



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199

FWS/AFES

FEB 16 2010

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

Dear Mr. :

The U.S. Fish and Wildlife Service wishes to express our appreciation for the tremendous amount of information generated for, and synthesized into, the *Final Bering Sea Chinook Salmon Bycatch Management Environmental Impact Statement and Regulatory Impact Review* (Final EIS/RIR). Your December 7, 2009, transmittal memo indicates that while NOAA is not required to respond to comments received as a result of the FEIS, comments received by February 16, 2010, will be reviewed and considered for their impact on issuance of a record of decision. We have reviewed this EIS/RIR, and offer the following comments.

In our February 9, 2009 letter, we commented on the Draft EIS/RIR and took the position that when bycatch exceeds 40,000, some segment of in-river escapement or harvest is likely reduced. We advocated for a hard cap of 38,891 Chinook salmon for the Bering Sea pollock fishery. During Council comments immediately prior to their vote on a preferred alternative for this EIS, we reiterated our position for a bycatch cap of about 40,000 Chinook salmon.

We support and applaud the preferred alternative's inclusion of sector-level performance standards and incentive plan agreements (IPAs), designed to keep bycatch levels well below the hard caps in most years. However, we continue to believe it would be in the best interest of the salmon resource and in-river users to implement these measures with a bycatch cap of 38,891 Chinook salmon, rather than the 60,000 Chinook salmon bycatch cap proposed in the preferred alternative. In addition to supporting this lower bycatch cap, we support proportional adjustments made to sector level performance standards and hard caps absent IPAs.

We believe it is practicable and prudent to maintain Chinook bycatch at levels below 40,000. Doing so would more likely, 1) provide for the long term sustainable health of Chinook salmon populations; 2) allow ANILCA subsistence harvest priorities to be met; and 3) allow Pacific Salmon Treaty border passage obligations to be met without undue restrictions placed upon priority users.

**TAKE PRIDE
IN AMERICA** 

Robert D. Mecum

2

If you have questions about our position on this complex issue, please contact the Fish and Wildlife Service Alternate Representative to the North Pacific Fisheries Management Council, Greg Balogh, at 907-271-2778.

Sincerely,



Regional Director