

**Bristol Bay, Yukon-Kuskokwim Delta, Western Interior Alaska, Seward Peninsula,
Northwest Arctic, Eastern Interior Alaska, and North Slope Subsistence Regional Advisory
Councils**

c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199
Phone: (907) 786-3888, Fax: (907) 786-3898
Toll-Free: 1-800-478-1456

In Reply Refer To:
OSM 24038

MARCH 28 2024

Anthony Christianson, Chair
Federal Subsistence Board
1011 E. Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Mr. Christianson,

We write to you on behalf of seven Subsistence Regional Advisory Councils (Councils) to request timely and meaningful action related to the bycatch and interception of subsistence resources in commercial fisheries in the Gulf of Alaska and the Bering Sea.

All ten Councils met during the All-Council Meeting March 5-8, 2024, in Anchorage Alaska. During the meeting the Councils discussed cross-regional issues that are impacting subsistence and seven Councils agreed to jointly elevate the following issues.

The Councils agreed that:

1. subsistence needs for anadromous fish are not being met in many parts of the state and subsistence users are disproportionately bearing the burden of conservation;
2. the legal requirements for a subsistence priority are being ignored;
3. the continued commercial harvest of resources for which conservation concerns exist goes against sustainable resource management principles and potentially violates several laws and the Pacific Salmon Treaty;
4. bycatch impacts many species at many trophic levels including but not limited to salmon, halibut, herring, crab, and marine mammals;
5. the removal of bycaught species from the environment has cascading negative effects on marine and riverine ecosystems;
6. the bycatch of resources in commercial fisheries and the required discarding of those bycaught resources is wanton waste; and
7. immediate, high-level government intervention is required to address these issues.

To address these issues we request the following actions:

1. We request a written Solicitor opinion and Secretarial review of the following situations: some Federal and State commercial fisheries continue to operate while subsistence fishing is closed or restricted for those same stocks. Further, Federal and State commercial fishing continues despite on-going conservation concerns for many stocks and despite escapement goals not being met in many Alaska river systems. This is a direct violation of the subsistence and conservation priorities of Title VIII of ANILCA and the State of Alaska Constitution, National Standard 8 - Communities and National Standard 9 - Bycatch of the Magnuson-Stevens Fishery Conservation and Management Act, the protections established in the Marine Mammal Protection Act, and the escapement goals agreed to under the Pacific Salmon Treaty, Yukon River Salmon Agreement, and within various Federal and State fisheries management plans. These laws and regulations must be enforced, and legal action taken to do so if necessary.
2. We request guidance from the Solicitor and the Secretaries on how to initiate meaningful collaborative ecosystem-based salmon management across all jurisdictions, both in-river and in the marine environment. For this management to be successful, this must include the Department of Commerce and the State of Alaska.
3. We request guidance from the Solicitor and Secretaries on how a representative from the National Oceanic and Atmospheric Administration National Marine Fisheries Service can be invited to officially serve as a Liaison to the Federal Subsistence Board.
4. We request guidance from the Secretaries on the procedure available for the Federal Subsistence Management Program (Program) to engage with the Department of State on international fisheries issues throughout the Pacific Rim, including but not limited to the impacts of hatchery releases and the monitoring and enforcement of illegal fishing in the Bering Sea “donut hole”.
5. We request that the Board submit an Emergency Petition to the National Marine Fisheries Service to reduce Chinook Salmon bycatch to between zero to 10,000 fish annually in the Bering Sea and we request that the Board ensure that the petition meets the emergency criteria for such petitions established by the Department of Commerce¹.
6. We request the Board submit comments to the North Pacific Fisheries Management Council (NPFMC) that support the adoption of Non-Chinook (Chum) Salmon bycatch limits, a requirement for 24/7 camera coverage on boats in all commercial fisheries in addition to 100% observer coverage, and a requirement that the SeaShare program distribute within Alaska and not send donations out of state. Further, we request that the Board establish a position statement on bycatch of all species and submit comments at any applicable future NPFMC meetings in which bycatch of any species utilized for subsistence are considered.

¹ <https://media.fisheries.noaa.gov/dam-migration/01-101-07.pdf>

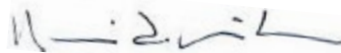
7. We request that the Alaska Regional Director for U.S. Fish and Wildlife Service, who serves as a member on the Federal Subsistence Board, designate a different representative to serve as their alternate on the NPFMC. The USFWS representative with a seat on the NPFMC should regularly communicate and work with the Board to elevate the concerns of the Councils and federally qualified subsistence users in the NPFMC regulatory arena. We suggest that the new alternate be the USFWS Interagency Staff Committee member or the OSM ARD because the current alternate has yet to represent the concerns of the Councils or subsistence users to the NPFMC despite countless letters and testimony submitted to the NPFMC. Further, we request that the USFWS member or their alternative be required as part of their job to attend all NPFMC meetings and help with outreach amongst the Councils on NPFMC agenda items and actions of interest to subsistence users. The Councils want to emphasize the importance of the USFWS seat on the NPFMC and strongly feel the appointed person should serve as a liaison between the Council and the Federal Subsistence Management Program. The Councils were established with the intent of having a meaningful role in fish and wildlife management, and what is happening in the marine environment is undoubtedly impacting federally qualified subsistence users. The Councils should be able to rely on the USFWS representative to vocalize our concerns and advocate for a subsistence priority.
8. We request the Board write to the Alaska Congressional Delegation and ask them to support the revision of the Magnuson-Stevens Fisheries Management and Conservation Act (MSA). The revised MSA must include enhanced conservation measures, requirements for ecosystem-based management and management that adapts to changes in climate, and protections for subsistence uses and small, local commercial fisheries over big industry trawling. Additionally, the revised MSA must include changes to the membership of the NPFMC and the nomination and appointment process for Council members. We ask that the Board advocate for the adequate representation of subsistence users as voting members on the NPFMC by requesting to add at least 2 subsistence representatives nominated by Federally recognized Alaska Tribes to the NPFMC. Finally, we ask that if a proposed rule to modify the MSA is published, that the Board submit similar comments during any applicable comment periods.
9. We request the Board to submit comments to the Alaska Board of Fisheries on all proposals that support a reduction in interception of subsistence salmon in State managed commercial fisheries.
10. We request that the Secretaries or their Under Secretaries hold a meeting with the Board and Council Chairs to discuss these cross-jurisdictional fisheries management issues, including previous and planned actions to address them. We request that this meeting take place before the Fall 2024 Regional Advisory Council meeting cycle begins.

The Councils recognize that the root of these issues originate outside of the lands and waters for which the Board has jurisdiction. However, these issues severely impact federally qualified subsistence users and the resources we depend on for food, culture, and physical and spiritual well-being.

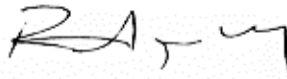
Due to the severity of these issues and impacts on subsistence, immediate action is needed. The Councils kindly request a timely response from the Board and the Solicitor, and requests that the Board similarly request a timely response from the Secretaries.

Thank you for your consideration of this important matter. If you have questions or would like to discuss this further, please contact Katerina Wessels, Council Coordination Division Supervisor, Office of Subsistence Management, at 1-800-478-1456 or (907) 786-3885 or katerina_wessels@fws.gov.

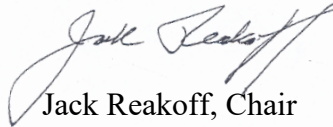
Sincerely,



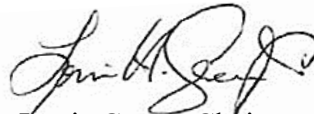
Nanci Morris Lyon, Chair
Bristol Bay
Regional Advisory Council



Raymond Oney, Chair
Yukon-Kuskokwim Delta
Regional Advisory Council



Jack Reakoff, Chair
Western Interior Alaska
Regional Advisory Council



Louis Green, Chair
Seward Peninsula
Regional Advisory Council



Thomas Baker, Chair
Northwest Arctic
Regional Advisory Council



Robert Wright Sr., Chair
Eastern Interior Alaska
Regional Advisory Council



Brower Frantz, Chair
North Slope Regional Advisory Council

cc: Federal Subsistence Board
Bristol Bay Regional Advisory Council
Yukon-Kuskokwim Delta Regional Advisory Council
Western Interior Alaska Regional Advisory Council
Seward Peninsula Regional Advisory Council
Northwest Arctic Regional Advisory Council
Eastern Interior Alaska Regional Advisory Council
North Slope Regional Advisory Council
Office of Subsistence Management
Interagency Staff Committee
North Pacific Fishery Management Council
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Assistant Director, Division of Wildlife Conservation, Alaska Department of
Fish and Game
Administrative Record