



Bering Sea Fishermen's Association

821 N Street, Suite 103

Anchorage, Alaska 99501

(907) 279-6519 or (888) 927-2732

FAX (907) 258-6688

www.bsfaak.org

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Wendy Morrison

National Marine Fisheries Service, NOAA

1315 East-West Highway, Room 13436

Silver Spring, MD 20910

RE: Advanced Notice of Proposed Rulemaking

MSA National Standards 4, 8 and 9 Guidelines

Dear Dr. Morrison,

I am writing today to express the Bering Sea Fishermen's Association's (BSFA) strong support for the process to update guidelines for Magnuson Stevens Act National Standards 4, 8 and 9.

BSFA serves 128 communities in the Bristol Bay, Arctic, Yukon and Kuskokwim (BBAYK) regions of Alaska where commercial and subsistence fisheries are vital to the economic and cultural fabric of our lives. Since 1979, BSFA has worked to support healthy and vibrant fishing communities by fostering capacity to access, sustainably develop and protect fisheries in these regions. This work has supported foundational fisheries science and interdisciplinary research, as well as engagement at every level of regional, federal and international fisheries management. BSFA is committed to the sustainable management of Alaska's resources and serves as a steward of the extraordinary ways of life and cultures of Alaskans. We work to strengthen local communities, support long-term ecological integrity, and stimulate robust economies. BSFA provides these comments through the lens of our 45 year history working on behalf of these communities and their holistic priorities of stewardship and prosperity.

Western Alaska is profoundly affected by the challenges posed by climate change, as well as the equity considerations described in NOAA's recent Equity and Environmental Justice Strategy. Our region is also home to critical efforts in climate science, and at the forefront of discussions around climate resilience and food security in rural geographies. Over the past few decades, our communities have experienced significant and at times catastrophic change, from declines in abundance and shifting stocks (i.e. salmon, halibut, crab), to coastal erosion and an increase in natural disaster phenomena. Our communities are heavily reliant on subsistence ways of life and small boat commercial opportunity for food, income, education, cultural practice and many other

aspects of community wellness. As North Pacific stakeholders have worked to respond to climate emergencies and management inequities, we have found the National Standard guidelines lacking in provisions that nurture and empower climate resilient management change, protect meaningful access by communities to the harvest and governance of marine resources, and address some of the intricate trade-offs of responding to major ecosystem issues.

Based on our long-term engagement in fisheries science, with fishing communities, and in the development and implementation of federal fishery management plans, we see a need for definitions and guideposts around how managers apply law to the complex issues that intertwine ecological and community conservation. This includes incorporating clear definitions of equity within general provisions for all national standards, as well as action-oriented language around the incorporation of climate science, community access, and resilience strategies. As communities, as industries and as a nation, we know more now about the long-term benefits and impacts of modern fisheries mechanisms, and about the unforeseen challenges we face in a changing climate, than ever before. It is imperative that we revisit the overarching principles of MSA implementation in the context of these challenges.

In addition to the encompassing concepts described above, we offer these specific considerations for the issues being considered under a guideline update, and look forward to offering additional detail at the next iteration of this process.

Fishing Community Definitions

We are emphatically opposed to the reworking of fishing community definitions to remove their place-based nature, or shift from “dependence” to “engagement” as a way of determining connection and value between a community and marine resources.

Collectively, our member communities have managed and harvested the fishery resources of Western Alaska for thousands of years, cultivating a legacy of abundance through sustainable stewardship within their ecosystems; whereas they’ve engaged with MSA federal fisheries management for just over 40 years to address their concerns. These lifelong commercial and subsistence harvesters have a profound reliance on and history with specific landscapes, and their concerns are rooted in the wisdom and gravity of that heritage. It is impossible to disassociate the identity, needs, cultures and economies of these communities, today or historically, from the places they inhabit. It is impossible to capture their gravity without place-based associations. Doing so in regulation would not only fail to be representative of America’s fishing communities, it would result in an erasure of critical histories and one of the most fundamental concepts of human interaction with and dependence upon marine resources, further empowering the co-opting of community advocacy language and law. This outcome would be a regression of equity and environmental justice principles. While there are fisheries participants and stakeholders that displace from their communities of residence in order to access North Pacific

resources, that displacement is an economic decision and should be considered separately from the complex values and needs of fishing-dependent, place-based communities.

Furthermore, issues of climate, and of equity, are by their very nature place-based. Climate-impacted communities and the resilience strategies that will protect them are tied directly to localized conditions, climate events and their effect on local fishery resources and habitats. The communities most vulnerable to climate shifts and to the ecosystem impacts of fisheries management are those that are place-based, rather than those that are defined by economic and thus geographic mobility. It is critical that we retain and reinforce language that accurately captures those issues, and the need for management solutions that recognize and prioritize the rich intricacy of place-based dependence on an ecosystem.

National Standard 4

NS4 guidelines should be adapted to better incorporate equity and climate resilience principles into allocation decisions, and further define ways to promote conservation within allocation policy. This includes articulating the relationship between allocations, and achieving the goals within NS8 and NS9, which are inherently tied to equity and ecosystem resilience and critically impacted by allocations both directly and indirectly. Expanded examples for promoting conservation could include language around minimizing ecosystem impacts, the increased importance of the precautionary principle as a means of climate resilience, provisions for habitat conservation, and access for future generations.

In the context of NS8, NS4 guidelines should ensure that allocative principles geared toward achieving optimum yield (OY) include definitions of “yield” and “value” that account for the unique dependence of fishing communities, including and beyond direct economic value. Rural economies, subsistence ways of life, food security in fishing-dependent communities, and other critical aspects of fishing community access, should carry appropriate weight in considerations around OY, though sometimes that yield is measured differently than economic yield. In the context of NS9, NS4 guidelines should consider and address the impacts of NS4 decisions for both target and non-target species, meaning allocations under NS4 can incorporate decisions that achieve NS9 goals. Finally, there should be a direct correlation between this relationship — allocations and minimizing bycatch — and its impact on NS8 goals.

Achieving ecosystem-based fisheries management, and climate resilience for all stakeholders, depends upon a recognized and actionable relationship between the goals associated with these three standards. Due to the complexity of climate challenges and equity considerations, we need an update to guidelines that articulates these needs specifically, beyond existing broad guidance for balancing the standards.

National Standard 8

As highlighted by the ANPR, BSFA supports removing the language in paragraph (b)(2) of the NS8 guidelines, which addresses allocating resources to a specific fishing community. MSA does not prohibit allocations to a fishing community, but the language in this paragraph has been prohibitive in developing meaningful strategies that provide for community access, and as such inhibits inclusion of EEJ principles and unnecessarily limits options to achieve NS8 goals.

Additionally, it is critical that an update to NS8 guidelines address meaningful and actionable inclusion of Tribes and Indigenous communities in management processes and decision making. This should include engaging and consulting Tribes during analyses, thereby incorporating Indigenous communities in both process and publication of critical analysis. Tribes have a profound history with the management, stewardship and harvest of marine resources, which continue to provide critical resources of economy, nutrition, education and culture. Input from Tribal representatives provides valuable knowledge and guidance, and is critical to achieving NS8 goals.

National Standard 9

BSFA supports meaningful expansion of the NS9 general context to better capture the importance of minimizing bycatch in the context of ecosystem and multi-species resilience, and expansion of guideposts for key action language within the standard. This especially includes developing parameters for “practicable”, a critical crossroads term that often determines what is or is not actionable in terms of bycatch minimization strategies. The guidelines and the MSA lack distinct definitions for this term, and instead offer a variety of vague concepts to be considered, but not necessarily acted upon. There is a direct need for more specific parameters and management examples that provide guidance on what is and is not practicable, ensuring that the term is grounded in actionable management tools, ecosystem conservation, and long-term, multi-generational access to fishery resources, and not reliant on industry interpretation and prioritization.

NS9 guidelines should directly incorporate climate considerations into management measure assessment and parameters for reassessment. They should also expand upon the inclusion of habitat as a direct bycatch consideration, recognizing the importance of habitat to stock resilience and rebuilding, ecosystem-based fisheries management, and critical strategies for sustaining non-target species that go beyond catch avoidance. Inclusion of habitat in NS9 guidelines integrates both climate and equity considerations, by recognizing that impacts to habitat have broad long-term impacts on non-target species, climate resilience and community access.

All of the above topics have a substantial impact on BSFA communities, and others across Alaska. We are deeply impacted by inequities between management of target and non-target species, the prioritization of narrow definitions of economic yield above the complex socio-economic and cultural value our communities rely upon, the unique vulnerabilities created

by climate change, and the historic inequities created by the rapid industrialization and narrow distribution of resource and governance access. These resources are tied directly to our communities' fundamental needs around survival and success. While we celebrate the successes of modern management and science-driven processes, we are witness to the limitations of this young and evolving system, and are proud to offer meaningful input for its iterative growth and improvement over time.

Finally, we encourage NOAA to consider these discussions of social impact and community resilience as a critical component of science-based fisheries management. Economics and food security, at the hyper-local and national-to-global levels, are fundamental social issues, assessed through the statistical and social sciences, and already guide action in all echelons of management. What this process can do is incorporate those social issues in a way that serves the American people more completely, by defining equity principles, offering critical guidance for considering climate change, and ensuring underserved peoples are meaningfully recognized within our management practices. Concepts of equity and environmental justice do not portend the absence of or departure from the ecological sciences and scientific processes that underpin our robust fishery management system. Rather, they recognize that the quality and efficacy of those systems erode when peoples dependent upon and intertwined with fishery resources are not fully accounted for in their distribution and governance. Additionally, they recognize that climate change poses conservation challenges we are just now beginning to grapple with, within a system not designed to respond to such urgencies or complex community vulnerabilities. Intentional guidance will support the critical work to adapt existing management strategies in a way that is both ecologically and socially sustainable, recognizing that environmental and community wellness are inextricable from one another.

Thank you for this important opportunity to comment. BSFA strongly supports NOAA's efforts to improve climate resiliency and equity principles within the foundations of our nation's fishery management. We look forward to providing additional comments throughout this process.

Sincerely,



Amy Sparck
Executive Director