

ABM Testimony 10-12-2020

Good morning Council Members, for the record my name is Mateo Paz-Soldan. I will be speaking on behalf of the City of Saint Paul. Mayor Swetzof sends his regards. He is not as comfortable in this Brave New World of virtual Council meetings.

To start off, the City supports the AP Motion. We think it provides a pathway for taking this action to the next level.

I would like to focus the City's comments today on the Social Impact Assessment. The City believes the SIA did a good job of describing St Paul's halibut dependency as well as the importance of the halibut resource to this unique Unangan Aleut community. This information will provide important guidance to the Council on NS8 -- regarding sustained Community Participation in Fisheries.

Where the City found that the SIA was missing legal guidance, and the SSC agreed with us, was in the Regulatory Context Section of the SIA on pages 3 and 4. There is no mention in the Regulatory Context of National Standard 4 Equity in Allocations – and more specifically of the NMFS guidelines to National Standard 4. These guidelines state in Section 3 that “[w]here relevant, **judicial guidance and government policy concerning the rights of treaty Indians and aboriginal Americans must be considered in determining whether an allocation is fair and equitable.**”

The SIA has highlighted 17 Bering Sea halibut-dependent communities including St Paul in its assessment, most of which are overwhelmingly Alaska Native. Many of these communities have been severely impacted by the status quo, and several are no longer participants in the fishery. As such, failure to properly manage the fisheries to the detriment of these Native communities, may have already violated federal trust responsibilities and treaty rights towards Alaska Natives.

The ‘trust responsibility’ is a legal principle which the U.S. Supreme Court stated in United States v. Mitchell in 1983 is “the undisputed existence of a general trust relationship between the United States and the Indian people.” This responsibility requires that the federal government support tribal self-government and economic prosperity, duties that stem from the government’s treaty guarantees to protect Indian tribes and respect their sovereignty. The purpose behind the trust doctrine is and always has been to ensure the survival and welfare of Indian Tribes and people.

Unfortunately, the history of the United States in its interactions with Native Americans is a trail of tears, and broken treaties and promises, particularly when access to a valuable resource has been at stake. However, these rights and treaties are legally enforceable.

Since the current action, which is partly allocative in nature, could have a disproportionate impact on Alaska Natives, the City believes the National Standard 4 guidelines are a key guide to the Council's decision-making on this action and has recommended its inclusion in the SIA review.

As noted in the National Standard 4 guidelines, the Council and NMFS must take into account the rights that the relevant Tribal Governments and members have with the Federal Government, which may be affected by future Council action. In the case of St. Paul and St. George in particular, as noted by the Department of Interior letter of 2015, which is attached to CBSFA's written comments, the tribal governments and members have federally protected fishing rights, the protection of which is vitally important. The DOI letter further notes that this protection requires access to the halibut fishery resource at a level sufficient to sustain the local fishing economy and the subsistence needs of the St Paul Tribe.

Obligations by the federal government and its agencies towards the Pribilof Aleuts are spelled out in a number of acts of Congress such as the Fur Seal Act of 1983 and the Pribilof Islands Transition Act of 2000. These acts attempted to redress hundreds of years of slavery of the Pribilof Aleuts by the Russian and US governments in pursuit of the fur seal harvest, as well as the catastrophic removal of the entire Pribilof population to Funter Bay during WWII when 30% of the Pribilof Aleut population died due to neglect and mistreatment.

The primary objective of these acts was to direct federal agencies and provide funding to "promote the development of a stable, self-sufficient, enduring and diversified economy not dependent on sealing" in the Pribilofs, which was understood in the Congressional Record as providing for the sustained participation of both Pribilof communities in the Bering Sea fisheries.

These obligations have been recognized in later years, when this Council adopted the Crab Rationalization Program in 2002, and included community protections such as regionalization, that provided for St Paul's sustained participation in the crab fisheries. as well as in several appropriations bills that have funded expansion of the St Paul Harbor as recently as 2018.

The City asks for an ABM action that takes these issues into consideration: protection of the resource; restoration of equity in the use of the resource, and providing for the sustained participation of St Paul and other halibut-dependent communities.

One final comment, I wanted to thank Mr Tweit, for the concern he expressed last Friday during B reports about how small boat fisheries in the Bering Sea, like those based on St Paul can be protected in the future from what appears likely to be a new normal in military tensions with Russia and other powers over the Arctic and its resources. The rush to the Arctic has parallels to the scramble by the colonial powers for Africa or Central Asia in the 18 and 1900s.

The fisheries related infrastructure that has been built on St Paul since the 1980s to the tune of approximately \$150 million is important not just to St Paul's halibut and crab fisheries, and to the Bering Sea commercial fisheries, but also the national security of the United States. And this is not a far-fetched, over the top, statement. The recent Russian military exercises in the Bering Sea, with one incident reported just 70 miles west of the Pribilofs points to the importance to the United States of maintaining viable and healthy communities on what is its de facto boundary with Asia, with powers such Russia, China, and North Korea.

The people of St Paul are painfully aware of the broader strategic and national security implications of their island's location. Only 80 years ago, during WWII, due to the Japanese military advance in the Aleutians, the entire population of the Pribilofs was evacuated to Funter Bay, near Juneau, where about 30% of the population died due to neglect, mistreatment, and disease.

Sure, National Security is not an MSA National Standard, although I would argue that in future MSA iterations it should be. But this bigger picture in the management of the Bering Sea's resources is important to keep in mind, as we were so starkly reminded by the Russian Navy last month. Saint Paul Island is an unsinkable aircraft carrier for the US in the central Bering Sea. But St Paul and other Bering Sea communities/aircraft carriers need fish to stay afloat.

Thank You.