



February 7, 2023

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

Re: D2 PSEIS Discussion Paper Comment

Dear Chair Kinneen and Members of the Council,

The Association of Village Council Presidents¹, Kuskokwim Inter-Tribal Fish Commission² and Ocean Conservancy³ submit the following comments to the North Pacific Fishery Management Council (the Council) regarding Agenda Item D2—PSEIS Discussion Paper.

In October 2022, we implored the North Pacific Fishery Management Council (Council) to initiate a comprehensive NEPA evaluation of the impacts of the current fishery management system, given the level of ecosystem changes since the 2004 Programmatic Supplemental Environmental Impact Statement (PSEIS). **We ask the Council at this meeting to move forward with initiating a North Pacific Programmatic EIS. We support the Council tasking the Ecosystem Committee with developing a purpose and need statement and range of alternatives for the Council's review in April or June.** Additionally, we ask the Council to direct its staff and NMFS to begin formal engagement like Tribal Consultations with Tribal entities on this issue. We also ask that Council staff expand the informal scoping processes to include stakeholder meetings in rural Alaska hub communities like Bethel, Fairbanks, and Nome.

The Bering Sea ecosystem is changing at a rapid and unprecedented rate with significant impacts to fish productivity and biomass for a number of key species in the North Pacific, including

¹ The Association of Village Council Presidents (AVCP) is the regional non-profit tribal consortium in the Yukon-Kuskokwim Delta, with 56 federally recognized Tribes as members. AVCP works together with Tribes to enhance sovereignty, self-sufficiency, and our Way of Life, and has long been committed to advocating for the protection of the waters and resources of the Yukon River, Kuskokwim River, and the Bering Sea.

² The Kuskokwim River inter-Tribal Fish Commission (KRITFC) represents the 33 federally recognized Tribes of the Kuskokwim River watershed in fisheries management, research, and monitoring, and works to protect and sustain our Kuskokwim salmon fisheries and traditional ways of life using both Traditional/Indigenous Knowledge and the best available Western science.

³ Ocean Conservancy is a non-profit organization working to protect the ocean from today's greatest global challenges. Ocean Conservancy envisions a healthier ocean, protected by a more just world and works to protect the ocean from today's greatest global challenges. We create knowledge-based solutions for a healthy ocean and the wildlife and communities that depend on it.

salmon. The Council is well aware of the multi-year, multi-species salmon declines afflicting our Kuskokwim and Yukon communities, as well as communities throughout the AYK region.⁴ On the Kuskokwim, Chinook salmon escapement goals have been met despite over a decade of abundance declines because subsistence fishing communities have sacrificed their harvests, putting conservation and restoration of the species ahead of their own food security. Chum salmon abundance has dramatically declined since 2020 with three years of unmet escapement goals and subsistence harvest needs. The situation is even more dire on the Yukon, with three years of unmet Chinook, summer chum, and fall chum salmon escapement – including international treaty obligations with Canada – and subsistence needs. There was no reasonable opportunity for subsistence salmon fishing on the Yukon in 2021 and 2022. In 2022, coho salmon stocks on both rivers crashed, leading to the most extensive season of subsistence fishing conservation closures ever seen by Kuskokwim and Yukon communities. The unprecedented declines of salmon are causing unconscionable food insecurity, loss of culture and tradition, social unrest, and economic instability, bringing immense grief to the entire region.

The environmental changes and fishing practices predicating the salmon crises in the Kuskokwim and Yukon and other species declines in the North Pacific demand a holistic NEPA analysis of the effects of, and alternatives to, fisheries management measures to inform the Council's and NMFS' management choices and ensure the sustainable management of fishery resources into the future. There is no up-to-date NEPA analysis to support many of the decisions the Council makes,⁵ Furthermore, NMFS cannot meet its legal obligations by relying on supplemental information reports, which do not provide opportunities for public involvement, as a substitute for comprehensive NEPA analysis.⁶ Even if it could, the 2004 Programmatic Supplemental EIS was last reviewed with a supplemental information report in 2015, which did not address the significant changes to the ecosystem since 2004 or the effect of the on-the-ground fisheries management choices the Council and NMFS make when authorizing fishing in the groundfish fisheries.⁷

In other words, by relying on the current PSEIS as its framework, Council management is fundamentally disconnected from the ecosystem and social crises unfolding in the North Pacific. Moreover, without comprehensively evaluating this document aside from non-NEPA supplemental information reports, the Council neglects NEPA requirements to respond to significant new circumstances and information in Alaskan ecosystems. This is in addition to neglecting National Standard guidelines to adequately account for social, economic, and ecological factors in its management decisions.

⁴ See KRITFC, "2022 Kuskokwim River Salmon Situation Report," https://www.kuskosalmon.org/s/Salmon-Sit-Report-2022_DEC-UPDATE.pdf.

⁵ NMFS, Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (2007); NMFS, Programmatic Supplemental Environmental Impact Statement for the Alaska Groundfish Fisheries Implemented Under the Authority of the Fishery Management Plans for the Groundfish Fishery of the Gulf of Alaska and the Groundfish of the Bering Sea and Aleutian Islands Areas (June 2004).

⁶ See *Idaho Sporting Cong., Inc. v. Alexander*, 222 F.3d 562, 565-66 (9th Cir. 2000) (where changes are significant, an agency cannot substitute a non-NEPA document, such as a supplemental information report, for a NEPA analysis).

⁷ See NMFS, Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement Supplemental Information Report at 14 (Nov. 2015).

The complex crisis in our communities demands urgent, multifaceted responses from the Council and NMFS, and an updated NEPA evaluation that reflects the current state of the ecosystem, addresses the inability of the current management to respond, and incorporates Traditional Knowledge and community impacts. **We therefore urge the Council to move forward with initiating a North Pacific Programmatic EIS.** We support the Council tasking the Ecosystem Committee with developing a purpose and need statement and range of alternatives for the Council's review in April or June. Additionally, we ask the Council to direct its staff and NMFS to begin formal engagement like Tribal Consultations, including with Tribal organizations like KRITFC and AVCP, on this issue. We also ask that Council staff expand the informal scoping processes to include stakeholder meetings in rural Alaska hub communities like Bethel, Fairbanks, and Nome.

Sincerely,



Vivian Korthuis

Chief Executive Officer, Association of Village Council Presidents



Kevin Whitworth

Executive Director, Kuskokwim River Inter-Tribal Fish Commission



Scott Highleyman

Vice President of Conservation Policy and Programs, Ocean Conservancy