



C2 NMFS Chum Salmon Bycatch Alternatives
April 2024
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668

March 29, 2024

Angel Drobnica, Chair
North Pacific Fishery Management Council
1007 West Third Ave., Suite 400
Anchorage, Alaska 99501-2252

Dear Ms. Drobnica:

The National Marine Fisheries Service (NMFS) has reviewed the preliminary Draft Environmental Impact Statement (DEIS) for proposed management measures to reduce chum salmon Prohibited Species Catch (PSC) in the Bering Sea pollock fishery. The purpose and need for this action is reasonably broad: to minimize the bycatch of Western Alaska (WAK) chum salmon in the Bering Sea pollock fishery to the extent practicable while balancing the other National Standards. However, NMFS advises that the Council broaden the range of alternatives by including a lower overall chum salmon limit under Alternative 2 in order to provide additional contrast and ensure compliance with the National Environmental Policy Act (NEPA).

NEPA requires that an EIS examine all reasonable alternatives that are consistent with the purpose and need of the proposed action. The existence of viable but unexamined alternatives can cause a court to find an EIS inadequate. To evaluate whether the effects of a 200,000 overall chum salmon PSC limit under Alternative 2 would be indicative of the effects of lesser PSC limits, NMFS staff prepared a summary examination of the effects of PSC limits between 0 and 200,000, which can be found in Appendix 1 of the preliminary DEIS¹. Similar to the more in-depth analysis of the higher range limits, the examination of the lower chum limits used a retrospective application of PSC limits to estimate chum salmon PSC avoided and pollock harvest forgone at different overall chum limits between 0 and 200,000 for the B season. That analysis suggests that an alternative that includes an overall chum salmon PSC limit lower than 200,000 but higher than zero is likely not *per se* impracticable and could potentially meet the purpose and need for this action, even though the costs would be significant and the benefits would potentially be limited. NMFS recognizes that after full analysis the Council might ultimately recommend a chum PSC limit of 200,000 or greater.

Through the EIS process, evaluating a wide range of alternatives discloses the advantages and disadvantages to help decision makers and the public weigh the costs against the potential benefits. For example, using the retrospective analysis in Appendix 1, at an overall chum salmon PSC limit of 100,000, the cumulative B season pollock harvest between 2011-2022 would have decreased by 42%, the cumulative chum salmon PSC would have decreased by 66%, and the mean annual Western Alaskan chum salmon avoided would have been nearly 31,000 fish (although due to other sources of mortality only a fraction of these would have returned to WAK rivers). The B season constitutes 55% of the annual pollock harvest, so combining the A and B

¹ Chum Salmon Bycatch Preliminary Draft Environmental Impact Statement under item C2 of April 2024 Council meeting. Available at: <https://meetings.npfmc.org/Meeting/Details/3039>



seasons, this would mean a reduction in total pollock harvest of approximately 23% without accounting for changes in fishing behavior that could lessen that impact. While this would have substantial social and economic consequences and adverse impacts to dependent communities, fully examining such an alternative in the DEIS in comparison with other alternatives would provide an appropriately robust and more defensible NEPA analysis. It may be that further evaluation of lower overall chum salmon limits would reveal significant problems, or indicate that a lower PSC limit would be impracticable or would not provide measurable benefits. Additional analysis may also provide a greater understanding of the distribution of the potential economic impacts and benefits of lower limits throughout Alaska. That type of information is exactly what the NEPA process is intended to reveal. A more comprehensive range of alternatives in the NEPA process is particularly important in a proposed management action such as this one that has garnered strong public interest and scrutiny.

I am raising this matter now in order to afford the Council an opportunity to address this issue before the analysis progresses further. I look forward to discussing with the Council options for including an overall chum limit below 200,000 at our upcoming meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Kurland", is positioned above the typed name.

Jonathan M. Kurland
Regional Administrator