December 21, 2021

PLAINTIFF
EX. VDZ-3027
ADMITTED ☐
3AN-21-08869CI
(Case Number)

The Honorable Gina M. Raimondo
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave N.W.
Washington, DC 20230

Dear Secretary Raimondo,

Kawerak, Inc., the Association of Village Council Presidents, the Kuskokwim River Inter-Tribal Fish Commission, the Yukon River Inter-Tribal Fish Commission, the Aleut Community of St. Paul Island, and the Bering Sea Elders Group respectfully request that the Department of Commerce ("the Department") takes emergency action to eliminate Chinook salmon bycatch and set a cap on chum salmon bycatch in the Bering Sea pollock trawl fishery in the 2022 season. Emergency action is necessary to address severe and unforeseen ecological, economic, social, and public health concerns affecting Western Alaska and Interior Alaska communities that depend on salmon. In the summer and fall of 2021, communities in the Yukon and Kuskokwim regions experienced a collapse of both Chinook and chum salmon that prevented Tribes from harvesting the amount of fish necessary for subsistence, creating a food security disaster for the region. These losses have also led to a cultural crisis as communities are unable to practice their traditional ways-of-life without salmon. In this context, every fish caught by the pollock trawl fleet is critical. Western Alaska and Interior Alaska communities have sacrificed their salmon catch to help meet escapement goals for future runs and the Department must ensure that bycatch by the pollock fleet does not continue to contribute to the ongoing ecosystem collapse.

The Tribes and Tribal organizations submitting this petition represent nearly 110 Tribes and communities in the Kuskokwim and Yukon watersheds—the communities directly affected by the collapse of salmon runs in these regions. The Tribal organizations and the Tribal governments they represent work to protect traditional ways of life, culture, and access to traditional food resources.

Kawerak, Inc., a regional Native Non-Profit consortium for the Bering Straits region, provides social, educational, construction, and other services to the people of the Bering Straits region on behalf of the region's 20 Tribal governments. Teaching subsistence values and preserving the subsistence way of life of the people in the region—who are primarily Inupiat, Yup'ik, and St. Lawrence Island Yupik—are among Kawerak's core priorities.

The Association of Village Council Presidents is an inter-Tribal non-profit consortium. It is based in Bethel, Alaska, and is controlled by 56 federally-recognized Tribes. AVCP provides human, social, and other culturally relevant services to its member Tribes, which are located in villages throughout the Yukon-Kuskokwim Delta in an area of approximately 59,000 square miles. AVCP has long been committed to advocating for the protection of the Bering Sea and its resources.

The Kuskokwim River Inter-Tribal Fish Commission represents the interests of the 33 federally recognized Tribal governments in the Kuskokwim River region in fisheries assessment and sustainable fisheries management. Its 33 Tribally-appointed fish commissioners, seven executive council members, and four in-season managers combine Traditional Knowledge and western science to conservatively manage Kuskokwim fisheries according to Yupik and Athabascan Dené values, subsistence harvest needs, and escapement targets aimed at rebuilding depleted salmon populations. The values at the core of the Commission's work are social and environmental justice, equitable and sustainable salmon harvests throughout the watershed, and unity as one fishing people along the Kuskokwim River.

The Yukon River Inter-Tribal Fish Commission was founded on Tribal unity for the health and well-being of Tribal members, future generations, and all Alaskans and Canadians who rely on the health of the Yukon River fisheries. The Commission is committed to conserving, restoring, and providing for Tribal use of fisheries based on indigenous knowledge systems, scientific principles, and sound management. It represents 28 federally recognized Tribes along the Yukon River in Alaska, from Kotlik to Eagle. The Fish Commission's geographic area covers the following ANILCA federal lands and waters used by the member Tribes: Yukon Delta, Koyukuk, Innoko, Nowitna, Kanuti, and Yukon Flats National Wildlife Refuges and the Yukon-Charley Rivers National Preserve. Member Tribes rely on the waters adjacent to or within these National Wildlife Refuges and National Preserve for subsistence, harvesting all five species of Pacific salmon and other fish species such as sheefish, burbot, cisco, and pike.

The Aleut Community of St. Paul Island is the federally recognized Tribal Government for St. Paul Island, the governmental venue through which the Unangan (or "the Aleut People" in the Unangam Tunuu language) of St. Paul Island fulfill their intrinsic rights and responsibilities and support, recollect, practice, and pass on their culture. The Tribal Government leads efforts to ensure and strengthen political sovereignty, economic self-sufficiency, continued cultural practices, Tribal self-determination and self-governance, and the overall health, welfare, and safety of Tribal members.

The Bering Sea Elders Group (BSEG) is an association of Elder Representatives appointed by 38 Tribal governments in the Yukon-Kuskokwim and Bering Strait regions of Western Alaska. BSEG's mission is to work together to protect the traditional ways of life and the ocean web of life that supports the resources that BSEG member Tribes and future generations depend on.

Tribes in Western and Interior Alaska have been unable to meet their subsistence needs for salmon or participate in in-river commercial salmon fisheries for most of the past decade, but this year's near total collapse of both Chinook and chum salmon stocks is a disaster that requires emergency action. The 2021 chum salmon run was the lowest on record and significant chum salmon

management restrictions were put in place for the first time. Communities in Western and Interior Alaska have previously relied on chum salmon in years of poor Chinook abundance, but, with poor returns for both species, communities face a dire situation.[1] Donated fish were flown in from other areas of the state and communities have requested disaster declarations to assist in recovering from these poor harvests. But this type of assistance does not compensate for the loss of critical food resources in a region that is already food insecure, nor for the loss of opportunities to pass on traditional knowledge and ways-of-life to younger generations.[2]

The majority of Chinook and chum salmon caught as bycatch in the Bering Sea and Aleutian Islands are caught in the pollock trawl fishery. A significant portion of the salmon bycatch caught in the pollock trawl fisheries consists of fish otherwise destined for the Kuskokwim and Yukon Rivers. The over 13,000 Chinook caught as bycatch in 2021, an estimated 40 to 60 percent of which would return to coastal and Interior Alaska, are a critical portion of the fish needed to feed people, support traditional practices, and meet escapement goals.[3] Likewise, the 530,000 chum salmon caught as bycatch, around 16 percent of which would return to the Kuskokwim and Yukon Alaska rivers, are critical to meeting subsistence needs and escapement goals for these fish.[4] Although bycatch is not the only factor contributing to the crash in salmon stocks, it is an important factor and one that the Department can regulate. Where the evidence shows an ongoing and disastrous collapse, the Department must take action, consistent with its National Standards 2, 8

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[1] KUSKOKWIM RIVER INTER-TRIBAL FISH COMMISSION, KUSKOKWIM RIVER SALMON SITUATION REPORT 5-6 (Sept. 2021) [hereinafter KRITFC REPORT].

[2] *See id.* at 7; CAROLINE L. BROWN, ET AL., ALASKA DEPARTMENT OF FISH & GAME, SUBSISTENCE HARVESTS IN 8 COMMUNITIES IN THE CENTRAL KUSKOKWIM RIVER DRAINAGE, 2009 364 (Jan. 2012) [hereinafter ADF&G REPORT]; Robert J. Wolfe & Assocs., *People and Salmon of the Yukon and Kuskokwim Drainages and Norton Sound: Fishery Harvests, Culture Change, and Local Knowledge Systems*, AM. FISHERIES SOC'Y SYMPOSIUM 70, 373 (2009); KAISU & TERO MUSTONEN WITH THE PEOPLE OF UNALAKLEET, SNOWCHANGE, IT HAS BEEN IN OUR BLOOD FOR YEARS AND YEARS THAT WE ARE SALMON FISHERMEN: A BOOK OF ORAL HISTORY FROM UNALAKLEET, ALASKA, USA 32-35, 41-52 (2009), *available at* http://www.snowchange.org/pages/wp-content/uploads/2014/07/Unalakleet.pdf (describing changes in salmon fishing and the loss of opportunities to pass on cultural traditions); BRENDEN RAYMOND-YAKOUBIAN & JULIE RAYMOND-YAKOUBIAN, KAWERAK, INC., "ALWAYS TAUGHT NOT TO WASTE": TRADITIONAL KNOWLEDGE AND NORTON SOUND/BERING STRAIT SALMON POPULATIONS (2015), *available at* https://kawerak.org/wp-content/uploads/2018/04/TK-of-Salmon-Final-Report.pdf (describing the interconnection between salmon and culture in the Norton Sound and Bering Straits regions).

[3] NORTH PACIFIC FISHERY MANAGEMENT COUNCIL, BERING SEA SALMON BYCATCH UPDATE 1-2 (Sept. 2021) [hereinafter BERING SEA SALMON BYCATCH UPDATE] (estimating origin of Chinook salmon bycatch in pollock fishery); C.M. Guthrie III, et al., NOAA Technical Memorandum NMFS-AFSC-418: *Genetic Stock Composition Analysis of the Chinook Salmon (Oncorhynchus tshawytscha) Bycatch from the 2019 Bering Sea Pollock Trawl Fishery* 16 (May 2021) (summarizing historical Chinook bycatch stock composition); NATIONAL MARINE FISHERIES SERVICE, ALASKA REGION BERING SEA CHINOOK SALMON BYCATCH REPORT (Nov. 20, 2021), *available at* https://www.fisheries.noaa.gov/sites/default/files/akro/car180_bs_with_cdq2021.html; *see also* KRITFC REPORT, *supra* note 1, at 2, 5, 9.

[4] BERING SEA SALMON BYCATCH UPDATE at 1 (estimating origin of chum salmon bycatch in pollock fishery); C.M. Kondzela, et al., NOAA Technical Memorandum NMFS-AFSC-422: *Genetic Stock Composition Analysis of Chum Salmon from the Prohbited Species Catch of the 2019 Bering Sea Walleye Pollock Trawl Fishery* 16, 29 (Aug. 2021) (summarizing historical chum salmon bycatch stock composition); National Marine Fisheries Service, *Non-Chinook salmon mortality in BSAI pollock directed fisheries 1991-2021* (Nov. 26, 2021), *available at* https://www.fisheries.noaa.gov/sites/default/files/akro/chum_salmon_mortality2021.html; *see also* KRITFC REPORT, *supra* note 1, at 2, 6, 9.

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 n 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.[5] This, in turn, increased pressure on other fish stocks as communities sought to replace Chinook and chum salmon with other food sources.[6] 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.[7] 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.[8] Similarly, for some Norton Sound region communities, salmon can comprise over 30 percent of the foods harvested.[9] 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.[10] 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.[11] Wild harvested traditional foods are therefore particularly important in this region.

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[5] *See* KRITFC REPORT, *supra* note 1, at 6.

[6] *Id.* at 7; *see also* Wolfe, *supra* note 2, at 373.

[7] ADF&G REPORT, *supra* note 2, at 369-70.

[8] KRITFC REPORT, *supra* note 1, at 3-4.

[9] 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/.

[10] KRITFC REPORT, *supra* note 1, at 3.

[11] *See* Wolf *supra* note 2, at 353.

But salmon are not only critical to meet food needs; harvesting and sharing salmon is also at the core of traditional practices and values.[12] Salmon are shared through inter- and intra-community networks and fishing at fish camps provides an opportunity to share traditional knowledge and practices with younger generations.[13] These practices are central to the existence and food sovereignty of the Tribes in this region and the loss of these opportunities is not compensable.

The Department and the North Pacific Fishery Management Council regulate salmon bycatch in the pollock trawl fishery under amendments 91 and 110 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands. These regulations provide a total cap for Chinook bycatch of 60,000 fish, with a performance standard of 47,591, but reduce that cap when an in-river index is below 250,000 Chinook.[14] This year, in-river returns were below the 250,000 index and the lower cap therefore took effect.[15] There is no cap on chum bycatch.

Despite these regulations and the restrictions on subsistence and commercial salmon fishing in Western Alaska, bycatch of both Chinook and chum salmon has been gradually increasing in recent years.[16]

Requested action

We ask the Department to adopt emergency regulations limiting Chinook bycatch in the pollock fishery for the 2022 season to zero fish and adopting a hard cap for chum salmon bycatch.

In addition, we request that the Department engage in meaningful consultation with Tribes in/ Western and Interior Alaska to develop long-term measures to reduce salmon bycatch, ensure the long-term health of salmon stocks in Western and Interior Alaska, and meet the subsistence needs of communities in the regions.

The collapse of multiple salmon stocks is an emergency.

The Department can take emergency action under the Magnuson Stevens Act (MSA) to address the unforeseen, serious conservation and management problems with Chinook and chum salmon bycatch affecting Western and Interior Alaska. Under the MSA, the Secretary of Commerce is

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[12] *See* MUSTONEN, *supra* note 2; RAYMOND-YAKOUBIAN, *supra* note 2; *see also* KRITFC REPORT *supra* note 1, at 7; YRITFC REPORT *supra* note 9, at 6.

[13] *See* KRITFC REPORT, *supra* note 1, at 7; YRITFC REPORT *supra* note 9, at 6; Wolfe *supra* note 2, at 367-74.

[14] 50 C.F.R. § 679.21(f); *see also* 75 Fed. Reg. 53,025 (Sept. 29, 2010) (Amendment 91); 81 Fed. Reg. 37,534 (June 10, 2016) (Amendment 110).

[15] Letter from Sam Rabung, Director, Division of Commercial Fisheries, Alaska Department of Fish & Game, to Dr. James Balsiger, Administrator, NOAA Fisheries, Alaska Region (Sept. 22, 2021).

[16] *See* KRITFC REPORT *supra* note 1, at 9-10; National Marine Fisheries Service, *Non-Chinook salmon mortality in BSAI pollock directed fisheries 1991-2021* (Nov. 26, 2021), *available at* https://www.fisheries.noaa.gov/sites/default/files/akro/chum_salmon_mortality2021.html; National Marine Fisheries Service, *Chinook salmon mortality in BSAI pollock directed fisheries 1991-2021* (Nov. 26, 2021), *available at https://www.fisheries.noaa.gov/sites/default/files/akro/chinook_salmon_mortality2021.html.*

authorized to adopt emergency regulations when an emergency exists in any fishery.[17] 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."[18]

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.[19] Escapement goals were not met in multiple locations, subsistence fishing was severely restricted, and there were no commercial fishing openings for chum salmon.[20] 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.[21] 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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[17] Magnuson-Stevens Fishery Conservation and Management Act, Pub. L. No. 94-265, § 305, 16 U.S.C. § 1855(c).

[18] 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).

[19] *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/dcfnewsrelease/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/dcfnewsrelease/1344517999.pdf [hereinafter *2021 Yukon River Season Summary*]; *see also* KRITFC REPORT, *supra* note 1, at 6; YRITFC REPORT, *supra* note 9, at 8.

[20] *See supra*, note 19 (sources discussing Yukon and Kuskokwim runs and escapement goals).

[21] *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).

been met.[22] The failure to meet the three system, 250,000 in-river run size for Chinook this year required a lower cap for Chinook bycatch in the pollock fleet,[23] but even with that lower cap, bycatch contributes significantly to the low run sizes. These stark statistics demonstrate that there is a serious conservation concern for Alaska Chinook and chum salmon and a management concern with bycatch that contributes to the conservation concern.

Third, immediate action is needed to address these serious conservation and management concerns because, if the Department does not act, the pollock trawl fleet will continue to catch hundreds of thousands of salmon as bycatch during the 2022 season, contributing to continued restrictions on subsistence and commercial salmon fishing in Western Alaska in 2022. Without emergency regulation, the pollock fleet could catch over 45,000 Chinook salmon and an unlimited number of chum salmon without consequence for the pollock fleet, and with devastating results for salmon returns and our Tribes and communities that depend on them. Immediate action to eliminate Chinook bycatch and reduce chum bycatch will have conservation and community benefits by allowing more fish from these severely stressed populations to reach their spawning rivers and provide greater opportunity for subsistence-dependent communities to harvest the salmon that are central to their livelihoods and traditions. In this context, every fish that reaches the rivers is critical. The majority of Chinook salmon bycatch is caught during the pollock A season, which will start before the Department can take action under the normal rulemaking process.[24] The facts related to bycatch and subsistence needs are known and the need for immediate action to protect subsistence needs and salmon populations significantly outweighs the benefit of advance notice and public comment through a normal rulemaking process.

Emergency action is needed to mitigate severe ecological, economic, social, and public health consequences for salmon-dependent communities in Western and Interior Alaska.

Emergency action is justified in this circumstance to prevent serious ecological, economic, social, and public health consequences that will result if the pollock trawl fleet takes salmon bycatch during the upcoming season. Under the Department's policy guidelines, the Department may take emergency action to address any of the following situations:

(1) **Ecological**—(A) to prevent overfishing as defined in a fishery management plan (FMP), or as defined by the Secretary in the absence of an FMP, or (B) to prevent other serious damage to the fishery resource or habitat; or
(2) **Economic**—to prevent significant direct economic loss or to preserve a significant economic opportunity that otherwise might be foregone; or
(3) **Social**—to prevent significant community impacts or conflict between user groups; or
(4) **Public health**—to prevent significant adverse effects to health of participants in a fishery or to the consumers of seafood products.[25]

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[22] *See supra*, notes 19-20.

[23] *See supra*, note 15.

[24] *See supra*, note 3.

[25] 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).

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.[26] 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.[27]

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. [28] Fish are also shared among households, creating networks within communities.[29] In pure economic terms, the value of salmon contributes significantly to household income in this cash-poor region of the state.[30] 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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[26] *See supra*, notes 19-21.

[27] 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.

[28] *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).

[29] *Id*. at 367-68.

[30] *See supra*, notes 7-10.

Small-scale commercial salmon fishing is also a major source of local employment.[31] 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.[32] 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.[33] 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.[34] In 2021, communities in the Kuskokwim watershed were able to meet less than one-third of their long term salmon harvest needs.[35] They have not been able to meet the "amount necessary for subsistence" since 2010.[36] 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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[31] *See* Wolfe, *supra* note 2, at 355.

[32] 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).

[33] 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).

[34] YRITFC REPORT, *supra* note 9, at 6.

[35] KRITFC REPORT, *supra* note 1, at 9.

[36] *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,

Melanie Bahnke
President
Kawerak, Inc.

Vivian Korthuis
Chief Executive Officer
Association of Village Council Presidents

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

Brooke Woods
Chairwoman
Yukon River Inter-Tribal Fish Commission

Amos Philemonoff
President
Aleut Community of St. Paul Island

Mellisa Johnson
Executive Director
Bering Sea Elders Group