

NORTHERN BERING SEA CLIMATE RESILIENCE AREA

BERING INTERGOVERNMENTAL TRIBAL ADVISORY COUNCIL

January 26, 2024

Secretary Gina Raimondo
Department of Commerce
1401 Constitution Ave. NW
Washington, DC 20230
thesecc@doc.gov

Dr. Kelly Kryc
Deputy Assistant Secretary, NOAA
14th St. and Constitution Ave., NW
Washington, DC 20230
kelly.kryc@noaa.gov

Raina Thiele
DOI Office of Alaska Affairs
4230 University Dr., Suite 300
Anchorage, AK 9950
raina_thiele@ios.doi.gov

Tasha Reid-Hippolyte
DHS Office of Field Operations
1300 Pennsylvania Ave., NW
Washington, DC 20229
tasha.reidhippolyte@cbp.dhs.gov

RE: Request to Immediately Suspend NOAA Alaska Fisheries Science Center's Proposed Northern Bering Sea Effects of Trawling Survey (NETS) Research Project

Dear Federal Co-Chairs of the Task Force on the Northern Bering Sea Climate Resilience Area and Secretary Raimondo:

As the Bering Intergovernmental Tribal Advisory Council (TAC), we write to request immediate and full suspension of all actions related to the proposed "Northern Bering Sea Effects of Trawling Survey (NETS)" research project. The proposed project involves the use of harmful commercial non-pelagic trawl gear in the Northern Bering Sea Climate Resilience Area (NBSCRA). We believe that the manner in which NOAA has developed the NETS project is a breach of Executive Order 13754.

As you know, the Northern Bering Sea has been our home, our food source, and at the center of our ways of life for millennia. Executive Order 13754 created the Northern Bering Sea Climate Resilience Area (NBSCRA), recognized the ongoing importance of our stewardship of the Northern Bering Sea, and—to that end—created a unique governing structure in which the federal Bering Task Force (BTF) is required to consult and work with the TAC on decisions that potentially affect our traditional waters, food sovereignty, and ways of life.

Despite the requirements of Sections 4 and 5 of Executive Order 13754, the TAC was not given advanced notice of the NETS project by NOAA or any other federal member of the BTF. The BTF has never approached the TAC about the NETS project or provided the TAC with information about the NETS project. Nor have we been asked for input or recommendations about whether or how the project should occur. The TAC only learned about the NETS project informally via partner Tribal organizations. Yet it is our understanding that the NETS project is in advanced stages, with a contract having already been awarded to a trawl vessel and work to begin imminently. In short, none of the processes mandated by Executive Order 13754 have occurred.

TRIBAL ADVISORY COUNCIL MEMBERS

Fred Phillip, Co-Chair
Native Village of Kwigillingok

Vivian Korthuis, Co-Chair
Emmonak Village

Charlie Brown, Co-Chair
Chinik Eskimo Community
(Golovin)

Tiffany Andrew
Village of Alakanuk

Johnson Eningowuk
Native Village of Shishmaref

Jerry Ivanoff
Native Village of Unalakleet

Edward Kinogak
Village of Cheformak

Ben Pungowiya
Native Village of Savoonga

Richard Zacharof
Aleut Community of St. Paul
Island

In addition to a broader lack of process, we are concerned that NOAA is not following the specific substantive directives found in Section 10 of Executive Order 13754, which states that the NBSCRA is closed to commercial non-pelagic trawl gear and directs NOAA to “take such actions as necessary” to maintain the existing prohibitions. This directive to maintain existing prohibitions is described within the context of “Continuity of Existing Habitat Protection” and cross-references Section 2, which affirmatively states that it is the policy of the United States to “enhance the resilience of the northern Bering Sea region by conserving the region’s ecosystem, including those natural resources that provide important cultural and subsistence value and services to the people of the region.” The NETS project invites the very harm the Executive Order directs NOAA to guard against. The NETS project appears to substantively differ from previous research in the NBSCRA, and we are concerned that it is a procedural precursor to opening the area to destructive commercial fishing practices.

Finally, we remind our federal partners that designing and conducting research are not abstract, neutral exercises. Indeed, the NETS project goes to the heart of two of the primary reasons that Tribes sought Executive Order 13754 in the first place: the long history of Bering Sea Tribes not being involved in research development or execution and the threat of commercial non-pelagic trawl fisheries moving into the fragile northern Bering Sea ecosystem. Bering Sea Tribes have for decades clearly and repeatedly asserted both their right to shape research in their region and their opposition to the expansion of commercial bottom trawling and other destructive fishing methods. Indeed, tribal resolutions on these issues led to Executive Order 13754 and its substantive protections for the NBSCRA.

For the above reasons, the TAC requests an immediate suspension of all activities related to the NETS project. The TAC further requests that the BTF provide it with information about the project sufficient to allow it to provide input and recommendations on the proposed project, as required by Executive Order 13754.

Sincerely,
Bering Intergovernmental Tribal Advisory Council (TAC)

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