

11-018823

ALASKA FEDERATION
OF NATIVES2011 MAR 25 AM 9:48
OS EXECUTIVE SECRETARIAT

March 24, 2011

The Honorable Gary Locke, Secretary
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230
VIA FACSIMILE: 1-202-482-2741

***Re: Letter Requesting Fisheries Disaster Declaration for the Norton
Sound Chinook Salmon Commercial Fisheries***

Dear Secretary Locke:

Alaska Federation of Natives is a statewide Alaska Native organization formed in 1966 to represent Alaska's 120,000+ Eskimos, Indians and Aleuts as an advocate on behalf of the Alaska Natives. AFN's membership is composed of 178 villages (village corporations and federally recognized tribes), 13 regional Native corporations and 12 regional nonprofit and tribal consortiums. AFN serves as an advocate of the Alaska Natives on issues that impact them across the state of Alaska.

On behalf of AFN and its membership, we respectfully request that you exert your authority as the Secretary of Commerce and declare a Chinook Salmon commercial fisheries disaster for the Norton Sound because of the failure of the commercial fisheries and the return of the Chinook salmon that impacting Unalakleet and Shaktoolik Subdistricts 5 and 6 following the steps your office took in declaring commercial fisheries disaster for Chinook Salmon fisheries along the Yukon River in 2010. A copy of my letter to you regarding the Chinook fisheries on the Yukon River and its attachments are attached to this letter.

Commercial fishing on the Norton Sound was once one of the means that provided a sustainable cash income to the commercial fishermen/women of this area; and was once one of the major economic development opportunities that the people of that region who depended upon this fisheries for their livelihood. Not only that, Chinook salmon was and still is a major source used by the people of this region for subsistence fishing purposes.

Pursuant to Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) you are authorized, once a fishery disaster has been declared, to assign funds "for assessing the economic and social effects of the commercial fishery failure, or any activity that the Secretary determines is appropriate to restore the fishery or prevent a similar failure in the future and to assist a fishing community affected by such failure." Section 312(a) also states that a failure must be due to a "disaster of natural or undetermined causes or man-made causes beyond the control of fisheries managers to mitigate through conservation and management measures, including regulatory restrictions..." This regulation describes the situation that exists in the Norton Sound fisheries system.

As you may be aware, the Alaska Board of Fish has designated the Chinook salmon in the Unalakleet and the Shaktoolik sub-districts as a "stock of concern" based on the failure of the Chinook Salmon stocks reaching the escapement goals for two consecutive years, even in light of emergency orders restricting the taking of the Chinook salmon stock.

The following AFN Convention resolutions passed by the delegates to the 2008 and 2009 Annual Conventions are attached for the purposes of demonstrating that the Alaska Natives across the state of Alaska are very concerned with the Chinook Salmon population as this salmon plays as one of the key resources used for subsistence and commercial fisheries of this salmon species:

1. **RESOLUTION 08-17: REQUESTING THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND THE NATIONAL MARINE FISHERIES SERVICE TO TAKE EMERGENCY AND PERMANENT ACTION TO REGULATE SALMON BYCATCH IN THE BERING SEA POLLOCK FISHERY.** This resolution was sponsored by the Association of Village Council Presidents. A copy of this resolution is attached for your ready reference in my letter of April 8, 2009.
2. **RESOLUTION 09-09: REQUESTING THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL TO DESIGNATE A FIFTY-MILE BUFFER FROM THE OUTER MOST LAND MASS FOR THE PROTECTION OF SUBSISTENCE RESOURCES IN COASTAL AND NEAR SHORE COMMUNITIES FROM BOTTOM FISH TRAWLING: While Chinook Salmon is not specifically mentioned, this species of salmon, as we understand it, is one of the fish species that are included in the bycatch.**
3. **RESOLUTION 09-34: REQUESTING THE U.S. SECRETARY OF COMMERCE, GARY LOCKE TO REJECT THE DECISION OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**

ADDRESSING THE CHINOOK BYCATCH IN THE BERING SEA POLLOCK TRAWL FISHERY IN APRIL 2009: The concern expressed by this resolution is the large number of Chinook Salmon that ends up being part of the bycatch by the trawlers in the high seas.

4. **RESOLUTION 09-35: COMPOSITION OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL:** The hope of the delegates of the 2009 AFN Convention is that by adding four voting members of Alaska Natives to NPFMC, the members on this council would gain a greater understanding, thus, concern for the number of Chinook salmon that end up being bycaught.

Again, we urge you to issue a **Fisheries Disaster Declaration** for the Norton Sound Chinook Commercial Fisheries as soon as possible. Thank you for your consideration. If you have any questions regarding this request, please call me at 907-274-3611.

Sincerely,



Nelson N. Angapak, Sr.
Senior Vice President

Attachments:

AFN Convention Resolution 08-17
Statement Submitted to NPFMC regarding Chinook Salmon bycatch
AFN Convention Resolutions 09-09, 09-34 and 09-35

Cc: Senator Mark Begich
Senator Lisa Murkowski
Congressman Don Young

ALASKA FEDERATION OF NATIVES**2000 ANNUAL CONVENTION****RESOLUTION 09-09**

- TITLE:** REQUESTING THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL TO DESIGNATE A FIFTY-MILE BUFFER FROM THE OUTER MOST LAND MASS FOR THE PROTECTION OF SUBSISTENCE RESOURCES IN COASTAL AND NEAR SHORE COMMUNITIES FROM BOTTOM FISH TRAWLING
- WHEREAS:** Practicing a customary and traditional subsistence way of life is a basic fundamental human right for Alaska Natives; and
- WHEREAS:** Many of our villages derive their subsistence food sources from the sea in close proximity to our communities; and
- WHEREAS:** The entire destructive bottom trawler fishery has historically fished in close proximity to our coastal communities interfering the essential food sources for halibut, seals, walrus, whales and other important and essential subsistence food sources; and
- WHEREAS:** Eye witnesses, based on personal interviews, have seen ocean vegetation including sea lettuce, sea weed, and other forms of bottom sea life which are essential to the marine ecosystem disrupted in the wake of trawlers operating off the coastal communities; and
- WHEREAS:** Trawlers, in addition to the effects of global warming, may create irreparable harm to the food chain in the Bering Sea eco-system which will likely be detrimental to subsistence food sources; and
- WHEREAS:** Buffer zones are important for the protection of ecosystems important to our subsistence food resources; and

NOW THEREFORE BE IT RESOLVED by the delegates to the 2009 Annual Convention of the Alaska Federation of Native, Inc., that AFN request the North Pacific Fishery Management Council; National Oceanic and Atmospheric Administration, and National Marine Fisheries Service designate a fifty mile subsistence buffer zone off the furthest land mass along the entire coast of Alaska while providing maximum protection for Community Development Quota Programs (CDQ) already in existence.

SUBMITTED BY: ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
COMMITTEE ACTION: DO PASS
CONVENTION ACTION: AMENDED AND PASSED



ALASKA FEDERATION OF NATIVES

2000 ANNUAL CONVENTION

RESOLUTION 09-34

- TITLE:** REQUESTING THE U.S. SECRETARY OF COMMERCE, GARY LOCKE TO REJECT THE DECISION OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL ADDRESSING THE CHINOOK BYCATCH IN THE BERING SEA POLLOCK TRAWL FISHERY IN APRIL 2009
- WHEREAS:** Denby Lloyd, Commissioner of the Alaska Department of Fish & Game, during the North Pacific Fishery Management Council (NPFMC) meeting held in Anchorage on April 1 through April 7, 2009, submitted a motion for the North Pacific Fisheries Management Council to consider the following:
- An overall cap of 68,392 Chinook salmon
 - Performance cap of 47,591 Chinook salmon; and
- WHEREAS:** Eventually, the NPFMC adopted a hard cap of 60,000 Chinook salmon and a performance cap of 47,591 Chinook salmon which will take effect in the year 2011; and
- WHEREAS:** The composition of the Bering Sea Chinook bycatch in the Bering Sea Pollock trawl fishery, according to Kate Myers, is 56% of Western Alaska origin, 31% of Cook Inlet origin, 8% Southeast Alaska/British Columbia origin, and the remaining 5% of Kamchatka origin; and
- WHEREAS:** Up to 95% of the Chinook bycatch in the Bering Sea Pollock Trawl fishery is of Alaska origin; and
- WHEREAS:** Many of the Chinook salmon producing rivers and streams in Alaska are facing conservation concerns to include the Stikine and Taku Rivers in Southeast Alaska, the Kenai and the Deshka in the Cook Inlet region, the Karluk and Ayakulik River of the Kodiak region, the Nushagak River in the Bristol Bay region, the Kwethluk, Tuluksak, and the George in the Kuskokwim River region, the Unalakleet River in the Norton Sound region and the Yukon River, Copper River and in the Gulf of Alaska; and
- WHEREAS:** The Bering Sea Pollock Trawl fishery impacts all Chinook salmon producing rivers in Alaska; and

WHEREAS: The Tribes of the Lower Yukon region are deeply concerned that the NPFMC actions does not address the critically low forecast of the Chinook salmon returns on the Yukon River in the summer of 2009; and

WHEREAS: The 2008 Chinook salmon returns on the Yukon River were far below the numbers necessary for conservation, to meet international treaty obligations, to provide for the aboriginal needs of the Indigenous people in Yukon Territory, Canada, and far below the number of Chinook salmon necessary to meet the subsistence needs of the Yukon River Tribal families and to provide for commercial opportunities essential to meet the financial needs of the Yukon River Tribal families; and

WHEREAS: Specifically, on the Yukon River, the Alaska Department of Fish & Game, in cooperation with the U.S. Fish & Wildlife Service, opened the 2008 subsistence salmon harvest season with windows regulations in place for the entire Yukon River; and implemented reduced and outright subsistence closures; and

WHEREAS: The return of the Yukon River Chinook salmon began fearfully slow and required even further restrictions placed on the Yukon in-river subsistence fishermen and their families (i.e., from the 2 36-hour openers in the Lower River districts down to 2 18-hour openers) for fear that the "run abundance would not support the customary subsistence harvests and meet escapement goals in Alaska and meet the interim management escapement goal of at least 45,000 fish into Canada agreed to by the Yukon River Panel," (taken from the ADFG/USFWS 2008 Yukon River Summer Salmon Fishery News Release #14, dated June 22, 2008), and, in the lower river districts, the mesh size was reduced to a maximum of 6-inch stretch mesh in order to conserve Chinook salmon; and

WHEREAS: By the end of the 2008 season, it was determined that the total Yukon River run was approximately 151,000 Chinook salmon (36% below the most recent 5-year average) and was not enough to satisfy all of the historical needs, including Subsistence; and

WHEREAS: Since 2001 to date, the minimum number of Chinook salmon intercepted and wasted by the Bering Sea Pollock fishery is over 450,000, most notably the 2007 record high by-catch amount of 122,000; and

WHEREAS: In the meantime, the Bering Sea Pollock fishery continues to fish without any regulatory restrictions, further endangering our future Chinook salmon resources and our ability to meet our subsistence and small scale in-river commercial fishery needs; and

WHEREAS: Subsistence and commercial Chinook users cannot wait until 2011 for effective management measures to be implemented, for fear of another season such as 2007, where 120,000+ Chinook salmon were wasted in the Bering Sea Pollock fishery, and for additional years of no commercial fishing and not meeting subsistence needs.

WHEREAS: During the month of January 2009, Mr. Nick Tucker of Emmonak, wrote a letter to the Anchorage Daily News outlining the sufferings, hardships, and dilemma's people were facing in the village of Emmonak as a result of a failed Chinook directed commercial fishery, high energy costs, high transportation and food costs; and

WHEREAS: The U.S. Fish & Wildlife Service (USFWS) representative expressed, to the NPFMC, that the current regulatory action was not sufficient for the USFWS to meet its obligations to the rural residents for their subsistence needs under Title VIII of the Alaska National Interest Lands Conservation Act; and

WHEREAS: The United States State Department representative expressed her concern that the NPFMC current action does not meet the needs of the Yukon River Salmon Agreement where the treaty agreement requires the United States to allow a minimum escapement of 45,000 Chinook salmon through the international boundary on the Yukon River; and

WHEREAS: In the summer of 2009, the Alaska Department of Fish & Game and the USFWS, Office of Subsistence Management placed severe subsistence and commercial restrictions on the tribal members on the United States side of the Yukon River to include the following:

- No directed commercial fishery for Yukon River Chinook salmon
- No subsistence fishing on the first pulse and perhaps the first-half of the second pulse which resulted in an absolute subsistence fishing closure
- Federal fisheries managers implemented severe Chinook fisheries regulations to limit the harvest of Chinook salmon to federally qualified rural subsistence users
- Subsistence fishing was restricted to two 18-hour openings per week on the Lower Yukon districts of Y-1, Y-2, and Y-3
- In the coastal district, the subsistence fishery was open for seven days a week, however, subsistence fishermen are restricted to six inch maximum mesh nets only; and

WHEREAS: The Alaska Department of Fish & Game's mission is as follows: "To protect, maintain, and improve the fish, game, and aquatic plant resources of the state, and manage their use and development in the best interest of the economy and the well-being of the people of the state, consistent with the sustained yield principle; and

WHEREAS: In our villages, the reserves of dried and frozen Chinook salmon, a primary food source, were severely depleted due to high energy costs which trickled-down to high grocery costs in the winter of 2008; and

WHEREAS: Due to high energy costs and high grocery costs, people had to rely on more subsistence foods since the cash economy was introduced to our villages.

NOW THEREFORE BE IT RESOLVED by the delegates to the 2009 Annual Convention of the Alaska Federation of Natives calls for the U.S. Secretary of Commerce, Gary Locke, to reject the April 2009 decision of the North Pacific Fishery Management Council addressing the bycatch of Chinook salmon and revert the decision back to the North Pacific Fishery Management Council to further protect our Alaska origin Chinook salmon; and

BE IT FURTHER RESOLVED that the Secretary of Commerce utilizes his authority to implement a hard cap of 32,500 Chinook Salmon in the Bering Sea Trawl Fishery by an emergency regulation.

SUBMITTED BY: ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS

BOARD ACTION: TO FLOOR

CONVENTION ACTION: AMENDED AND PASSED



ALASKA FEDERATION OF NATIVES, INC.

2009 ANNUAL CONVENTION

RESOLUTION 09-35

TITLE: COMPOSITION OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.

WHEREAS: The North Pacific Fisheries Management Council (NPFMC), through the National Marine Fisheries Service (NMFS), is responsible for the management of fisheries in the marine Exclusive Economic Zone off of the coast of Alaska; and

WHEREAS: The NPFMC is composed of 11 voting members; and

WHEREAS: The NPFMC does not have tribal representation in any of its membership; and

WHEREAS: The NPFMC current membership primarily represents the interests of the fishing industry; and

WHEREAS: NMFS and the NPFMC frequently develop and carry out actions that may uniquely and significantly affect tribal communities; and

WHEREAS: There is precedent for tribal representatives on the Pacific Fishery Management Council; and

WHEREAS: The Magnuson-Stevens Fishery Conservation and Management Act may be amended to modify the composition of the NPFMC; and

NOW THEREFORE BE IT RESOLVED by the delegates to the 2009 Annual Convention of the Alaska Federation of Natives, Inc., that the Alaska Delegation to the US Congress put forward amendments to the Magnuson-Stevens Fishery Conservation and Management Act that would add four voting seats to the NPFMC to be filled by representatives of federally recognized tribes and Alaska Native organizations; and

BE IT FURTHER RESOLVED THAT Alaska Federation of Natives call on the Secretary of Commerce to place a moratorium on expanding industrial commercial fisheries North of Saint Matthew Island until the Voting seats are provided to federally recognized tribes or Alaska Native Organization representatives; and

BE IT FURTHER RESOLVED that any nominees for these seats should not be directly employed by a community development quota program or the Pollock industry.

SUBMITTED BY: KAWERAK, INC.

COMMITTEE ACTION: DO PASS

CONVENTION ACTION: AMENDED AND PASSED

