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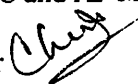
Public Testimony Sign-Up Sheet

Agenda Item D-1(a) Bering Sea Salmon Bycatch

	NAME (PLEASE PRINT)	AFFILIATION
1 ✓	Don Bremner	S.E. AK. Inter-Tribal
2	Wally Smith	F.C.C. Panel
3 ✓	Billy Charles / Gerry Davis	Y.D.F.D.A.
4 ✓	Jennifer Hooper	AVCP
5 ✓	Wally Smith John "Matt" Joe	North Village
6 ✓	GLENN REED	PSPA
7 ✓	John Gruber	AFA IC
8 ✓	Becca Robbins Gisclair	Yukon River Drainage Fisheries Assoc.
9 ✓	Bubba Cook	WWF
10 ✓	Robin Samuelson	BBERC
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver 
Executive Director
DATE: November 28, 2007
SUBJECT: BSAI Salmon Bycatch

ESTIMATED TIME 8 HOURS All D-1 Issues

ACTION REQUIRED

Review salmon bycatch EFP results; Receive Salmon Bycatch Workgroup Report and refine alternatives for analysis; Review Notice of Intent and take action as necessary

BACKGROUND

Salmon Bycatch EFP results

The BSAI pollock Intercoop report on the rolling hotspot exempted fishing permit (EFP) will be presented to the Council by John Gruver (Intercoop Manager) and Karl Haflinger (Sea State). A preliminary written report covering the EFP for the 2007 A and B seasons will be distributed to the Council and AP. As stipulated by the EFP, that report will include:

1. Number of salmon taken by species during the experiment
2. Estimated number of salmon avoided as demonstrated by the movement of fishing effort away from salmon hot-spots.

A separate report on compliance/enforcement will be presented to the Council in February and will include the results of an external audit to be performed by Alaska Biological Research.

Salmon Bycatch Analysis Alternatives

The Council is in the process of refining alternatives for a forthcoming salmon bycatch reduction amendment package for the BSAI pollock fishery. The current suite of alternatives was last revised by the Council in June 2007, when a request was made to the Salmon Bycatch Workgroup to provide input to the Council on further refinement of these alternatives. The Salmon Bycatch Workgroup has met twice since that time to provide their recommendations to the Council. The Council revised the problem statement for the analysis at their October 2007 meeting. The problem statement and the existing suite of alternatives are attached as Item D-1(a)(1). In October, the Council moved forward with suggested revisions to the cap formulation options under the alternative structure and proposed that consideration be given to subdivision of any such cap by sector or within sectors by cooperatives as applicable. The Council did not move to refine the alternatives in this manner at that time however, and instead referred discussion of the refinements to the Council's Salmon Bycatch Workgroup for their input prior to the December meeting. The Salmon Bycatch Workgroup thus convened a meeting on November 2, 2007 in order to review the Council's October motion and discuss where the cap formulation options differed from the Salmon Bycatch Workgroup's August 2007 recommendations, as well as to discuss the proposed sector split on a salmon cap in the pollock fishery. The report from the Salmon Bycatch

Workgroup is attached as Item D-1(a)(2). The full October 2007 Council motion is appended to that report.

A discussion paper from staff is attached as Item D-1(a)(3). The discussion paper provides information to assist the Council with refinement of alternatives at this meeting, relative to the following:

1. **Cap formulation:** Distinctions between the proposed cap limits and ranges per the Salmon Bycatch Workgroup's August 29 recommendations to the Council and the Council's October motion.
2. **Sector split on salmon cap:** Proposed cap limits by sector per Council October motion, the potential catch constraint implications by sector, and length-frequency data for salmon bycatch by sector per Salmon Bycatch Workgroup November 2 request.
3. **Area closure options:** Candidate closure options for incorporation into the alternatives.

The Council will review both the report from the workgroup, as well as the discussion paper by staff, and further refine alternatives as necessary.

Notice of Intent

In conjunction with the agency's recommendation that the NEPA documentation to analyze the forthcoming amendment package will be an Environmental Impact Statement (EIS), and the necessity of informing the public to that extent, the agency has drafted a Notice of Intent (NOI). The NOI must include a description of the proposed action, possible alternatives to the proposed action, and a description of the scoping process. The draft NOI was mailed to the Council on November 14th, and a copy is attached as Item D-1(a)(4). The action before the Council with respect to this NOI is to review the description of the proposed action, the preliminary range of salmon bycatch management alternatives, and the preliminary identification of issues to be analyzed as noted therein, in order to ensure that the Council and the agency have a similar understanding of these issues. Provided the Council concurs on the NOI as drafted, NMFS will publish this and begin the scoping period. This scoping period would end in February 2008.

Problem Statement

The following problem statement for the analysis was approved by the Council at the October 2007 Council meeting:

The Council's primary concern is to maintain a healthy marine ecosystem to ensure long-term conservation and abundance of the groundfish and non-groundfish resources. For this reason, the Council is committed to reducing bycatch chum and Chinook salmon species to the extent practicable to provide maximum benefit to fishermen and communities that depend on these resources. The Council and NMFS have taken action to exempt AFA qualified and CDQ vessels participating in the intercooperative voluntary rolling hotspot system (VRHS) from regulatory Bering Sea salmon bycatch savings areas. In order to address the possibility that a coop could opt out of the VRHS program or that the Council could determine that the VRHS program does not adequately reduce salmon bycatch, alternatives to the VRHS system and/or the regulatory salmon bycatch program should be analyzed to assess whether they would be more effective in reducing salmon bycatch.

Current Suite of Alternatives

The following represents the suite of alternatives under consideration by the Council for the Salmon Bycatch amendment analysis. These alternatives were last revised by the Council in June 2007 following recommendations from the Council's Salmon Bycatch Workgroup. Council motions since October 2005 have been formulated into NEPA alternative structure (alternatives, elements and options) for clarity. These alternatives were reviewed by the Council in October 2007 but per Council motion to have suggested changes discussed by the Salmon Bycatch Workgroup were not revised at that time.

Alternative 1: Status quo

Alternative 2: Establish new regulatory salmon savings systems.

Element 1: Hard cap

Element 2: Fixed closures

Element 3: Triggered closures

Element 4: Modify the PSC accounting period

Note that elements in elements 1-4 can be selected in conjunction with each other or separately. Elements 1, 2 and 3 have several different options which are described below.

Element 1: Hard Cap

Option A) Timing options

1- Annual cap

2- A season cap¹

3- B season cap

Option B) Cap formulation based on:

1. Average historical bycatch;

a. 3 years

b. 5 years

c. 10 years

2. Percentage increase of historical average

a. 3 years

b. 5 years

¹ Applies to Chinook only

- c. 10 years
- 3. Percentage increase of highest year
- 4. Set cap relative to salmon returns:
 - a. short term: link historic bycatch to in-river returns
 - b. long term: Use cumulative acceptable amounts for each river system, pending GSI information (i.e., identify what component of bycatch is from each river and what would be an acceptable amount of bycatch for each river. The cap would be the sum of the acceptable amounts for each of the rivers).
- 5. Incidental Take Permit amount²
- 6. International treaty considerations

Note that unless footnoted, all options apply to both Chinook and chum cap formulation)

Element 2: Fixed Closures

- Option A) Timing options
 - 1. A season
 - 2. B season
- Option B) Area options
[TBD]
- Option C) Periodic adjustment for updated bycatch information

Note that options can be selected in conjunction with each other or separately.

Element 3: Triggered closures

- Option A) Timing options
 - 1. A season
 - 2. B season
 - 3. Closure for remainder of season when triggered
- Option B) Trigger cap formulation based on:
 - 1. Average historical bycatch;
 - a. 3 years
 - b. 5 years
 - c. 10 years
 - 2. Percentage increase of historical average
 - d. 3 years
 - e. 5 years
 - f. 10 years
 - 3. Percentage increase of highest year
 - 4. Set cap relative to salmon returns:
 - g. short term: link historic bycatch to in-river returns
 - h. long term: Use cumulative acceptable amounts for each river system, pending GSI information (i.e., identify what component of bycatch is from each river and what would be an acceptable amount of bycatch for each river. The cap would be the sum of the acceptable amounts for each of the rivers).
 - 5. Incidental Take Permit amount³

² Applies for Chinook only

6. International treaty considerations

- Option C) Area options [actual areas TBD]
1. Adjust area according to the number of salmon caught
 2. Single area closure
 3. Multiple area closures
- Option D) Periodic adjustment for updated bycatch information

Element 4: Modify the PSC accounting period for salmon

An additional consideration for the cap/closure system will be an option to modify the accounting year for the salmon biological year. This means that the accounting system for salmon species would begin in the B season and continue through the A season, i.e. accounting would begin in June and continue through May.

³ Applies for Chinook only

Salmon Bycatch Workgroup meeting minutes

The NPFMC Salmon Bycatch Workgroup convened at 9am on November 2, 2007 at the Hawthorn Suites in Anchorage, AK.

Members of the workgroup were the following:

Stephanie Madsen, co-chair
Eric Olson, co-chair
Becca Robbins Gisclair
John Henderschedt (for Karl Haflinger)
John Gruver
Jennifer Hooper
Robin Samuelson (for Paul Peyton)
Michael Smith

Staff assisting in the meeting and members of the public in attendance included the following:

Diana Stram (NPFMC), Cathy Coon (NPFMC), Jason Anderson (NMFS), Demien Schane (NOAA GC), Alan Haynie (NMFS AFSC-by phone), Scott Miller (NMFS RO -by phone), Nicole Ricci (Dept of State-by phone), Martin Loeffland (NMFS AFSC), Herman Savikko (ADF&G), Don Rivard (USFWS/OSM), Russ Holder (USFWS), Dan Bergstrom (ADF&G), Karen Gillis (BSFA), Brent Paine (UCB), Lenny Corin (USFWS), Gerry Davis (YDFDA), Craig Fleener (BSFA), Sheldon Katchatag (Unalakleet), Patricia Graham (AQS EHS) and Art Nelson(CVRF).

The attached agenda (appendix 1) was adopted for the meeting. Documentation was provided to participants in advance of the meeting and is not repeated here as Council staff will be updating this information and providing it in the Council notebooks for December.

Diana Stram (Council staff) first provided an overview presentation of the objectives for the meeting which were to review the Council's motion from October 2007 (attached as appendix 2) and where adoption of this motion would differ from SBW recommendations on refining the alternatives in August. There were two main aspects to the Council motion: 1- changes to the formulation of the proposed caps by species, and 2-proposed sector split of any cap. These two items (cap formulation changes and sector split) were the primary focus of this meeting with the intention that the SBW would review these and make recommendations to the Council for the December 2007 meeting.

Diana Stram then provided an overview of the background materials which made available in advance of the meeting to facilitate discussion. These materials included information on salmon bycatch in the pollock fishery since 1991, proposed cap numbers and ranges based upon the Council's October 2007 motion and the SBW recommendations from August, pollock fishery sector catch of salmon species from 2003-2007 and a comparison of proposed cap ranges with actual sector catch from 2003-2007.

Committee Discussions

The workgroup first discussed the changes as presented by staff on cap formulation alternatives. The changes in the range of numbers for Chinook cap alternatives were discussed. The October Council motion leads to a more narrow range of numbers under consideration by removing the

percentage increases above historical averages and specifically caps the upper limit at 87,500. Some members of the workgroup felt that this provided too much of a restriction on the range of numbers under consideration for the analysis. Others felt that this was the appropriate upper limit for consideration. Further discussion of this and the committee's recommendations to the Council are included later in this report.

Mike Smith requested clarification of the responsibilities and obligations of the Council under the Pacific Salmon Treaty (PST) and the Yukon River Agreement (Annex IV Chapter 8 of the PST). Nicole Ricci of the US State Department (Department) was available by phone for the meeting. She noted that this is a significant treaty and when once a treaty is ratified by the US, implementing legislation is typically enacted to provide for domestic implementation of the treaty obligations. Pursuant to U.S. implementing legislation for the Yukon River Agreement the Yukon River Panel (Panel) recommendations are advisory in nature. The Panel cannot dictate to the Council but can advise on what they believe to be the appropriate course of action. Unless there is an express intent to the contrary in the treaty, treaty interpretations, including the scope of treaty obligations, is left to the Parties. The State Department is currently investigating the Yukon Panel Agreement and its obligations in relation to questions posed by the Panel regarding salmon by-catch in the U.S. Exclusive Economic Zone. The Department notes that the rate and amount of salmon by-catch, caught by U.S. fisheries, and its impact on the salmon fishery is presently being addressed at the NPFMC. This process has not yet concluded and no determination on impacts to the treaty can be made until the process has completed.

She further explained that the Council may manage the fisheries in an effort to comply with the treaty. How they choose to meet and implement this is at the discretion of the Council based upon balancing management objectives and available data. The Panel may recommend a course of action to the Council which is advisory in character and may be taken under consideration by the Council in conjunction with other factors. The Department would become involved if a Party to the treaty initiated consultation or clear and definitive information is available to indicate that these obligations are not being met. The outcome of any investigation or consultation by the Department is not yet known. She noted that this has not yet reached the level of a consultation and is currently being investigated based on the Panel's letter to the NPFMC. She indicated that the Department believes it would be helpful if additional information on the amount and origin of stocks taken as bycatch from the Yukon and other western Alaskan river systems was collected and available. Diana Stram explained the Council timeline for analysis and process by which information is being currently compiled for analytical purposes. She indicated that the most recent information on relative stock of origin and estimation of impact of bycatch levels on adult equivalents for each western Alaskan river system, to the extent possible based upon the available data, will all be included in the analysis put forward for Council review. This is currently scheduled for review by the Council in June 2008.

Demien Shane of NOAA GC concurred with the opinion of the State Department noting that while NOAA GC provides direction to the Council on their NEPA and MSA obligations, only the Department of State can determine whether or not treaty obligations are being met.

Robin Samuelson requested clarification on what triggers a consultation on Washington or Oregon endangered stocks. Nicole Ricci replied that the Yukon Agreement does not cover any stocks outside of the Yukon River. The larger Pacific Salmon Treaty covers those endangered stocks. In general the triggering of a State Department consultation is typically initiated by a Party to the Agreement.

The committee had further extensive discussions of the motion to include a sector split on any salmon cap (hard cap or trigger cap). Diana Stram presented information to the committee on the break-down of a sector split by species based upon the range of numbers under consideration by both the SBW recommendations from August and the Council's motion in October. These proposed cap numbers (assuming the sector split as laid out in the Council motion of 40% catcher processor, 10% mothership, 40% catcher vessel/shoreside) were compared against actual catch by sector from 2003-2007 to date to give a likely indication of constraint. Under either suite of alternatives considered, the low end of the range by species would constrict all sectors in most years. The high end of the ranges under consideration exerts a constraint on the catcher vessel fleet for most years for both species. These results were presented for discussion purposes only at this time at the request of the Council for the SBW to discuss potential sector split options. Eric Olson noted that CDQ information needs to be included into any proposed sector split as well as this was neglected in the Council motion.

Some clarifications were requested of Council staff for the December meeting (to the extent possible) in order to better understand the goals, objectives and potential impacts of a sector split:

- Input from NOAA GC and enforcement on ability to shut down fisheries for exceeding a cap and at what level this is conceivable (single cap on fishery, sector split, coop split within sectors)
- What is the regulatory authority to lease quota between coops and between sectors
- How will CDQ be treated under any cap formulation
- What is the age distribution of the bycatch by sector and to what extent is it disproportionate by sector

Council and agency staff indicated their intent to address as many of these issues as possible for discussion purposes for the Council in December.

The committee reviewed the revised problem statement from the October 2007 Council meeting. **The committee approved of the problem statement, noting that the committee may wish to review it again at a subsequent meeting once the alternatives have been finalized.**

Committee recommendations:

The committee chose to make recommendations to the Council on three specific issues:

- 1) CDQ allocation under any cap
- 2) Sector split of any cap
- 3) Cap formulation changes

Note that of these three topics, the SBW had consensus agreement on only the CDQ allocation issue. For the other two issues, the respective arguments for differing points of view are represented below and where applicable (cap formulation for Chinook) a majority vote included.

1) CDQ Allocation:

The SBW recommends that the analysis consider equal treatment by the CDQ program under each alternative. The intent is that any alternative under consideration would be no more restrictive than the other options to CDQ. *This recommendation was unanimous.*

2) Sector Split

The SBW was divided on the issue of recommending the inclusion of any sector split of a proposed cap in the alternatives for analysis (per Council motion October 2007).

The following arguments were put forward for *including* a sector split in the alternatives:

- A) There may be disproportionate harvest by age or stock of origin by different sectors of the fleet. If this is the case, then a split cap will provide better conservation for salmon stocks than would be provided by a single cap across the entire fleet.
- B) A sector split provides a better means to balance the need to conserve salmon with the goal of allowing the fishery to operate. If a cap is split amongst sectors then some portion of the fleet can continue to fish when others have curtailed fishing operations due to exceeding their allocated salmon. This provides a better balance between the needs of western Alaskan salmon and salmon users and maximizing benefits to the pollock fleet than is provided by a single hard cap.
- C) Analytically, evaluating only a hard cap would focus solely on times when the fishery as a whole would be shut down when practically speaking under the ICA some division of a cap would occur internally. However this division of the cap would not be included in the analysis unless explicitly in the alternatives.
- D) Historically high numbers of Chinook are not a good indication that the ICA is evaluating the best means of reducing bycatch nor that they would establish adequate means to divide a cap internally.
- E) A sector split together with the ability to transfer pollock across sectors or coops provides the best means of catching pollock and constraining the overall number of salmon. It also promotes individual accountability where currently this is lacking.

The following arguments were put forward for establishing a single cap that is not split amongst the fleet by sector or otherwise:

- A) If the Council chooses to go with a single hard cap limit, they would select a number which they felt was representative of the threshold level after which the reproductive capacity of the western Alaskan salmon stocks would be compromised by the pollock fishery. Exceeding this number would represent a conservation concern. Subdividing this number by a sector split does not further the conservation goals of the Council. Rather it compromises the fleet's ability to manage bycatch and forces the Council into an unnecessary allocative decision. The workgroup should be focused on recommending means to conserve salmon not reallocation of pollock.
- B) A Sector split would remove the flexibility to operate under the VRHS system effectively. Any further split of a cap should be contractually within the ICA. Further any restriction of the operational aspects of the ICA constrains creativity in trying to avoid bycatch. The ICA should be given the opportunity to explore alternative penalty mechanisms to the VRHS.
- C) If a sector split were awarded based on catch history than it would reward bad behavior rather than rewarding low bycatch
- D) A split cap would create a race for fish within the allocation and ensure that everyone reaches their cap each year.
- E) Any split with the consideration of transfer of catch across sectors is not believed to be legal thus there is no reason to include an alternative that is legally deficient.

3) Cap formulation.

The committee discussed the differing ranges of numbers resulting from the SBW recommendations to the Council in their August 29, 2007 report and the Council's October 2007 motion. The committee specifically focused on the Council motion recommending an upper limit for Chinook of 87,500 and inclusion of the incremental percentages (above and below) the historical averages and the highest year in the alternatives for cap formulation. The committee

was divided on this issue and did not have consensus on the recommendations to the Council with respect to cap formulation

Arguments for continuing to include the incremental percentages and highest years (and not capping Chinook at 87,500) noted that:

- A) A broader range of alternatives is more appropriate analytically and would provide an improved cost-benefit analysis on the range of options. Under the Council motion, the alternatives provide a wide range on the low end of the caps and no equivalent range on the higher end.
- B) The Council has not yet discussed actual numbers resulting from the alternative cap formulations, thus their motion was premature in restricting the range under consideration. The Council was instead provided the concepts for the SBW recommendations but not the actual numbers that were calculated based on these recommendations (Note: these were provided during this SBW meeting and were not available at the time of the October Council meeting). These numbers should be presented and discussed by the Council openly prior to taking action to restrict the range under consideration.
- C) The ITS is an artificial cap that is connected to an ESA consultation on endangered Chinook stocks in OR and WA only. It is not relevant as an upper limit on western Alaskan salmon stocks.

Arguments for incorporating the language suggested in the Council motion from October (which caps Chinook at 87,500 and narrows the range of numbers for both species under consideration) include:

- A) There is no justification for going above historic levels (by including the percent increase options) given the combination of potential impacts to already depleted salmon stocks with the current decline in the pollock TAC,
- B) Any number in excess of 87,500 would conceivably violate National Standard 9 and the Endangered Species Act. Further any number in excess of pre-2002 numbers could violate the United States' treaty obligations under the Yukon River Salmon Agreement.

After further discussion, one member of the workgroup requested a specific vote on the inclusion of 87,500 as an upper limit for the forthcoming analysis on Chinook bycatch. After much discussion, the SBW voted 5-3 (with one abstention) in favor of truncating the range of cap limits for Chinook at 87,500.

The meeting adjourned at 2:30pm.

Appendix 1 Agenda: Salmon Bycatch Workgroup meeting

NPFMC Salmon Bycatch Workgroup meeting

November 2, 2007

Ballroom B, Hawthorne Suites,
1110 West 8th Avenue
Anchorage, AK
Draft Agenda

Meeting objective: To review NPFMC motion from October 2007 and provide recommendations to the Council on BSAI salmon bycatch cap formulation.

9:00am- 2:00pm (*continue as necessary after 2pm*)

Topics to be addressed:

1. Overview of Council action in October 2007
2. Discussion of cap formulation alternatives:
 - a. Comparison of cap results as proposed by workgroup (Aug 2007 recommendations) with Council suggested revisions (October 2007)
3. Discussion of proposed sector split from Council motion
4. Additional options/proposals from the workgroup
5. Committee discussion and recommendations

Appendix 2 October 2007 BSAI Salmon Bycatch Motion

Council Bering Sea Salmon Bycatch Motion to address cap formulation and additional recommendations for the analysis:

Forward the following issues to the Salmon Bycatch Working Group, requesting that they consider the following options to address salmon bycatch in the Bering Sea pollock fisheries and report back to the Council at their December 2007 meeting.

Chinook and other salmon bycatch caps representing the following years be developed:

Cap formulation alternatives:

1. Establish Chinook and non-Chinook salmon caps based on:
 - Average historical bycatch
 - i. 3 years (2004-2006)
 - Option: 20% increase for non-Chinook
 - ii. 5 years (2002-2006)
 - iii. 10 years (1997-2006)
 - Option: drop year 2000
 - Option: drop year 2006
2. Set cap relative to salmon returns: (To determine specific salmon stock impacts from bycatch)
3. The 2007 Incidental Take number (87,500) will be included in the analysis and serve as the upper limit cap for Chinook salmon bycatch in the analysis.
4. International treaty considerations for Chinook salmon
 - Average historical bycatch pre-2002
 - i. 3 years (1999-2001)
 - ii. 5 years (1997-2001)
 - iii. 10 years (1992-2001)

Status quo in the alternatives will be described as the VRHS system with the existing exemption to the CSSA closures. An option will be explicitly added to the alternatives for new closures which would likewise allow for an exemption for the fleet to these new closures.

Additional rate-based breaks will be considered in formulating criteria for identifying closures such that a more defined and consistent range of rate breaks are considered (e.g. 0.1, 0.2, 0.3, 0.4,...)

Staff will develop a method to apportion caps by closure area in a way that minimizes bycatch (e.g. to evaluate separate trigger caps by closure area apportioned according to the overall limit) as well as a single cap which triggers multiple areas.

The Work Group will examine dividing the final cap by sectors (50% shore based CV fleet; 10 % for the mothership fleet and 40% for the offshore CP fleet). The sector allocations of Chinook salmon bycatch will be divided up by pollock coops within each

sector based upon the percent of total sector pollock catch their coop allocation represents. When the Chinook salmon coop cap is reached, the coop must stop fishing for pollock and may lease their remaining pollock to another coop (inter-cooperative transfer) within their sector for that year (or similar method to allow pollock harvest with individual coop accountability).

The Work Group will also consider developing a new suboption in conjunction with a hard cap or trigger that proposes alternative management measures to remain beneath a proposed cap (with or without closed areas).

The Work Group should be expanded to include a State of Alaska Board of Fisheries member.

Lastly, the Council adopts the proposed Problem Statement as modified by the AP.

BSAI Salmon Bycatch

December 2007 staff discussion paper

In order to move forward with a defined suite of alternatives for analysis in a forthcoming EIS, the Council needs to refine the alternatives under consideration for salmon bycatch reduction measures. The current alternatives have not been revised since the June 2007 Council meeting. The Council's Salmon Bycatch Workgroup has convened two meetings since June 2007 to discuss and make recommendations to the Council on refining the alternatives under consideration. The report from the August 29, 2007 Salmon Bycatch Workgroup meeting was provided at the October 2007 Council meeting. At that time the Council chose not to move forward with the Salmon Bycatch Workgroup's recommendations for refining the cap formulation alternatives, but rather to provide recommendations on changes to the alternatives and a proviso that the Salmon Bycatch Workgroup should convene a meeting to review these changes and discuss and make recommendations to the Council regarding them for the December Council meeting. The Salmon Bycatch Workgroup report (included previously in these briefing materials as Item D-1(a)(2)) provides the discussion of the committee on the Council's October motion. The motion itself is appended to that report.

The following paper provides additional information for the Council in order to assist them in refining the alternatives under consideration. This information includes specific requests for staff by the SBW at their November 2, 2007 meeting. The paper is organized around provided additional information on three main aspects to the proposed suite of alternative:

1. **Cap formulation** (Element 1 and 2 of Alternative 2): Distinctions between the proposed cap limits and ranges per the Salmon Bycatch Workgroup's August 29 recommendations to the Council and the Council's October motion.
2. **Sector split on salmon cap**: Proposed cap limits by sector per Council October motion, the potential catch constraint implications by sector, and length-frequency data for salmon bycatch by sector per Salmon Bycatch Workgroup November 2 request.
3. **Area closure options**: Candidate closure options for incorporation into the alternatives.

Assimilation of this material within this paper is intended to provide sufficient information to inform the Council for refining alternatives only. It is not intended to preclude further, in-depth analysis of the potential impacts of each element and option to be included in the suite of alternatives. Full impact analysis will be provided upon review of the EIS for this amendment package currently scheduled for June 2008.

Cap formulation

The current alternatives for cap formulation lack specificity in several of the elements and options as listed below:

Element 1: Hard Cap (Also similar issues under option B of element 3 for triggered closures whereby the cap formulation language is equivalent):

Option B) Cap formulation based on:

1. Average historical bycatch;
 - a. 3 years
 - b. 5 years
 - c. 10 years
2. Percentage increase of historical average
 - a. 3 years
 - b. 5 years
 - c. 10 years
3. Percentage increase of highest year
4. Set cap relative to salmon returns:
 - a. short term: link historic bycatch to in-river returns
 - b. long term: Use cumulative acceptable amounts for each river system, pending GSI information (i.e., identify what component of bycatch is from each river and what would be an acceptable amount of bycatch for each river. The cap would be the sum of the acceptable amounts for each of the rivers).
5. Incidental Take Permit amount¹
6. International treaty considerations

Note that unless footnoted, all options apply to both Chinook and chum cap formulation

Option B-1 refers to a cap formulation based upon the average of historical bycatch numbers by a range of years. These numbers are the extrapolated numbers tabulated by the NMFS catch accounting system. For purposes of initial consideration only, the "most recent year" is currently considered to be 2006. Once the full year of data from 2007 is available for the analysis it is anticipated that these data will be utilized. Option B-2 incorporates a percentage increase above the average historical bycatch amount for the same range of years as in option B-1. This option would provide for values higher than the average amounts in those years.

Option B-3 similarly refers to a percentage increase over a specified value, this time it is a single year amount from the highest bycatch year to date over the time period under consideration by species. The percentage increase over the historical average and the highest year were evaluated for the Salmon Bycatch Workgroup's consideration at the August 29, 2007 meeting and were estimated based on an evaluation of relative increase from the mean rate by year (75-100% greater than a given average) and by the relative increase from the highest numbers by year (10-20% higher than the highest year). These estimated ranges bracketed the variability over the time period under consideration. The workgroup recommended the use of different percentages for the relative increase as reflected in the recommendations from the workgroup (in the following section).

Option B-4 refers to a cap level linked to the relative magnitude of salmon runs. This type of formulation could be established based on evaluating historical run-strengths, total bycatch mortality, and relative bycatch stock composition (i.e., the stock origins found in the bycatch). The historical data used may be limited (for some runs the period of data availability may be short) and there is inherent variability in

¹ Applies for Chinook only

ocean survival, proportion of catch ascribed to runs, and salmon run sizes. To arrive at a science-based policy decision two steps should be considered: 1) defining a reference impact rate (i.e., mortality of run attributed to bycatch), and 2) defining "acceptable" probabilities that a cap will exceed the defined impact rate. For example, a cap could be determined based on analysis that showed: "there was a 10% chance that a cap level of x salmon will exceed an impact rate of 5%." Analysts are currently investigating methods to formulate this type of cap. Ideally this formulation would result in an equation that could then be frameworked into regulations to allow for the use of annually updated information it becomes available. PSC cap regulations for BSAI species of crab and herring follow prescribed equations. For example, herring and snow crab caps depend on biomass estimates whereas red king crab and Tanner crab caps follow a stair-stepped function depending on discrete biomass levels. A similar approach can be developed for this alternative. Such a prescription requires that the inputs for the function are straightforward so as to avoid values that are discretionary in nature.

Option B-5, the "Incidental Take Permit" amount refers to the revised threshold level for triggering a consultative process for endangered Chinook salmon species. This take permit amount is the level of Chinook catch in BSAI trawl fisheries below which no apparent harm is considered likely for those endangered species of Chinook salmon from WA/OR river systems. This number was revised following the 2006 consultation and is currently 87,500 fish. This limit option would be considered only for Chinook species. No equivalent threshold exists for chum salmon in the BSAI trawl fisheries.

Option B-6, the "international treaty considerations" is intended to reflect the bycatch levels agreed upon in formulation of the Pacific Salmon Treaty and specifically the Yukon River Salmon Agreement in 2001. While there is no hard number associated with this treaty amount, it could be inferred that bycatch numbers at the time of the signing of the agreement were intended to be reduced.

Following their meeting in August 2007, the SBW made specific recommendation in their report to the Council regarding modification to these cap formulations to add specificity as necessary for analytical purposes. These recommendations are listed below in bold:

Option B) Cap formulation based on:

1. Establish cap based on:

- 1- Average historical bycatch;
 - i. 3 years (2004-2006)
 - ii. 5 years (2002-2006)
 - iii. 10 years (1997-2006)

Option: drop 2000

2- Percentage increase of :

- i. Historical average
 1. 10%
 2. 20%
 3. 30%
- ii. Highest year
 1. 10%
 2. 20%
 3. 30%

2. Set cap relative to salmon returns:

~~1—short term: link historic bycatch to in river returns~~

~~2—long term: Use cumulative acceptable amounts for each river system, pending GSI information (i.e., identify what component of bycatch is from each river and what would be an acceptable amount of bycatch for each river. The cap would be the sum of the acceptable amounts for each of the rivers).~~

Recommend that analysts prepare draft language to better characterize on-going investigations by analysts here for presentation to the Council in October

3. Incidental Take Permit amount
4. International treaty considerations
 - 1- Average historical bycatch pre-2002
 - i. 3 years (1999-2001)
 - ii. 5 years (1997-2001)
 - iii. 10 years (1992-2001)
 - 2- Percentage decrease of historical averages:
 - i. 10% decrease
 1. 3 years (1999-2001)
 2. 5 years (1997-2001)
 3. 10 years (1992-2001)
 - ii. 20% decrease
 1. 3 years (1999-2001)
 2. 5 years (1997-2001)
 3. 10 years (1992-2001)
 - iii. 30% decrease
 1. 3 years (1999-2001)
 2. 5 years (1997-2001)
 3. 10 years (1992-2001)

These recommended changes as noted above were provided to the Council in October 2007. The Council did not adopt these recommendations for refining the alternatives, but instead chose to make recommendations for the cap formulation options and refer these changes back to the Salmon Bycatch Workgroup for comment.

The Council motion from October 2007 had the following recommendations for cap formulation:

- Option B) Cap formulation based on:
1. Establish Chinook and non-Chinook salmon caps based on:
Average historical bycatch
 - i. 3 years (2004-2006)
Option: 20% increase for non-Chinook
 - ii. 5 years (2002-2006)
 - iii. 10 years (1997-2006)
Option: drop year 2000
Option: drop year 2006
 2. Set cap relative to salmon returns: (To determine specific salmon stock impacts from bycatch)
 3. The 2007 Incidental Take number (87,500) will be included in the analysis and serve as the upper limit cap for Chinook salmon bycatch in the analysis.
 4. International treaty considerations for Chinook salmon
Average historical bycatch pre-2002
 - i. 3 years (1999-2001)
 - ii. 5 years (1997-2001)
 - iii. 10 years (1992-2001)

Comparison of cap formulations options using historical bycatch numbers

Preliminary caps have been calculated by species in conjunction with these two different cap formulations to examine the relative difference in the range of numbers under consideration. Table 1 shows the total number of Chinook in BSAI trawl fisheries annually and by season (where applicable) from 1991 -2007.

Table 1 Chinook salmon mortality in BSAI groundfish fisheries (all gear and targets). 2007 catch is through 11/28/07² (source NMFS RO)

Year	Annual with CDQ	Annual without CDQ	Annual CDQ report	A season with CDQ	B season with CDQ	A season without CDQ	B season without CDQ
1991	48,880			46,392	2,488		
1992	41,955			31,419	10,536		
1993	46,014			24,688	21,326		
1994	43,821			38,921	4,900		
1995	23,436			18,939	4,497		
1996	63,205			43,316	19,888		
1997	50,530			16,401	34,129		
1998	60,549	55,431	5,118	19,870	40,679		
1999	14,599	12,937	1,662			8,205	4,732
2000	8,223	7,474	749			6,138	1,336
2001	40,547	37,986	2,561			23,093	14,893
2002	39,684	37,581	2,103			24,859	12,722
2003	55,594	52,881	2,713			39,384	13,497
2004	63,138	60,128	3,010			30,870	29,258
2005	74,975	72,919	2,056			32,872	40,047
2006	87,771	85,981	1,790			61,577	24,404
2007	139,112	133,468	5,644			74,355	59,114

A comparison of the different year combinations as specified in the SBW report and the October Council motion indicate preliminary Chinook cap numbers (Table 2). Note that these numbers are preliminary based upon regional office estimates and subject to change once all available information is assimilated (e.g. for CDQ bycatch, seasonal splits). These numbers do not include results of analytical investigations establishing a cap relative to salmon returns (Option 2). Results from those investigations will be available for the full analysis. These preliminary cap numbers are presented in order to assist the Council in determining the relative distinction between The Council motion and SBW recommendations for refining alternatives. These cap formulations utilize 2006 as the most recent year, however it is assumed that 2007 would be included as the most recent year for the actual analysis in 2008. Table 3 shows the total number of Non-Chinook (chum) salmon mortality in BSAI trawl fisheries annually and by season (where applicable) from 1991 -2007.

² Note that these numbers are subject to change as the catch accounting database is updated periodically. Catch numbers for 1991-2006 are listed as estimated on 10/12/07 and may differ slightly from current estimates of historic numbers as the database estimates are improved. The final analysis will use the most recently revised historical numbers for all cap formulations and impact analysis examinations.

Table 2 Preliminary Chinook cap formulation based on Salmon Bycatch Workgroup 8/29 recommendations and Council October 2007 motion

Cap option:	Annual cap	A season cap	B season cap
3 year average (2004-2006)	75,295	41,773	31,236
5 year average (2002-2006)	64,232	37,912	23,986
10 year average (1997-2006)	49,561	26,327	21,570
drop 2000	54,154	31,551	19,936
drop 2000 and 2006	49,952	26,824	19,372
Highest year	87,771	61,577	40,047
Pre-2002 averages			
3 year average (1999-2001)	21,123	12,478	6,987
5 year average (1997-2001)	34,890	14,741	19,154
10 year average (1992-2001)	39,288	23,099	15,692
% increase	10%	20%	30%
3 year average (2004-2006)	82,824	90,354	97,883
5 year average (2002-2006)	70,656	77,079	83,502
10 year average (1997-2006)	54,517	59,473	64,429
drop 2000	59,570	64,985	70,400
drop 2000 and 2006	54,947	59,942	64,938
Highest year	96,548	105,325	114,102
% decrease	10%	20%	30%
Pre-2002 averages			
3 year average (1999-2001)	19,011	16,898	14,786
5 year average (1997-2001)	31,401	27,912	24,423
10 year average (1992-2001)	35,359	31,430	27,502

Table 3. Non-Chinook salmon mortality in BSAI groundfish fisheries (all gear and targets). 2007 catch through 11/28/07. (source NMFS RO)

Year	Annual with CDQ	Annual without CDQ	Annual CDQ report	A season with CDQ	B season with CDQ	A season without CDQ	B season without CDQ
1991	30,262			3,016	27,246		
1992	41,450			2,120	39,329		
1993	243,270			1,848	241,422		
1994	94,548			5,599	88,949		
1995	21,875			3,033	18,842		
1996	78,060			665	77,395		
1997	66,994			2,710	64,285		
1998	66,612	65,697	915	4,608	62,004		
1999	47,234	46,325	909			378	45,947
2000	59,327	57,621	1,706			283	57,338
2001	60,731	57,440	3,291			2,719	54,721
2002	82,483	78,879	3,604			1,677	77,202
2003	197,220	188,818	8,402			4,224	184,594
2004	457,292	446,868	10,424			1,895	444,972
2005	711,939	703,548	8,391			1,304	702,244
2006	326,457	325,077	1,380			3,483	321,595
2007	99,316	92,077	7,249			8,452	83,625

As with Chinook, preliminary cap numbers are presented here in order to provide contrast between the caps resulting from the different year combinations as specified in the SBW report and the October Council motion give the following Non-Chinook cap numbers (Table 4). Note that these numbers are preliminary based upon regional office estimates and subject to change once all available information is assimilated (e.g. for CDQ bycatch, seasonal splits). These numbers do not include results of analytical investigations establishing a cap relative to salmon returns (Option 2). Results from those investigations will be available for the full analysis. These preliminary cap numbers are presented in order to assist the Council in determining the relative distinction between recommendations for refining alternatives. These cap formulations utilize 2006 as the most recent year, however it is assumed that 2007 would be included as the most recent year for the actual analysis in 2008.

A summary of these cap ranges contrasting the range of numbers from either recommendation (Salmon Bycatch Workgroup or Council October motion) for both species is provided below (Table 5). The option (year combination or otherwise) that leads to the high or low end of the range is noted.

Comparison of these ranges of numbers as listed in Table 5 indicates that the Salmon Bycatch Workgroup recommendation leads to a broader range of cap numbers for both species than the Council motion.

Table 4. Preliminary Non-Chinook cap formulation based on Salmon Bycatch Workgroup 8/29 recommendations and Council October 2007 motion

Cap option	Annual cap	% increase		
		10%	20%	30%
3 year average (2004-2006)	498,563	548419	598275	648132
5 year average (2002-2006)	355,078	390586	426094	461602
10 year average (2997-2006)	207,629	228392	249155	269918
drop 2000	224,107	246518	268928	291339
drop 2000 and 2006	211,313	232444	253576	274707
Highest year	711,939	783133	854327	925521
		% decrease		
		10%	20%	30%
Pre-2002 averages				
3 year average (1999-2001)	55,764	50187	44611	39035
5 year average (1997-2001)	60,180	54162	48144	42126
10 year average (1992-2001)	78,010	70209	62408	54607

Table 5. Preliminary cap ranges based upon Salmon Bycatch Workgroup 8/29 recommendations and Council October 2007 motion

Chinook	October Council motion		SBW recommendation	
	Low	High	Low	High
Annual	21,123	87,500	14,786	114,102
	1999-2001 average	Incidental Take Statement	30% decrease from 1999-2001 average	30% increase from highest year (2006) ³
A season	12,478	41,773	12,478	61,577
	1999-2001 A season average	2004-2006 A season average	1999-2001 A season average	A season highest year
B season	6,987	31,236	6,987	40,047
	1999-2001 B season average	2004-2006 B season average	1999-2001 B season average	Highest year (2005)
Non-Chinook (Chum)	October Council motion		SBW recommendation	
	Low	High	Low	High
Annual	55,764	598,275	39,035	925,521
	1999-2001 average	20% increase over the 2004-2006 average	30% decrease from 1999-2001 average	30% increase from highest year (2005)

Sector split of proposed cap

The Council's October 2007 motion included the following:

The Work Group will examine dividing the final cap by sectors (50% shore based CV fleet; 10% for the mothership fleet and 40% for the offshore CP fleet). The sector allocations of Chinook salmon bycatch will be divided up by pollock coops within each sector based upon the percent of total sector pollock catch their coop allocation represents. When the Chinook salmon coop cap is reached, the coop must stop fishing for pollock and may lease their remaining pollock to another coop (inter-cooperative transfer) within their sector for that year (or similar method to allow pollock harvest with individual coop accountability).

Preliminary sector split caps

In order to provide the Salmon Bycatch Workgroup and the Council the information to discuss the possible implications of a divided cap, preliminary information was compiled on salmon catch by sector in the pollock fishery (Table 6). This information was compared against proposed caps using the previously calculated ranges based upon the two differing recommendations. The high and low end of these ranges were then divided using the AFA percentage divisions (50% shoreside CV, 10% mothership, 40% offshore CP), as noted in the Council motion to allocate the cap across sectors (Table 7)

³ Note if 2007 were utilized this number would be higher (~180,846 Chinook) as would all averages which would incorporate 2007

Table 6 Bering Sea salmon catch in pollock fishery (pelagic trawl gear) by sector (no CDQ). 2007 catch by sector through 11/29/07 (source NMFS RO).

YEAR	SECTOR	Chinook	Non Chinook	% Chinook	% Non Chinook
2003	CP	16,335	22,845	37%	12%
2003	M	4,406	11,900	10%	6%
2003	S	23,709	151,855	53%	81%
2003	Total	44,450	186,600		
2004	CP	11,273	76,257	22%	17%
2004	M	3,715	13,330	7%	3%
2004	S	36,080	347,501	71%	80%
2004	Total	51,069	437,087		
2005	CP	14,279	63,249	22%	9%
2005	M	2,560	15,314	4%	2%
2005	S	49,083	619,691	74%	89%
2005	Total	65,922	698,253		
2006	CP	17,692	18,180	22%	6%
2006	M	5,037	2,013	6%	1%
2006	S	58,693	289,147	72%	93%
2006	Total	81,422	309,341		
2007	CP	32,212	27,241	25%	31%
2007	M	6,652	5,447	5%	6%
2007	S	86,304	56,010	69%	63%
2007	Total	125,168	88,697		
Average 2003-2007	CP	18,358	41,554	25%	12%
	M	4,474	9,601	6%	3%
	S	50,774	292,841	69%	85%
	Total	73,606	343,996		

Table 7. Preliminary Annual Cap Ranges by species and sector based upon Council and SBW recommendations with associated constraint year based on sector catch from 2003-2007

Chinook	October Council motion		SBW recommendation	
	Low	High	Low	High
Total all sectors	21,123	87,500	14,786	114,102
After CDQ (- 7.5%)	19,539	80,938	13,677	105,544
Sector split:				
Catcher Processor	7,816	32,375	5,471	42,218
	Constraint all years 03-07	No constraint	Constraint all years 03-07	No constraint
Mothership	1,954	8,094	1,368	10,554
	Constraint all years 03-07	No constraint	Constraint all years 03-07	No constraint
Shoreside/CV	9,769	40,469	6,839	52,772
	Constraint all years 03-07	Constraint in 05-07	Constraint all years 03-07	Constraint in 06

Chum	October Council motion		SBW recommendation	
	Low	High	Low	High
Total all sectors	55,764	598,275	39,035	925,521
After CDQ (- 10.7%)	49,797	534,260	34,858	826,490
Sector split:				
Catcher Processor	19,919	213,704	13,943	330,596
	Constraint in 03-05, 07	No constraint	Constraint all years 03-07	No constraint
Mothership	4,980	53,426	3,486	82,649
	Constraint in 03-05, 07	No constraint	Constraint in 03-05, 07	No constraint
Shoreside/CV	24,899	267,130	17,429	413,245
	Constraint all years 03-07	Constraint in 04-06	Constraint all years 03-07	Constraint in 05

The data on salmon catch by sector does not include CDQ catch, thus the calculated caps were reduced accordingly. Here the caps are first shown by their annual totals, then decreased by the relative CDQ allocation (using the 2008 percentages of 7.5% for Chinook and 10.7% for non-Chinook). Salmon catch by sector from 2003-2007 was then compared against the resulting sector split cap. Years from 2003-2007 in which the catch of salmon by species by that sector would have been above the calculated cap are noted in the table. Catch of salmon by sector is not proportionate to the AFA allocated catch of pollock (Table 6). During the years evaluated (2003-2007) the shoreside CV fleet accounts for the highest percentage of the salmon for the whole pollock fleet, ranging from 53% of the total Chinook catch in 2003 to 74% of the total Chinook catch in 2005. Likewise for non-Chinook salmon catch, the shoreside CV fleet has ranged from catching 63% of the total in 2007 from a high of 93% in 2006. Average catch by sector over the 2003-2007 time period indicates that 25% of the Chinook catch is by the CPs, 6% by mothership and 69% by the shoreside CVs.

Under either cap formulation, the low end of the cap would constrain all sectors for Chinook from 2003-2007. Under the Council motion, the high end of the Chinook range when divided out by sector would only have constrained the shoreside CV sector (2005-2007) but would not have constrained the other two sectors between the years 2003-2007. Under the Salmon Bycatch Workgroup recommendations for cap

formulation, the high end of the range under consideration would have also constrained only the shoreside CV sector, however the constraint is only enacted in 2006.

For chum, the low end of the range under consideration for both cap formulations recommendations enacts a constraint in most years (2003-2007). The high end of the range for both recommendations does not exert a constraint on either the CP or mothership sector in those years, however the CV fleet is constrained (from 2004-2006 under the Council motion and in 2005 under the SBW recommendation). On average over the time period 2003-2007, the CPs account for 12% of the non-Chinook catch, motherships account for 3% and the shoreside CVs account for 85% of the non-Chinook catch.

These summary tables are provided to indicate preliminary cap numbers by sector and the implications thereof should the Council move forward with subdividing a cap under the alternatives for analysis. Further discussion of the implications of and rationale regarding the choice of whether or not to subdivide a cap amongst sectors is contained in the Salmon Bycatch Workgroup report from November 2, 2007.

Patterns in salmon bycatch size distribution

At the request of the Council's Salmon Bycatch Workgroup (SBW), length frequency data for incidentally caught salmon species in the BSAI pollock trawl fishery were extracted for comparisons over different seasons and components of the fleet. These data were compiled for the BSAI and summaries are shown in Table 8. Note that the length frequency data were converted to proportions at the resolution of the regional office catch estimates and expanded so that totals in higher resolution length frequency data sum to be equal. Also, for length frequency data, chum salmon were taken to represent the "non-Chinook" salmon catch.

Chinook salmon

For the years 2003-2007, the total bycatch of Chinook salmon shows two modes, one at 52 cm and the other at 64 cm (Fig. 1). This also shows that in general, the at-sea vessels tend to catch somewhat smaller Chinook salmon compared to the other fleets when normalized to proportions (Fig. 2). However, when broken out over time, it is apparent that the at-sea fleet experienced the smaller salmon bycatch primarily in 2007 and that in other years it is common for the shore-based fleet to catch smaller salmon (Fig. 3). Clearly, the spatial aspects of fleet operations may impact the relative size distribution of Chinook salmon in the bycatch and this is apparent when the length frequency data is conditioned on just the A-season (Fig. 4). The B-season Chinook bycatch shows that the shore-based fleet tends to catch significantly more than the at-sea processors and that they commonly catch smaller fish (Fig. 5). Broken out by area (E and W of 170°) shows that the majority of Chinook salmon bycatch occurs in the southeast region (Fig. 6).

Chum salmon

The total bycatch of chum salmon shows a single mode, at 55 cm (Fig. 7). This also shows that in general, the at-sea vessels tend to catch a slightly broader range of sizes of chum salmon compared to the other fleets when normalized to proportions (Fig. 8). The chum salmon length frequencies are stable and showed little time variability. Regionally, most of the catch is in the southeast region by shore-based fleet with little difference in size frequency (Fig. 9). Nearly all chum salmon bycatch occurs during the summer-fall season.

Summary of size distribution implications

Interpreting the data presented above requires a more complete consideration of the potential differences in salmon bycatch by fleet. General patterns in how salmon bycatch length (and accordingly, age) frequencies vary by fleet showed a fair amount of inter-annual variability (e.g., smaller Chinook in the at-sea processor component in some years and not others). This may preclude the ability to quantitatively

assert that the size composition of salmon bycatch from one fleet has a differential impact on the salmon stock relative to another fleet. Even if the run-size impacts were split out by fleet and age (as may be done for the forthcoming amendment analysis), the predictability of differential fleet-specific factors seems relatively low. Of course, without further analysis, such statements are speculative. Should the Council choose to include sector-specific caps in the suite of alternatives under consideration for the amendment, the analysis would then include fleet-specific salmon run impacts to the extent possible given the data.

Table 8 Summary catch of salmon by sector and region, 2003-2007 and available length frequency sample sizes (source: NMFS RO and observer database).

Chinook salmon					
Number caught	Year	At-sea	Mothership	Shore-based	Total
	2003	16,335	4,406	23,709	44,450
	2004	11,273	3,715	36,080	51,069
	2005	14,279	2,560	49,083	65,922
	2006	17,692	5,037	58,735	81,463
	2007	29,767	5,744	49,841	85,352
Number measured					
	2003	7,452	1,795	14,024	23,271
	2004	5,293	1,296	17,485	24,074
	2005	5,740	1,010	23,657	30,407
	2006	6,313	1,666	31,318	39,297
	2007	11,533	2,383	30,971	44,887
Chum salmon					
Number caught	Year	At-sea	Mothership	Shore-based	Total
	2003	22,845	11,900	151,855	186,600
	2004	76,257	13,330	347,501	437,087
	2005	63,249	15,314	619,691	698,253
	2006	18,180	2,013	289,161	309,354
	2007	26,873	5,136	51,624	83,634
Number measured					
	2003	9,929	4,785	49,349	64,063
	2004	26,590	4,803	33,293	64,686
	2005	16,778	5,643	51,838	74,259
	2006	5,613	772	42,645	49,030
	2007	8,899	1,771	19,204	29,874

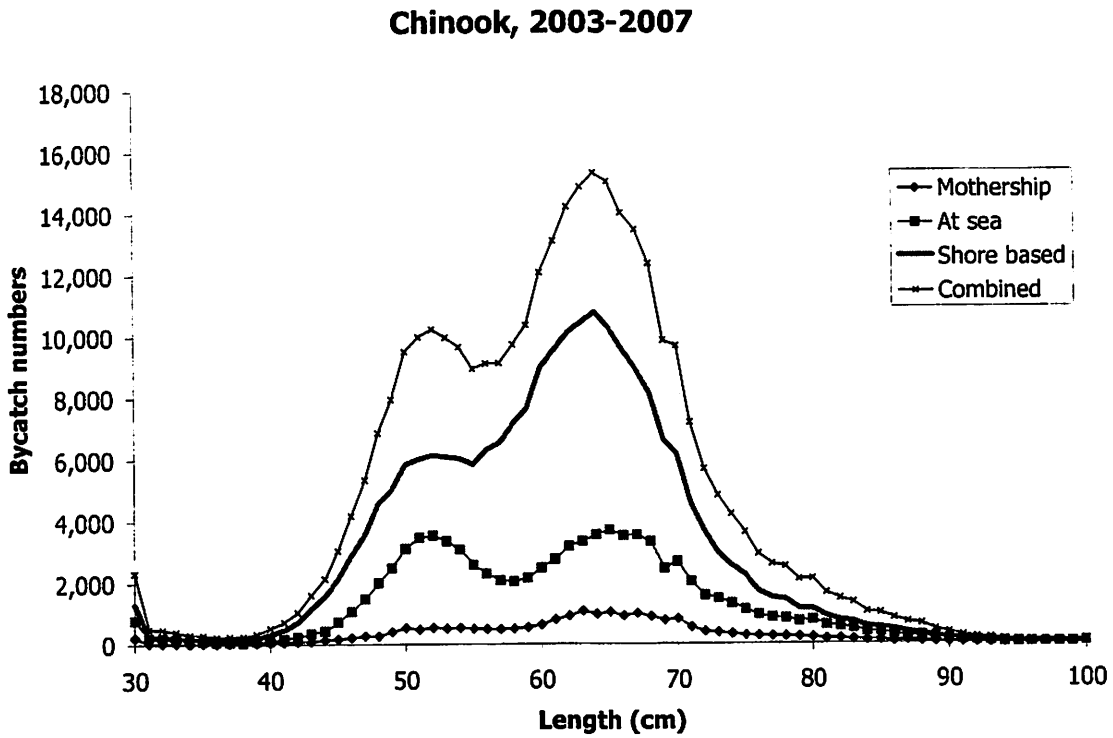


Figure 1. Chinook salmon bycatch length frequency, 2003-2007 totals by different fleets and combined.

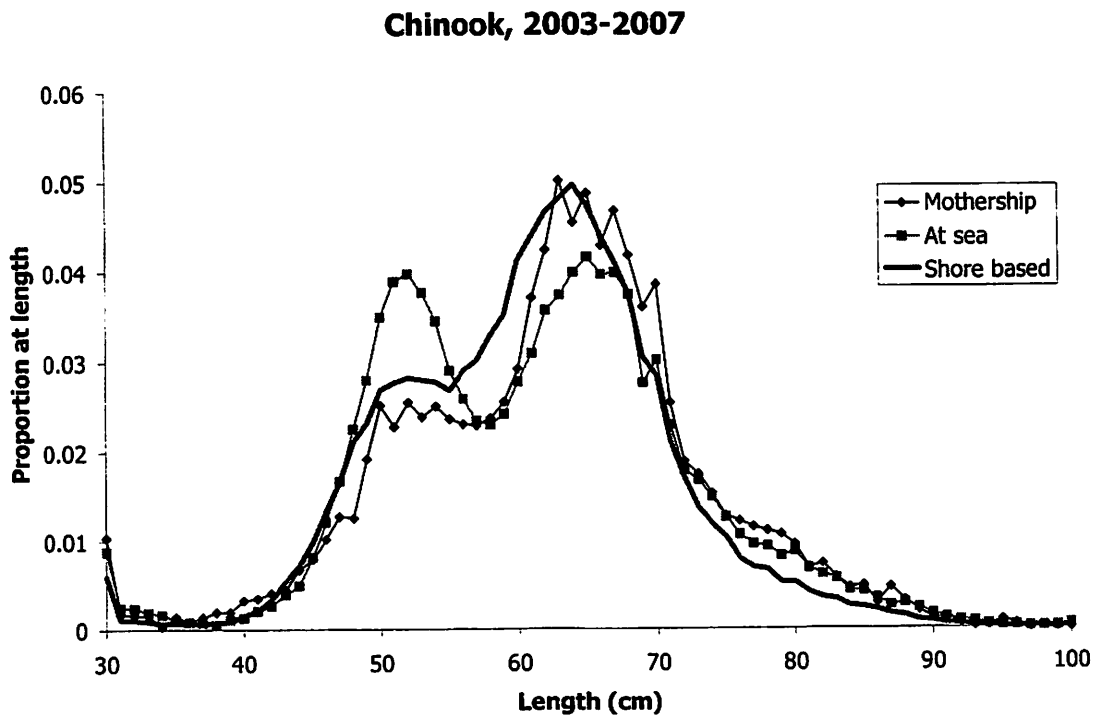


Figure 2. Chinook salmon length frequency in aggregate, 2003-2007 for different fleets and combined.

Chinook length frequencies

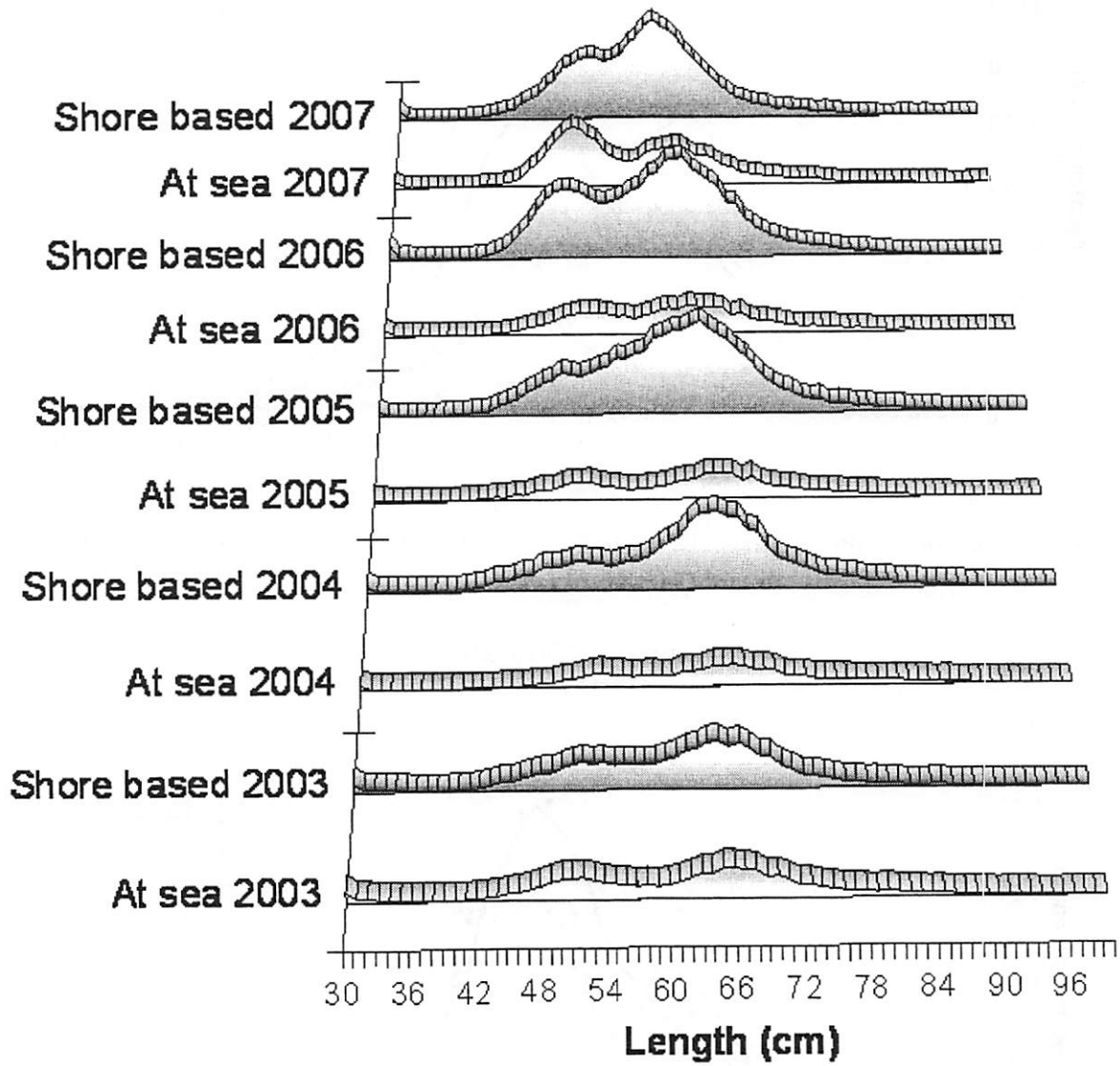


Figure 3. Chinook salmon length frequency 2003-2007 for the two main fleets, both seasons combined.

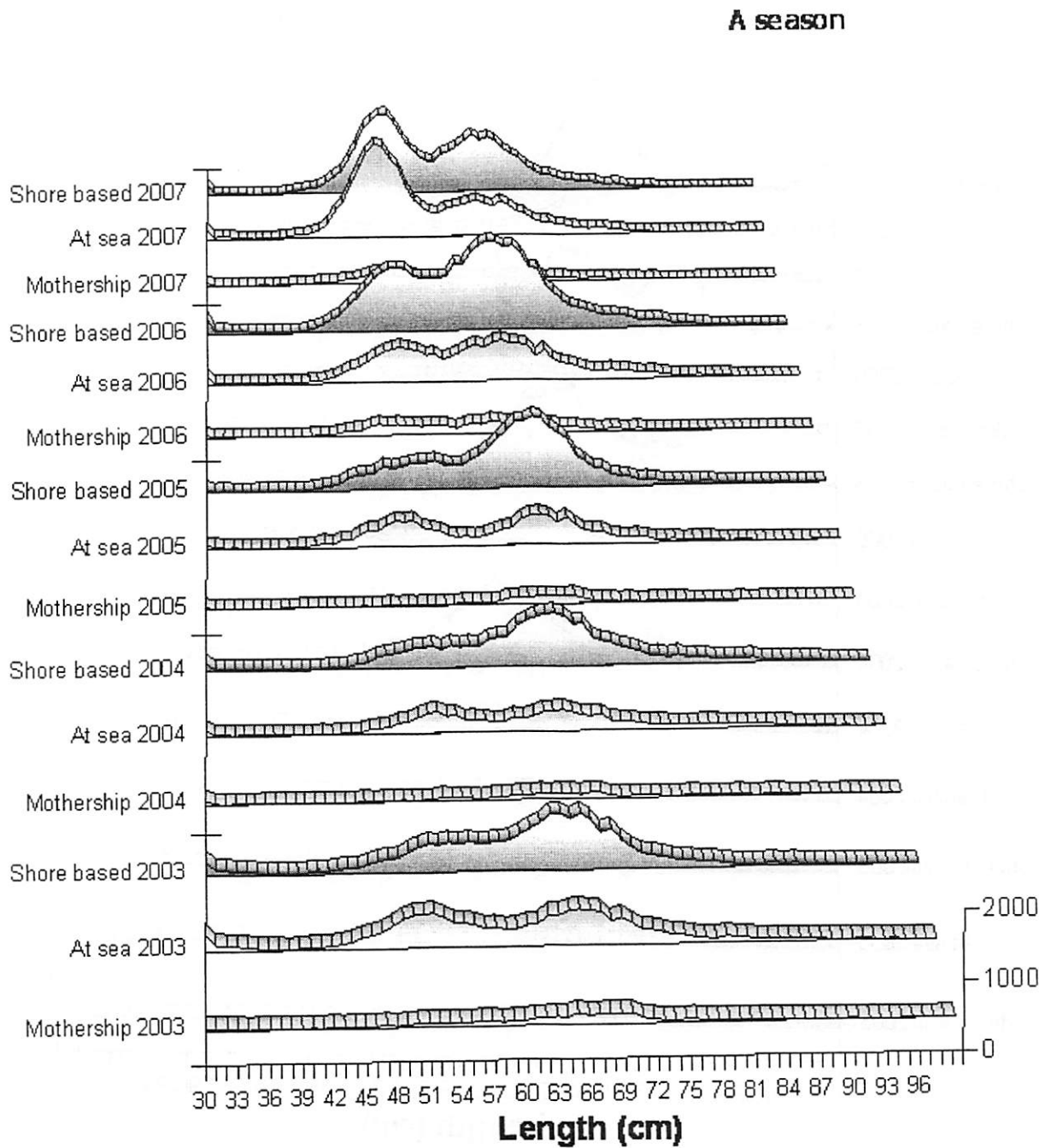


Figure 4. Chinook salmon length frequency 2003-2007 for the three fleets, during the A-season (Jan-March) combined.

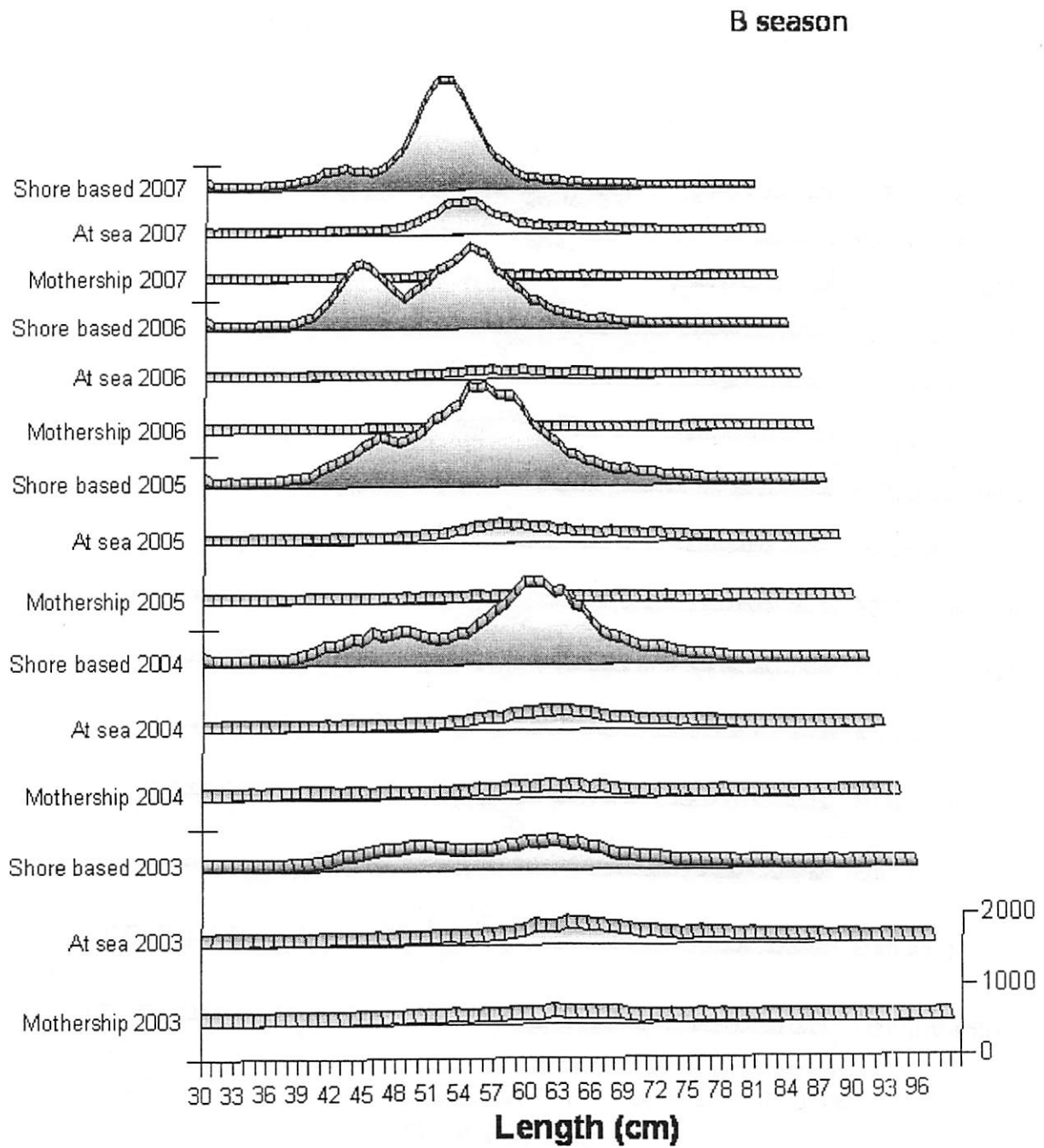


Figure 5. Chinook salmon length frequency 2003-2007 for the three fleets, during the B-season (June-October) combined.

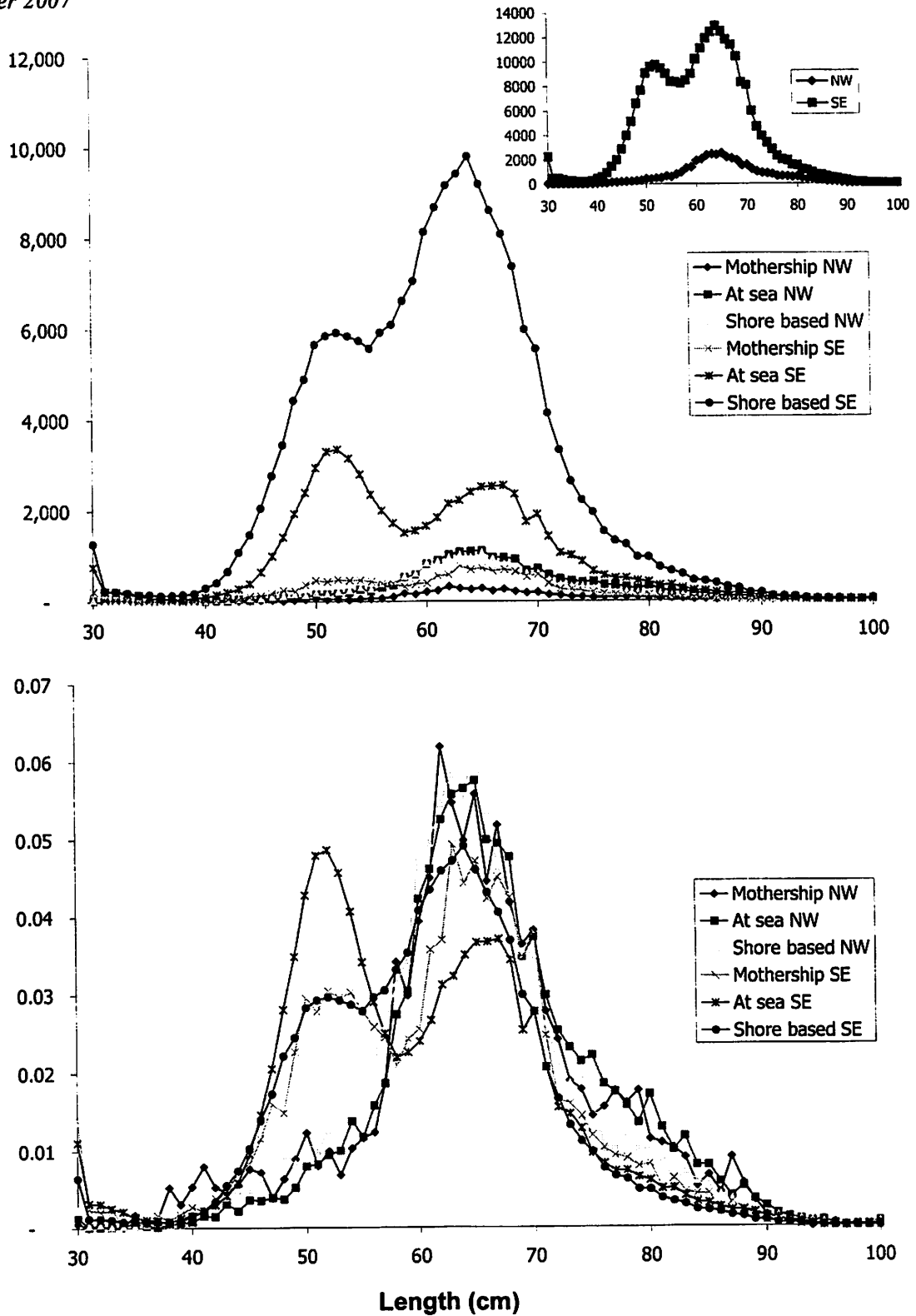


Figure 6. Chinook salmon length frequency in aggregate, 2003-2007 for different fleets and areas (top) and the same information but as proportions-at-length (bottom).

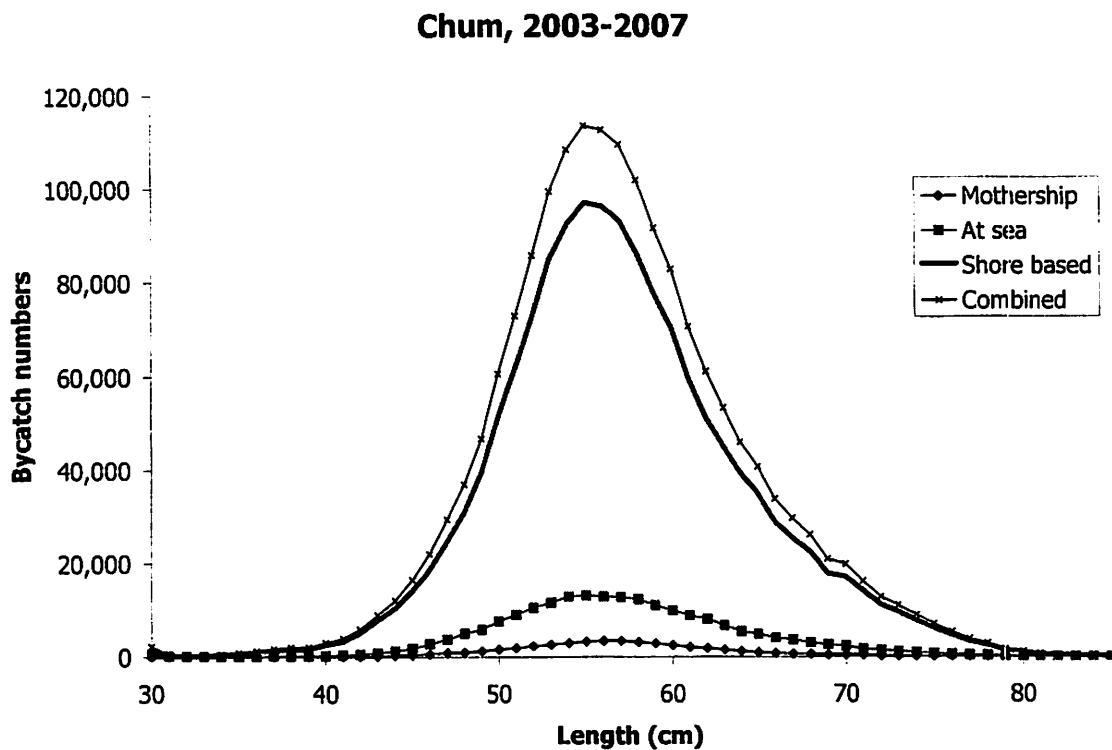


Figure 7. Chum salmon length frequency in aggregate, 2003-2007 for different fleets.

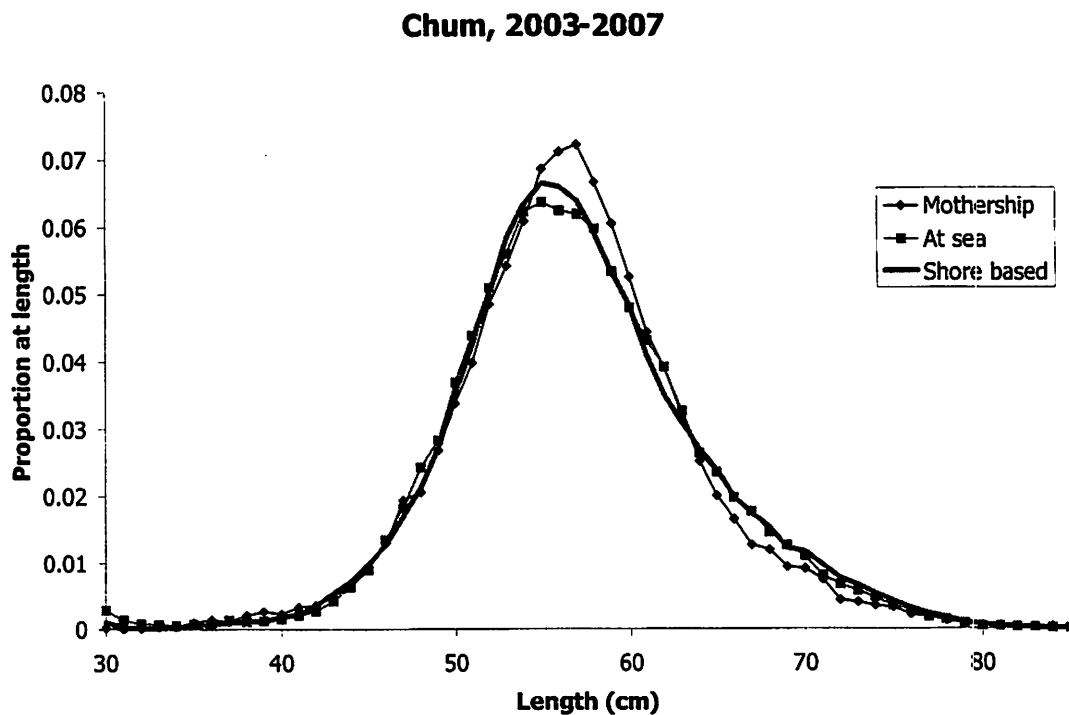


Figure 8. Chum salmon length frequency in aggregate, 2003-2007 for different fleets as proportions-at-length.

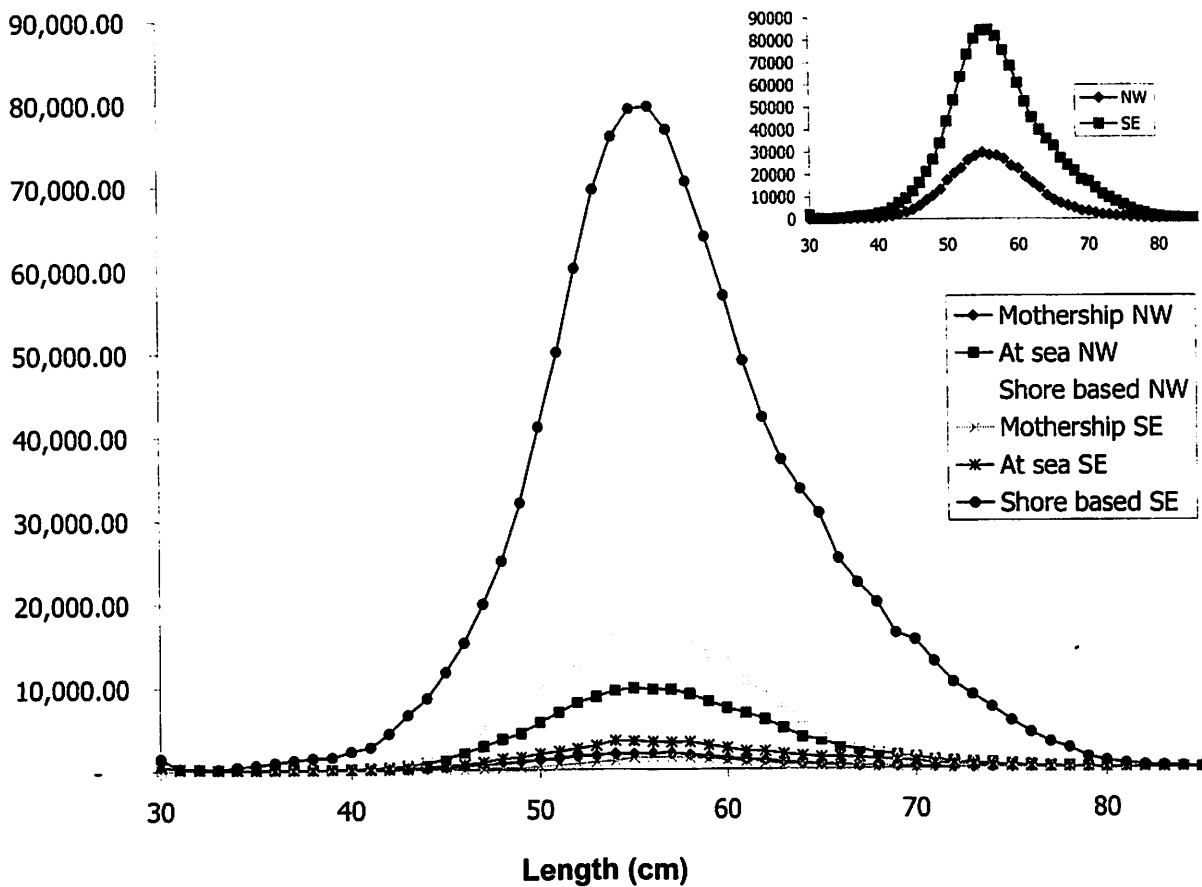


Figure 9. Chum salmon length frequency in aggregate, 2003-2007 for different fleets as proportions-at-length.

Area closure options

The Salmon Bycatch Workgroup received a report on methodologies for closure configurations in August and made some suggested additions for Council review. The SSC received a report in October 2007 with some suggested additions. This discussion of methods to determine closure configurations are intended as a starting point to assist the Council in refining alternatives for analysis. Two types of closures, fixed and triggered, are under consideration in the Council's suite of alternatives.

Fixed Closures:

Fixed closures would be set in regulation as a defined area where pelagic pollock trawling would be prohibited for a specified time period. Since salmon and pollock vary both spatially and temporally during a pollock season, short-term fixed area closures are suggested. These fixed closures were developed separately for Pollock A and B seasons to reduce bycatch of Chinook and 'Other' Salmon while allowing pollock harvests to continue. The areas presented below could be selected individually or in conjunction with each other for multiple fixed closures.

Candidate Area Closures defined by historic effort:

A/B season Chinook Closures:

Fixed closures as presented would occur on two week time scales, with the stated intent to reduce the numbers of Chinook bycatch in the pollock fishery. Alaska Department of Fish & Game (ADF&G) statistical areas are selected as the closure size. The specific areas, as closures, were identified by examining the spatial extent of the fishery, bycatch rates, number of Chinook caught, timing of fishery, and pollock catch per unit effort. The catch and bycatch information utilized is from 2004-2007 observer data for the pollock fishery for the A season and 2004-2006 for the B season. Fixed area configurations are summarized based on historic fishing and bycatch effort to indicate what the relative impacts of the closure might have been. Redistribution of effort is expected within the core fishing areas and a detailed methodology to determine displaced effort and analysis of the impact of this displaced effort will be addressed in the forthcoming EIS.

Weekly catch and bycatch information was summarized and provided in the following histograms (A season Figures 10-14, B season Figures 19-22). Fixed closure time periods were based on historic high bycatch to catch ratios. The fixed closures occur within the main footprint of the pollock fishery. Areas were selected based on overall Chinook taken, bycatch rates, and pollock CPUE displayed in GIS. During the 3 years examined substantial variability in weekly bycatch amounts and locations occurred.

For the A season pollock fishery, three sequential fixed closures for a two week period are proposed (Figures 15-18) to reduce Chinook bycatch. These would occur during the first four weeks of the A season based on a start date of January 20th (i.e. 1st 2 weeks of season- January 20-31st; 2nd and 3rd weeks of season- January 26-February 7th; 3rd and 4th weeks of season- February 1-14th). Table 9 provides a historic perspective on both the number of salmon and pollock catch taken within the proposed fixed closure areas.

For the B season pollock fishery three sequential fixed closures are proposed for the month of October (Figures 23-25). Table 10 provides a historic perspective on both the number of salmon and pollock catch taken within the proposed fixed closure areas.

B Season Chum Closures:

A fixed area closure for the month of August is proposed to reduce 'Other' Salmon bycatch in the Pollock B season fishery. Similar to the method for Chinook salmon, weekly catch information was summarized

and provided in the following histograms by 'Other' salmon bycatch numbers and Pollock catch (mt) (B season Figures 26-29). Based on historic high bycatch to catch ratios specific weeks were selected as a fixed closure candidate. The fixed closures occur within the main footprint of the pollock fishery. The two statistical areas were selected based on overall 'Other' salmon taken, bycatch rates, and pollock CPUE. Table 12 provides a historic perspective on both the number of salmon and pollock catch taken within the proposed fixed closure areas.

Candidate Closure areas defined by rate based criteria:

Areas could also be configured by bycatch rates. Figures of these methodologies are provided below using A season Chinook bycatch rates in the pollock non-pelagic trawl fishery 2004-2006 as an example, but are suggested to be analyzed by A and B seasons as well as species.

The closures are configured such that it encompasses areas that historically have had the highest levels of bycatch. Once a cap is reached the area could remain closed for the duration of the season. The caps would be set based on several considerations and are discussed separately.

Closure areas can be developed based on rate-based bycatch goals. A series of smaller closures could have a set of smaller cumulative caps while one larger area similar to the current CSSA would have a larger cap.

Observer data from the non-pelagic pollock trawl fishery were summarized by haul for salmon bycatch. Bycatch rates were calculated based on observed numbers of salmon per metric ton of pollock. Numbers are presented based on observer counts. Data were brought into a GIS to be viewed spatially and temporally. Examples here are based on 2004-2006 combined data from the pollock A season for Chinook bycatch. Closure areas were determined by calculating average bycatch rates (number of extrapolated observed salmon/ MT pollock) within a 100 km² area (Figure 31). Observed values of bycatch rates are viewed by a consistent range of rate breaks (i.e. 0.1, 0.2, 0.3, 0.4...) based on the Salmon Workgroup's recommendation (August 29, 2007 SBW report).

The criteria are established such that three or 10 km² grids adjacent to each other exceed the established rate based threshold, an area closure is created. Under Closure '1' this threshold is set at an average bycatch rate that exceeds 0.10 Chinook/ pollock MT (Figure 32 provides an example with catch data; Figure 33 depicts the closure). Under Closure 2 and 3, the thresholds were set at 0.20 N/mt and 0.3 N/mt (Figure 34 and 35) respectively. A summary table shows the percentage of bycatch numbers inside a proposed closure area as well % of pollock catch (Table 12). The forthcoming EIS analysis will examine the impacts of displaced effort due to enactment of the closure.

Within this example there are several hauls that have very high rates compared to the majority of sets in the time period. To normalize the effects of these few hauls, the optimal method to depict bycatch rates would need to be analyzed. Preliminary concepts of this include transformations such as (log x+1), or normalizations as a percentage of the maximum rate or upper quartile. Configurations of the closure areas would vary based on the method to display rates and will need to be fully evaluated in the forthcoming EIS analysis.

In addition to examining bycatch rates a second consideration would be to set an overall bycatch reduction goal or reducing bycatch numbers and then spatially depict the contrast between closing off a large area to meet that bycatch reduction goal vs. amount of pollock catch outside of that area. This methodology is similar to the original creation of the CSSA; however the criterion would need to be specified in the regulations. Specific criterion would be analyzed to reduce overall bycatch numbers and then define those areas with the optimal boundaries for pollock harvest. One difficulty of achieving a larger reduction level with one or more large contiguous closures will be allowing for an economically

viable pollock harvest. Two examples of this methodology are provided in (Figure 37 and Figure 38) and in Table 13. Here the candidate bycatch reduction goal is for a 50% reduction of the 3 year average (Figure 37) a 75% reduction of the 3 year average (Figure 38).

Trigger Closures:

Trigger based closures may be formulated such that the areas can close and re-open close throughout either part or for the entire duration of the fishing season. Candidate closure areas could be set based on established defined in regulation prior to a fishing season. Under the trigger style closures a stair-step approach could be utilized whereby once an initial trigger limit was reached an initial closure could occur that falls within the highest bycatch area. Bycatch rates would be tabulated on a week ending basis and reported to Inseason management. If a monthly tally indicates that current bycatch rates are lower than the average historic rate, (or whatever criteria is defined in regulation) the closures areas would re-open for a defined time period. However, if bycatch remains high areas would remain closed. Areas considered for fixed closures may also be considered as candidate trigger closers.

Sequential closures could be established on a week to week basis as well. Patterns of fishing as well as bycatch rates change both spatially and temporally during the time period examined with closure configuration established in-season based upon pre-established criteria (e.g. rate-based or catch numbers by area). However there are staffing and regulatory challenges to overcome in instituting this type of flexible closure system.

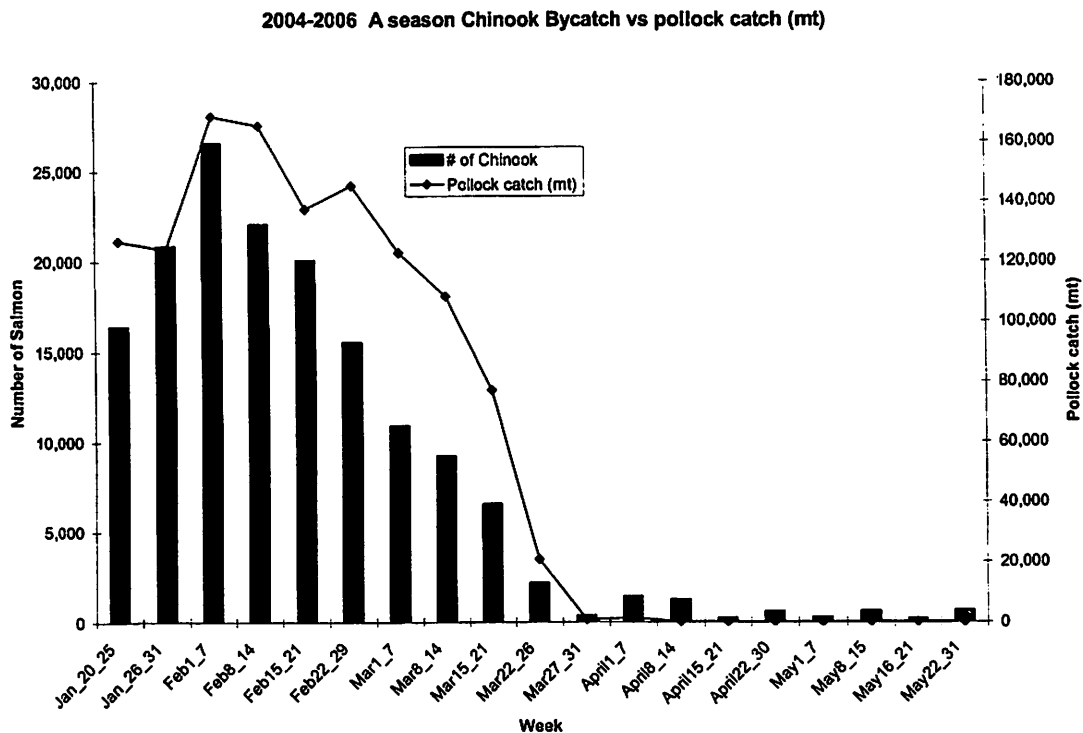


Figure 10 Weekly bycatch of Chinook salmon (in numbers) caught in the BS Pollock. A season with pollock catch (mt) summarized for years 2004-2006.

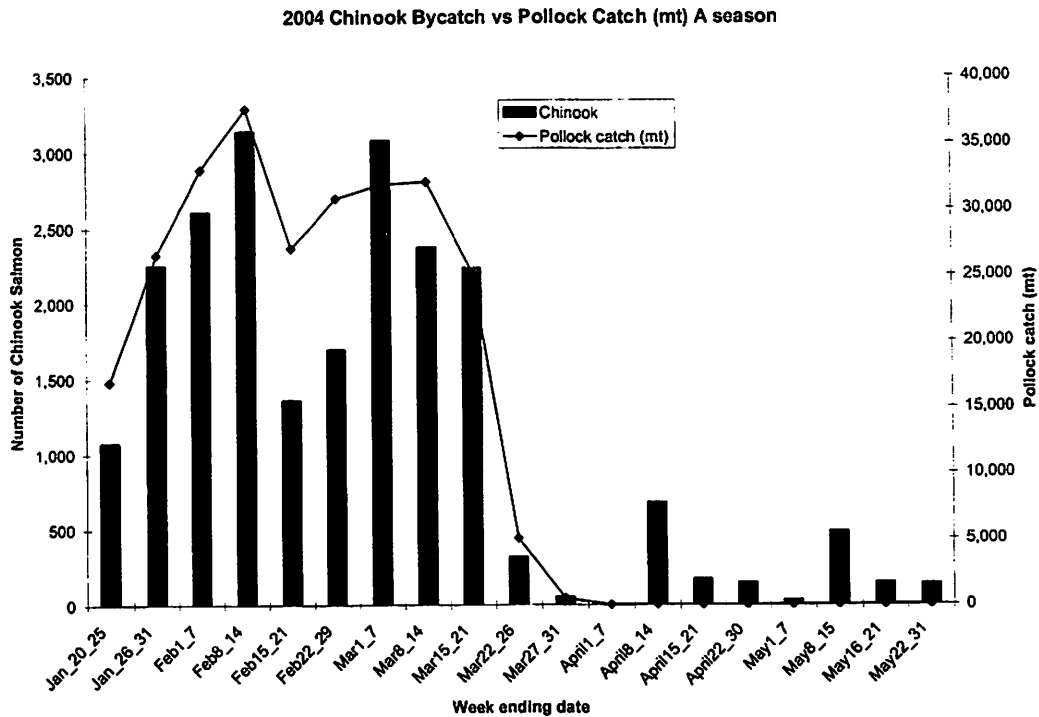


Figure 11. Weekly bycatch of Chinook salmon (in numbers) caught in the BS Pollock A season with pollock catch (mt) in 2004.

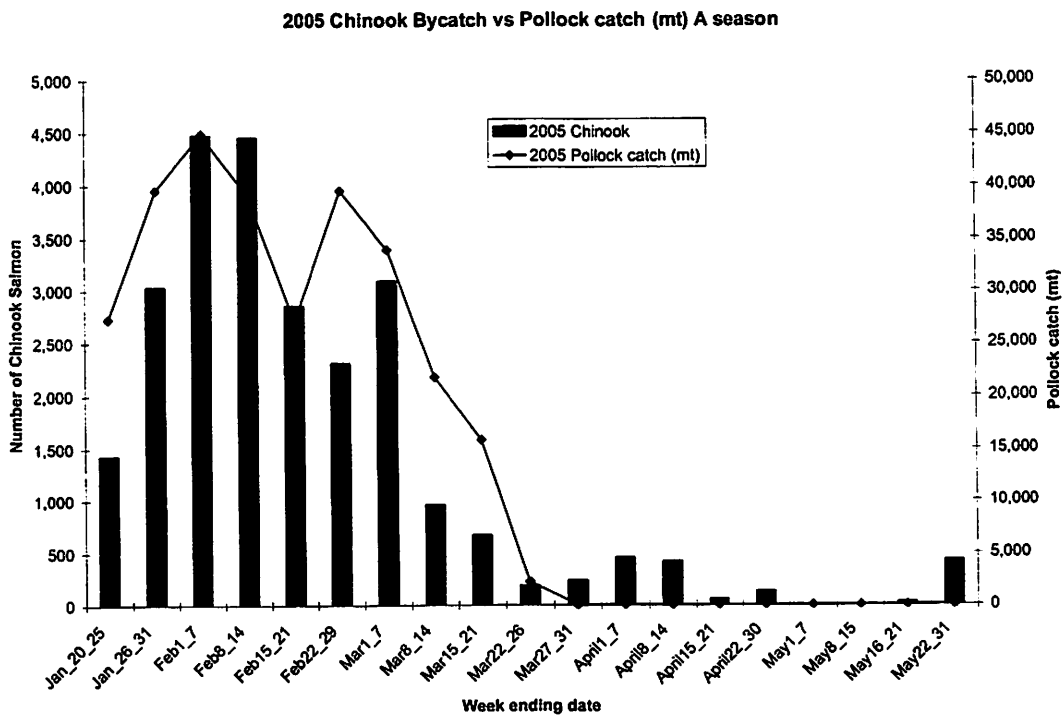


Figure 12. Weekly bycatch of Chinook salmon (in numbers) caught in the BS Pollock A season with pollock catch (mt) in 2005.

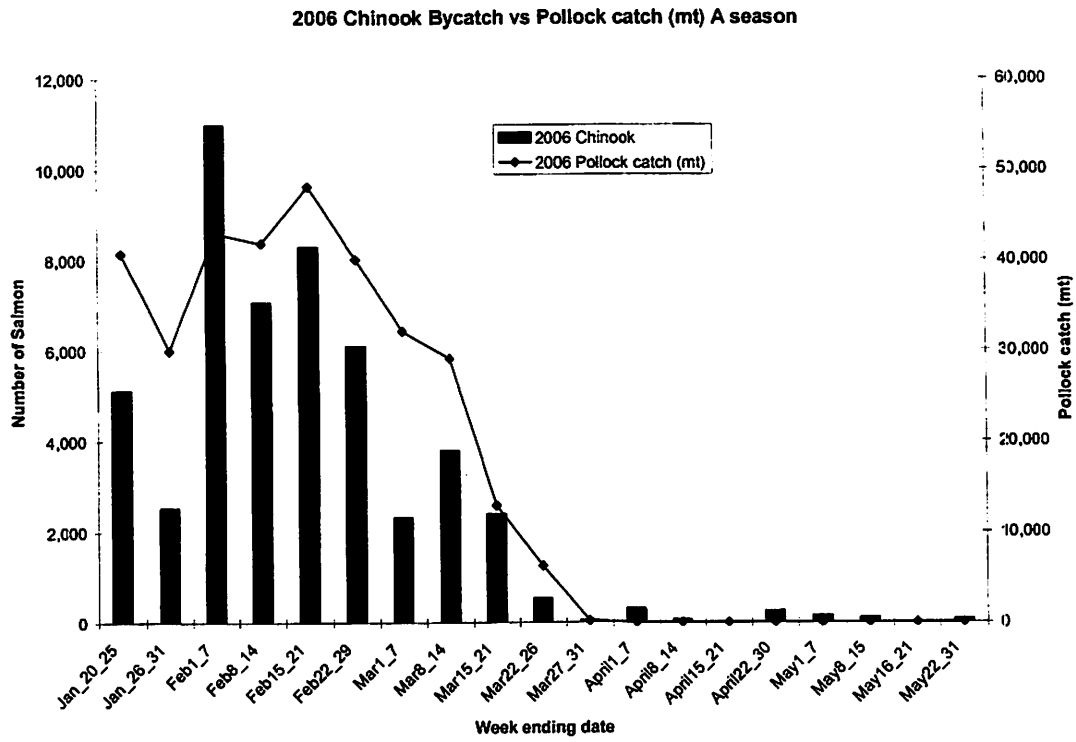


Figure 13 Weekly bycatch of Chinook salmon (in numbers) caught in the BS Pollock A season with pollock catch (mt) in 2006.

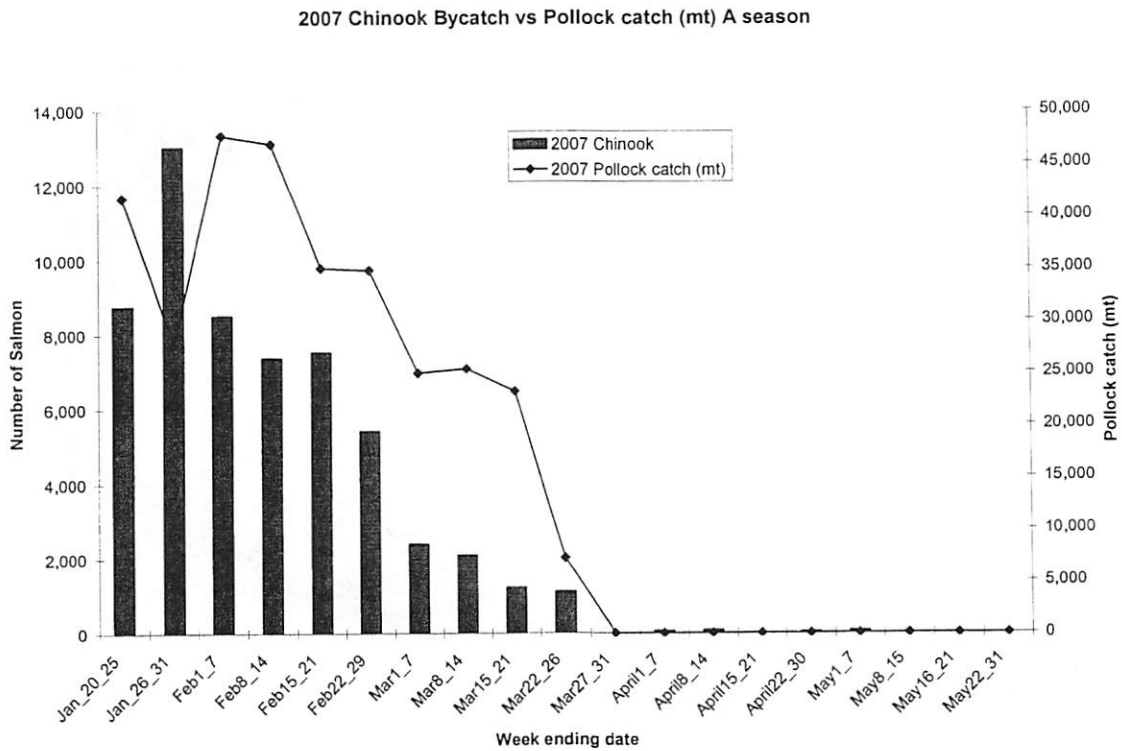


Figure 14 Weekly bycatch of Chinook salmon (in numbers) caught in the BS Pollock A season with pollock catch (mt) in 2006.

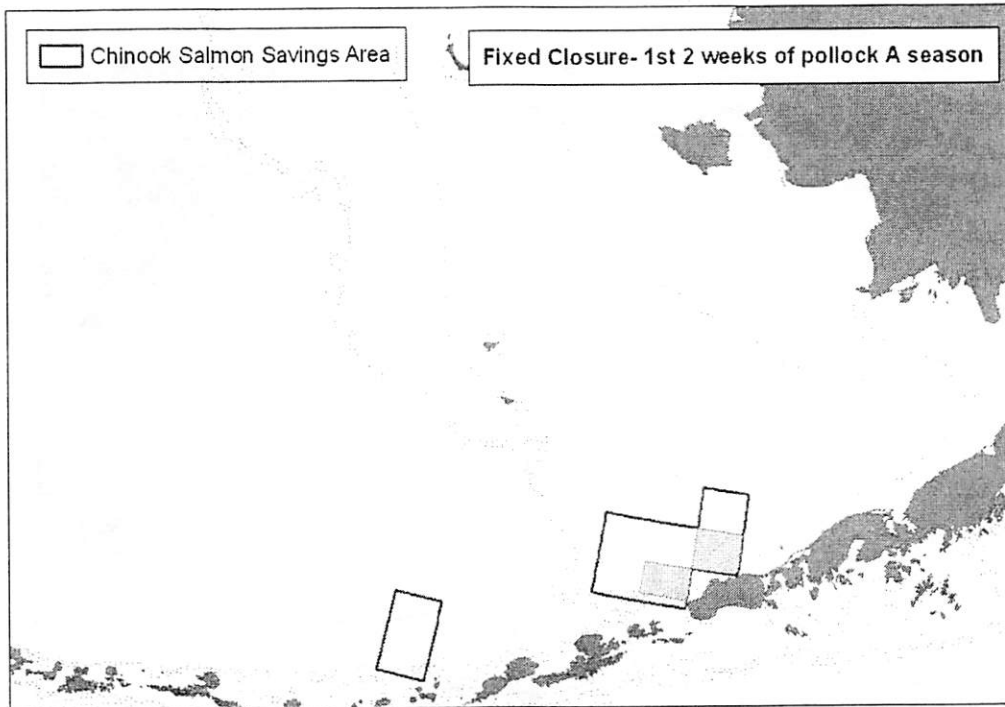


Figure 15. Proposed fixed area closure for reducing Chinook salmon bycatch for BS pelagic trawlers during 1st two weeks of Pollock A season. Areas are composed by ADF&G statistical areas 645501 and 655430.

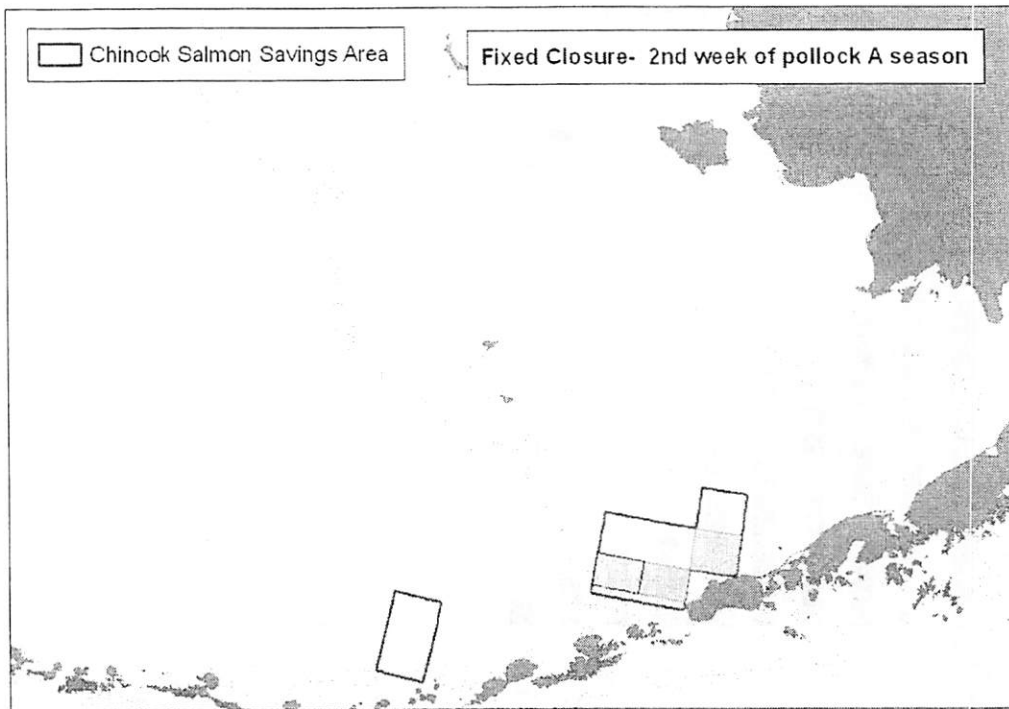


Figure 16. Proposed fixed area closure for reducing Chinook salmon bycatch for BS pelagic trawlers during 2nd week of Pollock A season. Areas are composed by ADF&G statistical areas 645501, 655430 and 665430.

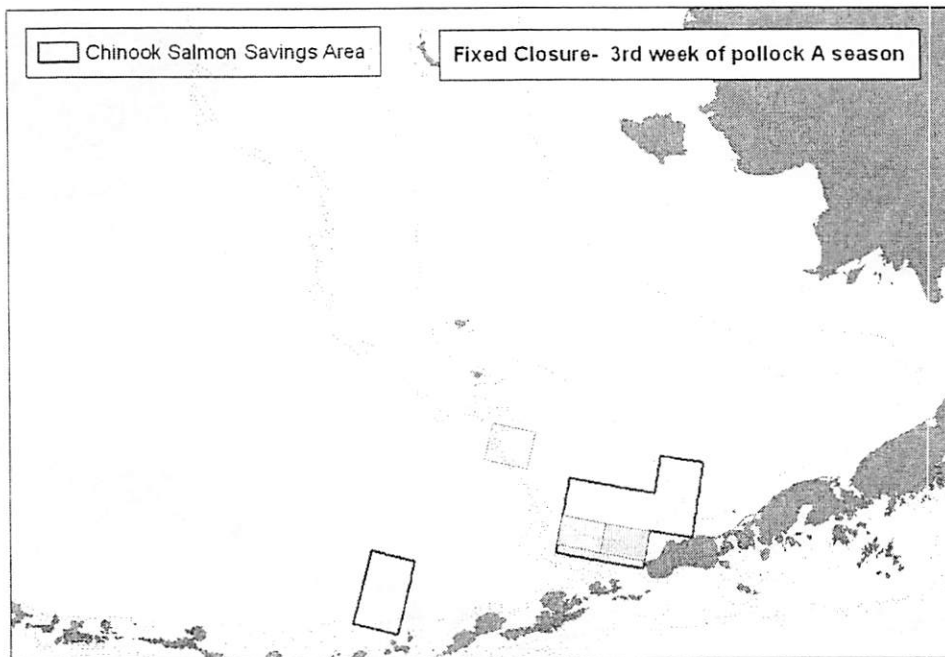


Figure 17. Proposed fixed area closure for reducing Chinook salmon bycatch for BS pelagic trawlers during 3rd week of Pollock A season. Areas are composed by ADF&G statistical areas 655430, 665430, and 685530.

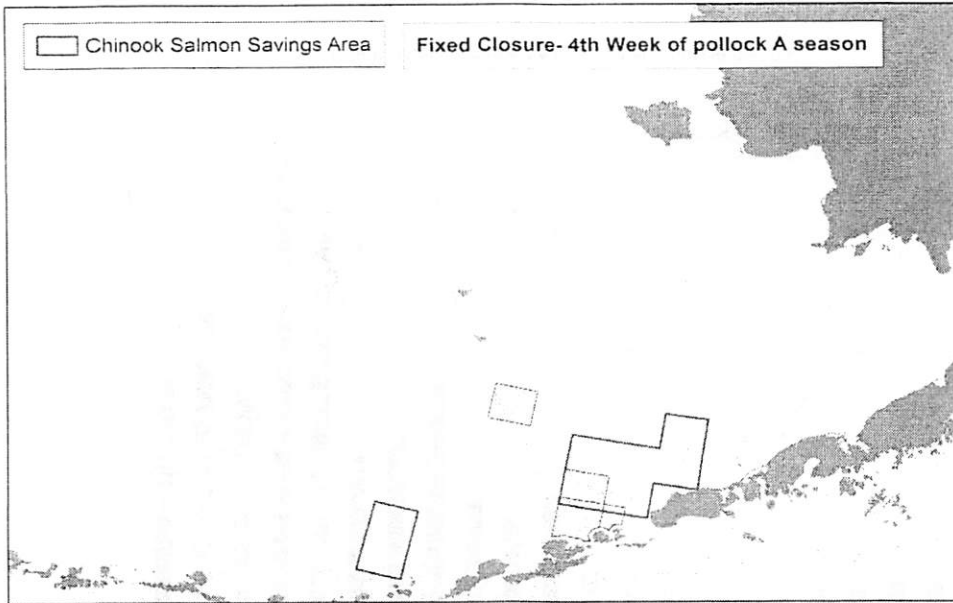


Figure 18. Proposed fixed area closure for reducing Chinook salmon bycatch for BS pelagic trawlers during 4th week of Pollock A season. Areas are composed by ADF&G statistical areas 665430, 685530, 665401, and 655409.

Table 9. Summary table of fixed closures by week, stat area closed, average amounts of Chinook inside and outside closure, and average amounts of pollock harvested inside and outside closure.

Closure Week	Stat Area Closure	size (nm2)	Weekly Avg Chinook Inside	Weekly Chinook Average Overall	% Observed Chinook in closure	Weekly Avg Pollock Harvest in closure	Weekly Avg Pollock Harvest Overall	% of pollock in closure
Jan 20_25	645501	1,025	2,392	4095	58%	20,506	31656	65%
Jan 20_25	655430	836	402	4095	10%	2,880	31656	9%
	Total Week 1	1,861	2,794	4095	68%	23,386	31656	74%
Jan25_31	645501	1,025	1,445	5,206	28%	12,614	30,894	41%
Jan25_31	655430	836	2,376	5,206	46%	4,550	30,894	15%
Jan25_31	665430	836	1,254	5,206	24%	782	30,894	3%
	Total Week 2	2,697	5,075	5,206	97%	17,946	30,894	58%
Feb1_7	655430	836	1534	6,643	23%	2,907	42,094	7%
Feb1_7	665430	836	2618	6,643	39%	4,231	42,094	10%
Feb1_7	685530	1,019	465	6,643	7%	1,684	42,094	4%
	Total Week 3	2,691	4,617	6,643	70%	8,822	42,094	21%
Feb8_14	665430	836	499	5,509	9%	694	41,321	2%
Feb8_14	685530	1,019	425	5,509	8%	2,361	41,321	6%
Feb8_14	665401	1,087	1,233	5,509	22%	9,284	41,321	22%
Feb8_14	655409	305	2,405	5,509	44%	13,907	41,321	34%
	Total Week 4	3,247	4,562	5,509	83%	26,246	41,321	64%
All Closures			17,048	21,453	79%	76,400	145,965	52%

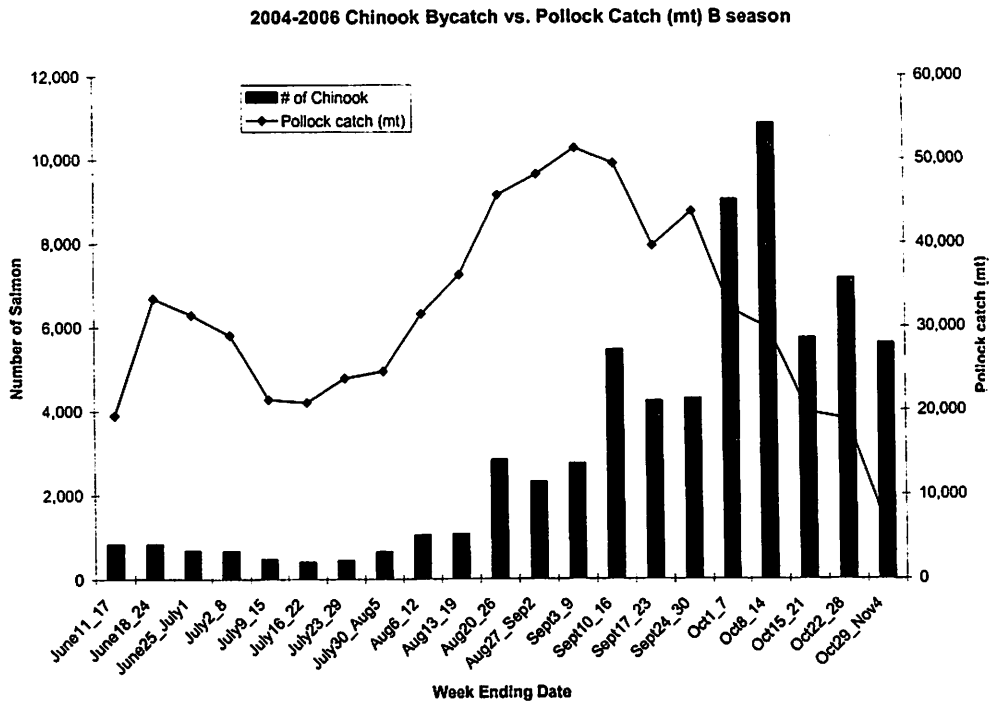


Figure 19. Weekly bycatch of Chinook salmon (in numbers) caught in the BS Pollock B season with pollock catch (mt) combined for years 2004-2006.

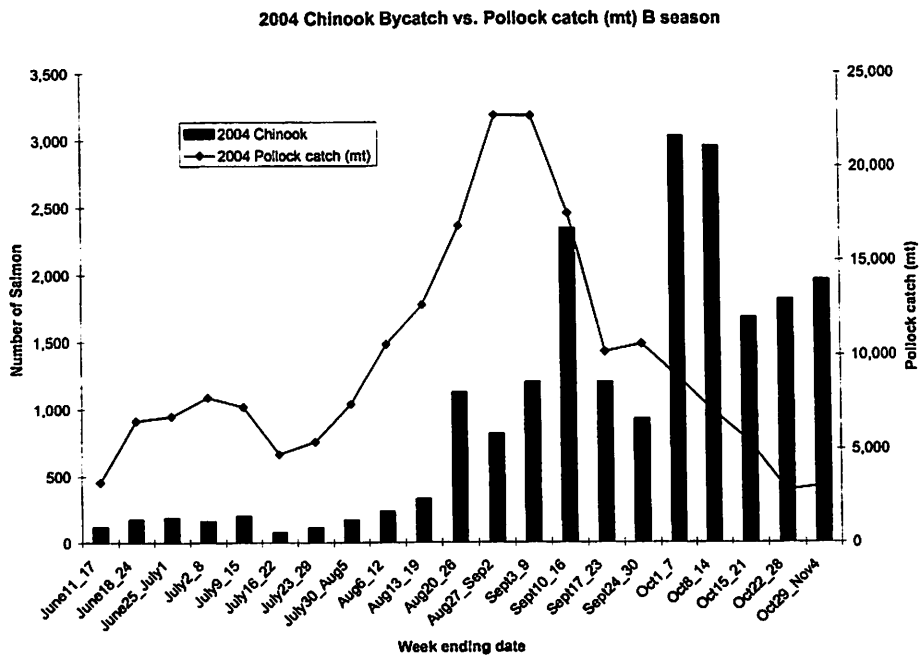


Figure 20. Weekly bycatch of Chinook salmon (in numbers) caught in the BS Pollock B season with pollock catch (mt) combined for 2004.

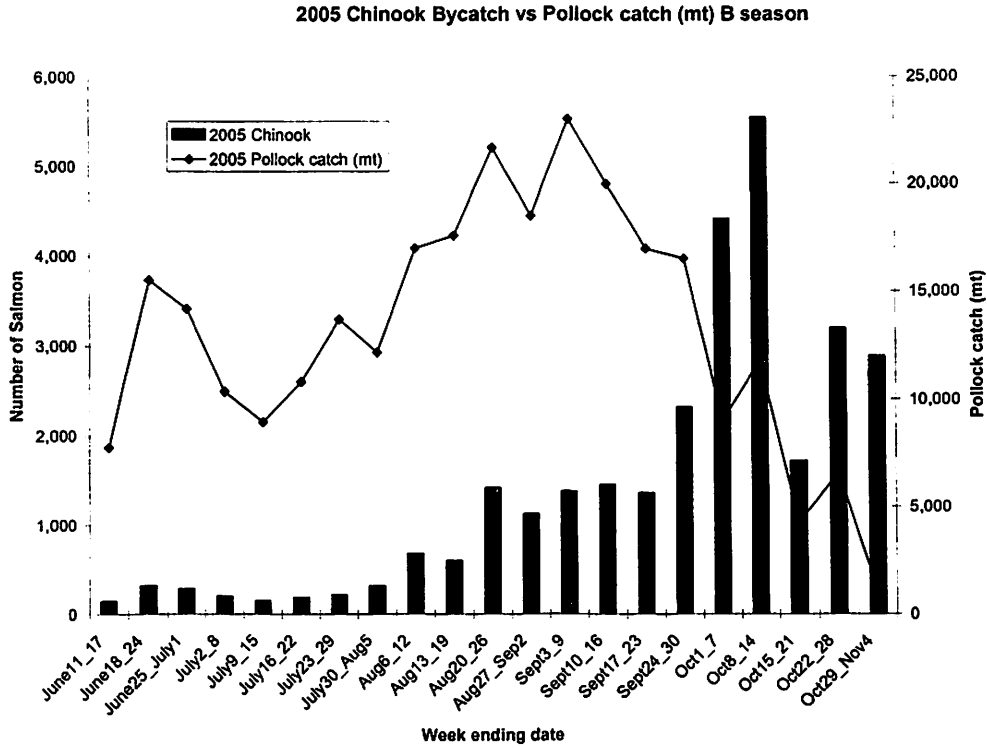


Figure 21. Weekly bycatch of Chinook salmon (in numbers) caught in the BS Pollock B season with pollock catch (mt) combined for 2005.

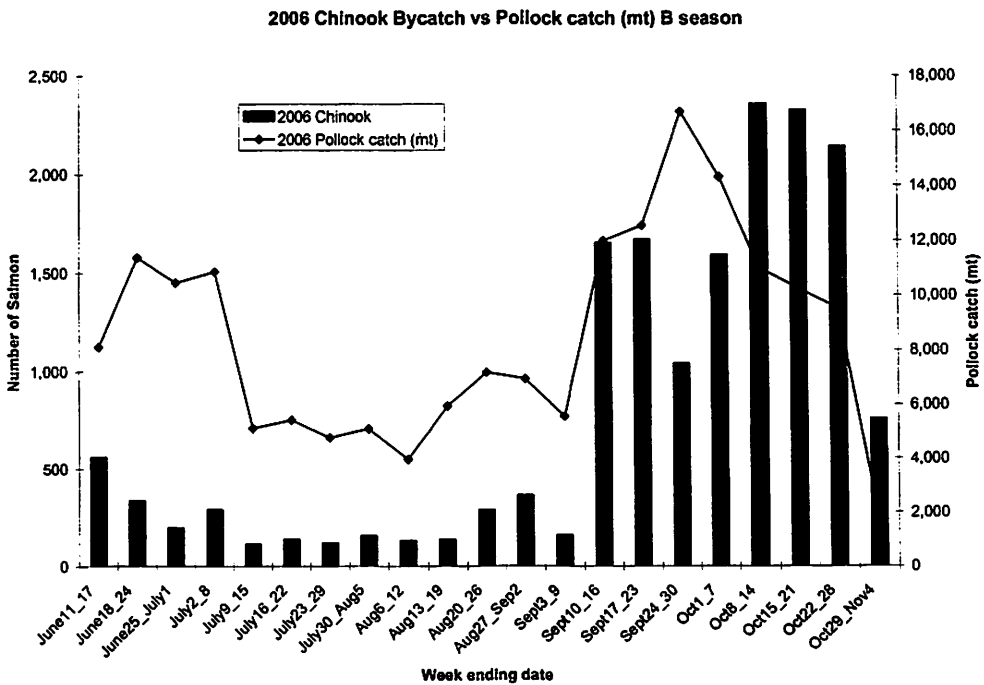


Figure 22. Weekly bycatch of Chinook salmon (in numbers) caught in the BS Pollock B season with pollock catch (mt) combined for 2005.

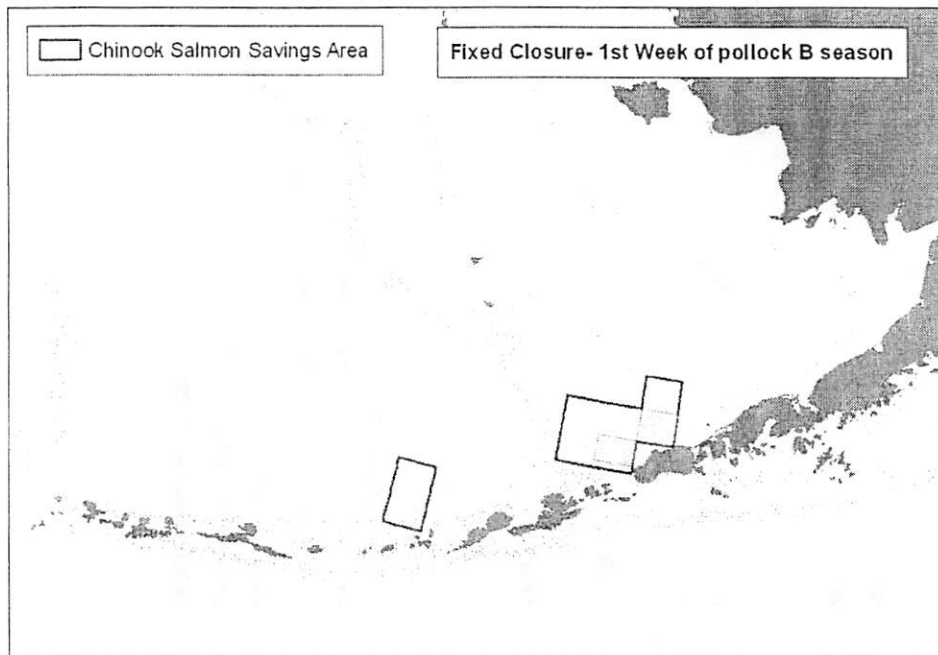


Figure 23. Proposed fixed area closure for reducing Chinook salmon bycatch for BS pelagic trawlers during 1st week of October Pollock B season. Areas are composed by ADF&G statistical areas 645501 and 655430.

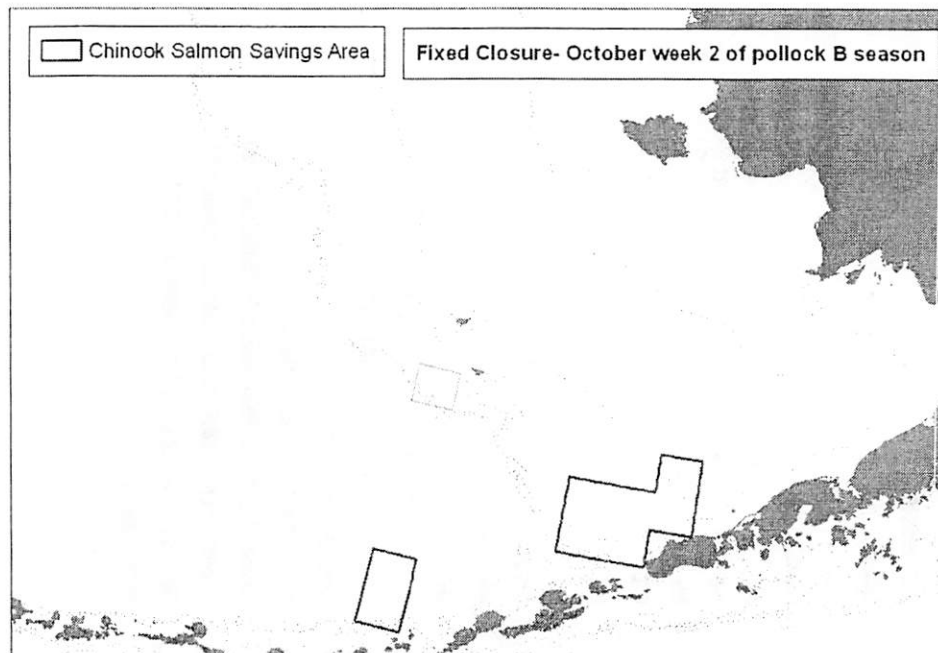


Figure 24. Proposed fixed area closure for reducing Chinook salmon bycatch for BS pelagic trawlers during 2nd week of October Pollock B season. Area is composed by ADF&G statistical area 705600.

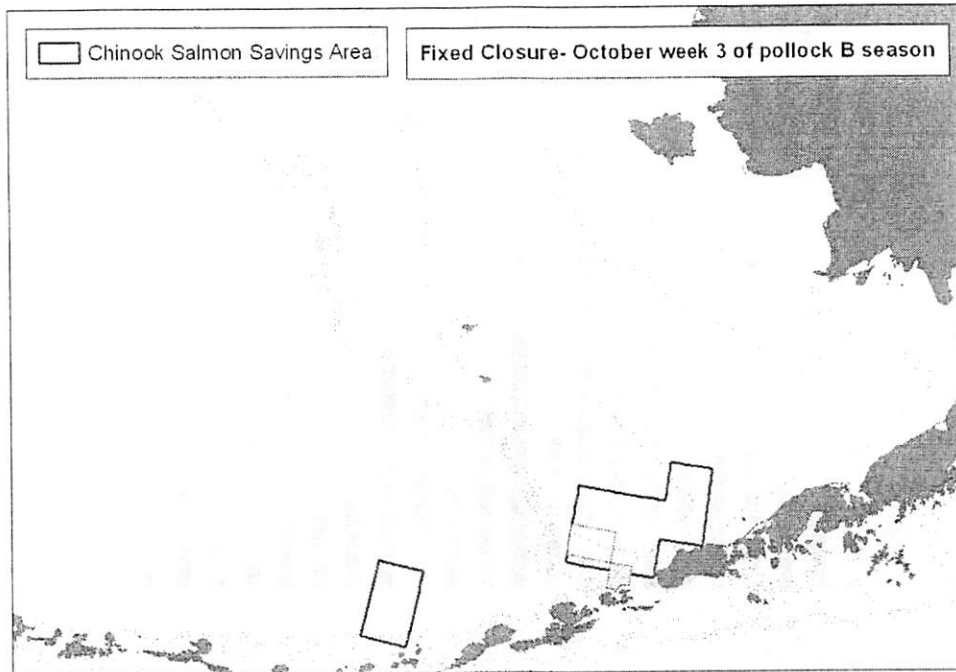


Figure 25. Proposed fixed area closure for reducing salmon bycatch for BS pelagic trawlers during 3rd week of October Pollock B season. Areas are composed by ADF&G statistical areas 655409 and 665430.

Table 10. Summary table of fixed closures by week, stat area closed, average amounts of Chinook inside and outside closure, and average amounts of pollock harvested inside and outside closure.

Closure Week	Stat Area	size (nm2)	Weekly Average Chinook Inside	Weekly Chinook Average	% Observed Chinook in closure	Weekly Average Pollock Harvest in closure	Weekly Average Pollock Harvest	% of pollock in closure
Oct1_8	645501	1,025	458	3,433	13%	871	12,766	7%
Oct1_8	655430	836	644	3,433	19%	4,067	12,766	32%
Oct9_15	705600	1,006	1,173	3496	34%	1,719	3,495	49%
Oct16_22	655409	305	300	1,983	15%	3,540	7134	50%
Oct16_22	665430	836	983	1,983	50%	3,616	7134	51%

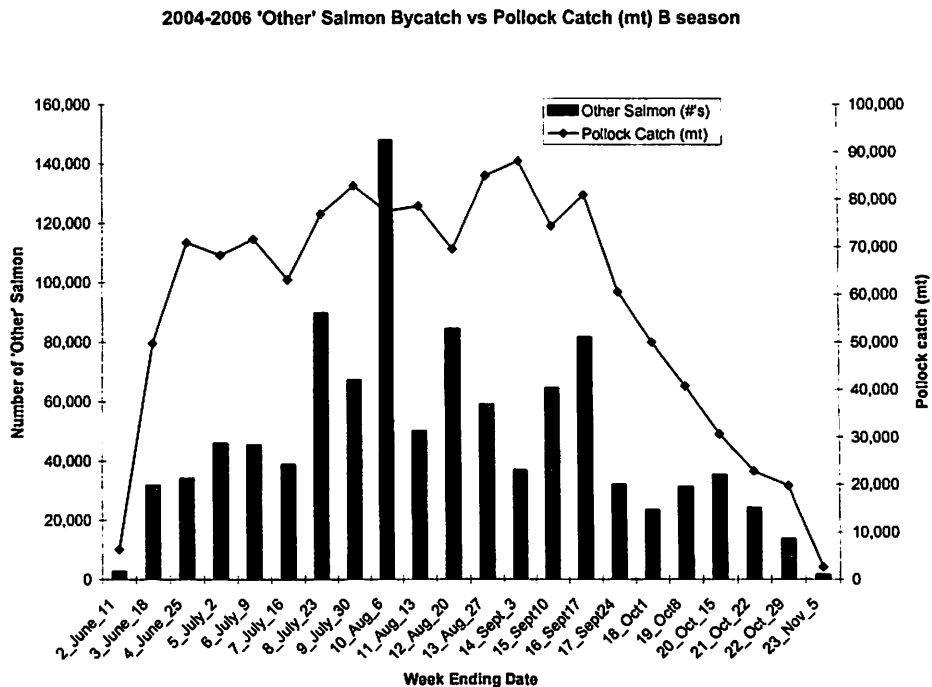


Figure 26. Weekly bycatch of 'Other' salmon (in numbers) caught in the BS Pollock B season with pollock catch (mt) combined for years 2004-2006.

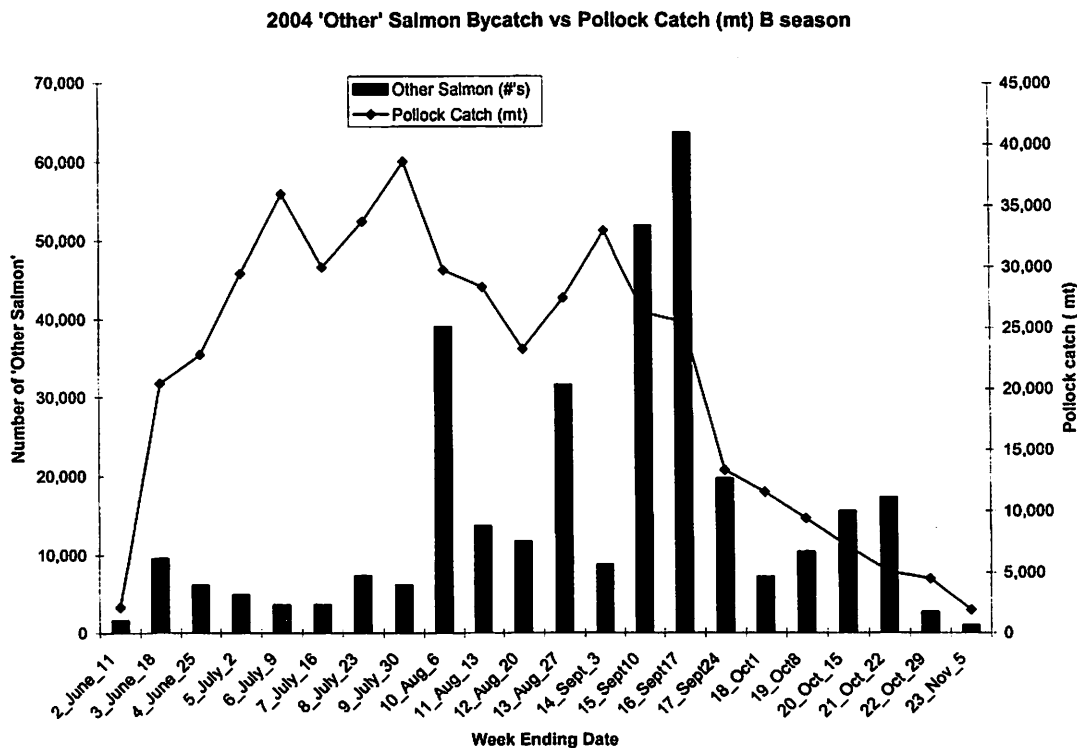


Figure 27. Weekly bycatch of 'Other' salmon (in numbers) caught in the BS Pollock B season with pollock catch (mt) for 2004.

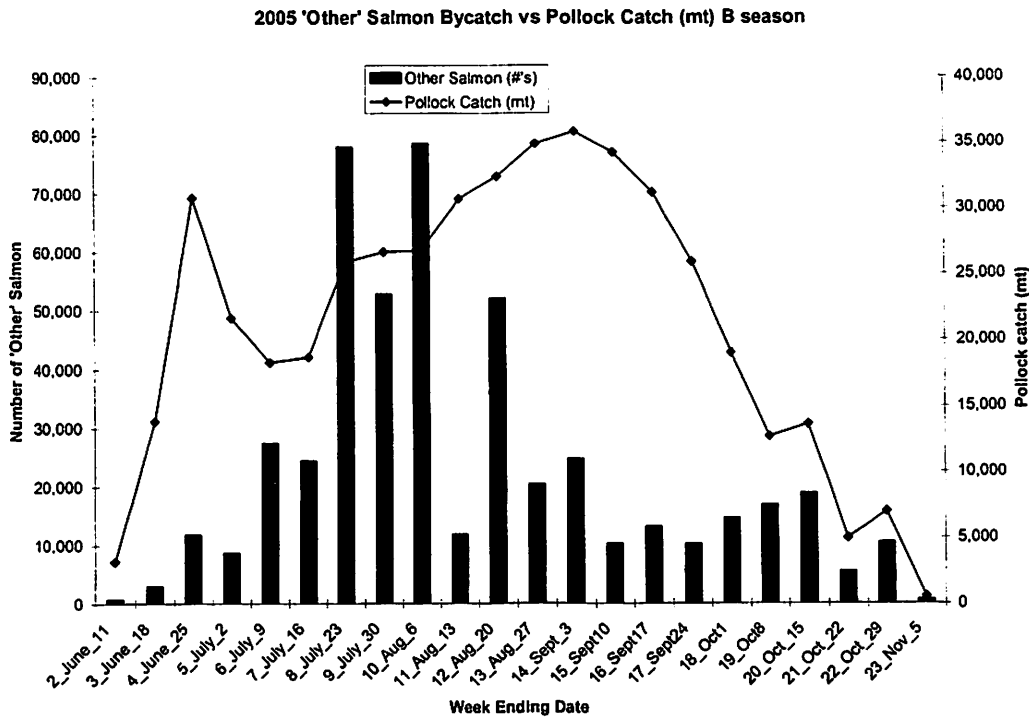


Figure 28. Weekly bycatch of 'Other' salmon (in numbers) caught in the BS Pollock B season with pollock catch (mt) for 2005.

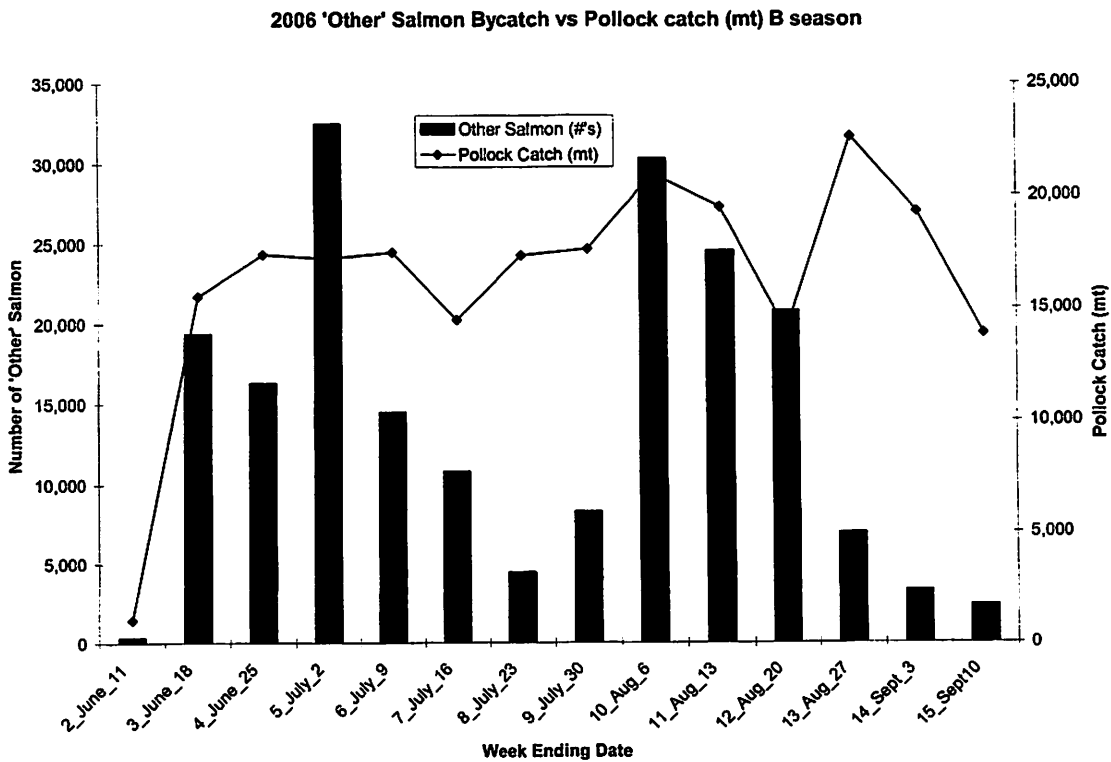


Figure 29. Weekly bycatch of 'Other' salmon (in numbers) caught in the BS Pollock B season with pollock catch (mt) for 2006.

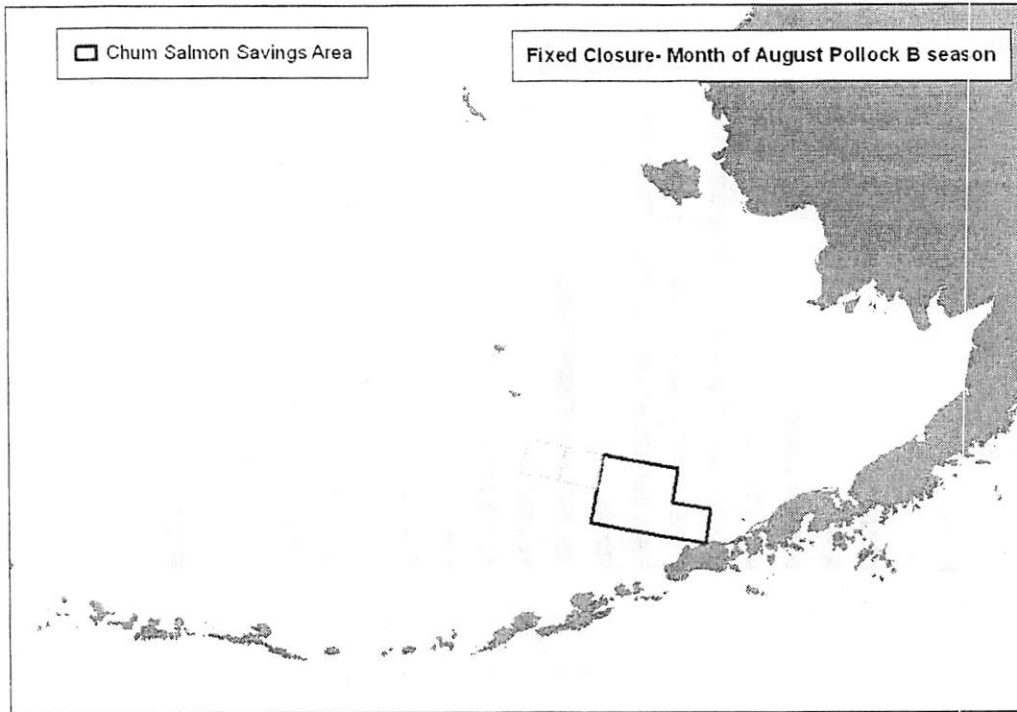


Figure 30 Fixed area closure for reducing salmon bycatch for BS pelagic trawlers August Pollock B season. Areas are composed by ADF&G statistical areas 685530 and 675530.

Table 11. Summary table of fixed closures for August, stat area closed, average amounts of 'Other' salmon inside and outside closure, and average amounts of pollock harvested inside and outside closure.

Closure Period	Stat Area	size (nm2)	Weekly Total Other Inside	Weekly Other Total	% Observed Chinook in closure	Weekly Total Pollock Harvest in closure	Weekly Total Pollock Harvest	% of pollock in closure
August	675530	1,019	31,430	116,002	27%	4,632	115836.4	4%
August	685530	1,019	15,249	116,002	13%	2,120	115836.4	2%
Total Combined		2,038	46,678	116,002	40%	6,752	115836.4	6%

Table 12. Summary table of rate based trigger closure areas for Pollock A season. Numbers represent the area of the closure, the entire harvest and bycatch inside and outside the closure areas for the entire A season, based on averages from 2004-2006.

Closure Area	Rate Based	size (nm2)	Chinook Average Inside	Chinook Average Overall	% Observed Chinook in closure	Average Pollock Harvest in closure	Average Pollock Harvest Overall	% of pollock in closure
1	0.1	20,422	32,833	36,117	91%	223,235	298,842	75%
2	0.2	4,419	16,412	36,117	45%	63,065	298,842	21%
3	0.3	2,588	11,189	36,117	31%	30,946	298,842	10%
4	0.4	2,219	10,325	36,117	21%	26,994	298,842	9%

Table 13. Summary table of number trigger closure areas for Pollock A season. Numbers represent the area of the closure, the entire harvest and bycatch inside and outside the closure areas for the entire A season, based on averages from 2004-2006.

Trigger Closure	size (nm2)	Chinook Average Inside	Chinook Average Overall	% Observed Chinook in closure	Average Pollock Harvest in closure	Average Pollock Harvest Overall	% of pollock in closure
6 Stat area Closure	5,741	21,029	36,117	58%	125,456	298,842	42%
10 Stat Area Closure	8,980	25,639	36,117	71%	172,719	298,842	58%

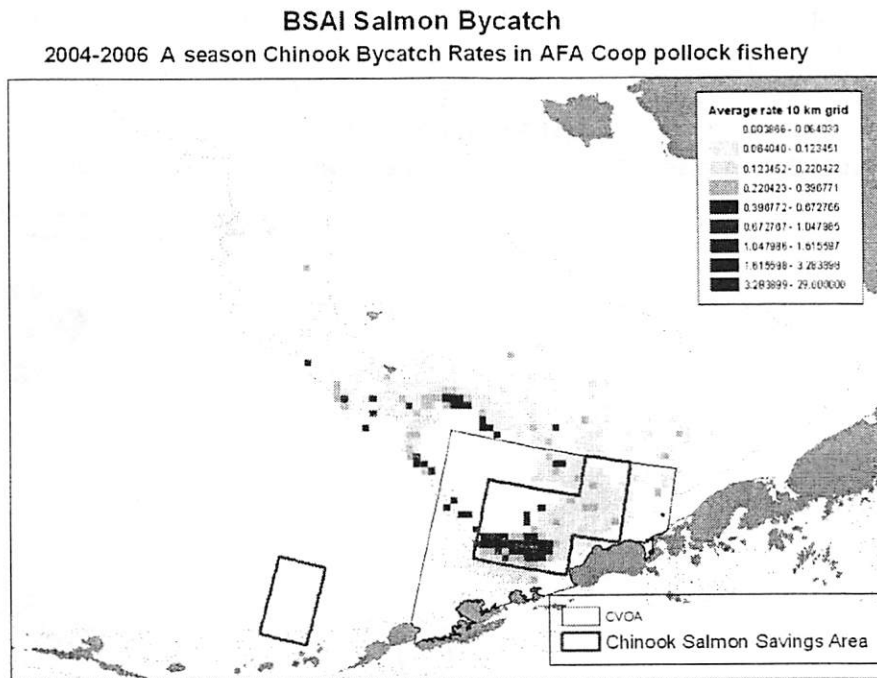


Figure 31. Average observed Chinook bycatch rates in the pollock A season 2004- 2006.

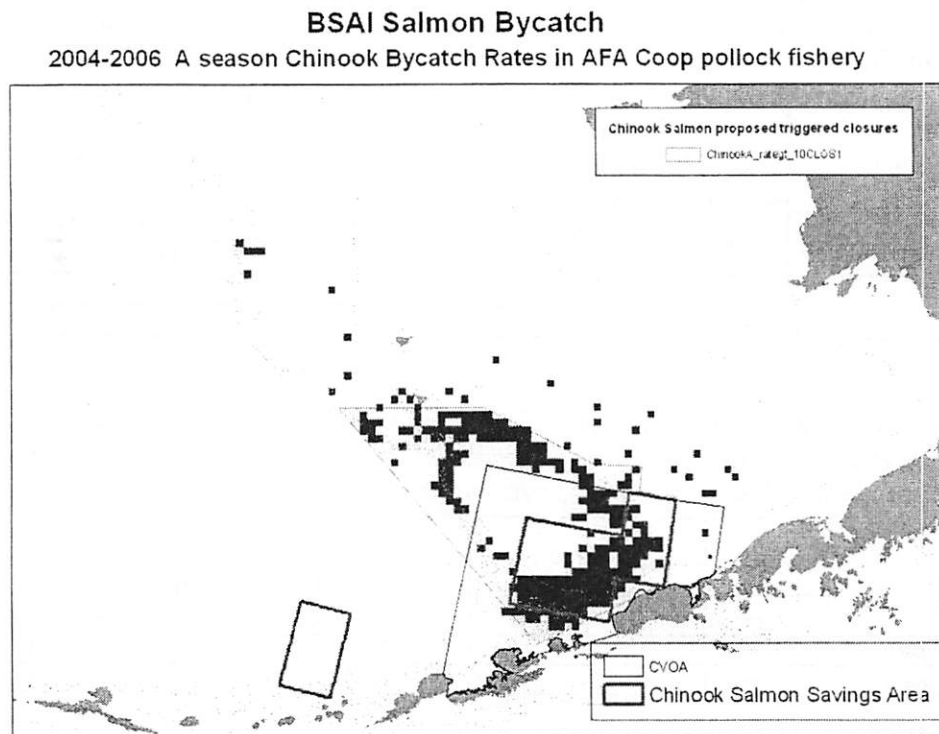


Figure 32. Example methodology to create closure configuration #1 determined by threshold bycatch rate (.100 Chinook/pollock mt) using 2004-2006 observer estimates in the pollock A season.

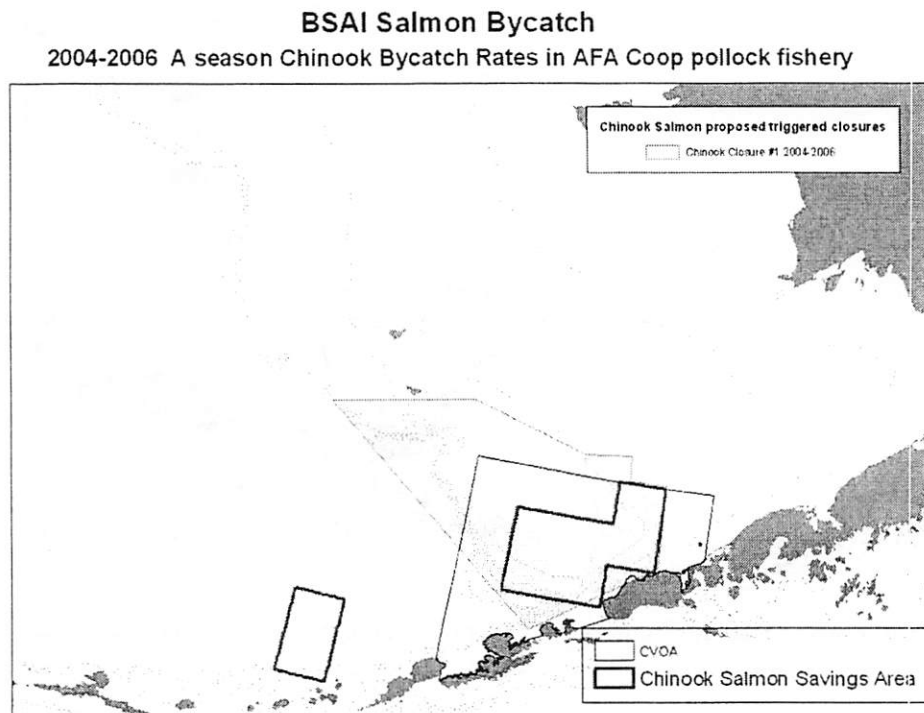


Figure 33 Example of Closure configuration #1 determined by threshold bycatch rate (.10 Chinook/pollock mt) using 2004-2006 observer estimates in the pollock A season.

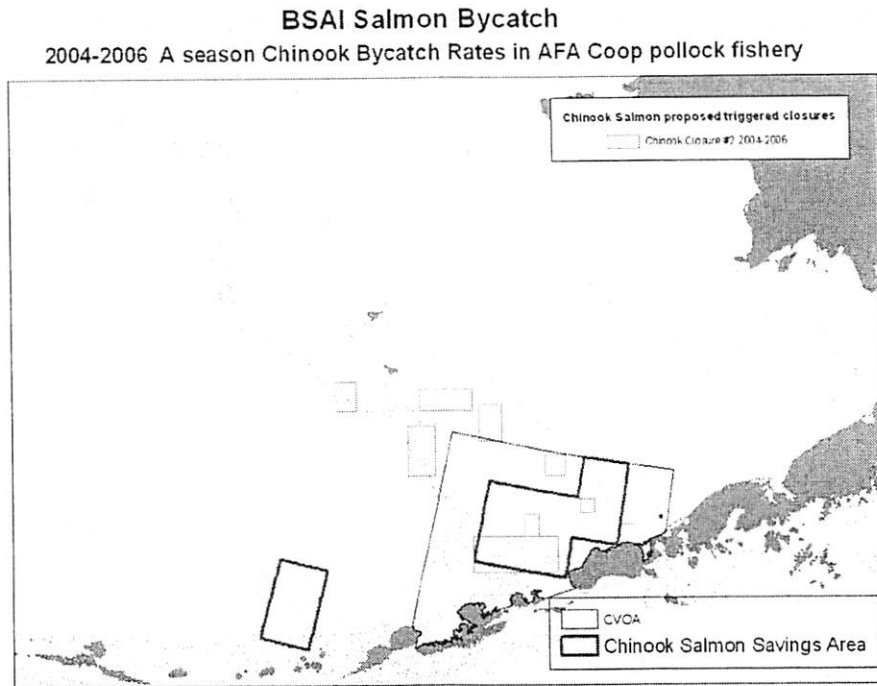


Figure 34. Example of Closure configuration #2 determined by threshold bycatch rate (.20 Chinook/pollock mt) using 2004-2006 observer estimates in the pollock A season.

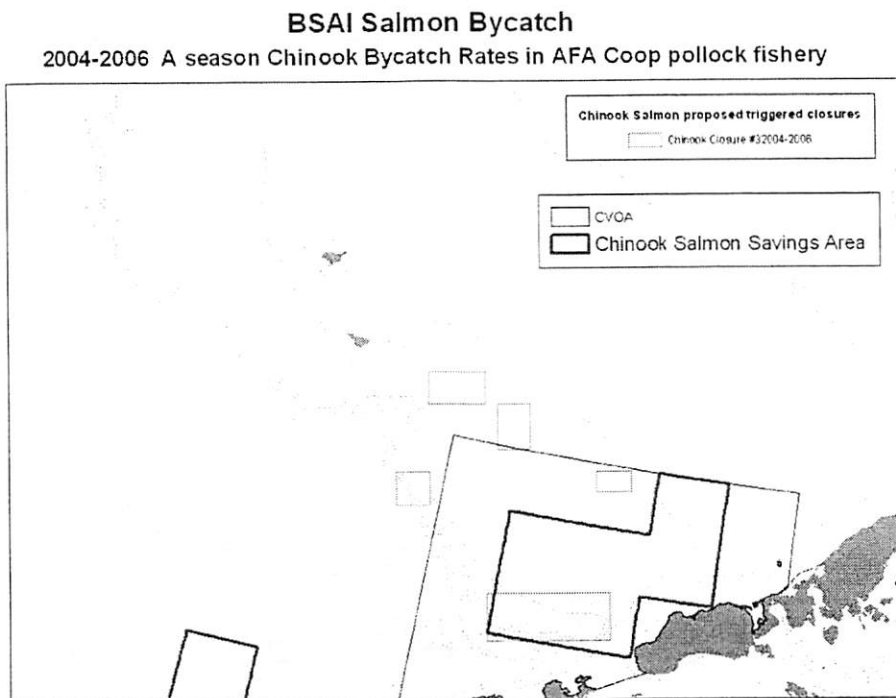


Figure 35. Example of Closure configuration #3 determined by threshold bycatch rate (.30 Chinook/pollock mt) using 2004-2006 observer estimates in the pollock A season.

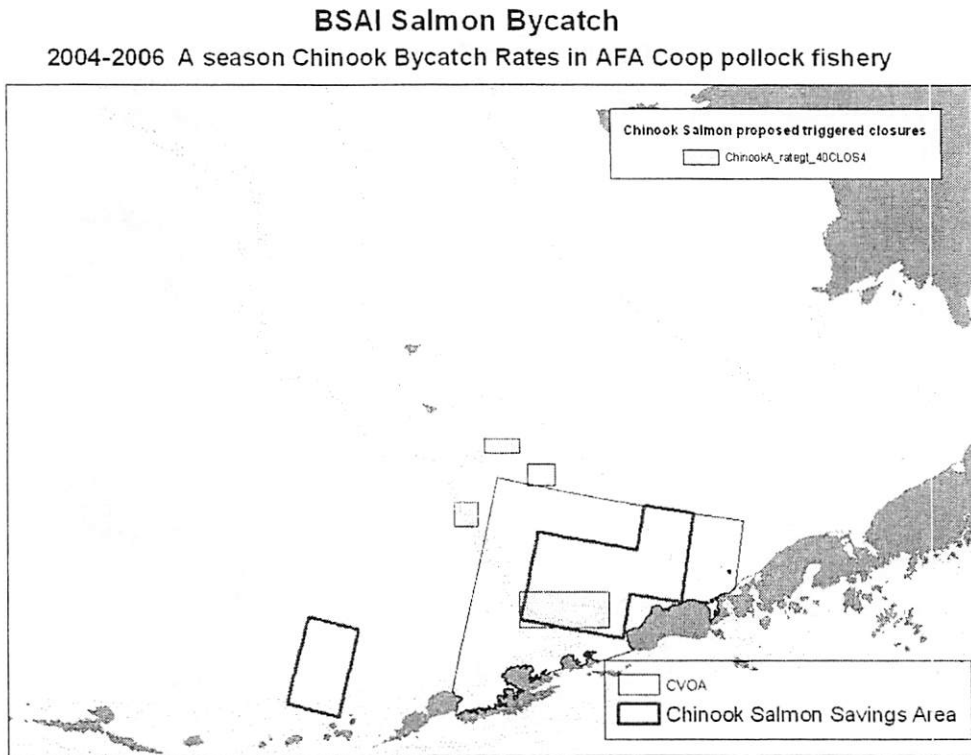


Figure 36. Example of Closure configuration #3 determined by threshold bycatch rate (.40 Chinook/pollock mt) using 2004-2006 observer estimates in the pollock A season.

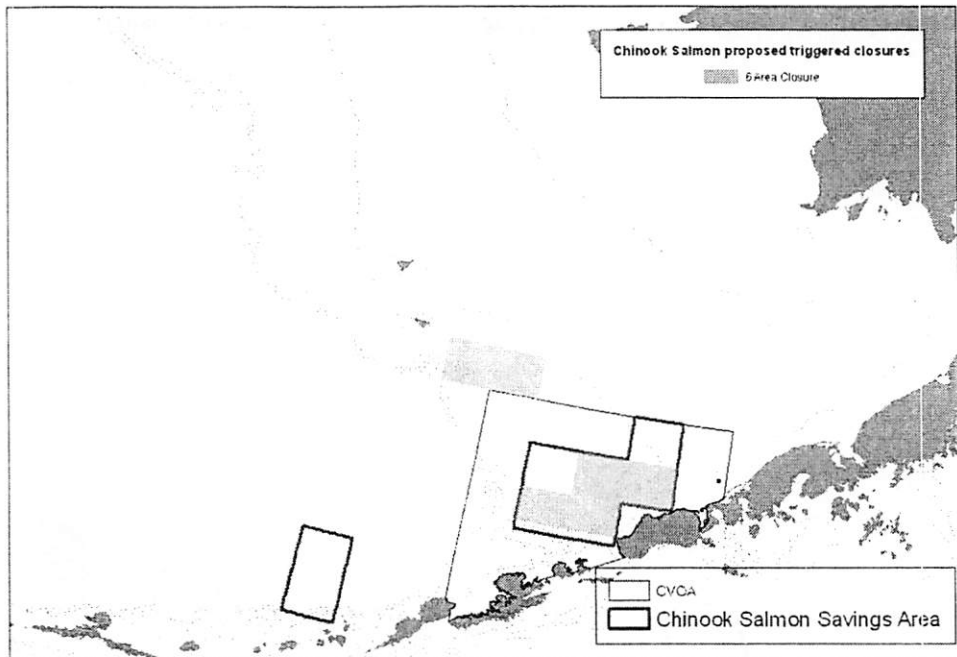


Figure 37. Example of Closure configuration based on overall bycatch reduction goal, example of 50% bycatch reduction based on 2004-2006 observed bycatch numbers and pollock CPUE.

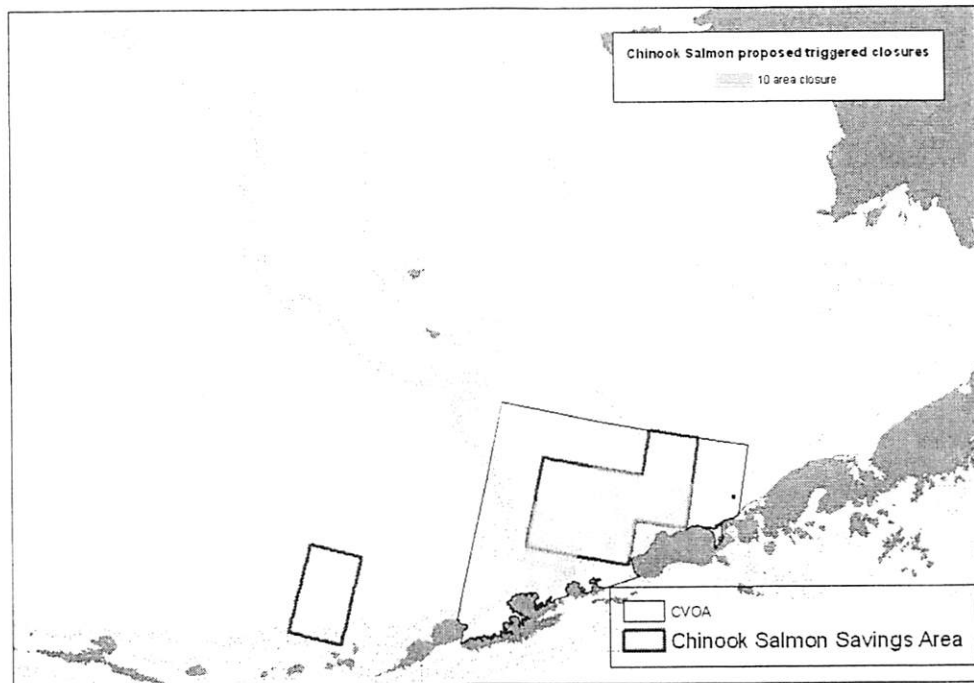


Figure 38. Example of Closure configuration based on overall bycatch reduction goal, example of 75% bycatch reduction based on 2004-2006 observed bycatch numbers and pollock CPUE.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

November 14, 2007

Mr. Chris Oliver, Executive Director
North Pacific Fishery Management Council
605 W. 4th Avenue #306
Anchorage, Alaska 99501-2252

Dear Mr. Oliver:

In October 2007, we shared with the North Pacific Fishery Management Council (Council) a proposed work plan for the salmon bycatch reduction measures currently under consideration by the Council, including the National Environmental Policy Act (NEPA) process and documentation supporting this action. The Council subsequently concurred with our recommendation to analyze salmon bycatch reduction measures in an Environmental Impact Statement (EIS).

The first step in the EIS process is to notify the public of the agency's intent to prepare an EIS by publishing a Notice of Intent (NOI) in the Federal Register. The NOI must include a description of the proposed action, possible alternatives to the proposed action, and a description of the scoping process. We have prepared the enclosed draft NOI for review by the Council at its December meeting.

Council participation in the development of the NEPA documentation is important to ensure the management measures are adequately analyzed and to facilitate the public review process. We would appreciate the Council's review of the NOI's description of the proposed action, the preliminary range of alternative salmon bycatch management measures, and preliminary identification of issues to be analyzed.

With Council concurrence, we would publish the NOI and start the scoping period. The scoping period would end in February 2008 to accommodate the EIS and rulemaking schedule presented to the Council in October.

We look forward to working with the Council as it proceeds to assess potential salmon bycatch reduction measures and develops the supporting NEPA analysis.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Balsiger".

Dr. James W. Balsiger
Administrator, Alaska Region

Enclosure (Draft Notice of Intent)



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XD93-X

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries in the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for written comments.

SUMMARY: The North Pacific Fishery Management Council (Council) and NMFS announce their intent to prepare an Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea and Aleutian Islands (BSAI), in accordance with the National Environmental Policy Act of 1969 (NEPA). The proposed action would replace the current Chinook and Chum Salmon Savings Areas in the BSAI with new regulatory closures, salmon bycatch limits, or a combination of both. These management measures could incorporate current and/or new bycatch reduction tools. The scope of the EIS will be to determine the impacts to the human environment resulting from these salmon bycatch reduction measures. NMFS will accept written comments from the public to determine the issues of concern and the appropriate range of management alternatives for analysis in the EIS.

DATES: Written comments must be received by [insert date 45 days after publication in FEDERAL REGISTER].

ADDRESSES: Written comments on issues and alternatives for the EIS should be sent to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Comments may be submitted by

- E-mail: 0648-AW25-SalmonBycatchEIS@noaa.gov. Include in the subject line the following document identifier: Salmon Bycatch EIS. E-mail comments, with or without attachments, are limited to 5 megabytes;
- Mail: P.O. Box 21668, Juneau, AK 99802;
- Hand Delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK; or
- Fax: 907-586-7557.

All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

FOR FURTHER INFORMATION CONTACT: Jason Anderson, (907) 586-7228 or jason.anderson@noaa.gov.

SUPPLEMENTARY INFORMATION: Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the United States has exclusive fishery management authority over all living marine resources found within the exclusive economic zone (EEZ). The management of these marine resources, with the exception of certain marine mammals and birds,

is vested in the Secretary of Commerce (Secretary). The Council has the responsibility to prepare fishery management plans for those marine resources off Alaska requiring conservation and management. Management of the Federal groundfish fishery in the BSAI is carried out under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The FMP, its amendments, and implementing regulations (found at 50 CFR part 679) are developed in accordance with the requirements of the Magnuson-Stevens Act and other applicable Federal laws and executive orders, notably NEPA and the Endangered Species Act (ESA).

The Council is considering replacing the current Chinook and Chum Salmon Savings Areas in the BSAI with new regulatory closures, salmon bycatch limits, or a combination of both. These management measures could incorporate current and/or new bycatch reduction tools. The Council and NMFS have determined the preparation of an EIS may be required for this action because revisions to the groundfish fishery regulations to reduce salmon bycatch may be controversial, and these revisions may result in significant or unknown impacts on the human environment not previously analyzed. Thus, the Council and NMFS are initiating scoping for an EIS in the event that an EIS is needed.

The Council and NMFS are seeking information from the public through the EIS scoping process on the range of alternatives to be analyzed; and on the environmental, social, and economic issues to be considered in the analysis. Written comments generated during this scoping process will be incorporated into the EIS.

Chinook and Chum Salmon Savings Areas

To address Chinook salmon bycatch concerns, the Council adopted several management

measures designed to reduce overall Chinook salmon bycatch in the BSAI trawl fisheries. In 1995, the Council adopted, and NMFS approved, Amendment 21b to the FMP. Based on historic information on salmon bycatch, Amendment 21b established a Chinook Salmon Savings Area (60 FR 31215, November 29, 1995). Under Amendment 21b, the Chinook Salmon Savings Area closed when the bycatch of Chinook salmon in BSAI trawl fisheries reached 48,000 fish. Amendment 58 to the FMP revised the Chinook Salmon Savings Area measures (65 FR 60587, October 12, 2000). Amendment 58 reduced the Chinook salmon bycatch limit from 48,000 fish to 29,000 fish, mandated year-round accounting of Chinook bycatch in the directed pollock fishery, revised the boundaries of the Chinook Salmon Savings Area closure, and implemented new closure dates.

The Council also adopted a time-area closure designed to reduce overall non-Chinook salmon bycatch in the BSAI trawl fisheries. In 1995, Amendment 35 to the FMP established the Chum Salmon Savings Area (60 FR 34904, July 5, 1995). This area is closed to all trawling from August 1 through August 31 of each year. Additionally, if 42,000 non-Chinook salmon are caught in the Catcher Vessel Operational Area during the period August 15 through October 14, the area remains closed for the remainder of the calendar year.

The Chinook and Chum Salmon Savings Areas were adopted based on historic observed salmon bycatch rates and were designed to avoid high spatial and temporal levels of salmon bycatch. From 1990 through 2001, the BSAI salmon bycatch average was 37,819 Chinook and 69,332 non-Chinook annually. Recently, however, salmon bycatch numbers have increased substantially. The numbers of Chinook and non-Chinook salmon taken as bycatch in the BSAI trawl fisheries from 2003 through November 8, 2007 are shown in the following table:

Year	Number of Chinook	Number of non-Chinook
2003	54,911	197,091
2004	62,493	465,650
2005	67,541	711,939
2006	87,771	326,457
2007 through November 8	127,112	97,707

The Council is concerned with this level of salmon bycatch because of the potential negative impacts on salmon stocks in general, and on western Alaska salmon stocks in particular.

Recent salmon bycatch management measures.

To address these increasing salmon bycatch amounts, the Council adopted, and NMFS implemented on October 29, 2007, Amendment 84 to the FMP (72 FR 61070, October 29, 2007). Spatial and temporal comparisons of non-community development quota (CDQ) vessels fishing outside of the salmon savings areas with CDQ vessels fishing inside of the salmon savings areas indicated that salmon bycatch rates were much higher outside of the savings areas, and closures were displacing vessels to higher bycatch areas. Amendment 84 exempts non-CDQ and CDQ pollock vessels participating in a salmon bycatch reduction inter-cooperative agreement (ICA) from closures of the Chinook and Chum Salmon Savings Areas in the BSAI. Additionally, vessels participating in trawl fisheries for species other than pollock are exempt from Chum Salmon Savings Area closures.

The purpose of the salmon bycatch avoidance ICA is to use real-time salmon bycatch information to avoid areas of high non-Chinook and Chinook salmon bycatch rates. The ICA utilizes a system of base bycatch rates, assignment of vessels to tiers based on bycatch rates relative to the base rate, a system of closures for vessels in certain tiers, and monitoring and

enforcement through private contractual arrangements.

Amendment 84 was adopted by the Council because it was perceived to be relatively simple to implement, with the potential to reduce salmon bycatch rates. Meanwhile, the Council also initiated analysis on this proposed action to further address salmon bycatch issues, and provide additional management measures should ICA members choose not to participate in the ICA in the future.

Proposed Action

The proposed action is to replace the current Chinook and Chum Salmon Savings Areas in the BSAI with new regulatory closures, salmon bycatch limits, or a combination of both based on current salmon bycatch information. These management measures could incorporate current and/or new bycatch reduction tools. The purpose of the proposed action is to minimize non-Chinook and Chinook salmon bycatch to the extent practicable. The proposed action is necessary to maintain a healthy marine ecosystem to ensure long-term conservation and abundance of salmon, to provide maximum benefit to fishermen and communities that depend on these resources, and to comply with the Magnuson-Stevens Act.

Alternatives

The Council and NMFS will evaluate a range of alternative management measures for the BSAI groundfish fisheries. The Council's Salmon Bycatch Workgroup is reviewing the latest scientific information regarding the impacts of salmon interactions with groundfish fisheries and developing alternative salmon bycatch reduction measures. Alternatives may be formulated based on the elements identified here, and those developed through the public scoping and Council processes. Possible alternatives could be constructed from one or more of the following

measures:

1. Prohibited Species Catch (PSC) limit – Establish a PSC limit for non-Chinook and Chinook salmon bycatch in the CDQ and non-CDQ pollock fisheries. Fishery participants would be required to stop fishing when the limit is reached.
2. Fixed closures – Establish one or more salmon savings area closures based on current salmon bycatch information. These closures would occur on an annual or seasonal basis regardless of salmon bycatch amounts at the time of the closure.
3. Triggered closures – Establish one or more salmon savings area closures based on current salmon bycatch information. These closures would occur based on criteria evaluated in the EIS. Criteria could include a threshold salmon bycatch number or rate.
4. PSC accounting period – Revise the current PSC accounting period to coincide with the salmon biological year to provide additional protections to salmon in the BSAI. Accounting would begin annually in the “B” season, and continue through the following “A” season.

Additionally, the Council may incorporate the current or a new version of the salmon bycatch reduction ICA into one or more alternatives.

Preliminary Identification of Issues

A principal objective of the scoping and public input process is to identify potentially significant impacts to the human environment that should be analyzed in the EIS. The primary focus will be the impacts of salmon bycatch on western Alaska salmon stocks. The analysis will evaluate the impacts of the alternatives for all resources, species, and issues that may be directly or indirectly affected by salmon bycatch in the BSAI pollock fisheries. The following

components of the biological and physical environment may be evaluated: (1) target and non-target fish stocks, forage fish, and prohibited species, including salmon species; (2) species listed under the ESA and their critical habitat; (3) seabirds; (4) marine mammals; and (5) the ecosystem.

Social and economic impacts also would be considered in terms of the effects that changes to salmon bycatch management measures would have on the following groups of individuals affected by salmon caught in the BSAI: (1) those who participate in harvesting pollock; (2) those who process and market pollock and pollock products; (3) those who consume pollock products; (4) those who rely on living marine resources caught in the management area, particularly salmon; (5) those who benefit from commercial, subsistence, and recreational salmon fisheries; and (6) fishing communities.

Public Involvement

Scoping is an early and open process for determining the scope of issues to be addressed in an EIS and for identifying the significant issues related to the proposed action. A principal objective of the scoping and public involvement process is to identify a reasonable range of management alternatives that, with adequate analysis, will delineate critical issues and provide a clear basis for distinguishing between those alternatives and for selecting a preferred alternative. Through this notice, the Council and NMFS are notifying the public that an EIS and decision-making process for this proposed action has been initiated so that interested or affected people may participate and contribute to the final decision.

The Council and NMFS are seeking written public comments on the scope of issues, including potential impacts, and alternatives that should be considered in revising salmon

bycatch management measures. Written comments will be accepted at the address above (see ADDRESSES). Written comments should be as specific as possible to be the most helpful.

Written comments received during the scoping process, including the names and addresses of those submitting them, will be considered part of the public record on this proposal and will be available for public inspection.

The public is invited to participate and provide input at Council and Salmon Bycatch Workgroup meetings where the latest scientific information regarding salmon bycatch in the BSAI groundfish fisheries are being reviewed and alternative salmon bycatch reduction measures are being developed and evaluated. Notice of future Council and Salmon Bycatch Workgroup meetings will be published in the Federal Register and on the internet at <http://www.fakr.noaa.gov/>. Please visit this website for more information on this EIS and for guidance for submitting effective public comments.

Dated:

S:\4GAIL\ADEC07\D1a4Am 84b EIS NOI_11-9.wpd

Janderson: 11/6/07, 11/7/06, 11/8/07, 11/9/07, 11/14/07

Bristol Bay Economic Development Corporation

P.O. Box 1464 • Dillingham, Alaska 99576 • (907) 842-4370 • Fax (907) 842-4336 • 1-800-478-4370



December 7, 2007

Mr. Eric Olson, Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99576

Dear Mr. Olson and Council Members:

The Bristol Bay Economic Development Corporation (BBEDC) is very concerned with the high bycatch of Chinook salmon. It is clear to us that what is in place now, is not protecting the Chinook stocks of Western Alaska to the degree we would like to see. Additional measures need to be taken now to limit the bycatch of Chinook salmon..

BBEDC urge's the NPFMC to keep all options that would limit the Chinook bycatch of salmon to the 10 year (1997-2006) average of 49,500 Chinooks. We would propose that a hard cap be developed and that this hard cap be split by sector, inshore-50%, mothership -10%, offshore- 40%. The Chinook cap would be allocated to each sector based on a share of Pollock assigned to each vessel. We oppose any sector split of Chinook based on historical catch of Chinook by vessel, you would only be rewarding the dirty fishermen of the industry. I would strongly recommend that another option be created and that option would be to shorten the season by a month, closing the season October 1, all data points that the later into the season the higher CPUE of Chinook salmon. In 2007, in October their was little Pollock late in the season and the boats were making long tows, some boats well over twelve hours, straining the water, catching additional Chinook with very little Pollock.

BBEDC does not take this stand lightly; we are involved in both the in-shore and off-shore Pollock fisheries. We stand to lose a substantial amount of income, as with the rest of the industry. However, with the Chinook bycatch in this Pollock fishery at 130,000 plus Chinook salmon, which is more than double the ten year average, we cannot stand on the sidelines and watch our terminal Chinook runs be decimated by the Pollock fleet.

The Nushagak River is one of the largest producing Chinook salmon rivers in Western Alaska. In 2007, the projected commercial catch of Chinook salmon for the Nushagak was 100,000 fish. After only two short opening and a catch of little over 2,000 Chinook salmon, the directed commercial fishery was closed and remained close for the rest of the season. The sport fishery in the Nushagak drainage was reduced to one fish from four with size restrictions. Even with these drastic measures taken by ADF&G, the Nushagak River did not meet its escapement goal of 75,000 Chinook salmon. I ask the council, why should the in-river fishermen have to bear the full burden of conservation.

In Bristol Bay we have small stocks of Chinook salmon returning to the Togiak, Naknek, Egegik and Port Heiden River systems. These river systems with their small stock of Chinook salmon will suffer greatly also.

Twenty five years ago when the Japanese high seas fishermen caught this many Chinook salmon and we had to go into a 20 year rebuilding mode in the Nushagak. Please do not let this happen again. The Chinook fishery is a very important fishery to the subsistence, sport and commercial fishermen of the Nushagak River and the other river systems in Bristol Bay. This resource is fully utilized by the fishermen of our region. We have watched the Pollock fishery get rationalized by AFA, those folks have realized gains in wealth and stability, now is the time for the council to get the bycatch of Chinook salmon under control for the people of Western Alaska. Thank You

Sincerely,



H. Robin Samuelsen Jr.

CEO/President

City of Mountain Village
P.O. Box 32685
Mountain Village, AK 99632

Asa'carsarmiut Tribal Council
P.O. Box 32249
Mountain Village, AK 99632

Azachorok, Inc.
P.O. Box 32213
Mountain Village, AK 99632

JOINT RESOLUTION 07-04

A RESOLUTION REQUESTING THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL IMPLEMENT TIMELY AND EFFECTIVE MEASURES TO REDUCE SALMON BYCATCH

WHEREAS, the City of Mountain Village is a second class municipal government incorporated in 1967; and

WHEREAS, the Asa'carsarmiut Tribe is a sovereign entity and federally recognized Tribal government representing the Asa'carsarmiut Tribe; and

WHEREAS, the Azachorok, Inc. is a village corporation incorporated after the passage of the Alaska Native Claims Settlement Act of 1971; and

WHEREAS, the Chinook salmon is extremely vital to our health, our social and economic well-being and our culture; and

WHEREAS, the Subsistence Way of Life is an inalienable right of all Alaskans; and

WHEREAS, our entities and other communities in Western Alaska rely heavily on the Subsistence and commercial salmon fisheries, as they are both very much intertwined; and

WHEREAS, the current Chinook salmon bycatch rates are at a record all time high and are more than 2 times higher than the recent 10-year average of 49,500; and

WHEREAS, the Chinook salmon returns to many of our rivers in Western Alaska, especially evident in the Yukon River, in 2007 did not meet expectations; and

WHEREAS, we are deeply concerned with the increasing trends of salmon bycatch rates, with no real preventive measures in place for Industry to avoid salmon; and

NOW THEREFORE BE IT RESOLVED, that the City of Mountain Village, Asa'carsarmiut Tribe, and Azachorok, Inc., urges the North Pacific Fisheries Management Council to move forward quickly in significantly reducing salmon bycatch; and

BE IT FURTHER RESOLVED, that representatives from all three entities support the October 2007 motion to limit the upper range for caps at 40,000 and considering the sector split idea as a useful tool for reducing bycatch while maximizing benefits for Industry.

ADOPTED THIS 23rd day of November, 2007 at Mountain Village, AK at which duly constituted quorums of council/board members were present.

City Council:

Peter M. Andrews, Mayor

Ella M. Peterson, Sec/Treas

Absent

Tammy Aguchak, Council Member

Absent

Fred Lamont, Council Member

Tribal Council:

James Landlord, 1st Chief

John-M. Joe, Sec/Treas

Agnes L. Brown, Council Member

Dorothy G. Johnson, Council Member

Bibiana F. Sage, Vice-Mayor

Pete Peterson, Council Member

Absent

Alexie Walters, Council Member

Attest: Nova Moses, City Clerk

Absent

William Beans, 2nd Chief

Loren G. Peterson, Council Member

Corporation Board:

Absent
Felix Hess, Chairman

Absent
Francis Hess, Sec/Treas

Harry Wilde Sr., Board Member

Alexie Walters, Board Member

Paul Beans, Vice-Chair

Absent
Catherine Moses, Board Member

David Blanket, Board Member

Don Bremner, Natural Resource Coordinator
Southeast Alaska Inter-tribal Fish and Wildlife Commission
P.O. Box 20161
Juneau, Alaska 99802

Dec 10, 2007

RE: Salmon By-Catch for the BSAI Pollock fishery-agenda item D-1 (a)

Comment:

Based on the review of the Salmon By-catch Working Group recommendations and past actions of the Council, if the council moved forward with adoption of any of the recommendations the required EIS and Notice of Intent available for the public would be incomplete.

Statement:

Left of the table are a number of unresolved and unexplored issues and opportunities;

1. First, clear and concise harvest plans in relation to implementation of the Pacific Salmon Treaty and the Yukon River Agreement are absent.
2. Justification of why hard caps tied to inshore river systems are not part of any of the management schemes.
3. There's no evidence of analysis of social, economic, and subsistence impacts on rural villages of Alaska.
4. To help conserve stocks and maintain current levels of fishing management should look at instilling odd year/even year fisheries of the industry.
5. Management should look at possible taxation of the fleet for by-catch above targeted caps.
6. The Council should look at ways to convert the by-catch to real dollar values which benefit the industry, conservation, and in-shore communities.

Conclusion:

Under no circumstances or alternatives should the Council allow any trawl sector to sweep up exclusive rights to other species of fish without first assessing the value of individual directed fisheries, alternative fisheries, inshore/off-shore fisheries, and State/Federal Management cost/benefit impacts.

Don't know what Natural Resource Commission
is supposed to be. I don't know what it is.
P.O. Box 10101
Juneau, Alaska 99801

Page 10, 2007

RE: Salmon By-Catch for the BSAI Pollock Fishery-agenda item 10-1 (a)

Comments:

Based on the review of the Salmon By-Catch Working Group recommendations and past actions of the Council, it is recommended that the Council consider the following options for the management of the fishery and the by-catch of salmon. The Council should consider the following options for the management of the fishery and the by-catch of salmon.

Statement:

List of the table are a number of unresolved and unexplained issues and opportunities:

1. The Council should consider the following options for the management of the fishery and the by-catch of salmon.
2. The Council should consider the following options for the management of the fishery and the by-catch of salmon.
3. The Council should consider the following options for the management of the fishery and the by-catch of salmon.
4. The Council should consider the following options for the management of the fishery and the by-catch of salmon.
5. The Council should consider the following options for the management of the fishery and the by-catch of salmon.
6. The Council should consider the following options for the management of the fishery and the by-catch of salmon.

Conclusion:

Under no circumstances should the Council consider the following options for the management of the fishery and the by-catch of salmon. The Council should consider the following options for the management of the fishery and the by-catch of salmon.

**Western Interior Alaska Subsistence
Regional Advisory Council**

c/o Office of Subsistence Management

101 12th Avenue, Room 110

Fairbanks, Alaska 99701

Phone: 1-(907)-456-0277 or 1-800-267-3997

Fax: 1-(907)-456-0208

E-mail: Vince_Mathews@fws.gov

November 29, 2007

Mr. John Bundy, Vice Chair/Acting Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Mr. Jim Balsiger, Regional Administrator
NOAA Fisheries, Alaska Region
709 West 9th Street
Juneau, Alaska 99802

Dear Mr. Bundy and Mr. Balsiger:

The Western Interior Alaska Subsistence Regional Advisory Council (Council) met in Galena, Alaska, on October 30-31, 2007 and was briefed on the status of increasing salmon bycatch of the Bering Sea/Aleutian Islands (BSAI) pollock fishery. Included in the briefing was an overview of the Amendment 84B package to address this dangerous increase in salmon bycatch. The Council remains highly concerned about the increasing number of Chinook salmon caught and wasted as bycatch by the pollock fishery. The Salmon Savings Areas and the Voluntary Rolling Hot Spot (VRHS) have failed to reduce the bycatch and the salmon bycatch has increased dramatically over the past seven years from less than 10,000 Chinook salmon in 2000 to well over 100,000 in 2007. The Council was surprised by the amount of four- and five-year old Chinook salmon in the 2007 bycatch. The only time it has ever been above 100,000 was in the early 1980s when it was primarily a foreign fishery. This level of bycatch must stop immediately. Salmon escapement needs, Canadian treaty border passage, and in-river subsistence fishers cannot tolerate this level of bycatch waste. The threatened and endangered salmon stocks of the Pacific Northwest states also cannot tolerate this level of bycatch.

The Council requests:

- (A) The North Pacific Fishery Management Council (NPFMC) to move the Amendment 84B package forward immediately and implement a Chinook salmon bycatch hard cap of 20,000 fish. This hard cap is necessary because of the below average in-river returns of Chinook salmon that critically impact subsistence and other uses of those returning salmon, and the Yukon River Salmon Agreement which states that "The Parties shall maintain efforts to increase the in-river run of Yukon River origin salmon by reducing marine catches and by-catches of Yukon River salmon." Our action and justification parallels the action of our neighboring regional council, the Eastern Interior Alaska Subsistence Regional Advisory Council.
- (B) Information about where these bycatch salmon are going.
- (C) The Chinook salmon bycatch should be frozen in the round and returned to the villages along their streams of origin at the expense of the pollock fishing industry.

Studies in the 1990s showed that over 56 percent of the Chinook salmon bycatch in the BSAI pollock fishery are of Western Alaskan origin, with approximately over 40 percent of those Yukon River stocks (*Salmon Bycatch in the Alaska Pollock Fishery Update*, Yukon River Drainage Fisheries Association 2006 flier). Based on the 2007 bycatch data, over 25,000 Yukon River-bound Chinook salmon were taken as bycatch in the BSAI pollock fishery. This amount equates to 52 percent of the 2007 subsistence catch and 57 percent of the Canadian border passage goal.

In 2007, only 23,000 Chinook salmon crossed the Canadian border. This number is far short of the border passage goal of 45,500 Chinook salmon necessary to meet the Canadian escapement goal agreed upon by the U.S. and Canada through the Yukon River Panel (Alaska Department of Fish and Game, 2007 Preliminary Yukon River Summer Season Summary). The bycatch fish were either discarded (wasted) or sent to food banks, resulting in Yukon in-river fishers fishing harder and longer to meet their subsistence needs. Invaluable salmon bound for our area to meet our subsistence and cultural needs continued to be wasted as an undesirable by-product at an alarmingly increasing rate.

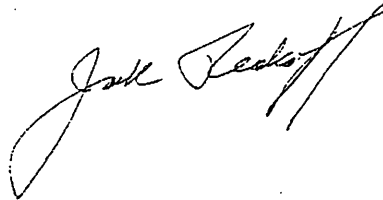
The Council represents all Western Interior subsistence communities and rural residents. The Council is authorized by the Alaska National Interest Lands Conservation Act (ANILCA), and chartered under the Federal Advisory Committee Act. ANILCA in Section 805 and the Council's charter recognize the Council's authority to "initiate, review and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife on public lands within the region" and to "provide a forum for the expression of opinions and recommendations ... (on) any matter related to the subsistence uses of fish and wildlife on public lands within the region."

Mr. John Bundy and Mr. Jim Balsiger

3

If you have any questions, please contact myself or our subsistence council coordinator, Vince Mathews. I can be reached at 1-907-678-2007; Mr. Mathews' contact information is in the letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Reakoff". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail.

Jack Reakoff, Chair

cc: Michael R. Feagle, Chair, Federal Subsistence Board
Peter J. Probasco, Assistant Regional Director, Office of Subsistence Management
Rod Campbell, Fisheries Liaison, OSM
Steve Klein, Chief, Fisheries Division, OSM
Lenny Corin, Fisheries & Ecological Service, Fish and Wildlife Service
Ann Wilkinson, Chief, Council Coordination Division, OSM
Jill Klein, Executive Director, Yukon River Drainage Fisheries Association
David Bedford, Deputy Commissioner of Fisheries, ADF&G
Sue Entsminger, Chair, Eastern Interior Alaska Subsistence Regional Advisory Council
Lester Wilde, Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Western Interior Alaska Subsistence Regional Advisory Council members

**Eastern Interior Alaska Subsistence
Regional Advisory Council**

c/o Office of Subsistence Management

101 12th Avenue, Room 110

Fairbanks, Alaska 99701

Phone: 1-(907)-456-0277 or 1-800-267-3997

Fax: 1-(907)-456-0208

E-mail: Vince_Mathews@fws.gov

November 29, 2007

Mr. John Bundy, Vice Chair/Acting Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Mr. Jim Balsiger, Regional Administrator
NOAA Fisheries, Alaska Region
709 West 9th Street
Juneau, Alaska 99802

Dear Mr. Bundy and Mr. Balsiger:

The Eastern Interior Alaska Subsistence Regional Advisory Council (Council) met in Fairbanks, Alaska on October 19-20, 2007. The Council is concerned about the current efforts to reduce the salmon bycatch of the Bering Sea/Aleutian Islands (BSAI) pollock fishery. The Salmon Savings Areas and the Voluntary Rolling Hot Spot (VRHS) systems, developed to reduce the bycatch of salmon bound for Western and Interior Alaska, have failed. The Council was surprised by the amount of four- and five-year old Chinook salmon in the 2007 bycatch. The salmon bycatch has increased dramatically over the past seven years from less than 10,000 Chinook salmon in 2000 to well over 100,000 in 2007. The only time it has ever been above 100,000 was in the early 1980s when it was primarily a foreign fishery. This steep increase in bycatch must stop.

The Council requests:

1. The North Pacific Fishery Management Council (NPFMC) to move the Amendment 84B package forward immediately and implement a Chinook salmon bycatch hard cap of 20,000 fish. This hard cap is necessary because of the below average in-river returns of Chinook salmon that critically impact subsistence and other uses of those returning salmon, and because of the Yukon River Salmon Agreement, which states that "The Parties shall maintain efforts to increase the in-river run of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon."

2. The Council be informed in a timely manner and involved in the environmental impact statement component of implementing a salmon bycatch methodology.
3. Information on the percentage of the salmon by-catch that goes to food banks and which area food banks receive these fish.
4. Information on what emergency regulatory authority the NPFMC has and how it is implemented.

Studies in the 1990s showed that over 56 percent of the Chinook salmon bycatch in the BSAI pollock fishery was of Western Alaskan origin, with approximately 40 percent of those Yukon River stocks (*Salmon Bycatch in the Alaska Pollock Fishery Update*, Yukon River Drainage Fisheries Association 2006 flier). Based on the 2007 bycatch data, over 25,000 Yukon River-bound Chinook salmon were taken as bycatch in the BSAI pollock fishery. This amount equates to 52 percent of the 2007 subsistence catch and 57 percent of the Canadian border passage goal.

In 2007, only 23,000 Chinook salmon crossed the Canadian border. That number is far short of the border passage goal of 45,500 Chinook salmon necessary to meet the Canadian escapement goal agreed upon by the U.S. and Canada through the Yukon River Panel (Alaska Department of Fish and Game, 2007 Preliminary Yukon River Summer Season Summary). The bycatch fish were either discarded (wasted) or sent to food banks, resulting in Yukon in-river fishers fishing harder and longer to meet their subsistence needs. Invaluable salmon bound for our area to meet our subsistence and cultural needs continue to be wasted as an undesirable by-product at an alarmingly increasing rate.

The Council represents all Eastern Interior subsistence communities and rural residents. The Council is authorized by the Alaska National Interest Lands Conservation Act (ANILCA), and chartered under the Federal Advisory Committee Act (FACA). ANILCA in Section 805 and the Council's charter recognize the Council's authority to "initiate, review and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife on public lands within the region" and to "provide a forum for the expression of opinions and recommendations ... (on) any matter related to the subsistence uses of fish and wildlife on public lands within the region."

The Council, as well as everyone dependent upon the returning salmon, wants strong protection for returning salmon bound for Western and Interior Alaska. The continuation of these high bycatch rates will decimate Western and Interior Alaska salmon runs that have been central to the subsistence lifestyle for thousands of years. Working together with in-river interests, we can find common ground to protect the valuable wild salmon resources of Alaska. We anxiously look forward to hearing about your actions to reverse the upward trend of salmon bycatch by the BSAI fishery.

If you have any questions, please contact myself or our vice-chair, Virgil Umphenour or our subsistence council coordinator, Vince Mathews. I can be reached at 1-907-883-2833; Mr. Umphenour can be reached at 1-907-456-3885; Mr. Mathews' contact information is in the letterhead.

Sincerely,



Sue Entsminger, Chair

cc: Mchael R Feagle, Chair, Federal Subsistence Board
Peter J. Probasco, Assistant Regional Director, Office of Subsistence Management
Rod Campbell, Fisheries Liaison, OSM
Steve Klein, Chief, Fisheries Division, OSM
Lenny Corin, Fisheries & Ecological Service, Fish and Wildlife Service
Ann Wilkinson, Chief, Council Coordination Division, OSM
Jill Klein, Executive Director, Yukon River Drainage Fisheries Association
David Bedford, Deputy Commissioner of Fisheries, ADF&G
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council
Lester Wilde, Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Eastern Interior Alaska Subsistence Regional Advisory Council members



YUKON RIVER DRAINAGE FISHERIES ASSOCIATION

AGENDA D-1(a)
DECEMBER 2004
Supplemental

November 9, 2007

Mr. Eric Olson, Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501

Jim Balsiger, Regional Administrator
NOAA Fisheries, Alaska Region
709 W. 9th Street
Juneau, AK 99802

RECEIVED
NOV 14 2007
N.P.F.M.C.

Re: BSAI Salmon Bycatch

Dear Mr. Olson, Mr. Balsiger and Council members:

The Yukon River Drainage Fisheries Association (YRDFA) appreciates the opportunity to comment again on the issue of salmon bycatch. Chinook salmon bycatch reached a new record high this year with over 116,000 Chinook salmon caught as bycatch. This exceeds the previous record of 115,000 Chinook salmon in 1980 and is more than double the 10-year average (1997-2006) of 49,500 Chinook salmon. These incredibly high bycatch numbers pose a grave threat to Western Alaska's salmon and the Western Alaskan people who depend on these salmon for vital subsistence needs and commercial harvests. We therefore ask the Council to move quickly to put a hard cap in place to effectively reduce salmon bycatch in the BSAI pollock fleet.

While salmon bycatch has risen to unbelievable highs, salmon runs throughout Western Alaska this year were well below forecasts and historical averages. On the Yukon, the commercial harvest was 30% below the recent 10-year average, with only 33,629 Chinook salmon taken commercially. The recent 10 year average includes several years when Chinook returns were declared disasters by state and federal agencies, and necessitating many millions of dollars of aid. Subsistence users reported difficulty meeting their needs. Less than half of the fish necessary to meet the Yukon River Salmon Agreement requirements for harvest sharing and Canadian escapement crossed the Canadian border in 2007. Applying the results of scale pattern analysis of the 1997-1999 salmon bycatch samples¹ to the 2007 bycatch numbers, accounting for marine mortality, over 22,000 Yukon River Chinook were caught as bycatch before they could even begin their journey up-river. In 2007, that number

¹ From Kate Myers, et. al, *Estimates of the Bycatch of Yukon River Chinook Salmon in U.S. Groundfish Fisheries in the Eastern Bering Sea, 1997-1999* (March 2004).

represented 65% of the Yukon River commercial catch, 44% of the average subsistence catch, and 67% of the low end of the Canadian escapement goal.

As in-river users sacrifice their harvests to ensure that escapement goals are met, it is reprehensible that the pollock fleet is allowed to harvest – and discard – such a high number of Chinook salmon. While we understand that bycatch is not the only factor contributing to Western Alaska salmon returns, as salmon populations struggle to recover, the burden for recovery must not be borne by Western Alaska alone.

In addition to the basic inequities of the current salmon bycatch numbers, these numbers, and the management regime under which they were achieved, violate the provisions of National Standard 9 of the Magnuson-Stevens Act to “minimize bycatch.” The Council is required under the provisions of National Standard 9 to weigh the benefits of bycatch reduction against the benefits to the nation. However, in considering the benefits to the nation the Council is specifically instructed to consider: “Negative impacts on affected stocks...; incomes accruing to participants in fisheries that target the bycatch species; [and] environmental consequences.”² The lost harvest opportunity, invaluable subsistence harvests and escapement goals to Western Alaska therefore mandate actual bycatch *reductions*, not the increases we have seen in recent years.

Given these factors, we urge the Council to move forward quickly to adopt a hard cap to reduce salmon bycatch. We support the inclusion of caps allocated by pollock sector in the analysis. This option provides a means of balancing the needs of Western Alaska salmon and salmon users with maximizing benefits to the pollock fleet, and provides a method for placing an appropriate limit on salmon bycatch while still allowing the pollock fleet to operate. We urge the Council to limit the upper end of the range of alternatives to the Incidental Take Statement amount of 87,500, as indicated in the October 2007 Council motion. It is our position that any bycatch cap in excess of that amount would violate the provisions of National Standard 9 as well as the Endangered Species Act. Further, any cap numbers which exceed pre-2002 bycatch numbers may violate the United States’ treaty obligations in the Yukon River Salmon Agreement to “increase the in-river run of Yukon River origin salmon by reducing marine catches and by-catches of Yukon River salmon.”³

The Council has struggled with putting adequate salmon bycatch measures in place for years. While we appreciate the innovation and creativity that new solutions to this complex issue can bring, the current status of Western Alaska’s Chinook salmon demands immediate attention, and we urge the Council to put a hard cap in place to protect this vital resource.

Sincerely,



Rebecca Robbins Gisclair
Policy Director

² 50 CFR § 600.350(d)(2006).

³ Pacific Salmon Treaty, Annex IV Chapter 8 (27)(Yukon River Salmon Agreement)(2002).

Atmautluak Traditional Council
P.O. Box 6568
Atmautluak, AK 99559
Ph: (907)553-5610 Fax: (907)553-5612
Email: atmautluaktc@hughes.net

RECEIVED
NOV 2 2007
N.P.F.M.C.

RESOLUTION 07-25

TITLE: REQUESTING THE NORTH PACIFIC FISHERIES
MANAGEMENT COUNCIL IMPLEMENT TIMELY AND
EFFECTIVE MEASURES TO REDUCE SALMON BYCATCH.

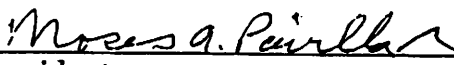
- WHEREAS, The Native Village of Atmautluak is the recognized tribal organization of the Atmautluak Tribe; and
- WHEREAS, the Chinook salmon is extremely vital to our health, our social and economic well-being and our culture; and
- WHEREAS, the Subsistence Way of Life is an inalienable right of Tribes; and
- WHEREAS, our Tribe and other communities in Western Alaska rely heavily on the Subsistence and commercial salmon fisheries, as they are both very much intertwined; and
- WHEREAS, the current Chinook salmon bycatch rates are a record all time high and are more than 2x higher than the recent 10 year average of 49,500; and
- WHEREAS, the Chinook salmon returns to many of our rivers in Western Alaska, especially evident in the Yukon River, in 2007 did not meet expectations; and
- WHEREAS, we are deeply concerned with the increasing trends of salmon bycatch rates, with no real preventative measures in place for industry to avoid salmon; and

NOW THEREFORE BE IT RESOLVED, that the Native Village of Atmautluak Traditional Council urges the North Pacific Fisheries Management Council to move forward quickly in significantly reducing salmon bycatch; and


BE IT FURTHER RESOLVED, that we support the October 2007 Council motion to limit the upper range for caps at 87,500 and considering the sector split idea as a useful tool for reducing bycatch while maximizing benefits for Industry.

CERTIFICATION

PASSED AND APPROVED BY A CONSTITUTED QUORUM OF THE COUNCIL ON THIS 14th DAY OF NOVEMBER, 2007, BY THE VOTE OF 7 IN FAVOR, 0 OPPOSED, AND 0 ABSTAINING.



President



Secretary

RESOLUTION 07-11-25

TITLE: REQUESTING THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL IMPLEMENT TIMELY AND EFFECTIVE MEASURES TO REDUCE SALMON BYCATCH

WHEREAS The Native Village of Tuluksak, Alaska Traditional Council is the Recognized tribal organization of the Tuluksak Tribe; and

WHEREAS the Chinook salmon is extremely vital to our health, social and economic well-being and our culture; and

WHEREAS the Subsistence Way of Life is an inalienable right of Tribes; and

WHEREAS our Tribe and other communities in Western Alaska rely heavily on the Subsistence and commercial salmon fisheries, as they are both very intertwined; and

WHEREAS the current Chinook salmon bycatch rates are at a record all time high and are more than 2X higher than the recent 10-year average of 49,500; and

WHEREAS the Chinook salmon returns to many of our rivers in Western Alaska, especially evident in the Yukon River, in 2007 did not meet expectations; and

WHEREAS we are deeply concerned with the increasing trends of salmon bycatch rates, with no real preventive measures in place for Industry to avoid salmon; and

NOW THEREFORE BE IT RESOLVED THAT the Native Village of Tuluksak Traditional Council urges the North Pacific Fisheries Management Council to move forward quickly in significantly reducing salmon bycatch; and

BE IT FURTHER RESOLVED THAT we support the October 2007 Council motion to limit the upper range for caps at 87,500 and considering the sector split idea as a useful tool for reducing bycatch while maximizing benefits for Industry.

ADOPTED by Tuluksak Native Community Traditional Council

Joseph Alopie
President Tuluksak Traditional Council

Doug Lund 11/14/07
Attested by Council member

RECEIVED
NOV 15 2007
N.P.F.M.C.



Alakanuk Tribal Council

P.O. Box 149 Alakanuk, AK 99554

November 15, 2007

Eric Olson, Chair
North Pacific Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Re: Chinook Salmon By-Catch In Trawl Fisheries

Dear Mr. Olson:

I am submitting a written comment regarding the by-catch of Chinook salmon in the pollock fisheries in Alaska. I have been seeing a high trend of chinook salmon by-catch by the trawl fisheries since 2004, from articles, and from the media, and participating in fisheries meeting. Many of these chinook salmon are destined for Western Alaska tributaries. The State of Alaska Department of Fish and Game has determined that the chinook and chum salmon are stocks of concern, since the 1990's. I am deeply concerned about the high seas interception of western bound chinook salmon, that we rely heavily on to sustain our livelihood. Rapidly growing increase of chinook and chum salmon by-catch by pollock fisheries needs your attention, and ways and means of controlling the by-catch needs to happen **NOW**.

Immediate action is needed now to find ways to reduce the harvest of chinook and chum salmon by-catch. The lower Yukon River commercial and subsistence users are getting the blunt end of sacrificing fishing time, so that escapement goals, and river wide users meet there needs, when we know for a fact that the real problem is in the high seas fisheries.

I'm asking the North Pacific Management Council to act quickly to reduce and make every effort to eliminate salmon by-catch, that are destined for Western Alaska tributaries. Our survival of our culture, our health and well-being is important to the people that utilize the resource.

Sincerely,

Benjamin B. Phillip
President

**NATIVE VILLAGE OF ALAKANUK
Alakanuk Traditional Council
PO Box 149
Alakanuk, Alaska 99554**

RESOLUTION NO. 07-11-73

**A RESOLUTION REQUESTING THE NORTH PACIFIC FISHERIES MANAGEMENT
COUNCIL IMPLEMENT TIMELY AND EFFECTIVE MEASURES TO REDUCE
SALMON BY-CATCH.**

WHEREAS, the Native Village of Alakanuk is the recognized tribal organization of the Alakanuk Tribe; and

WHEREAS, the Chinook salmon is extremely vital to our health, our social and economic well-being and our culture; and

WHEREAS, the Subsistence Way of Life is an inalienable right of Tribes; and

WHEREAS, our Tribe and other communities in Western Alaska rely heavily on the Subsistence and commercial salmon fisheries, as they are both very much intertwined; and

WHEREAS, the current Chinook salmon by-catch rates are at a record all time high and are more than 2X higher than the recent 10-year average of 49,500; and

WHEREAS, the Chinook salmon returns to many of our rivers in Western Alaska, especially evident in the Yukon River, in 2007 did not meet expectations; and

WHEREAS, we are deeply concerned with the increasing trends of salmon by-catch rates, with no real preventative measures in place for industry to avoid salmon; and

NOW THEREFORE BE IT RESOLVED THAT the Native Village of Alakanuk urges the North Pacific Fisheries Management Council to move forward quickly in significantly reducing salmon by-catch; and

BE IT FURTHER RESOLVED THAT we support the October 2007 Council motion to limit the upper range for caps at 87,500 and considering the sector split idea as a useful tool for reducing by-catch while maximizing benefits for Industry.

CERTIFICATION

PASSED AND APPROVED BY A CONSTITUTED QUORUM OF THE COUNCIL ON THIS

16th DAY OF November, 2007, BY THE VOTE OF 6 FAVOR,
0 OPPOSED, AND 0 ABSTAINING.

Beni Riley
Council President

ATTESTED BY: Theresa Daman
Council Secretary



KTC

Kasigluk Traditional Council

Post Office Box 19

Kasigluk, Alaska 99609

Ph: (907) 477-6405 / 6406 Fax: (907) 477-6212

E-mail: kukvc@unicom-alaska.com

Resolution 07-42

REQUESTING THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL IMPLEMENT TIMELY AND EFFECTIVE MEASURES TO REDUCE SALMON BYCATCH

WHEREAS: The Native Village of Kasigluk and the Kasigluk Traditional Council is the recognized tribal organization of the Kasigluk Tribe; and

WHEREAS: the Chinook salmon is extremely vital to our health, our social and economic well-being and our culture; and

WHEREAS: the Subsistence Way of Life is an inalienable right of Tribes; and

WHEREAS: our Tribe and other communities in Western Alaska rely heavily on the Subsistence and commercial salmon fisheries, as they are both very much intertwined; and

WHEREAS: the current Chinook salmon bycatch rates are at record all time high and are more than 2x higher than the recent 10-year average of 49,500; and

WHEREAS: the Chinook salmon returns to many of our rivers in Western Alaska, especially evident in the Yukon River, in 2007 did not meet expectations; and

WHEREAS: we are deeply concerned with the increasing trends of salmon bycatch rates, with no real preventative measures in place of Industry to avoid salmon; and

NOW THEREFORE BE IT RESOLVED THAT the Native Village of Kasigluk and the Kasigluk Traditional Council urges the North Pacific Fisheries Management Council to move forward quickly in significantly reducing salmon bycatch; and

BE IT FURTHER RESOLVED THAT we support the October 2007 Council motion to limit the upper range for caps at 87,500 and considering the sector split idea as a useful tool for reducing bycatch while maximizing benefits for Industry.

This resolution was adopted at a duly convened meeting of the Kasigluk Traditional Council on November 19, 2007.

Michael C. Martin Sr.

Michael C. Martin Sr.
President

Nora O. Brink

Nora O. Brink
Secretary

RECEIVED
NOV 20 2007

N.P.F.M.C.

**KONGIGANAK TRADITIONAL COUNCIL
P.O. BOX 5069
KONGIGANAK, ALASKA 99545
PH-907-557-5226 FAX 907-557-5224**

November 19, 2007

Mr. Eric Olsen, Chair
NPFMC
605 W. 4th, Ave., Ste 306
Anchorage, Alaska 99501

Attn: Mr. Eric Olsen

Here is a resolution from our Tribal Council which is self-explanatory.
Please, consider this important resolution.

Sincerely,



Oscar Active, Tribal Administrator
Kongiganak Traditional Council

Cc: files

KONGIGANAK TRADITIONAL COUNCIL
P.O. BOX 5069
KONGIGANAK, ALASKA 99545-5069
PH (907) 557-5226 FAX (907) 557-5224

RESOLUTION 07-11-01

RESOLUTION REQUESTING THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL IMPLEMENT TIMELY AND EFFECTIVE MEASURES TO REDUCE SALMON BYCATCH.

WHEREAS, the Kongiganak Traditional Council is the recognized governing body of the Native Village of Kongiganak; and

WHEREAS, the Chinook salmon is extremely vital to our health, our social and economic well-being and our culture; and

WHEREAS, the Subsistence Way of Life is an inalienable right of Tribes; and

WHEREAS, the Tribe and other communities in Western Alaska rely heavily on the Subsistence and commercial salmon fisheries, as they are both very much intertwined ; and

WHEREAS, the current Chinook salmon bycatch rates are at a record all time high and are more than 2X higher that the recent 10-year average of 49,500; and

WHEREAS, we are deeply concerned with the increasing trends of salmon bycatch rates, with no real preventive measures in place for Industry to avoid salmon; and

NOW THEREFORE BE IT RESOLVED, that the Kongiganak Traditional Council urges the North Pacific Fisheries Management Council to move forward quickly in significantly reducing salmon bycatch; and

BE IT FURTHER RESOLVED, that we support the October 2007 Council motion to limit the upper range for caps at 87,500 and considering the sector split idea as a useful tool for reducing bycatch while maximizing benefits for Industry.

CERTIFICATION

This resolution was passed and approved by the Kongiganak Traditional Council on this 16th day of November, 2007 of which a quorum was present, with a vote of 3 yes; and 0 no; and 2 abstaining.

Signed: _____

President

Peter Daniel Sr.

Attested by: _____

Secretary

Harvey B. Paul

Native Village of Napakiak
IRA Council
P.O. Box 34069
Napakiak, Alaska 99634
Ph. (907) 589-2135 Fax. (907) 589-2136

NOV 2 2007
N.P.F.M.C.

RESOLUTION #2007 -20

**TITLE: REQUESTING THE NORTH PACIFIC FISHERIES MANAGEMENT
COUNCIL IMPLEMENT TIMELY AND EFFECTIVE MEASURES TO
REDUCE SALMON BYCATCH**

Whereas, The Native Village of Napakiak IRA Council is the recognized tribal organization of the Native Village of Napakiak; and

Whereas, The Chinook salmon is extremely vital to our health, our social and economic wellbeing and our culture; and

Whereas, The Subsistence Way of Life is an inalienable right of Tribes; and

Whereas, Our Tribe and other communities in Western Alaska rely heavily on the Subsistence and commercial salmon fisheries, as they are both very much intertwined; and

Whereas, The current Chinook salmon bycatch rates are at a record all time high and are more the 2x higher than the recent 10-year average of 49,500; and

Whereas, The Chinook salmon returns to many of our rivers in Western Alaska, especially evident in the Yukon River, in 2007 did not meet expectations; and

Whereas, We are deeply concerned with the increasing trends of salmon bycatch rates, with no real preventative measures in place for Industry to avoid salmon; and

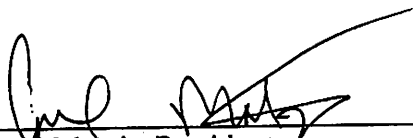
NOW THEREFORE BE IT RESOLVED THAT the Native Village of Napakiak, IRA Council urges the North Pacific Fisheries Management Council to move forward quickly in significantly reducing salmon bycatch; and

BE IT FURTHER RESOLVED THAT we support the October 2007 Council motion to limit the upper range for caps at 85,500 and considering the sector split idea as a useful tool for reducing bycatch while maximizing benefits for Industry.

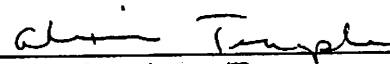
CERTIFICATION

Passed and approved by a constituted quorum on this 5th day of November 2007. By a vote 4 for and 0 abstained.

Attested:



Carl Motgin-President



Alexie Temple-sec/Treasure

CHEVAK NATIVE VILLAGE
Chevak Traditional Council
P.O. Box 140 Aurora Street
Chevak, AK 99563
Phone: (907) 858-7428, Fax: (907) 858-7812

RESOLUTION 2007-25

NOV 2 2007

**A RESOLUTION REQUESTING THE NORTH PACIFIC FISHERIES
MANAGEMENT COUNCIL (NPFMC) IMPLEMENT TIMELY AND
EFFECTIVE MEASURES TO REDUCE SALMON BYCATCH**

WHEREAS: the Chevak Traditional Council (Council) is a governing body for the Chevak Native Village a federally recognized Tribe; and

WHEREAS: the Council represents the interests of the Kashunamiut Tribe for their health, safety and welfare; and

WHEREAS: the Chinook salmon is extremely vital to our health, our social and economic well-being and our culture; and

WHEREAS: the Subsistence Way of Life is an inalienable right to the Tribes; and

WHEREAS: the Kashunamiut and other communities in Western Alaska rely heavily on the Subsistence and commercial salmon fisheries, as they are both very much intertwined; and

WHEREAS: the current Chinook salmon bycatch rates are at a record all time high and are more than 2X higher than the recent 10-year average of 49,500; and

WHEREAS: the Chinook salmon returns to many of our rivers in Western Alaska, especially evident in the Yukon River, in 2007 did not meet expectations; and

WHEREAS: we are deeply concerned with the increasing trends of salmon bycatch rates, with no real preventative measures in place for Industry to avoid salmon; and

NOW THEREFORE BE IT RESOLVED THAT the Chevak Native Village urges the NPFMC to move forward quickly in significantly reducing salmon bycatch; and

BE IT FURTHER RESOLVED THAT we support the October 2007 NPFMC motion to limit the upper range for caps at 87,500 and considering the sector split idea as a useful tool for reducing bycatch while maximizing benefits for industry.


CERTIFICATION

This certifies that the Council is composed of five (5) duly elected members of Chevak Native Village of whom 5 were present at a meeting held this 20th day of November and the Council adopted this resolution by a vote of 5 in favor, 0 in opposition, and 0 abstaining.

CHEVAK TRADITIONAL COUNCIL

Attest:


Daniel Joe, Secretary/Treasurer


Roy J. Atchak, Chief



November 26, 2007



BRED



WESTERN ALASKA COMMUNITY DEVELOPMENT ASSOCIATION

Mr. Chris Oliver, Executive Director
North Pacific Fishery Management Council
605 West 4th, Suite 306,
Anchorage, Alaska 99501-2252

RECEIVED
NOV 27 2007
N.P.F.M.C.

Re: Agenda Item D-2 Salmon Bycatch

Dear Mr. Oliver:

The Western Alaska Community Development Association (WACDA), serves as the Community Development Quota (CDQ) Program Panel (16 U.S.C. 1855(i)(1)(G)). On behalf of the six CDQ entities, the 65 CDQ communities, and the more than 27,000 Alaskans living in Western Alaska, we are writing to express our collective concern regarding the escalating rate of salmon bycatch in the BSAI fishery.

We note with great concern that the Chinook bycatch in the BSAI pollock pelagic trawl fishery more than doubled since 2004. This long-term trend of elevated Chinook bycatch has continued with preliminary year-to-date numbers for 2007. Bycatch levels of other salmon species continue to be of concern as well. Given the dependence of Western Alaska communities on all five species of Pacific salmon, these trends are unacceptable.

We urge the Council to adopt a comprehensive plan to reduce salmon bycatch as soon as possible. It is imperative that the Council, NOAA Fisheries, and industry work diligently to reverse the trend of escalating salmon bycatch and bring overall salmon bycatch back down to levels that will ensure the long-term sustainability of Western Alaska salmon stocks.

Sincerely,

WESTERN ALASKA COMMUNITY DEVELOPMENT ASSOCIATION

Morgen Crow, Executive Director
Coastal Villages Region Fund

Date

11/26/07

Larry Cotter, Chief Executive Officer
Aleutian Pribilof Island Community Development Association

Date

11/26/07

Robin Samuelsen, President/Chief Executive Officer
Bristol Bay Economic Development Corporation

Date

11/26/07

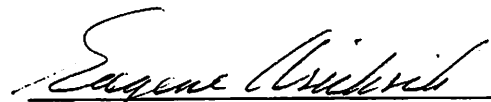
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|------------|-------------|------------|---------------|------------|---------------|------------|-------------|----------------|-----------|----------------|
| KUTAIK | SHEVIA | ERIK | GOLDEN | KONGWIAK | NEENOH | NEWTON | POITPOIT | SAMADIKVAK | STEBBIN | TUNIKUK |
| ALAKAUK | ULAKS POINT | ERIKO | BODDINEAS BAY | KOTUP | TOQUAN/VALHIE | NIGHTHOLE | PLATON | SHOOTOCH | TELLE | USKIN |
| ALEKNAK | BILMIGHAN | ELIM | GRAYWIE | KOYUK | KIKNIK | KIKORSKI | ROSHETE | SOUTH HANSEN | TOMAN | UNALASKA |
| ATIA | DIOMIDE | EMMOTAN | HOTTERBY | KINGULIASH | KUPARUK | LONG | NOTABLE ISL | ST GEORGE | TUNIKOVIA | VALET |
| BELG MASHI | ERK | FALSE PASS | KING SALWIK | LEVENICH | LIAPPAK | TUKAN/STIP | QUHAYAK | ST MICHAEL | TUNUTULAK | WHITE MOUNTAIN |
| THEODORUS | EGGUS | DAYVELL | KRIUK | KYANOKTAK | NELOK/USOOK | OSCHANWE | SHOODNA | ST PAUL ISLAND | TUNUKA | |



Phillip Lestenkof, President
Central Bering Sea Fishermen's Association

11/26/07

Date



Eugene Asicksik, Chief Executive Officer
Norton Sound Economic Development Corporation

11/26/07

Date



William A. Charles, Chairman
Yukon Delta Fisheries Development Association

11-26-07

Date

Elizabeth Andrews, PhD
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526
Phone: (907)465-4147
Fax: (907)465-2066



Frank Quinn
Fisheries and Oceans Canada
100 - 419 Range Road
Whitehorse, Yukon Y1A 3V1
Phone: (867)393-6719
Fax: (867)393-6738

November 28, 2007

(transmitted via fax to 907-271-2817)

Eric Olsen, Chair
North Pacific Fishery Management Council
605 West 4th, Suite 306
Anchorage, Alaska 99501-2252

Jim Balsiger, Regional Director
NOAA Fisheries, Alaska Region
709 W. 9th Street
Juneau, Alaska 99802

Re: BSAI Salmon Bycatch

Dear Mr. Olsen and Dr. Balsiger:

The Yukon River Panel (Panel) is an international advisory body established under the Yukon River Salmon Agreement that primarily deals with the conservation, management, and harvest sharing of Canadian-origin salmon between the US and Canada. Because this Agreement is an Annex under the Pacific Salmon Treaty, it has the full power and force of a treaty between two nations. This letter is a follow-up to our May 4, 2007 letter to the Council regarding the increasing and unacceptable incidental harvest of Chinook salmon in the Bering Sea/Aleutian Island (BSAI) ground fisheries.

Prompted by the relatively high bycatch in the 1990s and in 2001, US and Canadian delegates to the Yukon River Salmon negotiations insisted that the US/Canada Yukon River Salmon Agreement, signed in 2002, contain the provision that both US and Canada would maintain efforts to increase the in-river run of Yukon River-origin salmon and undertake efforts to reduce the marine catch and bycatches.¹ However, since the signing of the Agreement, the incidental Chinook salmon harvests in the BSAI ground fisheries have been increasing at an alarming rate.

In 2003 and 2004, near-record incidental Chinook salmon harvests have continued as record-setting harvests each year since then—in 2005, 2006, and 2007. To date, 2007 incidental catches are estimated to be over 139,000 Chinook salmon, which exceeds the previous decadal record

¹ Pacific Salmon Treaty, Annex IV Chapter 8 (12) (Yukon River Salmon Agreement) (2002).

E. Olsen and J. Balsiger

page 2

November 28, 2007

harvest of 63,205 in 1996 by over 100%². The 2007 catch total will likely increase when the annual tally reports catches through December 31, 2007. The recent, alarming annual increase in this bycatch is an extreme concern for both US and Canadian Panel members.

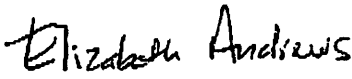
Studies have confirmed a significant portion of the BSAI Chinook salmon bycatch is of Yukon River origin.³ The increased level of salmon bycatch in the Bering Sea has likely contributed to the United States not meeting its Canada Yukon River Chinook passage obligations for 2006 and 2007. Spawning escapement goals were not met in Canada in 2007, and Canada was not able to achieve its harvest entitlement. The preliminary outlook for 2008 is for a below average Yukon River Chinook salmon run. A below average run will negatively affect all fishers who depend upon Yukon River salmon for their sustenance and livelihoods. Additional removals in the Bering Sea fishery will exacerbate the situation.

The United States, as a party to the Yukon River Salmon Agreement, has a treaty obligation to maintain efforts to increase the in-river run of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon. The North Pacific Fishery Management Council (NPFMC), is the oversight body responsible for developing regulatory recommendations for the National Oceanic and Atmospheric Administration (NOAA), and should seek to ensure that treaty obligations of the United States are provided for with respect to the marine bycatch of Yukon River salmon. The Panel believes that the Council can accomplish the intent of the Agreement by taking immediate action to lower the salmon catch-level triggers for closing groundfish fisheries and to using a numerical limit for the total number of salmon which can be caught.

Any new approach to limiting salmon bycatch in the Bering Sea should be consistent with the treaty requirement to *"increase the in-river run of Yukon River origin salmon by reducing marine catches and by-catches of Yukon River salmon"* that has existed since the signing of the US/Canada Yukon River Agreement in December 2002. In the selection of potential "trigger" or "hard cap" amounts, the Panel recommends that the Council utilize salmon bycatch numbers prior to December 2002, when the Agreement was signed. The recent years' near-record and record-setting bycatch harvest numbers should be excluded from Council analysis due to their post-Agreement status. Their inclusion would be inconsistent with the spirit of the Agreement.

We remain committed to improving the in-river returns of Yukon River salmon and urge the Council to take steps now to adopt measures which will effectively reduce the number of Yukon River salmon which are caught as bycatch in the Bering Sea pollock fishery.

Sincerely,


Elizabeth Andrews, PhD
Co-Chair


Frank Quinn
Co-Chair

² <http://fakr.noaa.gov/sustainablefisheries/catchstats.htm>, accessed November 2007.

³ Kate Myers, et al., *Estimates of the Bycatch of Yukon River Chinook Salmon in U.S. Groundfish Fisheries in the Eastern Bering Sea, 1997-1999* (March 2004).

D-1a

**Western Interior Alaska Subsistence
Regional Advisory Council**

**c/o Office of Subsistence Management
101 12th Avenue, Room 110
Fairbanks, Alaska 99701**

Phone: 1-(907)-456-0277 or 1-800-267-3997

Fax: 1-(907)-456-0208

E-mail: Vince_Mathews@fws.gov

November 29, 2007

Mr. John Bundy, Vice Chair/Acting Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Mr. Jim Balsiger, Regional Administrator
NOAA Fisheries, Alaska Region
709 West 9th Street
Juneau, Alaska 99802

Dear Mr. Bundy and Mr. Balsiger:

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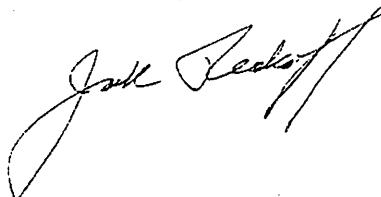
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Mr. John Bundy and Mr. Jim Balsiger

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Jack Reakoff, Chair

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Lester Wilde, Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
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D-1a

**Eastern Interior Alaska Subsistence
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**c/o Office of Subsistence Management
101 12th Avenue, Room 110
Fairbanks, Alaska 99701**

Phone: 1-(907)-456-0277 or 1-800-267-3997

Fax: 1-(907)-456-0208

E-mail: Vince_Mathews@fws.gov

November 29, 2007

Mr. John Bundy, Vice Chair/Acting Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Mr. Jim Balsiger, Regional Administrator
NOAA Fisheries, Alaska Region
709 West 9th Street
Juneau, Alaska 99802

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4. Information on what emergency regulatory authority the NPFMC has and how it is implemented.

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The Council, as well as everyone dependent upon the returning salmon, wants strong protection for returning salmon bound for Western and Interior Alaska. The continuation of these high bycatch rates will decimate Western and Interior Alaska salmon runs that have been central to the subsistence lifestyle for thousands of years. Working together with in-river interests, we can find common ground to protect the valuable wild salmon resources of Alaska. We anxiously look forward to hearing about your actions to reverse the upward trend of salmon bycatch by the BSAI fishery.

If you have any questions, please contact myself or our vice-chair, Virgil Umphenour or our subsistence council coordinator, Vince Mathews. I can be reached at 1-907-883-2833; Mr. Umphenour can be reached at 1-907-456-3885; Mr. Mathews' contact information is in the letterhead.

Sincerely,



Sue Entsminger, Chair

cc: Mchael R Feagle, Chair, Federal Subsistence Board
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Rod Campbell, Fisheries Liaison, OSM
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Eastern Interior Alaska Subsistence Regional Advisory Council members

Raymond J. Watson, Chairman
Myron P. Naneng, Sr., President

Association of Village Council Presidents

Office of Administration
P.O. Box 219 • Bethel, AK 99559
Phone: (907) 543-7300 • Fax: (907) 543-3369



LATE COMMENT

November 27, 2007

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N.P.F.M.C.

- Akiachak
- Akiak
- Alakanuk
- Andreafsky
- Aniak
- Atnautluak
- Bethel
- Bill Moore's Sl.
- Chefornak
- Chevak
- Chuathbaluk
- Chuloonawick
- Crooked Creek
- Eek
- Emmonak
- Georgetown
- Goodnews Bay
- Hamilton
- Hooper Bay
- Lower Kalskag
- Upper Kalskag
- Kasigluk
- Kipnuk
- Kongiganak
- Kotlik
- Kwethluk
- Kwigillingok
- Lime Village
- Marshall
- Mekoryuk
- Mtn. Village
- Napairmute
- Napakciak
- Napaskiak
- Newtok
- Nighmute
- Nunakuyak
- Nunam Iqua
- Nunapitchuk
- Ohogamiut
- Oscarville
- Paimiut
- Pilot Station
- Pitka's Point
- Platinum
- Quinhagak
- Red Devil
- Russian Mission
- Scammon Bay
- Sleetmute
- St. Mary's
- Stony River
- Tuluksak
- Tuntutuliak
- Tununak
- Umkumiut

North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252
FAX: (907) 271-2817
Phone: (907) 271-2809

Re: Salmon Bycatch, Agenda Item D-1(a)

Dear Chairman Olson and Council Members:

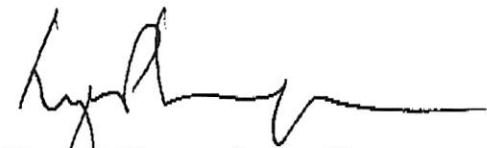
The Association of Village Council Presidents (AVCP) values this opportunity to once again comment on and address the salmon bycatch dilemma. AVCP is the native non-profit organization working for and representing 56 Tribes in the Yukon-Kuskokwim Delta Region. Our region's tribes and communities depend on salmon as a vital source of subsistence food and for the small commercial salmon harvests in the Lower Yukon and Lower Kuskokwim Rivers, as they provide an important source of income.

The bycatch rate, as posted on NOAA's website today, is at an unbelievable 131,052 Chinook salmon. This number breaks all records and is almost three times the recent 10-year average of 49,500 - THREE TIMES! This can not happen again.

We are urging you to act quickly to adopt and implement a hard cap. This is the only immediate answer to the "out of control" nature of the current salmon bycatch rates. We support the Council's October 2007 motion, including the limiting of the upper range to 87,500 and the idea of including allocated salmon caps to the Pollock fleet by sector for analysis.

We look forward to your decisions and hope that you will implement effective measures that will help to protect our salmon. Thank you for your time.

Sincerely,
ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
Raymond J. Watson, Chairman


Myron P. Naneng, Sr., President

LATE COMMENT

Box 33

RECEIVED

TANANA

99777

North Pacific Fishery
MANAGEMENT Council

NOV 20 2007

11/26/07

To Whom it may concern:

Re. Chinook salmon bycatch in the pollock
fishery:

Given the increase in human population leading to increased competition for fish for food and livelihood, the increasing amounts of chinook salmon bycatch becomes unacceptable. I would hope at the very least that there would be strict accountability to insure the bycatch goes to food banks.

Sources of income in the bush are not increasing and remain at minimum or decreasing levels. I would hope that every effort would be made to provide a better return for the highly marketable chinook salmon to western Alaska. We need a better solution.

Sincerely,

Martin E. Scharf

MARTIN E. SCHARF

LATE COMMENT

NAKNEK /KVICHAK ADVISORY COMMITTEE

North Pacific Fisheries Management Council
605 West 4th, Suite 306
Anchorage, AK 99501-2252

December 3, 2007

Council Members:

At the November 28, 2007 meeting of the Naknek/Kvichak Advisory Committee comments concerning the increased number of Chinook salmon reported (over 120,000), as bycatch seemed to explain the poor returns to our local river systems.

We understand that the Council is considering various options to try and reduce bycatch in the Pollock fishery, where the majority of the salmon bycatch takes place. Of the alternatives being considered the Naknek/Kvichak AC supports the "Hard Cap" approach. Our committee feels that this concept will encourage "cleaner fishing" that will force operations to move when high numbers of salmon bycatch are encountered.

The sport fishing industry on the Naknek, Alagnak and Kvichak Rivers depends on the Chinook as a major attraction to fishing enthusiasts from around the world. We urge you to take actions that will help reduce the salmon bycatch for the benefit of all stakeholders involved.

Thank you,

Fred Pike
Secretary, Nak/Kvi AC
POB 5
Naknek, AK 99633

email: fvspike@yahoo.com

**Western Interior Alaska Subsistence
Regional Advisory Council**
c/o Office of Subsistence Management
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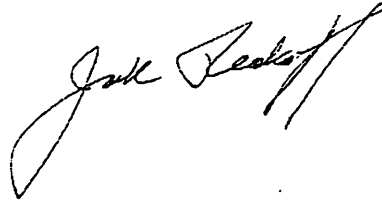
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NOAA Fisheries, Alaska Region
709 West 9th Street
Juneau, Alaska 99802

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