



KAWERAK , INC. • P.O. Box 948 • Nome, AK 99762



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TELLER
UNALAKLEET
WALES
WHITE MOUNTAIN

March 13, 2015

Dan Hull, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Chairman Hull:

In regards to the upcoming meeting and agenda item "C4 BS Salmon Bycatch" Kawerak, Inc. submits the following comments and recommendations to the Council.

Thank you for continuing to work toward resolution of the problem of salmon bycatch by the Pollock industry. We represent our constituents in 16 communities in the Norton Sound/Bering Strait region, especially those who are subsistence salmon harvesters.

Kawerak, Inc. (<http://www.kawerak.org/>) is a consortium of the 20 federally recognized tribes within the Bering Strait region located in Northwest Alaska, just south of the Arctic Circle. Kawerak's mission is to assist, promote and provide programs and services to improve the social, economic, educational, cultural and governmental self-sufficiency for the betterment of the Native people within the region; to preserve the traditional culture, languages and values. Kawerak seeks to improve the region's social, economic, educational, cultural and political conditions. Kawerak is governed by a Board of Directors comprised of the president (or designee) of the IRA or traditional Councils, two elder representatives and a representative from the regional health care provider.

Chinook salmon and chum salmon are valued for nutritional, cultural and economic survival in our region with chum salmon increasingly important for commercial fisheries and subsistence harvest as returns of Chinook salmon decline throughout Northwest Alaska. The dramatically low Chinook runs and harvests in recent years have severe impacts to the people in our villages. We are aware that for our neighboring regions, subsistence fisheries for Chinook salmon on the Yukon and Kuskokwim Rivers were completely closed in 2014. We are also aware that commercial Chinook salmon fisheries have been shut down for years on the Yukon and Kuskokwim Rivers, and summer chum salmon fisheries have been limited to protect Chinook salmon.

It is a disturbing that the minimum amounts necessary for subsistence have not been met on the Yukon River since 2008. We understand Chinook salmon federal commercial fishery disasters were declared for the Yukon River for 1997, 1998, 2000-2002 and 2009-2012 and for the Kuskokwim for 2011-2012; Kuskokwim since 2011-2012. And yet despite these restrictions the Yukon River Chinook salmon Canadian escapement goal has only been met in 4 out of the last 10 years and the mean run size of Canadian-origin Chinook salmon (which comprise approximately 50% of the run) declined 45% for the period 1998-2010 compared to 1982-1997.

For our people in the Norton Sound the Chinook escapement goals during four of the last 6 years have not been met in the Unalakleet and Shaktoolik Rivers. And again despite delays to subsistence fishing for Chinook in 2012 and 2013, the subsistence fishing escapement goals for Unalakleet and Shaktoolik rivers were not met. Unfortunately there have been no directed Chinook commercial fishing announced or available in the Unalakleet and Shaktoolik marine waters located in Norton Sound since 2005.

Scientists note the Bering Sea Pollock fishery catches these same salmon as bycatch; catching over 122,000 wild Chinook salmon in 2007 and over 700,000 chum salmon in 2005. And according to the best available scientific information, as much as 73% of the Chinook salmon taken as bycatch are of Western Alaska origin.

Management measures adopted in April 2009 by the North Pacific Fishery Management Council provide for a 47,591 bycatch level in most years, with potential for the fleet to reach 60,000 in two out of every seven years without consequence. Although bycatch has remained well below the cap in recent years, the current management regime allows the potential for the Pollock fleet to catch as many as 60,000 Chinook salmon as bycatch in these times of severe Chinook salmon declines.

We believe ALL sources of mortality must be reduced and ALL harvesters of salmon must equitably participate and play their part in conserving Chinook salmon.

Kawerak, Inc. requests that the North Pacific Fishery Management Council take final action in April 2015 to reduce salmon bycatch. The preferred alternative must include Alternative 5, option 2 (60% reduction to the performance standard) and the sub-option to apply the 60% reduction to the overall hard cap. Alternative 2 and Alternative 3, options 1-5, should be selected as well. Kawerak requests that the Bering Sea/Aleutian Islands Pollock industry act immediately to set a voluntary limit on Chinook salmon bycatch for 2015 not to exceed 20,000 fish, and take every action possible to reduce bycatch towards zero.

Thank you for the opportunity to express our views. Kawerak staff will participate at the Council meeting to make comment to the Council and will handcarry a resolution which will be considered by the Kawerak full board which meets April 1 – 2, 2015. Please feel free to contact me at 443-5231 or mbahnke@kawerak.org.

Sincerely,
KAWERAK, INC.

A handwritten signature in cursive script, appearing to read "mbahnke".

Melanie Bahnke, President

CC: Chris Oliver, NPFMC Executive Director
Kawerak Board of Directors



CHAMPAGNE and AISHIHIK First Nations

March 26, 2015

North Pacific Fishery Management Council
605 West 4th Ave, Suite 306
Anchorage, AK 99501

Re: C-4 Bering Sea Salmon By Catch

To Whom This May Concern;

I would like to thank you for an opportunity to comment on a very important issue.

The Alsek River system (Transboundary) and 2 upper tributary rivers of the Yukon River system are within the Traditional Territory of the Champagne Aishihik First Nations. We are all aware of the issues facing the Yukon River system, but the Alsek is also seeing critically low Chinook returns.

Of the options that have been put forward by the Council, we would like to convey our support for aggressive conservation action that would greatly reduce Chinook by catch. While we support what the YRDFA is proposing, we would like to encourage conservation actions to be in place in all years until Chinook stocks have recovered.

Sincerely,

Linaya Workman
Manager, Fish and Wildlife

Reduce bycatch

Subject: Reduce bycatch

From: Louise Freeman-Toole <louisefreemantoole@yahoo.com>

Date: 3/26/2015 9:40 AM

To: "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Reduce chinook bycatch now! I support Alternative 5.

Louise Freeman

Anchorage

Subject: KIRA Council Resolution 15-11-03
From: Kwethluk Ira <kwethlukira@gmail.com>
Date: 3/12/2015 11:10 AM
To: npfmc.comments@noaa.gov

North Pacific Fishery Management Council,

The Kwethluk Indian Reorganization Act Council at its special meeting convened yesterday March 10, 2015. A full quorum was established and on the Agenda item the council took action and passed resolution 15-11-03 to take final action on reducing salmon bycatch, the final or estimated numbers quoted for Chinook salmon bycatch in 2007 was over 122,000 and in 2005 chum salmon bycatch was 700,000. When looking at numbers compared to catches in the Kuskokwim and Yukon, there is no comparison, here in the Y-K Delta these figures are not even close to those amounts, the Yukon and Kuskokwim have not even reached or met amounts necessary to catch these salmon but still close and/or restrict the amount given before even reaching goals.

Therefore the Council is proposing to reducing the amounts for bycatch for the Bering Sea/Aleutian chain Islands Pollock industry to consider not to exceed limits of Chinook Salmon of 20,000.

Attached find resolution 15-11-03 adopted and passed by the Kwethluk IRA Council.

--

Richard G. Berezkin
Tribal Administrator
Organized Village of Kwethluk

— Attachments: —

loccs33.PDF

120 KB

Western Interior Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503
Phone: 907-786-3888 or 1-800-478-1456, Fax: 907-786-3898
Toll Free: 1-800-478-1456

WIRAC15009.MB

19 MAR 2015

Mr. Dan Hull, Chair
North Pacific Fishery Management Council
P.O. Box 100498
Anchorage, Alaska 99501-2252

Dear Chairman Hull:

The Western Interior Alaska Subsistence Regional Advisory Council (Council) represents subsistence harvesters of fish and wildlife resources on Federal public lands and waters of the Western Interior Region of Alaska. The Council was established by the authority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act. Section 805 of ANILCA 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 Federal public lands within the region. The council provides a forum for the expression of opinions and recommendations regarding any matter related to the subsistence uses of fish and wildlife within the region.

The Council held a public meeting in Fairbanks on March 3, 2015, regarding various subsistence issues. The Council heard recommendations from the Yukon River Drainage Fisheries Association and reviewed a resolution titled "Reduction of Chinook and Chum Salmon Bycatch in the Bering Sea Pollock Fishery" (attached). This Council strongly endorses the resolution and the recommendations outlined in the document, identifying the preferred alternative 5, option 2 (60% reduction to the performance standard) and the suboption to apply the 60% reduction to the overall hard cap. Alternative 2 and Alternative 3, options 1-5, should be selected as well.

The Council continues to be very concerned with the issue of Chinook and chum salmon bycatch on the Bering Sea and its adverse effects on subsistence users who depend on this resource for nutritional and cultural survival in our region. In these times of severe Chinook Salmon decline, all sources of mortality must be reduced and all harvesters of salmon must equitably conserve.

We applaud the ongoing efforts to limit bycatch in the Bering Sea Pollock fishery, but urge the North Pacific Fishery Management Council (NPFMC) to take immediate action to set a

voluntary limit on Chinook Salmon bycatch for 2015 to not exceed 20,000 fish, and take every action possible to completely eliminate all bycatch.

Thank you for the opportunity to dialogue with the NPFMC. We look forward to continuing discussions about the issues and concerns of subsistence users of the Western Interior Region. If you have questions about this report, please contact me via Melinda Burke, Subsistence Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or, (907) 786-3885.

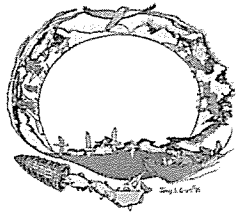
Sincerely,



Jack Reakoff
Chair

Enclosure

cc: Federal Subsistence Board
Western Interior Alaska Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Chuck Ardizzone, Deputy Assistant Regional Director, Office of Subsistence Management
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management
Melinda Burke, Council Coordinator, Office of Subsistence Management
Donald Rivard, Fisheries Biologist, Office of Subsistence Management
George Pappas, State Liaison, Office of Subsistence Management
Jennifer Yuhas, Federal Liaison Team Leader, Alaska Department of Fish & Game
Wayne Jenkins, Deputy Director, YRDFA
Interagency Staff Committee
Administrative Record



Tanana Chiefs Conference, 122 First Avenue, Fairbanks, AK 99701
Association of Village Council Presidents, 101 Main Street, Bethel, AK 99559

March 17, 2015

Dr. Jim Balsiger, Regional Administrator
National Oceanic and Atmospheric Administration
Alaska Regional Office
PO Box 21668
Juneau, AK 99802-1668

**Re: Tribal Consultation for C-2⁴ Bering Sea Chinook and Chum Salmon Bycatch
Management Proposals**

Dear Dr. Balsiger:

Thank you for the opportunity to consult with you prior to the Council's meeting in December 2014. The Tanana Chiefs Conference and the Association of Village Council Presidents respectfully request another tribal consultation about the C-2 Bering Sea Chum and Chinook salmon bycatch management measures proposed for the North Pacific Fisheries Management Council's April 2015 meeting.

In December 2014, the Council released its initial review of Chum and Chinook bycatch measures in the Bering Sea Pollock fishery. The review proposed alternative measures to reduce Chum and Chinook salmon bycatch in the Bering Sea, including incorporating Chum salmon prohibited species catch (PSC) with Chinook salmon incentive plan agreements (IPA); modifying existing Chinook salmon IPAs to include additional incentives to reduce bycatch; revising Bering Sea pollock fishery season dates; and revising federal regulations to lower the performance standard indexed to years of low Chinook abundance.

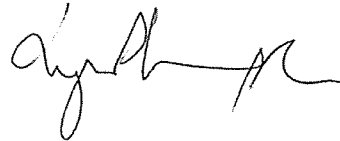
We are aware that the Council will be considering these proposed measures at the April 2015 meeting, and we agree that it is important for the Council to continue developing Chum and Chinook salmon bycatch measures. We respectfully request an opportunity for tribal consultation

regarding the proposed measures, during the Council Meeting and prior to the Council taking final action on the proposals. For scheduling, please contact Anna Crary at annac@lbbblawyers.com or (907) 868-9229.

Sincerely,



Victor Joseph, President
Tanana Chiefs Conference



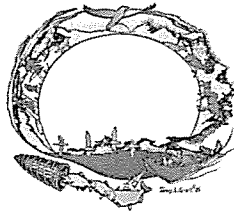
Myron Naneng, Sr., President
Association of Village Council Presidents

Cc:

The Honorable Julie Kitka

Sam Cotten, Acting Commissioner, Alaska Department of Fish and Game

Dan Hull, Chairman, North Pacific Fishery Management Council



Tanana Chiefs Conference, 122 First Avenue, Fairbanks, AK 99701
Association of Village Council Presidents, 101 Main Street, Bethel, AK 99559

March 17, 2015

Michael Clark
Office of Marine Conservation
Bureau of Oceans & Int'l Environ. & Scientific Affairs
Department of State
Room 7820
Washington, DC 20520

Re: Tribal Consultation for 2015 C-2⁴ Bering Sea Chinook and Chum Salmon Bycatch Management Proposals and Existing Treaty Obligations

Dear Mr. Clark:

The Tanana Chiefs Conference and the Association of Village Council Presidents respectfully request an opportunity for tribal consultation about the United States' obligations under the Yukon River Salmon Agreement, and Annex of the Pacific Salmon Treaty and the proposed C-2 Bering Sea Chum and Chinook salmon bycatch management measures the North Pacific Fishery Management Council will consider at its April 2015 meeting. We believe it is important that the Council consider the effect any final action will have on existing treaty rights and obligations, and we believe the Department of State plays an important role in advising the Council that its final action must comply with the Yukon River Salmon Agreement of the Pacific Salmon Treaty.

In December 2014, the Council released its initial review of Chum and Chinook bycatch measures in the Bering Sea Pollock fishery. The review proposed alternative measures to reduce Chum and Chinook salmon bycatch in the Bering Sea, including incorporating chum salmon prohibited species catch (PSC) with Chinook salmon incentive plan agreements (IPA); modifying existing Chinook salmon incentive plan agreements to include additional incentives to reduce bycatch; revising Bering Sea pollock fishery season dates and seasonal allocations; and

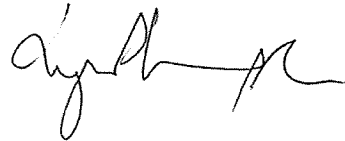
revising federal regulations to lower the performance standard and hard cap indexed to years of low Chinook abundance. It is essential that any action taken to reduce Chinook and chum salmon bycatch also consider our treaty obligations under the Yukon River Salmon Agreement of the Pacific Salmon Treaty, and the trust responsibility of the United States to federally recognized tribes.

The Council will be taking final action on these proposed measures at the April 2015 meeting. We respectfully request an opportunity for tribal consultation regarding the effect of these measures on our treaty obligations, during the Council's meeting but prior to the Council taking final action on the proposals. For scheduling, please contact Anna Crary at annac@lbblawyers.com or (907) 868-9229.

Sincerely,



Victor Joseph, President
Tanana Chiefs Conference



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

Cc:

The Honorable Julie Kitka

Sam Cotten, Acting Commissioner, Alaska Department of Fish and Game

Dan Hull, Chairman, North Pacific Fishery Management Council

Subject: Friendly comment

From: Donna Esmailka <esmailka32@hotmail.com>

Date: 3/27/2015 3:54 PM

To: "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

I live in Kaltag Alaska, located on the Yukon River. I just wanted to comment about our sacrifice in bringing up the Chinook salmon. Our community has not fished for the king salmon last year so the fish could reach their spawning grounds. We depend on the fish as our way of life but we managed with the silver salmon. It would be nice if the fisheries could make sacrifices as well, find a alternative fish like us. In a perfect world, we would be accomplishing a goal to save our fish together. As it is right now the fisheries out in the ocean are still catching and wasting all that by-catch. Can we all make the sacrifice together?

Donna Esmailka

Kaltag Tribal Administrator

Kaltag Tribal Council

PO Box 129

Kaltag, Alaska 99748

Ph. (907) 534-2224

(907) 534-2265

FAX (907) 534-2299

email: esmailka32@hotmail.com

"Look for the GOLD"



Native Village of Tetlin

P.O. Box 797
Tok, Alaska 99780
(907) 883-2021 phone
1-877-883-2021
(907) 883-1267 fax

March 18, 2015

North Pacific Fishery Management Council
605 West 4th Ave, Suite 306
Anchorage, AK 99501

RE: C-2 Bering Sea Salmon Bycatch

Dear Council Members:

I am writing to express my concerns regarding the salmon bycatch issue. As you may know, salmon are the cornerstone for our nutritional, cultural and economic survival.

In 2014, for the first time in our history, subsistence fisheries for Chinook salmon was completely closed on the Yukon River and severely limited on the Kuskokwim River. Even more abhorrent, the very minimum amount necessary for subsistence have not been met on the Yukon River since 2008 and on the Kuskokwim since 2011-2012. These dramatically low salmon runs and harvests have caused severe negative impacts to my family, our community and surrounding communities.

In light of the severe negative impacts, the measures adopted in April 2009 by the North Pacific Fishery Management Council (the Council) providing for a 47,591 bycatch level, with the potential for the fleet to reach 60,000 in two out of every seven years without consequence is abominable and unacceptable.

At a time when we have little to no subsistence harvest on the Yukon and Kuskokwim Rivers, even one fish caught as bycatch should not be tolerated.

I am asking the Council to take final action in April to reduce the overall cap and performance cap for Chinook salmon bycatch by the maximum under consideration (60%) in times of low salmon abundance (Alternative 5, option 2, with the sub-option to apply the 60% reduction to the overall hard cap). Alternative 2 and Alternative 3, options 1-5, should be selected as well.

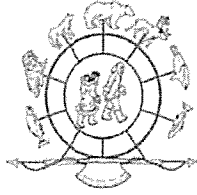
Please make the hard choice to restore salmon stocks and develop a sustainable fishery.

Sincerely, 

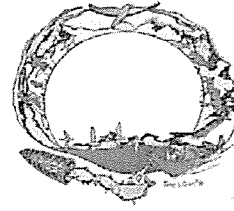
Michael Sam
Vice President



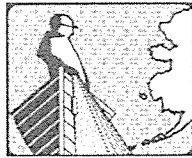
Association of Village
Council Presidents



Kawerak, Inc.



Tanana Chiefs Conference



Bering Sea Fishermen's Association



YUKON RIVER DRAINAGE FISHERIES ASSOCIATION

March 30, 2015

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

Re: Agenda Item C-4 Bering Sea Salmon Bycatch Final Action

Dear Chairman Hull 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 (YRDFA), 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 an ANCSA regional non-profit and tribal consortium of the 42 villages of Interior Alaska in the Yukon and Kuskokwim watersheds. YRDFA is an association of commercial and subsistence fishers on the Yukon River.

We write today to seek your help in rebuilding the once magnificent Chinook salmon resources in our region by doing everything you can to reduce a source of mortality over

which you have control – salmon bycatch in the Bering Sea pollock fishery. As you know, the Chinook salmon in our region are experiencing a crisis of epic proportions. Our communities are suffering greatly as a critical source of food, economy and culture has all but disappeared. We attempt to explain on paper an overwhelming loss which touches every aspect of the fabric of our communities and cultures. This loss is already being lived by our communities, and we are continuing to sacrifice the little subsistence opportunity that remains to give our precious Chinook salmon stocks a chance at rebuilding. **We ask you to join us in these efforts by reducing one of the only remaining sources of mortality over which we have control – bycatch in the Bering Sea pollock fishery.** In this situation every single Chinook salmon is critical to the future and rebuilding of these historic runs. At this point, it is not only a matter of conservation, but also a matter of equity and basic human rights to food security that bycatch is reduced as well.

The ultimate goal of bycatch reduction should be zero, and we should be constantly striving towards this goal. Chum salmon is also of vital importance to subsistence communities in these times of Chinook salmon declines, and ensuring adequate protections are in place for reducing chum salmon bycatch is also critical. **To that end, we ask you to take final action at this meeting to adopt a suite of measures which will both ratchet down the hard cap and performance standard in time of low abundance and adjust Incentive Plan Agreements to achieve the greatest bycatch reduction possible in every year. Specifically, we ask you to select the following Alternatives as your Preferred Alternative:**

- **Alternative 5, option 2 (60% reduction), with the sub-option to apply the 60% reduction to the hard cap; and**
- **Alternative 2; and**
- **Alternative 3, options 1-5.**

In selecting a preferred alternative, we see Alternatives 2 and 5 (with a 60% reduction in both the performance standard and cap) as critical components. As the Council builds a preferred alternative, those options within Alternative 3 and 4 which can work in concert with Alternatives 2 and 5 to achieve the greatest bycatch reduction possible should be selected. A more specific description of our recommendation follows.

1. The Dire Status of Chinook Salmon in Western Alaska

This Council has heard repeatedly in public comment over the past five years and in this analysis about the dire situation surrounding the status of Chinook salmon stocks in Western Alaska. Generally, subsistence fisheries have been severely restricted for years throughout the region. In 2014, the situation reached a new low: “subsistence fishing for Chinook salmon was closed or restricted by reduced fishing time and/or gear restrictions from

Kuskokwim Bay to northern Norton Sound.”¹ On both the Yukon River and Eastern Norton Sound, subsistence was completely closed. The Kuskokwim River was almost completely closed.² Despite severe restrictions in 2013, very few escapement goals were met in the region that year. In 2014, escapement goals were met in part of the region, but only with the closures of subsistence and commercial fisheries.³ On the Yukon River, Canadian escapement goals have only been met in 3 of the last 9 years.

Restrictions and subsistence closures in Western Alaska must be understood in context. In 2012, 77% of the subsistence Chinook salmon harvests occurred in the Yukon, Kuskokwim and Norton Sound-Port Clarence region.⁴ Since 1994, over 50% of the subsistence harvest of Chinook salmon has occurred in the Kuskokwim area.⁵ Western Alaska is thus highly dependent upon Chinook salmon subsistence harvests, and the region at issue is responsible for the vast majority of the subsistence harvest of Chinook salmon in the state of Alaska.

Chinook salmon is clearly a critically important species by the numbers. It is also important for a number of reasons far beyond a number. Chinook salmon are the first species of salmon to arrive in the summer, and hold an important place culturally and spiritually. Subsistence fishing is critical as a community and family activity. The declines in Chinook salmon have resulted in vacant fish camps up and down the rivers and this important source of culture and intergenerational knowledge transfer is being lost as we speak.

Yet, subsistence needs for this critically important species of Chinook salmon have not been met for years, with the situation worse each year than it was the preceding year. On the Yukon River, Amounts Necessary for Subsistence (ANS) set by the Alaska Board of Fisheries have not been met for the last seven years.⁶ On the Kuskokwim, ANS has not been met for the past five years.⁷ On the Yukon River, preliminary estimates indicate that the 2013 subsistence harvest was only 12,568 Chinook salmon, compared to an average harvest around 55,000 fish.⁸ In 2014, preliminary data estimates subsistence harvest of Chinook

¹ North Pacific Fishery Management Council and National Marine Fisheries Service, Public Review Draft, *Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis, Bering Sea Chinook and Chum Salmon Bycatch Management Measures* 105 (Mar. 2014) [hereinafter *EA/RIR/IRFA*].

² *Id.*

³ *Id.* at 106.

⁴ *Id.* at 114.

⁵ *Id.* at 116.

⁶ See Fig. 23, *Id.* at 121.

⁷ See Fig. 24, *Id.* at 121.

⁸ *Id.*

salmon on the Yukon River was 3,400 Chinook salmon.⁹ It is important to note that 855 of those fish were Chinook salmon caught in ADF&G test fisheries and given away to subsistence users.¹⁰ The few Chinook which were harvested were caught in chum salmon fisheries which were opened at the end of the season after 90% of the Chinook salmon run had passed.¹¹

The declining Chinook salmon stocks have also impacted commercial fisheries, creating an economic crisis. No directed commercial fishery for Chinook salmon has been allowed on the Yukon since 2007. The impacts from commercial fisheries can clearly be seen in terms of income – in the Wade Hampton census district (which includes the lower Yukon and Kuskokwim) Chinook salmon fisheries provided 90-100% of the salmon revenue prior to 2006. Since 2011, it has been 0%.¹²

The declines in Chinook salmon have had and continue to have broad negative impacts – on subsistence and commercial fisheries, on our community members’ nutrition, on the tradition of fish camps, and on the very social fabric of these communities.

2. Bycatch must be reduced to rebuild salmon stocks and to meet the Council/NMFS’s legal obligations.

Western Alaska Chinook stocks are at all-time lows. The causes of the decline are unclear, and fisheries managers are left to manage that which they can control to rebuild the stock. Sources of mortality in-river have already been reduced to the maximum extent possible. In times of low abundance, it is critical that the pollock fishery is reduced as well to provide for rebuilding. Rebuilding is no new concept to this Council. In fact, if Western Alaska salmon were a federally managed species, a rebuilding plan would be in place and bycatch reductions would have been required long ago. According to the analysis, “Chinook salmon stocks in western Alaska continue to fail to meet escapement goals, and consequently all sources of mortality must be reduced. This is similar to reducing all known sources of mortality when a fish or crab stock under federal management is declared overfished and subject to a rebuilding plan.”¹³ According to the most recent genetic stock identification, over 65% of the Chinook salmon caught as bycatch in the Bering Sea are of

⁹ Stephanie Schmidt, Alaska Department of Fish and Game, Report to the Eastern and Western Interior Federal Subsistence Regional Advisory Councils, Transcript at 181 (Mar. 4, 2015), *available at* <http://www.doi.gov/subsistence/library/transcripts/upload/Region-6-Region-9-04-Mar-15.pdf>.

¹⁰ *Id.*

¹¹ *Id.*

¹² EA/RIR/IRFA, *supra* note 1, at 232.

¹³ *Id.* at 18.

Western Alaska origin.¹⁴ Thus bycatch has a direct impact on Chinook salmon and to aid in rebuilding, must be reduced.

The Council is also 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.

While reducing bycatch of any species is important, reducing bycatch of salmon is particularly so. As a keystone species for the ecosystem and for subsistence users, saving salmon is not just about dollars, jobs or protein. Subsistence users, most of whom are members of federally-designated tribes, depend on Chinook salmon for their sustenance, cultures and economies, as described above. The United States government has a trust responsibility to ensure the health and welfare of the tribal members of the Alaska Native Villages in the Yukon and Kuskokwim drainages.¹⁵ The Department of Commerce acknowledges the federal fiduciary relationship with Alaska Natives through its Administrative Order 218-8 and Tribal Consultation and Coordination Policy. Upon passage of the Alaska Native Claims Settlement Act, the congressional Conference Committee specifically reported that it “expects both the Secretary [of the Interior] and the State to take any action necessary to protect the subsistence needs of Alaska Natives.”¹⁶ Additionally, when Congress enacted the Alaska National Interest Lands Conservation Act (ANILCA) it stressed that subsistence “is essential to Native physical, economic, traditional, and cultural existence....”¹⁷ The Federal Subsistence Board, charged by the Secretaries of Interior and Agriculture to implement Title VIII of ANILCA are on record as recommending a hard cap of no more than 30,000, and that recommendation was made before the dismal returns of the last several years, and before genetic studies demonstrated that over 65% of the bycatch was from Western Alaska stocks. The management decision to allow the pollock fishery to discard 60,000 Chinook as bycatch while the subsistence harvest is closed violates the trust responsibility of the federal government to ensure Alaska Native subsistence needs are met.

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

¹⁴ EA/RIR/IRFA, *supra* note 1, at 110.

¹⁵ *Alaska Chapter, Associated General Contractors v. Pierce*, 694 F. 2nd 1162, 1169 n. 10 (9th Cir. 1982).

¹⁶ S. Rep. No. 581, 92d Cong., 1st Sess. 37 (1971).

¹⁷ See *Native Village of Quinhagak v. U.S.*, 307 F.3d 1075, 1082 (9th Cir. 2002) quoting 15 U.S.C. § 3111(1).

identify, quantify and undertake efforts to reduce these catches and by-catches.”¹⁸ 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 the United States’ treaty obligation via the mandated escapement goals. This not only violates the obligations of the United States under the treaty, but places the entire burden of meeting the treaty obligation on the backs of in-river subsistence and commercial fishers.

3. Alternative 5 with a 60% reduction of both the cap and performance standard should be included in the preferred alternative.

It is critical that the Council adopt Alternative 5 to reduce the overall cap and performance standard by 60% in times of low salmon abundance. In this regard, it is important to note the background and history of the current cap levels. The cap and performance standard originally set under Amendment 91 were set at a time when Yukon River Chinook salmon runs were struggling, but before the widespread Chinook salmon declines and severe subsistence restrictions and closures were yet to be realized. Even at that time, an astoundingly broad number of managers and groups recommended the Council adopt an overall cap at half the level of the cap which the Council ultimately selected. In fact, the Federal Subsistence Board, the Yukon River Panel, the Alaska Federation of Natives, numerous Federal Subsistence Regional Advisory Councils, our groups and many tribes and individuals all recommended a cap in the 30,000-32,500 range.

The overall caps set in Amendment 91 were set far too high to ensure a healthy future for our salmon runs. Given the significant changes in the stock status of Western Alaska Chinook salmon since these caps were set, the current cap numbers are particularly egregious. We see Alternative 5 as the minimum step the Council can and must take at this time to fulfill your numerous legal responsibilities described above and take steps to reduce the allowable salmon bycatch in the pollock fishery. Alternative 5 does not lower the performance standard or cap permanently. It merely puts a system in place under which in times of extremely low Chinook salmon abundance across three of the major river systems in Western Alaska, these caps would be lowered. Under Alternative 5, this lower cap would only have been in effect in 2000 and from 2010 to 2014.¹⁹ This encompasses the years in which escapements have not been met and subsistence has been severely restricted – the worst of the worst. Taking action now to lower the caps in these years of extremely low

¹⁸ Pacific Salmon Treaty, Annex IV Chapter 8 (27)(Yukon River Salmon Agreement)(2002).

¹⁹ EA/RIR/IRFA, *supra* note 1, at 63.

abundance is a critical step for the Council to ensure that bycatch is reduced in the years when every source of mortality must be reduced.

Based on our understanding of the incentive plan structure, lowering the performance standard would lower the the bycatch “target” for the pollock industry. Lowering the performance standard will, we expect, serve to ensure that bycatch remains below this number. However, under the structure of Amendment 91, the pollock fleet can fish up to the overall cap in any two out of seven years *without consequence*. That means it currently remains possible and perfectly legal for the pollock fishery to catch up to 60,000 Chinook salmon. This level of bycatch would be absolutely devastating at the current levels of Chinook salmon abundance. It would be equally devastating to the rebuilding of the run to have this level of bycatch occur just when it is starting to recover. Therefore reducing the overall cap by 60% is essential.

Beyond the necessity based on salmon recovery alone to reduce the hard cap, it is also important to reduce the performance standard and hard cap together. Reducing the performance standard without a comparable reduction in the hard cap creates a situation where the incentive to remain under the performance standard is greatly reduced, as vessels have much more to gain by exceeding the performance standard: “An increased gap between the performance standard threshold and hard cap would encourage vessels to be more likely to risk exceeding the lower level in those years and if so revise the IPA for the resulting hard cap of their portion of the 47,591, and/or respond slowly to the need to operate under the lower performance standard as the hard cap would not be imposed until the third of 7 years.”²⁰ The analysis refers to the benefits of a larger gap between the performance standard and overall cap (e.g. lowering the performance standard but not the cap) as providing an “insurance policy” or “buffer.”²¹ This concept completely ignores the context of this action – which is to create a salmon bycatch management program which is appropriate to the circumstance of lower Chinook abundance. There are no buffers or insurance policies for in-river users, and if Chinook salmon should return to higher abundances, any surpluses must first go to rebuilding the run and to meeting subsistence needs. Creating a buffer or insurance policy for the pollock fishery simply assures that the pollock fishery continues to be first in-line for any returning Chinook salmon, granting it an inequitable priority above that of the recovery of the resource and of subsistence users. Prioritizing bycatch usage in this manner is counter to the law, and to basic principles of equity.

The maximum reductions proposed in Alternative 5 (60%) still provide broad opportunity for the pollock fishery to prosecute their fisheries. A 60% reduction results in a

²⁰ EA/RIR/IRFA, *supra* note 1, at 184.

²¹ *See Id.* at 176, 177.

hard cap of 24,000 and performance standard of 19,036. Looking at the years since Amendment 91 was in place (2011-2014), the lower hard cap would only have been reached in 2011.²² Going back to 2008, 2011 is still the only time the 24,000 Chinook salmon hard cap would have been exceeded.²³ The 19,036 performance standard number has also only been exceeded one time since 2009, again in 2011. This means that even these lower hard cap and performance standards will not result in economic loss to the pollock fishery. It's important to note that the year 2011, the only year in excess of these levels, was the year in which extensive pollock fishery occurred in October when Chinook salmon bycatch is known to be high. Many elements and options which the Council has developed in this amendment package are specifically designed to ensure that what happened in 2011 does not happen again.

Overall, when Chinook salmon stocks are at a level of low abundance, as they currently are, it is critical that all sources of mortality are reduced. In-river harvests are reduced as Chinook salmon returns decrease, and at present this means there are very little or no Chinook salmon harvests allowed on many Western Alaska rivers. Bycatch in the pollock fishery must be lowered at these times as well. The current system in which subsistence fisheries can be completely closed in-river while bycatch limits are unchanged is not only inequitable, but seems to violate the "subsistence first" provisions of ANILCA in spirit if not in law. Alternative 5 with a 60% reduction of the hard cap and performance standard is a critical step towards righting this imbalance and should be included as part of the Council's preferred alternative.

4. Alternative 2 should be included in the Council's preferred alternative.

Alternative 2 proposes a means to further chum salmon bycatch reductions measures. By integrating chum salmon bycatch measures with Chinook salmon bycatch measures this provides a mechanism for ensuring that chum salmon bycatch reduction measures do not inadvertently increase Chinook salmon bycatch. With declines in Chinook salmon, chum salmon are important for both subsistence and commercial fisheries, and are all that many Western Alaska communities have had an opportunity to harvest in recent years. Therefore it is essential that we have strong chum bycatch reduction measures in place.

With the changes made to Alternative 2 at the last Council meeting to retain the chum salmon savings area as a backstop for vessels which do not participate in the Rolling Hot Spot program, we support this alternative and ask the Council to include it in their Preferred Alternative. Accountability and transparency in this industry-run program are critical. To

²² EA/RIR/IRFA, *supra* note 1, at 166.

²³ National Marine Fisheries Service, BSAI Chinook Salmon Mortality Estimates 1991-present (Sept. 29, 2014) available at http://alaskafisheries.noaa.gov/sustainablefisheries/inseason/chinook_salmon_mortality.pdf.

that end, we support inclusion of the suggested reporting requirements in Table 17, particularly items 1-5.²⁴ With the rolling hot spot program as the primary management measure for chum salmon bycatch reduction, it is important that the public is provided adequate information to monitor the functioning of this program.

5. Alternatives 3 and 4

Alternatives 3 and 4 provide a variety of tools to further reduce bycatch. We support Alternative 3, Options 1-5 to utilize changes to the incentive plan agreements to ensure increased bycatch reduction at all levels of abundance. We see these as useful tools to fine-tune the IPAs to mandate greater bycatch reduction. While we see these as means to reduce bycatch, it is very difficult to assess what the precise bycatch reduction effects will be from the IPAs. This is confounded by the structure of Amendment 91 in which the specific details of the IPAs are left to industry. While this provides for maximum flexibility, it does not provide a high degree of transparency. Therefore, while we support moving forward with Alternative 3, it is critical that Alternative 3 is not selected as the only additional measure for Chinook salmon bycatch. Given the degree of crisis across Western Alaska Chinook salmon stocks, industry IPAs alone cannot provide the level of bycatch reduction needed—and surety that we will achieve the reduction. In conjunction with Alternatives 2 and 5, however, Alternative 3 can contribute to bycatch reduction.

Alternative 4 would shorten the pollock fishing season to avoid fishing in times of historically high Chinook salmon bycatch. We have concerns about the potential impacts of this alternative on Western Alaska chum salmon. We also question whether shortening the season in regulation, and thus providing less flexibility for the fleet to choose when to fish, will necessarily result in greater bycatch reduction. High bycatch in September/October may be better addressed through the IPA changes in Alternative 3. Alternative 4 also provides an option to shift pollock catch from the B to the A season. It is not clear from the analysis if this will result in significant reductions in bycatch.

Overall, in selecting a preferred alternative, we see Alternatives 2 and 5 (with a 60% reduction in both the performance standard and cap) as critical components. As the Council builds a preferred alternative, those options within Alternative 3 and 4 which can work in concert with Alternatives 2 and 5 to achieve the greatest bycatch reduction possible should be selected.

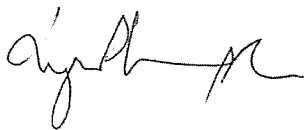
²⁴ EA/RIR/IRFA, *supra* note 1, at 83.

6. Conclusion

The action before the Council under this agenda item is about reducing salmon bycatch and contributing to rebuilding of critically depressed salmon stocks. Much more is at stake than dollars or jobs. Western Alaska is facing a severe loss in terms of cultures, economies, nutrition and tradition. Reducing salmon bycatch in the Bering Sea pollock fishery is one important piece to rebuilding these Chinook salmon stocks and eventually repairing these losses. **We ask the Council to comply with your legal mandates and to fulfil your obligation as managers to rebuild these stocks by taking final action at this meeting and selecting Alternatives 2, 3 and 5, option 2, with the sub-option to reduce bycatch caps in times of low abundance by 60%.**

The current crisis for Western Alaska and the extreme sacrifices being made by in-river users demand fast and meaningful action from this Council to ensure that bycatch is reduced. Given the dire situation of the Chinook salmon stocks, we ask you to urge NMFS to implement these regulations in 2016, using your emergency regulatory authority if necessary, to ensure that these new measures are in place quickly. 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

March 30, 2015
North Pacific Fishery Management Council
605 West 4th Ave, Suite 306
Anchorage, AK 99501
RE: C-2 Bering Sea Salmon Bycatch

Dear Council Members:

I am writing to express my concerns regarding the salmon bycatch issue. Salmon are the cornerstone for Alaska Native nutritional, cultural and economic survival.

In 2014, for the first time in our history, subsistence fisheries for Chinook salmon were completely closed on the Yukon River and severely limited on the Kuskokwim River. Even more disgusting, the minimum amount of fish necessary for subsistence has not been met on the Yukon River since 2008 and on the Kuskokwim since 2011-2012. These dramatically low salmon runs and harvests have caused severe negative impacts to my family, our community and surrounding communities.

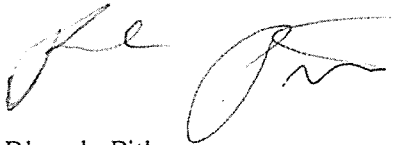
In light of the severe negative impacts, the measures adopted in April 2009 by the North Pacific Fishery Management Council (the Council) providing for a 47,591 bycatch level, with the potential for the fleet to reach 60,000 in two out of every seven years without consequence is abominable and unacceptable.

At a time when we have little to no subsistence harvest on the Yukon and Kuskokwim Rivers, even one fish caught as bycatch should not be tolerated.

I am asking the Council to take final action in April to reduce the overall cap and performance cap for Chinook salmon bycatch by the maximum under consideration (60%) in times of low salmon abundance (Alternative 5, option 2, with the suboption to apply the 60% reduction to the overall hard cap). Alternative 2 and Alternative 3, options 1-5, should be selected as well.

Please make the hard choice to restore salmon stocks and develop a sustainable fishery.

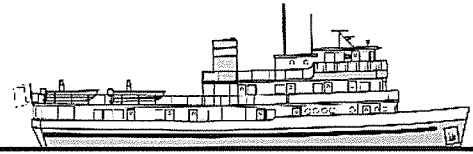
Sincerely,



Rhonda Pitka

PO BOX 24028

Beaver, AK 99724



March 31, 2015

Dan Hull, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252
Fax: (907) 271-2817

Re: Agenda Item C-4 BSAI Salmon Bycatch

Dear Mr. Hull:

The Boat Company ("TBC") thanks the Council for its efforts to improve the Amendment 91 Chinook PSC reduction program. TBC is a tax exempt, charitable, education foundation with a long history of operating in southeast Alaska. Although research and analyses do not show that large numbers of southeast Alaska Chinook salmon are intercepted in the Bering Sea fisheries, TBC is concerned about the well-being of Chinook populations across the species' range.

A fundamental problem with Amendment 91 was that the existing bycatch limit was set too high in 2010, particularly relative to the current condition of the Chinook resource. Amendment 91 was a response to a significant decline in western Alaska chinook run abundance from 2007 - 2009. [EA at 102]. But the Amendment immediately preceded a more severe decline in 2011 – 2013 that now represents a period of record lows for affected stocks. *Id.* Then, after the Council adopted its June 2014 motion for this action, Chinook returns reached a new low, resulting in complete closures of subsistence fisheries. The Council responded in December by adding a sub-option to apply a PSC limit reduction of up to 60% triggered by a "low Chinook abundance" threshold of 250,000 fish. TBC requests that the Council move forward with this sub-option under Alternative 5, Option 2 in your preferred alternative in order to potentially provide some relief for affected Chinook populations and dependent communities.

The 60% hard cap reduction is the most important program element included in the range of alternatives that can improve the effectiveness of Amendment 91.¹ As the EA explains, "Alternative 5 is the only alternative under consideration that provides an explicit mechanism to

¹ The summary of policy level trade-offs (EA at 29) identified a "key concern" with the low abundance trigger – that in some years the threshold may be met but run sizes could rebound quickly, increasing the costs of PSC avoidance and potentially preventing some vessels from harvesting their pollock allocation. However, the EA later explains (p. 167) that a situation where the trigger is reached in one year and then followed by a stronger run is unlikely. Instead, the abundance-based limit would be most effective when salmon runs are below the threshold and remain that way for several years prior to recovering. As the EA explains, this is the scenario that is evident historically with chinook salmon runs and is clearly the current scenario which the Council should consider in its identification of a preferred alternative.

increase bycatch reduction measures in times of low western Alaska Chinook abundance." [EA at 180, 183-184 (emphasis added)]. Conversely, Alternative 3 provides a "possibility" of a reduced adverse impact to Chinook depending on the strength of incentives and penalties and Alternative 4 may reduce Chinook PSC but at the cost of increased chum PSC. [*Id.* at 183].

TBC notes, however, that even the 60% triggered reduction has some significant limitations in terms of addressing the Council's stated concerns regarding the impacts of multiple years of historically low returns on subsistence users and the need to achieve conservation objectives for the resource. While the 60% PSC limit reduction was the only alternative in the analysis that reduced PSC, it did so for just one year, 2011, and for just one sector. [*Id.* at 166-67, 169 Table 53].² Additionally, the implementation of the low-abundance trigger requires that all three systems concurrently experience low abundance which would address the most recent five-year scenario (2010-2014). [*Id.* at 63-64]. However, when abundance is poor in one or more, but not all river systems (2007 – 2009), severe subsistence fishing restrictions and failed escapements may persist in some river systems without the additional protection conferred by a lowered cap. [*Id.*]. In other words, while the low abundance threshold and triggered cap reductions are the best option in the analysis, these measures likely do not go far enough.³ Despite these limitations, the reduced limit may provide some additional relief in years of critically low abundance in the three systems by incentivizing fishing behavior changes. [*Id.* at 167].

The triggered cap reduction is thus the one measure under consideration that is critical to this action's consistency with National Standard 9 and applicable guidelines. TBC believes that the Council's evaluation should emphasize the most relevant factors from the guidelines that include impacts to chinook fishermen and particularly non-market values associated with western Alaska chinook runs and social effects. [See e.g. 50 C.F.R. § 600.350(d)]. Appendices A-3 (Summary of ADF & G restrictions on Chinook harvests) and A-4 (describing the subsistence fisheries) provide supporting materials in the record that are critical to the Council's National Standard 9 consistency finding. In particular, Section 12.1 of Appendix A-4 describes the role of Chinook salmon as part of a complex cultural and social system. Sections 12.2 and 12.3 describe and provide data showing the unique dependency of western Alaska communities on subsistence Chinook harvests – for example, the Yukon and Kuskokwim region have by far the greatest dependency on Chinook salmon for subsistence, harvesting roughly 75% of the statewide subsistence chinook harvest in 2012. [EA at 307]. Yet even the Yukon River harvest in 2012 was the fifth consecutive year where harvest failed to meet Amounts Necessary for Subsistence (ANS) and 37% below the most recent ten-year average. [*Id.* at 312, 323]. The subsequent harvest in 2013 was the lowest on record and followed by a 2014 closure of the

² The reduction that year, however, would have been significant -7,127 chinook, or 32% of the 2011 total.

³ TBC's December 2014 comments on this action expressed support for stakeholder requests for a 20,000 fish hard cap and 15,000 fish performance standard. See October 2014 Agenda Item B1, Petition for Emergency Action and Rulemaking to Protect Chinook Salmon in Western Alaska (explaining that "[e]nsuring that bycatch remains below 20,000 Chinook salmon is critical for the conservation and sustainability of Western Alaska Chinook salmon. In reality, a much lower bycatch amount is needed."). The December 9, 2014 Report from the Tribal Consultation on Bering Sea Salmon Bycatch Management reiterates the request for a management measure which reduces the performance standard to 15,000 fish.

river for subsistence chinook fishing. [*Id.* at 323] Other areas have experienced harvest declines of up to 75% relative to historical averages and also experienced record low harvests. [*See e.g. id.* at 315-317]. TBC requests that this data and analysis, as well as public comment and other record material from Chinook subsistence fishery stakeholders weigh heavily in the Council's balancing of the National Standards for this action.

The National Standard 9 guidelines also direct Councils to consider negative impacts on affected bycatch species. The EA asserts that "it is unlikely that the PSC from the pollock fishery is the cause of the current depleted state of the chinook salmon stocks. [*Id.* at 170]. While TBC understands that variability in chinook abundance results from a broad range of environmental conditions, the EA does not adequately support its conclusion. The BSAI Groundfish FMP itself recognizes that "some controversy exists regarding the degree to which salmon bycatch in the groundfish fisheries affects state salmon runs, particularly in time of declining returns. [BSAI groundfish FMP at 146]. Indeed, well before the current crisis Chinook salmon experts identified BSAI trawl bycatch as a concern, and cautioned that "fisheries managers should remain concerned about the possibility that bycatch could have disproportional impacts on small chinook populations in western Alaska and elsewhere."⁴

TBC believes that the concern with disproportional impacts on small populations is important because, as the EA recognizes, salmon returns are vulnerable to bycatch before the final run strength is known. [EA at 167]. Yet the analysis omits "outlier years" in evaluating the relationship between bycatch and run strengths because the "outlier years" preceded the development of the IPAs. [*Id.* at 169]. TBC believes that "outlier" PSC years and historical run abundance records are relevant to understanding historical relationships between PSC and stock condition, and how those relationships bear on this action in light of the precautionary approach required by the NS-9 guidelines and adopted in the BSAI Groundfish FMP. For example, the EA reveals a trend of historically high PSC years preceding the recent fisheries crisis - for five consecutive years, PSC increased, exceeding 40,000 fish in 2003 and peaking at 120,000 fish in 2007. [EA at 122, 124 Fig. 26].⁵ These figures suggest, at a minimum, considerable scientific uncertainty about whether PSC may be a contributing factor to stock declines and warrant application of the precautionary approach under the FMP and NS-9 guidelines. [See 50 C.F.R. § 600.350(d)(ii)("Councils should adhere to the precautionary approach when faced with uncertainty concerning any of the factors listed [in the NS-9 guidelines]").

TBC also supports Alternative 3, which would revise federal regulations so as to require that IPAs include five additional provisions aimed at incentivizing reducing Chinook salmon PSC within the IPAs. [EA at 148]. As noted in the EA, incentive-based options have a direct relationship to the PSC limit, meaning that the reduced PSC limit is critical to the effectiveness of Alternative 3

⁴ Heard, W.R., E. Shevlyakov, O.V. Zikunova, and R.E. McNicol. 2007. Chinook salmon – trends in abundance and biological characteristics. N. Pac. Andr. Fish Comm. Bull. 4: 77-91; Witherell, D., D. Ackley and C. Coon. An overview of salmon bycatch in Alaska groundfish fisheries. Reprinted from the Alaska Fishery Research Bulletin, Vol. 9 No. 1, Summer 2002.

⁵ A similar pattern is noticeable from 1996 – 1998, where a decline in stock condition followed a three-year period of high annual average Chinook PSC in excess of 50,000 fish, [EA at 127].

measures. [*Id.* at 137]. Option 1 has the most potential to achieve PSC reductions by requiring provisions for restrictions or penalties for outlier vessels that have consistently and significantly higher PSC rates. The analysis explains that the strength of the penalty imposed bears directly on whether the option can reduce impacts to Chinook salmon relative to the existing program and TBC encourages the Council to develop penalties that provide for a substantial deterrence for outlier vessels. [*Id.* at 20]. The suggested measures in the EA that provide the strongest deterrent would prohibit fishing on all or portions of the B-season fishing based on prior in-season or previous season PSC performance. [*Id.* at 139-140 (adding that such measures would combine deterrence with actual PSC reduction)].

TBC also supports Option 2, which would add provisions to require the use of salmon excluder devices. [EA at 141]. As noted in the EA, recent test results show significant reduction in Chinook salmon bycatch (38% average), modest reductions in chum bycatch (7%) and less than 1% pollock loss. [EA at 142; *see also* n. 26 (linking to June 2013 Salmon EFP Report which indicated pollock escapement rates of .3% in several test results)]. Given these results, and the prevalent use of excluders by most of the fleet, requiring the use of excluders during the majority of the fishing season should be a component of the preferred alternative. [EA at 142].⁶

The EA's analysis of Options 3 and 4 (mandating a rolling hotspot program operating throughout entire A and B seasons and reducing the duration of salmon saving credits from five to three years) shows that these program components are of limited effectiveness at low Chinook abundance levels. [EA at 143-146]. Thus, while TBC encourages the Council to move forward with these options, it seems clear their effectiveness will depend on the implementation of Alternative 5. Finally, TBC also believes the Council should move forward with Option 5, which would establish restrictions or performance criteria that would make fishing in October when Chinook PSC rates are highest contingent on vessels meeting PSC performance criteria.

In sum, TBC requests that the Council move forward with the PSC limit sub-option and performance standard reduction in Alternative 5, Option 2 in its preferred alternative as the measure that best meets the Council's precautionary management approach and FMP bycatch reduction objectives. TBC also supports moving forward with other program incentives, particularly stringent penalties for outlier vessels and salmon excluder requirements.

Sincerely,

Paul Olson, Attorney-at-Law
606 Merrell St.
Sitka, AK 99835
polsonlaw@gmail.com

⁶ The EA notes that requiring excluders in low PSC periods could effect a net PSC increase by prolonging the season based on a hypothetical scenario where the PSC rate on the season ending date was 100 times as high. There would still be net PSC savings at an end of the season PSC rate 50 times as high. There is more detailed PSC rate information on Table 36 (p. 150) showing periods where PSC rates may be low enough that the problem of excluder use prolonging the season is theoretically possible – the mid-summer months, particularly July. Thus, any time period where excluders are not required should be very limited.



March 31, 2015

Sent Via Facsimile

North Pacific Fishery Management Council
605 West 4th Ave, Suite 306
Anchorage, AK 99501
Fax: 907-271-2817

Re: Comments for the April 2015 NPFMC Meeting Regarding Reducing Salmon Bycatch

To whom it may concern,

The Alaska Federation of Natives (AFN) Legislative and Litigation Committee recently passed AFN resolution 15-4, titled *Reduction of Chinook and Chum Salmon Bycatch in the Bering Sea Pollock Fishery*, which we have attached for your consideration at the upcoming North Pacific Fishery Management Council (NPFMC) meeting.

The AFN Legislative and Litigation Committee is authorized to define AFN's position on legislative and policy issues between annual AFN board meetings. AFN's membership includes 165 federally recognized tribes, 146 village corporations, 12 regional corporations, and 12 regional non-profit and tribal consortiums. The mission of AFN is to enhance and promote the cultural, economic and political voice of the entire Alaska Native community.

Over the years, AFN has passed many resolutions requesting the reduction of bycatch of Chinook and Chum salmon in the Bering Sea Pollock Fisheries. The dramatically low Chinook runs and harvests in recent years have caused severe impacts to the people in our rural villages that rely on the subsistence harvest of Chinook and Chum salmon. Commercial Chinook salmon fisheries have been shut down for years on the Yukon and Kuskokwim Rivers, and summer chum salmon fisheries have been restricted to protect Chinook salmon. Despite these restrictions the Yukon River Chinook salmon, the Canadian escapement goal has only been met in 3 out of the last 9 years and mean run size of Canadian-origin Chinook salmon (which comprise approximately 50% of the run) declined 45% for the period 1998-2010 compared to 1982-1997. Yet, the Bering Sea pollock fishery catches these same salmon as bycatch; catching over 122,000 wild Chinook salmon in 2007 and over 700,000 chum salmon in 2005.

Attached to this letter is AFN Resolution 15-4 requesting the NPFMC to reduce the overall cap and performance cap for Chinook salmon bycatch by the maximum under consideration (60%) in time of low salmon abundance (Alternative 5, option 2, with sub option to apply the 60% reduction to the overall

hard cap). Alternative 2 and Alternative 3, option 1-5, should be selected as well and take every action possible to reduce salmon bycatch to zero.

Thank you for your consideration, and please let us know if you have any questions.

Sincerely,


Julie Kitka
President

Attached: AFN Legislative and Litigation Resolution 15-4

March 31, 2015

As a add on, from a Tribal leaders perspective, on the obscene wanton waste with the salmon at the hands of the high seas fisheries.

I realize that in the past years, people talking about the bycatch wasted by the high seas fisheries, never fail to mention that monied interests, like the commercial fishing fleets raping Alaskan waters, have money to wine and dine the politicians making the regulations, as well as campaign contributions, as well as having corporate and industrial lawyers craft and write the regulations for the high seas fisheries.

We have seen the State of Alaska screw up time after time with the fish counts and sonar usage, with the Native people in the interior bearing the brunt of the States unwise practices. Yet nothing is done with the high seas fisheries. The State of Alaska is not to be trusted with fish and game management. It calls to question, what is the reasoning behind such decisions to have Cow moose hunts, which kills off the mothers of calves who depend on them to survive?

We, as Natives, who have lived on these lands for tens of thousands of years, know the life cycles of the animals, birds and fish we eat. We willingly give up our fishing for King Salmon to ensure that future stocks survive to feed our people in the future. We never see the money making enterprises under such onus, as their bottom line is profit for the owners, CEO's stockholders and investors such as the politicians who are tasked with regulating with fairness, and the judges tasked with the legality of the regulations, but the bribe money and favors from the commercial industries make it so the politicians make legislation favorable only to the commercial interests who have bribed them.

Why should we as Natives, continue to listen to such a screwed up corrupt system with no checks and balances, when it comes to feeding our families healthy food, which would cut down our cancer rates by 50% and medical expenses to our interior Native health by 25%?

Your system is corrupt along with the politicians tasked with industry oversight and the judges tasked with making fair and non partisan rulings?

As a Native leader, I see the parallels between the bribery and deliberate mismanagement of the fish and game, in regards to the Natives by the state, in order to displace and dispossess us from our lands and resources, and the deliberate destruction of the plains bison in the lower 48, on which the Natives depended on for food and utensils, in order to starve the Natives into submission in order to the illegal European immigrants to steal the Natives resources and lands. As one who has self educated myself outside the state's colonial education system, I see those parallels.

Why should we as Natives heed legislation crafted by bribed wine and dined crooks, for the benefit of crooks?

In protest



Curtis D. Sommer



"WHERE THE TWO RIVERS MEET"

TANANA TRIBAL COUNCIL
PO Box 130, Tanana, AK 99777
Phone: (907) 366-7160 or 7170 Fax: (907) 366-7195

March 26, 2015

North Pacific Fishery Management Council
605 West 4th Ave, Suite 306
Anchorage, AK 99501

RE: C-2 Bering Sea Salmon Bycatch

Dear Council Members:

I am writing to express my concerns regarding the salmon bycatch issue. As you may know, salmon are the cornerstone for our nutritional, cultural and economic survival.

In 2014, for the first time our history, subsistence fisheries for Chinook salmon was completely closed on the Yukon River and severely limited on the Kuskokwim River. Even more abhorrent, the very minimum amount necessary for subsistence have not been met on the Yukon River since 2008 and on the Kuskokwim since 2011-2012. These dramatically low salmon runs and harvests have caused severe negative impacts to my family, our community and surrounding communities.


In light of the severe negative impacts, the measures adopted in April 2009 by the North Pacific Fishery Management Council (the Council) providing for a 47,591 bycatch level, with the potential for the fleet to reach 60,000 in two out of every seven years without consequence is abominable and unacceptable.

At a time when we have little to no subsistence harvest on the Yukon and Kuskokwim Rivers, even one fish caught as bycatch should not be tolerated.

I am asking the Council to take final action in April to reduce the overall cap and performance cap for Chinook salmon bycatch by the maximum under consideration (60%) in times of low salmon abundance (Alternative 5, option 2, with the suboption to apply the 60% reduction to the overall hard cap). Alternative 2 and Alternative 3, options 1-5, should be selected as well.

Please make the hard choice to restore salmon stocks and develop a sustainable fishery.

Sincerely,


Curtis Sommer
Chairman

Subject: Res. 15-04 Reduction of Chinook & Chum Bycatch
From: Yupiit of Andraefski <yupiit.of.andraefski@gmail.com>
Date: 3/31/2015 3:35 PM
To: npfmc.comments@noaa.gov
CC: Tim Andrew <tandrew@avcp.org>

The Yupiit of Andraefski has been advocating for years for the reduction of Chinook and salmon bycatch in the Bering Sea Pollock Fishery. Our village and other native villages along the Yukon River continue to bear the burden of conservation of the Chinook economically both in the subsistence fishing and commercial fishing restrictions. Everyone needs to do their share in order for the salmon to rebound, especially the Pollock fishery that has so far contributed the least in this effort. Attached is Resolution 15-04 "Reduction of Chinook and Chum Salmon Bycatch in the Bering Sea Pollock Fishery".

--

Yupiit of Andraefski
Richard Alstrom, Tribal Administrator
PO Box 88
St. Marys, Alaska 99658
Ph: 907-438-2312; Fax: 907-438-2512

This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation.

—Attachments:—

Res 15-04 Reduce salmon bycatch.pdf

770 KB

Eastern Interior Alaska Subsistence Regional Advisory Council

c/o U.S. Fish and Wildlife Service

Office of Subsistence Management

1011 East Tudor Road, MS 121

Anchorage, Alaska 99503

Phone: 907-786-3888, Fax: 907-786-3898

Toll Free: 1-800-478-1456

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3 1 MAR 2015

Mr. Dan Hull, Chair
North Pacific Fishery Management Council
P.O. Box 100498
Anchorage, Alaska 99501-2252

Dear Chairman Hull:

I am writing on behalf of the Eastern Interior Alaska Subsistence Regional Advisory Council to provide the Council's comments and recommendations on Chum and Chinook Salmon bycatch in the Bering Sea/Aleutian Islands commercial Pollock fishery for consideration by the North Pacific Fisheries Management Council (NPFMC) under agenda item C-4 at the upcoming April 6 – 14, 2015 meeting in Anchorage, Alaska.

The Eastern Interior Alaska Subsistence Regional Advisory Council (Council) represents subsistence harvesters of fish and wildlife resources on Federal public lands and waters of the Eastern Interior Region of Alaska, including the Yukon River and its tributaries from Tanana to the Canadian border. The Council was established by the authority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and is chartered under the Federal Advisory Committee Act. Section 805 of ANILCA 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 Federal public lands within the region. 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 subsistence resources critical to Federally qualified subsistence users whom the Council represents.

The Council held a joint public meeting with the Western Interior Alaska Subsistence Regional Advisory Council in Fairbanks on March 4, 2015, regarding various subsistence issues. Specifically, the two Councils met together to address Yukon subsistence fisheries concerns. The Council was very pleased to have NPFMC staff Steve MacLean and Dr. Diana Stram as well as NPFMC member representatives Bill Tweit, Glenn Merrill, and Nicole Kimball attend the meeting in person to present information and address questions.

The Council is encouraged by the efforts and initiatives to reduce bycatch for both Chum and Chinook Salmon and would like to commend the NPFMC for the excellent analyses and progress that has been made bycatch reduction strategies implemented thus far.

The Council continues to be very concerned with the issue of Chinook and Chum Salmon bycatch on the Bering Sea and its adverse impacts on subsistence users who depend on this resource for nutritional and cultural survival in our region. In response to Chinook Salmon declines in recent years, many communities have taken initiative to limit or completely curtail their subsistence harvest of Chinook Salmon in order to help sustain the population for future generations. In 2014, with the lowest returns on record, subsistence fisheries for Chinook Salmon were completely restricted throughout Western Alaska. On the Yukon River, all directed harvest of Chinook Salmon was closed and subsistence summer Chum Salmon fishing severely restricted to avoid any incidental catch of Chinook Salmon. In these times of severe Chinook Salmon decline, all sources of mortality must be reduced and all harvesters of salmon must equitably conserve. The Council encourages further measures to reduce Bering Sea bycatch.

The Council endorses recommendations from the Yukon River Drainage Fisheries Association and the resolution titled "Reduction of Chinook and Chum Salmon Bycatch in the Bering Sea Pollock Fishery" (enclosed). This Council strongly supports the resolution and the recommendations outlined in the document, identifying the preferred alternative 5, option 2 (60% reduction to the performance standard) and the suboption to apply the 60% reduction to the overall hard cap. Alternative 2 and Alternative 3, options 1-5, should be implemented as well.

We applaud the ongoing efforts to limit bycatch in the Bering Sea Pollock fishery, but urge the NPFMC to take immediate action to set a voluntary limit on Chinook Salmon bycatch for 2015 to not exceed 20,000 fish, and take every action possible to completely eliminate all bycatch.

Thank you for the opportunity to dialogue with the NPFMC. We look forward to continuing discussions about the issues and concerns of subsistence users of the Eastern Interior Region. If you have questions about this report, please contact me via Eva Patton, Subsistence Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or, (907) 786-3358.

Sincerely,



Sue Entsminger
Chair

Enclosure

cc: Federal Subsistence Board

Eastern Interior Alaska Subsistence Regional Advisory Council

Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management

Chuck Ardizzone, Deputy Assistant Regional Director, Office of Subsistence Management

Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management

Eva Patton, Council Coordinator, Office of Subsistence Management

Donald Rivard, Fisheries Biologist, Office of Subsistence Management

Pippa Kenner, Anthropologist, Office of Subsistence Management

George Pappas, State Liaison, Office of Subsistence Management

Jennifer Yuhas, Federal Subsistence Liaison Team Leader, Alaska Department of Fish & Game

Wayne Jenkins, Deputy Director, Yukon River Drainage Fisheries Association

Interagency Staff Committee

Administrative Record



ARCTIC STORM MANAGEMENT GROUP, LLC

2727 Alaskan Way, Pier 69
Seattle, Washington 98121 U.S.A.

Mr. Dan Hull, Chairman
North Pacific Fishery Management Council
605 W 4th Ave., Suite 306
Anchorage, AK 99501

RE: Bering Sea Chinook and Chum Salmon Bycatch Measures

March 31, 2015

Dear Chairman Hull,

Arctic Storm has been a long time participant in the Bering Sea pollock fishery. We have advocated for reduced bycatch in the past and, in tandem with our Bristol Bay CDQ partners, have taken action to reduce our salmon bycatch rates. We are proud of our efforts. The bycatch rate of our vessels has consistently been among the lowest of any vessels in the Bering Sea. We support the measures proposed in this action to further reduce bycatch in Alternatives 2, Alternative 3 and those in Alternative 4 that will increase flexibility to avoid salmon. However, we cannot support the use of the Three River Index as a tool to raise and lower the Chinook performance standard and hard cap. We believe the Index to be critically flawed and an inappropriate tool for management of salmon bycatch in the Bering Sea.

We also fear that the Council and public may not understand the measures our captains have taken to avoid salmon and the costs those measures have already imposed on our crews, company and customers. For that reason, I have included a response from one of our captains (attached) when queried by me about how he would respond on the grounds to a reduced performance standard and cap. The response from all our skippers was virtually the same. They could not understand how they could reduce their bycatch further and why their efforts were not recognized. I hope this information will assist in that endeavor.

Regarding use of the Three River Index as a tool to manage Bering Sea Chinook bycatch, we offer our concerns after reviewing the Index and the information supplied in the analysis. We hope you find these helpful as you consider its application in Alternative 5.

Concerns with using the Three River Index to manage Chinook bycatch in the Bering Sea

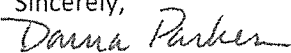
- 1) In the hind-cast of run-reconstruction as proposed by the Three River Index (Table 7 pg 67), it incorrectly predicts high and low abundance in three out of fifteen years.
- 2) All three errors occur in the years in which abundance changes from high to low or visa versa, when a correct prediction is most needed.

- 3) The error cannot be avoided because the prediction is based on a run re-reconstruction of the previous year. A correct prediction based on past performance is not possible when abundance changes in the future. It will *never* be correct when abundance significantly changes in the Three Rivers.
- 4) The Three River Index only includes a fraction of the runs in western Alaska, BC and the west coast; less than 50% based on genetic samples. For instance, by excluding the Nushagak River returns in the predictive Index, it excludes the impact of large increases of Nushagak salmon on the pollock grounds. So while the Three River Index may indicate low abundance in those rivers, an increasing Nushagak run will be increasing salmon on the pollock grounds, as would increasing BC and west coast runs. Yet the Three River Index would trigger up to a 60% reduction in the performance standard and increase substantially the likelihood that pollock bycatch will exceed the reduced performance standard or cap when runs elsewhere are on the rise.
- 5) Most of the data collection used in reconstructing the runs of the previous year are subjective estimates except for commercial catch landings. Subsistence catch data is not required and so is estimated by ADF&G based on return of some survey questionnaires. Escapement data is often counted by humans operating count clickers during ariel surveys and at fish weirs. Limited sonar equipment that is susceptible to breakdown and miscalculation is also used. The impact of a significant increase or decrease in the performance standard and cap could be severe based on the few subjective estimates that may cause the final run tally to barely exceed or not exceed the 250,000 Three River Index trigger.

All of these issues contribute to use of a tool that will inaccurately predict salmon abundance in the Three Rivers when abundance changes, and inaccurately predict salmon abundance on the pollock grounds. This will significantly increase the likelihood that the pollock fishery will exceed a reduced performance standard and or cap especially when reduced dramatically as proposed in Alternative 5.

For all the reasons cited above, we support the Council's efforts to further reduce Chinook bycatch in the Bering Sea pollock fishery as described in Alternative 2 (which better balances chum and Chinook bycatch management) , Alternative 3 (which appropriately constrains outliers with consistently high bycatch) and Alternative 4 (which seeks to provide increased flexibility in avoidance of salmon by reallocating A/B seasonal splits to 50/50 and by moving forward the B season start date to June 1.) In combination, these measures will help reinforce the IPA measures, performance cap and hard cap imposed by Amendment 91 that have been highly effective in reducing Chinook salmon bycatch.

Sincerely,



Donna Parker

Dir. Government Affairs

Donna Parker

To: ATTACHMENT 1
Subject: Comments of Capt Dan Hanson, FV Arctic Fjord on Alternative 5; reduction in cap and performance standard

In response to my query about how the vessel might operate differently if the Council reduces the Chinook performance standard and cap, the captain of the CP Arctic Fjord responded as follows:

From: Daniel Hanson
Sent: Friday, March 27, 2015 11:00 AM
To: Donna Parker
Subject: salmon bycatch

Donna,

This would be a disaster in my eyes. I think that the current restrictions have possibly cost us as much as two million dollars just this season. For the past couple of years we have been running away from 4 to 5 pct roe because we know that salmon are in that area, such as the slime bank. If we were to raise our round value 100 dollars per ton that is two million for this season alone. I believe that if we were able to fish 5 trips on the slime banks \$100 per ton more is a reasonable number. The past few trips I have also run away from the area south of Saint George where the roe has been in the 5% plus range. The salmon survey that asks whether or not we moved because of salmon does not reflect this because we didn't even attempt a tow there. Even though we knew that there was much more roe in that area. The biggest problem is that we have enough salmon now to try a test tow where it is questionable for salmon. More often than not we find an area where it is ok to fish. With 300 salmon for the year this will NEVER be possible. We will be forced to run for miles to grounds with much less roe and much poorer quality and most likely less fish in general. This will definitely add weeks to our season. The financial implications will be huge when you add all of the factors together.

Seriously,
Dan