AGENDA C-5
Supplemental
DECEMBER 2010

Cordova District Fishermen ..
PO Box 939 | 509 First Street | Cordova, AK 995..
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November 23, 2010

North Pacific Fishery Management Council
605 West 4th, Suite 306
Anchorage, Alaska 99501-2252
Fax: (907) 271-2817

Dear Members of the Council,

I am writing on behalf of Cordova District Fishermen United to comment on the significant number of Chinook bycatch reported in the Gulf of Alaska (GOA) fishery this season.

Our organization is very concerned about the health and sustainability of Chinook salmon species in Alaska and we urge the Council to take *immediate* proactive action to:

a) Determine bycatch stocks of origin.
b) Support research that examines the abundance of Chinook, and their distribution throughout the GOA.
c) Investigate options for curtailing incidental Chinook bycatch.

Thank you for your commitment to solving this problem, and we look forward to hearing your discussion on this important topic during the December Council meetings.

Sincerely,

Rochelle Van Den Broek
CDFU Executive Director

November 16, 2010

Eric Olson

Re: C-5 GOA Chinook salmon bycatch

Dear Chairman Olson,

My name is Leigh Gorman Thomet. I have been an Alaskan resident for twenty years and have participated in the salmon industry for 29 years. I have fished in the halibut, sable fish, and herring fisheries as well. My family and I have owned and operated a setnet site on Kodiak Island for 13years. Ninety nine % of our income derives from commercial fishing.

This letter is regarding the highest recorded number of Chinook salmon bycatch caught in the Gulf of Alaska this year. It has become crucial to take action, serious action, to mitigate this sort of waste of over 50,000 Chinook salmon! It is absolutely shameful and disgraceful that this practice by the Trawl Fleet has been neglected by policy makers for so long. It is apparent that the Trawl Fleet will not make amendments to limit themselves because there is no incentive for them to do so. Thus, this has led the Trawl fleet to engage in the reckless defiance of sustainable fishing practices, and unfairly hobbling the subsistence, sport and commercial salmon fishermen in the GOA.

Chinook salmon has been CLOSED for the last 3 years to subsistence fishing on the Karluk River in Kodiak. Chinook salmon was also CLOSED to sport fishing on the Karluk for the 2009 and 2010 seasons for conservation reasons. For the commercial fishery, the Board of Fish prohibits the retention of Chinook salmon over a certain size in the outer Karluk district. The reasons for these closures and restrictions in this area are: The Chinook stocks in Kodiak's Karluk River have continued to decline during the years 2001-2010. The stocks have also failed to meet the escapement goals for the last 4 years. For 3 out of 4 of those years, less than half of the minimum escapement was met. The Alaska Department of Fish and Game has recommended that the Board of Fish declare the Karluk River Chinook a 'Stock of Concern.'

Low returns of Chinook salmon to the Karluk, Aiakulik and other systems in the GOA have had negative economic impacts on both the guided sport and charter boat industries. Those industries generate revenue to lodging and lodges, air taxis, restaurants, outfitters and other local businesses. Chinook taken as bycatch generates waste and animosity by these other user groups that feel they've been unfairly hobbled.

I know that the council has taken action to limit the bycatch of Chinooks in the Bering Sea by placing a 'cap' on the number of Chinooks allowed to be taken. However, the Council has taken no action in the Gulf of Alaska! Does over 50,000 Chinooks taken as bycatch call for placing 'caps', 100% observer coverage, 100% retention, closures of certain areas or certain times of day? Absolutely! At least 1 or 2 of these measures.

The rate of Chinook bycatch (salmon per ton of groundfish) is over 10 times that taken in the Bering Sea. In my opinion, Chinook bycatch is not particularly well estimated in the Gulf because there is not 100% observer coverage in the groundfish fisheries.

It has come to my attention, via the NMFS website, that Chinook salmon are caught in Pelagic and Non pelagic trawls. The data has shown that 1/3 of Chinooks are caught in Non-pelagic gear. If the Council sees fit to put caps on the Trawl fishery it would be crucial to include both of these gear types in that decision.

I do realize that every fishery has some sort of bycatch, but there is no comparison to the copious amount taken by the Trawl Fleet- mid water or bottom. As a society, we are responsible for maintaining the longevity of the fantastic natural resources that we are so fortunate to have in Alaska. Where else in this country are our fisheries so fruitful? Nowhere! We have every reason to fiercely protect them from over fishing and wasteful fishing. The only way I know how to do my part is writing letters to you- the Council- our policy makers- to take responsibility by placing a 'cap' and 200% observer coverage (24 hrs). It is not my intention to shut down the Trawl Fleet. It is only to minimize bycatch. It is also my hope that the NPFMC vote their consciences and social responsibility when making decisions on this issue.

. Thank you for your time. Leigh Gorman-Thomet

Mr. Eric Olsen, Chair
North Pacific Fishery Management Council
605 w 4th Ave Suite 306
Anchorage, Alaska 99501

Dear Sir;

I would like to comment on the king salmon by-catch issue in the gulf of Alaska. I am aware that the council has placed a cap on kings in the Bering Sea. In the gulf where there is not 100% observer coverage and the rate of kings caught per ton of ground fish caught is higher here than the Bering Sea, it seems obvious that some sort of changes should be made so that all catcher groups participate in the conservation of these fish and not just the commercial and sport fish users. With the low returns to the Aiakulik river and fish and games recommendation to list the karluk king run as a stock of concern, something needs to be done now and not postponed and delayed like is the tactic of some groups. I hope some action can be taken at this meeting to help solve the problem.

The unobserved by-catch of kings needs to be solved now before the Canadians make this a international problem or the tribes in Washington and Oregon get involved, and make this problem worse than anyone, including this council would ever want to deal with. My suggestion is to help all groups, and the fish by taking some appropriate action now, before bigger players force things that no one will want.

Thank you for your consideration,

Pete Hannah

30 yr Kodiak resident and fisherman

Kodiak Regional Aquaculture Association

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November 30, 2010

Chairman Eric Olsen
North Pacific Fisheries Management Council
605 W. Fourth Street; Suite 306
Anchorage Alaska 99501-2252

Dear Mr. Olsen and Council members,

The Kodiak Regional Aquaculture Association is a member driven, non-profit organization run by a volunteer Board of Directors, which is dedicated to conservation, research, and enhancement of the salmon resources and salmon habitat of the Kodiak Archipelago. Our core membership consists of over 600 Kodiak commercial salmon fishing permit holders, but we represent all users of the salmon resources of this area. We have many active projects that directly benefit subsistence and sport users as well as projects that contribute to the commercial fisheries.

I write today to voice this organization's support of reduction of salmon bycatch from Gulf of Alaska fisheries, especially from the pelagic and non-pelagic trawl fisheries.

The November 2010 staff discussion paper *Chinook Salmon Bycatch in Gulf of Alaska Groundfish Fisheries* has informed the council of the significant increase in Chinook salmon bycatch in 2010, at a time of significant decreases in salmon runs, and particularly Chinook salmon runs, to many of Kodiak's productive salmon fisheries. Subsistence, sport and commercial salmon harvests are down, achievement of escapement goals is inconsistent, and severe restriction of fisheries has already occurred. Indeed, we fully expect that the Alaska Board of Fisheries will be forced to designate some Kodiak Chinook populations as "Stocks of Concern" at their next Kodiak meeting, in January of 2011.

There are actions which can be taken to conserve declining fish stocks. One of those actions, which only the Council can take, is to reduce or eliminate the incidental take of salmon in directed groundfish fisheries.

Please take meaningful action at this meeting. In your discussion paper, four alternatives are given. Alternative 2 or 3, with specific restrictions placed on GOA groundfish fisheries to reduce or eliminate Chinook bycatch are preferred to Alternative 1, No Action, or Alternative 4, Voluntary Bycatch Cooperatives. As previously mentioned, state fisheries have already been subject to severe restrictions, and we feel it is appropriate to extend that concern and action to GOA groundfish fisheries for the survival of these weak salmon stocks. Please help us move forward toward solving this grave problem.

Sincerely,
Kevin Brennan, Executive Director

November 29, 2010

Agenda Item C-5

December 2010

MEMORANDUM FOR: Eric Olson
Chairman, NPFMC

FROM: Kevin Thomet
Stakeholder, Fisherman

SUBJECT: GOA Chinook By-catch

Dear Chairman Olson,

I'm an Alaskan fisherman. I've lived in and fished out of Kodiak for the last 27 years. Currently I am a board member of the Kodiak Regional Aquaculture Association (KRAA) the Northwest Set-netters Association (NWSA), and a member of the Advisory Committee to the Alaska Board of Fish and Game. I have a vested interest in healthy salmon runs in the GOA and in a healthy local economy. My wife , son, and I own and operate a salmon set-net site on the west side of Kodiak Island not too far from the Karluk river. We also participate in the herring, crab, and halibut fisheries.

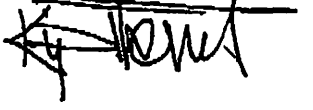
Today I'm urging the council to take the next step in the process to get the by-catch of Chinook salmon by the trawl fleet under control for the following reasons:

* CONSERVATION: I believe that the unprecedented numbers of Chinook taken as by-catch by the trawl fleet threatens the sustainability of many of the local Chinook runs, including the Karluk and Ayakulik runs. The return has been so poor on the Karluk that ADFG is recommending that the Chinook run be declared a stock of concern. In two of the last four years the number of Chinook taken as by-catch has exceeded 40,000 animals, initiating consultation with fish managers in the Northwest Region over concerns of endangered and threatened Chinook runs in Oregon, Washington, and California.

* IMPACT ON DIRECTED FISHERIES: Local user groups ,sport, charter, subsistence and commercial have all born the pain of low Chinook returns in the Gulf as State managers try to protect the Chinook runs with closures ,limits, and non- retention regulations. Loss of revenue and economic opportunities have been shared by all of these groups. Here in Kodiak, the Karluk is closed to both subsistence and sport fishing, sport and charter fisherman are having a hard time finding Chinook in salt water, and lodges are losing river fishing clients. On the commercial side , there's a proposal in front of the Board of Fish to invoke non-retention of any Chinook salmon caught in the Kodiak Management Area by the seine fleet. The trawl fleet..... no limit.

AS IT STANDS: Presently the GOA trawl fleet has no incentive to reduce or limit the by-catch of Chinook salmon except for the threat of possible future management changes. When I look at this years number of Chinook taken as by-catch (over 53,000 animals), it is very apparent to me that this is not a strong enough incentive for the fleet. I believe it's the councils' responsibility to move quickly to start protecting a resource that so many depend on. Please, don't let this get delayed any longer.

Sincerely, Kevin (Kip) Thomet



ATTACHMENTS: BOF memo Karluk Chinook Stock of Concern(RC8), BOF Proposal 75-5AAC 18.367

RC 8

STATE OF ALASKA

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DEPARTMENT OF FISH AND GAME

Division of Commercial Fisheries
Division of Sport Fish

MEMORANDUM

TO: Members
Alaska Board of Fisheries

DATE: September 30, 2010

FROM: John Hilsinger, Director
Division of Commercial Fisheries

and

Charles Swanton, Director
Division of Sport Fish

SUBJECT: Kodiak and Chignik Stock of Concern Recommendations

The *Policy for the Management of Sustainable Salmon Fisheries* (SSFP; 5 AAC 39.222) directs the department to report to the Alaska Board of Fisheries (board) on the status of salmon stocks and identify any stocks that present a concern related to yield, management, or conservation during regular board meetings. An interdivisional review team consisting of staff from the divisions of Commercial Fisheries and Sport Fish reviewed escapement goals in the Kodiak Management Area (Area K) and the Chignik Management Area (Area L) as part of the current board meeting cycle. In conjunction with the escapement goal review, the team examined potential stocks of yield, management, or conservation concern, as defined in the SSFP. This memorandum summarizes the results of the stock of concern evaluation for Kodiak (Area K) and Chignik (Area L) salmon stocks for the 2010-2011 board regulatory cycle.

All Chinook, sockeye, pink, coho, and chum salmon stocks in the Kodiak and Chignik management areas were examined for potential stock of concern status. Only the Karluk River Chinook salmon stock was identified as a potential candidate for stock of concern status.

Karluk River Chinook salmon

Background

Karluk River is located in the southwest portion of Kodiak Island and supports commercial, sport, and subsistence fisheries (Figure 1). A biological escapement goal (BEG) of 4,500-8,000 fish was established for Karluk River Chinook salmon in 1978. During the 2001-2002 board meeting cycle the escapement goal was changed to a BEG of 3,600-7,300 fish (Hasbrouck and

Clark, Escapement goal review of Chinook salmon in the Ayakulik, Chignik, and Karluk Rivers, ADF&G *Unpublished*). This BEG was corroborated with an updated Ricker analysis of spawner-recruit data in 2004 (Nelson *et al.* 2005) and reviewed again in 2006 with no changes recommended (Honnold *et al.* 2007).

The divisions of Commercial Fisheries and Sport Fish have operated a weir upstream of the Karluk Lagoon to assess the escapement since 1976 (Figure 1). Escapement of Karluk River Chinook salmon since 1976 ranged from 752 to 13,742 fish (Table 1). During the 10-year period before a decline in productivity (1997-2006) escapements averaged 7,278 Chinook salmon. From 2007 through 2010 escapements decreased to an average of 1,668 fish. For each of the last 4 years, Karluk River Chinook salmon escapement has failed to meet the BEG (Figure 2). During this period of time, escapements ranged from a low of 752 in 2008 to a high of 2,916 fish in 2010 (Table 1).

Karluk River Chinook salmon are harvested by a commercial fishery in salt water and by subsistence and sport fisheries in fresh water. Estimated mean annual sport harvest of Chinook salmon from 1997 to 2006 was 1,141 fish. In 2007, 205 Chinook salmon were harvested in the sport fishery and no Chinook salmon were harvested by the sport fishery from 2008-2010. Complete sport fishery closures were in effect during 2009-2010.

The commercial fishery located in the Inner Karluk and Outer Karluk sections targets sockeye salmon returning to Karluk Lake, but Karluk River Chinook salmon are also harvested. The annual commercial harvest of Chinook salmon has declined significantly since 2004 (Table 1). From 1997 to 2006, the mean annual commercial harvest was 1,214 fish. From 2007 to 2010, the annual mean harvest decreased to 82 fish. No commercial harvest has occurred in these sections during times that Karluk River Chinook salmon would normally be present since 2008 because of restrictions enacted due to low sockeye salmon runs.

The dual-managed state/federal subsistence fishery on Karluk River Chinook salmon occurs in Karluk Lagoon and Karluk River. Estimated mean annual subsistence harvest from 1997 to 2006 was 28 fish and ranged from a low of 0 fish in several years to 165 fish in 2002 (Table 1). Restrictions on subsistence users to conserve Chinook salmon escapements have included a prohibition on retention of all Chinook caught inriver during 2008, and complete closure of Karluk River drainage to subsistence harvest of Chinook salmon in 2009 and 2010 (Figure 3).

For the 13 most recent complete brood-years (1990-2002) only 3 (1992, 1994, and 1998) have replaced themselves with subsequent returns (i.e., average return per spawner $\geq$ 1.0; Table 2). For brood-years 1976-2002, the age composition of the returns was approximately 2% age-3, 11% age-4, 29 % age-5, 52% age-6, and 6% age-7 fish. It is unlikely brood-years 2003 and 2004 will produce returns that replace themselves (return per spawner $\geq$ 1.0).

Management Measures

The department began taking inseason management actions to conserve Karluk River Chinook salmon in 2001. The Division of Sport Fish implemented bag limit restrictions, nonretention regulations, and/or total fishery closures during 2001 through 2010 (Figure 4). In 2005, a commercial fishery regulation was adopted that mandated nonretention of Chinook salmon over 28 inches in the commercial fishery within the Inner and Outer Karluk sections if Chinook

salmon runs were weak (5 AAC 18.395). While the department does not specifically manage the commercial harvest of Chinook salmon, this regulation was put into effect during the 2005-2008 seasons, and the Inner and Outer Karluk sections were closed to commercial salmon fishing during the Chinook salmon run in 2009 and 2010 (Figure 3) because of restrictions enacted due to low sockeye salmon runs. The subsistence fishery was closed during 2008 inriver above Karluk River weir and within the entire drainage during 2009 and 2010 (Figure 3).

Stock of Concern Recommendation

Despite specific management measures by the department to reduce harvest in the sport, commercial, and subsistence fisheries, the Karluk River Chinook salmon stock has continued to decline during 2001-2010 and failed to make the escapement goal each of the last four years.

The SSFP states that "management concern means a concern arising from a chronic inability, despite use of specific management measures, to maintain escapements for a salmon stock within the bounds of the SEG, BEG, OEG, or other specific management objectives for the fishery...". For these reasons, the department's recommendation to the board is that Karluk River Chinook salmon be declared a stock of management concern.

Literature Cited

Honnold, S. G., M. J. Witteveen, M. B. Foster, I. Vining, and J. J. Hasbrouck. 2007. Review of escapement goals for salmon stocks in the Kodiak Management Area, Alaska. Alaska Department of Fish and Game, Fishery Manuscript No. 07-10, Anchorage.

Nelson, P.A., M.J. Witteveen, S.G. Honnold, I.Vining, and J.J Hasbrouck. 2005. Review of salmon escapement goals in the Kodiak management area. Alaska Department of Fish and Game, Fisheries Manuscript Series No 05-05, Anchorage.

Table 1.—Karluk River Chinook salmon harvest, run, and escapement, 1976-2010.

Run Year	Commercial Harvest[a]	Subsistence Harvest[b]	Sport Harvest[c]	Weir Count[d]	Escapement[e]
1976	2	0	461	6,897	6,436
1977	0	0	461	8,434	7,973
1978	35	0	461	9,795	9,334
1979	0	0	461	9,555	9,094
1980	0	0	461	4,810	4,349
1981	0	0	461	7,575	7,114
1982	0	0	796	7,489	6,693
1983	0	0	304	11,746	11,442
1984	2	0	175	7,747	7,572
1985	5	0	472	5,362	4,890
1986	542	0	122	4,429	4,307
1987	313	0	199	7,930	7,731
1988	3	0	819	13,337	12,518
1989	0	0	559	10,484	9,925
1990	0	0	700	14,442	13,742
1991	0	0	1,599	14,022	12,423
1992	264	0	856	9,601	8,745
1993	3,082	5	1,634	13,944	12,310
1994	5,114	13	1,483	12,049	10,566
1995	1,794	31	1,284	12,657	11,373
1996	1,662	4	1,695	10,051	8,356
1997	1,445	17	1,574	13,443	11,869
1998	252	4	1,173	10,239	9,066
1999	1,067	7	1,766	13,063	11,297
2000	693	22	2,581	10,460	7,879
2001	2,588	24	1,304	4,453	3,149
2002	1,262	165	716	7,175	6,944
2003	1,336	6	563	7,256	6,986
2004	2,249	16	690	7,525	7,228
2005	349	5	368	4,798	4,684
2006	900	17	670	4,112	3,673
2007	313	1	205	1,765	1,697
2008	13	5	0	752	752
2009	0	0	0	1,306	1,306
2010	0	0[f]	0	2,916	2,916
1997-2006 AVG	1,214	28	1,141	8,252	7,278
2007-2010 AVG	82	2	51	1,685	1,668

[a] Source: ADF&G, Division of Commercial Fisheries Statewide Harvest Receipt (fish ticket) database. Commercial harvest is the harvest of Chinook salmon from Inner and Outer Karluk statistical areas (255-10 and 255-20) through July 15.

[b] Based on subsistence harvest records maintained by the Westward Region of ADF&G's Division of Commercial Fisheries; includes all reported harvest in Karluk Section.

[c] Sport harvest (above and below the weir) is from the Statewide Harvest Survey.

[d] Source ADF&G, Division of Commercial Fisheries Kodiak weir count database.

[e] Escapement is weir count minus the recreational harvest that occurs above the weir.

[f] subsistence fishery closed; no reported harvest to date.

Table 2.—Karluk River Chinook salmon brood table data, 1976-2010 (R/S is return per spawner).

Brood Year	Escapement	Return by age 3	4	5	6	7	Total Return	R/S
1976	6,436	159	489	2,129	3,879	919	7,575	1.18
1977	7,973	80	771	2,105	6,085	606	9,646	1.21
1978	9,334	126	762	3,301	4,014	420	8,623	0.92
1979	9,094	125	1,195	2,178	2,780	389	6,667	0.73
1980	4,349	196	788	1,508	2,575	645	5,712	1.31
1981	7,114	129	546	1,397	4,270	1,043	7,385	1.04
1982	6,693	89	506	2,317	6,910	820	10,642	1.59
1983	11,442	83	839	3,749	5,431	1,129	11,231	0.98
1984	7,572	137	1,357	2,946	7,481	1,097	13,019	1.72
1985	4,890	222	1,067	4,059	7,264	771	13,383	2.74
1986	4,307	175	1,469	3,941	5,110	77	10,772	2.50
1987	7,731	241	1,427	2,772	10,360	1,098	15,897	2.06
1988	12,518	234	1,004	5,165	10,317	1,484	18,204	1.45
1989	9,925	164	1,352	3,417	8,642	913	14,488	1.46
1990	13,742	77	1,692	2,021	5,950	882	10,621	0.77
1991	12,423	653	1,891	2,751	6,922	0	12,218	0.98
1992	8,745	444	1,921	5,271	7,866	848	16,351	1.87
1993	12,310	115	1,237	1,210	5,938	112	8,612	0.70
1994	10,566	592	1,343	5,938	6,817	707	15,396	1.46
1995	11,373	77	1,272	3,576	4,804	363	10,093	0.89
1996	8,356	141	447	1,554	3,271	89	5,503	0.66
1997	11,869	224	0	2,908	1,778	575	5,485	0.46
1998	9,066	0	2,272	5,246	5,577	178	13,273	1.46
1999	11,297	273	1,689	3,443	2,096	1,203	8,704	0.77
2000	7,879	89	435	2,246	2,840	554	6,264	0.80
2001	3,149	154	680	964	1,109	121	3,028	0.96
2002	6,944	205	263	302	647	119	1,536	0.23
2003	6,986	0	101	81	356			
2004	7,228	0	0	514				
2005	4,684	0	277					
2006	3,673	40						
2007	1,697							
2008	752							
2009	1,306							
2010	2,916							

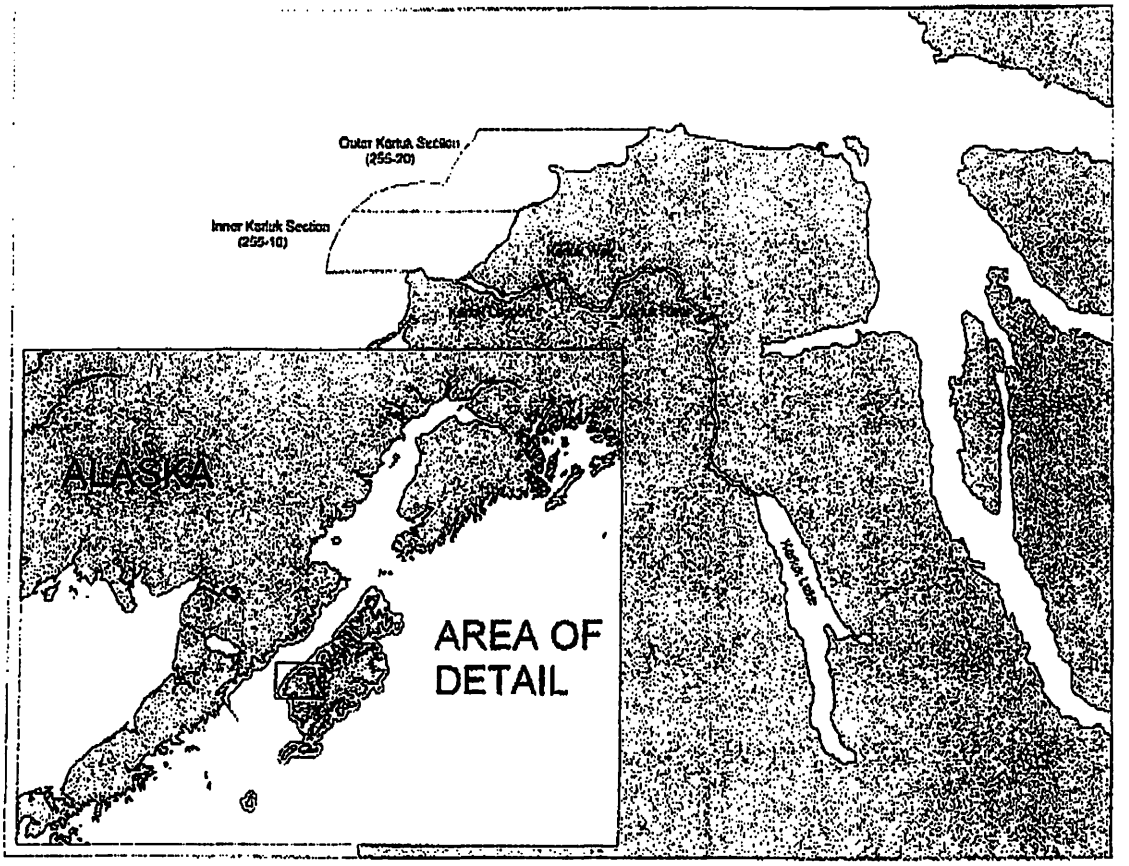

Figure 1.-Map of the Karluk River, Karluk Lake, and commercial fishery sections.

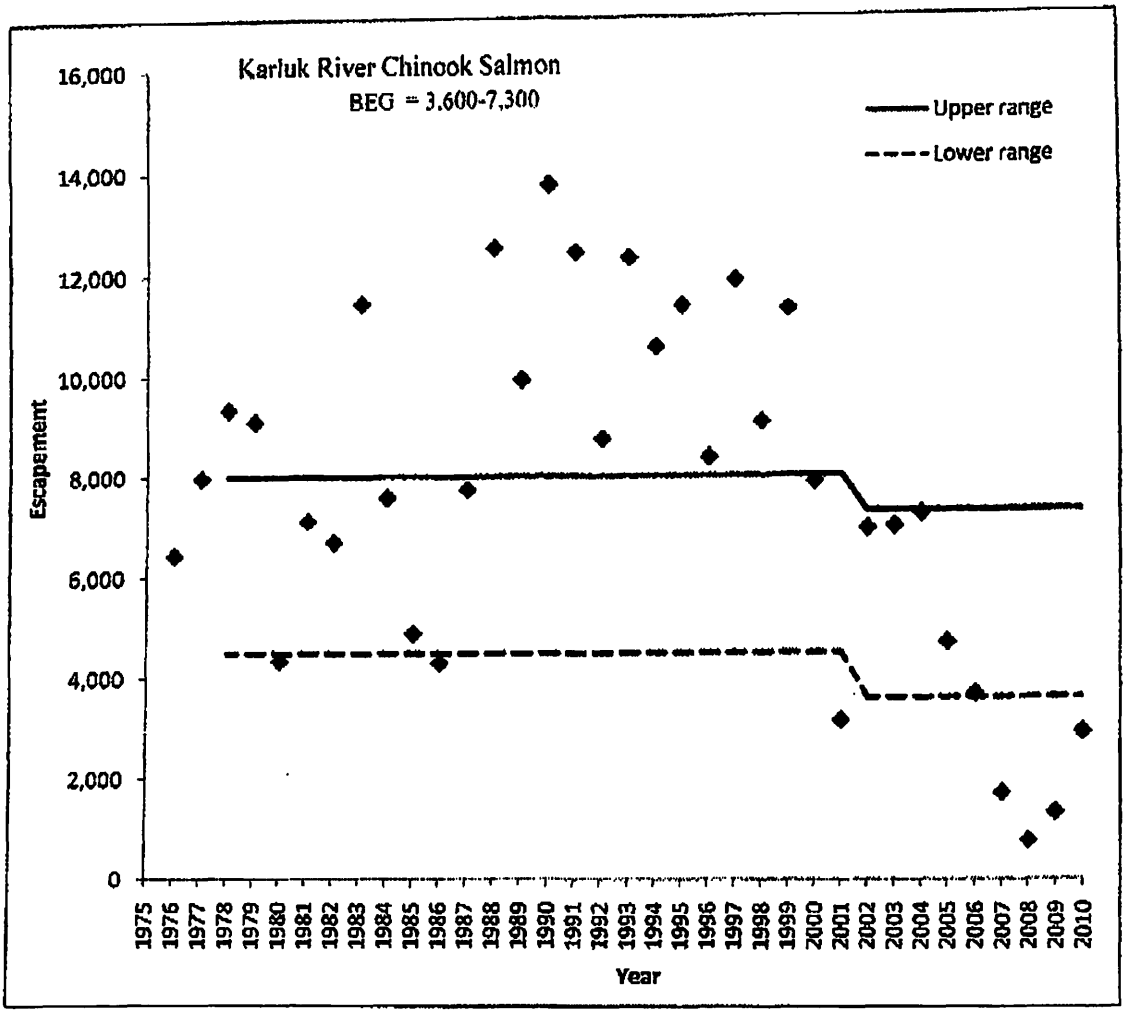

Figure 2.—Karluk River Chinook salmon escapement and escapement goal range, 1976-2010.

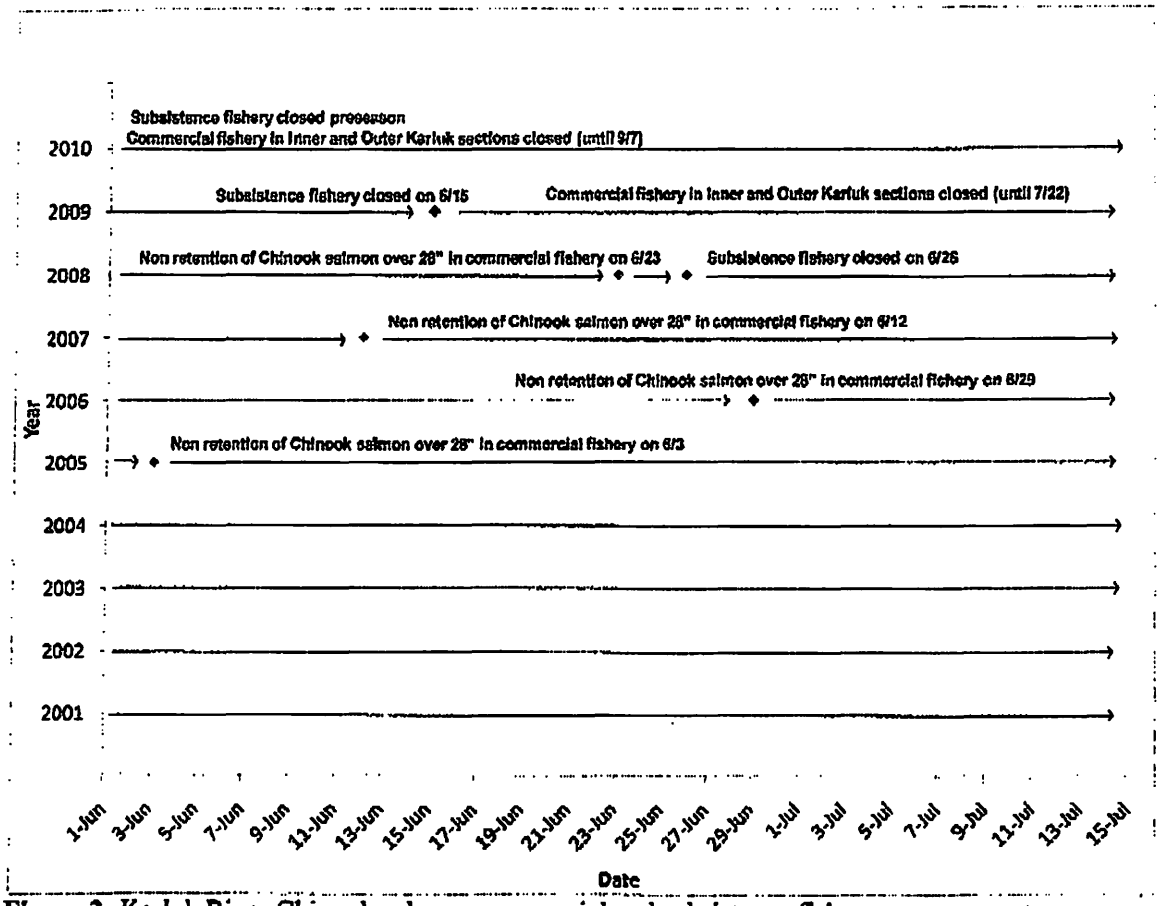

Figure 3.-Karluk River Chinook salmon commercial and subsistence fishery management actions, 2001-2010.

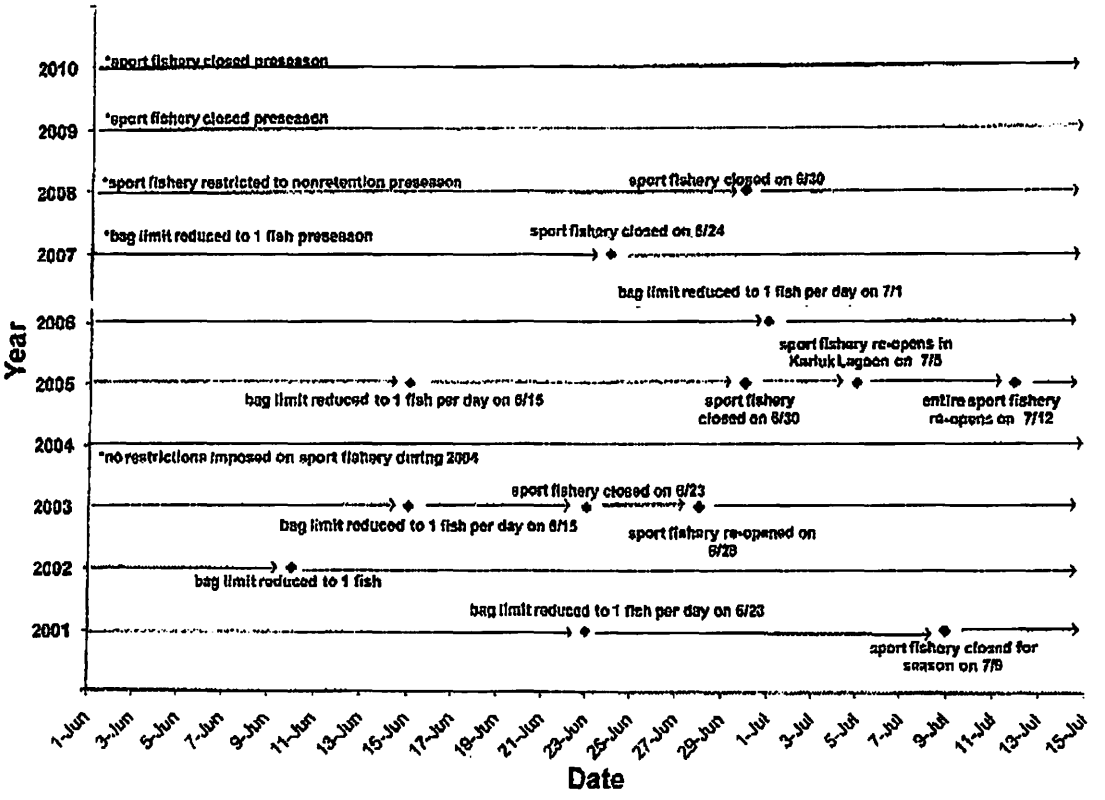

Figure 4.—Karluk River Chinook salmon sport fishery management actions, 2001-2010.

PROPOSAL 75 - 5 AAC 18.367. **Eastside Kodiak Salmon Management Plan.** Close fishing for chinook salmon in the Mainland District until escapement goals are met as follows:

The Kodiak salmon seine fleet is prohibited from retaining chinook salmon prior to July 6th in the Kodiak Management Area, exclusive of the Mainland District, until the Karluk and the Ayakulik River systems have met their minimum chinook escapement goals of three consecutive years. This prohibition should be reviewed at the next Kodiak Management Area, Alaska Board of Fisheries meeting.

ISSUE: The Kodiak salmon purse seine fishery catches chinook salmon incidental to the targeted fishery for sockeye and chum salmon during the month of June. Given the low returns to the Karluk and Ayakulik rivers and failure to meet minimum escapement goals, the problem at hand is to rebuild these runs. The Kodiak salmon purse seine fleet may need to, for a limited period, limit retention of chinook salmon and work with the Department of Fish and Game to limit retention in other Kodiak fisheries (trawl & sport charter) in which chinook salmon are taken to rebuild Kodiak chinook salmon runs.

WHAT WILL HAPPEN IF NOTHING IS DONE? Rebuilding of the Karluk and Ayakulik chinook salmon runs will take longer.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Increasing chinook salmon runs to the Karluk and Ayakulik rivers improves the "quality" of those runs and the sustainability of the Kodiak multi-species salmon fishery.

WHO IS LIKELY TO BENEFIT? All Kodiak chinook Salmon users – subsistence, personal use, sport, sport charter and commercial.

WHO IS LIKELY TO SUFFER? Kodiak salmon seine fishermen who forgo income from their catch of chinook salmon. Kodiak processors who no longer are able to process chinook salmon.

OTHER SOLUTIONS CONSIDERED? Limiting the Kodiak salmon setnet fishery from the retention of chinook salmon was considered. This was rejected because comparatively few chinook salmon are caught in the setnet fishery. Those caught in the fishery are generally dead and discarding would be wasteful. Longer term prohibitions on the retention of chinook salmon were also considered. However, this regulation is intended to be a short term conservation measure and not a management policy. Once the local chinook runs are rebuilt, the Kodiak salmon seine fishery should be able to resume harvest of chinook salmon.

PROPOSED BY: Ouzinkie Native Corporation (HQ-10F-117)

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Cordova District Fishermen United
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November 30, 2010

North Pacific Fishery Management Council
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Dear Members of the Council,

The Gillnet Division of Cordova District Fishermen United is sending this letter in regard to the significant numbers of Chinook bycatch reported in the Gulf of Alaska (GOA) fishery this season.

The gillnet division represents the commercial drift gillnet fleet on the Copper River Delta. There are 541 permits and nearly all of them participate in the commercial harvest for the Copper River Chinook salmon. In, recent years our Chinook salmon harvest has been at historic lows, despite severe management restrictions of fishing time and area.

It is fair to say that as a result of stringent Chinook salmon management and low returns, fishermen and the community of Cordova has experienced adverse economic impacts.

The gillnet division is very concerned about the health and sustainability of Chinook salmon runs in Alaska and, we urge the Council to take *immediate proactive* action to:

a) Determine bycatch stocks of orgin through genetic analysis to identify the river of origin of salmon bycatch.
b) Support research that examines the abundance of Chinook, and their distribution throughout the GOA; through implementation of the restructured Observer Program by 2013.
c) Investigate options for curtailing incidental Chinook bycatch.

We recommend that the trawl sector take every effort to limit Chinook bycatch in 2011 and beyond through gear modifications and improved communications about areas of high bycatch.

Cordova District Fishermen United
PO Box 939 | 509 First Street | Cordova, AK 99574
phone. (907) 424 3447 | fax. (907) 424 3430
web. www.cdfu.org | email. cdfu@al.net

Thank you for your commitment to solving this problem and we look forward to hearing your discussion on this important topic during the December Council meetings.

Sincerely,

Eric C. Lian & Jason Lee
CDFU Gillnet Division Chairs

Nov. 30 2010

Chairman Olson,

NPFMC

C-5

Chairman Olson,

I am very concerned about the amount of king salmon interaction in the Pollock fishery. The council needs to take immediate steps today to try and mitigate salmon bycatch.

State fishermen seem to bare the burden of conservation when we have a federal fishery impacting a state managed fishery. We need to bridge this gap. I noticed in 2010 almost 12 million pound of Pollock came out of the 3 stat areas adjacent to the Karluk River. I would like to point out that this was all inside of 3 miles. Karluk is in trouble. Kings have not been coming back. Lots of things could be causing this, I am not saying that this is solely a trawl issue. When I look at where bycatch is accuring in the trawl fishery I see big interaction right in front of the karluk, but I can't tell how much is inside of State waters and how much is in Federal waters. We need more information but this does not mean we do nothing until we have it.

I noticed in the bycatch data that when Pollock is classified as bottom Pollock there is almost always more salmon associated with it? Can we tune up seasonality? Does night fishing versus day fishing matter in bycath performance? These are all things that we can try or do in the interim to really understanding what is going on.

Straman closures may still be what is needed. From the data it seems like there are 2-3 areas that show consistent high rates of king salmon interaction.

I urge the council to move this action forward. Looking at the amount of fish harvested versus the amount of king salmon taken this needs to be a high priority. Lots of user group in the gulf depend on healthy king salmon runs we need a solution to this issue now.

Sincerely, Alexus Kwachka

Inlet Charters
Across Alaska Adventures
HOMER ALASKA
P.O. Box 2083 Homer, Ak. 99603 1-800-770-6126 http://halibutcharters.com

Mr. Eric Olson, Chair
North Pacific Fisheries Management Council
PO Box 103136
Anchorage, Alaska 99510

This letter states my concerns of the Chinook bycatch ion the Gulf of Alaska.
The Council has taken action to control the bycatch of Chinook salmon in the Bering Sea by placing a 'cap' on the number of Chinooks allowed to be taken. However, the Council has taken no action in the Gulf of Alaska.

The rate of Chinook bycatch (salmon per ton of groundfish) is over 10 times that taken in the Bering Sea.

Subsistence, sport and commercial salmon fishermen bear the conservation responsibility through reduced harvest. Groundfish fisheries have not been required to share that responsibility. Chinook stocks in Kodiak's Karluk River have continued to decline during the years 2001- 2010. The stocks have also failed to meet escapement goals for the last four of those years. Chinook salmon on the Karluk River has been CLOSED to subsistence for the last 3 years and sport fishing for the 2009 and 2010 seasons for conservation reasons. ADF&G has recommended that the Board of Fish declare the Karluk River Chinook as a 'Stock of concern'.

For the commercial fishery the BOF prohibits the retention of Chinook salmon over a certain size in the outer Karluk district. Chinook bycatch is not particularly well estimated in the Gulf because there is not 100% observer coverage in the groundfish fisheries. Estimates are based on assumptions that observed and unobserved vessels are doing the same thing. There is sufficient reason to question those assumptions.

Low returns of Chinook salmon to the Karluk, Aiakulik and other systems in the Gulf of Alaska have had a negative economic impact on both the guided sport and charter boat industries."

These are the most overriding concerns I have about bycatch and I hope to see more research and development of a program to help protect the resource as well as the user groups that depend on that healthy resource.

Thanks for your time. Gary Ault, owner Inlet Charters , Homer Alaska.

11/30/2010

Gary R. Ault

David Kubiak-----PO Box 193-----Kodiak, Alaska 99615

November 29, 2010

Mr. Eric Olson, Chair
North Pacific Fisheries Management Council
PO Box 103136
Anchorage, Alaska 99510

Chairman Olsen,

I am a 46 year resident of Kodiak, where I have fished herring, salmon, king crab, tanner crab, Dungeness crab, cod, halibut, and shrimp. I own a fishing vessel and earn my living fishing.

In regard to:

C-5 GOA Chinook Salmon Bycatch
Review discussion paper.

The bycatch of King Salmon is too serious to simply be a discussion period for the Council. Immediate action is required by the Council to prevent further damage to the King Salmon stocks by the Gulf of Alaska trawlers. The following are a minimum suite of controls to protect these stocks:

- Full retention of all king salmon. This will allow a better accounting of King Salmon bycatch. It will not prevent discards at sea on unobserved vessels, but it will allow shoreside recovery of these King Salmon for genetic analysis and potential distribution to food banks.
- Increased Observer coverage. Without greater observer coverage, only skewed and fractional data are available to managers. The real picture of bycatch of King Salmon may emerge if greater observer coverage is required. Since trawling is a wasteful fishery, observer coverage is simply the cost of doing business; it should not be an excuse for wasting precious resources like King Salmon, Halibut, and Tanner crab.
- Hard cap on king salmon set at 12,000 fish. Hard caps on King Salmon in the Gulf of Alaska will bring a new seriousness to the trawlers' motivation to avoid King Salmon bycatch. The current regime is simply unacceptable.
- King salmon hotspots closed to trawling. Locate and close King Salmon bycatch hotspots as suggested by the discussion paper. These are known hotspots and need to be off limits to trawlers. To do less is irresponsible.

While these are serious limits to trawler operations, the loss of King Salmon (and other PSC species) simply demand the responsible parties make changes in the way they operate. The current program is obviously no longer a tolerable way to conduct a fishery.

Sincerely,

Dave Kubiak

Alaska Marine Conservation Council

November 30, 2010

Eric Olson, Chair
North Pacific Fishery Management Council
605 W. Fourth Ave.
Anchorage, AK 99501

RE: Agenda Item C-5 GOA Chinook Salmon

Dear Chairman Olson,

The Gulf of Alaska provides commercial, sport and subsistence salmon fisheries that are revered world wide. As a regional management council which often sets the standard for sustainable fishing practices, it is time to initiate an analysis to minimize Chinook salmon bycatch in the Gulf of Alaska. The number of Chinook salmon taken as bycatch in the 2010 Gulf of Alaska groundfish trawl fishery clearly demonstrate the need to take action. It is especially concerning that this high byctach occurred at a time of historically low Chinook salmon runs to the Karluk and Aiakulik rivers. Currently, only subsistence, sport and commercial salmon fishermen bear the conservation responsibility through reduced harvest.

The Council has taken action to control Chinook salmon bycatch in the Bering Sea by placing a cap on the number of Chinooks allowed to be taken. However, the Council has taken no action in the Gulf of Alaska. The rate of Chinook bycatch (salmon per ton of groundfish) is over 10 times that taken in the Bering Sea. Although the observer data available for the Gulf is less than that of the Bering Sea, the best available data may be used from which alternatives may be developed. We urge the Council to develop a purpose and need statement and move forward from discussion to analysis. The work done in the Bering Sea may inform the development of alternatives for the Gulf. Although all the tools may not be available in the Gulf, measures need to be brought forward to take immediate action in addition to long-term bycatch reduction goals.

We urge the Council to move forward with an analysis to develop measures to reduce Chinook salmon bycatch in the Gulf in a timely manner.

Sincerely,

Theresa Peterson

Theresa Peterson
Kodiak Outreach Coordinator

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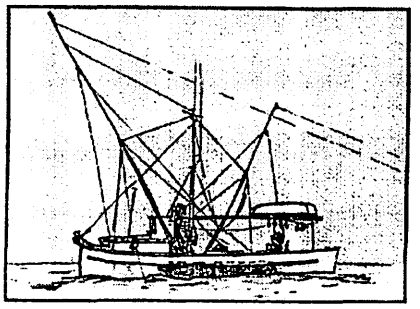
907.277.5357 907.277.5975 amcc@akmarine.org



Alaska Trollers Association
130 Seward #205
Juneau, AK 99801
(907) 586-9400 phone
(907) 586-4473 fax

December 9, 2010

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

Dear Chairman Olson and Council Members:

The Alaska Trollers Association (ATA) is concerned about salmon bycatch in Gulf of Alaska (GOA) trawl fisheries. While we appreciate that the Council and industry have stepped up to the task of developing a long term management plan to control salmon bycatch, we believe the effort should also include emergency regulations for 2011, to provide the tools necessary to avoid spikes in bycatch, as was witnessed in 2009-10. The Advisory Panel has developed some good short-term recommendations for the Council to work with.

With respect to a long-term solution, full retention; modifications to the observer program; better enumeration of bycatch numbers by various trawl fisheries; identification and management of any 'hot spot' areas where salmon are caught by trawlers in both federal and state waters; and better use of stock identification methodology to define stock composition of trawl bycatch are essential aspects for addressing this issue. All efforts should be made to design a plan with affected trawl fishermen, including consideration of cooperatives.

ATA represents the interests of hook and line fishermen in Southeast Alaska who target Chinook, coho, and chum salmon. Much of the fleet also relies on halibut from areas 2C and 3A. With about 2,500 hand and power troll permits, trolling ranks among the largest fisheries in the state. Our fleet has a residency rate of 85% and roughly one of every 35 people in Southeast works on the back deck of a troll boat. When you add in gillnetters, seiners, anglers, guides, and subsistence users -- in addition to the processing and support sectors -- it becomes obvious that healthy salmon runs are crucial to the economic and social well-being of our region.

According to Alaska Groundfish DataBank, in 2009-2010 trawl bycatch of Chinook salmon alone increased by about 594% from the previous period. ATA hesitates to react to short term variations in bycatch levels in any fishery, and understands that a variety of factors can account for such increases. However, our members firmly believe that the trawl fleet must be held accountable through emergency measures intended to prevent a similar situation in 2011. This type of planning is particularly important given sacrifices being made by salmon fishermen from California to Alaska.

ATA is concerned about fishermen in several GOA areas, where some Chinook stocks are not meeting escapement objectives and directed fisheries are experiencing dismal landings and early closures. ADFG recently identified the Karluk River Chinook as a candidate for stock of concern (ADFG memo to AK Board of Fisheries, 9/30/2010). It is important that salmon stock identification work continue in the trawl fisheries, so the impacts of bycatch on these fisheries can be better understood and managed.

Since the mid-70s, Southeast Alaska fishermen have endured significant conservation actions to rebuild Chinook salmon from Alaska, British Columbia, and the Lower 48. These stocks are broadly dispersed in the North Pacific Ocean and Bering Sea. Trollers and gillnetters were the first to lose access to Taku and Stikine River stocks, which have just recently rebuilt to the point that Alaska could negotiate a conservative harvest sharing plan with Canada. Unfortunately, we are not always able to conduct

these fisheries due to conservation concerns. ADFG has just announced that they will likely not open either directed fishery in 2011, due to the need to achieve escapement. These stocks return to spawn in the spring and are likely present in the trawl fisheries.

The Council and Board of Fisheries imposed harvest caps on trollers prior to the signing of the Pacific Salmon Treaty in 1985. When the Treaty deal was struck, a 15-year Chinook rebuilding program was implemented and the Southeast Chinook quota was set at 263K -- 100K fish less than historic average. At that time, a commitment was made to our fishermen by the federal government that, through a combination of hatchery mitigation and stock rebuilding, the Southeast Chinook harvest would surpass 500K annually by about year 2000. This has not been the case, and despite the fact that far north migrating stocks we are responsible for have long been considered rebuilt, our TAC has been as low as a range of 140-145,000. In 2010, our quota was the 7th lowest since Treaty signing and, at 221,800, was more than 40K less than the original Treaty rebuilding quota.

Since 1998, Chinook harvesters have been living under an abundance-based agreement that is extremely precautionary, particularly in years of lower abundance. In 2008, that agreement was further modified by the addition of a 15% quota cut for each of 10 years. Rough estimates place the cost of the 2008 Treaty agreement to the troll industry at $30-40 million. The troll fleet alone is expected to lose $1-2 million per year. In 2006, trollers were paid roughly $32 million ex-vessel, which was over 10% of the entire statewide salmon value. Chinook made up half of the fleets earnings. The state general fund received nearly $1 million in fisheries business tax revenue from the troll fishery.

As the primary harvesters, trollers have endured the most significant direct reductions in overall harvest and season length, but all Southeast Chinook fishermen have suffered, which has subsequently stressed relationships and amplified allocation disputes between the users.

Obviously, there are numerous factors affecting the Southeast quota, including the Endangered Species Act (ESA), and the impact of trawl bycatch on the abundance of our target stocks is not entirely clear. The point of providing a snapshot of our harvest history is simply to show that trollers, and other Southeast fishermen, have and are making substantial sacrifices for Chinook salmon. As one of our two primary target species, each Chinook is golden to a troller; anything that impacts their long term survival is of concern to our fleet. Trawl bycatch must be dealt with in 2011 and beyond.

In conclusion, ATA is encouraged by discussions between trawlers and fishery managers and believes a good long-term plan to reduce salmon can be achieved. In the interim, we ask that emergency regulations be promulgated as soon as practicable, to address bycatch concerns in 2011. Additionally, relevant research and analysis should be expanded and/or initiated, to help answer the many outstanding questions regarding GOA trawl bycatch and what avenues exist to control and reduce it.

Thanks for your participation in the Council process. ATA appreciates your dedication and service to the resource and user groups. If we can provide additional information, or otherwise be of assistance on this or other issues of concern, please feel free to contact me.

Seasons Best!

Dale Kelley

Dale Kelley
Executive Director

United Cook Inlet Drift Association

43961 K-Beach Road, Suite E • Soldotna, Alaska 99669 • (907) 260-9436 • fax (907) 260-9438 • info@ucida.org •

Date: December 2, 2010

Addressee: Eric Olson
NPFMC Council Chairman

RE: Chinook Bycatch in Gulf of Alaska Groundfish Fisheries November 10 Discussion Paper

Dear Eric,

On behalf of the Cook Inlet Drift Association (UCIDA), I am writing to express our concerns on the high level of Chinook by-catch that is occurring in the Gulf of Alaska groudfishery, as described in the Council's November 10, 2010 discussion paper. As you are aware, Chinook salmon are an important species to many stakeholder groups in the Cook Inlet region. There are several industries that rely either directly or indirectly on maintaining healthy Chinook salmon stocks. The strength and health of these runs has a significant impact on other fisheries in Cook Inlet. For example, when late run Chinook escapement goals are not reached in Cook Inlet (less than 17,800 returns), the Alaska Department of Fish and Game (ADF&G) shuts down all fishing on the entire east-side of Cook Inlet.

For that reason, UCIDA's members are particularly concerned about reports that the Gulf of Alaska groudfishery has incidentally caught more than 50,000 Chinooks this year alone. There is strong scientific evidence suggesting that a significant portion of this Chinook by-catch comes from Cook Inlet. In 2009, the North Pacific Anadromous Fish Commission (NPAFC) issued a study titled "High Seas Salmonid Coded-Wire Tag Recovery, 2009," Doc. 1179. This NPAFC document graphically describes the migration patterns for numerous Chinook salmon stocks, see figures 1 – 7, including Cook Inlet stocks (figure 2). It becomes readily apparent that the Kodiak Island, Alaska Peninsula and Southeastern Bering Sea are significant feeding grounds for Chinook. In these three areas, over 4,700 coded-wire tags have been recovered.

Provided below are some specific concerns and questions identified by UCIDA regarding the discussion paper. Before discussing those concerns, two initial points warrant special emphasis.

First, we believe that NOAA Fisheries and the Council have a legal obligation to manage these groundfish fisheries in a manner that minimizes the bycatch of Chinook at levels well below 40,000 Chinook. This legal obligation comes from at least three sources:

- National standard 9 of the MSA mandates that NOAA and the Council establish conservation measures to minimize by-catch. *See* 16 U.S.C. 1851(a)(9) ("Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch."). The current regulations do not achieve this result, as demonstrated by the bycatch of more than 50,000 Chinook.

- National standard 8 of the MSA requires the NOAA and the Council to "provide for the sustained participation" of fishing communities and to "minimize adverse economic impacts on such communities." *See* 16 U.S.C. 1851(a)(9) ("Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch."). The current levels of by-catch are having a significant impact on the fishing communities of Cook Inlet. As described in the discussion paper, Cook Inlet did not reach its escapement goals for Chinook in 2008 and 2009. If NOAA and the Council do not take action to limit bycatch in the groundfish fishery, Cook Inlet communities may continue to suffer negative impacts from associated fishery closures.

- Section 7(a)(2) of the Endnagered Species Act places substantive and procedural obligations on the NOAA and the Council to insure that that Gulf of Alaska groundfish fishery management plan does not jeopardize threatened or endangered Chinook salmon. *See* 16 U.S.C. 1536(a)(2). As demonstrated in the above referenced NPAFC study, the Gulf of Alaska is an important feeding ground for numerous Chinook salmon stocks from Washington, Oregon, and California that are listed as threatened or endangered. Accordingly, NOAA and the Council must take action to reduce the bycatch of this protected species.

The second point that warrants initial emphasis is the geographic scope of the discussion paper. Although it is not expressly stated, it appears that the discussion paper's scope – both in terms of bycatch data as well as proposed actions – is limited entirely to those areas within the EEZ and not in the 0-3 mile areas closest to shore. Yet very similar groundfish fishing operations are occuring with the 0-3 mile area, albeit under state management. These

fishing activities, like the fishing activities that are occurring outside of three miles, are also catching significant numbers of Chinook salmon.

Any action taken by NOAA or the Council with respect to Chinook bycatch must also consider the bycatch that is occurring in state waters. That is so for a number of reasons:

- First, any action taken by NOAA or the Council on this issue must comply with the National Environmental Policy Act (NEPA). NEPA requires, among other things, that the impact of the action consider the cumulative impact, which necessarily requires an evaluation of the impact in light of state bycatch.

- Second, the Council and NOAA cannot reasonably satisfy its ESA obligations – to ensure authorizing the bycatch of endangered Chinook – will not jeopardize the continued existence of the species unless the Council and NOAA know how many fish are also being caught in the state managed fishery. *See National Wildlife Federation v. U.S. Army Corps of Engineers*, 524 F.3d 917 (9th Cir. 2008) (rejecting argument that jeopardy analysis could focus only on incremental impact of agency action without considering aggregate impacts of all other activities).

Beyond just evaluating the numbers of Chinook caught in state waters, the Council and NOAA should also consider taking appropriate action to limit bycatch in state waters as well.

In reviewing the Chinook discussion paper, there are several questions/issues that arise:

Section 3 Gulf of Alaska (GOA) Groundfish Fisheries

3.1 Observer program bycatch sampling

Does this bycatch sampling program include any fisheries in the 0 – 3 Nautical Mile (NM) areas?

There are numerous federal fisheries that cover the entire 0 – 200 NM areas and State-managed parallel fisheries. This is important considering that the directed pelagic trawl Pollock fisheries occur throughout the 0 – 200 NM areas.

Could the 0 – 3 and 3 – 200 NM Chinook bycatches be reported for Areas 610 through 650?

3.2 Prohibited species bycatch estimation procedure

Do these estimation procedures include the 0 – 200 NM areas?

4.0 Chinook salmon bycatch in GOA groundfish fisheries

When the non-pelagic trawl, hook and line and pot fishery Chinook bycatches are reported, do these include the 0 – 200 NM areas?

Could the Chinook bycatches be listed by gear types for the 0 – 3 and 3 – 200 NM areas?

Section 7 Rivers of Origin of GOA Chinook bycatch

Paragraph 2:
"Genetic samples were collected in the 2010 GOA Pollock fishery."
Again, did this sampling program include the entire 0 – 200 NM areas?

Is there any genetic sampling for the non-trawl fisheries?

Paragraph 7:
"Much of the CWT tagging occurs within the British Columbia hatcheries and thus, most of the tags that are recovered also come from those same hatcheries. CWT tagging does occur in some Alaskan hatcheries, specifically in Cook Inlet, Prince William Sound, other Kenai region hatcheries, as well as in hatcheries in Southeast Alaska.

Could you be specific and identify these "other Kenai region hatcheries"? We believe this statement may be misleading.

7.1 Evolutionarily Significant Units (ESU's)

How were these three ESU's known to have been caught as bycatch in the Alaska groundfish fisheries? What method(s) were used to make this determination?

"An incidental take statement was included in the Biological Opinion, which established a threshold of 40,000 Chinook salmon caught as bycatch in the GOA groundfish fisheries."

This 40,000 Chinook bycatch is to be assessed against which fisheries and what locations?

How does this 40,000 threshold relate to sport fisheries in the Kodiak, Alaska Peninsula and Lower Cook Inlet.

8. Chinook salmon stocks and directed fisheries

What catch/harvest data, including genetic data, is being collected by NMFS or the State of Alaska regarding the annual harvests of 50,000 to 75,000 Chinook in directed fisheries?

There are 50,000 to 75,000 Chinook harvested in Lower Cook Inlet, Kodiak, Alaska Peninsula and Eastern Bering Sea annually. Given the migratory patterns described in the NPAFC Doc. 1179, it is highly likely that a great number of these Chinook are not local stocks.

Statement:
"No gillnet fishing for salmon is permitted in Federal Waters (3 – 200 NM), nor commercial fishing for salmon in off-shore waters west of Cape Suckling."

What is the basis for this statement? This statement is in error as there are millions of salmon harvested annually in the Federal Waters, 3 – 200 NM, west of Cape Suckling.

General Questions:

How are ECU's recovery plans and fishery management plans, quotes and bycatch triggers developed when Chinook stocks have their origins in other jurisdictions?

Which council, PFMC or NPFMC, establishes the annual catch limits (ACL's) and who does the accounting for all Chinook removals?

Sincerely,

Original Signed Document

Roland Maw, PhD
UCIDA Executive Director

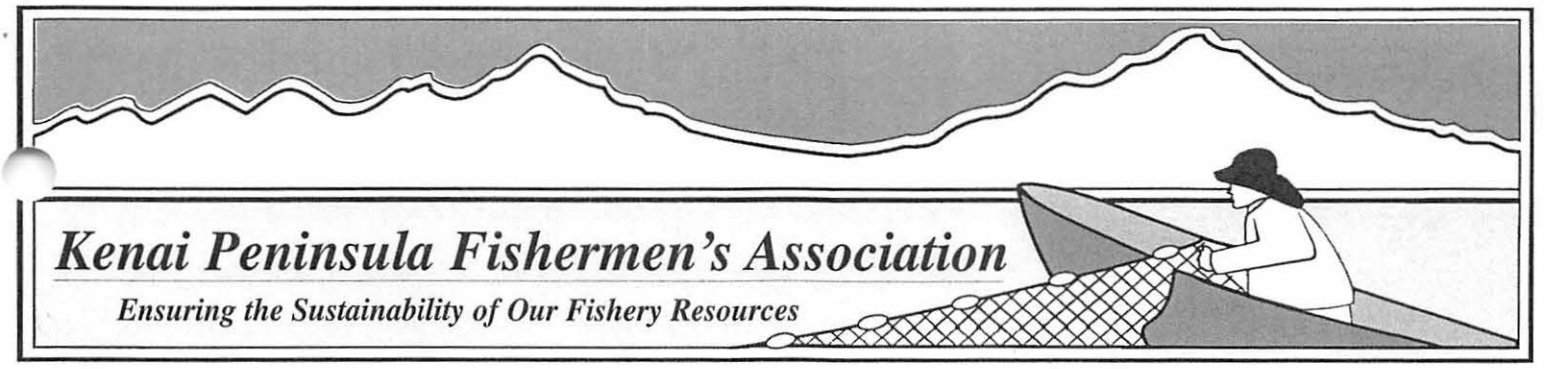
cc: William W. Stelle Jr. – Pacific NMFS
ADF&G Commissioner
Pacific Coast Salmon Commission
UFA

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: C-5 GOA Chinook Salmon Bycatch

	NAME *(PLEASE PRINT)*	TESTIFYING ON BEHALF OF:
1	George Hutchings	Hickory Wind
2	Paul A. Shadura II	Kenai Peninsula Fishermen's Assc.
3	" , Christine Brandt	Kenai Soldotna Fish & Game Adv. Com.
4	HERMAN SQUARTSOFF	NATIVE VILLAGE OF OUZINKIE
5	Theresa Peterson	AMCC
6	Pete Wedin	Self
7	Kurt Cochran	F/V MARATHON
8	Mike Alfieri	F/V OCEAN STORM
9	Taylor Lundgren + Kiley Thompson	Western Alaska Trawl group
10	DARREN MILLER	OUZINKIE
11	David Grogsia	KRIGA
12	Art Nelson	BSFA
13	Howard Torsen	Ouzinkie Native Corp.
14	Don Ashley	F/V Gold Rush
15	~~Dale Pedersen~~	F/V Celtic
16	TERRY HAINES	FISH HEADS
17	Donna Parker	F/V Sea Storm
18	Paul Gronholdt	F/V St. FRANCIS
19	Bob Krueger	Alaska Whitefish Trawlers Assoc.
20	Julie Bonney	AGDB
21	Jeff Stephan	UFMA
22	Atoona	
23		
24		
25		

NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person " to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.



Kenai Peninsula Fishermen's Association

Ensuring the Sustainability of Our Fishery Resources

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December 7, 2010

North Pacific Fishery Management Council
Eric Olson, Chair
605 West 4th, Suite 306
Anchorage, Alaska 99501-2252

RE: C-5 GOA Chinook Salmon

Chairman Olson,

The Kenai Peninsula Fishermen's Association (KPFA) is a non-profit 501 (c) (6) commercial fisheries advocacy trade group representing Cook Inlet (CI) fishing families for over 55 years. Primarily representing salmon setnet permit holders from Kachemak Bay to the Susitna River, from the west side of Cook Inlet to the east side of the Kenai Peninsula.

There are approximately 745 setnet permits in the southcentral, area H region. An average of 83% of these individual State of Alaska Commercial Fishing Entry Commission limited entry permit holders are Alaska residents and the remaining majority are US citizens who appreciate the opportunity of interstate commerce.

The southcentral commercial fishing community is concerned from the recent news articles published in the Anchorage Daily news. Upon further research we are extremely concerned that there appears to be no provisions within the Gulf of Alaska (GOA) Federal fisheries management plan (FMP) that addresses the mortality of Chinooks that are destined for local Kodiak and southcentral Alaskan tributaries.

We believe that the North Pacific Fisheries Management Council (NPFMC) and the National Marine Fisheries Service (NMFS) have not properly considered the negative adverse impacts to the local communities when they adopted and amended this GOA fisheries management plan.

Of particular concern is the conservation aspect. Alaskan waters are experiencing a widespread decline in king salmon yields and as one example, Cook Inlet waters are experiencing a recognized down turn of Chinook returns.

We have reviewed Cook Inlet coded wire tagged hatchery kings, (*High Seas Salmonid Coded-Wire Tag Recovery Data, 2009, Figure 2),* data that has been presented by the North Pacific Anadromous Fish Commission (NPAFC). Distributions of CI Chinook are clearly distributed within the 610, 620, 630 and 640 areas. Since hatchery stocks are a small component compared to natural and the wild stocks originating from Cook Inlet, we consider these tagged kings as a strong indicator of a high probability that there is significant interception occurring. We are further aware that thermal otolith marking has gained more acceptance as a viable marking tool. With only 15% of the current Pollack harvest actually being observed and estimation used to total 30% observation, we question the accuracies of the present and past reported catch of this Prohibitive Species (PSC). We are alarmed that these kings have been discarded as an incentive to not target their incidental take.

Genetic Identification (GI) has been planned but to this date samples have not been properly analyzed for their genetic characteristics. It is not clear on how many biological samples are being stored and for how many years they have been accumulated. What we can say is that we do not know with any high degree of accuracy where these kings are coming from or going to.

No post season analysis currently addresses the origins or the affects of the current GOA FMP on the sport, commercial personal use or subsistence users who rely on these fish for their livelihood, recreation, identity or for sustenance. KPFA believes that without further conservative guidelines in place within the current FMP, further decline of this particular resource could possibly lead to negative impacts on historical salmon fisheries within and outside of Alaska state waters.

We are concerned that there is not a mechanism in place to address king salmon within this region of Alaska and waters directly adjacent within the Exclusive Economic Zone (EEZ). We find it incredible that we are relying on the Endangered Species Act (ESA) to have NMFS bring to the publics attention the high probable mortality of ESA Chinooks which are destined for other west coast streams on the Pacific Coast but no precautionary attention for stocks bound for Alaskan waterways.

Prohibited species catches (PSC) are estimated from average observer sampling data, and therefore the PSC estimates are probably better for fisheries with a higher level of coverage. (11.30.00 BiOp, section 5, environmental baseline)

We believe that observer coverage should be much better than the current overall average for vessels; unreported under 60 feet, somewhat reported 60 – 90 feet and fully observed over 125 feet with "basket" sampling procedures and observer sharing at shore side facilities.

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The NMFS, Alaska Region shall ensure there is sufficient NMFS-certified observer coverage such that the bycatch of Chinook salmon and "other" salmon in the GOA ground fish fisheries can be monitored on an inseason basis. (NMFS Memo, 11.17.10)

We agree with this statement but are not clear to what *sufficient* means or how it would be equated into a *percentage of observed* equation. We would suggest that an 80% confidence interval be the goal.

At this point only vessels that have an exempted fishing permit (EFP) should be allowed to participate in any areas with mid to high rates of incidental take and only if they are under 100% observation and using incentive measures to exclude Chinook bycatch.

In the GOA, PSC limits have not been established for salmon... (11.30.00, BiOp, section 2, Description of Proposed Action)

We continue to support a *real* number that will protect this species of salmon. We were not able to determine a finding where an Environmental Analysis (EA) has adequately addressed this or any other level of Chinook mortality within the GOA. We question this lack of data, and believe that the 2000 and 2010 GOA Groundfish FMP continues to avoid the discussion and analysis to determine a probable trigger number.

NMFS has not reconsidered information related to the GOA fishery in this supplemental BiOp. Chinook bycatch has remained within the limits defined in the November 30, 2000 BiOp and are therefore unchanged. In the GOA fishery, bycatch should be minimized to the degree possible but in any case is not expected to exceed 40,000 Chinook salmon per year in the GOA groundfish fisheries. (01.11.07, Supplemental BiOp, Section 8.1)

The NMFS, Alaska Region shall monitor bycatch reports inseason to evaluate whether the bycatch of Chinook is likely to exceed... 40,000 fish per year in the GOA fisheries. (01.11.07, Supplemental BiOp, RPM)

In 1999, NMFS produced a very conservative estimates of the possible occurrence of Chinook salmon in GOA groundfish fisheries by multiplying concentration factors for the southeast Alaska salmon fishery by the assumed maximum Chinook bycatch of 40,000(NMFS 1999a)(11.30.00,section 5, Snake River)

The NPFMC and NMFS, Alaska Region shall monitor bycatch reports inseason to ensure that the bycatch of Chinook salmon does not exceed 55,000 fish per year in the BSAI and 40,000 fish per year in the GOA fisheries. (11.30.00, section 10, RPA Measures)

We have attempted to locate; *NMFS, 1999a Endangered Species Act – Section 7 Consultation. Biological Opinion and Incidental Take Statement,* unfortunately did not find it on the NOAA/NMFS website. Nevertheless, we question the relevancy and the logic on how this number was generated. It would seem reasonable that the discussion of this threshold number would be reviewed in the 2009 assessment. Information as it applies to ESA needs to be reevaluated for accuracy as dynamics change in the natural

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world, especially since the agency has used as a baseline an "assumed maximum Chinook bycatch" extracted from southeast Alaska (SEAK) salmon fisheries. It is quite possible that changes have occurred in that particular fishery and the GOA fisheries in the last decade.

Prohibited Species *– a species for which retention is prohibited in a specific fishery. Prohibited species are non – groundfish species that typically were fully utilized in domestic fisheries prior to the passage of the Magnuson-Stevens Act in 1976. Retention was prohibited in the foreign, joint venture, and domestic groundfish fisheries to eliminate any incentive that groundfish fishermen might otherwise have to target these species. (11.30.2000, section 6, Effects of the Federal Action)*

It would be incredulous to say that any bycatch of king salmon in the GOA would not have an effect on an otherwise fully utilized SOA managed resource. We question the downstream vision that the Council and NMFS utilized when considering a FMP plan that ignored the direct and indirect ramifications of having a fishery that has *no* established bycatch/PSC threshold and with *no* scientifically defensible annual catch limit (ACL) and *no* clear accountability measures (AM).

All vessels observers collect a genetic sample, length, sex, and maturity information from every Chinook salmon in the species composition samples. Plant and floating processors observers collect genetic samples, length, sex, and maturity information from randomly selected Chinook salmon using a temporal sampling frame. (11.17.10, NMFS memo, Reinitiation of ESA)

The SOA Department of Fish and Game (ADFG) are in the process of genetically mapping Chinooks within the Cook Inlet region. This is an ongoing department process that has resulted in identifying the origins of king salmon in several regions of the State. We feel that it is paramount to the understanding of this resource and for the conservation and orderly development of these GOA king salmon, to ensure that no irreparable harm is possible to the native anadromous stocks within southcentral Alaska, that these samples should be immediately analyzed. A coordinated effort from the ADF&G, NMFS labs in Juneau and Seattle with the assistance of the University of Washington (UW) should have very little difficulties in expediting the analysis and dissemination of stored genetic samples.

We appreciate the work that the Council and the NMFS have done in staying within the guidelines of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). It is appropriate to review the language in *16 U.S.C. 1801, Sec. 2, (a) (1)* and 101 – *627, 104 – 297, (3).* This is best described as a cooperative directive between the State, the Federal Government and the affected citizens. It gives us guidance as mutual stewards of the resource. It addresses this issue as of high importance and one that should be dealt with expedience for the ultimate protection of the resource and to the betterment of the citizenry.

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We thank you for your attention to this request,

Paul A. Shadura II
Executive Director

Magnuson-Stevens Fishery Conservation and Management Act

16 U.S.C 1801

SEC. 2. Findings, Purposes, and Policy

(a) Findings. – The congress finds and declares the following:

(1) The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States, and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities.

(c) Policy. – It is further declared to be the policy of the Congress in this Act-
101-627, 104-297

(3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; considers efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; considers the effects of fishing on immature fish and encourages development of practical measures that minimize bycatch and avoid unnecessary waste of fish; and is workable and effective;

Cc NOAA, Alaska Regional Office of Fisheries,
Dr. James W. Balsiger, Regional Administrator

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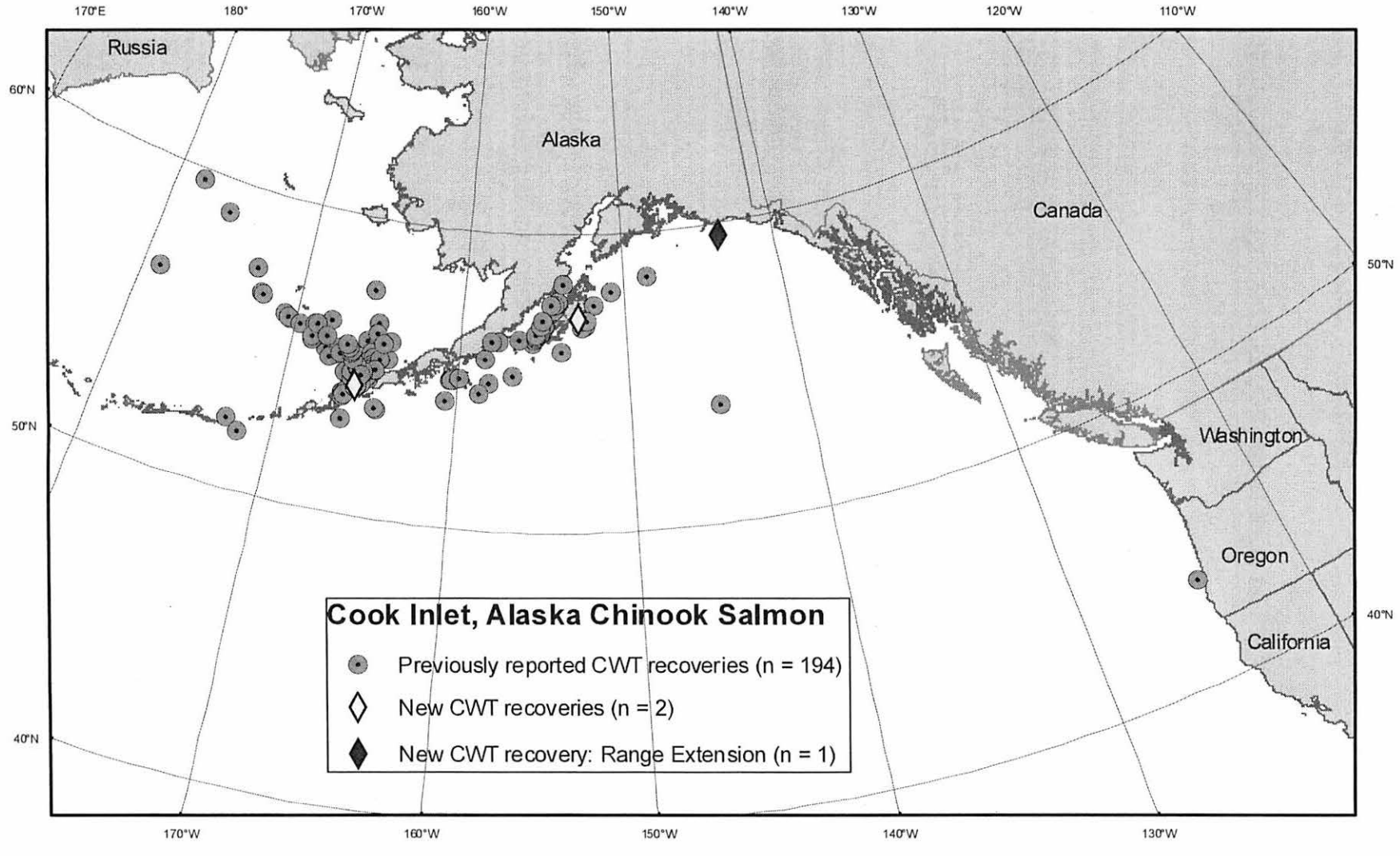

Figure 2. Ocean distribution of Cook Inlet, Alaska Chinook salmon from CWT recoveries, 1981-2009.

Stakeholders of the Salmon Resource in the Gulf of Alaska

November 29, 2010

Mr. Eric Olson, Chair
North Pacific Fishery Management Council
P. O. Box 103136
Anchorage, Alaska 99510

Mr. Vince Webster, Chair
Alaska Board of Fisheries
P. O. Box 115526
Juneau, Alaska 99811

RE: Chinook salmon bycatch in Gulf of Alaska trawl fisheries

Dear Chairman Olson and Chairman Webster,

We are writing to express our concerns regarding Chinook salmon bycatch in the Gulf of Alaska trawl fleet.

We understand that in 2010 over 50,000 Chinook salmon where taken as bycatch in the Gulf trawl fisheries. Currently there are no measures in place to ensure salmon bycatch is brought under control.

The salmon resource in the Gulf of Alaska is an important part of what defines our community and economy. This level of bycatch is unacceptable and puts an undue hardship on Alaska commercial, sport, recreational, personal use and subsistence harvesters.

We support management efforts to implement measurable and effective controls to minimize salmon bycatch in the Gulf of Alaska trawl fisheries. We believe this should be a priority of both the North Pacific Fishery Management Council and the Alaska Board of Fisheries.

Thank you,

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Homer AK 99603
F/V Obsession Charter Operator

Steve Zimmerman
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Support Services

Jack Manning
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Homer AK 99603
Sport

(over)

Frank Mullen
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F/V Three Rivers, Gillnetter

Pete Wedin
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F/V Julia Lynn, Charter Operator

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Ron Johnson
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Alan Parks
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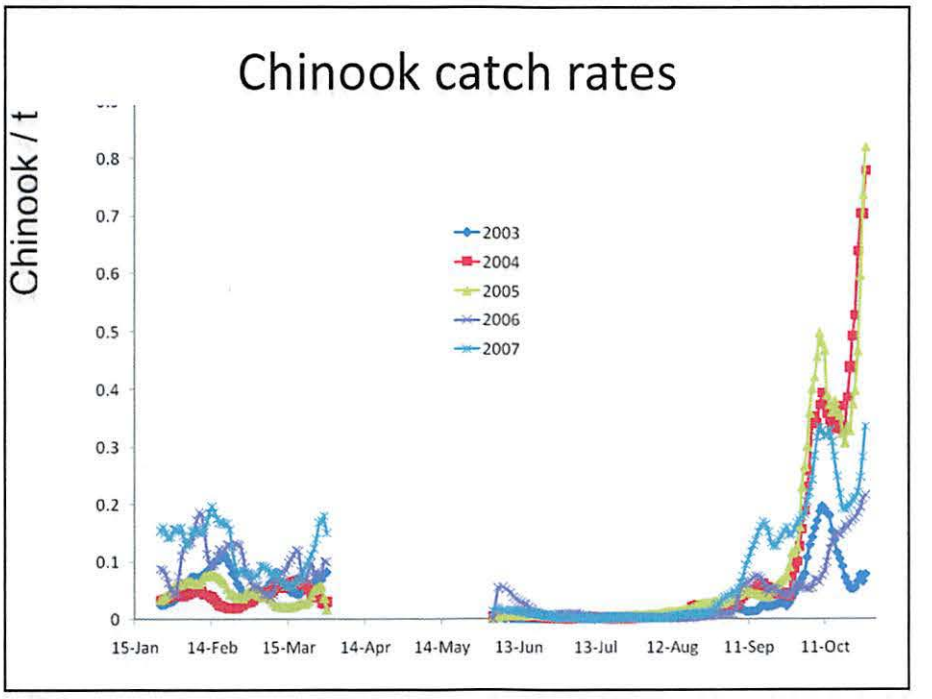
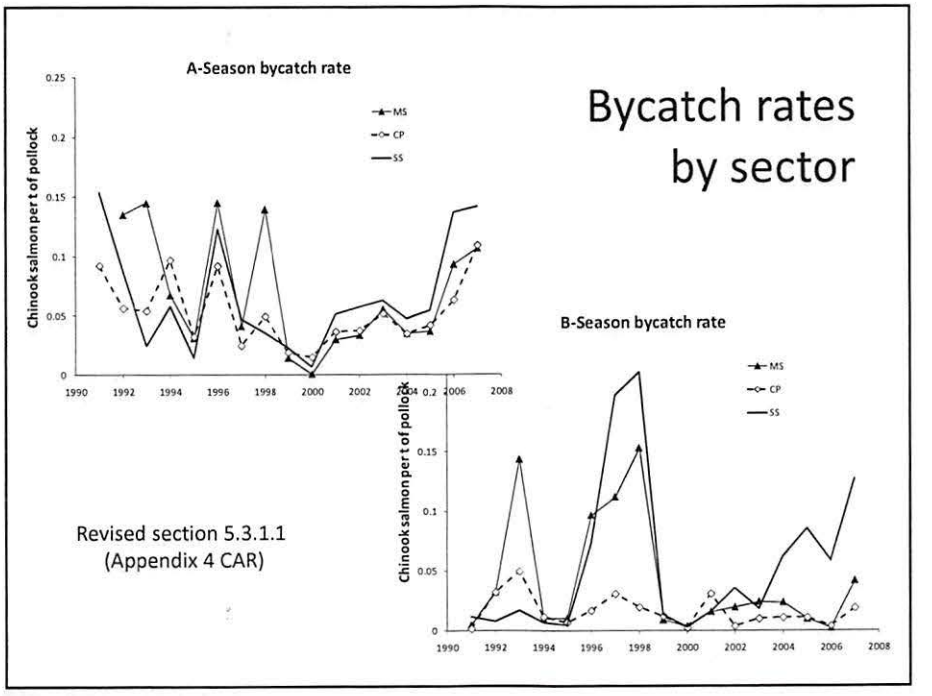
Homer Alaska 99603
F/V Miss Jenny, Gillnetter/Longliner

Renn Tolman
P.O. Box 1343
Homer AK 99603
Boat Builder

Jordon Kent
4400 Heidi Ct
Homer AK 99603
Sport

CC: Governor Sean Parnell
Senator Lisa Murkowski
Senator Mark Begich


Chinook catch rates
Chinook / t
0.8
0.7
0.6
0.5
0.4
0.3
0.2
0.1
0
2003
2004
2005
2006
2007
15-Jan
14-Feb
15-Mar
14-Apr
14-May
13-Jun
13-Jul
12-Aug
11-Sep
11-Oct


Bycatch rates by sector
A-Season bycatch rate
Chinook salmon per t of pollock
MS
CP
SS
B-Season bycatch rate
Revised section 5.3.1.1
(Appendix 4 CAR)

24th 3pm