



North Pacific Fishery Management Council

Simon Kinneen, Chair | David Witherell, Executive Director
1007 W. 3rd Avenue, Suite 400, Anchorage, AK 99501
Phone 907-271-2809 | www.npfmc.org

June 7, 2021

Mr. Jerome Ford
Assistant Director for Migratory Birds
U.S. Fish and Wildlife Service
1849 C Street NW, Room 3331
Washington, DC 20240-0001

Public Comments Processing
Attn: FWS-HQ-MB-2018-0090
U.S. Fish and Wildlife Service
MS: JAO/3W
5275 Leesburg Pike
Falls Church, VA 22041-3803

Dear Mr. Ford:

On behalf of the North Pacific Fishery Management Council (Council), I appreciate the opportunity to provide comments to the U.S. Fish and Wildlife Service (USFWS) on the proposed rule to revoke the January 7, 2021, final rule codifying the interpretation that the Migratory Bird Treaty Act (MBTA) does not prohibit the incidental take of migratory birds¹. The Council is one of eight regional fishery management councils established by Congress under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and has authority over Federal fisheries in the Gulf of Alaska, Bering Sea and Aleutian Islands, and Arctic Ocean off the coast of Alaska.

The Council has a long history of working with the USFWS, the National Marine Fisheries Service, the State of Alaska, Alaska and Washington SeaGrant programs, fishing industry, and scientists to mitigate and reduce the impacts of fisheries on seabirds. As a result of these coordinated conservation efforts, measures to avoid incidental seabird interactions including the development and implementation of streamer lines, have successfully reduced seabird interactions by 70-90%. The Council continues to work with our partners to further reduce interactions with seabirds in all fisheries.

The proposed rule to revoke the January 7 Final Rule does not include provisions for the USFWS to implement a process to authorize incidental take for fisheries under the MBTA. Without a clear process forward, we are concerned that sustainably managed U.S. fisheries will be put at risk of being in violation of the MBTA, despite all efforts to reduce impacts to seabirds. We request that the USFWS recognize the risk to the sustainably managed fisheries off Alaska, and further request that the USFWS work with the Council and other regional fishery management councils around the country to develop and implement a method to authorize incidental take of seabirds in Federally managed fisheries.

Thank you for considering the Council's comments on the proposed rule. We are committed to the conservation of seabird species off Alaska, and we look forward to working with you on a productive way forward.

Sincerely,

A handwritten signature in blue ink that reads "Simon Kinneen".

Simon Kinneen
Council Chair

¹ 87 FR 24573 (May 7, 2021)