



# NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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## Action Memo

**File Number:**REP 16-007

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**Agenda Date**2/1/2016

**Agenda Number:**B7

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**Dan Hull, Chairman**  
**Chris Oliver, Executive Director**

**SUBJECT:**  
Protected Species Report

**STAFF CONTACT:** Steve MacLean

**ACTION REQUIRED:**  
Review Protected Species report; action as necessary.

**BACKGROUND:**  
STAL and STEI Section 7 consultation

On December 23 2015, the U.S. Fish and Wildlife Service (FWS) sent a letter to NMFS Regional Administrator, Dr. James Balsiger, transmitting the agency's final Biological Opinion (BO) on the effects of the BSAI and GOA groundfish fisheries on the Short-tailed albatross and Steller's eider. The letter and BO are attached. The FWS concurred with NMFS' determination that the continued operation of the Federal and State of Alaska parallel groundfish fisheries may affect, but is not likely to adversely affect the Alaska-breeding population of Steller's eider or adversely modify its designated critical habitat. The FWS also concurred with NMFS' determination that the action may affect, but is likely to adversely affect the short-tailed albatross. The FWS further concluded that the action is not likely to jeopardize the continued existence of the short-tailed albatross. The FWS estimated that three or fewer short-tailed albatross are likely to suffer injury or death per year in the action area, a rate which will not preclude the survival or recovery of the species, nor substantially delay the rate at which the species could recover in the absence of this injury or mortality. To account for interannual variability in actual take levels, a floating two-year period beginning January 1, 2016, will be used to quantify the total reported take in each two-year take average. The reported take should not exceed six albatross in a two-year period.

The FWS issued an Incidental Take Statement (ITS) and non-discretionary, Reasonable and Prudent Measures, and Terms and Conditions for those measures, which must be undertaken by NMFS to authorize the action. The Reasonable and Prudent Measures are very similar to the RPMs in from the previous consultation, with the exception of RPM #2, below. The RPMs include:

- 1) The NMFS shall minimize the risk of short-tailed albatross interaction with the hook-and-line fishery. Because short-tailed albatross are caught and killed by baited hooks in the hook-and-line fishery, minimization measures shall be employed to reduce the likelihood that they will attack the baited hooks.
- 2) The NMFS shall establish a multi-stakeholder, Alaska Groundfish and Short-tailed Albatross Working Group as an advisory body to the NMFS and the USFWS for the purposes of reducing fishery interactions with short-tailed albatross and seabirds. This group will work toward facilitating adaptive management to minimize and avoid take of short-tailed albatross and other seabirds.
- 3) The NMFS shall monitor the groundfish fisheries for interactions with short-tailed albatross and report all

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observed, reported and estimated takes, of short-tailed albatross to the Service (FWS), and report on the efficacy of avoidance and minimization measures.

4) The NMFS shall facilitate the salvage of short-tailed albatross carcasses taken by longline or trawl fishing vessels. Every effort should be made to retain short-tailed albatross carcasses for scientific and educational purposes.

Also included are several Conservation Recommendations, including:

1) Implement the use of streamer lines on the third wire on trawl vessels to minimize the chances of interaction between the short-tailed albatross and the third wire.

2) Continue the research and development of integrated weighted lines in the hook-and-line fisheries to further minimize incidental take of short-tailed albatross and continue to reduce seabird bycatch.

3) Avoid setting hook-and-lines or trawls when short-tailed albatross are in the area.

4) To the extent practicable offal should not be discharged while setting or retrieving hook-and-lines or trawl nets.

5) The NMFS should work with the fisheries to report to the Council and to the Alaska Groundfish and Short-tailed Albatross Working Group additional seabird bycatch minimization measures, if any, employed on the vessel.

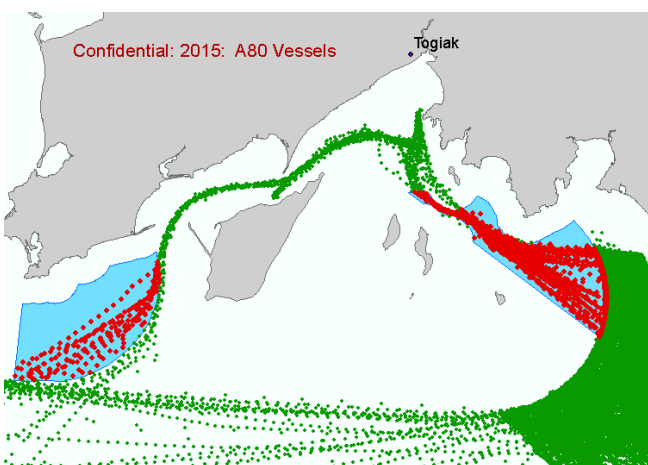
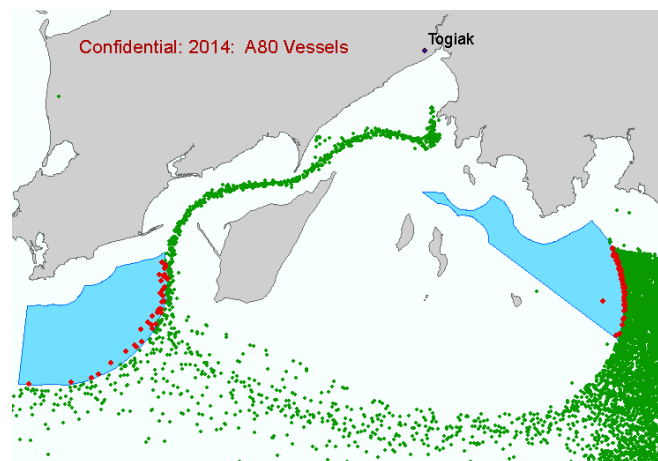
#### SSL WDPS Consultation - pollock seasonal reallocation

On January 21 2015, NMFS PRD submitted to NMFS SFD the results of an ESA Section 7 Consultation on the effects of amending the Bering Sea pollock fishery seasonal allocations on the endangered Western DPS of the Steller sea lion. PRD concurred with SFD that the action to reallocate five percent of the pollock allocation from the "B" season to the "A" season may affect, but is not likely to adversely affect, the SSL WDPS or its designated critical habitat. The consultation is attached.

#### Update on Round Island transit areas

In April 2014, the Council approved Amendment 107 (implemented January 2015) to the BSAI FMP that created transit lanes through the protected areas around Round Island and Cape Peirce in northern Bristol Bay. As a result, 2015 marked the first year since 1990 (Amendment 13) that vessels with FFPs were able to transit the area north of Round Island. When Amendment 107 was passed, there was concern expressed by residents of northern Bristol Bay that access to the closed areas would affect their ability to harvest walrus on Round Island.

In 2015, 12 vessels transited the protection areas north of Round Island and at Cape Peirce, logging 1632 VMS hits. In contrast, 8 vessels logged 99 VMS hits in the protection areas in 2014.



VMS Tracks of vessels transiting around or through (red dots) the protection areas at Round Island and Cape Perice.

Initial reports from walrus hunters in the Togiak area indicate that no walrus were successfully harvested from Round Island, although no reports of effort have yet been distributed. Walrus were successfully harvested from the walrus haulout on the south side of Hagemeister Island. Several hundred walruses were photographed on beaches on Round Island in August 2015 (L. Polasek, Personal Communication).

#### North Atlantic Right Whale Critical Habitat

On January 27 2016, the NMFS released a final rule and two supporting documents to replace critical habitat (CH) for the North Atlantic right whale (NARW) with two new areas. The final rule is attached, and the supporting documents can be found at

<http://www.greateratlantic.fisheries.noaa.gov/regs/2016/January/16NARWCHFinalRule.html>.

All CH designations must identify specific areas on which are found those physical or biological features that are essential to the conservation of a given species (essential features) and that may require special management considerations or protections. For the NARW, NMFS identified the following essential features:

1. They physical oceanographic conditions and structures of the Gulf of Maine (GOM) and Georges Bank region that combined to distribute and aggregate *C. finmarchicus* for right whale foraging, namely

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prevailing currents and circulation patterns, bathymetric features (basins, banks, and channels), oceanic fronts, density gradients, and temperature regimes;

2. Low flow velocities in Jordan, Wilkinson, and Georges Basins that allow diapausing *C. finmarchicus* to aggregate passively below the convective layer<sup>4</sup> so that the copepods are retained in the basins;
3. Late stage *C. finmarchicus* in dense aggregations in the Gulf of Maine and Georges Bank region; and
4. Diapausing *C. finmarchicus* in aggregations in the Gulf of Maine and Georges Bank region.