



# United States Department of the Interior

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RE: U.S. Fish and Wildlife Service comments to the North Pacific Fisheries Management Council on the Preliminary Draft Environmental Impact Statement for Proposed Amendment to the Fishery Management Plan for Groundfish of the Bering Sea/Aleutian Islands Management Area (PDEIS), February 2024.

The U.S. Fish and Wildlife Service's (USFWS) mission is to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. In this context we have reviewed the PDEIS. The comments and suggestions, below, reflect our agency's mission to conserve natural resources and provide subsistence opportunities for federally qualified subsistence users on National Wildlife Refuges in Alaska.

The PDEIS considers five alternatives, we in turn reviewed each of these and provide a summary of our assessment, by alternative. Based on our review of the PDEIS, our understanding of fisheries management and how its implementation may affect chum salmon returns for conservation and subsistence use in Western Alaska (WAK), we find: Alternative 5, Option 3 furthers conservation of WAK salmon as it implements protections of these stocks through both timing and spatial restrictions; additional benefit may result from the conservation measures provided under Alternative 2 or 3 which caps chum bycatch, and; Alternative 4 with the IPAs could serve as a baseline that could be codified in the federal regulations.

### **Alternative 1 - No Action Alternative**

This "no action" alternative retains the existing chum salmon PSC regulations. These regulations include implementation of salmon bycatch Incentive Plan Agreements (IPAs) which provide incentives for vessel operators to avoid Chinook and chum salmon bycatch, and rewards vessels for doing so. These incentives are expected to promote reductions in a vessel's bycatch compared to what would have occurred absent the incentive program. During the B season a rolling hotspot program operates, which aims to identify areas of high chum salmon prohibited species catch (PSC) and, through a private company, Sea State Inc., implements temporary closures of these areas.

Alternative 1 would also retain the Chum Salmon Savings Area which is a fixed time and area closure in the southeastern Bering Sea. This closure serves as a backstop should a vessel choose not to be governed by an IPA which are voluntary. However, no vessel has opted out of an IPA since they took effect in 2010.

These measures, which are currently being implemented, appear to be in effective operation. In particular, the Sea State Program which tracks vessels and helps guide their decisions away from high bycatch areas is valuable. This program uses “real time” data and hence isn’t prone to the flaws associated with abundance indices that occur one or two years before fishing activity. However, as the recent low returns of WAK chum salmon to the freshwater environment indicate, additional measures to conserve these stocks could be considered.

### **Alternative 2 – Overall Chum Salmon PSC Limit**

Under this alternative a hard cap would be established for chum salmon in the B season. The alternative describes a range of options to determine the chum salmon PSC limit, and how to apportion that among fishing sectors.

Western Alaska chum salmon predominantly return to spawn as 4- or 5-year-olds. Records show the chum salmon bycatch is primarily composed of ages 3, 4, and 5, the majority of which are adult fish migrating to natal spawning streams. Therefore, any bycatch directly reduces the number of returning spawners.

Data indicate the chum salmon bycatch, across many years, is comprised of approximately 8% of WAK stocks. For example, of 341,000 chums intercepted, we would anticipate 27,300 would have returned to WAK in the year, or the year following, their bycatch. These adult fish would not only contribute to increased biological escapement but could also represent foregone subsistence harvest. Most of the chum salmon bycatch occurs from the Inshore fishing sector (3-year average percentage of total bycatch = 62.9% and 5-year average percentage of the total = 58.2% (Table 2-1 of the EIS).

Further, while the 8% proportion may at first, seem negligible, it should be considered in broader context. The adjacent nearshore of Unimak in the Area M fishery historically has a chum salmon bycatch composed of 50% to 60% WAK fish, hence these two fisheries can result in a large removal of fish of returning to WAK which would have a significant effect on the current year adult run sizes and the next year adult run sizes. While chum salmon bycatch in the Area M fishery has declined, for example it was 17% in 2022, this may largely be a function of the very poor WAK chum salmon runs that year.

The USFWS finds benefit in the idea of chum cap, although, we are concerned with the increased allocation to the inshore sector, as they harvest the largest percentage of WAK chum bycatch. However, if the apportionment among sectors described in Table 2-3 is used, then the lowest PSC limit of 100,000 would have the greatest savings to WAK chum. In Table 2-3, under the 100,000 limit, assuming a continued bycatch of about 8% WAK, the potential loss in adult returns to their natal stream in that year and the next would be less than 5,000 fish.

### **Alternative 3 – Overall Chum Salmon PSC Limit with Abundance Indices**

This alternative would establish an overall chum salmon PSC limit during the B season based on indices of the prior year’s chum salmon abundance. There are two indices which could be used to establish the chum salmon PCS limit: the three-area chum salmon index and the Yukon area index.

Using abundance indices in WAK rivers to trigger lower limits during times of poor abundance and to increase PSC limits in times of good abundance is warranted and provides a flexible approach to management. However, to be successful care must be taken in calculating abundance. This may prove more challenging for chum than Chinook salmon given their life-history and run timing.

One challenge is severely poor runs are often not anticipated by in-season managers in advance (i.e., during the sub adult years when salmon are feeding in the North Pacific Ocean). So, the fleet could be fishing with a higher limit on a very depleted run, and the effects of that high bycatch would not be realized until a very poor return of chums (1-2 years later) or, in the case of Chinook salmon, for returns 2-4 years later, (this remains an issue for the current Chinook three-area Index.) In years of poor in-river chum abundance, having a lower cap the following season for the pollock fleet is warranted, but any damaging effects on the population from the previously higher cap may have affected the population for the current year, and the next two years. Hence any positive effects will only manifest beyond this timeframe.

If run abundance indices are pursued as a method for triggering lower caps in times of poor abundance, we suggest models incorporate data from surveys measuring annual juvenile abundance in the Bering Sea in combination with in-river run indexes, as a way of protecting populations during crashes. Any salmon crashes may be more evident through observations of low abundance of juveniles or subadults in the Bering Sea. Annual surveys of juvenile abundance may also be beneficial to further refine the three-area Index method for Chinook and chum salmon. Until these refinements can be made, using adult runs of abundance to trigger lower harvest catch limits may not be sufficient as the only bycatch reduction measure.

#### **Alternative 4 – Additional Regulatory Requirements for Incentive Plan Agreements**

Under this alternative Incentive Plan Agreements (IPAs) would establish incentives and penalties for vessel operators to avoid Chinook and chum salmon while fishing for pollock. This alternative would modify the regulations at 50 CFR 679.21(f)(12)(iii)(E) to include six additional provisions. These six provisions align with current operational strategies and reflect each recently amended IPA developed after the high chum salmon bycatch of 2021. Modifying the regulations would ensure the IPAs could not use less stringent avoidance strategies in the future.

This alternative could serve as a baseline and be implemented as other additional measures are considered.

#### **Alternative 5 – Inseason Corridor Cap**

Under this alternative inseason corridors (areas) on the pollock fishing grounds would close for a period during the B season, if or when a corridor-specific chum salmon PSC limit is met. Only the chum salmon PSC taken inside the corridor from June 10 to August 31 would count towards the corridor limit. This alternative could also be implemented in conjunction with Alternatives 2 and 3.

There are three corridor options being considered by the Council: Option 1: Cluster Area 1: 50,000 to 200,000 chum salmon; Option 2 – Unimak Area: 50,000 to 200,000 chum salmon; and Option 3: Cluster Area 2: 50,000 – 100,000 chum salmon.

Data indicate the presence (or absence) of WAK chum has a predictable time component. This is evident by the predominance of WAK chum in the early B season, and lack of prevalence in other seasons. Further, the highest bycatch of WAK chums in the Area M fishery occurs during June, while they are nearly absent in July. In addition, the spatial distribution of returning WAK chum salmon is relatively concentrated as they move through the Alaska Peninsula area and into the Bering Sea. Hence Cluster 2 has a relatively high abundance of WAK chum salmon during the early summer.

Implementing this alternative, through selecting cluster 2, where there is a low PSC limit placed on the sectors fishing in the corridor, should serve to limit bycatch in this key area. This alternative also allows fishing in the area after August 31 when WAK chum salmon would be in low abundance in the area.

This alternative could further conservation of WAK salmon as it implements protections of these stocks through both timing and spatial restrictions.

Thank you for the opportunity to comment. Should you have any questions please contact me via email at [Peter\\_Fasbender@fws.gov](mailto:Peter_Fasbender@fws.gov).

Sincerely,

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