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May 23, 2014

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

RE: Bering Sea Chinook/Chum Salmon Bycatch

Dear Chairman Olsen and Council Members,

I am writing on behalf of the Cordova District Fishermen United (CDFU) Board of Directors to comment in regard to the Chinook salmon PSC in the Bering Sea.

CDFU is a non-profit organization that represents over 500 commercial fishing families in Prince William Sound & the Gulf of Alaska. It is our mission is to preserve promote and perpetuate the commercial fishing industry in Area E in the state of Alaska; for the mutual benefit of all our members.

A large part of that representation includes the commercial salmon fishermen who participate in the Copper River drift gillnet fishery. The Copper River has seen dramatic reductions in Chinook abundance and returns over the years, which have resulted in the loss of a highly valued component of our gillnet fishery.

Although genetic stock research does not indicate large numbers of Copper River Chinook are intercepted in the Bering Sea fisheries, we encourage Council to do what it can to limit bycatch at all levels of abundance and all times of the year as an important management decision for ours and other Chinook systems in the state of Alaska.

Thank you for the opportunity to comment.

Sincerely,

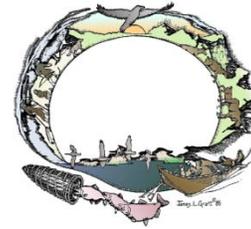
Alexis Cooper, Executive Director  
Cordova District Fishermen United



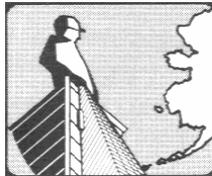
Association of Village  
Council Presidents



Kawerak, Inc.



Tanana Chiefs Conference



Bering Sea Fishermen's Association



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May 27, 2014

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

**Re: Agenda Item C-5 Bering Sea Chinook/Chum Salmon Bycatch**

Dear Chairman Olson and Council members:

We are submitting these comments on behalf of the Association of Village Council Presidents (AVCP), Bering Sea Fishermen's Association (BSFA), Kawerak Inc., Tanana Chiefs Conference (TCC) and the Yukon River Drainage Fisheries Association (YR DFA), collectively representing 118 communities in the Arctic-Yukon-Kuskokwim region. AVCP is an ANCSA regional non-profit and tribal consortium of the 56 tribes of the Yukon-Kuskokwim Delta region. BSFA is a non-profit fisheries association serving the needs of Western Alaska commercial and subsistence fishermen. Kawerak is an ANCSA regional non-profit and the tribal consortium in the Bering Strait region of Alaska, where there are 20 federally recognized tribes. Tanana Chiefs Conference (TCC) is ANCSA regional non-profit and tribal consortium of the 42 villages of Interior Alaska in the Yukon and Kuskokwim watersheds. YR DFA is an association of commercial and subsistence fishers on the Yukon River.

As you are well aware, the region our organizations serve is home to what was once some of the world's most magnificent Chinook salmon resources. Chinook are a keystone species in the overall health of the river ecosystems, providing nutrients to a vast system of wildlife as well as juvenile

salmon. These salmon provide a primary source of food and are essential to the viability of the subsistence way of life and the cultures and economies of Western Alaska. For many residents in remote villages, the commercial salmon harvest also provides the only means of income.

These once vibrant salmon runs have been on a steady decline throughout the region, with dramatically low salmon runs and harvests in recent years. In 2014, these declines have reached a new low. **For the first time in history, subsistence fisheries for Chinook salmon are being completely closed throughout nearly all of the Arctic-Yukon-Kuskokwim region.** On the Yukon River subsistence fisheries for Chinook salmon are closed, and chum fisheries will be severely limited to protect Chinook salmon as well. On the Kuskokwim River, subsistence Chinook salmon fisheries are also closed, with the possibility of a small harvest limited to qualified federal subsistence users of 1,000 fish total. In southern Norton Sound subsistence fishing for Chinook salmon will also be severely restricted in 2014. More details on the current status of Chinook salmon are included below.

In light of the declines in Western Alaska Chinook salmon stocks, and the severe impacts on Western Alaskans as a critical source of food, income and culture has disappeared, it is imperative that mortality from bycatch in the pollock fishery is reduced as well. While the cause of the declines is unclear, in-river users are making extreme sacrifices and in some areas have had their harvest reduced to zero. In this situation, literally every Chinook counts, and it is both a conservation need and a matter of equity to ensure that bycatch is reduced as well. The ultimate goal of bycatch reduction should be zero, and we should be striving towards this goal. In addition, chum salmon is of vital importance to subsistence communities in these times of Chinook salmon declines, and ensuring adequate protections are in place for chum salmon bycatch are also critical. To that end, **we ask the North Pacific Fishery Management Council (the Council) to act quickly at this meeting to develop a problem statement and move forward with an analysis for Chinook salmon bycatch which includes the following alternatives:**

- 1. Reduce the overall hard cap and performance standards under the current Amendment 91 structure. Reduce the overall hard cap from 60,000 to 20,000 and the performance standard/cap without incentive programs from 47,591 to 14,500.**
- 2. Regulatory provisions to shorten the pollock season end dates when Chinook salmon rates increase while pollock catch rates decline in late September/October.**

**We further ask the Council to use your emergency regulatory authority to implement salmon bycatch reductions through an emergency rule, while simultaneously moving forward with the full rule-making process as well.**

In addition, we urge the Council to continue to move forward with developing refined bycatch reduction methods for chum salmon bycatch. **If chum measures are rolled into Amendment 91, it is imperative that a backstop measure to address chum salmon bycatch if**

**vessels are not participating in incentive plans is included and that details of the rolling hot spot program are maintained in regulation to ensure minimum standards for chum bycatch reduction.**

We also encourage the industry to make changes via the incentive plan agreements to continually reduce bycatch. However, given that we have not seen industry's proposed changes at this time we cannot recommend that these be included as alternatives at this time. These recommendations are discussed in greater detail below. Given the limited time available to review the discussion paper, and the fact that industry proposals are still not available, we will provide additional comments at the June meeting in Nome as well.

I. Western Alaska Chinook Salmon Stock Status

Chinook salmon stocks throughout Western Alaska have declined dramatically over the last five years, with some of the worst runs on record in the past couple of years. Additionally, and of particular concern, is that some of the smaller tributaries and stocks of Western Alaska Chinook salmon have reached alarmingly low levels of escapement. Overall, conditions have changed dramatically since the Council adopted Amendment 91 in April 2009. At that time, several stocks were showing initial signs of declines: at this time we see evidence of widespread and ongoing declines. Oddly, the discussion paper provided to the Council for the June 2014 Council meeting contains no information about the current status of Western Alaska stocks. Even since the last time the Council took this agenda item up in October 2013 things have taken a turn for the worse. We provide additional information below for the river systems of the Arctic-Yukon-Kuskokwim (AYK) region. **We ask you to include this information, as well as other information from Western Alaskan holders of indigenous knowledge about the status and impacts of the declines in future analyses.**

A. The Kuskokwim River

Since 2010 the Kuskokwim River has experienced the two lowest returns of king salmon on record - 2013 being the lowest ever. In both 2010 and 2013 the lower bound of the escapement goal was not met.<sup>1</sup>

The Kuskokwim River drainage typically has the largest Chinook salmon run in Alaska, and the Kuskokwim Area also typically has the largest subsistence harvest, by area, of Chinook salmon statewide. In 2007, the Kuskokwim area represented 45% of the statewide subsistence harvest of

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<sup>1</sup> Kuskokwim River Salmon Management Working Group, *Information Packet* (May 20, 2014) available at: [http://www.adfg.alaska.gov/static-f/fishing/PDFs/commercial/krsmwg/5\\_20\\_14\\_agenda\\_info\\_packet.pdf](http://www.adfg.alaska.gov/static-f/fishing/PDFs/commercial/krsmwg/5_20_14_agenda_info_packet.pdf)

Chinook salmon.<sup>2</sup> Amounts necessary for subsistence (ANS) set by the Board of Fish were not met in 2011, 2012 and 2013 (Note: 2013 harvest information is preliminary).<sup>3</sup>

In 2010, late subsistence restrictions were imposed to protect tributaries of concern. In 2011 pre-season actions were taken on those tributaries experiencing chronic low returns. In-season, a late three-day subsistence closure to protect tributaries was followed by a Federal Management Action which closed subsistence salmon fishing within the Federal Conservation Unit for an additional three days.<sup>4</sup> In 2012 severe subsistence restrictions were imposed, with 35 days of restrictions including 12 continuous days of closure, and a significant reduction of subsistence harvest.<sup>5</sup> In 2013, pre-season tributary restrictions were implemented similar to 2011 and 2012 and late subsistence gear restrictions were imposed.<sup>6</sup> The Working Group called an emergency meeting to impose restrictions and a post-season meeting to develop solutions to the king salmon crisis.<sup>7</sup> Several middle river tribes have signed formal resolutions calling for conservation measures.<sup>8</sup>

For 2014, the outlook is for a run of similar strength. For portions of the Kuskokwim River adjacent to federal lands (which is much of the river), the Federal Subsistence Board has limited participation to federally-qualified subsistence users. For 2014, based on the preseason outlook, an extensive subsistence salmon fishing closure is anticipated to go into place for approximately 19 days followed by brief fishing opportunities for other species when the abundance of sockeye and chum salmon has increased.<sup>9</sup>

A federal commercial fisheries disaster was declared for the Kuskokwim River Chinook salmon for 2011-2012.

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<sup>2</sup> James A. Fall et. al. *Alaska Subsistence Salmon Fisheries 2007 Annual Report*, Alaska Department of Fish and Game Division of Subsistence, Technical Paper 346: 8 (Sept. 2009) available at <http://www.subsistence.adfg.state.ak.us/techpap/TP346.pdf>.

<sup>3</sup> Hiroko Ikuta, *Options For Amounts Reasonably Necessary For Subsistence Uses Of Salmon: Kuskokwim Area*, Alaska Department of Fish and Game Division of Subsistence Special Publication BOF 2012-07 (2012) available at [http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2012-2013/ayk/sp2\\_spP2012\\_007.pdf/](http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2012-2013/ayk/sp2_spP2012_007.pdf/); Hamachan Hamazaki, personal communication (2013 data is considered preliminary and subject to change).

<sup>4</sup> Alaska Department of Fish and Game, *2011 Preliminary Kuskokwim Salmon Season Summary* (Oct. 12, 2011).

<sup>5</sup> Alaska Department of Fish and Game, *2011 Preliminary Kuskokwim Salmon Season Summary* (Oct. 12, 2011).

<sup>6</sup> Alaska Department of Fish and Game, *2013 Kuskokwim River Subsistence Salmon Fishing Update*, Kuskokwim River Salmon Fishery News Release 4 (May 24, 2013).

<sup>7</sup> Kuskokwim River Salmon Management Working Group, *Meeting Summary* (Jun. 26, 2013) available at [http://www.adfg.alaska.gov/static-f/fishing/PDFs/commercial/krsmwg/06\\_26\\_13\\_summary.pdf](http://www.adfg.alaska.gov/static-f/fishing/PDFs/commercial/krsmwg/06_26_13_summary.pdf).

<sup>8</sup> See Kuskokwim River Salmon Management Working Group, *Information Packet* (Aug. 27, 2013) available at <http://www.adfg.alaska.gov/index.cfm?adfg=commercialbyareakuskokwim.salmon#/management>.

<sup>9</sup> Kuskokwim River Salmon Management Working Group, *Information Packet 2* from (January 8, 2014 meeting) available at [http://www.adfg.alaska.gov/static-f/fishing/PDFs/commercial/krsmwg/information\\_packet\\_182014\\_part%201.pdf](http://www.adfg.alaska.gov/static-f/fishing/PDFs/commercial/krsmwg/information_packet_182014_part%201.pdf)

## B. The Yukon River

The Yukon River Chinook salmon run has been in a state of steady decline since 2008, with each year's run being worse than the last for the past three years. 2011 and 2012 were among the weakest runs ever observed, and 2013 was a record low. The Alaska Board of Fisheries has designated the Yukon River Chinook salmon stock as a Stock of Concern since 2000.<sup>10</sup>

The escapement goal for Canadian origin stocks (which make up approximately 50% of the run), mandated by the Yukon River Salmon Agreement and agreed upon by the Yukon River Panel, have only been met in two of the last eight years (the goal was met in 2009 and 2011). The 2013 escapement of 30,275 was well below the goal (42,500-55,000 Chinook salmon) and the lowest on record.

The Yukon River area typically has the second largest subsistence harvest of Chinook salmon (after the Kuskokwim area), and in 2007 subsistence harvest of Chinook salmon in the Yukon River area represented 35% of the Statewide subsistence harvest of Chinook salmon.<sup>11</sup>

Amounts necessary for subsistence have not been met for every year for the last five (2008- 2012: data not available for 2013), and the total subsistence harvest for 2012 was nearly half of the lower end of the amounts necessary for subsistence range.<sup>12</sup> While no estimates are available yet for 2013, going into the season, ADF&G asked subsistence users to voluntarily reduce their Chinook salmon harvest to not exceed 25% of their average annual harvest to help ensure adequate escapement.<sup>13</sup> Subsistence fishing has operated on a schedule of closures since 2001. In recent years these closures have been expanded to provide for a full closure on the first pulse of Chinook salmon entering the river (which is primarily of Canadian origin). In 2013 the Board of Fish adopted this first pulse closure in regulation. In 2013 fishers were restricted to 6 inch maximum mesh for nearly the entire Chinook salmon run.

There has been no directed commercial fishery for Chinook salmon since 2007 and summer chum salmon fisheries have been restricted to reduce impacts to Chinook salmon migrating through the river at the same time. The recent 5 year (2008-2012) average commercial Chinook salmon harvest is down 96% from the long-term average commercial Chinook harvest (1980-2007) on the Yukon

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<sup>10</sup> Stephanie N. Schmidt and Eric Newland, *Yukon River King Salmon Stock Status, Action Plan And Summer Chum Salmon Fishery, 2012*, Alaska Department of Fish and Game Special Publication 12-30 (2012) available at [http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2012-2013/ayk/sp12\\_30.pdf](http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2012-2013/ayk/sp12_30.pdf).

<sup>11</sup> Fall et. al., *supra* note 2.

<sup>12</sup> Caroline Brown and Deena Jallen, *Options For Amounts Reasonably Necessary For Subsistence Uses Of Salmon: Yukon Management Area*; Alaska Department of Fish and Game, Division of Subsistence Special Publication BOF 2012-08, (2012) available at [http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2012-2013/ayk/sp2\\_sp2012\\_008.pdf](http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2012-2013/ayk/sp2_sp2012_008.pdf); United States and Canada Joint Technical Committee, *Yukon River Salmon 2012 Season Summary and 2013 Season Outlook*, Alaska Department of Fish and Game Regional Info. Report 3A13-02 (2013).

<sup>13</sup> Alaska Department of Fish and Game and U.S. Fish and Wildlife Service, 2013 Yukon River Salmon Fisheries Outlook (2013) available at <http://www.adfg.alaska.gov/static/home/news/pdfs/newsreleases/cf/261131306.pdf>.

River.<sup>14</sup> In 2013, directed commercial fishing for Chinook salmon was again closed. Commercial summer chum salmon fisheries were also severely restricted to protect Chinook salmon. When Chinook salmon were present in the area, commercial fishermen were limited to beach seine or dip net gear only and Chinook salmon were required to be released alive.<sup>15</sup>

For 2014, the run is expected to be even worse than the record low return of 2013. No subsistence, commercial or sport (including catch and release) fishery for Chinook salmon is anticipated.<sup>16</sup> Prior to arrival of Chinook salmon in the river fishing with gillnets is restricted to 6" mesh or less to protect any early migrating Chinook salmon.<sup>17</sup> As Chinook arrive in each district, subsistence fishing will be completely closed. Summer chum fisheries will also be restricted to protect Chinook salmon – both subsistence and commercial will be restricted to dip nets, beach seines, and manned fish wheels and any Chinook encountered must be released alive.<sup>18</sup>

Federal fishery disasters have been declared by the Secretary of Commerce for nine out of the last sixteen years: 1997, 1998, 2000-2002 and 2009-2012.<sup>19</sup>

### C. Norton Sound

Norton Sound has been experiencing a long-term trend of Chinook salmon run declines. However, runs have declined even further in recent years, with the lowest run on record in 2012 and again in 2013.<sup>20</sup> The Alaska Board of Fisheries has designated the eastern Norton Sound Chinook salmon stocks (subdistricts 5 and 6) as stocks of concern since 2004.<sup>21</sup> Final numbers for 2013 are not yet available, but preliminary indicators suggest that the run was as bad as, or perhaps a bit worse than, the 2012 run.

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<sup>14</sup> Schmidt and Newland, *supra* note 10.

<sup>15</sup> Alaska Department of Fish and Game, *2013 Preliminary Yukon River Summer Season Summary 8* (Oct. 7, 2013) available at <http://www.adfg.alaska.gov/static/applications/dfnewsrelease/369991357.pdf>.

<sup>16</sup> Alaska Department of Fish and Game & U.S. Fish and Wildlife Service, *2014 Yukon River Salmon Fisheries Outlook 1* (May 2014) available at <http://www.adfg.alaska.gov/static/applications/dfnewsrelease/401593148.pdf>.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Daniel Schindler et. al., *Arctic-Yukon-Kuskokwim Chinook Salmon Research Action Plan: Evidence of Decline of Chinook Salmon Populations and Recommendations for Future Research*. Prepared for the AYK Sustainable Salmon Initiative (Aug. 2013).

<sup>20</sup> Scott M. Kent and Daniel J. Bergstrom, *Norton Sound Subdistrict 5 (Shaktoolik) And Subdistrict 6 (Unalakleet) King Salmon Stock Status And Action Plan 201*, Alaska Department of Fish and Game, Special Publication 12-28:5 (2012) available at

[http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2012-2013/ayk/sp12\\_28.pdf](http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2012-2013/ayk/sp12_28.pdf); Alaska Department of Fish and Game, *2013 Norton Sound Salmon Season Summary 2* (Nov. 19, 2013) available at <http://www.adfg.alaska.gov/static/applications/dfnewsrelease/375789666.pdf>.

<sup>21</sup> *Id.*

The North River's counting tower is one of the major indexes for in-season management in eastern Norton Sound. The lower bound of the Chinook salmon escapement goal has been met in only 3 of the 9 years since it was established in 2005.<sup>22</sup>

The Kwiniuk River, near the village of Elim, has the longest running escapement monitoring project in all of Norton Sound. Although it's a smaller Chinook producer than eastern Norton Sound, it's SEG of 300-550 Chinook salmon has only been met in 3 of the last 10 years. More troubling is that the last three years of escapements have been 57, 54 and 15 Chinook salmon (2011, 2012, and 2013 respectively).

In subdistricts 5 and 6, subsistence harvests declined 67% between the 1994-1998 period and the more recent 2008-2012 period.<sup>23</sup>

Aside from a small directed commercial harvest in 2005, there have been no directed Chinook salmon harvests in subdistricts 5 and 6 since 2001. Recent commercial harvests (harvested incidentally to directed chum, pink and coho salmon fisheries) represent a 98% decline from the historical average.<sup>24</sup>

According to a recent ADF&G report to the Board of Fisheries, "the average combined harvest (commercial and subsistence) of both subdistricts 5 and 6 from 2008-2012 (1,674 king salmon) decreased 86% from the historic 1994-1998 average combined harvest of 12,217 king salmon."<sup>25</sup>

In 2013, the directed commercial fishery for Chinook salmon was again closed and the subsistence fisheries were severely restricted. In 2013, Unalakleet River drainage wide escapement was 10% below the previous record low estimate (1,965), and 64% below the long-term average drainage wide escapement (3,817).<sup>26</sup> Subsistence harvest estimates of Chinook salmon for Subdistricts 5 and 6 are not yet available, but "may end up being record lows based on the low escapement and major reductions in fishing opportunity."<sup>27</sup>

For 2014, the prognosis is no better: no harvestable surplus of Chinook salmon in subdistricts 5 and 6 is expected and "severe conservation measures will be required to achieve escapement goals."<sup>28</sup> Here too conservation measures to protect Chinook salmon will also limit fishing for other species.

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<sup>22</sup> Munro, A. R., and E. C. Volk. 2013. Summary of Pacific salmon escapement goals in Alaska with a review of escapements from 2004 to 2012. Alaska Department of Fish and Game, Fishery Manuscript Series No. 13-05, Anchorage. Available at <http://www.adfg.alaska.gov/FedAidPDFs/FMS13-05.pdf>

<sup>23</sup> Kent and Bergstrom, *supra* note 20, at 4.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 5.

<sup>26</sup> Alaska Department of Fish and Game, *2013 Norton Sound Salmon Season Summary*, *supra* note 20, at 2.

<sup>27</sup> *Id.*

<sup>28</sup> Jim Menard, *2014 Norton Sound Fisheries Outlook and Management Strategies*, Alaska Department of Fish and Game Regional Information Report 3A14-03: 5 (May 2014) available at <http://www.adfg.alaska.gov/FedAidPDFs/RIR.3A.2014.03.pdf>.

## II. Chinook Salmon Bycatch Management Recommendations

In light of the extremely low status of the Western Alaska stocks as outlined above, it is imperative that the Council moves quickly to develop a problem statement and move forward with an analysis that includes the alternatives outlined below. Western Alaska stocks are in crisis, and action to reduce bycatch is needed now. We therefore urge the Council to implement these changes via an emergency regulation, while simultaneously pursuing changes via the standard regulatory process.

### **A. Reduce the overall hard cap and performance standards under the current Amendment 91 structure. Reduce the overall hard cap from 60,000 to 20,000 and the performance standard/cap without incentive programs from 47,591 to 14,500.**

As detailed above, Chinook salmon runs are facing significant declines throughout Western Alaska. Subsistence fisheries are closed in parts of Western Alaska this year, and subsistence harvests have been dramatically reduced in recent years. Despite the severe restrictions in recent years, and impacts to coastal and in-river residents, in many cases we are still failing to meet minimum escapement goals. Directed commercial fisheries for Chinook salmon are a thing of the past in the AYK region. Fish camps—a central component of the subsistence way of life and Alaska Native culture in our region—which once rang with children’s voices, and provided the setting for transferring cultural traditions around the harvesting, processing and storing of salmon, as well as the cultural and spiritual traditions around salmon harvests, now lie deserted and empty throughout the region. This is just one symbol of the cultural and economic impacts of the Chinook salmon decline on the region, and unfortunately the impacts run broad and deep.

The causes of these declines are undetermined, but available analyses indicate returns per spawner are close to one return per spawner for the Yukon River,<sup>29</sup> and were at or below one return per spawner in the Kuskokwim River.<sup>30</sup> With these low levels of productivity, each Chinook salmon is extremely valuable in terms of the spawning escapement and long-term health of the salmon run.

**In this climate of Chinook salmon declines it is critical that every source of mortality over which we have control is reduced.** In-river Chinook salmon commercial fisheries have already been reduced to the point of nonexistence. Subsistence is following the same trajectory: even with subsistence harvests at levels less than half the average in the Yukon, escapement goals are not being met, and in 2014 subsistence fisheries too are completely closed.

In this context the impacts of pollock fishery bycatch even at the current relatively low levels of bycatch is significant. According to the AEQ analysis, in 2010 an estimated 1,916 Upper Yukon

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<sup>29</sup> D. Schindler et. al., *supra* note 19, at 16.

<sup>30</sup> *Id.* at 22.

River Chinook salmon were caught as bycatch.<sup>31</sup> In that same year, the Canadian escapement goal was missed by just over 10,000 fish, despite severe subsistence restrictions. In 2011, an estimated 1,026 Upper Yukon fish were caught as bycatch.<sup>32</sup> While the escapement goal was met that year, it was met on the backs of subsistence users. The AEQ numbers for Coastal Western Alaska are also meaningful – 7,773 Chinook salmon in 2012, 6,555 in 2011 and 8,283 in 2012. These numbers suggest the impacts at the current bycatch levels, which are well below the cap levels, are significant. By inference, bycatch at the cap levels would therefore be even greater. A bycatch of 60,000 Chinook salmon, or even 47,591, under the current conditions of stock abundance would absolutely devastate Western Alaska stocks. In 2014, even subsistence fisheries are being shut down because Chinook salmon stocks are so low that they cannot sustain any fishing pressure. **If a household which harvests 10 Chinook salmon a year cannot be allowed to fish because the runs are so low, bycatch in the pollock fishery must be reduced as well.**

The Council is obligated to reduce bycatch under National Standard 9 of the Magnuson Stevens Act, which requires that NMFS and the Council minimize bycatch to the extent practicable. The current cap levels do not meet this obligation and are simply too high to adequately protect salmon and meet the obligations of National Standard 9.

In addition, NMFS and the Council are also bound by international law to reduce salmon bycatch. Under the terms of the Yukon River Salmon Agreement, an annex of the Pacific Salmon Treaty, the U.S. agreed to “increase the in-river run of Yukon River origin salmon by reducing marine catches and by-catches of Yukon River salmon. They shall further identify, quantify and undertake efforts to reduce these catches and by-catches.”<sup>33</sup> The treaty also commits the U.S. to meet escapement goals, allowing sufficient Chinook salmon to reach Canada each year. Amendment 91, which allows for bycatch levels of 60,000 Chinook salmon in some years, and 47,591 Chinook salmon in all years, does not represent a “reduction” in bycatch from historical levels. The bycatch of Yukon River Chinook salmon also contributes to repeated failures to meet our treaty obligation via the mandated escapement goals. This is not only in violation of our obligations under the treaty, but places the entire burden of meeting the treaty obligation on the backs of in-river subsistence and commercial fishers.

We therefore recommend the Council analyse an alternative to reduce the caps under the current Amendment 91 structure to an overall cap of 20,000 and a performance standard/cap without incentive programs of 14,500. The ultimate goal for bycatch reduction should be zero, particularly when that is the goal for in-river harvest. These cap reductions therefore represent a meaningful compromise, and are both below the recent 5-year average bycatch of 14,333.

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<sup>31</sup> North Pacific Fishery Management Council and National Marine Fisheries Service, *Bering Sea Chinook and Chum Salmon Bycatch Management Measures* 15 (May 2014) [hereinafter *Bering Sea Chinook and Chum Salmon Bycatch Management Measures*].

<sup>32</sup> *Id.* at 15.

<sup>33</sup> Pacific Salmon Treaty, Annex IV Chapter 8 (27)(Yukon River Salmon Agreement)(2002).

**B. Regulatory provisions to shorten the pollock season end dates when Chinook salmon rates increase while pollock catch rates decline in late September/October.**

The October 2013 Council motion identified shortening the pollock season to end when Chinook salmon rates increase while pollock catch rates decline. The current discussion paper provides ample evidence that there is a period beginning in late September/early October in which pollock catch rates decline significantly while Chinook bycatch rates increase.<sup>34</sup> The incentive plans adopted under Amendment 91 were supposed to provide sufficient incentives that vessels would not be fishing in these types of conditions. Given the data, however, these incentives do not seem to be sufficient. We therefore recommend the Council include an alternative to shorten the pollock season via regulation to ensure that fishing does not occur at the high bycatch/low pollock catch time of year.

**C. Additional changes to the Incentive Plan Agreements (IPAs) to further reduce bycatch should be adopted by industry, but not as an alternative to regulatory mechanisms described above.**

In addition to the regulatory approaches discussed above, additional bycatch reduction can likely be achieved via the Incentive Plan Agreements as well. We encourage the industry to continue to engage in these efforts. Since the discussion paper was only available a week before the comment period closed, and industry proposals are not available, we are unable to offer a great deal of detail at this point. We stress here, and related to chum salmon bycatch measures as well, that if industry plans are going to be part of the Council's approach they must be available for stakeholders to review well in advance of meetings. Industry approaches are unworkable when there is no opportunity – as at this meeting – to review industry plans ahead of time and to comment on them. While industry approaches can be part of the overall bycatch reduction management program, ultimately the total bycatch limit must be reduced.

III. Chum Salmon Bycatch Management Recommendations

While Chinook salmon runs are currently in crisis, protecting chum salmon is equally important. Chum salmon have always been an important subsistence resource in Western Alaska, but with Chinook harvests restricted or eliminated, chum salmon are even more important to provide basic sustenance as well as some income from limited commercial fisheries. We therefore urge the Council to continue to move forward with developing refined bycatch reduction methods for chum salmon bycatch.

Under the approach proposed in the discussion paper, chum salmon measures would be rolled in to Amendment 91, with industry incentive plans providing the primary mechanism for chum salmon bycatch reduction. Under this structure, it is not clear what the backstop for chum salmon bycatch

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<sup>34</sup> See Figure 9, Figure 10 in *Bering Sea Chinook and Chum Salmon Bycatch Management Measures*, supra note 31, at 22-23.

reduction would be if sectors chose not to participate in industry incentive plans. A Chinook cap would not provide protections for chum salmon, so either a chum cap or area closure would need to be included as well.

Likewise, if the rolling hot spot program is to be the primary mechanism for chum salmon bycatch management, sufficient details of the program should be maintained in regulation to ensure minimum standards for the program.

Finally, development of chum salmon measures is complex, and while we continue to see chum salmon bycatch reduction as important, it is imperative that it does not slow down development of additional Chinook bycatch measures. Chinook bycatch measures should be prioritized and fast-tracked for action.

#### IV. Conclusions

Western Alaska Chinook salmon stocks are in a state of crisis. The level of declines and the extreme sacrifices being made by in-river users demand fast and meaningful action from this Council to ensure that bycatch is reduced. We urge the Council to take steps at this meeting to initiate emergency regulations and ensure that appropriate bycatch limits are in place.

Thank you for your continued attention to this issue of great importance to Western Alaska.

Sincerely,



Myron P. Naneng, Sr., President  
Association of Village Council Presidents



Art Nelson, Executive Director  
Bering Sea Fishermen's Association



Melanie Bahnke, President  
Kawerak



Victor Joseph, President  
Tanana Chiefs Conference



Rebecca Robbins Gisclair, Sr. Fisheries Policy Advisor  
Yukon River Drainage Fisheries Association

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**MAY 23 2014**

Eric Olson, Chair  
North Pacific Fisheries Management Council  
605 W. 4th Ave., Suite 306  
Anchorage, Alaska 99501-2252

Dear Chairman Olson:

I am writing on behalf of the Eastern Interior Alaska Subsistence Regional Advisory Council (Council) to provide comments and recommendations to North Pacific Fisheries Management Council, which is meeting in Nome, Alaska in June 2014. The Council's comments address agenda item C-5, and are focused on chum and Chinook salmon bycatch in the Bering Sea/Aleutian Islands (BSAI) commercial pollock fishery.

The Council is one of ten regional advisory councils formed under Title VIII of the Alaska National Interest Lands Conservation Act and is chartered under the Federal Advisory Committee Act. Our Council represents subsistence users along the Yukon River and its tributaries from Tanana to the Canadian border. The Council provides a public forum for discussion and recommendations for subsistence fish and wildlife management in the region. The Council also reviews resource management actions occurring outside the region that may impact migratory subsistence resources such as salmon.

The Council held a public meeting on March 2014 in Fairbanks, and discussed the recent Bering Sea salmon bycatch updates in addition to projected conservation measures for Chinook salmon management on the Yukon River. In order to meet Yukon River Chinook salmon escapement treaty obligations with Canada, management has severely restricted subsistence Chinook salmon harvest opportunities on the Yukon River. Yet, even with this unprecedented reduction in subsistence harvest, it has been a challenge to meet Chinook salmon escapement treaty obligations with Canada.

The Council and the people we represent are deeply concerned about bycatch of chum and Chinook salmon, because they are essential subsistence resources for all people living along the Yukon River drainage. Yukon River salmon returns are an ecological, cultural, and food security issue of extraordinary importance. Failure of these stocks to return will have a devastating effect on subsistence families and communities for whom an entire way of life is connected to this critical resource.

The cost of living in rural Alaska has risen sharply in the past 5 years, creating far greater reliance of traditional foods, salmon being the most important. Due to the critically low Chinook salmon

escapement in recent years, many communities on the Yukon River have been limited to extremely short subsistence fishing periods or have forgone Chinook harvest entirely in order to support conservation efforts. Many communities have been unable to meet subsistence salmon needs to feed their families.

The 2014 Chinook salmon run is expected to be extremely poor, with drastic conservation measures deemed necessary by both State and Federal managers to meet escapement objectives. The Council anticipates that full closure of Yukon Chinook salmon harvest will be required for the foreseeable future. Bering Sea commercial trawl bycatch of Chinook may currently be lower than previous years but is not negligible and affects the long-term sustainability of Chinook salmon, which are depressed in nearly all systems.

Every effort should be made to help maintain and rebuild Yukon salmon stocks, including reducing direct impacts from the Bering Sea commercial fisheries. Perhaps tasking the North Pacific Fishery Management Council Subsistence Outreach Committee to evaluate possible educational pathways concerning bycatch of Chinook salmon and chum, would bring greater recognition of the increased importance for addressing subsistence needs.

The Council is very interested in the proposed regulatory changes for Bering Sea chum and Chinook salmon avoidance measures identified by the North Pacific Fishery Management Council at your October 7, 2013 meeting. We strongly encourage the North Pacific Fishery Management Council to pursue the bycatch controls identified in the discussion paper that will be considered at the June 2014 meeting.

The Council appreciates the opportunity to provide input to the North Pacific Fisheries Management Council on fisheries management issues that affect subsistence uses in the region. We will continue to monitor developments on this important issue and look forward to hearing from you about initiatives to significantly reduce both chum and Chinook salmon bycatch in the BSAI pollock fishery.

If you have any questions regarding this correspondence, please contact Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management at (907) 786-3358 or [eva\\_patton@fws.gov](mailto:eva_patton@fws.gov).

Sincerely,



Sue Entsminger, Chair

cc: Federal Subsistence Board  
Eastern Interior Alaska Subsistence Regional Advisory Council  
Eugene R. Peltola, Jr. Assistant Regional Director, OSM  
Chuck Ardizzone, Deputy Assistant Regional Director, OSM  
David Jenkins, Policy Coordinator, OSM  
Carl Johnson, Council Coordination Division Supervisor, OSM  
Eva Patton, Subsistence Council Coordinator, OSM  
Administrative Record