



September 29, 2023

Bill Tweit, Vice-Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501

Jon Kurland, Regional Director  
NOAA Fisheries, Alaska Region  
PO Box 21688  
Juneau, AK 99802

**RE: C4 Chum salmon Bycatch – EIS and Preliminary Review report**

Dear Vice-Chair Tweit, Director Kurland, and Council Members,

SalmonState submits the following comments regarding the “C4 Chum Salmon Bycatch Analysis” report from North Pacific Fishery Management Council (“NPFMC”) staff and the “C4 Chum EIS Scoping Report” from Alaska Department of Fish and Game (“ADFG”). SalmonState has petitioned the NPFMC to set a non-chinook salmon Prohibited Species Catch (“PSC”) cap for the pollock fishery multiple times in the past years and is encouraged the Council and NMFS have initiated a NEPA analysis process to do so. We urge NMFS and the Council to approach setting a chum salmon PSC cap through a precautionary approach and with consideration of the impacts of the pollock fishery on the Bering Sea ecosystem, including other bycaught species, habitat, other fisheries, and communities in addition to Western Alaska chum salmon.

SalmonState scoping comments<sup>1</sup> to NMFS regarding Notice of Intent to prepare an EIS to set a chum salmon PSC requested three things of the agency and Council in the development of the EIS:

1. SalmonState requests that both NMFS and this Council engage Alaska Native Tribes in formal and informal consultation to aid in the development and shaping of the EIS. Furthermore, the EIS should incorporate Traditional Ecological Knowledge as well as western science.
2. SalmonState encourages NMFS and this Council to ultimately set a non-chinook salmon PSC cap for the Bering Sea pollock fishery at a level that protects subsistence and direct target chum salmon users and their communities.
3. SalmonState urges the agency and this Council to develop the Purpose and Need statement and Range of Alternatives based on an Ecosystem-Based Fisheries Management approach, rather than a single species approach, and provides a meaningful reduction in bycatch.

Thank you for the opportunity to comment. Please contact Loretta Brown at [loretta@salmonstate.org](mailto:loretta@salmonstate.org) with any questions regarding these comments.

Sincerely,

Loretta Brown  
Legal and Policy Analyst  
SalmonState  
[loretta@salmonstate.org](mailto:loretta@salmonstate.org)

---

<sup>1</sup> A copy of those scoping comments is attached to the end of this letter.



*Submitted via online portal*

September 15, 2023

Jon Kurland, Regional Director  
NOAA Fisheries, Alaska Region  
PO Box 21688  
Juneau, AK 99802  
[jon.kurland@noaa.gov](mailto:jon.kurland@noaa.gov)

Jennifer M. Wallace, Acting Director  
Office of Sustainable Fisheries  
NOAA Fisheries  
1315 East-West Highway, 13<sup>th</sup> Floor  
Silver Springs, MD 20910  
[jenni.wallace@noaa.gov](mailto:jenni.wallace@noaa.gov)

**Re: Scoping comments for setting a bycatch limit for chum salmon in the Bering Sea Pollock fishery**

Dear Director Wallace and Director Kurland,

SalmonState submits the following comments to National Oceanic and Atmospheric Administration Fisheries (“NMFS”) regarding the NMFS’s Notice of Intent to Prepare an Environmental Impact Statement for Minimizing Non-Chinook Salmon Bycatch in the Bering Sea Pollock Fishery in the Bering Sea/Aleutian Islands Fishery Management Plan Area, Docket Number: NOAA-NMFS-2023-0089. We appreciate the opportunity to offer our comments.

SalmonState is an Alaska based and Alaska focused project supporting innovative and effective public interest projects. SalmonState works within Alaska to guarantee Alaska remains a Salmon State by protecting and preserving habitat and promoting fish first policies for this irreplaceable resource. SalmonState works alongside other Alaska organizations, commercial fishers, sport and recreational fishing guides and enthusiasts, salmon dependent businesses, and Alaska Native groups to maintain sustainable commercial, sport, and subsistence fisheries.

Alaska’s Chinook and chum salmon runs have significantly declined in the last decade. Western Alaska traditional fishers, small boat direct fishery participants, and sport fishers have lost access and opportunity to entire fishing seasons due to declining runs of Chinook and chum salmon back to their natal waters. Alaska Native people along the Kuskokwim and Yukon Rivers rely on subsistence fishing for income, food security, and their culture. These communities are bearing the disproportionate conservation burdens of fishery closures, while the pollock trawl fishery continues to harvest large number of fish from the same natal waters. The status quo in federal fisheries management in the Bering Sea can no longer continue. NMFS should take this opportunity to set meaningful chum and Chinook salmon PSC caps for the Bering Sea pollock

fishery, sharing the burden of conservation, preserving the sustainability of salmon, and pursuant to NOAA's Ecosystem-Based Fisheries Management policy.

**I. NMFS should engage with Alaska Native representatives through formal and informal Tribal consultation early on and continue throughout the development of this EIS. The EIS should incorporate Traditional Ecological Knowledge.**

SalmonState encourages this Council and NMFS to invite Tribal representatives and Indigenous peoples to be an integral part of development of this EIA analysis. As has been evidenced in the past several years, the decision-making of the NPFMC in managing the Bering Sea and Gulf of Alaska pollock fisheries impacts Alaska Native peoples and communities. Alaska Native coastal communities in Western Alaska are bearing the brunt of the burden of conservation measures due to low fish abundance in chum salmon that continue to be bycaught in the Bering Sea and Gulf of Alaska federally managed fisheries. The closure of subsistence and direct target fisheries in Western Alaska have a devastating effect on communities along the Yukon and Kuskokwim Rivers that depend upon those fish for income, food security, and passing on traditions and cultural practices. Furthermore, the interests and concerns of these communities have been underrepresented in previous NEPA analyses of federal fisheries management in the Bering Sea and Gulf of Alaska.

This EIS analysis should include early and ongoing Government to Government Consultation with Alaska Native Tribes, and consistent with the Presidential Memorandum on Uniform Standards for Tribal Consultation<sup>1</sup>, as well as all for the incorporation of local, Traditional Ecological Knowledge as an integral part of the analysis.

**II. NMFS should take this opportunity to correct the historical imbalance and inequitable application of management decisions in the Bering Sea pollock fishery by setting a meaningful chum salmon PSC cap that protects subsistence and direct target chum users and communities.**

In November 2022, Council staff provided the Council with a discussion report that evidenced the long history of Council's lack of meaningful management measures to address concerns over the number of chum salmon taken as bycatch in the Bering Sea pollock fishery. Since the mid-1990s, the Council has recognized the need to adopt meaningful measures to limit the impacts of the Bering Sea pollock fishery on chum salmon through bycatch limits.<sup>2</sup> In fact, from 1995 to 2007, Chinook and chum salmon bycatch were simultaneously assessed. However, with the high Chinook salmon bycatch numbers in the 2007 pollock fishery season, the Council concentrated

---

<sup>1</sup> Ahead of <https://www.whitehouse.gov/briefing-room/statements-releases/2022/11/30/fact-sheet-biden-harris-administration-announces-new-actions-to-support-indian-country-and-native-communities-ahead-of-the-administrations-second-tribal-nations-summit/>

<sup>2</sup> Environmental Assessment for Modifying existing Chinook and chum salmon savings areas, Amendment 84 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area, North Pacific Fishery Management Council and National Marine Fisheries Service, June 19, 2007, p. i. <https://repository.library.noaa.gov/view/noaa/19210>

almost exclusively on reducing Chinook salmon bycatch.<sup>3</sup> In 2012, the Council did attempt to develop chum salmon bycatch management measures and was presented with alternatives that included area closures, seasonal caps, and temporal caps. However, the Council refused to select an alternative that would provide meaningful reductions in bycatch of both Chinook and chum salmon since it would result in reduction of the pollock harvest.<sup>4</sup> Instead, under Amendment 110 in 2016, the Council integrated an avoidance program for chum salmon within the trawl fleet's Incentive Plan Agreements.<sup>5</sup> Since the integration of chum salmon avoidance incentives in the pollock fishery's IPAs in 2016, the number of chum salmon caught by the trawl fleet has been well over the ten-year average of 226,304 fish, and were in fact, the highest bycatch years since 2006.<sup>6</sup>

In more recent history, in 2020, when chum salmon populations were showing steep declines and direct target and subsistence fishers were severely limited or shut down, the pollock fishery caught 343,821 fish, which is 117,517 greater than the ten-year average.<sup>7</sup> And in 2021, when chum salmon runs continued to show steep declines, and Alaska chum salmon fishers again saw fishery closures and restrictions, the trawl fleet caught 546,043 fish, 273,603 more salmon than the ten-year average.<sup>8</sup> In both of these years, the pollock trawl fleet caught Alaska freshwater origin chum salmon in high numbers, with 44,106 in 2020<sup>9</sup>, and 64,685 in 2021.<sup>10</sup> This represents tens of thousands of more fish caught by the pollock trawl fleet than Alaska direct target commercial fishers, subsistence harvesters, and sport fishing combined. The sharp decline in Alaska's chum salmon populations and the high bycatch of chum salmon necessitates NMFS provide a preferred alternative that sets a meaningful PSC cap on chum salmon for the Bering Sea pollock fishery, and not simply a continuation of the status quo or additional IPA measures.

### **III. NMFS Should select a Preferred Alternative, based on an Ecosystem-based Fishery Management approach, that provides meaningful reductions in bycatch**

---

<sup>3</sup> Bering Sea/ Aleutian Island Groundfish Fishery Management Plan, Amendment Action Summaries, North Pacific Marine Fishery Council, May 2016, p. 48 & 121. <https://www.npfmc.org/wp-content/PDFdocuments/fmp/BSAI/BSAIGFAMActionSumm.pdf>

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

<sup>5</sup> *Id.* at 9-10. Chum salmon bycatch measures were incorporated into IPAs under Amendment 110 in 2016.

<sup>6</sup> Non-chinook salmon mortality in BSAI pollock directed fisheries, 1991-2022, North Pacific Marine Fisheries, [https://www.fisheries.noaa.gov/sites/default/files/akro/chum\\_salmon\\_mortality2021.html](https://www.fisheries.noaa.gov/sites/default/files/akro/chum_salmon_mortality2021.html)

<sup>7</sup> D1b BS Chum Salmon Bycatch Genetics 2020, June 2022, North Pacific Fishery Management Council and National Marine Fisheries Service, p. 2, <https://meetings.npfmc.org/CommentReview/DownloadFile?p=d299069f-3a6c-40a5-8b9b-5889abb3596a.pdf&fileName=D1b%20BS%20Chum%20Salmon%20Bycatch%20Genetics%20Report%202020.pdf>

<sup>8</sup> D1b BS Chum Salmon Bycatch Genetics 2021, June 2022, North Pacific Fishery Management Council and National Marine Fisheries Service, p. 2, <https://meetings.npfmc.org/CommentReview/DownloadFile?p=4e4420a8-b9b6-47e7-b8e0-c20deeb255fb.pdf&fileName=D1b%20BS%20Chum%20Salmon%20Bycatch%20Genetics%20Report%202021%20V2.pdf>

<sup>9</sup> *D1b BS Chum Salmon Bycatch Genetics 2020*, at 10.

<sup>10</sup> *D1b BS Chum Salmon Bycatch Genetics 2021*, at 7.

**of both Chinook and chum salmon even if it results in reduction of the pollock harvest.**

While SalmonState has grave concerns over the state of chum salmon returning to Western Alaska, and the impacts of bycatch of chum salmon by the pollock trawl fleet on Western Alaska populations, the focus of setting a chum salmon PSC cap without thorough discussion and analysis of the pollock fishery's impacts on other bycatch species and habitat, including Chinook salmon, squid, herring, crab, and halibut is disingenuous and counter to the purpose and intention of the Magnuson-Stevens Fishery Conservation and Management Act. Pitting and prioritizing one bycaught species against and over others does not get to the root of the problem. Setting PSC caps with a single species focus allows the pollock fishery to continue to take bycatch of all species at an unsustainable level, while keeping a TAC that maximizes and prioritizes the Pollock fleet's economic gains. Meanwhile, those fisheries targeting bycaught species continue to shoulder the burden of conservation measures for the recovery of their target species.

NMFS needs to lower bycatch caps for all species seeing a decline in population and caps should be set, and conservation measures imposed on the trawl fleet through true Ecosystem-based Fishery Management; management of the pollock fishery, including setting caps for bycatch with a comprehensive look at the fishery impacts to the whole ecosystem, including other fisheries, communities, and habitat. Such ecosystem management should also balance the economic benefits of the pollock fishery with the economic, cultural, and ecological devastation it causes and exacerbates, rather than giving the economic benefits an unbalanced weight.

NMFS should revise the Purpose and Need statement and range of Alternatives for this EIS to set a chum salmon PSC cap on the Bering Sea pollock fishery that provides equity in the conservation measures ensuring the Western Alaska chum salmon stocks do not collapse. Additionally, while it is vital that a PSC cap is set for chum salmon, that cap should be based not on a single-species evaluation and prioritization, but on an ecosystem-based evaluation of the Bering Sea and Gulf of Alaska, and equity in shouldering conservation measure across all fisheries. Additionally, in establishing a range of alternatives, if protective measures such as area and temporal closures for the pollock fishery are the best management option in front of the NMFS for recovery of chum and Chinook salmon, as well as crab, halibut, squid, and herring species, then this needs to be seriously considered by the NMFS even if could lead to a reduction of the pollock harvest by the trawl fleet.

**IV. The 2004 PSEIS for the Bering Sea Aleutian Island and Gulf of Alaska Groundfish Fisheries, including the Bering Sea pollock fishery is outdated. The North Pacific is at the forefront of climate change. The 2004 PSEIS is focused on the economic gains of the trawl fleet, and not responsive to the impacts of the fishery on other fish, fisheries, communities, and the ecosystem, and is no longer reliable to inform the sustainability of the fisheries of the Bering Sea and Gulf of Alaska.**

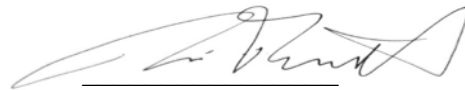
Since the publication of the 2004 Programmatic Supplemental Environmental Impact Statement for Groundfish in the Bering Sea and Gulf of Alaska, ocean conditions, habitat, and fish populations have changed dramatically. The Bering Sea and Gulf of Alaska have and are experiencing radical changes. Rising ocean temperatures are altering the marine ecosystem and changing fish species distribution and productivity, leading to a series of cascading impacts to

the marine ecosystem and the people who depend on its resources. In the past several years, important fish to Alaska's economy and Alaskan's livelihoods, including halibut, crab, Chinook salmon, and chum salmon, are experiencing steep declines. It has become evident that the current scope of review of the 2004 Programmatic Supplemental Environmental Impact Statement is outdated. The 2004 review and 2015 Supplemental Information Report are inadequate to adapt to current and future ocean conditions, and applies the National Standards in an unbalanced manner, and has aggravated the severe burdens placed upon Alaska's most dependent fishing participants, Alaska Native people, and coastal communities. To better inform future federal fisheries management and correct the current management regime failings, NMFS undertake a comprehensive NEPA review of the Bering Sea and Gulf of Alaska ecosystems.

## V. Conclusion

SalmonState is deeply concerned with the status of fish populations throughout Western Alaska and management decisions enabling wasteful practices by the Bering Sea and Gulf of Alaska pollock trawl fleet. In future management decisions regarding the pollock fishery, protection of important fish species experiencing declining populations to a level that closes subsistence and direct target sport and commercial fishing in Western Alaska communities should be the utmost priority for NMFS. As discussed above, SalmonState urges NMFS to establish a meaningful PSC cap for chum salmon. Furthermore, all bycatch measures should reflect an Ecosystem Based Fishery Management approach that prioritizes reducing impacts of bycatch on all species, even if such conservation measures result in reduced pollock landings. Thank you for the opportunity to comment. Please contact Loretta Brown at [loretta@salmonstate.org](mailto:loretta@salmonstate.org) with any questions regarding these comments.

Sincerely,



Tim Bristol  
Executive Director  
SalmonState  
[tim@salmonstate.org](mailto:tim@salmonstate.org)