

OCT 10 2014



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

Mr. Victor Joseph
President, Tanana Chiefs Conference
122 First Avenue
Fairbanks, AK 99701

Dear Mr. Joseph:

Thank you for your cosigned letter to Secretary Penny Pritzker requesting that the National Marine Fisheries Service (NMFS) promulgate an emergency regulation for the remainder of 2014 to reduce the limit on the amount of Chinook salmon bycatch allowed the Bering Sea pollock fishery from 60,000 Chinook salmon to 20,000 Chinook salmon, and to reduce the performance standard that the Bering Sea pollock fishery intends to meet from 47,591 Chinook salmon to 15,000 Chinook salmon. You also request that the Secretary of Commerce engage in a government-to-government consultation mandated by Executive Order 13175 on your request for an emergency regulation.

The review of petitions for emergency rulemaking are governed by section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1855(c), and the NOAA Policy Guidelines for the Use of Emergency Rules (March 31, 2008). We promulgate emergency regulations only in extremely urgent, special circumstances where substantial harm to or disruption of the resource, fishery, or community would occur in the time it would take to follow the standard rulemaking process. We must consider whether circumstances warrant forgoing consultation with the North Pacific Fishery Management Council, advance notice, public comment, and deliberative consideration of the impacts on all participants in the fishery.

We have reviewed the Chinook salmon bycatch to date in the Bering Sea pollock fishery and projections for the remainder of the year. Based on this information, we project that the total amount of bycatch in the Bering Sea pollock fishery in 2014 will be less than 20,000 Chinook salmon, and is unlikely to exceed 15,000 Chinook salmon. As of September 30, 2014, Chinook salmon bycatch in the Bering Sea pollock fishery was 14,978 Chinook salmon, and we do not anticipate a substantial increase above that level because the Bering Sea pollock fishery has effectively concluded for 2014. As of the same date, only 2,982 mt, or less than 0.2 percent, of the available TAC for the Bering Sea pollock fishery remains available for harvest. Therefore, we believe very little additional Chinook salmon bycatch will occur between now and when the Bering Sea pollock fishery closes by regulation on October 31, 2014.

Exact causes for recent poor Chinook salmon returns are unknown, but the best available data suggest that the causes of the Chinook salmon fishery resource disaster are predominantly natural. Chinook salmon bycatch in the pollock fishery may be a contributing factor, but it does not appear to be a predominant factor in determining the size of Chinook salmon runs. In addition, based on the information described above, the emergency regulations you requested would not have an effect on the total amount of Chinook salmon bycatch that will occur in 2014.

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



In other words, the purported emergency cannot “be addressed through emergency regulations” (NOAA Emergency Policy Guidelines at 2). Therefore, we deny your petition for emergency regulations.

As you know, NMFS in partnership with the Council has adopted a range of management measures over the years to limit Chinook salmon bycatch in the Bering Sea pollock fishery to the extent practicable. These management efforts have significantly reduced Chinook salmon bycatch over the past 4 years. The Council is scheduled to review an initial draft analysis of alternatives to revise salmon bycatch management in the Bering Sea pollock fishery at its December 2014 meeting. We believe that it is appropriate to continue to allow the Council to develop the management measures that apply to the Bering Sea pollock fishery through an open, public process that provides the opportunity for input from all affected parties. We appreciate your continued involvement in the Council process.

Alaska Region staff continue to be willing to consult with your organization on your petition and this response, or on any other aspect of the salmon bycatch issue that you would like to discuss. We are aware of the tremendous cultural, economic, and ecological importance of Chinook salmon resources for communities throughout Western Alaska and the impacts that poor Chinook salmon returns have on these communities. We are also aware of the significant conservation efforts you and residents throughout Western Alaska have taken to curtail harvests of Chinook salmon this year. Your efforts have helped improve the status of Chinook salmon returns throughout Western Alaska.

If you have any further questions about your petition or wish to schedule a government-to-government consultation under Executive Order 13175, please contact Dr. James Balsiger, Alaska Regional Administrator, at (907) 586-7221.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eileen Sobeck', written in a cursive style.

Eileen Sobeck
Assistant Administrator
for Fisheries

OCT 10 2014



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

Mr. Myron Naneng, Sr.
President
Association of Village Council Presidents
101 Main Street
Bethel, AK 99559

Dear Mr. Naneng:

Thank you for your cosigned letter to Secretary Penny Pritzker requesting that the National Marine Fisheries Service (NMFS) promulgate an emergency regulation for the remainder of 2014 to reduce the limit on the amount of Chinook salmon bycatch allowed the Bering Sea pollock fishery from 60,000 Chinook salmon to 20,000 Chinook salmon, and to reduce the performance standard that the Bering Sea pollock fishery intends to meet from 47,591 Chinook salmon to 15,000 Chinook salmon. You also request that the Secretary of Commerce engage in a government-to-government consultation mandated by Executive Order 13175 on your request for an emergency regulation.

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THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



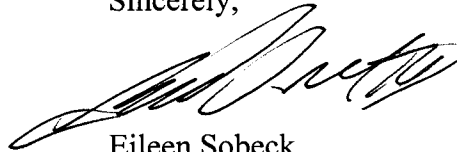
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Eileen Sobeck
Assistant Administrator
for Fisheries