

ADVISORY PANEL
Motions and Rationale
December 6-9, 2022 - Anchorage, AK

D1 Salmon Bycatch

Motion 1

The AP recommends the Council initiate an analysis to examine a range of alternatives, ¹including a PSC limit of zero, to set a PSC limit for Bering Sea chum salmon bycatch.

In developing this analysis, the Council should work collaboratively with Tribal governments, consult with Tribes and include Traditional and Indigenous knowledge as a key component of the analysis.

Amendment 1 (to strike the language "including a PSC limit of zero") passed 13-3

Amendment 2 (to add the Purpose and Need Statement as well as a PSC limit range of 100K to 400K) failed 8-8

Purpose and Need

~~Magnuson-Stevens Act National Standards direct management Councils to balance achieving optimum yield with bycatch reduction as well as to minimize adverse impacts on fishery dependent communities. Non-Chinook salmon (primarily made up of chum salmon) prohibited species bycatch (PSC) in the Bering Sea pollock trawl fishery is of concern because chum salmon are an important stock for subsistence and commercial fisheries in Alaska. There is currently no limitation on the amount of non-Chinook PSC that can be taken in the directed pollock trawl fisheries in the Bering Sea. The potential for high levels of chum salmon bycatch as well as longterm impacts of more moderate bycatch levels on conservation and abundance, may have adverse impacts in fishery dependent communities.~~

~~Non-Chinook salmon PSC is managed under chum salmon savings areas and the voluntary Rolling Hot Spot (RHS) Program. Hard caps, area closures and enhanced RHS may be needed to ensure that non-Chinook PSC is limited and remains at a level that will minimize adverse impacts on fishery dependent communities. The Council should structure non-Chinook PSC management measures to provide incentive for the pollock trawl fleet to improve performance in avoiding non-Chinook salmon while achieving optimum yield from the directed fishery and objectives of the Amendment 91 Chinook salmon PSC management program. NonChinook salmon PSC reduction measures should focus, to the extent possible, on reducing impacts to Alaska chum salmon as a top priority.~~

~~The AP recommends the Council initiate an analysis to set a PSC limit for Bering Sea chum salmon bycatch with a PSC limit of 100K to 400K.~~

~~In developing this analysis, the Council should work collaboratively with Tribal governments, consult with Tribes and include Traditional and Indigenous knowledge as a key component of the analysis.~~

Substitute Motion

The AP recommends the Council support continued engagement of the Salmon Bycatch Committee, including adoption of its terms of reference (as modified), proposed meeting schedule, and itemized list of information requests for future consideration.

Substitute Motion Passed 12-4

Rationale in Favor of Amendment 1

- *Including an option for a PSC limit of zero chum salmon would violate several of the National Standards contained in the MSA. It would not meet National Standard 9 for minimizing bycatch to the greatest extent practicable. Given that a PSC limit of zero chum salmon would result in a closure of the BS pollock fishery, inclusion of this option also does not meet National Standard 1 for achieving optimum yield. The pollock fishery supports processors, which in turn support communities, throughout the Bering Sea. If it were to be shut down, the negative downstream effects would not meet National Standard 8 for consideration of coastal fishery-dependent communities (without the pollock fishery, processors wouldn't be available to buy other species as their operations would be shut down).*

Rationale in Opposition to Amendment 1

- *Including an option for a PSC limit of zero chum salmon is responsive to the numerous comment letters and public testimony provided by those stakeholders directly feeling the significant impacts from decreased chum salmon returns in western Alaska.*
- *Tribes and Alaska Native communities have been consistently asking for zero salmon bycatch, and a PSC limit of zero should be analyzed as an alternative among other PSC limit numbers and alternatives (non-PSC limits) to reduce chum salmon bycatch.*

Rationale in Favor of Amendment 2

- *The addition of the Purpose and Need was intended to outline that the main concern in this agenda item is salmon bycatch. The concerns expressed in this Purpose and Need are on salmon bycatch in the eastern bering sea pollock fishery. This P & N statement originated from the 2012 Council analysis on the same topic and 10 years later it is still relevant. 10 years ago it was determined that priority would be placed on chinook salmon and no action was taken. Now is the time to place priority on all species of salmon, not just chinook.*
- *The addition of a range of 100,000 to 400,000 chum salmon for a chum salmon PSC cap is intended to assist the staff and Council in developing a more specific analysis. While public testimony and comment letters expressed the desire to see a range starting at zero, it is recognized that it would result in a full closure of the EBS pollock fishery and that is not the intention of this amendment. A PSC limit for chum is absolutely necessary as the pollock industry has demonstrated they are not capable of meaningfully reducing bycatch when chum stocks are low.*

- *The starting point of 100,000 chum salmon for analysis was derived through the historic mean chum salmon bycatch from 1991-2021 as 200,000 chum and the assumption that +/- 50% is Asian hatchery chum salmon. The 400,000 high mark was to leave enough room for meaningful consideration and analysis as to the overall effect on both potential salmon returns as well as negative impacts on the pollock industry.*

Rationale in Opposition to Amendment 2

- *While the Council did consider management actions related to chum salmon PSC management 10 years ago, that previous Purpose and Need statement (and its intended goals) is not necessarily applicable to potential Council action now. Information and data available from over the last 10 years, applied to the current situation, should be used to develop a new Purpose and Need statement that clearly outlines its new/updated management goals.*
- *Given that the Salmon Bycatch Committee has only had one meeting, it is premature to request an analysis and signal to the public that the establishment of a chum salmon PSC cap is the only management measure to be considered by the Council. The Salmon Bycatch Committee should be given the opportunity to develop other potential management measures so that the Council has a broad suite of alternatives for analysis and consideration. In discussing a suite of potential management alternatives, the Committee could also make recommendations related to the development of a Purpose and Need statement.*

Rationale in Favor of Substitute Motion

- *The Council responded positively to the AP's recommendation for the establishment of a Salmon Bycatch Committee. This Committee has only had the opportunity to meet once and this was primarily an introductory meeting setting the stage for moving forward with the charge outlined in the Terms of Reference. It's important to note that the Committee wasn't able to review the Governor's Bycatch Taskforce recommendations. Any action at this time to initiate a single specific chum salmon management action (PSC cap) usurps the Committee process and seemingly prevents the opportunity for the diverse membership of the Committee to develop consensus recommendations regarding chum salmon.*
- *The Salmon Bycatch Committee should be viewed as the more direct and efficient process for developing alternatives for analysis. All stakeholders on the committee need the chance to fully explain their fishery and their fishery operations so that better understanding and appreciation amongst its members, and the stakeholders they represent, can be developed. It was noted in public testimony how complex the pollock IPAs are and pollock industry representatives want the opportunity to fully explain the execution and benefits these IPAs provide and how they may be more effective for reduction of chum salmon bycatch than a hard cap. Similarly, there is a desire to have other members of the Committee bring forward local and traditional knowledge to help provide an understanding of that knowledge base and how it may best be utilized. Continuation of the Committee should not simply be to discuss or recommend chum salmon PSC caps and what they could or could not be based on; continuation of the Committee should be to develop a full range of potential management options (beyond just a hard cap), to the best of their ability over multiple meetings, for consideration by the Council.*
- *The motion is not intended to delay potential Council action. It is important to note that establishment of the Committee and continuation of Committee meetings are actionable steps being taken by the Council and the Committee process could expedite the process. While*

understanding and appreciating the urgency voiced by WAK representatives, whether an analysis is initiated in December or April will have a negligible impact on timing of a potential final action. However, it will take away valuable timing and opportunity for the Salmon Bycatch Committee. One of the key benefits of a Council Committee is its ability to operate and function in a more intimate and focused environment allowing for improved communication and understanding. Given the highly charged nature of salmon bycatch management, the Committee process should be seen as critical and should be supported.

Rationale in Opposition to Substitute Motion

- *The crisis being faced by subsistence salmon fisheries and communities throughout western Alaska warrants the Council initiating immediate action now and not waiting until some time in 2023 (or later). The loss of chum salmon on the Yukon and Kuskokwim Rivers and in the Norton Sound region is having a devastating impact on subsistence communities that rely on these runs for the bulk of their food. In addition to threatening the food security of subsistence communities, the salmon crashes are disrupting the cultural traditions.*
- *The Salmon Bycatch Committee is a welcome and important aspect of this discussion and a motion to look at options for a chum salmon PSC cap wouldn't undermine their process. There is expressed interest in seeing their work continue and to provide other alternatives for analysis aside from a chum salmon PSC cap. The Committee process should not be fully relied on as it would result in delayed action.*
- *Had this substitute motion been proposed as an amendment to be included in the original motion there could have been more support. However, in passing the substitute motion rather than considering the original motion, the asks of the Alaska Native Tribal citizens and organizations who commented and testified are not being addressed.*
- *The substitute motion dismisses the urgency to initiate action to protect chum salmon, especially given the crisis being experienced in Western and Interior Alaska. Chum salmon on the Yukon and Kuskokwim Rivers are now in their third year of extreme decline. Chum salmon are critical for food security throughout the AYK region, they're one of the primary salmon species harvested by Norton Sound and Yukon families, and they're one of the only salmon species that reach Kuskokwim headwaters communities to feed families.*