

**Arctic MPA Working Group Meeting
November 9-10, 2015
University of Alaska Anchorage**

Note: all presentations will be briefly summarized here, and are posted at marineprotectedareas.noaa.gov/fac/meetings

DAY 1 – NOVEMBER 9, 2015

Welcome

Lauren Wenzel and Stephanie Madsen, working group co-chairs, welcomed the participants and guests, and invited all to introduce themselves.

The Working Group members did an icebreaking exercise – developing a timeline of major milestones important to the health of Arctic waters (accomplishments, incidents, etc). Each member added items to the timeline. Lauren and Cathy Coon then summarized the information on the timeline, which highlighted the breadth and diversity of knowledge of working group participants.

Working Group Context – About MPAs and the Working Group Charge

Lauren gave an overview of marine protected areas, MPA networks and the role of the MPA Federal Advisory Committee. The purpose of the Arctic MPA Working Group is outlined in detail in the charge provided by NOAA and the Department of the Interior (see Appendix 2). The working group was formed under the umbrella of the MPA Federal Advisory Committee and has been asked to develop recommendations that can then be considered by the MPA Federal Advisory Committee and ultimately delivered to NOAA and the Department of the Interior. The Working Group was asked to focus on the following questions:

- *What are the major needs and opportunities to strengthen the role of MPAs in conserving Arctic marine resources in U.S. waters?*
- *How can the U.S. best work to strengthen and connect MPAs in the Arctic while recognizing the importance of subsistence and other uses?*
- *How can U.S. agencies best work to engage local communities and other stakeholders in a dialogue about the goals for conserving Arctic marine resources and the role of MPAs in achieving these goals?*
- *From a U.S. perspective, what are the highest priorities for international collaboration in the Arctic to protect and conserve marine resources?*

Lauren noted that the purposes of this meeting were:

1. Develop draft recommendations for consideration by the MPA Federal Advisory Committee (which in turn advises NOAA and the Department of the Interior) including guidelines and principles for U.S. actions to strengthen and connect MPAs and MPA programs in the U.S. Arctic and internationally.

2. Provide stakeholder input that will help inform U.S. leadership on MPA issues during its chairmanship of the Arctic Council.
3. Provide an opportunity for public input on issues discussed by the Working Group.

She said that this was the fourth meeting of the Arctic MPA Working Group, and the first to meet in person. (The three previous meetings were conference calls to provide background and hold initial discussions, held on July 13, September 8 and October 19.)

She noted that MPAs are a flexible tool for conserving natural and cultural resources, and have varying levels of protection based on the specific objective of the MPA. Lauren noted that NOAA categorizes MPAs based on their primary conservation objective – natural heritage (biodiversity and ecosystem protection); cultural heritage (including living cultures); and sustainable production.

Stephanie Madsen questioned whether some of the NOAA/Fishery Management Council MPAs were accurately classified, as some aim to protect corals and habitat.

Charlotte Brower, Mayor of the North Slope Borough, arrived and was invited to make remarks. She expressed concern that the indigenous voice is frequently not heard, and noted the importance of Alaska Native organizations such as the Alaska Eskimo Whaling Commission.

Larry Cotter asked how the process of adopting the working group recommendations worked, and expressed concern that only three of the 20 member MPA FAC have extensive Alaska experience. Lauren responded that the MPA FAC generally defers to the expertise of the Subcommittees and Working Groups. She emphasized that the working group would not be “drawing lines on maps” to discuss specific MPA proposals, and that the MPA FAC meetings are open to the public and provide an opportunity for public comment. John Jensen, an MPA FAC member, agreed, noting the experience he had on the Cultural Resources Working Group of the MPA FAC, which developed detailed recommendations that were adopted by the MPA FAC.

Stephanie also asked how MPA FAC recommendations have been implemented and whether there has been public involvement in this process. Lauren provided examples of past MPA FAC work on subjects including MPAs and recreation and noted that implementation of these recommendations is often incremental, rather than a major policy shift or action. Any regulatory action would have its own public process to be followed (e.g. NEPA).

MPAs in the US Arctic

Mimi D’lorio gave a presentation on MPAs in the US Arctic. She provided an overview of the many MPAs that have been established in the US Arctic, managed by NOAA Fisheries, Alaska Department of Fish and Game, the National Park Service and the US Fish and Wildlife Service. She also noted that there are many managed areas that are not considered MPAs but that contribute to conservation outcomes.

Discussion followed, noting that the purposes of an MPA often overlap, such as being established for natural heritage, cultural heritage and sustainable production. Other points included the importance of ensuring representation of Alaska Natives in discussions about MPAs, the critical importance of subsistence uses, and the need to address subsistence uses separately from commercial fishing. Mayor Brower urged agencies and others to work with subsistence users and to visit rural communities and hear their perspectives.

There were also some specific questions about why a sea lion closure is shown around St. George that should not be there, and why some critical habitat areas are not shown as MPAs. Mimi mentioned that some critical habitat areas do not meet the criteria to be considered as MPAs.

Ocean Uses

Subsistence Uses

Julie Raymond-Yakoubian described some of the work by Kawerak, Inc to map subsistence uses in the Arctic.

<http://www.kawerak.org/socialsci.html>

And the one on the subsistence use study in particular that Julie highlighted.

She highlighted the following study for the Bering Strait, which was initiated by local communities. It includes a synthesis document and atlas. Julie noted that this work is time intensive – the study on seals and walrus took three years and cost \$750,000.

<http://oceana.org/publications/reports/the-bering-strait-marine-life-and-subsistence-data-synthesis>

Kawerak also recently completed studies on traditional knowledge about ocean currents and of non-salmon fish.

Julie mentioned that the Inuit Circumpolar Council will be coming out soon with a report on food security that will be a good resource. It defines food security from an Inuit perspective, and is focused on the marine environment. They also created an assessment tool for food security. The report makes the point that food security is synonymous with environmental health.

Tom Lohman from the North Slope Borough commented that spatial data is great but also scary. Working with communities is important, but can exhaust them. Also, data quickly become outdated. The NSB is now using the term traditional and contemporary knowledge, and is focused on managing for balance and flexibility.

Julie noted that the working group should define traditional knowledge if they are going to use the term, and may want to use Kawerak's definition (which includes the fact that traditional knowledge is contemporary knowledge.) Maps are not a substitute for consultation.

Oil and Gas

Cathy Coon summarized that Shell is withdrawing from Arctic operations. BOEM cancelled lease sales through 2017 in the Beaufort and Chukchi Seas. The next 5-year planning period is for 2017-2022 and is likely to include lease sales in the Beaufort and Chukchi Seas. BOEM does a NEPA analysis for the 5-year plan and for each lease sale, plus reviewing actions under each sale.

A comment was made that government to government consultation is different in Alaska, and that tribal governments don't have authority over some actions. Agencies should go beyond the standard procedure to reach out to other organizations that work with local people.

Fisheries

Dave Witherell and Chris Siddon showed maps of the major effort areas for different commercial fisheries in the Bering Sea. Dave also noted that climate change impacts (e.g., earlier ice retreat) are expected to move the bottom trawl fisheries for some flatfish species northward, as limited by the existing MPA boundaries and suitable habitat. He also mentioned that reduced ice cover and associated primary productivity is expected to negatively impact Pollock abundance. Comments from the group noted concerns about ocean acidification and that climate impacts are occurring more rapidly than predicted. Chris Siddon said that the timing of fisheries is also changing (e.g. lateness of the Bristol Bay salmon fishery this year). There are concerns that this change in timing could affect recruitment (e.g. larvae settling in less optimal habitat).

Shipping

Ed Page described the installation of AIS locations to track vessels. He also showed maps of shipping intensity in the Bering Strait. The Alaska Maritime Exchange is working with the Coast Guard on a next generation safety information system to get information to mariners and address dynamic situations. He suggested the concept of dynamic regulations that could be adjusted to environmental conditions (such as changing vehicle speed limits now being implemented in Seattle).

Marine Protected Areas and Other Area Based Management

National Wildlife Refuges

Ryan Mollnow described the marine elements of existing National Wildlife Refuges in Alaska, including the Alaska Maritime NWR, the Arctic NWR (marine area between mainland and barrier islands) and the Yukon Delta NWR (Nunivak Island). He noted that sometimes USFWS owns the submerged lands and in some cases it does not, so the issue of authority can be complicated. Ryan described how the USFWS manages refuges for biological integrity and environmental health. He also described how ANILCA laid out purposes for refuges in Alaska, including: 1) conserve fish and wildlife populations and habitats in their natural diversity; 2) fulfil international treaty obligations; 3) provide subsistence uses for local residents; 4) maintain water quality and quantity. Ryan also mentioned the diverse scientific studies undertaken at refuges.

Ryan commented that threats or vulnerabilities facing refuges include climate change and the increase of human activities (e.g. oil spills, ship groundings, ports, fishing) associated with a more gradual ice free Arctic. He also described several opportunities for enhanced collaboration through an MPA network approach, including baseline surveys of fish and wildlife, funding, landscape planning and enhanced communications. Landscape Conservation Cooperatives are also a potential mechanism for collaboration (see later presentation by Dave Payer).

A question was asked about whether refuges regulate activities and Ryan noted that this is a gray area depending on jurisdiction.

National Parks

Tahzay Jones described ongoing work to better understand and manage the marine components of national parks in the US Arctic, namely Bering Land Bridge National Preserve and Cape Krusenstern National Monument. He noted that the purposes of these areas is to protect habitat for migratory birds, marine mammals and other fish and wildlife; protect the viability of subsistence resources; and study the migration of species across Asia and North America. Tahzay noted climate change, ocean acidification and oil spills as potential threats or vulnerabilities. He also described actions being taken to address some of these, including oil spill response planning; baseline studies and other monitoring and assessment. He commented that MPAs are an opportunity to bring multiple partners together to protect subsistence resources.

Nicole Kanayurak commented that national parks have a history of excluding local people that needs to be recognized in order to build trust. She also said that several international organizations have adopted statements encouraging the co-management of protected areas by local and indigenous people. Tahzay said that the national parks are getting more involved with subsistence organizations and that one park manager is a local resident. Margaret Williams also cited an example of a co-managed protected area in Greenland (Melville Bay).

NOAA (with a focus on NOAA Fisheries and part of National Ocean Service)

Candace Nachman described the NOAA vision and the vision for NOAA Fisheries, and NOAA's Arctic vision, "where conservation, management and use are based on sound science and support healthy, productive and resilient communities and ecosystems and the global implications of Arctic change are better understood and predicted."

Candace described the different types of marine managed areas by NOAA Fisheries (some of which are managed in cooperation with the North Pacific Fishery Management Council), including areas managed for habitat and protected species (e.g. North Pacific Right Whale and Steller Sea Lions). Among the threats to Arctic marine resources are changes in the marine community that could adversely affect recovery of protected species. Candace also noted that NOAA Fisheries has co-management agreements with Alaska Native marine mammal commissions for marine mammal species used for subsistence. She noted that an important

resource is the Biologically Important Areas website with information on cetaceans (however, please read the caveats section carefully in the report).

<http://cetsound.noaa.gov/important>

Mayor Brower commented that hunters have concerns about what the designation of critical habitat may mean for them. Candace responded that critical habitat requires consultation under Section 7 of the Endangered Species Act (ESA) but does not necessarily impose place-based restrictions.

Opportunities for collaboration include through the fishery management process, consultation on the ESA, the Marine Mammal Protection Act and NEPA, and through Habitat Focus Areas (partnerships coordinated by NOAA Fisheries). Candace also mentioned new tools through the Joint Polar Satellite System and the Alaska Ocean Observing System. The Coastal Zone Management Act is also a tool for protecting coastal dependent uses, protecting natural resources managing hazards and coordinating federal and state activities along the coast, but Alaska is not currently participating in the program.

North Pacific Fishery Management Council

Dave Witherell provided an overview of Bering Sea fisheries, and noted that fisheries are the leading private employer in the State, with a catch value of \$2 billion/ ex vessel/year. Catch has fluctuated due to pollock recruitment that varies with temperature, but has otherwise been very stable. Dave described many existing MPAs and other place-based management for fisheries in the Bering Sea, and noted that their purposes include protecting habitat, protected species, increasing scientific understanding, protecting vulnerable stocks and conserving cultural resources. MPAs for fisheries currently cover over 78% of the U.S. Arctic. He also identified circumstances in which MPAs are not an appropriate tool, such as when restrictions force fishing effort into other areas with detrimental effects, when fish move outside an MPA boundary and when other solutions are more optimal (e.g. gear requirements, bycatch limits). He also described the closure of the Chukchi and Beaufort seas in 2009 to commercial fishing until more information is available to support management decisions. Dave mentioned the Alaska Marine Ecosystem Forum as a potential mechanism for additional dialogue and coordination on MPA issues. Its chairmanship rotates among Federal and State management agencies.

There was discussion about clarifying which fisheries areas meet the definition of an MPA and which do not. Dave also said that new MPAs could be detrimental if they cause additional fishing pressure on areas outside MPAs. Others pointed out that there are many examples of the economic benefits MPAs can provide.

State Fishery Management Areas

Chris Siddons described 14 areas included within the definition of the Arctic used by the Working Group. He noted that the primary reasons for establishing these included restricting bottom contact; crab fishing closures; and providing for non-commercial fishing opportunities.

During the discussion, Dave Witherell commented that any MPA network established to protect Arctic species would likely be so large and complex as to be impractical for fisheries. An ecological MPA network was evaluated in the 2005 Essential Fish Habitat Environmental Impact Study and found to be very costly for the limited environmental benefits anticipated. Chris Siddon added that no-take marine reserves have been shown to work well in tropical ecosystems, but there is much less data for polar regions. Margaret Williams noted that Norway has established some MPAs, as has Russia (Commander Island MPA).

BOEM

Cathy Coon described five areas in the Beaufort and Chukchi seas that have been permanently withdrawn from lease sales by Presidential action due to their ecological importance and sensitivity, including a 25-mile coastal buffer in the Chukchi Sea, Hanna Shoal (very important for Pacific walrus) and subsistence whaling areas.

Among the vulnerabilities to these areas, Cathy noted the sea ice edge (important to many species); and benthic feeding areas in the nearshore (for walrus, sea ducks). She also commented that food security for local people is a concern. The Alaska marine Ecosystem Forum' is a tool for engagement between the State of Alaska and Federal Agencies that would be helpful for continued dialogue.

Mayor Brower commented that Alaska Natives have recognized Hanna Shoal as an important wildlife area for centuries.

National Marine Sanctuaries and National Estuarine Research Reserves

Lauren provided an overview of the National Marine Sanctuaries and National Estuarine Research Reserves – neither of these types of MPAs currently exist in the U.S. Arctic. In 2014, NOAA approved a new rule allowing for community-based nominations of places of national significance to be considered for national marine sanctuaries status. This followed a period of 15 years when no Sanctuaries were established. The new process allows local communities to nominate special places. They must demonstrate broad-based community support and national significance, among other criteria. For example, several nominations (including one for the Aleutian Islands) were not accepted due to lack of sufficient community support. (See: www.nominate.noaa.gov)

National Estuarine Research Reserves are MPAs that are managed for research, education and stewardship. They are estuarine areas managed by state agency or university partners in cooperation with NOAA. Activities undertaken by NERRS include a system-wide Monitoring Program; a Coastal Training Program for local decision makers; Graduate Research Fellowships; K-12 Estuarine Education Program; and collaborative science. Alaska has one NERR, in Kachemak Bay, off Cook Inlet.

Lauren also mentioned that the President has the authority to establish marine monuments under the Antiquities Act. This has been done for four areas in the Pacific Ocean.

Agencies/Programs that Could Support an Arctic MPA Network

Landscape Conservation Cooperatives

Dave Payer described the broad mission of the Landscape Conservation Cooperatives – promoting interdisciplinary and interjurisdictional collaboration among State and Federal agencies, research institutions, Tribes and others; defining shared conservation goals; and providing scientific and technical expertise to support landscape-scale management. There are 22 LCCs nationally and three LCCs within the coastal Arctic region of focus: Arctic, Western Alaska and Aleutian and Bering Sea Islands. Some recent areas of focus include areas of high coastal erosion and impacts of coastal storms on water birds. LCCs have also looked at estimating potential impacts of shipping on seabird populations. Dave noted that the LCCs are in a unique position to contribute to an Arctic MPA network, as they have a broad focus and do not directly manage areas. A challenge is now to connect sites that have such diverse purposes and management.

Coast Guard

Commander Chris Barrows described the Coast Guard mission in the Arctic as focused on education, enforcement and safety. The Coast Guard protects the US EEZ from foreign fishing incursions, and assists with developing and enforcing fisheries regulations, including area-based management. Chris also described two tools used by the International Maritime Organization to enhance marine safety (Areas to Be Avoided) and protect sensitive areas (Particularly Sensitive Sea Areas). James Houck described the Port Access Routing Study being conducted by the Coast Guard, which extends from Unimak Pass to 60 miles North of Diomedea, a 4-mile wide 2 way route for ships. This is a voluntary measure, but Coast Guard expects good compliance (which would be expected by marine insurance companies).

Cheryl asked if the Coast Guard had succeeded in getting input from Russia on the routing study; they have not. Margaret also mentioned that Russia created marine buffer zones that may influence shipping patterns on the Western part of the Strait. The route does not apply to fishing ships or ships for village re-supply. Margaret Williams asked if the Coast Guard would recommend an Area to be Avoided as part of the study, but Chris responded that they felt that designating shipping routes was a more effective approach.

Arctic Research Commission

Cheryl Rosa described work by the ARC, which includes seven presidentially appointed commissioners. The ARC works with both the Congressional and Executive Branches to promote Arctic research, and is tasked with coordination and communication. In addition, the North Pacific Research Board's Arctic Research Program (which includes what geography?) is conducting research on species distributions and interactions for lower trophic levels. Stephanie mentioned the NPRB's Bering Sea Project, focused on understanding the impacts of climate change on the Bering Sea ecosystem.

<http://www.nprb.org/bering-sea-project>

Threats and Vulnerabilities to Arctic Resources

Lauren recapped the descriptions of threats and vulnerabilities that had been discussed by various speakers. It was noted that MPAs may not be able to address some of these threats.

Why Work Toward an Arctic MPA Network?

The issue was raised about why a network approach to MPAs was needed. The following is a summary of the key points from that discussion.

- Climate change is occurring at a more rapid pace in the Arctic than elsewhere on the planet
- This is leading to the increased potential for new uses, such as the opening of the Northwest passage
- These new uses may have impacts on local communities and ecosystems
- Local people have concerns about food security, way of life and economic opportunity
- The Arctic is an area important to biological diversity, with relatively intact ecosystems and important populations of migratory species
- The US Chairmanship of the Arctic Council provides an opportunity for input from U.S. stakeholders on Arctic Council priorities, including the development of a regional MPA network across the Arctic and the U.S. role in such a network.

The Working Group also discussed the desire for bottom-up processes that included participation from locals in decision making. Some commented that Alaska's Arctic Policy Commission recommendations had not been adequately considered by U.S. officials involved in the Arctic Council. There were also questions about how future decisions about MPAs might be made. Lauren explained that decisions will be made through existing processes governing different MPA programs – e.g. Fishery Management Councils, National Park Service, National Wildlife Refuges, etc. The group discussed that Working Group recommendations could address support for bottom up approaches, as well as potential changes to the management and coordination of existing MPAs for better outcomes.

Ed Page mentioned the International Maritime Organization's Polar Code and how this can help reduce potential harmful impacts from increased shipping. He also mentioned the Arctic Waterways Safety Committee as a way to engage local communities.

Public Comments

The following individuals made public comments, briefly summarized here. Where written comments were provided, they are attached in Appendix (??).

Charlotte Brower, Mayor, North Slope Borough

Mayor Brower expressed concern about the lack of involvement from hunters and indigenous organizations within the working group.

Adeline Hopson, North Slope resident

Ms. Hopson presented comments on behalf of her husband, Charles Hopson, a whaling captain. She stressed the importance of whaling and other subsistence to the community. She also

displayed a map and proposed that all areas above 85 degrees should be a scientific research area, that all migratory routes for whales (170W-80N 120W) should be protected and that no warships should be allowed. (See written comments).

On behalf of herself, Ms. Hopson said it was unfortunate that notice of the meeting went out so late, and that it was important that Alaska Natives be at the table for important discussions as they affect their way of life and future generations. She spoke about how the North Slope is still contaminated from previous activities; yet to be cleaned up by the federal government or State.

Eugene Brower, North Slope resident

Mr. Brower introduced himself as a subsistence hunter and whaler, and the President of the Barrow Whaling Captains' Association. He also spoke about the Eskimo Whaling Commission, which works through a cooperative agreement with the federal government, and takes whales based on a quota system. He expressed concern that an Arctic MPA network might be very large, and would need to have a clear purpose. He also noted the importance of representation of Alaska Native villages in any decisions that could affect them.

Karen Pletnikoff, Aleutian Pribilof Island Association

Ms. Pletnikoff said that any recommendations from the working group should consider a regional approach. She noted the importance of government to government consultation. She asked members to set aside negativity and consider the possibilities of an MPA network concept. She expressed concern about climate change impacts on marine resources, including paralytic shellfish poisoning affecting resources in the Aleutians this summer, and encouraged the working group to realize that change is needed.

Richard Glenn, Arctic Slope Regional Corporation

Mr. Glenn introduced himself as a member of the ASRC and the Arctic Research Commission. He said that MPAs are an inappropriate management tool because of the huge migratory area of Arctic species. If a network is very large, it could hamper the development that communities need.

Betsy Baker, University of Vermont Law School

Ms. Baker said there are many examples of flexible approaches to MPA establishment and management. For example, the Inuit Land Claims Agreement in Nunavut (Canada) provides for special designation of land-fast ice. This is flexible in space but provides protection for this key habitat. She also mentioned that ice "ecologically and biologically protected areas" in the Central Arctic Ocean have been identified by several countries through the Convention on Biological Diversity process. These "EBSAs" aim to recognize ecological properties that can change over time. (See written comments).

Karin Holser, affiliated with St. George Institute

Ms. Holser said she used to live on St. George full time, and is now retired. She emphasized that there are important areas in the ocean that need protection, such as Pribilof Canyon. She hoped the working group could come to consensus that critical areas need protection.

Craig George, Department of Wildlife Management, North Slope Borough

Dr. George said that he has lived in Barrow for almost 40 years, working on Bowhead whale research. He said that hunters need quiet areas, and perhaps there could be interest in exploring the potential of MPAs to control noise. He also described the Conflict Avoidance Agreement, which creates quiet zones for hunting.

Percy Ballot, ICC

Mr. Ballot described a culture camp to teach young Alaska Natives to hunt, and how this is helping to reduce high suicide rates. He emphasized that Alaska Natives need a seat at the table for decisions that affect them, and that recommendations need to be workable.

DAY 2 – NOVEMBER 10, 2015

Recap and Revised Agenda

Lauren began the day by recapping some major discussion points from Day 1 and describing the revised agenda developed by the co-chairs and facilitators for Day 2. The working group will divide into three smaller groups to develop rough draft recommendations on common themes identified through discussion on Day 1. The breakout groups were assigned so that they included diverse perspectives that could help represent the broader views of the entire working group.

The common themes that were discussed in the breakout groups included:

- Open and transparent processes
- Adaptive and flexible
- Land and indigenous communities have a seat at the table
- Existing and new MPAs
- Natural and cultural heritage
- Science and technology

The first three breakout groups met to develop ideas, and then shared them with the entire Working Group. Then the breakout groups resumed to talk about the next three topics and report on them.

Breakout Group Discussions and Ideas for Recommendations

The following language was developed by the breakout groups. (This can be considered a rough draft that will be further refined by the Working Group into recommendations.)

First round of breakout groups:

Group 1 – Open and Transparent Processes

An effective engagement and planning process includes:

- Identification of stakeholders
- Providing equal access to scientific and other relevant information
- Addressing the challenges of engaging remote and diverse communities
- Leveraging the network and processes of existing organizations (e.g. Alaska Native Organizations, safety councils, and other user groups)
- Recognizing the seasonality of Alaskan activities and their implications for public engagement

Discussion: A key element of engagement will need to embrace trust building to address fears. The group also noted that some indigenous knowledge may not be openly shared, and some commercial information is proprietary. In these cases, synthesis of important points can be made available.

Group 2. Dynamic and flexible approach

Given the dynamic nature of ecosystems and species and the purpose of protection and conservation, we recommend consideration of an adaptive management process in order to allow for flexible approaches in defining MPA boundaries when new science, traditional knowledge and data warrant such reconsideration.

Discussion: There was some concern on flexibility in context of regulatory context (by the time a change in regulation can be made, the issue may have passed). Differences between the fisheries regulations (stringent) and the marine mammal ones on the North Slope (adaptable) examples including: Conflict Avoidance Agreement (though only binding to signatories as a mitigation tool). There is no one size fits all. Suggestion was made that if we use the term “adaptive management” we should define it. There was also discussion about whether to include the term “boundary,” but it was agreed that boundaries are a necessary component of MPAs (though perhaps they could be dynamic to address changing conditions.)

Group 3. Local and Indigenous Communities need “a seat at the table” (or alternative wording: “a voice in the process.”)

Engaging local and indigenous means connecting with, collaborating with and relying on insights and from peoples who are born, live and raise families in the Arctic.

- Define what participation mean/infers - does that include veto power, consensus driven goals or just public meeting engagement
- Utilize and adapt existing knowledge and guidance developed from past working groups on this topic (e.g. Cultural Heritage Working Group of the MPA FAC).
- Subdivide the Arctic into functionally representative sections based on cultural, economic, biogeographic systems.

- Assign representation either through new or existing structures that are flexible and adaptable through stages of the processes
- Recognize that the capacity will not be the same across these regions.
- Support travel and recognize the time needed to build the trust and effectively gather/communicate the collective interests of its constituents
- Consider International Guidelines – i.e. the PAME recommendations Meaningful Engagement of Indigenous Peoples and Local Communities in Marine Activities (MEMA).

Discussion: The group discussed what actually comprises a ‘seat at the table.’ Suggestions were made to look at current MPA FAC cultural heritage working group recommendations (see: http://marineprotectedareas.noaa.gov/pdf/helpful-resources/mpafac_rec_cultural_landscape_12_11.pdf), and directly engaging Alaska indigenous communities on this issue. A unique issue with the large geographic extent of Alaska is the need to recognize travel and time costs needed to establish a strong bottom up/engagement process. Other challenges include meeting overload and reaching the relevant people affected by the issue. Some expressed concern that existing processes may not be adequate for local and indigenous engagement. The withdrawal of Alaska from the Coastal Zone Management Act has reduced opportunities for local and state engagement in coastal decision making. There was some discussion about whether tribal governments could establish their own MPAs – e.g. what jurisdiction they have and whether such MPAs would only be applicable to tribal members.

Second Round of Breakout Groups:

Group 1: New and Existing MPAs

Recognizing changing Arctic conditions and aiming to support ecosystem and community resilience, we recommend:

- For existing MPAs, looking at connections between existing MPAs to see how they complement/affect species, ecosystems, and biotic and human communities, and
- For new MPAs, assessing current and likely future human activity and impacts and evaluating tools (including MPAs as well as other regulatory and non-regulatory measures) to address affects.

Discussion: The point was made that MPAs need to be focused on a clear objective, and that there are many tools for ocean management (in some cases MPAs are not the appropriate tool). There was a question on clarifying if reference to communities were natural or human (or both). Intention was that they should be both.

Group 2: Science and Technology

The existing science* in U.S. Arctic marine waters is extensive and should be the foundation of environmental stewardship and conservation. Science (e.g. monitoring) and Indigenous Knowledge should be continually used to re-evaluate management effectiveness. We recommend and encourage use of appropriate technologies to provide inputs into appropriate management of existing and new MPAs.

* NOAA Ecosystem considerations, North Slope Science Initiative, North Slope Borough, NW Arctic Borough, NPRB BSIERP, BOEM, AOOS, USARC- synopsis etc.

Discussion: Part of Arctic uniqueness is the vast space we have to cover, we need to develop, use, and emphasize remote technologies. The US has good models about how to incorporate both western and traditional knowledge and these should be shared with other regions of the Arctic.

Group 3: Natural Heritage/Cultural Heritage

*Before making recommendations regarding Natural Heritage and Cultural Heritage MPAs, re-evaluate classification of sites in Arctic to ensure they are classified accurately to the existing standards and validate with case studies/site examples.

- NOAA's MPA classification system does not accurately capture the intent and purpose of sites. Need to reconsider how establishment intent is translated.
- Is conservation focus a useful classification? The conservation focus may not be enough to define a place and its role in management/conservation.
- Add IUCN category to MPA database once these initial classifications are re-evaluated/adapted.
- Classification does not capture the strong role of subsistence. Ask the local communities about what other areas need MPAs considered to protect the subsistence angle.

Discussion: These bullets relate more of a state of the discussion than a recommendation, as the group had much to discuss. They relate to how the MPA Center classifies MPAs nationally, and how these connect to IUCN's international classifications. The group discussed reviewing these classifications to explore how they can be most relevant to the US Arctic. Many MPAs have more than one conservation purpose (natural heritage, cultural heritage and sustainable production). Mimi D'Iorio from the MPA Center discussed the challenges in having a national level database address all issues important regionally (e.g. how subsistence is addressed in MPA Inventory).

Whole Group Discussion of Remaining Themes

The group met as a whole to discuss the final remaining common themes identified from Day 1, as well as a couple of other ideas.

International Collaboration

- Focus on science
- Knowledge exchange (e.g. Chukchi hunters example provided by WWF)
- Sister sites

The following draft language was developed by Cheryl Rosa (will collaborate on this with Chris Hladick) on scientific collaboration in the Arctic:

The group recognizes that enhancing international research cooperation can build synergies between national programs and create efficiencies in times of scarce funding/resources in order to address Arctic scientific challenges that may extend beyond the jurisdiction of any one nation. There are many efforts aimed at improving international Arctic research cooperation that may help inform MPA-related efforts presently occurring. The group supports these efforts, including the possibility of an Arctic Council-led Regional Seas Arrangement focused on research.

Discussion: The overall discussion was about how international collaboration could help foster community and ecological resilience. There was a general sense that efforts to promulgate an agreement on research cooperation in the high Arctic (Central Arctic Ocean (CAO)) would benefit from a recommendation from this group (MPA FAC). But there was concern about the vast number of international efforts, and the subgroup endorsing a portion of those work efforts without the full body of knowledge, the solution was that (C. Rosa and C. Hladick) would provide language. Additional conversations focused on the example of the recent fisheries moratorium in the CAO and whether that could be used as a model for international cooperation- across other topics (biodiversity) or sectors (energy). The group also discussed the potential for sharing knowledge on MPAs and spatial management across the Arctic, such as recent efforts to bring Russian hunters to the Chukchi region to discuss how to reduce impacts on walrus.

Sub-regional differences

- Alaska is the most maritime state; our livelihoods are tied to the sea; part of identity, jobs and culture
- Regions have distinct geographic, economic and cultural differences (e.g. Bering Sea with commercial fisheries vs. North Slope with no commercial fisheries; N. Slope dependence on oil gas for economic viability)

Discussion: The group discussed the strong regional differences between the Bering Sea and the Chukchi and Beaufort Seas, and the importance of acknowledging these differences in ocean management and perhaps considering the MPAs in these areas separately. One notable difference is there are fundamentally different resources north (minerals and energy) and south of the Bering Strait (commercial fisheries), as well as ecological characteristics (permanent sea ice). They expressed interest in hearing more details on the process that individual agencies use to create MPAs. Also highlighted was the need to impress on the agencies that standard NEPA (or other public comment/scoping) processes may not be enough in Alaska to capture relevant input.

There was some concern expressed about a potential effort to create new MPAs from a top down authority (even as high as presidential). Lauren said she was not aware of any government plans for new MPAs in US Arctic waters.

Acknowledging Different Policy Goals

- MPAs are a conservation tool, but can have impacts on other goals for the Arctic (e.g. economic development); be aware of potential conflicts.

Discussion: There was discussion on how different parts of the Arctic have different economies and this needs to be accounted for in any future MPA planning. There was also discussion of the necessity of a “purpose and need” statement for MPAs to guide decision-making.

Outreach and Education

- Need to explain to agencies that standard NEPA processes may not be sufficient.
- Importance of engaging people from the community as a conduit for information back to the community

Discussion: The focus of this discussion concurred and had suggestions on how to do it.

Agency Coordination

- Continue to look for opportunities to collaborate across agencies on MPA related issues
- Alaska Marine Ecosystem Forum could be a good mechanism for ongoing coordination.
- Benefits of a community of practice on MPA management.

Review of Discussion for Members of the Public

Lauren projected the draft language developed by the breakout groups and reviewed the work done over the morning and early afternoon for members of the public.

Public Comments

Michael Kiante Matthew

Discussed his Yupik name. Described living and growing up in Quinhagak* and the challenges in his life today. Spoke on the subject of Trailwatch.¹

Karin Holser, affiliated with St. George Institute

Noted that she was happy to see the progress the Working Group had made. She emphasized that while we use terms like “wildlife management” and “fisheries management,” we are really talking about managing human activities – the only thing we can manage. She suggested changing terminology to reflect this point.

Betsy Baker, University of Vermont Law School

Commented on the adaptable and flexible approach. Suggested adding “and new/ creative approaches” or it will read as if the group is only focused on existing approaches.

¹ *Quinhagak is an Arctic community, situated 1 mile up the Kanektok River from Kuskokwim Bay. The community has been inhabited for over a 1000 years. The community is reliant on subsistence resources and 27% of families live below the poverty line (Wikipedia)

Craig George, Department of Wildlife Management, North Slope Borough

Said that for MPAs to work in the Arctic, we will need to think outside the box, and that new and creative approaches will be necessary. Generally thought this meeting was very informative, with a good mix of participants.

Caroline Canon, Point Hope

Said that her community has guidelines from elders on traditional knowledge. She never thought she would see climate change impacts, but is seeing them now. At home, they are waiting for the first slush ice that hasn't occurred yet. She also emphasized the importance of having a seat at the table. For the past 10 years, local residents have not been able to pitch a tent on the ice and hunt whales because it is too thin. They want to continue to live their lifestyle, but also have to adapt.

Wrap Up

Lauren and Stephanie thanked all the working group members for their active participation, and also thanked members of the public who made public comment. Lauren reviewed next steps, which include:

- Sharing the draft recommendations for revision and comment by Working Group (by 12/15)
- Developing a meeting summary (including copies of public comments)
- Providing an update at the 12/17 virtual meeting of the MPA Federal Advisory Committee (will not distribute draft text, but share general themes and direction)
- Scheduling a follow up call to discuss Working Group comments in Jan 2016 (see doodle poll on email)
- Aiming for completion of draft recommendations and submission to MPA FAC for their consideration – Feb/March 2016

Appendix 1. List of Attendees

Co-Chairs:

Stephanie Madsen, At-Sea Processors Association (MPA FAC member)
Lauren Wenzel, NOAA National Marine Protected Areas Center

Members:

Larry Cotter, Western Alaska Community Development Association
Mike Davis, commercial fisherman
Chris Hladick, Alaska Department of Commerce, Community and Economic Development
John Jensen, University of Rhode Island (MPA FAC member)
Nicole Kanayurak, Graduate Student, University of Washington Marine Affairs (Day 1)
Ed Page, Alaska Maritime Exchange (alternate for Kathy Metcalf)
Julie Raymond-Yakoubian, Kawerak, Inc (alternate for Vera Metcalf, Day 1)
Chris Siddon, Alaska Department of Fish and Game
Jon Warrenchuk, Oceana
Margaret Williams, WWF (MPA FAC member)
David Witherell, North Pacific Fishery Management Council

Federal Agency Members:

Chris Barrows, US Coast Guard
Cathy Coon, Bureau of Ocean Energy Management
Amy Holman, NOAA – Alaska Region
Tahzay Jones, Alaska Region, National Park Service
Ryan Mollnow, Alaska Region, US Fish and Wildlife Service
Candace Nachman, NOAA Fisheries
David Payer, Arctic Landscape Conservation Cooperative
Cheryl Rosa, US Arctic Research Commission

Working Group members not able to attend:

Willie Goodwin, Alaska Marine Mammal Coalition
Kathy Metcalf, American Chamber of Shipping
Vera Metcalf, Eskimo Walrus Commission
Caryn Rea, Conoco-Phillips

Guests:

Jake Adams, North Slope Borough
Betsy Baker, University of Vermont Law School
Percy Ballot, ICC Maniilug
Sarah Bobbe, Ocean Conservancy
John Boyle, North Slope Borough
Charlotte Brower, Mayor, North Slope Borough

Eugene Brower, North Slope Borough – Barrow Whaling Captains Association
Caroline Canon, Point Hope
Quinton Carroll, Arctic Slope Regional Corporation
Paul Fuhs, North Slope Borough
Richard Glenn, Arctic Slope Regional Corporation
Craig George, North Slope Borough
Kristine Hilderbrand, North Slope Borough
Karin Holser, St. George Institute
Adeline Hopson, North Slope Borough
James P. Houck, US Coast Guard
Carol Janzen, Alaska Ocean Observing System
Tom Lohman, North Slope Borough – Wildlife Management
John Olson, NOAA Fisheries
Dru Pearce, Crowell and Moring
Karen Pletnikoff, APIA
Karen Murphy, Western Alaska Landscape Conservation Cooperative
Crystal Tulai, North Slope Borough
Ellie Humphries, Pew Charitable Trusts – Arctic

Appendix 2.

Arctic MPA Working Group Marine Protected Areas Federal Advisory Committee Charge: Working Toward an Arctic MPA Network

The Arctic is experiencing rapid changes due to climate change impacts. These have direct impacts on Arctic ecosystems marine resources, as well as creating opportunities for major and rapid changes in human uses of the region. The Arctic Council is currently developing a Framework for a Pan Arctic Network of Marine Protected Areas, outlining common goals and principles for international collaboration to link the efforts within individual Arctic states to develop and strengthen MPAs and MPA networks. Working through the MPA FAC, an Arctic Workgroup will develop guidelines and principles for U.S. actions to strengthen and connect MPAs and MPA programs in U.S. waters.

Key Questions:

- *What are the major needs and opportunities to strengthen the role of MPAs in conserving Arctic marine resources in U.S. waters?*
- *How can the U.S. best work to strengthen and connect MPAs in the Arctic while recognizing the importance of subsistence and other uses?*
- *How can U.S. agencies best work to engage local communities and other stakeholders in a dialogue about the goals for conserving Arctic marine resources and the role of MPAs in achieving these goals?*
- *From a U.S. perspective, what are the highest priorities for international collaboration in the Arctic to protect and conserve marine resources?*

Links to Key Resources:

Full text of Iqaluit Declaration (Arctic Council) approving Framework for Pan-Arctic Network of MPAs:
<http://www.arctic-council.org/index.php/en/document-archive/category/604-declaration-sao-report>

Framework for a Pan Arctic Framework of Marine Protected Areas
<https://oaarchive.arctic-council.org/handle/11374/417>

National Strategy for the Arctic Region
https://www.whitehouse.gov/sites/default/files/docs/nat_arctic_strategy.pdf

Alaska Arctic Policy Commission
<http://www.akarctic.com/>

Background on MPA Federal Advisory Committee
<http://marineprotectedareas.noaa.gov/fac/>

Membership of MPA Federal Advisory Committee
<http://marineprotectedareas.noaa.gov/fac/membership/>

November 9, 2015

My name is Adeline Hopson and I am here on behalf of my husband, Charles F. Hopson who was unable to attend this important Arctic Marine Protected Areas Working Group session. I'd like to add, it is very unfortunate this session was announced so late like we are expected not to provide input that is important because we truly believe, we must be seated at the table for important discussions like this. It will impact our future, our way of life, the wellbeing of our future generations.

As a mother of 5 children and 18 grandchildren, 4 great great's, establishing working groups like this at the last minute is rude. We are the Inuit of the North and have conquered the Arctic, we are still learning everyday with the use of new technology.

My husband is a Whaling Captain, the Hopson 2 Crew, formed off from the original Hopson Crew because the original crew got too large. We 1st got the permission from our elder Hopson Crew members. We worked together but as 2 separate crews. We shared, we taught, we learned every aspect and traditional knowledge our Father Hopson Crew taught us.

I was not born to a whaling family and my husband taught me, as well as my Mother in law, my Aunts and Aunt in law, to learn what a whaling captain's wife was required to know in order that her husband's crew can successfully whale. We prepare a hot meal which is brought to the crew, we are the homebase for any of their needs, we found other crew members if they were short of help. We make sure our crew members wear proper clothing; parka's, mittens, and any gear needed to survive the water, the cold and any inclement weather.

When a whale is successfully landed, we prepare our homes to feed the whole community as the whale is being brought to our Hopson2 homebase.

As we are preparing for the whole whaling activity, we teach our younger daughters or children everything we know to help our Whalers be successful.

My husband and I work together as a team in everything we do today. Just like today, he could not be here, so I am here to share what I know, what he needs to share with the AMPA group and I will report back to him what has happened here. This is serious business. When anyone in the World

discusses the Arctic we live in, hunt, oversee Research, and help develop policies we cannot be left out. Our future, our wellbeing is at stake, we are the stakeholders who face consequences. We still have contaminated lands from early years development, the government has yet to clean. It was these companies who got permits from the Federal and/or State governments without our knowledge or permission to make this mess. Because we as the Inuit of the Arctic knew that in order to survive, we needed to respect the land, its animals, the weather, and learn and develop survival skills.

We are a smart people who understand our environment. Contaminants were brought in on our lands by the Outsiders. We learned greed from the Caucasians who lived that way in their regions. Greed was a no no and was a value our Inupiaq elders strongly emphasized was not the way to live.

Our subsistence way of life is done by the season and most of the time in the Arctic we have a short window to do this in. Subsistence sustained our lives with food, implements, clothing and a learned respect for our land, the sea, the rivers, hills and valleys. The lakes, the waters on the land gave us food and water. It has kept us healthy, no additives or chemicals were put into our foods or water.

We have learned to live with development of the resources that are within the Arctic. When we have a seat at the table, we can negotiate how it can be safely accomplished. Our way of life has helped us to develop our resources in the best technologically balanced way. We have come to respect Science. We have always lived as scientists, learning from our surroundings, that answer the why's and why not's.

We appreciate this opportunity to let you know, we want a seat at the table in everything that you are trying to decide for us. Without our participation, your efforts will not work. For it is our way of life to live in harmony. It has helped us survive and live in this land which outsiders label as "harsh". It is not harsh, it sustains us.

Please accept my husband's comments and what he feels is important for your Working Group to consider and do as you deliberate.

s/Adeline Hopson

Retired North Slope resident.

I am Adeline Hopson, spouse to Charles F. Hopson who is making these comments. I have brought with me a map of the Arctic which he used to make these comments:

Charlie: Here are my thoughts for the Arctic Marine Protection Area Working Group:

- 1. Everything above the 85 degree Parallel should be designated as a scientific research area only up to the North Pole.**
- 2. All Water for whales, walrus, seals and other marine mammals shall be protected from 170 degrees West to 80 degrees North to 120 degrees West to protect the migrating route of all whales. A corridor should be established from the Russian Coast to Canada.**
- 3. All waters between 120 degrees West to 85 degrees North shall be handled by the United States of America (USA).**
- 4. The whole Arctic should be sectioned out like this:**
 - a. From the USA side starting at 170 degrees this should be sector I, and so forth, until it circles back to 170 degrees West on the Russian side becoming # 35 sector.**
 - b. Every Country in the Arctic will have a share of the Arctic Waters, sea mammals, fish, seals, Polar Bears etc. (all Arctic living beings, critters, etc).**
- 5. Make a corridor for Transportation and Cruise Ships if allowed.**
- 6. NO WARSHIPS ALLOWED, ONLY RESEARCH VESSEL**

s/CHARLES F. HOPSON

Charles Hopson

My name is Charles F. Hopson, an Inupiaq Eskimo from Barrow, Alaska. I am 72 years old; a Whaling captain, subsistence hunter, an Eskimo Scientist who is a traditional knowledge expert. I have studied the Arctic Ocean for nearly 63 years starting at 9 years old when my grandfather took me whaling to begin learning the skills, preparation, equipment required, ice, water current, weather behavior, and all the elements required to be a successful whaling captain, a provider.

I make my living off the Arctic Ocean and its ice. The Arctic Ocean and its ice provides for the culture and survival of our people. It is our food source for the Inupiaq who live in Alaska, Russia, Canada, Greenland, and a few more countries that survive from it. The Arctic Ocean provides us with whale, walrus, seal, Polar Bears, ducks, and other marine mammals.

Throughout Inupiaq history, the Inupiaq have been the defacto owners of the North Slope and adjacent coastal region. The Arctic Ocean is our food security. If the United States, the State of Alaska and the Arctic countries want to make Arctic Policies, the Inupiaq people of the Arctic must have a seat at the table and help make the policies. We need better scientific research in the Arctic as the President of the United States has eluded to. Our traditional knowledge is here for the asking.

The Inupiaq people in the Arctic include the countries of the USA, Russia, Canada, Greenland, Norway, Iceland, and the United Kingdom (England) and have been good, responsible Stewart's of the Arctic. The Inupiaq people have always protected the environment of the Arctic Ocean. We have studied the Arctic Ocean, participating in whale research for many years; becoming member to the (IWC) the International Whaling Commission through the U.S. delegation as a subsistence whaling

community and have studied the polar bear, the seal, walrus and many other arctic marine mammals and animals. The people of the North Slope have always supported science. We learned from our ancestors the importance of science/traditional knowledge, respect for the land, its animals, the tundra, its habitat, the ocean and its garden that feed all the mammals that we hunt to sustain our lives. From the beginning of Inupiaq occupation in the Arctic to the present day; these lands and waters have provided the people with necessities of life, and the place of strong culture and spiritual identity.

Historically the Inupiaq have participated in the Arctic's economic development yet have maintained our subsistence economy and culture. The dominant expressed interest of most Inupiaq is the maintenance of our subsistence oriented culture. The subsistence culture is guided in Inupiaq interrelationship with our environment and natural resources.

I have been watching the world as it focuses on making Arctic Policy without talking to the people that live and have made the Arctic their home for decades. They are the Inupiaq people who have truly lived and conquered life as we know it today in the Arctic. It is their home, the homeland where we live. You need to understand how we live, what we eat and most importantly learn whatever we know about the Arctic. We live here and know more about the Arctic than any other people on earth. We are the experts and have been the guardians of the Arctic since we conquered living here in harmony with nature and all living being. The United States of America cannot lead or guide us onto the future without our partnership.

The Arctic is delicate, it needs protection from pollution disturbance of the land and the plant life that live in the Arctic waters that sustain the sea mammals, fish and birds, and the different species of fish. We have lived for decades balancing and living within the seasons that sustain our livelihood that feed us.

We, the Eskimo (Inupiaq) know the Arctic, as we make our living here, we know what it can do through decades of study. We know how powerful the ocean is along with the help of sea ice. It has no match for catastrophic disasters, it will protect itself and the riches it has. We need good science and a strong partnership to develop technology. It can be done in Barrow (the northernmost City in the United States of America) by funding to completion the existing Research Center for Global Warming. Once completed, the science lab would fill the void of badly needed scientific data and take us onto the future. We need improved science to make strong decisions in the Arctic region. Alaska is the only hold the United States of America has in the Arctic and with adequate facilities constructed for advancing science data and technology, our partnership would benefit Arctic policies being developed with our seat at the table.

The Coast Guard needs presence in the Arctic especially as shipping passages are being opened globally through the Arctic. A Coast Guard station can be built and located here at Barrow. It can become part of the existing Global Warming Research Center. Security is of utmost importance to the United States as the U.S. curtails its military presence in Anchorage and Fairbanks, AK. diminishing its presence in the most strategic areas of the world and the U.S., especially in the Arctic. Changes are occurring, time is of the essence.

The President of the United States in his National Strategy for the Arctic Ocean stated "we will work together, we will continue to increase our understanding of the Region through scientific research and traditional knowledge".

We can help chart the Arctic Ocean by doing more Arctic scientific research along with our knowledge of the Ocean. The Inupiaq View is to protect the Arctic Oceans. The Coastal Zone of our Borough and State includes the ocean waters of the Chuckchi Sea and the Beaufort Sea in the summer and the near shore ice in the winter. If any decisions about the Arctic Policies are to be done, they must be done at Barrow, AK. at the existing science building which is currently not completed due to lack of funding, inadequate staff and support to accomplish a strong U.S. Arctic Research Policy.

At this Summit, I am asking participants here to help us finish our science center located at Barrow, Alaska. If all the people here ask their governments to help complete the science lab, then every participant will have access to an equipped laboratory, sleeping quarters and whatever is required or needed to do good Arctic research; this includes the countries of Norway, Iceland, Greenland, Canada, Russia, Denmark, Sweden, and all Arctic Nations not listed. I invite you, let us start working together to protect our Arctic Ocean and the sea ice.

I have been an Oil Spill Responder for 20+ years on the North Slope and in the Arctic. I learned how to clean up an oil spill in ice water. If given the opportunity, there is no doubt in my mind, I can do it safely. It would take adequate, capable equipment to do it. This is my statement and I have confidence that I can do this successfully.

My work experience includes working for the Naval Arctic Research

Laboratory(NARL) in the 1960's.

The NARL facility was run by the University of Alaska, under contract for the Office of Naval Research(ONR) with Dr. Max Brewer and Dr. Woods of the University of Alaska. I spent 6 years floating on an Ice Island called the Fletchers Ice Island T-3. There my knowledge of the Arctic Ocean and Its Ice expanded. As the manager, I worked closely with 50 or so scientists doing studies for the ONR.

Fletchers Ice Island T-3 was 4.5 miles wide and 8.5 miles long; 120 feet thick. This monstrous Glacier Island which broke off a Glacier in Canada back in the 50's provided the U.S. with a research camp with 50 to 60 buildings(built by local construction workers, equipment to man the necessary operations and we built a 5,000 foot runway on the Island.

Currently, the Arctic Ocean is shallowing and the currents are getting stronger. The Arctic Ocean ice is not melting as some scientists say, but in my observation, the ice is leaving the Arctic and into the Atlantic Ocean.

I maintain, today I still make my living off the Arctic Ocean and the ice.

Charles Hopson

**Arctic Marine Protected Areas Working Group
Comments of Mayor Charlotte E. Brower
9 November 2015**

- Good morning. My name is Charlotte Brower and I am the Mayor of the North Slope Borough. My staff and I are here today to observe the proceedings of these Arctic Marine Protected Areas Working Group meetings.
- First, we would like to express our disappointment that there is not a single representative from the North Slope on this Working Group. It is inconceivable why a body tasked with developing guidelines and recommendations for Marine Protected Areas in Arctic Alaska would not include local or indigenous representation.
- Many of the key topics being discussed over the course of these meetings include subsistence and engaging with local communities. We would like to know which people here are experts on subsistence or the needs or concerns of local communities?
- The Inupiat have been stewards of the Arctic marine environment for over ten thousand years. Our expertise on this subject is based upon the wisdom and traditional knowledge that has been passed down for countless generations.
- From the time we are small children, we are taught to observe the wind, the currents, the ice, the migrations, behavior, and movements of animals, and countless other things. This collective body of knowledge not only enables us to survive, it also influences our relationship with the natural world.
- And yet, instead of being included in deliberative bodies (or even the working groups that report to deliberative bodies) tasked with protecting the natural and cultural resources within the Arctic marine environment, we are relegated to being casual observers of the federal bureaucrats and special interest representatives that are empowered to make decisions that impact our lives.

- This is an affront to the people of the North Slope. It is also adverse to the collaborative processes, goals, and objectives laid out in Executive Order 13158 and the Framework for the National System of Marine Protected Areas of the United States of America.
- But more importantly, exclusion of local experts comes at the expense of this Working Group not having the best knowledge, data or information to inform the deliberative process.
- In addition to being able to provide local and traditional knowledge, the North Slope Borough employs some of the world's foremost experts on the bowhead whale and other Arctic fauna. We have conducted more scientific work in the Arctic over the past 40 years than probably any other governmental or nongovernmental entity out there.
- We want to work with you and share our body of knowledge. No one in this room has more interest in protecting the resources of the Arctic environment than we do. We have a long history of arguing for deferrals and protections of key subsistence hunting areas and wildlife feeding and gathering areas. The sea is our garden. It provides our people with both physical and cultural sustenance.
- But we also want to see these interests balanced with our right to economic self-determination. Too many times we see outside interests advocating for an Arctic that would imperil our local economy and livelihoods. We understand the delicate balance that must be made in managing the Arctic for all kinds of resources.
- To summarize, no system of Arctic management will be successful without local support. In order for any Marine Protected Area to be effective as a long-term mechanism to ensure the integrity of the pan-Arctic ecosystem, it must be with the early involvement, endorsement, and commitment of the people who occupy, use, and directly depend on these areas.
- By excluding us from this process, you imperil the mission and purpose of the Marine Protected Area Federal Advisory Committee and risk losing the trust and confidence of the local communities.

- We hope that you will inform the Committee of our concerns and do what is within your power to ensure adequate local participation in future meetings. Quyanaqpak.

**Arctic Marine Protected Areas Working Group Public Comment Session
November 9, 2015
Betsy Baker, Anchorage, Alaska**

Thank you for the opportunity to attend this Arctic MPA Working Group meeting, and to comment on today's discussion. I am Betsy Baker, an international law professor based in Anchorage. My work focuses on oceans law and Arctic policy and builds on over twenty years of experience as a professor of international and comparative environmental law.¹ I have prepared policy and background papers or presentations for the Alaska Arctic Policy Commission, Statoil/Det Norske Veritas, the Inuit Circumpolar Council-Alaska, the PAME working group of the Arctic Council, including the current Task Force on Arctic Marine Cooperation, and the US Department of State Office of Ocean and Polar Affairs. I am currently a member of the Polar Research Board of the National Academy of Sciences (2015-2017).

Many speakers have referenced the dynamic, changing nature of challenges in the Alaskan Arctic. My comments focus on the need to move beyond outdated, inflexible regulatory models to consider potential models for structuring dynamic protections that are spatially and temporally flexible.

First, let me recap the examples of flexible mechanisms today's speakers have mentioned. These are tools already being applied in a regulatory and compliance context.

- Dave Witherell: Sea lion closures are time and gear specific; Seasonal by-catch limits exist; "Fish move-MPAs don't."
- Candace Nachman: NMFS Time/area closures; AEWC conflict avoidance agreements
- Margaret Williams: Greenland – protected areas-certain protections when hunting takes place
- Ed Page: variable speed limits on Seattle roads (technology)

Possible models for more flexible mechanisms

I offer two examples from my research in comparative and international law that have some degree of spatial or temporal flexibility, one from an Inuit Land Claims agreement in Canada, one from an international treaty. Aspects of these mechanisms could be adapted for use in an MPA setting.

Example 1: Nunavut Land Claims agreement (NLCA) "Outer Land Fast Ice Zone"

The first example, from the Nunavut Land Claims agreement (NLCA), came to mind when Lauren Wenzel mentioned the possibility of an MPA with the primary purpose of protecting subsistence use of resources.

Article 16 of the Nunavut Land Claims agreement (NLCA) creates an "Outer Land Fast Ice Zone". This Outer Land Fast Ice Zone marks a first in Canadian law by giving special designation, if not special legal status, to land fast ice. Bankes (2003) observes that the 'mere recognition of [the Land Fast Ice Zone] as a separate category of ocean space represents an important re-capture of an Inuit reality.' Article 16 creates the Zone outside the Nunavut Settlement Area, off the East Baffin Coast. The Zone is bounded in the east 'by the maximum limit of land fast ice (1963-1989)' (1.1.1) and is shown on Schedule 16-1 as extending from some 20-40kilometers. Under article 16.1.1 certain other NLCA articles shall apply in the Zone 'in a manner consistent with Canada's sovereignty, sovereign rights and jurisdiction, and with Canada's international obligations.'² Special hunting, use and planning rights are guaranteed to Nunavut Inuit users

¹ Full Professor, Vermont Law School; Affiliate Faculty: University of Washington School of Law and University of Alaska Fairbanks International Arctic Research Center (IARC).

² Betsy Baker & Sarah Mooney, 2012: The legal status of Arctic sea ice in the United States and Canada, *Polar Geography*, DOI:10.1080/1088937X.2012.705914, quoting Nigel Bankes, 2003, *Implementing the fisheries provisions*

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of the Land Fast Ice Zone.

Example 2: EBSAs – Ecologically or Bologically Significant Marine Areas

Information on EBSAs is available at the website for the multilateral Convention on Biological Diversity, an international agreement to which the United States is not party: <https://www.cbd.int/ebsa/>. The list of Arctic EBSAs is here: <https://www.cbd.int/ebsa/ebsas>

I summarize only a few key points here:

Ecologically or Bologically Significant Areas

- 11 identified in the Arctic (see the attached PDF Map) based on agreed criteria for significance
- Two ‘ICE EBSAs’ (Central Arctic Ocean)
 - Marginal Ice Zone and Seasonal Ice cover over the Deep Arctic Ocean
 - Multi-Year Ice of the Central Arctic Ocean
- *EBSAs are NOT fixed areas*; by definition their boundaries change by season
- Ice EBSAs Try to capture the
 - **“dynamic and heterogeneous properties of sea ice and associated ecosystem(s)”**
 - **[and] periodically widespread** ecological properties
- EBSAs are ‘Spatially Dynamic’

The Conference of the Parties to the Convention on Biological Diversity has recognized the existence of these EBSAs but leaves it up to each state party to use the information as that nation sees fit.

I would be glad to provide further information on both examples upon request:
baker@bakerarctic.net, 907-787-9496.



Areas Meeting EBSA Criteria

- Spatially Stable EBSA
- Spatially Dynamic EBSA
- Workshop Boundary
- CAFF Boundary

Arctic Regional Workshop to Facilitate the Description of Ecologically or Biologically Significant Marine Areas (EBSAs) 3 March - 7 March 2014 in Helsinki, Finland