

Congress of the United States  
House of Representatives  
Washington, DC 20515

Samuel D. Rauch, III  
Deputy Assistant Administrator for Regulatory Programs  
National Marine Fisheries Service, NOAA  
1315 East-West Highway, Room 13436  
Silver Spring, MD 20910

Dear Mr. Rauch,

Thank you for the opportunity to comment in response to the NOAA Fisheries (NMFS) proposal to revise guidelines for implementing National Standards 4, 8, and 9 of the Magnuson-Stevens Act (MSA). The revisions are proposed to consider "Climate-Related Impacts on Fisheries" and "Promoting Equity and Environmental Justice in Fisheries." I am encouraged to see the agency listening to the concerns of Alaskans, as we have been bearing the brunt of conservation in times of changing ocean conditions and declining productivity. Just as we are all connected by our shared oceans, every community and fishery participant using every gear type needs to be part of the solution if we are going to have healthy and productive oceans in the future.

The ten MSA National Standards are the principles that guide fisheries management decisions around the nation. As such, any changes must be applied to fisheries throughout the US's exclusive economic zone (EEZ). NOAA Fisheries (NMFS) has announced that they are considering revising their guidelines for implementing National Standards 4, 8, and 9, considering allocations between stakeholders, community participation and impacts, and bycatch minimization. I wholeheartedly support this effort and a continuing effort to update all National Standards. The oceans and freshwater habitats are continually changing, now more than ever. King crab, snow crab, and Yukon River salmon fisheries collapsed last year, and in Norton Sound, crab pots are coming up filled with cod instead of crab. For fisheries management to succeed, the tools fisheries managers and councils use to make decisions must change and adapt.

Alaska's seafood industry creates over 100,000 FTE jobs, \$6 billion in annual labor income, and \$15 billion in economic output<sup>1</sup>. Pure economics don't paint the whole picture of how critical fisheries are to Alaska's culture, though.

In Western Alaska, salmon is the lifeblood of our culture. Salmon is the first solid food that we eat. Our children use dried salmon for teething, and our elders rely on the shared catch when they cannot provide for themselves. For 30 years, Norton Sound has not had adequate salmon. Generations have not been able to pass vast amounts of knowledge regarding salmon fishing

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<sup>1</sup> [MRG ASMI-Economic-Impacts-Report](#)

because of mismanagement. When the rivers are empty or when subsistence users cannot fish while ocean-based trawlers are catching and discarding literal tons of bycatch, it represents a clear injustice. Ultimately, the people in the most vulnerable communities suffer from this misallocation and the overall decline of marine species. We need to re-envision how our entire system works to achieve abundance again, which begins with the National Standards.

#### **National Standard 4: Allocations**

Alaskans have fished salmon runs for thousands of years, but this is the fourth year subsistence fishing along the Yukon and Kuskokwim Rivers has been closed or severely restricted because salmon returns are too low. In the Yukon, chinook subsistence harvest has been too low to meet needs since 2008, and chum dropped precipitously in 2017 and hasn't returned to regular levels. On the Kuskokwim, subsistence fishermen have self-restricted their catch since 2017. Salmon runs are down to 20 percent of the historic need; chinook crashed in 2009, and chum numbers were down for a few years but have rebounded.

While mitigating climate impacts on fisheries is critical to the long-term survival of these salmon runs, those actions are longer-term and take time to show effects. NOAA has tools to reduce further and mitigate bycatch; historically, the priority has been on commercially important fisheries. However, NMFS and the Councils must now consider how the bycatch of culturally important species impacts subsistence and traditional fishing practices.

In their comments, the North Pacific Fisheries Management Council (NPFMC) accurately pointed out that they have created several good, fair programs to protect allocations in Alaskan fisheries, including the Community Development Quota (CDQ) program. Still, their focus historically has been on properly allocating and managing commercial programs, which has created an inequitable situation wherein commercial users continue to fish their allocations, and subsistence fishermen are left without food. Allocations of bycatch must be managed in a way that still protects subsistence fishermen. Put another way, allocations in one sector should not harm the participants in a different fishery because the target species in the second fishery is bycatch in the first.

Some Fishery Management Plans (FMPs) in Alaska are based on gear type. For example, under the Bering Sea/Aleutian Island (BSAI) Groundfish FMP, 10.7 percent of the total allowable catch is allocated to CDQ groups, and the rest is allocated based on gear type, vessel size, and processing ability. Basing allocations on gear type locks fishermen into continuing to use gear that may be less species-specific and more ecologically damaging, such as trawls instead of pots or longlines. The National Standards guidelines should be updated to encourage Councils to use allocation methods that can be flexible to new technology and modernized fishing gear.

Updating National Standard 4 to reflect a changing world is necessary to protect all stakeholders' access to fisheries, including subsistence and traditional users who rely on those resources for food security. In the ANPR, NMFS raised the point that the "existing guidelines provide limited guidance on what is meant by "fair" and "equitable"; while it may be complex

to write definitions that can be applied across the nation's fisheries, this administration has made equitability and justice a cornerstone of its policy, and NMFS has a responsibility to ensure those values are included in fisheries management. Instead of applying a single definition across Councils, each Council could write its equity plan approved by NMFS on a biannual basis and then apply it to fisheries management decisions.

### **National Standard 8: Communities**

Communities dependent on fisheries are in places, not a concept of people involved in fisheries. A corporate-owned boat homeported in a city hundreds or thousands of miles from where it fishes should be considered different from communities adjacent to those fisheries. One can point to dozens of examples throughout coastal Alaska where quota management schemes and fishery management decisions have disproportionately impacted local communities.

The Advanced Notice of Proposed Rulemaking (ANPR) says, "Environmental changes are affecting, and will continue to affect, stock distributions and abundances." Alaska is on the front lines of climate change, and the impacts on our ocean and fisheries have immediate and devastating effects on traditional ways of life.

The Arctic is warming faster than the equatorial ocean, which has caused northward shifts in fish stock distributions and compositions. According to a paper in the ICES Journal of Marine Science, "predicted impacts [to commercial fish populations and fisheries in high-latitude systems] include shifts in the spatial distribution of boreal species, a shift from larger, lipid-rich zooplankton to smaller, less nutritious prey, with detrimental effects on fishes that depend on high-lipid prey for overwinter survival, shifts from benthic- to pelagic-dominated food webs with implications for upper trophic levels, and reduced survival of commercially important shellfish in waters that are increasingly acidic. Predicted changes are expected to result in disruptions to existing fisheries, the emergence of new fisheries, new challenges for managing transboundary stocks, and possible conflicts among resource users<sup>2</sup>."

In the ANPR, NMFS suggests one option "could be for a community to increase their resilience by decreasing their dependence on one or more particular stocks or fisheries." This is a good suggestion; Councils, particularly in higher latitudes, should consider current and potential future shifts in stock composition, changing migration patterns, and new ecological conditions when making management decisions. Historical data is essential for knowing what has happened previously. Still, future ocean conditions are predicted to be significantly different from historical and decisions can no longer be predicated on the past.

Recently, the Alaska Fisheries Science Center published a study in collaboration with Russian scientists that found Pacific cod and Alaska pollock, two of the most important commercial fisheries in the state, are shifting northward as temperatures rise. There needs to be additional

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<sup>2</sup> [Possible future scenarios in the gateways to the Arctic for Subarctic and Arctic marine systems: II. prey resources, food webs, fish, and fisheries | ICES Journal of Marine Science | Oxford Academic \(oup.com\)](#)

resources provided for fish surveys in the BSAI and Gulf of Alaska to better account for how stocks are migrating and changing with the climate.

### **National Standard 9: Bycatch**

I recognize that a certain amount of bycatch is unavoidable in every fishery. Nonetheless, bycatch reduction and constant improvement is an essential and laudable goal. Subsistence fishers on the Yukon and Kuskokwim Rivers do not have enough salmon to fill their freezers. Alaska Natives in the Pribilof Islands only catch a small portion of their traditionally harvested halibut. Chum salmon are a critical resource for subsistence users in Western Alaska, especially when Chinook numbers are low as they have been in recent years. Subsistence fishing for chums shut down along the Yukon and Kuskokwim Rivers, yet still, there is no cap on chum bycatch for the trawl fleet. While the NPFMC considered adopting chum salmon bycatch limits, the proposal was rejected after strong opposition from the pollock trawl industry.

By June of this year, the Bering Sea pollock trawl fleet caught 13,000 chinook salmon as bycatch, while subsistence fishermen on the Yukon and Kuskokwim rivers continue to sacrifice their normal catch as the last line attempt to meet escapement goals. National Standard 9 concerns bycatch and says, "conservation and management measures shall, to the extent practicable, (a) minimize bycatch and (b) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch."<sup>3</sup> Some level of bycatch may be unavoidable, but in mixed-use fisheries, as in the Bering Sea, bycatch from commercial users has a detrimental effect on upstream subsistence harvesting.

NS9 could be updated to protect subsistence harvesting by strengthening bycatch guidelines, specifically in those fisheries where commercial activities have recently been prioritized over subsistence harvesting in rural and underserved communities. NMFS should also consider providing commercial fishermen incentives to further reduce bycatch. Some ideas Alaskan fishermen have suggested to help with bycatch mitigation include:

- gear exchanges for more targeted gear;
- working with fishermen to incorporate live-feed cameras on their nets to avoid non-target species better;
- regular genetic testing of salmon to help fishermen avoid Western Alaska salmon and ignore Asian hatchery fish; and
- salmon lifecycle monitoring in rivers and the oceans to quantify the number and size of salmon in Western Alaska.

### **Conclusion**

The National Standards implementation guidelines must be updated to protect fishery-dependent communities and traditional user groups, particularly subsistence fishermen. The

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<sup>3</sup> <https://www.fisheries.noaa.gov/national/laws-and-policies/national-standard-guidelines>

status quo is failing most Alaskans, and NMFS needs to ensure the National Standards reflect the ocean's changing conditions and decreased productivity. By revising the guidelines for National Standards 4, 8, and 9, NMFS and the Councils can sustainably and equitably manage fisheries into the future. The agency needs to be careful in the revisions to ensure that there are fish for everyone but not bring harm or injury to any user groups.

I look forward to working with NOAA Fisheries to update National Standards 4, 8, and 9 to ensure that Alaskans keep fishing for generations.

Sincerely,

A handwritten signature in black ink that reads "Mary Peltola". The signature is written in a cursive, flowing style.

Mary Peltola  
Member of Congress