



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

August 13, 2010

Eric Olson, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Mr. Olson:

We have participated in several discussions to clarify the process for completing the ongoing formal section 7 consultation on impacts of the Alaska groundfish fisheries on endangered Steller sea lions under the Endangered Species Act. This letter summarizes NOAA Fisheries' perspective on that process and the respective roles of the agency, the North Pacific Fishery Management Council (Council), and the public.

On August 3, 2010, NOAA Fisheries released the draft biological opinion (draft BiOp) on the impacts of the Federal groundfish fisheries and the State of Alaska parallel groundfish fisheries on species listed under the Endangered Species Act, with focus on the endangered western distinct population segment of Steller sea lion. The agency is accepting public comment on the draft BiOp, including the draft reasonable and prudent alternative (RPA), through August 27. During this public review period, NOAA Fisheries anticipates that the Council will provide comments on the draft BiOp and recommendations on potential modifications to the RPA at its August 16–19, 2010 meeting.

The agency will consider Council input, as well as other public comments received on the draft BiOp, to determine whether changes to the draft RPA can be made consistent with the principles and objectives of the draft BiOp. NOAA Fisheries intends to present the final RPA to the Council at its October 2010 meeting. In October, we also intend to include with the RPA presentation the basis for any modification to the draft RPA under the Endangered Species Act, as well as an updated analysis of fishery impacts associated with any revision to the RPA. If the Council does not recommend or adopt the agency's RPA in October, NOAA Fisheries intends to pursue the implementation of these mitigation measures as a Secretary of Commerce action under section 305(d) of the Magnuson-Stevens Act. The final BiOp and rulemaking to implement necessary mitigation measures set forth in the RPA is scheduled to be completed by January 2011.

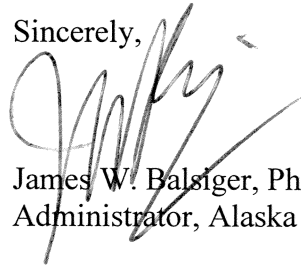
We plan to summarize and address comments received on the draft BiOp through August 27, 2010, in a separate document that likely will be appended to the final BiOp. The final BiOp will be scheduled for peer review by the Center for Independent Experts (CIE) as soon as is practicable in 2011. Following completion of this review, NOAA Fisheries will



determine how best to proceed in light of the CIE's recommendations. Possible outcomes include reinitiation of formal consultation if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered.

I will be happy to discuss this process with you and the Council next week and respond to any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'James W. Balsiger', written over the typed name below.

James W. Balsiger, Ph.D.
Administrator, Alaska Region