, and with customary international law as recognized by the United States, including with respect to the law of the sea.

II. BACKGROUND

A. The United States is an Arctic nation, with varied and compelling interests in that region. This directive takes into account several developments, including, among others:

1. Altered national policies on homeland security and defense;
2. The effects of climate change and increasing human activity in the Arctic region;
3. The establishment and ongoing work of the Arctic Council; and
4. A growing awareness that the Arctic region is both fragile and rich in resources.

III. POLICY

A. It is the policy of the United States to:

1. Meet national security and homeland security needs relevant to the Arctic region;
2. Protect the Arctic environment and conserve its biological resources;
3. Ensure that natural resource management and economic development in the region are environmentally sustainable;
4. Strengthen institutions for cooperation among the eight Arctic nations (the United States, Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, and Sweden);
5. Involve the Arctic's indigenous communities in decisions that affect them; and
6. Enhance scientific monitoring and research into local, regional, and global environmental issues.

B. National Security and Homeland Security Interests in the Arctic

1. The United States has broad and fundamental national security interests in the Arctic region and is prepared to operate either independently or in conjunction with other

- states to safeguard these interests. These interests include such matters as missile defense and early warning; deployment of sea and air systems for strategic sealift, strategic deterrence, maritime presence, and maritime security operations; and ensuring freedom of navigation and overflight.
2. The United States also has fundamental homeland security interests in preventing terrorist attacks and mitigating those criminal or hostile acts that could increase the United States vulnerability to terrorism in the Arctic region.
 3. The Arctic region is primarily a maritime domain; as such, existing policies and authorities relating to maritime areas continue to apply, including those relating to law enforcement.⁽¹⁾ Human activity in the Arctic region is increasing and is projected to increase further in coming years. This requires the United States to assert a more active and influential national presence to protect its Arctic interests and to project sea power throughout the region.
 4. The United States exercises authority in accordance with lawful claims of United States sovereignty, sovereign rights, and jurisdiction in the Arctic region, including sovereignty within the territorial sea, sovereign rights and jurisdiction within the United States exclusive economic zone and on the continental shelf, and appropriate control in the United States contiguous zone.
 5. Freedom of the seas is a top national priority. The Northwest Passage is a strait used for international navigation, and the Northern Sea Route includes straits used for international navigation; the regime of transit passage applies to passage through those straits. Preserving the rights and duties relating to navigation and overflight in the Arctic region supports our ability to exercise these rights throughout the world, including through strategic straits.
 6. **Implementation:** In carrying out this policy as it relates to national security and homeland security interests in the Arctic, the Secretaries of State, Defense, and Homeland Security, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Develop greater capabilities and capacity, as necessary, to protect United States air, land, and sea borders in the Arctic region;
 - b. Increase Arctic maritime domain awareness in order to protect maritime commerce, critical infrastructure, and key resources;
 - c. Preserve the global mobility of United States military and civilian vessels and aircraft throughout the Arctic region;
 - d. Project a sovereign United States maritime presence in the Arctic in support of essential United States interests; and
 - e. Encourage the peaceful resolution of disputes in the Arctic region.

C. International Governance

1. The United States participates in a variety of fora, international organizations, and bilateral contacts that promote United States interests in the Arctic. These include the Arctic Council, the International Maritime Organization (IMO), wildlife conservation and management agreements, and many other mechanisms. As the Arctic changes and human activity in the region increases, the United States and other governments should consider, as appropriate, new international arrangements or enhancements to existing arrangements.
2. The Arctic Council has produced positive results for the United States by working within its limited mandate of environmental protection and sustainable development. Its subsidiary bodies, with help from many United States agencies, have developed and undertaken projects on a wide range of topics. The Council also provides a beneficial venue for interaction with indigenous groups. It is the position of the United States that the Arctic Council should remain a high-level forum devoted to issues within its current mandate and not be transformed into a formal international organization, particularly one with assessed contributions. The United States is nevertheless open to updating the structure of the Council, including consolidation of, or making operational changes to, its

subsidiary bodies, to the extent such changes can clearly improve the Council's work and are consistent with the general mandate of the Council.

3. The geopolitical circumstances of the Arctic region differ sufficiently from those of the Antarctic region such that an "Arctic Treaty" of broad scope -- along the lines of the Antarctic Treaty -- is not appropriate or necessary.
4. The Senate should act favorably on U.S. accession to the U.N. Convention on the Law of the Sea promptly, to protect and advance U.S. interests, including with respect to the Arctic. Joining will serve the national security interests of the United States, including the maritime mobility of our Armed Forces worldwide. It will secure U.S. sovereign rights over extensive marine areas, including the valuable natural resources they contain. Accession will promote U.S. interests in the environmental health of the oceans. And it will give the United States a seat at the table when the rights that are vital to our interests are debated and interpreted.
5. Implementation: In carrying out this policy as it relates to international governance, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Continue to cooperate with other countries on Arctic issues through the United Nations (U.N.) and its specialized agencies, as well as through treaties such as the U.N. Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Long Range Transboundary Air Pollution and its protocols, and the Montreal Protocol on Substances that Deplete the Ozone Layer;
 - b. Consider, as appropriate, new or enhanced international arrangements for the Arctic to address issues likely to arise from expected increases in human activity in that region, including shipping, local development and subsistence, exploitation of living marine resources, development of energy and other resources, and tourism;
 - c. Review Arctic Council policy recommendations developed within the ambit of the Council's scientific reviews and ensure the policy recommendations are subject to review by Arctic governments; and
 - d. Continue to seek advice and consent of the United States Senate to accede to the 1982 Law of the Sea Convention.

D. Extended Continental Shelf and Boundary Issues

1. Defining with certainty the area of the Arctic seabed and subsoil in which the United States may exercise its sovereign rights over natural resources such as oil, natural gas, methane hydrates, minerals, and living marine species is critical to our national interests in energy security, resource management, and environmental protection. The most effective way to achieve international recognition and legal certainty for our extended continental shelf is through the procedure available to States Parties to the U.N. Convention on the Law of the Sea.
2. The United States and Canada have an unresolved boundary in the Beaufort Sea. United States policy recognizes a boundary in this area based on equidistance. The United States recognizes that the boundary area may contain oil, natural gas, and other resources.
3. The United States and Russia are abiding by the terms of a maritime boundary treaty concluded in 1990, pending its entry into force. The United States is prepared to enter the agreement into force once ratified by the Russian Federation.
4. Implementation: In carrying out this policy as it relates to extended continental shelf and boundary issues, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Take all actions necessary to establish the outer limit of the continental shelf appertaining to the United States, in the Arctic and in other regions, to the fullest extent permitted under international law;

- b. Consider the conservation and management of natural resources during the process of delimiting the extended continental shelf; and
- c. Continue to urge the Russian Federation to ratify the 1990 United States-Russia maritime boundary agreement.

E. Promoting International Scientific Cooperation

1. Scientific research is vital for the promotion of United States interests in the Arctic region. Successful conduct of U.S. research in the Arctic region requires access throughout the Arctic Ocean and to terrestrial sites, as well as viable international mechanisms for sharing access to research platforms and timely exchange of samples, data, and analyses. Better coordination with the Russian Federation, facilitating access to its domain, is particularly important.
2. The United States promotes the sharing of Arctic research platforms with other countries in support of collaborative research that advances fundamental understanding of the Arctic region in general and potential Arctic change in particular. This could include collaboration with bodies such as the Nordic Council and the European Polar Consortium, as well as with individual nations.
3. Accurate prediction of future environmental and climate change on a regional basis, and the delivery of near real-time information to end-users, requires obtaining, analyzing, and disseminating accurate data from the entire Arctic region, including both paleoclimatic data and observational data. The United States has made significant investments in the infrastructure needed to collect environmental data in the Arctic region, including the establishment of portions of an Arctic circumpolar observing network through a partnership among United States agencies, academic collaborators, and Arctic residents. The United States promotes active involvement of all Arctic nations in these efforts in order to advance scientific understanding that could provide the basis for assessing future impacts and proposed response strategies.
4. United States platforms capable of supporting forefront research in the Arctic Ocean, including portions expected to be ice-covered for the foreseeable future, as well as seasonally ice-free regions, should work with those of other nations through the establishment of an Arctic circumpolar observing network. All Arctic nations are members of the Group on Earth Observations partnership, which provides a framework for organizing an international approach to environmental observations in the region. In addition, the United States recognizes that academic and research institutions are vital partners in promoting and conducting Arctic research.
5. Implementation: In carrying out this policy as it relates to promoting scientific international cooperation, the Secretaries of State, the Interior, and Commerce and the Director of the National Science Foundation, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Continue to play a leadership role in research throughout the Arctic region;
 - b. Actively promote full and appropriate access by scientists to Arctic research sites through bilateral and multilateral measures and by other means;
 - c. Lead the effort to establish an effective Arctic circumpolar observing network with broad partnership from other relevant nations;
 - d. Promote regular meetings of Arctic science ministers or research council heads to share information concerning scientific research opportunities and to improve coordination of international Arctic research programs;
 - e. Work with the Interagency Arctic Research Policy Committee (IARPC) to promote research that is strategically linked to U.S. policies articulated in this directive, with input from the Arctic Research Commission; and
 - f. Strengthen partnerships with academic and research institutions and build upon the relationships these institutions have with their counterparts in other nations.

F. Maritime Transportation in the Arctic Region

1. The United States priorities for maritime transportation in the Arctic region are:
 - a. To facilitate safe, secure, and reliable navigation;
 - b. To protect maritime commerce; and
 - c. To protect the environment.
2. Safe, secure, and environmentally sound maritime commerce in the Arctic region depends on infrastructure to support shipping activity, search and rescue capabilities, short- and long-range aids to navigation, high-risk area vessel-traffic management, iceberg warnings and other sea ice information, effective shipping standards, and measures to protect the marine environment. In addition, effective search and rescue in the Arctic will require local, State, Federal, tribal, commercial, volunteer, scientific, and multinational cooperation.
3. Working through the International Maritime Organization (IMO), the United States promotes strengthening existing measures and, as necessary, developing new measures to improve the safety and security of maritime transportation, as well as to protect the marine environment in the Arctic region. These measures may include ship routing and reporting systems, such as traffic separation and vessel traffic management schemes in Arctic chokepoints; updating and strengthening of the Guidelines for Ships Operating in Arctic Ice-Covered Waters; underwater noise standards for commercial shipping; a review of shipping insurance issues; oil and other hazardous material pollution response agreements; and environmental standards.
4. **Implementation:** In carrying out this policy as it relates to maritime transportation in the Arctic region, the Secretaries of State, Defense, Transportation, Commerce, and Homeland Security, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Develop additional measures, in cooperation with other nations, to address issues that are likely to arise from expected increases in shipping into, out of, and through the Arctic region;
 - b. Commensurate with the level of human activity in the region, establish a risk-based capability to address hazards in the Arctic environment. Such efforts shall advance work on pollution prevention and response standards; determine basing and logistics support requirements, including necessary airlift and icebreaking capabilities; and improve plans and cooperative agreements for search and rescue;
 - c. Develop Arctic waterways management regimes in accordance with accepted international standards, including vessel traffic-monitoring and routing; safe navigation standards; accurate and standardized charts; and accurate and timely environmental and navigational information; and
 - d. Evaluate the feasibility of using access through the Arctic for strategic sealift and humanitarian aid and disaster relief.

G. Economic Issues, Including Energy

1. Sustainable development in the Arctic region poses particular challenges. Stakeholder input will inform key decisions as the United States seeks to promote economic and energy security. Climate change and other factors are significantly affecting the lives of Arctic inhabitants, particularly indigenous communities. The United States affirms the importance to Arctic communities of adapting to climate change, given their particular vulnerabilities.
2. Energy development in the Arctic region will play an important role in meeting growing global energy demand as the area is thought to contain a substantial portion of the world's undiscovered energy resources. The United States seeks to ensure that energy development throughout the Arctic occurs in an environmentally sound manner, taking into account the interests of indigenous and local communities, as well as open and transparent market principles. The United States seeks to balance access to, and development of, energy and other natural resources with the protection of the Arctic

environment by ensuring that continental shelf resources are managed in a responsible manner and by continuing to work closely with other Arctic nations.

3. The United States recognizes the value and effectiveness of existing fora, such as the Arctic Council, the International Regulators Forum, and the International Standards Organization.
4. Implementation: In carrying out this policy as it relates to economic issues, including energy, the Secretaries of State, the Interior, Commerce, and Energy, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. Seek to increase efforts, including those in the Arctic Council, to study changing climate conditions, with a view to preserving and enhancing economic opportunity in the Arctic region. Such efforts shall include inventories and assessments of villages, indigenous communities, subsistence opportunities, public facilities, infrastructure, oil and gas development projects, alternative energy development opportunities, forestry, cultural and other sites, living marine resources, and other elements of the Arctic's socioeconomic composition;
 - b. Work with other Arctic nations to ensure that hydrocarbon and other development in the Arctic region is carried out in accordance with accepted best practices and internationally recognized standards and the 2006 Group of Eight (G-8) Global Energy Security Principles;
 - c. Consult with other Arctic nations to discuss issues related to exploration, production, environmental and socioeconomic impacts, including drilling conduct, facility sharing, the sharing of environmental data, impact assessments, compatible monitoring programs, and reservoir management in areas with potentially shared resources;
 - d. Protect United States interests with respect to hydrocarbon reservoirs that may overlap boundaries to mitigate adverse environmental and economic consequences related to their development;
 - e. Identify opportunities for international cooperation on methane hydrate issues, North Slope hydrology, and other matters;
 - f. Explore whether there is a need for additional fora for informing decisions on hydrocarbon leasing, exploration, development, production, and transportation, as well as shared support activities, including infrastructure projects; and
 - g. Continue to emphasize cooperative mechanisms with nations operating in the region to address shared concerns, recognizing that most known Arctic oil and gas resources are located outside of United States jurisdiction.

H. Environmental Protection and Conservation of Natural Resources

1. The Arctic environment is unique and changing. Increased human activity is expected to bring additional stressors to the Arctic environment, with potentially serious consequences for Arctic communities and ecosystems.
2. Despite a growing body of research, the Arctic environment remains poorly understood. Sea ice and glaciers are in retreat. Permafrost is thawing and coasts are eroding. Pollutants from within and outside the Arctic are contaminating the region. Basic data are lacking in many fields. High levels of uncertainty remain concerning the effects of climate change and increased human activity in the Arctic. Given the need for decisions to be based on sound scientific and socioeconomic information, Arctic environmental research, monitoring, and vulnerability assessments are top priorities. For example, an understanding of the probable consequences of global climate variability and change on Arctic ecosystems is essential to guide the effective long-term management of Arctic natural resources and to address socioeconomic impacts of changing patterns in the use of natural resources.
3. Taking into account the limitations in existing data, United States efforts to protect the Arctic environment and to conserve its natural resources must be risk-based and proceed on the basis of the best available information.

4. The United States supports the application in the Arctic region of the general principles of international fisheries management outlined in the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and similar instruments. The United States endorses the protection of vulnerable marine ecosystems in the Arctic from destructive fishing practices and seeks to ensure an adequate enforcement presence to safeguard Arctic living marine resources.
5. With temperature increases in the Arctic region, contaminants currently locked in the ice and soils will be released into the air, water, and land. This trend, along with increased human activity within and below the Arctic, will result in increased introduction of contaminants into the Arctic, including both persistent pollutants (e.g., persistent organic pollutants and mercury) and airborne pollutants (e.g., soot).
6. Implementation: In carrying out this policy as it relates to environmental protection and conservation of natural resources, the Secretaries of State, the Interior, Commerce, and Homeland Security and the Administrator of the Environmental Protection Agency, in coordination with heads of other relevant executive departments and agencies, shall:
 - a. In cooperation with other nations, respond effectively to increased pollutants and other environmental challenges;
 - b. Continue to identify ways to conserve, protect, and sustainably manage Arctic species and ensure adequate enforcement presence to safeguard living marine resources, taking account of the changing ranges or distribution of some species in the Arctic. For species whose range includes areas both within and beyond United States jurisdiction, the United States shall continue to collaborate with other governments to ensure effective conservation and management;
 - c. Seek to develop ways to address changing and expanding commercial fisheries in the Arctic, including through consideration of international agreements or organizations to govern future Arctic fisheries;
 - d. Pursue marine ecosystem-based management in the Arctic; and
 - e. Intensify efforts to develop scientific information on the adverse effects of pollutants on human health and the environment and work with other nations to reduce the introduction of key pollutants into the Arctic.

IV. Resources and Assets

A. Implementing a number of the policy elements directed above will require appropriate resources and assets. These elements shall be implemented consistent with applicable law and authorities of agencies, or heads of agencies, vested by law, and subject to the availability of appropriations. The heads of executive departments and agencies with responsibilities relating to the Arctic region shall work to identify future budget, administrative, personnel, or legislative proposal requirements to implement the elements of this directive.

GEORGE W. BUSH

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ⁱ¹⁾ These policies and authorities include Freedom of Navigation (PDD/NSC-32), the U.S. Policy on Protecting the Ocean Environment (PDD/NSC-36), Maritime Security Policy (NSPD-41/HSPD-13), and the National Strategy for Maritime Security (NSMS).

SJ 17 RS

Calendar No. 407

110th CONGRESS

1st Session

S. J. RES. 17

Directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

IN THE SENATE OF THE UNITED STATES

August 3, 2007

Mr. STEVENS (for himself, Mr. INOUE, Ms. CANTWELL, Ms. SNOWE, Ms. MURKOWSKI, Mr. SUNUNU, Mr. COCHRAN, Mr. KERRY, Ms. COLLINS, Mrs. MURRAY, and Mrs. BOXER) submitted the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

September 5, 2007

Committee discharged; referred to the Committee on Commerce, Science, and Transportation

October 4, 2007

Reported by Mr. INOUE, without amendment

JOINT RESOLUTION

Directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

Whereas the decline of several commercially valuable fish stocks throughout the world's oceans highlights the need for fishing nations to conserve fish stocks and develop management systems that promote fisheries sustainability;

Whereas fish stocks are migratory throughout their habitats, and changing ocean conditions can restructure marine habitats and redistribute the species dependent

on those habitats;

Whereas changing global climate regimes may increase ocean water temperature, creating suitable new habitats in areas previously too cold to support certain fish stocks, such as the Arctic Ocean;

Whereas habitat expansion and migration of fish stocks into the Arctic Ocean and the potential for vessel docking and navigation in the Arctic Ocean could create conditions favorable for establishing and expanding commercial fisheries in the future;

Whereas commercial fishing has occurred in several regions of the Arctic Ocean, including the Barents Sea, Kara Sea, Beaufort Sea, Chukchi Sea, and Greenland Sea, although fisheries scientists have only limited data on current and projected future fish stock abundance and distribution patterns throughout the Arctic Ocean;

Whereas remote indigenous communities in all nations that border the Arctic Ocean engage in limited, small scale subsistence fishing and must maintain access to and sustainability of this fishing in order to survive;

Whereas many of these communities depend on a variety of other marine life for social, cultural and subsistence purposes, including marine mammals and seabirds that may be adversely affected by climate change, and emerging fisheries in the Arctic should take into account the social, economic, cultural and subsistence needs of these small coastal communities;

Whereas managing for fisheries sustainability requires that all commercial fishing be conducted in accordance with science-based limits on harvest, timely and accurate reporting of catch data, equitable allocation and access systems, and effective monitoring and enforcement systems;

Whereas migratory fish stocks traverse international boundaries between the exclusive economic zones of fishing nations and the high seas, and ensuring sustainability of fisheries targeting these stocks requires management systems based on international coordination and cooperation;

Whereas international fishing treaties and agreements provide a framework for establishing rules to guide sustainable fishing activities among those nations that are parties to the agreement, and regional fisheries management organizations provide international fora for implementing these agreements and facilitating international cooperation and collaboration;

Whereas under its authorities in the Magnuson-Stevens Fishery Conservation and Management Act, the North Pacific Fishery Management Council has proposed that the United States close all Federal waters in the Chukchi and Beaufort Seas to commercial fishing until a fisheries management plan is fully developed; and

Whereas future commercial fishing and fisheries management activities in the Arctic Ocean should be developed through a coordinated international framework, as provided by international treaties or regional fisheries management organizations, and this framework should be implemented before significant commercial fishing activity expands to the high seas: Now, therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That--

- (1) the United States should initiate international discussions and take necessary steps with other Arctic nations to negotiate an agreement or agreements for managing migratory, transboundary, and straddling fish stocks in the Arctic Ocean and establishing a new international fisheries management organization or organizations for the region;
- (2) the agreement or agreements negotiated pursuant to paragraph (1) should conform to the requirements of the United Nations Fish Stocks Agreement and contain mechanisms, inter alia, for establishing catch and bycatch limits, harvest allocations, observers, monitoring, data collection and reporting, enforcement, and other elements necessary for sustaining future Arctic fish stocks;
- (3) as international fisheries agreements are negotiated and implemented, the United States should consult with the North Pacific Regional Fishery Management Council and Alaska Native subsistence communities of the Arctic; and
- (4) until the agreement or agreements negotiated pursuant to paragraph (1) come into force and measures consistent with the United Nations Fish Stocks Agreement are in effect, the United States should support international efforts to halt the expansion of commercial fishing activities in the high seas of the Arctic Ocean.

Calendar No. 407

110th CONGRESS

1st Session

S. J. RES. 17

JOINT RESOLUTION

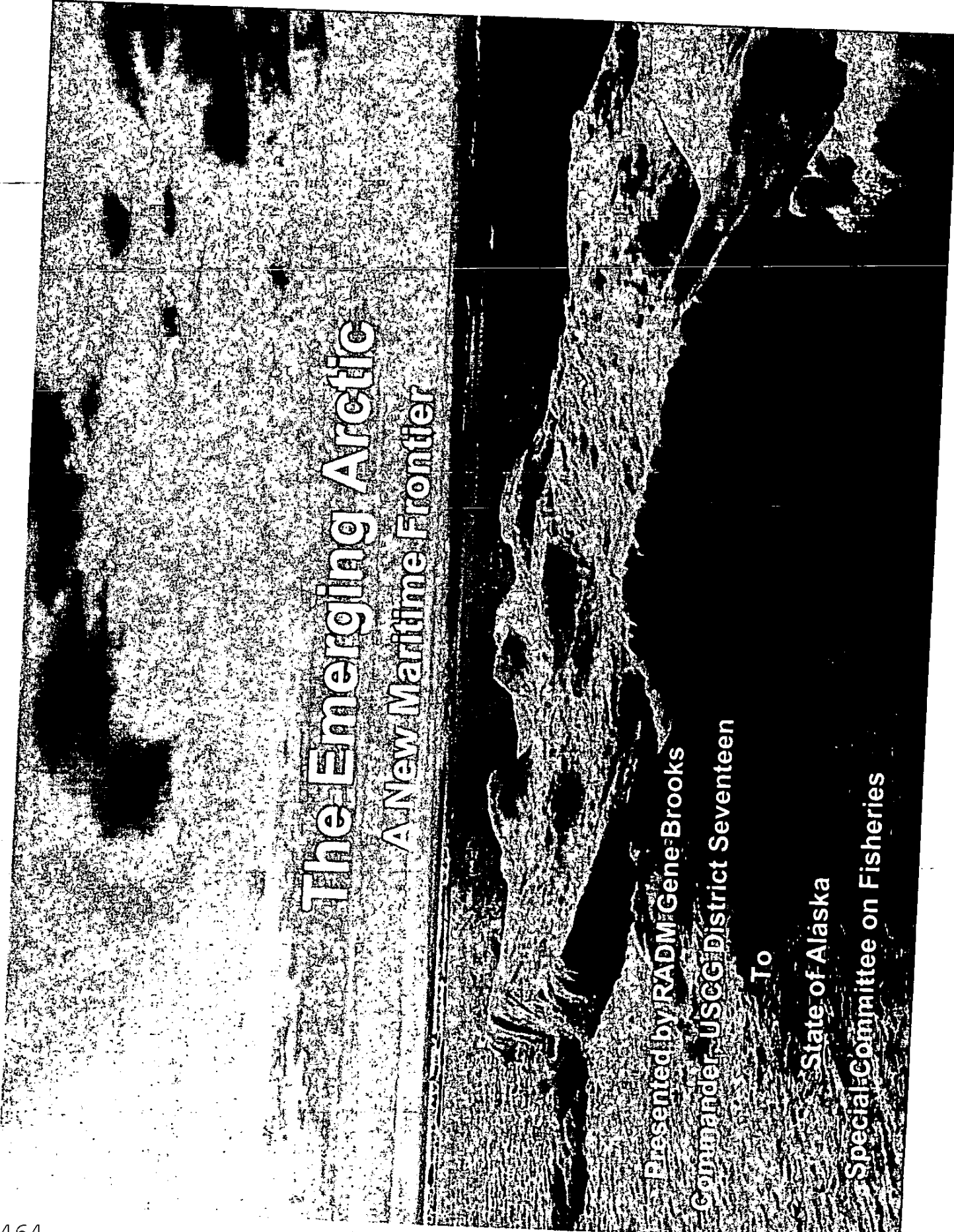
Directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

October 4, 2007

Reported without amendment

END

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The Emerging Arctic

A New Maritime Frontier

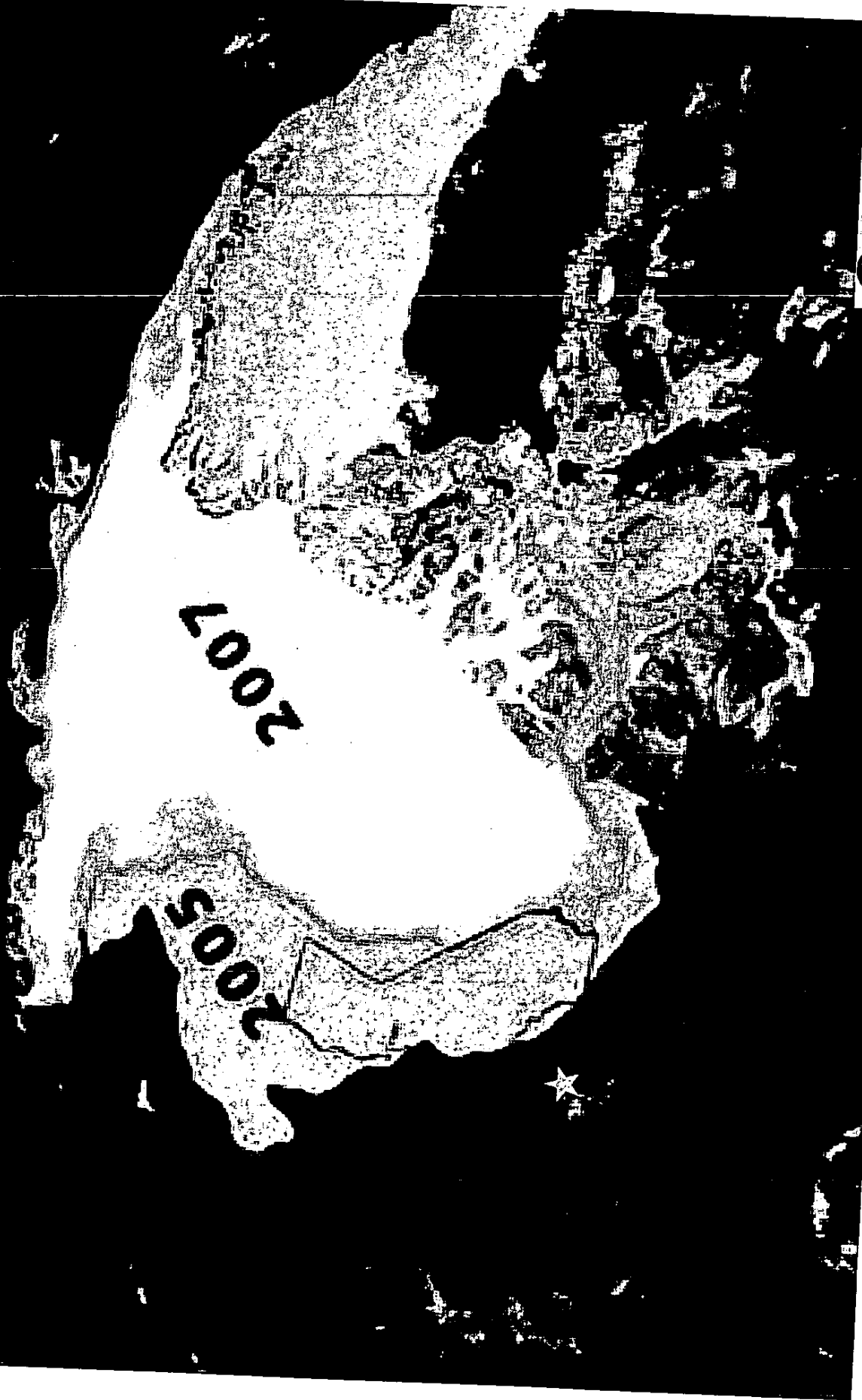
Presented by RADM Gene Brooks
Commander, USCG District Seventeen
To

State of Alaska
Special Committee on Fisheries

Agenda

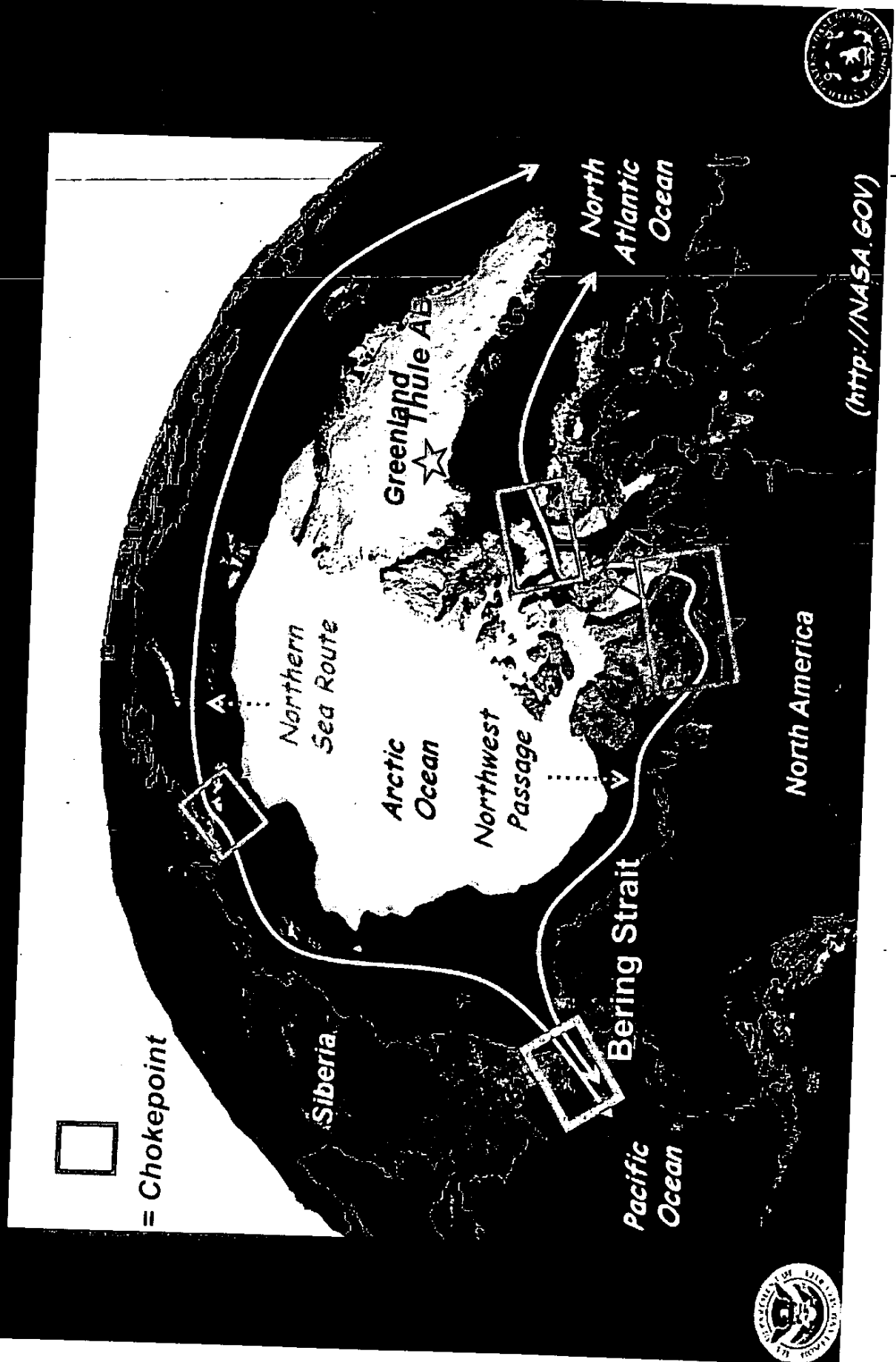
- The Changing Arctic Frontier
- Strategic Challenges & Drivers
- 2008/2009 Operations
- The Arctic Conundrum

Summer Sea Ice Retreat



NASA
National Aeronautics
and Space Administration

Future Maritime Arctic Shipping Routes





**Maritime Traffic Management
Vessel Traffic System (VTS)**

Lengthy Process

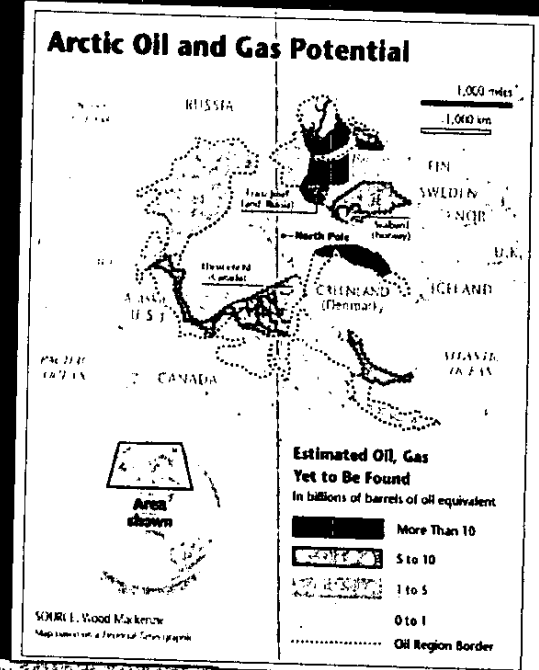
Ultimately Approved By

Int'l Maritime Organization

Expanding Resource Development

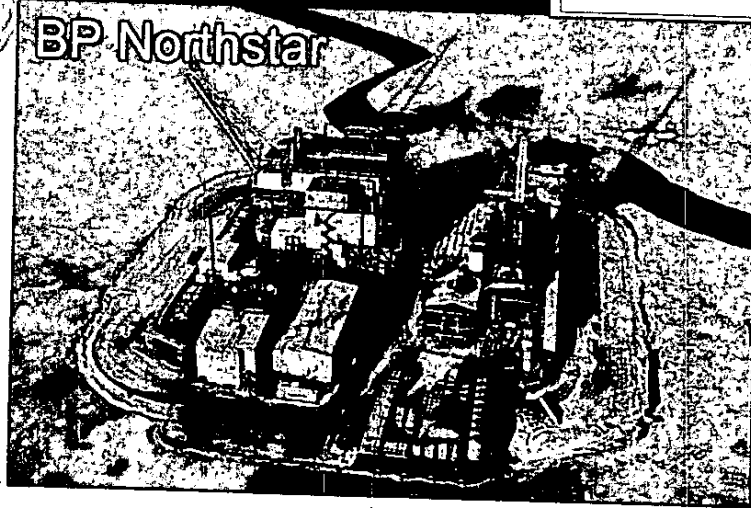
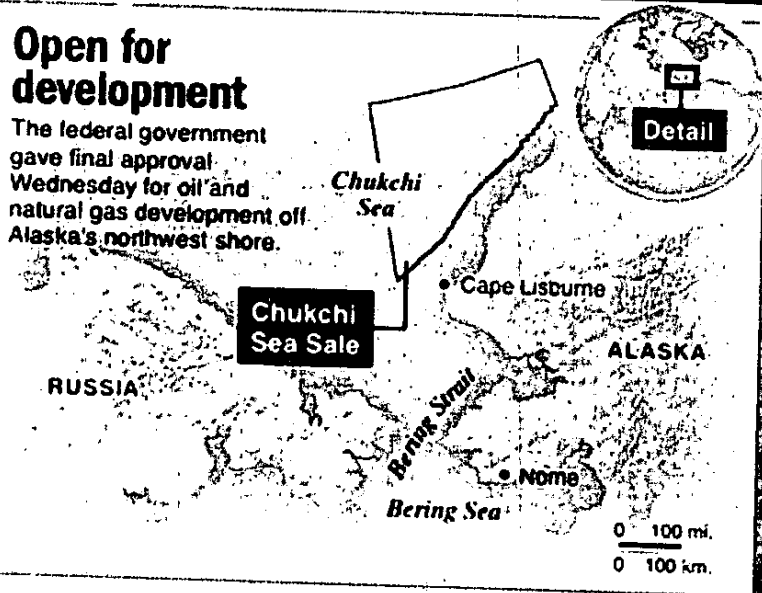
\$33 Trillion inside 200NM

- Hydrocarbons (Oil & Gas) & minerals (Manganese, Copper, Nickel, Cobalt)
- Oil companies bid nearly \$2.7 billion for Chukchi Sea rights.

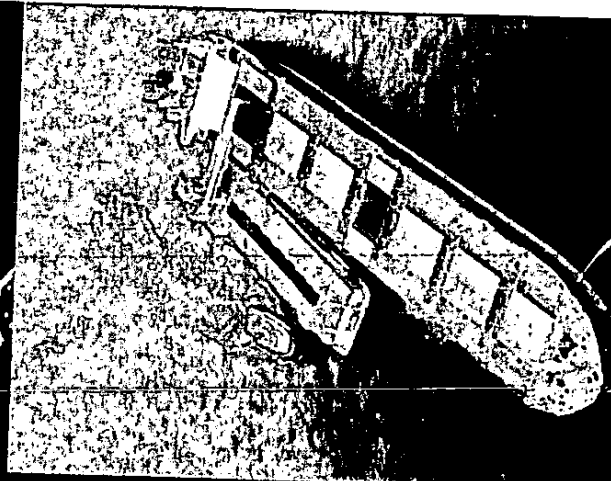
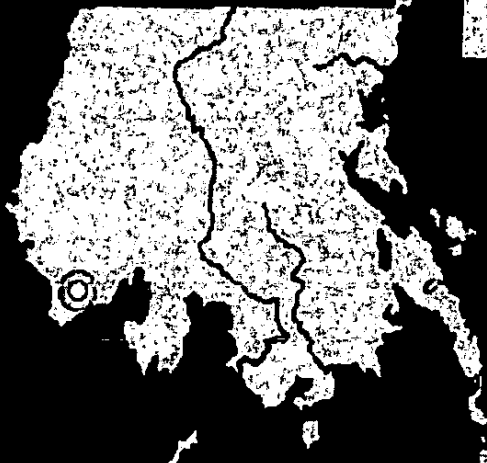


Open for development

The federal government gave final approval Wednesday for oil and natural gas development off Alaska's northwest shore.



Seasonal Ore Operations



ore carrier receiving a tender
boat offshore

Growing Eco-Tourism



M/S Explorer

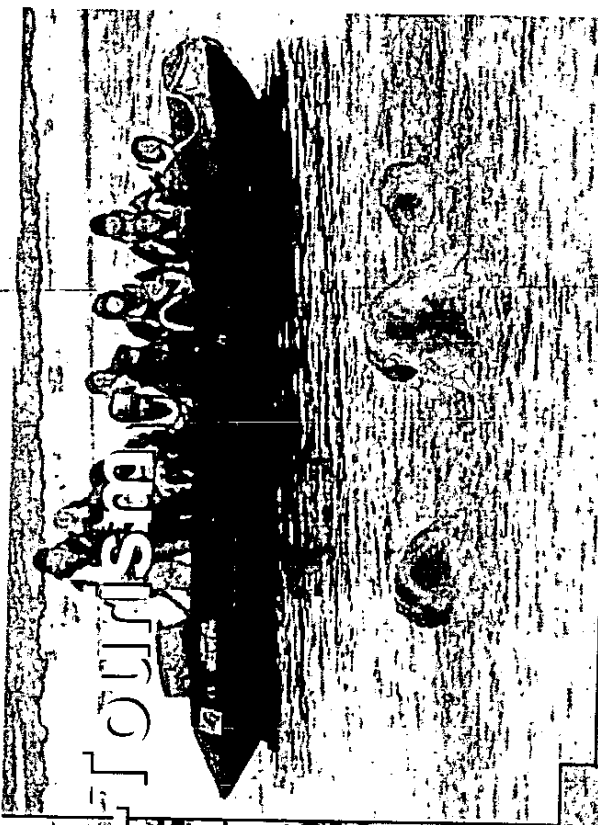
Antarctica, Nov 2007

Strick Iceberg (Sank)

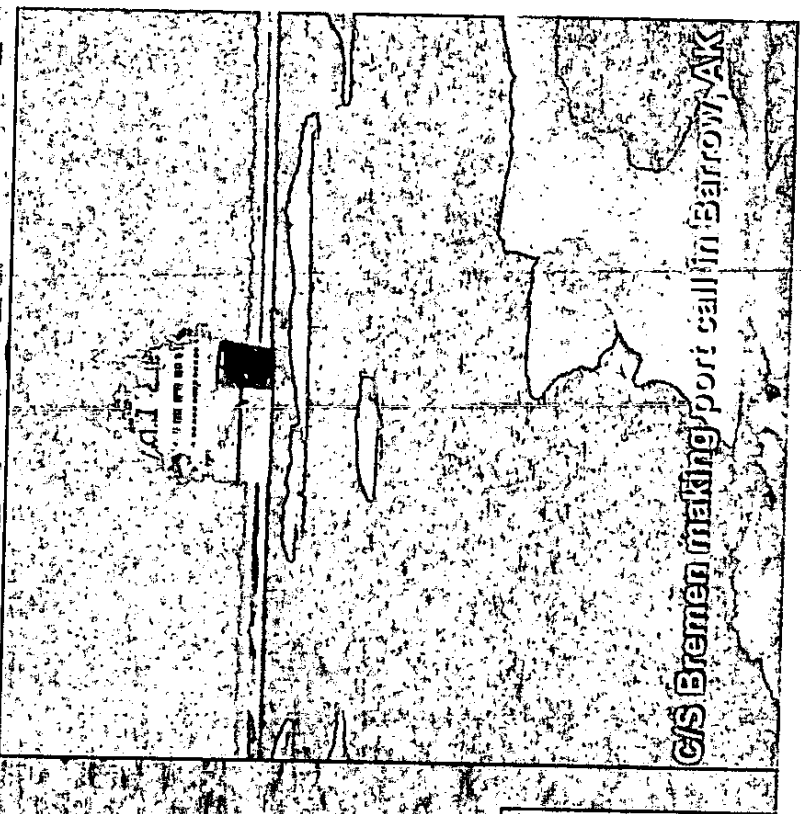
154 PAX/Crew Abandon Ship



Ice Station Borneo



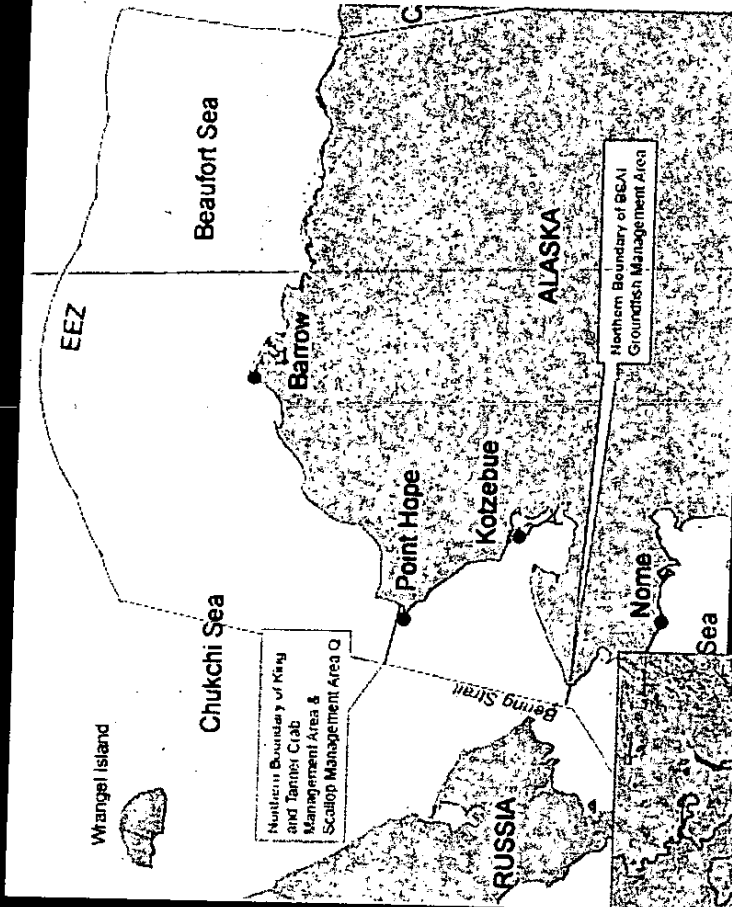
Tourists in Alaska



C/S Bremen making port call in Barrow, AK

Species Movement North

- Stocks are moving North
- No commercial fishing in Arctic
 - Awaiting NPFMC decision
 - Potential large closed area enforcement challenges



**NPFMC – North Pacific
Fishery
Management
Council**



**Homeland
Security**

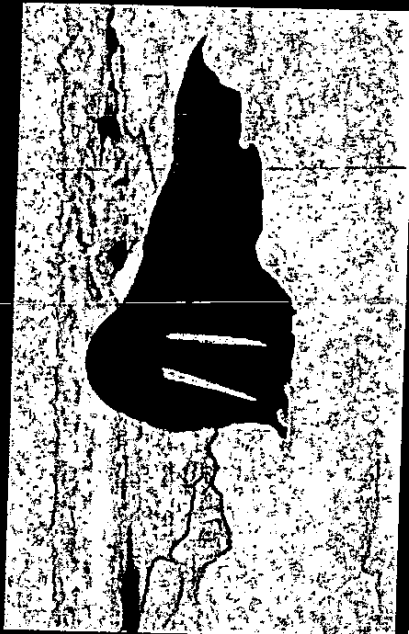


Threatened and Endangered Species

- Marine Mammal Protection Act - prohibits harassment, injuring, or killing
- Most populations are healthy
- Legal issues pending in 9th Circuit Court of Appeals



Polar Bear



Walrus



Bowhead whale



Seals



Department of the Interior
Homeland Security



AK Native & Tribal Engagement

- AK has 229 of the 562 Federally Recognized Native Tribes
- EO 13175 – Mandates Tribal Consultation
- 13 Native Regional & 200 Village Corporations
- Protection of subsistence lifestyle - AK Eskimo Whaling Commission, Eskimo Walrus Commission, Nanuk Commission



Outreach

- Dialogue with Northern and Western Alaskan Communities & Tribes
 - Imperative for safe operations
 - Boating safety exchange in Barrow, Kotzebue & several remote North Slope villages



Challenges in the U. S. Arctic

Barrow

•Distances

Kodiak-Barrow = 1660 NM

Kodiak-St Paul = 759 NM

Nome-Barrow = 566 NM

Barrow-North Pole= 1,140 NM

•Weather

•Lack of Infrastructure

•Lack of Knowledge

Attu

St. Paul

Cordova

Juneau

Kodiak

Ketchikan

Dutch Harbor

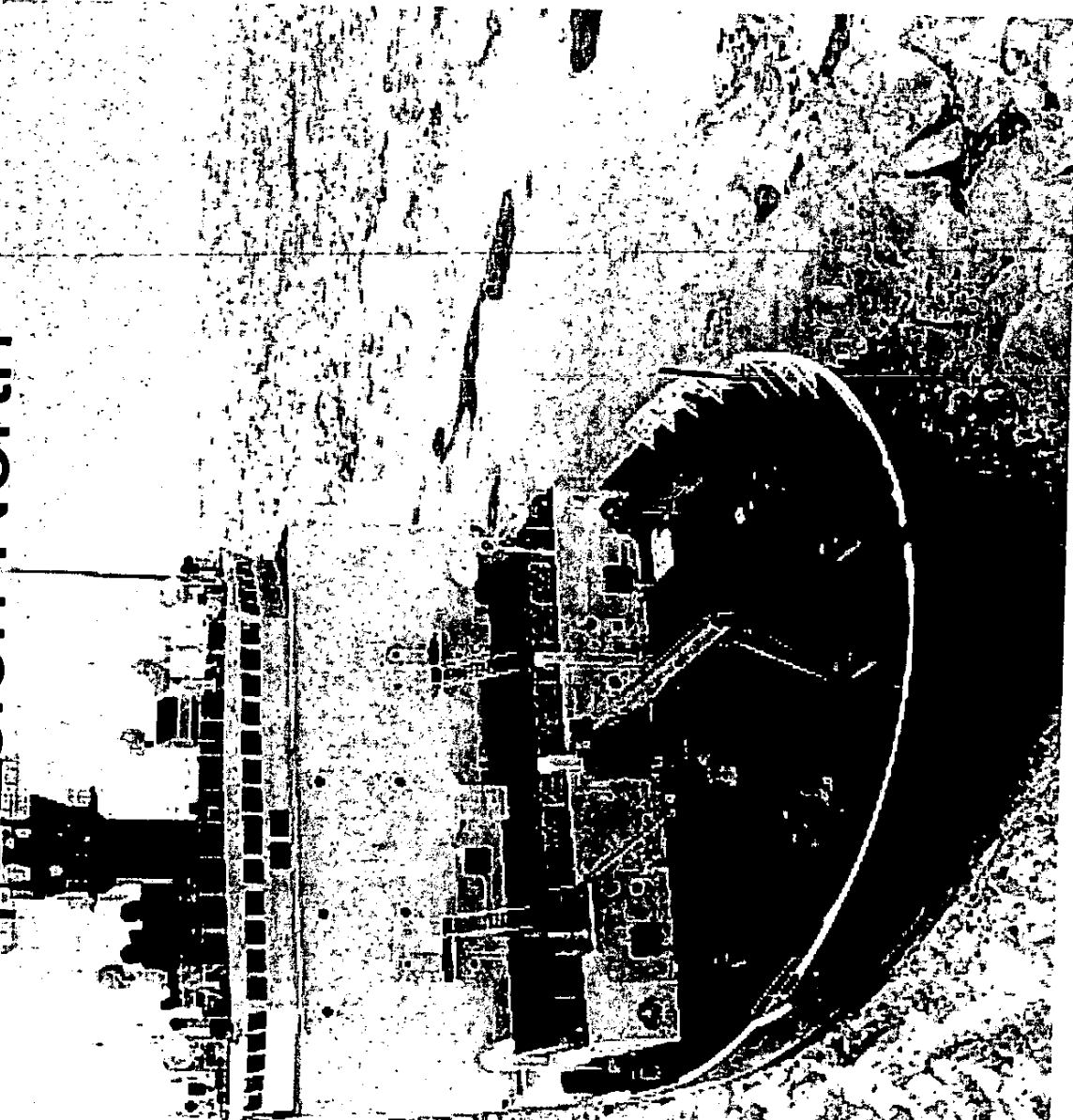
Cold Bay

Maritime Boundary Line

Nome

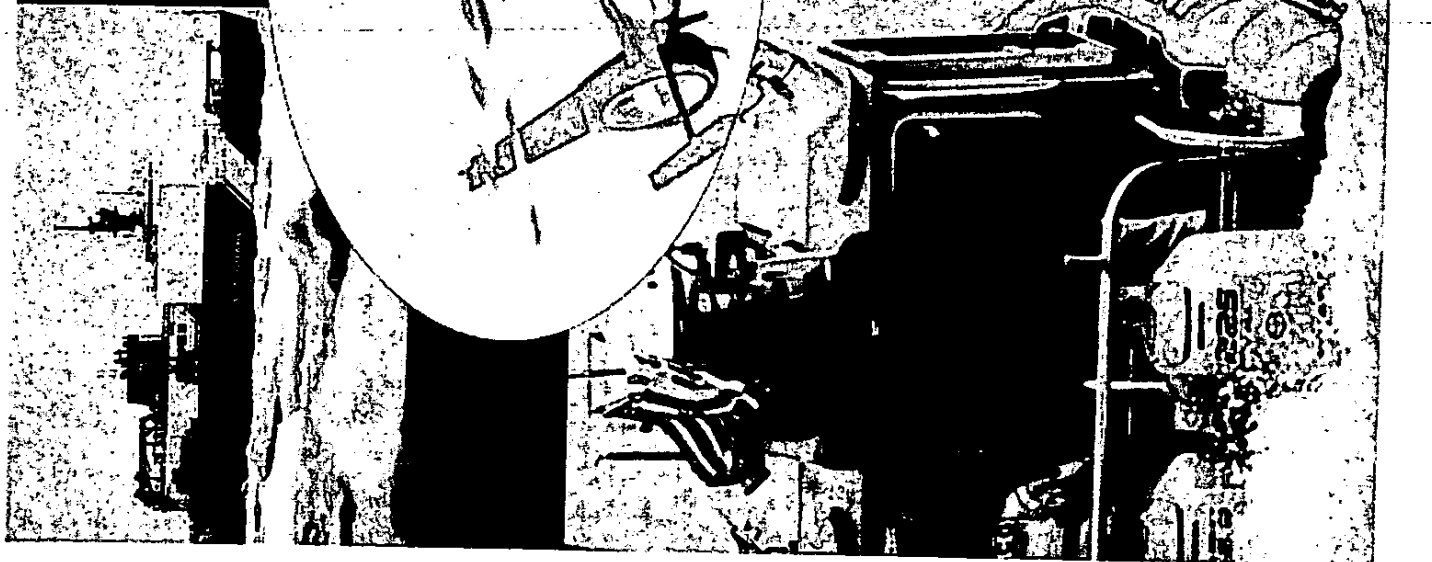
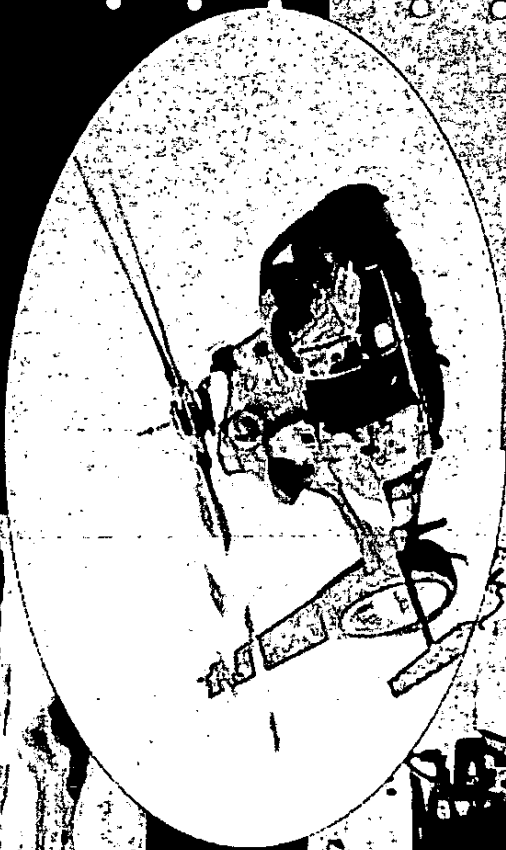
Arctic Changes Drive Coast Guard Mission Expansion North

**All CG missions
in Southern
Alaska must be
expanded to
Northern Alaska**



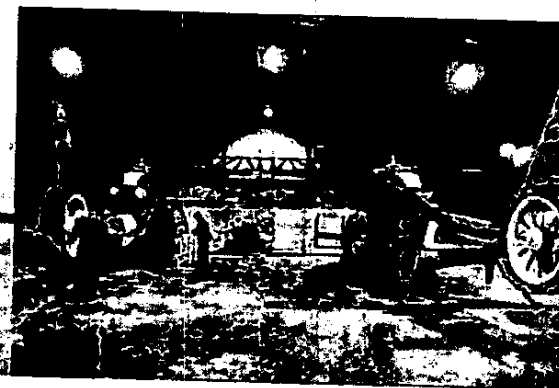
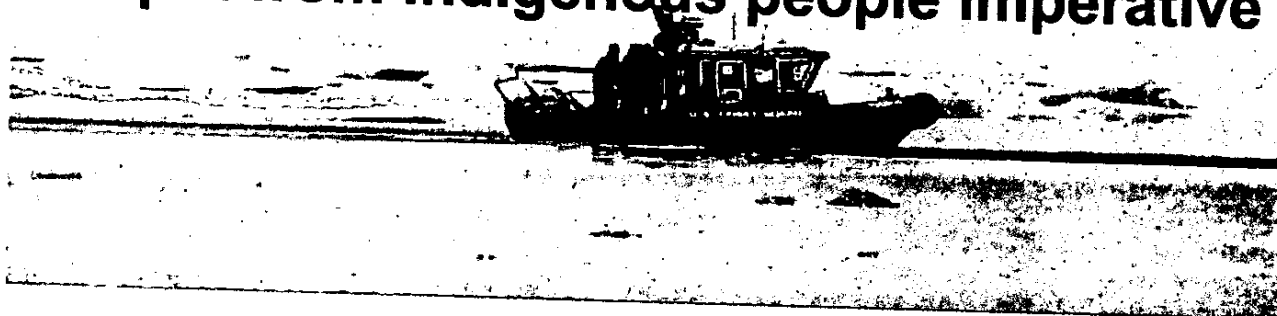
Arctic Ops Summer '08

- Arctic Domain Awareness
- Cutter Operations
- Tailored Force Package Deployment
- Community Engagement
- SAR Exercise



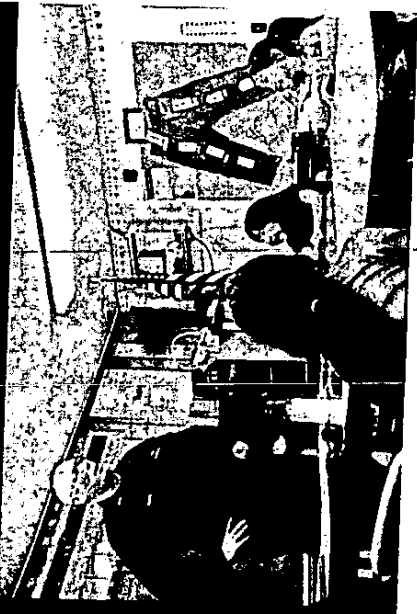
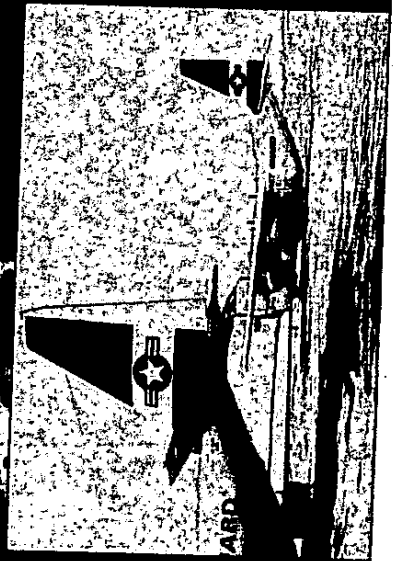
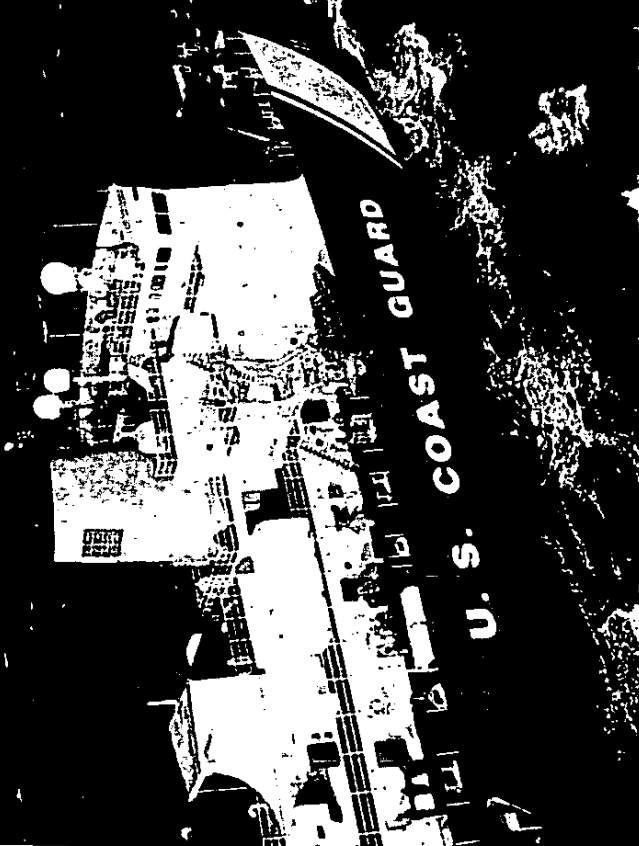
SalliQ: Lessons Learned

- **Infrastructure insufficient**
- **Lack of effective communication**
- **Small boats/short range helos ineffective**
- **Require icebreakers or ice hardened vessels with embarked helos**
- **Input from indigenous people imperative**



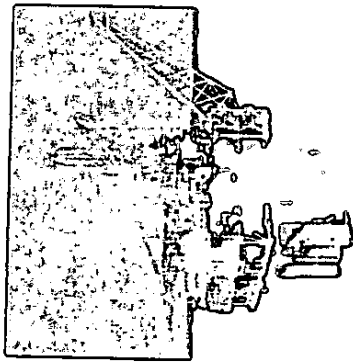
Search and Rescue Operations

- Cutter and icebreaker deployments in Bering/Chukchi Sea
- ADA flights
- Waterways Analysis
- FOB deployments
- Continued Outreach

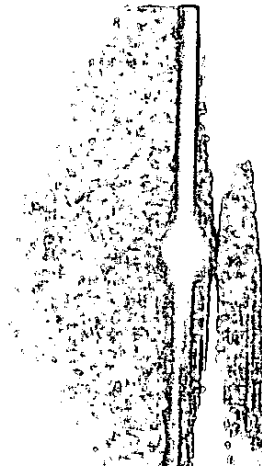
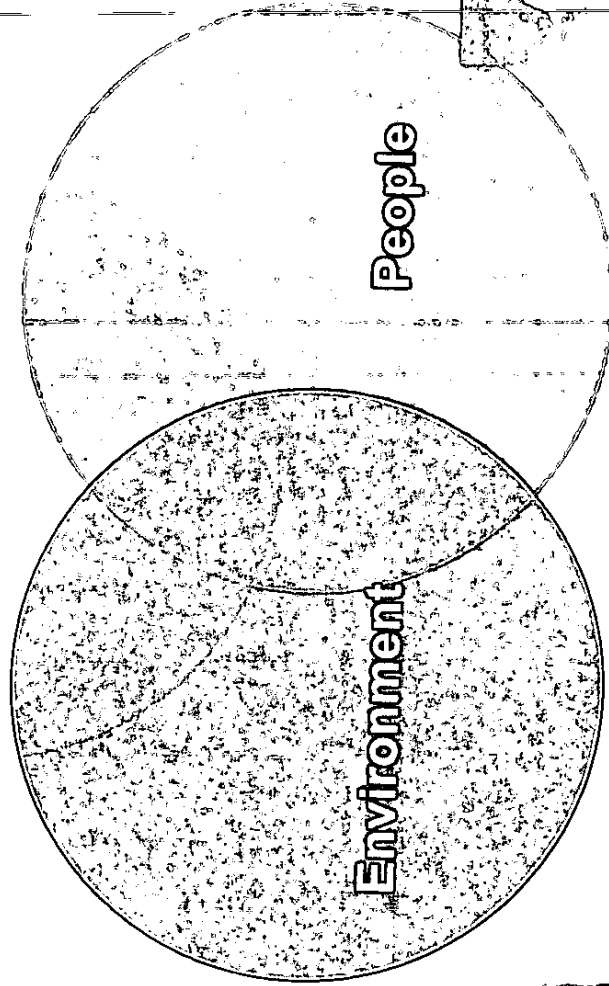


Department of
**Homeland
Security**

The Arctic Conundrum



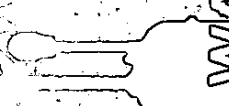
Development



6

Questions?

BUY • DRINK GOLD • GOLD GLAD • CHEER UP
SEA WATER

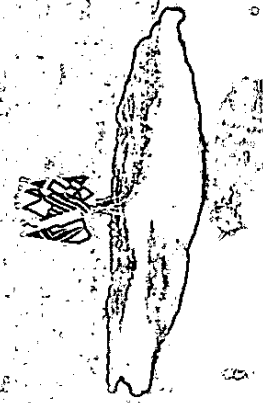


THE NEW COLD WATER?

U.S., Canada, Russia, Denmark Rush to Stake Arctic Claims

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Who Owns the Arctic?
Arctic's untapped resources are the focus of a new race for resources between the U.S., Canada, Russia, Denmark, and Norway.

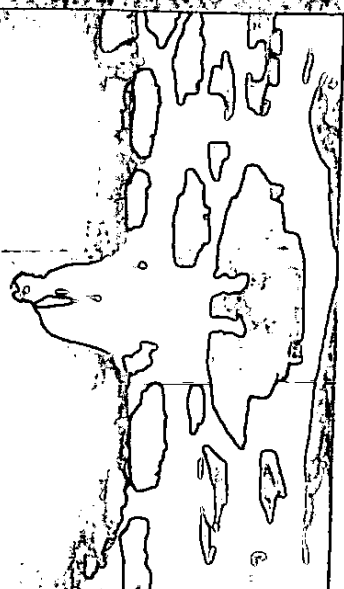


TIME

Also Inside: How the Arctic is being explored; The Arctic's untapped resources; The Arctic's untapped resources; The Arctic's untapped resources.

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HARPERS



COLD RUSH
The Coming Fight for the Melting North
By McKenzie Funk