United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

FWS/AFES

FEB 9 2009

Mr. Robert D. Mecum, Acting Administrator
Alaska Region, National Marine Fisheries Service
National Oceanic and Atmospheric Administration
P.O. Box 21668
Juneau, Alaska 99802

Re: Bering Sea Chinook Salmon Bycatch Management Draft Environmental Impact Statement/Regulatory Impact Review/Initial Regulatory Flexibility Analysis

Dear Mr. Mecum:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Statement/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (DEIS/RIR/IRFA) to evaluate salmon bycatch reduction measures for the Bering Sea and Aleutian Islands (BSAI) Management Area. Bycatch is of concern to the Service because it may affect salmon populations we are responsible for managing in accordance with U.S. laws and international agreements. Below, we offer our perspectives and recommendations for establishing measures to minimize Chinook salmon bycatch in the Bering Sea Pollock fishery and we raise some technical issues in our Specific Comments. Background on our trust responsibilities as identified in the Alaska National Interests Lands Conservation Act, the Yukon River Salmon Act of 2000, and the U.S./Canada Yukon River Salmon Agreement of 2002, was provided in a February 7, 2008 letter to your agency commenting on the Notice of Intent for this DEIS.

General Comments

We appreciate that BSAI pollock fishery bycatch is not the only impact to Western Alaska Chinook salmon stock returns, but it has been shown to contribute significantly to mortality.[1] We support responsibly managed, sustainable fisheries and recognize that nearly every fishery has some level of bycatch. Based on our experience with the Yukon River fishery, a BSAI bycatch near 40,000 Chinook salmon appears to allow in-river escapement, subsistence harvest, and Canadian border passage goals to be achieved, while also providing for in-river commercial fishing opportunities. It appears when bycatch levels exceed 40,000, some segment of in-river

[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 U.S. Groundfish Fisheries in the Eastern Bering Sea, 1997-1999. Final Report to the Yukon River Drainage Fisheries Association, Contr. No. 04-001. SAFS-UW-0312, School of Aquatic and Fishery Sciences, University of Washington, Seattle. 59p.

escapement or harvest is likely reduced. Therefore, based on our review of the alternatives presented in the DEIS, a hard-cap bycatch threshold of 38,891 Chinook salmon, beyond which the Bering Sea Pollock fishery would close, would be most consistent with our management responsibilities. We do not advocate combining an industry incentive program with a cap level higher than 38,891 because this would increase the likelihood of greater Chinook salmon mortality, thereby decreasing the in-river returns and negatively impacting escapements and harvest opportunities. Among the alternatives presented in the DEIS/RIR/IRFA, we believe the hard cap of 38,891 Chinook salmon is the most likely to provide for the long-term conservation of Federal in-river Chinook salmon trust resources.

Specific Comments

- We are concerned that the current genetic analysis and the adult savings calculations were based on an insufficient number of opportunistically collected samples which inadequately represent the actual stock contributions being harvested by the BSAI pollock fishery. This appears to be substantiated by Tables 5-47 to 5-51 on pages 297-301. These tables purport to show the adult reductions in equivalent numbers under various scenarios. Using the last row of Table 5-51, as an example, the bycatch for Chinook salmon bound for western coastal Alaska (column 3) would be reduced by 37,492. However, the bycatch reduction to the middle and upper Yukon (columns 5 and 9) would only be reduced by 449 and 389, respectively. This appears to be at odds with our general understanding of run magnitudes in Western Alaska, considering that the Yukon run tends to be the largest in western Alaska and that the middle and upper Yukon stocks typically comprise greater than 75% of the Yukon run in most years. For example, if the Yukon run was of average magnitude of 250,000 and 75% were middle or upper Yukon origin, this would mean that the western coastal abundance of Chinook salmon would be nearly 8.4 million, which seems exceptionally high. While we realize the stock composition estimates being used are the only ones available, that does not mean they are representative of the entire bycatch. Certainly, the samples were not collected for the purpose of supporting an analysis of such broad scope. The likely inadequacy of the existing samples to represent the entire bycatch seriously undermines the apparent conclusion that few Yukon River Chinook salmon occur in the bycatch.

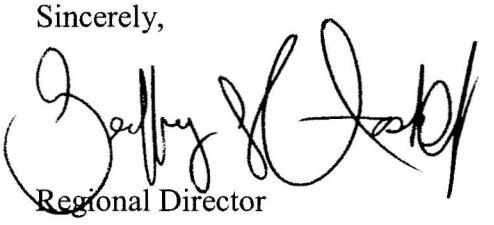
- The DEIS indicates in Chapter 8, Section 8.2.4.1 on page 414 that "*the USFWS has been working with Dr. Paul Sievert and Dr. Javier Arata of the U.S. Geological Survey (USGS) to develop a status assessment of Laysan and Black-footed Albatrosses. This assessment is in response to growing concerns regarding the current status and population trends of these two north Pacific albatrosses, particularly the black-footed.*" The final EIS would be enhanced if findings from this assessment could be incorporated into the final analyses and appropriately cited.

In conclusion, reductions in BSAI salmon bycatch to a level below 40,000 should provide for the long-term sustainable health of salmon populations, allow subsistence harvest priorities to be met consistent with ANILCA, and allow international border passage obligations to be met consistent with the Pacific Salmon Treaty.

We believe the best way to achieve these goals is to implement a hard-cap threshold, based on the best available information, beyond which additional BSAI Chinook salmon bycatch would be prohibited.

We appreciate this opportunity to comment. Please contact Russ Holder (907-455-1849 or russ_holder@fws.gov) if you have any questions concerning these comments.

Sincerely,



Regional Director