



NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

Angel Drobnica, Chair | David Witherell, Executive Director
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February 16, 2024

Jonathan M. Kurland
Regional Administrator
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668
Via email: jon.kurland@noaa.gov

Dear Mr. Kurland:

Thank you for requesting input from the North Pacific Fishery Management Council (Council) on the petition for Emergency Action on Chinook Salmon Prohibited Species Catch (PSC) at the February 2024 Council meeting. In the Council's view, the petition does not meet NOAA's three criteria necessary for emergency action, and the rationale NOAA Fisheries stated to deny a similar petition in January 2022 remains applicable.

In our view, the petition does not contain information indicating that the petitioned action is "practicable," a Magnuson-Stevens Act requirement, nor is the requested action likely to address the emergency from salmon run failures in Western Alaska, another requirement to forego the normal public process. The situation also does not result from recent, unforeseen events, or recently discovered circumstances, which have been ongoing for years and which affect Chinook salmon across multiple systems. State and federal scientists largely attribute the recent western Alaska salmon run failures to unfavorable environmental conditions in both the freshwater and marine residency phases, and past and recent analyses indicate bycatch of Chinook salmon minimally affect run returns.

The Council is deeply concerned about low Chinook salmon runs and the impact on western Alaska communities. Direct testimony, indigenous knowledge, and Council analyses have continued to relate the importance of Chinook salmon to Alaska Native peoples' subsistence ways of life, food security, social, and spiritual wellbeing. Because of the importance of salmon as well as the statutory requirements to minimize bycatch to the extent practicable, the existing Chinook bycatch management program was developed to minimize the bycatch of Chinook salmon at all levels of Chinook and pollock abundance, every year. The Council is committed to ensuring the program is working to that effect and continues to support the collection of critical data on salmon bycatch and salmon research.

The current management program uses a series of bycatch caps in regulation, and a lower cap in times of low Chinook salmon abundance, but the stated and realized intent of the program is for bycatch to stay well under the caps. This is achieved by requiring the use of legally binding bycatch avoidance agreements implemented on the fishing grounds to ensure bycatch is minimized to the extent practicable on a weekly, daily, and tow-by-tow basis. In addition to using salmon excluders and other requirements, every vessel is required to share all bycatch information in near real-time and fund a third party to continually analyze those data to close fishing areas in response to conditions on the water and move the fleet away from areas with higher bycatch rates throughout the season. As a result, the amount of Chinook salmon bycatch has been below the limits established in regulation since the program was implemented. Every pollock vessel is fully monitored to ensure observers count every salmon incidentally caught, and observers collect representative biological samples for genetic identification, which informs the

proportion of the total bycatch that originated from western Alaska versus Russia, etc. The Alaska Fisheries Science Center has recently implemented a new approach resulting in much more timely genetic information and is developing integrative analyses that combine large datasets to better predict stock specific distributions, to serve the management objective of avoiding western Alaska salmon.¹

The importance of the Bering Sea pollock fishery to Alaska Peninsula and Aleutian Island communities, to the U.S. seafood supply, and to the 65 villages participating in pollock and all other Bering Sea federal fisheries through the western Alaska Community Development Program is also made apparent to the Council. Given both the importance of these fisheries and the critical need to minimize impacts of bycatch on western Alaska salmon runs, the Council is committed to continuing to scrutinize whether the current Chinook salmon bycatch avoidance program is working as intended.

The Council currently evaluates the program in partnership with NOAA through the science-based and public Council process by: 1) reporting Chinook salmon PSC levels, 2) annual genetic reports to inform the proportion of Chinook bycatch that originated from western Alaska, 3) scientific evaluation of the impact of bycatch by analyzing the number of adult Chinook salmon that would have returned to the region if not caught as bycatch (Adult Equivalency Analysis), the most recent of which was done in May 2022 partly in response to the previous petition;² and 4) requiring the pollock industry to annually report on the efficacy of the requirements to move the fleet out of areas with higher bycatch rates and other restrictions.

The Council also recognizes that other proposed management actions can affect Chinook salmon bycatch and continues to prioritize impacts to Chinook salmon and Chinook salmon bycatch management broadly in our evaluation of other proposed actions. Finally, we note the Council is currently working on reviewing and modifying measures to reduce chum salmon bycatch, with a draft environmental impact statement scheduled for review at the upcoming April 2024 Council meeting. In April, the Council will also be receiving reports on recently implemented and proposed changes to incentive plan agreements to avoid chum salmon bycatch.

Again, thank you for the opportunity to comment.

Sincerely,



Angel Drobnic
Council Chair

¹<https://www.fisheries.noaa.gov/alaska/science-data/faster-turnaround-times-and-integrated-new-data-shed-light-salmon-bycatch-dynamics>

²The most recent AEQ analysis was presented to the Council in June 2022 and indicated the impacts had not changed substantially since the previous update in 2018, averaging 1.9% of annual salmon returns over the previous decade. Bycatch levels in 2022 and 2023 were at the two lowest levels in a decade but were not yet available for inclusion in the May 2022 AEQ analysis.