



# United States Department of the Interior

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In Reply Refer to:  
FWS/R7/AFES/MMM

Angel Drobnica  
North Pacific Fisheries Management Council  
1007 West 3<sup>rd</sup> Avenue, Suite 400  
L92 Building, 4 Floor  
Anchorage, Alaska 99501

Dear Ms. Drobnica,

The U.S. Fish and Wildlife Service (USFWS) is pleased to submit comments to the North Pacific Fisheries Management Council on the Draft Environmental Impact Statement (DEIS) for Proposed Amendment to the Fishery Management Plan for Groundfish of the Bering Sea/Aleutian Islands Management Area to minimize chum salmon bycatch in the Bering Sea pollock fishery.

The USFWS mission is to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. In this context we have reviewed the DEIS. The comments and suggestions, below, reflect our agency's mission to conserve natural resources and provide subsistence opportunities for federally qualified subsistence users on National Wildlife Refuges in Alaska.

The DEIS considers five alternatives. We provide a summary of our assessment below, by alternative. Based on our review of the DEIS, our understanding of fisheries management and how its implementation may affect Chum Salmon returns for conservation and subsistence use in Western Alaska (WAK), we find Alternative 5, Option 2, with a limit of 50,000 prohibited species catch (PSC), furthers conservation of WAK salmon through both timing and spatial restrictions; Alternative 2, with a limit of 100,000 PSC, caps Chum Salmon bycatch; and Alternative 4, modifies regulations to match improvements made by the Incentive Plan Agreements (IPAs) and could serve as a baseline. We also note that additional benefit may result from conservation measures provided under Alternative 3.

## **Alternative 1 - No Action Alternative**

This "no action" alternative retains the existing Chum Salmon PSC regulations. These regulations include implementation of salmon bycatch IPAs which provide incentives for vessel operators to avoid Chinook and chum salmon bycatch, and rewards vessels for doing so. These incentives are expected to promote reductions in a vessel's bycatch compared to what would have occurred absent the incentive program. During the B season, a rolling hotspot program aims to identify areas of high Chum Salmon PSC and, through Sea State Inc., implements temporary closures of these areas.

Alternative 1 would also retain the Chum Salmon Savings Area which is a fixed time and area closure in the southeastern Bering Sea. This closure serves as a backstop should a vessel choose not to be governed by a voluntary IPA.

These measures are currently being implemented and appear to be effective. In particular, the Sea State Program tracks vessels and helps guide their decisions away from high bycatch areas. This program uses “real time” data and is not prone to flaws associated with abundance indices that occur one or two years before fishing activity. However, as the recent low returns of WAK Chum Salmon to the freshwater environment indicate, additional measures to conserve these stocks could be considered.

### **Alternative 2 – Overall Chum Salmon PSC Limit**

Under this alternative a hard cap would be established for Chum Salmon in the B season. The alternative describes a range of options to determine the Chum Salmon PSC limit, and how to apportion among fishing sectors.

Western Alaska Chum Salmon predominantly return to spawn as 4- or 5-year-olds. Records show the Chum Salmon bycatch is primarily composed of ages 3, 4, and 5, the majority of which are adult fish migrating to natal spawning streams. Therefore, any bycatch directly reduces the number of returning spawners.

Data across many years indicate the Chum Salmon bycatch is comprised of 9–25 percent of WAK stocks (2011–2023; Table 3-28), which include Chum Salmon from the Coastal Western Alaska (CWAK) and Upper/Middle Yukon reporting groups. Bycatch of 5,000–93,000 WAK Chum Salmon equates to an average Adult Equivalent (AEQ) reduction of 38,000 CWAK and 6,000 Upper/Middle Yukon Chum Salmon that contribute to increased biological escapement and represent foregone subsistence harvest. Most of the Chum Salmon bycatch occurs from the Inshore fishing sector (3-year average percentage of total bycatch = 62.9 percent and 5-year average percentage of the total = 58.2 percent (Table 2-4 of the EIS).

The adjacent nearshore of Unimak in the Area M fishery historically has a Chum Salmon bycatch composed of 50 percent to 60 percent WAK fish, hence these two fisheries can result in a large removal of fish of returning to WAK, which would have a significant effect on the current year adult run sizes and the next year adult run sizes. While Chum Salmon bycatch in the Area M fishery has declined (e.g., 17 percent in 2022) this may largely be a function of the very poor WAK Chum Salmon runs that year.

If the apportionment among sectors described in Table 2-3 is used, then the lowest PSC limit of 100,000 would have the greatest savings to WAK Chum Salmon. Based on the AEQ chum savings model, under the 100,000 limit, the reduction in CWAK AEQ summer Chum Salmon bycatch could be as high as 48,000 fish annually, based on the historical high CWAK bycatch from 2017 (Table 3-36). The reduction in the 2017 Upper/Middle Yukon reporting group could be as high as 12,000 fall chum (Table 3-37).

### **Alternative 3 – Overall Chum Salmon PSC Limit with Abundance Indices**

This alternative would establish an overall Chum Salmon PSC limit during the B season based on indices of the prior year's Chum Salmon abundance. There are two indices which could be used to establish the Chum Salmon PSC limit: the three-area Chum Salmon index and the Yukon area index.

Using abundance indices in WAK rivers to trigger lower limits during times of poor abundance and to increase PSC limits in times of good abundance is warranted and provides a flexible approach to management. However, to be successful, care must be taken in calculating abundance. This may prove more challenging for Chum Salmon than Chinook Salmon given their life-history and run timing.

One challenge is severely poor runs are often not anticipated by in-season managers (i.e., during the sub-adult years when salmon are feeding in the North Pacific Ocean). So, the fleet could be fishing with a higher limit on a very depleted run, and the effects of that high bycatch would not be realized until a very poor return of Chum Salmon (1-2 years later) or, in the case of Chinook Salmon, for returns 2-4 years later, (this remains an issue for the current Chinook three-area Index.) In years of poor in-river Chum Salmon abundance, having a lower cap the following season for the Pollock fleet is warranted, but any damaging effects on the population from the previously higher cap may have affected the population for the current year and the next two years. Hence any positive effects will only manifest beyond this timeframe.

If run abundance indices are pursued as a method for triggering lower caps in times of poor abundance, we suggest models incorporate data from surveys measuring annual juvenile abundance in the Bering Sea in combination with in-river run indexes, as a way of protecting populations during crashes. Any salmon crashes may be more evident through observations of low abundance of juveniles or subadults in the Bering Sea. Annual surveys of juvenile abundance may also be beneficial to further refine the three-area Index method for Chinook and chum salmon. Until these refinements can be made, using adult runs of abundance to trigger lower harvest catch limits may not be sufficient as the only bycatch reduction measure.

#### **Alternative 4 – Additional Regulatory Requirements for Incentive Plan Agreements**

Under this alternative IPAs would establish incentives and penalties for vessel operators to avoid Chinook and chum salmon while fishing for Pollock. This alternative would modify the regulations at 50 CFR 679.21(f)(12)(iii)(E) to include six additional provisions. These six provisions align with current operational strategies and reflect each recently amended IPA developed after the high chum salmon bycatch in 2021. Modifying the regulations would ensure the IPAs could not use less stringent avoidance strategies in the future. This alternative could serve as a baseline and be implemented as other additional measures are considered.

#### **Alternative 5 – Inseason Corridor Cap**

Under this alternative, inseason corridors (areas) on the Pollock fishing grounds would close for a period during the B season, if or when a corridor-specific Chum Salmon PSC limit is met. Only the Chum Salmon PSC taken inside the corridor from June 10 to August 31 would

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count towards the corridor limit. This alternative could also be implemented in conjunction with Alternatives 2 and 3. Data indicate the presence (or absence) of WAK chum has a predictable time component. They are predominant in the early B season, and lack of prevalence in other seasons. Further, the highest bycatch of WAK chums in the Area M fishery occurs during June, while they are nearly absent in July. In addition, the spatial distribution of returning WAK Chum Salmon is relatively concentrated as they move through the Alaska Peninsula area and into the Bering Sea.

Implementing this alternative, a 50,000 PSC limit placed on the sectors fishing in the corridor, could serve to limit bycatch in this key area. Further, Option 2, which closes between 19 and 29 of the 40 stat areas as described and approved through IPAs, could provide Chum Salmon protections while mitigating unforeseen impacts on Chinook Salmon. This alternative also allows fishing in the area after August 31 when WAK chum Salmon would be in low abundance in the area. This alternative could further the conservation of WAK salmon as it implements protections of these stocks through both timing and spatial restrictions.

Thank you for the opportunity to comment. Should you have any questions please contact me via email at [peter\\_fasbender@fws.gov](mailto:peter_fasbender@fws.gov).

Sincerely,

**PETER**

**FASBENDER**

Assistant Regional Director,  
Fisheries and Ecological Services,  
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