



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

## Federal Subsistence Board

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U.S. FOREST SERVICE

FEB 4 2010

FWS/OSM 10008/DR

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

Dear Mr. Mecum:

The Federal Subsistence Management Program appreciates the opportunity to provide its comments and recommendation on the *Final Bering Sea Chinook Salmon Bycatch Management Environmental Impact Statement and Regulatory Impact Review* (EIS/RIR). The Federal Subsistence Board (Board) and the Bristol Bay, Seward Peninsula, Yukon-Kuskokwim Delta, Western Interior Alaska and Eastern Interior Alaska Subsistence Regional Advisory Councils, which advise the Board, have established a record concerning this issue. This letter brings forward our comments and recommendations for purposes of your final EIS/RIR. These five councils represent Federally-qualified subsistence users of Western Alaska salmon stocks affected by the actions of the Bering Sea/Aleutian Islands commercial Pollock fishing industry. The Board's composition and a description of 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.

In a letter to you dated February 18, 2009 (commenting on the Draft EIS/RIR), the Board recommended a Chinook salmon bycatch hard cap of 29,323. At the April 2009 meeting of the North Pacific Fishery Management Council in Anchorage, the Board Chair and representatives of the five noted subsistence regional advisory councils all testified and recommended a hard cap of 29,323. With this letter, the Board and the five Councils reiterate their recommendations that a hard cap of 29,323, Alternative 2(viii), be adopted. This alternative would assist in ensuring that enough Chinook salmon return to Western and Interior Alaska rivers to meet spawning escapement requirements and the subsistence uses of over 120 communities representing approximately 60,000 rural residents in the Arctic-Yukon-Kuskokwim and Bristol Bay regions. The EIS/RIR points out that this level of bycatch would have provided the "greatest benefit" in adult equivalent Chinook salmon savings for Western Alaska stocks for the years 2003-2007 at all levels of bycatch. Had this hard cap been in place during those years, an estimated increase in returns of 37,345 Chinook salmon to Western Alaska in the highest bycatch year of 2007 would have been realized. In addition, this level of bycatch comes closest to the stipulation in the U.S./Canada Yukon River Salmon Agreement, signed in 2002, which requires the United States to increase in-river returns of Yukon River origin salmon by reducing marine catches and

bycatches of Yukon River salmon. The recommended hard cap of 29,323 represents the five-year average (1997-2001) of Chinook salmon bycatch, just prior to the signing of the U.S./Canada Yukon River Salmon Agreement.

The Board again urges the National Marine Fisheries Service and the North Pacific Fishery Management Council to take actions that 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 Preferred Alternative (60,000 and 47,591) represents a reduction in Chinook salmon bycatch, but rather is an allowance for higher bycatch. This allowance appears to be in direct conflict with your agency's stated management goal to avoid bycatch of a prohibited species, of which Chinook salmon is one. Therefore, the Preferred Alternative should not be adopted into regulation.

The EIS/RIR acknowledges the failure to meet the Yukon River Chinook salmon escapement goal into Canada for 2007 and 2008. While the EIS/RIR points out that the minimum escapement goal for Canada was exceeded in 2009, it fails to point out that this was accomplished through the imposition of substantial restrictions on subsistence fishing and the prohibition of in-river commercial fishing.

Thank you for the opportunity to comment on the EIS/RIR. Please contact Peter J. Probasco, Assistant Regional Director, Office of Subsistence Management, at (907) 786-3888, if further information is needed. We 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

Pat Pourchot, Special Assistant to Secretary of DOI for Alaska Affairs  
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  
Nancy Lyon, Vice Chair, Bristol Bay Regional Advisory Council  
Weaver Ivanoff, 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