



TEL: (907) 443-5231 • FAX: (907) 443-4452

January 30, 2009

Mr. Doug Mecum, Regional Administrator  
 NOAA Fisheries, Alaska Region  
 PO Box 21668  
 Juneau, AK 99802-1668

Re: Salmon Bycatch EIS and Government-to-Government Consultation

Dear Mr. Mecum:

The people of the Bering Strait/Norton Sound region depend on the salmon they harvest and put away each year. Salmon is a healthy, fresh food and teaching the traditional methods for food production is a time honored way to involve our children. We are very concerned about the bycatch of our salmon by large trawl fishing boats. We are also concerned that the tribal consultation process was not initiated sooner. The following summarizes our position and recommendations regarding the Chinook Salmon Bycatch Environmental Impact Statement.

Kawerak recommends that the North Pacific Fishery Management Council (NPFMC) take immediate action to reduce Chinook salmon bycatch in the Bering Sea pollock fishery. Kawerak also supports an annual Chinook salmon bycatch allocation hard cap of no more than 30,000 fish. This hard cap should decline over time, as bycatch reduction methods result in declining bycatch rates in the pollock fishery. This hard cap, while low compared with most alternatives, is still too high given the poor state of Chinook salmon stocks in Western Alaska.

Kawerak opposes any transferability of Chinook salmon bycatch allocations between fishery sectors or individual vessels. We oppose transferability for two reasons. First, it is unconscionable to allow the pollock industry to buy and sell Chinook salmon bycatch allocations when it is illegal for subsistence salmon fishermen to do the same. Second, all transferability options will result in greater use of salmon bycatch allocations and will result in less salmon returning to the region's rivers and streams. Transferability options would allow a vessel with low bycatch rates to transfer their unused bycatch allocation to a vessel with high bycatch rates, and the result is that both vessels' bycatch allocations of salmon may be taken.

Kawerak supports seasonal time/area closures of areas that are identified as having high rates of Chinook salmon bycatch. Aside from the simplicity of such management measures, this bycatch management method has proven effective in other Bering Sea fisheries. We also feel that the National Marine Fisheries Service (NMFS) should modify these time/area closures as necessary, based on new bycatch data as it becomes available. Vessels should not be allowed exemptions to these time/area closures for any reason.

### Social/Cultural Impacts

Kawerak also believes that the social/cultural analysis of the human environment and the environmental justice analysis in the Draft EIS are woefully incomplete. The draft EIS does not have a section devoted to the “Human Environment,” nor does it discuss the “Cumulative Impacts” of the proposed actions. The Executive Summary notes some of these and other deficiencies, but that does not excuse them.

EIS documents are intended, in part, to assess impacts to the human environment if it is thought that there will be a significant impact to that environment. While social or economic concerns in and of themselves do not necessarily require an EIS to be completed, they must be considered if an EIS *is* done. Kawerak adamantly believes that the proposed actions (including “No Action”) have the potential to significantly affect the human environment of the Bering Strait region.

Additionally, the EIS does not sufficiently discuss the potential economic impacts to coastal communities. The EIS *does* address the “costs of forgone harvest in the pollock fishery” but makes no assessment of the costs of foregone subsistence salmon harvests. Communities such as Unalakleet have, at various times, forgone subsistence salmon fishing in order to help conserve stocks in the hope of increasing future returns. This is necessary due, in part, to the high incidence of bycatch in the pollock industry which intercepts Chinook and other salmon prior to them reaching subsistence fishing grounds. The contribution of the pollock industry to the declining salmon runs in western Alaska is also not sufficiently analyzed. We recognize that there is a lack of data on certain topics such as determining the river of origin for each by-caught fish; however this information is vital to assessing impacts to coastal communities reliant on subsistence salmon harvests. This is particularly important because declining salmon returns have already had impacts on coastal communities. If anything, this lack of data should make NMFS extremely conservative when it comes to assessing allowable bycatch, which is not the case with this EIS.

The EIS chapter on Environmental Justice is also lacking an appropriate scale analysis of the impacts to low-income communities in our region. While the EIS does a good job of describing environmental justice and how its principals should be applied, and provides facts about the current situation of some minority populations, it fails to actually apply the principals to Alaska Native coastal communities in detail or to provide much analysis concerning them. Much more time is spent addressing potential impacts to minority populations working within the pollock industry. While impacts to these populations need to be addressed as well, it is unclear why the EIS would include more analysis on these populations than on resident Alaska Native populations which are likely to experience far greater impacts. We recommend you review facts and information in Kawerak’s *2008 Bering Strait Region Data and Statistics Report* which contains facts on population, birth and death, education, unemployment and poverty, cost of living, suicide, mental health, crime rates and village summaries of our twenty communities. We can email or send a hard copy.

Overall, the EIS lacks a real understanding of subsistence communities and subsistence lifestyles. The most egregious example of this can be found in section 9.3.2 where the mixed economy of villages is described as an “underground economy” (as opposed to the “above-

ground economy”). Underground economies are commonly understood to be illegal, black market, or purposefully hidden. To describe the mixed economy of rural Alaska in this way exposes the ignorance of the agency as to the reality of subsistence and subsistence exchanges. Additionally, as the EIS notes that its analysis is based solely on information from the “above-ground economy.” For all intents and purposes, it is stating that some of the most important aspects of coastal communities, and the ones that are likely to be most impacted by the proposed actions, are being purposefully ignored.

Another example of lack of understanding can be seen in section 9.4.2 with the repeated uses of the term “evolve.” To use the term “evolve” is to imply that a society is constantly working towards something ‘better’ than what it currently is (or was). This linear view of change, as applied in the EIS, implies that “successfully” adapting to a monetary economy is the next step in acculturation into a Euro-North American lifestyle (and the “above-ground economy”).

Finally, though this issue is slowly being addressed, it is worth noting that the National Marine Fisheries Service Government-to-Government Consultation efforts have been less than impressive. This would include their resistance to developing formal and accountable consultation processes and protocols. We suggest you can address many of the issues discussed in this paper by carrying out appropriate consultation, to hear from Tribes with the greatest concerns and to involve them in project development as early in the process as possible. The tribes should be at the table at the beginning of the process when alternatives are being developed.

Unfortunately, the Draft Bering Sea Chinook Salmon Bycatch Management EIS does not provide enough or detailed enough analysis as to how the proposed action and its various alternatives may affect coastal Alaska Native communities.

If you require any additional information, please contact Michael L. Sloan, Fisheries Biologist, at 907-443-4384 or [msloan@kawerak.org](mailto:msloan@kawerak.org).

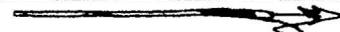
Sincerely,  
KAWERAK, INC.

  
Loretta Bullard, President

Attachments:  
Kawerak Board Resolution



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**RESOLUTION 2008-11**

**A RESOLUTION REQUESTING THE NORTH PACIFIC FISHERY  
MANAGEMENT COUNCIL TO REDUCE CHINOOK SALMON BYCATCH  
IN THE BERING SEA**

**WHEREAS**, the *North Pacific Fishery Management Council*, in association with the National Marine Fisheries Service, is charged with responsible management of marine fisheries resources in Alaska; and

**WHEREAS**, the National Marine Fisheries Service is the federal agency responsible for carrying out government-to-government tribal consultation; and

**WHEREAS**, Kawerak, Inc. is a tribally authorized non-profit consortium whose mission is to assist, promote and provide programs and services to improve the social, economic, educational, and cultural well being of the people within the Bering Strait region; and

**WHEREAS**, the communities within the Bering Strait region include: Brevig Mission, Council, Diomedea, Elim, Gambell, Golovin, King Island, Koyuk, Mary's Igloo, Nome, Savoonga, Shaktoolik, Shishmaref, Solomon, Stebbins, St. Michael, Teller, Unalakleet, Wales and White Mountain; and

**WHEREAS**, Chinook salmon incidental bycatch taken in association with the Bering Sea commercial pollock fishery has risen in recent years while Chinook salmon stocks in our region's rivers have dropped; and

**WHEREAS**, subsistence fishing activities are a priority for the residents of the Bering Strait region and constitute a vital role in our culture and tradition, and these activities have been negatively impacted by the loss of Chinook salmon from our region's rivers; and

**WHEREAS**, the *North Pacific Fishery Management Council* is currently developing regulations to reduce incidental Chinook salmon bycatch in the Bering Sea pollock trawl fishery; and

**WHEREAS**, proposed alternatives currently being considered fail to adequately recognize the importance of this issue to the residents of the Bering Strait region, and fail to emphasize the negative impact of this issue on the culture, traditions, health and economy of our region; and

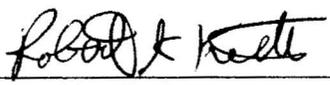
SERVING THE  
VILLAGES OF:  
BREVIG MISSION  
COUNCIL  
DIOMEDE  
ELIM  
GAMBELL  
GOLOVIN  
KING ISLAND  
KOYUK  
MARY'S IGLOO  
NOME  
SAVOONGA  
SHAKTOOLIK  
SHISHMAREF  
SOLOMON  
STEBBINS  
ST. MICHAEL  
TELLER  
UNALAKLEET  
WALES  
WHITE MOUNTAIN

**WHEREAS**, Kawerak, Inc. believes that all of the proposed bycatch caps under review are immoderately high and that an absolute maximum bycatch of 30,000 Chinook should be established and should be further reduced in the future; and

**NOW THEREFORE BE IT RESOLVED**, that Kawerak, Inc. requests that the *North Pacific Fishery Management Council* take action to reduce Chinook salmon bycatch in the Bering Sea by imposing an immediate hard cap on the trawl pollock fishery of 30,000 or less Chinook salmon; and

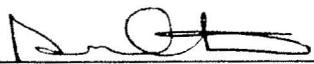
**NOW THEREFORE BE IT FURTHER RESOLVED**, that Kawerak, Inc. requests new regulations be promulgated through the Chinook Salmon Bycatch EIS process by the *North Pacific Fishery Management Council* and be formulated in such a manner as to effectively restrict Chinook salmon by catch in the Bering Sea to historically conservative amounts; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that Kawerak, Inc. requests that National Marine Fisheries Service fulfill their legally mandated requirement to develop and institute a tribal consultation process and protocols, continue with consultation between National Marine Fisheries Service and Kawerak region tribes regarding Chinook salmon bycatch, and that consultation with any and all tribes potentially affected by the upcoming Chum Salmon Bycatch Management Environmental Impact Statement be initiated.

By:   
Robert Keith, Chairman

#### **CERTIFICATION**

I, the undersigned Secretary of the Kawerak, Inc. Board of Directors, hereby certify that the foregoing resolution was adopted by majority vote of the Board of Directors of Kawerak, Inc. during a duly called meeting on this 11<sup>th</sup> day of December.

By:   
Kawerak Board Secretary