



# The FAIR ADVOCATE

FISHERIES,  
AWARENESS,  
INFORMATION, AND  
RESPONSIBILITY

A PUBLICATION OF THE BERING SEA FISHERMEN'S ASSOCIATION

MARCH 2009

## Chinook Salmon Bycatch Decision Soon

Action Alert: now is the time to get involved

### *A History of Chinook Salmon Bycatch Measures in the Bering Sea*

The groundfish fisheries off the coast of Alaska have undergone significant management changes in the past four decades. Prior to the adoption of the Magnuson Fishery Conservation and Management Act (MFCMA) in 1976, groundfish harvests (and their associated bycatch) had been largely unregulated and un-monitored off the coastline of Alaska by foreign fleets. After the passage of the MFCMA, these largely foreign-operated fisheries continued, but with some US oversight and regulation. It wasn't until the mid-1980's that the Exclusive Economic Zone (EEZ) fisheries began being "domesticated", through a phase-in period commonly known as "joint-venture" operations, where new U.S. stakeholders partnered with foreign fishing companies to learn about these fisheries that the foreigners had been exploiting for years.

#### Early efforts to limit non-target Chinook salmon (bycatch)

Even before the passage of the MFCMA in 1976 (and later amended to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA)), the groundfish fisheries off the coast of Alaska there had been minor efforts to limit the bycatch of non-target species, including Chinook salmon. The groundfish fisheries off the coast of Alaska were largely, or entirely, harvested by foreign fleets from Japan, the USSR, and Korea. After the passage of the MFCMA, the first significant U.S. effort to limit Chinook salmon bycatch took place in 1982, when a bycatch limit (a hard cap) of 55,250 Chinook salmon was placed on the foreign trawl fisheries. The next year, in 1983, a subsequent Fisheries Management Plan (FMP) amendment was adopted by the North Pacific Fishery Management Council (the Council) to further limit/reduce the Chinook salmon bycatch limit by 75% over a 5-year period. This reduction

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### *A Range of Alternatives Under Consideration*

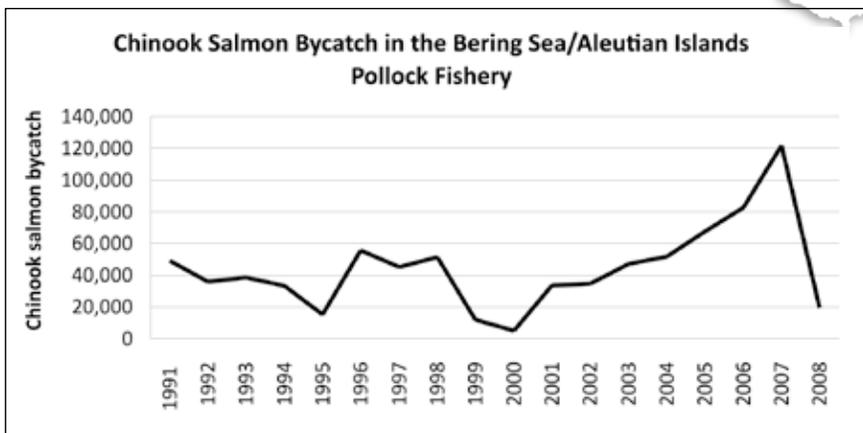
The North Pacific Fisheries Management Council (the Council) is preparing to take final action on measures to address the recent surge in Chinook salmon bycatch in the Bering Sea pollock fishery. The Council is considering four main alternatives and a wide variety of options under each of those alternatives, but most of the attention has been on the creation of a "hard cap" for Chinook salmon bycatch that would, if reached, close the pollock fishery.

**Alternative 1** calls for "status quo" which would be the same as taking no action to further limit Chinook salmon bycatch. An option for status quo is always included and analyzed in the Environmental Impact Statements (EIS), mainly as a comparison of what the other alternatives would actually do. It is not likely that the Council would choose this alternative and take no action on the matter.

**Alternative 2** deals with some sort of a Chinook salmon hard cap for the pollock fishery. Within this alternative, there is a broad range of numbers available to choose from with which to set a Chinook salmon hard cap. These hard cap amounts range from a low of 29,323 up to 87,500 Chinook salmon. Most of the options for the hard cap amount represent some form of a historical average of the bycatch for a chosen range of years (see the accompanying table with the range of caps under consideration and an explanation of each). Within Alternative 2 are a variety of other options that deal with other details such as:

- Distributing the hard cap between the A and B seasons, as well as possibly allowing unused A

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# History

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meant an eventual Chinook salmon bycatch hard cap of 13,812 on the foreign fleets (who were the only ones making significant groundfish harvests at the time). These changes were put into place following an estimated Chinook salmon bycatch exceeding 100,000 fish in the Bering Sea groundfish fisheries in 1979 and 1980. According to a document from the Council staff, the Japanese fleet was able to adapt to the new restrictive limits by making bycatch allocations to each fishing vessel (Witherell and Pautzke, 1997).

The fisheries were considered “Americanized” after the joint-venture period of the late 1980’s. Since the previous Chinook salmon bycatch limit applied only to the foreign groundfish fleets, the restriction went away. Chinook salmon bycatch stayed relatively low for a few years but in 1993 and 1994 Chinook salmon bycatch increased again and the Council initiated another FMP-amendment to put new controls into place. Those new measures, implemented in 1996, recognized that a large portion of the Chinook salmon bycatch was taken by the pollock fishery in relatively discrete areas north of Unimak Island. The new protection instituted a “triggered” closure that would close the high bycatch areas when Chinook salmon bycatch in the pollock fishery reached 48,000. In 2000, the Council established a 4-year schedule to reduce the trigger down to 29,000 Chinook salmon. While this wasn’t a “hard cap” that closed the pollock fishery altogether, it was acknowledged that a large portion of the Chinook salmon bycatch had been occurring in the areas that would closed under these triggers. Western Alaskans thought that this approach would keep Chinook salmon bycatch from continuing to increase.

Only a few more years went by when the bycatch stayed within “reasonable” levels. But it began increasing again. The American Fisheries Act (AFA) that “rationalized” the pollock fishery was signed into law in 1998, essentially ending the “race for fish” and allocating the pollock harvest to groups of

vessels called “cooperatives.” Under the AFA, these vessels could slow the rate of their pollock harvest, thereby increasing the value of their pollock catch by targeting the most valuable fish and also maximizing their product recovery.

In 2004, the Council began considering ways to relax the rigid triggered area closures at the request of the pollock industry participants who claimed that with more flexibility, they could further reduce salmon bycatch under “inter-cooperative” agreements that implemented “voluntary rolling hot spots” (VRHS). The underlying premise was that salmon bycatch could vary considerably in time and area, and that a more flexible

plan (managed by the pollock fleet) could keep bycatch even lower than rigid, triggered closure areas in Federal regulation could allow. Western Alaska stakeholders largely agreed, and since 2006, pollock vessels that were participating in the VRHS program were exempted from the fixed/triggered closures established in federal regulation.

Chinook salmon bycatch had been gradually increasing since 2000 and in 2005, the Chinook salmon bycatch began to climb to unprecedented numbers in recent history, with Chinook salmon bycatch at 67,363 in 2005, 82,647 in 2006, and 121,638 in 2007. Chinook salmon bycatch may have been even worse absent the VRHS program and triggered area closures, but VRHS certainly failed to keep bycatch well within acceptable levels.

### “Competing” National Standards

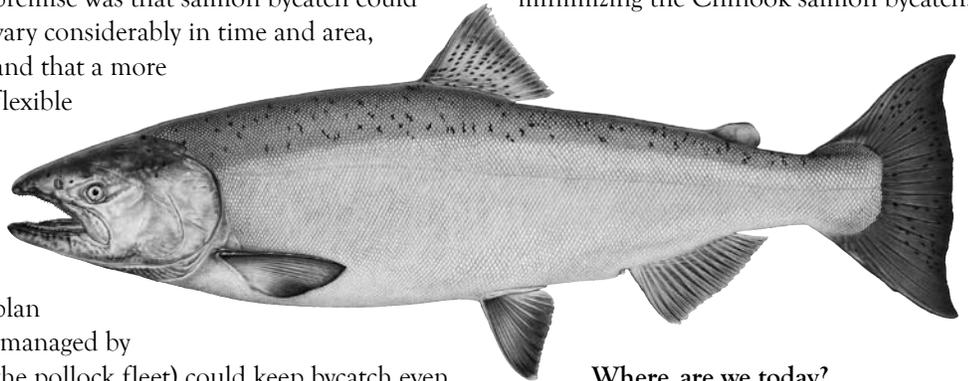
Fishery management decisions are guided by ten National Standards, as written into the MSFCMA. These standards, while somewhat general, provide guidance about how to approach fishery decisions, and what factors must be considered. In this case, two of the Standards seem to be at odds with one another:

**National Standard #1:** “Conservation

and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.”

**National Standard #9:** “Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.”

Fishery management decisions in this case will represent a balance between the two, one that tries to achieve the optimum yield (note the standard does not say “maximum” yield) from the pollock fishery, while minimizing the Chinook salmon bycatch.



### Where are we today?

Many Chinook salmon runs across western Alaska have seen significant declines in recent years. In 2008, returns to the Yukon River, while already expected to be low, came in even lower than predictions. There was no directed commercial fishery for Chinook salmon on the Yukon River, and the commercial fishery to target summer chum salmon (whose run timing overlaps significantly with the Chinook salmon run) was significantly restricted to protect the migrating Chinook salmon. Subsistence harvesting times were reduced by half during much of the summer and, many subsistence fishermen have reported that they did not meet their subsistence needs. The letter written by Mr. Nick Tucker from the lower Yukon village of Emmonak highlighted the economic plight of rural western Alaska...the high fuel and grocery prices were exasperated by the disastrous Chinook salmon return. Lower Yukon commercial salmon fishermen typically do not make a whole lot of money, compared to other commercial fishers across the State, but the little they do regularly make is tremendously important in a region where

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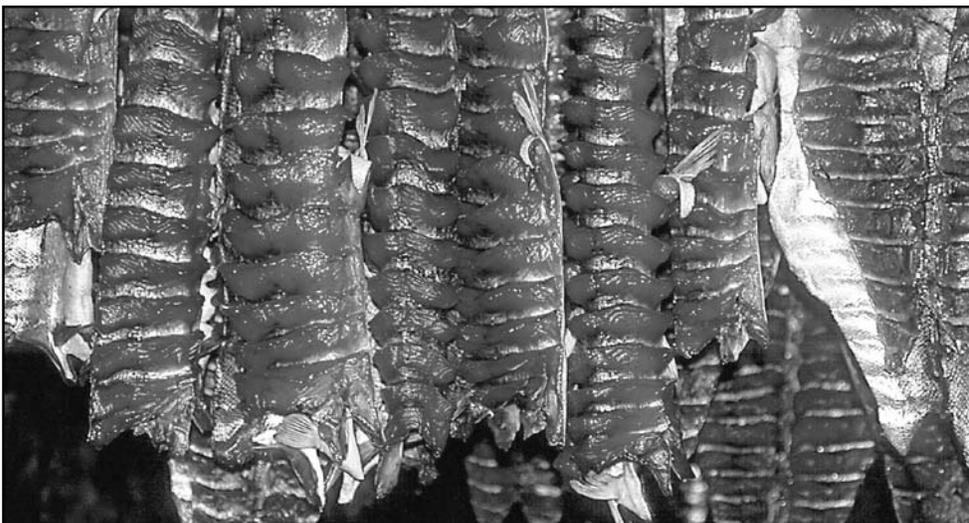
# Bering Sea Fishermen's Association's Position

Bering Sea Fishermen's Association is recommending a Chinook salmon hard cap of 32,482 to the North Pacific Fishery Management Council (the Council). A hard cap at this level will provide increased protection for vulnerable western Alaska Chinook salmon runs, some of which have failed to meet escapement objectives in recent years, despite significant restrictions to subsistence and commercial fishermen. A more specific rationale for the Chinook salmon hard cap recommendation is that 32,482 represents the average Chinook salmon bycatch from 1992 through 2001; this is the most appropriate time frame upon which to base the hard cap because the Yukon River Salmon Agreement, which was ratified by the United States in 2002, pledged to "increase the in-river run of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon."

We are troubled that a hard cap as high as 68,392 is being considered, as it represents a number that has been exceeded in only two out of the last 18 years (2006 and 2007). The long-term average bycatch (1991-2008) is just under 44,000 Chinook salmon. We feel that a cap of 68,392 would not significantly reduce bycatch in most years or provide the protection needed for many troubled western Alaska Chinook salmon runs.

As we discuss in another article in this issue of the FAIR Advocate (A history of Chinook salmon bycatch measures in the Bering Sea), the Council has made numerous attempts to control Chinook salmon bycatch in the past but those measures largely had failed to provide long term protections. At odds are the competing natures of National Standards #1 and #9. To paraphrase, National Standard #1 seeks to achieve the full harvest potential from the pollock fishery while National Standard #9 seeks to minimize bycatch. We feel that a hard cap as high as 68,392 does largely nothing to minimize bycatch, and instead seeks to maximize the pollock harvest at all costs.

BSFA is also recommending that the Council divide the overall Chinook salmon hard cap between the pollock fishery sectors based on their pollock allocations, and not based on bycatch history. Dividing bycatch caps to each sector based on that sector's historical bycatch performance simply rewards the dirty fishing practices of the past by giving them a higher bycatch allocation. Similarly, those in the pollock fishery that have had lower bycatch in the past get penalized with lower hard cap allocations. We feel that a simple approach to dividing the hard cap based on their pollock allocations levels the playing field for all pollock fishery participants and does not reward previous bad behavior in regard to Chinook salmon bycatch. ❖



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# Proposed Action

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season hard cap amounts to be “rolled over” into the B season.

- Allocating the hard cap amount between the inshore, catcher/processor, and mothership sectors of the pollock fishery.
- Allowing the transfer of hard cap allocations between sectors.
- Allocating the hard cap amounts beyond the sector-level and down to individual fishery cooperatives and considering inter-cooperative transfer provisions.

**Alternative 3** considers “triggered” area closures. This alternative would close areas that have high Chinook salmon bycatch when a certain trigger amount of bycatch is reached. Under this alternative, pollock fishing would be allowed to continue outside the closed areas without further restriction.

**Alternative 4**, otherwise known as the Preliminary Preferred Alternative (or PPA), was created at the Council’s June 2008 meeting and is a specific set of options chosen from Alternative 2 (hard cap) with an additional element that includes provisions implementation of Chinook salmon bycatch “incentive” plans from the pollock industry. In summary, the PPA would allow a hard cap of 68,392 Chinook salmon if the pollock industry can present an acceptable incentive plan (or plans) that rewards and/or penalizes vessels based on their Chinook salmon bycatch performance. If the industry doesn’t come up with an acceptable incentive plan, then they get a hard cap of 47,591 Chinook salmon. The full PPA can be found at [http://www.fakr.noaa.gov/npfmc/current\\_issues/bycatch/salmonbycatchmotion608.pdf](http://www.fakr.noaa.gov/npfmc/current_issues/bycatch/salmonbycatchmotion608.pdf)

**The PPA specifies three general requirements for the incentive plans (ICA):**

1. An ICA must provide incentive(s) for each vessel to avoid salmon bycatch under any condition of pollock and salmon abundance in all years.
2. Incentive measures must include rewards for salmon bycatch avoidance and/or penalties for failure to avoid salmon bycatch at the vessel level.

## Range of Chinook Salmon Hard Caps Under Consideration

Suboption	Overall Fishery Hard Cap	CDQ Allocation	Non-CDQ Cap (all sectors combined)
i)	87,500	6,563	80,938
ii)	68,392	5,129	63,263
iii)	57,333	4,300	53,033
iv)	47,591	3,569	44,022
v)	43,328	3,250	40,078
vi)	38,891	2,917	35,974
vii)	32,482	2,436	30,046
viii)	29,323	2,199	27,124

- **Suboption i** is the amount authorized under an Incidental Take Statement relating to Endangered Chinook salmon stocks in the Pacific northwest.
- **Suboption ii** is the 3-year average from 2004 to 2006.
- **Suboption iii** is the 5-year average from 2002 to 2006.
- **Suboption iv** is the 10-year average from 1997 to 2006, with the lowest year (2000) dropped prior to averaging because an injunction on the fishery altered normal fishing patterns in that year.
- **Suboption v** is the straight 10-year average including all years from 1997 to 2006.
- **Suboption vi** is the 10-year average from 1997 to 2006, but with the highest year of bycatch (2006) dropped prior to averaging to provide contrast with suboption iv.
- **Suboption vii** is the 10-year average from 1992 to 2001.
- **Suboption viii** is the 5-year average from 1997 to 2001.

3. The ICA must specify how those incentives are expected to promote reductions in actual individual vessel bycatch rates relative to what would have occurred in absence of the incentive program. Incentive measures must promote salmon savings in any condition of pollock and salmon abundance, such that they are expected to influence operational decisions at bycatch levels below the hard cap.

At this time, there are two different incentive plans being discussed by the pollock industry. The first plan, commonly called the “Legacy Plan” would allocate bycatch “credits” to individual vessels, and allow these credits to be traded (or sold) among the fleet. Over time, the amount of credits allocated annually to each vessel may rise or fall depending on their bycatch performance (a “cleaner” vessel would get more credits allocated in subsequent years, while a “dirtier” vessel would receive fewer credits). The other proposed plan, called the “Undercatch Incentive Plan” calls for each vessel to “ante” a certain amount of money

into a fund each year, based on their pollock allocation. Depending on their bycatch performance, a cleaner vessel would not only get their ante back, but would also get additional money out of the fund. A dirtier vessel may get less than their ante back, or no money back at all. More information on the incentive plans was presented at the February 2009 Council meeting and can be found at [http://www.fakr.noaa.gov/npfmc/current\\_issues/bycatch/bycatch.htm](http://www.fakr.noaa.gov/npfmc/current_issues/bycatch/bycatch.htm)

**Other specifications within the PPA:**

- Distribution of 70% of the hard cap to the pollock A season and 30% to the B season. Additionally, 80% of unused A season bycatch allowance can be rolled over into the B season of each year.
- An allocation scheme between the fishery sectors (including CDQ) that blends historical bycatch performance with each sector’s allocations of pollock. This formula is weighted, with 75% of the allocation based on historical bycatch performance and 25% based on pollock allocations. It also allows for

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(photo by Dave Cannon)

## History

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cash and jobs are scarce.

In Norton Sound, the Chinook salmon return to the Unalakleet River, the largest Chinook salmon run in the region, was the lowest on record. There was no commercial fishery for Chinook salmon, and the subsistence fishing opportunity (and harvests) were dramatically reduced.

Chinook salmon are fully allocated throughout their entire range and are prized

by the subsistence, commercial, and sport users that depend upon them. According to several studies, between 50 to 60% of the Chinook salmon taken as bycatch in the pollock fishery are of western Alaska origin.

The Council has again re-initiated a proposed action to limit Chinook salmon bycatch in the pollock fishery. While there are a variety of approaches in the suite of alternatives for the Council to choose from, most of the emphasis has been on implementing a hard cap that would close the pollock fishery, if reached. See related article in this newsletter, "Proposed Council

Action".

### Sources:

David Witherell and Clarence Pautzke. 1997. A Brief Overview of Bycatch Management Measures for Eastern Bering Sea Groundfish Fisheries. Marine Fisheries Review 59(4):15-22. [http://www.fakr.noaa.gov/npfmc/sci\\_papers/MFR.pdf](http://www.fakr.noaa.gov/npfmc/sci_papers/MFR.pdf)

Witherell, D., D. Ackley, and C. Coon. 2002. An Overview of Salmon Bycatch in Alaska Groundfish Fisheries Alaska Fisheries Research Bulletin 2002 Summer; Vol. 9(1):53-64. [http://www.adfg.state.ak.us/pubs/afrib/vol9\\_n1/withv9n1.pdf](http://www.adfg.state.ak.us/pubs/afrib/vol9_n1/withv9n1.pdf) ❖

## Proposed Action

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full transferability of unused hard cap amounts between sectors.

- It further subdivides sector hard cap amounts down to individual pollock fishery cooperatives, and allows inter-cooperative transfers of unused Chinook salmon hard caps.

National Marine Fisheries Service (NMFS) has prepared a draft Environmental Impact Statement (EIS) that analyzes each of the alternatives and their costs and benefits. The draft EIS can

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

The draft EIS underwent a public comment period that ended on February 23. BSFA submitted comments on the draft document that can be found at: [http://www.fakr.noaa.gov/sustainablefisheries/bycatch/salmon/chinook/comments/C32\\_Nelson\\_Art\\_Bering%20Sea%20Fishermen's%20Association.pdf](http://www.fakr.noaa.gov/sustainablefisheries/bycatch/salmon/chinook/comments/C32_Nelson_Art_Bering%20Sea%20Fishermen's%20Association.pdf)

After NMFS reviews all public comments and makes changes to the draft EIS, they will issue a final version of the EIS.

The Council is scheduled to take final action on the Chinook salmon bycatch measures at their March 30-April 7, 2009

meeting in Anchorage. In this issue of the FAIR Advocate is the position that the BSFA Board of Directors has taken on the alternatives as our recommendation to the Council. Also in this issue is more information about how you can get involved (the deadline for submitting your written comments to the Council is March 25).

This is one of the most significant fishery issues for western Alaska in a long time. **Your participation is considered necessary to help ensure that the Council fully understands how important Chinook salmon are for your way of life and the economies of western Alaska.** ❖

# How to Get Involved

The North Pacific Fishery Management Council (the Council) plans to take final action on the issue of Chinook salmon bycatch at their March 30-April 7, 2009 meeting in Anchorage at the Hilton Hotel. The agenda for the meeting can be found at <http://www.fakr.noaa.gov/npfmc/Agendas/409Agenda.pdf>

Written comments to the Council must be received by 5:00 pm on March 25, 2009 and can be sent to:

North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252  
Fax: (907) 271-2817

This is one of the most important fishery issues facing western Alaskans. If the Council's decision falls short, it may potentially affect your Chinook salmon runs. Please take the time to provide written comments to the Council. Helpful things to mention could be:

- How important Chinook salmon is to you, your family and your community through subsistence and commercial fishing.
- How have the recent low returns of Chinook salmon affected you, your family and your community?
- How expensive it is for you to buy other food, if you cannot

catch enough Chinook salmon for subsistence.

- If you commercial fish, what percent of your cash income comes from commercial Chinook salmon fishing. How important is this income to you and your family?
- What do you think the Chinook salmon hard cap should be? BSFA has taken the position that the hard cap should be no more than 32,482 Chinook salmon. A number of other western Alaska organizations such as Kawerak Inc., Tanana Chiefs Conference, the Association of Village Council Presidents, and Yukon River Drainage Fisheries Association are also recommending a hard cap at this level, or less.

Time is short! BSFA staff would be happy to help you develop your comments. You can call us toll-free at 1-888-927-2732. If you are not able to submit your written comments to the Council before the March 25 deadline, send them to us and we can present them at the Council meeting in April. Our fax number is 907-258-6688; you can mail them to 110 W. 15th Avenue, Anchorage, AK 99501, or email them to [karen.gillis@bsfaak.org](mailto:karen.gillis@bsfaak.org)

BSFA also has a general petition to the NPFMC about Chinook salmon bycatch. While it is very important for you to submit written comments to the Council, you can also sign on to the petition at the BSFA website <http://www.bsfaak.org/>

If you don't have internet access, you can call us toll-free at BSFA (1-888-927-2732) for a copy of the petition. ❖

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