

United States Senate

February 23, 2023

Dr. Richard W. Spinrad
NOAA Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue NW, Room 5128
Washington, DC 20230

Dear Dr. Spinrad,

We write to express our concern regarding the June 8, 2022 addition of the Alaġum Kanuux nomination to NOAA's inventory of areas to consider for designation as a national marine sanctuary. The Bering Sea is home to the nation's largest fisheries, which are vital – both directly and indirectly – to stakeholders across a wide region of Alaska and Pacific Northwest. We are concerned that the process through which NOAA added the nomination to its inventory was done with a lack of transparency and inadequate information, resulting in confusion for the many potentially affected stakeholders.

NOAA has voiced a commitment to having a transparent public process with respect to the potential designation of the proposed Alaġum Kanuux sanctuary, noting the robust process required by the National Marine Sanctuary Act. Yet, NOAA's process to add the nomination to inventory has been insufficient from the start. NOAA only informed the vast majority of stakeholders, including the North Pacific Fishery Management Council – the primary fishery management body for the Bering Sea – after it made a final decision. It is our understanding that the Director of the National Marine Fisheries Service only learned about the listing at the June 2022 North Pacific Fishery Management Council meeting.

Additionally, adding to the confusion and problematic nature of this proposal, NOAA's notice to the public regarding the addition to its inventory notes that the proposed boundaries for the nomination had been withdrawn, making it impossible for stakeholders to evaluate the level of potential impacts of the proposal. No information regarding the removal of the boundary is found on the National Marine Sanctuary's inventory website, the nomination materials, or official NOAA letter adding the nomination to inventory. The only written record of the change is found within the June 8, 2022 public notice regarding the addition of the nomination to inventory. However, this notice fails to lay out a detailed process with respect to how a new boundary will be selected nor at what point in the process it will occur.¹

Given the lack of a defined boundary, it is difficult to understand how NOAA would have sufficient information to evaluate the nomination. In 2014, NOAA published its [final rule](#) re-establishing the sanctuary nomination process, which created a process for public nominations. NOAA received nearly 18,000 comments on the rule and revised its final rule with the intent of

¹ The Federal Register notice notes:

In the revised nomination, the nominators proposed utilizing Indigenous knowledge and empirical science to assess numerous biological, ecological, and physical features of the Pribilof Islands marine ecosystem (*e.g.*, oceanographic features, foraging and migratory dynamics of seabirds and marine mammals, and population dynamics) and working with co-managing partners and advisors to determine appropriate sanctuary boundaries should ONMS move forward with sanctuary designation.

Notice of Alaġum Kanuux Site Added to the Inventory of Areas for Possible Designation as National Marine Sanctuaries, 87 Fed. Reg. 34851-53 (June 8, 2022).

ensuring transparency and clarity for all stakeholders through the nomination process. The final rule established four “national significance criteria” and seven “management considerations” that all nominations must be evaluated against. Importantly, the rule requires that NOAA consider not the nomination, but the “nominated area.” Without a defined area for the proposal, it is impossible for NOAA to evaluate the “nominated area” against the nomination criteria. For example, if the boundary is undefined, how will NOAA consider the adverse impacts from current or future uses, or determine whether the existing regulatory management authorities for the area could be supplemented or complimented to meet conservation and management goals for the area?

NOAA also failed to adequately determine the degree of community-based support for the nomination. The final rule requires that NOAA consider a broad range of interests and NOAA revised the final rule to ensure that all voices with an interest are heard and considered, not just voices closest to the proposed area or those solicited by the nominating group. The nomination lies within the fishing grounds of largest commercial fisheries in the United States, would directly or indirectly impact nearly every commercial fishery in the Bering Sea, and have impacts for every CDQ community in Alaska. Yet, National Marine Sanctuary staff did not conduct any meaningful outreach with affected stakeholders beyond those in St. Paul and St. George nor did it make any public notice with respect to its consideration of the nomination until after the decision had been made. St. George has since withdrawn support for a sanctuary enclosing their island location, and is located less than 50 miles from St. Paul. Other communities around the Bering Sea were not consulted, despite the original proposal boundaries being closer to them than the Pribilof Islands.

Any significant changes to governance, management, access, and statutory authority in the Bering Sea will affect thousands of stakeholders, numerous communities, and several management bodies. NOAA has a responsibility to adhere to a robust and transparent decision-making process that provides clear information to stakeholders and follows the sanctuary nomination process from the start, not after the fact. We therefore respectfully ask you to remove the nomination from inventory and reevaluate the proposal once a boundary is defined and adequate stakeholder consultation has occurred.

Sincerely,



Lisa Murkowski
United States Senator



Dan Sullivan
United States Senator

CC: Secretary Raimondo