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National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Attention: Draft Environmental Impact Statement – Bering Sea Chum Salmon Bycatch
Docket No. NOAA-NMFS-2023-0089-0014

On behalf of United Catcher Boats (UCB), which represents the majority of catcher vessels in the America Fisheries Act (AFA) Bering Sea pollock fishery, we submit these comments on the Draft Environmental Impact Statement (DEIS) for Bering Sea Chum Salmon Bycatch Management Docket No. NOAA-NMFS-2023-0089-0014.

Our opposition to the action alternatives laid out in the DEIS is grounded in procedural, analytical, and legal deficiencies under the National Environmental Policy Act (NEPA), the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and the Administrative Procedure Act (APA). The DEIS fails to demonstrate that the action alternatives are scientifically justified, necessary, or meet the applicable legal standards.

The Bering Sea pollock fishery is the largest commercial fishery in the United States, certified sustainable, and a key pillar of global food security, supplying about 40% of the world’s white fish product. As noted in the DEIS, “[t]he eastern Bering Sea pollock fishery is the largest U.S. fishery by volume. The 2024 and 2025 Bering Sea subarea TAC was set at 1.30 million and 1.375 million metric tons (mt), respectively. Also marketed under the name “Alaska pollock,” this fishery represents over 40% of the global whitefish production with the market disposition split fairly evenly between fillets, whole (headed and gutted), and surimi.” (DEIS, Chapter 3, Section 3.2.1 p. 142).

The eastern Bering Sea pollock fishery is an exemplary source of affordable protein supporting domestic and international markets and food assistance programs. While the pollock fishery benefits Alaska in many ways, serving as a backbone of the state’s seafood economy, sustaining employment across multiple sectors, and providing reliable economic activity in regions with few alternatives, **it is first and foremost a federally**

managed fishery under the Department of Commerce and must be overseen with national food security, economic sustainability, and global leadership in mind.

One aspect that makes the pollock fishery sustainable is the attention to bycatch avoidance. Within the pollock fishery, the Incentive Plan Agreements (IPAs) stand as proven, performance-based salmon bycatch avoidance programs. Each catcher vessel sector in which UCB boats participate has a federally approved legal contract entered into by its vessels, explicitly for salmon bycatch avoidance. **The catcher vessel IPAs use real-time data sharing, dynamic area closures, vessel-level accountability, bycatch avoidance incentives, and independent third-party monitoring to minimize bycatch of Chinook and chum salmon.** Both the inshore and mothership fleets' fishing activity is monitored regularly and if salmon bycatch exceeds certain thresholds, the weekly Rolling Hot Spot (RHS) system restricts vessels from sensitive areas until performance improves. A recent update to include the in-season weekly genetic data of chum bycatch has improved prioritization of Western Alaska (WAK) chum salmon avoidance in the Inshore IPA. The catcher vessel IPAs are dynamic, cooperative, and data-driven management tools and have achieved measurable results outperforming rigid hard caps, as proposed in multiple alternatives. The catcher vessel sectors put bycatch avoidance at the forefront of their responsibilities which are demonstrated through full participation in the IPAs, innovation, and continuous adaptation. These tools are not experimental; they are permanent fixtures of the fishery's management system. Regardless of which regulatory alternative is selected, the IPAs and their suite of avoidance measures will remain in effect, continuing to guide responsible fishing behavior and safeguard Western Alaska chum salmon throughout the season and into the future.

I. Legal and Procedural Deficiencies Under Federal Law

The DEIS raises serious legal and procedural concerns under the MSA, NEPA, and the APA. **Central to evaluating the legality and efficacy of any proposed action is the DEIS's clearly defined Purpose and Need statement.** This statement articulates the balance that must be achieved between reducing bycatch and upholding the integrity, performance, and statutory mandates of the Bering Sea pollock fishery. It reinforces the importance of science-based decision-making, safeguarding fishing communities, and achieving optimum yield. The purpose is outlined as follows:

The Council intends to consider establishing additional regulatory non-Chinook bycatch management measures that reduce Western Alaska chum bycatch; provide additional opportunities for the pollock trawl fleet to improve performance in avoiding non-Chinook salmon while maintaining the priority of the objectives of the Amendment 91 and Amendment 110 Chinook salmon bycatch avoidance program; meet and balance the requirements of the Magnuson-Stevens Act, particularly to minimize salmon bycatch to the extent practicable under National Standard 9; include the best scientific information available including Local Knowledge and Traditional Knowledge as required by National Standard 2; take into account the importance of fishery resources to fishing communities including those that are dependent on Bering Sea pollock and subsistence salmon fisheries as required under National Standard 8; and to achieve optimum yield in the BSAI groundfish fisheries on a continuing basis, in the groundfish fisheries as required under National Standard 1. (DEIS, Chapter 1, Section 1.1, p. 56).

Striking the right balance between bycatch avoidance under National Standard 9 and achieving optimum yield under National Standard 1 is central to this action. In our view, any alternative that unnecessarily restricts harvest, without a clearly demonstrated and significant conservation benefit, is inconsistent with National Standard 1. Moreover, the action alternatives risk undermining the proven, performance-based Chinook salmon bycatch avoidance framework established under Amendments 91 and 110, which has successfully reduced bycatch of Western Alaska salmon stocks through flexible, real-time, and cooperative management. Table 2-30 in the DEIS compares the potential disadvantages for each alternative to Chinook salmon. Each alternative that includes a Chum hard cap also known as a PSC (Prohibited Species Catch) limit on Chum Salmon (Alternatives 2, 3, and 5) has the potential for increased Chinook bycatch if the B season is extended (DEIS, Chapter 2, Section 2.8.1, p. 113, Table 2-30). **Given the uncertainty and potential negative effect to Chinook salmon, Alternatives 2, 3, and 5 do not satisfy the Purpose and Need statement, in particular the prioritization of the objectives of Amendments 91 and 110.**

The DEIS highlights a fundamental analytical imbalance between the measurable regulatory impacts imposed on the Bering Sea pollock fleet and the speculative nature of the conservation benefits. This disconnect is particularly problematic under National Standard 2, which mandates the use of the best scientific information available. The agency itself acknowledges the disparity in certainty between economic costs and potential biological gains, stating: *“While there is considerable uncertainty surrounding the potential costs of the proposed alternatives to the Bering Sea pollock industry, this fleet will be directly regulated by any new measures. The uncertainty around benefits is arguably greater given the breadth of external factors which may influence the intended outcome (Figure 4-28).”* (DEIS, Chapter 4, Section 4.5, p. 412). This admission underscores a central flaw in the DEIS as the proposed regulatory burden rests on a foundation of uncertain benefit. Such imbalance not only risks ineffective policy but raises fundamental questions about the rational basis for agency action. Proceeding with sweeping regulations in Alternatives 2, 3, and 5 based on such speculative benefit contradicts the requirement to use the best available science.

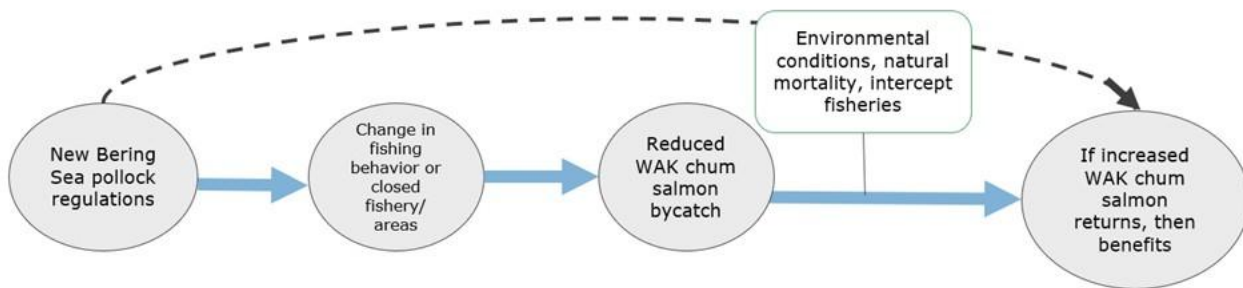


Figure 4-28 Pathway for potential benefits from proposed management measures

National Standard 6 requires that management account for variability and contingency. **Rigid PSC caps ignore the growing influence of environmental variability, including shifts in ocean temperature, prey availability, and salmon migration patterns. Management must account for these contingencies rather than penalize U.S. fleets for outcomes driven by climate-related factors beyond their control.**

National Standard 8 requires minimizing adverse impacts on fishing communities. A B season closure, triggered by a low PSC threshold, would not only strand harvest opportunity but ripple through the economic fabric of

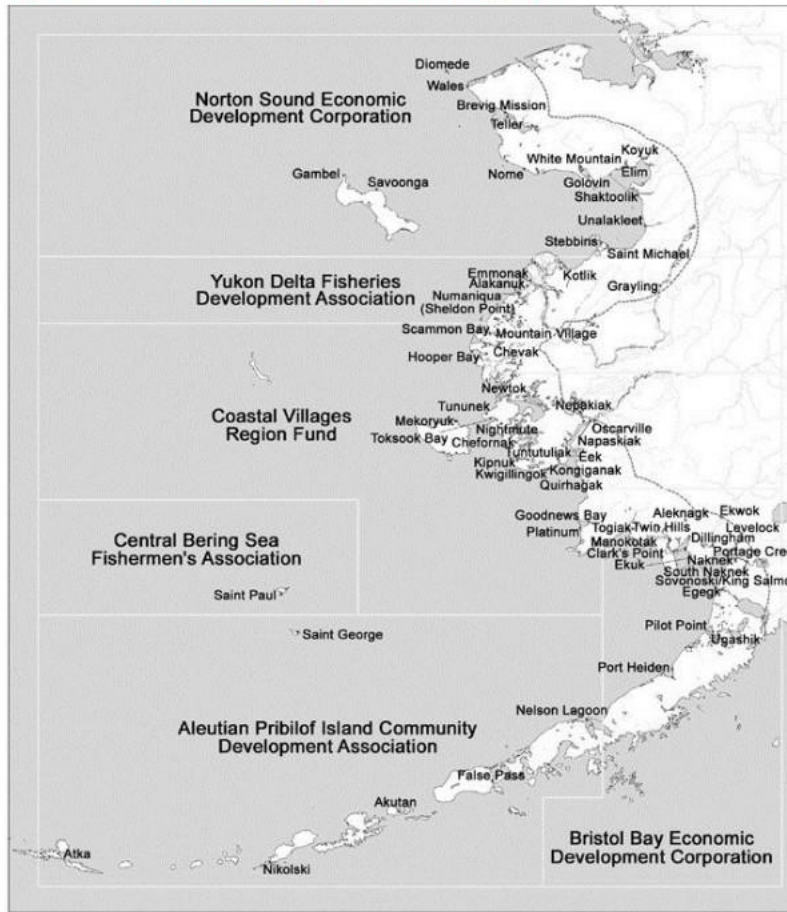
dozens of Community Development Quota (CDQ) and shore-based communities. National Standard 8 requires that these effects be minimized to the extent practicable.

The DEIS itself acknowledges the magnitude of this risk:

Avoidance techniques may delay or prevent a closure resulting from chum salmon PSC limit; however, if the sector is unsuccessful and they are closed early there may be foregone revenue associated with unharvested pollock. In addition to the direct impacts of a B season closure on possible foregone revenue for offshore sector participants, a B season closure would have a much wider distribution of impacts. Specifically, the adverse effects would extend to pollock communities, the CDQ groups and associated communities, other fisheries, as well as pollock markets. (DEIS, Chapter 4, Section 4.3.2.2.2, p. 333).

This is not a hypothetical concern. The Western Alaska CDQ Program encompasses sixty-five coastal communities spread across more than 50,000 miles of Alaska’s shoreline. These communities are represented by six regional CDQ groups and collectively include approximately 27,000 to 29,000 residents, many of whom live in areas with limited economic opportunities, high living costs, and chronic underemployment. **The CDQ Program was explicitly designed to improve economic and social conditions in these regions by allocating a share of federal fisheries resources to support employment, workforce development, and local infrastructure investments.** According to NOAA Fisheries, the program’s purpose is “*to provide eligible western Alaska villages with the opportunity to participate and invest in Bering Sea and Aleutian Islands fisheries, to support economic development in western Alaska, to alleviate poverty and provide economic and social benefits for residents of western Alaska; and to achieve sustainable and diversified local economies in western Alaska.*” (NOAA Fisheries, 2023). These communities are some of the most economically disadvantaged in the United States, and the CDQ Program remains one of the few federal initiatives delivering consistent investment and opportunity to the region (NOAA Fisheries, 2023; The Western Alaska Community Development Program Report 2018).

Figure 1 Western Alaska CDQ communities and groups



Source: NOAA Alaska Fisheries Science Center.

Figure 1 on page 5 of *The Western Alaska Community Development Program Report 2018*.

For these communities, pollock revenues fund essential infrastructure, services, and local jobs. **Disruption to the pollock fishery, in the magnitude being considered, undermines not only economic stability but the very tools intended to advance equity and local development.** A closure is not just a regulatory event; it is a direct blow to real communities with few alternatives.

The DEIS, through Alternatives 2, 3 and 5 promote actions that appear to be advanced not because they offer meaningful conservation benefit for WAK chum but because it is perceived as the only politically viable response to the crisis facing Western Alaska chum salmon. However, **NEPA requires more than symbolic action, it demands that agencies base decisions on sound science, rigorous alternative analysis, and full disclosure of consequences.** The record shows that the proposed chum cap alternatives offer minimal conservation benefit to Western Alaska stocks, while imposing serious and disproportionate costs on the U.S. pollock fleet and the communities it supports. **Proceeding with a knowingly low-benefit, high-cost action simply to signal responsiveness violates both the spirit and procedural requirements of NEPA.**

These deficiencies call into question the rational basis for the proposed action under the APA, 5 U.S.C. § 706(2)(A), which prohibits agency actions that are arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law. This standard requires agencies to base decisions on a rational connection between the

facts found and the choices made. Yet Alternatives 2, 3 and 5 impose certain and significant regulatory costs on the U.S. fleet yet fail to demonstrate measurable conservation benefit to WAK chum salmon. **This disconnect between real economic harm and minimal conservation gain—while also failing to address the primary drivers of WAK chum decline, including environmental change and impacts from other fisheries—fails to meet the APA’s requirement for reasoned decision-making and renders the proposed action legally indefensible.**

II. Lack of Demonstrable Conservation Benefit and Proposed Actions Disproportionately Target a Small Share of Total Western Alaska Chum Salmon Removals

The DEIS fails to demonstrate that the action alternatives would yield meaningful conservation benefits for WAK chum salmon. The document explicitly acknowledges that removals by the pollock fishery represent a very small share of total WAK chum mortality and that *“the pollock fishery could reduce its WAK bycatch in the future but these fish may not return to their river systems as they could still be caught by other fisheries at sea (e.g., Area M fishery).”* (DEIS, Chapter 3, Section 3.3.4.2.2, p. 188).

The DEIS further states that the predominant drivers of WAK chum declines are environmental conditions beyond the control of the [pollock] fishery: *“The Council’s purpose and need statement states that the best available science suggest that ecosystem changes and increasing temperatures are the leading cause of recent chum salmon run failures.”* (DEIS, Executive Summary, p. 21).

These admissions demonstrate that the conservation benefits of the action alternatives are speculative, limited, and unsupported by clear evidence, while the proposed alternatives would simultaneously incur certain and substantial negative economic and community impacts. **The absence of demonstrable conservation benefits calls into question the legal and policy justifications for the proposed regulatory action.**

To place the scale of pollock fishery bycatch in proper context, the DEIS evaluates total removals of Coastal Western Alaska (CWAK) chum salmon across all sources, including State commercial harvests, subsistence harvests, and estimated adult equivalent (AEQ) bycatch from the Bering Sea pollock fishery. This comparison is critical because it allows decisionmakers to assess the relative contribution of the pollock fishery alongside far larger sources of mortality affecting CWAK chum stocks. Table 3-33 and Figure 3-19 in the DEIS present a year-by-year comparison of commercial and subsistence harvests against AEQ bycatch estimates from 2011–2022, illustrating both the magnitude and variability of removals across fisheries and years. Together, this analysis provides an empirical basis for evaluating whether proposed management actions targeting the pollock fishery are proportionate to its demonstrated contribution to total CWAK chum salmon removals. The DEIS notes:

The majority of Western Alaska chum salmon harvests were attributed to State commercial and subsistence harvests. On average, the adult equivalent harvest of CWAK chum salmon from the Bering Sea pollock fishery was 1.75% of total removals over the time series (2011–2022; median of 1.71%). The AEQ represented a greater proportion of total removals during years of low CWAK abundance when directed State commercial and subsistence fisheries opportunities were limited, such as 2021 at 7.70% and 2022 at 5.35%. (DEIS, Chapter 3, Section 3.3.4.1.3, p. 182).

Associated Table 3-33 and Figure 3-19 on p. 183.

Table 3-33 Comparison of commercial and subsistence harvests of CWAK chum salmon in the Kotzebue, Norton Sound, Yukon (summer chum salmon only), Kuskokwim, and Bristol Bay Management Areas to the mean AEQ estimated bycatch from the Bering Sea pollock fishery. Results are for the CWAK group, 2011–2022. Commercial harvest estimates do not include the Area M fishery. The stochastic model was used for AEQ estimation.

Year	Commercial Harvests	Subsistence Harvests	AEQ CWAK	Total	AEQ CWAK as % of Total
2011	1,829,422	219,687	21,815	2,070,924	1.05%
2012	1,730,289	275,314	11,539	2,017,142	0.57%
2013	2,422,608	256,407	20,812	2,699,827	0.77%
2014	1,909,752	257,967	31,754	2,199,473	1.44%
2015	2,120,060	205,556	30,896	2,356,512	1.31%
2016	2,412,277	210,885	51,841	2,675,003	1.94%
2017	3,167,952	217,268	69,403	3,454,623	2.01%
2018	3,534,473	197,713	55,845	3,788,031	1.47%
2019	2,542,701	163,149	53,554	2,759,404	1.94%
2020	492,613	129,252	25,702	647,567	3.97%
2021	320,997	70,887	32,675	424,559	7.70%
2022	810,346	90,452	50,885	951,683	5.35%
Average	1,941,124	191,211	38,060	2,170,396	1.75%

Source: ADF&G and NMFS Alaska Region CAS.

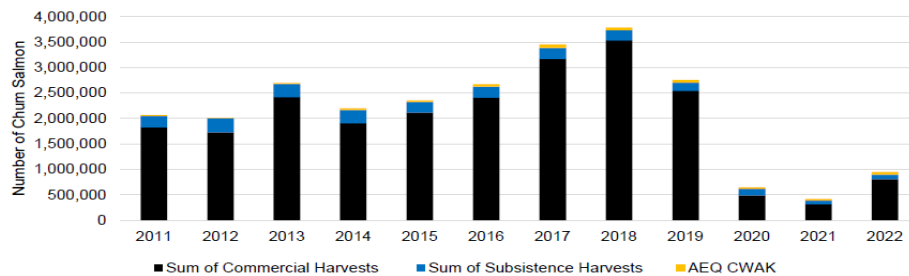


Figure 3-19 Comparison of subsistence (blue) and State commercial (black) harvest of CWAK chum salmon to the mean AEQ estimates of chum salmon bycatch from the Bering Sea pollock fishery (yellow), 2011–2022. Results are from the stochastic AEQ model.

Source: ADF&G and NMFS Alaska Region CAS.

While the pollock fishery’s chum bycatch is a small percentage of the total removals of WAK chum, it’s important to note that the catcher vessel IPAs have already implemented new measures which prioritize WAK chum avoidance, not reflected in the years relied upon for Table 3-33 and Figure 3-19. Any further actions as suggested in Alternatives 2, 3 and 5 are uncertain as to whether they will provide measurable conservation benefit to WAK chum stocks.

III. Potential for Significant Negative Economic Impacts to Businesses and Communities

The DEIS identifies substantial operational, economic and community risks tied to implementing a chum salmon PSC limit during the B season. While it is difficult to precisely quantify the costs of avoidance, the DEIS makes it clear that the impacts on operational efficiency are likely to be negative, even if the exact magnitude is uncertain. The direction of the effect regarding proposed, higher costs and lower efficiency, is well established. Additionally, if vessels perceive a risk of area closures due to reaching a PSC limit, this alone is expected to reduce efficiency and increase operational costs. Processors may also conduct their own risk assessments, potentially heightening the level of perceived risk. These heightened concerns can lead to preemptive changes in fishing behavior, such as shifting fishing grounds, reduced catch rates, and less efficient harvest strategies, all of which diminish overall efficiency and yield.

The burden is not confined to harvesters alone. Table 4-18 lists the various types of avoidance costs unique to the inshore sector, all of which weigh on the fishermen, shore-based processors, and communities. The mothership sector also faces distinct impacts, particularly when closures force vessels into areas with lower

quality fish that do not meet processing requirements. **These costs compound across the supply chain, from vessel operations to at-sea and shore-based production and ripple into local economies.**

Table 4-18 Potential avoidance costs that may be incurred by the inshore sector under a chum salmon PSC limit in addition to those listed in Table 4-13

Decreased operational efficiency	<p>If traveling further from port, the quality of delivered product may decrease. This may influence the types of products that can be produced and the ex vessel price received for the product.</p> <p>The inshore sector is constrained with an industry standard of 48 hours between pollock catch and desired delivery in order to produce the freshest quality product.</p>
Travel costs	<p>If the sector has to travel further, fuel costs would increase. If both ex vessel price paid goes down and operational cost go up, these two factors would compound the adverse impact to the inshore fleet.</p>
Gear conflicts and safety at sea	<p>Decreased flexibility in time or space for pollock fishing could possibly contribute to gear conflicts or safety concerns. Inshore vessels may need to travel further from shore which could increase risk if there is a safety issue.</p>
Shoreside processor impacts	<p>Decreased operational efficiencies could lead to lower quality of pollock deliveries, lower volumes of pollock deliveries, or intermittent and slower deliveries. These inefficiencies would increase processor’s operating costs such that the economy of scale in its production is lost.</p> <p>A change in pollock quality due to vessels fishing further from port could result in production of lower quality products and lower wholesale prices.</p>
Impacts on communities associated with pollock landings	<p>Communities where shore-based processors are located may see reduced FBT and local raw seafood tax revenues from lower quality product deliveries.</p> <p>In a scenario where harvesters are catching lower quality pollock that can only be processed into certain product forms (such as fishmeal), it is expected the shoreside price and the estimated tax revenue would decrease. It is also possible that shoreside prices decrease as a result of domestic and global market conditions described above, but these dynamics exist outside of the regulatory changes being considered under the proposed management alternatives.</p> <p>In contrast to other avoidance costs, slower or intermittent deliveries that result in crew members spending more time in port may provide some level of benefit to a community and the support sector businesses within it. Crew members could book accommodations, patron local businesses, seek entertainment, among other activities generating marginally more economic activity.</p>

In addition to avoidance costs, the DEIS acknowledges the high potential for direct financial impacts in the form of forgone revenue. In DEIS’s analysis of potential foregone revenue, Table 4-10 demonstrates that a PSC limit of 100,000 may have resulted in B season closures in 12 of the 13 years analyzed. *“In the most impacted year, this sector could have had to forgo \$97.8-\$108 million in gross ex vessel revenue, depending on apportionment selected. At the higher end of the range, this would have represented 73-84% of the CV sector’s B season gross revenue”.* (DEIS, Chapter 4, Section 4.3.2.3.2.1, p. 344). Table 4-19 from the DEIS below illustrates the upper bounds of pollock potentially left unharvested and associated forgone gross revenue for the inshore sector if chum salmon PSC limits had been in place from 2011-2023 with PSC limits set at 100,000, 325,000 and 550,000 over a multi-year 3–5-year period.

Table 4-19 Upper bound of pollock potentially left unharvested and associated forgone gross revenue for the inshore sector if chum salmon PSC limits had been in place, 2011–2023

Inshore Sector			Pollock forgone (mt)				Ex-vessel rev forgone (millions 2022\$)				First wholesale rev forgone (millions 2022\$)			
PSC limit	Apportionment	Number of years closed (13 total)	Min	Median	Avg	Max	Min	Median	Avg	Max	Min	Median	Avg	Max
100,000	3-yr average	12	0	130,249	134,968	249,756	\$0.0	\$54.6	\$52.2	\$97.8	\$0.0	\$146.3	\$153.5	\$294.3
	5-yr average	12	0	135,011	139,091	249,756	\$0.0	\$55.2	\$53.9	\$97.8	\$0.0	\$146.3	\$158.6	\$294.3
	Pro rata	12	0	135,011	139,091	249,756	\$0.0	\$55.2	\$53.9	\$97.8	\$0.0	\$146.3	\$158.6	\$294.3
	AFA	12	0	142,044	158,061	291,563	\$0.0	\$56.0	\$61.6	\$108.3	\$0.0	\$164.1	\$181.8	\$345.8
325,000	3-yr average	2	0	0	15,404	172,796	\$0.0	\$0.0	\$5.7	\$63.5	\$0.0	\$0.0	\$15.9	\$178.7
	5-yr average	2	0	0	16,560	172,796	\$0.0	\$0.0	\$6.2	\$63.5	\$0.0	\$0.0	\$17.1	\$178.7
	Pro rata	2	0	0	16,560	172,796	\$0.0	\$0.0	\$6.2	\$63.5	\$0.0	\$0.0	\$17.1	\$178.7
	AFA	5	0	0	29,854	172,796	\$0.0	\$0.0	\$11.2	\$63.5	\$0.0	\$0.0	\$31.5	\$178.7
550,000	3-yr average	0	0	0	0	0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
	5-yr average	1	0	0	11,457	148,936	\$0.0	\$0.0	\$4.2	\$54.7	\$0.0	\$0.0	\$11.8	\$153.8
	Pro rata	1	0	0	11,457	148,936	\$0.0	\$0.0	\$4.2	\$54.7	\$0.0	\$0.0	\$11.8	\$153.8
	AFA	1	0	0	11,457	148,936	\$0.0	\$0.0	\$4.2	\$54.7	\$0.0	\$0.0	\$11.8	\$153.8

Source: NMFS Alaska Region CAS, data compiled by AKFIN

The impact of pollock B season closures tied to chum salmon PSC limits under the proposed hard cap alternatives would go well beyond the vessels themselves. In addition to lost revenue for the fleet, closures would hit shoreside processors, CDQ communities, other fisheries, and broader markets. These are not just numbers on paper, they represent real losses: jobs disappearing, processing lines shutting down, and substantial hardship for coastal economies, with profound consequences across Alaska, the west coast and even nationally.

The cascade of negative economic effects continues outward to support services and vendors, transportation, and shipping which are all necessary to Alaska. The pollock fishery provides a foundation for businesses and other industries servicing the Aleutian chain and coastal Alaska. Reduction or elimination of the pollock fishery would increase processing costs for other fisheries relying on the same shore-based processors. Support services such as fuel docks, welders, electricians, refrigeration techs, etc. would take an economic hit that would jeopardize their ability to stay and service Dutch Harbor, Akutan, and other communities. Even if they were able to stay, costs for services would likely increase for all others. If less pollock product is shipped domestically and internationally from Dutch Harbor and Akutan, fewer cargo ships will call on Alaska’s coastal communities that rely on these vessels for the regular and predictable import of goods. This demonstrates that the economic impacts from the proposed action do not stop at the fishery level but will ripple across Alaska.

These economic losses are not isolated or impersonal, they strike at the heart of Alaska’s fishing communities. **We are being asked to dismantle one of the most carefully managed, transparent, and productive fisheries in the world, not to save Western Alaska chum salmon, but merely to be seen as doing something.** But regulatory action for the sake of action, when the best scientific information available shows it will not meaningfully affect WAK chum returns, is not sound management. It is a misfire that may satisfy optics but offers no substantial benefit to the stock.

Crippling the pollock trawl fishery will not solve the decline in WAK chum, it will only trigger further economic devastation. It will pull apart families and careers that have spanned generations, hollow out coastal communities, and threaten a national source of food security. **This is not a binary choice between conservation and economics, because this action fails to deliver either.**

In contrast, the industry-developed IPAs already provide a proven, adaptive management tool, tailored each season, to minimize chum salmon bycatch, especially in areas and times where Western Alaska origin stocks are

most prevalent. These are dynamic, responsive systems that leverage fleet communication, real-time data, and spatial management tools to actively avoid high-risk encounters.

Moreover, science continues to show that chum declines in Western Alaska and bycatch numbers stem from multiple factors, including survival challenges, climate change, and the large-scale releases of hatchery chum from Asia and elsewhere. Addressing this issue requires a comprehensive, ecosystem-wide strategy, not a narrow action that penalizes one sector while leaving the broader drivers unexamined.

We can and must do better. UCB supports targeted, effective solutions grounded in science, cooperation, and shared responsibility, not policies that sacrifice livelihoods without a measurable conservation gain.

IV. Jeopardizing Global Food Security

The Bering Sea pollock fishery is not only a cornerstone of domestic seafood production and the backbone of Alaska’s fish processing capabilities, but also a critical contributor to global food security. According to the July 2025 McKinley Research Group report, *“Alaska pollock products – including fish meal and fish oil derived from Alaska pollock – constitutes 43% of total Alaska seafood export volume on average between 2020 and 2023”*. (McKinley Research Group, *Importance of the Alaska Pollock Fishery to Alaska Transportation and Fuel Networks*, p. 9).

Table 4. Alaska Seafood Exports by Species Group (mt), 2020-2023 Annual Average

Species	Export Volume (mt)	% of Total
Alaska pollock	363,073	43%
Salmon	177,680	21%
Flatfish	102,657	12%
Pacific cod	43,634	5%
Atka mackerel	32,373	4%
Rockfish	31,722	4%
Herring	27,189	3%
All others	66,692	8%
All seafood exports	845,020	100%

Source: NMFS

Additionally, Alaska pollock is internationally recognized for its sustainable management, holding certifications from the Marine Stewardship Council (MSC), the Alaska Responsible Fisheries Management (RFM) program, and Certified Seafood International (CSI). These certifications, among the most respected in the industry, make the Alaska pollock fishery one of the largest certified sustainable fisheries in the world. The CSI certification, benchmarked by the Global Sustainable Seafood Initiative (GSSI) and aligned with the UN FAO Code of Conduct for Responsible Fisheries, provides independent confirmation that robust fishery management systems and Chain of Custody protocols are firmly in place. Together, these third-party validations ensure that the pollock fishery meets rigorous environmental and operational standards.

Further, pollock plays a direct role in supporting domestic and global food access. It is a lean, protein-rich, affordable, and can be made into a shelf-stable product, widely used in USDA school lunch programs and in international food aid shipments.

Despite the significance of this sustainable and nutritious protein source, the DEIS does not evaluate the potential consequences that hard caps or restrictive alternatives could have on the availability of pollock as a global food security product. The absence of this analysis represents a missed opportunity to fully account for the tradeoffs inherent in the proposed action alternatives.

Compounding the global inequities in fisheries, ecosystem, and environmental oversight, **Russia continues to extract massive volumes of pollock from the same shared Bering Sea ecosystem while making no effort to adhere to the transparency, accountability, or conservation standards that U.S. fleets are held to.**

According to NOAA: the.

Russia does not have procedures to reliably certify that fish and fish products were not caught in association with the intentional killing or serious injury of marine mammals; Russia lacks marine mammal bycatch reporting and monitoring programs; and Russia does not implement mitigation measures that are likely to reduce marine mammal unsustainable bycatch below the bycatch limit for marine mammals interacting with Russia's export fisheries. (2025 Marine Mammal Protection Act Import Provisions Comparability Finding Application Final Report: Russian Federation from NOAA).

Although vessels from multiple nations harvest from the same ecosystem, the U.S. fleet bears the weight of comprehensive environmental compliance, transparency, and bycatch oversight. The Total Allowable Catch (TAC) set by the North Pacific Fishery Management Council for the U.S. Bering Sea & Aleutian Islands (BSAI) & Gulf of Alaska (GOA) Pollock fishery for 2026 is set for the BSAI at 1,375,000 metric tons and the GOA at 129,749 metric tons for a total of 1,504,749 metric tons. In contrast, according to reporting from industry news sources, Russia's Far East pollock fishery TAC for 2026 is set at 2,420,800 metric tons which is approximately 61% more pollock than harvested by the North Pacific pollock fleet in the United States yet operates with no equivalent transparent bycatch controls or sustainability measures. **This is not sustainable management; it is strategic negligence on an international scale as it fuels Russia's dominance in global seafood markets while crippling America's most sustainable fishery.** The action alternatives would create additional challenges that could weaken the U.S. Alaska pollock fishery. Creating additional challenges in an already challenging geopolitical climate does not benefit the nation.

V. The Real Driver of Chum Bycatch: Foreign Hatchery Production

Russia and Asian countries are positioning themselves in a global protein competition through their hatchery production and harvest expansion. Meanwhile, Alternatives 2, 3, and 5 would encumber U.S. pollock vessels with increasingly punitive restrictions that limit their ability to produce affordable, low-carbon protein for domestic and international markets. The DEIS states that:

Hatchery release of chum salmon have increased over time particularly since the mid-1980s reaching a peak in 2023 at 3.44 billion chum salmon released from all countries. Over the most recent decade (2014-2023), the majority of chum salmon hatchery production has been

attributed to Japan at 1.54 billion fish, followed by Russia (0.88 billion) and the United States (0.76 billion). However Russian hatchery releases of chum salmon have increased in recent years, ranging from 1.07 and 1.28 billion fish from 2021-2023 which represents a 51%-78% increase from the 10-year average of 0.73 billion chum salmon from 2011-2020. For Russia surpassed Japan for the largest number of hatchery chum salmon released, with 1.453 billion released during that year, compared with 1.155 billion from Japan and 0.838 billion from the United States. (DEIS, Chapter 3, Section 3.3.2.1, page 164).

These hatchery production trends are directly relevant because the majority of chum salmon encountered as bycatch in the pollock fishery are estimated to originate from Asian hatchery programs, particularly in southeast and northeast Asia. Yet the DEIS and its action alternatives focus on escalating domestic restrictions on a fishery that already operates under world-leading accountability systems, while foreign hatchery programs in Russia and Asia continue to release billions of chum salmon annually into the North Pacific. **The abundance of hatchery chum salmon in the ecosystem conflates the interpretation of bycatch impacts with broader ecosystem-scale production dynamics that are beyond the control of U.S. fisheries management.**

This imbalance is compounded by the fact that hatchery chum contribute to ecosystem competition with wild stocks, an issue not similarly prioritized in federal fishery management, while the **pollock fleet bears increasing avoidance costs for intentionally inflated chum abundance in the Bering Sea.** At the same time, vessels are attempting to avoid the most vulnerable component, Western Alaska chum, which represent a relatively small proportion of encounters, using the best available science and genetic tools, even as expanding Russian and Asian hatchery production adds complexity and uncertainty not fully accounted for in the DEIS's cumulative impact analysis.

Alternatives 2 and 3 specifically do not meet the purpose and need because an overall chum PSC cap protects all chum salmon equally, this will benefit the abundant hatchery stocks and therefore increase risk to the vulnerable WAK chum populations. **This is at no fault of the fleet's avoidance strategies, but rather attributable to the blunt tool that is a hard cap.**

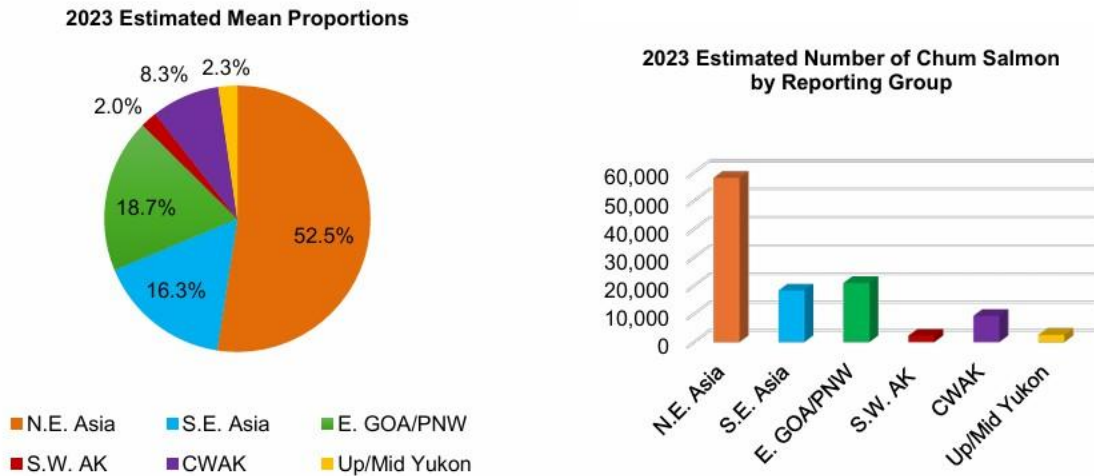


Figure 1-2 Genetic stock composition estimates (left) and the estimated number of chum salmon taken as bycatch (right) from each reporting group for the 2023 pollock B season. For the figures, chum salmon bycatch proportions and numbers have not been adjusted to adult equivalents. Chum salmon in the CWAK and Up/Mid Yukon reporting groups are WAK chum salmon.

Figure 1-2 Genetic stock composition estimates (left) and the estimated number of chum salmon taken as bycatch (right) from each reporting group for the 2023 pollock B season. For the figures, chum salmon bycatch proportions and numbers have not been adjusted to adult equivalents. Chum salmon in the CWAK and Up/Mid Yukon reporting groups are WAK chum salmon. (DEIS, Executive Summary p. 22).

In effect, Alternatives 2, 3 and 5 weaken one of the world’s most transparent, accountable, and sustainable fisheries while empowering less regulated, geopolitically assertive competitors. **This is a global food race and sacrificing the United States’ most sustainable and strategic fishery over unproven conservation assumptions, especially when the expected benefit to Western Alaska chum returns is marginal at best, undermines both national food security and global leadership. Worse still, the proposed chum cap alternatives, which impose hard overall limits without accounting for genetic stock origin, appear to do more to protect Russian and Asian hatchery production than to support the meaningful recovery of wild Western Alaska chum salmon. This effectively exports the benefits of U.S. conservation to countries driving industrial-scale hatchery releases that now dominate the North Pacific.**

VI. Council Authority and National Benefit

The analysis presented in the DEIS is notably narrow in geographic and policy scope, emphasizing regional concerns while failing to address the broader obligations of the North Pacific Fishery Management Council and NOAA under federal law. **The MSA binds the Council and agency to manage fisheries for the “greatest overall benefit to the Nation,” not just for select geographic regions or interest groups.**

This obligation is enshrined in the Council members’ oath of office, which is made not to any one state but to the United States. **The absence of national interest, food security, or broader economic tradeoffs in the DEIS represents a significant gap in the administrative record.**

National Standard 1 requires the management of fisheries for “optimum yield,” which by definition includes consideration of food production, economic benefits, and sustainability on a national scale. Yet the DEIS contains no discussion of how hard cap alternatives or area closures might reduce pollock availability in national and global supply chains, diminish low-carbon protein access, or conflict with international seafood commitments grounded in certified sustainable supply.

By emphasizing localized and uncertain conservation gains while ignoring the proven national and global benefits of the Bering Sea pollock fishery, the DEIS falls short of its statutory duties under the MSA and fails to reflect the Council’s federal decision-making mandate.

This narrow framing also risks violating the Administrative Procedure Act, 5 U.S.C. § 706(2)(A), which prohibits agency actions that are arbitrary, capricious, or unsupported by the record. **A decision that constrains a globally strategic, low-carbon, and sustainable food fishery without clear evidence of benefit or a full consideration of national impacts cannot be justified under this standard.**

VII. Conclusion and Recommendation

In summary, the Bering Sea Chum Bycatch Management DEIS fails to meet the analytical, legal, and policy standards required under the MSA, NEPA, and the APA. The action alternatives proposed in the DEIS do not demonstrate clear or measurable conservation benefits, and disproportionately create economic costs, especially to catcher vessels, CDQ partners, and shore-based processors. United Catcher Boats urges NOAA and the Council to reject Alternatives 2, 3, and 5 as unlawful, impractical, and unsupported by the best available science. They do not meet the purpose and need or federal requirements for action.

The DEIS and the proposed action alternatives do not balance the National Standards and have major flaws that cannot be overlooked. **The potentially high economic cost to the pollock fishery and Alaska is not met with demonstrable conservation benefits to WAK chum.** The conservation benefits to WAK chum are potentially worsened by hard caps that really benefit the majority chum stocks like Russian and Asian hatchery chum. **Protecting hatchery stocks does not meet the Purpose and Need nor does it help the vulnerable WAK chum stocks due to increased competition.** Another vulnerable species to maintain conservation of is Chinook salmon and nearly all action alternatives have the potential to negatively impact Chinook PSC in the B season. The proposed alternatives also have potentially negative tradeoffs with other PSC like herring which puts the fleet in a difficult position to choose which species is more important to avoid. In addition to the lack of clear conservation benefits to salmon, there are little to no benefits to the nation whether that be through national food security, national economics, or geopolitical relations.

Of all the action alternatives considered, Alternative 4 comes closest to aligning with the DEIS’s articulated Purpose and Need. The provisions included in Alternative 4 that could add to the IPAs have the least negative impacts and would most precisely minimize bycatch of Western Alaska origin chum in the pollock fishery, advance the objectives of Amendments 91 and 110, and balance the National Standards. The Alaska pollock fleet was responsive and proactive when the Council asked the pollock industry to respond to high chum bycatch numbers in 2022. The measures, in Alternative 4, are already being voluntarily implemented by the fleet. However, the costs associated with additional avoidance efforts from Alternative 4 are not well analyzed in the DEIS. Rather, the costs resulting from operational changes are considered as status quo while the fleet has taken on substantial financial burden and risk. The IPAs enable faster, more precise area closures than

regulatory action alone, and they can reopen areas just as efficiently, minimizing unnecessary disruption. These tools are well suited to incorporate in-season genetic information in the future, allowing for even more targeted protection of Western Alaska chum. However, these measures are not without cost; every closure, vessel repositioning, and voluntary avoidance action imposes significant operational and financial burdens on the fleet. In addition, the management and monitoring required to implement these adaptive strategies; real-time data sharing, hotspot tracking, compliance oversight are funded and conducted by the industry itself, representing another layer of substantial unrecognized cost and the fleet's dedication to conservation.

UCB vessels are proud stewards of the nation's sustainable, highest-volume fishery that feeds the world. **This is not simply an environmental issue; it is a matter of long-term viability and responsible resource management.**

Alternative 4 is the only viable alternative that addresses the stated purpose of the action while preserving the long-term viability of the fishery. But since the results and costs of Alternative 4 are associated with status quo, Alternative 1 is equally as viable. For all other alternatives, the DEIS concedes that bycatch reductions will translate into minimal increased returns of Western Alaska chum stocks. **Meanwhile, proposed hard caps potentially jeopardize tens of millions in annual revenue, suppress innovation and disincentivize enthusiastic participation in IPAs and constrain a fishery that supplies 40% of the global white fish market with certified sustainable, low-carbon protein.**

This approach is consistent with the Council's federal mandate, statutory obligations, and the need to manage our nation's fisheries not only for conservation, but for sustained food security, economic viability, and national benefit.

Thank you,



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