



December 1, 2015

North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Re: Agenda Item C-4 GOA Chinook Salmon Reapportionment

Dear Chairman Hull and members of the Council,

The Alaska Marine Conservation Council is dedicated to protecting the long-term health of Alaska's oceans and sustaining the working waterfronts of our coastal communities. Our members include fishermen, subsistence harvesters, marine scientists, small business owners, and families. Our ways of life, livelihoods, and local economies depend on sustainable fishing practices and productive oceans. Thank you for the opportunity to comment on this agenda item, which would potentially provide the National Marine Fisheries Service (NMFS) with the authority to use inseason management to apportion unused Chinook salmon Prohibited Species Catch (PSC) between the Gulf of Alaska (GOA) pollock and non-pollock fisheries.

We commend the North Pacific Fishery Management Council's (Council) actions to set long overdue limits on Chinook salmon bycatch in GOA pollock and non-pollock fisheries through Amendment 93 and Amendment 97. As the Council considers this action to provide increased flexibility to the non-pollock sectors, it is important to consider prior rationale for the established PSC limits, so that any action taken does not undermine the purpose and need of the current limits established under Amendment 97. The limits established under Amendment 97—which have not been in place for a full season—were arrived at through a comprehensive analytical and public process that should be recognized.

We therefore urge the Council to adopt Alternative 2, option 5, which allows a sector to receive a reapportionment that does not exceed 10% of the sector's initial PSC limit during a calendar year.

The Council and NMFS crafted Amendment 97 “to minimize the catch of Chinook salmon to the extent practicable in the GOA non-pollock fisheries.”¹ The Amendment 97 analysis indicated that the 7,500 PSC limit would have resulted in closures during previous seasons.² Yet, in selecting a PSC limit, the Council carefully considered a range of limits and selected an amount that best balanced the mandates of National Standard 9 with the potential financial effects of reduced groundfish harvests. NMFS agreed, noting that the Chinook salmon PSC limits implemented under Amendment 97 and necessary and appropriate conservation and management measures.³ Moreover, when the Council took action on Amendment 97, it did so with the express acknowledgment that delaying the action to await development of a comprehensive trawl bycatch management program with a separate purpose and need statement was contrary to the purpose and need of Amendment 97.⁴

It is also important to note that the large presence of West Coast Chinook taken during PSC generic sampling does not prove that Alaskan stocks of concern are not affected by GOA trawl bycatch. While the most recent genetic testing indicates that the largest portion of PSC samples come from stocks outside of Southcentral Alaska, it is important to recognize this is a snap shot of time and does not reflect PSC origins from past or future years. Such sampling is done on an opportunistic, rather than systematic basis, making sampling data representative of the sample set, not the composition of GOA salmon bycatch.⁵ Similarly, while the genetic testing does illustrate relatively low numbers of salmon going to Alaskan rivers of concern, the study cannot capture previous genetic make up of GOA salmon during times of high abundance.

The presence of non-Alaskan stocks also does not lessen the need for bycatch reduction in the GOA trawl fisheries. NMFS acknowledged the uncertainty about impacts to to Alaskan Chinook salmon in the analysis and the federal rule, noting that

[o]verall, the amount of Chinook salmon PSC used in the GOA non-(pollock) trawl fisheries represents a small proportion of the known removals from the Chinook salmon populations in Alaska.... Analysis also indicates that there is uncertainty in the potential link between reductions of Chinook salmon mortality from the trawl fishery and potential beneficial impacts to spawning populations and recruitment of adult Chinook salmon originating in Alaska.... Given the information available at this time, the Chinook salmon PSC limits imposed under this action may not have a quantifiable direct positive impact on Chinook salmon returns to river systems in Alaska. Additionally, the available data indicate that Chinook salmon from hatchery enhanced stocks from river systems in Alaska

¹ 79 Fed. Reg. 75,350 (Dec. 2, 2014).

² North Pacific Fishery Management Council, Initial Review Draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis, at 109 (Nov. 2012).

³ 79 Fed. Reg. at 71,352.

⁴ *Id.* at 71,354.

⁵ See CHARLES M. GUTHRIE ET AL., GENETIC STOCK COMPOSITION ANALYSIS OF CHINOOK SALMON BYCATCH SAMPLES FROM THE BERING SEA AND GULF OF ALASKA TRAWL FISHERIES iii, 7, 8, 24, 25 (2012).

and outside of Alaska. *The presence of Chinook salmon originating from British Columbia and the U.S. West Coast, in addition to Alaska, does not alleviate the need for PSC limits in the GOA trawl groundfish fisheries.*⁶

Looking forward, however, AMCC recognizes the need to add some degree of flexibility between the sectors in the GOA trawl fisheries. Accordingly, we believe that Alternative 2, option 5, which limits the size of the reapportionment that any eligible sector could receive to 10%-50% of the that sectors' initial annual Chinook PSC limit, is the best mechanism to provide some degree of flexibility to fishery, without undermining the purpose of the limits established under Amendment 97. As stated in the analysis, "no sector would fish under an effective PSC limit that greatly exceeds the limit that was set for it under Amendments 93 or 97. Non-pollock sectors would not view the GOA pollock fishery as a ready source of additional Chinook salmon PSC that could cover any PSC overage in years of low PSC levels in the pollock fishery."⁷ Setting this cap would provide the Council and the trawl fleet with an understanding of what each sector's maximum potential PSC level is for any given year.⁸ Additionally, with alternative 2, option 5, there is no need to set a minimum threshold for reapportionment found in option 1. NMFS clearly has long term experience and a process in place to withhold needs for the pollock fishery. With this process NMFS is careful not to negatively impact the sector from which the harvest prospect is reapportioned.

The PSC limit for the pollock groundfish fisheries is set far above historical usage and an action that allows reapportionment from the pollock fisheries to other trawl fisheries changes the scenario and in effect raises the limits in the other trawl fisheries. The analysis notes that prior to the implementation of Amendment 93, the pollock fishery took at least 8,000 fewer Chinook salmon than the 25,000 fish limit in every year except 2010.⁹ As the trawl sector adopts strategies to minimize the potential for closures in the future, a modest adjustment to the cap may be warranted to provide the fleet increased opportunity to fish within the limits. As the limits were set close to the long-term historical average, the limit was intentionally set to maximize effort to avoid Chinook salmon. Thus, while some relief through reapportionment may be warranted due to the recent trawl closure, the management measure should reflect the analysis and extensive public process that set the cap in the first place. In addition, when determining the appropriate amount to consider for reapportionment, it is important to note that to date, only four of the 1,600 Chinook salmon made available for reapportionment through emergency order have been used in the non-pollock, non-rockfish sector.¹⁰

⁶ 79 Fed. Reg. 75,350, 71,355 (emphasis added).

⁷ North Pacific Fishery Management Council, Initial/Public Review Draft Regulatory Impact Review/Initial Regulatory Flexibility Analysis, Reapportionment of Chinook Salmon PSC between the Pollock and Non-Pollock Gulf of Alaska Trawl Fisheries, at 9 (Nov. 2015).

⁸ *Id.* at 20.

⁹ *Id.* at 57.

¹⁰ *Id.*

It is also important to emphasize that the existing PSC limits have only been in place for one year, and more time should be given to allow the fleet to make adjustments to operate within the necessary limits. The analysis reflects this, noting that “[i]t is anticipated that the fleet will learn from conditions that existed during the early 2015 fishing year that resulted in the Chinook salmon PSC limit being taken. These conditions include the magnitude of Chinook salmon use by the sector in 2015 as compared to the sector’s average Chinook use, the impact of the restructured observer coverage on estimated Chinook salmon catch, and the fleet’s emphasis on implementing measures to avoid PSC to the extent practicable.”¹¹

In closing, Chinook salmon are a vital and essential component of our communities, our cultures and our economies in the Gulf of Alaska, we urge the Council to be responsive to all user groups that participated in the process to establish limits and maintain controls most reflective of prior actions. **We urge the Council to adopt Alternative 2, option 5, allow a sector to receive a reapportionment that does not exceed 10% of the sector’s initial PSC limit during a calendar year.**

Thank you for your continued attention to this important issue.

Sincerely,



Theresa Peterson
Kodiak Outreach Coordinator
Alaska Marine Conservation Council

¹¹ Id. at 7.

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December 1, 2015

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Re: Agenda Item C-4 Chinook PSC Reapportionment

Dear Mr. Hull:

The Boat Company (“TBC”) supported the Council’s establishment of a 7,500 fish Chinook PSC limit for the Gulf of Alaska (GOA) non-pollock trawl fisheries implemented under Amendment 97. The Council’s decision reflected a “broader public interest” in reducing Chinook PSC in the non-pollock trawl fisheries as demonstrated by the large number of letters from across the state of Alaska, and the “burden of conservation borne by commercial, subsistence and sport fishermen.”¹ Chinook salmon are a species of unique significance, and the Council’s action on Amendment 97 recognized that:

Chinook salmon are, arguably, the most prized of the five Pacific salmon species present off the west coast of North America. Chinook salmon contribute cultural, commercial, recreational, societal, subsistence, and ecological value in many forms, to many users. Society, through the public sector, has invested heavily in their protection, recovery, and enhancement, devoting expenditures to fish passageway, habitat recovery, migration assistance and Chinook salmon hatcheries; all clear demonstrations of the value society places on these fish. [NPFMC 2014 at 198].²

The potential to shift around larger numbers of Chinook salmon under the regulatory changes considered in this action would undermine the Council’s intent in developing Amendment 97. Alternative 2 would authorize NMFS to reapportion Chinook salmon PSC between the pollock and non-pollock trawl sectors with options that would limit the amount of the potential reapportionment. [RIR/IRFA at 17]. TBC recognizes that this is an interim measure pending the development of a more comprehensive bycatch management program. Still, even if temporary, this action is contrary to National Standard 9’s mandate to minimize bycatch because reapportionments under Alternative 2 will increase Chinook salmon PSC relative to the status quo. [*Id.* at 21; 59]. This means that the no action alternative is the only alternative that is consistent with National Standard 9.

TBC thus requests that the Council, at a minimum, ensure appropriate limits on NMFS’ discretion to shift around Chinook PSC between the groundfish trawl sectors by selecting the lower range of limits on reapportionments that a sector can receive as proposed under Option 5. [*Id.* at 17 – 20]. These limits would reduce the impacts of the proposed action in terms of

¹ See <https://app.box.com/shared/5cm1pxn8nn/1/952933417> , June 8, 2013 audio files 2013_6_8_200.MP3 – 2013_6_8_325.MP3.

² NPFMC. 2014. Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Act Analysis of Chinook Salmon Prohibited Species Catch in the Gulf of Alaska Non-Pollock Trawl Fisheries (Amendment 97). Anchorage, Alaska.

the extent to which it conflicts with the conservation goals and objectives of Amendment 97. As noted in the analysis, setting these limits will also allow for the Council and the public to know in advance each sector's maximum PSC level for any given year. TBC's most significant concern pertains to the amount of Chinook PSC available for reapportionment from the Pollock trawl sector (Option 2), which could result in a substantial increase in overall PSC, even under the 10% reapportionment limit.

Comments re: the 32,500 Chinook "aggregate limit"

This action departs from the Council's previous effort to balance public interests in the Chinook resource with potential restrictions on groundfish harvests through the 7,500 fish limit. During the Council's June 2013 deliberations on Amendment 97, the current Commissioner of the Alaska Department of Fish and Game described the 7,500 limit as a "balanced approach," and the former Commissioner noted that a higher cap – 10,000 fish, was not a balanced approach.³ The EA for Amendment 97 explained that the PSC limit "would represent an upper threshold" and "the maximum number of Chinook salmon removals that will be tolerated." [NPFMC 2014 at 51, 197]. But now the approach in the RIR/IRFA aggregates the pollock and non-pollock PSC limits, noting that "[t]his action does not change the Chinook salmon PSC limit that was set under Amendment 93 and Amendment 97." [RIR/IRFA at 74]. The purpose and need statement for this action also mention the need to "avoid exceeding the overall 32,500 Chinook salmon PSC limit." [*Id.* at 15].

The RIR/IRFA acknowledges that "allowing maximum reapportionments could undermine the fleet's incentive to maintain an aggregate PSC level of fewer than 32,500 Chinook salmon." [*Id.* at 62]. The problem with using the 32,500 fish aggregate Chinook PSC limit as a reference point is that Amendment 93 set a high limit for the pollock fisheries – even relative to historical usage. Importantly, Amendment 93 preceded the 2012 fishery disaster declaration for Alaska's Chinook salmon fisheries and reflected a much less balanced approach than Amendment 97. The Council approved Amendment 93 in 2011, NMFS finalized the EA in February 2012 and issued the final rule in July 2012. [79 Fed. Reg. at 32526].⁴

The chosen PSC limit in Amendment 93 - 25,000 Chinook – sought to ensure full prosecution of the trawl Pollock fishery and promote salmon savings only in years of high PSC events. It was an actual increase over the historical annual average bycatch of 15,116 fish. [NPFMC 2012 at 24, Table 5].⁵ For the most recent five-year period, the estimated annual average Chinook PSC in the pollock fisheries is even lower, decreasing to 13,853 fish with a peak of 17,334 Chinook in 2012.⁶ Thus, although the Council anticipated that Amendment 93 "would result in substantial salmon savings," the Amendment 93 PSC limit in reality functions as a 10,000 fish buffer. [79 Fed. Reg. at 32526]. The RIR/IRFA recognizes that the pollock sector has sufficient Chinook salmon PSC to keep the non-pollock sector open. [RIR/IRFA at 21]. But 10,000 fish?

³ See <https://app.box.com/shared/5cm1pxn8nn/1/952933417> , June 8, 2013 audio files 2013_6_8_200.MP3 – 2013_6_8_325.MP3.

⁴ Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Gulf of Alaska Non-Pollock Trawl Fishery; Amendment 97. 79 Fed. Reg. 32525 (June 5, 2014).

⁵ NPFMC. 2012. Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis of Chinook Salmon Prohibited Species Catch in the Gulf of Alaska Pollock Trawl Fisheries (Amendment 93). Anchorage, Alaska.

⁶ See alaskafisheries.noaa.gov/sustainablefisheries/inseason/goasalmonmort.pdf (NMFS. 2015. Table 1. Chinook Salmon Mortality in Gulf of Alaska Groundfish Fisheries).

Conversely, the approach taken by the Council in Amendment 97 was a much more appropriate response to declines in Alaska's Chinook resource. The Council's decision on Amendment 97 reflected concern for commercial and sport fishing businesses that depend on a healthy Chinook salmon resource and communities that depend on returning Chinook salmon for food and cultural values and thus responded to economic losses and qualitative considerations associated with salmon fishery closures. In 2012, commercial fisherman lost \$16.8 million in direct revenue.⁷ In Cook Inlet alone, the state lost 29,630 angler days which would have generated \$17.7 million in direct and indirect spending.⁸ The Kenai River harvest in 2012 was a mere five percent of the ten-year average. [NPFMC 2014 at 42]. Even so, the chosen PSC limit still exceeded historical averages. The annual average chinook PSC for the non-pollock trawl fisheries was 5,991 chinook from 2003 – 2011. [*Id.* at 121, Table 4-32]. The annual average has increased over the past five years to 6,201 Chinook.⁹

Thus, given that the Council has previously determined that the 7,500 fish limit was an upper threshold and maximum tolerable amount, TBC's most significant concern is the potential to reduce salmon savings through opening up the pollock PSC limit to the non-pollock trawl fisheries. For example, the 30% limit under Option 2 would allow for the reapportionment of up to 7,500 fish – twice the Amendment 97 limit. [RIR/IRFA at 61, Table 22]. Even the 10% limit under Option 2 would authorize the reapportionment of up to 2,500 fish from the pollock fishery and allow for the take of 10,000 Chinook – a number that the Council had previously determined did not reflect a balanced approach. [*Id.*]. As noted in the analysis, the non-pollock CV sector could receive over 3,000 Chinook salmon PSC from all other sectors combined, more than doubling its annual PSC limit. [*Id.* at 62].

Option 5 would limit the reapportionment to 10 – 50% of any sector's initial Chinook PSC limit. [RIR/IRFA at 22]. The Council may consider setting different percentage limits for different fisheries. [*See id.*]. This option would ensure that no sector operates under an effective PSC limit that greatly exceeds limits set under Amendments 93 or 97, and “[n]on-pollock sectors would not view the GOA pollock fishery as a ready source of additional Chinook PSC that could cover any PSC overage in years of low PSC levels in the pollock fishery.” [*Id.*]. The purpose of Option 5 is to ensure that sectors fish subject to PSC limits that remain within the “spirit” of Amendment 93 and 97 hard caps “set with regard to historic PSC levels and in light of public comment that is not meant to be undone under Alternative 2. [*Id.* at 63]. Table 24 on page 64 shows that this action would establish “maximum effective” PSC limits that would increase the non-pollock trawl fishery PSC limit to 8,250 fish at a 10% limit on reapportionments and 9,000 fish at a 20% limit. As previously noted, TBC recognizes that this is an interim measure pending a more comprehensive analysis of impacts to the Chinook resource in an Environmental Impact Statement (EIS) and requests that the Council ensure that the maximum effective PSC limit in its selected alternative remains within the range of the balanced approach taken in Amendment 97. As shown in the analysis, reapportionments from the pollock sector would go to far, even if limited to 10% under Option 2. Thus Option 5 limits are necessary to ensure that some of the salmon savings anticipated under Amendment 97 would be realized, and to maintain incentives for the non-pollock trawl fisheries to continue to modify gear and fishing practices that minimize Chinook PSC.

⁷ Dan Joling. *Alaska increases estimate of salmon disaster*. JUNEAU EMPIRE. November 14, 2012.

⁸ *Id.*

⁹ *See supra* n. 6 (NMFS. 2015. Table 1. Chinook Salmon Mortality in Gulf of Alaska Groundfish Fisheries).

Comment Re: Impacts to the Chinook salmon resource

The RIR/IRFA states that the effects of the action are economic, and would not have environmental effects beyond those examined in the EAs prepared for Amendments 93 and 97. [RIR/IRFA at 12]. It adds that “[i]n making any reapportionment decision, NMFS would consider the attendant cost to the Chinook salmon resource and the directed Chinook fisheries off Alaska and the West Coast of the U.S.” [*Id.* at 20]. But it insists that impacts would be small:

Based on *limited information*, less than 20% of those fish originate from Alaska river systems. The impact on directed Alaska salmon fisheries is expected to be small. Greater impacts would be realized on the West Coast of the U.S. and Canada. These impacts, while important to the various user groups and the stocks, are expected to be small. [*Id.* at 21 (emphasis added)].

TBC urges the Council to revisit the rationale for Amendment 97 in evaluating the impacts of action alternatives on the Chinook resource. The analysis for Amendment 97 recognized that the public has invested heavily in protecting and recovering Chinook populations, and that special consideration was warranted for smaller, at risk populations. The limited information about stock composition indicates some variability in stock composition and makes clear that there are real impacts to Alaskan wild stocks and protected populations in the lower 48 that are difficult to quantify.¹⁰ Thus, although there has been additional genetic sampling, the RIR/IRFA’s reference to “limited information” is consistent with previous analyses identifying data limitations that make it impossible to quantitatively assess the manner in which specific stocks are impacted by the non-pollock trawl fisheries.¹¹

TBC submits that the RIR/IRFA’s conclusion that impacts will be small should be reconsidered in light of concerns that apply with special force to at-risk or sensitive Chinook populations that persist at low levels. As the following paragraphs from the Amendment 97 EA explain, the same concerns that apply to ESA-listed species also merit consideration with regard to Alaska Chinook populations in the Northwest Gulf of Alaska and Southeast Alaska that are still in a period of decline or slow recovery:

¹⁰ The RIR/IRFA (p. 59) concludes that impact on Chinook salmon resource would be relatively small based on genetic samples. But there remains considerable variability among the limited information available. The 2013 Rockfish Program sample yielded a ratio of 60% U.S. west coast chinook; 31.% British Columbia, 6% coastal southeast Alaska and 2% NW Gulf of Alaska. The 2013 arrowtooth fishery sample yielded a ratio of 43% west coast, 39% B.C., 14% southeast Alaska and 3% NW Gulf of Alaska. Although coded wire tag data referenced in the 2012 EA for the Pollock PSC limit (p.123) does not represent stock composition, it showed that 50% of the marked fish were from British Columbia, 35% from Alaska, and 15% from the lower 48. All of these data reflect small sample sizes and may justify generalized inferences about the region of origin but do not allow for firm conclusions about impacts to ESA-listed species or specific Alaska stocks.

¹¹ NPFMC 2014 at 52, 198; *see also* December 2013 Agenda Item C-3(supplemental analysis for Chinook PSC rollover in GOA non-pollock trawl fisheries):

[t]he Chinook salmon stock composition of the GOA non-pollock trawl fishery PSC is not available; however, the GOA groundfish fisheries have been documented to catch Chinook salmon from both Cook Inlet, where run sizes have been below average, and southeast Alaska. It is not possible to draw any correlation between patterns of PSC and the status of salmon stocks, especially given the uncertainty associated with estimates of PSC in the groundfish fisheries and the lack of data on river of origin of Chinook salmon PSC.

Even with the lack of information on the stock composition of Chinook salmon taken as PSC, Chinook salmon that are taken from ESA-listed runs pose a high cost to the nation. ESA-listed evolutionary significant unit (EESU) Chinook salmon runs have been harmed by decades of built development in and around the freshwater habitat in many of these areas. This development has often simplified and truncated the diverse habitats that support Chinook salmon populations (Lindley 2009). Reducing the number of fish that return to these rivers has greatly increased the value of the individual fish that do return. As a result, efforts to recover Chinook salmon populations have imposed substantial costs on the hydroelectric, agricultural, irrigation, forestry, land development, and recreational fishing industries in the Pacific Northwest, Northern California, parts of Alaska, and British Columbia. Limitations have also been imposed on the subsistence users of these resources. The United States has longstanding treaty obligations to Canada, as well as Native American Tribes, committing the nation to the protection of Chinook runs for escapement and use by treaty signatories.

Chinook salmon from nine of the ESA-listed ESUs are known to be present in the GOA during some stages of their life-cycle. Any of these fish that are being intercepted by the GOA groundfish trawl fleet are highly valued in a National context due to their scarcity. Fish that are the subject of treaties ... may also have a higher value in the national context. Additionally, Chinook salmon bound for Alaska drainages that are not meeting their escapement goals are more highly valued by society than Chinook salmon from rivers that are meeting their escapement goals or receiving inputs from hatcheries. [NPFMC 2014 at 199].

With regard to the final point, although 2014 Chinook harvests in the state of Alaska increased from historic lows in 2012 and 2013, the recent improvement remains well below historical averages. [Munro, A.R. 2015 at 43, Figure 2].¹² Further, escapement concerns in Alaska drainages remain significant. Neither the Karluk nor Ayakulik river systems on Kodiak met escapement goals. [*Id.* At 33]. There were no directed fisheries for wild Chinook in southeast Alaska bound for the Stikine and Taku rivers. [*Id.* 5]. Harvest restrictions continued for Cook Inlet commercial and sport fisheries due to escapement concerns. [*Id.* at 13-15]. Thus, TBC requests that the Council consider the RIR/IRFA's reference to "small" impacts in the context of the "large" significance of Chinook stocks of concern.

Conclusion

Action alternatives that allow for reapportionment of Chinook PSC between sectors will explicitly increase bycatch and undermine the Council's goals and objectives aimed at minimizing impacts to the Chinook salmon resource under Amendment 97. TBC requests that the Council act cautiously with regard to reapportionment alternatives, and ensure that the resulting "maximum effective" PSC limits remain within the balanced approach developed in Amendment 97 by limited the amount of reapportionment sectors may receive under Option 5.

Sincerely,

Paul Olson, Attorney-at-Law

¹² Munro, A.R. editor. 2015. Run forecasts and harvest projections for 2015 Alaska salmon fisheries and review of the 2014 season. Alaska Department of Fish and Game, Special Publication No. 15-04, Anchorage.

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December 1, 2015

Mr. Dan Hull, Chairman
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Re: Agenda Item C4: GOA Chinook Salmon PSC Reapportionment

Dear Chairman Hull,

Groundfish Forum represents 18 trawl catcher-processor vessels operating in the Amendment 80 sector in federal waters off Alaska. Our vessels participate in non-pollock fisheries in the Gulf of Alaska and receive an annual apportionment of Chinook salmon PSC to conduct those operations. We are writing you to provide comments on the proposed action to allow re-apportionment of salmon PSC between Gulf of Alaska trawl sectors.

We support giving NMFS in-season management maximum flexibility to reapportion Chinook PSC, with the understanding that no sector will be harmed by losing access to the PSC it needs from the original apportionment, as is stated in the analysis. PSC will only move if there is a demonstrated need in one sector and no harm to other sectors. Under any circumstances, the total amount of Chinook PSC available to the trawl sectors will not exceed 32,500 fish. With this understanding, it makes sense to allow NMFS managers to balance PSC needs between sectors to maximize the harvest of target species.

Since any reapportionment to one sector will hold all other sectors harmless, there is no need to restrict how PSC can be moved between sectors. Option 3 (which would prohibit reapportionment from the catcher vessel sectors to the catcher processor sector) is unnecessary. Catcher processors contribute to GOA communities through the Resource Landing Tax and during port calls, which include use of local labor and purchase of fuel and other supplies. In 2014 our vessels made 48 offloads in the Gulf of Alaska, each of which added to both the State and local revenues. If the CP sector needs PSC, and it is available without harm to the CV sectors, there is no reason to restrict the reapportionment.

Similarly, we do not see the need to limit how much PSC can be reapportioned as long as all sectors' PSC needs are protected. The Council determined that 32,500 Chinook salmon could safely be taken as PSC. It shouldn't matter which sector or fishery takes these fish as long as that limit is not exceeded.

We encourage you to take final action on GOA Chinook PSC reapportionment and provide NMFS in-season management the flexibility to move PSC between sectors for the purpose of maximizing utilization of target fisheries, while not harming any sector and not exceeding the maximum allowable PSC limit.

Thank you for the opportunity to comment.

Sincerely,


Chris Woodley
Executive Director



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December 1, 2015

Mr. Eric Olson, Chair
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Dr. James Balsiger, Regional Administrator
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RE: Agenda Item C4 - GOA Chinook Salmon PSC Reapportionment

Dear Chairman Olson, Dr. Balsiger, and Council Members:

Oceana commends the National Marine Fisheries Service (NMFS) and North Pacific Fishery Management Council (NPFMC) for their commitment to reduce Chinook salmon bycatch in the Gulf of Alaska groundfish fisheries. The decision to cap Chinook salmon bycatch in the Western and Central Gulf of Alaska (GOA) bottom trawl fleet was an important step in preserving Chinook salmon. We urge you to follow through and maintain the agreed upon prohibited species caps (PSC) for each trawl fishery sector and limit the amount of reapportionment between sectors.

Chinook harvests and abundance have been on a declining trend for over 50 years in Alaska and on the entire Pacific coast. For example, the 2014 harvest of Chinook salmon in the Kodiak Management Area was 8,380 fish which was well below both the forecasted amount (20,000 fish) and the previous 10-year average (18,697 fish)¹. Further, in 2015 two Kodiak rivers, the Karluk and Ayakulik, experienced collapses in their Chinook runs that were described as “devastating”.² Because of declining stocks, management has been stricter in the Yukon Delta/Kuskokwim River subsistence and sport fisheries, the Cook Inlet commercial fishery, the Chilkat River subsistence, commercial, and sport fisheries, and the Southeast Alaska commercial fishery. Throughout the state, limitations for direct harvest of Chinook have been implemented with the goal of maintaining or rebuilding healthy Chinook salmon stocks. Therefore it is responsible to keep the set limits on bycatch rates of Chinook salmon in GOA bottom trawl fisheries.

The goals of the Council are to not exceed the Chinook PSC limit and to ensure groundfish resources are fully harvested. With this in mind, Oceana supports Option 5 of Alternative 2. Restricting the reapportionment of PSC limit sharing to no more than 10% of the sector’s initial limit is the best option for maximizing target harvests. The cleaner the fishery, the better utilized the natural resource. Allowing anything greater than 10% PSC limit reapportionment undercuts efforts in reducing salmon bycatch. Setting PSC limits



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encourages advances in fishing gear and fishing techniques to reduce bycatch, which is a shared goal between NMFS, NPFMC, and Oceana.

In addition, we recommend increasing observer coverage to 100% for the trawl sectors. More coverage yields more precise and accurate estimates of bycatch. Further, 100% observer coverage ensures that extrapolation of high salmon bycatch rates from poorly performing vessels on the rest of the fleet is minimized. The proposed observer coverage for the non-Rockfish Program CV was improved from 24% to 27%, however that sector is at greater risk of being closed than those sectors with 100% coverage³. This difference in coverage puts more strain on the community of Kodiak processors who rely on offloads from non-Rockfish Program CVs, but this problem can be solved with increased observer coverage.

Thank you again for your work with this issue. By reducing and minimizing wasteful bycatch, more salmon will survive to spawn in the rivers and streams of Alaska, the Pacific Northwest, and Canada. We will continue to communicate and work with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Warrenchuk". The signature is fluid and cursive, written over a light blue horizontal line.

Jon Warrenchuk
Senior Scientist and Campaign Manager
Oceana

¹Sagalkin, N. 2014. Kodiak Management Area 2014 Commercial Salmon Fishery Summary. Alaska Department of Fish and Game Memorandum, December 3, 2014.

² <http://www.adn.com/article/20150407/two-premier-kodiak-king-salmon-rivers-shuttered-chinook-anglers> accessed December 1, 2015.

³ NMFS. 2015. 2016 annual deployment plan for observers in the groundfish and halibut fisheries off Alaska. NOAA, Juneau.