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Dan Hull, Chairman
North Pacific Fishery Management Council
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Re: Agenda Item C-6 GOA Non-pollock trawl chinook PSC limits

Dear Chairman Hull:

The Alaska Longline Fishermen's Association (ALFA) requests that the North Pacific Fishery Management Council ("Council") cease planning on this agenda item and maintain the existing Chinook Prohibited Species Catch (PSC) limit of 7,500 fish. If you choose to move forward with further analysis, ALFA requests that you modify the Purpose and Need for this action to clearly identify the conservation crisis for Southeast Alaska Chinook stocks, and add an alternative responding to the crisis that decreases the PSC limit. Our position is explained in greater detail below.

The EA includes two action alternatives. Alternative 2 would increase the existing PSC limit for the non-pollock, non-Rockfish Program sectors by between 1,000 and 3,000 fish. Alternative 3 would increase the limit by between 300 and 900 fish for the Rockfish Program sector.[1] The two alternatives in combination could increase the overall PSC limit by 3,900 fish to a total limit of 11,400 fish. The analysis suggests that this potential 52% increase would increase Chinook PSC "slightly from the status quo."[2] Even a lesser increase could be within the range of the historical maximum annual takes of Chinook contemplated in the 2013 analysis.[3]

The Council established the existing 7,500 PSC limit in 2013 by adopting Amendment 97. Since that time, there have been serious declines in Chinook escapements to southeast Alaska river systems. The Alaska Board of Fisheries' stock rebuilding plans "impose severe Chinook salmon harvest restrictions on all users in the region for 2018 and subsequent

[1] NPFMC. 2018. Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Proposed Amendment to the Fishery Management Plan for Groundfish of the Gulf of Alaska, Chinook Salmon Prohibited Species Catch in the Gulf of Alaska Non-Pollock Trawl Fisheries. March 2018. *See* p. 11. The proposed amendment package also contains a sub-option that would replace the existing performance standard/incentive buffer with an annual rollover of any unused Chinook PSC from the previous year.

[2] *Id.* at 28.

[3] NPFMC. 2013. Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis to set Gulf of Alaska Chinook Salmon Prohibited Species Catch limits for in the Gulf of Alaska non-pollock trawl fisheries. May 2013. *See* p. 22.

fishing seasons."[4] Several systems are likely to fall below escapement needs even in the absence of any harvest.[5]

At the same time, cumulative removals of Chinook in Gulf of Alaska trawl fisheries have been increasing over the past three years.[6] Estimated Chinook PSC in the pollock trawl fisheries alone increased from 13,122 fish in 2015 to 20,589 fish in 2016 and peaked to 21,111 fish in 2017.[7] This increase is a significant concern at this time. Between 65 percent and 85 percent of these fish would otherwise survive to reproduce.[8]

Most of the statewide Chinook harvest occurs in southeast Alaska directed fisheries, including the commercial salmon troll fishery.[9] There are roughly 1,000 active permit holders each year, making the troll fishery the second largest fleet in the state, second only to Bristol Bay. Alaska residents comprise well over 80% of active permit holders.[10] ALFA's membership includes a high proportion of small fishing vessel owners who participate in both the IFQ longline fisheries and directed commercial troll fisheries for Chinook salmon. ALFA also has dozens of members who participate solely in the commercial troll fisheries.

The Chinook fishery is normally open continuously from October 11 through the first week of July. ALFA's members and other Southeast Alaska Chinook fishermen now face serious restrictions that include closures of large areas and the late winter and spring seasons. These closures reflect recent, even starker declines in the Chinook salmon resource that have occurred since the Council first established PSC limits for the Gulf of Alaska non-pollock fisheries in 2013. The purpose of the closures is to pass through even small numbers of southeast Alaska Chinook through spring and early summer migratory corridors in order to address numerous unmet escapement goals.

The Purpose and need and range of alternatives for this action should address the need to conserve southeast Alaska Chinook

The stated need for increasing Chinook PSC limits reflects two developments that have occurred since 2013 – new genetic sampling, and implementation of the restructured observer program. ALFA submits that these changes are not nearly as significant as the recent crash of southeast Alaska Chinook stocks. Ensuring that all stakeholders contribute to the recovery of this resource should be the Council's primary purpose in any action related to Gulf of Alaska Chinook salmon.

The Environmental Assessment (EA) recognizes that Chinook salmon returns in Alaska have been poor or below average for the past decade.[11] When the Council adopted Amendment 97, however, the primary concern was for Upper Cook Inlet stocks, with a "Poor" run size and escapement goals met in only 4 of 21 river systems.[12] Southeast Alaska stocks

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[4] Alaska Board of Fisheries. 2018. Letter to North Pacific Fishery Management Council Chairman Dan Hull re: Council Action on Gulf of Alaska Non-Pollock Trawl Chinook Salmon Prohibited Species Catch. Juneau, AK. March 2018.

[5] *Id.*

[6] NPFMC 2018 at 43, Fig. 2.

[7] NMFS. 2015 – 2017 Gulf of Alaska Seasonal Prohibited Species Reports. *Available at:* https://alaskafisheries.noaa.gov/fisheries-catch-landings

[8] NPFMC 2018 at 13.

[9] *Id.* at 170. (showing annual average harvest of 342,094 fish with average harvests of 10.3 million pound from 2003-2007 dropping to 5.3 million pounds from 2008-2016).

[10] *Id.* at 171, Table 92.

[11] *Id.* at 12.

[12] NPFMC 2013 at 50.

were below average, but directed fisheries were ongoing.[13] There were no stocks of concern and escapement goals were largely met.[14]

Now southeast Alaska Chinook fishery managers expect the worst return on record in 2018 with escapement failures on 9 of 11 river systems.[15] 2017 was the smallest commercial troll Chinook harvest in southeast Alaska ever based on records dating back at least to the 1970s.[16] The harvest was slightly more than half of the ten year average.[17] After the 2017 season, Alaska designated three southeast Alaska stocks as Stocks of Concern.[18] Savings of small numbers of fish – 200 – 400 spawners - may realize escapement goals in these three river systems and commence a recovery process.[19] The largest river systems are on track to become Stocks of Concern because of recent escapement failures.[20]

These stock declines have precipitated unprecedented seasonal and area closures. ADF&G has previously provided nearly continuous commercial Chinook fishing opportunities from October 11 through the first week of July. New management measures resulted in closing the winter troll fishery on March 15, 2018 rather than the usual closing date of April 30. ADF&G will close the spring troll fishery in May and June with the exception of limited openings in terminal harvest areas which target hatchery Chinook.[21] Over the past decade, roughly 400 to 500 troll permit owners operate during the winter fishery with effort increasing to roughly 600 permit holders during the spring fishery.[22] Sport fishermen and gillnet fishermen will face extensive seasonal and area closures between April and June.[23] Four southeast Alaska communities have cancelled or modified their annual king salmon derbies which fund scholarships and local outdoor sport hunting and fishing associations.[24]

In sum, the most important change since the 2013 adoption of the 7,500 Chinook PSC limit is the precipitous decline of southeast Alaska Chinook stocks, and unprecedented directed fishery closures. ALFA submits that for this reason alone, the Council should either cease planning on this agenda item, or develop a purpose and need and alternatives for this action that recognize and address this crisis by reducing existing PSC limits, including the pollock trawl fishery limit.

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[13] *Id.* at 49-50.

[14] *Id.*

[15] 2018 EA at 75-76; NW GOA runs experiencing ongoing escapement failures.

[16] Hagerman et al. 2017. 2017 Annual Management Report for the 2017 Southeast Alaska/Yakutat salmon troll fisheries at 29, Table 6. Alaska Dept. of Fish and Game, Fisheries Management Report No. 18-02. Anchorage.

[17] *Id.*

[18] NPFMC 2018 at 76.

[19] Appx. A. Chinook Salmon Escapement Goal Performance at 34, Table 1. http://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo&date=01-11-2018&meeting=sitka

[20] Heinl, S. et al. 2017. Review of salmon escapement goals in southeast Alaska, 2017. Alaska Dept. of Fish and Game, Fishery Manuscript Series No. 17-11. Anchorage.

[21] NPFMC 2018 at 76.

[22] *Id.* at 23, Table 4.

[23] *Id.* at 76-78.

[24] *See, e.g.* https://www.ktoo.org/2018/02/09/big-change-announced-ketchikan-salmon-derby/ https://www.kfsk.org/2018/02/16/longest-salmon-derby-in-southeast-limited-to-weekends-due-to-dwindling-king-numbers/ https://www.kfsk.org/2018/02/01/petersburg-chamber-cancels-2018-salmon-derby/ http://juneauempire.com/local/news/2018-01-26/spring-king-derby-canceled-again

New observer and genetic information does not justify increasing Chinook PSC limits

One of the two primary reasons suggested for increasing the take of Chinook in Gulf of Alaska non-pollock trawl fisheries is that NMFS has increased the overall amount of genetic data gathered through additional sampling of Chinook taken in the Gulf of Alaska non-pollock trawl fisheries.[25] This recent data collection effort showed that 80% of the Chinook taken in Gulf of Alaska trawl fisheries are from British Columbia and the west U.S. coast, 15% from southeast Alaska, and 5% from the northwest Gulf of Alaska.[26] This take of southeast Alaska Chinook does not significantly differ from previous estimates considered in the 2013 analysis, which identified a 14% southeast Alaska stock composition from samples taken in the non-pollock trawl fisheries.[27] Observed numbers of coded wire tagged (CWT) fish were also similar. Tagged southeast Alaska fish were roughly a third of the CWT mark expanded number based on data collected both before and after the 2013 analysis.[28] The Alaska Fishery Science Center's updated genetic analysis similarly identified some consistency in stock composition estimates dating back to 2010.[29]

Even with this new data, both the 2013 analysis and updated 2018 EA draw the same conclusions with respect to possible impacts on southeast Alaska and other Chinook stocks. Both analyses concluded that "[i]t is not possible" to assess the impact of Chinook takes in the trawl fishery on individual stocks.[30] Both analyses explain that NMFS cannot determine "whether the groundfish fisheries' take of Chinook salmon is, or is not, causing escapement failures in Alaska's rivers."[31] The new genetic data is "limited" and at best presents "illustrative examples" of stock-specific impacts.[32]

Poor juvenile marine survival is the primary hypothesis for the stark decline. The critical concern with the action alternatives is the extent to which increased take of Chinook as PSC will delay or even prevent recovery. The new data does not address this concern because NMFS has no more ability to assess the impacts on specific stocks than it did in 2013. In contrast, ADF&G has stock composition and harvest data sufficient to implement spatial and temporal closures in the directed fisheries. The impacts of losing small numbers of Chinook returning to spawn in southeast Alaska rivers are substantial. The inability to recover the resource as needed to meet escapement goals means prolonged periods of severe directed fishery closures, risking the viability of hundreds of Alaska resident-owned small fishing businesses, southeast Alaska salmon processors, and the communities and support businesses that rely on the directed Chinook fishery.

The other stated reason for increasing the PSC limit is that observer program restructuring has expanded coverage onto smaller trawl vessels.[33] The analysis identifies "new information from observer coverage" that "might indicate that estimated Chinook PSC

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[25] NPFMC 2018 at 17.

[26] *Id.* at 13.

[27] NPFMC 2013 at 26.

[28] *Cf. id.*at 28; NPFMC 2018 at 66.

[29] Guthrie, C. M. et al. 2018. Genetic stock composition analysis of the Chinook salmon bycatch samples from the 2016 Gulf of Alaska trawl fisheries. U.S. Dept. of Commerce, NOAA Tech. Memo NMFS-AFSC-370.

[30] *Cf.* NPFMC 2013 at 50; NPFMC 2018 at 13

[31] *Id.*

[32] NPFMC 2018 at 53.

[33] *Id.* at 17.

… was lower than the actual rate that supported historical harvest levels."[34] Indeed, the EA identifies a "marked increase in maximum estimated Chinook PSC" which suggests that NMFS may have underestimated historical Chinook take in previously unobserved Western Gulf of Alaska trawl fisheries by a factor of ten or more.[35] The analysis thus assumes that there is a higher probability of a closure occurring in any given year than assumed in the prior analysis based on new increased PSC estimates for the WGOA trawl fleet.[36]

However, changes to the observer program also weigh in favor of maintaining and/or reducing the existing Chinook PSC limits. The analysis indicates that observer coverage rates on larger, non-Rockfish Program vessels are lower than they were prior to restructuring of the observer program.[37] Indeed, coverage rates for these vessels declined from 25 percent prior to restructuring to 12 percent post-restructuring in the Central Gulf of Alaska, and from 65 percent to 24 percent in the Western Gulf of Alaska.[38] Previously unobserved Central Gulf of Alaska and Western Gulf of Alaska trawl vessels have average post-restructuring coverage rates of 5.5 percent and 7.3 percent.[39] Monitoring Chinook PSC is particularly challenging – as the analysis acknowledges, "even extremely large samples of a haul provide relatively imprecise estimates of catch for rare and clustered species, such as Chinook salmon."[40]

Finally, it is unclear why there is a need to increase Chinook PSC limits. The Council adopted Amendment 103 which gave NMFS the authority to shift Chinook PSC around between sectors and allowed NMFS to extend one fishery in 2017.[41] Estimated Chinook PSC over the past three years has been below 5,000 fish in the non-pollock trawl fisheries.[42] Most target species for non-pollock Gulf of Alaska trawl fisheries are trending downward.[43] These trends undercut the perceived need for additional takes of Chinook .

Conclusion: The Council should cease planning on an action that increases bycatch

The proposed action cannot possibly meet National Standard 9's directive that "[c]onservation and management measures, shall, to the extent practicable, (A) minimize bycatch, and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch."[44] Given this substantive mandate to minimize bycatch, and the precipitous decline in southeast Alaska Chinook stocks, the analysis improperly omits alternatives the Council should consider with regard to Chinook PSC limits that would contribute to resource recovery through additional salmon savings. ALFA suggests that appropriate action alternatives should include shifting limited observer coverage resources away from low-impact pot fisheries, temporal measures that respond to peak periods of Chinook PSC,[45] or options to further reduce PSC limits in all Gulf of Alaska trawl fisheries. In closing, ALFA

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[34] *Id.* at 14.

[35] *Id.*

[36] *Id.* at 15.

[37] *Id.* at 127.

[38] *Id.* at 127, Table 54.

[39] *Id.*

[40] *Id.* at 128, 151.

[41] *Id.* at 19.

[42] *Id.* at 43.

[43] *Id.* at 139.

[44] 16 U.S.C. § 1862(a)(1); 50 C.F.R. § 600.350(a).

[45] NPFMC 2018 at 155 (identifying months of peak PSC).

requests that the Council consider ways to reduce Chinook PSC in any further analysis or cease planning on this agenda item.

Thank you,

Linda Behnken