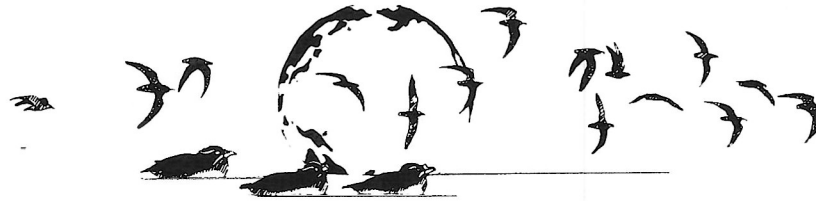

Pacific Seabird Group



DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

Craig S. Harrison
Vice Chair for Conservation
4001 North Ninth Street #1801
Arlington, Virginia 22203
(202) 778-2240

October 16, 1998

William Stelle, Jr.
Regional Administrator
National Marine Fisheries Service
7600 Sand Point Way NE Street
Seattle, Washington 98115

Freedom of Information Act Request

Dear Mr. Stelle:

On behalf of the Pacific Seabird Group (PSG), this is a request for records pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the provisions of 15 C.F.R. Part 4. As you may know, PSG is an international organization that was founded in 1972 to promote knowledge, study and conservation of Pacific seabirds. PSG's members come from the entire Pacific Basin, and include biologists who have research interests in Pacific seabirds, government officials who manage seabird populations and refuges, and individuals with interests in marine conservation.

PSG is very concerned that, in a recent hearing in the U.S. Senate, the National Marine Fisheries Service committed to destroy Caspian tern nesting habitat on Rice Island, Columbia River estuary, before the 1999 nesting season. As part of PSG's efforts to understand the scientific basis for NMFS' conclusion that Caspian terns are a threat to salmonids in this river system, please provide PSG with copies of the following records on steelhead and spring chinook. We request all such records beginning January 1, 1985 through the date of this letter.

- (1) All analyses or reports that address the percentage of smolts that have returned to spawn each year since 1985, including (a) number of smolts tagged; (b) method of capture and tagging; (c) mortality of smolts before release into river; (d) date of release of smolts each year.

(2) All analyses or reports that address the impacts of Caspian terns on the percentage of smolts that return each year to spawn since 1985, including (a) the number of smolts in the Caspian tern diet samples; (b) date each year that diet samples were collected; (c) number of tagged smolts in tern diet samples.

(3) All analyses or reports that address the impacts of the seals and seal lions on recruitment since 1985, including (a) the number of salmon in the pinniped diet samples; (b) date each year diet that samples were collected; (c) number of tagged salmon in the pinniped diet samples.

(4) All analyses or reports that address the impacts of fisheries on recruitment since 1985, including (a) the number of salmon taken each year; (b) number of tagged salmon taken; and (c) number of endangered salmon caught and released; and (d) estimates of mortality from that maneuver.

(5) NMFS' best assessment of impact of 1986-87, 1992-93 and 1997-98 ENSOs on salmon survival in their oceanic phase.

(6) All correspondence that addresses the effects of Caspian terns on the recruitment of salmonids to or from federal agencies, state agencies, members of Congress, tribal authorities, other governmental agencies, or fishery interests.

We hope that NMFS will fully cooperate and promptly provide this information. President Clinton has specifically directed agencies to make FOIA disclosure decisions based on a new "commitment to openness." The President's Memorandum for Heads of Departments or Agencies (October 4, 1993) explained the

commitment to openness requires more than merely responding to requests from the public. Each agency has a responsibility to distribute information on its own initiative, and to enhance public access

Fees should be waived pursuant to 15 C.F.R. § 4.9(c) because PSG's purpose in requesting these records is to educate the public (including federal officials outside of NMFS and members of Congress) about the activities of NMFS in implementing the Migratory Bird Treaty Act and Magnuson Fisheries Management and Conservation Act. The public needs a scientific analysis of the effect of the growth of Caspian tern colonies in the Columbia River estuary since 1987 and how this growth has affected the recruitment of salmonids. Because NMFS advocates removing the Rice Island colony, we believe it should already have conducted such an analysis under the National Environmental Policy Act as part of a full and fair discussion and analysis of options to decision makers concerning management of Rice Island. See 40

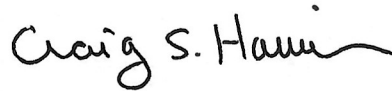
C.F.R. Part 1502. Accordingly, this request is "likely to contribute to an understanding of government operations or activities." PSG is a non-profit scientific and conservation organization and has no commercial interest in this matter.

Please address these materials to me at my law office:

Craig S. Harrison
Hunton & Williams
1900 K Street, N.W. Suite 1200
Washington, DC 20006-1109

Pursuant to 5 U.S.C. § 552(a)(6)(A), we request a response from NMFS within 10 days (excepting Saturdays, Sundays and federal holidays) after receipt of this request.

Very truly yours,

A handwritten signature in black ink that reads "Craig S. Harrison". The signature is written in a cursive style with a long horizontal flourish at the end.

Craig S. Harrison