

ICE SEAL COMMITTEE

September 20, 2012

Docket Numbers USCG-2012-0720 and USCG-2010-0833

Dear Sir or Madam:

The undersigned federally-recognized and tribally authorized organizations: the Alaska Eskimo Whaling Commission, Alaska Beluga Whale Committee, Eskimo Walrus Commission, Ice Seal Committee, and Alaska Nanuqu (Polar Bear) Commission want to address the expected impacts of increased shipping traffic in the Arctic on our way of life and subsistence activities. Each of our organizations carries out co-management responsibilities under the Marine Mammal Protection Act for our subject species pursuant to management agreements with federal regulatory agencies.

Our groups have come together to form a coalition (the Arctic Marine Mammal Coalition) to address shipping impacts with one voice. We have concluded that, unless effectively managed, increasing ship traffic in the northern Bering Sea, Bering Strait, Chukchi Sea, and Beaufort Sea (collectively "Arctic waters") has the very real potential to have significant adverse affects on marine mammals and subsistence activities which are vital to the health, safety, food security, and vitality of our communities.

The Arctic waters are important foraging and breeding habitat for the marine mammals that have sustained the Yup'ik, St. Lawrence Island Yupik, and Inupiat cultures of the region for at least 2,000 years. While some of the species are hunted year-round, spring and summer hunting of northward migrating marine mammals has always been a particularly critical component of the food security, and continued survival, for the communities of the Bering Strait region and the Chukchi and Beaufort Seas. Bowhead whales, beluga whales, walrus, ice seals, and polar bears are all hunted during the spring and early summer. Late summer and fall hunting of migrating bowhead whales has also long been essential to the Beaufort Sea villages. Sea ice changes in recent decades have altered many of these subsistence practices, leading to the emergence of fall and winter bowhead whale hunting along the Chukchi Sea coast and at St. Lawrence Island in the Bering Sea. However, the importance of the subsistence practices themselves remains undeniable. Currently, during much of each year, hunting vessels and marine mammals ply waters being increasingly used by large ocean-going vessels. Based on our long-standing and irreplaceable dependence on whales, walrus, seals, and polar bears, our primary concern is that increasing shipping traffic will reduce the availability of these animals, which continue to nurture the long-term health of our communities. Through the mitigation measures we suggest in this letter, we urge you to help us ensure that we do not bear the burden of risk from these new economic activities.

In addition, we are concerned about the threat to human life posed by large vessels steaming through our traditional hunting areas, where we hunt in small, open boats that are not easily

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visible and lack radar or other safety devices. The frequency and close proximity of large vessels to small hunting boats increases the probability of a collision. Such a collision would almost certainly result in serious injuries or loss of life for the hunters. These unforgiving conditions in which we already operate out of necessity to find food demand that the US Government support mandatory measures to ensure that the increase in vessel traffic in Arctic waters does not adversely affect our subsistence activities. As the Coast Guard is aware, these subsistence activities, and the marine mammals on which they depend, are protected under federal law. 16 U.S.C. 1361 *et seq.*

Our organizations support the ongoing efforts that the US Government is participating in at the International Maritime Organization (IMO) to adopt a mandatory Polar Code, as well as the preliminary steps regarding vessel navigation being taken by the Coast Guard in beginning the Bering Strait Port Access Routing Study (BSPARS). We also support the Coast Guard's continuing dialog with the Russian Federation on these matters, and hope that the United States will continue to press the Russian Federation to adopt reciprocal measures to protect shared marine mammals and subsistence hunting throughout the region. In addition, our communities appreciate the US leadership role in the IMO's adoption of a circular providing guidance on avoiding ship strikes on cetaceans (MEPC.1-Circ 674). We would like to see each of these efforts expanded to include mandatory measures to protect subsistence activities and resources in Arctic waters.

In moving forward, we are fortunate to be able to draw on at least two prior experiences. In the North Atlantic, coordinated efforts among a wide array of stakeholders, government agencies, and the IMO greatly reduced the impacts on marine mammals from shipping. These efforts should be used to inform actions in the Bering Strait where there is the critical additional need of protecting the safety of subsistence hunters and their food security. The Alaska Eskimo Whaling Commission's (AEWC) twenty-seven years of experience working with the offshore oil and gas industry to successfully mitigate industrial threats to subsistence hunting for bowhead whales is similarly valuable. This experience culminated in the Conflict Avoidance Agreement (CAA), an important multi-use management process that has led to the industry-funded annual practice of negotiating an agreement between oil and gas operators and the AEWC that allows subsistence whalers and offshore oil and gas developers to share Arctic waters. Successful traffic management provisions of the CAA have been adapted for use here and are set forth below.

At the upcoming meeting of the IMO's Marine Environmental Protection Committee (MEPC), it is our understanding that environmental issues like voyage planning, underwater noise, marine mammal impacts, vessel discharges (both air and water), invasive species, and pollution response will all be considered. We are all agreed that environmental issues should be part of the mandatory Polar Code, and would like to see the US Government advocate that MEPC support inclusion of mandatory provisions to address these environmental issues. In doing so it is important to note that changes in the environment affect subsistence resource distribution and thus our hunting practices, and also that changes in industry operations (for example an increase in traffic compared to prior years) can result in new or different measures being needed to protect subsistence hunters, so the US Government should seek to include in the Polar Code, and any

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mandatory navigation measures, mechanisms to ensure regular consultation (ideally annual) between the US Coast Guard and subsistence hunters to allow for adjustments to the measures when needed.

We request that the US Government support an ongoing dialogue to continually identify emerging issues related to shipping in an already rapidly changing environment, and the following specific recommendations regarding mitigation measures that should be made mandatory immediately:

- 1) due to the presence of large number of marine mammals of several species and subsistence hunting crews during spring and fall migration, we recommend that international vessels should transit to the east of St. Lawrence Island and at least 10 miles offshore during the migration;
- 2) during periods of open water, vessels should transit at least thirty five miles offshore in the Chukchi Sea and Beaufort Sea to avoid the open-lead system and near-shore hunting;
- 3) when operating in the presence of feeding whales, walrus, seals and polar bears; and aggregations of these same species, vessels should reduce speed to less than 10 knots and/or divert away from the animals.
- 4) all vessels transiting the Anadyr Strait and Bering Strait should do so at no more than 10 knots from 1 April to 10 July and 1 October to 1 December each year;
- 5) The Bering, Chukchi, and Beaufort Seas should be zero discharge zones;
- 6) the Coast Guard should establish a communications scheme to ensure that vessels transiting the area have a means of communicating with subsistence hunters;
- 7) all vessels greater than 30 feet should be required to carry and report using an Automated Information System (AIS);
- 8) all vessels transiting the Bering Strait should be required to contribute to a fund, managed by this coalition, to support ongoing efforts to assess and mitigate adverse impacts from vessel transits upon subsistence;
- 9) funding for emergency response training and equipment should be provided to coastal communities to supplement search and rescue or accident response capability in the Arctic; and
- 10) Alaska marine mammal observers should be on all transiting vessels greater than 30 feet in the region between Kaktovik and St. Lawrence Island.

We recognize that the IMO's and Coast Guard's guidance for the Polar Code and BSPARS, respectively, are primarily focused on vessel and personnel safety. Neither policy tool fully encompasses the environmental or cultural needs that are necessary to ensure continued health of

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ALASKA BELUGA WHALE COMMITTEE

ESKIMO WALRUS COMMISSION
ALASKA NANUQ COMMISSION


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our villages. Consequently, we urge the US Government to conduct and respond to a gap analysis, in consultation with our coalition, of key issues raised during these discussions that fall outside of the Polar Code or BSPARS, but could be addressed under alternate policy tools, such as through a Particularly Sensitive Sea Area designation.

We appreciate your patience while we worked to develop the necessary structure and organization in which to address these new challenges in our ancestral home. As noted above, each of our respective organizations has a cooperative agreement with federal agencies regarding management of specific subsistence resources; these cooperative agreements include a consultation mechanism. Given the critical importance to our communities of the issues created by increased arctic shipping, we would like to engage, through this coalition, in an ongoing consultative process with the Coast Guard on these matters.

Respectfully,


Alaska Eskimo Whaling Commission


Eskimo Walrus Commission


Alaska Beluga Whale Committee


Alaska Nanuq Commission


Ice Seal Committee