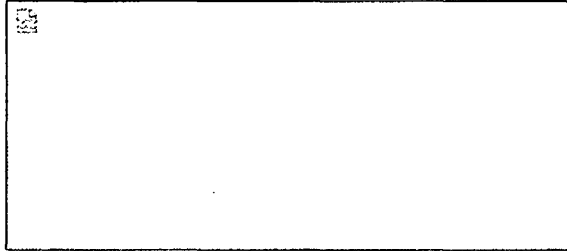


**Subject:** Chinook Salmon bycatch  
**From:** Craig Matkin <comatkin@gmail.com>  
**Date:** 9/21/2013 10:07 AM  
**To:** npfmc.comments@noaa.gov



Dear Council,

As you know, Chinook salmon are of key importance not only to commercial fishermen and sport fishermen, but to local communities in western Alaska. They are also very important prey for fish eating killer whales in the Gulf of Alaska as supported by our long term studies. I am extremely pleased that the Council has recognized the importance of limiting Chinook bycatch in the Gulf of Alaska, however, I am concerned that the observer coverage of the GOA trawlers is projected at about 14% of vessels in 2014. I don't think this is sufficient to adequately understand and limit what is going on with bycatch in these fisheries. I hope you will see fit to increase the level of observer coverage to at least 33% of vessels in these initial stages of implementation.

The Chinook issue is a statewide issue, just as these incredible fish roam throughout state waters as mixed stocks. We strongly support the efforts of those residents and fishermen in western Alaska and urge you to revisit the Chinook bycatch limits in that region. They are in need of further reduction and it is another chance for the Council to show that a the long-term goal is insignificant levels of Chinook bycatch.

Chinook is really the cornerstone of Alaska's unique position as the salmon breadbasket of the United States. It is a species of utmost importance to coastal residents, both human and killer whale. I hope it will be the NPFMC legacy that these priceless fish were conserved for all.

Craig O. Matkin  
Executive Director, North Gulf Oceanic Society



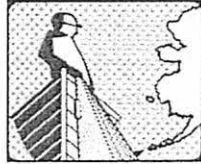
Association of Village  
Council Presidents



Kawerak, Inc.



Tanana Chiefs Conference



Bering Sea Fishermen's Association



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September 24, 2013

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-6(c) BSAI Chinook salmon bycatch report**

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). AVCP is a tribal consortium of the fifty-six 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 the tribal consortium in the Bering Strait region of Alaska, where there are 20 federally recognized tribes. Tanana Chiefs Conference (TCC) is a tribal consortium of the forty-two villages of Interior Alaska. 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. These salmon provide a primary source of food and are essential to the continued viability of the subsistence way of life and the cultures

and economies of Western Alaska. For many residents the commercial salmon harvest also provides the only means of income for those who live in remote villages. These once vibrant salmon runs have been on a steady decline throughout the region, with dramatically low salmon runs and harvests in recent years. These declines have caused severe impacts on Western Alaskans as a critical source of food, income and culture has been depleted.

In light of the current condition of the Chinook salmon stocks throughout Western Alaska, the impacts from Chinook salmon bycatch are quite significant. At a time when literally every fish counts and subsistence users are making dramatic sacrifices in their harvests for the long-term health of the run, it is critical that the North Pacific Fishery Management Council (the Council) is doing everything possible to ensure bycatch reductions. To that end, we ask you to:

- 1. Initiate a discussion paper which investigates methods to further reduce bycatch, including the overall cap level and placing limitations on pollock fishing in late September through October.**
- 2. Include additional information on Western Alaska stock status in the discussion paper, including detailed descriptions of the restrictions imposed on commercial and subsistence salmon fisheries in the region over the last 5 years and whether amounts necessary for subsistence have been met.**

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. The Council report prepared for this Council meeting primarily includes a synopsis of the State of Alaska's salmon management laws. Important information on the state of the runs is presented in tables which are challenging to read, and some of the information is even cut off.<sup>1</sup> Information on subsistence restrictions is only contained in these tables, and only for the past two years. This approach neglects to portray the long-term burden of subsistence restrictions, and the level of restrictions employed each year. For instance, the section on the Yukon River simply says "restricted fishing schedule," with no detail about the type of restrictions. Oddly, the description for sport fisheries, which are a very small component of the

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<sup>1</sup> North Pacific Fishery Management Council and National Marine Fisheries Service, *Bering Sea Chinook Salmon Report For Council: Stock Status, AEQ Analysis And PSC Rate Analysis 8-11* (Oct. 2013) [hereinafter *Bering Sea Chinook Salmon Report*].

fishers on the Yukon River, contains a full description of the changes in bag limits over the past two years. This information is a starting point, but fails to capture the full extent of the declines, and the resulting descriptions. Without this information, the Council does not have the information it needs to understand the extreme sacrifices being made by in-river users, and to make an informed decision about the impacts of bycatch. 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.**

#### A. The Kuskokwim River

Since 2010, the Kuskokwim River appears to have suffered three of the worst runs ever observed (2010-2012). Based on preliminary 2013 escapement data, it appears that not a single weir based tributary escapement goal was met, and those tributary escapement levels were, for all except one, record lows. It is likely that the drainage-wide escapement goal was not met either.<sup>2</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 Chinook salmon.<sup>3</sup> Amounts necessary for subsistence (ANS) set by the Board of Fish were not met in 2011 and 2012.<sup>4</sup> Note: 2012 are numbers not yet final, but indications are that the minimum amount necessary for subsistence might have been missed by as much as 60%, based on personal communication with ADF&G staff.

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>5</sup> The Kwethluk and Tuluksak rivers did not meet king salmon sustainable escapement goals for the fourth and fifth consecutive years, respectively. The George River did not meet its escapement goal in 2011, nor had the escapement goal been met

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<sup>2</sup> Kuskokwim River Salmon Management Working Group, *Information Packet* (Aug. 27, 2013) available at: [http://www.adfg.alaska.gov/static-f/fishing/PDFs/commercial/krsmwg/08\\_27\\_13\\_InfoPacket.pdf](http://www.adfg.alaska.gov/static-f/fishing/PDFs/commercial/krsmwg/08_27_13_InfoPacket.pdf).

<sup>3</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>4</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).

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

in three of the previous four years. Only one tributary (of four with weir based escapement goals), achieved the escapement goal in 2011.<sup>6</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>7</sup> In 2013, pre-season tributary restrictions were implemented similar to 2011 and 2012 and late subsistence gear restrictions were imposed.<sup>8</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>9</sup> Several middle river tribes have signed formal resolutions calling for conservation measures.<sup>10</sup>

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

### 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 preliminary data indicates 2013 is likely even worse. The Alaska Board of Fisheries has designated the Yukon River Chinook salmon stock as a Stock of Concern since 2000.<sup>11</sup>

The escapement goal for Canadian origin stocks (which make up approximately 50% of the run) have only been met in two of the last seven years (the goal was met in 2009 and 2011). According to preliminary estimates, 2013 may be the lowest escapement yet.

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>12</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

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<sup>6</sup> Alaska Department of Fish and Game, *2012 Preliminary Kuskokwim Salmon Season Summary* (Oct. 3, 2012).

<sup>7</sup> Alaska Department of Fish and Game, *2011 Preliminary Kuskokwim Salmon Season Summary* (Oct. 12, 2011).

<sup>8</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>9</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>10</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>11</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>12</sup> Fall et. al., *supra* note 3.

the lower end of the amounts necessary for subsistence range.<sup>13</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>14</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 River.<sup>15</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>16</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.<sup>17</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>18</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>13</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>14</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>.

<sup>15</sup> Schmidt and Newland, *supra* note 11.

<sup>16</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>17</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).

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

The North River's counting tower is one of the major indexes for in-season management in eastern Norton Sound. The Chinook salmon escapement goal has been met in only 2 of the last 6 years, and met in only 3 of the last 10 years. (since established, the escapement goal has been met in 1999, 2001, 2003, 2003, 2007, 2009, and 2010).<sup>19</sup> Preliminary counts for 2013 suggest that the North River escapement, even expanded for a period of high water which limited counting time, may be the lowest number recorded.<sup>20</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>21</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>22</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>23</sup>

## II. Chinook Salmon Bycatch Is Significant And Must Be Reduced

As detailed above, Chinook salmon runs are facing significant declines throughout Western Alaska. Subsistence users are being asked to reduce their harvest significantly, and subsistence harvests have been dramatically reduced in recent years. Despite these oftentimes severe restrictions, and impacts to coastal and in-river residents, in many cases we are still failing to meet minimum escapement goals. In some areas, subsistence users themselves are asking for complete closures and/or ceasing to take any Chinook salmon out of concern for the long-term health of the run. 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

<sup>19</sup> Kent and Bergstrom, *supra* note 17.

<sup>20</sup> Personal comm. Jim Menard.

<sup>21</sup> Kent and Bergstrom, *supra* note 17, at 4.

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

<sup>23</sup> *Id.* at 5.

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>24</sup> and were at or below one return per spawner in the Kuskokwim River.<sup>25</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 subsistence will likely be reduced even further in the future.

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 2,220 Upper Yukon River Chinook salmon were caught as bycatch.<sup>26</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 1,337 Upper Yukon fish were caught as bycatch.<sup>27</sup> While the escapement goal was met that year, it was met on the backs of subsistence users. 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 under the current conditions of stock abundance would severely impact meeting escapement goals and would cause additional restrictions to in-river fisheries. We use the upper Yukon River stock here because it is easier to single out, but similar impacts are likely true for the Coastal Western Alaska stocks.

The Council is obligated to reduce 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

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<sup>24</sup> D. Schindler et. al., *supra* note 16, at 16.

<sup>25</sup> *Id.* at 22.

<sup>26</sup> Bering Sea Salmon Bycatch Report, *supra* note 1, at 23.

<sup>27</sup> *Id.* at 23.



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>28</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 failures 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 also hurts U.S. fishermen in the future as we fail to rebuild the stock which contributes over half of the Chinook salmon run which enter the river.

### III. Recommendations

Based on our review of the information presented in this report, as well as the current stock status information that we provide here we recommend the following course of action:

- 1. Initiate a discussion paper which investigates methods to further reduce bycatch, including the overall cap level and placing limitations on pollock fishing in late September through October.**

This report presents helpful information in assessing the current bycatch management measures. The AEQ results and stock status updates present a clear case that this issue deserves further discussion. We ask the Council to move forward with an expanded discussion paper which investigates several means of further reducing Chinook salmon bycatch. The overall cap level, as the ultimate backstop on bycatch, should be looked at further. Secondly, we ask the Council to look at potential limitations on pollock fishing in late September through October. The report clearly provides information that this time period is one of consistently high bycatch. Perhaps most disturbingly, this data show that at the end of October, particularly for the shoreside sector, bycatch rates are very high while pollock catch rates are very low.<sup>29</sup> The incentive plans were supposed to create a system in which vessels would not chose to fish at times of high bycatch and low bycatch and would have “incentives” not to do so. This data suggests that the incentive plans as is are not achieving this desired result, and thus it is appropriate for the Council to engage in regulating this activity.

- 2. Include additional information on Western Alaska stock status in the discussion paper, including detailed descriptions of the restrictions imposed on commercial and subsistence salmon fisheries in the region over**

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<sup>28</sup> Pacific Salmon Treaty, Annex IV Chapter 8 (27)(Yukon River Salmon Agreement)(2002).

<sup>29</sup> Bering Sea Chinook Salmon Report, *supra* note 1, at 32.

**the last 5 years and whether amounts necessary for subsistence have been met.**

The information included in the report on Western Alaska stock status provides a broad overview of stock status and restrictions, but fails to paint a full picture of the devastation in Western Alaska from the Chinook salmon declines. We ask that an expanded discussion paper include descriptions imposed on commercial and subsistence fisheries in each river system in the region over the last five years, as well as total subsistence harvests and how they compare to amounts necessary for subsistence ranges. This information is critical to the Council's understanding of the level of the crisis at hand, the impacts on in-river users, and the importance of a hundred fish at this point in time. We ask you to include this information, available from ADF&G, USFWS and from those impacted, about the status and impacts of the declines.

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



Karen Gillis, Executive Director  
Bering Sea Fishermen's Association



Melanie Bahnke, President  
Kawerak



Jerry Isaac, President  
Tanana Chiefs Conference



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