



September 8, 2023

Morgan McCue
Senior Legislative Assistant
Office of Rep. Jared Huffman
2445 Rayburn HOB
Washington, DC 20515
Morgan.McCue@mail.house.gov

Dear Morgan,

Thanks for reaching out for input on the latest draft of the Magnuson-Stevens Bill. Attached please find the comments submitted by representatives of Saint Paul Island, Alaska, in 2021 regarding proposed revisions to the MSA draft bill that year. These comments remain current for the most part.

While we understand that the current revisions are not ambitious in scope given the current political environment, many Indigenous American stakeholders believe the time has come for either inclusion of Indigenous American concerns in the current National Standards, under either NS 4 or NS 8, or in the alternative the creation of a new national standard specific to Indigenous Americans. Indigenous Americans have a unique constitutional and jurisprudential status in the U.S. body of laws and policies. Many interactions between the federal government and tribes are framed and conducted on a government to government basis. Therefore, federal fishery-management actions that impact Indigenous Americans operate in a different realm.

As long underserved and underrepresented populations, Indigenous Americans are also suffering from increasing pressures that are existential in nature, resulting from the effects of climate change, fisheries instabilities and declines, and loss of access to resources they depend on for their economic, social, and cultural survival.

Incredibly, the existing MSA national standards structure makes no mention of Indigenous Americans nor recognizes their unique status vis-a-vis federal fisheries management actions, and there are only two brief mentions in NS1 and NS4 regarding the need to take into account the rights of “treaty Indians and aboriginal Americans”. It is clear that the current structure is inadequate regarding the unique place Indigenous Americans hold in the U.S., and is not reflective of the magnitude of the problems affecting Indigenous peoples and communities.

We would propose therefore a new National Standard 11 (although preferably it should be placed adjacent to NS 4 or NS 8 which would state something along these lines:

National Standard 11 –Indigenous Americans

Conservation and management measures shall take into account the rights of tribal nations, treaty Indians and Indigenous Americans by utilizing economic, social, and cultural data on the importance of fishery resources to their well-being and survival, in order to (a) fulfill the obligations established by federal Indian trust responsibility and

other relevant judicial guidance and government policy towards Indigenous Americans (b) protect tribal treaty rights, subsistence rights and interests, and access to fishery resources, and (c) minimize adverse economic, social, and cultural impacts on Indigenous Americans.

We further recommend that the MSA bill would benefit from provisions defining and/or clarifying what the rights of Indigenous Americans are in the context of fisheries-management. This would provide improved guidance to future Councils and stakeholders on how to weigh these rights in fisheries actions.

On other fronts, concerning NS 8, we oppose softening the statutory requirements regarding sustaining community participation from “provide” to “support.” Coastal communities are on the front lines of the increasingly devastating impacts being spurred by climate change. In remote and isolated locations such as Saint Paul, fishermen are often inseparable and indistinguishable from the communities they live in, and the tribal nations they are members of. Allocative tools that empower such communities, such as Community Quota Entities (CQEs), Regional Fishery Associations (RFAs) or the CDQ Program are often the resident fishermen’s first and last line of defense. Given the magnitude of the challenges and the associated costs, individual fishermen are often unable to protect their stake in the fisheries. However, in concert with other fishermen, and under their communities’ or tribal nation’s protective umbrella, they are better able to defend themselves.

Looking into the future, communities must be better positioned on behalf of their residents and fishery stakeholders to respond to climate-induced changes in fishery stocks, the decline of traditional ones, and the migration of new ones. If anything, going forward we believe that the weight of communities and tools that empower them, in fisheries management actions, should be strengthened.

In this regard, fulfilling the directive to provide communities with sustained participation in fisheries under NS 8, depends in large part on allocation actions under NS 4 and bycatch management under NS 9. Going forward, these three national standards would benefit from being harmonized and in sync with each other. Communities would further benefit from clarification in these three standards that fishery management actions should prioritize sustained community participation, directed fisheries, and gear that is low in bycatch.

Sincerely,



Phil Zavadil

City of Saint Paul, City Manager



Phillip Lestenkof

President, Central Bering Sea Fishermen’s Association