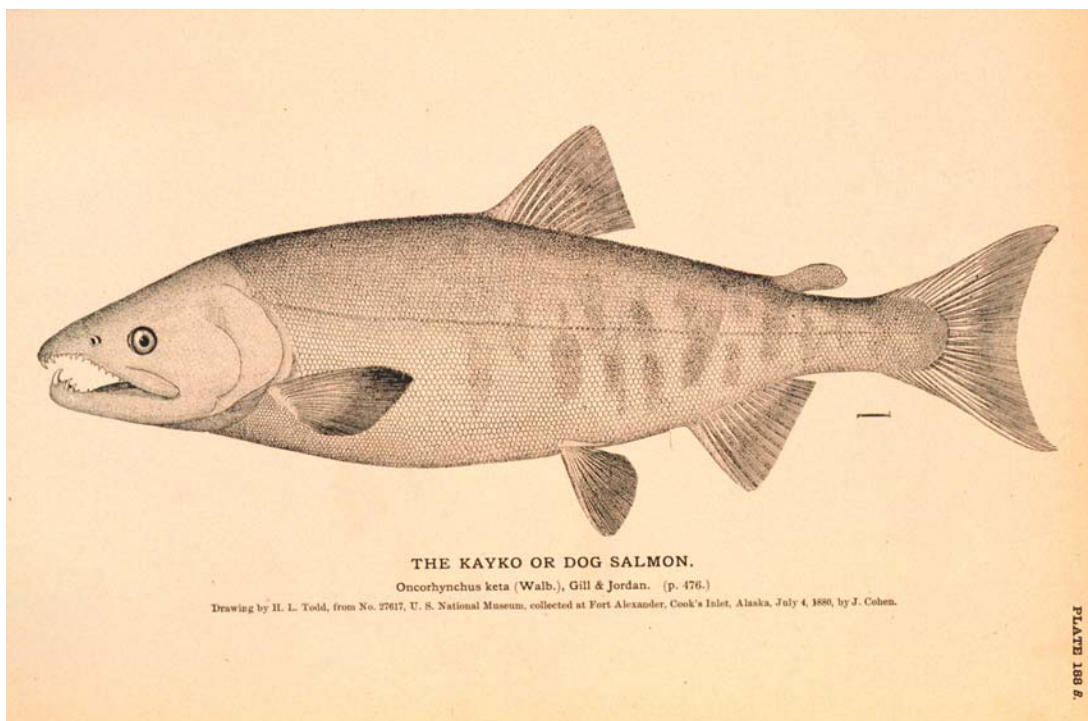


Bering Sea Non-Chinook Salmon Bycatch Management

Scoping Report



United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Alaska Region

North Pacific Fishery Management Council

May 2009

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Introduction

This report summarizes the comments received during the January 8, 2009, to March 23, 2009, scoping period for an analysis of Bering Sea Non-Chinook Salmon Bycatch Management. An analytical document is being prepared to assist planning and will serve as the central decision-making document for management measures being developed by the North Pacific Fishery Management Council (Council) to manage non-Chinook salmon bycatch in the Bering Sea pollock fishery, in compliance with the Magnuson-Stevens Fishery Conservation and Management Act. Analyses under two laws and an executive order will be provided to the Council to inform its decision on this action. The National Environmental Policy Act (NEPA) requires the preparation of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The Council also will review a regulatory impact review (RIR) as required by Executive Order 12866 and an initial regulatory flexibility analysis (IRFA), as required by the Regulatory Flexibility Act. The document will provide decision-makers and the public with an evaluation of the environmental, social, and economic effects of alternatives for managing non-Chinook salmon bycatch in the Bering Sea pollock fisheries.

This report summarizes the issues associated with the proposed action and describes alternative management measures raised in public comments during the scoping process. The purpose of this report is to inform the Council and the public of the results of scoping and to assist in the development of the range alternatives and analysis. The NMFS Alaska Region web site contains additional information at: http://www.fakr.noaa.gov/sustainablefisheries/bycatch/salmon/non_chinook/default.htm. This site also contains the notice of intent, this scoping report, and related information.

What is this Action?

The proposed action is to manage non-Chinook salmon bycatch in the Bering Sea pollock fishery to improve compliance with the Magnuson-Stevens Act and other applicable federal law. The purpose of Chinook salmon bycatch management in the Bering Sea pollock fishery is to minimize non-Chinook salmon bycatch to the extent practicable, while achieving optimum yield. Minimizing salmon bycatch to the extent practicable while achieving optimum yield is necessary to maintain a healthy marine ecosystem, ensure long-term conservation and abundance of salmon, provide maximum benefit to fishermen and communities that depend on salmon and pollock resources, and comply with the Magnuson-Stevens Act and other applicable federal law.

The current Chum Salmon Savings Area in the Bering Sea is a time-area closure designed to reduce overall non-Chinook salmon bycatch in the federal groundfish trawl fisheries. This time-area closure was adopted based on historically observed salmon bycatch rates and was designed to avoid areas and times of high non-Chinook salmon bycatch. The Chum Salmon Savings Area is closed to pollock fishing from August 1 through August 31 of each year. Additionally, if the prohibited species catch limit of 42,000 non-Chinook salmon are caught by vessels using trawl gear in the Catcher Vessel Operational Area during the period August 15th through October 14th, the Chum Salmon Savings Area remains closed to directed fishing for pollock through October 14th.

Pollock vessels participating in an inter-cooperative agreement (ICA) using the Voluntary Rolling Hotspot System (VRHS) are exempted from closures of the Chum Salmon Savings Area. The purpose of the VRHS ICA is to use real-time salmon bycatch information to avoid areas of high non-Chinook salmon bycatch rates. The ICA utilizes a system of base bycatch rates, assignment of vessels to tiers based on bycatch rates relative to the base rate, a system of closures for vessels in certain tiers, and

monitoring and enforcement through private contractual arrangements. The VRHS ICA was necessary because comparisons of non-community development quota (non-CDQ) vessels fishing outside of the salmon savings areas with CDQ vessels fishing inside of the salmon savings areas indicated that salmon bycatch rates were much higher outside of the savings areas, and closures were displacing vessels to higher bycatch areas.

The Council is considering new measures to minimize to the extent practicable non-Chinook salmon bycatch in the Bering Sea pollock fishery because of the potential negative impacts on salmon stocks in general, and on western Alaska salmon stocks in particular. Four species of salmon (sockeye, coho, pink, and chum) are aggregated into a “non-Chinook salmon” species category for catch accounting and prohibited species catch limits. Chum salmon comprises over 99.6% of the total catch in this category. The majority of non-Chinook bycatch occurs in the pollock trawl fishery during the B season (June 10 to November 1). Historically, the portion of the non-Chinook bycatch from the pollock trawl fishery has ranged from 88% to over 99.5% of all non-Chinook salmon bycatch in the federal groundfish fisheries. Since 2002, bycatch of non-Chinook salmon in the pollock fishery has comprised over 95% of the total non-Chinook salmon bycatch in the groundfish fisheries.

From 1991 through 2002, the average annual bycatch in the Bering Sea pollock fishery was 72,668 non-Chinook salmon. From 2003 through 2006, non-Chinook salmon bycatch numbers increased substantially to a historic high of 704,989 non-Chinook salmon in 2005. Bycatch since 2006 has declined substantially, with a 2008 bycatch of 15,002 non-Chinook salmon. The numbers of non-Chinook salmon bycatch in the Bering Sea pollock fishery from 2003 through 2008 are shown in the following table:

Year	Number of non-Chinook salmon
2003	195,135
2004	440,692
2005	704,989
2006	309,676
2007	94,349
2008	15,002

While non-Chinook salmon bycatch numbers were low in 2008, current regulations do not prevent future bycatch from reaching the levels experienced in 2004 through 2007. The Council is considering alternative ways to manage salmon bycatch, including replacing the current Chum Salmon Savings Areas in the BSAI with new regulatory closures, salmon bycatch limits, or a combination of both based on current salmon bycatch information. The analysis will evaluate a range of alternative management measures for the Bering Sea pollock fishery. Alternatives may be formulated based on the elements identified here, and those developed through the public scoping and Council processes. Possible alternatives could be constructed from one or more of the following measures:

- **Hard Cap**– Establish a hard cap for non-Chinook salmon bycatch in the CDQ and non-CDQ pollock fisheries. The eight hard cap options range from 58,176 to 488,045 non-Chinook salmon.

Hard caps could be apportioned to the CDQ and non-CDQ pollock fisheries or divided among the fishery sectors. Sector level caps could be further divided among the cooperatives. Fishery participants would be required to stop fishing when the hard cap is reached.

- Triggered area closure – Establish salmon savings area closures based on current salmon bycatch information. These closures would occur once a specified cap level was reached.

The Action Area

The action area effectively covers all of the Bering Sea under U.S. jurisdiction, with a southern boundary at 55° N. latitude from 170° W. longitude to the U.S.-Russian Convention line of 1867, a western boundary of the U.S.-Russian Convention Line of 1867, and a northern boundary at the Bering Strait, defined as a straight line from Cape Prince of Wales to Cape Dezhneva, Russia. Impacts of the action may occur outside the action area in the freshwater origins of the salmon caught as bycatch and in the salmon migration routes between their stream of origin and the Bering Sea. Salmon caught as bycatch in the Bering Sea pollock fishery may originate from Asia, Alaska, Canada, and the western United States.

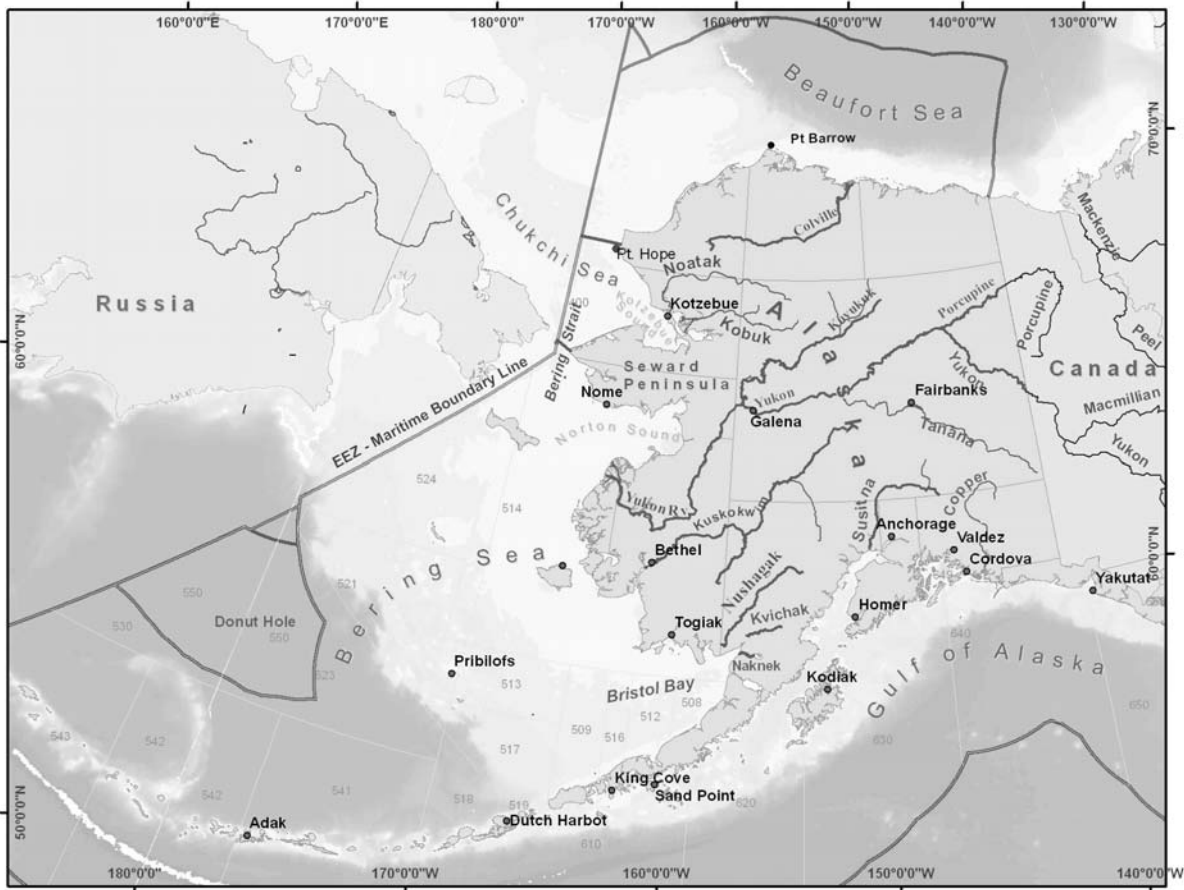


Figure 1: Map of the Bering Sea and Major Connected Rivers in Alaska and Northwest Canada.

Statutory Authority for this Action

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 USC 1801, et seq.), the United States has exclusive fishery management authority over all marine fishery resources found within the exclusive economic zone (EEZ), which extends between 3 and 200 nautical miles from the baseline used to measure the territorial sea.

The management of these marine resources is vested in the Secretary of Commerce and in the regional fishery management councils. In the Alaska Region, the Council has the responsibility for preparing fishery management plans and plan amendments for the marine fisheries that require conservation and management, and for submitting their recommendations to the Secretary. Upon approval by the Secretary, NMFS is charged with carrying out the Federal mandates of the Department of Commerce with regard to marine and anadromous fish.

The Bering Sea pollock fishery in the EEZ off Alaska is managed under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands (FMP). The salmon bycatch management measures under consideration would amend this FMP and Federal regulations at 50 CFR 679. Actions taken to amend FMPs or implement other regulations governing these fisheries must meet the requirements of federal laws and regulations.

Public Participation - Scoping

Scoping is the term used for involving the public in the NEPA process at its initial stages. Scoping is an early and open process for determining the scope of issues to be addressed in an EA or EIS and for identifying the significant issues related to the proposed action. A principal objective of scoping and public involvement process is to identify a range of reasonable management alternatives that will delineate critical issues and provide a clear basis for distinguishing among those alternatives and selecting a preferred alternative. Through the notice of intent, we notified the public that a NEPA analysis and decision-making process for this proposed action has been initiated so that interested or affected people may participate and contribute to the final decision. Scoping is accomplished through written communications and consultations with agency officials, interested members of the public and organizations, Alaska Native representatives, and State and local governments.

The formal scoping period began with the publication of a Notice of Intent in the *Federal Register* on January 8, 2009 (74 FR 798). Public comments were due to NMFS by March 23, 2009. In the Notice of Intent, NMFS requested written comments from the public on the range of alternatives to be analyzed and on the environmental, social, and economic issues to be considered in the analysis. This scoping report summarizes issues and alternatives raised in public comments submitted during this scoping period.

Additionally, members of the public have the opportunity to comment during the Council process. The Council has provided notice to the public when it scheduled non-Chinook salmon bycatch issues and will continue to do so. The Council process, which involves regularly scheduled and noticed public Council meetings, ad-hoc industry meetings, and Council committee meetings, started before this formal scoping process and will continue after this formal scoping process is completed.

Tribal Governments and Alaska Native Claims Settlement Act Regional and Village Corporations

NMFS is obligated to consult and coordinate with federally recognized tribal governments and Alaska Native Claims Settlement Act (ANCSA) regional and village corporations on a government-to-government basis pursuant to Executive Order 13175, the Executive Memorandum of April 29, 1994, on “Government-to-Government Relations with Native American Tribal Governments,” and Section 161 of the Consolidated Appropriations Act of 2004 (P.L. 108-199, 188 Stat. 452), as amended by Section 518 of the Consolidated Appropriations Act of 2005 (P.L. 108-447, 118 Stat. 3267).

As a first step in the consultation process, on January 16, 2009, NMFS mailed letters to approximately 660 Alaska tribal governments, ANCSA corporations, and related organizations providing information about the proposed action and analysis and soliciting consultation and coordination with interested tribal governments and ANCSA corporations. NMFS received 1 comment from a tribal government, which is summarized below and included in Appendix 1.

Cooperating Agencies

The Council for Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA emphasize agency cooperation early in the NEPA process. The State of Alaska Department of Fish and Game (ADF&G) is a cooperating agency and has agreed to participate in the development of this analysis and provide data, staff, and review for this analysis. ADF&G has an integral role in the development of this analysis because it manages the commercial salmon fisheries, collects and analyzes salmon biological information, and represents people who live in Western and Interior Alaska.

Summary of Alternatives and Issues Identified During Scoping

NMFS received 4 written comments from the public and interested parties. Appendix 1 to this Scoping Report contains copies of the comments. Comments identified the following alternatives and issues for analysis.

Alternative management measures identified during scoping

The Council and NMFS will consider the alternatives identified during scoping in the analysis. The Council and NMFS will determine the range of alternatives to be analyzed that best accomplish the proposed action’s purpose and need. The analysis will also describe the alternatives raised during scoping that were considered but not carried forward, and discuss the reasons for their elimination from further detailed study.

Hard cap alternatives

- Analyze a range of hard caps from 50,000 non-Chinook salmon to 400,000 non-Chinook salmon and their likely impacts to Western Alaska.
- The hard cap should be from 70,000 non-Chinook to 77,000 non-Chinook salmon.

- The hard cap should be less than or equal to 70,000 non-Chinook salmon because this amount appears to allow in-river escapement, subsistence harvest consistent with ANILCA, and Canadian border passage goals to be achieved, while providing for traditional in-river commercial fishing opportunities.
- Any pollock fishery management actions aimed at reducing salmon bycatch by altering time, area, and/or fishing methods must be used in conjunction with a hard cap threshold beyond which additional bycatch is prohibited.

Additional alternatives

- Develop a research and monitoring plan to identify information needed to establish an optimal bycatch level based on improved genetic stock-specific information.

Issues identified during scoping

The comments received through the scoping process identified the following issues. To the extent practicable and appropriate, the analysis will take these issues into account.

Prepare an Environmental Impact Statement

NEPA mandates the preparation of an EIS because the proposed chum salmon bycatch measures would be a significant action because they are likely to be controversial and likely to have substantial environmental, social, and economic impacts.

Clearly define the purpose of the action

The purpose of the proposed action should be to reduce BSAI salmon bycatch to levels which facilitate and provide for healthy returns of in-river fish both in Alaska and the Yukon River in Canada. Healthy returns mean adequate escapement and sufficient opportunity to meet subsistence harvest needs. Healthy returns also would allow for the taking of additional fish for historical non-subsistence harvest and would allow the U.S. to meet its international treaty obligations to Canada.

Evaluate Climate Change

Evaluate the impacts of anticipated climate change and how changes to ocean temperatures are impacting oceanic circulation and nutrient flow, and how these changes affect salmon diet, competition, predation, and migration.

Identify stock-of-origin of chum salmon bycatch

Identifying salmon bycatch stock of origin and age at maturity would assist significantly in understanding the impact of pollock fishery bycatch to in-river salmon returns not only in Alaska but for Pacific Northwest threatened and endangered salmon stocks as well. Collecting samples of salmon from the pollock fishery bycatch could inform non-Chinook salmon management decisions in both marine and in-river fisheries.

Use reliable fisheries data

Relying on inaccurate data could make NMFS think there are more fish in the sea than there actually are.

Related NEPA Documents

The NEPA documents listed below have detailed information on the Bering Sea pollock fishery, and on the natural resources and the economic and social activities and communities affected by that fishery, and on the salmon resource and salmon bycatch in the Federal groundfish fisheries. These documents contain valuable background for the proposed action.

Bering Sea Chinook Salmon Bycatch Management Draft Environmental Impact Statement/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (December 2008)

The document provides decision-makers and the public with an evaluation of the environmental, social, and economic effects of alternative measures to minimize Chinook salmon bycatch in the Bering Sea pollock fishery. The alternatives analyzed in this document generally involve limits or “caps” on the number of Chinook salmon that may be caught in the Bering Sea pollock fishery and closure of all or a part of the Bering Sea to pollock fishing once the cap is reached. These closures would occur when a Chinook salmon bycatch cap is reached, even if the entire pollock total allowable catch has not yet been harvested. This DEIS/RIR/IRFA is available on the NMFS AKR web site at:

<http://www.fakr.noaa.gov/sustainablefisheries/bycatch/default.htm>

Final Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Modifying existing Chinook and chum salmon savings areas (October 2007).

This document analyzed Amendment 84 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. Amendment 84 implemented a salmon bycatch inter-cooperative agreement and the voluntary rolling hotspot system (VRHS). Amendment 84 and its implementing regulations improve the ability of pollock fishery participants to minimize salmon bycatch by giving them more flexibility to move fishing operations to avoid areas with high rates of salmon bycatch. Amendment 84 allows participants in the pollock fisheries to be responsive to current bycatch rates and fish in areas with relatively lower salmon bycatch rates, rather than rely on static closure areas that were established based on historical bycatch rates. This document includes extensive background information on salmon biology, stock status and ecological role, and North Pacific salmon fisheries management. This EA/RIR/IRFA is available on the NMFS AKR web site at:

http://www.fakr.noaa.gov/analyses/amd84/Am84_EARIRFRFAfr.pdf

Alaska Groundfish Harvest Specifications Final EIS (January 2007)

NMFS prepared the Alaska Groundfish Harvest Specifications Final EIS for the harvest strategy used to set the annual harvest specifications. The EIS examines alternative harvest strategies for the federally managed groundfish fisheries in the GOA and the BSAI management areas that comply with Federal regulations, the FMPs, and the Magnuson-Stevens Act. The EIS provides decision-makers and the public with an evaluation of the environmental, social, and economic effects of alternative harvest strategies. The preferred alternative established a harvest strategy for the BSAI and GOA groundfish fisheries necessary for the management of the groundfish fisheries and the conservation of marine resources, as required by the Magnuson-Stevens Act and as described in the management policy, goals, and objectives in the FMPs. This EIS is available on the NMFS AKR web site at:

<http://www.fakr.noaa.gov/analyses/specs/eis/final.pdf>

Alaska Groundfish Programmatic Supplemental EIS (June 2004)

The implementation of salmon bycatch management for the Bering Sea pollock fisheries is derived from the policy direction set in the PSEIS's preferred alternative. In June 2004, NMFS completed the PSEIS which analyzed the impacts of alternative groundfish fishery management programs on the human environment. The following provides information on the relationship between this EIS and the PSEIS. NMFS issued a Record of Decision on August 26, 2004, with the simultaneous approval of Amendments 74 and 81 to the FMPs. This decision implemented a policy for the groundfish fisheries management programs that is ecosystem-based and is more precautionary when faced with scientific uncertainty. For more information on the PSEIS, see the NMFS Alaska Region web site at: <http://www.fakr.noaa.gov/sustainablefisheries/seis/default.htm>.

The PSEIS serves as the overarching analytical framework that will be used to define future management policy with a range of potential management actions. First, it serves as the central environmental document supporting the management of the GOA and BSAI groundfish fisheries. The historical and scientific information and analytical discussions contained therein are intended to provide a broad, comprehensive analysis of the general environmental consequences of fisheries management in the EEZ off Alaska. Second, the document provides agency decision-makers and the public with an analytical reference document necessary for making informed policy decisions in managing the groundfish fisheries and sets the stage for future management actions. Third, it describes and analyzes current knowledge about the physical, biological, and human environment in order to assess impacts resulting from past and present fishery activities. The PSEIS brings the decision-maker and the public up to date on the current state of the environment, while describing the potential environmental consequences of alternative policy approaches and their corresponding management regimes for management of the groundfish fisheries off Alaska.

Future amendments and actions will logically derive from the chosen policy direction set for the PSEIS' preferred alternative. As stated in the PSEIS, any specific FMP amendments or regulatory actions proposed in the future will be evaluated by subsequent environmental assessments (EAs) or EISs that incorporate by reference information from the PSEIS but stand as case-specific NEPA documents and offer more detailed analyses of the specific proposed actions. As a comprehensive foundation for management of the GOA and BSAI groundfish fisheries, the PSEIS functions as a baseline analysis for evaluating subsequent management actions and for incorporation by reference into subsequent EAs and EISs that focus on specific Federal actions.

The CEQ regulations encourage agencies preparing NEPA documents to incorporate by reference the general discussion from a PEIS and concentrate solely on the issues specific to the EIS subsequently prepared. According to the CEQ regulations, whenever a PEIS has been prepared and a subsequent EIS is then prepared on an action included within the entire program or policy, the subsequent EIS shall concentrate on the issues specific to the subsequent action. The subsequent EIS need only summarize the issues discussed and incorporate discussions in the PSEIS by reference (see 40 CFR 1502.20).

American Fisheries Act Amendments 61/61/13/8 EIS (February 2002)

The American Fisheries Act (AFA) EIS was prepared to evaluate sweeping changes to the conservation and management program for the pollock fishery of the BSAI and to a lesser extent, the management programs for the other groundfish fisheries of the GOA and BSAI, the king and Tanner crab fisheries of the BSAI, and the scallop fishery off Alaska. Under the Magnuson-Stevens Act, the Council prepared Amendments 61/61/13/8 to implement the provisions of the AFA in the groundfish, crab, and scallop fisheries. Amendments 61/61/13/8 incorporated the relevant provisions of the AFA into the FMPs and established a comprehensive management program to implement the AFA. The EIS analysis provided an

evaluation of the environmental and economic effects of the management program that was implemented under these amendments, as well as developed scenarios of alternative management programs for comparative use. The EIS may be found at the NMFS AKR web site:
http://www.fakr.noaa.gov/sustainablefisheries/afa/final_eis/cover.pdf.

List of Preparers and Persons Consulted

Preparers:

Gretchen Harrington, Sustainable Fisheries, NMFS Alaska Region
Steve Lewis, Analytical Team, NMFS Alaska Region (map)

Persons Consulted:

Diana Stram, North Pacific Fishery Management Council staff
Demian Schane, NOAA General Counsel, Alaska Region
Sally Bibb, Sustainable Fisheries, NMFS Alaska Region
Steve Davis, NEPA Coordinator, Alaska Region
Joe McCabe, NOAA General Counsel, Alaska Region
Sue Salveson, Sustainable Fisheries, NMFS Alaska Region

Appendix 1: Public Comments

Comments provided in order received.

1. B. Sachau
2. non-comment
3. non-comment
4. non-comment
5. G. Alstrom-Beans, President, Yupiit of Andrafski
6. non-comment
7. United States Fish and Wildlife Service
8. At-Sea Processors Association, Pacific Seafoods Processors Association, United Catcher Boats

From jean public <jeanpublic@yahoo.com>

Sent Thursday, January 8, 2009 4:30 am

To chumsalmonbycatcheis@noaa.gov , americanvoices@mail.house.gov ,
info@defenders.org , info@seashepherd.org , predator defense
<info@predatordefense.org> , judyreed@earthlink.net , foe@foe.org ,
information@sierraclub.org , info@earthsave.org

Subject public comment on federal register

the information given from profiteers in the fishing industry on what they take from the sea is crooked and fake. they are not accurate and they do not give accurate information. relying on that crooked fake information makes govt agencies think there is more fish in the sea than there actually is. the marine mammals relying on the fish left are in fact starving to death. they are starving to death. you cannot rely on profiteers to tell you the truth. that is as stupid as can be. noaa is stupid to ever rely on profiteers fake and corrupt reports. of course, noaa is in the pocket of these fish industry profiteers so they are scamming the entire us public, which owns those fish. it is time to get real, noaa and to get honest. instead of corrupt and crooked. the bush administration is the worst presidential administration this country has ever had. they allowed endless raping of what america owns for profiteers.

b. sachau 15 elm st florham park nj 07932

[Federal Register: January 8, 2009 (Volume 74, Number 5)]

[Notices]

[Page 798-800]

From the Federal Register Online via GPO Access [wais.access.gpo.gov]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XM37

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish
Fisheries in the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; intent to prepare an environmental assessment or an
environmental impact statement; request for written comments.

SUMMARY: NMFS, in consultation with the North Pacific Fishery
Management Council, announces its intent to prepare either an
Environmental Assessment (EA) or an Environmental Impact Statement
(EIS) on measures to minimize non-Chinook salmon bycatch in the Bering
Sea, in accordance with the National Environmental Policy Act of 1969.
The proposed action would replace the current Chum Salmon Savings Area
in the Bering Sea, and the specific exemption to the area closure, with
new regulatory closures, salmon bycatch limits, or a combination of
both. The scope of the EA or EIS will be to determine the impacts to
the human environment resulting from the measures to minimize non-
Chinook salmon bycatch. NMFS will accept written comments from the



P.O. Box 88 TOWNSITE HALL
ST. MARY'S, AK 99658
(907) 438-2312 OFFICE
(907) 438-2512 FAX

Robert D. Mecum, Acting Administrator, Alaska Region
United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

Re: Minimizing non-Chinook salmon bycatch

Dear Robert:

With this letter, the Yupiit of Andreafski Tribal Council is supporting this matter regarding minimizing non-Chinook salmon bycatch.

We support that there should be a hard cap of 70,000 to 77,000 non-Chinook salmon bycatch limit in the Bering Sea Pollock fishery.

This analysis will support decision making for management measures to minimize non-Chinook salmon bycatch in the Bering Sea Pollock fishery by analyzing the impacts of the alternatives on the human environment. The National Marine Fisheries Service should consider new measures to minimize non-Chinook salmon bycatch in the Bering Sea Pollock fishery because of the potential negative impacts on salmon stocks in general, and on western Alaska salmon stocks in particular.

Thank you for your time and consideration.

Sincerely,



Gail Alstrom-Beans
President, Yupiit of Andreafski



IN REPLY REFER TO:

FWS/AFES
(ER 09/49)

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



MAR 18 2009

Ms. Sue Salvesson, Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802

Attention: Ellen Sebastian

Re: Notice of Intent to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) to minimize non-Chinook salmon bycatch in the Bering Sea; fisheries of the EEZ off Alaska.

Dear Ms. Salvesson:

The U.S. Fish and Wildlife Service (USFWS) has reviewed the Notice of Intent (NOI) to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) to evaluate non-Chinook salmon bycatch reduction measures for the Bering Sea. Bycatch is of concern to the USFWS because it may affect salmon populations we are responsible for managing in accordance with U.S. laws and international agreements. Therefore, we offer our perspectives and recommendations for identifying the purpose and range of alternatives to be analyzed in the Draft EA or EIS to address the environmental, social, and economic issues considered in developing non-Chinook salmon bycatch reduction methods for the fisheries of the U.S. EEZ off Alaska.

The USFWS is one of five Federal agencies responsible for implementing Title VIII of the Alaska National Interests Lands Conservation Act (ANILCA), (P.L. 96-487). This law requires the continuation of subsistence opportunities and assurance that subsistence uses retain a meaningful preference or priority over non-subsistence uses. In Alaska, 16 National Wildlife Refuges in Alaska were established or modified because of ANILCA. Among these are nine refuges in Western Alaska that each has a purpose to: "...conserve fish and wildlife populations in their natural diversity including, but not limited to ...salmon..." With the exception of the Kenai National Wildlife Refuge, all National Wildlife Refuges in Alaska includes as one of their purposes: "...to provide...the opportunity for continued subsistence uses by local residents..." In addition, the USFWS is the lead Federal agency participating on the U.S./Canada Yukon River Panel, as established by the Yukon River Salmon Act of 2000, which was activated by the signing of the U.S./Canada Yukon River Salmon Agreement in 2002 as an annex of the Pacific Salmon Treaty. The Yukon River Panel is responsible for overseeing the conservation and management of Canadian-bound salmon stocks as authorized in the Yukon River Salmon Agreement.



Ms. Sue Salvesson

2

The USFWS is a non-voting member of the North Pacific Fishery Management Council. Our presence on the Council has allowed us to track the salmon bycatch issue for a number of years. We are concerned that high levels of non-Chinook salmon bycatch in the Bering Sea fisheries in the U.S. EEZ will increase the difficulty in meeting Alaskan salmon spawning escapement goals, rural subsistence harvest needs, and salmon border passage obligations to Canada.

The NOI identifies that the purpose of the proposed action is “...to minimize the non-Chinook salmon bycatch to the extent practicable while achieving optimum yield from the pollock fishery.” Because the phrase “to the extent practicable” may mean different things to different stakeholders, we believe a more clearly defined purpose should be developed for the Draft EA/EIS. We believe the purpose of the proposed action should be to reduce BSAI salmon bycatch to levels which facilitate and provide for healthy returns of in-river fish both in Alaska and the Yukon River in Canada. Healthy returns mean adequate escapement and sufficient opportunity to meet subsistence harvest needs. Healthy returns also would allow for the taking of additional fish for historical non-subsistence harvest and would allow the U.S. to meet its international treaty obligations to Canada.

We appreciate that BSAI pollock fishery bycatch is not the only fishery impacting Western Alaska non-Chinook salmon stock returns. However, we believe large BSAI salmon bycatch is essentially a reallocation of in-river returns of non-Chinook salmon destined for Western Alaska communities and Canadian Yukon River communities in the Yukon Territory. We recommend that a research and monitoring plan be developed which would identify information needed to establish an “optimal” bycatch level based on improved genetic stock-specific information. Large bycatch mortality of non-Chinook salmon could compromise the ability of in-river managers to meet the escapement and subsistence priorities established in ANILCA. We recommend analyzing a range of non-Chinook salmon bycatch amounts (50,000 to 400,000) and their likely impacts to Western Alaska salmon returns.

Both marine and freshwater fishery managers are faced with trying to understand the implications of climate change for this important resource. Therefore, we also recommend that the impacts of anticipated climate change components be evaluated in the EA/EIS, specifically how changes to ocean temperatures are impacting oceanic circulation and nutrient flow, and how these changes affect salmon diet, competition, predation, and migration.

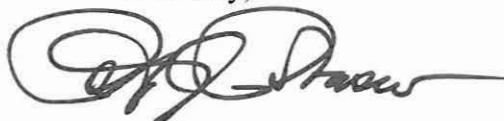
We support responsibly managed, sustainable fisheries and recognize that nearly every fishery has some level of bycatch. However, we believe that any pollock fishery management actions aimed at reducing salmon bycatch by altering time, area, and/or fishing methods must be used in conjunction with a hard-cap threshold beyond which additional bycatch is prohibited. Based on our experience with the Yukon River fishery, a BSAI bycatch near 70,000 non-Chinook salmon appears to allow in-river escapement, subsistence harvest, and Canadian border passage goals to be achieved, while also providing for traditional in-river commercial fishing opportunities.

Identifying salmon bycatch stock of origin and age at mortality would assist significantly in understanding the impact of pollock fishery bycatch to in-river salmon returns not only in Alaska but for Pacific Northwest threatened and endangered salmon stocks as well. Yukon River fall chum salmon managers have received genetic stock of origin microsatellite results within 48 hours of sample receipt by the USFWS Conservation Genetics Laboratory for the past three years, which have greatly assisted with in-season management decisions.¹ Collecting comparable samples of salmon from the BSAI pollock fishery bycatch could similarly inform non-Chinook salmon management decisions in both marine and in-river fisheries.

In conclusion, we believe BSAI non-Chinook salmon bycatch should be reduced to a level that provides for the long-term sustainable health of salmon populations, allows subsistence harvest priorities to be met consistent with ANILCA, and allows international treaty obligations for border passage to be met consistent with the Pacific Salmon Treaty. We believe the best way to achieve that is by implementing a hard-cap threshold of $\leq 70,000$ non-Chinook salmon, beyond which additional BSAI bycatch would be prohibited. We recommend that the Draft EA or EIS evaluate an alternative that includes such a threshold.

We appreciate this opportunity to comment. Please contact Russ Holder (907-455-1849 or russ_holder@fws.gov) if you have any questions concerning these comments.

Sincerely,



Acting
Regional Director

cc: Eric Olson, Chair, North Pacific Fishery Management Council
Michael R. Feagle, Chair, Federal Subsistence Board
Peter J. Probasco, Assistant Regional Director, Office of Subsistence Management
Denby Lloyd, Commissioner, Alaska Department of Fish and Game
Nicole Ricci, U.S. Department of State
Elizabeth Andrews, U.S. Co-chair Yukon River Panel
Frank Quinn, Canadian Co-chair Yukon River Panel

¹ JTC (Joint Technical Committee of the Yukon River US/Canada Panel). 2007. Yukon River salmon 2006 season summary and 2007 season outlook. Alaska Department of Fish and Game, Division of Commercial Fisheries, Regional Information Report No. 3A07-01, Anchorage.

At-Sea Processors Assn

4039 21st Ave W
 Suite # 400
 Seattle, WA 98199
 206-285-5139

Pacific Seafood Processors Assn.

1900 W. Emerson PL
 Suite # 205
 Seattle, WA 98119
 206-281-1667

United Catcher Boats

4005 20th Ave W
 Suite # 116
 Seattle, WA 98199
 206-282-2599

Sue Salveson
 Assistant Regional Administrator
 Sustainable Fisheries Division
 Alaska Region,
 National Marine Fisheries Service
 Juneau, Alaska

March 23, 2009

<ChumSalmonBycatchEIS@NOAA.gov>

Attn: Ellen Sebastini

Re: RIN 0648-XM37

Notice of Intent to Prepare an Environmental
 Assessment or an Environmental Impact Statement
 Re Chum Salmon Bycatch in the Bering Sea
 Pollock Fishery (Request for Comments)

Dear Ms. Salveson:

The undersigned representatives of the At-sea Processors Association (APA), Pacific Seafood Processors Association (PSPA), and United Catcher Boats (UCB) are writing in response to the above-referenced Request for Comments. The members of our respective organizations are companies that own and operate fishing vessels, catcher/processors, motherships and shoreside processing operations engaged in the harvest and/or processing of Bering Sea pollock. It is those companies whose harvesting and processing activities would be directly affected by the proposed Chum Salmon bycatch limitation measures that would be evaluated by the Environmental Assessment (EA) or the Environmental Impact Statement (EIS) referenced above.

Unfortunately, our ability to provide meaningful responses to the Request for Comments on the Chum Salmon bycatch measures at this time is limited to a considerable extent by the fact that the North Pacific Fishery Management Council (NPFMC) has not yet completed final action on a set of parallel salmon bycatch measures contained in the pending Chinook Salmon bycatch amendment package scheduled to be addressed at the April meeting of the NPFMC. For this reason, we will defer our comments on the scope of issues, impacts and potential alternatives to be considered in the Chum Salmon Amendment for the time being. Instead, we will take advantage of the opportunity to

address those issues, impacts and potential alternatives as part of the Council process when “the latest scientific information regarding salmon bycatch in the Bering Sea pollock fishery [will be] reviewed”; and where “alternative non-Chinook salmon bycatch reduction measures will be developed and evaluated” (see Request for Comments, 74 FR 800).

In the meantime, however, we would like to respond to the issue of whether an EA or an EIS is the appropriate NEPA document for use in evaluating the proposed Chum Salmon bycatch measures. In our view, the significance of the proposed Chum Salmon bycatch management measures makes an EIS essential. Not only are the proposed measures likely to be controversial in nature, but the size and scope of their potential environmental, social and economic effects on the human environment are likely to be quite substantial as well. These are two of the factors cited as key to the identification of “significant” actions which compel the preparation of an EIS under the Department of Commerce’s Administrative Order (DAO) 216-6.01 and 6.02-- the Order by which the DOC implemented the National Environmental Policy Act. Under these circumstances, preparation of an EIS is clearly mandated.

Thank you for considering these comments. If you have any questions, we will be happy to discuss them with you in Anchorage next week.

At-Sea Processors Assn. Pacific Seafood Processors Assn. United Catcher Boats

Stephanie D. Madsen
By: _____

JL E Bess
By: _____

Brent C. Paine
By: _____