







and 9 obligations, to address these conservation concerns for the long-term health of salmon stocks and salmon-dependent communities and reduce bycatch in the Bering Sea.

We request that the Department adopt an emergency regulation prohibiting Chinook salmon bycatch during the 2022 season of the pollock trawl fishery in the Bering Sea/Aleutian Islands and establishing a cap for chum salmon bycatch. In addition, we ask the Department to initiate action to reduce salmon bycatch beyond the 2022 season and address declining Chinook and chum salmon runs over the long term.

## **Background**

Chinook and chum salmon have faced a multi-year decline in coastal Western Alaska and in the Kuskokwim and Yukon Rivers. With directed salmon fisheries closed and subsistence fishing severely restricted, communities in Western and Interior Alaska have sacrificed their harvest of these critical fish to help meet escapement goals, yet hundreds of thousands of these fish continue to be caught as bycatch. This year, 2021, was the eighth year that Chinook runs have been too low to support subsistence needs and the first year that once-abundant chum salmon returns have been even lower than Chinook returns, resulting in significant restrictions on fishing for both species.<sup>5</sup> This, in turn, increased pressure on other fish stocks as communities sought to replace Chinook and chum salmon with other food sources.<sup>6</sup> Communities have requested disaster assistance in previous years and again this year, but little action has been taken to ensure the communities do not continue to suffer consecutive and ongoing disasters.

The availability of salmon is particularly critical for coastal communities and communities on the Yukon and Kuskokwim Rivers, where subsistence is central to community existence and more households report food insecurity than in other areas of the state and nation.<sup>7</sup> Traditionally harvested foods make up over 30 percent of the diet for residents of Interior Alaska, and salmon constitutes more than 50 percent of that food in the Yukon-Kuskokwim Delta.<sup>8</sup> Similarly, for some Norton Sound region communities, salmon can comprise over 30 percent of the foods harvested.<sup>9</sup> Over half of all the Chinook salmon caught for subsistence statewide are caught in the Kuskokwim region, where salmon are over 85 percent of the subsistence harvest by poundage.<sup>10</sup> Mean per capita incomes in the Yukon and Kuskokwim regions are about half that of Fairbanks or Anchorage, and even less when adjusted to account for the high cost of store bought food.<sup>11</sup> Wild harvested traditional foods are therefore particularly important in this region.

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<sup>5</sup> See KRITFC REPORT, *supra* note 1, at 6.

<sup>6</sup> *Id.* at 7; see also Wolfe, *supra* note 2, at 373.

<sup>7</sup> ADF&G REPORT, *supra* note 2, at 369-70.

<sup>8</sup> KRITFC REPORT, *supra* note 1, at 3-4.

<sup>9</sup> YUKON RIVER INTER-TRIBAL FISH COMMISSION, YUKON KING SALMON AND CHUM SALMON SITUATION REPORT 4 (Sept. 21, 2021) [hereinafter “YRITFC REPORT”]; Austin Ahmasuk, et al., Kawerak, Inc., *North Pacific Research Board Project Final Report Project #643, A Comprehensive Subsistence Use Study of the Bering Strait Region 291-95* (2008), available at [https://meridian.allenpress.com/jfwm/article-supplement/204262/pdf/fwma-08-01-10\\_s01/](https://meridian.allenpress.com/jfwm/article-supplement/204262/pdf/fwma-08-01-10_s01/).

<sup>10</sup> KRITFC REPORT, *supra* note 1, at 3.

<sup>11</sup> See Wolf *supra* note 2, at 353.



authorized to adopt emergency regulations when an emergency exists in any fishery.<sup>17</sup> The Department’s policy guidelines provide that “an emergency exists involving any fishery” when the situation:

1. results from the “recent, unforeseen events or recently discovered circumstances”;
2. presents “serious conservation or management problems in the fishery”; and
3. can be addressed through emergency regulations for which “the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.”<sup>18</sup>

The collapse of salmon fisheries and resulting restrictions on subsistence fishing in Western and Interior Alaska meets these criteria.

First, this year’s multi-species failure is unprecedented and the full scope of the disaster has only recently become apparent. The 2021 chum salmon run was the lowest on record in the Kuskokwim region and similarly low in the Yukon region, with multiple indicators showing runs more than 95 percent below 20-year averages.<sup>19</sup> Escapement goals were not met in multiple locations, subsistence fishing was severely restricted, and there were no commercial fishing openings for chum salmon.<sup>20</sup> At the same time, Chinook runs on the Kuskokwim were 47 percent below the long-term average and similarly low in the Yukon, with restrictions implemented for both commercial and subsistence Chinook fishing.<sup>21</sup> As described above, the combination of these circumstances is catastrophic for Western and Interior Alaska communities that depend on salmon and, in recent years of low Chinook abundance, have relied on chum salmon as a partial substitute for some of the unavailable Chinook.

Second, the collapse of Chinook and chum runs presents a serious conservation concern for salmon stocks as well as a management problem not only for the pollock fishery, but also for subsistence and directed salmon fisheries. Even with significant restrictions on subsistence fishing and closure of commercial salmon fisheries, meeting escapement goals for Chinook and chum salmon in Western and Interior Alaska has been challenging, and, in some cases, escapement goals have not

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<sup>17</sup> Magnuson-Stevens Fishery Conservation and Management Act, Pub. L. No. 94-265, § 305, 16 U.S.C. § 1855(c).

<sup>18</sup> NMFS Instruction 01-101-07, *Policy Guidelines for the Use of Emergency Rules* at 2-3 (Mar. 31, 2008); 62 Fed. Reg. 44422 (Aug. 21, 1997).

<sup>19</sup> See Division of Commercial Fisheries, Alaska Department of Fish & Game, *Advisory Announcement: Kuskokwim River Salmon Fishery Announcement #14 2021 Preliminary Kuskokwim Area Season Summary* at 3-4, 9 (Nov. 4, 2021), available at <https://www.adfg.alaska.gov/static/applications/dfnewsrelease/1345527186.pdf> [hereinafter *2021 Preliminary Kuskokwim Area Season Summary*]; Division of Commercial Fisheries, Alaska Department of Fish & Game, *Advisory Announcement: 2021 Yukon River Summer Season Summary* at 7-8, 12 (Oct. 26, 2021), available at <https://www.adfg.alaska.gov/static/applications/dfnewsrelease/1344517999.pdf> [hereinafter *2021 Yukon River Season Summary*]; see also KRITFC REPORT, *supra* note 1, at 6; YRITFC REPORT, *supra* note 9, at 8.

<sup>20</sup> See *supra*, note 19 (sources discussing Yukon and Kuskokwim runs and escapement goals).

<sup>21</sup> See *2021 Yukon River Summer Season Summary*, *supra*, note 18 at 7, 11; *2021 Preliminary Kuskokwim Area Season Summary* *supra* note 18, at 4-6, 8; see also KRITFC REPORT, *supra* note 1, at 6; YRITFC REPORT, *supra* note 9, at 8 (citing ADF&G data).



All of these circumstances are present here.

Ecological: Emergency action is needed to prevent serious damage to a fishery resource—in this case, Chinook and chum salmon, which are important subsistence and commercial fishery resources. Returns for Chinook and chum salmon stocks in Western and Interior Alaska are at disastrously low levels, with chum salmon reaching a historic low in 2021.<sup>26</sup> Bycatch in the pollock trawl fishery takes—and wastes—a significant number of fish destined for coastal western Alaska and the Kuskokwim and Yukon rivers when those salmon stocks are at low levels and, in some cases, not meeting escapement goals. Other factors, including ocean conditions, likely contribute to the decline in these salmon populations as well. With these stressors, salmon populations in Western and Interior Alaska cannot sustain the significant losses of fish to pollock bycatch. Allowing bycatch to continue at current rates has serious ecological consequences and contributes to the continued shutdown of directed commercial salmon fisheries and restrictions on subsistence fishing.

The Department has an obligation to protect fishery resources and must take emergency action to regulate the factors it can control to minimize the unacceptable ecological consequences of bycatch for salmon populations.

Economic: Salmon bycatch in the pollock fisheries results in a direct economic loss to communities in Western and Interior Alaska and the Department must take action to mitigate those losses. Communities have asked the North Pacific Fisheries Management Council to support disaster declarations for the region because of the effects of the salmon fishing closures.<sup>27</sup>

As described above, Western and Interior Alaska communities rely heavily on traditionally harvested salmon. In many communities in this region, salmon makes up the vast majority of subsistence food harvest each year and nearly all households rely on salmon as a food source.<sup>28</sup> Fish are also shared among households, creating networks within communities.<sup>29</sup> In pure economic terms, the value of salmon contributes significantly to household income in this cash-poor region of the state.<sup>30</sup> Even where it is possible to substitute other fish or game, increased costs for gas to reach more distant locations, added costs for different type of fishing nets or hunting equipment, and losses associated with the increased effort to hunt or fish for these other sources create economic burdens. Where it is not possible to shift effort to other fish or game, communities must rely on store bought meat at significant cost.

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<sup>26</sup> See *supra*, notes 19-21.

<sup>27</sup> KRITFC REPORT, *supra* note 1; YRITFC REPORT, *supra* note 9; Olivia Ebertz, *YRDFA To Seek Second Disaster Declaration For Yukon Fish While First Sits In Limbo*, KYUK (July 9, 2021) <https://www.kyuk.org/hunting-fishing/2021-07-09/yrdfa-to-seek-second-disaster-declaration-for-yukon-fish-while-first-sits-in-limbo>.

<sup>28</sup> See Caroline L. Brown, et al., Alaska Department of Fish & Game, *Subsistence Harvests in 8 Communities in the Central Kuskokwim River Drainage*, 2009 350-51 (Jan. 2012).

<sup>29</sup> *Id.* at 367-68.

<sup>30</sup> See *supra*, notes 7-10.



Small-scale commercial salmon fishing is also a major source of local employment.<sup>31</sup> With commercial salmon fishing closures, the region has lost an important employment source. Because a significant percentage of the Chinook and chum bycatch caught by the pollock fishery is Western and Interior Alaska salmon, taking action to eliminate and reduce this bycatch is imperative to avoid these economic consequences.

Social and Public Health: Traditional practices and food harvesting have significant social and public health benefits for Alaska Native people. Protecting and fostering these practices is essential, and depends, in part, on a healthy salmon harvest.

Traditional foods, including salmon, are the healthiest food source for Alaska Native people and are especially important during the current pandemic. Salmon are healthy foods, high in omega-3s that have been shown to lower the risk of a variety of chronic diseases in people from this region.<sup>32</sup> Reliance on store bought foods increases rates of obesity, diabetes, heart disease, and other negative health consequences.

In addition, salmon are a culturally preferred food that contributes to the continuation of traditional practices which support and facilitate community relationships and foster cultural connections that build individual and community well-being.<sup>33</sup> The importance and urgency of supporting these practices cannot be overstated.

The loss of salmon fishing opportunities on the Kuskokwim and Yukon Rivers is the loss of a way of life for communities in Western and Interior Alaska. Traditions, values and knowledge are passed down to younger generations while harvesting salmon at fish camps, but, with few fish to harvest, families may not be able to spend this time sharing healthy traditions and building community.<sup>34</sup> In 2021, communities in the Kuskokwim watershed were able to meet less than one-third of their long term salmon harvest needs.<sup>35</sup> They have not been able to meet the “amount necessary for subsistence” since 2010.<sup>36</sup> In previous years with low Chinook returns, people were able to harvest more chum salmon to supplement low Chinook harvests, but this year, with a collapse of chum stocks as well, no chum salmon were available.

With the unacceptable social and public health consequences that result from the loss of subsistence salmon in Western and Interior Alaska, every fish matters and the Department must take action to eliminate Chinook bycatch and reduce chum bycatch in the pollock fleet so that these critical stocks have an opportunity to rebuild and thrive to support future generations.

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<sup>31</sup> See Wolfe, *supra* note 2, at 355.

<sup>32</sup> Z Makhoul et al, *Associations of obesity with triglycerides and C-reactive protein are attenuated in adults with high red blood cell eicosapentaenoic and docosahexaenoic acids*, EUROPEAN J. OF CLINICAL NUTRITION (2011).

<sup>33</sup> Christopher R. DeCout et al, *Traditional Living and Cultural Ways as Protective Factors Against Suicide: Perceptions of Alaska Native University Students*, INT’L J. OF CIRCUMPOLAR HEALTH (2013).

<sup>34</sup> YRITFC REPORT, *supra* note 9, at 6.

<sup>35</sup> KRITFC REPORT, *supra* note 1, at 9.

<sup>36</sup> *Id.*

**Conclusion**

Chinook and chum salmon populations and the communities that rely on them in Western and Interior Alaska are in crisis and bycatch in the pollock fleet takes a significant portion of the fish that would otherwise be available to meet escapement goals and provide for subsistence and commercial salmon fishing in this region. Allowing continued bycatch of these fish means that subsistence fishing will continue to be severely restricted, salmon will suffer severe ecological consequences, and Western and Interior Alaska communities will suffer economic, social, cultural, and public health consequences. The Department has the authority to take action to address bycatch before the opening of the 2022 pollock fishery and we request that you do so to address and prevent further catastrophic harms.

Sincerely,



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Melanie Bahnke  
President  
Kawerak, Inc.



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Vivian Korthuis  
Chief Executive Officer  
Association of Village Council Presidents




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Mike Williams Sr.  
Chair  
Kuskokwim River Inter-Tribal Fish Commission



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Brooke Woods  
Chairwoman  
Yukon River Inter-Tribal Fish Commission



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Amos Philemonoff  
President  
Aleut Community of St. Paul Island



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Mellisa Johnson  
Executive Director  
Bering Sea Elders Group