



February 23, 2009

Mr. Doug Mecum
Acting Regional Administrator
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802

RE: Comments on the December 2008 Bering Sea Chinook Bycatch Management Draft EIS/RIR/IRFA

Dear Mr. Mecum,

Thank you for the opportunity to submit comments on the Chinook Salmon Bycatch Management Draft EIS. We appreciate the agency's pursuit of measures to reduce salmon bycatch. The following comments address primary concerns of the Alaska Marine Conservation Council presented on behalf of our members. We are a community-based organization dedicated to protecting the long-term health of Alaska's oceans and sustaining the working waterfronts of our coastal communities. Our 800 Alaskan members include fishermen, subsistence harvesters, marine scientists, small business owners and families. Our ways of life, livelihoods and local economies depend on productive oceans. AMCC advances conservation solutions that address the interdependence between healthy marine ecosystems, strong local economies and coastal traditions.

1. Salmon-dependent communities on the Bering Sea coast and along the rivers are experiencing dire circumstances as a result of low chinook salmon returns and high fuel prices.

Chinook salmon returns are low in western Alaska. This is causing tremendous stress throughout the region where people are unable to harvest enough fish for subsistence and some commercial fisheries are closed. The U.S. commitment is not being met to ensure sufficient escapement of Yukon River chinook salmon into Canada. Federal fishery managers have taken several actions over the years to control chinook bycatch usually in response to extremely high bycatch numbers or crisis situations in western Alaska. In 1980 foreign trawl vessels intercepted approximately 115,000 chinook salmon. The federal government imposed a bycatch reduction schedule reducing the allowable bycatch level from 65,000 fish in 1981 to 16,500 fish in 1986. After that

chinook bycatch increased again with the domestic fleet. In 1995 a cap was set at 48,000 but it only applied to the first three months of the year so more salmon could and were taken as bycatch during the rest of the year. In 1999 federal fishery managers set a chinook salmon bycatch cap for the pollock fleet at 48,000 declining to 29,000 over four years in response to low salmon returns .

Today serious circumstances prevail in the region at the same time that bycatch has once again escalated to unacceptable levels. In 2007 bycatch sky rocketed to an all time high of 122,000 fish. Maximizing the number of chinook salmon that can return to western Alaska rivers is of great importance. Indeed every fish counts toward achieving escapement, successful spawning, and harvest by local people for subsistence or small-scale commercial fisheries.

2. The DEIS is inexplicably missing discussion of National Standard 8, which provides that conservation and management measures should provide for the sustained participation of fishing communities, and minimize adverse economic impacts on such communities.

National Standard 8 is one of the standards that federal fishery managers are obligated to balance. In the purpose and need statement the Draft EIS explicitly describes National Standard 1 (optimum yield) and National Standard 9 (bycatch) but is not specific about National Standard 8 (communities). While communities are discussed in the document, the omission of National Standard 8 is conspicuous in its absence as a legal requirement. National Standard 8 should be given equal status with the others and should affect the balance that is sought in management decisions.

3. A high chinook salmon bycatch cap is not practicable for salmon-dependent communities.

The Magnuson-Stevens Act requires that management “minimize bycatch to the extent practicable.” The Draft EIS focuses on what is practicable for the pollock sector. The document considers the cost to the pollock fleet if a bycatch cap causes the pollock fleet to forego some of the pollock allowable catch. But there is a stark contrast between wealth in the pollock fleet and small village economies. Little consideration is given in the document to what is practicable for salmon-dependent villages. Enduring a situation in which there is not enough salmon for subsistence or small-scale commercial harvest, or failure to even meet Yukon River escapement to Canada, is not practicable for the villages.

The cultural and economic costs are high to all people living a subsistence way of life along the rivers and especially the Yupik, Inupiaq and Athabaskan peoples who have thrived on the land for thousands of years in ways that are inseparable from natural resources including chinook salmon. That this cannot be measured in monetary terms is not a reason to bypass the effect of continued interception of chinook salmon in the pollock fishery. Any salmon that is allowed to be taken as bycatch at sea is a reallocation of those fish away from the rivers and the people who historically rely on them.

4. The chinook salmon bycatch cap should not be higher than the area cap established in 1999.

In 1999 the North Pacific Fishery Management Council adopted a management measure that established a 48,000 chinook salmon cap with a step down over four years to 29,000. (BSAI Amendment 58; NMFS Final Rule published 10/12/00) The cap applied to the Chinook Salmon Savings Area such that when the cap was reached the fleet had to move out of the savings area. At the time, “regardless of season or year, the majority of chinook salmon were intercepted in the Chinook Salmon Savings Area.” (Amendment 58 EA/RIR/IRFA, Draft for Council Review, 1998) The expectation was that 29,000 fish would approximate the total amount of chinook bycatch for the whole Bering Sea because the majority of salmon were anticipated to be within the savings area and only small numbers would be encountered outside. However in subsequent years, chinook salmon distribution changed such that more and more fish were encountered outside of the savings area. This meant that closing the savings area was no longer a functional mechanism to avoid salmon bycatch.

Now federal fishery managers are considering a hard cap which if reached would close the pollock fishery. We acknowledge the hard cap represents a much more serious consequence to reaching the bycatch limit. However, no other options appear to be available. Nonetheless, it is important for the conservation of chinook salmon and the welfare of salmon-dependent villages that the cap is set no higher than 30,000 to keep the total amount of chinook bycatch from exceeding the level selected in 1999.

The preliminary preferred alternative annual scenario 1 specifying a cap of 68,392 chinook far exceeds what is reasonable. First, that number is too high for conservation reasons. Increasing encounters at sea do not correlate to large returns to the rivers. Indeed as bycatch has increased, returns have declined. Second, the industry has only hit that amount twice in 30 years so it would not stimulate avoidance of salmon bycatch in most years.

If the 47,591 cap is selected (preliminary preferred alternative annual scenario 2), bycatch will not be minimized but that number would basically sanction average years as acceptable. Also selecting this number rolls back the effect of the 1999 action which was expected to reduce bycatch from 48,000 to 29,000 chinook. Federal fishery managers should not start over but rather continue a rigorous program that improves fishery performance to *minimize* salmon bycatch.

5. The incentive program conceptually included in the preliminary preferred alternative does not ensure that bycatch will be held at levels significantly below the 68,392 cap.

We appreciate the Council’s pursuit of a hard bycatch cap but we do not believe the preliminary preferred alternative is an acceptable way forward. A 68,392 chinook cap is excessive as explained above. Furthermore, after listening to the pollock industry’s presentation on incentive programs, we are not at all confident that the plans will

successfully drive down salmon bycatch to low levels. The incentive programs contemplated are interesting creative approaches but as long as the cap is high and the direction to industry is unspecified, what motivation does the industry have to challenge themselves? The alternative only says that bycatch reduction below the cap should be “as far as practicable.” The industry will define what is practicable for them based on how much they are willing to sacrifice. What is practicable for villages and their success at harvesting enough salmon for their needs will be ignored.

We are especially concerned that if the preliminary preferred alternative is selected the performance of the incentive programs would not be subject to an objective evaluation. We are supportive of rewarding clean fishing and allowing industry room to apply innovative mechanisms to change behavior. However, leaving evaluation of the results up to vested parties does not serve the public interest. Furthermore the alternative does not require that the industry implement the same incentive program that has been presented. This irregular management approach presents serious problems from the standpoint of public policy and transparency.

The Alaska Marine Conservation Council joins the tribes and community organizations in urging federal fishery managers to take progressive action to minimize chinook salmon bycatch. The only viable choice from the standpoint of salmon conservation and salmon-dependent villages is to set a 30,000 cap followed by progressive declines in the cap.

Sincerely,

Dorothy Childers
Fisheries Program Director

cc: Governor Sarah Palin
Senator Mark Begich
Senator Lisa Murkowski
David Bill, Sr., Bering Sea Elders Advisory Group
Myron Naneng, Association of Village Council Presidents
Loretta Bullard, Kawerak
Jerry Isaac, Tanana Chiefs Conference
Yukon River Drainage Fisheries Association
Bering Sea Fishermen’s Association