

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

Testimony before the U.S. House Subcommittee on Fisheries Conservation, Wildlife & Oceans

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Mr. Chairman, and distinguished members of the Subcommittee on Fisheries Conservation, Wildlife and Oceans. Thank you for the opportunity to testify on the National Marine Fisheries Service's (NMFS) scientific research program on Steller sea lions and the process used to develop the jeopardy finding, the Biological Opinion, and the Reasonable and Prudent Alternatives (RPA) for the pollock fishery under the Endangered Species Act.

My name is George Owletuck, from Marshall, Alaska. I am a lifelong Yup'ik Eskimo subsistence hunter and fisherman. I hold a 1995 Bachelor's of Education from the University of Alaska, Anchorage. I've served under The Washington Center's 1992 National Minority Leader's Fellowship in the DC office of U.S. Senator Ted Stevens and served on his Alaska staff for three years. I worked for Senator Lyman F. Hoffman in the Alaska State Legislature on rural issues. I served as the Director of the Yukon-Kuskokwim Coastal Resource Service Area addressing coastal resource issues under the Federal Coastal Zone Management Act. I recently served as the Natural Resources Director for the Alaska Inter-Tribal Council, a consortium representing Alaska Native interests. My individual testimony is as an Alaska Native subsistence hunter and fisherman concerned over the long-term decline of animal species in Alaska waters.

Subsistence uses of land animals, waterfowl, salmon, and marine mammals have provided for the sustenance of Alaska Native families for millenia. Entire indigenous Alaska cultures revolve around the harvests, utilization and distribution of various plant and animal species. Alaska Native societies still depend upon this hunting, fishing and gathering lifestyle for nutritional, physical, and spiritual well-being. Immersing oneself in the wilderness of Creation instills a growing awareness of the Creator and the Laws of Nature over a lifetime of living the hunting, fishing and gathering lifestyle. This acute awareness conveys the sense that the Creator has established a balance in nature to sustain the food chains in the web of life. Alaska Natives, indeed indigenous peoples, maintain cultures that perpetuate lifestyles of living in harmony with the environment--Creation--to preserve this delicate balance in nature.

The severe declines of animal populations, such as sea lions, suggest that the intense commercial harvests of Alaska waters have upset the balance of their delicate ecosystems. The National Marine Fisheries Service needs to address the imminent extinction of Steller sea lions in Alaska waters. The billion-dollar groundfish trawl fishery is strongly linked to the drastic decline of marine animal populations in Alaska. Devastating marine animal population declines coincide with the development of high-volume trawl fisheries in the same times and areas. Steller sea lions, harbor seals, sea birds and salmon feed on the same fish targeted by the groundfish trawl fisheries. The population of sea lions has declined 80 percent over the last three

decades. The sea lions are "endangered" under the Endangered Species Act. Northern fur seals are "depleted" under the Marine Mammal Protection Act. Returning salmon numbers have plummeted so severely that the Yukon-Kuskokwim River fisheries have been declared a disaster by the state of Alaska.

Drastic population declines suggest that the concentration of the fisheries in time and space have detrimental effects on sea lions. The declines in steller sea lions began in the eastern Aleutian Islands in the early 1970s, where a massive trawl fishery for pollock was concentrated at the time. Further declines occurred in the Gulf of Alaska and along the Aleutian chain as large-scale groundfish trawling moved into those regions. No declines in sea lions have occurred in southeast Alaska, where no high-volume groundfish trawling occurs. Lack of available food is the leading explanation for the declines in sea lions and other species, and all of these species, but particularly sea lions, compete directly with the massive fisheries for pollock, Atka mackerel, and other groundfish.

Moreover, these fisheries have become extremely concentrated into sea lion critical habitat, which was designated based expressly on the need for adequate food in these areas. The average amount of pollock harvested annually from waters of critical habitat where sea lions feed and breed has increased from 672 million pounds in 1986 to 1.79 million pounds in this decade.

The fisheries also have become concentrated into the fall and winter, the when adequate food availability is most crucial for sea lions. Thus, the evidence suggests that populations of pollock predators have dropped, at least in part, because of intense and concentrated fishing. A NOAA Fisheries' recent Steller sea lion stock assessment show population declines from 110,000 in 1978 to fewer than 40,000 today. Steller sea lions were listed as threatened in 1990, and those found in the Bering Sea, Aleutian Islands and Gulf of Alaska were reclassified as endangered in 1997. For these reasons, I strongly support the conclusions of jeopardy and adverse modification. The problem is not with the conclusions, the problem is with the agency's failure in the RPA to address the underlying problems or to avoid jeopardy to the sea lion or adverse modification of its critical habitat.

The National Marine Fisheries Service (NMFS) must act aggressively to halt the sea lion decline and recover this endangered animal. NMFS should (1) prohibit trawling in all critical habitat surrounding sea lion rookeries and haulouts; (2) dramatically reduce the catches of pollock, Atka mackerel and other fish essential for sea lion survival in at-sea foraging areas; (3) reduce the overall catches of pollock and other groundfish, particularly the catches of spawning pollock; and (4) spread the remaining catch over the entire year and over broader areas of the Bering Sea and Gulf of Alaska, rather than allowing the catch to be concentrated in time and space as it is now.

Alaska Native communities are directly affected by the drastic declines in Alaska marine species. Managers must recover the sea lions over time while still protecting the Alaska communities that rely on fishing for jobs. The Alaska pollock fishery is worth an estimated \$670 million annually. For millennia, Natives have depended upon these animals for cultural, spiritual, nutritional and economic survival. Increased involvement of Native elders and leaders in research, regulation and enforcement is necessary for effective policy-making. To date, this has not happened. Indeed, at the same time NMFS has been reviewing the impacts of the fisheries on the sea lions, it is also attempting to review the impact of the fisheries on the ecosystem as a whole. Yet it is doing this without the involvement of local people. It rushed through this National Environmental Policy Act (NEPA) process apparently because it did not want to slow down the commercial fisheries.

Even the Environmental Protection Agency (EPA) noted NMFS' failures to involve local people:

Concern with the Supplemental Environmental Impact Statement (SEIS) lacking a discussion of impacts on Alaska Natives' subsistence needs and uses Our comment stated that NEPA, Alaska National Interest Lands Conservation Act (ANILCA) and the federal trust responsibility requires that the SEIS respectively analyze proposed projects which could potentially conflict with Indian tribes (40 CFR 1502.16), "the effects on subsistence uses and needs" (16 U.S.C. Section 3120(a)), and whether proposed actions are consistent with Federal Agencies' fiduciary trust responsibility for Native Alaskans. We also noted that Congress recognizes the importance of subsistence lifestyles even when utilizing threatened or endangered species by granting taking exemptions for the Endangered Species and Marine Mammal Protection Acts at 16 U.S.C. Section 1539(e).

Our comment was that the SEIS lacked and continues to lack a discussion of the impacts of the Fishing Management Plan (FMP) *on Native subsistence users* and should include an analysis of direct, indirect and cumulative impacts on subsistence users as required by NEPA (40 CFR 1502.16). We strongly recommend that you consult with subsistence users regarding the impacts of the fisheries. Notably absent from the SEIS is consultation with the tribes that have hunted and fished the region for centuries and depend on it for subsistence

Another aspect which was completely missing from the decision making process was consultation with federally recognized Tribal governments in Alaska in accordance with the general trust responsibility and the recent Presidential Executive Order of May 31, 1998, *Consultation and Coordination with Indian Tribal Governments* (E.O. 13084). Tribal governments are uniquely qualified to provide knowledge about resource trends and potential impacts to people and resources in their homeland areas. The SEIS has not directly consulted tribal governments, and thus cannot provide a complete discussion of significant environmental impacts.

I have attached this letter to my testimony, and it underscores the frustration we have with NMFS.

The use of Alaska Native traditional knowledge and wisdom along with ecosystem-based research is in order. This approach will be an effective process for identifying appropriate strategies to address the severe declines of animal species in Alaska waters. We must ensure the trawl fisheries do not over-exploit these waters in order to maintain the balance in nature necessary to sustain the food chains in the Bering Sea and the Gulf of Alaska ecosystems. We must protect this delicate balance in nature to preserve sustainable fisheries and the Alaska Native hunting, fishing and gathering lifestyle.

Mr. Chairman, and distinguished members of the Subcommittee on Fisheries Conservation, Wildlife and Oceans. Thank you for the opportunity to testify today.

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