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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALAKSA**

ASSOCIATION OF VILLAGE COUNCIL)
PRESIDENTS, et al.,)
)
Plaintiffs,)
)
v.)
)
)
NATIONAL MARINE FISHERIES)
SERVICE, et al.,)
)
Defendants.)
_____)

Case No. 3:23-cv-00074-SLG

**CITY OF BETHEL'S
COMPLAINT IN INTERVENTION**

The City of Bethel (hereafter “Bethel” or “City”) alleges as follows:

1. This is an action in intervention in the above-captioned suit filed by Plaintiffs Association of Village Council Presidents and Tanana Chiefs Conference (hereafter “Plaintiffs”) against the National Marine Fisheries Service, United States Department of Commerce; Gina M. Raimondo, in their official capacity as Secretary of Commerce; and Samuel D. Rauch, III, in their official capacity as Deputy Assistant Administrator for

Regulatory Programs, National Marine Fisheries Service (hereafter “Federal Defendants”) seeking a declaratory judgment: (a) that the Federal Defendants’ decision to adopt the final 2023 and 2024 harvest specifications for groundfish in the Bering Sea and Aleutian Islands was arbitrary, capricious, and not in accordance with the National Environmental Policy Act (“NEPA”); (b) that the Federal Defendants’ reliance on the 2004 Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement is arbitrary, capricious, and not in accordance with NEPA; (c) vacating the 2023 and 2024 harvest specifications for groundfish in the Bering Sea and Aleutian Islands; (d) entering injunctive relief as needed to ensure the Federal Defendants comply with NEPA and to prevent harm to Plaintiffs from the implementation of the Groundfish Fisheries Management Plan without an updated NEPA analysis.

2. This Complaint incorporates the Plaintiffs’ Complaint for Declaratory and Injunctive Relief (5 U.S.C. §§ 702, 706(1), 706(2)(A); 42 U.S.C. § 4332) filed April 7, 2023 at Docket 1, in its entirety and adopts the allegations for relief as its own, as supplemented by the additional allegations herein.

3. Plaintiff-Intervenor the City of Bethel is a municipal corporation and a general law second class city within the State of Alaska’s unorganized borough.¹ Bethel occupies 44 square miles and is located about 75 miles inland from the Bering Sea on the Kuskokwim River. Bethel has a population of 6,362 residents and is the regional hub for

¹ Bethel Municipal Code (BMC) 1.03.010.

the approximately 25,000 people living in the 52 villages of the Yukon-Kuskokwim Delta Region. Bethel has a city-manager form of government with all the rights, powers, privileges, functions, and immunities that a general-law, second class municipality may exercise under Alaska’s statutes and constitution, including legislative powers.² Bethel is governed by a seven-member Council elected by the voters at large.³

4. Bethel levies between a six and fifteen percent sales tax on all sales transactions within the city. Proceeds from these taxes constitute—by far—the City’s principal source of municipal tax revenues, and a substantial portion of these revenues are used to fund essential city services and facilities, including water, sewer, police, and firefighting.⁴

5. On May 23, 2023, the Bethel City Council adopted a unanimous resolution directing the City to seek intervention or amicus participation in this case.⁵ In a series of “whereas” clauses, that resolution sets forth the City’s interest in this litigation and the Council’s reasons for seeking City participation. Specifically, the resolution states that the Yukon and Kuskokwim Rivers have long been the City of Bethel and surrounding

² BMC 1.03.010-.020.

³ Alaska Statute (AS) 29.20.130.

⁴ BMC 4.16.020.

⁵ See Exhibit A, Resolution #23-10 (“A Resolution by the Bethel City Council Directing the City to Join as Amicus or Intervenor in Pending Federal Litigation Supporting an Updated Environmental Impact Statement and Fisheries Management Plan for Groundfish Fisheries of the Bering Sea, Aleutian Islands, and Gulf of Alaska.”).

region's primary source of salmon; many City residents rely on salmon for subsistence harvesting; and salmon are of significant cultural and nutritional value to the community.⁶

6. Further and most significantly, however, is Bethel's unique economic interest in healthy salmon runs. City tax on retail sales, which ranges between six and 15 percent, constitutes a major source of revenue for the City, and subsistence and commercial fishing and its attendant sales for items such as supplies, guiding, fuel, and gear have historically contributed to the City's sales tax base.⁷ Moreover, recent precipitous declines in the population of multiple salmon species that originate from and return to the Yukon and Kuskokwim rivers have adversely impacted the City's residents, finances, and economy.⁸

7. The Federal Defendants' actions that Plaintiffs are challenging in this case are resulting in declining salmon runs on the Yukon and Kuskokwim Rivers, which in turn is having an adverse impact on the City's economy.

PRAYER FOR RELIEF

WHEREFORE, the City of Bethel respectfully requests the following relief:

- A. All equitable, injunctive, and declaratory relief prayed for by Plaintiffs in their Complaint filed April 7, 2023 at Docket 1.
- B. Any and all other relief necessary to fully effectuate any injunction.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

C. An award to the City of Bethel of their fees and costs in this action.

D. Any other relief that the Court deems just and proper.

Respectfully submitted this 28th day of July, 2023.

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