



July 24, 2023

Mr. Matthew Lee-Ashley
Chief of Staff
The Council on Environmental Quality
Washington, DC 20503

Mr. De'Marcus Robinson
Ocean Policy Fellow
The Council on Environmental Quality
Washington, DC 20503

Re: Request for Information, Ocean Justice Strategy (CEQ–2023–0004)
Submitted via federal rulemaking portal ([https:// www.regulations.gov](https://www.regulations.gov))

Dear Mr. Lee-Ashley and Mr. Robinson:

On behalf of The Pew Charitable Trusts' (Pew) U.S. Conservation project, thank you for the opportunity to provide input on development of a U.S. Ocean Justice Strategy. Pew supports efforts to promote equitable and just policies and practices to help ensure that all people and communities have access to the many benefits provided by healthy oceans.

Pew has a long history of promoting science-based policies for ocean and coastal conservation in the U.S. and internationally. This work includes advocating for sustainable fisheries management, advancing new protections for important coastal and marine habitats, and supporting Indigenous-led conservation.

Our recommendations below focus on how an Ocean Justice Strategy can advance place-based approaches into ocean-based decision-making in Western Alaska through the Northern Bering Sea Climate Resilience Area and through designation of Alaġum Kanuuġ (the Heart of the Ocean) National Marine Sanctuary in the Bering Sea. While these comments are written through the lens of ongoing collaborative efforts in Western Alaska, they are applicable to other areas of Alaska and the United States.

Alaska's coastline is more than double that of the East and West coasts combined and produces nearly half of all seafood consumed in the U.S. Tribes and Indigenous communities throughout Western Alaska and the Bering Sea region are currently facing an existential crisis due to

alarming declines in salmon returns on the Yukon and Kuskokwim rivers. This crisis threatens their food security and the subsistence way-of-life they have lived for millennia. These Tribal communities are some of the most economically depressed in the nation, and the Ocean Justice Strategy should prioritize actions to restore justice and equity in this region. Lessons learned from Indigenous-led marine conservation and Tribal co-management in Alaska can help identify solutions that could lead towards more equitable benefits shared across society from the ocean.

Pew believes an effective Ocean Justice Strategy should do the following:

- Ensure the equitable inclusion of Indigenous Knowledge in policy, management, and science frameworks;
- Strengthen Tribal co-management through meaningful government-to-government consultation with Federally recognized Tribes and Indigenous communities;
- Secure Biden Administration policies and priorities across the Northern Bering Sea region to build durability of the Northern Bering Sea Climate Resilience Area; and
- Prioritize establishment of Indigenous-led marine protected areas such as the Alaġum Kanuuġ (the Heart of the Ocean).

Ensure the equitable inclusion of Indigenous Knowledge in policy, management, and science frameworks

The Ocean Justice Strategy should outline specific steps for including Indigenous Knowledge into federal decision-making processes such as fisheries management,¹ marine mammal co-management, and marine-related surveys, research, and monitoring. Incorporating Indigenous Knowledge is important during this period of rapid environmental change and growing pressure to expand industrial activities like fishing, mining, shipping, and other ocean development.

Inclusion of Indigenous Knowledge is especially critical for any strategy developed in or for Arctic marine waters. Arctic Indigenous Peoples, the original stewards of lands and waters, hold knowledge passed down from generation to generation gathered over millennia, and are connected to place within a worldview that includes people as part of the interconnected system, not separate from it. These knowledge systems have systematic approaches to synthesizing information that are similar yet distinct from western science and hold equal value. Including Indigenous Knowledge will require that Indigenous Peoples who hold that knowledge are included throughout the process. We urge the Ocean Policy Committee (OPC) to take a co-production of knowledge approach² in developing the strategy to ensure equitable application of knowledge in managing our ocean resources.

¹ See Raymond-Yakoubian, J., B. Raymond-Yakoubian, and C. Moncrieff. 2017. *The incorporation of traditional knowledge into Alaska federal fisheries management*. *Marine Policy* 78:132-142. <https://doi.org/10.1016/j.marpol.2016.12.024>

² Ellam Yua, Raymond-Yakoubian Aluaq Daniel R, Behe C (2022) *A framework for co-production of knowledge in the context of Arctic research*. *Ecology and Society* 27(1): 34.

Strengthen Tribal co-management through meaningful government-to-government consultation

Local communities, governments, Tribes, co-management organizations, and other Alaska Native organizations should have meaningful opportunities to give direct input into proposed decisions, actions, and planning processes that may affect their livelihoods. Indigenous residents of the U.S. Arctic are intrinsically connected to resources from the ocean and use that connection in maintaining their way of life. In addition, they have valuable knowledge about their environment and its resources that can help inform planning and decision-making.

Ultimately, residents of the Arctic must live with the consequences of Arctic policy and management decisions, and the federal government should ensure that a fair and just approach is taken in policies that affect Indigenous Peoples. In addition to decision making, there should be consultation with Tribes, communities, and related consortia about the role they can play in co-managing or co-stewarding specific programs or regions.

Pursuant to the President Memorandum of January 26, 2021 issued by President Biden, and underlying law, the federal government is required to consult fully with Alaska Native Tribes on a government-to-government basis.³ Any governance framework, including this strategy, needs to include consultation that occurs well in advance of the development of even a draft strategy, as well as a plan for sharing information and responding to feedback. A source of injustice in ocean-based action (e.g., in fisheries and marine mammal management) is the lack of understanding about Indigenous Knowledge and perspectives that people have about the ocean.⁴ This may result in inadequate consultation, confusing processes, and lack of transparency. Sharing summaries of consultations publicly is a necessary but insufficient action within an Ocean Justice framework. The OPC should work with the Department of Interior (DOI) and the White House Council on Native American Affairs (WHCNAA) to build better relationships with federally recognized Tribes.

Apply Biden Administration policies and priorities across the Northern Bering Sea region to elevate and strengthen the Northern Bering Sea Climate Resilience Area

At the direct request of the Tribes in the region, President Obama created the 112,300 square mile Northern Bering Sea Climate Resilience Area (NBSCRA) through an Executive Order issued in 2016.⁵ That Executive Order was revoked by President Trump and then reinstated in 2021 on the first day of the Biden Administration. The Northern Bering Sea Climate Resilience Area designation prohibits offshore oil and gas drilling and destructive bottom-trawling within its boundaries. Of particular importance, it provides a meaningful pathway for more than 70 Tribes in the region to exercise self-determination and contribute equally on policy decisions

³ <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/11/30/memorandum-on-uniform-standards-for-tribal-consultation/#:~:text=The%20Presidential%20Memorandum%20of%20January,directives%20of%20Executive%20Order%2013175>.

⁴ Raymond-Yakoubian and Daniel 2018 <https://www.sciencedirect.com/science/article/pii/S0308597X18300113?via%3Dihub>

⁵ "Executive Order -- Northern Bering Sea Climate Resilience" (Press release). The White House - Office of the Press Secretary. December 9, 2016. Retrieved December 11, 2016.

regarding the health of the ecosystem in the Northern Bering Sea, as well as requires that Traditional Knowledge be included in the federal decision-making process.

An essential component of the Executive Order is the Bering Inter-Tribal Advisory Council (TAC), which was created to engage with the Federal Agency Task Force that is chaired by DOI, Department of Homeland Security (DHS)/US Coast Guard, and the National Oceanic and Atmospheric Administration (NOAA). The TAC is specifically charged with “providing input and recommendations on activities, regulations, guidance, or policy that may affect actions or conditions in the Northern Bering Sea Climate Resilience Area, with attention given to climate resilience; the rights, needs, and knowledge of Alaska Native tribes; the delicate and unique ecosystem; and the protection of marine mammals and other wildlife.”

The Council is unique as it represents a co-management framework that operates on a government-to-government basis, putting over 100 Tribes and Tribal entities directly at the table with federal agencies for a large region. With respect to oceans, the TAC interfaces directly with NOAA, DOI, DHS, and other members of the Federal Bering Task Force, rather than as just another stakeholder in the management process.⁶ This framework provides enhanced opportunities to elevate Indigenous priorities (e.g., fisheries management, shipping, food security), improve Tribal consultation and/or co-management, and secure meaningful conservation. Increased federal financial and logistical support for the Tribes and Elders on the TAC will be necessary to ensure durability and effectiveness of the co-management framework established by the Executive Order.

We appreciate the critical work to date and currently ongoing led by the White House in collaboration with the TAC to identify priority issues and ensure the effectiveness of the Tribal consultation process to lead to outcomes that protect the marine ecosystem and promote climate resilience.⁷ We would like to see these policies implemented with full consultation with Tribes and Tribal entities in the Arctic and the Bering Sea.

We encourage the Administration to use the creation of the Ocean Justice Strategy as an opportunity to create durability for the TAC and Bering Task Force, both of which are central to the NBSCRA. The Federal Register (FR) Notice references the relevant Biden-Harris Administration actions and reports important for the development of this Strategy. These materials should be reviewed for their effective application in the NBSCRA by the TAC and Bering Task Force with guidance from the OPC. This review would help ensure the equitable inclusion of the TAC, as well as ensure that Tribes in the region are actively included in applying the Administration’s policy priorities.

⁶ <https://www.whitehouse.gov/ostp/ostps-teams/climate-and-environment/arctic-executive-steering-committee-aesc/northern-bering-sea-climate-resilience-area/>

⁷ <https://www.whitehouse.gov/ostp/ostps-teams/climate-and-environment/arctic-executive-steering-committee-aesc/meeting-summaries-documents/>

The TAC is also well positioned to address with the Council on Environmental Quality (CEQ) and the OPC the questions posed in the FR Notice related to defining ocean justice and identifying barriers and opportunities for ocean justice in the northern Bering Sea. In addition, the TAC may offer ideas about “the research and knowledge gaps that we need to address for the Federal Government to create and advance an effective Ocean Justice Strategy and take equitable and ambitious action.” This is an opportunity to put TAC ideas into action, such as including Tribes from the Northern Bering Sea region in ocean-based decision making.

Prioritize establishment of Indigenous-led marine protected areas such as Alaġum Kanuuġ

The Administration has an opportunity to take concrete action by designating the Alaġum Kanuuġ (the Heart of the Ocean), which the Ocean Justice Strategy can facilitate. In the central Bering Sea, the Pribilof Islands are home to half of the world's population of northern fur seals, and over three million seabirds that rely on the islands for rookeries and nesting sites, while the surrounding waters are important habitat for bowhead and gray whales, walrus, orcas, and Steller sea lions. This region also supports some of the largest fisheries in the U.S. and produces nearly half of the seafood consumed domestically. Yet the ongoing management of federal fisheries has not meaningfully included Tribal governments or Indigenous Knowledge in decision-making, though both islands are experiencing alarming declines in marine mammals, seabirds, fish, crab, and other marine wildlife.

For these reasons, the Aleut Community of St. Paul Island Tribal Government (ACSPI) has proposed the designation of a new Pribilof Island National Marine Sanctuary, called Alaġum Kanuuġ, to encompass the waters surrounding both St. Paul and St. George Islands. If designated, Alaġum Kanuuġ would be a co-managed sanctuary aimed at protecting the region’s natural and cultural resources, as well as increasing the Tribe’s role in the management of fisheries, vessel traffic, and other activities. In addition to advancing co-management of fisheries in accordance with the National Marine Sanctuaries Act, the sanctuary will prohibit oil and gas drilling; harmful discharges; disturbance of, construction on or alteration of the seabed; disturbance of cultural resources; and disturbance of marine mammals and seabirds. Opportunities exist through the Ocean Justice Strategy to provide support for designating the sanctuary, as well as supporting engagement with the North Pacific Fishery Management Council and other federal management entities to protect fish, birds, marine mammals, and the communities of the Pribilof Islands that depend on a healthy marine ecosystem.

One of the main reasons this Indigenous-led sanctuary proposal is significant is it would establish the first ever co-managed sanctuary that uses the wisdom and experience of the Tribes to protect marine resources. We encourage the Biden administration to work with ACSPI to secure designation of Alaġum Kanuuġ to elevate Indigenous Knowledge and use best available western science to identify federal management actions that are needed to safeguard the health of the ecosystem upon which the Aleut communities of the Pribilof Islands depend.

Conclusion

We appreciate the Administration's efforts to develop an Ocean Justice Strategy that promotes substantive co-management for Alaskan Tribes, including the incorporation of Indigenous knowledge into management and decision-making processes. This engagement is especially critical at a time when Alaska's marine ecosystems are experiencing rapid and alarming changes due to increasing temperatures and other stressors.

Please do not hesitate to reach out to Steve Marx (smarx@pewtrusts.org) should you have questions or need clarification on these comments.

Sincerely,



Marcia Argust
Director, U.S. Conservation
The Pew Charitable Trusts