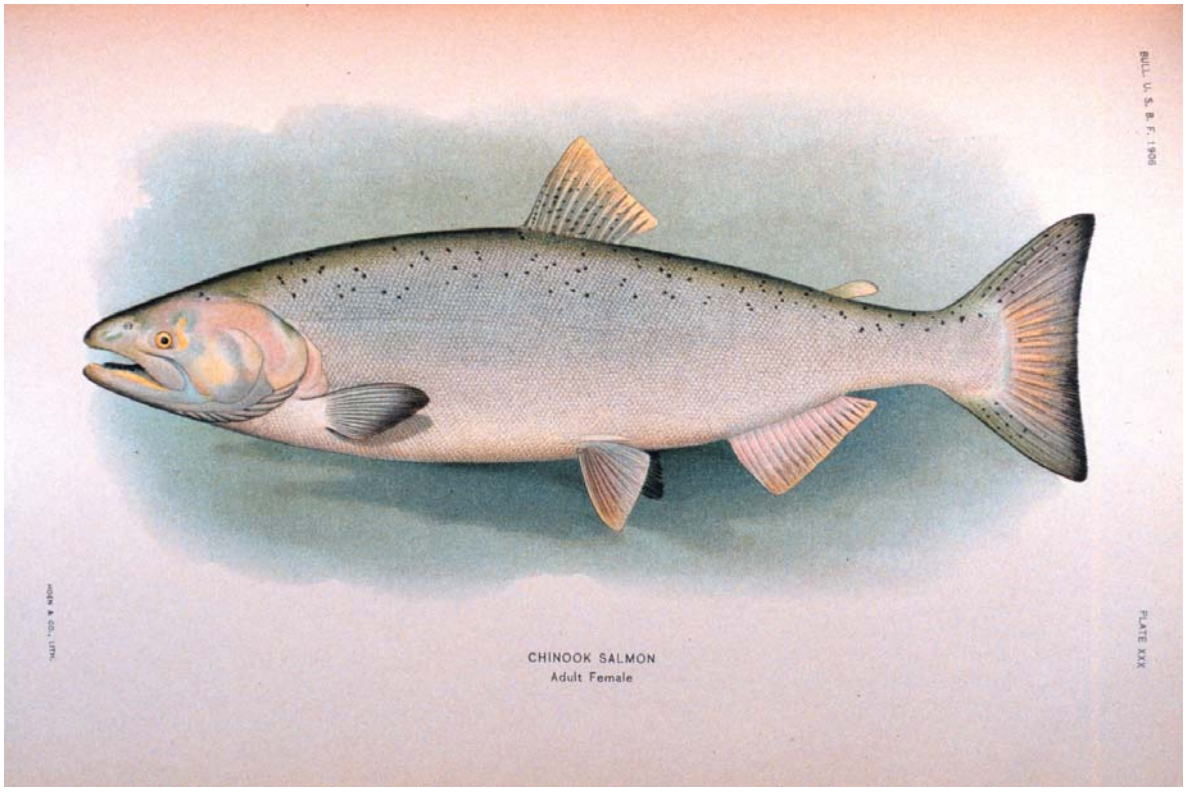
Bering Sea Salmon Bycatch Management Environmental Impact Statement

Scoping Report



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

North Pacific Fishery Management Council

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Introduction

This report summarizes the comments received during the December 26, 2007, to February 15, 2008, scoping period for the Bering Sea Salmon Bycatch Management Environmental Impact Statement (EIS). An EIS is being prepared in accordance with the National Environmental Policy Act (NEPA) to assist planning and decision-making. The EIS will serve as the central decision-making document for management measures being developed by the North Pacific Fishery Management Council (Council) to reduce salmon bycatch in the Bering Sea pollock fishery, in compliance with the Magnuson-Stevens Fishery Conservation and Management Act. The EIS will provide decision-makers and the public with an evaluation of the environmental, social, and economic effects of alternatives for managing 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 for the draft EIS.

The NMFS Alaska Region web site contains additional information on this EIS at http://www.fakr.noaa.gov/sustainablefisheries/bycatch/default.htm. Once published, the Draft EIS will be available for download at this site. Additionally, this site contains a form to request a hard copy of the Draft EIS. This site also contains the notice of intent, this scoping report, and related information.

The Council developed the following draft problem statement for Bering Sea salmon bycatch management:

> *An effective approach to salmon prohibited species bycatch reduction in the Bering Sea pollock trawl fishery is needed. Current information suggests these harvests include stocks from Asia, Alaska, Yukon, British Columbia, and lower-48 origin. Chinook salmon are a high-value species extremely important to Western Alaskan village commercial and subsistence fishermen and also provide remote trophy sport fishing opportunities. Other salmon (primarily made up of chum salmon) harvested as bycatch in the Bering Sea pollock trawl fishery also serve an important role in Alaska subsistence fisheries. However, in response to low salmon runs, the State of Alaska has been forced to close or greatly reduce some commercial, subsistence and sport fisheries in Western Alaska. Reasons for reductions in the number of Chinook salmon returning to spawn in Western Alaska rivers and the Canadian portion of the Yukon River drainage are uncertain, but recent increases in Bering Sea bycatch may be a contributing factor.*
>
> *Conservation concerns acknowledged by the Council during the development of the Salmon Savings Areas have not been resolved. Continually increasing Chinook salmon bycatch indicates the VRHS under the salmon bycatch intercooperative agreement approach is not yet sufficient on its own to stabilize, much less, reduce the total bycatch. Hard caps, area closures, and/or other measures may be needed to reduce salmon bycatch to the extent practicable under National Standard 9 of the MSA. We recognize the MSA requires use of the best scientific information available. The Council intends to develop an adaptive management approach which incorporates new and better information as it becomes available. Salmon bycatch must be reduced to address the Council's concerns for those living in rural areas who depend on local fisheries for their sustenance and livelihood and to contribute towards efforts to reduce bycatch of Yukon River salmon under the U.S./Canada Yukon River Agreement obligations.*

What is this Action?

The proposed action is to manage salmon bycatch in the Bering Sea pollock fisheries to improve compliance with the Magnuson-Stevens Act. National Standard 9 of the Magnuson-Stevens Act requires that conservation and management measures shall, to the extent practicable, minimize bycatch. The Council is considering alternative ways to manage salmon bycatch, including replacing the current Chinook and 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. These management measures could incorporate current or new bycatch reduction methods.

Draft Purpose and Need for this Action

The purpose of salmon bycatch management in the Bering Sea pollock fishery is to minimize salmon bycatch to the extent practicable. Minimizing salmon bycatch to the extent practicable 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 applicable Federal law.

Salmon are taken incidentally as bycatch in the Bering Sea and Aleutian Islands (BSAI) groundfish trawl fisheries, especially in the Bering Sea pollock pelagic trawl fishery. Of the total salmon bycatch in the BSAI groundfish fisheries, the Bering Sea pollock fishery catches an average of 84 percent of the Chinook salmon bycatch and 94 percent of the non-Chinook bycatch. Chinook salmon is separated from non-Chinook salmon because Chinook salmon is the most high valued species and a species of concern that warrants specific measures. However, an average of 81 percent of salmon bycatch is comprised of non-Chinook salmon. On average, over 95 percent of all non-Chinook salmon caught as bycatch in the pollock fishery are comprised of chum salmon.

Several management measures are being used to reduce salmon bycatch in the Bering Sea pollock fishery. Salmon taken incidentally in groundfish fisheries are classified as prohibited species and, as such, must be either discarded or donated through the Pacific Salmon Donation Program. In the mid-1990s, the Council recommended and NMFS implemented regulations to control the bycatch of Chinook salmon and chum salmon taken in the Bering Sea pollock fishery. These regulations established Chinook and Chum Salmon Savings Areas in areas and at times when salmon bycatch had been highest, and mandated year-round accounting of Chinook salmon bycatch in the pollock fishery. Under these Salmon Savings Areas, once salmon bycatch levels reached a specified amount, the area would be closed to pollock fishing. Theses areas were adopted based on historic observed salmon bycatch rates and were designed to avoid high spatial and temporal levels of salmon bycatch.

The Council started considering revisions to salmon bycatch management in 2004 when information from the fishing fleet indicated that bycatch may be exacerbated by the current regulatory closure areas. Much higher salmon bycatch rates were reportedly encountered outside of the closure areas than inside. Further, the closure areas imposed increased costs on the pollock fleet and processors.

To address this immediate problem, the Council examined other means to minimize salmon bycatch that were more flexible and adaptive. Since 2006, the pollock fleet has used inter-cooperative agreements to participate in the voluntary rolling hotspot system (VRHS). The VRHS is intended to increase 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. The VRHS was first implemented through an exempted fishing permit and then, in 2007, implemented by Amendment 84 to the FMP.

While the inter-cooperative reports on salmon bycatch indicate that the VRHS has reduced salmon bycatch rates compared with what they would have been without the measures, concerns remain with the escalating amount of salmon bycatch. From 1990 through 2001, the Bering Sea salmon bycatch average was 37,819 Chinook salmon and 69,332 non-Chinook salmon annually. Since 2002, salmon bycatch numbers have increased substantially. The averages from 2002 to 2007 were 82,311 Chinook salmon and 358,278 non-Chinook salmon, with bycatch peaks of 130,246 Chinook salmon in 2007 and nearly 712,000 non-Chinook salmon in 2005. In light of the high amount of salmon bycatch in recent years, the Council and NMFS are considering with this proposed action which measures would most effectively reduce bycatch to the extent practicable.

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 fresh water 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.

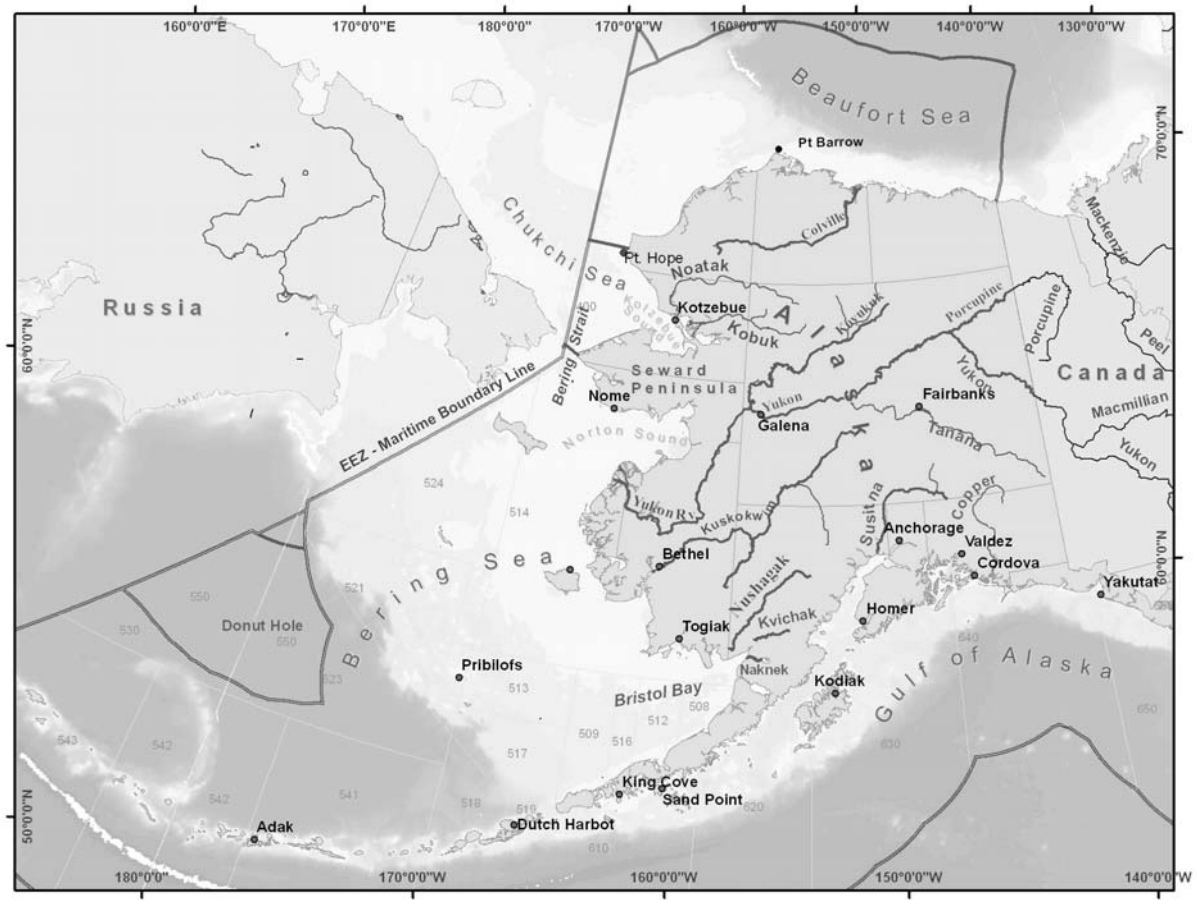

Figure 1: Map of the Bering Sea and Major Connected Rivers in Alaska and Northwest Canada.

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 and in the Regional Councils. In the Alaska Region, the Council has the responsibility for preparing FMPs 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.

Schedule

Analyses under two laws and an executive order will be provided to the Council to inform their decision on this action. The National Environmental Policy Act (NEPA) requires the preparation of the 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 following schedule provides the target milestones for the EIS/RIR/IRFA:

December 2007 to February 2008	Scoping Period
April 2008	Present scoping report to Council and Council recommends range of alternatives
June 2008	Council reviews initial Draft EIS/RIR/IRFA and recommends for public release
July 2008	Draft EIS/RIR/IRFA released
July through August 2008	Public comment period on Draft EIS/RIR/IRFA
November 2008	NMFS provides comment analysis report to Council
December 2008	Council takes final action to recommend salmon bycatch management measures
February 2009	Final EIS/RIR/IRFA released
	Record of Decision issued with FMP amendment approval

Public Participation - Scoping

The development of the Bering Sea Salmon Bycatch Management EIS provides the opportunity for public participation. Scoping is the term used for involving the public in the NEPA process at its initial stages. Scoping is designed to provide an opportunity for the public, agencies, and other interest groups to provide input on potential issues associated with the proposed action. Scoping is used to identify the environmental issues related to the proposed action and identify alternatives to be considered in the EIS. 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 December 26, 2007 (72 FR 72994). Public comments were due to NMFS by February 15, 2008. 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. NMFS published a news release on January 17, 2008 to remind people of the opportunity to participate in this scoping process.

Additionally, members of the public have the opportunity to comment during the Council process. The Council started considering revisions to salmon bycatch management in 2004. Since then, the Council has noticed the public when it is scheduled to discuss salmon bycatch issues. 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. NMFS also briefed the Council on this issue and EIS at its February 2008 meeting, provided information to the public, and answered questions posed by Council members. This scoping report summarizes issues and alternatives from the formal scoping process and summarizes, to the extent possible, issues raised in the Council process through the February 2008 Council meeting. The EIS will address the relevant issues identified during the scoping and the Council processes.

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).

On December 28, 2007, letters were mailed to approximately 660 Alaska tribal governments, ANCSA corporations, and related organizations providing information about the EIS and soliciting consultation and coordination with interested tribal governments and ANCSA corporations. NMFS received 12 comments from tribal government and ANCSA corporation representatives, which are 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. NMFS is the lead agency for this EIS.

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 EIS and provide data, staff, and review for this analysis. ADF&G has an integral role in the development this EIS because it manages the commercial salmon fisheries, collects and analyses salmon biological information, and represents people who live in Western and Interior Alaska.

Additionally, during the October and December 2007 and February 2008 Council meetings, representatives of the U.S Coast Guard, Washington Department of Fish and Wildlife, Oregon Department of Fish and Wildlife, the U.S. State Department, and the U.S. Fish and Wildlife Service were notified of the intent to prepare an EIS and will be informed through out the development of the document though staff presentations at Council meetings.

Summary of Alternatives and Issues Identified During Scoping

NMFS received 42 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 in the EIS.

Alternative management measures identified during scoping

The Council and NMFS will consider the alternatives identified during scoping in the Draft EIS. The Council and NMFS will determine the range of alternatives to be analyzed in the EIS that best accomplish the proposed action's purpose and need. The Draft EIS 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.

Generally, the comments received suggested: 1) alternatives should comply with the Magnuson-Stevens Act, the Endangered Species Act (ESA), and Pacific Salmon Treaty; 2) salmon bycatch management should significantly reduce salmon bycatch; 3) hard caps are necessary to effectively reduce salmon bycatch; and 4) hard caps should contain individual vessel accountability or an exemption for vessels that participate in an inter- cooperative salmon bycatch agreement.

The following summarizes the alternative management measures suggested by public comments.

- Hard cap management measures
- Prohibited species catch accounting period options
- Monitoring and enforcement measures
- Time/Area closure alternatives
- Pollock fishery management changes
- Additional management measures

Hard cap management measures

A hard cap would close the pollock trawl fishery once a specified level of bycatch is reached. Public comments suggested a number of alternative hard cap management measures and some advocated that hard caps were required for salmon bycatch management. Some comments advocated hard caps alternatives must include some form of individual vessel accountability and/or exemptions for vessels that participate in a cooperative–based salmon bycatch management agreement. Otherwise, a hard cap approach to salmon bycatch could jeopardize the economic benefits that the pollock fishery generates.

Alternative hard cap management measures

- Analyze the following range of hard caps:
    - Averages used in cap calculations should only include years before the recent five-year period.
        - (1) 38,000 Chinook (1990-2001 average),
        - (2) 21,123 Chinook (1999-2001 average),
        - (3) 20,000 fish,
        - (4) 35,000 to 40,000 Chinook salmon, and
        - (5) 37,000 (or 37,819, 37,500, 40,000) Chinook salmon and 70,000 (or 69,332) non-Chinook salmon (1990-2001 averages).
    - Analyze hard caps that reflect the most recent (2003-2007) oceanographic and other environmental conditions.
        - (1) 87,500 Chinook salmon (2006 level).
        - (2) a reasonable range to determine practicable hard caps would include from 55,422 to 120,000 Chinook salmon (2003-2007).
        - Hard caps 10 percent, 20 percent, or 30 percent greater than the 2006 bycatch amount or the average of 2003-2006 bycatch amounts.
- It is unreasonable to limit considerations of alternative hard caps to those below 87,000 with no analysis of an abundance-based relationship or economic impacts to the pollock fishery. A hard cap of 87,000 Chinook salmon represents a 40 percent reduction in bycatch from 2007.
- If a hard cap is constraining to the pollock fishery, consider phasing it in over three or four years to enable the fishery to adapt. A phase in period would provide an opportunity for the fleet to perfect an effective salmon excluder device that would reduce bycatch mortality by enabling incidentally taken salmon to escape unharmed from trawl nets.
- Adjustments to thresholds could be implemented on a yearly basis dependent on achieving management goals and in-river run goals.
- The pollock fishing area should be divided into ten districts, with each district's cap based on the total salmon bycatch amount divided by ten. When an area reaches its cap, the area is closed and the fleet must move to the remaining open areas. Time –area closures for Chinook and chum should also be implemented for the districts that have historically high bycatch. If the total fishery bycatch cap is attained, the pollock season closes.
- Enforce a prohibition on any additional salmon bycatch in excess of the hard cap.
- Measures that reduce salmon bycatch by altering time, area, and fishing methods, or a combination of these, must be used in conjunction with a hard-cap threshold beyond which additional bycatch is prohibited.
- Add an option to include a hard cap for steelhead (*Oncorhynchus mykiss*) bycatch.

Reasons for a hard cap

- Pacific Salmon Treaty's Yukon River Agreement obligations would be met by a hard cap of 37,000 Chinook salmon and 70,000 non-Chinook salmon. These cap levels would allow in-river escapement, subsistence harvest, in-river commercial fisheries, and achieve Canadian border passage goals. If these cap levels are exceeded, some segment of in-river escapement or harvest is likely to be reduced.
- Any cap numbers above the pre-2002 bycatch numbers may violate the Treaty.
- Without a hard cap, pollock fishermen will find more excuses not to exercise restraint, and will continue to take fish that rightfully belong to the people of the Yukon.
- Only a hard cap will provide the control necessary to adequately protect salmon given the repeated failures of time and area closures under both agency and industry control.

Apply hard caps to all trawl vessels

- Implement a mandatory prohibited species catch limit for all trawl vessels that includes a threshold number or rate that maintains compliance with applicable Federal laws.
- All vessels participating in the trawl fisheries must comply with the prohibited species catch limits and the fishery must be closed using real-time information once the limits have been reached.

Exempt vessels from hard caps

- Exempt from the hard caps vessels that demonstrate a good faith effort to reduce bycatch via participation in the inter-cooperative agreement for salmon bycatch reduction.
- Under all of the alternatives, consider an option to exempt vessels that participate in a pollock inter-cooperative agreement for salmon bycatch management.

Hard caps with Individual Vessel Accountability

- If the action includes a hard cap, impose the cap at the sector, cooperative, or individual vessel level for individual vessel accountability to reward good behavior (acceptable bycatch rates) and penalize bad behavior (high bycatch rates). Absent a system of individual vessel accountability, a hard cap that threatens to shut down the pollock fishery prior to the achievement of the TAC will inevitably result in irresponsible vessel operators (those that make no effort to avoid or reduce bycatch) prospering and the responsible vessel operators (those that alter their fishing behavior in order to reduce bycatch) suffering.
- Analyze market-based options, from individual vessel allocations to cooperative or sector level allocations, as a possible element of the alternatives.
- Analyze a suite of flexible Individual Bycatch Accountability mechanisms
    - Hard cap with tradable salmon quota system (and potential carry-over mechanism). To avoid a race for fish, ensure that salmon quota are allocated to coops and allowed to be traded in some manner if a hard cap is implemented.
    - "Flexible" hard cap with hybrid quota/fee system

Voluntary Rolling Hot Spots (VRHS)

- VRHS remains one of the most viable and practical salmon bycatch minimization alternatives available to the pollock fleet.
- Industry should pay a user fee to cover assessment of data required for an effective VRHS system.
- Every trawl vessel should be required to participate in the VRHS system in all areas.
- Structure alternatives in a manner which allows the Council to choose additional or replacement measures to the VRHS.

Prohibited Species Catch (PSC) accounting period option

- Eliminate the option that would begin the accounting period in the "B" season.
- Starting the accounting period at the beginning of the "B" season could have disastrous consequences for the pollock fleet as any closure triggered under such a revised accounting system would most likely occur in the middle of the pollock "A" season. This is the period during which roe (the most valuable product that the fishery produces) is extracted as a byproduct of the directed pollock catch. The loss of any significant part of the A season fishery would put the roe fishery at risk and could financially cripple the industry. At the same time, salmon bycatch traditionally declines as the "A" season progresses. A mid-season closure of the "A" season would not, therefore, result in any savings insofar as salmon are concerned because the cap would have been reached anyway. For this reason, a shift in the annual accounting period could result in a "lose/lose" situation for both pollock fishermen and salmon fishermen alike.

Monitoring and enforcement measures

- Use real-time data to enforce salmon bycatch reduction measures.
- New closures and limits and emergency closures should be based on and enforced with current real-time bycatch information.
- Vessels should use real-time bycatch information to avoid areas with high bycatch.

Time/Area closure alternatives

- Analyze methods for frameworking area closure boundaries to allow modifications to the boundaries as conditions change between years.
- Status quo for the triggered closure alternative should include the original Chum and Chinook savings area trigger closures without the Amendment 84 exemption.
- To comply with the Magnuson-Stevens Act, all vessels must comply with the Chinook Salmon Savings Area caps and closures.

Pollock fishery management changes

- Reduce the pollock "A" and "B" season TACs as part of salmon bycatch management.
- Use timing of fishing activity, both seasonal and night or day tows, to reduce bycatch.
- Design gear to reduce bycatch, for example mid-water compared to bottom trawl gear, by analyzing the catch composition between different gear/catching methods.
- Analyze the effects of reducing tow lengths or the amount of time spent towing a pollock trawl.
- Close the pollock fishery because it is not a Congressionally mandated protected species, like salmon are under the Alaska National Interest Lands Conservation Act (ANILCA) and the Pacific Salmon Treaty.
- Shorten the pollock "B" season based on information that suggests that substantial savings could result from closures in the latter part of the "B" season, when Chinook bycatch rates tend to increase drastically (while pollock catches are typically low).

Additional management measures

- If the purpose is to comply with the Pacific Salmon Treaty's Yukon River Agreement, then the Council and NMFS should consider:
    - alternatives that specifically provide for additional harvest opportunities in Western Alaska, and
    - alternatives that reduce marine catches in the commercial salmon fisheries.
- In addition to salmon bycatch avoidance strategies, utilization of salmon caught as bycatch could offset concerns of lost income and subsistence food. Allow salmon caught in the pollock fishery to be landed, processed, and sold. The cost of the processing could be paid by the cooperatives and the revenue from the sales could be distributed to Western Alaska communities. This would reduce waste from discarding salmon caught as bycatch.
- Reallocate grey cod (Pacific cod) quota to a hook and line fishery.
- Reduce the number of vessels allowed to catch salmon and all other species.
- Stop financing new fishing boats and loaning money to commercial fishermen.
- Cut all quotas by 50 percent this year and 10 percent each year after that.
- Salmon bycatch fee system:
    - Legal issues may make this only possible as an industry-operated system.
    - Fee could be spent on research or rebated based on pollock catch.

Issues identified during scoping

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

Effectiveness of existing salmon bycatch management measures

Many comments discussed the effectiveness of existing salmon bycatch management measures; the Chinook and chum salmon savings areas and the exemption from those closures for pollock vessels that participate in the VRHS.

Strengths of existing salmon bycatch management

The current measures that shift effort to cleaner areas in near-real time are best tools for reducing salmon catches.

- The VRHS remains a promising way to reduce salmon bycatch because it provides the flexibility for the fleet to detect and move away from bycatch hotspots on a real time basis. This is an important aspect of the VRHS because salmon are highly migratory and tend to appear at unpredictable times and places.
- Examine the ability of the VRHS and the 2008 "A" season pollock cooperative agreements to control and reduce salmon bycatch by the pollock fleet.

Existing measures allow high bycatch

Regulatory closures and new bycatch reduction measures have not been effective, as demonstrated by the increase in salmon bycatch. The exponential increases in Chinook and non-Chinook salmon bycatch over the past five years (2003-2007) by the Bering Sea pollock fleet is alarming. Of greatest concern is that these increases in salmon bycatch have occurred while salmon returns to Western Alaska recently have been decreasing. These high levels of salmon bycatch will increase the difficulty in meeting Alaskan salmon spawning escapement goals, rural subsistence salmon harvest needs, and salmon border passage obligations to Canada.

- Salmon populations will not be maintained under current salmon bycatch management.
- Salmon bycatch in the pollock fishery is not the only factor contributing to the decline of the Western Alaska salmon returns, but it is the only factor that is correctable in the short-term.
- Existing bycatch reduction measures have not been effective at meeting the Magnuson-Stevens Act, National Environmental Policy Act, or Endangered Species Act.
- Current bycatch of Yukon River salmon is unacceptable.
- Increased salmon bycatch by the trawl fleet adversely affects the viability of coastal communities that already utilize the salmon resources.

Problems with existing salmon bycatch management

- The current Chinook and chum salmon savings areas have proven to be inadequate and have confounded efforts of the pollock fleet to reduce bycatch and have actually resulted in higher bycatch levels than might have otherwise occurred.
- The VRHS alone cannot effectively reduce bycatch given the record high bycatch amounts in the past two years.
    - The VRHS is a miserable failure of fisheries management because it provides minimum control of a highly efficient fleet.
    - The pollock fishery can not be self-governing or develop salmon bycatch measures.
    - The inter-cooperative agreement and the VRHS are a positive management step but there should not be any vessels exempt from closure due to non-CDQ status or CDQ vessels participating in the inter-cooperative agreement.

    - Discuss why rate-based management measures are inadequate for reducing the overall number of salmon caught as bycatch.
- Monitoring and enforcement problems
    - Compliance with current measures is not effectively enforced because real-time data are not being used.
    - Enforce current salmon bycatch management regulations.
    - Existing observer coverage is insufficient.
    - Bycatch records may not be accurate because historical observer coverage was not 24 hours a day for every day the trawler is fishing – bycatch was unreported and transported to foreign markets via trampers.
- Dumping fresh salmon by the thousands back into the Bering Sea is not the answer for the coastal communities.
    - Analyze the percentage of salmon bycatch that goes to food banks and which area food banks receive those fish.

Scientific Issues

Comments suggested that the EIS utilize the best available stock identification data to determine the relevant impacts to salmon stocks from levels of salmon bycatch under the alternatives. The EIS should consider the long-term impacts that excessive salmon bycatch has on (1) the sustainability of Western Alaska salmon stocks, (2) the composition and genetic diversity of those stocks, and (3) the people that rely on salmon.

Origins of salmon caught as bycatch

- Use the best available scientific information to estimate the impacts to the in-river fisheries and stocks of Chinook and chum salmon that are taken as bycatch, including a description of the forecasting methods and a ten-year time series of the forecasted and actual returns to the Yukon, Kuskokwim, Nushagak, and other river systems.
- Summarize the salmon bycatch stock-of-origin identification work to date, including preliminary results and discussion of past results.
- Discuss the number of salmon caught as bycatch that are measured and weighed, number of tissue samples taken, number of scale samples taken, methodologies used, and presentation of results. If samples have not been analyzed, a discussion of why and what it would take to analyze such samples to determine stock-of-origin and other ecological information.
- Collect genetic stock of origin microsatellite data to aid Chinook and non-Chinook management decisions in both marine and in-river fisheries.
- Long-term survival and spawning potential can be stressed if bycatch effects on a particular watershed are out of proportion with predicted impacts.

Relationship of salmon bycatch levels and salmon abundance

- To adequately assess impacts to salmon stocks, measure the impacts to salmon stocks from bycatch in comparison to in-river run sizes.
- Include the status of salmon stocks from the Kuskokwim, Nushagak, and other river systems identified in the salmon bycatch composition work.
- Include an updated version of the Yukon River Chinook salmon status report compiled by ADF&G in 1998 for the Amendment 58 analysis.
- To understand the relationship between bycatch and salmon abundance, compare catch and escapement numbers in major rivers and the Bering-Aleutian Salmon International Survey numbers (which sample the annual juvenile salmon outmigration numbers from the AYK region) with the annual salmon bycatch numbers, including brood year data and river of origin data.

- Evaluate the correlation between years of high salmon bycatch in the pollock fishery and future returns of salmon to contributing river systems in Alaska and other parts of North America. Is high salmon bycatch in the pollock fishery an indication that one or more strong year classes of salmon are moving through the system and will eventually return to Alaskan rivers to spawn?
- Examine the size and presumed age composition of salmon bycatch to determine which cohorts are caught in each pollock season to analyze the options to change the accounting year from the calendar year to the salmon biological year.
- Bycatch of Chinook in marine waters has a direct impact on in-river spawning goals.
- Summarize the current information on hatchery outputs of chum salmon from Japan, Russia, the US, Canada, and elsewhere, as well as analyze how these apparently large releases may effect the alternatives.
- Further develop the "adult equivalency" model to both develop a method for setting abundance-based caps, as well as a tool for evaluating impacts on salmon fisheries.
- Evaluate the proportion of salmon abundance caught incidentally in the pollock fishery compared to the proportion harvested in the directed salmon fisheries (commercial, subsistence, and recreational).

Relationship of the pollock fishery and salmon bycatch levels

- Include histograms to examine trends in the number of salmon caught per tow, with attention paid to tows with particularly high catches of salmon.
- Discuss the potential for relatedness or similar stock of origin for salmon caught in a tow and the effect this may have on stock composition analysis or the effect of bycatch on particular stocks. Fish schools may show a degree of permanence and may travel with related kin.
- The recent increase in salmon bycatch is likely due to the decline in pollock biomass and the increased fishing effort necessary to harvest the pollock TAC.
- Assess steelhead bycatch.
- Analyze how different fixed closed areas would have performed historically in terms of salmon saved by way of a retrospective study using different sequences of bycatch data (e.g. the most recent 3, 10, 15 years).

Sources of salmon mortality

- Fully describe all potential sources of marine salmon mortality including bycatch and catch in the North Pacific, Russia, Asia, Canada, Washington, and Oregon.
- Examine marine catches of salmon in the State of Alaska salmon fisheries and quantify the potential amount of salmon caught in these fisheries that could be attributed to specific river systems.
- Include a table that clearly shows the total harvests of Yukon River stocks (or other Western Alaska stocks) in commercial marine salmon fisheries. Similar tables should be prepared for all salmon species. Tables should include available information from tagging studies, or genetic analysis that describes the stock composition in these marine fisheries.

Scientific uncertainties

- There is no scientifically accurate way to determine the source rivers that excessive salmon bycatch are impacting and the sensitivity of individual runs to salmon bycatch.
- We need to learn more about salmon migration while in the ocean.
- Where stock information is not known, operate under the weak stock principle and assume that the unidentified salmon come from the weakest stock present in the bycatch.
- Collect age and genetic data on salmon caught as bycatch to identify salmon stocks and age classes caught by the pollock fishery and accurately assess the impact of bycatch on Western Alaska salmon fisheries.

Ecosystem Issues

- Analyze the ecological role of salmon in the Bering Sea and the North Pacific ecosystems.
- Consider the cumulative impacts in light of the dramatic changes we expect to see due to climate change in the coming years, and the numerous other impacts to salmon habitat throughout the Pacific Northwest and Western Alaska.

Alaska Native Issues

Comments recommended that the EIS address impacts to federally-protected subsistence users, in-river commercial fisheries, treaty obligations, and environmental justice implications. Comments explained that excessive salmon bycatch (1) threatens the way of life in Western Alaska, (2) seriously impacts in-river uses of those stocks, where subsistence uses are provided the highest priority, and (3) is a serious concern to the people of Western and Interior Alaska who depend upon these stocks as a primary subsistence food source. Salmon bycatch in the Bering Sea pollock fishery is essentially a re-allocation of the in-river return of salmon destined for Western Alaska communities and communities in Canada.

- Analyze the disparate impacts placed on Western Alaska's Native communities as a result of increase levels of salmon bycatch. Increased salmon bycatch places a disproportionally high burden on Native Alaskan communities because of the central importance of this resource to these communities.
- It is reprehensible that Chinook salmon bound for Interior Alaska are being put at risk while the trawler fleet fishes on.
- Do not re-allocate salmon away from coastal communities to increase salmon bycatch to the trawl fleet.

Subsistence Issues

The EIS should consider in-river uses of affected salmon stocks, especially subsistence uses, when reviewing management options. Comments explained that salmon are of irreplaceable value to the cultural, spiritual, and nutritional needs of Alaska Native people and that analysis of the impacts on subsistence users and subsistence resources must include the broad range of values, not simply a commercial dollar value or replacement costs of these fish.

- Western Alaska salmon stocks, which comprise an estimated 56 percent of the bycatch, are extremely important subsistence resources for federally qualified subsistence users, including the residents of nearly 6,800 households in 80 villages along the Yukon and Kuskokwim Rivers.
- In the Yukon and Kuskokwim Rivers, the average annual subsistence harvest was 440,000 salmon during 1996-2005. For Chinook salmon, the recent ten-year average subsistence harvest for both rivers was 129,000 fish -equivalent to the Bering Sea pollock commercial fishery Chinook salmon bycatch in 2007.
- Strong returns of healthy salmon are critical to the future human and wildlife uses of those fish and to the continuation of the subsistence lifestyle. Salmon provide a valuable source of food for other wildlife species critical for subsistence.
- Native people in Western Alaskan rely on salmon resources as they have for thousands of years. Salmon returning to the Kuskokwin and Yukon Rivers and area streams are the nutritional and cultural foundation of that region.
- Salmon serves an important cultural and economic role in the communities of Alakanuk, Eek, Nanakiak, Nunapitchuk, Emmonak, Kwethluk, Bethel, St. Mary's, Ruby, Nulato, Koyukuk, Kotlik, Galena, Kaltag, Fairbanks, Kongiganak, Quinhagak, Nenana, Minto, Marshall, and Hooper Bay, and throughout Western and Interior Alaska.
- The bycatch waste of Chinook salmon is unacceptable. Every returning fish is becoming more important for the future of the runs and continuation of the Native subsistence lifestyle.

- The dramatic rise in salmon bycatch in the pollock fishery cannot continue to threaten the future sustainability of the Yukon River salmon stocks, as well as the continuation of a subsistence way of life in Interior Alaska.
- Low salmon availability is compounded by increasing fuel costs to harvest the fish and results in changing harvesting practices. Low salmon returns result in subsistence fishers fishing longer and burning more expensive fuel.
- Subsistence users must sacrifice their harvests to ensure that escapement goals are met.
- Lack of salmon and other non-traditional foods results in health issues, such as type II diabetes.

In-river commercial and sport salmon fisheries

- Commercial fishing for salmon provides the only means of income for many who live in the remote villages of the Yukon River.
- Analyze the impacts of salmon bycatch on Western Alaska commercial fishermen and women.
- Salmon provide commercial and sport fishing.
- Development of in-river conservation measures have not been successful because in-river fishermen are reluctant to consider regulatory gear changes when they see 29,000 Yukon River-bound Chinook salmon wasted as bycatch in the Bering Sea pollock fishery.
- In 2006 and 2007, there was no Chinook salmon commercial fishery in the Tanana basin and the escapement was at the low end of the escapement goal.

Legal Issues

Comments encouraged that salmon bycatch management comply with the Magnuson-Stevens Act, the Endangered Species Act, the Pacific Salmon Treaty and its Yukon River Agreement, ANILCA, NEPA, Executive Order 13175 on consulting with tribes, and Executive Order 12898 on achieving environmental justice.

- Salmon bycatch may constitute a violation of the ANILCA's subsistence priority and require action by the Federal Subsistence Board.
    - ANILCA requires that non-wasteful subsistence uses of fish and wildlife resources shall be the priority consumptive use on the public lands of Alaska.
    - Lack of enforcement of existing bycatch reduction measures undermines existing federal law meant to protect Native rights.
    - Increasing salmon bycatch could hinder the ability of Federal managers to meet the subsistence priority established in ANILCA while maintaining escapement goals.
- Conduct adequate consultation with tribal entities throughout the affected river systems as directed by Executive Order 13175.
- Discuss the status of ESA-listed salmon species and potential impacts to ESA-listed salmon stocks that have not previously been adequately addressed.
- Incorporate relevant ESA documents or reviews affecting ESA-listed salmon stocks.
- Address the US/Canada commitment in the Yukon River Salmon Agreement, Annex IV to the Pacific Salmon Treaty, to maintain efforts to increase the in-river run of Yukon River-origin salmon and undertake efforts to reduce the marine catch and bycatch of salmon. The EIS must analyze the impacts of each alternative on compliance with the US obligation under the Yukon River Salmon Agreement.
    - Since the signing of the Yukon River Salmon Agreement in 2002, incidental Chinook salmon harvests in the BSAI groundfish fisheries have been increasing at an alarming rate.
    - In 2007, only 23,000 Chinook salmon crossed the Canadian border. This is far short of the Yukon River Panel's Canadian escapement goal of 45,500 Chinook.
    - In 2007, for Chinook salmon, no commercial or sport fishing was allowed in Canada, and only a small subsistence harvest occurred.

- Analyze measures which will effectively reduce the number of Yukon River salmon which are caught as bycatch in the Bering Sea groundfish fisheries.
- Issues relating to the Pacific Salmon Treaty and the catch of Yukon and Northwest Canada bound Chinook.

Monitoring and Enforcement Issues

- Discuss how monitoring and enforcement activities would need to be changed in order to ensure compliance under the bycatch allocation alternatives.
- Describe why salmon bycatch in the pollock fishery is more difficult to monitor than other PSC limits, such as halibut or crab PSC in the flatfish trawl fisheries.
- Observer challenges– more analysis should be done to evaluate trade-offs of different accounting system for unobserved vessels (e.g., spatially refined bycatch estimates).
- Develop a research and monitoring plan to identify information needed to establish an "optimal" bycatch level based on improved stock-specific information.

Economic Issues

- Analyze the salmon values that include commercial, subsistence, recreational, and cultural values for users throughout Alaska and the Pacific Northwest.
- Analyze the broad range of values of salmon to Western Alaska communities for nourishment, cultural purposes and income, not simply the commercial value.
- In analyzing the impacts to commercial salmon harvests, the EIS should look not just at the dollar value of the commercial salmon harvest, but how this compares to other sources of income and the role of these fisheries as sources of employment in the local communities. For instance, $2,000 earned from salmon fishing may not look significant in comparison to the incomes in the pollock fleet, this small amount of income in many cases represents a larger portion of an individual's cash income for the year.
- The EIS should contain a full economic analysis of the effects that alternative hard caps would have on the fishing industry, coastal communities, CDQ groups, supplies, consumers and other groups that derive benefits from a viable pollock fishery.
- Assess the costs incurred to the pollock industry from a closure to the fleet due to a hard cap amount that is less than the amount of salmon taken as bycatch by the pollock fleet over the past five years. Show the forgone revenue to the fleet, processors, and communities that are dependant on the Bering Sea pollock fishery by any closures that result in an inability of the fleet to harvest the pollock TAC.
- Include figures displaying harvest data for:
  - total salmon commercial, recreational, and subsistence catches by species in Alaska and trends; and
  - total salmon commercial, recreational, and tribal catches in the Pacific Northwest by species and trends.
- Discuss the cumulative impacts on salmon fishermen from poor returns of both Chinook and chum stocks.
- Commercial marine catches and bycatches of salmon have destroyed viable and valued commercial fisheries in the Arctic, Yukon, and Kuskokwim area by forcing buyers to go out of business for lack of salmon and presently new buyers can only pay less than a dollar per pound for Chinook because of the uncertainty of Chinook salmon returns.

Problem Statement - Purpose and Need

- Clearly define the purpose of the proposed action in the Draft EIS. The purpose should be to reduce salmon bycatch to levels which facilitate and provide for healthy returns of in-river fish,

both in Alaska and the Yukon River in Canada, not to reduce bycatch to the extent practicable. Healthy returns mean adequate escapement, sufficient opportunity to meet subsistence harvest needs and international obligations, and additional fish for historical non-subsistence harvest levels.

- The current problem statement is not met by the alternatives under consideration. If the purpose is to comply with the Pacific Salmon Treaty's Yukon River Agreement, then the Council and NMFS should consider alternatives that specifically provide for additional harvest opportunities in Western Alaska and alternatives that reduce catches in the commercial marine salmon fisheries.
- If the intent of this action is not to reduce marine catches of salmon, the reference to the Agreement should be removed from the problem statement to avoid any confusion or suggestion that the purpose and need for the EIS is broader than it is.

Additional Issues

- Examine the effects of lost gill nets from commercial or subsistence fisheries that are ghost fishing in the Yukon-Kuskokwim, Norton Sound, Kotzebue Sound. Lost gill nets are an issue in the Columbia River and Puget Sound where efforts are being made to find lost nets.
- Include both the U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game as cooperating agencies on this EIS because of their expertise in and shared management responsibility for Western Alaska salmon populations.
- The EIS team should include salmon biologists with expertise in the salmon stocks of the affected regions.
- Because of the complexity of the issues and the probable length of the EIS, to adequately comply with the requirements for consultation under E.O. 13175, summary materials should be developed which, along with the full EIS, can provide a resource to tribes to adequately participate.
- NMFS should make use of available opportunities to conduct presentations about the matters under consideration at forums including, but not limited to: Federal Subsistence Regional Advisory Councils, Alaska State Fish and Game Advisory Committees, and the Yukon River Panel.

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.

> *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:
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Steve Lewis, Analytical Team, NMFS Alaska Region (map)

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Sue Salveson, Sustainable Fisheries, NMFS Alaska Region
Demian Schane, NOAA General Counsel, Alaska Region
Diana Stram, North Pacific Fishery Management Council staff

Appendix 1: Public Comments

Comments provided in order received.

1. B. Sachau
2. E. Huffaman, Jakes Nushagak Salmon Camp
3. B. Yankee
4. J. Reakoff, Western Interior AK Subsistence Regional Advisory Council
5. S. Entsminger, Eastern Interior AK Subsistence Regional Advisory Council
6. B. Phillip, Alaknauk Tribal Council
7. L. Wilde
8. N. Carter, Native Village of Eek
9. C. Motgin, Native Village of Napakiak, IRA Council
10. J. Murray
11. E. Andrews and F. Quinn, Yukon River Panel
12. *[duplicate of comment 2]*
13. M. Andrews, J. Nicori, and M. Olick, Organized Village of Kewthluk
14. B. Phillip, Alakanuk Tribal Council
15. E. Hamiton, Jr., Emmonak Corporation
16. M. Kelly, Emmonak Traditional Council
17. Z. Chaliak, Native Village of Nunapitchuk
18. I. Hootch
19. M. Fleagle, US DOI, FWS, Federal Subsistence Board
20. B. Paukan, Algaaciq Tribal Government
21. B. McCarty Jr., Ruby Tribe
22. P. McCarty, Ruby Tribal Council
23. S. Paukan, St. Mary's Native Corporation
24. B. Jones, Middle Yukon River Fish and Game Advisory Committee
25. J. Reakoff, Koyukuk River Fish and Game Advisory Committee
26. P. Phillips
27. A. Geiser, F/V Hazel Lorraine
28. V. Umphenour, Fairbanks Fish and Game Advisory Committee
29. *[duplicate of comment 5]*
30. J. Raymond-Yakoubian, Kawerak, Inc.
31. M. Naneng, Association of Village Council Presidents; K. Gillis, Bering Sea Fisherman's Association; J. Isaac, Tanana Chiefs Conference; R. Gisclair, Yukon River Drainage Fisheries Association
32. B. Paine, United Catcher Boats
33. B. Hoffman, Kuskokwim River Salmon Management Working Group
34. M. Samuelson, Orutsararmiut Native Council
35. S. Madsen, At-Sea Processors Association
36. H. Paul, Kongiganak Traditional Council
37. J. Ayers, Oceana
38. J. Foster
39. J. Moses
40. V. Lord, Minto-Nenana Fish and Game Advisory Committee
41. G. Edwards, US DOI FWS
42. J. Mike, Kotlik Tribal Council
43. Anonymous
44. Marshall Traditional Council

From	jean public <jeanpublic@yahoo.com>
Sent	Wednesday, December 26, 2007 2:15 pm
To	0648-AW25-SalmonBycatchEIS@noaa.gov , americanvoices@mail.house.gov , jason.alexander@noaa.gov
Subject	public comment on federal register of 12/26/07 vol 72 #246 pg 72994 doc noaa

rin 0648-xd93 eis salmon bycatch reduction measure in
bering sea attention james burgess

it is time to reduce the bycatch by cutting down the
number of ships allowed to catch salmonand all other
species. it is time for noaa to stop financing new
boats for catching fish and loaning taxpayer dollars
to commercial fish profiteers. it is time for noaa to
cut all quotas for all fish by 50% this year and by
l0% each year therafter.
b. sachau
15 elm st
florham park nj 07932

From	Eli Huffman <eli@catchkingsalmon.com>
Sent	Saturday, January 19, 2008 7:58 am
To	0648-AW25-SalmonBycatchEIS@noaa.gov
Subject	Salmon Bycatch EIS

Sue Salverson

Assistant Regional Administrator

Sustainable Fisheries Division

Alaska Region, NMFS

Att: Ellen Sebastian

1/19/2008

Dear Sirs,

I want to thank you for your implementation of a study to require an Environmental Impact Statement on salmon bycatch reduction measures in management area (BSAI)

Thank you for the opportunity to voice my concerns with the effectiveness of the current bycatch management policy for (BSAI). Regulatory closures and new bycatch reduction measures have not been effective as mandated by the Magnuson-Stevens Act and applicable Federal Laws under the National Environmental Policy Act (NEPA) & Endangered Species Act (ESA).

There is no scientifically accurate way to determine the source river that excessive bycatch are impacting by each species run and spawn locations. It is impossible to accurately determine the impact on population viability this may cause when over harvested by virtue of bycatch. Population models compromised of assumptions can reflect potential trends but they are only as good as the assumptions from which they are based. Both the Chinook and Chum are subject to a delicate environmental balance and not enough is known about their migration while in the ocean. As small population species their long term survival and spawning potential can easily be stressed if the bycatch effects any particular origin watershed out of proportion to those assumptions.

The impact on Native cultures and subsistence lifestyles are in danger along with those species. There is a potential that these species population base will not be maintained under the current bycatch management policy enforcement for (BSAI). The enforcement policies, or lack thereof, undermine existing Federal Law meant to protect those Native Rights and their reliance on these species. Under current policies the sustainability of the Chinook and Chum salmon are in jeopardy of following the Cod on its way to a biomass incapable of sustaining its population and places them in danger under the (ESA).

The Native populations of Western Alaska rely on these resources as they have for thousands of years.

In addition to mismanagement, and allowing violations that specifically address over harvest of Chinook bycatch in the (BSAI) Pollock fishery, the violation of Native Rights has been passed over.

The Alaska Native Claims Settlement Act doesn't explicitly protect subsistence but a Congressional conference report stated that Native subsistence practices and subsistence lands would be protected by the State of Alaska and U.S. Department of Interior. In addition in 1980, Congress passed the Alaska National Interest Lands Conservation Act (ANILCA) and mandated that the state maintain a subsistence hunting and fishing preference for rural residents on federal public lands or forfeit its management of subsistence uses. Federal managers took over authority for subsistence on Federal lands on July 1, 1990. In 1995, the U.S. Ninth Circuit Court of Appeals ruled that (ANILCA's) subsistence priority extends to freshwater bodies within and alongside federal public lands. It is regulated by the six-member Federal Subsistence Board.

The Federal Subsistence Board can act if it finds support by substantial evidence, that violates recognized principles of wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. The increase of bycatch over the stated management goals and amendments may be evidence that constitute a violation requiring action on their part.

As the bycatch of Chinook in the marine waters (BSAI) has a direct impact on the in-river spawning goals for a sustainable population this should be a consideration in your evaluation. Federal Law and the courts have ruled that the freshwater bodies be included. Regulations for managing an industry that has increased its bycatch at an alarming rate in recent years cannot be self governing. The problem is severe, needs

immediate attention, and policy cannot come from within that industry.

Current management policies for Chinook have not been effective as shown by the increase from a yearly average harvest of 37,819 from 1990 through 2001 to a steady increase exceeding 340% of mandated amendment or 130,246 for the current year 2007 through December 7.

Amendment 21b & 58 and the (FMP) called for a reduction in the bycatch numbers of Chinook Salmon to 29,000 which adds a substantial multiple to the above over-harvest rate.

Amendment 84 is a positive management step but there should not be *any* vessels exempt from closure due to non-CDQ status or CDQ vessels participating in the (ICA)

In order to comply with the Magnuson-Stevens Act, and others noted above, it should be a mandatory requirement with 100% compliance for *all vessels* to operate within the governance of the quota established by Amendment 58.

Additionally, all vessels participating in trawl fisheries, *of any kind,* operating in (BSAI) should be required to adhere to the quota, (CDQ) & (ICA) without exception, or exemption, and use real-time bycatch information to avoid areas with high concentrations as indicated with bycatch rates both inside and outside of closure areas.

New closures and limits should be based on current real-time bycatch information. This may require establishment of additional salmon saving area and closures to meet these quota requirements.

Implementation of a Prohibited Species Catch (PSC) limit for, *any and all trawl fisheries vessels,* should be mandatory and include a threshold number or rate that maintains compliance with the applicable Federal Laws and amendments already in place. These laws are not new but it appears compliance with these laws is not effectively enforceable because real-time data is not being employed.

Real-time information and broad spectrum enforcement within the (BSAI) should negate displacement to higher bycatch areas by discontinuing trawling activities once the established threshold has been reached. Though it has not been adhered to this threshold is set by current amendments and regulations.

Adjustment could be implemented on a yearly basis dependent on achieving

management goals assuring in-river run goals being obtained, commercial netting counts, and in accordance with compliance to the (NEPA), (ESA), (ANILCA) and wildlife management goals for the watersheds of Western Alaska.

Emergency closures should be implemented similar to those imposed on the Sport and Commercial fishing Industry. Fortunately, those industries are monitored in real time for each rivers “In-river Management Goal” where the bycatch impact results from the Pollock and trawler fleet may not surface until future seasons because of the disbursement of salmon from different watersheds being of mixed origin and not equally proportionate in the bycatch in (BSAI).

Like the entire Commercial and Sport fishing industry I have a vested interest as I operate a Sport fishing operation. Unlike the Trawler industry we are managed with known, accurate, and real-time data for in-river management goals. If current in-river spawning goals are not being meet “Emergency Orders” are implemented immediately to protect and sustain the viability of the run by reducing the harvest.

Above and beyond my interest in the economic impact of reduced breeding and spawning numbers this has caused, I respect and admire the Wildlife Management history in the waters of Alaska over the past century. That history of achieving management goals is exemplarily of the “Best Practices” of current Wildlife Management Science. As we have enough data to set and regulate a sustainable biomass it seems out of character we are not practicing those principals within the Trawler Industry. This is your opportunity to reverse those inequities and continue a grand tradition meant to avoid depletion of wildlife resources and endanger the viability of those resources. Please act quickly and appropriately to enforce the current regulations in place.

Thank you in advance and please consider the potential impact this staggering increase in bycatch will have as you evaluate this industry wide problem, and its potential long term impact, on these species and the people that rely on them.

Eli Huffman

Jakes Nushagak Salmon Camp

eli@catchkingsalmon.com

713-865-3932

From	byankee@ptialaska.net
Sent	Tuesday, January 22, 2008 10:56 am
To	0648-AW25-SalmonBycatchEIS@noaa.gov
Subject	Salmon Bycatch EIS

As a salmon fisherman since 1985, I must object to the salmon bycatch levels that have occurred in Alaska's polluck trawl fisheries. Whatever method of attempting to reduce this bycatch level that is proposed, there must be a level that stops the fishery, should that level be reached. I'm assuming that cool heads will come up with some sort of creative means of attempting to reduce this bycatch, and this is preferrable to shutting down a fishery, however if these methods fail then the last resort must stand and the fishery should close.
It is just plain unacceptable that any fishery should be allowed to intercept these levels of king and chum salmon.

Bill Yankee
9590 Moraine Way
Juneau, AK 99801
(907) 789 9852

C04

Western Interior Alaska Subsistence Regional Advisory Council

c/o Office of Subsistence Management
101 12th Avenue, Room 110
Fairbanks, Alaska 99701
Phone: 1-(907)-456-0277 or 1-800-267-3997
Fax: 1-(907)-456-0208
E-mail: Vince_Mathews@fws.gov

January 16, 2008

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

Attn: Ellen Sebastian

Dear Ms. Salveson:

I am the current chair of the Western Interior Alaska Subsistence Regional Advisory Council (Regional Council), which has an interest in the sound sustainable management of the salmon fisheries for the Kuskokwim and Yukon Rivers. As has been the case since humans first entered Alaska, the returning salmon to our rivers and streams are the nutritional and cultural foundation for our region. They also provide for other uses, including commercial and sport fishing, and they provide a valuable source of food for other wildlife species so critical for subsistence.

The Regional Council has monitored the BSAI pollock fisheries management with special interest on recent dramatic rise in salmon bycatch. As you know, the Regional Council has submitted several letters recently to the North Pacific Fishery Management Council (NPFMC) about our concerns. The Notice of Intent (NOI) open period for comments ends before my Regional Council public meeting in late February 2008, thus preventing the Regional Council from voicing its opposition to the status of the bycatch. The importance of the salmon bycatch to my region compels me, as Regional Council chair, to submit this letter of my comments and suggestions; it contains my own perspectives and not necessarily those of the Regional Council.

I personally believe that the NPFMC's Voluntary Rolling Hot Spot system for the pollock fishery is and continues to be a miserable failure of fisheries management. According to the Federal Register Notice of December 26, 2007, Chinook salmon bycatch has dramatically risen from a bycatch of 55,000 Chinook salmon to over 130,000 in 2007; this is both very alarming and unacceptable. Studies in the 1990s showed that over 56 percent of the Chinook salmon bycatch in the BSAI pollock fishery are of Western Alaskan origin, with approximately 40 percent of those Yukon River stocks (Kate Myers, et. al, *Estimates of the Bycatch of Yukon River Chinook Salmon in U.S. Groundfish Fisheries in the Eastern Bering Sea, 1997-1999* (March 2004)). Applying this study to the 2007 bycatch numbers, over 29,000 Yukon River-bound

Chinook salmon were taken as bycatch in the BSAI pollock fishery. This amount equates to 58 percent of the 2007 subsistence catch and 64 percent of the Canadian border passage goal. In 2007, only 23,000 Chinook salmon crossed the Canadian border. This number is far short of the border passage goal of 45,500 Chinook salmon necessary to meet the Canadian escapement goal agreed upon by the U.S. and Canada through the Yukon River Panel (Alaska Department of Fish and Game, 2007 Preliminary Yukon River Summer Season Summary).

The bycatch waste of 29,000 Yukon River-bound Chinook salmon is unacceptable. With over 60 percent of our subsistence needs based on fish, especially salmon, and the extreme high cost of fuel, the continuation by the NPFMC to allow the BSAI pollock fishery to waste nearly 29,000 Chinook salmon is reprehensible to subsistence users across the Yukon River and Kuskokwim River drainages. In addition, since 1999 the salmon runs on the Yukon River have been below average, and were well below the Alaska Department of Fish and Game's run forecast in 2007. Every returning fish is becoming more important for the future of the runs and the continuation of our subsistence lifestyle needs.

It is imperative that bycatch reduction methods considered throughout the environmental impact statement process (EIS) consider and address the impacts excessive salmon bycatch has on the sustainability of Western Alaska salmon stocks, and the composition and genetic diversity of those stocks. Furthermore, NOI is a scoping process to identify critical issues that should be considered when reviewing bycatch reduction options. In-river uses of those affected salmon stocks, especially subsistence uses, must be given high consideration when reviewing management options. Strong returns of healthy salmon are critical to the future human and wildlife uses of those fish and to the continuation of the subsistence lifestyle.

Regarding the alternative bycatch alternatives for the EIS adopted by the NPFMC in December using the past five year average bycatch is ludicrous. The Voluntary Rolling Hot Spot trial plan is a miserable failure of managing a commercial fishery. The NPFMC and National Marine Fisheries Service shirked their duties as fisheries managers and bowed to the pressures of industry to allow minimum control of a highly efficient fleet. The past five year average would include the five years of dramatically increasing bycatch figures for Chinook salmon, at levels that have not been seen since the 1980s. Averages used in cap calculations should only include years previous to the recent past five years. I therefore feel the NPFMC December 2007 motion D-1 (a) salmon bycatch, is far too liberal and imprudent. I would support at most a hard cap based on the 1990-2001 average of 38,000 Chinook. I would be much more comfortable with a 1999-2001 average of 21,123, for year round Chinook bycatch.

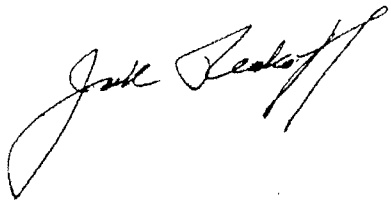
The recent bycatch increase is likely a primary indicator in declining pollock biomass, and increased fishing effort duration to attain harvest quotas. Lower catch of pollock per unit of effort, increases salmon bycatch due to lower pollock: salmon ratio. The NPFMC has allowed not only unacceptable salmon bycatch, but also over-harvest of the pollock stock itself. Therefore the pollock seasons A& B need to be reduced (effort reduction) as part of the salmon bycatch reduction plan. The entire fishing area in question should be divided into ten areas, or "districts", with each area's cap based on the total salmon bycatch amount divided by ten. When an area reaches its cap, the area is closed and the fleet must move to the remaining open areas. Time-area closures for Chinook and Chum salmon (savings areas) should also be re-implemented for the districts that historically have high bycatch. If the total fishery bycatch cap is attained, the pollock season closes.

The NPFMC's mandate requires it to gain control and manage this bycatch issue. A growing number of pollock fishers in commercial fisheries publications have expressed concern for the pollock fishery itself. This is a time to re-evaluate past mistakes and manage for the conservation of the pollock fishery resource, as well as provide for a necessary reduction in the bycatch of salmon. It is incumbent on the NPFMC to take conservation measures now. The current trial and error methodology is jeopardizing ALL of the marine stocks in question in the Bering Sea.

The Regional Council represents 28 Western Interior subsistence communities and rural residents. The Regional Council is authorized by the Alaska National Interest Lands Conservation Act (ANILCA), and chartered under the Federal Advisory Committee Act (FACA). ANILCA in Section 805 and the Regional Council's charter recognize the Regional Council's authority to "initiate, review and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife on public lands within the region" and to "provide a forum for the expression of opinions and recommendations ... (on) any matter related to the subsistence uses of fish and wildlife on public lands within the region."

Thank you for the opportunity to give guidance to your EIS process and share my concerns. Please keep me and my Regional Council in the information loop through our regional coordinator, Vince Mathews (contact information in letterhead). I can be reached at 1-907-678-2007; email: wisemanwolf@aol.com.

Sincerely,



Jack Reakoff, Chair

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
Rod Campbell, Fisheries Liaison, OSM
Steve Klein, Chief, Fisheries Division, OSM
Lenny Corin, Fisheries & Ecological Service, Fish and Wildlife Service
Ann Wilkinson, Chief, Council Coordination Division, OSM
Jill Klein, Executive Director, Yukon River Drainage Fisheries Association
David Bedford, Deputy Commissioner of Fisheries, ADF&G
Sue Entsminger, Chair, Eastern Interior Alaska Subsistence Regional Advisory Council
Lester Wilde, Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Western Interior Alaska Subsistence Regional Advisory Council members

C05

Eastern Interior Alaska Subsistence Regional Advisory Council

c/o Office of Subsistence Management
101 12th Avenue, Room 110
Fairbanks, Alaska 99701
Phone: 1-(907)-456-0277 or 1-800-267-3997
Fax: 1-(907)-456-0208
E-mail: Vince_Mathews@fws.gov

January 25, 2008

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

Dear Ms. Salveson:

I am the current chair of the Eastern Interior Alaska Subsistence Regional Advisory Council (Regional Council), which has monitored the salmon bycatch of the Bering Sea/Aleutian Islands (BSAI) pollock fishery. Our Regional Council has a keen interest in sustainable management for returning salmon to the Yukon River. The thirteen villages the Regional Council represents on the Yukon or Tanana rivers heavily depend on subsistence caught salmon for personal consumption and our livelihoods. Every community within the Eastern Interior Region, through sharing or trading, utilizes returning salmon as a significant part of their subsistence diet. The dramatic rise in salmon bycatch with the BSAI pollock fisheries cannot continue to threaten the future sustainability of the Yukon River salmon stocks, as well as the continuation of a subsistence way of life in Interior Alaska.

The Salmon Savings Areas and Voluntary Rolling Hot Spot (VRHS) systems, developed to reduce the bycatch, have failed, resulting in dramatic increases in salmon bycatch. Bycatch data in the Notice of Intent to prepare an Environmental Impact Statement (EIS) on the salmon bycatch measures for the BSAI (Federal Register Notice of December 26, 2007) clearly shows a dramatic increase from a bycatch 55,000 Chinook salmon to over 130,000 in 2007. This trend cannot be allowed to continue. Studies in the 1990s showed that over 56 percent of the Chinook salmon bycatch in the BSAI pollock fishery are of Western Alaskan origin, with approximately 40 percent of those Yukon River stocks (Kate Myers, et. al, *Estimates of the Bycatch of Yukon River Chinook Salmon in U.S. Groundfish Fisheries in the Eastern Bering Sea, 1997-1999* (March 2004)). Applying this study to the 2007 bycatch numbers, over 29,000 Yukon River-bound Chinook salmon were taken as bycatch in the BSAI pollock fishery. This amount equates to 58 percent of the 2007 in-river subsistence catch and 64 percent of the Canadian border passage goal. In 2007, only 24,000 Chinook salmon crossed the Canadian border. This number

falls far short of the border passage goal of 45,500 Chinook salmon necessary to meet the Canadian spawning escapement goal and harvest allocation as part of U.S./Canada Yukon River Salmon Treaty Agreement which was signed in 2002 and agreed upon by the United States and Canada through the Yukon River Panel (Alaska Department of Fish and Game, 2007 Preliminary Yukon River Summer Season Summary).

The NOI open period for comments ends on February 15, 2008 which is before the Regional Council's public meeting in March 2008. This unfortunate timing prevents the Regional Council from officially taking action on the status of the bycatch. However, during past meetings the Regional Council has been unanimous in its efforts to have the bycatch of salmon reduced. This was also reaffirmed in the Regional Council's requests in our November 29, 2007 letter to the North Pacific Fishery Management Council (NPFMC) and to the National Oceanic and Atmospheric Administration (NOAA) requesting a reduction in the exponential increase in salmon bycatch.

Harvesting salmon is a major part of the subsistence way of life in Interior Alaska where over 50 percent of subsistence needs are based on fish, especially salmon. With the increasing high cost of fuel and fluctuations with fish and wildlife populations, wasting nearly 30,000 Yukon River Chinook salmon is reprehensible and unacceptable to subsistence users across Interior Alaska. Salmon runs on the Yukon River, and in Western Alaska in general, have been below average and the size of those returning Chinook salmon has been decreasing. This results in subsistence fishers fishing longer and burning more expensive fuel. The fish wasted in the bycatch makes every returning fish more important for the future sustainability of the runs and for the continuation of our subsistence way of life. The Regional Council has made a concerted effort for several years with the regulatory processes of the Federal Subsistence Board and the Alaska Board of Fisheries to take in-river conservation measures. To date, we have not been successful, partially due to fishers being reluctant to consider regulatory gear changes when they see 29,000 Yukon River-bound Chinook salmon wasted as bycatch in the BSAI pollock fishery.

Subsistence uses must be considered a critical review issue throughout the salmon bycatch EIS process. The EIS must also consider and address the impacts excessive salmon bycatch has on the sustainability of the Yukon River salmon stocks, and the composition and genetic diversity of those stocks. Yukon River drainage-wide in-river uses of those returning salmon impacted by the BSAI pollock fisheries, especially subsistence uses, must be given high consideration when reviewing management options. The future of human and wildlife uses of those returning fish critically depend on strong returns of healthy salmon. These are important issues for the people we serve as the Eastern Interior Alaska Subsistence Regional Advisory Council and for all the families who are living a subsistence way of life.

The steep increase in salmon bycatch must stop. In the Regional Council's November 29, 2007 letter to the NPFMC and NOAA, our Council requested the following:

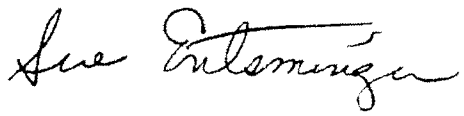
1. The North Pacific Fishery Management Council (NPFMC) to move the Amendment 84B package forward immediately and implement a Chinook salmon bycatch hard cap of 20,000 fish. This hard cap is necessary because of the below average in-river returns of Chinook salmon that critically impact subsistence and other uses of those returning

salmon, and because of the Yukon River Salmon Agreement, which states that "The Parties shall maintain efforts to increase the in-river run of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon."
2. The Council be informed in a timely manner and involved in the environmental impact statement component of implementing a salmon bycatch methodology.
3. Information on the percentage of the salmon by-catch that goes to food banks and which area food banks receive these fish.
4. Information on what emergency regulatory authority the NPFMC has and how it is implemented.

The Regional Council represents all residents of the Eastern Interior Region which includes 30 rural communities and the Fairbanks North Star Borough. The Regional Council is authorized by the Alaska National Interest Lands Conservation Act and chartered under the Federal Advisory Committee Act. ANILCA in Section 805 and the Regional Council's charter recognize the Regional Council's authority to "initiate, review and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife on public lands within the region" and to "provide a forum for the expression of opinions and recommendations ... (on) any matter related to the subsistence uses of fish and wildlife on public lands within the region."

Thank you for the opportunity to present the Regional Council's position on this matter. I would appreciate being kept informed through our council coordinator, Vince Mathews (contact information in letterhead). I can be reached directly at 1-907-883-2833.

Sincerely,



Sue Entsminger, Chair

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
Rod Campbell, Fisheries Liaison, OSM
Steve Klein, Chief, Fisheries Division, OSM
Lenny Corin, Fisheries & Ecological Service, Fish and Wildlife Service
Ann Wilkinson, Chief, Council Coordination Division, OSM
Jill Klein, Executive Director, Yukon River Drainage Fisheries Association
David Bedford, Deputy Commissioner of Fisheries, ADF&G
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council
Lester Wilde, Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Eastern Interior Alaska Subsistence Regional Advisory Council members

Alakanuk Tribal Council
P.O. Box 149 Alakanuk, AK 99554

January 30, 2008

Sue Salveson, Assistant Regional Administrator
Sustainable Fisheries Division
Alaska Region, NMFS
Attn: Ellen Sebastian

re: Environmental Impact Statement: Salmon Bycatch

Dear Ms. Salveson:

The people of Alakanuk have been utilizing the salmon since time immemorial. We are writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea / Aleutian Islands (BSAI) management areas. Salmon serves an important cultural and economic role in our community and throughout Western Alaska. The steadily increase of salmon bycatch in the Bering Sea / Aleutian Islands pollock fisheries, threatens our way of life in Western Alaska. Salmon serves an important cultural, traditional and economic role in our community and throughout Western Alaska. Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is an irreplaceable resource that must be protected by all means.

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives which will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fishermen/women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on Western Alaska salmon stocks, subsistence users and commercial fishermen and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purposes and income, not simply the commercial value.

Sincerely,

Benjamin B. Phillip - President
Native Village of Alakanuk

Phone (907) 238-3419 or 3459 Fax (907) 238-3429 Email Auktc@unicom-alaska.com

Salmon Bycatch EIS
C07

January 29, 2008

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

Dear Ms. Salveson:

As a subsistence fisherman with a lifetime living on the Yukon-Kuskokwim Delta, the delta residents are major users of the salmon that migrate through our area, more so than most people in other areas of my region due to the fact that salary positions in my area are scarce. Residents of my area are heavily dependent on subsistence resources that take a lot of time and money for individuals to gather. With the price of gas in my home village of Hooper Bay at $5.32 per gallon, local fishers have had to set their nets at low tide using four wheelers in order to save gas. This method of harvesting salmon works but takes a longer time due to the nets being in the shallows and not necessarily where the salmon swim. In the last few years, Chinook salmon availability in Hooper Bay has been very poor. Last year, I personally was fortunate to catch two Chinook salmon in my net with no more than twenty caught in my entire village of approximately 1200 people.

The importance of the salmon bycatch and its negative impact on our villages' well being and subsistence uses, and our small salmon commercial income, that supports our subsistence way of life, compels me to submit this letter. When the Rolling Hotspots Program was first introduced it sounded like it would work and not fail as miserably as it has. The 2007 Chinook salmon bycatch of over 130,000 fish caught in the BSAI pollock fisheries attests to its failure! Bycatch data in the Notice of Intent to prepare an Environmental Impact Statement (EIS) on the salmon bycatch measures for the BSAI (Federal Register Notice of December 26, 2007) clearly shows a dramatic increase from a bycatch of 55,000 Chinook salmon to over 130,000 in 2007. This trend cannot be allowed to continue.

Studies in the 1990s showed that over 56 percent of the Chinook salmon bycatch in the BSAI pollock fishery are of Western Alaskan origin, with approximately 40 percent of those Yukon River stocks (Kate Myers, et. al, *Estimates of the Bycatch of Yukon River Chinook Salmon in U.S. Groundfish Fisheries in the Eastern Bering Sea, 1997-1999* (March 2004)). Applying these numbers to the 2007 bycatch numbers, over 29,000 Yukon River-bound Chinook salmon were taken as bycatch in the BSAI pollock fishery. This amount equates to 58 percent of the 2007 in-river subsistence catch, 86 percent of the 2007 Yukon River commercial catch and 88 percent of the Canadian escapement goal! We, as subsistence users, must sacrifice our harvests to ensure that the escapement goals are met. Although we understand that the bycatch is not the only factor contributing to the decline of the Western Alaska salmon return, we know that it is the only contributing factor, to our knowledge, that is correctable in the short term.

Since the North Pacific Fishery Management Council is currently analyzing back up and substitute message for reducing salmon bycatch through the "amendment 84B" analysis, I am in agreement with the Western Interior Regional Council chair's letter dated January 16, 2008. I agree that averages used with cap calculations should only include years previous to the recent five years. I also feel that the North Pacific Fisheries Management Council's (NPFMC), December 2007 motion D-1 is far too liberal. I would support at most a hard cap based on the 1990-2007 average of 38,000 fish. Although a 1999 – 2007 average may feel more comfortable, I also feel that the pollock seasons A and B need to be reduced as part of the salmon bycatch plan. And the entire fishing area needs to be divided into ten areas with each area's cap based on the total bycatch amount divided by ten. Time – area closures for Chinook and chum salmon saving areas should also be re-implemented for the districts that historically have high bycatch levels.

I feel it is imperative that the NPFMC take conservation measures now so that the spawning returns insure that our children do not get as hungry as some of our people are right now.

Thank you for this opportunity to share my comments on this important matter. Please keep me informed of the status and progress with reducing the salmon bycatch. I can be reached at 1-907-758-4247, fax 1-907-758-4245.

Sincerely,

Lester Wilde

cc: Eric Olson, Chair, North Pacific Fishery Management Council
Michael R. Feagle, Chair, Federal Subsistence Board
Lenny Corin, Fisheries & Ecological Service, Fish and Wildlife Service
Jill Klein, Executive Director, Yukon River Drainage Fisheries Association
David Bedford, Deputy Commissioner of Fisheries, ADF&G
Sue Entsminger, Chair, Eastern Interior Alaska Subsistence Regional Advisory Council
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council
Alex Nick, Office of Subsistence Management for Yukon-Kuskokwim Delta Subsistence Regional Advisory Council members

C08

VIA FACSIMILE: (907) 586-7557

January 30, 2008

Sue Salveson, Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region, NMFS
PO Box 21668
Juneau, Alaska 99802
Attn: Ellen Sebastian

Subj: Salmon Bycatch EIS

Dear Ms. Salveson,

I am a subsistence fisherman in the Native Village of Eek. I am writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. Bycatch numbers are of an immediate concern when on the onset of Type II diabetes, nontraditional foods have resulted in a trip to the emergency room. Cultural and economic value of salmon is equally important when the families of both communities are brought together during the time briefly presented making salmon an irreplaceable resource to become protected.

Therefore, in conducting the EIS, NOAA should consider only those alternatives that reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fisherman and women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch levels of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on the Western Alaska salmon stocks, subsistence users and commercial fisherman and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purposes and income, not simply for commercial value.

Thank you for allowing me to take much of your valuable time.

Sincerely,

Nick Carter
Native Village of Eek

Salmon Bycatch
C09 EIS

Native Village of Napakiak
IRA Council
P.O. Box 34069
Napakiak, Alaska 99634
Ph. (907)589-2135 Fax. (907)589-2136

February 1, 2008

Dear Ms. Salveson:

The Native Village of Napakiak subsistence fisherman are writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/ Aleution Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life. Salmon serves an important cultural and economic role in our community and throughout Western Alaska. Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is an irreplaceable resource that must be protected.

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives which will reduce salmon bycatch. NOAA should include a harp cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fisherman and women and communities who depend on these salmon. The range of harp caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on Western Alaska salmon stocks, subsistence users and commercial fisherman and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purposes and income, not simply commercial value.

Sincerely,

Carl Motgin-President
Native Village of Napakiak, IRA Council

Salmon Bycat EIS
C10

From Marie and John Murray <jmfish@ptialaska.net>
Sent Friday, February 1, 2008 10:44 am
To 0648-AW25-SalmonBycatchEIS@noaa.gov
Subject salmon bycatch

NMFS
Comments on scoping process.
My concerns:
1.issues relating to Pacific salmon treaty (catch of Yukon and Northwest bound chinook.
2.deficiencies in observer coverage (landbased and seaside).
3.timing is proven means to reduce unwanted catch,both seasonal and night or day tows.Which proves to be better .
4.Issues of clarification from 10/2007 salmon bycatch discussion paper need to be answered.
5.composition of catch between different gear/catching methods ie mid water compared to more on the bottom gear.
6.gear design to reduce bycatch.
sincerly John Murray 224 Observatory st. Sitka Ak.99835

Coll

Elizabeth Andrews, PhD
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526
Phone: (907)465-4147
Fax: (907)465-2066

YUKON RIVER PANEL
ALASKA • YUKON
Co-Chairs

Frank Quinn
Fisheries and Oceans Canada
100 - 419 Range Road
Whitehorse, Yukon Y1A 3V1
Phone: (867)393-6719
Fax: (867)393-6738

February 5, 2008 *(hand-delivered)*

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

Re: Salmon Bycatch Reduction Measures for the Bering Sea and Aleutian Islands Management Area - Notice of Intent

Dear Ms. Salveson:

The Yukon River Panel (Panel) is an international advisory body established under the Yukon River Salmon Agreement that primarily deals with the conservation, management, and harvest sharing of Canadian-origin salmon between the US and Canada. This Agreement is an Annex under the Pacific Salmon Treaty, which means it has the full power and force of a treaty between two nations. This letter is to recommend that in determining the salmon bycatch amount in the Bering Sea Aleutian Island (BSAI) groundfish fisheries, the Draft Environmental Impact Statement (EIS) address the commitments made in the Yukon River Salmon Agreement.

Prompted by the already relatively high bycatch in the 1990s and in 2001, US and Canadian delegates to the Yukon River Salmon negotiations insisted that the US/Canada Yukon River Salmon Agreement, signed in 2002, contain the provision that both US and Canada would maintain efforts to increase the in-river run of Yukon River-origin salmon and undertake efforts to reduce the marine catch and bycatches.[1] However, since the signing of the Agreement, the incidental Chinook salmon harvests in the BSAI groundfish fisheries have been increasing at an alarming rate.

In 2003 and 2004, near-record incidental Chinook salmon harvests have continued as record-setting harvests each year since then—in 2005, 2006, and 2007. The 2007 incidental catches are estimated to be over 130,000 Chinook salmon, which exceeds the previous decade's (1991-1999)

[1] Pacific Salmon Treaty, Annex IV Chapter 8 (12) (Yukon River Salmon Agreement) (2002).

record harvest of 63,205 in 1996 by over 100%[2]. The recent, alarming annual increase in this bycatch is a grave concern for both US and Canadian Panel members.

We support responsibly managed, sustainable fisheries and recognize that nearly every fishery has some level of bycatch. However, we believe that any groundfish fisheries management actions aimed at reducing salmon bycatch by altering time, area, methods or a combination these, must be implemented in conjunction with a hard-cap beyond which additional bycatch is prohibited. Large area closures have proven to be inadequate.

If the salmon bycatch cap levels are exceeded, we believe some segment of in-river escapement or harvest is likely to be reduced. Therefore, based on present information, we recommend the Draft EIS include an alternative that incorporates a hard-cap bycatch of 37,000 Chinook and 70,000 non-Chinook salmon. We believe these bycatch levels would accommodate the national obligation contained in the Treaty.

Based on our experience with the Yukon River salmon fishery, a BSAI bycatch no greater than 37,000 Chinook salmon and 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 in-river commercial fishing opportunities. We believe this range should be an option included as part of the analysis, as a broader range is less useful for evaluating effects on the conservation of Yukon salmon stocks and human uses by those within the Yukon drainage in the US and Canada.

The United States, as a party to the Yukon River Salmon Agreement, has a treaty obligation to control marine bycatch of Yukon River salmon. Any new approach to limiting salmon bycatch in the Bering Sea should be consistent with the treaty requirement to "*increase the in-river run of Yukon River origin salmon by reducing marine catches and by-catches of Yukon River salmon*" that has existed since the signing of the US/Canada Yukon River Agreement in December 2002. We believe that the proposed caps of 37,000 Chinook and 70,000 non-Chinook would be consistent with the Treaty obligation.

In the selection of potential "trigger" or "hard cap" amounts, the Panel recommends that NMFS utilize salmon bycatch numbers noted above. Both healthy fish stocks and fisheries are important, wherever they occur. We urge an equitable approach in your analysis. We remain committed to improving the in-river returns of Yukon River salmon and urge NMFS to take steps now to analyze measures which will effectively reduce the number of Yukon River salmon which are caught as bycatch in the Bering Sea groundfish fisheries.

Sincerely,

Elizabeth Andrews, PhD
Co-Chair

Frank Quinn
Co-Chair

[2] http://fakr.noaa.gov/sustainablefisheries/catchstats.htm, accessed February 2008.

Hugh J. Monaghan, Executive Secretary
Box 20973, Whitehorse, Yukon Y1A 6P4 Phone (867) 393-1900 Fax (867) 633-8677 E-mail: monaghan@northwestel.net

C13

ORGANIZED VILLAGE OF KWETHLUK
Kwethluk Indian Reorganization Act Council
P.O. Box 130, 147 Jay Hammond Way, Kwethluk, AK 99621
Phone: (907) 757-6714/6715, Fax: (907) 757-6328, Email: kwtira@unicom-alaska.com

James M. Nicori, *President*
Martin Andrew, *Vice President*
Max D. Olick, *Secretary/Treasurer*
Elizabeth Dillon, *Member*
Willie J. Larson, *Member*
Nick N. Epchook, Sr., *Honorary Traditional Chief*

Administration and Finance
Herman Evan, *Tribal Administrator*
Tamara Ashepak, *Secretary/Clerk*
Olga Clark, *Administrative Accountant*
Tatiana Alexie, *Gaming Accountant*
Joseph Jackson, *Custodian*

Date: February 4, 2008

Dear Ms. Salveson:

I am a subsistence fisherman in Kwethluk, Alaska. I am writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life. Salmon serves an important cultural and economic role in my community and throughout Western Alaska. Salmon provides a primary source of food for us and the commercial salmon harvest provides the only means of income for many who live the remote villages of the Yukon and Kuskokwim River. Salmon is an irreplaceable resource that must be protected.

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives which will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fishermen and women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on Western Alaska salmon stocks, subsistence users and commercial fishermen and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purposes and income, not simply the commercial value.

Sincerely,

Martin Andrew, *President*
Kwethluk IRA Council

James Nicori, *Vice-President*
Kwethluk IRA Council

Max D. Olick, Sr., *Secretary/Treasurer*
Kwethluk IRA Council

C014

Alakanuk Tribal Council

P.O. Box 149 Alakanuk, AK 99554

January 30, 2008

Sue Salveson, Assistant Regional Administrator
Sustainable Fisheries Division
Alaska Region, NMFS
Attn: Ellen Sebastian

re: Environmental Impact Statement: Salmon Bycatch

Dear Ms. Salveson:

The people of Alakanuk have been utilizing the salmon since time immemorial. We are writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea / Aleutian Islands (BSAI) management areas. Salmon serves an important cultural and economic role in our community and throughout Western Alaska. The steadily increase of salmon bycatch in the Bering Sea / Aleutian Islands pollock fisheries, threatens our way of life in Western Alaska. Salmon serves an important cultural, traditional and economic role in our community and throughout Western Alaska. Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is an irreplaceable resource that must be protected by all means.

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives which will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fishermen/women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on Western Alaska salmon stocks, subsistence users and commercial fishermen and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purposes and income, not simply the commercial value.

Sincerely,

Benjamin B. Phillip - President
Native Village of Alakanuk

Phone (907) 238-3419 or 3459 Fax (907) 238-3429 Email Auktc@unicom-alaska.com

C015

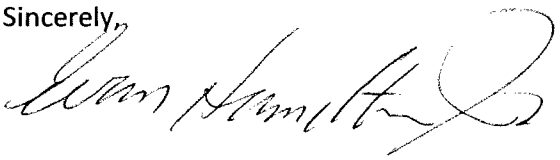
January 30, 2008

Dear Ms. Salveson,

I am a subsistence fisherman in Emmonak. I am writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life. Salmon serves an important cultural and economic role in my community and throughout Western Alaska. Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is an irreplaceable resource that must be protected.

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives which will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fishermen and women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on the Western Alaska, subsistence users and commercial fishermen and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purposes and income, not simply the commercial value.

Sincerely,



Evan Hamilton Jr.

Emmonak, AK 99581

Emmonak Corporation
P.O. Box 49
Emmonak Alaska 99581

C016

January 30, 2008

Dear Ms. Salveson,

I am a subsistence fisherman in Emmonak. I am writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life. Salmon serves an important cultural and economic role in my community and throughout Western Alaska. Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is an irreplaceable resource that must be protected.

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives which will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fishermen and women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on the Western Alaska, subsistence users and commercial fishermen and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purposes and income, not simply the commercial value.

Sincerely,

Marvin Kelly

Emmonak Traditional Council
Emmonak Corporation member
Emmonak, AK 99581

Salmon Bycat
C017
1p

Native Village of Nunapitchuk
Nunapitchuk IRA Council
PO Box 130
Nunapitchuk, Alaska 99641
Phone: (907) 527-5705; Fax: (907) 527-5711
Email: nunap.admin@gmail.com

January 30, 2008

Dear Ms Salveson,

I am a Commercial and Subsistence Fisherman in the Native Village of Nunapitchuk. I am writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life. Salmon serves an important cultural and economic role in my community and throughout Western Alaska. Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is an irreplaceable resource that must be protected.

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives which will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fishermen and women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on Western Alaska salmon stocks, subsistence users and commercial fishermen and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purposes and income, not simply the commercial value.

Sincerely,

Zechariah C. Chaliak/Tribal President
Native Village of Nunapitchuk

Salmon Bycatch
EIS
0018

January 31, 2008

Ignatius Hootch

PO Box 108

Emmonak, AK 99581

Sue Salveson, Assistant Regional Administrator

Sustainable Fisheries division, Alaska Region, NMFS

Attn: Ellen Sebastian

PO Box 21668

Juneau, AK 99802

Dear Ms. Salveson,

I am commercial and subsistence fisherman in Emmonak. I am writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life. Salmon serves an important cultural and economic role in my community and throughout Western Alaska. Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is an irreplaceable resource that must be protected.

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives which will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fishermen and women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on the Western Alaska, subsistence users and commercial fishermen and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purposes and income, not simply the commercial value.

Sincerely,

Ignatius Hootch

PO Box 108

Emmonak, AK 99591

United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Office of Subsistence Management
3601 C Street, Suite 1030
Anchorage, Alaska 99503

OSM/8019.MF

FEB 8 2008

Sue Salveson, Assistant Regional Administrator
Attn: Ellen Sebastian
Sustainable Fisheries Division, Alaska Region
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802

Dear Ms. Salveson:

The Federal Subsistence Board (Board) appreciates the opportunity to provide its comments on the Notice of Intent to conduct a Salmon Bycatch Environmental Impact Statement (EIS) for the Bering Sea/Aleutian Islands (BSAI) pollock fishery. The Board recommends that at least one alternative should be examined in the EIS that would reduce salmon bycatch to levels below their 1990-2001 averages of 37,819 Chinook and 69,332 non-Chinook (95% chum) salmon. Excessive salmon bycatch jeopardizes sustainability of Western Alaska salmon stocks and seriously impacts in-river uses of those stocks, where subsistence uses are provided the highest priority. Since 2000, both the Alaska Board of Fisheries and this Board have been faced with the need to take conservation and rebuilding measures with Chinook and chum salmon. The Board's proposed alternative is also consistent with the U.S./Canada Yukon River Salmon Agreement, signed in 2002, which requires the U.S. to increase in-river returns of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon.

The Board is comprised of the Alaska Regional/State Directors of the U.S. Fish and Wildlife Service, Bureau of Indian Affairs, National Park Service, Bureau of Land Management and the U.S. Forest Service, and a Chair appointed by the Secretaries of the Interior and Agriculture. The Board regulates fishing in Federal public waters in Alaska, under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), to provide for continued opportunities for subsistence uses by rural residents of Alaska. ANILCA requires that non-wasteful subsistence uses of fish and wildlife resources shall be the priority consumptive use on the public lands of Alaska.

The Board urges the National Marine Fisheries Service and North Pacific Fishery Management Council to significantly reduce the amount of salmon bycatch in the BSAI pollock fishery. The

Board is especially alarmed at exponential increases in Chinook and non-Chinook salmon bycatch over the past five years (2003-2007) by the BSAI pollock commercial fishing fleet. The BSAI bycatch averages for the period 1990 to 2001 were 37,819 Chinook and 69,332 non-Chinook salmon, but both have been steadily increasing at a rapid rate. The latest five-year averages were 82,311 Chinook and 358,278 non-Chinook salmon, with bycatch peaks of over 130,000 Chinook salmon in 2007 and nearly 712,000 non-Chinook salmon in 2005. Of greatest concern is that these increases in salmon bycatch have occurred while salmon returns to Western Alaska recently have been decreasing.

Western Alaska salmon stocks, which comprise an estimated 56% of the bycatch[1], are extremely important subsistence resources for Federally qualified subsistence users, including the residents of nearly 6,800 households in 80 villages along the Yukon and Kuskokwim Rivers. The Board views the continuation of recent record high salmon bycatch in the BSAI pollock fishery as a serious concern to both the affected stocks and the people of Western and Interior Alaska, many of whom depend upon these stocks as a primary subsistence food source. In the Yukon and Kuskokwim Rivers, the average annual subsistence harvest was 440,000 salmon during 1996-2005. For Chinook salmon, the recent ten-year average subsistence harvest for both rivers was 129,000 fish -- equivalent to the BSAI pollock commercial fishery Chinook salmon bycatch in 2007.

For the past five years in the Yukon River drainage, the Board and subsistence users have struggled with regulatory issues on gillnet mesh size and net depths to redirect subsistence and commercial harvests to younger and smaller Chinook salmon. This is viewed as a way to provide conservation protection for the larger most productive run component that appears to be declining in abundance. However, fishers are reluctant to consider in-river regulatory gear changes when they see that, in 2007, approximately 29,000 Yukon River-bound Chinook salmon were estimated to have been harvested as bycatch in the BSAI pollock fishery. This bycatch amount is about 57% of the total U.S. Chinook salmon subsistence harvest in the Yukon River, and exceeds the 2007 Canadian border passage mark/recapture estimate of 24,000 Chinook salmon.

Thank you for the opportunity to comment on the Notice of Intent to conduct the Salmon Bycatch EIS. If we can be of further assistance, please contact Peter J. Probasco, Assistant Regional Director, Office of Subsistence Management, at (907) 786-3888. We will continue to monitor the development of the EIS and look forward to reviewing the results of your efforts.

Sincerely,

Michael R. Fleagle
Chair, Federal Subsistence Board

cc: Federal Subsistence Board members
Hans Neidig, Special Assistant to the Secretary for Alaska, Department of the Interior
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council
Lester Wilde, Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Sue Entsminger, Chair, Eastern Interior Alaska Subsistence Regional Advisory Council
Ralph Lohse, Chair, Southcentral Alaska Regional Advisory Council
Speridon Simeonoff, Sr., Chair, Kodiak/Aleutians Regional Advisory Council
Randolph Alvarez, Chair, Bristol Bay Regional Advisory Council
Michael Quinn, Chair, Seward Peninsula Alaska Regional Advisory Council
Denby Lloyd, Commissioner, Alaska Department of Fish and Game
Eric Olson, Chair, North Pacific Fishery Management Council
David Balton, Deputy Assistant Secretary, Oceans and Fisheries, U.S. Department of State

[1] Myers, K.W., R.V. Walker, J.L. Armstrong, and N.D. Davis. 2004. Estimates of the Bycatch of Yukon River Chinook Salmon in the U.S. Groundfish Fisheries in the Eastern Bering Sea, 1997-1999. Final Report to the Yukon River Drainage Fisheries Association, Contribution No. 04-001. SAFS-UW-0312, School of Aquatic and Fishery Sciences, University of Washington, Seattle, WA. 59 p.

Salmon Bycatch EIS 0020

Algaaciq Tribal Government

200 Paukan Avenue
P.O. Box 48
St. Mary's, Alaska 99658
Phone (907) 438-2932/2933
Fax (907) 438-2227
E-mail algaaciq@yahoo.com

February 12, 2008

Sue Salveson, Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region, NMFS
Attn: Ellen Sebastian
P.O. Box 21668
Juneau, AK 99803

RE: Salmon Bycatch EIS

Dear Ms. Salveson:

I am a subsistence fisherwoman in St. Mary's. I am writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life. Salmon serves an important cultural and economic role in my community and throughout Western Alaska. Salmon provides a primary source of food for us, and the commercial samon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is an irreplaceable resource that must be protected.

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives which will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fishermen and women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on Western Alaska salmon stocks, subsistence users and commercial fishermen and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purposes and income, not simply the commercial value.

Sincerely,

Brenda Paukan

Brenda Paukan, Tribal Administrator
Algaaciq Tribal Government

Salmon bycatch
CO 21

TAKE ACTION

[redacted]

Dear Ms Salveson:

I am a Subsistence fisherman. I am writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life. Salmon serves an important cultural and economic role in my community and throughout Western Alaska. Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is an irreplaceable resource that must be protected.

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Sincerely, Billy McCarty Jr. Traditional Chief - Ruby Tribe

P.O. Box 175
Ruby, AK 99768

Salmon Bycatch
C022

Ruby Tribal Council
Agnes M. Wright Bldg.

P.O. Box 68210
Ruby, Alaska 99768

907-468-4479
907-468-4474

Sue Salveson, Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region, NMFS
PO Box 21668
Juneau, Ak. 99802
Attn: Ellen Sebastian

Feb.6, 2008

TO WHOM IT MAY CONCERN

We The Ruby Tribal Council are writing to comment on the scope of the Environmental Impact Statement (EIS) on Salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life. Salmon serves an important cultural and economic role in our community and throughout western Alaska. Salmon provides a primary source of food for us and commercially provides income for many villages along the Yukon River. Salmon is an irreplaceable resource that must be protected.

Therefore, in conducting the Environmental Impact Statement, NOAA should only consider only alternatives that will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska Salmon, the subsistence and commercial fishermen and women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMF must analyze the impacts of salmon bycatch on Western Alaskan stocks, subsistence users and commercial fisherman and women. The analysis must take into consideration the broad range of values of salmon to these communities for health, nourishment, cultural purposes and income, and not simply the commercial value.

With great concern.

Sincerely,

Patrick McCarty

Patrick McCarty, Second Chief

Salmon Bycatch 2023

St. Mary's Native Corporation

P.O. Box 149 • St. Mary's, Alaska 99658 • Phone 907/438-2315 • Fax 907/438-2961

February 8, 2008

Sue Salveson, Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region, NMFS
Attn: Ellen Sebastian
PO Box 21668
Juneau, AK 99802

RE: EIS - Bering Sea/Aleutian Islands Management Area

Dear Ms. Salveson:

I am writing to you today to comment of the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Island management area.

The St. Mary's Native Corporation, an Alaska Village Corporation incorporated under ANCSA with approximately 300 shareholders who live along the Yukon River and who rely on both subsistence and commercial fishing, is extremely concerned with the high rate of bycatch of both Chinook and non-Chinook species by the groundfish fishery in the Bering Sea and Aleutian Island management area.

Our shareholders rely on this important resource not only as a primary source of food, but more importantly the salmon are vital to the health, social and economic well-being of our culture and community. I am sure that you will hear much the same comments from communities all along the Yukon River from the mouth to the upper reaches into Canada.

The recent higher bycatch numbers of salmon in the BSAI management is cause for a great concern to all the fishermen and subsistence users along the Yukon. The more salmon that are caught as bycatch means not only less fish for those that rely on this important resource for subsistence and commercial purposes, but also that less salmon are allowed to escape and increase the stocks for future use. This is an especially crucial issue to all salmon users along the Yukon River who have been working together for several years to address the decline in Chinook stocks and escapement.

We strongly believe that alternatives to reduce salmon bycatch in BSAI should be considered in this EIS, including a hard cap on Western Alaska salmon bycatch. We would like to see a hard cap on salmon bycatch set at the 1990 through 2001 average levels of 37,819 Chinook and 69,332 non-Chinook. Any bycatch amounts greater then these would be a step backwards and create further harm to the Yukon River fishermen's efforts to address the declining salmon stocks.

Thank you for allowing us to comment on this important issue. We are hopeful that the NMFS takes appropriate steps to decrease the bycatch in the BSAI management area and to increase the salmon stocks which we greatly rely on for our livelihood.

Sincerely,

Sven Paukan

Sven Paukan, General Manager
St. Mary's Native Corporation

CC. SMNC Board

Salmon Bycatch 2024

STATE OF ALASKA

Department of Fish and Game
Boards Support Section

Rita St.Louis, Regional Coordinator
1300 College Road, Fairbanks, AK 99701-1599
PHONE: (907) 459-7263, FAX: (907) 459-7258
rita.stlouis@alaska.gov

Middle Yukon River Fish and Game Advisory Committee

February 13, 2008

Sue Salveson
Sustainable Fisheries Division, Alaska Region, NMFS
PO Box 21668
Juneau AK 99802

Dear Ms Salveson,

The Middle Yukon River Advisory Committee represents people from Nulato, Koyukuk, Galena, and Kaltag. We are elected representatives from these committees, and therefore we believe we speak for ourselves and for our communities.

Every year we fishermen on the Middle Yukon River have limits imposed on us. We are only allowed to take a limited number fish, and only at certain times.

The fishermen who fish for pollock in the Bering Sea and among the Aleutian Islands have clearly overreached any limit of common sense and restraint. **Their by-catch of Yukon River Chinook salmon is unacceptable and unconscionable**. A by-catch of over 122,000 Chinook salmon, can be considered nothing but intentional. They must have a cap imposed!

We recommend the [redacted] by-catch level cap of 35,000 to 40,000 fish maximum. Without a cap, pollock fishermen will find more excuses not to exercise restraint, and will continue to take fish that rightfully belong to the people on the Yukon River.

Respectfully,

Benedict Jones

Benedict Jones
Chairman, Middle Yukon River Advisory Committee
Box 47
Koyukuk AK 99754

Salmon Bycatch C025

STATE OF ALASKA

Department of Fish and Game
Boards Support Section

Rita St.Louis, Regional Coordinator
1300 College Road, Fairbanks, AK 99701-1599
PHONE: (907) 459-7263, FAX: (907) 459-7258
rita.stlouis@alaska.gov

Koyukuk River Fish and Game Advisory Committee

February 13, 2008

Sue Salveson
Sustainable Fisheries Division, Alaska Region, NMFS
PO Box 21668
Juneau AK 99802

Dear Ms Salveson,

"There is a ripple effect in all that we do: What I do touches you and what you do touches me"

The Koyukuk River Advisory Committee represents people up and down the Koyukuk River, an important spawning tributary of the Yukon River. We are writing about our concern for the by-catch of 122,000 to 125,000 salmon taken by people who fish for pollock in the Bering Sea and around the Aleutian Islands.

They are taking far too many salmon as by-catch. They have proven year after year that their desire to catch pollock out weighs any desire to use any common sense in conservation. **The "ripple effect" on Yukon-bound salmon species is very real, and totally unacceptable.**

A cap must be imposed. This is an urgent request and we believe that the [redacted] by-catch level of 37,500 is the highest it should be. No group of fishermen should ever have the right to catch so many of another species – just to be thrown away – so that they can get more of their own species. Our committee agreed 35,000 to 40,000 is a maximum.

Respectfully,

Jack Reakoff
Vice Chairman, Koyukuk River Advisory Committee
114 Newhouse
Wiseman Village, AK 99790

cc Board of Fisheries
Y/RDFA

2-17-08
C026
2pp

To: Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian.

From: Patricia Phillips, P.O. Box 109, Pelican, Alaska 99832

The status quo is unacceptable. Increased salmon bycatch by the trawl fleet adversely effects the viability of coastal communities that already fully utilize the salmon resource.

2.3.2 preferred options is a realistic option. Re-evaluate after each season (A and B season) to determine if merits of the program are producing the desired results.

Bycatch records from previous years may not be wholly accurate as historical observer coverage was not 24 hours a day for every day the trawler is fishing. Bycatch was unreported and transported to foreign markets via trampers.

Reallocate grey cod trawl quota to hook and line fishery.

Reject Alternative Three - Voluntary efforts by industry does not require compliance with salmon bycatch prohibitions. Executive summary - "The suspension will be in effect so long as the pollock cooperatives and CDQ groups have in place an effective salmon bycatch voluntary rolling "hot spot" (VRHS) closure system to avoid salmon bycatch.

Re-imposition of salmon savings areas in an expedited basis, if the situation merits this recommendation. "The Council may, at any time, with the appropriate scientific and analytical support for its decisionmaking, take action to change its bycatch management measures."

NMFS has demonstrated that they can re-impose salmon bycatch reductions in an expedited basis. When the current on the sea data collected demonstrates excessive salmon bycatch; fishery managers confer with appropriate entities and a written documentation is developed to support the re-imposition for action to be rectified. Area closures should be an allowable management tool.

Every trawl vessel should be required to participate in the VRHS system in all areas besides the salmon savings areas and chum savings areas. Industry should pay a user fee to cover assessment of data required for an effective VRHS system.

Salmon savings areas and chum savings areas are to be retained during salmon migration to spawning streams. The Pacific Ocean and Bering Sea corridors experience significant passage of salmon during seasonal migration to in-river systems. No exemptions allowed.

Do not re-allocate salmon away from coastal communities and just to increase salmon bycatch to the trawl fleet. Numerous small villages along the river systems rely on salmon for their year-round livelihood and traditional way of life.

Implement measures to reduce trawl bycatch of salmon immediately to conserve healthy populations of salmon for communities with customary and traditional use of salmon.

Pg. 125 – "Thus the incidental catch of chum and Chinook salmon by the BSAI trawl fisheries is not thought to be extremely detrimental to the health and viability of those stocks. However, given the lack of absolute knowledge on many of the salmon stocks, coupled with the uncertainty regarding the actual impact of trawl caught bycatch on the viability of these stocks, it is difficult to ascertain the actual impact on these stocks." The language – "is not thought" and "difficult to ascertain" is irresponsible. This reduction in resource population is detrimental to the viability of long standing communities in Alaska.

Socio-economic impacts – minimally reported

Pg 150 – "If a cooperative breaches the ICA and chooses mid-season not to participate after it has been endorsed by NMFS for exemption, that coop will turn in its exemption permit to NMFS and will thereafter be subject to the existing closures if triggered for the remainder of the year. The ICA contract will include a provision requiring that in the case of a decision to breach the agreement, members notify NMFS immediately and will turn their endorsements over to NMFS." A cooperative should not have the option to turn in its exemption permit. The option to not comply for a full season (A or B) is the loss of the right to fish.

C027

2pp

From Albert Geiser <oceantribe@earthlink.net>
Sent Thursday, February 14, 2008 9:31 pm
To 0648-AW25-SalmonBycatchEIS@noaa.gov
Subject Salmon bycatch BSAI

Salmon incidental catch is a fact, we need a new approach politically, socially, and economically.

The Bering Sea Pollock fishery is the most sustainable source of white fish protein on the planet. Calorie for calorie this trawl fishery returns more food value for every petroleum calorie spent than any other form of food production. Salmon caught in this fishery pose a political problem and a waste problem. The salmon, are brought to shore with the pollock catch where they are counted, measured, weighed, sexed, DNA scale sampled, then put back on the boats, carried back to sea and dumped by regulation. We are delivering these salmon to state of the art processing plants that could easily custom pack them and deliver them to any address on earth. The cost of this could be borne by the fishing cooperatives as "socio-ecologic mitigation" and the proceeds of sale distributed to the western Alaska CDQ communities, eliminating this regulatory waste. Processing and sale of the salmon would be utilization, no longer bycatch, making it an incidental catch of the fishery. The two words that conflict politically are "incidental" and "bycatch"; both describe the fact that salmon are caught while fishing for pollock, by choosing one definition over the other, allows a different result. Approximately 44% of the Chinook and 60% of the chum salmon taken as incidental catch in 2007 did not originate from Western Alaska stocks. Wasting fish from know or unknown sources that have been fully accounted for and which precious nonrenewable recourses have been spent, makes this practice obscene. Avoidance strategies should remain key; utilization could offset concerns of lost income and subsistence food.

The six CDQ communities have shares in the pollock fishery (10.7%), King Crab (7.5%), and the Halibut fishery, set at 2,139,200 pounds. Each of these fisheries has "bycatch", this is "understood" in National Standards 8 and 9; insuring management provides sustained participation and economic benefit. National Standard 6, provides *"Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources and catches"* and when nature provides more pollock or salmon in an area the ratio of incidental to target catch will change. The Salmon Savings Measures and Rolling Hot Zone Identification strategies, shifting fishing effort to cleaner areas in near real time, is the best tool to lower incidental salmon catches at this time.

Dumping fresh salmon by the thousands back into the Bering Sea is not the answer for the coastal communities of that same ocean.

Searching NMFS and ADF&G websites for any surveys examining the effects of commercial or subsistence ghost (lost) gill nets in the Yukon-Kuskokwim, Norton Sound, Kotzebue Sound, was fruitless. Lost gill nets are an issue on the Columbia River and in Puget Sound; where states, tribes, and sports fisherman are working with divers to find these lost nets that continue to fish and kill salmon. This is one area that needs to be put on the radar with additional research.

Respectfully,

Albert Geiser

Owner/Captain

F/V Hazel Lorraine

STATE OF ALASKA

Department of Fish and Game
Boards Support Section

Rita St.Louis, Regional Coordinator
1300 College Road, Fairbanks, AK 99701-1599
PHONE: (907) 459-7263, FAX: (907) 459-7258
rita.stlouis@alaska.gov

Fairbanks
Fish and Game Advisory
Committee

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

RE: Salmon Bycatch Reduction Measures for the Bering Sea and Aleutian Islands Management Area-Notice of Intent

Ms. Salveson:

The Fairbanks Fish and Game Advisory Committee endorses the sentiments expressed in the January 25, 2008 letter submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council.

The Salcha River in the Tanana River Drainage is the largest producer of Chinook salmon in the Yukon River Drainage. Between 30-40% of all Chinook salmon entering the Yukon River, are bound for the Tanana River Drainage. Yet in 2006 and 2007, there was no Chinook salmon commercial fishery in the Tanana basin and the escapement, which was at the low end of the escapement goal, was barely met. Residents of the Fairbanks area are only allowed *10 Chinook salmon per household per year!* The Fairbanks North Star Borough has a population of approximately 90,000 residents. Of those who fish, many were unable to even harvest this small amount. Also, the escapement on the spawning grounds was comprised of a very small number of large fish and few females.

It is reprehensible that our Chinook salmon are being put at risk while the trawler fleet (which is the most *irresponsible method of harvesting fish*) fishes on!

Respectfully,

Virgil L. Umphenour
Chairman, Fairbanks Fish and Game Advisory Committee

KAWERAK , INC. ○ P.O. Box 948 ○ Nome, AK 99762

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Sue Salveson, Asst. Regional Administrator
Sustainable Fisheries Division, Alaska Region
National Marine Fisheries Service
PO Box 21668
Juneau, AK 99802

February 14, 2008

Re: Salmon Bycatch Environmental Impact Statement

Dear Ms. Salveson,

Kawerak, Inc. has become aware of NOAA/NMFMC intent to prepare an Environmental Impact Statement regarding Salmon Bycatch Reduction Measures in the Bering Strait/Aleutian Islands region.

We are very interested in this issue and the development of the EIS, particularly the socioeconomic impact analysis portion of the document. At this time, Kawerak requests that we be added to all email and mailing lists relating to this issue and are kept up to date about its progress.

The National Marine Fisheries Service, National Oceanic and Atmospheric Administration and North Pacific Fisheries Management Council can expect additional comments from Kawerak on this issue in the future.

If there is any information that I can provide, please contact me at 907-443-4273, jraymond-yakoubian@kawerak.org, or P.O. Box 948, Nome, AK, 99762.

Sincerely,
KAWERAK, INC.

Julie Raymond-Yakoubian
Social Scientist

February 15, 2008

Sue Salveson, Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region, NMFS
PO Box 21668
Juneau, AK 99802
Attn: Ellen Sebastian

Re: BSAI Salmon Bycatch Reduction Measures: Notice of Intent to Prepare an EIS

Dear Ms. Salveson:

We appreciate the opportunity to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea and Aleutian Islands (BSAI) management area. We are submitting these comments on behalf of the Association of Village Council Presidents (AVCP), Bering Sea Fishermen's Association (BSFA), Tanana Chiefs Conference (TCC), and Yukon River Drainage Fisheries Association (YRDFA). AVCP is a tribal consortium of the fifty-six Tribes of the Yukon-Kuskokwim Delta region. BSFA is a non-profit extension service organization serving the needs of Western Alaska commercial and subsistence fishermen. TCC is a tribal consortium of the forty-two villages of Interior Alaska. YRDFA is an association of commercial and subsistence fishers on the Yukon River. The region we represent is home to some of the world's most prolific salmon resources, and the world's furthest migrating salmon runs on the Yukon River. These salmon provide a primary source of food for humans and the dogs which are essential to the continued viability of the subsistence way of life in Western Alaska. For many residents the commercial salmon harvest also provides the only means of income for those who live in the remote villages of Western Alaska. The incredibly high bycatch numbers of recent years pose a grave threat to Western Alaska's salmon and the Western Alaskan people who depend on these salmon for vital subsistence needs and commercial harvests. As discussed below, we ask NMFS in conducting this EIS to:

1. Consider only reasonable alternatives which can be expected to meet the stated purpose of this action to *reduce* salmon bycatch;

2. Address impacts to salmon stocks, federally-protected subsistence users, in-river commercial fisheries; Yukon River Salmon Act treaty obligations; environmental justice implications of the action; and

3. Conduct adequate consultation with tribal entities throughout the affected river systems as directed by E.O. 13175.

1. The range of management alternatives considered under this action should include only those reasonably anticipated to meet the stated purpose of *reducing* salmon bycatch.

The National Environmental Policy Act (NEPA) requires federal agencies to analyze all "*reasonable* alternatives."[1] In determining what is reasonable agencies are directed that: "Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense…."[2]

The stated goal of this action, in compliance with National Standard 9 of the Magnuson-Stevens Act (MSA),[3] is to reduce salmon bycatch: "the purpose of the proposed action is to minimize non-Chinook and Chinook bycatch to the extent practicable."[4] More generally, the action is referenced throughout the Federal Register notice as "salmon bycatch reduction measures."[5] Using common sense, any alternative which will not *reduce* salmon bycatch therefore cannot be considered in this EIS. Barring the abhorrently high salmon bycatch of 2007, which reached levels beyond even those of the previous high of 115,000 in the foreign fishing days, no caps above the pre-2007 historical high of 87,500 Chinook salmon should be considered as reasonable alternatives. Given that the 2007 bycatch was more than double the 10-year average, utilizing pre-2007 numbers provides for a more than adequate range of alternatives, including numbers which would not, according to past experience, adequately protect salmon.

To include alternatives above this pre-2007 historical high would not only violate the directives of NEPA, but NMFS's specific obligations under the Magnuson-Stevens Act to "minimize bycatch."[6] Alternatives which allow for an increase in bycatch would also violate the United States' treaty obligation under the Yukon River Salmon Act (YRSA) to "increase the in-river run of Yukon River origin salmon by reducing marine catches and by-catches of Yukon River salmon."[7] Finally, any cap amount above 87,500 Chinook salmon would violate the existing Incidental Take Permit (ITP) under the Endangered Species Act (ESA) for Upper Willamette and Lower Columbia River. Because this ITP was violated in 2007, the agency is undergoing consultation, as directed by the ESA. In the absence of a new ITP, any cap above the amount of the current ITP of 87,500 would on its face violate the provisions of the ESA. While an alternative which does not comply with federal law is not by definition unreasonable under NEPA,[8] it does not pass the test of common sense in an action designed to protect salmon, to allow for alternatives which violate an ITP for ESA-listed salmon.

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[1] 40 CFR 1502.1 (2007).
[2] COUNCIL ON ENVIRONMENTAL QUALITY, 40 FREQUENTLY ASKED QUESTIONS (1981) *available online at* http://www.nepa.gov/nepa/regs/40/1-10.HTM#1.
[3] Magnuson-Stevens Fishery Management and Conservation Act, 16 U.S.C. §1851(a)(9) (2000).
[4] Notice of Intent to Prepare an EIS, 72 Fed. Reg. 72996 (Dec. 26, 2007).
[5] *See Id.* at 72994-72996.
[6] Magnuson-Stevens Fishery Management and Conservation Act, 16 U.S.C. §1851(a)(9) (2004).
[7] Pacific Salmon Treaty, Annex IV Chapter 8 (27)(Yukon River Salmon Agreement)(2002).
[8] COUNCIL ON ENVIRONMENTAL QUALITY, *supra* note 2.

Beyond the specific numbers considered as alternatives for hard caps, it is imperative in constructing reasonable alternatives that they can be applied in addition to or instead of the Voluntary Rolling Hot Spot (VRHS) system. While Western Alaska groups were initially supportive of the VRHS system, and remain interested in the possibilities for adaptive management, the experience of the past two years of record high bycatch under the VRHS system does not give us cause to believe that this system alone can effectively reduce bycatch. While we understand it will be included in the analysis as the status quo, it is imperative that alternatives be structured in a manner which allows the Council to choose additional or replacement bycatch measures. By this same token, given the past two years of record high bycatch under this new system, no cap formulation which uses the 2007 bycatch numbers should be considered in the EIS.

We do support the inclusion of hard caps as alternatives. The Council and NMFS have struggled for many years to control salmon bycatch numbers. While innovative methods and means of reducing bycatch may yet exist, given the repeated failures of time and area closures under both agency and industry control, it is our position that only a hard cap will provide the control necessary to adequately protect salmon. Alternatives which further divide the cap amongst sectors, co-ops or individual vessels are also appropriate so long as an overall hard cap is maintained and the cap is not distributed in such a manner as to reward boats, co-ops or sector with histories of high salmon bycatch.

2. <u>The EIS must analyze impacts to salmon stocks, federally-protected subsistence users, in-river commercial fisheries; Yukon River Salmon Act treaty obligations and environmental justice implications of the action.</u>

A. <u>Impacts to salmon stocks;</u>

In analyzing the impacts of the proposed action, NMFS should utilize the best available stock identification data to determine the relevant impacts to salmon stocks from the levels of salmon bycatch allowed under any management alternative. To adequately assess the impacts to salmon stocks, the impacts to salmon stocks from bycatch should be measured in comparison to in-river run sizes. For the past few years, for instance, Chinook salmon bycatch has increased dramatically while in-river runs on the Yukon have been below average, and below pre-season predictions. Impacts to Western Alaska stocks (Yukon River, Kuskokwim River, Bristol Bay and Norton Sound), Cook Inlet stocks, Washington and Oregon stocks and Canadian stocks should be considered. Additionally, the cumulative impacts of this action must be considered, particularly in light of the dramatic changes we expect to see due to climate change in the coming years, and the numerous other impacts to salmon habitat throughout the Pacific Northwest and Western Alaska.

Management measures to address, and impacts of, salmon bycatch of both Chinook and chum salmon should be addressed in this analysis. While Chinook salmon have been the focus of much of the discussion to date due to their high commercial and subsistence value and diminishing run sizes, chum salmon are equally or more important to subsistence users throughout Western Alaska. While chum runs have been good throughout much of Western Alaska, with the notable exception of Norton

Sound, in recent years, it is important that the Council and NMFS put management measures in place now to avoid a disaster before it occurs in regard to chum salmon.

Further, in assessing the impacts to salmon stocks, where stock identification is not known, NMFS should operate under the weak stock management principle and assume that the unidentified salmon come from the weakest stock present in the bycatch.

To ensure that impacts on salmon stocks are adequately analyzed, both the U.S. Fish and Wildlife Service (USFWS) and the Alaska Department of Fish and Game (ADF&G) should be included on this EIS as cooperating agencies, because of their expertise in and shared management responsibility for Western Alaska salmon populations. At the very least, the EIS team should include salmon biologists with expertise in the salmon stocks of the affected regions.

B. Impacts to federally-protected subsistence users;

Chinook and chum salmon are a vital subsistence resource for rural residents throughout Western Alaska. Without subsistence salmon to feed people and the sled dogs which are an integral part of the subsistence lifestyle in parts of Western Alaska, existence in these remote villages would be difficult, if not impossible. Under the Alaska National Interest Lands Conservation Act (ANILCA),[9] federally-qualified subsistence uses have priority over other fish and wildlife needs in-river.

Impacts to subsistence users, particularly in a cost-benefit analysis, must not be analyzed on a strictly economic basis. Subsistence salmon provide a value to communities far beyond the commercial value of the fish. Salmon are of irreplaceable value to the cultural, spiritual, and nutritional needs of the Native people of the Western Alaska region. Subsistence salmon literally serve as the "grocery store" for village residents, and also serve vital cultural purposes. In communities where other subsistence resources such as moose and caribou have decreased, the value of salmon as the *only* subsistence resource is even greater. Any analysis of the impacts on subsistence users and subsistence resources must include this broad range of values, not simply a commercial dollar value or the replacement cost of these fish.

C. Impacts to commercial salmon fisheries;

Commercial salmon harvests provide one of the only sources of income in many Western Alaska villages. On the Yukon River, commercial salmon harvests have declined in recent years, with the 2007 commercial harvest of 33,629 Chinook 30% below the recent 10-year average. In analyzing impacts to commercial salmon fisheries, NMFS should look not just at the total dollar value of the commercial salmon harvests, but how this compares to other sources of income. For instance, while $2000 earned from salmon fishing may not look significant in comparison to incomes in the pollock fleet, this small amount of income in many cases represents a large portion of an individual's cash

[9] Alaska National Interest Lands Conservation Act, 16 U.S.C. § 3114 (2000).

income for the year. Impacts to commercial fisheries should be analyzed not on the basis of economic value alone, but on the role of these fisheries as sources of employment in the affected communities.

D. Yukon River Salmon Act treaty obligations;

Under the terms of the Yukon River Salmon Agreement, which was ratified in 2002, the United States agreed to "increase the in-river run of Yukon River origin salmon by reducing marine catches and by-catches of Yukon River salmon."[10] The United States is further bound by this treaty to pass a set number of Chinook and fall chum salmon across the Canadian border to provide for Canadian harvests and escapement needs. In 2007, only 24,585 Chinook salmon crossed the border into Canada, as measured by the Canadian mark-recapture project. This number was less than half of the fish necessary to meet the Yukon River Salmon Agreement requirements for harvest sharing and Canadian escapement. In 2007, for Chinook salmon, no commercial or sport fishing was allowed in Canada, and only a small aboriginal (subsistence) harvest occurred. In this EIS, NMFS must analyze the impacts each alternative will have on compliance with the United States' obligations under the YRSA. Any cap numbers which exceed pre-2002 bycatch numbers may violate the United States' treaty obligations in the Yukon River Salmon Agreement.

E. Environmental Justice considerations under E.O. 12898.

Reducing salmon bycatch is of vital importance to the primarily Native Alaskan communities who depend on salmon for their sustenance and their livelihoods. Increased salmon bycatch places a disproportionately high burden on these communities because of the central importance of this resource to Native Alaskan communities. Under Executive Order 12898, federal agencies are required to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions."[11] Under this Executive Order, which has been interpreted as evidence of the government's heightened responsibility toward protecting the resources that these communities and cultures have historically depended upon,[12] the National Marine Fisheries Service should analyze the disparate impacts placed on Western Alaska's Native communities as a result of increased levels of salmon bycatch.

3. Conduct adequate consultation with tribal entities throughout the affected river systems as directed by E.O. 13175.

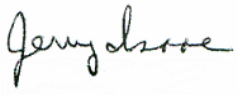
Executive Order 13175 directs all federal agencies to consult with tribes before promulgating any regulations which will have "tribal implications."[13] Because of the significant potential impacts to

[10] Pacific Salmon Treaty, Annex IV Chapter 8 (27)(Yukon River Salmon Agreement)(2002).
[11] Executive Order 12898 (February 11, 1994) § 1-101.
[12] *See* Campo Band of Mission Indians v. U.S., 2000 U.S. Dist. LEXIS 7269, 7 (Dist. D.C. 2000).
[13] Executive Order 13175 (November 6, 2000) §§1,5.

tribes and subsistence resources in Western and Interior Alaska from salmon bycatch, NMFS must consult with all of the potentially affected tribes on this matter. Because of the complexity of the issue and the probable length of the EIS, to adequately comply with the requirements for consultation, summary materials should be developed which, along with the full EIS can provide a resource to tribes to adequately participate. Further NMFS should make use of available opportunities to conduct presentations about the matters under consideration at forums including, but not limited to: Federal Subsistence Regional Advisory Councils, Alaska State Fish and Game Advisory Committees and the Yukon River Panel.

Sincerely,

Myron P. Naneng, Sr., President
Association of Village Council Presidents



Jerry Isaac, President
Tanana Chiefs Conference

Karen Gillis, Executive Director
Bering Sea Fishermen's Association

Rebecca Robbins Gisclair, Policy Director
Yukon River Drainage Fisheries Association

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UNITED CATCHER BOATS

Washington · Oregon · California · Alaska

February 14, 2008

Sue SalvesonSue Salveson, Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802
Attn: Ellen Sebastian

RE: Salmon Bycatch EIS Scoping, Request for Comments

Dear Ms. Salveson,

The members of United Catcher Boats appreciates the opportunity to provide to your agency comments regarding the appropriate range of management alternatives and issues of concern for analysis in the EIS for salmon bycatch reduction measures in the Bering Sea Aleutian Islands (BSAI) management area.

As you are aware, the North Pacific Fishery Management Council has been dealing with this issue now for several years in the development and implementation of Amendment 84 and more recently, the development of a range of alternatives and the structure of the EIS analysis for Amendment 84b.

Regarding the range of alternatives to be included in an EIS analysis, we believe the hard cap alternatives approved by the NPFMC prior to its February 2008 meeting provide a reasonable range of alternatives to effectively examine the impacts to the various user groups by implementation of a new salmon bycatch management program for the BSAI pollock fishery. Specifically, we ask that the range of alternatives considered in the EIS include the upper range of a Chinook salmon hard cap that the NPFMC deleted at the February 2008 meeting. Action taken to limit the range alternative to hard cap numbers at or below 87,000 salmon represent about a 40% reduction in bycatch from 2007. It is unreasonable to limit consideration of alternatives to such constraining levels with no analysis yet of an abundance-based relationship or economic impact to the pollock fishery.

Additionally, the hard cap suite of alternatives should consider an approach that would phase-in a hard cap over a three or four year period as was done with the current

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3491 Andree Dr. #A • Anchorage, AK 99517 • Tel. (907) 243-2222

Chinook Salmon Savings Area triggered closure. Salmon are a highly migratory and pelagic species with significant annual and inter-annual movement variability. Hard and fast methods to avoid salmon bycatch are not yet known. Considerable effort and industry resources have been put into development of a salmon excluder device but its performance remains inconsistent and further experimentation is required to stabilize its effectiveness. A phased-in approach to a hard cap as a sub-option to all hard cap options would provide pollock fishery participants an opportunity to have options considered that would give them a reasonable expectation of reducing bycatch without premature closure of the pollock fishery.

Secondly, we ask that the status quo option include the original Chum and Chinook savings area triggered closures as implemented by Amendments 21b, 58 (for Chinook), and Amendment 35 (for chum). Bycatch levels at the times these measures were in place have been used to identify hard cap alternatives based on historic averaging. It seems appropriate to use these areas as the Status Quo (SQ) option for the triggered closure alternative because, with out the current amendment 84a exemption, those salmon areas are the SQ management measures.

In addition, we ask that any of the options considered, including a hard cap, fixed, or triggered closure option consider an option to exempt vessels that participate in a pollock Intercoop-based Salmon bycatch management agreement. By doing this, the EIS will be able to examine the ability of the Hotspot Closure/Monitoring Program, as implemented through Amendment 84, and the fixed area closure (Chinook Conservation Area Agreement) the pollock coops have implemented for the 2008 A season, to control and reduce salmon bycatch by the pollock fleet.

We ask that the accounting period option that begins in the B season be eliminated from the hard cap alternative. The hard cap alternative will close down the pollock fishery after a specific number of salmon have been caught. That hard cap number will not vary by year so the number of salmon caught as bycatch will not vary with the accounting period method used. However, the economic impact to the pollock fishery will be severely increased by beginning the accounting period in the B season, increasing the likelihood of a closure in the A season when the valuable roe fishery occurs. By beginning the accounting period in B season for a hard cap closure, the negative impact increases dramatically without any conservation savings since the same number of salmon will be caught annually. There is no reasonable reason to include this option in the hard cap alternatives.

Regarding the economic assessment part of the EIS, we ask that the analysis include an assessment of the costs incurred to the BSAI pollock industry by a closure to the fleet due to a hard cap amount that is less then the amount of salmon taken as bycatch by the pollock fleet over the past 5 years. We ask that the analysis show the forgone revenue to the fleet, processors and communities that are dependant on the BSAI pollock fishery by any closures that result in an inability of the fleet to harvest the BSAI pollock TAC.

Regarding the biological assessment portion of the EIS, we ask that the analysis include the best scientific information available to enable a reasonable estimate of the impacts to the in-river fisheries and stocks of the various rivers that produce Chinook and chum salmon taken as bycatch in the Bering Sea pollock fishery. Such information should include a description of the forecasting method, a ten-year time series of the forecasted and actual returns to the Yukon, Kuskokwi, Nushagak, and other river systems as appropriate. It should also include catch and escapement numbers in those rivers and the BASIS survey numbers which sample the annual juvenile salmon outmigration numbers from the AYK region. This information should be appropriately juxtaposed against annual salmon bycatch numbers, including brood year data and river of origin data to better understand the relationship between bycatch and salmon abundance. This information might be integrated into a series of tables or a model that can help decision makers in their examination of the abundance-based PSC limit alternative. This information will also better illustrate the impact of salmon bycatch to the different rivers of origin.

Thank you for the opportunity to comment on the Notice of Intent to conduct the Salmon Bycatch EIS.

Sincerely,

Brent C. Paine

Brent Paine
Executive Director

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Kuskokwim River Salmon Management Working Group

P.O. Box 1467 • Bethel, AK 99559 • 907-543-2433 • 907-543-2021 fax

February 14, 2007

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

Dear Ms. Salveson:

We are writing in regards to the proposed Environmental Impact Statement on salmon bycatch reduction measures in the Bering Sea and Aleutian Islands management area (BSAI). The Kuskokwim River Salmon Management Working Group (Working Group) strongly supports a more comprehensive and thorough oversight process determining and achieving these reductions for bycatch-harvested salmon, especially Chinook salmon. The Working Group also recommends collecting age and genetic data on bycatch-harvested salmon to accurately assess the impact of bycatch on Western Alaska salmon fisheries. Age and genetic data on bycatch-harvested salmon will allow identification of salmon stocks and age classes hit hardest by the BSAI commercial pollock fishery, and assist with preserving the resource.

The Working Group is a committee of Kuskokwim Area residents (established through Board of Fisheries action in 1988) who participate in, and are committed to maintaining the long-term sustainability of Kuskokwim River fisheries. The Working Group stays informed on salmon run information and issues affecting Kuskokwim Area fisheries. In addition, the Working Group advises Alaska Department of Fish & Game biologists in all aspects of commercial or subsistence harvest activities. Working Group members, along with other Kuskokwim Area residents, depend upon Chinook salmon subsistence harvest for their way of life. This is dramatically evidenced by the fact that approximately half of the entire Chinook subsistence harvest for the whole state of Alaska is taken from within the Kuskokwim River drainage.

In 2007 over 130,000 Chinook salmon were harvested as bycatch and consecutive record Chinook salmon bycatch levels have been observed over the past four years. The consecutive record high bycatch salmon harvests in recent years have serious implications for Chinook salmon abundance throughout Western Alaska and are of great concern to Working Group members.

The proposed Environmental Impact Statement provides a valuable opportunity to gather critical data on how Western Alaska salmon stocks are affected by BSAI bycatch. The Working Group urges NMFS to take full advantage of this opportunity.

Sincerely,

Beverly Hoffman
Co-Chair

Greg Roczicka
Co-Chair

Kuskokwim River Salmon Management Working Group

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ONC
ORUTSARARMIUT NATIVE COUNCIL

February 14, 2007

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

Dear Ms. Salveson:

We write in regards to the proposed Environmental Impact Statement on salmon bycatch reduction measures in the Bering Sea and Aleutian Islands management area (BSAI). Orutsararmiut Native Council (ONC) strongly supports a more comprehensive and thorough oversight process for determining and achieving these reductions of bycatch-harvested salmon, especially Chinook salmon. ONC also recommends collecting age and genetic data on bycatch-harvested salmon to accurately assess the impact of bycatch on Western Alaska salmon fisheries. Age and genetic data on bycatch-harvested salmon will allow identification of salmon stocks and age classes hit hardest by the BSAI commercial pollock fishery, and assist with preserving the resource.

ONC is the federally recognized Tribal governing body for the town of Bethel, whose members are dependent upon, fully participate in, and are committed to maintaining the long-term sustainability of Kuskokwim River fisheries. This is dramatically evidenced by the fact that approximately half of the entire Chinook subsistence harvest for the whole state of Alaska is taken from within the Kuskokwim River drainage – the majority of which occurs in the vicinity of our community.

In 2007 over 130,000 Chinook salmon were harvested as bycatch, and consecutive record Chinook salmon bycatch levels have been observed over the past four years. The consecutive record high bycatch of salmon harvests in recent years by the Bering Sea trawl fisheries have serious implications for Chinook salmon abundance throughout Western Alaska and are of huge concern to our region. The proposed Environmental Impact Statement provides a valuable opportunity to pursue critical data needs on how Western Alaska salmon stocks are affected by BSAI bycatch, identify and protect the integrity of these stocks for future generations. We strongly urge and encourage the National Marine Fisheries Service to take full advantage of this opportunity.

Sincerely,

Michael Samuelson, Executive Director

Raymond Watson, Chairman

P.O. Box 927, Bethel, Alaska 99559-0927 (907) 543-2639 IN STATE ONLY 800-478-2654

AT-SEA PROCESSORS ASSOCIATION
Partners for Healthy Fisheries
www.atsea.org

Sue Salveson
Assistant Regional Administrator
Sustainable Fisheries Division
Alaska Region, NMFS
Attn: Ellen Sebastian

Sent via fax to 907-586-7557

Re: Salmon Bycatch EIS

Dear Ms. Salveson:

The members of the At-sea Processors Association (APA) own and operate a fleet of catcher processors that engage in the Bering Sea Aleutian Island (BSAI) pollock fishery via their harvesting co-operative, the Pollock Conservation Cooperative (PCC). We are writing in response to the scoping notice that NMFS, in consultation with the North Pacific Fishery Management Council (NPFMC), published in the Federal Register on December 26, 2007, announcing its intention "to prepare an Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the BSAI management area, in accordance with the National Environmental Policy Act of 1969".[1]

According to the above-referenced scoping notice, the proposed action "would replace the current Chinook and Chum Salmon Savings Areas (the Savings Areas) in the BSAI with new regulatory closures, salmon bycatch limits, or a combination of both. These management measures could incorporate current or new bycatch reduction measures".

The members of APA/PCC are committed to the reduction of salmon bycatch in the pollock fishery and are determined to develop cost effective and practicable ways to minimize salmon bycatch in their BSAI fishing operations. To this end, we are generally supportive of the effort to replace the current Savings Areas. Those areas have, we believe, confounded efforts of the BSAI pollock fleets to reduce salmon bycatch and have actually resulted in higher bycatch levels than might have otherwise occurred. We are, however, concerned about some of the regulatory measures that have been proposed as possible alternatives to the Savings Area approach.

1). The Voluntary Rolling Hot Spot Closure Program (VRHSCP) remains a promising way to reduce salmon bycatch. Operating under an Inter-cooperative Agreement (ICA), the BSAI pollock fleets initiated the innovative VRHSP at the start of the 2006 B fishing season. As opposed to the Savings Area approach, which imposes

[1] These comments are designed to supplement the extensive comments on salmon bycatch issues that representatives of APA submitted in public testimony to the NPFMC at its meetings in Seattle earlier this month.

fixed, predetermined closure areas that do not always coincide with areas of high salmon bycatch, the VRHSCP provides the flexibility for the fleet to detect and move away from bycatch hotspots on a real time basis. This is an important aspect of the VRHSP since salmon are highly migratory and tend to appear at unpredictable times and places. Although bycatch remained high in 2007, recent refinements to the program appear promising; and the VRHSCP remains one of the most viable and practicable salmon bycatch minimization alternatives available to the pollock fleet. It should be given a better chance to work. At a minimum, the EIS should explore the possibility of exempting vessels that demonstrate a good faith effort to reduce bycatch via participation in the ICA from some of the other, more onerous, bycatch reduction measures that have been proposed (e.g., a "hard cap" that would shut down the entire pollock fishery once a pre-determined bycatch number is reached).

2). If a "hard cap" approach is adopted as the preferred alternative, the cap should be chosen from a reasonable range of alternative caps and phased in over time. The BSAI pollock fishery is one of the largest, most productive fisheries in the world. It provides high quality whitefish products to markets in Asia, North America and Europe, generating in excess of $1 billion in first wholesale revenues each year. The fishery employs thousands of people in Alaska and the Pacific Northwest, generates hundreds of millions of dollars in wages, landing taxes and other economic activity, and is the mainstay for the Community Development (CDQ) program in Western Alaska. A "hard cap" approach to salmon bycatch could jeopardize the economic benefits that the pollock fishery generates. For this reason, if the NPFMC and NMFS decide to impose a salmon cap on the pollock fishery, it is imperative that the cap be chosen from a reasonable range of alternatives and that the SEIS contain a full economic analysis of the effects that such a cap might have on the fishing industry, coastal communities, CDQ groups, suppliers, consumers and other groups that derive benefits from a viable pollock fishery.

According to the Federal Register notice that announced the current scoping process, annual Chinook bycatch in the BSAI pollock fishery ranged from a low of 55,422 to a high of more than 120,000 fish in the period between 2003 and 2007. In our view, those numbers define the reasonable range of alternative numbers that should be evaluated in connection with any consideration of a hard cap. They are the numbers that reflect the most recent fishing years and the most recent oceanographic and other environmental conditions under which the pollock fishery operates. This range of bycatch numbers best captures the range of reasonable alternatives that should be considered in setting a "practicable" cap for the fishery.[2] Such an approach is more practicable than the range of alternative caps the NPFMC tentatively identified at its meeting in Seattle earlier this month—a range that included a top end number that represents a 40% reduction from the bycatch encountered during the most recent year's fishery. Furthermore, to the extent that the cap ultimately chosen is likely to be constraining on the fishery, it should be phased

[2] As noted in response to Question #2a of the Forty Most Asked Questions Concerning the Council on Environmental Quality's NEPA Regulations: "Section 1502.14 requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes...a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant."

in over three or four years so as to enable the fishery to adapt. Hopefully, such a phase in period would provide an opportunity for the fleet to perfect an effective salmon excluder device that would reduce bycatch mortality by enabling incidentally taken salmon to escape unharmed from trawl nets.

3). APA is opposed to any change in the PSC accounting period for any "hard cap" that might be imposed on the pollock fishery (e.g. the suggestion to begin the annual accounting against the cap in the pollock "B" season). The scoping notice indicates that a shift in the annual accounting period may be an option for consideration in connection with the new salmon bycatch amendment. In our view, an approach that starts the accounting period at the beginning of the "B' season could have disastrous consequences for the pollock fleet as any closure triggered under such a revised accounting system would most likely occur in the middle of the pollock "A" season. This is the period during which roe (the most valuable product that the fishery produces) is extracted as a byproduct of the directed pollock catch. The loss of any significant part of the A season fishery would put the roe fishery at risk and could financially cripple the industry. At the same time, salmon bycatch traditionally declines as the A season progresses. A mid-season closure of the A season would not, therefore, result in any savings insofar as salmon is concerned because the cap would have been reached anyway. For this reason, a shift in the annual accounting period could result in a "lose/lose" situation for both pollock fishermen and salmon fishermen alike.

4). No hard cap should be imposed on the pollock fishery without individual vessel accountability. Absent a system of individual vessel accountability, a hard cap that threatens to shut down the pollock fishery prior to the achievement of the TAC will inevitably result in a "race for bycatch". This is the worst of all possible worlds insofar as responsible bycatch management is concerned. Under such a race, it is the irresponsible vessel operators (those that make no effort to avoid or reduce bycatch) that tend to prosper and the responsible vessel operators (those that alter their fishing behavior in order to reduce bycatch) that tend to suffer. In order to avoid such a "tragedy of the bycatch commons", any hard cap(s) that might be contemplated should be imposed at the sector, co-op or individual vessel level. Such an approach would facilitate the development of a system that results in individual vessel accountability—a system where good behavior is rewarded and bad behavior penalized.

5) Other issues to be considered/analyzed in the EIS.

a) The EIS should evaluate the contribution that salmon enhancement programs in Japan, Russia and British Columbia make to the salmon bycatch problem in the BSAI. The EIS should attempt to determine the origin of chum and Chinook salmon taken as bycatch in the BSAI pollock fishery and the extent to which that bycatch can be attributable to salmon hatcheries or other aquaculture projects in foreign countries. The need to reduce bycatch of such "introduced" fish as they pass through the US fishery zone—fish that will return to spawn in non-US streams—may be less compelling than the need to reduce the bycatch of US spawned fish that would otherwise return to US river systems.

b) The EIS should evaluate the correlation between years of high salmon bycatch in the pollock fishery and future returns of salmon to contributing river systems in Alaska and other parts of North America. The EIS should attempt to determine whether and to what extent increased bycatch of salmon in the pollock fishery may be an indication that one or more strong year classes of salmon are moving through the system—year classes that will eventually contribute to stronger runs when the fish mature and return to Alaskan and other river systems to spawn.

Thank you for the opportunity to present these comments in connection with the scoping process on the pending amendment. If you have any questions, we will be happy to discuss them with you over the phone or at an upcoming meeting of the NPFMC.

Sincerely,

Stephanie D. Madsen

Stephanie Madsen, Ex. Dir.

C036

KONGIGANAK TRADITIONAL COUNCIL
P.O. BOX 5069
KONGIGANAK, ALASKA 99545-5069
PH (907) 557-5226 Fax (907) 557-5224

February 13, 2008

Sue Salveson, Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region, NMFS
Attn: Ellen Sebastian

RE: Commenting on the Salmon Bycatch EIS in the Bering Sea. By FAX: (907) 586-7557

Dear Ms. Salveson;

The Native Village of Kongiganak is a federally recognized tribe and we are dedicated to protecting and enhancing the welfare of the people who live in this village. We are writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our way of life. **Salmon serves an important cultural economic role in our community and throughout Western Alaska.** Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is an **irreplaceable resource that must be protected.**

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives, which will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fishermen and women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on Western Alaska salmon stocks, subsistence users and commercial fishermen and women. The analysis must take into consideration the broad range of values of salmon to our communities for nourishment, cultural purposes and income, not simply the commercial value.

We respectfully ask that you take these into consideration.

Sincerely,

Harvey P. Paul Feb 13, 2008

KONGIGANAK TRADITIONAL COUNCIL
Harvey Paul, Secretary

Mes/file

C037
3pp

OCEANA | Protecting The World's Oceans
175 South Franklin Street, Suite 418 +1.907.586.4050
Juneau, AK 99801 USA www.oceana.org

February 15, 2008

Ms. Sue Salveson
Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region, NMFS
P.O. Box 21668
Juneau, AK 99802

RE: Salmon bycatch EIS scoping, RIN 0648-XD93

Dear Ms. Salveson:

Thank you for the opportunity to comment on the scope of issues, appropriate range of management alternatives, and potential impacts to be addressed and analyzed in the Environmental Impact Statement (EIS) for the salmon bycatch reduction measures in the Bering Sea and Aleutian Islands (BSAI) management area, pursuant to the National Environmental Policy Act (NEPA).

Oceana repeatedly has expressed our concern to the North Pacific Fishery Management Council and National Marine Fisheries Service (NMFS) regarding bycatch and specifically, the increasing salmon bycatch in the Bering Sea/Aleutian Islands (BSAI) pollock fishery. Thus far, however, neither the Council nor the National Marine Fisheries Service has taken effective action to curb this growing problem. BSAI groundfish fisheries caught more than 130,000 Chinook salmon during 2007, which is more than double the 1997-2006 ten-year average of 49,562 Chinook.[1] The vast majority of these Chinook were caught by pollock trawl vessels. Those vessels also catch a substantial number of chum salmon, with chum bycatch peaking at more than 700,000 fish in 2005. It is time to count, cap, and control salmon bycatch.

A sincere effort to reduce salmon bycatch in the Bering Sea pollock fishery is long overdue. Past efforts have taken the wrong approach and have failed to reduce the overall number of salmon taken each year by the pollock fishery. We have learned from past experience that management measures such as fixed closures or voluntary closures have not been adequate to reduce the overall amount of salmon bycatch. Therefore, a Prohibited Species Catch (PSC) hard cap limit for Chinook and non-Chinook salmon must be utilized in order to reduce the overall number of salmon taken as bycatch in the pollock fishery. The Council's discussion paper from February 2008[2] includes extraneous draft Alternatives such as rate-based triggered area closures that have a past track record of failing to reduce the overall number of salmon caught as bycatch. For these reasons, the range of alternatives developed for analysis in the EIS must include an

[1] January 14, 2008 Memorandum from Balsiger to Lohn re: 2007 Annual Report for the Alaska Groundfish Fisheries Salmon Incidental Catch and Endangered Species Act Consultation.
[2] NPFMC Staff Discussion Paper, BSAI Salmon Bycatch, February 2008; found at: http://www.fakr.noaa.gov/npfmc/current_issues/bycatch/Salmonbycatch208.pdf

alternative, like a PSC hard cap limit, that focuses on and requires hard caps for salmon bycatch that may not be exceeded by the fishery.

The scoping period is an early and open process to determine the scope of issues an EIS will address and to identify significant issues related to the proposed action.[3] The NEPA regulations require the scoping of an EIS to identify "the range of actions, alternatives, and impacts to be considered in an [EIS]."[4] In doing so, agencies must consider any connected, cumulative, and similar actions, identify alternatives and consider potential impacts.[5] These impacts include any direct, indirect and cumulative impacts of the proposed action.[6]

In order to provide a solid knowledge base from which to gauge an appropriate analysis of the significant direct, indirect and cumulative impacts and identify a reasonable range of alternatives, the scope of significant issues addressed in the EIS should include at a minimum:

- The ecological importance of salmon in the North Pacific ecosystem;
- A discussion of why 'rate-based' management measures are inadequate for reducing the overall number of salmon caught as bycatch;
- A synopsis of the salmon bycatch stock-of-origin identification work to date, including preliminary results and discussion of past results;
- A discussion of the number of bycatch salmon measured and weighed, number of tissue samples taken, number of scale samples taken, methodologies used, and presentation of results. If samples have not been analyzed, a discussion of why and what it would take to analyze such samples to determine stock-of-origin and other ecological information;
- The status of ESA-listed salmon stocks;
- Identification of potential impacts to ESA-listed salmon stocks which have not previously been adequately addressed;
- Incorporation and discussion of the potential impact of other environmental reviews that are within the scope of this proposed action, including relevant ESA documents or reviews affecting ESA-list salmon stocks;
- An assessment of steelhead (*Oncorhynchus mykiss*) bycatch and a sub-option in the Alternatives to include a hard cap for steelhead bycatch;
- The economic and social importance of salmon. Economic and social analyses should include values of salmon to commercial, sport, charter and subsistence fisheries as well as spiritual values;
- Figures displaying total salmon commercial, recreational, and subsistence catches by species in Alaska and trends;
- Figures displaying total salmon commercial, recreational, and tribal catches in the Pacific Northwest by species and trends;
- An updated version of the Yukon River Chinook salmon status report compiled by ADF&G in 1998 for the Amendment 58 analysis;
- The status of salmon stocks from the Kuskokwim, Nushagak, or any other river system identified in the salmon bycatch composition work;
- Trends in hatchery releases for Chinook and chum over the years. Concerns have been raised by industry on the potential proportion of hatchery fish in the salmon bycatch. The

[3] *See* 40 C.F.R. §1501.7.
[4] *See* 40 C.F.R. §1508.25.
[5] *See id.* §1508.25(a)-(c).
[6] *Id.* at (c).

North Pacific Anadramous Fish Commission keeps a database of all salmon hatchery releases in the North Pacific. Our analysis of the NPAFC database indicates a relatively stable or declining trend in both Chinook and chum hatchery releases from 1993 to 2006;
- The effects of reducing tow lengths, or the amount of time spent towing a pollock trawl;
- Histograms to examine trends in the number of salmon caught per tow, with attention paid to tows with particularly high catches of salmon;
- Discussion of the potential for relatedness or similar stock of origin for salmon caught in a tow and the effect this may have on stock composition analyses or the effect of bycatch on particular stocks. Fish schools may show a degree of permanence and may travel with related kin[7]; and
- The cumulative impacts on salmon fishermen from poor returns of both Chinook and chum stocks.

In moving forward with the scoping process NMFS must also ensure that the proposed action complies with its obligation under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to take practicable actions to minimize bycatch, *See* 16 U.S.C. §§ 1853(a)(11); 1851(a)(9), and the Endangered Species Act (ESA). NMFS must also ensure it continues to meet its obligations under the Pacific Salmon Treaty and the Yukon River Salmon Agreement.[8]

As noted above, the current management regime to address salmon bycatch is woefully inadequate, and we urge NMFS as it moves ahead with the scoping process to include and analyze these significant issues as well as an alternative that requires a PSC limit. The continuing salmon crisis is a reflection of a larger issue we have consistently raised with NMFS and the Council that there needs to be a more comprehensive approach to count, cap, and control bycatch. Failure to establish a comprehensive bycatch program will continue to jeopardize the health, biodiversity, and viability of our ocean ecosystems. With our oceans under more stress than ever from global climate change and demands of a growing world population, it is imperative we immediately address those threats and stresses that we can control. Salmon bycatch in the pollock trawl fishery is clearly a problem we must solve if we are to have sustainable fisheries and healthy coastal communities for this and future generations.

Again, thank you for integrating the information listed above into your analyses. We look forward to continuing to work with you to find a solution that will reduce salmon bycatch in the BSAI groundfish fisheries.

Sincerely,

Jim Ayers
Vice President, Oceana

[7] Fraser, D.J., P. Duchesne L. Bernatchez. 2005. Migratory charr schools exhibit population and kin associations beyond juvenile stages. Molecular Ecology 14 (10). 3133–3146.
[8] *See* January 17, 2008 Memorandum from Oceana to Balsiger re: Salmon Bycatch in the Bering Sea/Aleutian Islands Pollock Fishery.

C038

Febrary 6,2008

Dear Ms Salverson,

I am lifelong subsistence user of Chinook and chum salmon and I was commercial fisherman when I was younger.

We depend mostly on chinook salmon because of it's high quality in oil and taste and we depend on wild stocks because the state of Alaska has no salmon hatcheries in mostly Alaska Native areas. And salmon stock rebuilding programs occur in mostly nonnative areas south of Aluetians.

We have no subsistence use allocation of chinook salmon or any salmon and there should be no allocation to wasteful pollock fishery. To waste salmon is contary to federal laws and United States and Canada Yukon Salmon Treaty on Chinook and chum salmon specify that chinook and chum salmon be protected whereever they migirate and conservation and to rebuild salmon stocks is International Treaty Goal.

Pollock fishery should be close because it is not important as Congress mandated protected species.

ANILCA Title 8 can also be applied to pollock fishery to protect salmon for conservation and piority uses beside the enforcement of U.S./ Canada Yukon Salmon Treaty mandates.

Artic, Yukon,Kuskokwim chinook and chum salmon intermix in high seas and known interception of Yukon Chinook salmon is legally not acceptable because of Treaty obligations.

Allowed state of Alaska salmon interceptions and trawling interceptions have destroyed viable and valued commercial fisheries in Artic, Yukon, and Kuskokwim ares by forcing fish buyers to go out of business for lack of salmon and presently new buyers can only pay less than a dollar for chinook salmon by the pound because of uncertainty of chinook salmon returns. In other words, salmon interceptions has destroyed Western Alaska commercial fisheries.

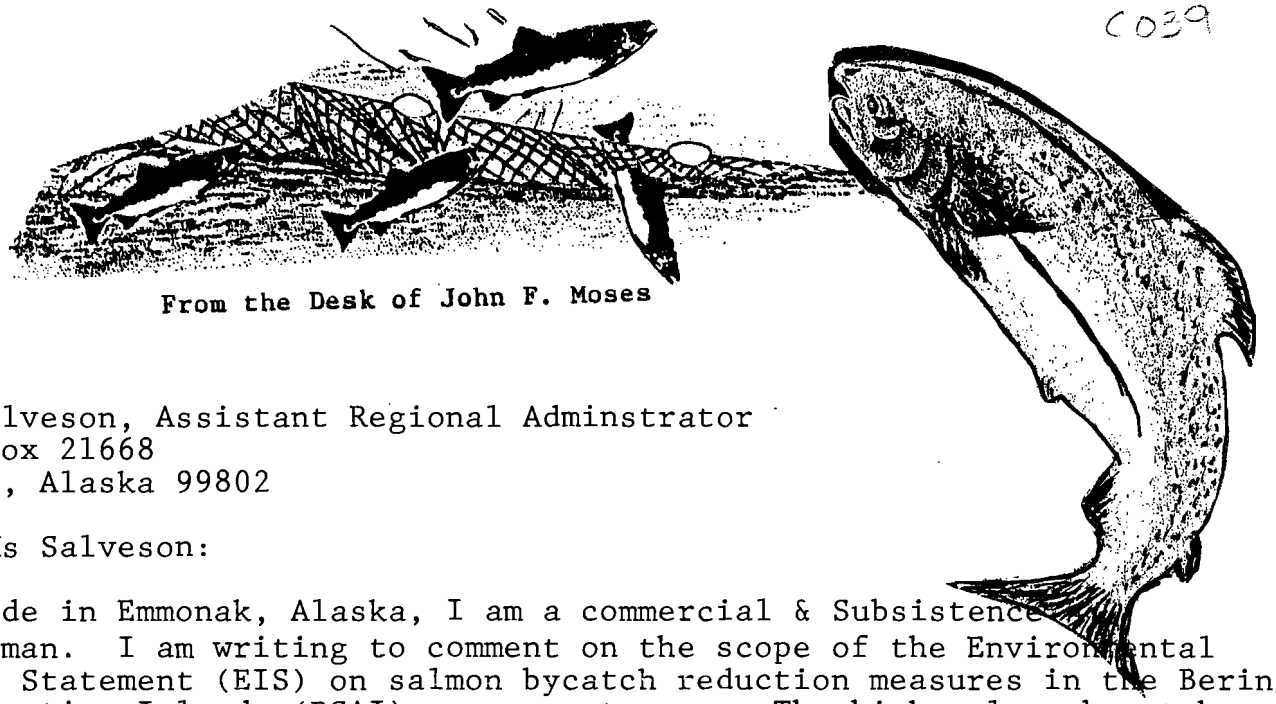
We will contribute what we got left to AFN and AVCP,Inc. to Sue in federal courts to protect what we got left.*

Most Sincerely,

Jesse Foster

Jesse Foster
PO BOX 29
Quinhagak, AK
99655

C039



From the Desk of John F. Moses

Sue Salveson, Assistant Regional Adminstrator
P.O. Box 21668
Juneau, Alaska 99802

Dear Ms Salveson:

I reside in Emmonak, Alaska, I am a commercial & Subsistence fisherman. I am writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life.

Salmon serves an important cultural and economic role in my community of Emmonak, Alaska, and throughout Western Alaska.

Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Lower Yukon river delta coastal area. Salmon is an irrplaceable resources that must be protected.

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives which will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fishermen & Woman and communities who depend on these salmon. The range of hard cap considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS, NMFS must analyze the impacts of salmon bycatch on Western Alaska salmon stocks, subsistence users and commercial fishermen and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purpose and income, not simply the commercial value.

With every best wishes and kindest personal regards, I remain !

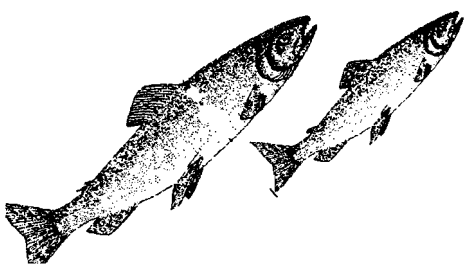
Sincerely,

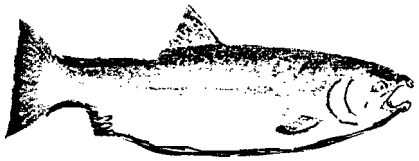
John F Moses

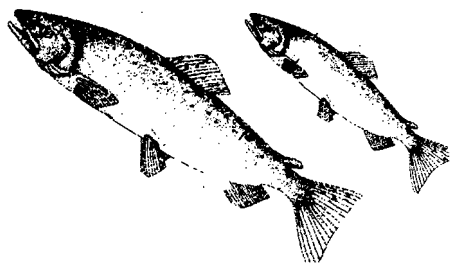
John F. Moses

P.O. Box 161

Emmonak, Alaska 99581







C040

STATE OF ALASKA

Department of Fish and Game
Boards Support Section

Rita St.Louis, Regional Coordinator
1300 College Road, Fairbanks, AK 99701-1599
PHONE: (907) 459-7263, FAX: (907) 459-7258
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Minto-Nenana Fish and Game Advisory Committee

February 5, 2008

Sue Salveson
Sustainable Fisheries Division, Alaska Region, NMFS
PO Box 21668
Juneau AK 99802

Dear Ms Salveson,

We represent the villages of Nenana and Minto along with many people in between. This letter is to register our strong concern for the **unacceptable salmon by-catch** in the pollock fishery in the Bering Sea/Aleutian Islands.

We recognize some by-catch is unavoidable, but the abuse at this point is blatant and unacceptable. **Greed has over ridden common sense.** The people of the pollock fishery have proven that they will not show restraint on their own, so the cap must be imposed upon them.

We recommend the 2006 by-catch level cap of 87,500 fish.

The return of Chinook salmon to the Yukon and Kuskokwim River drainages alone is already in jeopardy. Catching and throwing away up to 125,000 Chinook in the Pollock fishery before they even have a chance to make it to their home river drainages is nothing short of criminal.

We strongly urge you to stop this insanity and impose a cap on their by-catch.

Respectfully,

Victor Lord, Vice Chair Minto-Nenana Advisory Committee

C041

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

FWS/AFES

FEB - 7 2008

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

Re: Salmon Bycatch Reduction Measures for the Bering Sea and Aleutian Islands Management Area – Notice of Intent

Dear Ms. Salveson:

The U.S. Fish and Wildlife Service (USFWS) has reviewed the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) to evaluate salmon bycatch reduction measures for the Bering Sea and Aleutian Islands (BSAI) Management Area. Bycatch is of concern to the USFWS because it may affect salmon populations important for Federally-qualified subsistence users. Additionally, the bycatch include populations that fall under the U.S./Canada Yukon River Salmon Agreement, for which the USFWS has been actively engaged with the State of Alaska and other partners to ensure conservation of those populations for the benefit of U.S. and Canadian fishers. Therefore, we offer our perspectives and recommendations for identifying the purpose and range of alternatives to be analyzed in the Draft EIS to address the environmental, social, and economic issues considered in developing salmon bycatch reduction methods for the BSAI Management Area.

The USFWS is one of five Federal agencies responsible for implementing Title VIII of the Alaska National Interests Lands Conservation Act (ANILCA), which requires continuation of subsistence opportunities and ensuring that subsistence uses have a meaningful preference or priority over non-subsistence uses. The purposes for our 16 National Wildlife Refuges in Alaska were established or modified by ANILCA, including the 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...." Except for the Kenai National Wildlife Refuge, every Alaska refuge includes a purpose to "...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 Panel is responsible for overseeing the conservation and management of Canadian bound salmon stocks as authorized in the Yukon River Salmon Agreement.

The USFWS is a non-voting member of the North Pacific Fishery Management Council, which has allowed us to track the salmon bycatch issue for a number of years. We are concerned that

recent high levels of Chinook and non-Chinook salmon bycatch in the BSAI groundfish fisheries will increase the difficulty in meeting Alaskan salmon spawning escapement goals, rural subsistence salmon harvest needs, and salmon border passage obligations to Canada. Recent letters to the Council from Western Alaska organizations and the U.S./Canada Panel co-chairs echo these same concerns. In many Western Alaskan locations, rural subsistence fishermen have been subject to subsistence and/or commercial fishing restrictions in one form or another since 1998.

The NOI identifies that the purpose of the proposed action is "...to minimize the non-Chinook and Chinook salmon bycatch to the extent practicable." 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 EIS. We believe the purpose 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, sufficient opportunity to meet subsistence harvest needs and international obligations, and additional fish for historical non-subsistence harvest levels. A historical average return of Chinook salmon to the Yukon River would typically be near 250,000 fish. This level of return has not been achieved since 1997.

We appreciate that BSAI pollock fishery bycatch is not the only impact to Western Alaska Chinook and non-Chinook salmon stock returns, but it has been shown to contribute significantly to mortality.[1] We believe the increasing BSAI salmon bycatch is essentially a reallocation of the in-river return of salmon destined for Western Alaskan communities and Canadian Yukon River communities in the Yukon Territory. The increasing bycatch mortality of these salmon could hinder the ability of Federal managers to meet the subsistence priority established in ANILCA while maintaining escapement goals.

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 methods or combination of, 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 40,000 Chinook salmon and 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 in-river commercial fishing opportunities. If these salmon bycatch levels are exceeded, we believe some segment of in-river escapement or harvest is likely to be reduced. Therefore, based on present information, we recommend the Draft EIS include an alternative that incorporates a hard-cap bycatch threshold of 40,000 Chinook and/or 70,000 non-Chinook salmon and an enforceable policy for implementing a prohibition on any additional salmon bycatch if these thresholds are exceeded. We also recommend that a research and monitoring plan be developed which would identify information needed to establish an "optimal" bycatch level based on improved stock-specific information.

---

[1] Kate Myers, et al., Estimates of the Bycatch of Yukon River Chinook Salmon in U.S. Groundfish Fisheries in the Eastern Bering Sea, 1997-1999 (March 2004).

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 species as well. Yukon River fall chum salmon managers have received genetic stock of origin microsatellite results within 24 to 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.[2] Collecting comparable samples of BSAI pollock fishery bycatch could similarly aid Chinook and non-Chinook management decisions in both marine and in-river fisheries.

In conclusion, we believe BSAI 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 border passage obligations to be met consistent with the Pacific Salmon Treaty. We believe the best way to achieve that is by implementing a hard-cap threshold, based on the best available information, beyond which additional BSAI bycatch would be prohibited. We recommend that the Draft EIS evaluate an alternative that includes such a threshold, and we would be happy to work with the National Marine Fisheries Service to develop or further discuss this alternative.

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,

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

[2] 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.

C042

VILLAGE OF KOTLIK
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(907)899-4326 / 4836 FAX (907)899-4790

7 February 2008

Sue Salveson, Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region, NMFS
Attn: Ellen Sebastian
P.O Box 21668
Juneau, AK 99802

Dear Ms. Salveson;

The Kotlik Tribal Council is a governing body for the Native Village of Kotlik, who represents the best interest of the Kotlik Tribal members. There are at least 300 salmon permit holders, and the village, men and woman alike are subsistence users.
On behalf of the Village of Kotlik, we are writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life. Salmon serves an important cultural and economic role in our community and throughout Western Alaska. Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is an irreplaceable resource that must be protected.

Therefore, in conducting the Environmental Impact Statement, NOAA should consider only alternatives which will reduce salmon bycatch. NOAA should include a hard cap on salmon bycatch as one of their alternatives to protect Western Alaska salmon, the subsistence and commercial fishermen and women and communities who depend on these salmon. The range of hard caps considered must not exceed the 2006 Chinook bycatch level of 87,500 fish. In the EIS< NMFS must analyze the impacts of salmon bycatch on Western Alaska salmon stocks, subsistence users and commercial fishermen and women. The analysis must take into consideration the broad range of values of salmon to these communities for nourishment, cultural purposes and income, not simply the commercial value.

Sincerely,

Joseph P. Mike
Tribal President

Victor Tonuchuk Sr.
Vice President

Agnes M. Okitkun
Secretary

Peter Elachik
Council Member

Hilma Tonuchuk
Council Member

Comments on Salmon Bycatch EIS

Comment 1: The purpose and need statement suggests several reasons for the proposed action, they include reducing bycatch under National Standard 9 of the MSA, providing additional harvest opportunities in Western Alaska, and meeting obligations under the U.S.-Canada Yukon River Agreement (Agreement), specifically Article 12 of that Agreement, which provides:

> The Parties [U.S. and Canada] shall maintain efforts to increase the in-river run of Yukon River origin salmon by reducing marine catches [emphasis added] and by-catches of Yukon River salmon. They shall further identify, quantify and undertake efforts to reduce these catches [emphasis added] and by-catches.

Because the purpose and need for this action as adopted by the Council is broad, the Council and NMFS must expand their suite of alternatives to consider alternatives that not only reduce bycatch, but specifically provide for additional harvest opportunities in Western Alaska. If the purpose and need statement is only to reduce bycatch, then the statement that "[s]almon bycatch must be reduced to address the Council's concerns for those living in rural area who depend on local fisheries for their sustenance and livelihood and to contribute towards efforts to reduce bycatch of Yukon River salmon under the Agreement obligations," does not appear to be addressed by the alternatives under consideration. Either the purpose and need statement or the alternatives currently under consideration need to be adjusted.

Comment 2: If the purpose and need for this action is to address the Agreement, then the language of the Agreement indicates that the Council and NMFS must consider alternatives that would reduce marine catches of Yukon River salmon such as those that occur in the State of Alaska salmon fisheries. If the intent of this action is not to reduce marine catches of salmon, the reference to the Agreement should be removed from the purpose and need statement to avoid any confusion or suggestion that the purpose and need for the EIS is broader than it is.

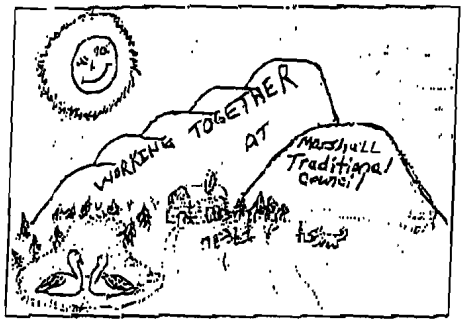
Comment 3: NEPA requires that the Council and NMFS consider the action in the context of the existing human environment. The Council and NMFS should fully describe all potential sources of marine salmon mortality including bycatch and catch in the North Pacific, Russia, Asia, Canada, Washington, and Oregon.

Comment 4: The EIS should examine the marine catches of salmon in State of Alaska salmon fisheries and quantify the potential amount of salmon caught in these fisheries that could be attributed to specific river systems. The analysis should contain a table similar to the one included below to clearly show the total harvests and potential contributions of Yukon River stocks (or other Western Alaska stocks) in these marine catches. Similar tables should be prepared for other salmon species and updated using current data. Where available, tables should include any available information from tagging studies, or genetic analysis that describes the stock composition in these marine fisheries.

Example Table: Estimate of the Number of Yukon River Chinook Salmon Taken in State of Alaska Marine Salmon Fisheries.
(Assuming 1- 15 % stock composition from Yukon River Chinook Stocks)

Year	Coastal Y-1	Kuskokwim District 4	Bristol Bay	AK Peninsula and Aleutians	Chignik	Kodiak	PWS	Lower Cook Inlet	Southeast Alaska	Total	1% Yukon Stock	2.5% Yukon Stock	5% Yukon Stock	10% Yukon Stock	15% Yukon Stock
1995	N/A	38,584	99,318	24,618	5,493	18,704	1,364	2,303	235,739	426,123	4,261	10,653	21,306	42,612	63,918
1996	N/A	14,165	86,376	10,012	3,145	13,071	700	1,181	236,259	364,909	3,649	9,123	18,245	36,491	54,736
1997	N/A	35,510	76,593	17,515	3,120	18,728	1,186	1,261	343,002	496,915	4,969	12,423	24,846	49,692	74,537
1998	N/A	23,158	134,751	10,084	4,503	17,341	2,013	1,071	270,593	463,514	4,635	11,588	23,176	46,351	69,527
1999	N/A	18,426	26,457	9,701	3,507	18,299	1,055	1,764	251,020	330,229	3,302	8,256	16,511	33,023	49,534
2000	N/A	21,229	22,894	9,009	2,612	12,293	1,133	1,188	263,290	333,648	3,336	8,341	16,682	33,365	50,047
2001	N/A	12,775	24,348	6,714	2,939	23,827	861	988	265,734	338,186	3,382	8,455	16,909	33,819	50,728
2002	N/A	11,480	44,123	10,251	1,521	19,263	958	1,553	426,534	515,683	5,157	12,892	25,784	51,568	77,352
2003	N/A	14,444	46,953	7,257	3,068	18,531	256	1,180	439,436	531,125	5,311	13,278	26,556	53,113	79,669
2004	N/A		114,280	17,452	2,520	28,899	864	1,658	506,207						
2005	N/A		76,590	13,685	3,408	14,411	1,217	622	497,885						
2006	N/A		105,731	13,037		20,283		639							
2007	N/A		63,000	12,921		17,222		700							

Sources:
Kuskokwim: Appendix C1, Annual Management Report (AMR) from the State of Alaska
Bristol Bay: Appendix A4, AMR
AK Peninsula and Aleutians: Appendix B1, AMR
Chignik: Table 17, AMR
Kodiak: Table 4, AMR
PWS: Appendix D2, AMR
Lower Cook Inlet: Appendix A5, AMR
Southeast Alaska: Table 38, Annual Report to Board of Fisheries



Native Village of Marshall
Marshall Traditional Council
P.O. Box 110
Marshall, AK 99585

Phone: (907) 679-6302 Fax: (907) 679-6187

FAX TRANSMITTAL FORM

TO: Sue Salveson, Assistant Regional Admin.

FROM: Marshall Traditional Council/EPA Dept.

FAX TO: 1-(907)586-7557 DATE: 2/15/08

Number of Pages Including Cover: 3

NOTES:

Concerned citizens signatures about Salmon Bycatch concerning pollock fisheries. Even it's after the 15th we're still faxing these papers to you.

Fisherman from the Lower Yukon River
Community of Marshall

Dear Ms. Salveson

We the commercial and subsistence fisherman from the Native Village of Marshall want to be heard. We are writing to comment on the scope of the Environmental Impact Statement (EIS) on salmon bycatch reduction measures in the Bering Sea/Aleutian Islands (BSAI) management area. The high salmon bycatch numbers of recent years threaten our salmon and our way of life. Salmon provides a primary source of food for us, and the commercial salmon harvest provides the only means of income for many who live in the remote villages of the Yukon River. Salmon is a irreplaceable resource that must be protected.

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Sincerely,
People from The Native Village of Marshall and the Environmental Programs office of Marshall Traditional Council.

Nora Tikiun	Nora TIKIUN
Gabriel Duuy	Gabriel Duuy
Kathleen Poetay	Kathleen Poetay
Theresa Isaac	Theresa Isaac
	John Andrew
Bernice Tinker →	
Teddy Heckman	Teddy Heckman
Dewayne Cooper	Dewayne Cooper (Comm. Fisherman)
Paul Buster	Paul Buster
Lola Tegeakla	Lola Tegeaklda
	Alvin Owletuck Jr
	Willie Fitka III
Gerilyn Fitka	Merilyn Fitka
Ben Peteroff	Ben Peteroff

See Back Page to Sign

Michael P. Peters	MICHAEL P. PETERS
Emily [illegible]	Emily Soolook
Mary Jane Shorty	Mary Jane Shorty
Thomas J. Soolook Sr	Thomas J. Soolook Sr
Daisy Coffee	Daisy Coffee
[illegible]	Allen Afcan
[illegible]	Edna Greist
Paul Boots	Paul Boots
William Fitka	William Fitka
[illegible]	Florence Peter
[illegible]	Ann Fitka
[illegible]	Michael Duny
[illegible]	Paul Tinker
[illegible]	Palassa Owletuck
[illegible]	Andrew Boots
[illegible]	Daniel Myers Sr.
[illegible]	Tony Bolivar
[illegible]	Victor Shorty
Grant Guy	Grant Guy
Theresa [illegible]	Theresa Manumik
[illegible]	Nick Aldrew SR
Jonathan Boots	Jonathan Boots
[illegible]	Jackie George
Maureen Larson	Maureen Larson
[illegible]	Debra Duny
Rose Bolivar	Rose Boliver
Katemal Shorty	Katemal Shorty
[illegible]	Grace Hoeldt