

Request for Rulemaking and Letters of Authorization Under Section 101(a)(5)(A) of the Marine Mammal Protection Act

for the Take of Marine Mammals

Incidental to Fisheries and Ecosystem Research Activities

conducted or funded by the

Alaska Fisheries Science Center

within the

Gulf of Alaska, Bering Sea/Aleutian Islands, and Chukchi

Sea/Beaufort Sea Research Areas

June 2016

Appendix B

Draft Communication Plan



Prepared for the National Marine Fisheries Service by:

URS Group

700 G Street, Suite 500

Anchorage, Alaska 99501

TABLE OF CONTENTS

INTRODUCTION	1
DESCRIPTION OF PROPOSED ACTION.....	1
Communication Plan - Phase 1: Initial Outreach Activities	2
Communication Plan - Phase 2: Annual Implementation Activities	2
Part 1: Winter - Preliminary Field Season Communication and Planning	3
Part 2: Early Spring - Communication of Planned Operational Procedures and Actions	3
Part 3: Field Season.....	4
Part 4: Fall - Post Field Season and Subsequent Follow-up.....	4
Communication Plan - Phase 3: Review and Preparation for Subsequent LOAs.....	5
Conclusion:	5

Figures

Figure B-1	AFSC fisheries research areas	6
Figure B-2	Overview of the spatial distribution of AFSC fisheries research project sampling regions and locations as identified under the proposed action. See Appendix B of the DPEA for more detailed figures and information concerning sampling effort for specific research activities, organized by season and research area.....	7
Figure B-3	Arctic Waterways Safety Committee graphic which identifies regions of distance 30 nautical miles from coastal villages (colored ovals) or at a distance of 10 nautical miles from the rest of the Arctic coastline (gray shaded areas). The black line defines the boundary of the area of concern for the Arctic Waterways Safety Committee.....	8
Figure B-4	Letters sent to Alaska Native organizations and communities in 2013; see following pages.....	9

This page intentionally left blank.

INTRODUCTION

Compliance with both the Marine Mammal Protection Act (MMPA) and the National Environmental Policy Act (NEPA) requires that potential effects to subsistence activities are considered and expectations for communicating and coordinating with subsistence users are met. In authorizing incidental take of marine mammals, the MMPA requires that there is no unmitigable adverse impact on the availability of marine mammal species or stocks for subsistence uses, and that requirements pertaining to mitigation and monitoring are addressed. In practice, fulfillment of these requirements has resulted in the implementation of a variety of differing approaches to mitigation, monitoring, and consultation measures by agencies, corporations, industry, and other entities. The Alaska Fisheries Science Center (AFSC) request for rulemaking, subsequent Letter of Authorization (LOA), and accompanying Draft Programmatic Environmental Assessment (DPEA) provide the appropriate analysis and materials necessary to fulfill MMPA and NEPA requirements.

Section 12 of the LOA application states:

“Where the proposed activity would take place in or near a traditional arctic subsistence hunting area and/or may affect the availability of a species or stock of marine mammal for Arctic subsistence use, the applicant must submit either a “Plan of Cooperation (POC)” or information that identifies what measures have been taken and/or will be taken to minimize any adverse effects on the availability of marine mammals for subsistence use.”

The AFSC has determined through analysis in the DPEA/LOA that various activities of its fisheries research and assessment programs in the Arctic waters of Alaska may occur in areas utilized for traditional subsistence activities and submits this Communication Plan as an integral component under section 12 of its application for a LOA.

According to 50CFR subpart I, 216.103: “Arctic waters means the marine and estuarine waters north of 60°N latitude.” Correspondingly the AFSC is planning to implement a suite of actions and activities to address the potential nexus between AFSC fisheries and ecosystem research and Arctic subsistence activities. In addition, the AFSC has taken a more expansive view of the requirements for the purpose of this Communication Plan because of the potential for interaction between some of the proposed fisheries research activities, the ranges of important marine mammal species (some of which are listed as “endangered” or “threatened” pursuant to the Endangered Species Act [ESA]), and traditional subsistence activities of Alaska Native communities situated at the intersection of those activities, research areas, and animal ranges that may extend into areas to the south of the “Arctic” as defined above. Therefore, while most of the activities considered by this plan are focused on the Arctic, the AFSC may take additional steps to expand communication and mitigation procedures throughout the greater region addressed by the accompanying LOA application (see text below, Figures B-1 and B-2).

DESCRIPTION OF PROPOSED ACTION

Recognizing that AFSC fisheries research activities and subsistence use patterns differ in various regions of Alaska (in both the species pursued and the timing of harvest), the analysis of overlap between AFSC fisheries research and subsistence activities has been divided into three geographic regions (Figure B-1): the Gulf of Alaska (from Dixon Entrance north and west to Unimak Pass, the Bering Sea/Aleutian Islands (west of Unimak to Attu, north and south of the chain, and north into the Bering Sea to the Bering Strait) in Bering Shelf waters), and the Chukchi Sea/Beaufort Sea region (Bering Strait north to Barrow and east to Demarcation Point). A detailed description of the specific fisheries research activities proposed to be conducted is provided in LOA Table 1-1 and Appendix A; additional materials are provided in Section 4.3 of the DPEA. Figure B-2 depicts in a generic way the vast array of AFSC fisheries research activities that have been conducted or are proposed throughout the year at scattered regions and locations throughout the AFSC research areas. Figure B-3 is an Arctic Waterways Safety Committee graphic which

identifies proposed buffer zones of 30 nautical miles from Arctic coastal communities or at a distance of 10 nautical miles from the rest of the Arctic coastline. While this figure provides additional information informing readers about areas of potential overlap between subsistence activities and research, it is not fully inclusive of all areas within the 60°N region discussed above, nor does it address those regions and activities to the south of 60°N. The reader is also referred to Section 3.3.4 of the DPEA for a more detailed discussion of the patterns of subsistence use in those areas that may overlap with fisheries research activities. Considering these figures together provides an overview of how fisheries research and subsistence activities might overlap in space and time and why it is important to craft this Communication Plan so as to develop a process and to identify the steps that will be taken to mitigate any adverse effects on the availability of marine mammals for subsistence uses.

Communication Plan - Phase 1: Initial Outreach Activities

As part of the environmental review process for this LOA application, the AFSC contacted over 140 Alaska Native community leaders (including federally recognized tribal governments and corporations) by letters in September and October 2013 (examples attached to the end of this document as Figure B-4). The purpose of this correspondence was to alert these stakeholders to the onset of the programmatic review process and to solicit their questions and input. One response was received from a non-profit Native organization seeking clarification on the process. More recently (2015-2016) the AFSC has joined in meetings with the Arctic Waterways Safety Committee (AWSC) as an active participant in discussions intended to establish written procedures for enhancing communication between Alaska Native subsistence communities with federal research cruise operations in the northern waters of the Bering Sea and throughout the Alaskan Arctic. These discussions are continuing to evolve as this application is being submitted.

AFSC has a history of reaching out to communicate and to coordinate with Alaska Native organizations and subsistence communities as a regular part of their fisheries and marine mammal research throughout coastal and maritime Alaska. For example, AFSC scientists Drs. Libby Logerwell (Chukchi fish assessment cruise) and Suzanne McDermott (Atka mackerel and Pacific cod studies in the Aleutians) and their industry partners have routinely sent out advance notice of pending projects to study area subsistence communities. These notices contain a description of study design, areas of operation, anticipated dates of arrival and departure, and persons to contact for more information. Both of these scientists and their industry partners have routinely met with subsistence hunters and fishers in local communities such as Barrow and Unalaska to report on the results of this research and to solicit input for planning future research. With respect to marine mammal research, staff at the AFSC's Marine Mammal Laboratory (MML) have decades-long history of cooperation with Alaska Native hunters and residents in many remote communities throughout the State. It is standard practice for AFSC scientists studying bowhead whales, beluga whales, ice seals, northern fur seals, Steller sea lions, harbor seals and other species to develop and to conduct research projects collaboratively and cooperatively through advance meetings in communities and with hunter organizations. Typically these scientists meet either in person or via teleconference with local contacts during winter months to report on the results of previously conducted projects. These extensive, long established formal and informal working relationships are expected to continue and are anticipated to be expanded as part of this Communication Plan.

Communication Plan - Phase 2: Annual Implementation Activities

Development of an annual process for establishing a formalized communication plan is a key goal of this Plan. Work towards achieving that goal is ongoing as the AFSC submits this LOA application. The AFSC has become an active participant in comprehensive discussions with a number of Alaska Native subsistence hunting and fishing organizations through full participation in the AWSC. The details of various channels of communication, the timing, and specifics of who that communication will involve and how and when it will occur are still being worked out. However, it is understood that the AFSC is

committed to working through the AWSC and others to ensure there will be direct communication and coordination between AFSC principal investigators (PIs) and local and regional inhabitants and representatives in those areas where AFSC fisheries research will take place, including advance notice and planning, in-season and on-site communication, and post-season follow-up.

Part 1: Winter - Preliminary Field Season Communication and Planning

Arctic Regions: Senior AFSC staff will participate in the AWSC meeting generally scheduled for late November/early December of each year. This meeting is attended by a variety of representatives from industry, biological research, and Alaska Native hunting organizations living and working in the Arctic. As best as possible, AFSC staff will outline the planned fisheries research activities proposed for the upcoming Arctic field season. As federal budget allocations and other funding determinations are often not complete at this time of year, the briefing will provide a “best guess” as to the type, timing and distribution of AFSC research likely to be carried out in the coming field season. Information concerning the potential for interaction between the potential research and subsistence activities will be solicited and discussed. Ideas and concepts for avoiding and/or minimizing such interactions will be pursued and developed into recommendations and considered for incorporation into field operations plans. Opportunities for expanding communication between parties prior to and during the field season will be discussed and considered for incorporation into field operations plans. Points of contact for local communities will be developed and provided to all AFSC PI’s so they can establish contact and begin conversations in advance of the onset of field work. A synopsis of the recommendations and key points of discovery from these ongoing AWSC meetings will be distributed to all involved parties. While much of the communication will be direct between PIs and the local contacts, the overall responsibility for Plan implementation will be either the Alaska Regional Collaboration Team (RCT) Lead (Douglas DeMaster-Juneau, AK) or the RCT Coordinator (Amy Holman – Anchorage, AK).

Other regions outside of the Arctic: The AFSC communicates to the public and its partners when upcoming surveys and major cruises begin, about the need and nature for the survey, and more and more often news about the cruise as it occurs. These scientific activities typically have a formal cruise announcement that is sent to interested parties and that is also released to news media throughout Alaska. The AFSC Center Director will encourage PI’s from all AFSC fisheries research activities outside of the Arctic to continue and/or to expand coordination on an informal basis with local Alaska Native Organizations and subsistence hunters and fishers at local and regional levels in the northern Bering Sea, Aleutian Archipelago, Alaskan Peninsula, Bristol Bay, and southeastern Alaska.. It is desirable for this communication to follow the same “advance notice and planning, in-season and on-site communication, and post-season follow-up” model as described above for the Arctic regions. It is expected that the collaborative process now followed by some AFSC fisheries research and most marine mammal scientists at the AFSC will be implemented and, if possible, expanded so as to increase knowledge of local customs, hunting and fishing areas, the nature and benefits of AFSC fisheries research, and to collaboratively minimize potential interactions between fisheries research and subsistence activities in these project areas.

Part 2: Early Spring - Communication of Planned Operational Procedures and Actions

As operational budgets for the upcoming field season become known and the actual research activities to be conducted are determined, AFSC project leaders will begin alerting appropriate regional representatives, communities, and hunters as to the timing and specifics of each project and will again seek input on best practices for avoiding interactions. PIs will be required to provide a plan to the Director AFSC detailing field operations and a schedule for communicating with selected key communities about the upcoming research. Plans will describe the process for working with communities so as to avoid

interactions between research and subsistence activities; avenues for obtaining and incorporating local input will be identified.

In addition, Senior AFSC staff will participate in the AWSC meeting generally scheduled for March of each year. It is at this meeting that AFSC leadership will present a list of AFSC cruises that have cruise tracks that could potentially interfere with subsistence hunting activities. Further, it is at this meeting that points of contacts for individual research cruises and communities will be exchanged.

It is anticipated that such pre-season communication may also include on-site or teleconference meetings in late winter/early spring preceding the upcoming field season covered by the LOA/regulations in the key communities. For the purposes of this LOA application Communication Plan, the key organizations in the Arctic include the Alaska Eskimo Whaling Commission, Ice Seal Committee, Harbor Seal Commission, and Alaska Beluga Whale Committee as well as a number of regional non-profit organizations, Alaska Native Corporations, and Borough agencies. The AFSC notes that additional meetings are likely to occur on a project by project basis whenever operations find themselves in ports and regional subsistence hubs. Staff will be encouraged to seek out the means to make public service announcements via radio (e.g., via KBRW and KOTZ, ARCS airwaves) and various internet portals.

Part 3: Field Season

A) Prior to departure for the field (going to sea):

AFSC PIs will prepare field operations or cruise plans for each project and submit them to the AFSC Director for approval. One section of these plans will address how researchers will consult and maintain communication with contacts in the affected subsistence communities when in the field (at sea). The intent will be to provide advance notice of operations and to seek information and guidance on how to avoid interactions with subsistence activities as teams approach communities and subsistence areas. Each field operations plan should include a list of local contacts and contact mechanisms such as phone numbers, email, and radio frequencies monitored (e.g., Kaktovik Call Center).

B) Real time operational procedures and actions

Field operations or cruise plans will outline steps that will be taken to avoid or to minimize the risk of interactions between AFSC fisheries research and local subsistence activities. PIs will provide a one to two page summary description of the proposed conflict avoidance/mitigation measures that will be implemented to reduce conflicts with a) marine mammals and b) subsistence activities. These should identify responses to evolving situations through specific operational procedures (“what if, then?” scenarios) designed to avoid or minimize interaction between research and subsistence activities in time and space. AFSC will evaluate the potential for including regionally appropriate subsistence communicators/marine mammal observers on cruises subject to available space and appropriate duration on a case by case basis. AFSC recognizes this may be most relevant to fisheries research in the Chukchi and Beaufort seas where there may be a nexus with bowhead whaling activities.

Part 4: Fall - Post Field Season and Subsequent Follow-up

AFSC and individual PIs will schedule post-season informational sessions with subsistence contacts from the study areas: (1) to brief them on the outcome of the AFSC fisheries research and (2) to assess how well this Communication Plan and individual field operations or cruise plans worked to minimize interactions. Incorporating a synopsis of AFSC fisheries research activities in the fall AWSC meeting would be a valuable first step or possibly meetings of the AEWC. AFSC PIs will be encouraged to also set up meetings via travel, video conference, and/or internet applications to further increase direct communication with subsistence hunters and fishers in applicable remote Alaska communities.

Communication Plan - Phase 3: Review and Preparation for Subsequent LOAs

In year four of the five-year MMPA authorization, AFSC Leadership will solicit input from PIs to determine how this Communication Plan worked to avoid interactions between fisheries research and subsistence activities. This information will be incorporated in a timely manner into a new application for subsequent MMPA regulations and LOAs.

Conclusion:

As required by regulation (§ 216.104(a)(11)), through this Communication Plan the AFSC:

- Will notify and provide the affected Alaska Native subsistence community with a draft of this Communication Plan through a series of mailings, direct contacts, and planned meetings throughout the regions where AFSC fisheries research is expected to occur over the next five years. A notice of availability of the LOA application and the draft Communication Plan will be published in the Federal Register; a public comment period will be included as part of the regular review process;
- Has outlined a proposed schedule and a strategy for meeting with the affected subsistence communities to discuss proposed activities and to resolve potential conflicts regarding any aspects of either the fisheries research operations or the Communication Plan;
- Described in this Communication Plan and the accompanying LOA application those measures and procedures the AFSC will take to ensure that proposed activities will not interfere with subsistence whaling or sealing; and,
- Has detailed the plans the AFSC has proposed to ensure continued cooperation and collaboration with communities in those regions where AFSC fisheries research activities will occur, both prior to, while conducting the activity, and subsequent to the activities, so as to resolve potential conflicts and to keep these communities aware of any changes in the operations.

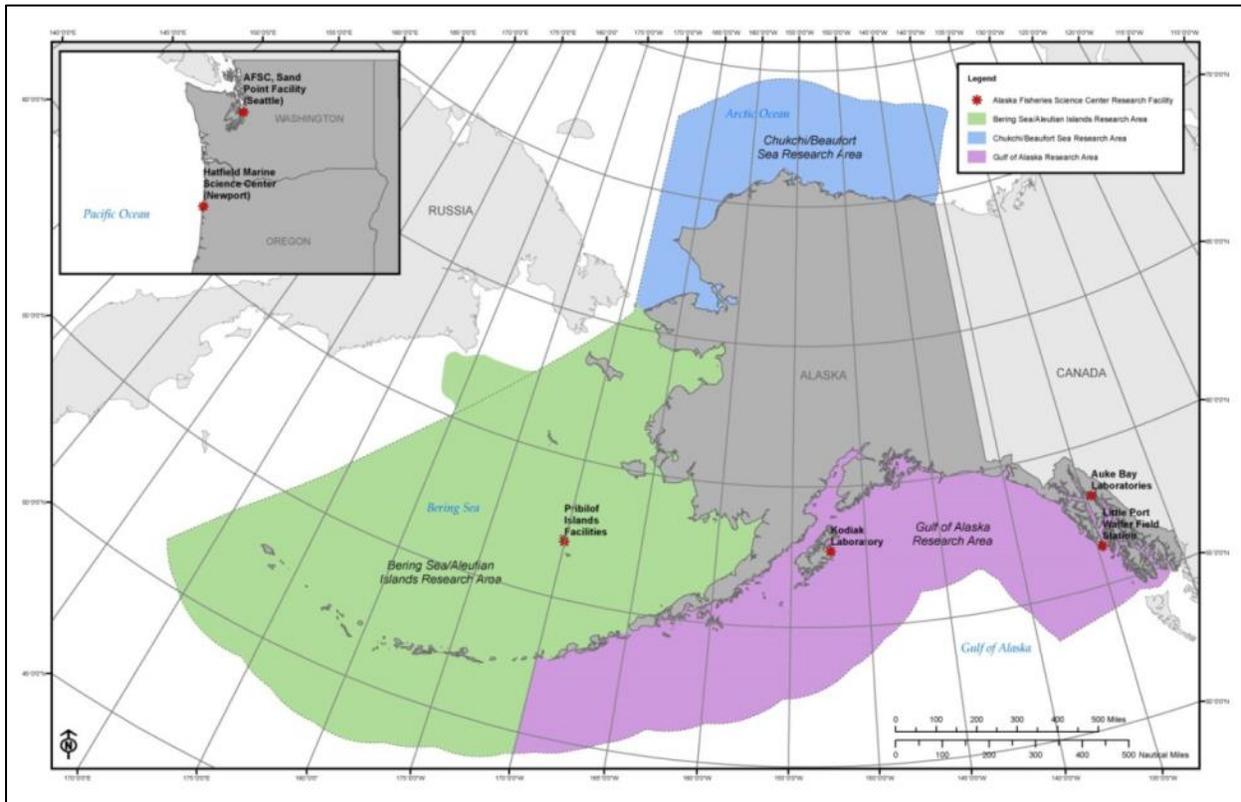


Figure B-1 AFSC fisheries research areas

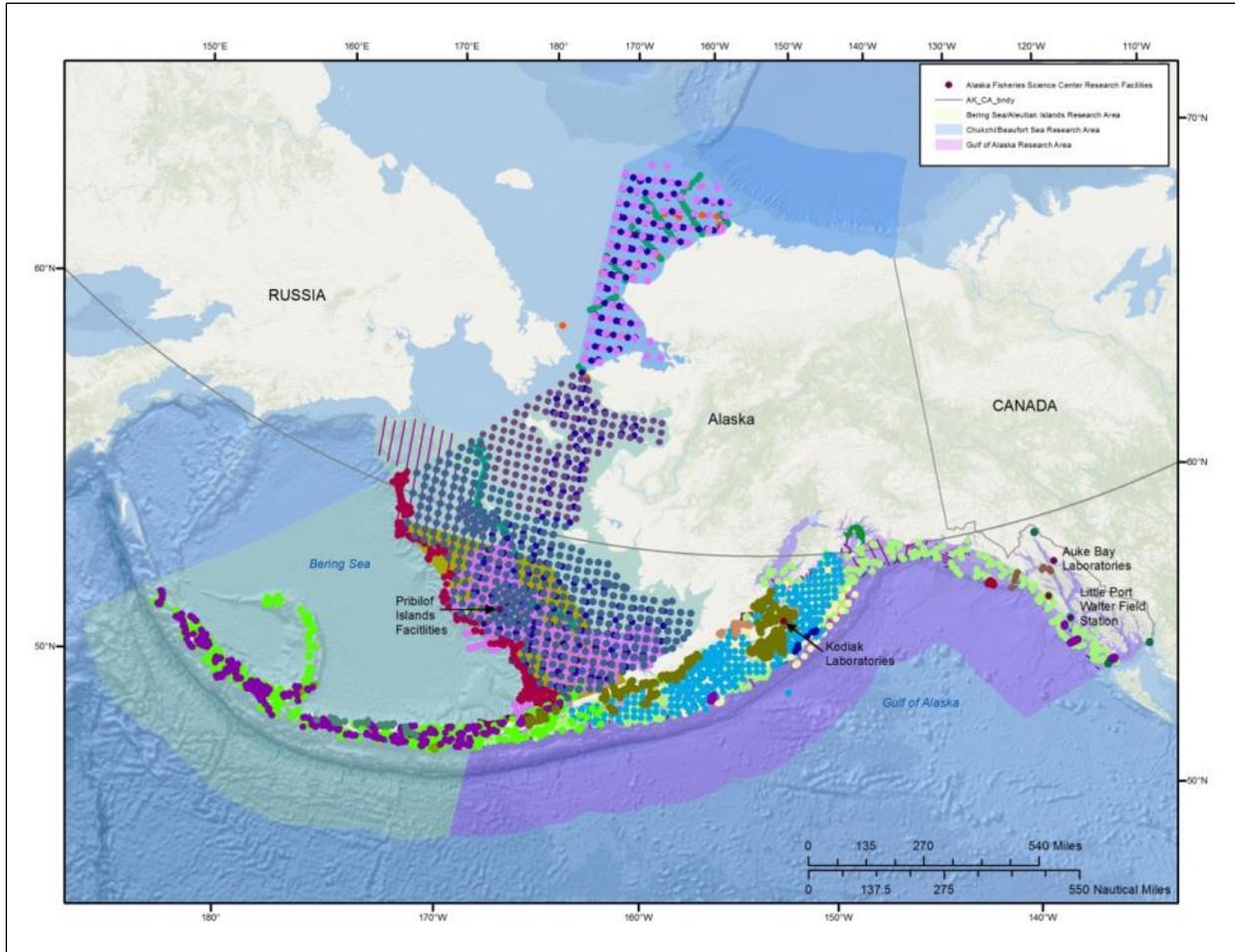


Figure B-2 Overview of the spatial distribution of AFSC fisheries research project sampling regions and locations as identified under the proposed action. See Appendix B of the DPEA for more detailed figures and information concerning sampling effort for specific research activities, organized by season and research area.

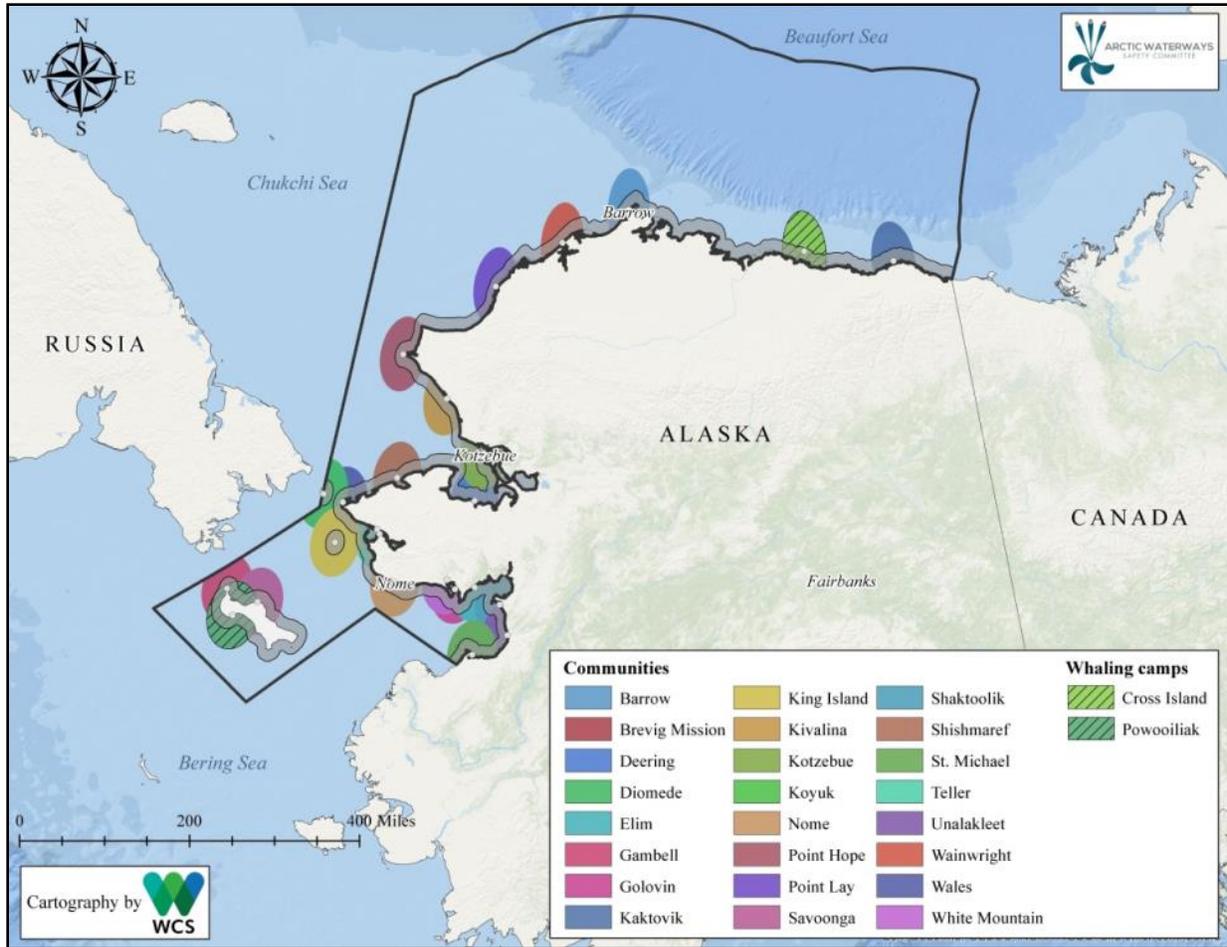


Figure B-3 Arctic Waterways Safety Committee graphic which identifies regions of distance 30 nautical miles from coastal villages (colored ovals) or at a distance of 10 nautical miles from the rest of the Arctic coastline (gray shaded areas). The black line defines the boundary of the area of concern for the Arctic Waterways Safety Committee.

Figure B-4 **Letters sent to Alaska Native organizations and communities in 2013; see following pages.**



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Alaska Fisheries Science Center
7800 Sand Point Way N.E.
Bldg. 4, F/AKC
Seattle, Washington 98115-0070

6 September 2013

President Phyllis Amodo
Kaguyak Village
P.O. Box 5078
Akhiok, AK 99615

Re: Evaluation of Potential Impacts of Fisheries Research Activities Conducted by NMFS' Alaska Fisheries Science Center on Subsistence Resources and Activities

Dear President Amodo:

The National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) is undertaking a programmatic review of its fisheries research programs to ensure the potential impacts of these activities are assessed in compliance with applicable laws. The NMFS Alaska Fisheries Science Center (AFSC) conducts research on living marine resources in the coastal oceans off Alaska to provide scientific advice to support the North Pacific Fishery Management Council and other domestic and international fisheries management organizations. We want to take this opportunity to inform you of the processes being undertaken to complete this programmatic review relative to Alaska Native communities.

We are in the process of developing a draft programmatic Environmental Assessment (EA) for public review that will describe proposed research activities, historic catch of species targeted by fisheries research, and potential direct and cumulative effects of AFSC research on the affected environment. Initiation of this National Environmental Policy Act (NEPA) review will provide a basis to evaluate the potential impacts of these activities on subsistence activities and resources, maritime historic sites or areas of cultural significance under the National Historic Preservation Act, species listed under the Endangered Species Act, designated critical habitat, and on essential fish habitat under the Magnuson-Stevens Act. The programmatic EA will also be used as the basis to prepare an Incidental Take Authorization (ITA) application to take marine mammals under the Marine Mammal Protection Act incidental to proposed research activities.

Since AFSC research cruises have only limited operations in areas used by native communities, the AFSC expects insignificant impacts on subsistence harvest of marine mammals or other subsistence activities. To date, the AFSC is not aware that any of its fisheries research surveys have encountered or interfered with any subsistence hunts or activities. The AFSC will evaluate measures to mitigate potential impacts, including advanced notification of and communication during conduct of fisheries research activities.

As we prepare the programmatic EA, the AFSC will be conducting a spatial analysis of potential future overlaps between subsistence harvesting and research activities, as well as identify any maritime historic or culturally significant sites that may be affected. Moreover, the AFSC would like to have an open exchange of information with affected federal entities and the Alaska Native community about the AFSC's fishery research activities and will make every effort to proactively collaborate and communicate with interested Alaska Native organizations, co-management groups, Native villages and other groups during the development of the AFSC's programmatic EA.



The Kaguyak Village can provide valuable assistance by identifying any additional subsistence use areas that may overlap with AFSC fisheries research activities in time and space. In addition, if you have any other concerns about the AFSC fisheries research efforts and its impacts on specific maritime historic or culturally significant sites in your area that should be addressed in the programmatic EA, we welcome your input. You may also wait for the public comment period to formally participate in development of this EA, which is likely to be available in mid-2014.

If you have any questions, comments, and/or concerns regarding the development of this EA, please feel free to contact the following individuals on my staff: Dr. Daniel Ito (206-526-4232, Dan.Ito@noaa.gov) or Guy Fleischer (206-526-4103, Guy.Fleischer@noaa.gov).

Sincerely,



Douglas DeMaster, Ph.D.
Science and Research Director



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Alaska Fisheries Science Center
7600 Sand Point Way N.E.
Bldg. 4, F/AKC
Seattle, Washington 98115-0070

28 October 2013

President George Edwardson
Inupiat Community of the Arctic Slope
P.O. Box 934
Barrow, AK 99723

Re: Evaluation of Potential Impacts of Fisheries Research Activities Conducted by NMFS' Alaska Fisheries Science Center on Subsistence Resources and Activities

Dear President Edwardson:

The National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) is undertaking a programmatic review of its fisheries research programs to ensure the potential impacts of these activities are assessed in compliance with applicable laws. The NMFS Alaska Fisheries Science Center (AFSC) conducts research on living marine resources in the coastal oceans off Alaska to provide scientific advice to support the North Pacific Fishery Management Council and other domestic and international fisheries management organizations. We want to take this opportunity to inform you of the processes being undertaken to complete this programmatic review relative to Alaska Native communities.

We are in the process of developing a draft programmatic Environmental Assessment (EA) for public review that will describe proposed research activities, historic catch of species targeted by fisheries research, and potential direct and cumulative effects of AFSC research on the affected environment. Initiation of this National Environmental Policy Act (NEPA) review will provide a basis to evaluate the potential impacts of these activities on subsistence activities and resources, maritime historic sites or areas of cultural significance under the National Historic Preservation Act, species listed under the Endangered Species Act, designated critical habitat, and on essential fish habitat under the Magnuson-Stevens Act. The programmatic EA will also be used as the basis to prepare an Incidental Take Authorization (ITA) application to take marine mammals under the Marine Mammal Protection Act incidental to proposed research activities.

Since AFSC research cruises have only limited operations in areas used by native communities, the AFSC expects insignificant impacts on subsistence harvest of marine mammals or other subsistence activities. To date, the AFSC is not aware that any of its fisheries research surveys have encountered or interfered with any subsistence hunts or activities. The AFSC will evaluate measures to mitigate potential impacts, including advanced notification of and communication during conduct of fisheries research activities.

As we prepare the programmatic EA, the AFSC will be conducting a spatial analysis of potential future overlaps between subsistence harvesting and research activities, as well as identify any maritime historic



or culturally significant sites that may be affected. Moreover, the AFSC would like to have an open exchange of information with affected federal entities and the Alaska Native community about the AFSC's fishery research activities and will make every effort to proactively collaborate and communicate with interested Alaska Native organizations, co-management groups, Native villages and other groups during the development of the AFSC's programmatic EA.

NMFS is contacting federally-recognized tribal governments in the coastal areas potentially affected by our research to assist in identifying any additional subsistence use areas that may overlap with AFSC fisheries research activities in time and space. In addition, Inupiat Community of the Arctic Slope can provide valuable assistance by identifying any concerns about the AFSC fisheries research efforts and its impacts on specific maritime historic or culturally significant sites in your area that should be addressed in the programmatic EA, we welcome your input. You may also wait for the public comment period to formally participate in development of this EA, which is likely to be available in mid-2014.

If you have any questions, comments, and/or concerns regarding the development of this EA, please feel free to contact the following individuals on my staff: Dr. Daniel Ito (206-526-4232, Dan.Ito@noaa.gov) or Guy Fleischer (206-526-4103, Guy.Fleischer@noaa.gov).

Sincerely,



Douglas DeMaster, Ph.D.
Science and Research Director

This page intentionally left blank.