

# U.S. COMMISSION ON OCEAN POLICY



## MINUTES

**Tenth Meeting of the U.S. Commission on Ocean Policy  
Hotel Captain Cook Discovery Ballroom  
Anchorage, Alaska  
August 21-22, 2002**

### **Commissioners in Attendance**

Honorable James D. Watkins, (Admiral, USN (Ret.)) – Chair  
Mr. Ted A. Beattie  
Ms. Lillian Borrone  
Dr. James M. Coleman  
Ms. Ann D’Amato  
Mr. Lawrence Dickerson  
Vice Admiral Paul G. Gaffney II, USN  
Professor Marc J. Hershman  
Mr. Paul L. Kelly  
Mr. Christopher Koch  
Dr. Frank Muller-Karger  
Mr. Edward B. Rasmuson  
Dr. Andrew A. Rosenberg  
Honorable William D. Ruckelshaus  
Dr. Paul A. Sandifer

### **Meeting Attendees**

A list of meeting attendees, including affiliation where provided, is included in Appendix 1.

### **WEDNESDAY, AUGUST 21, 2002**

#### **Welcome**

Admiral Watkins called the meeting to order at 12:30 p.m. He gave a preview of items that the Commission was expecting from the Alaska Regional meeting, including taking back recommendations that would allow the Commission to provide continuity to the fisheries management regime of the nation under the Magnuson-Stevens Fishery Conservation and Management Act. Admiral Watkins then announced that two [site visits](#) were scheduled for Friday, August 23 in Juneau and Dutch Harbor to address fisheries issues and environmental impacts of cruise ships, and introduced the first panelists.

## North Pacific Living Marine Resources, Historic Perspectives Panel

- **Mr. Clem Tillion** – Halibut Cove, Alaska
- **Mr. David Benton** – Chairman, North Pacific Fishery Management Council

A question/answer period followed the testimonies of Mr. Clem Tillion and Mr. David Benton. Mr. Benton was asked if the scientific committee for the North Pacific Fishery Management Council (NPFMC) could generate a list of requirements and priorities, and identify areas where potential research investments distributed over a five-year period would gain the largest return in terms of improving understanding, correlated to an improvement in quality of decision-making for fisheries management. Mr. Benton responded that the NPFMC does in fact have a committee of scientific advisors who identify research priorities, which are often short-term, but some of those recommendations are funded and some are not. The recommendations of the committee could be made available to the Commission if that would be useful. The North Pacific Research Board (NPRB), however, serves as a better example for long-term planning. Mr. Benton noted that a series of endowment-like funds have been developed which geographically cover the coast of Alaska; each endowed fund has its own governing body that prioritizes marine research monies. One of these is the GEM program developed by the Exxon Valdez Oil Spill Trustee Council. Another is the 20-member NPRB established by Congress. The NPRB is just getting organized and looking to develop a multidisciplinary comprehensive research plan. The NPRB has the advantage that it can plan on a twenty-year basis due to the consistency of money. The NPRB is currently developing long-range research plans, getting those plans funded, and carrying them through to implementation. Mr. Benton agreed to provide further information on the NPRB in writing.

In response to a question about how Marine Protected Areas (MPAs) should be established, *e.g.* top-down, bottom-up, sunsetted, or allowing for permitted activities, Mr. Tillion responded that the state of Alaska is already closing areas and does not want additional area closures imposed from Washington, D.C. Although the state does have an interest in common with the federal government for permanently protecting rare habitats such as Gorgonian coral reefs from destructive fishing practices, Mr. Tillion said that the permanency of closures should be prescribed with care, and not with motivations that have nothing to do with conservation.

The Commission expressed interest in recommendations for structural changes to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) that would be modeled after the scientific process established by the NPFMC and provide uniformity throughout the nation. Mr. Benton responded that perhaps an amendment to the MSFCMA could require that each Council form a broad and multidisciplinary scientific and statistical committee with a specific charge. When asked if the MSFCMA should be amended to require Councils to heed the allowable biological catch (ABC) levels set by the scientific and statistical committees, Mr. Benton said that the system within NPFMC is based on mutual trust, mutual trust. He stressed that it is a decision-making system based on science, transparency and a high degree of public input. He would be concerned if the MSFCMA were amended in this way because this could eventually lead to lack of accountability from scientists to ensure that the data used are accurate, and the interpretations of those data are transparent. The Commission noted that there should also be transparency of process when the Council does not allocate the total allowable catch (TAC) based on the ABC recommendation from the scientific panel; in these cases, there should be justifications for decisions provided for the public record. This process would seem more democratic. For further recommended changes to MSFCMA, Mr. Tillion offered his opinion that the Secretary of Commerce should be protected from the U.S. Congress in his decision to accept or reject a Fishery Management Plan, citing the Pacific rockfish circumstance as an example where the Secretary caved to political pressure even though everyone knew that the stock was overharvested.

### **The Honorable Tony Knowles - Governor of Alaska**

Following Governor Knowles' presentation, the Commission reminded those present that pursuant to the Oceans Act, the coastal State Governors will review drafts of the Ocean Commission report prior to official submission to the President and Congress.

### **The Honorable Ted Stevens – United States Senator, State of Alaska**

After Senator Stevens gave his statement, he emphasized the importance of the Ocean Commission and said that the Commission's recommendations would have significant influence on the future of the nation. The Commission observed that a common theme for recommendations throughout the regional public meetings was a need for improved federal coordination that would enable an integrated ocean policy scheme to better reach down to the local level, understand those needs, and reflect those needs upfront in the policy process instead of at the end. Commissioners asked "what was doable from a political point of view" in terms of not interfering with congressional jurisdiction if the Commission recommended a paradigm shift that would require monies to be routed through the Office of Management and Budget (OMB) and be invested in a horizontal fashion across nine federal, mission-oriented agencies that are integrated at the front-end. Senator Stevens replied that he and Senator Hollings would be willing to work on this as long as regional management was emphasized. He believes that management from the regions is where the future lies, and that the federal government should not lock local people away from their sources of income to satisfy people in other regions. Senator Stevens stated that he would oppose anything that sets up withdrawals of the outer continental shelf without regional and local involvement. When asked, he said that he also would also generally oppose amendment of the MSFCMA to mandate separation of the scientific allowable biological catch determination from the Council allocation process because the federal government should not tell Fishery Management Councils what to do, but he said that such an amendment would be possible and that he would explore the possibility because he had no specific objections. The Commission replied that they had indeed heard testimony that the federal government should not interfere with the management capabilities of state and local organizations, but observed that the same presenters expressed frustration at the inadequacy of attention given to state and local players by the highest levels of the federal government. The fact that fisheries litigation has been exponentially increasing according to a report from the National Association of Public Administration is a signal that something is not right, such as the conflict in laws. The Senator agreed.

The Commission asked if the Senator thinks the federal government plans to adequately invest in at-sea capabilities for high latitude Arctic research to study global climate change, particularly because of the large effects experienced by Alaska. The Senator cited several examples of global climate change in Alaska, including migration of warmwater fish species as far north as Alaska, the planning of some villages to move airports, disappearance of the permafrost, and sea level rise. Platforms and research in Alaska include the soon-to-be-commissioned NOAA ship Oscar Dyson, the Arctic Research Center in Barrow, approved to study climate change and increase the number of buoys at sea, and ongoing talks between the State of Alaska and the cruiseline industry to begin collecting data from passing cruise ships. However, the Senator asked the Commission's help in convincing the government to fund sound Arctic science. He said that federal funding for climate-related projects backed by Senators Stevens, Hollings, and Byrd as add-ons, are labeled as "congressional interference" and disapproved by OMB; these issues concern the lower forty-eight states as well, and the money for Arctic science should not be viewed merely as "Alaska pork."

## Management of North Pacific Living Marine Resources 1 Panel

- **Mr. Morgen Crow** – Executive Director, Coastal Villages Region Fund
- **Mr. Trevor McCabe** – Executive Director, At-sea Processors Association
- **Mr. Terry L. Leitzell** – General Counsel, Icycle Seafoods, Inc.
- **Mr. Peter Van Tuyn** – Litigation Director, Trustees for Alaska
- **Mr. Robert Penney** – Founder and Chairman Emeritus, Kenai River Sportfishing Association

A question/answer session followed these presentations. The Commission again showed interest in suggested changes to the MSFCMA. In his testimony, Mr. Terry Leitzell had suggested an amendment to the MSFCMA mandating each Fishery Management Council to appoint a Scientific Statistical Committee (SSC) to improve the Council system. When asked about SSC membership, he responded that although scientific appointees could feasibly include members of the public and non-governmental organizations (NGOs), as well as federal, state, and academic scientists, he said that there were practical difficulties associated with broad membership that lessens the interest of some potential members, such as the time required to do the work. When asked if the statistical allowable biological catch (ABC) determination should be separated from the allocation process, Mr. Leitzell voiced the opinion that a separation of processes was not a good idea. Although he believes that scientific recommendations should get to the Councils unvarnished, he thinks that the scientific and allocation decisions should remain linked. As the system is currently set up in Alaska, the Council is required to take into account scientific recommendations and public recommendations before analyzing them under the ten national standards established pursuant to the MSFCMA. Mr. Leitzell also opposes requiring independent peer review of the NMFS and SSC processes, because in his opinion NMFS has the best, straightforward science that already goes through normal channels of the peer review process. Although the total allowable catch (TAC) has never exceeded the ABC to date in Alaska, Mr. Leitzell did not discount the possibility of this in the future. When asked why his recommendations regarding the SSC stopped short of mandating that it serve as a cap for Council allocation, Mr. Leitzell responded that the ABC is not always the safest recommendation according to the particular objective in a given timeframe, and that the Council could make an allocation decision that would exceed the biological determination without endangering the stock. Mr. Van Tuyn added that allocation cannot be separated from conservation and that the best example is a TAC set below the ABC but is allocated only to a trawl fishery; though the formula would seem correct, the implementation of this would have cascading effects on the ecosystem.

On a related matter, the Commission asked Mr. McCabe what message should be taken to other areas of the nation regarding allocation and fishing capacity. Mr. McCabe responded that all fisheries around the country are at or past the point of capacity, and recommended the implementation of a limited entry/individual transferable quota (IFQ) scheme. According to McCabe, the IFQ system has worked well in Alaska, is easier for regulators to impose limitations and restrictions upon, and is more flexible than other systems in its application.

Because the Commission has heard recommendations for ecosystem management in the regional meetings, Mr. Leitzell was asked if the Councils could take on additional duties to expand jurisdiction to the larger ecosystem beyond the classical in-the-water ecosystem, including control of nonpoint source pollution. Mr. Leitzell replied that the short answer is no; the Council system is aimed at fisheries management and conservation, and if Councils were to delve into water pollution, the system would fall under its own weight. Mr. Leitzell believes that expansion of Council jurisdiction would have to be directed by Congress, because the executive branch is too slow. A Department of Oceans would make sense to him to integrate research, management, and pollution prevention, if it were given all the proper mandates and responsibilities. Mr. Van Tuyn had also recommended establishment of a Department of the Oceans in his testimony. Commissioners were interested in what effect this new department would

have, and what new authority would be given that would make a substantive difference for fisheries recovery in areas where it is politically difficult to end overfishing. As the law currently stands, NMFS can either approve or disapprove a Council-submitted Fishery Management Plan, but cannot amend the plan. Mr. Leitzell responded that the point has been reached in which NMFS needs more authority. NMFS should now have the authority to push a Fishery Management Plan back through the Council mechanism. Mr. Van Tuyn believes that a shift to federal authority and the setting of national standards under the proposed Department of the Oceans is partly the answer to developing the process of ecosystem management, coupled with regional ecosystem plans that are not single species focused and are developed like the current NMFS structure by region. Activities would not be allowed unless there could be a “no harm” demonstration and/or federal standard consistency.

Mr. Leitzell reiterated that accounting for all species is essential to the concept of ecosystem management. In order to do this, the NPFMC accounts for bycatch, which does not occur in several other areas. Because Mr. Van Tuyn’s testimony about Alaska fisheries had presented what the Commission considered to be a different viewpoint about the efficacy of the management regime, Commissioners asked him “how far off the mark” Alaska was to the best management possible, and asked if Van Tuyn conceived of ecosystem management in which Stellar Sea Lions and those animals under the Marine Mammal Protection Act would trump management. Mr. Van Tuyn replied that commercial fishing does indeed have a role in ecosystem management, but that the other inhabitants of the ecosystem must guide decisions; the bottom line is that the precautionary principle needs to be employed, and sometimes this will involve short-term hits to establish long-term sustainability. He says that this question is being considered in the Stellar Sea Lion case right now. When asked what his recommendations were for reducing the large amount of distracting, process-based litigation currently in progress, Mr. Van Tuyn responded that some of the questions to be answered by agencies are politically uncomfortable, and the agencies fight big dynamics, so often decisions are not well justified. This circumstance leads to process-based litigation that some view as substantive; litigators are trying to force agencies to go through the hoops for informed and transparent decisionmaking, and reasoned decisions need to be on the record.

The issue of fisheries habitat was also addressed. The Commission asked if the Essential Fish Habitat (EFH) amendment to the MSFCMA fit into the Council structure as it stands; Commissioners wanted to know if the new provisions divert the energies of the Council overmuch. Mr. Leitzell responded that habitat issues do belong under the purview of the National Marine Fisheries Service (NMFS) because biology is so closely intertwined with habitat. He feels that both NMFS and the Council can play roles in habitat management, but that it will take longer than the current timeframes to establish the management scheme because of the complexity involved. The Commission then asked what investment strategy prioritizing the habitat research base was appropriate and acceptable to the scientific community for the purpose of establishing a better management regime. Mr. Leitzell responded that the Councils are not equipped to do this type of habitat research; programs are spread throughout the government and academic community with no Department of Oceans type coordination, and it is frustrating for NMFS to have project budgets disappear. Monies invested need to be consistent for at least a five-year level. He thought that another problem was the dual purpose of NMFS as a research and regulatory agency, but when asked whether the research should go back into OAR and NOAA, he did not have any specific recommendations. When Mr. Penney was asked if larger, sustained research was needed for the habitat of the oceans, he responded affirmatively and stated that habitat in the oceans is critical, but his organization focuses on inshore habitat. Every year, a catch and release fishing tournament is sponsored in Kenai which raises between \$750,000 and \$1 million for habitat restoration and improvement along the Kenai; he believes that what the Council has learned about river reparation can be carried over to the ocean.

## Management of North Pacific Living Marine Resources II Panel

- **Mr. Jay Stinson** – President, Alaska Dragger’s Association
- **Ms. Dorothy Childers** – Executive Director, Alaska Marine Conservation Council
- **Mr. John Winther** – General Agent, Ocean Prowler, L.L.C.
- **Mr. Charles Johnson** – Executive Director, Alaska Nanuuq Commission
- **Mr. Ron Clarke** – Executive Director, Marine Conservation Alliance

Following these testimonies, four follow-up requests were made for the record. First, Ms. Dorothy Childers was asked to provide definitions and describe differentiation between three terms - ecosystem, biodiversity, and habitat – by letter or e-mail. Second, Mr. Ron Clarke was asked to provide the graphic representations and working definition of marine protected areas (MPAs) described in his presentation. Mr. Clarke was also asked to provide information about the formation and mechanism of the Marine Conservation Alliance, perhaps to use as a model in recommendations regarding participation of industry and stakeholders in marine policy.

Mr. Johnson was asked to provide additional information on the polar bear treaty between U.S. and Russia (and Mr. Johnson added that he could also provide examples from the Alaska Eskimo Whaling Commission) in order to extrapolate the small-scale success of co-management between natives and these two nations to the larger international picture, particularly with regards to such issues as the management of straddling stocks. The Commission was intrigued by the treaty particularly because it brought together local entities to solve complex, transboundary issues. When asked about the details of the treaty, Mr. Johnson said that it was a treaty at the highest level, involving the USFWS and the Department of the State for the United States and the Foreign Ministry for Russia. Natives from both countries were involved, including the Alaska Nanuuq Commission. A different international agreement also exists between Natives of Canada and Alaska, but this is a lower level, voluntary local agreement between native tribes that assigns polar bear quotas to villagers. The U.S.-Russia treaty level is different because polar bears were first declared as endangered under Russian law and later some were classified as recovered. Russia notified the USFWS that they wanted to start sharing in harvest due to this partial recovery, so this evolved into negotiations between ministries at the highest level.

Mr. Johnson was asked whether the division of authority between the Department of Commerce (NMFS) and the Department of the Interior (USFWS) in the Marine Mammal Protection Act (MMPA) causes problems in the overall management structure. Mr. Johnson responded that the split was not logical and created some problems. For example, ice seals are managed by NMFS while polar bears are managed by USFWS, and yet ice seals are prey for the polar bears that should be taken into account in habitat quality analyses. Mr. Johnson first said that it would be best to move ice seal management to USFWS and sea otters to NMFS because of the impact of the otters on fisheries, but he responded affirmatively when asked if it would be best to manage all MMPA species under one agency. The Commission followed up on this statement to ask what particular problems were caused by the management split that would be remedied by single-agency consolidation of species. Mr. Johnson said that the species under purview of NMFS authority had a small user group, and that NMFS concentrates mostly on whales on the East Coast; crisis management of NMFS leaves the agency with no time for co-management. Mr. Johnson would put management of MMPA species under the management of USFWS because in his experience that agency is more responsive. He made another suggestion to put whales associated primarily with fisheries interactions under the authority of NMFS and whales associated with subsistence hunting under USFWS authority.

## THURSDAY, AUGUST 22, 2002

### Arctic Issues Panel

- **Dr. James Balsiger** – Regional Administrator, Alaska Region, National Marine Fisheries Service
- **Dr. Clarence Pautzke** – Executive Director, North Pacific Research Board
- **RDML Craig E. Dorman (USN, ret.)** – Vice President for Research, University of Alaska
- **CAPT George B. Newton, Jr. (USN, ret.)** – Chairman, U.S. Arctic Research Commission
- **Mr. James Ayers** – Director, North Pacific, Ocean, Inc.

Following the presentations, a question and answer session commenced. One item of discussion was Arctic research. Commissioners noted that there is a need to find a mechanism within the federal government to fund non-defense uses of nuclear submarines. CAPT Newton and RDML Dorman were asked to give the Ocean Commission recommendations for: 1) gaining recognition that the Arctic is a U.S. ocean in need of attention, and 2) changing the paradigm within the National Science Foundation (NSF) so that the Arctic is either part of the geosciences program or is handled in an entirely new way. CAPT Newton responded that the Commissioners were correct when they noted that Congress needs to be convinced of the vital importance of the Arctic and make a substantial commitment, such as the funding for the use of a submarine to answer certain questions. The U.S.S. Hawkbill swath bathymetric surveys in 1999 showed massive ice scars that no one previously knew existed; no climate change model can work with this kind of information gap because models that predict the future must be based on past environmental baseline data. Yet interest is lacking; for example, no support was given to commit the needed non-Navy resources to the Rivers project. RDML Dorman added that the decision not to fund the Rivers overhaul and modification for Arctic science was made at the Vice Presidential level; scientists expressed the opinion that the required funding, about \$140M, would yield better value in other types of research. RDML Dorman thinks that environment and national security tend to be treated as disparate issues, whereas what is needed is an integration of scientific and security-related concerns. He believes that there could be valuable lessons learned from the Antarctic in this regard.

A written response was requested from CAPT Newton, RDML Dorman, and Mr. Ayers by the Commission to concisely state why more funding for Arctic research is needed. RDML Dorman was asked to provide for the record a mechanism for funding fleet replacement, such as multiagency trust funds or leases, or charter by special taxation schemes.

CAPT Newton confirmed the presence of significant methane hydrate reserves in Alaska, and RDML Dorman confirmed that there were concerns related to the greenhouse effect and the possibility of uncontrolled release of methane hydrates to the atmosphere. The Commission was also interested in the adequacy of modeling capabilities and related modeling infrastructures. RDML Dorman responded that additional biological and chemical ocean observations and long-term ecological process studies are needed. This information must link to, and become part of, existing physical oceanographic models. He also stated that arctic modeling infrastructure (especially supercomputer capacity) is basically adequate. However, improvements in arctic weather models are required to address climate change issues as well as to improve the accuracy of short- and medium-range forecasts that in turn force the predicted ocean circulation.

To follow up on Dr. Pautzke's testimony, the Commissioners commented that they may consider the establishment of Scientific Statistical Committees (SSCs) as mandatory components of Fishery Management Councils under the MSFCMA and requiring/providing for the implementation of long-term research plans. Dr. Pautzke was asked if he would recommend collaboration between SSCs and research boards, such as the North Pacific Research Board (NPRB), because common threads in research may

exist that would make the combined science a more powerful whole. Dr. Pautzke responded that there are indeed common types of research issues to all regions, and recommended the establishment of endowed boards such as the NPRB in each region that would work with scientists and local constituents to develop long-term programs, including monitoring. He believes that the information generated from this type of long-term planning would improve the science and information supporting SSC decisions and increase SSC credibility. He also noted that SSC is already required by the MSFCMA, though some councils use them more intensively than others. The Commission requested a written explanation of those ecosystem indicators developed by the North Pacific Council, and also asked how the ecosystem indicators are informing and affecting Fishery Management Plan decisions. Mr. Ayers responded that although people are taking actions that have ecosystem effects, we are still a long way from understanding the ecosystem and managing it as a whole. He believes that the ecosystem should be studied with new technology so that we can better understand impacts of human activities, and recommended establishment of ecoregional scientific councils rather than allocation groups.

The National Environmental Policy Act (NEPA) was also discussed. Dr. Balsiger's testimony had talked about the establishment of a NEPA team for Alaska Region NMFS and NEPA training of stakeholders. The Commission asked for written follow-up recommendations that Dr. Balsiger might have on how to perform human resource shifts within agencies to fulfill NEPA demands. Commissioners asked Dr. Balsiger if NEPA is the right tool for doing environmental analyses in an ongoing and dynamic process such as fisheries. Dr. Balsiger replied that NEPA is a good tool for examining impacts of particular activities on the environment, but that it works best in the context of projects that are staged for completion, such as bridge building, rather than dynamic processes such as fisheries. Fisheries management is built on annual surveys and reactions to those surveys as scientific information is accumulated, but by the time the public involvement processes have been fulfilled, there is a new survey in place and new decisions are based on old information. He suggested that one fix would be to amend the MSFCMA, contemplating a public process that interacts quicker than those established under NEPA. When asked what other current laws could be adjusted to reduce the potential for NEPA-based litigation, Dr. Balsiger said that relief should be formulated by lawyers, but believes that there should be a subset of activities allowed to avoid some NEPA steps, in cases where fishery management needs to be based on the latest information and not outdated by requirements to go through the entire NEPA process. Mr. Ayers added that the Steller Sea Lion case is a way to force people to have conversations; the problem is not with NEPA, the problem is that the system needs to allow for investment in research to provide information for good management decisions beforehand. As it currently stands, conversations are not generated until lawsuits are commenced under NEPA or the Endangered Species Act (ESA), according to Mr. Ayers. Dr. Pautzke thought that there were some excellent examples that could be provided to the fisheries community, including Admiral Watkin's transformation of the Department of Energy's NEPA policy that outlined ways to make the process transparent and structured so that impacts of alternatives are clearly laid out.

Commissioners also asked Dr. Balsiger about his concerns regarding the recent Department of Justice assertion that NEPA does not apply in federal waters beyond the three-mile state boundary, and Dr. Balsiger replied that the requirements of NEPA (at least for fisheries management) may not really change as a result of this issue. NEPA requires cumulative analyses of activities, and most fish migrate back and forth between state and federal waters; while many fish species depend on nearshore environments for activities such as rearing and spawning, a lot of fisheries usually take place outside of three miles, so NEPA analysis may be extended. There are not many fish species that stay only outside the three-mile boundary according to Dr. Balsiger.

Habitat issues were also addressed. Dr. Balsiger's testimony had outlined the Steller Sea Lion project; when asked if \$42 million a year was the scale of money needed to make a difference in advancing understanding of the ecosystem, Dr. Balsiger responded affirmatively. He did say, however, that the

reason for decline of the Steller Sea Lions is still unknown, though there are theories about nutritional stress. Dr. Balsiger was also asked for his opinion on MPA establishment and limitations on fishing in areas of the recent coral reef discovery in Aleutian Island waters. Dr. Balsiger emphasized that some parties were trying to approach the issue reasonably but effectively for protection of king crab, pollock, and other species that depend on the critical habitat of the reef. Much understanding of the coral reef habitat can be gained from local fishermen, funding of innovations, and conducting bathymetric and other study of ocean habitat. In Dr. Balsiger's opinion, the Alaska Fisheries Board needs to take some action to review the Fishery Management Plan and allocation because allocation involves trawling in state waters; area closures should be established in the interim while research is conducted. He also said that the NPFMC is in the process of putting together an environmental impact statement to identify the different types of habitat and the effect of different types of fishing on these habitats.

### **Marine Emergency Planning and Response Panel**

- **Mr. Timothy R.E. Keeney** – Deputy Assistant Secretary of Commerce for Oceans and Atmosphere, U.S. Department of Commerce
- **Mr. John E. Pennington** – Regional Director, Federal Emergency Management Agency, Region X
- **CAPT Robert G. Ross, USCG** – Chief, Office of Strategic Analysis, U.S. Coast Guard
- **Dr. Gary L. Thomas** – President, Prince William Sound Science Center

Following these presentations, the Commission asked some questions to the panelists. Commissioners were interested in an answer from Federal Emergency Management Agency (FEMA) headquarters regarding the rationalization of continued, federally subsidized development of coastal zone areas with associated high risk, particularly considering all of the competing uses for federal dollars and the problems with coastal zone sprawl. Mr. Pennington agreed to provide this information in a written follow-up, and also agreed to provide a study from FEMA giving data on how much development in coastal zones occurs due to the availability of non-risk adjustment insurance.

The Commission expressed concern about the ability of the U.S. Coast Guard (USCG) to carry out classic functions of enforcement and marine emergency planning and response in the interim period during possible transfer to the Department of Homeland Security. CAPT Ross responded that the Coast Guard is charged with three functions: protecting people from the sea, protecting the sea from people, and protecting America from her enemies. The Coast Guard's Homeland Security tasking is the result of the Coast Guard's dual status as a military service and the principal U.S. maritime law enforcement agency, as well as to the applicability of skills and capabilities developed for the Coast Guard's other missions. The Coast Guard will have Homeland Security responsibilities whether or not Congress approves the President's plan to create the Department of Homeland Security. CAPT Ross also stated that the things the Coast Guard does for America that were important before 9/11 remain important after 9/11. The problem is that the Coast Guard's list of important work has grown as a result of 9/11, and the Coast Guard does not have the resources to do it all right now. In order to meet the demands being placed on it, the Coast Guard will have to have a planned growth of force over time. There is reason for concern there, but the solution is to provide the Coast Guard with the resources necessary to do all that it needs to do; the solution is not to split the USCG up.

The Commissioners cited an NRC report stating that 60% of the petroleum pollution in the oceans comes from land-based sources and asked what role FEMA, the USCG, or NOAA have in preparedness, response and restoration for nonpoint source pollution. Witnesses responded that the EPA has a nonpoint source pollution control program that is underfunded, and NOAA has the Coastal Zone Management Program that deals with nonpoint source pollution, but only about one-third of the states actually have a

program in place. Mr. Keeney said that the old phrase “dilution is the solution to pollution” is not a viable alternative, and that public education should play a role in combating delivery of nonpoint source pollution to the waters.

The degree of interagency coordination in marine emergency preparedness was also a subject of interest to the Commission; CAPT Ross reported that, in the absence of specific statutory mandates, there are no effective mechanisms for coordinating new programs and new budget initiatives across agency lines. Mr. Pennington said that the agencies are not talking to each other as much as they should, so he hopes that the move of FEMA into the Department of Homeland Security will facilitate this process. Commissioners also wanted to know if funding for mapping and charting was moving along on an appropriate schedule. Mr. Keeney reported that they are playing catch-up, particularly in the port and marine transportation arena. The volume of goods going into ports is expected to double by 2020 and the number of containers is expected to quadruple, there is a great need for advanced planning of increased use of ports.

### **Marine Operations and Enforcement Panel**

- **RADM James W. Underwood, USCG** – Commander, 17<sup>th</sup> Coast Guard District, Alaska
- **The Honorable Timothy M. Burgess** – U.S. Attorney, District of Alaska, U.S. Department of Justice
- **Ms. Kris Balliet** – Regional Director, Alaska Regional Office, The Ocean Conservancy
- **Mr. Larry Whiting** – Managing Partner, Terra Surveys, L.L.C.

Following the presentations of these panelists, a question and answer session commenced. Regarding prosecution of wrongdoers intercepted by U.S. Coast Guard enforcement efforts, Commissioners asked how much remote sensing capabilities are utilized to gather the necessary information needed to prosecute, such as the occurrence of discharge from ships. Mr. Burgess replied that the Department of Justice’s role comes into play after the U.S. Coast Guard performs enforcement actions. In the past, the DOJ has worked with the USCG; some technologies are available and some are not. The USCG most often uses patrols and overflights by C-130s, and they also get tips from callers to help them in enforcement efforts, but the ability to prosecute relies primarily on the ability of assets to capture violators because it is not only detection that is involved. Under international law, the violators must be captured before they reach the territorial waters of another nation, so asset availability for pursuit is key, not remote sensing. On a related matter, Commissioners asked if the USCG has the authority to enforce discharge regulations on foreign flagged vessels and prosecute in the U.S. RADM Underwood responded that the USCG has authority over gray water and oil discharge from cruise ships in the Alaskan state waters, and that throughout the U.S., there is similar authority over oil discharge but there is no authority over gray water discharge in some areas. The Commission then asked if Ms. Balliet was suggesting that USCG authority over oil and gray water discharge should be extended to all state and federal waters in the United States; she replied affirmatively that such national legislation should indeed be enacted. Commissioners commented that the cruise ships in Alaska go to Europe in the wintertime, and wondered whether the ships would continue to process waste under Alaska standards anyway, because the same equipment would be onboard. RADM Underwood replied that in other places of the world, the cruise ship industry is not viewed under such scrutiny as in Alaska, and that there are not the same restrictions on their capabilities in international waters. Ms. Balliet agreed that in Alaskan communities, people are passionate about the biological, cultural, and economic integrity of the ecosystem, and that this level of attention is not paid to the environment by people in large ports where the impact is not felt as much locally.

The proposed transfer of the USCG to the Department of Homeland Security was again addressed. Commissioners asked RADM Underwood for a follow-up update on additional asset requirements, should the transfer process be confirmed, particularly in relation to vessel requirements that would help in the Federal Facilities Review. Commissioners also expressed concern about the readiness of enforcement efforts to put teeth into laws during the interim period if the transfer to Homeland Security occurs and the USCG is forced to ramp-up capabilities. RADM Underwood was asked how the impact of not being there to enforce maritime laws would be measured. RADM Underwood responded that if he lost availability of one of the high endurance cutters that enforce the maritime boundary line with Russia, particularly enforcement of fisheries laws, there will be times when no cutter will be present. This is because, with only one cutter available, there will be no cutter on station when the one available cutter has to leave station and return to port for crew rest, refueling and reprovisioning. He thinks this is a problem because the USCG has detected an increase in incursions along the Russia-U.S. maritime boundary line, and there have been two recent hot pursuits where fishing vessels went into the U.S. EEZ without permission. Enforcement assets need to be in the enforcement region. RADM Underwood responded that he could not discuss using national reconnaissance assets to monitor activities when USCG cutters are absent.

On another topic, RADM Underwood was asked to comment on the USCG capabilities to respond to an oil spill clean-up in the North Slope, an icebound area. He replied that safeguards are in place to prevent that from happening, but that the environment would be difficult to clean up if a spill did occur in ice covered waters.

Additionally, Mr. Whiting was asked if the marine survey industry has the capacity and the quality capability to take over sole responsibility for conducting nautical charting surveys for the federal government, assuming the money was there. Mr. Whiting responded that the commercial industry was capable of performing these survey responsibilities, but said that he did not recommend contracting out all the work. Instead, he suggested a two-part system, wherein the contractors perform most of the surveys and the government ensures that oversight over contractor relations and data collection are adequate.

### Public Comment

The public comment period commenced from 3:10 p.m. to 5:10 p.m. Twenty-five members of the public were able to comment in the allotted time. Nine remaining individuals were asked to submit their comments via letter or e-mail due to time constraints.

- **CAPT Ed Page (USCG, ret.)**— Executive Director, Marine Exchange of Alaska. CAPT Page explained the formation of the nonprofit organization Marine Exchange of Alaska (MXAK) whose mission includes prevention of maritime casualties and assisting vessels to comply with safety and environmental regulations. The MXAK is committed to protect the oceans through application of new technology and approaches, urging non-regulatory solutions. The organization particularly believes in two-way communication and vessel monitoring systems to help in times of distress, and has recently entered into a Memorandum of Understanding with the USCG to provide this type of information. The Automated Vessel Tracking System (AVTS) is a research and development program undertaken by the Marine Exchange of Alaska and commercial vessels operating in Alaska to help ensure safe, secure, efficient and environmentally responsible maritime operations by providing vessel-positioning information. The Coast Guard is conducting a one-year test and evaluation of the AVTS program to determine the systems effectiveness in aiding the agency with its missions.

- **Mr. Jack Sterne** – Attorney, Trustees for Alaska.

Mr. Sterne began his statement by refuting some testimonies from prior panelists. First, he disagreed that killer whales are responsible for the decline of marine mammal stocks in Alaskan waters. Although killer whales do prey on sea lions and sea otters, no baseline data is available to estimate the effect on the populations. Sea lion populations are on the decline, but Mr. Sterne says that there are multiple factors involved in this decline, not a single factor. Second, he disagreed that the Alaskan pollock stocks are healthy and wanted to correct the overly rosy picture painted of fisheries management in Alaska. In fact, only one of the four stocks in Alaskan waters is healthy according to Mr. Sterne. The other three stocks are at near record-low levels. On another matter, Mr. Sterne questioned the constitutionality of Fishery Management Councils because under the MSFCMA, the Councils can essentially veto the Secretary of Commerce. He believes that the power lies within the Councils and that NMFS has often served as a rubber stamp for the Councils. He gave the example of NMFS approval of an overfishing definition amendment that did not comply with their own agency policies. He recommended taking NMFS out of the Department of Commerce and transferring it to a new oceans agency, along with the enactment of a National Oceans Policy Act. Mr. Sterne told the Commission that he would forward his written statement.

- **Mr. Norman Estabrook** – Science Applications International Corporation.

Mr. Estabrook testified that the Science Applications International Corporation is focused on technical support for government agencies, and is engaged in enterprises that provide employment and encourage stewardship. He recommends support of an international ocean observing system and increased support of mariculture.

- **Mr. Bob Shavelson** - Cook Inlet Keeper, Homer, Alaska.

Mr. Shavelson addressed the effect of toxic chemicals on natural resources, particularly because he is concerned that the Bush administration focuses disproportionately on the Alaskan Outer Continental Shelf (OCS). Mr. Shavelson said that he is objecting to the drilling mud and oil waste pollution; chemical contaminants found in fish are the same chemicals in the oil industry waste discharge. Instead of believing that “dilution is the solution to pollution,” Shavelson believes that a focus on acute, short-term toxicity undermines the importance of examining chronic, long-term toxicity. He cited several examples of special chemicals effects on fish, such as alkyl-phenols that cause sex changes and late spawning periods amongst the cod population, and another chemical that causes mutation of pink salmon juveniles. Mr. Shavelson also mentioned mercury contamination of fish near oil platforms in the Gulf of Mexico as another example of fish toxicity due to oil industry activities, and stated that the Minerals Management Service (MMS) has a conflict of interest and is undermining the public confidence in its management.

- **Mr. Martin Robards** – Alaska Ecosystem Manager, The Ocean Conservancy.

Mr. Robards provided the Commission with last year’s Ocean Conservancy comments to MMS regarding the Alaskan OCS because he believes that the document provides a good representation of the environmental community’s concerns. He said that oil spill clean-up does not work in broken ice conditions, and that the Exxon Valdez spill has inflicted continuing damage. He was also disturbed that MMS has not mentioned that the U.S. has only 3% of oil reserves in the world, so the nation will never drill its way into security. Fossil fuel use has associated problems, including respiratory problems and sea level rise from the effects of global warming and the greenhouse effect. He believes that the Commission should emphasize the need to seek alternative fuel resources, and that the Alaska OCS should be exempted from drilling like the rest of states that have moratoria in place.

- **Ms. Karen Gillis** – Program Director, Bering Sea Fishermen’s Association.

Ms. Gillis represented the Bering Sea Fishermen’s Association, a small grassroots group of fishermen. She stated that it was critical to understand the ecosystem, ask if it can in fact be managed, and work in a coordinated effort with local residents and stakeholders in formulating ecosystem management policy.

- **Mr. Joel Blatchford** – President, Alaska Marine Mammals Hunters’ Committee.

Mr. Blatchford reiterated that the disappearance of sea lions should not be blamed on killer whales. Instead, he said that studies need to be conducted to determine what is happening to marine mammals in Alaska. As a result of disappearances of certain hunting species, members of the Alaska Marine Mammals Hunters’ Committee have stood down from hunting for three years, and they are upset that the government waits until species are nearly extinct before effecting management plans. Mr. Blatchford also made some observations that he has noticed over the years, including the fact that the Cook Inlet is not a flushing inlet. He is worried that hydrocarbons are not being tracked and that there is no renewal or replacement for broken pipes, especially considering the effects on people, such as incidences of stomach cancer in children.

- **Ms. Pamela Miller** – Arctic Connections.

Ms. Miller started her comment with a simple request to the Commission not to forget about the Arctic Ocean in recommendations. She spoke about the unique “Arctic Ring of Life” ecosystem, and highlighted the importance of the region to migratory birds, caribou, the disappearing polar bear and Native Alaskans. She cited the importance of the Arctic to global climate change, and said that Prudhoe Bay serves as a primary source of greenhouse gases through the supply of fossil fuels to the market. Ms. Miller also mentioned exposed permafrost, eroding bluffs, and oil leases planned in the Arctic National Wildlife Refuge and other new areas. She said that seismic exploration noise and drilling has diverted the migration of bowhead whales, exploratory drilling muds persist in shallow lagoons, onshore facilities such as roads and causeways threaten the health of nearshore fish and their habitats by disrupting salinity, temperature, and migration patterns. Also, field tests required by the Alaska Department of Environmental Conservation have demonstrated that, although the Northstar oil field is connected to land with a buried sub-sea pipeline, oil companies do not have the ability to clean up oil in the broken ice and open waters of the Beaufort Sea. There are also cumulative impacts of onshore infrastructure on the environment, such as roads, refineries, and airports. She stated that her organization will work hard to protect the existing OCS leasing moratoria in Bristol Bay, but suggests to the Ocean Commission that there are other areas of Alaska’s coast that need permanent protection from offshore drilling. The Ocean Commission can help to create a new vision in ocean policy that incorporates the value of protecting wild, natural places.

- **Mr. Scott Ulery** – Small Family Fishers Association.

Mr. Ulery stated that he is a third-generation Alaskan and commercial fisherman, and he wants the Ocean Commission to create solutions that fix current inequities and include all stakeholders and coastal people in the fisheries management process. He also mentioned that farmed salmon represent a multifaceted threat that needs to be dealt with particularly at the consumer end of the market.

- **Mr. Mark Jones** – Executive Director, Alaska Fisheries Development Foundation.

Mr. Jones wanted the Ocean Commission to keep as a goal the responsible, ongoing development of fisheries for the world’s food supply. He represented the Alaska Fisheries Development Foundation, which incorporated as a private, nonprofit organization in 1968, built the first shore-based processing plant, first salmon burger, and built the first processing freezer ship. He thinks that ocean policy must encourage development and recognize that the environment changes.

- **Mr. Tom Lakosh**

Mr. Lackosh testified that new technology should be utilized for the protection of marine resources from pollution and other adverse effects. He also contradicted Senator Stevens in his prior assertion that policies have been fully implemented and that Alaska is successfully maintaining sustained yield in fisheries. He said that policies should be adopted as basic principles, but there should be sound methodologies for evaluating impacts. For existing practices and at each opportunity for leases, an examination of impacts should be undertaken. There should be no reissuance of permits without analysis and a full accounting of all elements, especially essential elements of marine ecosystems. Keystone species must be protected, and there must be a balance between sustained yield for use and sustained ecosystem.

- **CAPT Bob Pawlowski (NOAA Corps, ret.)** – Thales Geosolutions.

CAPT Pawlowski wanted the Commission to realize that there is a lack of coastal data structure for conducting surveys in Alaska for the safety of navigation. There are poorly charted tidal waters on the coast, and the lack of data directly impacts port and harbor development, determination of federal and state jurisdictions, etc. Thales Geosolutions Pacific is the world leader in echo beam and beam-to-beam backscatter mapping of Fairweather grounds and offshore glacial banks to the southeast of Kodiak. Thales is conducting surveys to determine Essential Fish Habitat; scientists define different bottom types and slopes, and this gives fisheries science modern, high-density data to quantify and analyze available habitat. This is a sound first step for analyzing habitats in Alaska. CAPT Pawlowski encouraged the Commission to recognize technology like multibeam mapping and encouraged the Ocean Commission to recommend education and training programs for locals who can do data collection in their area.

- **Mr. Brent Paige** – United Catcher Boats.

Mr. Paige introduced himself as a member of United Catcher Boats, which has 65 trawl gear vessels in its organization; he is also one of the founding members of Marine Conservation Alliance. He commented that he had heard a lot of talk in the meeting about the role of Council in fisheries. He wanted to refute the testimony of Mr. Jack Sterne and declare that the Council process is open. According to Mr. Paige, people have to come up with good data and rationalize their proposals. He does not believe that the Ocean Commission should throw the process away because it is in fact beneficial, fair, and balanced as Mr. Clem Tillion's testimony stated. He said that in the case of Essential Fish Habitat, no one knew what it was; to some it was water, to Mr. Jim Ayers it is coral, but Congress did not define it in the MSFCMA, so Councils tried and did not come up with right answer. But they are working with industrial, government, and environmental representatives to figure this out now, and to determine what mitigation needs to take place if there are problems with the fishery. Mr. Paige believes this process should be done at the regional level, not at the D.C. office.

- **Professor Rick Steiner** – Marine Advisory Program, University of Alaska.

Professor Steiner testified that communities have still not recovered from the Exxon Valdez oil spill. He recommend establishment of a Pacific Council to be adjunct to OPEC in order to serve as a standing committee looking at environmental transboundary issues in the Pacific area. Professor Steiner believes that, with U.S. leadership, proper international management could be accomplished. He cited the U.S. Seabird Commission working in tandem with the Marine Mammal Commission (MMC) as examples. He believes that the MMC is the reason why the Marine Mammal Protection Act has been effective. On the regional level, examples from Alaska after the Exxon spill provide models for many ports around the U.S. Professor Steiner then made various recommendations, including concurring with reorganizing the government into a Department of Oceans, enacting legislation to reduce undersea noise (for cetaceans in particular), and amending the Oil Pollution Act to reduce marine class tankers. He also talked about climate change and said that Senator Stevens' Senate Bill 1008 is the most important bill introduced, calling for stabilization of greenhouse gas emissions. Professor Stevens thinks this is good legislation

submitted by a rational Congressman who is not an extreme environmentalist, and recommended that the Ocean Commission support the bill to get it passed into law.

- **Ms. Gale Vick** – Director, Gulf of Alaska Coastal Communities Coalition.

Ms. Vick said that the Gulf of Alaska Coastal Communities Coalition is a nonprofit organization representing people who live by sea, including commercial, subsistence, transportation, and offshore mineral development sectors. She warned that Alaska will have problems with the native fish stocks due to finfish farming, and stated that she had a few recommendations to offer to the Commission. First, Ms. Vick believes that the Commission must have clear definitions; “ecosystem” is a vague concept that everyone believes in its intent, but application is difficult and needs to be defined. She warned the Commission to beware of burdens of proof that are not fair; stakeholders do not have the resources nor the science to fight litigation, and simply because managers can control people and nothing else should not put stakeholders out of business. Second, she recommended increased funding for socioeconomic research, getting the stakeholders more directly involved. She gave an example from her organization where they recently submitted a grant for an Alaska Community Observer System, creating a database to incorporate knowledge and observational value of communities. She expects this project to stimulate awareness and dialog on both sides, including the general public, fishermen, students, teachers, etc. Ms. Vick encouraged the sharing of knowledge and information to improve efficiencies, and the strengthening of regional councils so that they can do what they are meant to do. She believes that a National Oceans Board will remove regional and local efforts, creating greater economic problems because it would not account for the region and stakeholders. The process is working in the North Pacific, she said, but it is a work in process.

- **Mr. Lance Miller** – Executive Director, Juneau Economic Development Council.

Mr. Miller discussed historical warming periods and ice ages, and said that 75% of the world’s freshwater is in glaciers; most glaciers are in the subarctic. Temperate glaciers are sensitive to global climate warming, and currently there are less than 1% of glaciers advancing according to USGS, so they are contributing more freshwater to the seawater rise. Mr. Miller said that the take-home point is that temperate glaciers are unique indicators of global climate change, and there should be efforts for verification and development of predictive models. He wanted the Commission to incorporate a total system approach to global climate change and realize how glaciers affect the climate and the ocean itself.

- **Dr. Suzanne Marcy** – EPA.

Dr. Marcy represented herself as a community-based approach advocate. She worked in canneries in Alaska and completed her doctorate in the Pribilofs on fur seals, but when she returned to Alaska on a visit from D.C., there were no birds or seals at her study site. First, she wanted to tell the Commissioners that they needed clear definitions of sustainability and the ecosystem. She said that each region requires its own sustainability and ecosystem definition, and the definitions should be made by the entire community; she worked on the Platte River in Nebraska to do this very thing. The community has to define the ecosystem in concert with decisionmaking agencies, whether the ecosystem is a puddle or the ocean. Dr. Marcy recommended separating this definition-making from the Council process, which has allocation as the specific task at hand.

- **Mr. Arni Thompson** – Executive Director, Alaska Crab Coalition.

Mr. Thompson primarily informed the Commission about the Crab Program, a bycatch reduction and quota-based management approach instituted in the Bering Sea, developed in cooperation between Alaska Crab Coalition and At Sea Processors, and approved by the NPFMC. The program also contemplates a matrix of time and area closures and was signed into law by the U.S. Congress.

- **Mr. Raymond Sensmeier** – Alaska Native Brotherhood.

Mr. Sensmeier testified because he is concerned about cruise ships in the Hubbard Glacier area. He stated that the Alaska Coastal Current has its origins in the Columbia River, and a 100-500 foot deep freshwater layer lies on top of ocean and travels north at 10-20 knots. Cruise ships use this current for navigation, but the problem is that the coastal river has lower salinity than the underlying seawater, so it carries pollutants and materials without dilution, and lands them on shores. A study completed in Glacier Bay shows evidence of a decline of about 48% in the seal population since 1992; there has been no hunting in Glacier Bay National Monument, so this is not the cause for the disappearance. The biggest concern is that by May 14 or so, harvest seals give birth on ice packs that break off of the glacier. Cruise ships have refused to heed demarcation line at this critical time, and there has been a decline of seals in that area. According to a 2000 study, 49 new ships are under construction, and 140,000 gallons of sewage, at fecal coliform levels millions of times higher than national standards, are being discharged. There is a lot of dialog between the state and cruise ships on monitoring, but it is legal to dump without treatment beyond the 3 mile limit and he thinks this dumping is occurring and is detrimental to the seal population and the ecosystem.

- **Ms. Victoria Hykes Steere** – Ilisima Consulting.

Ms. Hykes Steere implored the Commissioners to remember that their recommendations will affect human beings, that the issues are moral and not just legal, and she cited a personal example.

- **Ms. Adelheid Herrmann** – Native American Fish and Wildlife Society.

Ms. Herrmann testified that grassroots stakeholders should be involved at the highest levels of ocean policy. Tribes in Alaska are concerned about the environment and health of people; many communities have an open dump policy, and while adequate sewer systems are needed, they are not cheap. She asked the Commission for help to build the infrastructure that will allow the Alaskan Natives to live in a healthy environment. The policy will only be words on paper, but to implement it, there should be plan of action to state who is responsible to carry out the development and reveal what financial resources are available.

- **Mr. Walter B. Parker** – Member, North Pacific Research Board and Chair, PWS Science Center.

Mr. Parker would like to see a regional council made up of Japan, Russia, Korea, U.S., and Canada to study and manage for contaminants, which are now Arctic-wide. He also recommended crosscutting federal budgets, modeled after SEARCH and starting with a climate impact assessment, although he expressed some doubt about the ability to get budget crosscutting underway. He remains convinced, however, that until crosscutting occurs, integration of science programs will suffer. Mr. Parker also wants small communities of the Arctic to have adequate infrastructure to maintain themselves properly, including communication and transportation infrastructure. Science also needs to be ground-truthed from local communities.

- **The Honorable Fran Ulmer** – Lieutenant Governor of the State of Alaska.

Lieutenant Governor Fran Ulmer stated that she was testifying as a person who served on the North Pacific Anadromous Fish Commission for eight years. That Commission was created to enforce a treaty which banned high seas driftnet fishing and create international research capabilities for anadromous fish stocks shared among Canada, U.S., Russia, and Japan. The North Pacific Anadromous Fish Commission is a model of international cooperation; not one state, not one nation can do the research necessary on the oceans. Historically, the Commission created an opportunity for four members to compare notes, but two years ago members took it beyond that threshold and asked if parties could jointly devise international research on the high seas, allowing scientists to work together. That idea gave birth to BASIS (Bering Aleutian Salmon International Survey) and is intended to provide a description of what happens to salmon in the open ocean. Lieutenant Governor Ulmer emphasized that this effort was not a mandate, but was

voluntary. The U.S. has led the effort, jointly conducting sampling and fundamental research. She offers this “big picture” example to the Commission, asking them to think beyond the role that U.S. government alone plays. This is an example of what is possible when nations agree that they have a common goal. The Ocean Commission should provide a forum for research and researchers so that countries with common interests can answer questions together regarding what is happening to salmon and to Bering Seas.

- **Mr. Rex Snyder** – Alaska Native Marine Mammal Hunter.

Mr. Snyder had various recommendations to present to the Ocean Commission. First, he wanted a moratoria or a mitigation-impacts fund available to local people in the event of an oil spill on the North Slope, because there is no response plan and the North Slope oil accounts for one fifth of the nation’s nonrenewable resource. Second, he supported other agencies and nonprofit organizations, including the DOI, the USCG, and the Ocean Conservancy, in opposition to farmed fishing in Alaska. Third, he strongly supported reauthorization of the Marine Mammal Protection Act.

- **Ms. Monica Riedel** – Executive Director, Alaska Native Harbor Seal Commission.

Ms. Riedel thanked the Commission for its support of Alaskan Native subsistence exemption from the Marine Mammal Protection Act. She would like to see oil companies complete ongoing litigation before being allowed to continue the exploitation of resources, and she would like the Commission to ensure that traditional knowledge is incorporated in co-management schemes for scientific research.

### **Commission Business**

- Minutes of Previous Meeting:

The minutes from the July 23-24, 2002 Northeast Regional Meeting in Boston, Massachusetts were approved. It was noted that meeting minutes from the June 13-14, 2002 Northwest Regional Meeting had not yet been approved by the Ocean Commission, but that they will be available for approval at the September 24-25 Great Lakes Regional Meeting in Chicago, Illinois.

- Revised Timeline:

Commissioners examined a revision of the Report Development Timeline posted on the Ocean Commission website, and made comments. Some Commissioners wanted the revisions sent in an e-mail. Admiral Watkins announced that the Revised Report Development Timeline will be posted on the website in the near future.

- Report of Working Group Chairs:

Research, Education and Marine Operations Working Group:

Dr. James Coleman reported that the Working Group tried to identify those items that would more than likely be the basis for recommendations in order to emphasize where most time should be spent by the staff.

Stewardship:

Dr. Sandifer reported that the Stewardship Working Group has met twice since the meeting in Boston. The first meeting was in Atlanta, Georgia with 100% participation of the Stewardship Working Group. The purpose of this meeting was to brainstorm about how to work toward improvement of living marine resource stewardship, especially fisheries management, including ecosystem management, the precautionary approach, and fish habitat management principles. Staff from the Research, Education and

Marine Operations Working Group and the Governance Working Group attended as well. Homework was taken by all three Working Groups. The second meeting was the scheduled Working Group meeting conducted on August 21, 2002 in Anchorage, Alaska. When the Stewardship Working Group meets in Chicago, they expect to spend half of the time on water quality and pollution issues, and spend the rest of the time taking advantage of the lessons learned from Alaska on fisheries management, including formalization and refinement of the evolving science and decisionmaking processes. They also hope to better coordinate coastal zone management and fishery management processes. For the record, Dr. Sandifer wanted it noted that the National Ocean Service presented copies of the encyclopedia of MPAs to the staff, and the Stewardship Working Group will use that document as a basis for the rest of its MPA discussions. They will be prepared to make specific recommendations soon.

#### Governance:

Mr. Ruckelshause reported that the Governance Working Group had a useful meeting on August 21, 2002 in Anchorage; they began discussions of coastal zone management issues. Professor Hershman has taken on the task of helping to look at coastal zone management issues with a broader view than the Coastal Zone Management Act (CZMA) itself provides. The Governance Working Group expects to discuss this issue again in Chicago. They also looked at nonliving marine resources and noted that the CZMA is behind in this arena. Mr. Dickerson, Mr. Kelly, and Professor Hershman will begin to expand understanding of the definition of nonliving marine resources, not just OCS oil and gas development. The Governance Working Group is also studying the issue of governance structure as a whole, and how to test recommended structures. Having a common approach will give them ways to think through what kind of powers, authorities, and functions will better coordinate national ocean policy. All Working Groups will use the same test procedures, and will think about how the governance structure fits in with their own recommendations.

- Further Business

Admiral Watkins agreed to have brief minutes prepared on the interchange that occurred at the Coastal States Organization between nine Pew Commissioners and various members of the Ocean Commission. He noted that the Pew Commissioners had a great confluence of thought and interest with the U.S. Commission on Ocean Policy.

The second day of the meeting was adjourned at 6:00 p.m.

## Appendix 1

### August 21 & 22, 2002 Ocean Commission Meeting Attendees

<u>Name</u>	<u>Affiliation</u>
Lilian Alessa	University of Alaska
Vera Alexander	University of Alaska Fairbanks
Alicia Billings	NMFS Observer
Joel K. Blatchford	Alaska Native Marine Mammal Hunter Committee
Glenn Boledovich	NOAA
Julie Bonney	Alaska Ground Data Bank
Robert G. Bosworth	Alaska Department of Fish and Game
Bob Bradley	No Affiliation Given
Katherine Burke Brand	U.S. Geological Survey
Garrett W. Brass	U.S. Arctic Research Commission
Donna Carroll	Bering Sea Fishermen's Association
Warner Chabot	The Ocean Conservancy
Joseph Chaszar	UAA- North Pacific Fisheries Observer Training Center
Cleveland J. Cowles	MMS/DOI
Frank A. Danner	Far North Fisherman Inc.
Selma Davis	Coastal villages Region Fund
Steven K. Davis	NMFS/NOAA
Nora L. Deans	Birchtree Cove Studio
Karen Deatherage	Defenders of Wildlife
Cynthia Decker	U.S. Navy
Douglas P. DeMaster	NMFS/NOAA
Ed Dersham	Board of Fisheries/Alaska Department of Fish and Game
Jane DiCosimo	North Pacific Fishery Mgmt Council
Dolly Dieter	NSF
Dennis Dooley	No Affiliation Given
Ed Earnhart	Fran Fans
Kurt A. Eilo	U.S. Environmental Protection Agency
Ben Enticknap	Alaska Marine Conservation Council
Peter A. Esquiro	Northern Southeast Regional Aquaculture Association, Inc.
Norman B. Estabrook	Science Applications International Corporation
David Harper Festa	Turnstone Group
Mark Fina	North Pacific Fishery Mgmt Council
Richard W. Fletcher	Saltwater, Inc.
John Foss	Sustainfish -The Sustainable Fisheries Alliance
John Garner	North Pacific Crab Association

**Name**

Karen Gillis  
John Goll  
Judith C. Gottlieb  
Cecelia Green  
  
Clark Gruening  
Karl E. Gustavon  
Bill Hall  
Kim Harb  
Bob Hatoy  
Robert E. Heavilin  
Adelheid Herrmann  
Hershman Family  
Susan Hills  
Charles H. Hocutt  
Doug Hoedel  
Shelley E. Johnson  
Marc Jones  
Tim June  
Frank V. Kelty  
Nicole Kimball  
Robert Kohut  
Jennie Kopelson  
Donald E. Kramer  
Earl Krygier  
Gerhard Kuska  
Tom Lakosh  
Lou Rae Langevin  
Chris Lauzon  
John LeClair  
Todd M. Loomis  
Sam Lotten  
Wesley Loy  
Paul MacGregor  
Stephanie Madsen  
Suzanne K.M. Marcy  
Stacey Marz  
Charles McCallum  
Heather McCarty  
Paul McCollum  
Philip McCrudden  
Lee McKinley  
Sheela McLean  
Susan McNeil  
Rosa Meehan

**Affiliation**

Bering Sea Fishermen's Association  
U.S. Minerals Management Service  
National Park Service/DOI  
North Pacific Fisheries Observer  
Training Center  
City & Borough of Juneau/ City of St. Paul  
U.S. House of Representative  
Ulmer for Governor  
NOIA  
No Affiliation Given  
Alaska Chadux Corporation  
NAFWS  
No Affiliation Given  
University of Alaska Fairbanks  
University of Alaska Fairbanks  
F/V Peggy Jo  
Alaska Oceans Network  
Alaska Fisheries Development Foundation  
Office of the Governor  
City of Unalaska  
North Pacific Fishery Mgmt Council  
Terra Surveys LLC  
CORE  
University of Alaska, Fairbanks  
Alaska Department of Fish and Game  
Office of Senator Ron Wyden of Oregon  
No Affiliation Given  
U.S. Navy  
NMFS Observer  
Alaska Chadux Corporation  
NMFS/NOAA  
Aleutians East Borough  
Anchorage Daily News  
At-Sea Processors Association  
Pacific Seafood Processors  
U.S. EPA  
No Affiliation Given  
Chignik Seiners Association  
UAF - School of Fisheries & Ocean Sciences  
Chugach Regional Resources Commission  
Foss Environmental Services Company  
Alaska Department of Fish and Game  
NMFS/NOAA  
Alaska Department of Fish and Game  
U.S. Fish & Wildlife Science

**Name**

Glenn Merrill  
Jeremy J. Miller  
Lance D. Miller  
Pamela A. Miller  
Don Mitchell  
Sandra Moller  
Bruce F. Molnia  
Greg Morgan  
Phillip R. Mundy  
Hazel Nelson  
Thomas Dunning Newbury  
Kris Norosz  
Chris Oliver  
Mark A. S. Oswell  
Capt. Edward E. Page  
Brent Paine  
Walter B. Parker  
  
Capt. Bob Pawlowski  
Drue Pearce  
P.J. Jean Penney  
Lyle D. Perrigo  
Fred R. Phillip  
Jackie Poston  
T. J. Ray  
Michael R. Reeve  
Michelle Ridgway  
  
Monica Riedel  
Peter G. Risse  
  
Martin Robards  
Janet Hall Schempf  
Tylan Schrock  
Corey Schwanke  
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