



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
Office of General Counsel  
P.O. Box 21109  
Juneau, Alaska 99802-1109

**Litigation Materials for the  
October 2023 Meeting of the North Pacific Fishery Management Council:  
*Association of Village Council Presidents v. NMFS***

Parties:

**Plaintiffs:** Association of Village Council Presidents and Tanana Chiefs Conference.

**Plaintiff-Intervenor:** City of Bethel, Alaska.

**Federal Defendants:** National Marine Fisheries Service (NMFS); United States Department of Commerce; Secretary of Commerce, Gina M. Raimondo; Deputy Assistant Administrator for Regulatory Programs, NMFS, Samuel D. Rauch, III.

**Defendant-Intervenors:** At-Sea Processors Association and United Catcher Boats.

Case Activity:

On April 7, 2023, Plaintiffs filed a complaint in the United States District Court for the District of Alaska challenging NMFS Alaska Region's implementation of the 2023-2024 final groundfish harvest specifications for the Bering Sea and Aleutian Islands management area (BSAI), arguing NMFS violated the National Environmental Policy Act (NEPA). Federal Defendants filed the answer on May 30, 2023. The complaint and answer were included in the NOAA General Counsel B3 Report for the June 2023 Council meeting.

On June 23, 2023, At-Sea Processors Association and United Catcher Boats filed a motion to intervene as defendants; on July 13, 2023, the district court granted the request. On July 28, 2023, the City of Bethel, Alaska, filed a motion to intervene as a plaintiff, which the district court granted on September 15, 2023.

Federal Defendants filed the administrative record on August 09, 2023, and filed a supplement to the administrative record on September 20, 2023.

Status/Next Steps:

The parties are currently briefing the merits of the case, pursuant to the following schedule:

- Plaintiffs' and Plaintiff-Intervenor's opening briefs are due October 9, 2023.
- Federal Defendants' and Defendant-Intervenors' responses are due December 8, 2023.
- Plaintiffs' and Plaintiff-Intervenor's replies are due January 3, 2024.

