

Tribal Consultation Between Kuskokwim River Inter-Tribal Fish Commission, Association of Village Council Presidents, Tanana Chiefs Conference, Yukon/Kuskokwim Tribal Government and National Marine Fisheries Service

Date/Time: February 3, 2023 / 10:00 AM - 11:30 AM

Attendees:

Kuskokwim River Inter-Tribal Fish Commission: Mike Williams (Executive Council Chair), Kevin Whitworth (Executive Director), and Terese Schomogyi (Programs Manager)

Association of Village Council Presidents: Vivian Korthuis (Chief Executive Officer), Jennifer Hooper (Natural Resource Director), Joy Anderson (General Counsel), Liz Pederson (Chief Program Officer), Karen Gillis (Executive Director Bering Sea Fishermen's Association), and Bob McManey.

Tanana Chiefs Conference: Brian Ridley (Chief/Chairman), Shannon Erhart (Tribal Development Deputy Director), Benjamin Stevens (Tribal Resource Stewardship Director), and Robin Brown (General Counsel)

Yukon/Kuskokwim Tribal Government Representatives : Edward Adams Sr. (AVCP Traditional Chief, Nunam Iqua), Stanislaus Shepherd (Mountain Village, Mid-Lower Yukon advisory Committee)

Bering Sea Fishermen's Association: Karen Gillis (Executive Director)

DOC NOAA NMFS: Jon Kurland (Regional Administrator), Kristie Balovich (Acting Deputy Administrator), Molly Watson (General Counsel), Amilee Wilson (Tribal Liaison), Mary Furuness, Obren Davis, Bridget Mansfield, Steven Whitney, Kelly Cates, Allyson Olds, and Abby Jahn (Sustainable Fisheries Division)

DOI BIA: Rose Petoskey (Senior Counselor to the Assistant Secretary for Indian Affairs)

Summary Meeting Notes

Meeting Preparations *(Facilitator: Amilee Wilson)*

Logistics: How to navigate the Google platform was explained (google meet functions, how to turn on and off mic/audio, closed captioning, raised hand, etc.).

Recognition of Tribes' request to include NOAA Secretary and headquarters leadership staff in the tribal consultation:

- If the Tribal parties designate their leader(s) or members of the tribal council as participants in the consultation, a NOAA official with decision-making authority will participate in the formal consultation ([NOAA 13175 Policy](#))
- Introduced Jon Kurland, NMFS AKRO Regional Administrator and Kristie Balovich, Acting Deputy Regional Administrator.
 - Jon is the agency's senior representative for NOAA NMFS in Alaska
 - The AKRO RA and Deputy RA are attending personally because of the importance we place on tribal consultations

Handling of Meeting Notes:

- A summary from the notes of this meeting will be posted to the NMFS Alaska Region website

- All parties will have the opportunity to review and approve the summary meeting notes from the Consultation before posting to the NMFS website
- NMFS has limited capacity to protect the confidentiality of information provided by the Tribe consistent with the requirements of the Freedom of Information Act (FOIA)
- If tribal parties choose to share sensitive information with us that is not intended to be on record but for our working knowledge, please let us know ahead of time so we can pause our notetaking efforts

Introduction *(Facilitators: Kevin Whitworth, Vivian Korthuis, and Jon Kurland)*

Welcome

- Elder/Leader Prayer given by Vivian Korthuis, AVCP Chief Executive Officer

Thank you to Vivian Korthuis for beginning our tribal consultation meeting in prayer.

- Purpose of Meeting

Amilee Wilson: We are responding to your comments about the BSAI harvest specifications and request for Tribal Consultation. NMFS staff are here today to listen and answer your questions.

Vivian Korthuis: Described her lifestyle of growing up on the Yukon River and by the Bering Sea. This rich experience is the foundation of their culture and community. We have long been great observers of the environment, with lots of knowledge transfer from our elders and our regional neighbors. When things start changing, we rely on grandparents and parents to describe the context of changes. Growing up on Yukon, we relied on salmon and also all the other species (i.e., moose, birds, seal). When things start changing we have to learn how to not only observe, but predict what will happen. We have entities that work on behalf of tribes and are the backbone of who advocate for tribes. This has led to a knowledge of being able to use consultations to have discussions. The table is set and everything that we bring forward affects our organizations and communities holistically. Our communications are what we are concerned about.

Kevin Whitworth: This meeting is trying to build connections and work together toward a common goal. There are disconnects between ocean and freshwater river environments and there shouldn't be. The Yukon and Kuskokwim Rivers are part of the Bering Sea ecosystem. The Bering Sea ecosystem is what it is because of the connections with freshwater inputs. The Bering Sea wouldn't be what it is without rivers that connect to it. A lot of decisions that happen in the ocean do not take into account the effect it has on tribal people and the resource impacts that take place inriver. We are here to try to overcome some of the issues we face, salmon issues, and food security. We want to make connections between tribes and NOAA, not just at this level, but at all management levels. Tribal people should be involved heavily because they are the number one people being affected. They live the closest to the Bering Sea and are the ones affected first, they are the ones that are heavily impacted by decisions, and they should be

contacted constantly on these issues. This is hopefully the start of many more meetings to come.

Jon Kurland: Thank you, Vivian and Kevin, for your comment letters that initiated this consultation. We want to hear from you. We want to acknowledge the care that Kevin and Vivian took in their opening comments and the fundamental importance of marine resources for the tribes and communities. While the focus is, in part, on the harvest specifications, we understand your interests are broader on how we can connect and consider your perspectives in the agency's decisions.

- Introductions¹
 - Kuskokwim River Inter-Tribal Fish Commission
 - Association of Village Council Presidents
 - Tanana Chiefs Conference
 - Regional Tribal Government Representatives
 - National Marine Fisheries Service and General Counsel AlaskaNote: see attendees list above

Topics for Discussion *(Facilitators: Kevin Whitworth and Vivian Korthuis)*

- Impacts of Salmon Declines in Western/Interior Alaska Subsistence Communities

Kevin Whitworth: It has never been as bad as it has been now. Lowest salmon return numbers on record that we've ever seen. Historical lows for chum salmon in the Yukon and Kuskokwim Rivers. Escapement goals are not being met, subsistence needs not being met, coho numbers have been declining, and we are experiencing fisheries closures we have never seen before for coho. From June 1 to September 16, there are highly restricted fisheries for Chinook, coho, and chum salmon. Our way of life is threatened because we cannot meet ceremonial and subsistence needs. This means difficult cultural and food security issues. All three species we are highly concerned about. Tribal members are having a very hard time meeting basic needs and we are not seeing an increase in levels or signs that the salmon are coming back.

Vivian Korthuis: I serve as Chief Executive Officer for AVCP (7 years). I am Yupik, a member of the Emmonak tribe on the mouth of the Yukon River, grew up traveling north and all over the region, born and raised. I want to speak to the salmon collapse. AVCP is the largest consortium of tribes, we are very aware of all the discussion happening at all levels regarding arctic issues. Salmon issues are arctic issues. Our Way of Life is based on subsistence and the environment around us. At least 70% of households harvest game. Very concerned right now about what this means and the impact of loss of our primary source of protein (salmon). We are already seeing the changes that have resulted in families with decreasing available protein. There is more pressure on hunters to perform, since there is less salmon available to eat. We know that 98% of households depend on salmon directly. If this was in any other part of the country it would be like taking away all the grocery stores and letting people go without access to food resources. Salmon is the main food resource that our families rely on, especially through the winter. The crashes that we have witnessed are just one layer of disasters that our communities have encountered. COVID imparted trauma on our communities as well and it is critical to understanding the combined stress that our communities are experiencing. Trauma resulting

¹ See full attendee list on page 1.

from families not being able to work together and the connection that families share as they put fish away. Also, Typhoon Merbok impacted our communities. We are still dealing with the aftermath of the typhoon. In any other part of the U.S. it would be on the news every single day and it's not. These disasters are paired with unprecedented salmon losses. I have many stories but I will not go into that now.

Jon Kurland: I want to acknowledge how the significant declines of Chinook, coho, and chum salmon are affecting your Way of Life. I cannot possibly understand the significance of this in the way that you live it but I want to acknowledge that we understand the seriousness of it.

Vivian Korthuis: One area that can help or hinder salmon populations is harvest specifications. More pollock fishing equals more salmon bycatch. The harvest specifications inform agency decisions to increase trawl fishing in the Bering Sea. I know that the federal government manages by species, but they need to take a look at everything and how it's all connected.

Please take our comments and work with them. Please allow us to be at the table and consider our comments. We do not feel that we are always heard. We encourage NMFS to honor our government-to-government relationship with Tribes and do not ignore it. Tribal consultation is extremely important and there are laws and regulations that you are held accountable to. We would really like those laws and regulations to hold water. Please be open to our comments, we are trying to find a path to help our communities. Sometimes we feel like we don't count, we are not being heard, or we are not important, and this has unintended results. The process for managing salmon populations at agency level is not a substitute for consultations and penetrates through all agencies and councils. It is really important for you to understand what our people have to deal with. Lately, we have had so many conversations on a path forward. There are over 100,000 people in AYK Delta. This is real. Family dynamics, safety, health care, accidents are all tied into the region and integration of family and food security. Our people are demanding that we stand up and voice our concerns. We need a more holistic approach. Our tribes are at a point where we are forced to speak and we are asking for your help to do something.

Stanislaus Shephard: I attended the Alaska Board of Fisheries meeting last month. What surprised me was when the department gave their analysis and suggestions. They pulled up a pie chart and showed a percentage of bycatch intercepts of fish coming into the Yukon. What was concerning is that they only give it by percent. Give us that number - define that percent. We missed subsistence harvest by a few thousand fish. They kept harvest restrictions until October 2 and that is unheard of. By then it is too late to put up fish. In September, we always can fish at the gateway. There is a buffer zone around the gateway. In the 1990s, when reductions occurred at the gateway, we saw a good return after that.

Kevin Whitworth: As you have heard, every fish counts. Inriver, people are sacrificing their needs because of salmon declines. ADF&G escapement goals have not been met for several years. The TAC for the pollock fishery has been discussed and increased. Everytime their nets are in water there is bycatch. There is no such thing as a targeted species. How with an increase in the TAC are we going to avoid salmon bycatch? Tribes are feeling discriminated against because they are sacrificing subsistence fishing in order to meet escapement, but then fish get caught in the pollock fishery. We feel this effort is negatively impacting our salmon populations and not helping what is going on in the ocean.

Jon Kurland: Thank you for your questions. We do not have a final decision on the 2023 harvest specifications but we will be making that decision soon. Setting the harvest specifications is an

annual process, and although we are pretty far along in that process this year, there are opportunities for involving tribes earlier in the next cycle. All of the measures for reducing salmon bycatch are intended to apply at all levels of abundance. Those measures to protect salmon populations will still be in place. Bycatch limits for Chinook salmon are lower in low abundance years. I certainly understand your concerns. I can understand why the increase in the Pollock TAC may give the impression that more salmon bycatch will occur but there are many variables that can influence bycatch levels. I hear you there and this is something we need to continue to evaluate and work with the pollock industry and other industries to ensure they are continuing to minimize bycatch regardless of where the TACs are set.

Kevin Whitworth: I do encourage you to work with tribal groups and industry when thinking how to move forward on this potentially significant change. Every fish counts. We are trying to conserve fish in the river and we need the same to occur in the ocean. We need to find some common goals. One should be to recover chinook and chum salmon. I feel that this isn't a common goal for NMFS or ADF&G to conserve species for the people. There is a disconnect there. You have a lot of conversations with industry. This is not equitable. There should be a lot of conversation with Tribes as well, especially concerning interior rivers.

Vivian Korthuis: The federal agency looks at things with a certain lens. The lens we have ties directly back to the role and responsibility that you have to Tribes. The relationship you have with Tribes is critical to this discussion and we feel things are very lopsided right now. On the East Coast 30 years ago, I was shocked that the rivers had no salmon but now that is happening in Alaska. We need to take a big picture approach. How does this relate to other conservation efforts and what are best practices we can apply to this situation so we reinforce sustainability and not go backwards. I am not asking for answers now.

Jon Kurland: I acknowledge that you and Kevin made comments about restoring salmon runs. That is our goal too; we all have that in common. One of the most frustrating parts is that we don't know exactly why salmon are declining. Kevin would like us to have conversations with Tribes as well as industry. We will do that and we will work with tribes. When I referenced working with the industry, I was talking about coordinating closely with them during inseason management to share information about where salmon and other prohibited species are and help them minimize their bycatch. When there are reports of encountering prohibited species in real-time, we share that information broadly with others in the fleets so they can move away from those areas.

Mike Williams: I am the Chairman of KRITFC. We have been noticing salmon declines over the last ten years. All of the species are in bad decline. Our families and way of life are suffering as a result. We are doing our part for conservation on the river to preserve the salmon species. Industry needs to do more. With harvest specifications, we need to make sure that it is fair between groundfish and inriver fisheries. The industry needs to do more and make sure they do their part so that fish continue to return to our rivers. We also need to re-evaluate the Programmatic Environmental Impact Statement (PSEIS) that has been impacting our fisheries analysis. Climate change has made a big impact, especially during hot weather. This coupled with fishing on the high seas really affects our communities. We need to continue to have meaningful consultations - not just opportunities to air our grievances and then have nothing come of it. Jon, I appreciate meeting you in Sitka last year and look forward to more conversations.

Kevin Whitworth: The industry has 45 minutes to share their testimony on what is happening in the ocean. There are many layers where NMFS can be working with Tribes more and a little

better. NMFS has control in meeting discussions, agendas, and topics given to the industry. It is perceived that industry has more of NMFS' ear. What does working with Tribes mean? I am on the Salmon Bycatch Committee and heard industry presentations on this topic but the Tribes were never asked to give the same sort of presentation. There is a disconnect and there are a lot of different layers and a lot NMFS can do at many levels to include Tribes. It is really frustrating. Tribes should and can be involved to make this a more equitable process. For example, we helped with the 2002 Ecosystem Status Report. This was a good engagement.

Shannon Erhart: We support what Vivian and Kevin have said here today. Here in the Interior, we represent 39 federally-recognized Tribes. Federal agencies should be negotiating and considering these things with Tribes. This is a big hardship. It is your responsibility to engage in government-to-government relationships before decisions are made in the ocean that affect our lives. The Bering Sea ecosystem is all connected, we never over harvest but take only what we need. It is so hard to hear that there is ANY bycatch and fish are being wasted when we are not allowed to catch anything for our families. We understand we are trying to feed the rest of the world, but we also need to feed the families that live here. We hear that thousands of fish are being caught in ocean fisheries through bycatch but our communities can't eat.

Jon Kurland: Thank you for sharing these comments. We take this very seriously. I want to thank Kevin for his comments as well regarding our level of engagement on tribal consultation and tribal concerns not being evaluated sufficiently.

Edward Adams, Sr.: I have harvested fish all my life and we only harvest what we are going to eat. We have been lucky in the past to dry salmon during the winter so our grandkids can have a taste and know what it is like. We do not have enough dry fish to sell or share. This situation is not helping our communities. We cannot live like this. Most of us do not have any money if we cannot access fish.

Vivian Korthuis: It is an honor to have Edwards Adams Sr. here and speaking to us today. He is the Traditional Chief of our region and elected to represent all 56 Tribes.

Shannon Erhart: These meetings are about forming relationship building. I see so many participants today and that is encouraging. These needs and environmental concerns must be kept in mind. Environmental studies, the NEPA document, and the EIS all need to be updated.

Closing Remarks *(Facilitators: Kevin Whitworth, Vivian Korthuis, and Jon Kurland)*

- Kuskokwim River Inter-Tribal Fish Commission

Kevin Whitworth: Thank you for listening. We are looking forward to developing a process in planning and to future conversations.

- Association of Village Council Presidents

Vivian: Thank you for listening today. Everything that we bring to you today is real for us. We know that in creating a path forward we need to be heard. We are grateful that Edward Adams Sr. spoke as the voice of our region.

- Tanana Chiefs Conference

Shannon Erhart: Thank you for being here today. These meetings are about relationship building. Every fish matters and our subsistence needs are not being met. Please keep us in mind during the environmental planning and analyses.

- Regional Tribal Government Representatives

Edward Adams Sr.: Thank you everyone for being here and listening to our concerns today.

Stanislaus Shepard: Thanks to Jon, Kevin, and Vivian. We have not met together in the last 12 or 13 years with whoever controls the standards for pollock fishery. If they look at how the department (ADF&G) controls inriver fisheries and if it is so easy to put restrictions on subsistence users it should also be easy to place restrictions on industry.

- Bering Sea Fishermen's Association

Karen Gillis: As you have heard every fish matters, and we believe that NMFS should be taking a precautionary approach to conserving resources and setting a TAC level that meets salmon escapement goals and subsistence needs. As far a tribal consultation goes, a full NEPA process is important, especially one that engages Tribes as full cooperating agencies.

Karen: Correct, that it is a Council decision to start a new PSEIS. There is not a requirement to redo, it is more discretionary. It is a topic at the next Council meeting.

- NMFS

Jon Kurland: Thank you for your engagement and clarity on tribal concerns. We do need to make a decision soon on harvest specifications. This happens every year. This meeting is just the beginning of many meetings and opportunities for tribal engagement. Whether that is focused on the harvest specification cycle, or the NPFMC decision for PSEIS, there are many venues for you all to participate and for us to have conversations with you. We hear you. What we heard today about how the salmon declines are affecting communities is heartbreaking and we share the goal of bringing the salmon back. Don't know the exact causes regarding why the salmon are not entering the rivers, but it is likely mostly due to impacts from climate change. We are working with the AFSC and ADF&G on salmon research and getting more knowledge.

Karen Gillis: Clarify that you said it is the NPFMC's decision to initiate a PSEIS?

Jon Kurland: Correct. Although NOAA Fisheries is the action agency for authorizing fisheries and is ultimately responsible for complying with NEPA, there isn't a specific requirement to do an updated PSEIS. It's a discretionary action. The Council will discuss this next week and review a discussion paper to help articulate purpose and need if they choose to do so. There are opportunities to participate virtually, listen to discussion, provide testimony on that agenda item as well as others.

Next Steps *(Facilitators: Kevin Whitworth and Jon Kurland)*

Jon Kurland: We will be developing a summary of this tribal consultation to send for your input, having a conversation next week at Council on PSEIS, and the harvest specifications will be finalized soon. We can continue conversations about that process and the tribal suggestions for process or changes.

Kevin Whitworth: We would like to review the summary before posting. We may set up another meeting with you.

Amilee Wilson: Thank you to all tribal parties for their time today. We are grateful that you reached out to engage with us and thank you for voicing your concerns. NMFS has some work to do. We want to continue building relationships with you and continue working together on these topics.

Meeting Adjourned: 11:33AM AKST