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Angel Drobinca, Chair
North Pacific Fishery Management Council
1007 W. 3rd Avenue, Suite 400
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Jon Kurland, Regional Director
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Re: C2 Bering Sea chum salmon bycatch management preliminary Draft EIS

Dear Chair Drobnica and Director Kurland,

SalmonState submits the following comments regarding the Preliminary Draft Environmental Impact Statement (EIS) for Proposed Amendment to the Fishery Management Plan for Groundfish of the Bering Sea Aleutian Islands Management Area, Agenda item C2. Thank you for providing the opportunity to offer comments. The status quo in federal fisheries management in the Bering Sea can no longer continue. We requested in April 2024 that the North Pacific Fishery Management Council and National Marine Fisheries Service (NMFS) "establish a new Alternative and ultimately choose it as the preferred Alternative that establishes a meaningful chum salmon PSC cap for the Bering Sea pollock fishery, establishes area and time closures to protect bycaught species, and imposes measures to conserve and preserve chum salmon populations pursuant to NOAA's Ecosystem-Based Fishery Management policy," SalmonState renews this request. Imposing management measures that aim to address the inequity in application of conservation measures, reflect Ecosystem-Based Fishery Management tools, and apply a precautionary approach to chum salmon recovery to the pollock fishery in the Bering Sea is not only practicable and reasonable, but also the appropriate approach.

SalmonState is an Alaska based initiative supporting innovative and effective public interest projects. SalmonState works alongside other Alaska organizations, commercial fishers, sport and recreational fishing guides and enthusiasts, salmon dependent businesses, and Alaska Native groups to maintain sustainable commercial, sport, and subsistence fisheries.

In previous NPFMC meetings, during Scoping for this NEPA process, and in review of the first preliminary Draft EIS, this Council and NMFS received comments from the public regarding the development of management measures to reduce chum salmon bycatch by the Alaska pollock fishery.[1] The vast majority of these comments as well as testimony to the NPFMC in April 2024 unequivocally

[1] *See* Scoping comments submitted to NOAA regarding Notice of Intent To Prepare an Environmental Impact Statement for Minimizing Non-Chinook Salmon Bycatch in the Bering Sea Pollock Fishery in the Bering Sea/Aleutian Islands Fishery Management Plan Area, Docket No. NOAA– NMFS–2023–0089, https://www.regulations.gov/docket/NOAA-NMFS-2023-0089/comments; Testimony at NPFMC meeting in April 2024, https://www.youtube.com/watch?v=gQ2cnk-k6xQ&list=PLxGTQGjWdZtlwgnZzUylW-YG51t_a0bWw; Comments submitted to NPFMC on Agenda C2 in April 2024, https://meetings.npfmc.org/Meeting/Details/3039

expressed concern for the impacts of the pollock fishery on Western Alaska salmon populations and requested this Council impose management measures that vastly reduce those impacts.[2] The Alternatives presented in the preliminary draft EIS fall short.

I. The Preferred Alternative Should Apply a Precautionary Approach and Impose Meaningful Management Measures to the Pollock Trawl Fishery

SalmonState renews its request from previous letters, that the Council and NOAA "sets a cap on chum salmon PSC allowable catch that reflects a *precautionary* approach to limit the impact of the trawl fishery on the Western Alaska chum salmon runs."[3] In November 2022, the NPFMC staff discussion paper[4] made it clear that the Council's management of chum salmon bycatch through incentive agreements within the Bering Sea pollock fishery has increased rather than decreased the number of chum salmon bycaught in the fishery. Only in the past two seasons, 2023 and 2024, after scrutiny and pressure from the public and the Council, has the pollock fleet shown a reduction in chum salmon bycatch.[5] Even with these reductions in bycatch in the past two years, the pollock fleet has caught an average of almost 300,000 chum salmon annually over the last decade.[6] Furthermore, the bycatch of chum salmon in the recent past has far outpaced the catch of chum salmon in Western Alaska rivers. For example, in 2020, chum salmon populations saw steep declines and direct target and subsistence fishers on the Yukon and Kuskokwim Rivers were severely limited or shut down. In that year, the pollock fishery caught 343,821 chum salmon as bycatch.[7] In 2021, while Western Alaska experienced another year of declines in chum salmon runs that resulted in fishery closures and restrictions, the trawl fishery caught 546,043 chum salmon as bycatch.[8] In both of these years, the pollock trawl fishery caught Western Alaska origin chum salmon in high numbers, with 44,106 in 2020[9], and 64,685 in 2021.[10] In these example years, the pollock fishery caught tens of thousands more Western Alaska origin chum salmon than Alaska's direct target commercial fishers, subsistence harvesters, and sport anglers combined. The sharp decline in Alaska's chum salmon populations and the high bycatch of chum salmon necessitates NPFMC and NMFS provide a preferred Alternative with management measures that sets a meaningful PSC cap on chum salmon for the Bering Sea pollock fishery, and not simply a continuation of the status quo or additional Incentive Plan Agreement (IPA) measures.

The thresholds, PSC caps, and management measures considered in the Alternatives should be reflective of a precautionary approach and include meaningful conservation measures to aid in the recovery and future sustainability of chum salmon returns to Western Alaska water bodies. The preferred Alternative chosen by NPFMC and NMFS should include measures aimed at the recovery of chum salmon in order to once again provide robust Western Alaska runs.The Alternatives provided in the preliminary DEIS are not adequate to achieve these results. The measures presented in the Alternatives such as hard cap levels, temporal closure of corridors, and adjustments to IPAs must impose more stringent conservation measures. The Alternatives should be modified in the following manner prior to NMFS publication of the draft EIS for public review and comment:

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[2] *Id.*

[3] Emphasis added.

[4] D1 Chum Salmon Bycatch Discussion Paper, November 15, 2022, North Pacific Fishery Management Council and National Marine Fisheries Service, p. 9, https://meetings.npfmc.org/CommentReview/DownloadFile?p=a06bdc4c-02cd-4fcc-83ac-c775a1f3283d.pdf&fileName=D1b%20Chum%20Salmon%20Bycatch%20Discussion%20Paper.pdf

[5] https://www.fisheries.noaa.gov/sites/default/files/akro/chum_salmon_mortality2024.html

[6] The annual average of chum salmon caught by the Bering Sea pollock fishery from 2015-2024 was 297,105, https://www.fisheries.noaa.gov/sites/default/files/akro/chum_salmon_mortality2024.html

- The preferred Alternative should include a PSC limit or cap for chum salmon. The cap level should reflect the requests of communities and individuals impacted by the declines in chum salmon runs. The reduction in bycatch by the pollock fishery in 2023 and 2024 while harvesting over 80% of the fishery's TAC shows that a cap much lower than 100,000 chum is practicable under National Standard 9 and reasonable under NEPA. A cap level well below 100k should be considered and ultimately included in the preferred Alternative.

- The PSC cap level should be based on abundance of returning chum salmon to Western Alaska and ecosystem health, not the historical bycatch levels of the pollock fishery. The cap must be set to protect the genetic diversity of Western Alaska chum salmon runs and should be set to reflect thresholds under which Western Alaska chum salmon runs are robust and support sustainable subsistence, sport, and directed fisheries in those freshwater bodies.

- In 2016, the Council and NMFS included a chum salmon avoidance program within the trawl fleet's IPAs under Amendment 110, however, as pointed out above, rather than decreasing, these IPAs resulted in the increase in bycatch of chum salmon by the pollock fishery.[7] The IPA system with no PSC cap and area and time closures to protect chum salmon is not adequate to protect and aid in the recovery of Western Alaska chum salmon, and is simply the status quo. Any changes to the IPA system should not be considered as a stand-alone Alternative, but as an addition to some or all of the other Alternatives.

- The preferred Alternative should include area and time closures that reflect corridors for Western Alaska chum salmon to return to natal waterbodies. PSC caps for each corridor are appropriate and should be in place for the full A season and B season, rather than a shorter timeframe as currently proposed. Fishing in these important migratory corridors should be closely monitored, and closures implemented for the duration of the pollock season when corridor caps are met with no reopening of the corridor at a later date. Additional closures should also include important crab habitat, corridors of Chinook salmon presence, and presence of marine mammals.

It is vital that the preferred Alternative and the resulting Amendment to the FMP include an annual PSC cap that cannot be increased with an increase in pollock TAC or ABC, but is based on the health of the ecosystem, the return of robust chum salmon runs, as well as including measures to protect Western Alaska chum salmon genetic diversity and the restoration and maintenance of subsistence, sport, and small-boat directed fisheries.

II. The Analysis Must Incorporate Traditional Knowledge and Provide a Balanced Review

Alaska Native peoples and coastal communities hold thousands of years of knowledge. They have been stewards and users of the lands, waters, wildlife, and fish for time immemorial. We urge the Council and NMFS to include Traditional Ecological Knowledge and local knowledge as part of the best available science in the further development of the Alternatives, selection and development of a preferred Alternative, and further analysis of potential impacts of all Alternatives in the EIS through an inclusive and collaborative process with Western Alaska Native Tribes, sport fishers, and small boat direct target fishers. Alaska Native representation in the federal fisheries management in the North Pacific has been severely lacking and has resulted in Western Alaska coastal communities and small boat direct target fishers disproportionately burdened and adversely impacted by management decisions in the Bering Sea. Incorporating traditional and local knowledge through respecting, identifying, and including Alaska

[7] The ten-year average of chum salmon bycatch by the pollock fishery from 2015-2024 was 226,304 fish. Non-chinook salmon mortality in BSAI pollock directed fisheries, 1991-2022, North Pacific Marine Fisheries, https://www.fisheries.noaa.gov/sites/default/files/akro/chum_salmon_mortality2021.html

Native and community members would result in more effective, equitable, and informed management of federal fisheries in Alaska waters.

SalmonState has expressed to this Council grave concerns regarding the North Pacific ecosystem, the continued impacts of climate change on Alaska's ocean and freshwater ecosystems, and the exacerbation of impacts to salmon, crab, halibut, herring, squid, and other bycaught species by federally managed fisheries. The focus by this Council and NMFS of setting a chum salmon PSC cap without thorough discussion and analysis of the pollock fishery's impacts on other bycatch species including Chinook salmon, squid, herring, crab, and halibut is shortsighted. Providing the public and federal decision makers with measures to reduce bycatch of only one species at a time and characterizing the management options as one bycaught species against and over others is counter to the purpose of the Magnuson-Stevens Fishery Conservation and Management Act and only sets up the Council, NMFS, fishery participants, and the public for disappointment and frustration when similar issues are brought to the Council in the future.

NPFMC and NMFS needs to lower bycatch caps for all species seeing a decline in population and increased stress from climate change, changing ocean and freshwater conditions, food scarcity, and increased predation and competition. Bycatch caps should be set, and conservation measures imposed on the federally managed fisheries through Ecosystem-Based Fishery Management, where management of the fishery is done through comprehensive evaluation of the fishery's impacts to the whole ecosystem, including other fisheries, communities, and habitat. Here, in the establishment of PSC caps for chum salmon caught by the pollock fishery, Council and NMFS must consider all bycaught species, their habitat, and pollock in an ecosystem approach.

Furthermore, the EIS analysis of both adverse and beneficial impacts of proposed Alternatives should reflect an Ecosystem-Based Fishery Management approach. Including an in-depth analysis of the potential economic cost of increased diligence and reduced pollock catch to the pollock fleet while downplaying the generational benefit of additional chum salmon returning Western Alaska waterbodies to spawn, substantively clouds the analysis. This should be corrected in the draft EIS by providing a more thorough analysis of the future benefits of increased chum salmon returns to the ecosystem, communities, and individuals of Western Alaska. A more robust analysis of chum returns would better inform decision makers of the adverse and beneficial impacts of actions under each of the Alternatives. The recovery of chum salmon runs to robust levels in Western Alaska waterbodies may take years, and the analysis of benefits to chum salmon populations and individuals and communities that subsistence and direct fish those chum salmon runs should reflect the potential long-term return of health and wellbeing to these communities.

III. Tribal Consultation should be Ongoing and Often in the Analysis, Development of Alternatives, and Selection of the Preferred Alternative.

Once again, SalmonState encourages this Council and NMFS to invite Tribal representatives and Indigenous peoples to be an integral part of the development of a new preferred Alternative, the ongoing NEPA analysis, and the implementation and review of management measures. Alaska Native peoples and communities are impacted by the decisions made by the Council and implementation of management measures by NMFS for Bering Sea and Gulf of Alaska pollock fisheries. Alaska Native communities in Western Alaska are shouldering the burden of conservation measures due to low fish abundance in chum salmon that continue to be bycaught in the Bering Sea and Gulf of Alaska federally managed fisheries. The closure of subsistence and direct target fisheries in Western Alaska have a direct and devastating effect on communities along the Yukon and Kuskokwim Rivers that depend upon those fish for income, food security, and passing on traditions and cultural practices. Furthermore, the interests and concerns of these communities have been underrepresented in previous NEPA analyses and decisions by federal fisheries managers for the Bering Sea and Gulf of Alaska fisheries.

This NEPA analysis should include ongoing and regular Government to Government Consultation and informal consultation with Alaska Native Tribes, and consistent with the Federal Trust Responsibility stemming from the U.S. Constitution, treaties, statutes, court decisions, and executive orders.[8] This consultation is key to a successful and robust analysis as well as a selection of a preferred alternative and Amendment to the groundfish FMP that will provide meaningful management measures.

IV. Conclusion

SalmonState requests NPFMC and NMFS to use this review of the preliminary Draft EIS to reduce the bycatch of chum salmon as an opportunity to develop a preferred Alternative that uses an ecosystem-based analysis and precautionary approach to establish management measures for Bering Sea pollock fishery that provides equity in conservation, significantly reduces the fishery's impacts, and integrates the requests of Alaska communities impacted by declines in chum salmon populations. Additionally, all bycatch measures should reflect an Ecosystem Based Fishery Management approach that prioritizes reducing impacts of bycatch on all species, even if such conservation measures result in reduced pollock landings. Thank you for the opportunity to comment. Please contact Loretta Brown at loretta@salmonstate.org with any questions regarding these comments.

Sincerely,

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[8] *See* https://www.fisheries.noaa.gov/topic/consultations/tribal-engagements-and-consultations and https://www.noaa.gov/sites/default/files/2023-07/NOAA_Tribal_Consultation_Handbook_2023_FINAL.pdf