

## CITY MANAGER'S REPORT

TO: Mayor Tutiakoff and City Council Members

FROM: William Homka, City Manager

DATE: June 25, 2024

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- **ELECTRIC CO-OP:** Planning a meeting of stakeholders for late July to continue discussions about forming a co-op to plan for Unalaska's future energy grid.
- **FUEL CONTRACT:** Invitation to bid on the City's fuel contract was issued June 18 and bids are due July 23, 2024.
- **LETTER OPPOSING H.R. 8507:** Signed onto a letter opposing HR 8507 sponsored by US Rep. Peltola that would create sweeping new federal mandates constraining the effective management of our nation's fisheries. If enacted, H.R. 8507 would directly harm fishermen and coastal communities in Alaska and throughout our nation, along with countless other people who rely on a healthy domestic seafood sector for food, jobs, and their way of life. The letter requests the Congresswoman withdraw this legislation.
- **2019-20 BERING SEA TANNER CRAB FEDERAL FISHERY DISASTER FUNDS:** The Alaska Department of Fish and Game (ADF&G) allocated \$614,000 or 4.75% of the total 2019-20 Bering Sea Tanner Crab disaster funds to communities. The community of Dutch Harbor / Unalaska, Alaska is eligible to receive a one-time payment of \$270,726 related to the 2019-20 Bering Sea Tanner Crab Federal Fishery Disaster.
- **PSEA CONTRACT NEGOTIATIONS:** Met with PSEA representatives to begin contract negotiations on June 19, 2024. Will update the Council as soon as possible about the progress.
- **ALASKA CLEAN WATER AND DRINKING WATER PROGRAMS - PUBLIC COMMENT PERIOD:** The (ADEC) is asking for public comments on the state's Intended Use Plans and proposed projects for the Alaska Clean Water Fund and Alaska Drinking Water Fund Base and Bipartisan Infrastructure Law (BIL) Capitalization Grants. Review the state's Intended Use Plans and Project Priority Lists at: <https://dec.alaska.gov/water/technical-assistance/state-revolving-fund/> The comment period ends on July 1, 2024.
- **ALEUTIAN AIR CARGO:** Aleutian Airways has now offers air freight cargo on a space available basis for general cargo, including seafood, vessel and processing plant emergency repair parts. The local Aleutian Airways counter in Unalaska has information on rates and available space on the Saab 2000 daily flights.
- **CITY MANAGER TRAVEL:** I will be off island from June 22 – July 22. I will be available via email and cell phone for a limited time each day.

June 20, 2024

The Honorable Mary Sattler Peltola  
153 Cannon House Office Building  
Washington, DC 20515

Dear Congresswoman Peltola:

We write to express our deep concern regarding H.R. 8507<sup>1</sup>—legislation you have introduced that would create sweeping new federal mandates constraining the effective management of our nation’s fisheries. If enacted, H.R. 8507 would directly harm fishermen and coastal communities in Alaska and throughout our nation, along with countless other people who rely on a healthy domestic seafood sector for food, jobs, and their way of life. We ask you to withdraw this legislation.

Federal fisheries management in the United States under the Magnuson-Stevens Fishery Conservation and Management Act (“MSA”) is widely recognized as setting a global gold standard. Eight Regional Fishery Management Councils (“Councils” or “FMCs”) meet strict conservation requirements while balancing complex management tradeoffs through a rigorous, transparent, and stakeholder-informed decision-making process. Over time, this management system has become stronger. NOAA’s latest *Status of Stocks* report reveals that the number of federal fish stocks subject to overfishing reached an all-time low in 2022, while effective management approaches have restored a total of 50 fisheries that were previously depleted to healthy levels since 2000.<sup>2</sup>

H.R. 8507 disregards the lessons of the MSA’s success. Its top-down mandates would permanently wall off vast sections of ocean territory from important sustainable fisheries, boxing in not only fishermen but also scientists and managers who would be prevented from adapting their management approaches to changing ocean conditions over time. Our concerns are described in detail below.

## **1. Science and Climate Change**

At the heart of our federal fishery management system is science. The Councils constantly draw upon the best available science—including detailed scientific assessments from six regional NOAA Fisheries Science Centers—to inform their decision-making processes. Increasingly, this science shows climate-related shifts in our nation’s marine ecosystems, including significant changes in the distribution of fish populations and other marine life. In order to respond effectively, experts agree that management must be both dynamic and adaptive. Climate-resilient fisheries management must constantly anticipate, evaluate, and respond to changes in

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<sup>1</sup> <https://www.congress.gov/bill/118th-congress/house-bill/8507>

<sup>2</sup> <https://www.fisheries.noaa.gov/national/sustainable-fisheries/status-stocks-2022>

the ocean environment, and ensure that management actions remain calibrated to achieve defined objectives in light of those changes.

H.R. 8507 does the opposite. It compels Councils to adopt the archaic and counterproductive approach of creating permanent area-based closures that cannot be evaluated and modified as necessary over time. As fish stocks and other marine biota shift, the static area closures mandated by this legislation would leave managers hamstrung in their response. It is the wrong way to approach fisheries management in an era of changing ocean conditions.

## **2. Habitat Conservation Under the Magnuson-Stevens Act**

All fishery participants have a strong vested interest in conserving the marine habitat that drives fisheries production and ensures the health of the broader ocean environment. As a result, there is broad support across our industry for science-based habitat conservation measures. Strong habitat conservation requirements are currently enshrined in U.S. law and regulations and implemented by the eight Regional Councils. Those requirements are far more thoughtfully designed than the rigid and ultimately unscientific approach your legislation would require.

The Council Coordination Committee<sup>3</sup> recently examined all of the area-based conservation measures implemented in the United States Exclusive Economic Zone (“EEZ”) by the FMCs and other federal actions.<sup>4</sup> They calculated that 648 conservation areas covering more than 72 percent of the EEZ have been established.<sup>5</sup> They further calculated that area-based conservation measures specifically designed to advance conservation of the broader marine ecosystem span more than 56 percent of the EEZ, while management measures establishing prohibitions on all mobile bottom tending gear now covers more than 34 percent of the EEZ.<sup>6</sup>

Dozens of Council actions in recent years illustrate the continuing scale of habitat conservation efforts at the regional level. In 2017, for example, a new Deep Sea Coral Protection Area<sup>7</sup> spanning more than 38,000 square miles was established off the Mid-Atlantic Coast with support from both commercial fishermen and environmentalists. The following year, the Pacific FMC voted to protect more than 145,000 square miles of sensitive habitats along the West Coast, after a years-long cooperative process initiated by the fishing industry and environmental organizations.<sup>8</sup> In 2020, the New England FMC adopted sweeping new measures for the conservation of deep-sea corals in the region, spanning more than 25,000 square miles south of Georges Bank.<sup>9</sup> Later that same year, a Gulf of Mexico FMC Amendment using the

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<sup>3</sup> <https://www.fisheries.noaa.gov/national/partners/council-coordination-committee>

<sup>4</sup> <https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/6489c43523c0b1595a5b8d54/1686750280097/Evaluation-of-Conservation-Areas-Report-2023.pdf>

<sup>5</sup> Id., Tables 5 and 6.

<sup>6</sup> Id., Tables 6 and 7.

<sup>7</sup> <https://www.fisheries.noaa.gov/resource/map/frank-r-lautenberg-deep-sea-coral-protection-areas-map-gis>

<sup>8</sup> <https://www.fisheries.noaa.gov/story-map/story-map-west-coast-groundfish-amendment-28>

<sup>9</sup> <https://www.fisheries.noaa.gov/bulletin/final-rule-designate-deep-sea-coral-protection-areas>

Essential Fish Habitat (“EFH”) provisions of the MSA became final, extending new protections to 500 square miles of deep-sea coral habitat spanning 13 reefs and canyons stretching from Texas to the Florida Keys.<sup>10</sup> Meanwhile, the North Pacific FMC has established area-based conservation measures across more than 65 percent of the one million square nautical miles of ocean territory under its jurisdiction.<sup>11</sup>

These and hundreds of other existing area-based measures are designed by the Councils to achieve stated conservation objectives relating to fisheries and marine ecosystems. The precise nature of these measures varies greatly, reflecting the unique regional complexities of the objectives and management tradeoffs that are relevant in each case. Critically, under the MSA’s habitat conservation requirements, the Councils periodically re-examine previous designations based on updated assessments of environmental conditions.

Even now, the process for reexamining area closures as new information becomes available or conditions change is often too restrictive. Existing Marine Monument designations covering significant portions of the EEZ limit the ability of some Councils, most especially the Western Pacific FMC, to optimally manage fisheries under their jurisdiction. Similarly, any designation of a Habitat Area of Particular Concern (HAPC) can be difficult to revisit even as new evidence comes to light. In 1984, the South Atlantic FMC designated a 92 square nautical mile area off the East Coast of Florida, the Oculina HAPC, to protect corals. The area was subsequently expanded twice, adding an additional 353 square nautical miles of historic fishing area to its territory. Yet a recent vote by the South Atlantic FMC to reopen portions of the Oculina HAPC to shrimp fishing where corals were found not to be present was rejected by the Secretary of Commerce. H.R. 8507 will permanently legislate inflexibility in complex situations such as these.

We must continue to strengthen the ability of fisheries managers and scientists to make habitat conservation determinations based on the best current information rather than outdated determinations. Instead of moving us further in that direction, H.R. 8507 takes us backwards.

### **3. Unworkable Federal Mandates and Timelines**

The Regional Fishery Management Councils are currently undertaking myriad important analyses and actions to achieve critical conservation and management goals for the benefit of the marine environment and the people who rely on it. Your legislation would require them to deprioritize that vital work to meet new and poorly designed federal mandates.

Specifically, Section 2 of H.R. 8507 would require establishment of new gear definitions and categorizations, as well as the development of new “monitoring and enforcement” plans based on those definitions. This would need to be completed within 18 months. Section 3 of H.R. 8507 details additional new mandates. Within 12 months, Councils are required to establish new

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<sup>10</sup> <https://public-inspection.federalregister.gov/2020-21298.pdf>

<sup>11</sup> <https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/6489c43523c0b1595a5b8d54/1686750280097/Evaluation-of-Conservation-Areas-Report-2023.pdf>, Table 6.

areas within their jurisdictional waters that will be permanently closed to sustainable American fisheries—closures that under this legislation the Councils could never revisit.

These new federal mandates and timelines are utterly unworkable. They would impose an enormous new field of work upon the Councils without any new resources or any reallocation of existing workloads. In our view this constitutes massive and deeply misguided political overreach, which would harm the critical work of federal fisheries management that goes on every day through the Councils.

#### **4. Conclusion**

We should all take great pride in America’s seafood harvesters and the wider U.S. seafood industry they support. Our fisheries produce exceptional environmental outcomes; and they provide an affordable, low-carbon, and highly nutritious protein to tens of millions of American consumers. Commercial fisheries also make a meaningful contribution to the national economy, supporting \$183 billion in sales.<sup>12</sup>

Perhaps most importantly, however, these fisheries support working families and coastal communities throughout our country. They create 1.6 million jobs,<sup>13</sup> often providing an economic lifeline to rural and socio-economically disadvantaged regions where few alternative economic drivers exist. Many of these fishery-dependent workers and communities are currently facing acute challenges due to unprecedented market conditions, strict regulations, climate-related changes in fisheries abundance or distribution, and increased costs of production. The introduction of H.R. 8507 shakes the confidence of seafood buyers and consumers in U.S. seafood, thereby casting a long shadow of uncertainty over the future opportunities of fishery-dependent communities and businesses at the worst possible time. With that critical context in mind, we once again urge you to withdraw your bill, and to redirect your policymaking to initiatives that will assist rather than harm this proud American industry.

Sincerely,

Julie Bonney  
*Executive Director*  
**Alaska Groundfish Data Bank**

Alvin D. Ostberback  
*Mayor*  
**Aleutians East Borough**

Rebecca Skinner  
*Executive Director*  
**Alaska Whitefish Trawlers Association**

John Whiteside, Jr.  
*General Counsel*  
**American Scallop Association**

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<sup>12</sup> <https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report>

<sup>13</sup> <https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report>

Trey Pearson  
*President*  
**American Shrimp Processors Association**

Stephanie Madsen  
*Executive Director*  
**At-sea Processors Association**

Vincent Tutiakoff, Sr., *Mayor*  
William Homka, *City Manager*  
**City of Unalaska**

Eric Hansen  
*Chairman*  
**Fisheries Survival Fund**

Jerome Young  
*Executive Director*  
**Florida Keys Commercial Fishermen's Association**

Scot Mackey  
*Executive Director*  
**Garden State Seafood Association**

Paige Morrison  
*President*  
**Georgia Commercial Fishermans Association**

Chris Woodley  
*Executive Director*  
**Groundfish Forum**

Acy Cooper  
*President*  
**Louisiana Shrimp Association**

Heather Mann  
*Executive Director*  
**Midwater Trawlers Cooperative**

Lisa Wallenda Picard  
*President & CEO*  
**National Fisheries Institute**

Jerry Leeman  
*Chief Executive Officer*  
**New England Fishermen's Stewardship Association**

Jackie Odell  
*Executive Director*  
**Northeast Seafood Coalition**

Glenn Skinner  
*Executive Director*  
**North Carolina Fisheries Association**

Yelana Nowak  
*Director*  
**Oregon Trawl Commission**

Alexis Meschelle  
*Executive Director*  
**Organized Fishermen of Florida**

Julie Decker  
*President*  
**Pacific Seafood Processors Association**

Aja Szumylo  
*Executive Director*  
**Pacific Whiting Conservation Cooperative**

Kiley Thompson  
*President*  
**Peninsula Fishermen's Coalition**

Christopher Brown  
*President*  
**Rhode Island Commercial Fishermen's Association**

Nick Edwards  
*Secretary*  
**Shrimp Producers Marketing Cooperative**

Rocky Magwood  
*President*  
**South Carolina Shrimpers Association**

John Williams  
*Executive Director*  
**Southern Shrimp Alliance**

Captain Bob Zales  
*Executive Director*  
**Southeastern Fisheries Association**

Captain Bob Zales  
*Fisheries Management Consultant*  
**Southern Offshore Fishing Association**

**Companies:**

Sam Martin  
*Chief Operating Officer*  
**Atlantic Capes Fisheries, Inc.**

Michael Scola  
*President*  
**Boston Sword & Tuna, Inc.**

Colin Bornstein  
*President*  
**Bornstein Seafoods, Inc.**

Terry Molloy  
*General Manager*  
**Chesapeake Bay Packing, LLC**

John Norton  
*President*  
**Cozy Harbor Seafood, Inc.**

Hank Soule  
*Manager*  
**Sustainable Harvest Sector**

Maria Barrera-Jaross  
*Executive Director*  
**Texas Shrimp Association**

Brent Paine  
*Executive Director*  
**United Catcher Boats**

Bryan Jones  
*Director*  
**United States Shrimpers Coalition**

Lori Steele  
*Executive Director*  
**West Coast Seafood Processors Association**

Deb Sanderson  
*Chief Executive Officer*  
**Eastern Traders Ltd.**

Craig Weatherley  
*President*  
**The Florence Group, Inc.**

Wayne Reichle  
*Owner & President*  
**Lund's Fisheries, Inc.**

Todd Michalik  
*President*  
**Marder Trawling, Inc.**

Ronald Enoksen  
*President*  
**Nordic Fisheries, Inc.**

Ruth Christiansen  
*Director, Government & Industry Affairs*  
**Ocean Peace, Inc.**

Lindsey Wells  
*Managing Director*  
**Omega Sea, Inc.**

Scott Hutchens  
*Executive Vice President*  
**Raw Seafoods, Inc.**

Meghan Lapp  
*Fisheries Liaison*  
**Seafreeze Ltd / Seafreeze Shoreside**

Guy B. Simmons  
*Chief Operating Officer*  
**Sea Watch International**

Ray Drouin  
*President*  
**Skip's Marine Supply, Inc.**

Tom Dameron  
*Government Relations & Fisheries Science  
Liaison*  
**Surfside Foods LLC**

Ryan Clark  
*President & CEO*  
**The Town Dock**

Kirk Larsen  
*President*  
**Viking Village, Inc.**

cc: The Honorable Bruce Westerman  
The Honorable Raul Grijalva  
The Honorable Cliff Bentz  
The Honorable Jared Huffman  
The Honorable Lisa Murkowski  
The Honorable Dan Sullivan





PACIFIC STATES MARINE FISHERIES COMMISSION  
205 SE SPOKANE STREET, SUITE 100  
PORTLAND, OREGON 97202-6487  
PHONE (503) 595-3100 • FAX (503) 595-3232  
[WWW.PSMFC.ORG](http://WWW.PSMFC.ORG)  
[WWW.RELIEF.PSMFC.ORG](http://WWW.RELIEF.PSMFC.ORG)

June 18, 2024

**William Homka, City Manager**

43 Raven Way  
PO Box 610  
Unalaska, Alaska 99685  
[bhomka@ci.unalaska.ak.us](mailto:bhomka@ci.unalaska.ak.us)

RE: 2019-20 Bering Sea Tanner Crab Federal Fishery Disaster

Mr. Homka,

The Alaska Department of Fish and Game (ADF&G) allocated \$614,000 or 4.75% of the total 2019-20 Bering Sea Tanner Crab disaster funds to communities. The community of **Dutch Harbor / Unalaska, Alaska** is eligible to receive a one-time payment of **\$270,726** related to the 2019-20 Bering Sea Tanner Crab Federal Fishery Disaster.

Municipalities and boroughs rely on revenue generated from Tanner crab landings and other economic activities related to the Tanner crab fisheries. The following criterion must be met for a community to receive a distribution of funds:

- WBT crab must have been landed in the community during the 2018/19 season based on the port of landing from ADF&G Fish Ticket data.

Disaster funds are proposed to be distributed pro rata to eligible communities based on each community's proportion of the total 2017/18 and 2018/19 pounds of WBT crab landed in all eligible communities. There are four communities where landings of WBT occurred during the 2017/18 and 2018/19 seasons: Dutch Harbor/Unalaska, Akutan, St. Paul, and King Cove.

In order to provide the city with a check for **\$270,726** we will need you to complete and return the following attachments:

- W-9 Form
- ACH Authorization Form
  - If an ACH authorization form is not completed, a paper check will be mailed.

Once the above items are received a one-time payment of **\$270,726** will be issued to the **Dutch Harbor / Unalaska**.

Please submit the above items to: PSMFC, Fishery Disaster Dept., 205 SE Spokane Street, STE 100, Portland, OR 97202 or upload to PSMFC's secure online file depository: <https://psmfc.sharefile.com/r-r74f1c30aab2c4be7b61ceb83b2cb2f41>

Additional information regarding the 2019/20 Bering Sea Tanner Crab Federal Fishery Disaster can be found at: <https://relief.psmfc.org/2019-20-bering-sea-tanner-crab/> or by contacting ADF&G at [dfg.com.fisheriesdisasters@alaska.gov](mailto:dfg.com.fisheriesdisasters@alaska.gov)

For questions or comments, please contact Brian Bissell, Fishery Disaster Project Manager at: [bbissell@psmfc.org](mailto:bbissell@psmfc.org) or by calling (503) 595-3100.

"To promote the conservation, development and management of Pacific coast fishery resources through coordinated regional research, monitoring and utilization"