

**Nome Eskimo Community**

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January 21, 2009

Robert D. Mecum, Administrator, Alaska Region  
National Marine Fisheries Service (NMFS)  
P.O. Box 21668  
709 W. 9th Street, Room 420  
Juneau, Alaska 99802-1668

**RE: Bering Sea / Aleutian Islands Chinook Salmon EIS**

Dear Administrator Mecum,

Nome Eskimo Community (NEC) is the federally recognized tribe for Nome, Alaska and we wish to make formal tribal comment per Presidential Executive Order 13175 for your consideration regarding the Bering Sea Chinook Salmon, Bycatch Management, Draft Environmental Impact Statement / Regulatory Impact Review/, Initial Regulatory Flexibility Analysis, dated December 2008. In September 2008 NEC requested tribal consultation on the EIS.

In September 2008 NEC staff received an early version of a draft EIS. NEC staff posed numerous questions regarding the early version of the EIS which were not satisfactorily addressed by NMFS staff. NEC staff then reviewed the December 2008 EIS which was materially different than the earlier version but addressed many of the questions posed earlier. The EIS is tremendously complex, and it has been very burdensome to review and compile meaningful comments on it.

NEC is concerned about healthy populations of all salmon. NEC tribal members make extensive use of numerous marine, freshwater and terrestrial subsistence resources including chinook salmon. In recent times Nome subsistence fishermen experienced the State's only TIER II fishery. NEC tribal members endured exhaustive closures, and extraordinarily complex fishing regulations in order to meet their subsistence needs. Several decades of declining salmon returns to Nome streams including chinook salmon declines have been hard to deal with. It is our opinion after reviewing all available information that factors outside of local influences dictate salmon populations. It is a long held belief that commercial mid-water, and bottom trawling as described in the EIS are the primary human influences affecting salmon returns to western Alaska streams. Other influences such as severely cold winters, poor ocean conditions, predation, & migration also affect the number of returning salmon. Clearly, commercial mid-water, and bottom trawling as described in the EIS enact a heavy annual toll on salmon populations if there are no effective measures to control salmon bycatch.

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The EIS describes a bewildering array of alternatives with hundreds of seasonal distribution options, sector allocations, rollovers, cooperative arrangements, and sector transfers. The EIS does not describe other options that the North Pacific Fishery Management Council may have discussed at its recent meetings or work-sessions. It is difficult to understand how the hundreds of options help inform the decision making process. It seems the options provide details about how Chinook salmon management should occur so that Pollock fishing will continue unabated. It is not clear how the management options appease the Magnuson-Stevens Act to reduce salmon bycatch. NEC believes the simplest management scenario is the best course of action, which must be some sort of hard cap with a seasonal distribution, no rollover, and no provisions for inter-cooperative agreements. NEC believes all of the options that the EIS describes other than the hard cap considerations will leave too many loose ends for the Pollock industry to maneuver around in. NEC proposes the following:

1. Annual hard cap of no more than 30,000 chinook be implemented to protect and conserve chinook salmon.
2. Seasonal distribution method as described in the EIS
  - a. 58% to the A season
  - b. 42% to the B season
3. Sector allocation as described in the EIS
  - a. 10% to the CDQ Sector,
  - b. 45% to the Inshore Catcher Vessel Sector,
  - c. 9% to the Mothership Sector
  - d. 36% to the Offshore Sector

NEC is frustrated with NMFS methodology in selecting its preliminary preferred alternative of somewhere between 47,591 and 68,392. As the EIS describes it is clear that the range of caps represent averages that if continued into the future would only ensure that the status quo level of salmon bycatch would continue, and not be reduced as the Magnuson-Stevens Act mandates. As such it is best argued that a cap of 30,000 which is in the range of the lowest number among averages is the only bycatch cap that would represent any reduction in bycatch. **It is our understanding that NMFS observers in the course of the Pollock season may be underreporting bycatch, and that NMFS is aware of the under-reporting bias but has not adequately accounted for it in the EIS. NEC requests that we be given full disclosure of observer reports in a simple to use and easily understandable format that portrays this underreporting so that we may compile comments before the NPFMC takes its final action in April 2009.**

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NEC believes that other fisheries will contribute to additional salmon bycatch. Therefore the lowest cap is appropriate, and must also be considered in the context of other Bering Sea fisheries. Under any scenario Nome subsistence fishermen will be dealt a heavy blow to their lifestyle and all of western Alaska will carry the entire burden of NMFS management.

### **Chapter 3, Impact Analysis**

Should the NPFMC enact measures to reduce salmon bycatch the NPFMC must enact additional and more effective observer deployments to monitor the bycatch of salmon. NMFS should be directed to increase species composition information and obtain stock of origin information so that NMFS and the NPFMC will be able to better understand how Norton Sound salmon stocks interplay in the bycatch. With a new management scenario it is possible that the Pollock industry will have additional incentives to underreport bycatch therefore, NMFS must enact measures to ensure proper reporting when a new regulation is adopted.

### **Chapter 5, Chinook Salmon**

Chapter 5, Chinook Salmon needs some reconciliation. NMFS and the NPFMC must make decisions that reflect the broad range of knowledge we now have concerning salmon in Norton Sound and Nome. 4 fish counting projects exist with the Nome area that count Chinook Salmon. NMFS makes the following statement on page 205, last paragraph, last sentence:

*“Currently the only escapement project operating specifically for Chinook enumeration is the North River counting tower, located on a tributary of the Unalakleet River (J. Menard, pers. comm.).”*

While it is true that Norton Sound fish counting projects are not specifically chinook projects each project counts ALL fish and are thus effective in enumerating chinook salmon. NMFS lists a limited number of references regarding Norton Sound Chinook and must make meaningful efforts to portray a broader array of information that exists so that the NPFMC will make an appropriate decision. NMFS does not characterize any Norton Sound salmon savings component, and the NMFS narrative regarding Norton Sound chinook require immediate attention to include a broader range of scientific knowledge.

### **Chapter 9, Environmental Justice**

Chapter 9, Environmental Justice is terribly inadequate and only describes potential Pollock industry employment impacts. The potential impact to marine mammal resources is of key concern to our tribal members. The EIS does not adequately describe the effects of the potential loss of marine mammal hunting opportunities, cultural effects, or social effects. NMFS has portrayed a very jaded management perspective and it is clear that NMFS is mainly concerned with ensuring that Pollock fishing continues even if salmon are not effectively conserved. One

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section within Chapter 9 needs immediate attention. In Chapter 9, page 450, 1<sup>st</sup> paragraph, last sentence NMFS makes the following statement:

*“Significant numbers of transactions also appear to take place in barter or informal trades and exchanges in informal markets which constitute an “underground economy.””*

Describing our time immemorial fishing and hunting tradition as an “underground economy” is terribly hurtful and untrue. Customary trade laws and regulations exist in both the State and Federal regulatory system that legitimize customary trade transactions. Barter transactions are always legal and do **NOT** require implementing regulations.

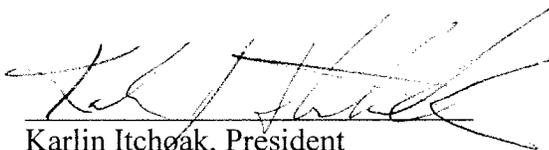
## CONCLUSION

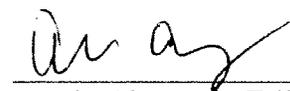
NEC believes that immediate action is required to implement salmon savings despite the numerous problems within the EIS. NMFS will likely hear many criticisms of its management options, and data that was used to support the alternatives. Chinook salmon savings must be implemented in some manner as soon as possible to stem the tide of salmon declines. Chinook salmon have declined in many western Alaskan streams and it is apparent that chronic commercial bycatch is one of the major human influences in the recovery of salmon. NEC will continue to follow the issue of the salmon EIS and will provide comments on the Chum salmon EIS when it is developed.

If you have any questions please feel free to contact Austin Ahmasuk, Tribal Resources Director at the above address or directly at (907) 443-9130 or e-mail [aahmasuk@gci.net](mailto:aahmasuk@gci.net). Thank you for your time and consideration.

Sincerely,

## NOME ESKIMO COMMUNITY

  
 Karlin Itchoak, President

  
 Austin Ahmasuk, Tribal Resource Specialist

CC: Eric Olson, Chairman, North Pacific Fisheries Management Council  
 Loretta Bullard, President, Kawerak, Inc.  
 Bering Strait Region Tribes