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Robert D. Mecum
Acting Administrator
Alaska Region, National Marine Fisheries Service
National Oceanic and Atmospheric Administration
P.O. Box 21668
Juneau, AK 99802

To whom it may concern.

I am very concerned about the NMFS/NOAA RIR decision to implement a high-cap salmon bycatch regime for the BSAI pollock fishery. The EIS and RIR sets an arbitrary cap of 60,000 Chinook -- higher than previous caps, and a level that has only been exceeded during the 3 highest bycatch years, 2005-2007. Disturbingly, there is no realistic mechanism for reaching a lower goal, though the RIR offers vague language about the Council having an unspecified goal of "below 60,000." Both the IPA and non-IPA caps are higher than the average annual bycatch levels indicating that the NMFS is not addressing salmon bycatch, but is simply creating a fishing regime that has the least impact on fishing behavior of the pollock fleet. And finally, NMFS has only proposed fixed caps, though a declining cap is a reasonable and prudent measure as the pollock fleet becomes more proficient at reducing salmon bycatch.

Though the focus and impetus of this bycatch plan is supposed to be the conservation of Chinook salmon, the management scheme is in no way linked to the health of the impacted salmon populations. This is a most critical omission. If Chinook populations continue to decline or stagnate, there is no trigger to reduce a Chinook bycatch cap. The cumulative multiyear, impact of BSAI Chinook interception on multi-age groups may have created an absolute extreme from which Western Alaskan runs may not recover. Both Yukon River and Norton Sound Chinook stocks have been designated Stocks of Yield Concern by the Alaska Board of Fishery. Though the Yukon's very

large drainage makes it a complex management environment, the other rivers of Norton Sound are very short; there is no other explanation for their drastically reduced runs other than interception at sea.

On the Yukon, for most of the last decade, commercial harvest has been sharply curtailed due to poor runs of Chinook Salmon. This is especially hard for villages along the river, since households use income and equipment from their commercial fishing to meet the costs incurred in subsistence fishing. Thus, if the commercial Chinook fishery is reduced, it also reduces opportunities for subsistence Chinook fishing. Compounding this problem in recent years, the subsistence fishery has been cut back as well. Yukon River villages have been carrying the burden of conservation, even though the cause of salmon decline is not the result of subsistence users along the river. Chinook salmon accounts for approximately 43 to 55% of fishery subsistence on the Yukon River <u>by weight</u>, an accurate measure of nutritional value. (The RIR only compares Chinook/Chum salmon use by numbers caught, skewing their relative values.) High interception of Chinook compromises the livelihood and culture of those people dependent on healthy local salmon runs. Also, the RIR does not account for the Environmental Justice of valuing pollock over salmon. People living along Western Alaska rivers have very few options when commercial and subsistence take of salmon is restricted or barred, but this is not true of those involved in the pollock fishery. The pollock trawl fishery is one of the richest in the world; it has never lost money.

This brings up a glaring shortcoming underlying the EIS/RIR's analysis: the assumption that pollock fisherman will act irrationally when faced with constraints on their fishing practices. The entire economic analysis is based on this erroneous assumption. The EIS/RIR assumes that the fleet would not have changed fishing behavior had a new management regime been in effect during the last 5 years. Acting rationally, they would have gone to fish elsewhere, spent more money and fished longer, but would not have been shut down by a low cap at the time and catch-levels assumed by NMFS.

A lower quota will impact, but not shut down the BSAI pollock fishery. An equal proportion of pollock will still be harvested under a low hard cap, but taken more cautiously.

Research into Chinook Salmon in the Bering Sea is extremely sketchy and fragmentary. Depending on this thin veneer of knowledge to promote high bycatch rates is neither reasonable nor prudent. By its own admission, the EIS recognizes the wide-ranging lack of knowledge about Chinook Salmon in the BSAI ecosystem. For instance, NMFS has no idea why bycatch in 2008 & 2009 dropped so sharply. It could be from a shift in the feeding behavior of Chinook, or it could be that the Chinook population in the Bering Sea has dropped to an exceptionally low level. It is not unreasonable that these low numbers are the cumulative impact of years of over-harvest of Chinook by the trawl fishery. The scattered data regarding the genetic (river of origin) make-up of intercepted Chinook is another example of the shallow depth of Chinook research. This paucity of data about Chinook salmon in the Bering Sea ecosystem requires NMFS to take a much more cautionary approach toward Chinook conservation than it has proposed.

The high-cap proposals in the NMFS EIS are sadly reminiscent of previous systematic failures. For example, despite bycatch-triggered closures in each of the five years from 2002 through 2006, Chinook bycatch increased 350%. The implementation of Amendment 84a and the ICA/VRHS system did nothing to curtail 2007's overwhelmingly high bycatch of Chinook Salmon, despite 2006 NMFS statements that, "future salmon incidental take in the BSAI groundfish fisheries is expected to decrease with the proposed Amendment 84a." and "amendment (84a) is expected to reduce salmon incidental catch in the pollock trawl fishery of the BSAI." There is little to believe that the proposed regime will be any less of a failure. The complex proposed IPA system has a high likelihood of being so gamed as to effectively negate any meaningful cap on Chinook bycatch.

Remedies

Set an initial, low (30,000 or lower) hard cap. Install a conservation regime based on protection of Chinook and other intercepted species.

Close to all trawl fishing areas near river mouths and areas of dense migration.

Conduct systematic non-pollock census annually. Embark on a robust program of research on the Bering Sea and Aleutian ecosystem.

Set Chinook bycatch cap based on previous years' runs in river systems. Use a 3 to 5 year rolling average. Create a mechanism to favor or weight the most impacted and imperiled salmon populations, such as the Norton Sound and Yukon runs at present.

Create a system with clear incentives for trawlers to fish clean. When a boat's quota share is exceeded, its fishing is over for the season. Any amount of bycatch taken over the quota share is deducted from the next year's share. No transfer of quota share either within a season or when exiting a vessel from the fleet.

Address Treaty and ANILCA priorities when setting seasonal caps.

Sincerely,

George Donart
917 W. 20th Ave.
Anchorage, AK 99503