



March 29, 2024

North Pacific Fishery Management Council
1007 West Third Ave., Suite 400
L92 Building, 4th floor
Anchorage, Alaska 99501-2252

Re: Chum Salmon Bycatch DEIS

Dear Chair Angel Drobnic, Members of the Science and Statistical Committee,
Advisory Panel and North Pacific Fishery Management Council:

Native Peoples Action (NPA) is a statewide non-partisan organization dedicated to protecting and strengthening Alaska Native peoples and our Ways of Life. We are committed to addressing and restoring our people's inherent rights to hunt, fish, harvest, gather, trap, share, and have ceremony as well as manage and steward our homelands for abundance. The North Pacific Fishery Management Council (Council) makes decisions that directly affect our communities and our ability to practice a way of life that is central to who we are as Indigenous Alaskans. We have several recommendations to ensure the Council is following law and is indeed meaningfully managing Bering Sea chum bycatch in the pollock fishery.

It is noted in the Preliminary Draft Environmental Impact Statement on Bering Sea Chum Salmon Bycatch Management (DEIS) that tribes should have an ability to conserve based on tribal governance and a sovereign government to government relationship. In the federal NEPA process tribes have a trust responsibility. In policies like Executive Order (EO) 13175, tribal consultation is not a recommendation, but a required action and current law. The White House Office of Science and Technology Policy issued memorandums reinforcing trust responsibility requirements of consultation and the equitable utilization of best available science, being Indigenous knowledge, in all department and agency policies, practices, and procedures. The Council also has a clear need to meet the standards of the State of Alaska including the Sustainable Salmon Fisheries Policy, which clearly lays out methods, rationale, and the importance of effective conservative management in times of uncertainty and stress to the state's resources. These resources include wild salmon stocks in the Kuskokwim, Yukon and Norton Sound rivers.

It is the law and policy that tribes continue to have meaningful contribution and decision making through consultation and representation in this federal EIS process. The current system sets aside and places in question our tribal authority, our Indigenous knowledge systems, and individual and collective understandings of ecology, along with the social and economic

impacts of anthropogenic scarcity. What this has resulted in is severe impact on our spiritual and relational existence with our lands, waters, community, and our relations with animal kin.

This DEIS states many times that the Council, NOAA Fisheries, and the State of Alaska are focused on and prioritizing Western Alaska stock. However, actions from both state and federal management do not happen independently and have significant impacts to our communities. We are concerned that a focus solely on Coastal Western Alaska (CWAK) stock excludes priority and impact to all Alaska's regions and tribes. It is important in the NEPA EIS process to be inclusive of PSC impacts to all Alaska's tribes including Coastal Western Alaska, Upper/Middle Yukon, Southwest Alaska, and East GOA/Pacific Northwestern tribes. When we take this more holistic approach, PSC does not just impact 19.3% of tribes, but the PSC chum bycatch caught in the BSAI pollock groundfish fishery equals 46.5% of all non-chinook species bound for subsistence nets and smokehouses across all of Alaska, far exceeding the 19.3% highlighted in this DEIS report.

Without adequate representation, the Council, SSC, and decision makers in the NOAA Alaska regional offices are in no position to analyze, utilize, and understand Indigenous Knowledge, our stories, or spiritual and religious connection to place, animal kin, and communities. We request that the Council continue to ask for more appropriations of funds to create more decision-making and advisory roles, like the single liaison position NOAA Alaska Fisheries is creating in the Anchorage office. We ask that the Council make recommendations for the appropriation of funds for a permanent decision-making position in the Juneau office. When the Council looks to contract work for analysis and make meaningful recommendations on Council agenda items, we request that the agency contracts with Indigenous scholars, knowledge holders, and experts in their fields of study to meet the federal trust responsibility. Based on EO 13175 and your own NOAA fisheries policies around EEJ and the inclusion of best available information, we look to the Council to ensure that consultation is happening at all levels of decision-making. We have stewarded our lands with clear methodologies, ontologies, and epistemologies that have allowed for the existing delegated authority on harvestable surplus. It is because of our IK, our stewardship, our governance, and our leadership that we as a collective American society have the privilege, not the right, to incorporate your Western value system in governance and resource management.

Native Peoples Action would like to support existing Indigenous leadership. We encourage the Council to make meaningful reductions in chum PSC limits. We encourage the Council to seriously consider hard chum caps below the 200,000 overall and/or 38,600 WAK chum.

1. All Alternatives: PSC limits in excess of 200,000 total chum (38,600 WAK) should be removed from future consideration as insufficient for the purpose and need for the action.
2. Alternative 2, Option 1: We support the consideration of a range at least as low as 22,000 total chum at feasible increments for analysis. This is NPA's preferred alternative. A meaningfully low overall PSC limit is easier to manage. Without the ability to do genetics and

in-season real time testing, this alternative makes the most sense. As a part of this alternative we recommend the Council seriously consider a hard cap of 0 - 200,000 chum, based on IK, Indigenous testimony, and our understanding of how the recent years of bycatch have impacted our sovereignty. With this being said, we choose Option 1 over Option 2 for the alternative based on the rationale mentioned above.

3. Alternative 3: NPA lacks faith in the State of Alaska to enumerate into perpetuity and make meaningful decisions based on their trust and fiduciary responsibilities to tribes in Southwest Alaska. It has been seen in recent years that in times of conflict, the Alaska Department of Fish and Game has chosen to downplay or even cut funding to enumeration projects on rivers and tributaries vital to subsistence and traditional use. Without consistent and supportive leadership of the commission and the department, NPA takes the position that we prefer a federal management who is bound by trust responsibility to manage a low PSC chum cap in a simple and straightforward method.

4. Alternative 4: NPA does not align with the lack of transparency and accountability with an industry led management. We recognize the effort and hard work of industry to self govern based on the Incentive Plan Agreements (IPA) and Rolling Hot Spot (RHS). However, we do not trust that an industry not bound by trust responsibilities to tribes to meaningfully consider the impact their actions have based on their individual and corporate models. A possible alternative and addition to IPA and RHS would be time and area closures, a recommendation that Dr. Daniel Schindler has made multiple times in the state-managed fishery specifically on the southside of Unimak Island, in very close proximity to where a good majority of chum intercept is happening. With the data provided, there are clear windows where PSC rates are higher, and areas where PSC rates are consistent year after year. If additional requirements are to be added onto IPAs we urge the Council to seriously consider static time and area closures to be added to a list of alternatives or included in Alternative 4 as an Option 3 in a future iteration of a DEIS document.

NPA encourages the Council and agency to make progress toward a broader, more holistic and forward-thinking approach to the salmon crisis, including, not only addressing bycatch but also increased attention to the issues of hatchery releases, rapid and dramatic improvements regarding the development and implementation of real-time bycatch genetics in the pollock fleet, accurately assessing and better managing the impacts of pollock trawling on benthic habitat, and making marked improvements towards promoting and increasing co-production of knowledge and co-stewardship of resources.

In closing, we are relying on your decisions that will, for better or worse, impact our ability to be Native Peoples. We understand the alternatives that are in front of you can be and are interpreted in many different ways under the regulations, statutes, and policies in law. NPA encourages you to lean into inclusive policy and wording that meaningfully considers all forms of expertise. We encourage you to feel the issues created by a lack of tribal governance and sovereignty and most importantly, we encourage the Council to trust a governance and

knowledge system that has allowed us all the opportunity to debate allocation, regulation, and incorporation. The public testimony and documentation provided to you by Indigenous leadership, Indigenous organizations, and a consortia of independent nations look to you to make this federal process more equitable.

Gunalchéesh/Háw'aa/Quyana/Mahsi'/Bassee'/Maasee'/Dogedinh/Thank you,

A handwritten signature in black ink, appearing to read 'Laureli V. Ivanoff', written in a cursive style.

Laureli V. Ivanoff
Native Peoples Action Executive Director