Federal Subsistence Board
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U.S. FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

U.S. FOREST SERVICE

FEB 18 2009

FWS/OSM/9023/DR

Robert D. Mecum, Acting Administrator
Alaska Region, National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802

Dear Mr. Mecum:

The Federal Subsistence Board (Board) appreciates the opportunity to provide its comments on the Bering Sea Chinook Salmon Bycatch Management Draft Environmental Impact Statement/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (DEIS/RIR/IRFA). The Board's composition and its responsibilities under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) were provided in a February 8, 2008 letter to your agency.

Bycatch is of concern to the Board because Western Alaska Chinook salmon stocks, which comprise an estimated 56% of the bycatch[1], are extremely important subsistence resources for Federally-qualified subsistence users in the Norton Sound, Yukon, Kuskokwim, and Bristol Bay areas. Along the Yukon and Kuskokwim rivers alone, the bycatch negatively affects the residents of nearly 6,800 households in 80 villages. The Board commends your agency's recognition of this importance and the need to reduce Chinook salmon bycatch, as noted in the last sentence, page 531 of the DEIS/RIR/IRFA, namely (that) "... *any substantial reduction in losses of salmon, but particularly Chinook salmon, would make a very significant contribution to the economic, social, cultural and quality of life of (in particular, but not exclusively) western Alaska's salmon subsistence users, families, villages and social communities.*"

The Board recommends that a hard cap of 29,323 --- Alternative 2.2.1.1(iv), as listed on page 28 of the DEIS/RIR/IRFA --- be adopted. This alternative would best ensure that enough Chinook salmon are returning to Western and Interior Alaska rivers to meet spawning escapement and subsistence needs, and comes closest to the stipulation in the U.S./Canada Yukon River Salmon Agreement, signed in 2002, which requires the U.S. to increase in-river returns of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon. The 29,323 amount is the five-year average (1997-2001) of Chinook salmon bycatch, just prior to the signing of the U.S./Canada Yukon River Salmon Agreement.

[1] Myers, K.W., R.V. Walker, J.L. Armstrong, and N.D. Davis. 2004. Estimates of the Bycatch of Yukon River Chinook Salmon in the U.S. Groundfish Fisheries in the Eastern Bering Sea, 1997-1999. Final Report to the Yukon River Drainage Fisheries Association, Contribution No. 04-001. SAFS-UW-0312, School of Aquatic and Fishery Sciences, University of Washington, Seattle, WA. 59 p.

The Board continues to urge the National Marine Fisheries Service and North Pacific Fishery Management Council to significantly reduce the amount of Chinook salmon bycatch in the BSAI pollock fishery. It is the Board's judgment that neither of the hard cap amounts in the Preliminary Preferred Alternative (68,392 and 47,591) represents a reduction in Chinook salmon bycatch, but rather an allowance for higher bycatch. Therefore, the Preliminary Preferred Alternative should not be adopted, as subsistence users would likely continue to experience difficulty meeting their Chinook salmon needs with its adoption into regulation.

For the past six years in the Yukon River drainage, the Board and subsistence users have struggled with regulatory issues on gillnet mesh size and net depths intended to redirect subsistence and commercial harvests to younger and smaller Chinook salmon. This is viewed as a way to provide conservation protection for the larger most productive run component that appears to be declining in abundance. However, many fishers are reluctant to consider in-river regulatory gear changes when they see that, in 2007, approximately 29,000 Yukon River-bound Chinook salmon were estimated to have been harvested as bycatch in the BSAI pollock fishery. That bycatch amount equates to about 57% of the total U.S. Chinook salmon subsistence harvest in the Yukon River, and exceeds the 2007 Canadian border passage mark/recapture estimate of 24,000 Chinook salmon. In 2008, the spawning escapement goal in Canada of not less than 45,000 Chinook was not met. The 2009 Yukon River Chinook salmon run is projected to be very low, with restrictions on subsistence fishing and no commercial fishing likely.

Finally, the Board would like to correct the phrase "Because subsistence enjoys a 'priority use' privilege…" used in the DEIS/RIR/IRFA, first sentence of last paragraph, page 531. ANILCA requires that non-wasteful subsistence uses of fish and wildlife resources shall be the priority consumptive use on the public lands of Alaska. Therefore, use of the words "privilege" and "enjoy" is a misrepresentation of the subsistence priority. These words should be deleted. The correct phrase should be "because subsistence is the priority use, superseded only by escapement needs, under both Federal and State regulations, …"

Thank you for the opportunity to comment on the DEIS/RIR/IRFA. If the Board can be of further assistance, please contact Peter J. Probasco, Assistant Regional Director, Office of Subsistence Management, at (907) 786-3888. The Board will continue to monitor developments on this important issue and look forward to the results of your efforts to significantly reduce Chinook salmon bycatch in the BSAI Pollock fishery.

Sincerely,

Michael R. Fleagle
Chair, Federal Subsistence Board

cc: Federal Subsistence Board members
Ron McCoy, Department of the Interior, Alaska
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council
Lester Wilde, Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Sue Entsminger, Chair, Eastern Interior Alaska Subsistence Regional Advisory Council
Ralph Lohse, Chair, Southcentral Alaska Regional Advisory Council
Speridon Simeonoff, Sr., Chair, Kodiak/Aleutians Regional Advisory Council
Randolph Alvarez, Chair, Bristol Bay Regional Advisory Council
Michael Quinn, Chair, Seward Peninsula Alaska Regional Advisory Council
Bert Adams, Chair, Southeast Alaska Regional Advisory Council
Denby Lloyd, Commissioner, Alaska Department of Fish and Game
Eric Olson, Chair, North Pacific Fishery Management Council
David Balton, Deputy Assistant Secretary, Oceans and Fisheries, U.S. Department of State