



# TRUSTEES FOR ALASKA

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**Legal Brief**

**November 2012**

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## ***Elders Group Reaches Agreement with Trawl Industry to Protect Subsistence Resources***

**Dear Supporter,**

Are you willing to make a change, or take a chance? In President Obama's victory speech early Wednesday, he said one of his dreams is that the nation's children would live in an America "that isn't threatened by the destructive power of a warming planet."

However, all across America people are experiencing extreme weather patterns. From the devastation of Hurricane Sandy, to the increase in levels of sea ice melt in the Arctic, serious weather consequences are real.

In Alaska, we too have been experiencing a series of extreme weather events: record setting snowfall in Anchorage, extreme wind storms in Southcentral, and flooding from the Kenai Peninsula all the way up north to Talkeetna.

Understanding climate change in the Bering Sea is the subject of much research, and concern about future fisheries and traditional food security. That's why Trustees for Alaska has partnered with the Bering Sea Elders Group



*Winter flock of spectacled eiders roosting in an open lead of ice pack south of St. Lawrence Island in the Bering Sea. Image courtesy of USFWS.*

*The northern Bering Sea - the transition between the warmer Pacific Ocean and the colder Arctic Ocean - is characterized by seasonal ice cover and especially rich benthic communities. Gray whales undertake annual migrations of more than 4,000 miles to reach the rich feeding grounds of the northern Bering Sea shelf and beyond. Bowhead whales spend winters among the ice flows. The world's population of spectacled eiders amasses in enormous flocks to spend winters between St. Matthew and St. Lawrence Islands. These seabirds dive to the ocean floor to feed, and therefore depend on healthy seafloor habitat for survival. Pacific walrus also forage on the productive seafloor, with each animal eating up to 6,000 clams a day in order to fulfill their energy needs. The northern Bering Sea is important habitat for all five species of salmon, and Western Alaska Chinook salmon spend much of their life in the Bering Sea.*

and the Native American Rights Fund. Together we hope to address these concerns, which will benefit many generations to come.

With your continued support, you can help us protect Alaska's fisheries and safeguard not only Alaskans' way of life, but one of the nation's healthiest and most sustainable food sources - found only in the Bering Sea.

**Don't take any chances - it's not a gamble worth taking - help us to make the changes necessary to fight for the protection of the resources that are a part of every American's natural heritage, and protect generations to come.**

I can assure you that your gift will be put to good, effective use. That's our promise to you.

Sincerely,

Trish Rolfe  
Executive Director



**Support**  
**Trustees for Alaska**  
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Trustees for Alaska is the only Alaska-based non-profit public interest law firm providing legal counsel to protect and sustain Alaska's natural environment. We provide legal counsel to diverse constituencies on the major environmental policy issues facing Alaska.

Our work is far from over -- and relies on donations from foundations and individuals who care about protecting Alaska's special places. Support us today! Your

*The years 2000-2005 were a record warm period in the Bering Sea. Scientific surveys showed that 45 fish species shifted the center of their distribution northward. Tribes, scientists, and fishery managers became concerned that the trend would cause the industrial bottom trawl fishing fleet to also move north into new waters.*

*In 2007, with support from 25 tribal governments, the North Pacific Fishery Management Council ("the Council") established a bottom trawl boundary in the Northern Bering Sea. The fishery managers created a boundary that would "freeze the footprint" of the current bottom trawl fishery. At the time the boundary was set it was controversial, and the Council agreed to revisit it again in five years.*

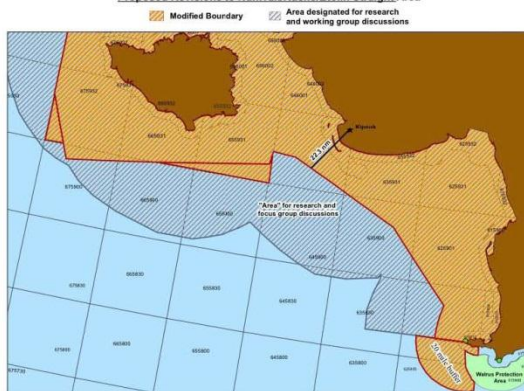
*The Bering Sea Elders Group ("Elders Group") formed in 2007 to unify traditional leadership and foster collaboration between tribes across two large regions of the Bering Sea (Yukon-Kuskokwim and Bering Strait). For over two years, the Elders Group, represented by Trustees for Alaska and the Native American Rights Fund, has been engaged in a negotiation with the a segment of the trawl fishery to address concerns about the Nunivak Island - Etolin Straits - Kuskokwim Bay region and the local impacts from trawl boundary. The boundary comes close to several villages, and encompasses traditional subsistence fishing and hunting grounds.*

*Last month, a landmark agreement was signed by the Elders Group, the Alaska Association of Village Council Presidents ("AVCP") and the Alaska Seafood Cooperative, adjusting the trawl boundary and creating a working group of local residents and industry representatives that will share information and work to reduce the impacts of the trawl fishery.*

*The agreement was presented to the Council at its October meeting in Anchorage. The Council has been supportive of the groups negotiations and commended the parties for their hard work in reaching agreement. At the same meeting, the Elders Group, along with AVCP, Alaska Marine Conservation Council, Oceana and the Yukon River Drainage Fisheries Association presented the Council with information about groundfish in the Northern Bering Sea and the need for long-term monitoring of the ecosystem to assess the impacts of climate change on marine life, ocean habitat, local fisheries and the food security of local communities. The Council agreed to forgo further development of a research plan to study the effects of trawling within the closed area. Instead, the Northern Bering Sea will remain closed to trawl fishing.*

*by Valerie Brown, Senior Staff Attorney*

Proposed Revisions to Nunivak/Kusko/Etolin Strait Area



contribution of \$100, \$75 or \$50 is an investment in Alaska's future.

The Combined Federal Campaign  
Trustees for Alaska's CFC  
# 11326

Do you know how easy it is to make charitable gifts to Trustees for Alaska through payroll deductions if you are a Federal Employee? If not, now is a good time to find out!



During the month of November campaigns continue for the Combined Federal Campaign (CFC), and Trustees for Alaska is an active member of Wild Animals Worldwide, a coalition of organizations working to protect endangered animals and their habitat; to provide sanctuary for rescued and threatened species; to keep oceans and rivers safe and thriving; and to defend the "wild" in wildlife!

These campaigns provide you with opportunities to make contributions to Trustees for Alaska and many other worthy organizations through payroll deduction.

Employees of the federal government are eligible to participate in the CFC through campaigns across the Nation.

Look for us and make a pledge by visiting [Wild Animals Worldwide](http://www.wildanimalsworldwide.org)

[More Ways to Give....](#)

Thank you!

## Port MacKenzie Rail Project Threatens Important Salmon Habitat



*In September of this year, the U.S. Department of Commerce declared a salmon disaster in Cook Inlet, following a closure by state fisheries managers of commercial set net fisheries due to low King salmon returns. The Mat-Su Valley sport fisheries have also experienced numerous restrictions and closures over the past decade. That same month, the U.S. Army Corps of Engineers approved a permit to extend a new rail spur line from the Wasilla area to Port MacKenzie.*

*Port MacKenzie is a small industrial port located across Kink Arm from Anchorage. The Alaska Railroad Corporation's proposed rail spur is a 35-mile long dike through the Susitna Flats, an area with extensive wetlands that provides important habitat for wildlife, including all five species of salmon. This dike will significantly*

*impact wetlands, streams, and creeks in the Susitna flats, threatening the already imperiled Cook Inlet and Mat-Su Valley salmon runs.*

*Aside from the direct damage this project poses to the Susitna Flats and salmon, it is also another state boondoggle. The \$275-300 million dollar project is a state subsidy to companies like Usibelli Coal Mine. Usibelli is currently exporting the maximum amount of coal that the Seward export facility can handle. Usibelli wants additional export facilities to move more coal overseas. This is where Port MacKenzie comes in. Usibelli needs the rail spur to Port MacKenzie to export coal from expanded mining at Healy, as well as from the Wishbone Hill coal strip mine in the Matansuka Valley (another project Trustees for Alaska is fighting).*

*In October, Trustees for Alaska challenged the Railroad's permit to fill wetlands for the construction of the rail spur. Our clients are Cook Inletkeeper, Alaska Survival and the Sierra Club. We are seeking to have the wetlands permit thrown out for failing to protect the Susitna Flats wetlands from the rail construction. Stay tuned for developments as this case is briefed and argued.*

*by Brian Litmans, Senior Staff Attorney*

Please visit our website at [www.trustees.org](http://www.trustees.org)