

MEMORANDUM OF AGREEMENT
BETWEEN THE
ALEUT COMMUNITY OF ST. PAUL ISLAND TRIBAL GOVERNMENT
AND THE
UNITED STATES OF AMERICA
U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

The parties to this Memorandum of Agreement (MOA) are the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) and the Aleut Community of St. Paul Island (ACSPI). NMFS and the ACSPI are collectively herein referred to as the Parties or individually referred to as a Party.

I. Recitals

WHEREAS, from time immemorial, ACSPI holds connections to the marine waters surrounding the Pribilof Islands, and the fate of the Aleut People is inextricably linked to the integrity of the marine ecosystem surrounding their ancestral home; and

WHEREAS, the marine waters surrounding the Pribilof Islands are integral to the cultural, ceremonial, and economic existence of ACSPI, and to ensuring the integrity and productivity of species and natural resources to which ACSPI has established subsistence and other rights and interests; and

WHEREAS, NOAA's mission is to understand and predict changes in climate, weather, oceans, and coasts; to share that knowledge and information with others; and to conserve and manage coastal and marine ecosystems and resources. NMFS is responsible for the stewardship of the nation's ocean resources and their habitat. NOAA and NMFS undertake their missions in accordance with the Tribal trust responsibilities of the United States Government; and

WHEREAS, the Pribilof Islands and their people are experiencing dynamic changes in the marine ecosystem caused by climate change and other factors, with real costs to human and ecosystem health, local economies, and culture; and

WHEREAS, the Parties are working, and will continue to work, together based on a government-to-government relationship that recognizes each Party's important roles in stewarding the marine waters surrounding the Pribilof Islands; and

WHEREAS, valuable and important Traditional and Indigenous Knowledge systems including Aleut cultural, natural, community, and spiritual values should inform NMFS management decisions impacting the Pribilof Islands marine environment; and

WHEREAS, this MOA represents a small measure of restorative justice by NMFS as a United States governmental agency for past injustices with respect to ACSPI.

II. Purpose

The Parties agree to work together on matters related to the sustainable management and stewardship of the marine resources under NMFS's jurisdiction surrounding St. Paul Island, recognizing that some topics of mutual interest may be the responsibility of, or require coordination with, entities such as other federal agencies, the North Pacific Fishery Management Council, and/or the State of Alaska, in accordance with applicable law.

This MOA recognizes and affirms NMFS's trust obligations to ACSPI as a Federally recognized tribe. This MOA sets forth the guiding principles for coordination and communication between the Parties regarding management of resources under NMFS's jurisdiction in the spirit of collaboration, Tribal self-determination and self-governance, and consideration for Tribal proposals, recommendations, and knowledge.

The Parties acknowledge that any additional or ancillary agreements made under the framework defined in this MOA may necessarily take different forms according to the priorities, needs, and goals of a specific issue, generated and executed under the auspices of this or future cooperative framework agreements. The Parties will work in good faith to ensure that the vision and principles expressed in this MOA are reflected in any additional or ancillary agreements to the fullest extent possible under the law.

This MOA supports decision-making processes regarding management of resources under NMFS's jurisdiction in the marine waters surrounding St. Paul Island by facilitating an understanding of the unique and shared obligations of the Parties to manage, conserve, and protect the natural and cultural resources of the marine waters surrounding St. Paul Island. The Parties recognize the importance of Tribal sovereignty, self-determination, and sustainable economic development, as well as providing Tribal engagement in NMFS management decisions affecting ACSPI and the resources upon which the Tribe depends.

III. Background and History

NMFS and the ACSPI share a common interest and responsibility to ensure the productivity of the marine waters surrounding the Pribilof Islands, upon which ACSPI depends for food and economic security, and continued cultural existence. Additional background and history are provided in Attachment 1.

The federal government generally, and the Department of Commerce, NOAA, and NMFS specifically, have had a longstanding relationship with the Aleut people of the Pribilof Islands. The federal government's history on the Pribilof Islands, Alaska, began with the purchase of Russian America from Imperial Russia in 1867, sparking a rush to exploit the northern fur seal.

In 1869, Congress mandated the islands a "special reservation for Government purposes," and the government treated the islands as a business monopoly, which continued for more than 110 years. The Aleut people provided the main labor force and became wards of the government for more than eighty years.

Many federal agencies controlled the Pribilof Islands between 1867 and 1984. The Department of Commerce controlled the islands from 1903-1939. NOAA controlled and managed the commercial fur seal industry and associated activities on the Pribilof Islands from 1970 (when the agency was created) until 1984 when commercial sealing ended.

Given the long history between NOAA and ACSPI, this Agreement represents mutual commitment to strengthen this relationship in order to support sustainable management of marine resources in the waters around St. Paul Island and their critical importance to ACSPI.

IV. Authorities

The Parties recognize and acknowledge that:

A. NMFS has authority to execute and implement this Agreement pursuant to various statutory authorities that govern NMFS's stewardship of marine resources and habitats. NMFS has responsibilities for the management of marine mammals under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 et. seq.), for the recovery of species listed under the Endangered Species Act (16 U.S.C. 1531 et. seq.), and for the management of northern fur seals under the Fur Seal Act of 1966 (16 U.S.C. 1151 et. seq.). NMFS has authority for the management of certain "fish" (finfish, mollusks, crustaceans, and other forms and marine animal life other than marine mammals and birds) under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (16 U.S.C. 1801 et. seq.). NMFS has authority for the management of halibut under the Northern Pacific Halibut Act (16 U.S.C. 773 et. seq.), which implements provisions of the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed in Ottawa, Canada on March 2, 1953, as amended by the Protocol Amending the Convention, signed in Washington, D.C., on March 29, 1979 (Halibut Convention). NMFS has authority under the MMPA to enter into cooperative agreements with Alaska Native Organizations for the conservation of marine mammals and the management of subsistence use of marine mammals by Alaska Natives (16 U.S.C. 1388). NMFS has authority under the MSA to establish a cooperative research and management program, implemented on a regional basis, that is developed and conducted through partnerships among Federal, State, and Tribal managers and scientists and other entities and institutions (16 U.S.C. 1867).

B. The ACSPI has the authority to execute and implement this Agreement according to its constitution and bylaws.

V. Agreement

The Parties hereby establish a framework for how they will collaborate and make decisions relevant to this Agreement.

A. Mutual responsibilities of the Parties:

To the extent permitted by law, the Parties will:

1. Continue to collaborate on the co-management of subsistence use of marine mammals pursuant to the 2020 "Co-Management Agreement between the Aleut Community of St. Paul Island and the National Marine Fisheries Service" or any successor co-management agreement.
2. Communicate with each other regarding research projects of mutual interest occurring on and around St. Paul Island.
3. Consider new opportunities for co-stewardship and co-management of marine resources under NMFS's jurisdiction consistent with federal and Tribal laws and regulations.
4. Engage on an ongoing basis in collaborative dialogue, knowledge sharing and exchange, and learning for NMFS and ACSPI professional staff, NMFS and Tribal officials and official representatives, and all appropriate affiliates of NMFS and ACSPI.
5. Coordinate regularly on opportunities regarding outreach, public engagement, and communications about the marine waters surrounding the Pribilof Islands.
6. Support opportunities for future cooperation involving science, Traditional and Indigenous Knowledge, co-management, and co-stewardship within the marine waters surrounding the Pribilof Islands.
7. Share information on relevant funding opportunities for projects that can support the Parties' shared goals or mutual interest under this MOA.

B. ACSPI responsibilities

1. Develop internal capacity and resources to lead and actively partner on fisheries, marine and coastal resources, research activities, and programs in the marine waters surrounding St. Paul Island.
2. Provide information to inform NMFS management actions and decision-making processes affecting marine resources and the marine waters surrounding St. Paul Island.
3. Coordinate, organize, and assure appropriate ACSPI involvement in matters requiring government-to-government consultation and/or engagement within the scope of this MOA.
4. Identify and provide appropriate representation to engage in the implementation of activities, projects, or initiatives developed pursuant to this MOA.

C. NMFS responsibilities

1. Honor and implement applicable Executive Orders, Secretarial Orders, and Memoranda of Understanding.
2. Collaborate with ACSPI to provide opportunities for ACSPI to play a meaningful role in the management of resources under NMFS's jurisdiction in marine waters surrounding the Pribilof Islands through government-to-government consultation consistent with applicable Executive and Secretarial Orders, capacity building, and other means consistent with applicable authority.
3. Consider ACSPI's expertise and Traditional and Indigenous Knowledge in NMFS decisions affecting marine waters surrounding St. Paul Island, particularly concerning management of resources subject to reserved Tribal rights and subsistence uses.
4. Consider ACSPI proposals, recommendations, and knowledge that affect NMFS management decisions pertaining to the marine waters surrounding St. Paul Island.
5. Recognize ACSPI's Tribal stewardship, self-governance, and self-determination consistent with applicable authority.
6. Maintain open communication with ACSPI about pertinent issues and processes of which NMFS is aware that may affect the marine waters surrounding the Pribilof Islands.

VI. Resolution of Disagreements

Staff for the Parties should try to resolve all disagreements at the lowest level possible. If, after engaging in good faith efforts to resolve the disagreement, the staff conclude that further discussion is not likely to lead to resolution, staff will elevate the disagreement expeditiously to NMFS and ACSPI leadership for resolution. Timely elevation to higher equivalent levels within the respective organizations will continue if good faith efforts at resolution remain unsuccessful. Whenever possible and consistent with legal authorities, action on the subject matter of the disagreement will not be taken until the disagreement has been mutually resolved or elevated as described above.

VII. Duration of Agreement, Amendments, or Termination:

This MOA will become effective on the date of signature by the Parties. At least once every five years, the Parties will review this Agreement to determine whether it should be revised or terminated.

Modification of this Agreement may be proposed at any time by either Party and will become effective upon approval by both Parties.

This MOA may be terminated by either party following 90 days' written notice.

APPROVALS


ALEUT COMMUNITY OF ST. PAUL
ISLAND TRIBAL GOVERNMENT

US DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES
SERVICE

BY:


John Wayne Melovidov, President
Aleut Community of St. Paul Island

BY:


Janet L. Coit
Assistant Administrator for Fisheries
National Oceanic and Atmospheric
Administration,
National Marine Fisheries Service

DATE:

1/16/2025

DATE:

1/16/2025

ATTACHMENT 1

Statement of Context

A. Background

ACSPI is a Federally-recognized Tribe pursuant to the Federally Recognized Indian Tribes List Act of 1994. ACSPI is the representative sovereign government for the Aleut Community of St. Paul Island and belongs to *Unanga* (the People of the Sea), or the Aleut Peoples. As the Federally recognized sovereign Tribal Government of St. Paul, ACSPI is responsible for ensuring the optimal quality of life for all Tribal members and promoting, maintaining, and protecting cultural practices, awareness, preservation, self-governance, and self-determination for the Aleut Community of St. Paul Island. The Tribal Government leads the people of St. Paul towards an equitable and prosperous future with empowered, healthy families contributing to a thriving culture and sustainable community.

B. ACSPI's Statement of Tribal History

Unanga have been connected to the marine resources in the Pribilof Islands since before recorded history. The Pribilof Islands were known and used but not permanently inhabited by humans until Russian fur traders enslaved 137 *Unanga* from the Aleutian Islands and forced them to settle on St. Paul and St. George. Beginning in 1788, the Russian American Company

took Aleut hunters to the islands, often without choice, on a seasonal basis, and by the 1820s permanent settlements had been established on both islands. Seals were killed freely until then, when the Russian American Company established a licensed fur seal monopoly and adopted conservation methods in harvesting seals, taking only three- to five-year old non-breeding males and prohibiting the killing of female seals. By the time of the sale of the Russian-American territories to the United States in 1867, the Pribilof Aleuts had attained status, enjoying full rights as citizens of Russia, literate in two languages, paid fairly for their labor, and retaining their traditional systems of governance.

The second great shock to the Aleut culture came with the American purchase of Alaska in 1867. The Pribilof Islands were the unpublicized "jewel in the crown" of the Alaska Purchase, and the seal industry generated large revenues for the U.S. Treasury. At first, the Aleuts were paid competitive wages by a series of private monopolies, at a rate comparable to other industrial workers in America. After forty years of private control, however, the fur seal populations had been severely depleted, and the Aleuts experienced privation and malnutrition. The U.S. government took over the industry in 1910, and the Aleuts discovered that the government's agenda for the Pribilof Islands was seals, profits, and people—in that order. The Aleuts lost the rights they had held as Russian subjects and were now treated as wards of the U.S. government. Every aspect of their lives was interfered with—language, political structures, wages, religion, freedom of movement, and even their choice of marriage partners. This state of servitude to the U.S. government reached its apex in 1942 when the Pribilof Aleuts were forcibly evacuated from their homes and interned in dilapidated fish canneries in southeastern Alaska until the end of World War II. Many Aleuts died in the substandard conditions, lacking adequate food, water, sanitation, medical treatment, and shelter. When they returned, many found their homes destroyed by the U.S. Army.

From the 1950s through the 1980s, the U.S. Government maintained its broad authority to provide for the Aleuts in every respect. In 1983, Congress passed the Fur Seal Act Amendments, which ended government control of the commercial northern fur seal harvest and reduced Federal Government presence on the island. However, the Fur Seal Act Amendments of 1983 continued to recognize that the Pribilof Aleuts had always derived their livelihood from the marine resources of the islands. As Congressman Don Young of Alaska observed, "as a result of this historical forced dependence on the U.S. Government, the Aleuts have no economic base other than the harvest of fur seals." Accordingly, the Fur Seal Act Amendments intended "to assist the islanders in converting to a private-sector economy not dependent upon sealing operations."

To develop a stable, diversified economy separate from commercial sealing, the statute permitted St. Paul and St. George "to enter commercial fishing in the waters contiguous to their islands." The Aleut people of St. Paul have since been commercial halibut fishermen. Commercial crab fishing has also become integral to the economies of the Pribilof Islands. In recent years, severe declines in crab and halibut populations in the marine waters surrounding the Pribilof Islands have resulted in the significant curtailment of fishing opportunity, threatening yet again the existence of communities on the Pribilof Islands and the members of ACSPI.