



NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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Action Memo

File Number:REP 15-164

Agenda Date12/7/2015

Agenda Number:B7

Dan Hull, Chairman
Chris Oliver, Executive Director

SUBJECT:
Protected Species Report

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

BACKGROUND:

Steller sea lion critical habitat

Following the November 2013 delisting of the eastern Distinct Population Segment (DPS) of Steller sea lions, NMFS initiated a process to consider revision or replacement of the Steller sea lion Critical Habitat designation. Critical Habitat was designated in 1993 for Steller sea lions throughout their range in the United States, prior to the recognition of two DPSs, and has not been revised since then. The Critical Habitat designation remains in effect for the endangered western DPS. The new process is considering changes in light of any new and pertinent sources of information, including the delisting of the eastern DPS.

NMFS held two public meetings to solicit new information in September and October 2014. Since then, a Critical Habitat Review Team comprised of NMFS personnel has been gathering and evaluating the best available information about Steller sea lion habitat use. The team has developed a draft biological report that identifies essential physical and biological habitat features and geographic areas that support those habitat features. Concurrently, a contractor has been assisting NMFS with the required economic analysis. The draft economics report should be complete in January 2016. NMFS will have the biological report and economics report peer-reviewed by external reviewers with relevant expertise, and will then develop a proposed rule that should be released for public comment in 2016. Conducting the peer reviews prior to the public comment period will allow the public to consider (during the comment period on the proposed rule) what the peer reviewers had to say and how NMFS responded. NMFS expects to hold public hearings on the proposed rule, including one in conjunction with a Council meeting.

Steller sea lion appeal

On December 3 2015, Earthjustice, on behalf of Oceana, Inc. and Greenpeace, Inc., filed a Notice of Appeal to the United States Court of Appeals for the Ninth Circuit, appealing the US District Court decision upholding NMFS' 2014 EIS and Biological Opinion that relaxed protection measures for Steller sea lions in the BSAI pollock, cod, and Atka mackerel fisheries in the western Aleutian Islands.

Short-tailed albatross and Steller's eider consultation

On November 16 2015, the NMFS AK Region responded (Attached) to the October 16, 2015 letter from Chris Oliver to James Balsiger regarding the ongoing ESA Section 7 reconsultation regarding short-tailed albatross and Steller's eider. The Council encouraged the Agencies to ensure that all information is appropriately reviewed and to consider extending the process to ensure that all existing information is considered. NMFS responded that the Services have not identified a need to extend the consultation schedule, and will notify the Council if the draft biological opinion excludes relevant information or appears to pose a threat to established

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fishing patterns in the BSAI or GOA. In that instance, the NMFS would request that the USFWS extend the consultation schedule, and provide the Council with the draft biological opinion and request Council comments on the draft.

Seabird mortalities

Beginning in spring 2015, researchers in Alaska have noticed large numbers of dead common murrelets floating or stranded on beaches throughout the Gulf of Alaska and Bering Sea. The length of the mortality event and the geographic scope (GOA through Bering) are both unusual. More than 50 seabirds have been collected for necropsy, all but one have been severely emaciated with no sign of food in the GI tract. Although not yet conclusively determined, the presumed cause of the mortalities is effects of the persistent warm water in the North Pacific affecting the prey base. There is concern that the event, combined with regular overwintering mortality could have substantial impacts on the murrelet populations in Alaska.

This follows the mass mortality of 50,000 - 100,000 Cassin's auklets from the Farallon Islands to Haida Gwaii in 2014. As with the murrelets, the auklets all showed little or no food in their GI tracts. For comparison, the number of dead birds seen per kilometer of beach was six times worse than the same measure seen after the 1989 *Exxon Valdez* spill in Prince William Sound. The Cassin's auklets deaths are also suspected to be related to the persistent warm water in the North Pacific.