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State Agrees to Void All Five Challenged Area M Fisheries Regulations

Rural Alaska fishing communities win complete victory against Alaska Board of Fisheries; State agrees to void all five contested regulations after failing to address Board members' undisclosed conflicts for years.

ANCHORAGE, Alaska, May 20, 2026 — On May 20, 2026, the Acting Attorney General of Alaska disapproved all five commercial salmon fishing regulations challenged in a lawsuit by the Aleutians East Borough, the Native Village of Unga, Area M Seiners Association, and Concerned Area M Fishermen — acting under the Alaska Executive Branch Ethics Act as a matter of state government accountability, independently of the pending litigation. With the relief they sought granted through the state's own ethics enforcement process, the plaintiffs are dismissing the lawsuit. The Acting Attorney General's action is a complete vindication of the plaintiffs' central claim that Board members with undisclosed conflicts of interest cast the deciding votes to restrict the Area M fishery, and a historic accountability moment for a body whose ethics practices have long escaped scrutiny.

The lawsuit, filed April 3, 2026, in Alaska Superior Court (Case No. 3AN-26-05959CI), alleged that the Board's February 2026 Area M proceedings were fundamentally compromised by ethics violations at the voting stage. The complaint alleged these violations rendered the Board's votes on the five challenged regulations unlawful under Alaska's Administrative Procedure Act (AS 44.62) and Executive Branch Ethics Act (AS 39.52), and that the deciding votes on three of those regulations were cast by a member and/or members with undisclosed conflict(s). According to the May 20th letter disapproving the regulations, the Acting Attorney General issued an Order of Corrective Action on May 19, voiding all five regulations under AS 39.52.430(c) and AS 39.52.330 — the Alaska Executive Branch Ethics Act — confirming that the ethics violations alleged in the complaint were not only valid, but decisive.

The State's decision to invalidate all five regulations — Proposals 126, 127, 141, 147, and 148 — removes the most damaging restrictions on the Area M fishery before they could take effect in June 2026. Proposals 126 and 127, adopted by a 4–3 vote, would have dramatically reduced open fishing

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time and area for commercial purse seine and gillnet gear in the South Alaska Peninsula. Proposal 141 imposed closures during the post-June fishery tied to chinook catch thresholds. Proposals 147 and 148 changed maximum net depths for both gear types, with those changes set to take effect in 2027.

According to the original complaint, the combined effect of all five regulations would have created "a derby-style fishery that will likely result in increased chum and chinook harvest." The Alaska Department of Fish and Game — whose role at Board of Fisheries meetings is to provide scientific counsel on conservation objectives and the management measures best suited to achieve them — testified at the February 2026 meeting that the existing adaptive management program was working, presenting years of data and demonstrated catch reduction results as evidence. The Board overruled that counsel and adopted all five regulations anyway, producing an outcome its own scientific advisors warned would undermine the very conservation goals the regulations claimed to serve.

The May 20th letter from the Acting Attorney General to the Lieutenant Governor disapproved the regulations based on a previous, undisclosed Order of Corrective Action issued under AS 39.52.430(c) and AS 39.52.330 — the Alaska Executive Branch Ethics Act — the same statutes the plaintiffs cited in their complaint. The order does not merely settle a legal dispute; it is an exercise of the state's own ethics enforcement authority, invoked because the Board's February 2026 proceedings could not withstand scrutiny under Alaska law. The disapproved regulations may not be filed or take effect unless the Board re-adopts them through a new, lawful process.

Plaintiffs had sought to resolve the ethics violations through every available administrative channel before filing suit. Six federally recognized tribes formally notified the Board in writing of the conflicts on February 13, 2026. The Board failed to act. After the Board Chair, who oversees the Board's ethics determinations, twice declined to address the ethics issues during the meeting itself, a representative of the Unga Tribe filed a formal complaint with the Alaska Attorney General's office on February 23, 2026. That complaint went unanswered for 42 days. The plaintiffs filed suit on April 3. Within weeks, the State moved to resolve the case by voiding all five regulations.

The resolution also vindicates the Area M fishermen's record of voluntary conservation. Under the adaptive management program in place since 2022, Area M fishermen reduced average annual June chum harvest by 50% compared to the five-year pre-program average — a 32% reduction against the ten-year average. The seine fleet voluntarily stood down an average of 291 hours of fishing time per season. In 2025, the drift fleet joined the program, standing down 554 hours across 28 vessels and 64 separate stand-down events. The program earned documented support from the Alaska Department of Fish and Game and the Commissioner. The Board voted to dismantle the program anyway. Those regulations are now void.

The Acting Attorney General's invocation of the Alaska Executive Branch Ethics Act to void these regulations confirms what these communities have long argued: that the Board of Fisheries has a systemic ethics problem that demands a systemic response. Under Board of Fisheries policies, responsibility for overseeing ethics disclosures and conflict-of-interest compliance rests with the Board Chair. At the February 2026 meeting, the Board Chair twice declined to address documented ethics concerns raised on the record — concerns that the Acting Attorney General has since determined were valid and dispositive by voiding the regulations adopted at that Board meeting. The plaintiffs call on the Alaska Legislature and the Office of the Governor to commission an independent, public review of the Board's adherence to its own policies, ethics disclosure requirements, and public process obligations — including how the Chair's ethics oversight

responsibilities were discharged — and to deliver enforceable recommendations to the Legislature and the public. The Board of Fisheries makes decisions that shape the economies, cultures, and ways of life of communities from Southeast Alaska to the Arctic — decisions with generational repercussions. Alaskans deserve a board that follows its own rules, discloses its conflicts, and earns the public trust it is given. The plaintiffs and the communities they represent will measure the response to this call by one standard: whether such a review is commissioned, completed, and acted upon.

"The people of this Borough have stewarded these waters for generations. We know what responsible management looks like, and we know when the process has failed us. The State's agreement to void all five regulations is the acknowledgment this region deserved: that the process was broken, and that we were right not to accept it," said Mayor Alvin Osterback of the Aleutians East Borough.

"The fishermen I represent have spent years working side by side with state biologists, building a conservation program grounded in trust, transparency, and shared goals. That is how fisheries management is supposed to work. We expected nothing less from the Board of Fisheries. This outcome makes clear that public process and public trust are not optional, and that those who disregard them will be held accountable," said Kiley Thompson, President of Area M Seiners Association.

"As a tribal leader, my obligation is to protect a way of life our people have maintained since time immemorial. When the system failed to protect that, we had no choice but to fight for it. Every door was closed to us, and still we fought," said Heather Thompson, Vice President of the Native Village of Unga.

"The permit holders I represent have built their lives and their families' futures around this fishery. When a flawed process threatens that, we have an obligation to stand up and fight back. Today, that fight paid off, and it sends a clear message that the integrity of the Board of Fisheries process matters to fishing families who depend on it," said Steve Brown, President of Concerned Area M Fishermen.

Plaintiffs are represented by Taylor Rose Thompson of the Law Offices of Taylor Thompson (Anchorage, AK) and Beth Baldwin and Eleanor Bohn of Ziontz Chestnut LLP (Seattle, WA).

About Aleutians East Borough: The Aleutians East Borough is a municipality encompassing communities along the Alaska Peninsula and Eastern Aleutian Islands, including Sand Point, King Cove, Cold Bay, False Pass, Akutan, and Nelson Lagoon. Commercial fishing is the economic foundation of the Borough and its municipal budget.

About Native Village of Unga: The Native Village of Unga is a federally recognized Indian tribe headquartered in Sand Point, Alaska. Tribal members and their Unangan ancestors have utilized the local ocean fishery for over 9,000 years for both subsistence and commercial purposes.

About Area M Seiners Association: Area M Seiners Association is a 501(c)(6) non-profit based in Sand Point, Alaska, representing commercial salmon fishermen holding CFEC limited entry permits in the Area M fishery.

About Concerned Area M Fishermen: Concerned Area M Fishermen is a 501(c)(6) non-profit based in Homer, Alaska, representing fishermen holding CFEC limited entry and interim use permits in the Area M salmon fishery.