



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
Office of General Counsel  
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**Litigation Update for the  
June 2025 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, Howard Lutnick; Deputy Assistant Administrator for Regulatory Programs, NMFS, Samuel D. Rauch, III.

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

Case Activity:

More details on the background of this case can be found in the NOAA General Counsel B3 Report for the April 2025 Council meeting. As noted in that report, this case arises out of Plaintiffs' allegations that NMFS did not comply with the National Environmental Policy Act (NEPA) when issuing the 2023 and 2024 groundfish harvest specifications for the Bering Sea and Aleutian Islands (BSAI) management area. Plaintiffs subsequently challenged the 2024 and 2025 BSAI groundfish harvest specifications in the same case. On March 11, 2025, the United States District Court for the District of Alaska issued a decision and order denying Plaintiffs' motion for summary judgment and dismissing Plaintiffs' and Plaintiff-Intervenor's claims with prejudice; the district court granted Federal Defendants' cross-motion for summary judgment. This means that NMFS prevailed at the district court because the court determined NMFS did not violate NEPA in implementing the 2023 and 2024, and the 2024 and 2025, BSAI groundfish harvest specifications.

Status/Next Steps:

On May 12, 2025, Plaintiffs appealed the district court decision and order to the United States Court of Appeals for the Ninth Circuit. The parties will proceed with briefing before the Ninth Circuit under the following schedule, which may be subject to change:

-Plaintiffs: Opening Brief due August 4, 2025.

-Federal Defendants: Answering Brief due September 3, 2025.