



C2 Bering Sea Chum Salmon Bycatch

April 2024

Action Memo for Council and AP

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- NMFS Staff: Doug Shaftel, Gretchen Harrington, Josh Keaton, Mary Furuness, Bridget Mansfield, Amilee Wilson
- Other Presenters: Dr. Pat Barry, Susie Zagorski, Stephanie Madsen, Austin Estabrooks, John Hendershedt, Jim Harmon
- Other Contributors: Dr. Wes Larson, Dr. Lukas DeFilippo, Dr. Sarah Wise, Dr. Katie Howard, Kevin Whitworth, Terese Vincente
- Action Required:
1. Initial Review Draft Analysis –The Council may modify its alternatives and either request additional review or recommend the analysis be released for publication as a Draft Environmental Impact Statement by NMFS
 2. Bering Sea Chinook and chum salmon and Gulf of Alaska Chinook salmon bycatch genetics reports - Review
 3. Bering Sea Pollock 2023 IPA Reports and proposals– Review

BACKGROUND

Under the C2 agenda item, Council staff will provide the AP and Council with a presentation of the preliminary Draft Environmental Impact Statement (DEIS) and Social Impact Assessment (SIA) that are posted to the Council's eAgenda. These documents are Initial Review analyses that evaluate potential environmental, economic, and social impacts that could result from proposed alternatives to minimize chum salmon bycatch in the Bering Sea pollock fishery, consistent with National Standard 9 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and all other National Standards. The Council's purpose and need statement notes the Council intends to consider establishing additional regulatory measures for chum salmon bycatch that reduces the bycatch of Western Alaska (WAK) origin chum salmon while maintaining the priority objectives of the Amendment 91 and 110 Chinook salmon bycatch avoidance program.

The preliminary DEIS and SIA focus on the potential impacts that could result from the Council's adopted set of four management alternatives (October 2023). **Alternative 1** is the No Action alternative. Under Alternative 1, the status quo regulations for chum salmon bycatch management in the Bering Sea would remain in place. Under **Alternative 2**, an overall chum salmon PSC limit (or hard cap) would be in place during the B season fishery; the B season occurs during the summer months (June 10 – November 1) and is the primary pollock fishing season when chum salmon are encountered. Under **option 2 of Alternative 2**, the Council is considering three mutually exclusive indices for WAK chum salmon

abundance. Whether an index meets its threshold(s) would determine whether or not an overall chum salmon PSC limit would be in place during the B season. The Council selected indices threshold(s) in October 2023. The Council also requested a synchronicity analysis to determine how well the indices based on Yukon River summer chum salmon (suboption 2a) and Yukon River summer and fall chum salmon (suboption 2b) trend with the Western Alaska chum salmon abundance represented by the Three-area index in suboption 1. The full synchronicity analysis is provided in Appendix 7 and the main results summarized in Chapter 4 of the preliminary DEIS. **Option 3 of Alternative 2 must** be selected if Alternative 2 or 3 is chosen and would apportion the chum salmon PSC limit across sectors, CDQ groups, and cooperatives.

Under **Alternative 3**, an annual WAK chum salmon threshold of 40,000 to 53,000 WAK chum salmon would be in place during the B season. The estimated number of WAK chum salmon in the total bycatch based on genetic data would accrue to a sector's apportionment of the threshold. Each sector's performance against their WAK chum salmon threshold would be evaluated over time. Alternative 3 must be implemented in conjunction with Alternative 2.

Alternative 4 would modify existing regulations implementing the salmon bycatch Incentive Plan Agreements (IPAs). In October 2023, the Council provided a list of potential measures that could be developed for incorporation into the IPAs and/or through regulation and requested IPA representatives to submit proposals for how to specifically address these types of changes prior to its February 2024 meeting for inclusion in the Initial Review analysis. The IPA proposals can be found in Appendices 2 and 3 of the preliminary DEIS. It is staff's understanding that the Council's intent with Alternative 4 is that the IPAs would incorporate additional measures to avoid WAK chum salmon on the pollock fishing grounds primarily through the Rolling Hotspot System (RHS) for chum salmon avoidance, and a policy choice before the Council at this meeting is to determine whether it would like to develop additional (or more specific) regulatory provisions for the IPAs to respond to. Analytical staff have described the current RHS system for chum salmon avoidance under the status quo alternative and provided a qualitative analysis of the measures contained in the IPA proposals compared to the current RHS system for chum salmon avoidance.

BERING SEA AND GULF OF ALASKA SALMON BYCATCH GENETICS REPORTS

The AP and Council will receive the written reports on the genetic stock of origin of Chinook salmon and chum salmon bycatch in the 2023 Bering Sea pollock fishery, and the 2023 Chinook salmon bycatch in the GOA pollock fishery, GOA rockfish and arrowtooth trawl CV fishery, and the GOA non-pollock CP trawl fisheries. In the interest of time and streamlining presentations for the Council, the Council will only receive a presentation on the 2023 Bering Sea chum salmon and Chinook salmon genetics reports from Auke Bay Labs geneticists (Dr. Patrick Barry).

IPA REPORTS

Regulations at 50 CFR 679.21(f)(13) require IPA entities to submit written reports that must include specific information such as the incentive measures for salmon bycatch avoidance that were in effect during the previous year, how incentive measures affected individual vessels (i.e., vessel-level incentives), how incentive measures affected salmon bycatch avoidance beyond current levels, the amount of salmon caught as bycatch and target catch (pollock) at the end of each fishing season, among others. The AP and Council are scheduled to receive its annual update from IPA representatives on the prior year's performance. In addition, as stated above, Alternative 4 would modify existing regulations implementing the IPAs and IPA representatives were asked to provide proposals detailing potential modifications. The IPA representatives may provide information on their respective proposals if they so choose. A policy choice before the Council at this time to determine the content of the additional, or

modified, regulatory provisions that would constitute Alternative 4 and that the IPAs that would be required to respond to.

SEASHARE LETTER

The Council received a letter from SeaShare, the non-profit organization that aids the seafood industry in donating to hunger-relief organizations in the United States. PSC species, such as chum salmon, cannot be retained for commercial sale, thus NMFS authorizes SeaShare to administer the Prohibited Species Donation Program (PSDP) for salmon and halibut in the Bering Sea and Gulf of Alaska. SeaShare and partners work to distribute salmon and halibut within Alaska and in the lower 48. The AP and Council will not receive a presentation of this material, but the letter provided summarizes this program and its efforts in 2023.

NMFS REPORTS

The AP and Council will receive a presentation from NMFS staff on Appendix 1 of the preliminary DEIS contains a supplement to Section 4.5 of the preliminary DEIS which describes the alternatives previously considered but not moved forward by the Council. This supplement was prepared by NMFS Alaska Region, and it provides information on the potential impacts resulting from chum salmon bycatch limits set below 200,000 chum salmon. The AP and Council will also receive a presentation from NMFS on recent Tribal Consultations and engagement sessions related to the chum salmon bycatch action.

POINTS OF CONSIDERATION FOR NEXT STEPS

There are two primary tasks before the Council at its April 2024 meeting:

- 1. Determine whether it would like to modify or refine its alternatives.**
- 2. Determine if/how it would like to move this action forward.**

Below is a list of questions that the Council may consider if it would like to modify or refine its alternatives. If the Council moves forward with this action, a task for the Council is to identify the next stage for this action. The potential options are discussed in greater detail below, but the Council may choose to recommend the preliminary DEIS be published by NMFS, pending any requested edits and revisions at this meeting. The Council is not required to identify a Preliminary Preferred Alternative prior to recommending the DEIS be released. However, identifying a Preliminary Preferred Alternative prior to the publication of a DEIS would provide the public an opportunity to consider the Council's preferred course of action which provides an opportunity for more specific comments to be submitted to the agency. The Council may modify or refine its alternatives while also identifying a Preliminary Preferred Alternative at this time. Identifying a Preliminary Preferred Alternative does not limit the Council in its consideration of modifying the preliminarily selected components or provisions at final action in response to public comments.

Alternative 1: No Action or Status Quo

- No points for consideration related to modifying this alternative.

Alternative 2: Overall Chum Salmon PSC Limit

- Does the Council want to continue its consideration of Alternative 2 at this time?
 - If yes, it must include options 1 and 3.

- If the Council intends to identify a Preliminary Preferred Alternative at this time, and Alternative 2 would be a component of it, it may select a numerical value for the overall chum salmon PSC limit.

Option 1 of Alternative 2: range of overall chum salmon PSC limits

- Would the Council like to modify its range of overall chum salmon PSC limits?

Option 2 of Alternative 2: Indices for Western Alaska chum salmon abundance

- Does the Council want to move forward with an index?
 - If yes, the Council would need to identify the numerical values that would apply as overall chum salmon PSC limits under the step-down provisions.
 - If the Council does not identify the numerical values that would apply as step-down provisions, analytical staff would intend to use the same overall PSC limits for analytical purposes in the future.
 - If yes, the Council may choose to identify a preferred index for use at this time. Recall these indices are mutually exclusive.
 - If no, it may modify Alternative 2 such that the indices for WAK chum abundance under option 2 of Alternative 2 are no longer included.
- If the Council intends to identify a Preliminary Preferred Alternative, and Alternative 2 would be a component of it, it could incorporate its preferred index.

Option 3 of Alternative 2: Apportionments of the overall chum salmon PSC limit

- If the Council intends to identify a Preliminary Preferred Alternative at this time, and Alternative 2 would be a component of it, it may select one of the four suboptions for apportionments.

Alternative 3: Annual WAK Chum Salmon Threshold

- Does the Council want to continue its consideration of Alternative 3 at this time?
 - If yes, it must also move forward Alternative 2 as Alternative 3 must be selected in conjunction with Alternative 2.
 - If yes, does the Council wish to modify the Alternative such that the annual WAK chum salmon threshold would not be apportioned among the inshore cooperatives and the CDQ groups?
 - If yes, the Council may wish to provide input to NMFS on what would be used to assess a sector's performance. Recall staff used the upper bound of the range for analytical purposes, but the Council may consider a different approach.
 - If yes, would the Council like to provide input on the performance standard at this time?
- If the Council intends to identify a Preliminary Preferred Alternative at this time, it may choose to incorporate Alternative 3 in conjunction with Alternative 2. Unless otherwise specified by the Council, the apportionment approach selected by the Council under option 3 of Alternative 2 for the overall chum salmon PSC limit would also be applied to the annual WAK chum salmon threshold.

Alternative 4: Modifications to regulations implementing salmon bycatch IPAs

- Does the Council want to move forward with its consideration of Alternative 4?
 - If yes, staff are looking for the Council to provide its priorities on the specific points or measures that would be included into the regulatory provisions. Analytical staff would work with NMFS to bring back draft language of regulatory provisions for the Council's consideration at a future meeting.

As indicated above, if the Council moves forward with this action, the second task before the Council is to identify the next steps for this action. There are two potential pathways for the Council to consider:

1. The Council may choose to schedule additional review of this analysis. If the Council would like to schedule additional review, it could expect a second iteration of the analysis to come back in October 2024, pending other Council priorities and scheduling considerations.
2. The Council may recommend the preliminary DEIS be revised based on Council, SSC, and AP input and released for publication by NMFS as a DEIS. Should the Council wish to recommend the DEIS be published by NMFS, it may also choose to identify a Preliminary Preferred Alternative. However, as noted above, a Preliminary Preferred Alternative does not need to be identified prior to releasing the document for publication as a DEIS.

Regardless of whether the Council decides to request additional review or recommend the preliminary DEIS be revised and published by NMFS as a DEIS, final action would need to occur no later than April 2025. This timeline is in line with NOAA's interim guidance related to changes in the NEPA process imposed by the Fiscal Responsibility Act.

Additionally, under either approach, analytical staff would revise the analytical documents as requested by the SSC, AP, and Council (as is typically done). At the same time, staff would synthesize the materials presented at this meeting to meet the new statutory page limits—the published DEIS and Final EIS will be limited to 150 pages, excluding the Executive Summary and any appendices. The methodologies and main findings of the impact analysis presented to, and potentially approved by the SSC at this meeting, would not change (unless requested) when the analytical documents are synthesized. This means that the Council would either:

1. Receive a revised and synthesized preliminary DEIS at a second initial review at a Council meeting in 2024; at that meeting, the Council may recommend the document be released for publication as a DEIS.
2. Receive a presentation on the published DEIS (which would be revised and synthesized from this April 2024 meeting) and a summary of public comments from NMFS at a Council meeting in 2024 or 2025; at that time, the Council would take final action and recommend a Preferred Alternative.

When determining how to move forward, the Council may wish to consider that NEPA requires, to the fullest extent possible, a DEIS published and available to the public must meet the requirements established for a Final EIS. If substantial changes to the proposed action are made, or significant new circumstances and/or information relevant to environmental impacts are presented after the DEIS is published, a supplemental DEIS may be required. The Final EIS may, however, be modified from the published DEIS in response to public comments.