



United Catcher Boats
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Seattle, WA 98199

North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501

September 26, 2025

Re: Herring PSC Limit Flexibility and Support for Regulatory Action on Herring Management

Dear Chair Drobnica and Council Members,

On behalf of United Catcher Boats, representing the fleet of catcher vessels operating in the Bering Sea, Aleutian Islands, Gulf of Alaska, and Pacific Coast, we respectfully submit the following comments regarding the management of the Pacific herring Prohibited Species Catch (PSC) limit in the Bering Sea pollock fishery. We urge the Council to consider the pressing need for targeted relief from the current herring PSC limit and associated time-area closures, and to support appropriate regulatory action to modernize this outdated management framework. Specifically, we urge the Council to take expeditious action to raise the herring PSC limit above the current 1% level.

This targeted approach would provide necessary flexibility to the pollock fleet while upholding conservation goals. It also aligns with the policy objectives of National Standards 1 and 6 and calls for immediate action consistent with the intent of Executive Order 14276 – *Restoring American Seafood Competitiveness* and Executive Order 14192 – *Unleashing Prosperity through Deregulation*.

Stock Health and Economic Collapse of the Directed Herring Fishery

Despite a 2025 Togiak spawning biomass of over 207,000 metric tons—among the highest observed since 1993—the Bering Sea’s directed herring fishery has effectively ceased due to a collapse in market demand. There has been no commercial harvest in 2023, 2024, or 2025. The Alaska Seafood Marketing Institute’s 2022 Herring Market Recovery Report described the sector as economically obsolete, trapped in an outdated model no longer viable in global markets.

This market-driven fishery collapse has left the biomass unharvested and unmanaged under its original assumptions, while the fleet remains bound to outdated PSC rules crafted in 1991 to protect a then-active

commercial fishery. This scenario illustrates the core intent of National Standard 6—to allow regulatory adaptation in response to variations and contingencies in fisheries and markets.

Operational Risk and Unintended Consequences

Avoiding closures of the Herring Savings Areas (HSA) has become critical. These measures, originally intended to protect herring biomass during times of active harvest in a directed fishery, remain in place even though no directed herring fishery is active. If triggered, the closures can force pollock vessels out of productive fishing grounds and into zones with increased risks of salmon bycatch, operational inefficiencies, and elevated fuel and safety costs.

This challenge is hardly new. For the last 5 years the pollock fishery has been challenged by bycatch avoidance tradeoffs due to the constraining 1% herring PSC limit for the trawl sector. During the 2020 A season, the pollock fleet encountered herring bycatch levels abnormal to previous A seasons. The early encounter of abundant herring persisted into the B season and caused multiple tradeoffs with salmon bycatch efforts. Despite the fleets' effort to minimize herring bycatch as well as salmon bycatch, the Herring PSC limit was reached early in the B season of 2020. This triggered the first closure of all three HSAs to the pollock directed fishery since these framework closure areas were implemented three decades ago under Amendment 16a. These HSAs immediately stripped flexibility from the pollock fishery operations and their bycatch avoidance efforts. The areas the pollock fishery relies on for pollock harvest and salmon avoidance were closed. Recognizing the inflexibility of the existing closure regime, the Council unanimously recommended on June 9, 2020, that NMFS could use its in-season authority to reopen Herring Savings Area 2 from July 1 through August 15, with the option for dynamic management (including reclosure) during that period. The rationale was clear: a rigid closure was undermining broader fisheries management goals, while a targeted reopening would provide the flexibility needed to avoid salmon bycatch, achieve optimum yield, maintain safety at sea, and prevent underharvest of the pollock Total Allowable Catch (TAC).

The 2023 season illustrated the tradeoffs starkly: in avoiding herring during the B season, the fleet was displaced into an unexpected and unpredictable chum salmon hotspot, incidentally increasing chum bycatch by about 40,000 fish. Thanks to cooperative management and dynamics in the Bering Sea, the fleet was able to complete the 2023 B season without triggering HSA closures—though it ended the season with only 6 mt remaining before reaching the herring limit.

During the 2025 B season, the fleet faced historically high levels of herring throughout the B season, especially in June, July, and September. Even with multiple voluntary avoidance measures throughout the B season, the unprecedented abundance of herring on the grounds, in deeper waters than seen before, and the tradeoffs to avoid chum and Chinook salmon resulted in the fishery wide herring limit to be reached. This triggered the closure of the Winter Savings Area on September 25, 2025. This outcome underscores the unworkable and inflexible nature of the current management framework. Fleet feedback from the grounds makes clear the growing frustration with an impossible tradeoff: sacrificing salmon avoidance priority to keep PSC below the herring limit with an expanding biomass of herring without a directed fishery. The current system leaves the fleet in a no-win situation and demands immediate reconsideration of antiquated herring PSC management, for the sake of streamlining regulations so that salmon bycatch avoidance can be prioritized and the fleet can strive for optimum yield.

These cascading effects directly undermine National Standard 1, which requires management to achieve optimum yield (OY) while preventing overfishing. An overly restrictive PSC limit on a healthy, unharvested stock has become an obstacle to OY in the pollock fishery, which is central to U.S. food security.

This concern was originally acknowledged in Amendment 16a to the BSAI Groundfish FMP (56 FR 32984), which noted that premature PSC closures could prevent harvest of OY and result in disproportionate economic costs, particularly to inshore vessels. The Amendment also envisioned adaptive frameworks such as variable PSC limits and hotspot closures—tools more compatible with current fleet behavior and ecosystem conditions than rigid annual limits.

Conditional PSC Flexibility

We propose, for consideration, a practical solution for immediate implementation: initiate regulatory action to allow NMFS to increase the Bering Sea trawl sector herring PSC limit. This adjustment would provide much-needed operational flexibility to the pollock fleet while maintaining conservation accountability. The action would help mitigate the unintended consequences of a rigid, decades-old limit—namely the displacement of fishing effort into areas and seasons with higher bycatch rates of high-priority PSC species such as Chinook and chum salmon.

This flexibility reflects the original intent of the PSC limit while recognizing that the current framework no longer aligns with ecosystem, market, or operational realities. It also mirrors the adaptive intent of National Standard 6, which supports management systems that can respond to changing biological and economic conditions, and advances the goals of National Standard 1 by supporting the fleet's ability to achieve optimum yield while minimizing bycatch.

Importantly, this proposal does not compromise conservation objectives. Herring are not overfished, and bottom trawl survey data continue to indicate high abundance in the Bering Sea. The proposed adjustment remains well within historical bycatch levels observed before implementation of the 1% limit, and provides a modernized, flexible tool to support sustainable fisheries management in line with the current Executive Orders.

While the specific mechanisms for adjusting the limit can and should be defined through future coordination between the Council and NMFS, immediate regulatory action is warranted to address the misalignment currently hindering the pollock fishery's operational efficiency and ecological outcomes.

Regulatory Precedent and Council Authority

The Council and NMFS have previously recognized the need for temporary flexibility in the herring management framework. In 2020, the agency cited concerns that HSA closures increased season length, salmon bycatch, and operational costs, disproportionately affecting certain sectors. NMFS further noted that total annual herring bycatch of up to 2–3% historically occurred before the 1% limit and did not threaten biomass sustainability.

The proposed action mirrors that reasoning. It addresses the operational and ecological tradeoffs of a rigid limit under changed conditions and seeks to modernize a decades-old policy.

Subsistence Considerations and Meaningful Tradeoffs

Herring harvested from the Bering Sea provides subsistence value to coastal communities such as Togiak, Goodnews Bay, and others where local residents dry, salt, or freeze herring. At the same time, the Alaska Federation of Natives' 2021 Subsistence Policy Priorities report emphasizes that communities in Interior and Western Alaska depend most heavily on salmon, marine mammals, and land-based resources. Herring is primarily identified as a priority in Southeast Alaska in the report.

Analyses in Amendment 16a and subsequent NMFS rulemakings show that historical bycatch rates of 2–3% did not compromise herring stock health or local availability, even when there was the added pressure of a directed herring fishery. When the directed herring fishery was active, harvest strategies routinely applied exploitation rates of 10 to 20 percent of the biomass - levels far exceeding current bycatch rates and demonstrating that even under substantial commercial removals, stock health and subsistence access were not compromised. A modest increase in the limit - remains well within those historical bounds. With the commercial directed fishery having remained inactive for an extended period, and the 2025 spawning biomass estimated among the highest observed since 1993 there is no indication that subsistence access would be affected.

Meanwhile, the rigid 1% limit has created a balancing act for the pollock fleet between multiple PSC species avoidance. In avoiding herring, vessels often sacrifice catch-per-unit-effort (CPUE), risk leaving valuable pollock quota stranded in the water, and are occasionally pushed into areas or seasons with higher bycatch rates of Chinook and chum salmon. This becomes especially problematic late in the B season, when extended avoidance measures for herring keep the fleet fishing longer and into periods of higher salmon abundance. Because Chinook and chum are priority PSC species for both conservation and subsistence, this balancing act should place their protection at the forefront. Maintaining strict limits on an abundant, unharvested herring stock - at the expense of increased salmon bycatch and lost pollock harvest - undermines sustainable fisheries management and reduces economic value to the communities that depend on the pollock fishery.

Alignment with Executive Orders

This request squarely aligns with Executive Order 14276 – *Restoring American Seafood Competitiveness*, Executive Order 14192 – *Unleashing Prosperity through Deregulation* and Economic Security. Those orders direct agencies to eliminate outdated regulatory barriers and modernize fisheries management frameworks to enhance efficiency, resilience, and domestic seafood production.

The 1% herring PSC limit is precisely the type of rigid, outdated rule the Executive Orders target. It unnecessarily impairs the efficiency of the U.S. pollock fleet—one of the most sustainable, data-driven fisheries in the world.

Conclusion

The herring PSC framework in the Bering Sea was established more than 30 years ago, with the 1% limit and time-area closures adopted under Amendment 16a in 1991. At the time, these measures were designed to protect an active commercial herring fishery based on the fleet behavior and science of that era.

Since then, the pollock fishery has been transformed by the American Fisheries Act of 1998, which replaced the race for fish with cooperative management, real-time data sharing, and coordinated bycatch avoidance. Meanwhile, the directed herring fishery in Togiak has collapsed due to market failure, not stock decline—ADF&G continues to report consistently high biomass.

Yet the PSC framework remains largely unchanged, restricting access to pollock grounds in ways that no longer reflect ecological conditions or the fleet's modern capabilities. By contrast, herring in the Gulf of Alaska is managed through a Maximum Retainable Amount (MRA), underscoring the need to revisit whether a Bering Sea PSC designation is at all still appropriate.

We respectfully urge the Council to initiate a process allowing conditional, delegated flexibility to raise the PSC limit. This practical change is consistent with NMFS findings that historical herring bycatch exploitation rates of 2–3% prior to the 1% limit were sustainable and did not pose conservation risk, even when a directed fishery was active.

This action would support the principles of National Standards 1 and 6, ensure better alignment with ecosystem realities, and fulfill the goals of Executive Order 14276 and 14192 by removing an outdated barrier to efficient and secure U.S. seafood production. Importantly, it would also help prioritize subsistence priorities by recognizing the elevated importance of Chinook and chum salmon. If a management measure to increase the PSC limit is not considered viable at this time, we respectfully request that, at the very least, the Council prioritize herring deregulation as part of its response to the Executive Order's call for modernization.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Andrea Keikkala". The signature is written in a cursive, flowing style with a decorative flourish at the end.

Andrea Keikkala
Executive Director
United Catcher Boats
www.ucba.org