

# Alaska Arctic Policy Commission

## Compendium of Federal and International Statements/Processes Affecting the Development of an Alaska Arctic Policy

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## **Issue Area: Arctic Oil and Gas – Managing for the Future in a Rapidly Changing Arctic (Report to the President March 2013)**

**Background:** The United States is an Arctic nation, one of only eight such nations worldwide that are responsible for the stewardship of a region undergoing dramatic environmental, social, and economic changes. The implications of these changes demand that the Federal government and its partners address management challenges in the region. In consultation with the National Ocean Council, the National Security Staff, and the Arctic Research Commission, the Interagency Working Group on Coordination of Domestic Energy Development and Permitting in Alaska (Alaska Interagency Working Group) initiated this report to describe the challenges related to the management of natural resources in the U.S. Arctic.

**Considerations:** In the U.S. Arctic, more than 20 federal agencies have responsibilities that include resource management, scientific research, homeland security, emergency preparedness and response, maritime and aeronautical safety, and support to communities. Many partners in the region work closely with these agencies to achieve a wide range of management goals; these partners include state agencies, tribal governments and Alaska Native organizations, municipal governments, industrial and commercial stakeholders, and conservation organizations. While the perspectives of these partners vary on specific objectives for the region, particularly regarding the appropriate extent of development, there is broad interest in supporting stable economies, thriving cultures, and sustainable ecosystems in the U.S. Arctic. Among the stakeholder concerns are bureaucratic processes that require engagement at many levels and which can burden stakeholders and communities. Partners in the U.S. Arctic want a framework for more inclusive, efficient, and transparent engagement that does not add unnecessary layers of bureaucratic process.

### **Key Findings:**

1. The report presents recommendations for advancing a common management approach that provides coordinated, forward-thinking solutions.
2. There are many efforts at the local, regional, state, federal, and international levels that endeavor to improve coordination among the region's stakeholders. These promising approaches can provide a foundation for a more holistic, integrated approach to management in the region.
3. Stakeholders strongly urged that it emphasize: whole-of-government coordination to improve efficiency and operational certainty; direct and meaningful partnership with stakeholders; science-based decision-making focused on ensuring sustainable ecosystems; adaptive approaches guided by ongoing research and monitoring; a region-wide planning approach that looks across jurisdictional boundaries; and improved understanding and consideration of the cumulative impacts of human activities in the region.
4. Adopt an Integrated Arctic Management approach when making stewardship and development decisions affecting the U.S. Arctic.
5. Ensure ongoing high-level White House leadership on Arctic issues.
6. The Federal government should promptly initiate a high-level dialogue with representatives of the State of Alaska, with the aim of facilitating a clearer understanding of shared goals and the identification of promising joint initiatives with this important partner.
7. High-level federal leadership should promptly engage with Alaska Native leaders to

reaffirm their special relationship with the Federal government and to identify specific objectives for advancing Alaska Native roles and perspectives in the Arctic.

8. Promote better stakeholder engagement.
9. The Federal government should evaluate the existing ways through which federal agencies, key partners, and other stakeholders interact on management and planning issues in the U.S. Arctic.
10. By the end of 2013, the Federal government should conduct a review of the numerous interagency efforts related to the U.S. Arctic, with an eye toward identifying and addressing overlapping missions and reducing duplication of effort.
11. The Federal government should identify and implement specific actions that already are underway and/or that may be improved to strengthen the capacity of science programs to provide focused, ecosystem-based information needed by decision-makers for wise stewardship and development of natural resources and improve decision-makers' access to integrated scientific information and traditional knowledge relevant to management in the Arctic.
12. Agencies involved in environmental evaluations should prepare broad-based, Arctic-wide information products that can be shared among agencies and be included as part of NEPA analyses for agency-specific actions.
13. The federal Arctic leadership team should facilitate international coordination by ensuring that the U.S. Senior Arctic Official is fully briefed on domestic efforts in the Arctic so that the Department of State can coordinate these efforts with those of the United States' bordering international partners and other Arctic nations through the Arctic Council.

**Follow up needed:** Success will require innovative and coordinated approaches that build upon the vast knowledge and experience of the people that know this region well and are committed to finding sustainable solutions.

### **Issue Area: Arctic Oil and Gas – International Maritime Organization (Strategic Plan, 2012-2017)**

**Background:** Shipping is perhaps the most international of the world's industries, serving more than 90 per cent of global trade by carrying huge quantities of cargo cost effectively, cleanly and safely. There is a need for international standards to regulate shipping. The United Nations in 1948 adopted a convention formally establishing the International Maritime Organization (IMO).

The purposes of IMO, as summarized by Article 1(a) of the Convention, are "to provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships". The IMO is also empowered to deal with administrative and legal matters related to these purposes.

Although safety was and remains IMO's most important responsibility, a new problem began to emerge - pollution. The IMO introduced a series of measures designed to prevent tanker accidents. The most important of all these measures was the International Convention for the Prevention of Pollution from Ships.

Coast Guard Commandant Adm. Robert Papp is the lead for the U.S. delegation to IMO and will be asking the organization for greater focus on the Arctic, including shipping. On April 23, 2013, Commandant Adm. Papp told the U.S. Senate Commerce, Science and Transportation Committee "the Bering Strait has seen a fourfold increase in [vessel] traffic, which creates the potential for disaster" and that "the potential for pollution [oil spills] and disaster is more likely from ships colliding, getting caught in a storm, running aground or being disabled." As the waters become clearer in the Arctic, there will continue to be a rise in commercial traffic above Russia and ultimately, this traffic will come within 50 miles of the coast of Alaska. Currently, the Coast Guard is working with Russian counterparts to come up with a proposal for the Bering Strait region which will likely be discussed at the IMO meetings later this year.

**Considerations:** The IMO adopts the Strategic Plan for the Organization (covering a six-year period), which sets strategic directions, or objectives. The strategic directions are under three broad categories: enhancing the status and effectiveness of IMO; developing and maintaining a comprehensive framework for safe, secure, efficient and environmentally sound shipping; and enhancing the profile of shipping and instilling a quality culture and environmental conscience within the shipping community.

**Key Findings:**

1. IMO is the primary international forum for technical matters of all kinds affecting international shipping and related legal matters.
2. Foster global compliance with its instruments governing international shipping and will promote their uniform implementation by member states.
3. Enhancing its contribution to sustainable development by strengthening its maritime capacity-building programs.
4. Respond effectively and efficiently to emerging trends, developments, and challenges by maintaining a risk management framework.
5. The highest priority will be the safety of human life at sea.
6. Enhance the security of the maritime transport network.
7. Focus on reducing and eliminating adverse impacts by shipping on the environment.
8. Ensure that measures to promote safe, secure and environmentally sound shipping do not unduly affect the efficiency of shipping including better regulations without unnecessary or disproportionate administrative requirements.
9. Pay special attention to the shipping needs of Small Island developing States and the least developed countries.
10. Apply goal-based standards for maritime safety and environmental protection.
11. In partnership with other stakeholders, will seek to raise the profile of the safety, security and environmental records of shipping in the eyes of civil society.
12. Enhancing the quality culture of shipping.
13. Enhance environmental conscience within the shipping community

**Follow up needed:** It is important that Alaska representation be a collaborative partner in the conceptual design and development of any proposal presented for IMO consideration that affects waters, coast and communities of Alaska.

## **Issue Area: Arctic Oil and Gas – National Ocean Policy (Executive Order 13547 - Stewardship of the Ocean, Coasts, and the Great Lakes)**

**Background:** The July 19, 2010 Executive Order 13547 established a national policy to ensure the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources, enhanced the sustainability of ocean and coastal economies, preserved maritime heritage, supported sustainable uses and access, provided for adaptive management to enhance the understanding of and capacity to respond to climate change and ocean acidification and to coordinate with national security and foreign policy interests. The EO established the National Ocean Council to implement the Final Recommendations of the Interagency Ocean Policy Task Force.

On April 16, 2013, the National Ocean Council released the Implementation Plan (Plan) which describes the actions the Federal Government will take to improve the health of the ocean, coasts, and Great Lakes. The Plan focuses on improving coordination to speed Federal permitting decisions; better manage the ocean, coastal, and Great Lakes resources that drive so much of our economy; develop and disseminate sound scientific information that local communities, industries, and decision-makers can use; and collaborate more effectively with State, Tribal, and local partners, marine industries, and other stakeholders. Without creating any new regulations or authorities, the Plan will ensure the many Federal agencies involved in ocean management work together to reduce duplication and red tape and use taxpayer dollars more efficiently.

**Considerations:** The Plan describes how specific actions to implement the Policy will benefit the ocean economy, safety and security, and coastal and ocean resilience by supporting local choices, and providing science for decision-making. The Plan also supports voluntary regional marine planning, which brings together ocean users to share information to plan use and sustain ocean resources. Neither the National Ocean Policy nor marine planning creates or changes regulations or authorities.

### **Key Findings: (Specific to the Arctic)**

1. Providing maritime safety and security in a changing Arctic by enhancing communication systems in the Arctic to improve our capability to prevent and respond to maritime incidents and environmental impacts.
2. Improve Arctic environmental incident prevention and response to ensure coordinated agency action, minimize the likelihood of disasters, and expedite response activities.
3. Improve Arctic sea ice forecasting to support safety at sea.
4. Improve Arctic mapping and charting for safe navigation and more accurate positioning.
5. Assess the status of the Federal Oceanographic Fleet to inform future planning and to ensure a more efficient interagency approach to managing the Fleet.
6. Implement a distributed biological observatory in the Arctic to monitor changes and improve our understanding of their socioeconomic and ecosystem impacts.

**Follow up needed:** The Plan presents specific actions by year beginning in 2013 that Federal agencies will take to achieve the outcomes described. The actions encompass and further the nine National Priority Objectives of the National Ocean Policy. Many of these actions will produce benefits in the short-term that address immediate needs of communities, ecosystems, and the public. Others create building blocks to support key outcomes in the medium- to long-term. All are based on public

feedback, the most pressing challenges, and available resources. There is a need to review these action items as incorporate Alaska-Arctic specific benefits and implications.

## **Issue Area: Arctic Oil and Gas – NOAA’s Arctic Vision and Strategy**

**Background:** NOAA envisions an Arctic where decisions and actions related to conservation, management, and use are based on sound science and support healthy, productive, and resilient communities and ecosystems. The agency seeks a future where the global implications of Arctic change are better understood and predicted. NOAA’s Arctic Vision and Strategy provides a high-level framework and six strategic goals (forecast sea ice, strengthen foundational science to understand and detect Arctic climate and ecosystem changes, improve weather and water forecasts and warnings, enhance international and national partnerships, improve stewardship and management of ocean and coastal resources in the Arctic and advance resilient and healthy Arctic communities and economies) to address NOAA’s highest priorities in the region. It is based upon assumptions that the region will continue to experience dramatic change, become more accessible to human activities and be a focus of increasing global strategic interest.

These goals were selected because they represent areas where NOAA can address urgent and timely issues that meet two key criteria: providing the information, knowledge, and policies to meet NOAA mandates and stewardship responsibilities, and providing the information, knowledge, and services to enable others to live and operate safely in the Arctic. Each goal also fulfills international goals and establishes, enhances, or leverages partnerships with other Arctic nations, international organizations, government agencies, and non-governmental organizations, academia, and local communities. The goals are also geared towards generating large societal benefits relative to the resources required and strengthening NOAA’s engagement, politically, scientifically, internationally, and publicly.

**Considerations:** NOAA provides vital Arctic science, services, and stewardship, including information and products that form a critical foundation for science and management of our trust resources in Arctic oceans and on the coasts—products that are essential for other agencies to succeed in their Arctic missions. However, achieving the Nation’s Arctic goals requires strong integrated partnerships at all levels of governance. NOAA’s Arctic strategic priorities are to strengthen Arctic science and service, enhance NOAA’s climate services and support the establishment of a National Climate Service, support coastal and Marine spatial Planning, ensure sustainability of marine fisheries and sustain satellite-based Earth observations.

### **Key Findings:**

1. Provide accurate, quantitative, daily forecasts to decadal predictions of sea ice are provided to support safe operations and ecosystem stewardship.
2. Improved baseline observations and understanding of Arctic climate and ecosystems to reduce the uncertainty in assessing and predicting impacts caused by a changing Arctic.
3. Provide advanced, accurate forecasts and warnings to ensure society can prepare for and respond appropriately to weather-related routine and extreme events.
4. Insure national and international partners are engaged to promote cooperation and sharing of data, observational platforms, and intellectual resources to enable more rapid and comprehensive attainment of NOAA’s Arctic science and ecosystem-based management goals.

5. Ensure the conservation, management, and use of ocean and coastal resources are based on sound science and support healthy, productive and resilient ecosystems and communities.
6. Support resilient and viable Arctic communities and economies through improved geospatial infrastructure, safe navigation, oil spill response readiness, and climate change adaptation strategies.

**Follow up needed:** In order to accomplish their stated goals, NOAA needs to coordination across all NOAA offices and to collaboration with the state, local, regional, federal, academic, and non-governmental organizational partnerships.

### **Issue Area: Arctic Oil and Gas – National Policy (NSPD-66 and HSPD-25)**

**Background:** The United States Geological Survey estimates that 22 percent of the world's oil and natural gas could be located beneath the Arctic. The estimate of oil availability to the US is in the range of 30 billion barrels while that of natural gas reserves could be 221 billion cubic feet.

The Arctic Policy of the United States refers to the foreign policy of the United States in regards to the Arctic region. In addition, the United States' domestic policy toward Alaska is part of its Arctic policy. The United States has been one of the eight Arctic nations and one of the five Arctic Ocean littoral countries.

On January 9, 2009, then President Bush issued National Security Presidential Directive and Homeland Security Presidential Directive (NSPD-66 and HSPD-25). Among the stated goals are to meet national security and homeland security needs relevant to the Arctic region, protect the Arctic environment and conserve its biological resources, and ensure that natural resource management and economic development in the region are environmentally sustainable.

**Considerations:** Because the U.S. Arctic include lands and waters of Alaska, it is imperative the State of Alaska and the United State governments collaborate on a focused policy.

#### **Key Findings:**

1. The United States has broad and fundamental national security interests in the Arctic region.
2. With regard to extended continental shelf and boundary issues, the United States is defining with certainty the area of the Arctic seabed and subsoil in which it may exercise its sovereign rights over natural resources such as oil, natural gas and methane hydrates is critical to national interests in energy security, resource management, and environmental protection. The most effective way to achieve international recognition and legal certainty for the United States extended continental shelf is through the procedure available to parties to the U.N. Convention on the Law of the Sea.
3. The United States and Canada have an unresolved boundary in the Beaufort Sea and the disputed are may contain oil and natural gas.
4. With regards to maritime transportation in the Arctic region, the United State is working through the International Maritime Organization (IMO) to promote strengthening existing measures and, as necessary, developing new measures to improve the safety and security of maritime transportation, as well as to protect the marine environment in the Arctic region. These measures may include oil and other hazardous material pollution response

agreements.

5. In carrying out NSPD-66 and HSPD-25 as it relates to economic issues, including oil and gas, the Secretaries of State, the Interior, Commerce, and Energy, in coordination with heads of other relevant executive departments and agencies seek to increase efforts, including those in the Arctic Council, to study changing climate conditions, with a view to preserving and enhancing economic opportunity in the Arctic region. Such efforts include inventories and assessments of among others of oil and gas development projects.
6. The United States will continue to emphasize cooperative mechanisms with nations operating in the region to address shared concerns, recognizing that most known Arctic oil and gas resources are located outside of United States jurisdiction.

**Follow up needed:** Updated hydrocarbon resource estimates in the U.S. Arctic. Build a state policy compatible with the national policy.

### **Issue Area: Arctic Oil and Gas – U.S. Arctic Marine Transportation System (CMTS report)**

**Background:** As climate change and loss of sea ice create a more accessible Arctic, consideration must be given to the risks and opportunities for commerce and economic growth, security of the U.S. maritime domain, indigenous peoples and their subsistence cultures and marine resource management, particularly along the Alaskan coast. For this reason, the region and the U.S. need an Arctic Marine Transportation System that meets the safety, security and environmental protection needs of present and future Arctic stakeholders and activities.

In May 2009 the Arctic Council approved the Arctic Marine Shipping Assessment (AMSA) Report, a project of the Working Group on the Protection of the Arctic Marine Environment (PAME) co-led by the United States, Canada, and Finland. AMSA highlighted the lack of marine infrastructure available to the region and made a number of recommendations to enhance Arctic marine transportation safety, protect Arctic people and the environment, and build Arctic marine infrastructure. To support AMSA implementation and to ensure safe and secure maritime shipping in the Arctic, Congress directed via the Coast Guard Authorization Act of 2010, that the interagency Committee on Marine Transportation System (CMTS) coordinate the establishment of domestic transportation policies in the Arctic.

In response to the Congressional directive, the CMTS report identifying existing Arctic Marine Transportation System (MTS) policies, assessed present and future uses of the Arctic, described the essential components of a U.S. Arctic MTS necessary for safe, secure, environmentally sustainable and reliable navigation, described components needed to protect maritime commerce, indigenous peoples and communities, and the environment as outlined in U.S. Arctic Region Policy and applicable law, evaluated the current condition of the U.S. Arctic MTS, including physical and information infrastructure and human capital, recommended priority areas for action both in the near and longer term, and recommended action through which CMTS agencies can strengthen the U.S. Arctic MTS to meet the nation's goals for safe Arctic economic development and environmental protection.

**Considerations:** Rather than establishing new policies for this increasingly accessible region, the CMTS report comprehensively examines existing policies and agency mandates to identify gaps and recommend specific priority areas for action to address policy goals. The rapidly changing Arctic

conditions increase the urgency to improve MTS services and infrastructure, both to take advantage of the opportunities presented, and to protect safety of life, property and the environment.

**Key Findings:**

1. CMTS take a leadership role in helping to coordinate, monitor and report on MTS-related priority actions and milestones derived from this report, AMSA and the NOP Arctic Implementation Plan.
2. Join the Law of the Sea Convention.
3. Implement the U.S. Arctic MTS improvement plan with priorities and time frames.
4. Improve sea ice and marine weather forecasts.
5. Map and chart U.S. Arctic waters.
6. Improve communications with technological enhancements to facilitate safe maritime operations, effective vessel management, and coordinated responses to maritime incidents.
7. Pursue expanded AIS coverage, including Satellite-AIS coverage.
8. Improve Arctic environmental response management through coordination, research, prevention, mitigation, and cleanup to minimize the risks and impacts of pollution events on protected Arctic communities and marine ecosystems.
9. Ensure effective search and rescue and emergency preparedness and response through strategic positioning of facilities and resources.
10. Increase U.S. icebreaking capacity in the Arctic.
11. Pursue CMTS partnerships with State of Alaska, Alaska Natives and the international community.
12. Pursue opportunities for private-public partnerships.

**Follow up needed:** The CMTS goal is to provide high-level leadership and improved coordination that will promote safety, security, efficiency, economic vitality, sound environmental integration, and reliability of the MTS for commercial, recreational and national defense requirements. CMTS agencies believe it is crucial to embrace this goal and to develop a comprehensive strategy to address development of the Arctic MTS and supporting elements across all MTS components and stakeholders. The state should be a full participant in the development of this strategy.

**Issue Area: NSS - National Strategy for the Arctic Region**

**Background:** On May 10, 2013, the President signed the National Strategy for the Arctic Region. The National Strategy for the Arctic Region sets forth the United States Government’s strategic priorities for the Arctic region. This National Strategy is intended to position the United States to respond effectively to challenges and emerging opportunities arising from significant increases in Arctic activity due to the diminishment of sea ice and the emergence of a new Arctic environment. It defines U.S. national security interests in the Arctic region and identifies prioritized lines of effort, building upon existing initiatives by federal, state, local, and tribal authorities, the private sector, and international partners, and aims to focus efforts where opportunities exist and action is needed. It is designed to meet the reality of a changing Arctic environment, while simultaneously pursuing global objective of combating the climatic changes that are driving these environmental conditions.

**Considerations:** The National Strategy advances U.S. security interests, pursues responsible Arctic region stewardship and strengthens international partnerships. The U.S. will work to maintain and

preserve the Arctic region as an area free of conflict, acting in concert with partners. The U.S. will make decisions using the best available information—scientific and traditional knowledge. The U.S. will pursue innovative arrangements with public-private and multinational partnerships in developing, maintaining, and operating infrastructure capabilities in the harsh Arctic climate and environment. The U.S. will consult and coordinate with Alaska Natives, recognizing tribal governments' unique legal relationship with the United States.

**Key Findings:**

1. Evolve Arctic infrastructure and strategic capabilities by working with the State of Alaska, local, and tribal authorities, as well as public and private sector partners to develop, maintain, and exercise the capacity to execute Federal responsibilities in U.S. Arctic waters, airspace, and coastal regions.
2. Enhance Arctic domain awareness to enhance sea, air, and space capability to improve awareness of activities, conditions, and trends in the Arctic region that may affect safety, security, environment, or commercial interests.
3. Preserve Arctic region freedom of the seas to preserve all of the rights, freedoms, and uses of the sea and airspace recognized under international law.
4. Provide for future U.S. energy security by factoring the Arctic region's potential energy resources into the U.S. "all of the above" approach to developing new domestic energy sources.
5. Protect the Arctic environment and conserve Arctic natural resources striving for healthy, sustainable ecosystems supporting a full range of ecosystem services.
6. Use Integrated Arctic Management to balance economic development, environmental protection, and cultural values.
7. Increase understanding of the Arctic through scientific research and traditional knowledge.
8. Chart the Arctic region's oceans and waterways and mapping its coastal and interior lands according to reliable, modern standards.
9. Pursue arrangements that promote shared Arctic state prosperity, protect the Arctic environment, and enhance security through joint ventures, based on shared values that leverage each Arctic state's strengths.
10. Work through the Arctic Council to advance U.S. interests in the Arctic region.
11. Accede to the Law of the Sea Convention.
12. Cooperate with other interested Arctic, non-Arctic states and other entities as appropriate to advance common objectives in the Arctic in a manner that protects Arctic states' national interests and resources.