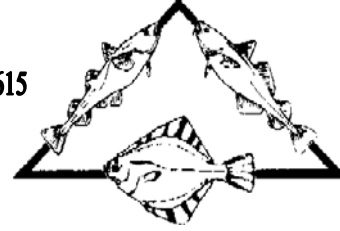


Groundfish Data Bank

Alaska

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North Pacific Fishery Management Council
605 W. 4th, Suite 306
Anchorage, AK 99501-2252
Fax (907) 271-2817
npfmc.comments@noaa.gov

December 2, 2013

Re: Agenda Item C-3 – Final action Chinook Salmon PSC limit rollover for GOA non-pollock trawl catcher vessels

Dear Chairman Olson and members of the Council:

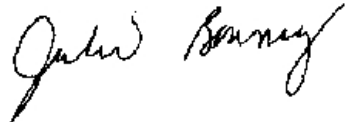
Alaska Groundfish Data Bank (AGDB) is a member organization that includes the majority of both the shorebased processors located in Kodiak and the trawl catcher vessels based in Kodiak. AGDB is also the inter-cooperative manager and the co-op manager for all of the seven shorebased rockfish cooperatives. The cooperatives and our members appreciate the Council's willingness to address the need to allow rollovers of Chinook salmon PSC from the Rockfish Program CV sector to the other CV non-pollock fisheries to support both fisheries in the fall time period. Allowing rollovers between the two sectors will improve incentives for Chinook salmon avoidance and still maintain the Council's goal of maintaining an overall Chinook cap of 7,500 for the GOA trawl non-pollock fisheries.

The members of AGDB support Alternative 5, the Council's preliminary preferred alternative as the preferred alternative, but request that the amount of Chinook PSC remaining in the Rockfish program be revised to 150 fish. Thus the preferred alternative would state: *"Roll over all Chinook PSC but 150 fish remaining in the Rockfish Program CV sector Chinook cap on October 1. Any salmon remaining when the Rockfish fishery closes will be released to the other CV non-pollock fishery on November 15. No uncertainty buffer would apply to the Rockfish Program CV sector."*

The CV cooperatives are requesting an increase to the range of 50 to 100 fish remaining within the rockfish program to the requested 150 fish. The cooperatives want to preserve fishing opportunities after October 1st for both the CGOA CV rockfish program and the CV non-pollock non-rockfish fisheries. Because of the Agency concern of managing a small PSC cap and the expected increasing quotas for both Pacific Ocean Perch and Northern Rockfish, the 150 fish amount seems to be the appropriate number. Choosing the 150 fish level is well within the analysis which examines leaving behind a range of zero to 208 fish across the five alternatives considered.

Thanks for considering our comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Bonney". The signature is fluid and cursive, with the first name "Julie" and last name "Bonney" clearly distinguishable.

Julie Bonney
Executive Director
Alaska Groundfish Data Bank

Paul Olson, Attorney-at-Law
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December 2, 2013

Eric Olson, Chairman
North Pacific Fishery Management Council
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Re: Agenda Item C-3 Addendum/Supplemental Analysis for Chinook PSC Limits for non-pollock Groundfish Trawl Fisheries

Dear Chairman Olson:

The Boat Company (“TBC”) thanks the North Pacific Fishery Management Council (Council) for its efforts to establish Chinook PSC limits for the Gulf of Alaska (GOA) non-pollock trawl fisheries and submits the following comments regarding alternatives presented in a supplemental analysis that would roll over unused chinook PSC from the Rockfish Program (RP) to support non-RP catcher vessel (CV) activity in the fall. TBC is a tax exempt, charitable, education foundation with a long history of operating in southeast Alaska and conducts multi-day conservation and wilderness tours in southeast Alaska aboard its two larger vessels, the 145’ M/V Liseron and the 157’ M/V Mist Cove. Clients participate in various activities that include environmental education, kayaking, hiking, beachcombing and sport fishing. Clients who enjoy sport fishing activities particularly enjoy the opportunity to catch Chinook salmon - the most important salmon species in terms of recreational value.

TBC requests that the Council adopt Alternative 1 as the measure that best meets the Council’s responsibility to minimize bycatch and addresses the Council’s concern about Chinook bycatch in the GOA non-pollock trawl fisheries. TBC also requests that the Council consider management differences between the RP and non-RP fisheries in its decision, as well as the potential vulnerability of chinook stocks in non-RP fall fisheries with high PSC rates.

Alternative 1 would maintain the Council’s preferred alternative from June 2013 which sets an annual hard cap of 7,500 Chinook divided by sector, including 1,200 for the RP CV sector and 2,700 fish for the non-RP CV sector.¹ Unused Chinook would be “retired” by November 15 or when the cooperatives check out of the program. *Id.* at 18. The alternative establishes an “uncertainty pool” for each sector that allows for an increased limit for the next year if the sector meets a performance standard by leaving roughly 13% of its limit in the water. *Id.* at 19.

Alternatives 2, 3 and 4 would modify the June 2013 preferred alternative by rolling over Chinook PSC from the RP to other non-pollock trawl fisheries in the fall. *Id.* at 20. Alternatives 2 and 3 would rollover all of the unused RP PSC but reserve between 104 and 208 fish for the RP between October 1 and November 15. *Id.* at 20-21. Alternative 4 would establish an unlimited CV rollover and remove the Rockfish CV program from the uncertainty

¹ NPFMC. 2013. Addendum to the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Chinook Salmon Prohibited Species Catch in the Gulf of Alaska non-Pollock Trawl Fisheries at 17-18. November 13, 2013. (Addendum).

pool. *Id.* at 22. The preferred alternative would establish an October 1 rollover of most of the unused RP PSC to the non-RP fisheries and remove the RP from the uncertainty pool. *Id.*

TBC requests that the Council evaluate the alternatives with a goal of selecting the alternative that is most likely to result in an actual PSC reduction. In previous comments, TBC has noted that previous efforts to establish Chinook PSC limits have failed to actually reduce bycatch below estimated historical averages and instead set higher limits to preserve flexibility for the groundfish fisheries.² The EA cited flexibility as a justification for increasing the range of limits under consideration above the estimated ten-year average of 6,176 Chinook in order to encompass maximum historical bycatch levels.³ The Council's June 2013 preferred alternative set apportionments at levels meant, in part, to accommodate PSC usage in the highest PSC years. Addendum at 48. The 1,200 fish RP CV sector allocation is greater than the sector's recent historical average of 843 Chinook per year. *Id.* at 33, Table 4-5. The Addendum explains that the June 2013 preferred alternative apportioned the RP CV sector "excess" PSC relative to its annual average and describes the RP CV allowance as "over-funded." *Id.* at 48.

The Addendum describes the potential for unused PSC from the over-funded allocation "as a salmon saving over and above the Council's intent" and adds that "there is no reason to strand unused Chinook PSC in the RP CV sector, unless it is the Council's intention to build in [a] possible PSC retirement." *Id.* at 16, 48. TBC submits that the Addendum's approach fails to reflect the conservation purposes of National Standard 9; leaving unused PSC in the water is not "stranding" Chinook, but instead is meeting the mandate to minimize bycatch. The rollover alternatives increase the risk that annual chinook PSC would closely approach the limit and exceed the estimated historical annual average, thus failing to minimize bycatch. Based on the RP sector's PSC patterns, the October 1 rollover is likely to occur every year. *Id.* at 44, 48. Alternatives 2 – 5 would thus increase Chinook PSC and thus not actually minimize bycatch. Alternative 5 options 1 and 2 would rollover, on average, either 422 or 472 fish per year with a maximum rollover of 685 Chinook, effectively setting a potential 3,385 fish PSC limit in some years for the non-RP CV sector – well above its estimated recent five-year average of 2,234. *Id.* at 23, 33.

The rollover alternatives would also transfer the excess allowance to sectors with less management accountability and higher PSC rates during the fall season when monthly Chinook PSC is at its peak. In previous comments on the proposed amendment, TBC expressed support for alternative options that manage PSC at a fine scale in light of the uncertainties about the impact of PSC on rapidly declining Chinook populations. In particular, TBC supported dividing the cap between CVs and CPs primarily because of the increased observer coverage for the CP fleet, which allowed for better enforcement of the limit. The preferred alternative would transfer PSC from a sector that has 100% observer coverage to sectors operating under low observer coverage levels. The Addendum acknowledges that the RP PSC is managed differently in explaining that "RP CVs have a high level of observer coverage, so Chinook PSC rates are rarely extrapolated from one vessel to

² NMFS. 2012. Chinook Prohibited Species Catch in the Gulf of Alaska Pollock Fishery, Public Review Draft EA/RIR/IRFA at 23 (Amendment 93 established a 25,000 fish limit for the GOA Pollock fisheries, an increase over the historical average bycatch of 15,116 fish); Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery. 75 Fed. Reg. 53026, 53035-36 (August 30, 2010)(Amendment 91 adopted a 60,000 fish limit rather than the pre-2001 five-year average of 29,323 chinook).

³ NPFMC. 2013. Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Chinook Salmon Prohibited Species Catch in the Gulf of Alaska non-Pollock Trawl Fisheries at 3, 10. May 15, 2013. (EA).

another and are stable over time” and the PSC rates also monitored by cooperative managers which better enables PSC avoidance measures. *Id.* at 51.

Conversely, there is increased potential for underestimation of Chinook PSC under the rollover alternatives. The EA anticipated that the possibility that there could be “minimal observer data” available for PSC estimation for some weeks and target fisheries. EA at 227. The Addendum notes that the uncertainty associated with PSC estimates is one of the factors that make it impossible for NMFS to assess the relationship between PSC patterns and salmon stock status. Addendum at 24. As the Addendum indicates, while reported PSC levels are the best available estimates, GOA CVs have historically had low levels of observer coverage. *Id.* at 33. NMFS characterized its estimates of ESA-listed chinook PSC in the GOA groundfish fisheries as “very minimum estimates.” EA at 47. Expert reviews show that NMFS underestimates chinook bycatch by a substantial amount even in more heavily observed fisheries.⁴ The more heavily observed CPs targeting flatfish and cod have a PSC rate two to three times as high as the marginally observed CVs. *Id.* at 160. Thus, the Addendum’s suggestion that the alternatives would not increase the number of salmon taken in any given year is questionable and the potential for under-reporting of Chinook is most likely to occur in the non-RP CV sector that would receive the excess allowance.

Further, the Council’s intent in setting the PSC limit in part reflected a precautionary approach that recognized the lack of sufficient information to evaluate the relationship between increased bycatch trends and declines in specific Gulf of Alaska salmon populations. The Addendum indicates that “[t]he Chinook salmon stock composition of the GOA non-pollock trawl fishery PSC is unavailable” and that the lack of data is one of the primary factors that makes it impossible to assess the impact of PSC on salmon stock status. *Id.* at 24. Thus, NMFS is not able “to discern and accurately describe small scale impacts on particular individual stocks” and thus assess whether or not the agency’s PSC management “is, or is not, causing escapement failures in Alaska’s rivers.” *Id.*; EA at 50.

Recent high PSC levels in 2010 and 2011 are much more significant now relative to overall Chinook abundance because they risk removing a larger percentage of a smaller and more fragile population. If declining stocks are increasingly at risk, the impacts of further removals – even if small – have increased potential to undermine recovery efforts. The rollover alternatives would transfer excess PSC at a time when Chinook of unknown origin are most vulnerable to sectors with high PSC rates. Based on 2007 – 2012 data, October is the month with the highest PSC rate and highest average monthly chinook PSC, 83% of which is taken in the flatfish fisheries. Addendum at 33-34. Overall, the flatfish fisheries – particularly rex sole, arrowtooth flounder and flathead sole, have by far the highest Chinook PSC rate. EA at 160, Tables 4-51 – 4-53. Because the stock composition of PSC in the fall fisheries is unknown, TBC requests that the Council act cautiously and reject rollover alternatives which would increase chinook PSC beyond the established sector limit.

In sum, TBC thanks the Council for its efforts to address Chinook bycatch in the non-pollock fisheries and requests that the Council move forward with Alternative 1 as the measure that best meets the conservation goals established in National Standard 9.

Sincerely,

Paul Olson, Attorney-at-Law

⁴ Pella, J., and Geiger, H.J. 2009. Sampling considerations for estimating geographic origins of Chinook salmon bycatch in the Bering Sea pollock fishery. ADF &G Special Publication No SP 09-08.