

August 11, 2014

TO: Ocean conservation colleagues

FR: Rick Steiner, Oasis Earth, Anchorage, AK (Professor, University of  
Alaska ret.)  
Jeff Ruch, Executive Director, Public Employees for Environmental  
Responsibility (PEER), Washington, DC

**RE: Marine National Monuments in Alaska**

Summary:

A network of grassroots advocates, current and former government experts and scientists are developing proposals for designating Marine National Monuments under the Antiquities Act in Alaska. This effort centers on four proposals: three specific regions in the Alaska Exclusive Economic Zone (EEZ), and one to be negotiated with other nations in international waters of the High Arctic. The proposed areas are spectacular, unique, productive, and threatened, and their permanent protection would add significant, and much needed, diversity to the nation's portfolio of federal marine monuments and sanctuaries.

Background:

Alaska's seas and coasts are unique and globally significant for their diversity, expanse, abundance of fish and wildlife, as well as historical, cultural and economic significance. Although more than half of Alaska's lands receive permanent federal protection, none of Alaska's federal waters receive comparable, permanent protection.

Half of the nation's entire shoreline and three-fourths of our total continental shelf are in Alaska. Its 200-mile EEZ is more than twice the size of Alaska's land area. This vast area hosts the most abundant populations of fish, shellfish, seabirds and marine mammals in the nation, and some of the most abundant in the world. Alaska waters also support thousands of jobs and a multibillion-dollar economy, including seafood landings larger than those of all other states combined, a growing marine recreation and tourism industry and subsistence of coastal residents.

By any measure, Alaska's seas and coasts are a crown jewel of our nation's maritime assets, of global significance, and contain several unique areas that deserve permanent federal protection. But, aside from inside waters within Glacier Bay National Park, to date there is not one permanently protected area of federal waters (e.g. National Marine Sanctuary or Marine National Monument) in Alaska.

Urgent Need:

Most of Alaska's threatened & endangered species are marine animals, and many seabird and marine mammal populations throughout Alaska are in decline – the result, many scientists suspect, of excessive harvests of certain fish populations in combination with long-term changes in the ocean environment. Climate change is reducing sea-ice cover

and leading to unprecedented marine ecosystem impacts, including ocean acidification and coastal erosion. Persistent organic pollutants such are now found in Alaska's marine mammals; marine debris continues to kill indiscriminately; and the ecological injury from just one grounded oil tanker (*Exxon Valdez*) persists 25 years later.

Increased ship traffic - oil tankers, freight vessels, and cruise ships - produce underwater noise, oil spills, whale-ship strikes, and invasive species introductions. The Alaska *Outer Continental Shelf* (OCS) is one of the last remaining large offshore hydrocarbon prospects in the nation, and is the target of both current and future leasing plans. The federal government estimates that the Alaska OCS may contain 50 billion – 100 billion barrels of oil equivalent (oil & gas).

Meanwhile, the state's approximately 218 *Marine Protected Areas* (MPAs) -- including various fishery-management closures, buffers around sea lion rookeries, research reserves, state marine parks, critical habitat areas, game sanctuaries and recreation areas -- offer few meaningful safeguards against these rising threats. These MPAs are mostly limited to inshore waters, provide minimal protections, and are often temporary. Recent attempts to secure permanent federal protections in Alaskan waters have been unsuccessful.

#### Marine National Monument Candidates:

The three areas in Alaska that we propose for consideration as Marine National Monuments (MNM) are –

- 1. Aleutian Islands**
- 2. Bering Strait**
- 3. Arctic Coastal**

These Marine National Monument designations in Alaska would provide the following:

- Protect Alaska Native subsistence;
- Prohibit all oil, gas, and mineral development;
- Develop specific regulations to reduce risks from ship traffic – e.g. Areas-To-Be Avoided (ATBAs), routing agreements, vessel traffic systems, real-time vessel tracking requirements, rescue/escort tug requirements, emergency tow packages, etc. In addition, the Aleutians and Bering Strait should be designated as *Particularly Sensitive Sea Areas* (PSSAs) under the U.N. International Maritime Organization (IMO); and
- Institute a spectrum of targeted fisheries management regulations to provide fishery reserves; protect small boat, shore-based fisheries; protect marine mammals and seabird foraging habitat and prey species; and limit certain destructive on-bottom fishing gear, such as longlines and bottom trawls. Pot fishing gear (for king crab, tanner crab, cod, etc.) should not be restricted in the Monuments, as these gear types have relatively less impact on marine habitat. We also note that many of Alaska's most valuable fisheries (e.g., salmon, herring) are conducted largely in state waters (from 0-3 miles offshore), and thus would not be directly affected by the Monument protections in federal waters, indeed

should benefit from the federal designations as by-catch of their target species is reduced.

It is to be expected that the State of Alaska, its congressional delegation and certain industrial interests will oppose such Monument designations, and that *state* waters (0-3 miles) would almost certainly not be afforded corresponding protections. But it is clearly in the national interest to provide permanent protection to the *federal* waters and resources as proposed.

While all relevant local stakeholders should be consulted (especially Alaska Native interests in the areas proposed, including federally recognized tribes, corporations, Community Development Quota groups, the marine mammal co-management commissions, and others as appropriate), there is also a need to look beyond local parochial politics of Alaska in order to protect these precious federally-managed marine ecosystems as an historic national legacy for all Americans, present and future. This is what occurred on Alaska's lands with the bold leadership of the Carter administration leading to the *Alaska National Interest Lands Conservation Act* (ANILCA) in 1980, which was accomplished over the strident objections of many interests in Alaska. And this is precisely what the Obama administration can, and must, do now for Alaska's unique and productive marine ecosystems.

In a July 2009 letter to the NOAA administrator, we proposed two of the above-cited areas (Unimak Pass/Eastern Aleutians and Bering Strait) for protection, but at the time the NOAA Administrator responded (Sept. 2009) that the agency had no "plans to initiate an assessment" of potential marine sanctuaries "in the immediate future." However, the administrator further wrote:

"NOAA will, however, take your recommendation under advisement, and consider conducting such an assessment as soon as circumstances allow. My hope is that assessment of the Unimak Pass and Bering Strait would be conducted as part of a comprehensive review of our Nation's marine waters, including a review of the need for additional protected areas, as you suggest in your letter."

Today, the posture of NOAA on new marine sanctuaries and protected areas has changed, and the agency recently reopened the Sanctuary public nomination process. We have attached the 2009 correspondence, which provides a brief background on some of the resource values and threats in Unimak Pass/Eastern Aleutians and Bering Strait. But to be clear, the current proposals are an expanded version of that earlier request, specifically:

Aleutian Islands: Federal waters along the *entire* Aleutian Islands archipelago, to 50 nautical miles north and south of the islands, should be designated a Marine National Monument. This is significantly larger than just the Unimak Pass/eastern Aleutians proposed in 2009. The reason for the proposed expansion is to incorporate the unique cold-water coral communities of the western Aleutians, additional marine mammal and seabird pelagic habitat, and east of Unimak Pass

to incorporate all North Pacific Right Whale (*Eubalaena japonica*) critical habitat and the *North Aleutian Basin* OCS planning area. The Aleutian region includes some of the richest and most unique marine habitat in the world ocean. In fact, this region received one of the very first marine protective designations in U.S. history, when in 1913 President Taft reserved the Aleutians and its offshore waters, from Unimak to Attu, as a wildlife sanctuary (Executive Order 1733: “Establishing Aleutian Islands Reservation as Preserve for Native Birds, Animals, and Fish” March 3, 1913).

The eastern boundary of the proposed *Aleutian Islands Marine National Monument* should encompass critical habitat for the North Pacific Right Whale (the most critically endangered cetacean globally), and the *North Aleutian Basin* (NAB) OCS Planning Area, to *permanently* exclude these areas from oil and gas leasing. The current presidential withdrawal for the NAB is set to expire June 30, 2017, and we feel that even a “permanent” presidential withdrawal by the Obama administration will not provide certainty that the area will remain withdrawn in subsequent administrations. Thus, the NAB and Right Whale habitat area should be included in the Aleutian Islands MNM, to *permanently* exclude oil and gas leasing, and to impose more stringent shipping safety protocols (e.g. measures to reduce whale-ship strike risk). And, the Aleutian Islands MNM should be nominated by the administration as a PSSA in the IMO process.

Targeted fishery/marine ecological reserves should be established in the western part of the Monument, restricting certain trawl and longline fisheries. These reserves will enhance marine mammal and seabird populations, protect coral and other benthic communities, and enhance small-scale, shore-based fisheries in the region.

Bering Strait: As described in the 2009 proposal, the federal waters of the Bering Strait area should be designated a Marine National Monument. Ideally, this should be done in a cooperative fashion with the Russian Federation, seeking to manage waters and lands across the Bering Strait in a cooperative, ecosystem-based regime. There are currently at least two areas in the region identified by NOAA as marine “biological hotspots,” and part of the Distributed Biological Observatory as well as Biologically Important Areas (BIAs) for marine mammals. The boundaries of the MNM should extend south to St. Lawrence Island in the northern Bering Sea, and north to Point Hope in the southern Chukchi Sea.

The Bering Strait MNM should prohibit oil, gas, and mineral development, and prohibit trawl fisheries (which do not exist at present). The region proposed as Monument encompasses two current OCS planning areas: the Norton Basin (south of the Strait), and Hope Basin (north of the Strait). The Monument would permanently withdraw both of these planning areas from leasing. And the prohibition of trawl fisheries in the Monument (federal waters) will protect the small boat, shore based king crab fishery operated from Nome, as well as the small-scale village halibut fisheries. Most other commercial fisheries in the

region – e.g., salmon and herring - are conducted within state waters, would thus remain unaffected by the federal Monument restrictions. As well, subsistence activities would remain unaffected. And, the Bering Strait MNM should be nominated by the administration as a PSSA in the IMO process.

Arctic Coastal: The current near shore federal OCS lease withdrawals along the Arctic coast of Alaska – the 25-mile “buffer” along the Chukchi Sea coast, together with a proposed 25-mile offshore buffer along the Beaufort Sea coast – should be designated an Arctic Coastal MNM. This MNM will afford federal waters of the Arctic Coastal ecosystem (3-25 miles offshore) permanent protection. The existing Chukchi buffer was established to protect Alaska Native subsistence uses and this should be expanded to include a similar withdrawal in the Beaufort Sea, and these withdrawals would be made permanent with Monument designation. This will reduce the many impacts associated with oil and gas exploration and development, including the substantial risk of major oil spills in the coastal region. As well, the area should remain off-limits to large-scale commercial fisheries, particularly trawl gear. The Arctic Coastal MNM should encompass the two large-scale “biological hotspots” currently monitored in the region, as well as the Biologically Important Areas (BIAs) identified for marine mammals. The Arctic Coastal MNM establishment will provide a model for other Arctic nations to follow, to protect Arctic coastal ecosystems and residents.

High Arctic Marine Sanctuary: In 2015 when Secretary of State Kerry assumes the Chair of the Arctic Council, the U.S. should take the lead in negotiating the establishment of a *High Arctic Marine Sanctuary* on all international waters of the Arctic Ocean beyond coastal state EEZs. Many NGOs, as well as the European Parliament, endorse this proposal. The *High Arctic Marine Sanctuary* should be managed much as the Antarctic Treaty nations manage the Antarctic, at a minimum permanently prohibiting oil, gas, and mineral development; commercial fisheries; and military activities. The High Arctic region should be reserved for peaceful, scientific purposes. The administration should negotiate establishment of an *International Arctic Marine Environment Council*, convened under the auspices of the U.N., to provide constructive engagement between all nations in governing the *High Arctic Marine Sanctuary*, including, but not limited to, the eight state members of the Arctic Council.