

**Written Testimony of Mary Sattler Peltola**  
**Executive Director, Kuskokwim River Inter-Tribal Fish Commission**

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*Hearing Title*

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Mr. Chair and Committee members, thank you for the opportunity to testify today. My name is Mary Peltola, and I am the Executive Director of the Kuskokwim Inter-Tribal Fish Commission (KRITFC). My Yupik name is Akalleq. My mother's grandparents lived most of the year at the confluence of the Gweek and Kuskokwim Rivers until my mother was 5 or 6 and they were told to relocate during the school year to Kwethluk, Alaska, a community at the confluence of the Kwethluk and Kuskokwim Rivers. I have been fishing with my family on the Kuskokwim in our traditional way since I was 6 years old.

The KRITFC is a fishery co-management organization composed of all of the 33 federally recognized Alaska Native tribes located along the Kuskokwim River. While each KRITFC member tribe has a unique relationship with the Kuskokwim River, all our tribal members are unified by the vitally important role salmon – in particular, Chinook salmon – plays in our nutritional, cultural, and spiritual well-being. Alaska Natives have been stewards of this resource for at least 12,000 years, since before contact with Russian traders and missionaries, and well before statehood. We successfully managed the harvest and conservation of all Kuskokwim River salmon stocks according to our traditional Yupik and Athabascan rules and values: To provide for children, the disabled, and the elderly first. Only catch what you can process and eat. Share what you cannot. Treat our resources with respect. On the Yukon River and Norton Sound to the north, Bristol Bay to the south, and throughout Alaska, these values, stewardship, and connections to marine ecosystems hold true.

The North Pacific is an incredibly diverse and productive ecosystem, home to millions of seabirds, hundreds of thousands of marine mammals and numerous species of fish and invertebrates. Our way of life as Yupik people is inextricably linked with this marine ecosystem, which forms the foundation of our culture, our food security, and our future. We have stewarded this place for millennia, living in relationship with the Bering Sea. In more recent years, the Bering Sea has also become host to huge commercial fisheries for pollock, crab, halibut, cod, yellowfin sole, and numerous other species. These commercial fisheries are among the largest in the world, harvesting vast amounts of seafood from the Bering Sea year after year.

Even in this rich and productive ecosystem, our current system of fishery management under the Magnuson-Stevens Act (MSA) is failing. Ecologically, the Bering Sea is undergoing declines at an alarming level. In 2021, decades-long trends of declining Chinook salmon stocks continued and fisheries throughout Western Alaska were closed. Alarmingly, this year chum salmon stocks, which usually provide a critical source of food even when Chinook stocks are low, crashed as

well throughout the region. On the Kuskokwim River, chum salmon were at their lowest level on record. Bristol Bay Red King crab and snow crab populations dropped dramatically, and seabird die-offs were reported throughout the region, on top of ongoing marine mammal mortality events. These alarming changes reveal the weaknesses of our current management system to adapt to the challenges of climate change, when the only actions are to react and reduce the directed fisheries for these species without addressing the underlying bycatch, habitat, forage, and associated issues.

At the same time, when it comes to equity and inclusion, the current management system under the MSA is failing us. In the North Pacific this is particularly clear and stark, as Alaska Native people, who are the original stewards of this place, have no seat at the table in a system that has been set up to prioritize economic benefits over Indigenous ways of life and gives primary management responsibility to those with a financial interest in the fisheries over those who depend on it for subsistence.

Our oceans and fisheries today face new challenges, and we have an opportunity to move forward to address these challenges and create a fishery management system that is sustainable, equitable and just to move our nation forward. The Sustaining America's Fisheries for the Future Act (HR 4690) offered by Representatives Huffman and Case offers many important solutions, and we look forward to working with the Committee, Congress, and the Administration to advance these important changes to the MSA.

## 1. Climate Change

Climate change poses a real and ongoing threat to our way of life and fisheries in the region. The Bering Sea is warming significantly faster than oceans in temperate zones, and the Arctic is warming 2-3 times faster than the rest of the planet. Climate change is having a wide range of impacts, including population declines and shifts across marine animals under warmer, more acidic, and increasingly toxic ocean conditions as a result of harmful algal blooms and increasingly ice-free ocean conditions.

It is essential that we take local, national, and international action to reduce greenhouse gas emissions. At the same time, we must take action to make our fishery management system climate-ready and be able to respond to the changing conditions around us. It is clear that our current fishery management system, which operates in a single-species context, based on historical data and reliant on limited sources of knowledge, is not up for the challenge. Change is needed now to ensure our oceans and our fisheries are resilient in the face of climate change. HR 4690 makes important changes to the MSA to better adapt to climate change. Incorporating climate considerations throughout the management process will provide important direction to the Councils to consider and assess the climate change impacts on fisheries. Most importantly, these considerations must translate into action to ensure resilient and sustainable fisheries and fishing communities into the future.

## 2. Including Tribes and Traditional Knowledge

Native American Tribes and Indigenous people throughout the United States have stewarded our oceans and fisheries since time immemorial. Yet the Magnuson Stevens Act creates a management system that systemically and intentionally excludes Native American people and our knowledge. The word “subsistence” only appears once in the MSA. In the North Pacific, Alaska Native Tribes have no designated seat at the North Pacific Fishery Management Council, and our only avenue for a seat at the table is through a Governor’s office that has historically and presently prioritized those with private financial interests in the fisheries over the long-term subsistence interests of Alaska Natives. Despite our status as sovereign governments, Alaska Native Tribes do not have representation on Council advisory bodies either, with no representation on the Scientific and Statistical Committee and limited representation on the Advisory Panel. This lack of representation results in Council decisions that do not take the rights or needs of our Native People into consideration and are actively eroding our way of life and our culture.

Further, the current management system does not provide for nor require inclusion of Traditional and Indigenous Knowledge. One example is the ecological approach our Tribal Commissioners bring to co-management of Chinook (and chum) salmon with the Yukon Delta National Wildlife Refuge has made predicting the Chinook return much more accurate. The Alaska Department of Fish and Game (ADF&G) Commercial Fisheries Division issues Chinook salmon forecasts based solely on prior season runs, which in 2019 and 2020 were off by 100,000 fish, and when the entire run size has been around 100,000 for the last 10 years. In 2018 the ADF&G forecast predicted about 120,000 Chinook salmon. James Nicori of Kwethluk, one of four KRITFC In-Season Managers, said that the migratory birds, specifically the Canadian Geese, were in high abundance that year and he predicted we would meet or exceed our escapement goal of 110,000 Chinook salmon, even with additional opportunities to harvest subsistence salmon. KRITFC stood with James Nicori’s Traditional Knowledge and supported additional harvest opportunities, with a warning from the federal in-season manager at the time that if escapement wasn’t met, KRITFC would be held responsible.

James’ predictions, grounded in Traditional Knowledge, have held true from 2017 to 2021. His predictions held true in 2018 and the escapement goal was met. In 2019, James predicted a large Chinook return based on snowpack in the mountains, snowpack at the lower river, prevailing winds, and migratory bird returns. The return was twice ADF&G’s forecast. In 2020, the ADF&G forecasted 220,000 Chinook salmon would return; however, James Nicori predicted it would be in keeping with the 2010-2018 return levels, and the run was indeed in the 120,000 range. This past summer, James Nicori predicted the Chinook salmon would return, taper off, and a second push of fish would arrive larger than the first push. Each of these predictions were 100% accurate to what happened in the 2021 season.

While western science has no ability to index run timing, James Nicori, with the Traditional Knowledge he has inherited, is able to predict if the Chinook salmon will be a week or two early, on time, or a week or two late, as well as discern when the Chinook salmon run is at its 50% mark based on which side of the river he is catching fish at his fish camp. As this example

shows, Traditional Knowledge has an important place in our fishery management system, yet currently there is no recognition or inclusion of Traditional Knowledge in federal marine fisheries systems.

HR4690 makes several important changes to improve equity in the fishery management process overall, and for Tribes in particular. The bill includes subsistence throughout the act, bringing this important “use” of fishery resources formally into the MSA. Most importantly, HR 4690 adds two designated Tribal Seats to the North Pacific Fishery Management Council. Parallel to the PFMC Tribal seat, these seats would be nominated directly by Alaska Native Tribes and would give our governments a long overdue seats at the management table. These seats should be nominated directly by Alaska Native Tribes – and only Alaska Native Tribes – via a process that can be established via consultation and regulation. In addition, HR4690 makes important changes to provide more balance in the Council system by requiring broader representation and more balanced appointments. These are essential changes to a broken system, and we support them wholeheartedly.

### 3. Reduce Bycatch

Bycatch, the unintended catch of non-target fish and marine mammals which are discarded by the commercial fishing industry, is serious issue with ecological, cultural, social, and economic impacts. Wasting is not acceptable according to our cultural values, which guide us to take only what we need and use everything we take, and wasting fish and wildlife has serious impacts on the future of our resources. Under current law, bycatch must be “minimized” under National Standard 9, but only “to the extent practicable.”

“(9) 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>1</sup>

In a Council system dominated by the fishing industry (see above), in real terms this is interpreted to mean that bycatch need only be minimized to the extent that it doesn’t cause economic impacts to the fishery catching the bycatch. This creates serious conservation concerns by unnecessarily wasting fish. It also poses stark equity issues by prioritizing bycatch fisheries over traditional and historic fisheries.

For example, Chinook and chum salmon are caught as bycatch in the Bering Sea pollock fishery. So far in 2021, over 500,000 chum salmon and 12,000 Chinook salmon have been taken as bycatch and discarded in the pollock fishery. While Indigenous communities throughout the Arctic-Yukon-Kuskokwim region have had their subsistence and commercial fisheries completely shut down, bycatch is allowed to continue at high levels in the Bering Sea pollock fishery. The North Pacific Fishery Management Council has adopted a series of measures to reduce the commercial pollock fishery’s Chinook and chum salmon bycatch over the years, yet

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<sup>1</sup> 16 U.S.C. § 1851(a)(9).

these measures have been demonstrably insufficient. The amount of bycatch allowed under the current standard of “practicability” in and “minimization” in National Standard 9 has resulted in a blatantly inequitable distribution of resources in which the large and powerful commercial pollock fishery is allowed to waste a valuable public resource, while Tribal subsistence users who rely on that same resource for their way of life are shut out.

HR4690 addresses this critical issue by removing the phrase “to the extent practicable” from National Standard 9. We support this very important change, which will reorient the MSA towards the original purpose of reducing bycatch. This change is key to the sustainability of our fisheries, and to creating a more just and equitable management system.

#### 4. Conclusion

Thank you for the opportunity to provide comments today. Our fishery management system and our fisheries are at a crossroads as we face the crisis of climate change with an inequitable system of management. We are heartened by the forward-thinking solutions presented in the *Sustaining America’s Fisheries for the Future Act* which will give us the tools we need to restore abundant oceans and continue practicing our way of life. We look forward to working with the Subcommittee and your staff to move HR4690 forward.