

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver *DO*  
Executive Director *FOR*

DATE: March 27, 2006

SUBJECT: Protected Resources Report

ESTIMATED TIME  
2 HOURS

**ACTION REQUIRED**

Receive report on Protected Resources issues and take action as necessary.

**BACKGROUND**

A. FMP Level Consultation

As reported to the Council in its February 2006 meeting, the ESA Section 7 consultation on the groundfish FMPs is moving forward. NMFS has convened a consultation team comprised of representatives from the NMFS Protected Resources (PR) and Sustainable Fisheries (SF) Divisions, the Office of NOAA General Counsel, the Alaska Fisheries Science Center (NMML and REFM), and the Council (staff). The consultation team has initiated the preparation of a consultation package which will consist of a series of documents, one of which is a Biological Assessment (BA) that summarizes information on the proposed action (the groundfish FMPs). The BA is nearing completion and when finished will be submitted by SF to PR; when accepted by PR the consultation will formally begin. The Council will be provided copies of the BA when it is completed, which is anticipated to be in April.

Based on the anticipated scope of the consultation, NMFS has developed a list of questions that, when answered, will provide the data and documentation PR will require to analyze the interactions between groundfish fisheries and ESA-listed species. This list was provided to various groups including the Alaska Fisheries Science Center and SF in a letter dated March 13, 2006 (see Item B-7(a)).

The contract with Drs. Tom Loughlin and Jack Tagart to assemble a compendium of SSL literature published since the last FMP consultation (2000) is progressing well. They report that a draft compendium will be available for internal review in mid to late April and the final report will be ready by approximately mid May. They have encountered some difficulties tracking down certain documents, and the amount of literature available for their review is larger than expected and the task is taking more time than originally anticipated. When completed, the product of their efforts will be an annotated bibliography of Steller sea lion related research, a synthesis of this scientific information, and copies of the full research papers referenced in the compendium report. This will then be provided to NMFS to aid the consultation process.

The Council's SSL Mitigation Committee (SSLMC) met February 15, 2006 to review the Council's charge to this committee and to receive briefings on the consultation process and to develop a list of information, briefings, etc. needed to inform this committee as it interfaces with the consultation process. The SSLMC has scheduled two meetings in the coming months to continue its work: April 25-27 and

May 16-18, both at the Alaska Fisheries Science Center. Draft minutes from the February 15 meeting are attached as Item B-7(b).

#### B. SSL Recovery Plan Nearing Completion

The SSL Recovery Team met at the Alaska Fisheries Science Center in Seattle March 15-17, 2006. The meeting agenda is attached as Item B-7(c). The purpose of this meeting was to complete the draft SSL Recovery Plan and to forward that to NMFS. The Recovery Team worked through the major sections of the draft Recovery Plan (threats assessment, downlisting and delisting criteria, and recovery actions) and achieved a consensus agreement to submit the draft to NMFS. A subcommittee of the Recovery Team will take the final comments and requested revisions from the team and assemble the draft plan and forward it to NMFS. NMFS will then review the draft and prepare the document for public review. NMFS will announce the availability of the draft plan in the Federal Register. The Council will have an opportunity to review and comment on the draft plan when it is available for public review. Prior to the March meeting the draft Recovery Plan was reviewed by 5 external peer reviewers, and their comments were discussed at the meeting and recommendations were incorporated into the draft Plan. NMFS will respond to these comments in greater detail and provide the responses in the plan.

NMFS informed the Recovery Team that the agency intends to keep the Recovery Team intact until the public review and comment period is over, and may come back to them if the agency needs further assistance in responding to public comments.

The Council may wish to discuss an appropriate way to provide comments on the draft Recovery Plan. One option would be for a full Council review. Another would be to have the Council's SSL Mitigation Committee conduct the review and then recommend comments to the Council. The SSC would be involved in the Council's review process as well.

#### C. Northern Right Whale

During its February 2006 meeting, the Council was informed that NMFS had received a request from a member of the public for a public hearing on the critical habitat designation for northern right whales in the North Pacific (Item B-7(d)). The agency granted that request and convened a public hearing on March 2, 2006 in the Federal Building in Anchorage. The Proposed Rule comment period was re-opened in conjunction with the hearing (for the period February 10 to March 9, 2006) and a summary of comments received to date was published in the Federal Register notice announcing the hearing.

During the hearing, members of the public provided comments on the critical habitat designation. Comments were received from the following groups:

- University of Alaska Marine Advisory Program
- Alaska Oceans Program
- Alaska Center for the Environment
- Marine Conservation Alliance
- World Wildlife Fund
- Resource Development Council

Comments included concerns that the critical habitat areas were too small, too large, or should cover more areas of plankton production along the shelf break and shelf canyons. Some reported concerns over potential oil spills from any future oil and gas development, impacts of industrial noise such as from seismic exploration activities, entanglement of whales from discarded fishing gear, and ship strikes, particularly from vessels navigating the Great Circle route that is near the designated critical habitat area in the Bering Sea. Some also noted the lack of historic interactions between commercial fisheries and northern right whales in the North Pacific. The MCA presented its poster on northern right whales; the

poster is intended as an aid to mariners in northern right whale identification and it provides suggested actions if whales are sighted by fishermen.

The hearing was then open to questions from the public and a general discussion of what happens next. NMFS indicated that it will respond to all comments in a Federal Register notice and publish the Final Rule no later than June 30, 2006.

Additional information on the northern right whale aid to mariners will be presented to the Council by the AFSC and MCA.

#### D. EFP for AI Pollock Research Fishery

In February 2006 the Council recommended NMFS approve an Exempted Fishing Permit (EFP) to the Aleut Enterprise Corporation to allow trawling for pollock in certain areas of critical habitat for Steller sea lions in the Aleutian Islands. The experimental design is to test the feasibility of using commercial fishing vessels for acoustic surveys of pollock in the Aleutian Islands. The project has been developed in cooperation with the Alaska Fisheries Science Center. Since February, NMFS Office of Protected Resources completed a Biological Opinion (BiOp) of the proposed experimental fishery but did not include an Incidental Take Statement in the BiOp (see attached Item B-7(e)).

#### E. New State Waters P. cod Fishery in Aleutian Islands

The Alaska Board of Fisheries (BOF) met in Ketchikan February 23-25, 2006 to take action on BOF Proposal 399 (this proposal was assigned Record Control (RC) number 31 – see Item B-7(f)). Proposal 399 would provide for a state waters Pacific cod fishery in the Aleutian Islands west of 170° West Longitude. This proposed fishery was discussed by the Council and BOF in a joint meeting on February 3, 2006 in Anchorage, during which a list of concerns was developed for BOF consideration (minutes of that meeting are provided as Item B-7(g)). A subcommittee of the BOF (Committee E) reviewed these concerns and a summary of their discussions is attached as Item B-7(h). The full BOF then convened to take action on Proposal 399. Council and NMFS staff presented information on proposed BSAI FMP Amendment 85, reviewed current Steller sea lion protection measures in the AI area, and discussed how NMFS inseason managers would respecify the Pacific cod allocations to the current sectors so that the state waters GHL could be “funded” for 2006. Staff also outlined possible scenarios for the BSAI groundfish fishery specifications process for 2007. After a series of amending motions, the BOF approved Proposal 399 (RC 79 – see Item B-7(i)).

The BOF voted to declare an emergency for this fishery so that it could commence in March 2006. The principal elements of this fishery are:

1. The BOF action creates a parallel and a state waters Pacific cod fishery in the Aleutian Islands west of 170° West longitude. The parallel fishery will coincide with and follow regulations of the Federal Pacific cod fishery in the AI area.
2. The Guideline Harvest Level (GHL) for the State waters fishery will be an amount calculated as 3 % of the Federal BSAI Pacific cod ABC. The future calculation (the “source” of the GHL) will be the Council’s decision if the BSAI ABC is split into separate AI and BS ABCs in a future TAC specifications process. The State waters fishery, however, would remain the equivalent of 3 % of the combined BS and AI ABC.
3. The fishery will only be authorized for 2006 and 2007. The fishery may occur only from March 15 through December 31 each year.
4. Legal fishing gear will be pot, jig, hand troll, non-pelagic trawl, and longline gear.
5. The fishery will occur only on or after March 15, and also only after the Federal Pacific cod

trawl catcher vessel fishery is closed in the Aleutian Islands.

6. A maximum of 70 % of the GHL can be harvested prior to June 10. Any unharvested GHL during that period can be rolled into a second season such that not more than 70% of the total annual GHL can be harvested in the second season.
7. During the year, the Commissioner of the Alaska Department of Fish & Game may determine that a portion of the GHL may be left unharvested. The Commissioner will notify NMFS and the Council of that amount so that it may be reallocated to the Federal fisheries that are still open at that time.
8. The fishery requires registration with the Department of the type of gear to be used.
9. The daily trip limit is 150,000 lbs of Pacific cod; also only up to 300,000 lbs of unprocessed Pacific cod may be onboard the vessel (or the round weight equivalent of that amount of processed cod). Participants must notify the Department daily of the daily amount harvested and the total amount on board.
10. All Pacific cod harvested must be retained; if a participant harvests an amount in excess of the daily trip limit, that excess amount of product must be forfeited to the State. No penalty for overages will be assigned to a participant who immediately reports the overage.
11. The Commissioner of ADF&G may impose bycatch limitations or retention requirements.

The ADF&G News Release announcing this fishery is attached as Item B-7(j).

NMFS has reviewed the elements of this Aleutian Islands State waters Pacific cod fishery and has respecified the TACs among the various sectors for 2006 and 2007. The NMFS announcement, the old and new BSAI Pacific cod specifications, and the Federal Register notice of this inseason adjustment are provided as Item B-7(k). NMFS also has determined that implementation of this State waters fishery will not require formal ESA Section 7 consultation (Item B-7(l)).

The State of Alaska has closed to a State waters Pacific cod fishery the state water portions of six coral garden protection areas (Item B-7(m)).

On March 24, 2006 the State closed this fishery since the GHL for the first season has been reached (Item B-7(n)).

While the BSAI Pacific cod allocations have already been respecified for 2006 and 2007, the Council will be able to respecify the overall 2007 BSAI TACs this fall during the normal specifications process to accommodate the State waters Pacific cod allocation. At this time the State waters fishery expires at the end of 2007. It is unclear for 2007, however, what the Council may be able to recommend if some of the GHL is left unharvested, since it could not be rolled back to the Federal fisheries if the Council has already specified TACs that sum to the 2.0 million mt OY cap in the BSAI.

Staff from ADF&G and NMFS will be available to answer questions.



#### F. Seabirds

The University of Washington Sea Grant Program (WSG) has recently completed a report of their research on seabird interactions with small fishing vessels. The report focuses on trials of several seabird deterrent devices and provides recommendations for future work. A copy of the report was provided to the Council in a recent mailing.

A new flyer has been published that summarizes WSG's cooperative research on fishery/seabird interactions and mitigation. A copy is attached as Item B-7(o). A summary presentation on WSG's research and recommendations for seabird avoidance actions for small vessels is scheduled for the Council's June meeting.

#### G. New Fur Seal Bibliography

The National Marine Mammal Laboratory announced the availability of a new comprehensive bibliography of reports and scientific papers on the northern fur seal (Item B-7(p)). The document is a listing of over 200 years of northern fur seal research and is available in hard copy as a NMFS Processed Report or on the internet in a searchable database format. The on-line database bibliography also contains listings of unpublished information such as newspaper and magazine articles.

APRIL 2006



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

March 13, 2006

MEMORANDUM FOR: Doug DeMaster,  
 Director, Alaska Fisheries Science Center

Sue Salvesson,  
 Assistant Administrator for Fisheries

Steve Davis  
 Analytical Team Leader

FROM: Robert D. Mecum, Acting Administrator *Robert D. Mecum*

SUBJECT: Request for assistance on an Endangered Species Act (ESA)  
 Section 7 consultation on the effects of the Groundfish Fishery  
 Management Plans (FMPs) for the Bering Sea and Aleutian  
 Islands Management Area (BSAI) and Gulf of Alaska (GOA)  
 on Steller Sea Lions and other Listed Species

In October 2005, the North Pacific Fisheries Management Council (Council) recommended that the National Marine Fisheries Service (NMFS) reinitiate consultation under section 7 of the ESA. The consultation is on the possible effects of authorizing fisheries pursuant to the BSAI and GOA groundfish fishery management plans (FMPs) on listed species and their critical habitat under the jurisdiction of NMFS. In a November 29, 2005 letter to the Council, NMFS agreed with the recommendation to reinitiate consultation and described the process NMFS would follow for the consultation. Currently, the Sustainable Fisheries Division (SFD), the action agency, is preparing the required initiation documents. We expect to finalize those documents and to formally initiate consultation by the end of March. NMFS plans to provide a draft biological opinion (Opinion) on the proposed action by mid-August 2006, and a final Opinion by late-2007.

In preparation for writing the Opinion, we put together a consultation group consisting of representatives from SFD (Melanie Brown), the Council (Bill Wilson), the Protected Resources Division (PRD; Shane Capron), and the Alaska Fisheries Science Center (AFSC; Lowell Fritz and Libby Logerwell). The consultation group developed a list of important issues related to ESA listed Steller sea lions and their designated critical habitat (sea lions) and held a workshop in Seattle at the AFSC from February 22-24, 2006 to refine those issues into a series of requests for information (below).



We request your help in this consultation by responding to the following questions by May 15, 2006. Further detail on each question can be provided by the consultation leads described above<sup>1</sup>.

Request for assistance

**Fisheries Interaction Team (AFSC)**

1. What are the potential small-scale effects of fishing on fish distribution (horizontal and vertical), abundance, or school structure? Is there any evidence for localized depletion of sea lion groundfish prey by commercial fishing? How quickly do schools re-form after disturbance? (25, 42, 49, 50, 51)
2. What are the relevant scales of fishing effects? What is the efficacy of 10-20 nm trawl exclusion zones at maintaining sufficient biomass of sea lion prey near rookeries and haulouts? Are there fish species that may be particularly susceptible to localized depletion? Are there fish species that are not? During what times of year might these effects be more substantial? (41, 46, 47, 134)
3. Summary of the Fisheries Interaction Team (FIT) work similar to Logerwell's presentation to the Council, updated. (48)
4. Local estimates of prey biomass. (24, 139)
5. To what extent is recent strong recruitment of Atka mackerel related to management measures (e.g., fishery closures in critical habitat)? (28)
6. Is there any evidence that the carrying-capacity of the Bering Sea and Gulf Of Alaska (GOA) has declined in the last decade? (55)
7. What are the seasonal and geographic habitat use patterns of sea lion prey (e.g., spawning areas)? Are current closure measures appropriate or would measures more tailored to individual sites be more effective at protecting prey resources for sea lions? (52, 58)

**Resource Ecology and Ecosystem Modeling (AFSC)**

8. Is there evidence for regime shifts in the Eastern Bering Sea (EBS) and/or GOA (recent and past)? (18)
9. There has been considerable discussion recently about shifts in climate and its effects on fish communities and relative abundance/distribution of species in the GOA and

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<sup>1</sup> Based on the workshop held at the AFSC, a detailed matrix was developed that includes further information on the details of each question and references to previous work (or literature) related to each question. Included here are the reference numbers in parenthesis to the items discussed at the workshop and described in the spreadsheet. In addition, another document has been prepared which outlines related scientific literature and/or research programs which may be helpful in developing responses to the questions.

EBS. Some species, e.g., Pollock, appear to respond differently in some environments than in others. In the EBS, recruitment appears to be unrelated to climate shifts; in the GOA, mechanisms affecting recruitment may have changed. How can we separate environmental variation from the effects of fishing? (19)

10. What are the potential food-web or cumulative effects (direct and indirect) of fishing that could impact SSL prey or the ecosystem as a whole? What are the effects of removing 40-60% of the biomass of each stock on the ecosystem? (26, 27, 29, 138)
11. Is there any evidence that the carrying capacity of the Bering Sea or GOA has declined in the last decade? What are the natural processes that can affect local sea lion prey abundance? How can natural processes reduce or magnify local fishing effects? (55, 92)
12. If pollock fishing is reduced or stopped, what would the impact be to the pollock stock? (40)

#### **Resource Ecology and Fisheries Management (AFSC)**

13. What are the natural processes that can affect local sea lion prey abundance? How can they reduce or magnify local fishing effects? (51)
14. What are the drivers of production and/or recruitment variability of sea lion prey species? (REFM and RACE) (15)
15. Is there evidence for regime shifts in the EBS and/or GOA (recent and past)? Is there any evidence that the carrying capacity of the Bering Sea and GOA has declined in the last decade? Do trends in recruitment for pollock, Pacific cod, and Atka mackerel follow the expectations of good vs. bad environmental conditions based on the regime shift theory? (18, 55)
16. Describe any explicit investigations of interactions between fisheries and sea lion that have used retrospective or model approaches.
17. Describe the potential use of local prey aggregations by sea lions. (REFM and NMML)
18. Describe the seasonal and/or geographical variation in sea lion prey energy content.
19. Three large spawning aggregations of pollock have been identified over the last 30 years of fishery and survey experience: Shelikof Strait in the GOA, Bogoslof, and the horseshoe-Unimak Island area in the southern EBS. Two of these aggregations showed peaks in abundance in the early 1980s that have not been observed since. What factors, environmental and/or anthropogenic, may have contributed to this pattern in recruitment? (15)
20. Fishing for Aleutians Island Pollock was prohibited in 1999 and began again in 2005 outside of sea lion critical habitat. The long term trend for AI pollock had been

decreasing until about 1999, and then began increasing soon afterward and appears to be on a steady increase. Is the increase in biomass and potentially better recruitment related to cessation of fishing on the AI pollock spawning aggregations? Have environmental changes also played a role? If fishing were to commence inside critical habitat in a similar manner to the 1990s, what might be the effect on this biomass trajectory/recruitment? (99)

21. Have there been long term changes in fish distribution? Provide a narrative of summaries of survey data showing changes in fish distribution. (20, 21)
22. Does fishing impact recruitment? The underlying assumption is that fishing does not affect recruitment in the stock assessment. Is there any indication that recruitment may be density dependent, and if so dependent, what is the relationship to stock size? (32)
23. For pollock, Pacific cod, and Atka mackerel, provide a table showing spawning biomass, total biomass, recruitment, and the relationship to B100% (total biomass to theoretical unfished, Bx%) since 1980 by year (2000 BiOp Table 6.5). (34)
24. Is there size overlap between sea lion diet and fishery catch? Provide length distribution of fishery catch (by season) for pollock, Pacific cod, and Atka mackerel. Update Figure 40b in the 1998 BiOp for pollock, Pacific cod, and Atka mackerel. (35, 43, 54)
25. Update Figure 6.1 from the 2000 BiOp showing a theoretical fished and unfished stock and a current example (example was from 1999). (44, 120)
26. The assessment for Pacific cod has been problematic in recent years due to changes in model structure and assumptions regarding selectivity by survey and fishery gear. Given the potential for high fishery impact on a major Pacific cod spawning aggregation located within sea lion critical habitat, how do current fishery regulations allow for sea lion recovery (e.g., adequate prey availability of Pacific cod). How does the Pacific cod ABC (and its determination) allow for sea lion recovery (e.g., adequate prey availability)? Explain how the choice of a dome-shaped selectivity curve is appropriate for this stock and the potential impacts on the stock and Steller sea lions. A split in the Pacific cod assessment for the EBS/AI has been talked about for a number of years. What would be the benefits of implementing this split in management of the stock and the potential impacts on local harvest rates and potential for localized depletion of sea lion prey? (37)
27. What is the uncertainty in our biomass/yield predictions? – (update Figure 6.4 from 2000 BiOp). (38)
28. Natural Mortality: how does our estimation of M in the pollock, Pacific cod, and Atka mackerel stock assessments affect top level predators like sea lions? As we increase M to account for other consumers such as sea lions, the result is that it allows for higher fishery mortality. Is this contrary to conservation of sea lions? (56)

29. Describe how the current groundfish harvest control rules (tiers) allow for adequate prey for marine mammal piscivores in general and for Steller sea lion recovery in particular. (121)

**Resource Assessment and Conservation Engineering (AFSC)**

30. Have changes in fish distribution occurred (short or long term)? Provide maps of CPUE, by year, from bottom trawl surveys. We're primarily interested in pollock, Pacific cod, and Atka mackerel. (20)
31. Provide the information on the stock assessment survey including survey CVs by species/groups (update 2000 BiOp Table 2.7 with latest information). (36)

**National Marine Mammal Lab (AFSC)**

32. Description of important haulout and rookery sites: Revise the previous "RFRPA" analysis that provided guidance on what season to protect important sites (i.e., winter, summer, or both) and which additional sites (not listed as critical habitat) should also be considered for protective measures. Currently NMFS applies protection to 19 additional sites that are not listed as critical habitat; update this list. (1,12)
33. If fecundity for sea lions has dropped approximately 30% (observed in central GOA) and survival has rebounded to 'normal' levels, how will this affect recovery of the entire western population? If fecundity continues to remain low, at least in some areas, what is the implication for the recovery of the population? What are expectations for the next 10 years if juvenile survival remains high and fecundity remains low (assuming that the central GOA results are indicative of other areas). (2)
34. Can the current update of Holmes and York (2003) that various authors have been working on for the Central GOA be expanded to eastern AI or other areas? If not for the draft opinion, then perhaps before the final document is completed in 2007? (3)
35. Describe the diet of Steller sea lions. Provide a summary of scat collected to date and accompanying analysis. Provide tables which show prey use by major areas (NMML areas or regions) and by season, sorted showing FO (see Table 4.4 and 4.5 from 2000 BiOp). Provide maps of food habits by region (similar to Sinclair and Zeppelin 2002 figures). Is there any evidence for recent decadal-scale changes in sea lion diets that might be linked to climate shifts? Is there evidence that there was a regime shift (or other change) in 98-99 that had an impact on sea lion diet? (4,5,6,13)
36. Describe in narrative form the ontogeny of sea lion dive behavior, foraging, and marine habitat use by a female Steller sea lions from birth to age 6, when they give birth for the second time. Provide sea lion dive vs. depth figures that summarize the available information on sea lion diving, include error bars if possible to show the range of behaviors, seasonal patterns, and age patterns (7, 9)

37. Provide an update to Figure 4.2 (2000 BiOp) of the POP database map of sea lion observations to include the latest observations. (8)
38. Telemetry: Provide a description of likely foraging areas used by sea lions based on previous analyses which used dive-filtered telemetry data to discern potential foraging locations from other behaviors – utilize ADF&G data in addition to NMML data. The analysis should use the latest data, include a dive filtered approach, and display the effects of season, age, and area. (10, 11)
39. Provide an overview and comparison of other pinnipeds which have had (or not had) similar declines as Steller sea lions in relation to both environmental and anthropogenic factors. An extensive discussion was presented in the 2001 BiOp (section 4.6). Revise this discussion and reduce the length to provide a broader overview, and potentially focus more review on California sea lions. (17)
40. Update information on Steller sea lion survival at age (based on Calkins, York, Holmes and York, unpublished data from branding or other). (81)
41. Is there evidence that disease was a substantial factor in the decline of Steller sea lions? Was there an increase in disease? What is the likely current effect of disease on sea lions? (93)
42. Is there evidence that killer whales were a substantial factor in the decline of Steller sea lions? Was there an increase in predation? What is the likely current effect of predation on sea lions? (94)
43. Describe the impacts of historical whaling on the North Pacific ecosystem and the baseline conditions for sea lions. Has this had an influence on predation levels (killer whales) and productivity of the ecosystem as a whole? (98)
44. What are the potential impacts of vessel activity on sea lions (e.g., disturbance)? (116)
45. Describe the likely effects of the sea lion research program on sea lions. (119)
46. Does spatial variability in fishing effort relate to spatial variability in sea lion counts? Is this the right scale to be looking at? (137)

**Sustainable Fisheries Division (AKR)**

47. Provide updated maps of fisheries management areas (update of 2000 BiOp, Figs 2.4, 2.5, 2.6). (63)
48. Provide updated TAC tables for BSAI and GOA (update 2000 BiOp Figs 2.4 and 2.6). (64)
49. Provide updated the maximum retainable bycatch tables for BSAI and GOA (update 2000 BiOp Figs 2.8 and 2.9). (65)

50. Provide updated regulatory allocations of TAC by BSAI and GOA by season, allocation, gears (potentially use tables from 2001 BiOp as the template Tables 2.1-2.6). (66)
51. Provide a description of sea lion closure areas by gear type and fishery, area, time (update Table I-5 2003 BiOp; include maps of closure areas similar to currently produced and on the web). (68)
52. Update Table I-9 from the 2003 BiOp to describe the RPA from the 2000 BiOp (second column) and add a column for the current proposed action (result will be just two columns, 2000 RPA and proposed action for comparison). (74)
53. Describe groundfish catch summaries of pollock, Pacific cod, Atka mackerel and total groundfish from 1964-2005 (update 2000 BiOp Table 5.1). Update Fig. 4.3 from 2001 BiOp. (76)
54. Describe the observed catch compared to total estimates of catch from SF catch accounting (revise Table 6.4 from 2000 BiOp). (77)
55. Provide an update on the permitted seafood processing facilities in the action area including at-sea processing (update Table 6.7 2000 BiOp). (96)
56. Describe the temporal dispersion of Atka mackerel fishery by season (update and expand Table III-5 from 2003 BiOp). (107)

**Analytical Team (AKR)**

57. Provide an update of State of Alaska (State) description of State managed fisheries (October 2000 State description of fisheries and effects on sea lions) for development of the cumulative effects and baseline chapters in the Opinion. Kristen Mabry has been identified as a potential staff person to respond to the task. This task may extend beyond the May 15, 2006 target for responses. (140)
58. Draft the Cumulative Effects chapter of the Opinion. Jim Hale may be available to assist in this task, which involve, synthesizing the results of #57 above and other information on State and private activities within the BSAI and GOA that may affect listed species described in the Opinion. This task may extend beyond the May 15, 2006 target for responses.
59. Provide editorial review of the draft Opinion, likely July and August (Jim Hale).



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**North Pacific Fishery Management Council  
Steller Sea Lion Mitigation Committee Meeting  
February 15, 2006  
Alaska Fisheries Science Center, Seattle**

**Minutes**

The Steller Sea Lion Mitigation Committee (SSLMC) convened at the Alaska Fisheries Science Center on February 15, 2006. Committee members present were: Larry Cotter (Chairman), Jerry Bongen, Julie Bonney, Sam Cotten, Ed Dersham, Kevin Duffy, John Gauvin, John Henderschedt, Sue Hills, Terry Leitzell, Max Malavansky, and Art Nelson. Also present were Bill Wilson (Council staff), Doug DeMaster and Shane Capron (NMFS), Jon Pollard and John Lapore (NOAA GC), and Melanie Brown (NMFA AK Region staff).

Committee members were introduced and members of the public attending the meeting were acknowledged. Mr. Cotter noted that Oceana, WWF, and other conservation groups were invited to participate, but declined. Doug DeMaster and Shane Capron are advisors to the Committee. Mr. Cotter reported that Dustan Dickerson has resigned from the Committee.

Chairman Cotter reviewed the agenda (attached), the general responsibilities of the Committee, and the work schedule for the coming months. The consultation time line is presented in a handout and will involve work through 2006 and 2007 with any changes in the commercial fishing season implemented for the 2008 season. Mr. Cotter noted that this committee's work needs to be done and recommendations provided to the Council by early 2007. Future meetings already scheduled are 25-27 April and 16-18 May, both in Seattle.

Bill Wilson discussed the Council's motion to request reinitiation of consultation. Handouts were provided as background for Committee members: maps of the regulatory areas of the GOA and BSAI, maps of SSL critical habitat for the western and eastern DPS of SSL, a discussion paper on the Section 7 consultation process that was provided to the Council in December 2005, the Council motion recommending reinitiation of consultation, and the November 29, 2005 NMFS response that outlines their recommended approach to the consultation process.

**ESA Section 7 Consultation Process Overview**

Shane Capron provided an overview of the history of consultations on the groundfish fisheries, and outlined the process for this upcoming consultation. The process will begin with the development of a Biological Assessment (BA). The BA will provide an overview of the action (the FMPs, their amendments, and implementing regulations), the ESA-listed species that are subjects of the consultation, and an assessment of fishery effects on these species. When accepted by the Protected Resources Division of NMFS, the consultation will begin. The goal is to evaluate the proposed action as defined in the BA and make a determination whether the action is likely to jeopardize the continued existence of ESA-listed species or adversely modify or destroy their designated critical

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habitat. The consultation will include Steller sea lions and may include other listed whales (e.g. northern right whale and critical habitat) or sea turtles. NMFS is conducting a separate consultation with the Northwest Region of NMFS on ESA-listed salmon Evolutionarily Significant Units (ESUs).

Mr. Capron and Dr. DeMaster noted that under the ESA, Section 7 can have considerable impact on Federal actions. Section 7 prohibits a Federal action to result in jeopardy or adverse modification of critical habitat (CH) for any ESA-listed species. Section 10 of the Act pertains to non-Federal actions. The intent of Section 10 is to provide a mechanism by which non-Federal organizations or individuals can consult under the ESA, reduce their take of listed species, and acquire an incidental take permit to legally take listed species. The goal of Section 10 is to reduce the overall level of take of listed species.

The time line for the Section 7 consultation provides for a draft Biological Opinion (BiOp) for public review by August 15. At this point the Council has the opportunity to review the proposed action and the initial determinations in the BiOp and decide whether they would like to make changes to the proposed action (groundfish fisheries). If the Council chooses to make changes to the action, then the SSLMC would be involved in the development of those changes. The Council would need to take final action on an amendment to the SSL conservation measures by April 2007 for implementation by January 1, 2008. NMFS will then review any proposed changes to the action and issue a final BiOp some time in late summer or fall of 2007. The SSLMC will have an opportunity to review and comment on the draft BiOp after it is released for public review. Thus, prior to its issuance, the SSLMC should become familiar with the current available scientific information regarding the status of SSLs and the threats to their recovery.

#### SSLMC Interaction with the Consultation Process

Chairman Cotter reviewed procedures for SSLMC interaction with the consultation process. The Committee will track the consultation process and will review the draft BiOp and will develop proposals for changes to fishing regulations based on public input. To do so, the Committee will be provided information on SSL counts and trends, results from the Fishery Interaction Team (FIT) studies, and other pertinent information on SSLs and other listed species. The Committee will review the draft SSL Recovery Plan if available, a report contracted by the Council on recently-published literature on SSLs, and a variety of other documents (see list below). This information review will provide the perspective the Committee will need to review the BiOps and develop proposals. The Committee also will explore the development of a trade-off tool which could be used to weigh proposals for changes in SSL protection measures.

The SSLMC discussed the proposed action – which is the prosecution of the groundfish fisheries of the GOA and BSAI, including State parallel fisheries for groundfish. The consultation will exclude State-managed, non-parallel groundfish fisheries which are not accounted for in the Federal TAC. The State of Alaska has indicated its desire to have State parallel fisheries included. Therefore, NMFS intends to send a letter to the State

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inviting the State to participate in the consultation. The State must then request to have the parallel fisheries considered in the consultation.

The Committee discussed what is entailed in determining which fisheries are included in this consultation. For a non-Federal action (e.g. the State parallel fisheries) there must be a nexus between that action and a Federal action. Common examples of a nexus include actions which include substantial Federal funding or actions that are linked such that they cannot be easily separated.

The role of SSLMC was discussed in further detail. The process will undoubtedly evolve over time as the Committee becomes more familiar with available information and is briefed on progress in developing the BiOp. An initial task is for the Committee to become familiar with new scientific information available on SSLs and how groundfish fisheries interact with SSLs. The Committee will review the draft SSL Recovery Plan when it is available, and eventually will review the draft BiOp. Just how the SSLMC will interact with the process of preparing the BiOp is yet to be determined, but likely will evolve with time. For now, the SSLMC's charge is to get up to speed on the issues, background, various laws that affect the process, and documents that will be available in the coming months. The immediate task will be to receive briefings and updates on SSL biology and fishery interactions, scat analyses, pup trends, and telemetry, all of which will provide the SSLMC with a knowledge foundation. Eventually, the SSLMC will solicit proposals for regulatory change, perhaps even before the draft BiOp is completed, and eventually be in a position to review the draft BiOp and recommend changes to the action.

There was some discussion of how actions the Council is contemplating fit into this process. Some of these actions may involve potential effects on SSLs, but the Council is steering away from some alternatives if they potentially trigger reinitiation of formal consultation. This raises the question of how to deal with any new actions the Council takes between now and the time the BiOp is finalized. Mr. Capron noted that the BA describes the proposed action, including actions that are likely to occur. Some discussion focused on alternatives in Amendments 80 and 85 that could trigger formal consultation; if not adopted, then some of these alternatives could come to the SSLMC in the future.

#### Other Species in the Consultation Process

The SSLMC may also need to review concerns over northern right whales. Mr. Capron recommended that the SSLMC wait until the BA comes out to see if a preliminary determination has been made whether fisheries are likely to adversely affect this or other species, and then determine the SSLMC's review responsibility. The Council likely will expect recommendations from the Committee on issues involving any species included as part of the consultation.

Mr. Capron noted that there will likely be a separate consultation with the USFWS on sea otters. NMFS has drafted a BA to provide to the USFWS, but the consultation hasn't started yet. Also, a separate consultation will occur on salmon with the NW region of NMFS.

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### SSL Recovery Plan

Mr. Capron provided an overview of progress on drafting a Recovery Plan for SSLs. A draft plan will be reviewed by the Recovery Team in March 2006, and hopefully a draft Recovery Plan will be ready for public review in May or possibly later. At that time, the SSLMC should review the plan and provide comments to the Council. Mr. Capron noted that the Recovery Plan will contain a review of SSL information that will be helpful to the SSLMC, and will also contain recovery criteria that NMFS will use to determine when SSLs are recovered and may be downlisted to threatened or delisted.

The recovery criteria in the Plan could have some influence on determinations made in the BiOp. The Plan's recovery criteria will help NMFS determine whether an action is likely to jeopardize SSLs or not. In short, the Recovery Plan will be a great resource for the Committee.

Jon Pollard reviewed a 2001 letter from NOAA GC on issues associated with the ESA, BiOps, establishing RPAs, and the Jeopardy and Adverse Modification standards. He noted that the 9<sup>th</sup> Circuit invalidated the standard on adverse modification of CH, as they ruled it was too permissive. A new policy is now applied in the interim, while NMFS' new policy is being developed with the USFWS. The new policy ties the test to the recovery of the species (if it diminishes the quality of the habitat, such that recovery will be made less likely or more slowly). John Gauvin asked about the impact of the court challenge to the standard for adverse modification of CH. Mr. Pollard noted that courts overruling a determination would not necessarily lead to a new decision on JAM.

NMFS has developed some new guidelines on what constitutes Adverse Modification; Mr. Capron will distribute copies to the SSLMC. Recovery of an endangered or threatened population is defined as a state when the animal no longer has to be listed. Mr. Pollard also reviewed what constitutes arbitrary and capricious decisions on JAM, and the importance of a written record documenting the path the agency takes in arriving at their decision.

### Role of the SSLMC in the Consultation

Mr. Cotter noted that the SSLMC would have the BA available for our next meeting in April, and perhaps the draft Recovery Plan. The SSLMC will provide a public forum for discussing and tracking the process. The Committee will review the SSL Recovery Plan when available, and shortly the BA. Eventually the Committee will receive proposals for changes in regulations. Mr. Cotter outlined that proposals will have to be carefully crafted and comply with a specified format. But first, the Committee needs to review new information, new scientific data, and view this information in light of the current way fisheries are managed. The draft BiOp will contain a review of this information, and likely will define how current fishery management comports with all the new information and where there may be room for modifications.

John Henderschedt noted that there is still a concern over the dichotomy of the Council taking an action now to avoid affecting any change to SSL protection measures versus waiting until this consultation is done and then making the decision. For example, the

Atka mackerel fishery would change to a coop fishery but must retain platoons to keep away from SSL problems. The P. cod split (BSAI) may be more problematic; the Council still is trying to attain the season splits for trawl and longline fisheries, yet do the split that is more efficient and has other benefits. The consensus is that, after the Council makes its final decision on Amendments 80 and 85, it is possible that the SSLMC will receive proposals from the Atka mackerel fishery or the P. cod fishery to make more changes to improve these fisheries. At that time the SSLMC will have the draft BiOp and other information, and may be able to make recommendations for further changes that would benefit the fisheries and not adversely impact SSLs.

Mr. Capron noted that one goal of the consultation is to develop a BiOp that allows for more flexibility in making future changes to the fisheries that don't require reinitiation of consultation. Mr. Pollard noted that the scope of the BiOp has to be the same as the scope of the action. A programmatic BiOp is very broad, typically, but in this case the action (FMPs) is both broad and narrow. Ideally, the FMB BiOp should be broad to provide for flexibility – but that will be a challenge. FMPs have both general programmatic framework provisions like TAC setting, as well as specific measures like a closure of a specific area for a specific gear type. Thus an FMP level consultation is both at a programmatic level and a specific level. Melanie Brown noted that some provisions are only minimally addressed in FMPs, like SSL measures, because the details are specified in regulations. Mr. Capron noted that the Committee will have to wait until the draft BiOp is completed before the SSLMC can fully consider the impacts of changes to the current set of conservation measures and the implications for decisions in the consultation.

John Gauvin suggested that it would be helpful to have guidance in a BiOp about what the goals of protecting SSLs are; e.g. fish removal rates in an area, rather than weighing the impacts on SSLs from a particular gear type (which assumes a removal rate). The Committee would benefit from guidance on what are the important issues that cause fisheries to compete with SSLs. That is, the SSLMC may be able to do things differently and attain a SSL protection goal while still allowing a fishery to proceed.

#### Public Comment

Paul MacGregor noted that the Council's motion contemplated two BiOps; the first would be at an FMP level, which would re-look at all management measures and review the new SSL information acquired since 2000, and revisit the main issues: competition for prey, localized depletion, etc. After this process, the first BiOp would be drafted based on this review. Then a second BiOp would be prepared, at a project level, trailing the FMP BiOp; here a tradeoff tool would be used to craft new regulations based on proposals from the public. Mr. MacGregor added that the FMP level BiOp is a much bigger project (e.g., every component of a fishery), while the project level is a smaller BiOp that evaluates specific actions. The latter is easier and less of an undertaking. He noted that it is the fear of initiating consultation that the Council has tried to avoid.

Mr. Capron responded that the timeline to accomplish two BiOps isn't sufficient to meet the Council's implementation date. There isn't enough time to do an FMP consultation, with a draft and final BiOp, and then do another project-level BiOp (including a draft and

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final), and still have regulatory measures in place by January 2008. He added that the ESA did not envision a “tandem” process for two separate BiOps. Mr. Capron added that in 2000 we set a precedent with the FMP BiOp that included specific projects. Therefore, we can't ignore this precedent. The Council was briefed in December and concurred with the process we have before us now.

#### Committee Information for Future Meetings

Mr. Cotter led a discussion on information the Committee likely will require to continue its work. The Committee members were asked to provide any recommendations to Mrs. Cotter or Wilson. The following items were requested:

- Introduce the tradeoff tool; assumptions in the tool; short vs. long version of the tool – DeMaster
- Loughlin and Tagart SSL literature compendium – March draft, April final
- Lee Alverson – summary of progress on hypotheses on SSL decline – March 2006 – from the NPUMMR Consortium
- Draft SSL Recovery Plan
- Updates on SSL research – counts and trends, etc, from NMML
- FIT study results – ongoing FIT studies – briefings
- FMP BiOp, 2001 BiOp, 2003 Supplement
- Federal preemption process and procedures; related to State actions and Federal regulations; State procedures for opening new fisheries
- Groundfish fishery removals before and after SSL protection measures of 2001; update the information in the 2003 BiOp Supplement

NMFS PR is going to be working on the BiOp, assuming current management measures. It was recognized that the SSLMC needs to understand the new data on SSLs and SSL prey species, new management regimes (e.g., rationalization programs), etc. Then after that (later this summer), the SSLMC will have to consider changes to the existing conservation measures. It was noted that proposals could come from anyone. Mr. Gauvin asked about the status of “trailing proposals” from the 2001 RPA process. Mr. Cotter assumed that we will solicit new proposals; only that new set of proposals will be considered. If people want to resubmit proposals trailing from the 2001 BiOp, they may do so. If the Council wants us to look at specific proposals, they will inform the SSLMC.

The Committee adjourned at 3:40 PM. The next meeting starts at 1 PM on Tuesday April 25 and will continue through Thursday April 27, 2006, at the Alaska Fisheries Science Center, Seattle. All meetings will be noticed on the Council's website and through the Federal Register. Minutes and agendas will be on the website when available.

Bill Wilson  
[Bill.wilson@noaa.gov](mailto:Bill.wilson@noaa.gov)

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North Pacific Fishery Management Council  
**Steller Sea Lion Mitigation Committee Meeting**  
Alaska Fisheries Science Center, Seattle  
February 15-16, 2006

**AGENDA**

This meeting is being convened to review the Council's charge to the Steller Sea Lion Mitigation Committee (SSLMC) to track the process of formal Section 7 consultation under the Endangered Species Act on the Fishery Management Plans for the groundfish fisheries of the Gulf of Alaska and Bering Sea/Aleutian Islands areas. The meeting is in the Traynor Seminar Room, Room 2076, Building 4 at the AFSC.

February 15 – 8:30 AM – 5:00 PM

1. Introductions and opening remarks (Cotter)
  - Committee composition
  - Charge to the committee
  - Ground rules, process, schedule
2. History of FMP consultations, recent Council request for reinitiation of consultation (Wilson, Capron)
  - 2000 FMP consultation and BiOp, 2001 BiOp, 2003 Supplement
  - Council's request to NMFS to reinitiate consultation on FMPs
  - NMFS response and Council concurrence
3. The consultation process (Capron, Pollard, DeMaster)
  - The ESA and Section 7
  - FMP level consultation defined
  - Product of the consultation
  - Consultation species
  - Participants
  - Process
  - Schedule
  - The SSL Recovery Plan
4. Participants in the consultation (Capron, DeMaster)
  - Roles of Sustainable Fisheries and Protected Resources
  - Alaska Region, headquarters, AFSC, NMML
  - Council's role, SSLMC role
5. Role of the SSLMC in this consultation (Wilson, Cotter)
  - Track the consultation process, inform the Council
  - Public forum for input to the process
  - Develop and discuss proposals, make recommendations to Council

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- Review SSL Recovery Plan
  - Review draft and final BiOps
6. Outline information needs (Cotter, DeMaster)
    - Identify what materials the committee will require
    - Establish topics and schedule for briefings and research updates
    - Discuss trade-off tool development and application
  7. Committee work schedule (Cotter, Wilson)
  8. Other business
  9. Action items, closing remarks (Cotter)

Contact Bill Wilson at the Council offices if you have questions (907-271-2809) or [bill.wilson@noaa.gov](mailto:bill.wilson@noaa.gov).



## STELLER SEA LION RECOVERY TEAM MEETING

15-17 March 2006

Traynor Room, Alaska Fisheries Science Center

Seattle, Washington

*Draft Agenda*

### Wednesday, 15 March

8:00 am

1. Review and approval of agenda
2. Comments from NMFS
  - Where we are in the recovery planning process
  - What are the next steps for the Recovery Plan
  - What is the future of the SSL Recovery Team
3. Present and discuss meeting overview  
*Goal of Meeting:* Complete revisions necessary for endorsement of the Recovery Plan by the Recovery Team.
4. Overview of suggested revisions received prior to meeting, from Recovery Team members and outside reviewers
5. Overview of substantive revisions to the Recovery Plan since last meeting in Homer
6. Identify priority issues/sections that may need revision, and schedule available meeting time to achieve Meeting Goal
7. Make final revisions to Recovery Plan
  - Discuss suggested revision
  - Decide if revision will be made
  - Make revision

### Thursday, 16 March

8. Make final revisions to Recovery Plan, continued

### Friday, 17 March

9. Make final revisions to Recovery Plan, continued
10. Recovery Team endorsement of Recovery Plan
11. Adjourn (~Noon)

vi. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

35. None.

**C. Ordering Clauses**

36. Accordingly, it is ordered that, pursuant to sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 309(j), this *Further Notice of Proposed Rule Making* is hereby adopted.

37. It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Further Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,  
Secretary.

[FR Doc. 06-1290 Filed 2-9-06; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 226**

[I.D. 101405C]

RIN 0648-AT84

**Endangered and Threatened Species; Revision of Critical Habitat for the Northern Right Whale in the Pacific Ocean**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule, reopening of public comment period.

**SUMMARY:** On November 2, 2005, NMFS published a proposed rule to revise current critical habitat (CH) under the Endangered Species Act of 1973 (ESA) for the northern right whale (*Eubalaena glacialis*) by designating areas within the North Pacific Ocean. Two areas are proposed for designation: an area in the southeast Bering Sea and a second area in the Gulf of Alaska south of Kodiak Island. In response to a request, a public hearing on this proposed rule will be held on March 2, 2006, in Anchorage, AK.

**DATES:** The hearing will be held in Anchorage, AK on Thursday, March 2, 2006, from 3 p.m. to 5 p.m. The public

comment period on the proposed rule (70 FR 66332) will reopen on February 10, 2006 so that additional comments submitted at, or in response to the hearing may be considered in the promulgation of the final rule. Any additional comments on this proposed rule must be received on or before March 9, 2006.

**ADDRESSES:** The hearing will be in room 154 of the U.S. Federal Office Building, 222 W. 7th Avenue, Anchorage, AK. Send comments to Kaja Brix, Assistant Regional Administrator, Protected Resources Division, AK Region, NMFS, Attn: Ellen Walsh. Comments may be submitted by:

- E-mail: 0648-AT84-NPRWCH@noaa.gov. Include in the subject line the following document identifier: Right Whale Critical Habitat PR. E-mail comments, with or without attachments, are limited to 5 megabytes.

- Webform at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions at that site for submitting comments.

- Mail: P. O. Box 21668, Juneau, AK 99802

- Hand delivery to the Federal Building : 709 W. 9th Street, Juneau, AK

- Fax: (907) 586-7012

The proposed rule, maps, stock assessments, and other materials relating to this proposal can be found on the NMFS Alaska Region website <http://www.fakr.noaa.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Brad Smith, (907) 271-3023, e-mail: [Brad.Smith@NOAA.gov](mailto:Brad.Smith@NOAA.gov) or Marta Nammack, (301) 713-1401.

**SUPPLEMENTARY INFORMATION:** Regulations governing petitions to revise critical habitat under the ESA provide that a public hearing shall be held if any person so requests within 45 days of publication of a proposed regulation (50 CFR 424.16(c)(3)). Notice of such hearing is to be published in the **Federal Register** no later than 15 days prior to the hearing.

**Comments and Responses**

The November 2 proposed rule concerning designation of critical habitat established a comment period ending on January 3, 2006. Twenty-one comments were received on the proposed rule. These comments are summarized below. Responses to these and to comments received during the public hearing will appear in the final rule on this action.

**Size of Proposed Critical Habitat is Too Large**

*Comment:* The southern and western boundaries of the proposed critical habitat in the Bering Sea are based on very few right whale sightings. Eliminating these areas would reduce the extent of the critical habitat from 27,700 to 24,000 square miles but retain approximately 99 percent of all sightings.

*Comment:* The area designated as CH is arbitrary because there is no obvious correlation between copepod abundance and the distribution of the northern right whale.

**Proposed Critical Habitat is Too Small**

*Comment:* The proposed designations fail to address unoccupied right whale habitat. Additional areas outside of the known range of the northern right whale at the time of ESA listing should be included in this designation.

*Comment:* The extent of the areas proposed for designation as critical habitat in the North Pacific Ocean would not be sufficient to provide for the recovery of the northern right whale.

*Comment:* The proposed designation is negatively biased in that it is based on sighting effort which is not consistent over the range of the northern right whale. Therefore, the designation should be expanded to compensate for this bias. Both right whales and their Primary Constituent Elements (PCE's) are likely to occur elsewhere in densities equivalent to those occurring in the designated critical habitats.

*Comment:* The proposed designation should be expanded to recognize the probability of increased importance of adjacent areas, and to be consistent with similar efforts to designate CH for the northern right whale in the North Atlantic Ocean.

*Comment:* The precautionary principle requires NMFS to designate other areas with similar habitat conditions as CH.

*Comment:* The designation should include State of Alaska waters because they have nearly identical features to the proposed CH areas.

*Comment:* NMFS should consider designation of adjacent areas to preserve diversity and act as buffer areas.

*Comment:* NMFS should include in its designation historical right whale habitat which was essential to their conservation.

*Comment:* NMFS data demonstrate right whales are found through Unimak Pass and eastward to Kodiak Island. These waters also contain important features or serve important biological needs and should be added to the areas proposed for designation.

*Comment:* NMFS should include migratory corridors or transitional waters between high use habitats of the northern right whale in its CH designation. This should include the waters from Umnak Pass to Unimak Pass.

*Comment:* NMFS should review data from the past century and designate CH for areas where right whale concentrations overlay known areas of prey abundance.

*Comment:* Critical habitat should be designated to include those physical features which promote fronts, upwelling, and dynamic advection of nutrient-rich waters that promote zooplankton productivity.

#### *Primary Constituent Elements*

*Comment:* Feeding areas should be identified as a Primary Constituent Element (PCE) for the northern right whale.

*Comment:* PCE's are defined too narrowly in the proposed rule. Other elements are also critical to conservation of this species.

*Comment:* By defining PCEs as only the zooplankton species, NMFS has created a situation where impaired water quality and other impacts would not result in adverse modification of the CH.

*Comment:* NMFS should follow the example of the Steller's eider and spectacled eider by identifying PCE's to include all marine waters of appropriate depths, along with the underlying marine benthic community.

*Comment:* PCE's should include ocean passes and channels used by right whales.

#### *Research*

*Comment:* More research is needed to describe PCEs for the northern right whale.

*Comment:* NMFS should increase efforts to place radio tags on right whales.

*Comment:* Additional research is necessary to describe habitat use and preferences, migratory patterns, breeding and calving, and factors affecting the recovery of the northern right whale.

*Comment:* NMFS should dedicate more effort to study vessel interaction and collision avoidance by right whales.

#### *Prohibitions and Activities in Critical Habitat*

*Comment:* Critical habitat must be protected from more than just activities which may affect copepods. Protection is also needed from the effects of ship strikes, fishing gear interaction, changes in sea temperatures and environmental conditions caused by humans.

*Comment:* Designation of CH should not include amendment of fishery management measures as there is no evidence of fisheries interaction, including ship strikes, with right whales in the North Pacific Ocean.

*Comment:* Oil and gas development is incompatible with the ecology and economy of Bristol Bay and the Northeast Pacific Region. Major oil spills, related discharges, seismic activity, and ship strikes are all oil and gas-related actions which constitute adverse modification of CH.

*Comment:* Specific, focused reference to the oil and gas industry as representing a threat to the proposed right whale CH should be removed from the proposed rule.

*Comment:* Designation of CH will open the citizen suit provisions of the ESA and result in litigation and delays in projects. Economic activities that are not impacting right whale recovery will be negatively impacted.

*Comment:* Designation of CH will lead to regulatory creep and increase costs through added consultations and mitigation measures imposed by the Federal Government.

#### *Economic Considerations*

*Comment:* NMFS has correctly characterized both the economic significance of commercial fishing to the region, State, and Nation, and the effective absence of the possibility that commercial fishing can destroy or adversely modify the proposed CH for northern right whales in the Eastern Bering Sea (EBS) and Gulf of Alaska (GOA).

*Comment:* While no adverse economic or operational impacts on commercial fisheries are associated with the proposed designation, a modification of the southern and western boundaries (reduction) of CH in the EBS makes sense and would reduce the possibility of any even hypothetical future impacts on fishing activity.

*Comment:* In addition to the recommended exclusions of areas in the south and west of the proposed CH for northern right whales in the EBS to accommodate commercial fishing, the northern boundary should be moved south (reduced) from the proposed 58°00' N. to 57°30' N., owing to the presence of economically significant commercial fishing activity (bottom trawling) traditionally conducted there.

*Comment:* A substantial portion (especially the southern and eastern sections) of the proposed designation of CH in the EBS coincides with Outer Continental Shelf (OCS) Leasing Areas projected to have high to moderate natural gas production potential, and

moderate oil production potential. The economic and development benefits of these areas (in particular, the Aleutian Basin Area) justify their exclusion under provisions of the ESA.

*Comment:* The communities that are located in remote western Alaska, adjacent to the proposed designation, chronically suffer from inadequate economic development and opportunity. The entire region would benefit from economic diversification, such as that which would accompany oil and gas exploration and development. The proposed designation of CH in the EBS could increase cost, significantly delay, or even prevent such economic development, while contributing nothing to the conservation and recovery of the right whale population.

*Comment:* Inferences about the risk of fishing gear entanglements and/or vessel strikes of right whales in the North Pacific, based upon such experiences in the North Atlantic, are inappropriate and unsupported by evidence or data. The nature and magnitude of fishing and other economic activity within the two marine environments are fundamentally different and not comparable.

*Comment:* The area of the EBS encompassed by the proposed CH boundaries contain the vast majority of groundfish, crab, and halibut resources harvested by commercial fisheries in this region. They have a combined direct economic gross value of well over \$1 billion dollars, annually, and are vital to fishermen, processors, and fishery-dependent communities in Alaska. NMFS should explain how, or if, designation of CH for the right whale would affect fishery management actions that would be pursued if the incidental take of a right whale would occur in commercial fisheries.

*Comment:* The Executive OCS Deferral through 2012 requires that the North Aleutian Basin be excluded from the Five-Year OCS leasing program. This remains a sound decision and any analysis of the proposed designation must recognize that restrictions on petroleum development in the proposed areas impose no new economic costs to society.

*Comment:* MMS estimates reserves of 7 trillion cubic feet of natural gas and 230 million barrels of oil in the North Aleutian Basin. Approximately 20 percent of the high prospective geologic basin lies within the southeast corner of the proposed CH area (approximately 8 percent of the proposed designation of CH in the EBS). At risk, therefore, is about 20 percent of the estimated \$19 billion in Federal revenues, an

estimated 5,000 construction jobs, and sufficient supplies of natural gas, necessary to justify construction and operation of an liquified natural gas (LNG) facility in the area.

*Comment:* Given the critical status of this species and the requirements put forth in sections 4 and 9 of the ESA, the need for protection of right whales and designation of CH outweighs any potential economic impacts of introducing such protection. It is also important to consider the economic benefit of the survival of this species.

*Comment:* NMFS has created, by its own admission, CH that will not be adversely modified by oil or gas exploration activity.

*Comment:* Currently, neither the North Aleutian Basin nor the St. George Basin Planning areas are available for lease, owing to the 2012 deferral order. Many steps must occur before a field in either of these areas could reach production and none of these steps are certain to occur.

*Comment:* The proposed EBS designation incorporates about one third of the (oil and gas) high-potential part of North Aleutian Basin and most of the area of potential in St. George Basin. No exploration drilling has taken place in the North Aleutian Basin (one non-exploratory well was drilled in 1983). Economic studies show that the marginal prices for the North Aleutian Basin are well below current market prices, illustrating economically producible resources could exist at much lower than current prices,

improving the area's feasibility as a potential energy source. If this area becomes available for leasing, if pre-lease oil and gas exploration reveals commercial quantities of petroleum, if market conditions remain favorable, if commercial discoveries are of a scale to support LNG exports, then the direct revenues to federal, state, and local governments could approach \$15 billion over a 30-year life cycle. Indirect benefits and economic multiplier effects to the Alaska economy are also likely to be several billions of dollars.

*Comment:* A basic cost/benefit analysis is submitted for petroleum activities in the North Aleutian Planning Area to demonstrate the economic potential and revenues that may be associated with commercial development. The overall conclusion is economic benefits would accrue to Federal, state, and local governments, as well as the Alaska economy, if a leasing program in the North Aleutian planning area results in commercial development of gas and oil on the scale envisioned by the MMS modeling scenario.

#### *Other Comments*

*Comment:* NMFS should designate CH as Marine Sanctuaries because this would protect other marine assets such as corals.

*Comment:* NMFS should recognize the voluntary conservation efforts of the fishing industry towards public awareness and avoidance of vessel strikes.

*Comment:* The Federal Register notice should include data on the

seasonal occurrence of right whales in the proposed CH areas, present an analysis of vessel and fishing gear interaction based on photographic evidence, and discuss the effects of climate change and variable ice patterns on copepods.

*Comment:* The Alaska Outer Continental Shelf oil and gas leasing program has existed for 30 years, during which time the MMS has demonstrated that industry activities can be carried out in a manner that does not jeopardize the continued existence of threatened or endangered species, or adversely affect designated critical habitat.

*Comment:* There is no evidence that commercial trawling in the North Pacific or Eastern Bering Sea results in any adverse impacts on the benthic environment, and certainly none that could adversely impact the PCEs identified under the proposed designation of CH in these areas.

#### **Special Accommodations**

This hearing is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Brad Smith (see **FOR FURTHER INFORMATION CONTACT**) at least 10 business days in advance of the hearing.

Dated: February 6, 2006.

James H. Lecky,

Director, Office of Protected Resources,  
National Marine Fisheries Service.

[FR Doc. E6-1867 Filed 2-9-06; 8:45 am]

BILLING CODE 3510-22-S

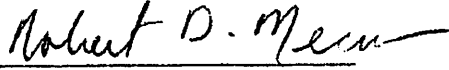
# Endangered Species Act — Section 7 Consultation Biological Opinion

Bering Sea and Aleutian Islands Management Area (BSAI)  
Groundfish Fishery  
Exempted Fishing Permit  
Authority: 50 CFR 600.745(b) and 50 CFR 679.6  
PERMIT #06-01

Lead Action Agency: National Marine Fisheries Service

Consultation  
Conducted by: National Marine Fisheries Service  
Alaska Region

Date Issued: March 9, 2006

Issued by:   
Robert D. Mecum  
Acting Regional Administrator

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## INTRODUCTION

The biological opinion (Opinion) and incidental take statement of this consultation were prepared by the National Marine Fisheries Service in accordance with section 7(b) of the Endangered Species Act (ESA) of 1973, as amended (16 USC 1531, et seq.), and implementing regulations at 50 CFR 402. With respect to critical habitat, the following analysis relies only on the statutory provisions of the ESA, and not on the regulatory definition of "destruction or adverse modification" at 50 CFR 402.02.

### Background and Consultation History

On January 7, 2006, the National Marine Fisheries Service (NMFS) Protected Resources Division (PRD) received a written request for ESA section 7 formal consultation from the NMFS Sustainable Fisheries Division (SFD). The SFD proposes to issue an exempted fishing permit (EFP) to support a feasibility study using commercial fishing vessels for acoustic surveys of pollock in the Aleutian Islands subarea. SFD is proposing this action according to its authority under 50 CFR 600.745 and 679.6. Formal consultation was initiated on January 17, 2006.

The project involves the harvest of pollock inside designated critical habitat. This harvest is necessary to verify acoustic data collected during acoustic surveys using a fishing vessel under an experimental fishing permit. The SFD has determined that the project "may affect, and is likely to adversely affect" the western distinct population segment (population) of Steller sea lion (*Eumetopias jubatus*) and its designated critical habitat. The January 2006 environmental assessment (NMFS 2006) for the proposed action is hereby incorporated by reference into this Opinion as it provides a substantial review of the proposed action.

### Proposed Action

The exempted fishing permit (EFP) would support a project to test the feasibility of using commercial fishing vessels for acoustic surveys of pollock in the Aleutian Islands. The information collected may improve the information available for stock assessments and may result in improved management of pollock harvest.

The EFP is necessary to allow the applicant to fish for pollock in the study area, inside critical habitat which is normally closed to pollock fishing. Pollock fishing is necessary to verify acoustic sign and financially support the survey effort. Exemption from portions of the closure areas at Kanaga Sound (Figure 1) and Atka Island (Figure 2) are necessary to ensure the participants encounter enough pollock to test the feasibility of acoustic survey work with commercial vessels in the Aleutian Islands subarea. The EFP is needed only for the third phases of the project because no exemptions from fishery regulations at 50 CFR part 679 are needed for the sonar self-noise test under Phase 1 or the opportunistic acoustic survey under Phase 2. The time period of the project is March 1, 2006 through April 30, 2006, with the possibility of modifying the permit for an extension up to 12 months to complete the work.

The purpose of issuing the EFP is to test the feasibility of using commercial fishing vessels to conduct acoustic surveys for pollock in the Aleutian Islands subarea. NMFS currently does not have resources to conduct acoustic surveys of pollock in the Aleutian Islands subarea. The acoustic and biological information from the project will be used to determine; 1) if it is feasible to conduct acoustic surveys in the Aleutian Islands subarea using commercial fishing vessels, 2) if the data collected in such a manner is of sufficient quality for management purposes, and 3) if the local aggregations of pollock are stable enough during spawning season to allow for fine scale

spatial and temporal management. Additionally, genetic samples will be collected during this study that will be used for stock structure analysis. Improved information may lead to improved conservation and potentially finer spatial and temporal harvest management of the Aleutian Islands subarea pollock. Improved harvest management of the Aleutian Islands pollock stock is needed based on the high uncertainty in the stock structure and the potential effects of the fishery on Steller sea lion populations.

Appendix A of NMFS (2006), contains the cruise plan for the project which is a detailed description of the work to be performed under the EFP. The project has three phases: (1) evaluating the commercial fishing vessels appropriateness as an acoustic sampling platform, (2) opportunistically collecting acoustic data of pollock distribution around two sites, Kanaga Sound (Figure 1) and Atka Island (Figure 2), and (3) direct acoustic and biological data sampling at one of the study sites (up to 10 one to three day trips). To verify the acoustic data and to support the study, 1000 mt of walleye pollock would be harvested within an area that includes waters within 20 nautical miles (nm) to 0 nm of Steller sea lion haulouts and rookeries. Conducting the project within Steller sea lion critical habitat (Figure 3) is necessary because pollock aggregations must be encountered to support the work, and historical information about the occurrence of pollock indicates that pollock aggregations are likely to occur inside critical habitat. As seen in the 2005 pollock fishery, it may be difficult to conduct the project outside of critical habitat because of the difficulty in finding sufficient quantities of pollock.

#### **Action Area**

“Action area” means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR 402.02(d)). The Project area for the acoustic survey and supporting fishing will take place in one of two areas of the Aleutian Islands Subarea, Kanaga Sound (Figure 1) or Atka Island (Figure 2). One of the study areas would be used for conducting acoustic surveys and verification fishing of the survey data, and commercial fishing to compensate for survey expenses. The areas identified include waters within designated Steller sea lion critical habitat (Figure 3). The EFP would permit one vessel to harvest the verification and compensation fish (mostly pollock) over approximately three weeks in March. Fishing activities would include State waters which require permission from the Alaska Department of Fish and Game (ADF&G).

The Kanaga Sound site is waters within the study area delineated by a box with the northern boundary of 52° 15' latitude and a southern boundary of 51° 43' latitude from Adak Island to the eastern shore of Tanaga Island. The eastern boundary is 176° 45' longitude W and the western boundary is 178° 15' longitude W south to 51° 52' N latitude. The southern boundary of this portion of the box on the west side of Tanaga Island is at 51° 52' N latitude between 178° 15' longitude W and 178° 13' 22" longitude W (Figure 1). This area is located within statistical area 542 of the BSAI.

The Atka Island site is waters north of Atka and Amlia Island between 173°30' W longitude and 175°15' W longitude and south of 52°45' N latitude. At Amlia pass, the area includes waters north of a line at 52 deg. 7' 30" North latitude between 174 deg. 3' W longitude and 174deg. 5' 1" W longitude (Figure 2). This area is located in statistical area 541 of the BSAI.

Most activities associated with the action occur within the Project area (Kanaga Sound and Atka Island). NMFS has determined that the entire area encompassed by these two areas as described above is likely to be directly or indirectly affected by the proposed action. NMFS recognizes that listed species and their prey move in and out of these areas. In particular, Steller sea lions likely



travel between these two areas and other nearby haulouts and foraging areas. Thus direct and indirect impacts to individuals as a result of the action may be carried with them when they are not in the action areas. Further, prey resources (e.g. pollock) move throughout larger areas especially during the winter during spawning season. For the purpose of this consultation the action area includes all waters within the exclusive economic zone (EEZ) within the Central Aleutian Islands area (CAI) as defined by Steller sea lion survey areas (from Samalga Pass to Kiska Island; see Figure 4).

The action area is used by the western population of Steller sea lions for foraging, migration, hauling out, and reproduction. The action area includes Steller sea lion critical habitat as defined at 50 CFR 226.202 (Figure 3).

## BIOLOGICAL OPINION

The ESA establishes a national program to conserve threatened and endangered species of fish, wildlife, plants, and the habitat on which they depend. Section 7(a)(2) of the ESA requires Federal agencies to consult with U.S. Fish and Wildlife Service, NMFS, or both, to ensure that their actions are not likely to jeopardize the continued existence of endangered or threatened species or adversely modify or destroy their critical habitats. Section 7(b)(4) requires the provision of an incidental take statement that specifies the impact of any incidental taking and includes reasonable and prudent measures to minimize such impacts.

This Opinion presents NMFS' review of the status of the western population of Steller sea lion, the condition of designated critical habitat, the environmental baseline for the action area, all the effects of the action as proposed, and cumulative effects (50 CFR 402.14(g)). For the jeopardy analysis, NMFS analyzes those combined factors to conclude whether the proposed action is likely to appreciably reduce the likelihood of both the survival and recovery of the affected listed species.

The critical habitat analysis determines whether the proposed action will destroy or adversely modify designated critical habitat for listed species by examining any change in the conservation value of the essential features of that critical habitat. This analysis relies on statutory provisions of the ESA, including those in section 3 that define "critical habitat" and "conservation," in section 4 that describe the designation process, and in section 7 that sets forth the substantive protections and procedural aspects of consultation. The regulatory definition of "destruction or adverse modification" at 50 CFR 402.02 is not used in this Opinion.

### Status of Listed Resources

NMFS has determined that the action being considered in the Opinion may adversely affect the western population of Steller sea lion and its designated critical habitat.

#### Steller sea lion – western population

**Species description:** The Steller sea lion (*Eumetopias jubatus*) is the only species of the genus *Eumetopias*, and is a member of the family Otariidae, order Pinnipedia. The closest relatives of the Steller sea lion appear to be the other sea lion genera, including *Zalophus*, *Otaria*, *Neophoca*, and *Phocarcotos*, and fur seals of the genera *Callorhinus* (Northern fur seals) and *Arctocephalus*. Loughlin et al. (1987) provide a brief but informative summary of the fossil record for *Eumetopias*. Repenning (1976) suggests that a femur dated three to four million years old may have been from an ancient member of the *Eumetopias* genus, thereby

indicating that the genus is at least that old. *Eumetopias jubatus* likely evolved in the North Pacific (Repenning 1976).

**Reason for Listing:** Due to a significant decline in total numbers of 64% over a 30-year period, NMFS issued an emergency rule, on November 26, 1990, listing the Steller sea lion as threatened under the ESA (55 FR 40204). On August 27, 1993 (58 FR 45269) critical habitat was designated based on observed movement patterns. In 1997 the Steller sea lion population was split into two distinct population segments (western and eastern populations) based on demographic and genetic dissimilarities (Bickham et al. 1996, Loughlin 1997) (62 FR 30772). Population Viability Analysis (PVA) models indicated a continued decline at the 1985-1994 rate would result in extinction of the western population in 100 years or a 65% chance of extinction if the 1989-1994 trend continued (62 FR 24354), therefore the status of the western population was changed to endangered. Although increasing in numbers, the eastern population remained listed as threatened because NMFS believed that the large decline in the overall U.S. population threatened the continued existence of the entire species (62 FR 24354).

**Status and trend:**

**Overview:** The western population of Steller sea lions decreased from an estimated 245,000-290,000 animals in the late 1970s to less than 50,000 in 2000 (Table 1). The decline began in the 1970s in the eastern Aleutian Islands (Braham et al. 1980), western Bering Sea/Kamchatka and the Kuril Islands (Table 3). In Alaska, the decline spread and intensified east and west of the eastern Aleutians in the 1980s, and persisted at a slower rate through 2000 (Sease et al. 2001). The 12% increase in numbers of non-pups counted in the Alaskan range of the western population between 2000 and 2004 was the first region-wide increase observed during more than two decades of systematic surveys. The observed increase, however, has not been spread evenly among all regions of Alaska. Increases were noted in the eastern and western Gulf of Alaska, and in the eastern and central Aleutian Islands, while the decline persisted through 2004 in the central Gulf of Alaska and the western Aleutian Islands. Non-pup counts at all western-stock trend sites in Alaska in 2004 were similar to the 1998 total, but were still 33% lower than the number counted in 1990 (Table 1). In Russia, both pup and non-pup data indicate that sea lion numbers are increasing at Sakhalin Island and in the Sea of Okhotsk and likely at the Commander Islands (Table 3). However, non-pup numbers in Kamchatka and the Kuril Islands, the former core of the Russian range, declined substantially through the late 1980s, but have increased slightly through 2005. The number of western Steller sea lions throughout its range in Alaska and Russia in 2005 is estimated at approximately 60,000 (44,800 in Alaska, and 16,000 in Russia).

Steller sea lions use 38 rookeries and hundreds of haul-out sites within the range of the western population in Alaska (Figures 3 and 4). The first reported counts of Steller sea lions in Alaska were made in 1956-1960 (Kenyon and Rice 1961, Mathisen and Lopp 1963), and these totaled approximately 140,000 for the Gulf of Alaska (GOA) and Aleutian Islands (AI) regions (Merrick et al. 1987). Subsequent surveys showed a major decline in numbers first detected in the eastern AI in the mid-1970s (Braham et al. 1980). The decline spread eastward to the central GOA during the late 1970s and early 1980s and westward to the central and western AI during the early and mid 1980s (Merrick et al. 1987, Byrd 1989). Approximately 110,000 adult and juvenile sea lions were counted in the Kenai-Kiska region in 1976-1979, and by 1985 and 1989, counts had dropped to about 68,000 (Merrick et al. 1987) and 25,000 (Loughlin et al. 1990), respectively. Since 1990 when Steller sea lions were listed under the ESA, complete surveys have been conducted throughout their range in Alaska every 1 or 2 years (Merrick et al.

1991, 1992, Sease et al. 1993, 1999, 2001, Strick et al. 1997, Sease and Loughlin 1999, Sease and Gudmundson 2002, Fritz and Stinchcomb 2005).

Between the late 1950s and the mid 1970s, sea lion populations in parts of the Alaskan range of the western stock may have begun to drop (Table 1). From the mid-1970s to 1990 the overall western population in Alaska declined by over 70%, with the largest declines in the AI (76% to 84%) and smaller declines in the GOA (23% to 71%; Table 1). Between 1990 and 2000, trend site counts continued to decline, though more slowly than in the 1980s, resulting in total reduction of almost 90% since the 1950s and 83% since the 1970s. Sub-area declines from 1990 to 2000 had a different pattern than in the 1970s-1990 period, with smaller changes in the center of the Alaskan range (western GOA and eastern and central Aleutians: -32% to +1%) and larger declines at the edges (eastern and central GOA and western Aleutians: -54% to -64%). The average rate of decline between 1990 and 2000 for all trend sites in the western population was 5.1% per year (Sease et al. 2001).

Between 2000 and 2004, Kenai-Kiska and western Alaska population trend site counts of non-pup Steller sea lions increased by 12% (Table 1; Figure 6; Fritz and Stinchcomb 2005). Increases were not spread evenly across the range in Alaska, however. Non-pup counts increased by over 20% in the eastern Aleutian Islands and in the eastern and western GOA, and by 10% in the central Aleutian Islands (Table 5), but were lower by as much as 16% in the central GOA and western Aleutians (Table 1; Figure 7). While overall non-pup counts from 2000 to 2004 increased, counts in the western GOA and eastern AI had essentially no trend between 1990 and 2004, suggesting that western Steller sea lions in the core of their Alaskan range may currently be oscillating around a new lower mean level.

Using the methods described in Loughlin et al. (1992), Loughlin (1997) estimated that the non-pup U.S. western population totaled approximately 177,000 in the 1960s; 149,000 in the 1970s; 102,000 in 1985; 51,500 in 1989; and only 33,600 in 1994. Using similar methods, Loughlin and York (2000) estimated the number of non-pups in the U.S. western population in 2000 at about 33,000 animals. Using a different method, Ferrero et al. (2000) and Angliss and Lodge (2004) estimated the minimum abundance of the western U.S. population in 1998 at 39,031 and in 2001-2004 at 38,206, respectively, a decline of over 80% since the late 1970s.

Pups have been counted less frequently than non-pups, but the overall trends since the late 1970s have been similar to counts of non-pups (Table 2). The number of pups counted in the Kenai-Kiska region declined by 70% from the mid-1980s to 1994, with large declines (63% to 81%) in each of the four sub-areas. From 1994 to 2001-02, Kenai-Kiska pup counts decreased another 19%, with the largest change (-39%) observed in the central GOA. The overall decline in the number of pups in the Kenai-Kiska region from the mid-1980s through 2002 was 76%. Pup counts in the eastern GOA (not included in the Kenai-Kiska region) declined by 35% from 1994 to 2002, while in the western Aleutian Islands, pup counts declined by 50% between 1997 and 2002 (Table 2). Between 2001-02 and 2005, increases in pup counts were noted in the eastern and western GOA and eastern AI, while pup counts declined in the central GOA and central and western AI. In June-July 2005, a medium format aerial survey for pups was conducted from Prince William Sound to Attu Island, which provided the first complete pup count for all western stock rookeries in Alaska ( $n = 9,951$  pups; NMML, unpublished). Using the 'pup' estimator (4.5) yields an estimate of approximately 44,800 Steller sea lions in the range of the western stock in Alaska (Calkins and Pitcher 1982).

Steller sea lions use 10 rookeries and approximately 77 haul-out sites within the range of the western population in Russia (Figure 4). Of these 77 haul-outs, three had been rookeries but

presently no breeding occurs there, 49 are active haul-out sites, 20 have been abandoned (no sea lions seen there for the past 5-10 years), and five have inadequate information to assess their status. Analysis of available data collected in the former Soviet Union indicates that in the 1960s, the Steller sea lion population totaled about 27,000 (including pups), most of which were in the Kuril Islands (Tables 3 and 4). Between 1969 and 1989, numbers of adult and juvenile sea lions at major rookeries and haul-outs in the Kuril Islands alone declined 74% (Merrick et al. 1990). By the late 1980s and early 1990s, the total Russian population had declined by approximately 50% to about 13,000 (including pups) (Burkanov and Loughlin 2006). Since the early 1990s, the population has increased in most areas, and in 2005, is estimated to number approximately 16,000 (including pups) (Burkanov and Loughlin 2006).

Modeling studies based primarily on data collected in the central GOA indicate that the decline experienced by the western sea lion population in Alaska in the 1980s was largely caused by a steep drop in the survival rate of juveniles, perhaps by as much as 20-30% (York 1994, Pascual and Adkison 1994, Holmes and York 2003). However, the decline at this time was also associated with smaller decreases in adult survival and female fecundity (Holmes and York 2003). The drop in fecundity would not have been predicted based on density-dependence alone. Subsequent to the 1980s, demographic models indicate that juvenile and adult survival rates rebounded to levels similar to those of the 1970s, stable equilibrium population, but that fecundity continued to decline (Holmes and York 2003).

***Survival and reproduction:*** Changes in the size of a population are ultimately due to changes in one or more of its vital demographic rates. Inputs to the population are provided by reproduction of adults (e.g., birth rates, natality, fecundity; probability that a female of a given age will give birth to a pup each year) and immigration. Outputs from the population include those that leave the population through emigration or death, which can also be inversely described by rates of adult and juvenile survivorship. Estimates of vital rates are best determined in longitudinal studies of marked animals, but can also be estimated through population models fit to time series of counts of sea lions at different ages or stages (e.g., pups, non-pups).

Causes of pup mortality are numerous and include drowning, starvation caused by separation from the mother, disease, parasitism, predation, crushing by larger animals, biting by other sea lions, and complications during parturition (Orr and Poulter 1967; Edie 1977, Maniscalco and Atkinson 2004, ADF&G and NMFS unpublished data). Older animals may die from starvation, injuries, disease, predation, subsistence harvests, intentional shooting by humans, entanglement in marine debris, and fishery interactions (Merrick et al. 1987).

Calkins and Pitcher (1982) estimated mortality rates using life tables constructed from samples collected in the Gulf of Alaska in 1975-1978. The estimated overall mortality from birth to age 3 was 0.53 for females and 0.74 for males; i.e., 47% of females and 26% of males survived the first 3 years of life. Annual mortality rate decreased from 0.132 for females 3-4 years of age, to 0.121 for females 4-5 years old, to 0.112 for females 5-6 years old, and to 0.11 by the seventh year; it remained at about that level in older age classes. Male mortality rates decreased from 0.14 in the third year to 0.12 in the fifth year. Females may live to 30 years-old and males to about 20 (Calkins and Pitcher 1982).

York (1994) produced a revised life table for female Steller sea lions using the same data as Calkins and Pitcher (1982) but a different model. The estimated annual mortality from York's life table was 0.22 for ages 0-2, dropping to 0.07 at age 3, then increasing gradually to 0.15 by age 10 and 0.20 by age 20. Population modeling suggested that decreased juvenile survival likely played a major role in the decline of sea lions in the central Gulf of Alaska during 1975-1985

(Pascual and Adkison 1994; York 1994; Holmes and York 2003). This is supported by field observations on two major rookeries in the western population. The proportion of juvenile sea lions counted at Ugamak Island was much lower in 1985 and 1986 than during the 1970s, suggesting that the mortality of pups/juveniles increased between the two periods (Merrick et al. 1988). A decline in the proportion of juvenile animals also occurred at Marmot Island during the period 1979-1994. A very low resighting rate for pups marked at Marmot Island in 1987 and 1988 suggested that the change in proportions of age classes was due to a high rate of juvenile mortality (Chumbley et al. 1997).

Detailed information on Steller sea lion reproduction has been obtained from examinations of reproductive tracts of dead animals. These studies have shown that female Steller sea lions reach sexual maturity at 3-6 years of age and may produce young into their early 20s (Mathisen et al. 1962; Pitcher and Calkins 1981). Adult females normally ovulate once each year, and most breed annually (Pitcher and Calkins 1981). Males reach sexual maturity between 3 and 7 years of age and physical maturity by age 10 (Perlov 1971; Pitcher and Calkins 1981). Males are territorial during the breeding season, and one male may breed with several females. Thorsteinson and Lensink (1962) found that 90% of males holding territories on rookeries in the western Gulf of Alaska were between 9 and 13 years of age while Raum-Suryan et al. (2002) found that males marked on Marmot Island as pups first became territorial at 10 and 11 years of age.

In samples collected in the Gulf of Alaska in the mid-1980s, Calkins and Goodwin (1988) found that 97% of females aged 6 years and older had ovulated. Ninety-two percent of females 7-20 years old were pregnant when they were collected in October during early implantation. The pregnancy rate of sexually mature females collected during April-May (late gestation) was only 60%, indicating that a considerable amount of intrauterine mortality and/or premature births occurred after implantation. Estimates of near-term pregnancy rates were 67% from a collection of females taken from 1975-1978 and 55% from a similar collection during the mid-1980s (Pitcher et al., 1998), but the difference was not statistically significant between periods ( $P = 0.34$ ). Examination of reproductive tracts from female Steller sea lions killed near Hokkaido, Japan in 1995-96 showed that the pregnancy rate for females that had ovulated was 88% (23/26) (Ishinazaka and Endo 1999). These samples were collected in January and February so this estimated pregnancy rate was much higher compared to the late-term rates of 55-67% estimated for sea lions from Alaska.

**Habitat use:** Steller sea lions use a variety of marine and terrestrial habitats. Haulouts and rookeries tend to be preferentially located on exposed rocky shoreline and wave-cut platforms. Some rookeries and haulouts are also located on gravel beaches. Rookeries are nearly exclusively located on offshore islands and reefs. Terrestrial sites used by Steller sea lions tend to be associated with waters that are relatively shallow and well-mixed, with average tidal speeds and less-steep bottom slopes. When not on land, Steller sea lions are seen near shore and out to the edge of the continental shelf and beyond.

Limited data are available concerning the foraging behavior of adult Steller sea lions. Adult females alternate trips to sea to feed with periods on shore when they haul out to rest, care for pups, breed, and avoid aquatic predators. Conversely, territorial males may fast for extended periods during the breeding season when they mostly remain on land (Spalding 1964; Gentry 1970; Withrow 1982; Gisiner 1985). Females with dependent young are constrained to feeding relatively close to rookeries and haulouts because they must return at regular intervals to feed their offspring.

Telemetry studies show that in winter adult females may travel far out to sea into water greater than 1,000 m deep (Merrick and Loughlin 1997) and juveniles less than 3 years of age travel nearly as far (Loughlin et al. 2003). The Platforms of Opportunity data base maintained by NMFS shows that they commonly occur near and beyond the 200 m depth contour (Kajimura and Loughlin 1988; NMFS POP data). Some individuals may enter rivers in pursuit of prey (Jameson and Kenyon 1977). In summer while on breeding rookeries, adult females attending pups tend to stay within 20 nm of the rookery (Calkins 1996; Merrick and Loughlin 1997).

Studies using satellite-linked telemetry have provided detailed information on movements of adult females and juveniles. Merrick and Loughlin (1997) found that adult females tagged at rookeries in the central Gulf of Alaska and Aleutian Islands in summer made short trips to sea (mean distance 17 km, maximum 49 km) and generally stayed on the continental shelf. In winter, adult females ranged more widely (mean distance 133 km, maximum 543 km) with some moving to seamounts far offshore. Most pups, which were tracked during the winter, made relatively short trips to sea (mean distance 30 km), but one moved 320 km from the eastern Aleutians to the Pribilof Islands. Adult females with satellite transmitters in the Kuril Islands in summer made short at-sea movements similar to those seen in Alaska (Loughlin et al. 1998).

Behavioral observations indicate that lactating females spend more time at sea during winter than in the summer. Attendance cycles (consisting of one trip to sea and one visit on land) averaged about 3 days in winter and 2 days in summer (Trites and Porter 2002, Milette and Trites 2003). Time spent on shore between trips to sea averaged about 24 hours in both seasons. The winter attendance cycle of dependent pups and yearlings averaged just over 2 days, suggesting that sea lions do not accompany their mothers on foraging trips (Trites and Porter 2002). Foraging trips by mothers of yearlings were longer on average than those by mothers of pups (Trites and Porter 2002).

Additional studies on immature Steller sea lions indicate three types of movements: long-range trips (greater than 15 km and greater than 20 h), short-range trips (less than 15 km and less than 20 h), and transits to other sites (Raum-Suryan et al. 2004). Long-range trips started around 9 months of age and likely occurred most frequently around the time of weaning while short-range trips happened almost daily (0.9 trips/day, n = 426 trips). Transits began as early as 2.5-3 months of age, occurred more often after 9 months of age, and ranged between 6.5 - 454 km (Raum-Suryan et al. 2004, Loughlin et al. 2003). Some of the transit and short-range trips occur along shore, while long-range trips are often offshore, particularly as ontogenetic changes occur.

Overall, the available data suggest two types of distribution at sea by Steller sea lions: 1) less than 20 km from rookeries and haulout sites for adult females with pups, pups, and juveniles, and 2) much larger areas (greater than 20 km) where these and other animals may range to find optimal foraging conditions once they are no longer tied to rookeries and haulout sites for nursing and reproduction. Loughlin (1993) observed large seasonal differences in foraging ranges that may have been associated with seasonal movements of prey, and Merrick (1995) concluded on the basis of available telemetry data that seasonal changes in home range were related to prey availability.

**Diet:** Steller sea lions are generalists, feeding on seasonally abundant prey throughout the year. They feed predominately on species that aggregate in schools or for spawning. Prey varies seasonally and geographically. Principal prey species identified from scats include walleye pollock (*Theragra chalcogramma*), Atka mackerel (*Pleurogrammus monopterygius*), Pacific

salmon (*Onchorhynchus* sp.) and Pacific cod (*Gadus macrocephalus*) in the western part of the range (Sinclair and Zeppelin 2002). In southeast Alaska, the diet includes walleye pollock, Pacific cod, flatfishes, rockfishes, Pacific herring (*Clupea harengus*), salmon, sand lance, skates, squid, and octopus (Calkins and Goodwin 1988, Trites et al. 2003). Principal prey in British Columbia has included hake, herring, octopus, Pacific cod, rockfish, and salmon (Spalding 1964, Olesiuk et al. 1990). In California and Oregon, rockfish, hake, flatfish, cusk eel, lamprey, other fishes, squid, and octopus have been identified as important prey items (Fiscus and Baines 1966, Jameson and Kenyon 1977, Jones 1981, Treacy 1985). Ephemeral, seasonal prey are also important in local areas, such as the seasonal occurrence of spawning eulachon and Pacific herring in Berners Bay in southeast Alaska that supports up to 7-10% of the southeast Steller sea lion population for about three weeks in April (Sigler et al. 2004, Womble 2005).

Considerable effort has been devoted to describing the diet of Steller sea lions in the Gulf of Alaska, Aleutian Islands, and Bering Sea (Table 6). In the mid 1970s and mid 1980s, Pitcher (1981; n = 250) and Calkins and Goodwin (1988; n = 178) described Steller sea lion diet in the Gulf of Alaska by examining stomach contents of animals collected for scientific studies. Walleye pollock was the principal prey in both studies; octopus, squid, herring, Pacific cod, flatfishes, capelin, and sand lance were also consumed frequently. Stomachs of Steller sea lions collected in the central and western Bering Sea in March-April 1981 contained mostly pollock, and also Pacific cod, herring, sculpins, octopus, and squid (Calkins 1998).

Merrick and Calkins (1996) analyzed Kodiak Island region sea lion stomach contents (n = 263) data from the 1970s and 1980s for seasonal patterns of prey use. They found a significant seasonal difference in diet for the 1970s. Walleye pollock was the most important prey in all seasons except summer in the 1970s, when the most frequently eaten prey type was small forage fishes (capelin, herring, and sand lance). No significant seasonal differences were found in the 1980s. Researchers noted that, overall, small forage fishes and salmon were eaten almost exclusively during summer, while other fishes and cephalopods were eaten more frequently in spring and fall.

Since 1990, additional information on Steller sea lion diet in Alaska has been obtained by analyzing scats collected on rookeries and haulouts (Merrick et al. 1997; NMFS 2000; Sinclair and Zeppelin 2002). Scat data, like stomach contents, may be biased (e.g., prey species may have hard parts that are more or less likely to make it through the digestive tract; see Cottrell and Trites 2002, Tollit et al. 2003, 2004, Zeppelin et al. 2004), but they allow a description of prey used over a wide geographic range from Kodiak Island through the western Aleutian Islands, and for both summer and winter (Table 6). Results confirmed previous studies that showed pollock to be the dominant prey in the Gulf of Alaska and also indicated that Atka mackerel is the most important prey in the central and western Aleutian Islands. Pacific cod has also been an important food, especially in winter in the Gulf of Alaska, while salmon was eaten most frequently during summer months. Results also indicated a wide variation as certain species that appear to be minor dietary items when data are tabulated for large regions may actually be highly ranked prey for specific rookeries and seasons.

At the far western end of the Steller sea lion range, Atka mackerel, sand lance, rockfish, and octopus were identified as important foods at the Kuril Islands in collections made in 1962 (Panina 1966), and pollock, Pacific cod, saffron cod, cephalopods, and flatfish were the main prey of 62 animals collected near Hokkaido, Japan in 1994 - 1996 (Goto and Shimazaki 1998). NMFS (2000) compiled all the available data on prey occurrence in stomach contents samples for the eastern and western Steller sea lion populations for the 1950s-1970s and the 1980s. For both populations the occurrences of pollock, Pacific cod, and herring were higher in the 1980s

than in the 1950s-1970s. These results suggest that the dominance of pollock in the Steller sea lion diet over much of its' range may have changed over time. However, studies completed prior to the mid-1970s had small sample sizes and more limited geographic scope. As such, caution should be exercised when extrapolating from these limited samples to a description of the diet composition of Steller sea lions in the 1950s -1970s.

Stomach contents analysis indicate that Steller sea lions have a mixed diet. Although it is not uncommon to find stomachs that contain only one prey species most collected stomachs contained more than one type of prey (Merrick and Calkins 1996; Calkins 1998). Merrick and Calkins (1996) found that the probability of stomachs containing only pollock was higher for juveniles than for adults, and small forage fish were eaten more frequently by juveniles while flatfish and cephalopods were more frequently eaten by adults.

***Diving behavior:*** Steller sea lions generally feed at shallow depths. The average dive depth for adult females is 21 m but females can dive in excess of 250 m. Average dive depths for pups in Alaska were 7.7 m with a maximum depth up to 252 m and for yearlings, an average depth of 16.6 m and maximum of 288 m (Loughlin et al. 2003). There is often a diel component (vertical migration in the water column between day and night) to their diving that is consistent with foraging on vertically migrating prey such that diving is shallow at night when prey moves to the surface, and deeper during the day when prey is located deeper in the water column (Merrick and Loughlin 1997, Loughlin et al. 2003).

***Resource requirements especially during the winter season:*** Changes in behavior, foraging patterns, distribution, and metabolic or physiological requirements during the Steller sea lion annual cycle are all pertinent to consideration of the potential impact of prey removal by commercial fisheries. Steller sea lions, at least adult females and juveniles, are unlike most marine mammals that store large amounts of fat to allow periods of fasting. Sea lions need more or less continuous access to food resources throughout the year. Nevertheless, the sensitivity of sea lions to competition from fisheries may be higher during certain times of the year. Reproduction likely places a considerable physiological or metabolic burden on adult females throughout their annual cycle. Following birth of a pup, the female must acquire sufficient nutrients and energy to support both herself and her pup. The added demand may persist until the next reproductive season, or longer, and is exaggerated by the rigors and requirements of winter conditions. The metabolic requirements of a female that has given birth and then become pregnant again are increased further to the extent that lactation and pregnancy overlap and the female must support her young-of-the-year, the developing fetus, and herself. And again, she must do so through the winter season when metabolic requirements are likely to be increased by harsh environmental conditions.



Weaned pups may be independent of their mothers, but may not have developed adequate foraging skills. They must learn those skills, and their ability to do so determines, at least in part, whether they will survive to reproductive maturity. This transition to nutritional independence is likely confounded by a number of seasonal factors. Seasonal changes may severely confound foraging conditions and requirements; winter months bring harsher environmental conditions (lower temperatures, rougher sea surface states) and may be accompanied by changing prey concentrations and distributions (Merrick and Loughlin, 1997). Weaned pups' lack of experience may result in greater energetic costs associated with searching for prey. Their smaller size and undeveloped foraging skills may limit the prey available to them, while at the same time, their small size results in relatively greater metabolic and growth requirements.

Other times of the year are also important for Steller sea lions. Preparation for winter may make foraging during the fall more important. Spring is also important as pregnant females will be attempting to maximize their physical condition to increase the likelihood of a large, healthy pup (which may be an important determinant of the subsequent growth and survival of that pup). Similarly, those females that have been nursing a pup for the previous year and are about to give birth may wean the first pup completely, leaving that pup to survive solely on the basis of its own foraging skills. Thus, food availability is surely important year-round, although it may be particularly important for juvenile animals and pregnant-lactating females during the winter.

*Summary of Steller sea lion status:* As noted, Steller sea lions were first listed as threatened under the ESA in 1990 due to a significant unexplained population decline of 64% over a 30-year period. This listing conveyed that the species was likely to become endangered within the foreseeable future throughout all or a portion of its range. In 1997, the species was separated into western and eastern populations, and the western population was listed as endangered. At the time of this listing, the population was considered to be in danger of extinction in all or a portion of its range. PVA models indicated that the western population would be extinct in 100 years if the population trends at that time remained unchanged.

The U.S. portion of the western population continued to decline through the 1990s at about 5% annually. Since 2000, the population has increased at about 3%, with most portions of the range showing signs of recovery. The increase appears to be driven by increases in juvenile survival while pup production may still be in decline or possibly beginning to stabilize. The increasing trend in the population has only been observed in two surveys and thus must be observed for at least two more surveys before we can affirm that the population is indeed recovering. Because this population still faces substantial threats, and the observed increases are very short compared to the long time period of decline, it is still considered to be at risk of extinction within the next 100 years.

The western population of Steller sea lion sustains some direct mortalities from bycatch in commercial fisheries, subsistence harvest, illegal shootings, and entanglements in fishing gear. These human activities clearly have an adverse affect to individuals in the western population; however, the population-level consequences of these anthropogenic stressors are potentially low compared to competition for prey with commercial fisheries or natural changes in the availability or abundance of prey. Because of the relatively low number of animals (compared to historic observations), the population is considered vulnerable to catastrophic and stochastic events that could result in significant declines, threaten viability, and increase the species' risk of extinction. It is important to note that abundance estimates

alone cannot be relied upon as accurate measures of population recovery without a long-term understanding of demographic parameters of the population, variability in the population trends and the effects of natural and anthropogenic stressors on the status of the population.

### **Designated critical habitat for Steller sea lions**

On August 27, 1993 NMFS published a final rule to designate critical habitat for the threatened and endangered populations of Steller sea lions (August 27, 1993; 58 FR 45269). The areas designated as critical habitat for the Steller sea lion were determined using the best information available at the time (see regulations at 50 CFR part 226.202). This included information on land use patterns, the extent of foraging trips, and the availability of prey items. Particular attention was paid to life history patterns and the areas where animals haul out to rest, pup, nurse their pups, mate, and molt. Critical habitat areas were finally determined based upon input from NMFS scientists and managers, the Steller Sea Lion Recovery Team, independent marine mammal scientists invited to participate in the discussion, and the public (Figure 3)).

*Physical and biological features of Steller sea lion critical habitat:* Two kinds of marine habitat were designated as critical. First, areas around rookeries and haulout sites were chosen based on evidence that many foraging trips by lactating adult females in summer may be relatively short (20 km or less; Merrick and Loughlin 1997). Also, mean distances for young-of-the-year in winter may be relatively short (about 30 km; Merrick and Loughlin 1997; Loughlin et al. 2003). These young animals are just learning to feed on their own, and the availability of prey in the vicinity of rookeries and haulout sites must be crucial to their transition to independent feeding after weaning. Similarly, haulouts around rookeries are important for juveniles, because most juveniles are found at haulouts not rookeries. Evidence indicates that decreased juvenile survival may be an important proximate cause of the sea lion decline (York 1994, Chumbley et al. 1997), and that the growth rate of individual young sea lions was depressed in the 1980s. These findings are consistent with the hypothesis that young animals were nutritionally stressed. Furthermore, young animals are almost certainly less efficient foragers and may have relatively greater food requirements, which, again, suggests that they may be more easily limited or affected by reduced prey resources or greater energetic requirements associated with foraging at distant locations. Therefore, the areas around rookeries and haulout sites must contain essential prey resources for at least lactating adult females, young-of-the-year, and juveniles, and those areas were deemed essential to protect.

Second, three aquatic areas were chosen based on 1) at-sea observations indicating that sea lions commonly used these areas for foraging, 2) records of animals killed incidentally in fisheries in the 1980s, 3) knowledge of sea lion prey and their life histories and distributions, and 4) foraging studies. In 1980, Shelikof Strait was identified as a site of extensive spawning aggregations of pollock in winter months. Records of incidental take of sea lions in the pollock fishery in this region provide evidence that Shelikof Strait is an important foraging site (Loughlin and Nelson 1986, Perez and Loughlin 1991). The southeastern Bering Sea north of the Aleutian Islands from Unimak Island past Bogoslof Island to the Islands of Four Mountains is also considered a site that has historically supported a large aggregation of spawning pollock, and is also an area where sighting information and incidental take records support the notion that this is an important foraging area for sea lions (Fiscus and Baines 1966, Kajimura and Loughlin 1988). Finally, large aggregations of Atka mackerel are found in the area around Seguam Pass. These aggregations have supported a fishery since the 1970s and are in close proximity to a major sea lion rookery on Seguam Island and a smaller

rookery on Agligadak Island. Atka mackerel are an important prey of sea lions in the central and western Aleutian Islands. Records of incidental take in fisheries also indicate that the Seguam area is important for sea lion foraging (Perez and Loughlin 1991).

The status of critical habitat is best described as the status of the important prey resources contained within those areas. These fishery resources are evaluated annually and that description is contained in the stock assessment and fishery evaluation (SAFE) reports. Barbeaux et al. (2005) is incorporated here by reference and provides the background for discussions in the baseline and effects of the action sections of this document pertaining to the removal of pollock resources from the Aleutian Islands subarea.

### **Environmental Baseline**

The environmental baseline is an analysis of the effects of past and ongoing human-caused and natural factors leading to the current status of the species or its habitat and ecosystem within the action area. Environmental baselines for biological opinions include past and present impacts of all state, federal or private actions and other human activities in the action area, the anticipated impacts of all proposed federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of state or private actions that are contemporaneous with the consultation in process (50 CFR 402.02). Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

NMFS describes the environmental baseline in terms of the biological requirements for habitat features and processes necessary to support all life stages of the species within the action area. When the environmental baseline departs from those biological requirements, the adverse effects of a proposed action on the species or its habitat are more likely to jeopardize the listed species or result in destruction or adverse modification of a critical habitat. Western population Steller sea lions reside in or migrate through the action area. Thus, for this action area, the biological requirements for Steller sea lions are the habitat characteristics that support survival, reproduction, and migration.

### **Steller sea lion prey in the Action Area**

The latest information on Aleutian Islands pollock stock status can be found in the 2005 stock assessment (Barbeaux et al. 2005) and in NMFS (2006). From Barbeaux et al. 2005:

*Walleye pollock (Theragra chalcogramma) are distributed throughout the Aleutian Islands with concentrations in areas and depths dependent on season. Generally, larger pollock occur in spawning aggregations during February – April. Three stocks of pollock inhabiting three regions in the Bering Sea – Aleutian Islands (BSAI) are identified in the U.S. portion of the BSAI for management purposes. These stocks are: the eastern Bering Sea pollock occupying the eastern Bering Sea shelf from Unimak Pass to the U.S.-Russia Convention line; the Aleutian Islands Region pollock encompassing the Aleutian Islands shelf region from 170°W to the U.S.-Russia Convention line; and the Central Bering Sea—Bogoslof Island pollock. These three management stocks probably have some degree of exchange. The Central Bering Sea—Bogoslof stock is a group that forms a distinct spawning aggregation that has some connection with the deep water region of the Aleutian Basin. In the Russian Exclusive Economic Zone (EEZ), pollock are thought to form two stocks, a western Bering Sea stock centered in the Gulf of Olyutorski, and a northern stock located along the Navarin shelf from 171°E to the U.S.-*

*Russia Convention line. The northern stock is believed to be a mixture of eastern and western Bering Sea pollock with the former predominant. Bailey et al. (1999) present a thorough review of population structure of pollock throughout the north Pacific region. Recent genetic studies using mitochondrial DNA methods have found the largest differences to be between pollock from the eastern and western sides of the north Pacific.*

*Previously, Ianelli et al. (1997) developed a model for Aleutian Islands pollock and concluded that the spatial overlap and the nature of the fisheries precluded a clearly defined "stock" since much of the catch was removed very close to the eastern edge of the region and appeared continuous with catch further to the east. In some years a large portion of the pollock removed in the Aleutian Islands Region was from deep-water regions and appeared to be most aptly assigned as "Basin" pollock. This problem was confirmed in the 2003 Aleutian Islands pollock stock assessment (Barbeaux et al. 2003).*

The time series of pollock biomass in the Aleutian Islands (for two models) is provided in Figure 13. In the late 1990's the biomass was in decline, then after 1999 it began increasing due to better recruitment (Barbeaux et al. 2005). Issues of stock structure are thoroughly described in the assessment, with two major points: (1) generally, the near shore biomass of pollock (critical habitat) is a different stock than the offshore biomass of pollock found off the continental shelf break, and (2) the stock assessment authors did not consider biomass east of 174° W because it is likely that biomass is likely part of the Bogoslof population or is linked to it in some way that is not well understood.

#### **Steller sea lion prey use in the Action Area**

Our knowledge of Steller sea lion prey use is largely through the collection and analysis of scat samples (Sinclair and Zeppelin 2002; NMFS unpublished data). Sinclair and Zeppelin (2002) found that the average frequency of occurrence (FO) of pollock in the diet of central Aleutian Islands area Steller sea lions from 1990-1998 was low, and that Atka mackerel appears to have been the primary food source for sea lions (i.e., found in 64.9% of scats; Table 8). Sinclair and Zeppelin (2002) point out that although some of the food items had a low FO when averaged across all samples, some had higher occurrences when looked at during specific seasons or at specific sites (see Sinclair and Zeppelin 2002, their Appendix 1). Specifically, areas within the eastern Aleutian Islands area seem to be more dependent upon pollock with a FO of 59.1% from December – April (Table 8; Region 3). In Table 9, the FO is provided for various sites near Adak in the central Aleutian Islands (Sinclair and Zeppelin 2002; their Appendix 1). Pollock ranked among the top three prey species at both Kasatochi Island (summer) and at Ulak Island (summer), both of which are rookeries in the Central Aleutian Islands.

Beyond the published literature, NMFS unpublished data are available on scats collected since 1998 in the central Aleutian Islands area near Adak. Table 10 describes the prey items found in scats at Adak, Amlia, and Kasatochi in 1999 and 2000, and Table 11 describes scats at a variety of sites in the central Aleutian Islands since 2001. In general, Atka mackerel was the dominant prey item found, especially during the summer. Pollock was more important in the diet during the winter but was also found at some sites during the summer (Tables 10 and 11; Figure 9). In the most recent samples collected during the winter in 2002, pollock was between 8% and 46% FO at Seguam and Silak (Table 11). In these samples pollock was much more important in the diet than the average values reported above and likely represent the local availability of prey as well as the variability in sampling times. Season appears to

be an important consideration as pollock was most often in the diet of Steller sea lions during the winter.

From February 21 through March 1, 2002 the R/V Kaiyo Maru conducted an echo integration-trawl survey (EIT) in the Aleutian Islands area that partially covered the two proposed study sites (Nishimura et al. 2002). The biomass estimates produced by this survey are considered conservative because the survey was limited to waters deeper than 100m, and a portion of pollock biomass would be expected to be inshore of 100m at this time of year. The 2002 EIT survey estimated there to be approximately 20,000 mt in the portion of the Atka Island study area (Leg 2-2) surveyed and 18,000 mt within the portion of the Kanaga Island study area (Leg 2-4) surveyed. For the entire survey region from 170° W longitude to 178° W longitude the 2002 EIT survey estimated the pollock biomass to be 123,000 mt.

In summary, pollock is an important prey item for Steller sea lions in the Aleutian Islands, especially in the eastern portion of the area and in other locations where pollock may be available in relatively small aggregations, especially in winter. Based on the differences in the occurrence of pollock in scat samples, pollock may be more important to Steller sea lions using the Atka Island/North Cape haulout than for animals using haulouts near Kanaga Sound. The variability of pollock in the diet of sea lions is likely to be linked to the availability of the prey and is likely to reflect similar patterns as the fishery. Harvest of pollock in the Aleutian Islands has been patchily distributed with some locally high harvest amounts due to dense aggregations of pollock nearshore during spawning. Due to the remoteness of the Aleutian Islands, scat is not frequently collected at many sites which further confounds our ability to draw a clear picture of prey utilization in these areas. From the best information available, pollock is likely to be an important component of Steller sea lion diet in the winter but not during the summer (Tables 10 and 11; Sinclair and Zeppelin 2002). Also from the 2001 Opinion, we know that the ratio of prey biomass available to the biomass consumed by sea lions is the lowest in the Aleutian Islands, and may be lower than what is optimal for their survival (NMFS 2003, their Table III-8). This indicates that sea lions in the Aleutian Islands may be more susceptible to perturbations in the prey field than other areas such as the eastern Bering Sea.

#### **Fisheries harvest of Steller sea lion prey within the Action Area**

The majority of pollock harvest in the Aleutian Islands subarea has historically taken place inside Steller sea lion critical habitat (Table 13). However, the Aleutian Islands subarea was closed to directed pollock fishing in 1999 (64 FR 3437, January 22, 1999; Table 14) as part of the Steller sea lion conservation measures. The Aleutian Islands subarea was re-opened to pollock fishing outside of critical habitat in January 2003 (68 FR 204, January 2, 2003; Figure 10). Since 1999, no directed fishing for pollock has occurred inside critical habitat.

The nature of the pollock fishery in the Aleutian Islands region has varied considerably since 1977 due to changes in the fleet makeup and in regulations. During the late 1970s through the 1980s the fishing fleet was primarily foreign (Table 16). In 1989, the domestic fleet began operating in earnest and continued in the Aleutian Islands subarea until 1999.

From 1987 through 1994 between 80% and 100% of the annual catch was taken from the area east of 174° W (Figure 11; Table 17). From 1995-1998, catch in critical habitat ranged from 74% to 97% of the TAC (Figure 11; Table 14). The highest annual catch in the Aleutian Islands area was in 1991 with 98,000 tons, 99% of which was removed from the area east of

174° W, mostly from Amukta Pass (Barbeaux et al., 2005; Table 15). Catch at age data reveal that for 1983 through 1994 the Aleutian Islands catch was largely composed of the 1978 year class (Barbeaux et al., 2005). In 1995 the fishery shifted west and from 1995-1997 the majority (80%-100%) of the annual catch was removed from the area west of 174° W. Most of the annual catch from 1995-1997 was removed from the shelf area north of Adak, Kanaga, and Tanaga Islands in area 542 (Figures 11 and 12). In 1998 the fishery shifted farther west and the majority (66%) of catch was removed from around Buldir Pass in area 543. Since 1998 all pollock catch in the Aleutian Islands area has occurred as incidental catch (about 1,000 tons annually), primarily in the Pacific cod and Atka mackerel fisheries (Table 15).

In the 1990s, within the area west of 174° W, the fishery was concentrated largely in two areas; northwest of Adak Island and northwest of Atka Island (Figures 11 and 12). In both the Kanaga Sound and Atka study areas, past pollock fishing efforts have been concentrated in the 100 fathom to 500 fathom isobaths. The portion of the area harvest of pollock taken in these sites during the 1990s varied. For Kanaga Sound, the harvest of pollock in the 1990s made up at least 81 % of area 541 harvests (NMFS 2006 their Table 4.1-3). Catch data include directed fishery harvest and incidental take in the Pacific cod fishery.

In the Atka Island site, the harvest of pollock in the 1990s varied from 7 % to 78% of area 541 harvests (NMFS 2006 their Table 4.1-4). It appears that the majority of the Aleutian Islands pollock harvests shifted after 1995 from area 541 to area 542. Much of the harvest in this time period was part of a large 1978 year class (NMFS 2006). In 1998, only 1,837 mt of pollock was harvested in Area 541 with 78 percent of this harvest coming from the Atka Island area. Catch data include directed fishery harvest and incidental take in the Pacific cod fishery.

### **Effects of the Action**

“Effects of the action” means the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, that will be added to the environmental baseline (50 CFR 402.02).

Direct effects of the proposed action are primarily related to the removal of pollock from critical habitat. Steller sea lions are likely to be in the action area during the time the project is implemented. The proposed action will reduce the amount of biomass of pollock available to foraging Steller sea lions within critical habitat, potentially modify the prey field through disturbance, and potentially directly interact with Steller sea lions resulting in the death of animals through drowning in the trawl net. Long term effects of the project are unlikely.

### **Effects on Steller sea lions**

**Competition for prey resources:** Concentrated harvest of important prey during particular seasons may adversely affect sea lions. For example, during the winter months sea lions may have relatively infrequent foraging opportunities and may be less able to travel large distances in search of food. Similarly, juvenile sea lions may rely on easy feeding opportunities during periods when they are learning to forage independently. Substantial harvests of sea lion prey during these times may lead to nutritional stress, even if ample food is available at other times of the year.

Competition between pollock fishing vessels in the AI and sea lions can occur at a variety of spatial scales. At the macro-scale, potential impacts of fishing include competition for a common resource and/or shifts in predator-prey relationships that may change the carrying capacity of the ecosystem. Observation of these effects is complicated by natural variability of the ecosystem. At the meso-scale, fisheries can affect the distribution and abundance of groundfish in a region such as Shelikof Strait or Bristol Bay that is important to local groups of sea lions. Finally, at a micro-scale fishing vessels can affect the distribution and abundance of groundfish in specific locations, making it harder for sea lions to prey upon groundfish in those areas. The effects of fisheries on the distribution and abundance of fish species have shorter duration as the spatial scale of impact decreases. Nevertheless, localized depletions of fish that are prey for sea lions can be important for the affected individuals, especially during vulnerable life stages (e.g., juveniles or nursing mothers) and near important habitat areas (e.g., haulouts).

If these reductions in pollock schools occur within the foraging areas of Steller sea lions, the reduced availability of prey may reduce their foraging effectiveness. The effects of these reductions become more significant the longer they last and the reductions are likely to be most significant for juvenile and adult female Steller sea lions during the winter months when these animals have their highest energetic demands.

Information about the potential impacts of trawl fisheries on sea lion prey is mixed (Logerwell 2005). NMFS has conducted a number of experiments to determine whether trawl fisheries alter the prey field for Steller sea lions. For pollock fisheries, of the two years that the experiment was completed, one year of the study observed a change to the prey field and one year did not. Mixed results were also found for the Atka mackerel fishery in the Aleutian Islands (testing of closure areas), while no indication of localized depletion was found for the Pacific cod fishery in the EBS experiment. Conclusions based on the Pacific cod study conflict with an analysis of the Pacific cod fishery using winter survey data from 2001 (Fritz and Brown 2005).

The 2001 Biological Opinion (NMFS 2001) explicitly states that trawl fishing is the most likely fishing activity to negatively impact Steller sea lions both indirectly by removing large quantities of pollock from foraging areas and directly by entanglement in fishing gear. A trawl fishery for pollock within critical habitat has a potential to negatively impact juveniles and adult females. In the winter, satellite telemetry data indicates that adults spent about 20.9% (n=96 locations) of the time at-sea beyond 10 nm from land (NMFS 2003, their Table II-5). Juveniles older than 10 months, spent 32.1% (n=586 locations) of the time at-sea beyond 10 nm from land (NMFS 2003, their Table II-6). Previous analyses from the 1990s indicated that adult females spend 66.7% of their time greater than 20 nm from shore (NMFS 2003, their Table II-1). In general, Steller sea lions are likely to be foraging within the project areas (Table 7).

Juveniles and adult females have been identified as the most likely groups to be negatively impacted by competition with fisheries (Loughlin and York 2000). A decline in juvenile survival and lower reproductive success for adult females, due to reduced prey availability, have been identified as possible causes for the decline in the 1990s (York 1994, Holmes and York 2003). There appears to be a positive correlation between the implementation of conservation measures in the late 1990s and early 2000s and stabilization and recovery in the western population. However, it is too early to conclude whether the recent apparent leveling off is real or necessarily due to the conservation measures implemented. Based on available survey data, the current rate of increase would have to continue for four more years (and be

surveyed at two-year intervals during that period) for the increase in numbers to be statistically significant (NMFS 2000).

**Effects of the removal of prey resources:** Due to a higher than average 1999 year class the biomass in the Aleutian Islands in 2006 is expected to be larger than that observed in 2002 (Nishimura et al. 2002, Barbeaux et al. 2005). Given the conservative estimates provided by the 2002 EIT survey, the proposed project would be expected to take less than 5.0% or 5.5% of the pollock biomass in the Atka Island or Kanaga Island study areas respectively and less than 0.8% of the pollock biomass for the region between 170° W longitude to 178° W longitude.

Pollock is an important prey species for Steller sea lions in the Aleutian Islands especially in the winter. In 2002, pollock was found in 8, 27, and 46% of scat samples collected at three sites sampled in the winter in the central Aleutian Islands (Table 11). In winter, pollock was found in most scats in the eastern Aleutian Islands (59.1%) and much less overall in the central Aleutian Islands (2.7%) as reported in Sinclair and Zeppelin (2002). Based on the differences in the occurrence of pollock in scat samples, pollock may be more important to Steller sea lions using the Atka Island/North Cape haulout than for animals using haulouts near Kanaga Sound.

Up to 1,000 mt of pollock could be taken from one of the two study sites under the EFP. The amount of groundfish harvest within 3 nm of a haulout will be limited to 10 mt per tow and tows limited to only as many needed to verify the acoustic data. It is very likely that the majority of the groundfish during the EFP fishing will be pollock (NMFS 2006). Based on a 2002 winter pollock survey in the Umnak Island area, the amount of harvest under this EFP is expected to be less than 1 % of the biomass expected to occur in the study areas (Nishimura et al. 2002). This amount of overall harvest in relation to biomass is well within the harvest control rule for pollock under the Steller sea lion protection measures (50 CFR 679.20(d)(4)).

Conservations measures included in the proposed action:

- fishing activity is limited to only one of the areas identified for this project,
- the area of fishing is limited,
- each tow inside 3 nm is limited to 10 mt,
- removals are expected to be less than 1 % of the total biomass for the area,
- one vessel is used,
- and the project is of a short duration.

**Synthesis of effects on Steller sea lions:** Localized removals of pollock may affect foraging Steller sea lions. Animals using the Atka Island/North Cape haulout may be potentially impacted more based on their greater dependence on pollock as a prey species compared to animals further west in the central Aleutian Islands (e.g., NMFS statistical area 542). Removing 1,000 mt during a two week time period from Atka Island/North Cape is similar to the overall amount of pollock harvested in 1998 when 78% of area 541 pollock harvest was taken from the Atka Island area (NMFS 2006). Pollock biomass estimates are not available for this area in 1998. It is possible that this proposed action may result in localized depletion of pollock prey within the action area. This may affect Steller sea lions using the Atka Island/North Cape haulout to a greater extent than Kanaga Sound due to the greater reliance of sea lions on pollock in the eastern portion of the central Aleutian Islands. Any impacts on prey would be limited to the animals using the haulouts in the study areas or animals foraging as they pass through the area.



Issuing the EFP would result in one vessel harvesting pollock inside one of the project areas for approximately three weeks in March. Fishing inside critical habitat would increase the possibility of encountering Steller sea lions during fishing operations. The potential for encounters within 3 nm of haulouts is reduced by the limitations on fishing in this area, as determined by the NMFS scientist to verify the acoustic data. Considering the size of the area of each site (Figures 1 and 2) and the relatively small harvest amount, disturbance by the single vessel used in this project is possible but of minor intensity and short duration.

The proposed action may adversely affect some Steller sea lions by increasing the potential for incidental take, disrupting pollock aggregations or reducing available pollock for foraging Steller sea lions, and by disturbance of animals as activities occur in waters where more Steller sea lions may occur (0-10 nm). Because of the small portion of the western population of Steller sea lions that is likely to be present in the project areas and the short duration of the project, any disturbance that may occur, is unlikely to cause population level effects.

### **Effects on critical habitat**

There is little information available on the foraging requirements of Steller sea lions at the local or global scale. However, the best available information on prey availability at a relatively broad scale is the analysis that was presented in the 2001 BiOp in Section 5.3.3. In that analysis, NMFS investigated the amount of biomass available by area in the eastern Bering Sea (EBS), AI, and GOA and the amount of prey the local populations of Steller sea lions may require. A number of assumptions were made in the analysis and the reader should review Section 5.3.3. of the 2001 Biological Opinion (NMFS 2001) for the details of that exercise.

The forage ratio for the EBS (see Table III-8 in NMFS 2003) is much higher than the ratio for a "healthy" stock of Steller sea lions foraging on a theoretical, unfished groundfish population (446 compared to 46 for the "healthy" case)(NMFS 2000, 2001). The forage ratios for the GOA and AI are substantially lower than the EBS and are also below the healthy range. However, the ratio in the Aleutian Islands was only 11 times the amount consumed annually by Steller sea lions which is relatively low and represents a similar fraction to the amount taken by fisheries (e.g., Atka mackerel). Interpretation of these ratios is not straightforward, as Steller sea lions forage on species other than pollock, Pacific cod, and Atka mackerel. This information indicates that fisheries effects are more likely in the AI and the GOA than in the EBS. Therefore, depletion of prey in critical habitat in the Aleutian Islands may be more likely than similar fisheries in other areas.

Due to a lack of data on the distribution of pollock biomass, movements, and spawning aggregations in the Aleutian Islands, it is difficult to predict local effects of the pollock fishery on the prey field. The data on Aleutian Islands pollock is much less than that for EBS pollock. It appears that sea lions consume pollock in the affected area as a portion of a diverse diet often dominated by Atka mackerel (Table 8). Removal of 1,000 mt (roughly 5% of the local biomass), in this small area is likely more significant than a similar fishery in either the EBS or perhaps the Gulf of Alaska. We expect that the local harvest rates on the pollock biomass in these two areas would be relatively low (compared to the annual expected harvest rate as determined in the stock assessment). Calculations of local harvest rates for pollock fisheries was made in NMFS (2003 their Table III-7), but not for pollock in the AI in part because that fishery was closed inside critical habitat. Based on the current stock assessment (Barbeaux et al. 2005) and conservative estimates provided by the 2002 EIT survey (Nishimura et al. 2002), the proposed project would be expected to take less than

5.5% of the pollock biomass in the Atka Island or Kanaga Island study areas respectively and less than 0.8% of the pollock biomass for the region between 170° W longitude to 178° W longitude. Based on the relatively low harvest rate expected in these localized areas, the fact that only one vessel will be used over a 3 week time period, and the conservation measures encompassed in the project, the impact of the action on prey resources for Steller sea lions is unlikely to substantially reduce the conservation value of that habitat for Steller sea lions.

### **Cumulative Effects**

“Cumulative effects” include the effects of future State, tribal, local or private actions, not involving Federal activities, that are reasonably certain to occur in the action area considered in this biological opinion (50 CFR 402.02). Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act. Past and present impacts of non-federal actions are part of the environmental baseline of this biological opinion. Cumulative effects that reduce the capacity of listed species in the action area to meet their biological requirements increase the risk to the viability of the species, and consequently increase the risk that the proposed action on the species or its habitat will result in jeopardy (NMFS 1999). The action area for this proposed action is subject to a variety of activities which potentially affect the prey field for Steller sea lions as well as result in incidental take.

### **Subsistence harvest**

The subsistence harvest of Steller sea lions by Alaska natives results in direct mortalities that are expected to continue into the foreseeable future. These takes represent the highest level of known direct mortality from an anthropogenic source. The primary areas of subsistence harvest of western population Steller sea lions is in the Aleutian Islands (96 animals in 2004; Wolfe et al. 2004). Subsistence harvest may be a substantial source of mortality in the action area within the western population of Steller sea lion.

### **State of Alaska managed fisheries**

The State of Alaska (State) manages commercial fisheries, subsistence fisheries, and sport fisheries which occur within the action area. Subsistence and sport fisheries occur for species other than pollock (e.g., halibut, crab, and salmon). However, State managed commercial fisheries do occur within the action area within critical habitat and may take Steller sea lions and reduce the availability of prey. Future State managed fisheries include a new Pacific cod fishery in the Aleutian Islands within State waters (starting in 2006), and numerous proposals have been considered to open areas within critical habitat in the Aleutian Islands to pollock fishing. These actions could have a substantial impact on the prey availability for Steller sea lions and may result in incidental take.

### **Alaska State population growth**

Alaska has the lowest population density of all of the states in the United States. Although Alaska's population has increased by almost 50 percent in the past 20 years, most of that increase has occurred in the Cities of Anchorage and Fairbanks. Outside of Anchorage, the largest populations occur on the Kenai Peninsula, the Island of Kodiak, Bethel, and in the Valdez - Cordova region. Outside of the City of Anchorage, few of the cities, towns, and villages would be considered urbanized. Within the action area, Adak represents the largest community and is trying to establish itself as a larger, and growing community in the

Aleutian Islands. Their intent is to establish fisheries and a community built on resource development which may impact Steller sea lions and their critical habitat.

## **Conclusions**

After reviewing the status of the western population of Steller sea lion and its critical habitat, the environmental baseline for the action area, the effects of the proposed action, and cumulative effects, NMFS concludes that the action, as proposed, is not likely to jeopardize the continued existence of these species and is not likely to destroy or adversely modify designated critical habitat. These conclusions are based on the following considerations.

The action area (CAI; Figure 4) is used extensively by western population Steller sea lions. From the 1970s to 2000, the CAI non-pup Steller sea lion population declined by 85%, but from 2000 to 2004 the CAI increase by 10% (roughly 450 animals; Table 1). Pup counts declined by 72% from the mid-1980s to 2001-2002 and continued to decline by 2% to 2005. Diet in the CAI is dominated by Atka mackerel and to a lesser extent pollock, especially during the winter. Pollock spawning aggregations are patchily distributed in the CAI and are likely to be targeted by Steller sea lions in relationship to their availability to them. This appears to be reflective of the food habits data which show patchy reliance on pollock as a prey resource. This has two implications; first, pollock may be locally important to sea lions feeding on those dense aggregations of spawning prey, and second, sea lions in general rely to a greater extent on a variety of prey in the CAI dominated by Atka mackerel. The proposed action will remove prey from Steller sea lion critical habitat which will likely alter the prey field in which sea lions are likely to forage. However, due to the limited reliance on this prey due to its patchy distribution and the relatively small harvest amounts and intensity of fishing it is unlikely that individual sea lions will be exposed to a stressor that would result in any measurable response. It is also likely that the proposed fishing activity will result in no discernible change to the prey field and the conservation value of critical habitat. Since this project is for only one application, long term effects on prey are very unlikely. At this reduced harvest rate, impacts to the prey field (albeit small) could only be expected to last from hours to potentially a few days at most (Logerwell 2005). Incidental take in the trawl net are unlikely given that only one vessel will be fishing and the take rate in the Alaska groundfish fisheries is relatively low compared to the total number of vessels fishing and the amount of groundfish harvested compared to the proposed action considered here (Angliss and Lodge 2004).

## **Incidental Take Statement**

Section 9 of the ESA and Federal regulations pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the ESA; provided that such taking is in compliance with the terms and conditions of an incidental take statement. Regulations at 50 CFR 402.14 (i)(1) state that where the Service concludes that an action (or the implementations of any reasonable and prudent alternatives) and the resultant incidental take of listed species will not violate section 7(a)(2), and, in the case of marine mammals, where the unintentional and incidental taking is authorized pursuant to section 101(a)(5) of the Marine Mammal Protection Act of 1972 (MMPA), the Service will provide with the biological opinion a statement concerning incidental take.

However, because no MMPA section 101(a)(5) authorization has been applied for and issued for the proposed action, this opinion does not include an incidental take statement at this time. Once the action agencies or applicant apply for and are issued regulations or authorizations under section 101(a)(5), NMFS will amend this opinion to include an incidental take statement. Any take related to the proposed action occurring without an incidental take statement may result in a violation of the ESA.

### **Conservation Recommendations**

Section 7(a)(1) of the ESA directs Federal agencies to use their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of the threatened and endangered species. NMFS does not have any conservation recommendations for this proposed action.

### **Reinitiation of Consultation – Closing Statement**

This concludes formal consultation on activities associated with the Exempted Fishing Permit (EFP)(permit #06-01) described in the EA for the proposed action (NMFS 2006). As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or designated critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or designated critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, the action agency must immediately reinitiate formal consultation on the action.

## LITERATURE CITED

- Angliss, R.P. and K.L. Lodge. 2004. Alaska Marine Mammal Assessments, 2003. U.S. Department of Commerce, NOAA Technical Memorandum NMFS-AFSC-144. 230 p.
- Burkanov, V. N., and T. R. Loughlin. In press. Historical distribution and abundance of Steller sea lions on the Asian coast. *Marine Fisheries Review*.
- Barbeaux, S., J. Ianelli, and E. Brown. 2005. "Aleutian Islands Walleye pollock." Stock Assessment and Fishery Evaluation Report for the Groundfish Resources of the Bering Sea and Aleutian Islands, North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, Alaska 99501-2252.
- Bickham, J. W., J. C. Patton, and T. R. Loughlin. 1996. High variability for control-region sequences in a marine mammal: implications for conservation and biogeography of Steller sea lions (*Eumetopias jubatus*). *J. Mammal.* 77:95-108.
- Braham, H. W., R. D. Everitt, and D. J. Rugh. 1980. Northern sea lion decline in the eastern Aleutian Islands. *J. Wildl. Mgmt.* 44:25-33.
- Byrd, G. V. 1989. Observations of northern sea lions at Ugamak Island, Buldir, and Agattu Islands, Alaska in 1989. Unpubl. rep., U.S. Fish and Wildlife Service. Alaska Maritime National Wildlife Refuge.
- Calkins, D.G. 1996. Movements and habitat use of female Steller sea lions in Southeastern Alaska. Pages 110-134, 166 in: Steller sea lion recovery investigations in Alaska, 1992-1994. Rep from AK. Dep. Fish and Game, Juneau, AK to NOAA, Wildlife Technical Bulletin 13, May 1996.
- Calkins, D.G. 1998. Prey of Steller sea lions in the Bering Sea. *Biosphere Conservation* 1:33-44.
- Calkins, D.G., and K.W. Pitcher. 1982. Population assessment, ecology and trophic relationships of Steller sea lions in the Gulf of Alaska. Pages 447-546, in: Environmental assessment of the Alaskan continental shelf. U.S. Dept. Comm. and U.S. Dept. Int., Final Rep. Principal Investigators, 19:1-565.
- Calkins, D.G., and E. Goodwin. 1988. Investigation of the declining sea lion population in the Gulf of Alaska. Unpubl. Rep., Alaska Dep. Fish and Game, 333 Raspberry Road, Anchorage, AK 99518. 76 pp.
- Chumbley, K., J. Sease, M. Strick, and R. Towell. 1997. Field studies of Steller sea lions (*Eumetopias jubatus*) at Marmot Island, Alaska 1979 through 1994. NOAA Tech. Memo. NMFS-AFSC-77. 99 pp.
- Cottrell, P.E. and A.W. Trites. 2002. Classifying prey hard part structures recovered from fecal remains of captive Steller sea lions (*Eumetopias jubatus*). *Marine Mammal Science* 18:525-539.
- Edie, A. G. 1977. Distribution and movements of Steller sea lion cows (*Eumetopias jubata*) on a pupping colony. Unpubl. M.S. thesis, Univ. British Columbia, Vancouver. 81 pp.
- Ferrero, R. C., D. P. DeMaster, P. S. Hill, M. M. Muto, and A. L. Lopez. 2000. Alaska marine mammal stock assessments. NOAA Tech. Memo. NMFS-AFSC-119. 191 pp.
- Fritz, L. W., and C. Stinchcomb. 2005. Aerial, ship, and land-based surveys of Steller sea lions (*Eumetopias jubatus*) in the western stock in Alaska, June and July 2003 and 2004. U.S. Dep. Commer., NOAA Tech. Memo. NMFS-AFSC-153, 56 p.
- Fiscus, C.H., and G.A. Baines. 1966. Food and feeding behavior of Steller and California sea lions. *J. Mamm.* 47:218-223.

- Gentry, R. L. 1970. Social behavior of the Steller sea lion. Unpubl. Ph.D. thesis, Univ. California, Santa Cruz. 113 pp.
- Gisiner, R. C. 1985. Male territorial and reproductive behavior in the Steller sea lion, *Eumetopias jubatus*. Ph.D. Thesis, Univ. California, Santa Cruz. 145 pp.
- Goto, Y., and K. Shimazaki. 1998. Diet of Steller sea lions off the coast of Rausu, Hokkaido, Japan. *Biosphere Conservation* (1)2:141-148.
- Holmes, E.E., and A.E. York. 2003. Using ages structure to detect impacts on threatened populations: a case study with Steller sea lions. *Conservation Biology* 17(6):1794-1806.
- Ishinazaka, T., and T. Endo. 1999. The reproductive status of Steller sea lions in the Nemuro Strait, Hokkaido, Japan. *Biosphere Conservation* 2(1):11-19.
- Jameson, R.J., and K.W. Kenyon. 1977. Prey of sea lions in the Rogue River, Oregon. *J. Mamm.* 58:672
- Jones, R.E. 1981. Food habits of smaller marine mammals from northern California. *Proc. Calif. Acad. Sci.* 42:409-433.
- Kajimura, H., and T.R. Loughlin. 1988. Marine mammals in the oceanic food web of the eastern subarctic Pacific. *Bull. Ocean Res. Inst.* 26:187-223.
- Kenyon, K. W., and D. W. Rice. 1961. Abundance and distribution of the Steller sea lion. *J. Mamm.* 42:223-234.
- Logerwell, L. 2005. Presentation and document presented to the North Pacific Fisheries Management Council in June 2005 on the results of fisheries experiments by the Alaska Fisheries Science Center. Document dated June 6, 2005; 18 pages.
- Loughlin, T.R. 1993. Status and pelagic distribution of otariid pinnipeds in the Bering Sea during winter. OCS study, MMS 93-0026. 58 pp.
- Loughlin, T.R. 1997. Using the phylogeographic method to identify Steller sea lion stocks. Pages 159-171, *in*: A. E. Dizon, S. J. Chivers, and W. F. Perrin (eds.), *Molecular Genetics of Marine Mammals*. Society for Marine Mammalogy Spec. Publ. 3.
- Loughlin, T.R., and R. Nelson, Jr. 1986. Incidental mortality of northern sea lions in Shelikof Strait, Alaska. *Mar. Mamm. Sci.* 2:14-33.
- Loughlin, T.R., M.A. Perez, and R.L. Merrick. 1987. *Eumetopias jubatus*. *Mammalian Species Account* No. 283. Publ. by Amer. Soc. Mamm. 7 pp.
- Loughlin, T.R., A.S. Perlov, and V.A. Vladimirov. 1990. Survey of northern sea lions (*Eumetopias jubatus*) in the Gulf of Alaska and Aleutian Islands during June 1989. U.S. Dep. Comm., NOAA Tech. Memo. NMFS F/NWC-176. 26 pp.
- Loughlin, T.R., A.S. Perlov, and V.A. Vladimirov. 1992. Range-wide survey and estimation of total number of Steller sea lions in 1989. *Mar. Mamm. Sci.* 8:220-239.
- Loughlin, T.R., A.S. Perlov, J.D. Baker, S.A. Blokhin, and A.G. Makhnyr. 1998. Diving behavior of adult female Steller sea lions in the Kuril Islands, Russia. *Biosphere Conservation* 1:21-31.
- Loughlin, T. R., and A. E. York. 2000. An accounting of the sources of Steller sea lion, *Eumetopias jubatus*, mortality. *Mar. Fish. Rev.* 62(4):40-45.
- Loughlin, T. R., J. T. Sterling, R. L. Merrick, J. L. Sease, and A. E. York. 2003. Diving behavior of immature Steller sea lions (*Eumetopias jubatus*). *Fish. Bull.* Vol. 101, no. 3, pp. 566-582.
- Maniscalco and Atkinson 2004
- Mathisen, O. A., R. T. Baade, and R. J. Lopp. 1962. Breeding habits, growth and stomach contents of the Steller sea lion in Alaska. *J. Mamm.* 43:469-477.

- Mathisen, O. A., and R. J. Lopp. 1963. Photographic census of the Steller sea lion herds in Alaska, 1956-58. U.S. Fish and Wildl. Serv. Spec. Sci. Rep. Fish. No. 424. 20 pp.
- Merrick, R.L. 1995. The relationship of the foraging ecology of Steller sea lions (*Eumetopias jubatus*) to their population decline in Alaska. Ph.D. dissert., Univ. Washington, Seattle. 171 p.
- Merrick, R.L., M.K. Chumbley, and G.V. Byrd. 1987. Diet diversity of Steller sea lions (*Eumetopias jubatus*) and their population decline in Alaska; a potential relationship. *Can. J. Fish. and Aquatic Sci* 54:1342-1348.
- Merrick, R., P. Gearin, S. Osmek, and D. Withrow. 1988. Field studies of northern sea lions at Ugamak Island, Alaska during the 1985 and 1986 breeding seasons. NOAA Tech. Memo. NMFS F/NWC-143.
- Merrick, R. L., L. M. Ferm, R. D. Everitt, R. R. Ream, and L. A. Lessard. 1991. Aerial and ship-based surveys of Steller sea lions (*Eumetopias jubatus*) in the Gulf of Alaska and Aleutian Islands during June and July 1990. NOAA Tech. Memo. NMFS F/NWC-196. 34 pp.
- Merrick, R. L., D. G. Calkins, and D. C. McAllister. 1992. Aerial and ship-based surveys of Steller sea lions (*Eumetopias jubatus*) in Southeast Alaska, the Gulf of Alaska, and Aleutian Islands during June and July 1991. NOAA Tech. Memo. NMFS-AFSC-1. 41 pp.
- Merrick, R.L., and D.G. Calkins. 1996. Importance of juvenile walleye pollock, *Theragra chalcogramma*, in the diet of Gulf of Alaska Steller sea lions, *Eumetopias jubatus*. Pages 153-166 in: U.S. Dep. Commer. NOAA Tech. Rep. NMFS 126.
- Merrick, R. L., and T. R. Loughlin. 1997. Foraging behavior of adult female and young-of-the-year Steller sea lions in Alaskan waters. *Can. J. Zool.* 75:776-786.
- Merrick, R. L., M. K. Chumbley, and G. V. Byrd. 1997. Diet diversity of Steller sea lions (*Eumetopias jubatus*) and their population decline in Alaska: a potential relationship. *Can J. Fish Aquat. Sci.* 54:1342-1348.
- Milette, L.L. and A.W. Trites. 2003. Maternal attendance patterns of lactating Steller sea lions (*Eumetopias jubatus*) from a stable and a declining population in Alaska. *Canadian Journal of Zoology* 81:340-348.
- Nishimura, A., T. Yanagimoto, and Y. Takao. 2002. Cruise results of the winter 2002 Bering Sea pollock survey (Kaiyo Maru). Document for the 2002 STC meeting. Central BS pollock Convention, September 2002. Hokkaido National Fisheries Research Institute.
- NMFS. 1992. Recovery plan for the Steller sea lion (*Eumetopias jubatus*). Prepared by the Steller Sea Lion Recovery Team for the National Marine Fisheries Service, Silver Spring, Maryland, 92 pp.
- NMFS. 1999. The Habitat Approach. Implementation of Section 7 of the Endangered Species Act for Actions Affecting the Habitat of Pacific Anadromous Salmonids. Northwest Region, Habitat Conservation and Protected Resources Divisions, Portland, Oregon (August 26).
- NMFS. 2000. Endangered Species Act, Section 7 Consultation Biological Opinion and Incidental Take Statement on the authorization of the Bering Sea/Aleutian Islands and Gulf of Alaska Groundfish Fishery Management Plans. NMFS Alaska Region, Protected Resources Division, Juneau, AK
- NMFS. 2001. Endangered Species Act, Section 7 Consultation Biological Opinion and Incidental Take Statement on the authorization of the Bering Sea/Aleutian Islands and

- Gulf of Alaska Groundfish Fishery Management Plan Amendments 61 and 70. NMFS Alaska Region, Protected Resources Division, Juneau, AK.
- NMFS. 2003. Supplement to the 2001 Endangered Species Act, Section 7 Consultation, Biological Opinion and Incidental Take Statement on the authorization of the Bering Sea/Aleutian Islands and Gulf of Alaska Groundfish Fishery Management Plan Amendments 61 and 70. NMFS Alaska Region, Protected Resources Division, Juneau, AK.
- NMFS. 2006. Environmental assessment for the issuance of an exempted fishing permit for feasibility testing of using commercial pollock fishing vessels for acoustic surveys within portions of Steller sea lion critical habitat areas in the Aleutian Islands subarea. NMFS Alaska Region, Sustainable Fisheries Division, Juneau, AK.
- Olesiuk, P.F., M.A. Bigg, G.M. Ellis, S.J. Crockford, and R.J. Wigen. 1990. An assessment of the feeding habits of harbour seals (*Phoca vitulina*) in the Strait of Georgia, British Columbia, based on scat analysis. Can. Tech. Rep. Fish. and Aquat. Sci. No. 1730.
- Orr, R.T., and T.C. Poulter. 1967. Some observations on reproduction, growth, and social behavior in the Steller sea lion. Proc. California Acad. Sci. 35:193-226.
- Panina, G. K. 1966. On the feeding of the sea lion and seals on the Kuril Islands. Izv. TINRO 58:235-236. In Russian. (Transl. by Bur. Commer. Fish., Off. Foreign Fish., U. S. Dep. Interior, Washington, D.C.)
- Pascual, M.A., and M.D. Adkison. 1994. The decline of the Steller sea lion in the northeast Pacific: demography, harvest or environment. Ecol. Applications 4:393-403.
- Perez, M. A., and T. R. Loughlin. 1991. Incidental catch of marine mammals by foreign-directed and joint-venture trawl vessels in the U.S. EEZ of the North Pacific, 1973-88. NOAA Technical Report 104. 57 p
- Perlov, A.S. 1971. The onset of sexual maturity in sea lions. Proc. All Union Inst. Marine Fish. Ocean. 80:174-187.
- Pitcher, K.W., and D.G. Calkins. 1981. Reproductive biology of Steller sea lions in the Gulf of Alaska. J. Mamm. 62:599-605.
- Pitcher, K.W., D.G. Calkins, and G.W. Pendleton. 1998. Reproductive performance of female Steller sea lions: an energetics-based reproductive strategy? Canadian Journal of Zoology 76:2075-2083.
- Raum-Suryan, K L., K.W. Pitcher, D.G. Calkins, J.L. Sease, and T.R. Loughlin. 2002. Dispersal, rookery fidelity and metapopulation structure of Steller sea lions (*Eumetopias jubatus*) in an increasing and a decreasing population in Alaska. Marine Mammal Science 18:746-764.
- Raum-Suryan, K.L., M.J. Rehberg, G.W. Pendleton, K.W. Pitcher, and T.S. Gelatt. 2004. Development of dispersal, movement patterns, and haul-out use by pup and juvenile Steller sea lions (*Eumetopias jubatus*) in Alaska. Marine Mammal Science 20:823-850.
- Repenning, C.A. 1976. Adaptive evolution of sea lions and walruses. Syst. Zool. 25:375-390.
- Sease, J.L., J.P. Lewis, D.C. McAllister, R.L. Merrick, and S.M. Mello. 1993. Aerial and shipbased surveys of Steller sea lions (*Eumetopias jubatus*) in Southeast Alaska, the Gulf of Alaska, and Aleutian Islands during June and July 1992. U.S. Dep. Commer., NOAA Tech. Memo. NMFS F/NWC-17, 57 pp.
- Sease, J.L., and T.R. Loughlin. 1999. Aerial and land-based surveys of Steller sea lions (*Eumetopias jubatus*) in Alaska, June and July 1997 and 1998. NOAA Tech. Memo. NMFS-AFSC-100. 61 pp.



- Sease, J. L., J. M. Strick, R. L. Merrick, and J. P. Lewis. 1999. Aerial and land-based surveys of Steller sea lions (*Eumetopias jubatus*) in Alaska, June and July 1996. U.S. Dep. Commer., NOAA Tech. Memo. NMFS F/NWC-99, 43 pp.
- Sease, J. L., W. P. Taylor, T. R. Loughlin, and K. W. Pitcher. 2001. Aerial and land-based surveys of Steller sea lions (*Eumetopias jubatus*) in Alaska, June and July 1999 and 2000. NOAA Tech. Memo. NMFS-AFSC-122. 52 pp.
- Sease, J. L., and C. J. Gudmundson. 2002. Aerial and land-based surveys of Steller sea lions (*Eumetopias jubatus*) from the western stock in Alaska, June and July 2001 and 2002. NOAA Tech. Memo. NMFS-AFSC-131. 45 pp.
- Sigler, M.F., J.N. Womble, and J.J. Vollenweider. 2004. Availability to Steller sea lions (*Eumetopias jubatus*) of a seasonal prey resource: a pre-spawning aggregation of eulachon (*Thaleichthys pacificus*). Canadian Journal of Fisheries and Aquatic Sciences, Vol. 61, no. 8, pp. 1475-1484
- Sinclair, E., and T. Zeppelin. 2002. Seasonal and spatial differences in diet in the western stock of Steller sea lions (*Eumetopias jubatus*). J. Mammal. 83(4):973-990.
- Strick, J.M., L.W. Fritz, and J.P. Lewis. 1997. Aerial and ship-based surveys of Steller sea lions (*Eumetopias jubatus*) in Southeast Alaska, the Gulf of Alaska, and Aleutian Islands during June and July 1994. U.S. Dep. Commer., NOAA Tech. Memo. NMFS F/NWC-71, 55 pp.
- Spalding, D.J. 1964. Comparative feeding habits of the fur seal, sea lion and harbour seal on the British Columbia coast. Bull. Fish. Res. Board Canada 146:1-52.
- Thorsteinson, F.V., and C.J. Lensink. 1962. Biological observations of Steller sea lions taken during an experimental harvest. J. Wildl. Mgmt. 26:353-359.
- Tollit, D.J., M. Wong, A.J. Winship, D.A.S. Rosen, and A.W. Trites. 2003. Quantifying errors associated with using prey skeletal structures from fecal samples to determine the diet of the Steller sea lion (*Eumetopias jubatus*). Marine Mammal Science, Vol. 19, no. 4, pp. 724-744.
- Tollit, D.J., S.G. Heaslip, T.K. Zeppelin, R. Joy, K.A. Call, A.W. Trites. 2004. A method to improve size estimates of walleye pollock (*Theragra chalcogramma*) and Atka mackerel (*Pleurogrammus monopterygius*) consumed by pinnipeds: digestion correction factors applied to bones and otoliths recovered in scats. Fishery Bulletin, Vol. 102, no. 3, pp. 498-508
- Treacy, S.D. 1985. Feeding habits of marine mammals from Grays Harbor, Washington to Netarts Bay, Oregon. Pages 149-198 *in*: R. J. Beach, A. C. Geiger, S. J. Jeffries, and B. L. Troutman (eds.). Marine mammals and their interactions with fisheries of the Columbia River and adjacent waters. NWAFC Proc. Rep. 85-04.
- Trites, A.W. and B.T. Porter. 2002. Attendance patterns of Steller sea lions (*Eumetopias jubatus*) and their young during winter. Journal of Zoology, London 256:547-556.
- Trites, A.W., D.G. Calkins, and A.J. Winship. 2003. Diet and the decline of Steller sea lions in Alaska. Proceedings of the 15th Biennial Conference on the Biology of Marine Mammals, Greensboro, NC.
- Withrow, D.E. 1982. Using aerial surveys, ground truth methodology, and haul out behavior to census Steller sea lions, *Eumetopias jubatus*. M.S. Thesis, Univ. Washington, Seattle. 102 pp.
- Wolfe, R.J., J.A. Fall, and R.R. Stanek. 2004. The subsistence harvest of harbor seal and sea lion by Alaska natives in 2003. Final report for year eleven, the subsistence harvest of sea

- lions and harbor seals by Alaska natives (award number NA17FX2835). Prepared for NMFS by Alaska Dept. Fish and Game, Juneau, Alaska, 253 pp.
- Womble, J.N., M.F. Willson, M.F. Sigler, B.P. Kelly, and G.R. VanBlaricom. 2005. Distribution of Steller sea lions *Eumetopias jubatus* in relation to spring-spawning fish in SE Alaska. *Marine Ecology Progress Series*, Vol. 294, pp. 271-282
- York, A. 1994. The population dynamics of the northern sea lions, 1975-85. *Mar. Mamm. Sci.* 10:38-51.
- Zeppelin, T.K., D.J. Tollit, K.A. Call, T.J. Orchard, and C.J. Gudmundson. 2004. Sizes of walleye pollock (*Theragra chalcogramma*) and Atka mackerel (*Pleurogrammus monopterygius*) consumed by the western stock of Steller sea lions (*Eumetopias jubatus*) in Alaska from 1998 to 2000. *Fishery Bulletin*, Vol. 102, no. 3, pp. 509-521.

TABLES

Table 1. Counts of adult and juvenile (non-pup) Steller sea lions at western stock rookery and haul-out trend sites in Alaska during June-July surveys from 1976 to 2004 (NMFS 2000, Sease et al. 2001, Sease and Gudmundson 2002, and Fritz and Stinchcomb 2005). Numbers in parentheses are the number of trend sites counted in each sub-area. Percentage changes between years are shown in bold.

Year(s)	Gulf of Alaska			Aleutian Islands			Kenai-Kiska (69)	Western Stock in Alaska (82)
	Eastern (9)	Central (15)	Western (9)	Eastern (11)	Central (34)	Western (4)		
1956-60 <sup>1</sup>		34,792	15,772	44,020	17,120		111,704	
1962					23,175			
1976-79 <sup>2</sup>	7,053	24,678	8,311	19,743	36,632	14,011	89,364	110,428
1985		19,002	6,275	7,505	23,042		55,824	
1989	7,241	8,552	3,908	3,032	7,572		23,064	
1990	5,444	7,050	3,915	3,801	7,988	2,327 <sup>3</sup>	22,754	30,525
1991	4,596	6,270	3,732	4,228	7,496	3,083	21,726	29,405
1992	3,738	5,739	3,716	4,839	6,398	2,869	20,692	27,299
1994	3,365	4,516	3,981	4,419	5,820	2,035	18,736	24,136
1996	2,132	3,913	3,739	4,715	5,524	2,187	17,891	22,210
1998	2,110 <sup>4</sup>	3,467	3,360	3,841	5,749	1,911	16,417	20,438
2000	1,975	3,180	2,840	3,840	5,419	1,071	15,279	18,325
2002	2,500	3,366	3,221	3,956	5,480	817	16,023	19,340
2004 <sup>5</sup>	2,536	2,944	3,512	4,707	5,936	898	17,099	20,533
<b>1950s to 2000</b>		<b>-91%</b>	<b>-82%</b>	<b>-91%</b>	<b>-68%</b>		<b>-86%</b>	
<b>1970s to 2000</b>	<b>-72%</b>	<b>-87%</b>	<b>-66%</b>	<b>-81%</b>	<b>-85%</b>	<b>-92%</b>	<b>-83%</b>	<b>-83%</b>
<b>1970s to 1990</b>	<b>-23%</b>	<b>-71%</b>	<b>-53%</b>	<b>-81%</b>	<b>-78%</b>	<b>-83%</b>	<b>-75%</b>	<b>-72%</b>
<b>1990 to 2000</b>	<b>-64%</b>	<b>-55%</b>	<b>-27%</b>	<b>+1%</b>	<b>-32%</b>	<b>-54%</b>	<b>-33%</b>	<b>-40%</b>
<b>2000 to 2004</b>	<b>+28%</b>	<b>-7%</b>	<b>+24%</b>	<b>+23%</b>	<b>+10%</b>	<b>-16%</b>	<b>+12%</b>	<b>+12%</b>

<sup>1</sup> 1956 counts for the western GOA, 1957 counts for the central GOA, 1959 counts for the central Aleutians and 1960 counts for the eastern Aleutians.

<sup>2</sup> 1976 counts for the eastern, central, and western GOA and the eastern Aleutians, and 1979 counts for the central and western Aleutians.

<sup>3</sup> Gillon Point rookery, Agattu Island not surveyed in 1990.

<sup>4</sup> 1999 counts substituted for sites in the eastern Gulf of Alaska not surveyed in 1998.

<sup>5</sup> 2004 counts were from medium format photographs, while all others were from 35 mm photographs, aerial counts or beach counts. 2004 data reflect a -3.64% adjustment to account for film format resolution and count differences (Fritz and Stinchcomb 2005).

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Table 2. Counts of Steller sea lion pups at western stock rookeries in Alaska during 1979 to 2004 (NMFS 1992, Sease and Loughlin 1999; Fritz and Stinchcomb 2005; NMML, unpublished). Percentage changes between years are shown in bold.

Year(s)	Gulf of Alaska			Aleutian Islands			Eastern Bering Sea	Kenai-Kiska <sup>7</sup>	Western Stock in Alaska
	Eastern <sup>1</sup>	Central <sup>2</sup>	Western <sup>3</sup>	Eastern <sup>4</sup>	Central <sup>5</sup>	Western <sup>6</sup>	Walrus Island		
1979			8,616						
1982							334		
1984			6,435						
1985-89		10,254		4,778	9,428		250	30,895 <sup>7</sup>	
1990-92		4,904	1,923	2,115	3,568		63	12,510	
1994	903	2,831	1,662	1,756	3,109		61	9,358	
1996	584								
1997	611					979	35		
1998	689	1,876	1,493	1,474	2,834	803		7,677	9,169
2001-02	586	1,721	1,671	1,561	2,612	488	39	7,565	8,678
2003-04	716	1,609	1,577	1,731					
2005	715	1,651	1,707	1,921	2,551	343	29	7,830	8,917
<b>Earliest count to 1994</b>		<b>-72%</b>	<b>-81%</b>	<b>-63%</b>	<b>-67%</b>			<b>-70%</b>	
<b>Earliest count to 2001-02</b>	<b>-35%</b>	<b>-83%</b>	<b>-81%</b>	<b>-67%</b>	<b>-72%</b>	<b>-50%</b>	<b>-88%</b>	<b>-76%</b>	<b>-5%</b>
<b>1994 to 2001-02</b>	<b>-35%</b>	<b>-39%</b>	<b>+1%</b>	<b>-11%</b>	<b>-16%</b>		<b>-36%</b>	<b>-19%</b>	
<b>2001-02 to 2005</b>	<b>+22%</b>	<b>-4%</b>	<b>+2%</b>	<b>+23%</b>	<b>-2%</b>	<b>-30%</b>	<b>-25%</b>	<b>+4%</b>	<b>+3%</b>

<sup>1</sup> Seal Rocks and Fish (Wooded) Island

<sup>2</sup> Outer, Sugarloaf, Marmot, Chowiet and Chirikof Islands

<sup>3</sup> Atkins and Chernabura Islands, and Pinnacle Rock and Clubbing Rocks

<sup>4</sup> Ugamak, Akun, Akutan, Bogoslof and Adugak Islands

<sup>5</sup> Yunaska, Seguam, Kasatochi, Adak, Tag, Ulak, Ayugadak and Kiska (2) Islands, and Gramp and Column Rocks.

<sup>6</sup> Buldir, Agattu (2), and Attu Islands

<sup>7</sup> Rookeries in the Central and Western Gulf of Alaska, and Eastern and Central Aleutian Islands

TABLES

Table 3. Counts of adult and juvenile (non-pup) Steller sea lions on terrestrial trend sites in Russia.

Year	W. Bering Sea	Commander Islands	E. Kamchatka	Kuril Islands	Tuleny Island	Sea of Okhotsk
1963		2,920 <sup>1</sup>		14,660	60 <sup>2</sup>	
1969				14,184		
1971		2,920				
1973		3,503				
1974					49	1,208
1975				8,397		
1977		4,480				
1978		2,807			26	
1981		2,101		5,921		
1982	4,910	1,577				
1983	3,230	1,761	2,073		65	
1984		1,930				
1985	3,370	1,700			137	
1986		2,633			450	
1987	1,231	2,267	1,690			
1988		1,221			171	1,691 <sup>3</sup>
1989	1,199	896	1,519	4,488	190	
1990		865			410	
1991	427	752	794		350	
1992		843			463	
1993		569			549	
1994	200	543	642		557	
1995		653				
1996		804			615	2,429 <sup>4</sup>
1997		812			679	
1998		900			836	
1999	180	860	720		770	
2000		741			1,155	
2001		718	669	5,129	857	2,324
2002	16	581	491		1,041	2,072
2003		530		5,178	1,119	
2004	91	674	548		1,084	2,357
2005				5,544	1,218	

<sup>1</sup>1962 data. <sup>2</sup>1964 data. <sup>3</sup>1989 data for Iony Island. <sup>4</sup>1995 data for Yamsky Islands and 1997 data for Iony Island.

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Table 4. Counts of Steller sea lion pups on rookery trend sites in Russia.

Year	Commander Islands	E. Kamchatka	Kuril Islands	Tuleny Island	Sea of Okhotsk
1962	1				
1963			3,673		
1969	0		3,250		
1970	3				
1971	4				
1972	9				
1973	26				
1974				1	607
1977	19				
1978	26			0	
1980				6	
1981	48				
1982	83			0	
1983	104		1,992	5	
1984	141			0	
1986	151		1,560	25	
1987	197	211			
1988	141			38	712 <sup>1</sup>
1989	195		1,442	45	
1990				59	
1991	229			63	
1992	222	108	1,623	90	
1993	224	115		120	
1994	226	93		146	
1995	248	84	1,972		
1996	261	87		219	1,250 <sup>2</sup>
1997	244	96		256	
1998	280	91		303	
1999	271	87		291	
2000	180	76	1,824	340	
2001	228	61	1,807	303	1,231
2002	210	84	1,973	410	980
2003	216		2,086	480	
2004	221	107		508	1,868
2005	236		2,306	407	

<sup>1</sup>1989 data for Iony Island. <sup>2</sup>1995 data for Yamsky Islands and 1997 data for Iony Island.

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Table 5. Counts of adult and juvenile (non-pup) Steller sea lions at selected sites in the Aleutian Islands area.

SITENAME	SUMMER NON-PUP COUNTS														Max	Min	Average (90-04)	Rate (90-04)
	1987	1989	1990	1991	1992	1994	1995	1998	2000	2002	2004	2004	2004					
ADAK/ARGONNE POINT	0					141	43	8	99	35	0	141	8	65				
ADAK/CAPE MOFFET	0												0	0				
ADAK/CAPE YAKAK	1	325					101	174	68	209		325	68	138				
ADAK/LAKE POINT	1	984					582	700	753	799		984	522	656	-78%			
AGLIGADAK	1	993					73	40	82	61		993	8	105				
AMATIGNAK/NITROF POINT	0						72	106	40	76		147	40	92	-15%			
AMLIA/EAST CAPE	0	700	2,463	484	50		220	86	82	34		2,463	6	74	-94%			
ANAGAKSIK	0	700	124	307			32	34	40	2		700	2	35				
ATKA/CAPE KOROVIN	0	100	14					12	1	4		100	1	5				
ATKA/NORTH CAPE	0	550	1,192	653	333		59	156	76	224		1,192	53	156	150%			
GRAMP ROCK	1	700	2,235	1,705	1,290	747	537	570	600	679		2,235	537	636	-5%			
KASATOH/NORTH POINT	1		2,166	1,170	659		330	350	529	667		2,166	288	449	4%			
KAVALGA	0	450	1	233	1		21	52	18	56		233	0	31	600%			
LITTLE TANAGA STRAIT	0		196	411	150		79	234	82	49		450	49	103	-11%			
SAGIGIK	0		262	482	116		13	5	22	40		482	5	38	-55%			
SEGUA/FINCH POINT	0						1	14	27	1		56	1	18				
SEGUA/MILAVA COVE	0						40			0		40	0	20				
SEGUA/MILAVA POINT	0						128		10	5		128	5	41				
SEGUA/SADDLERIDGE	1	25	4,018	2,942	602		586	570	666	923		4,018	25	685	11%			
SEGUA/SW RIP	0						50	23	50	40		50	23	41				
SEGUA/TURF POINT	0						146	82	84	58		146	58	94				
SEGUA/WHARF POINT	0						21	55	50	90		90	1	47				
TAG	1	400	1,613	1,740	944		320	301	279	242		1,740	242	345	-49%			
TANADAK (AMLIA)	0	50	264	974	136		13	10	74	32		974	0	23	-98%			
UGIDAK	0	400	254		25		42	6	23	25		400	6	34	-77%			
ULAK/HASGOX POINT	1	1,500	3,068	2,170	2,729	1,123	844	663	481	531		3,068	481	835	-60%			
UNALGA+DINKUM ROCKS	0	350	4	419	544	182	80	120	50	46		544	4	83	-79%			

TABLES

Table 6. Food habits information for Steller sea lions collected in the range of the western stock, 1945-1998. (Reprinted from Fritz and Hinckley 2005).

A. Sample Sizes and Characteristics		Months				Region						
Reference	Years	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	CGOA	WGOA	EBS	EAI	CAI	WAI	Russia
Imler and Sarber (1947)	1945			7		7						
Wilke and Kenyon (1952)	1949, 51			3				3				
Mathisen et al (1962)	1958		94				94					
Thorsteinson and Lensink (1962)	1959		56			9	27		20			
Tikhomirov (1964)	1962	X	X							X		
Fiscus and Baines (1966)	1960, 62		16			4	2	1	9			
Perlov (1975)	1966-69			?								X
Lowry et al (1982)	1976	4						4				
Pitcher (1981)	1975-78	43	54	9	47	136	17					
Calkins (1998) a	1981	60										60
Calkins (1998) b	1981	32						32				
Frost and Lowry (1986)	1985	13						13				
Gearin (unpub)	1985, 86			3	8			11				
Calkins and Goodwin (1988)	1985, 86		X		X	74						
Merrick et al (1997) a	1990-93			76		76						
Merrick et al (1997) b	1990-93			67					67			
Merrick et al (1997) c	1990-93			167						167		
Merrick et al (1997) d	1990-93			28							28	
Goto and Shimazaki (1997)	1994-96	62										62
Sinclair and Zeppelin (2002) a	1990-98	X	X	X	X	574						
Sinclair and Zeppelin (2002) b	1990-98	X	X	X	X		929					
Sinclair and Zeppelin (2002) c	1990-98	X	X	X	X				889			
Sinclair and Zeppelin (2002) d	1990-98	X	X	X	X					1370		



TABLES

Table 6. Food habits information of Steller sea lions collected in the range of the western stock, 1945-1998 (continued).

B. Food habits data Reference	Sample Type	Sample Location	Data Type	Percent of Sample with Prey Item (x=present)													
				Pollock	Cod	Flatfish	Greenling	Rockfish	Smelts	Sandlance	Herring	Salmon	Sculpin	Shrimp/Crab	Squid	Octopus	
Imler and Sarber (1947)	Stomach	Land	FO	57		71							28				43
Wilke and Kenyon (1952)	Stomach	Land	PW	7	10	49						32		<1			2
Mathisen et al (1962)	Stomach	Land	FO				13	9	14		1		1	6	10		44
Thorsteinson and Lensink (1962)	Stomach	Land	FO			6	4	11			25			4	2		20
Tikhomirov (1968)	Visual	At-sea											D				
Fiscus and Baines (1966)	Stomach	At-sea	FO	6		12	6	6	56	25				19			
Perlov (1975)	Stomach	At-sea	FO	63			10							1		>30	25
Lowry et al (1982)	Stomach	At-sea	PV	97		1											1
Pitcher (1981)	Stomach	Land	FO	67	12	5		3	11			11	4	4	7	23	13
Calkins (1998) a	Stomach	At-sea	FO	83	43	3						17		>12	2	2	18
Calkins (1998) b	Stomach	At-sea	FO	100	28	>19		3				6		6	>10	19	19
Frost and Lowry (1987)	Stomach	At-sea	PV	48								48					
Gearin (unpub)	Stomach	Land	FO	>36	>45	54									18		45
Calkins and Goodwin (1988)	Stomach	Land	FO	58	7	14					7	3	3	1	>1	4	32
Merrick et al (1997) a	Scat	Land	FOSS	66		4	<1			6			20	0			3
Merrick et al (1997) b	Scat	Land	FOSS	33		2	31			8			17	7			2
Merrick et al (1997) c	Scat	Land	FOSS	13		0	69			1			6	4			8
Merrick et al (1997) d	Scat	Land	FOSS	7		0	77						5	5			7
Goto and Shimazaki (1997)	Stomach	At-sea	FO	89	76	24											69
Sinclair and Zeppelin (2002) a	Scat	Land	FO	>50	>5	>20	<5	x	x	>10	>10	>10	<10				<10
Sinclair and Zeppelin (2002) b	Scat	Land	FO	>70	>10	>10	<5	x	x	>10	<10	>10	>10				<5
Sinclair and Zeppelin (2002) c	Scat	Land	FO	>50	>10	<5	>20	x	x	<5	>5	>20	>10				<10
Sinclair and Zeppelin (2002) d	Scat	Land	FO	<10	>10	<5	>60	x		<5	<5	>20	>10				<20

Abbreviations: CGOA – central Gulf of Alaska; WGOA – western Gulf of Alaska; EBS – eastern Bering Sea; EAI – eastern Aleutian Islands; CAI – central Aleutian Islands; WAI – western Aleutian Islands; X – number for cell is unknown; ? – season of sample collection is unknown but likely to be as indicated; FO=frequency of occurrence; PW=percent by weight; PV=percent by volume; FOSS=Split sample FO.

TABLES

Table 7. Source of literature, age class/group, sample size (n), capture location, season captured, instrument deployed, and mean trip duration, distance, and time at sea for Steller sea lions tagged with radio (VHF) and satellite (e.g. SLTDR) transmitters. Error is standard deviation unless otherwise indicated.

Source	Age Class/Group	n	Capture Location	Season	Instrument	Mean Trip Duration (h)	Mean Trip Distance (km)	Mean % Time @ Sea
Merrick and Loughlin (1997)	Adult Female	7	Marmot (CGOA)	Summer	VHF	21.0 ± 3.7 (SE)		53
	Adult Female	3	Ugamak (EAI)	Summer	VHF	25.0 ± 3.9		58
	Adult Female	4	EAI to CGOA	Summer	SLTDR	18.0 ± 3.1		50
	Adult Female	5	EAI to CGOA	Winter	SLTDR	204.0 ± 104.6		90
	YOY	5	EAI to CGOA	Winter	SLTDR	15.0 ± 2.2		38
Loughlin et al. (1998)	Adult F	8	Kuril Islands, Russia	Summer	SLTDR	short; max = 94 h	94% trips ≤ 10 km (max=263 km)	
Loughlin et al. (2003) <sup>1</sup>	YOY	12	CAI, EAI, EGOA, CGOA, and WA	All	SLTDR/SDR	7.5 ± 7.5	7.0 ± 19.0	
	Juv (>10 mo.)	13	CAI, EAI, EGOA, CGOA, and WA	All	SLTDR/SDR	18.1 ± 34.2	24.6 ± 57.2	
	Combined	25	CAI, EAI, EGOA, CGOA, and WA	All	SLTDR/SDR	12.1 ± 23.8		
Raum-Suryan et al. (2004) <sup>2</sup>	YOY (75), Juv (28)	103	see below	Spr/Sum/Win	SDR	84% trips ≤ 20 h	90% trips ≤ 15 km	
	Western Stock	29	EAI, CGOA, EGOA	Spr/Sum/Win	SDR		6.5 (5.08-8.26) CI	
	Eastern Stock	74	North, South, and Central SE	Spr/Sum/Win	SDR		4.7 (3.92-5.53)	
Fadely et al. (2005) <sup>3</sup>	YOY/Juv	30	CAI, EAI, and CGOA	Feb-April	SDR	8.9 (8.4-9.4) CI	0.56 (0.56-0.74) CI	
				May-July	SDR	12.5 (11.3-13.9)	1.30 (0.93-1.49)	
				Nov-Jan	SDR	10.1 (8.2-12.5)	1.11 (0.74-1.67)	
Rehberg (2005)	YOY	11	CAI and GOA	Spring/Winter	SRDL			42 (38-45) CI
	Juv	12	CAI and GOA	Spring/Winter	SRDL			51 (49-54) CI

<sup>1</sup> Trip duration ranged from 1.0 h to 81.3 h (YOY) and 344.0 h (Juv) and trip distance ranged from 1.0 km to 260.7 km (YOY) and 447.3 km (Juv).

<sup>2</sup> Inter-haulout distance averaged 79.3 ± 7.7 km (max = 127 km) and dispersal distances (2 YOY, 2 Juv) included 76, 120, 500, and 1300 km, respectively.

Sea lions in the western and eastern stocks used an average of 1.6 and 2.1 haulouts, respectively.

<sup>3</sup> Most locations associated with diving were within 9 to 19 km (5-10 nm) of shore and in waters < 100 m. Trip duration and use of offshore waters increased with age and coincided with spring.

YOY: young-of-the-year; Juv: juvenile (> 1 year unless otherwise specified); VHF: very high frequency radio transmitter; SLTDR: satellite-linked time-depth recorder; SDR: satellite depth recorder; SRDL: satellite relayed dive logger; CAI: central Aleutian Islands; EAI: eastern Aleutian Islands; EGOA: eastern Gulf of Alaska; CGOA: central Gulf of Alaska; SE: Southeast Alaska; WA: Washington State; CI: 95% confidence interval

TABLES

**Table 8.** Percent frequency of occurrence of prey items in scat recovered from Steller sea lion scat collected in winter (December - April, 1990-1998; Sinclair and Zeppelin 2002).

Prey Species	Range (n=3762)	Region 3	Region 4
Pollock	63.2	59.1	2.7
Atka mackerel	16.1	24.7	64.9
Pacific cod	27.7	19.6	16.9

**Table 9.** Percent frequency of occurrence of prey items in scat recovered from Steller sea lion scat at various sites near Adak Island (Sinclair and Zeppelin 2002). Samples were collected during the summer except for one set of samples collected at Ulak during the winter (as marked).

Site	No. of scats	First	Second	Third
Kasatochi	153	Atka 76	Sal 48	Pol 38
Adak - Lake Pt.	86	Atka 98	Sal 23	Ceph 19
Gramp Rock	59	Atka 98	Ceph 32	Sal 24
Tag	99	Atka 99	Ceph 20	P. cod 5
Ulak	105	Atka 100	Ceph 41	Pol 10
Ulak (winter)	31	Atka 71	Greenling 29	Ceph 23

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Table 10. Recent scat samples collected in the Adak/Atka region of the Aleutian Islands subarea (NMML unpublished data). Results are reported as the percent frequency of occurrence and all prey items found in over 5% of the samples are shown.

Site	Adak - Lake Point
Collection Date	06/27/99
Number of Scats	39
<b>ATKA MACKEREL</b>	<b>81</b>
<b>SALMON</b>	<b>65</b>
<b>POLLOCK</b>	<b>24</b>
CEPHALPOD	16
ROCKFISH SP	11

Site	Amlia - Sviech. Harbor
Collection Date	09/06/00
Number of Scats	30
<b>ATKA MACKEREL</b>	<b>93</b>
<b>SAND LANCE</b>	<b>52</b>
<b>POLLOCK</b>	<b>34</b>
<b>PACIFIC COD</b>	<b>34</b>
IRISH LORD SP	21
GADID(NH)	17
SALMON	17
DOGTH.LAMPFISH	14
SAND FISH	14
POLYCAETE UNID	10
CEPHALPOD	7

Site	Kasatochi - N. Point
Collection Date	03/12/99
Number of Scats	20
<b>PACIFIC COD</b>	<b>40</b>
<b>SALMON</b>	<b>25</b>
<b>ATKA MACKEREL</b>	<b>20</b>
<b>CEPHALPOD</b>	<b>20</b>
SNAILFISH SP	20
UNIDENT FISH	20
IRISH LORD SP	15
SKATE	15
ROCK GREENLING	10
SMOOTH TONGUE	10
POLLOCK	5
ROCKFISH SP	5

TABLES

Table 11. Percent frequency of occurrence of prey items contained in scat samples. NMML unpublished data for samples collected in the Central Aleutian Islands area.

Site	Seguam Saddleridge 33 6/23/2001	Adak Lake Point 30 6/29/2002	Ayugadak 28 7/1/2002	Gramp Rock 45 6/30/2002	Kiska Cape St. Stephen 21 7/2/2002	Kiska Lief Cove 25 7/2/2002	Seguam Saddleridge 7 6/26/2002	Tag 28 6/30/2002	Ulak Hasgox Point 22 6/30/2002	Yunaska 27 6/25/2002	Amila Svech Harbor 37 3/31/2002	Seguam Turf Point 49 3/29/2002	Silak 35 4/2/2002
ATKA MACKEREL	100	90	82	100	95	80	86	93	100	100	43	71	26
POLLOCK	6									19	27	8	46
PACIFIC COD	9		4	2		4		4		4	14	6	37
SALMON	3	3	4	27	10			11		11		8	3
CEPHALOPODS	6	17	7	56	14	4		7	14	37	30	41	29
GREENLING SPP			11		5	4					27	2	9
IRISH LORD SP			7	2							24	16	43
POLYCAETE UNID	6	7	21		10	4		7			19	2	11
ARROWTOOTH FL	3												
CAT SHARK UNIDENT.													3
CHUM SALMON				2								2	3
CODLING													3
DUSKY SNAILFISH													3
FLATFISH SP.					5						3	2	6
GREAT-TYPE SCULPIN											11		9
GREENLING UNIDENT.				2									3
GUNNELS												2	
GYMNOCANTHUS SP													3
HAKE											3		
HALIBUT												2	3
HIGH COCKSCOMB													3
LAMPREY SPP.												4	
LUMPSUCKER SP											3		
NORTH. LAMPFISH	6											12	
RIGHTEYE FLOUNDER UN.												2	
ROCK GREENLING											8		9
ROCK SOLE											3		29
ROCKFISH/SCORPIONFISH UN.											3		
ROCKFISH SP.			4			4				4		4	6
RONQUIL SP.													6
SAND FISH											14	8	3
SAND LANCE	3		4	2							3		6
SCULPIN												4	
SKATE											8	12	6
SMOOTH LUMPSUCKER											3	2	3
SNAILFISH SP.											22	10	26
STICHAEIDAE SP.													6
UNID		10	4		5	16	14	7			19	16	14
UNID GADID	3										5		6
WOLF EEL											3		

TABLES

Table 13. Harvest of pollock in the Aleutian Islands area within areas of critical habitat.

Year	Catch Amounts				Proportion in Critical Habitat		
	CH 20 nm	Total CH	Outside CH	Total	CH 20 R&H	Total CH	Outside CH
1995	60,867	60,868	4,029	64,897	94%	94%	6%
1996	27,725	27,726	1,326	29,052	95%	95%	5%
1997	25,135	25,135	763	25,898	97%	97%	3%
1998	17,612	17,612	6,174	23,786	74%	74%	26%
1999	749	749	247	996	75%	75%	25%

Table 14. The percent of critical habitat areas closed in the BSAI and GOA under the Steller sea lion conservation measures.

Region	Fishery	Gear	% Area Closed				Foraging	
			0-3	3-10	[0-10]	10-20	Area	Total CH
AI	Pollock	Trawl	100%	100%	100%	100%	100%	100%
	Pacific Cod	Trawl	100%	51%	57%	4%	100%	25%
		Pot	100%	58%	63%	18%	100%	36%
		Longline	100%	58%	63%	18%	100%	36%
Atka Mackerel	Trawl	100%	75%	78%	45%	100%	58%	
EBS	Pollock	Trawl	100%	92%	93%	60%	45%	58%
	Pacific Cod	Trawl	100%	92%	93%	60%	45%	58%
		Pot	100%	63%	67%	60%	45%	54%
		Longline	100%	61%	65%	57%	44%	52%
Atka Mackerel	Trawl	100%	100%	100%	100%	45%	73%	
GOA	Pollock	Trawl	100%	83%	85%	48%	0%	57%
	Pacific Cod	Trawl	100%	83%	85%	48%	0%	57%
		Pot	58%	29%	32%	27%	0%	27%
		Longline	58%	29%	32%	16%	0%	20%
BSAI/GOA	Pollock	Trawl	100%	90%	91%	69%	39%	70%
	Pacific Cod	Trawl	100%	73%	76%	36%	39%	48%
		Pot	78%	44%	48%	31%	39%	38%
		Longline	78%	44%	48%	25%	38%	34%
Atka Mackerel (BSAI)	Trawl	100%	83%	85%	66%	48%	66%	

TABLES

Table 15. Time series of ABC, TAC, and total catch for Aleutian Islands Region walleye pollock fisheries 1991-2005. Units are in metric tons. Note: There was no OFL level set in 1991 and the 1993 harvest specifications were not available

YEAR	ABC	TAC	OFL	CATCH	CATCH/TAC
1991	101,460	72,250	NA	98,604	136%
1992	51,600	47,730	62,400	52,352	110%
1993				57,132	
1994	56,600	56,600	60,400	58,659	104%
1995	56,600	56,600	60,400	64,925	115%
1996	35,600	35,600	47,000	29,062	82%
1997	28,000	28,000	38,000	25,940	93%
1998	23,800	23,800	31,700	23,822	100%
1999	23,800	2,000	31,700	1,010	51%
2000	23,800	2,000	31,700	1,244	62%
2001	23,800	2,000	31,700	824	41%
2002	23,800	1,000	31,700	1,156	116%
2003	39,400	1,000	52,600	1,653	165%
2004	39,400	1,000	52,600	1,150	115%
2005	29,400	19,000	39,100	1,556	8%

TABLES

Table 16. Estimates of walleye pollock catches from the entire Aleutian Islands Region by source, 1977-2003. Units are in metric tons.

Year	Official Foreign & JV Blend	Domestic Blend	Foreign Reported	NMFS Observer Data	Current estimates
1977	7,367		7,827	5	7,367
1978	6,283		6,283	234	6,283
1979	9,446		9,505	58	9,446
1980	58,157		58,477	883	58,157
1981	55,517		57,056	2,679	55,517
1982	57,753		62,624	11,847	57,753
1983	59,021		44,544	12,429	59,021
1984	77,595		67,103	48,538	77,595
1985	58,147		48,733	43,844	58,147
1986	45,439		14,392	29,464	45,439
1987	28,471			17,944	28,471
1988	41,203			21,987	41,203
1989	10,569			5,316	10,569
1990		79,025		51,137	79,025
1991		98,604		20,493	98,604
1992		52,352		20,853	52,352
1993		57,132		22,804	57,132
1994		58,659		37,707	58,659
1995		64,925		18,023	64,925
1996		29,062		5,982	29,062
1997		25,940		5,580	25,940
1998		23,822		1,882	23,822
1999		1,010		24	1,010
2000		1,244		75	1,244
2001		824		88	824
2002		1,156		144	1,156
2003		1,653			1,653
2004		1,150			1,150
2005		1,610			1,610



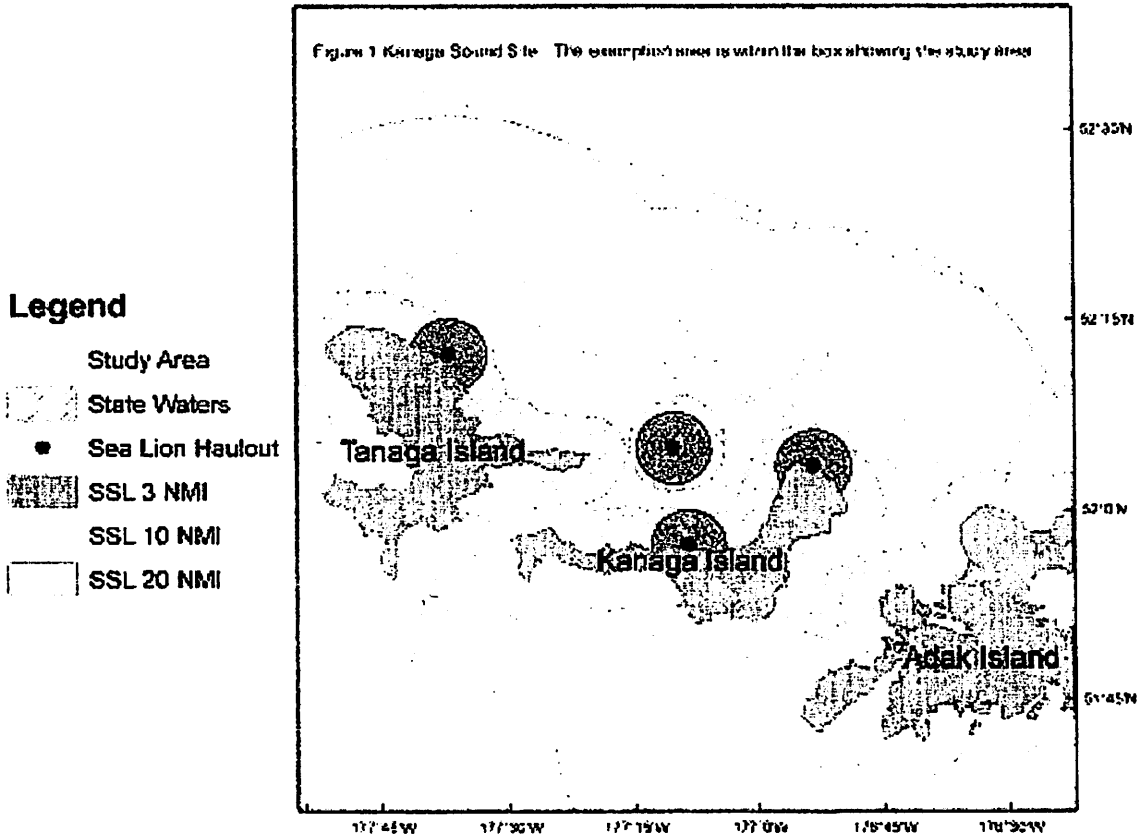
TABLES

Table 17. Estimates of Aleutian Islands Region walleye pollock catch by the three management sub-areas. Foreign reported data were used from 1977-1984, from 1985-2003 observer data were used to partition catches among the areas. Units are in metric tons.

Year	East (541)	Central (542)	West (543)	Total
1977	4,402	0	2,965	7,367
1978	5,267	712	305	6,283
1979	1,488	1,756	6,203	9,446
1980	28,284	7,097	22,775	58,157
1981	43,461	10,074	1,982	55,517
1982	54,173	1,205	2,376	57,753
1983	56,577	1,250	1,194	59,021
1984	64,172	5,760	7,663	77,595
1985	19,885	38,163	100	58,147
1986	38,361	7,078	0	45,439
1987	28,086	386	0	28,471
1988	40,685	517	0	41,203
1989	10,569	0	0	10,569
1990	69,170	9,425	430	79,025
1991	98,032	561	11	98,604
1992	52,140	206	6	52,352
1993	54,512	2,536	83	57,132
1994	58,091	554	15	58,659
1995	28,109	36,714	102	64,925
1996	9,226	19,574	261	29,062
1997	8,110	16,799	1,031	25,940
1998	1,837	3,858	18,127	23,822
1999	484	420	105	1,010
2000	615	461	169	1,244
2001	332	386	105	824
2002	842	180	133	1,156
2003	569	758	326	1,653

FIGURES

Figure 1. Kanaga sound site. The Kanaga Sound site is waters within the study area delineated by a box with the northern boundary of 52° 15' latitude and a southern boundary of 51° 43' latitude from Adak Island to the eastern shore of Tanaga Island. The eastern boundary is 176° 45' longitude W and the western boundary is 178° 15' longitude W south to 51° 52' N latitude. The southern boundary of this portion of the box on the west side of Tanaga Island is at 51° 52' N latitude between 178° 15' longitude W and 178° 13' 22" longitude W. This area is located within statistical area 542 of the BSAI.

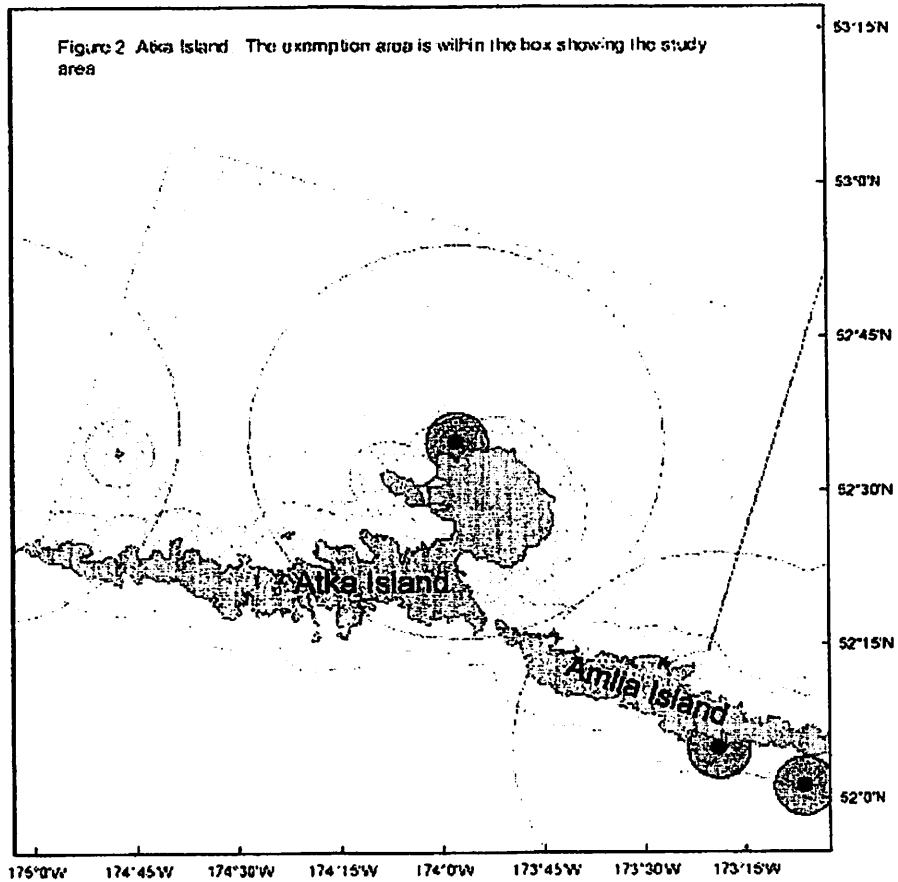


FIGURES

Figure 2. Atka Island site. The Atka Island site is waters north of Atka and Amlia Island between 173°30' W longitude and 175°15' W longitude and south of 52°45' N latitude. At Amlia pass, the area includes waters north of a line at 52 deg. 7' 30" North latitude between 174 deg. 3' W longitude and 174deg. 5' 1" W longitude. This area is located in statistical area 541 of the BSAI.

**Legend**

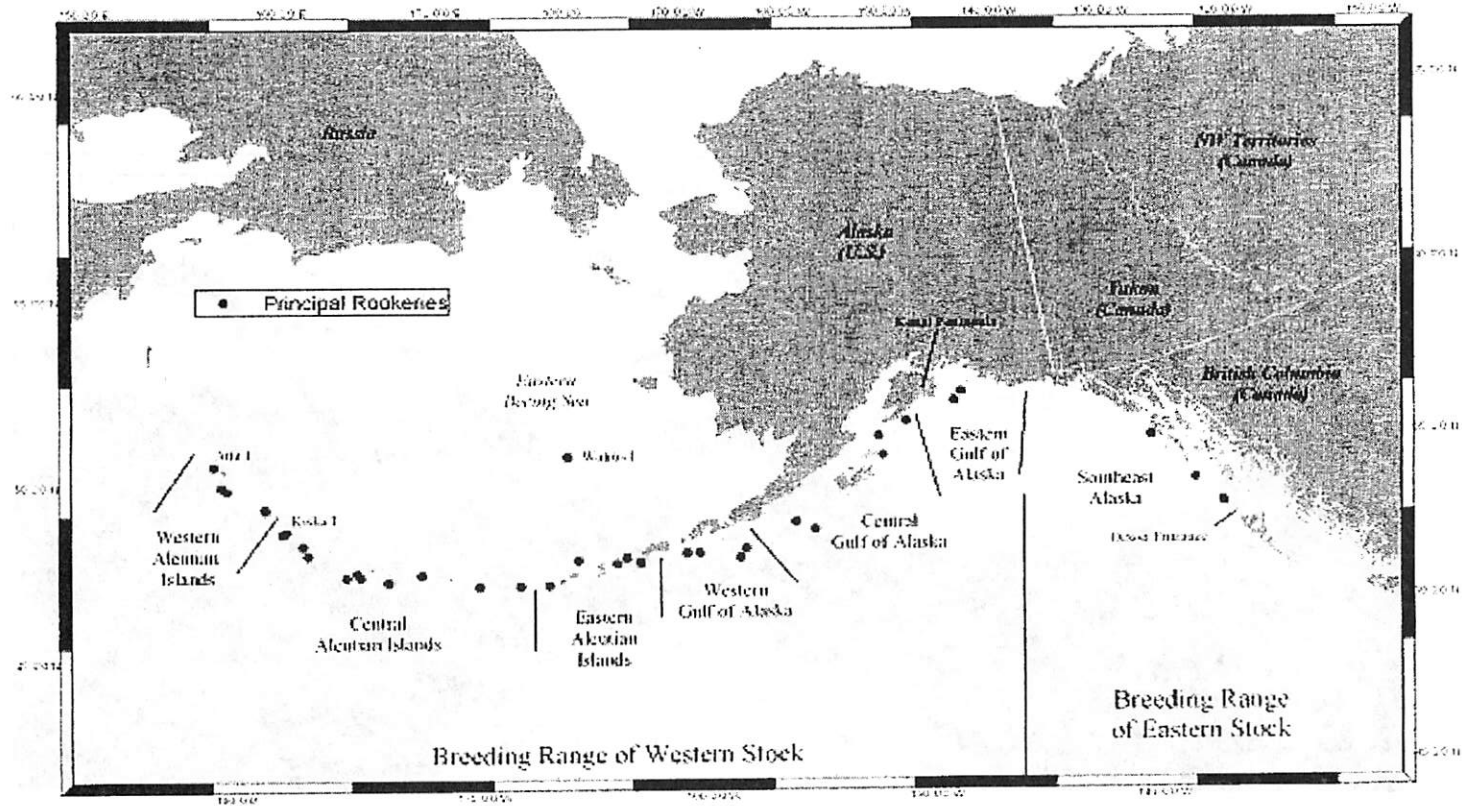
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- State Waters
- Sea Lion Haulout
- SSL 3 NMI
- SSL 10 NMI
- SSL 20 NMI
- Seguam Closure





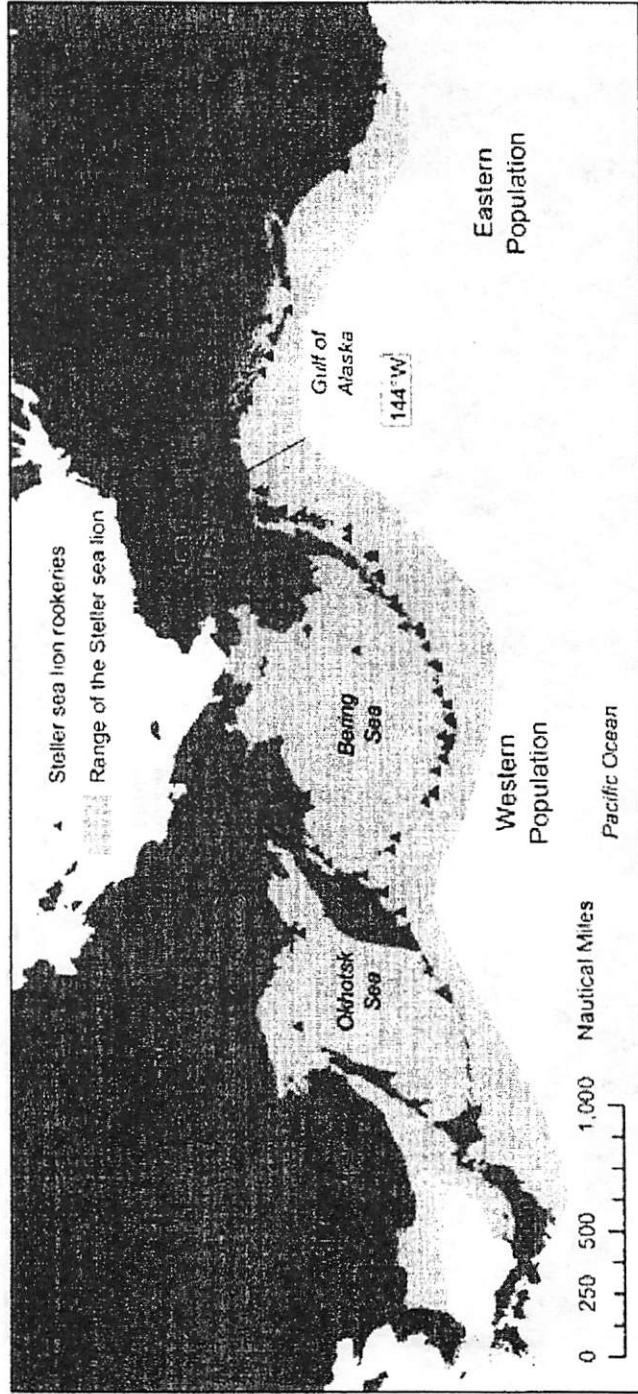
FIGURES

Figure 4. Steller sea lion survey regions from Dixon Entrance to Attu Island and the location of the principal rookeries in Alaska. Kiska Island, the Kenai Peninsula, and Walrus Island in the eastern Bering Sea are also noted, along with the boundary between the breeding ranges of the eastern and western sea lion stocks. The Central Aleutian Islands is defined as the area between Samalga Pass and Kiska Island.



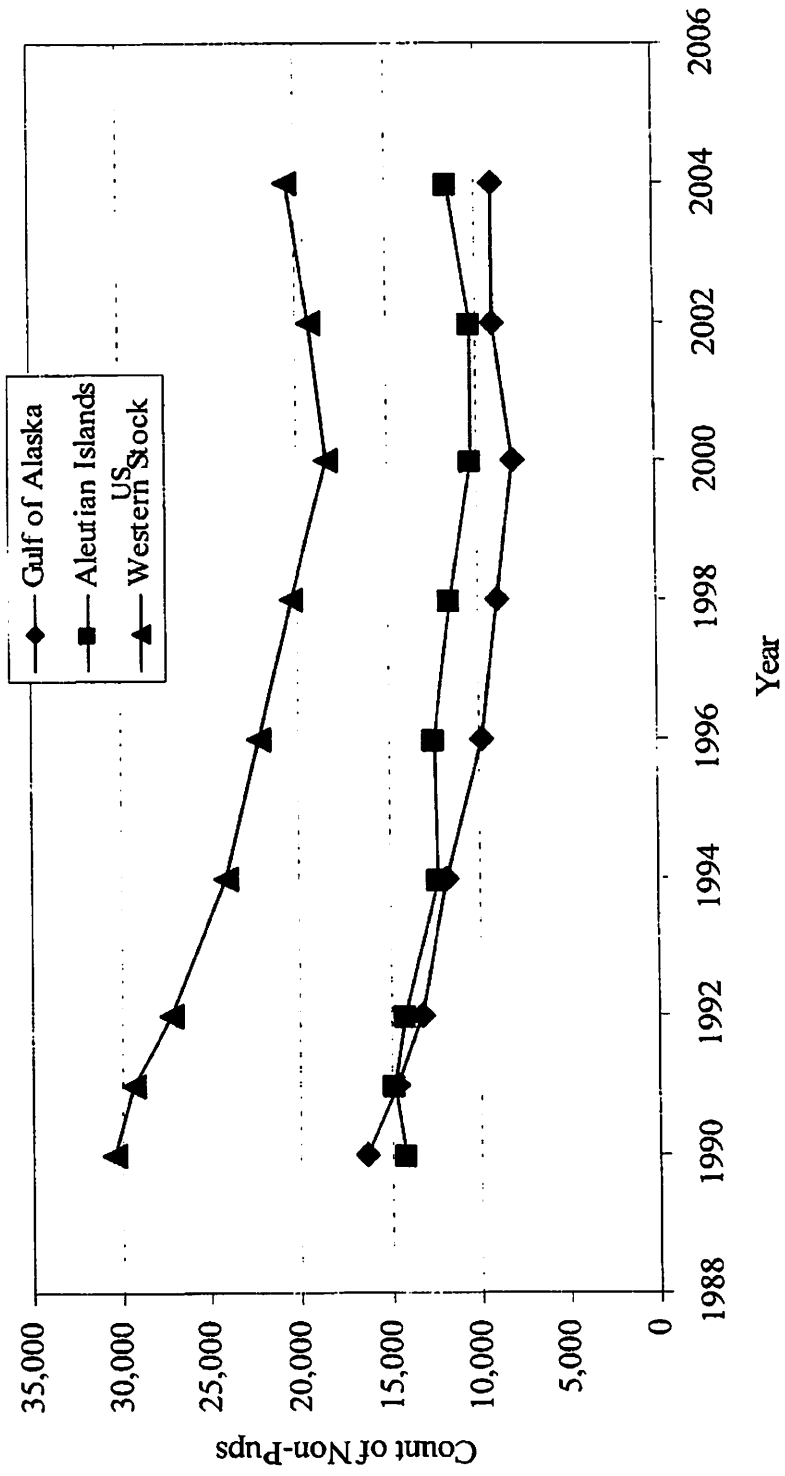
FIGURES

Figure 5. Breeding ranges of the western and eastern stocks of Steller sea lions (triangles = terrestrial locations of major rookeries) in the North Pacific.



FIGURES

Figure 6. Counts of non-pups in the western population.



FIGURES

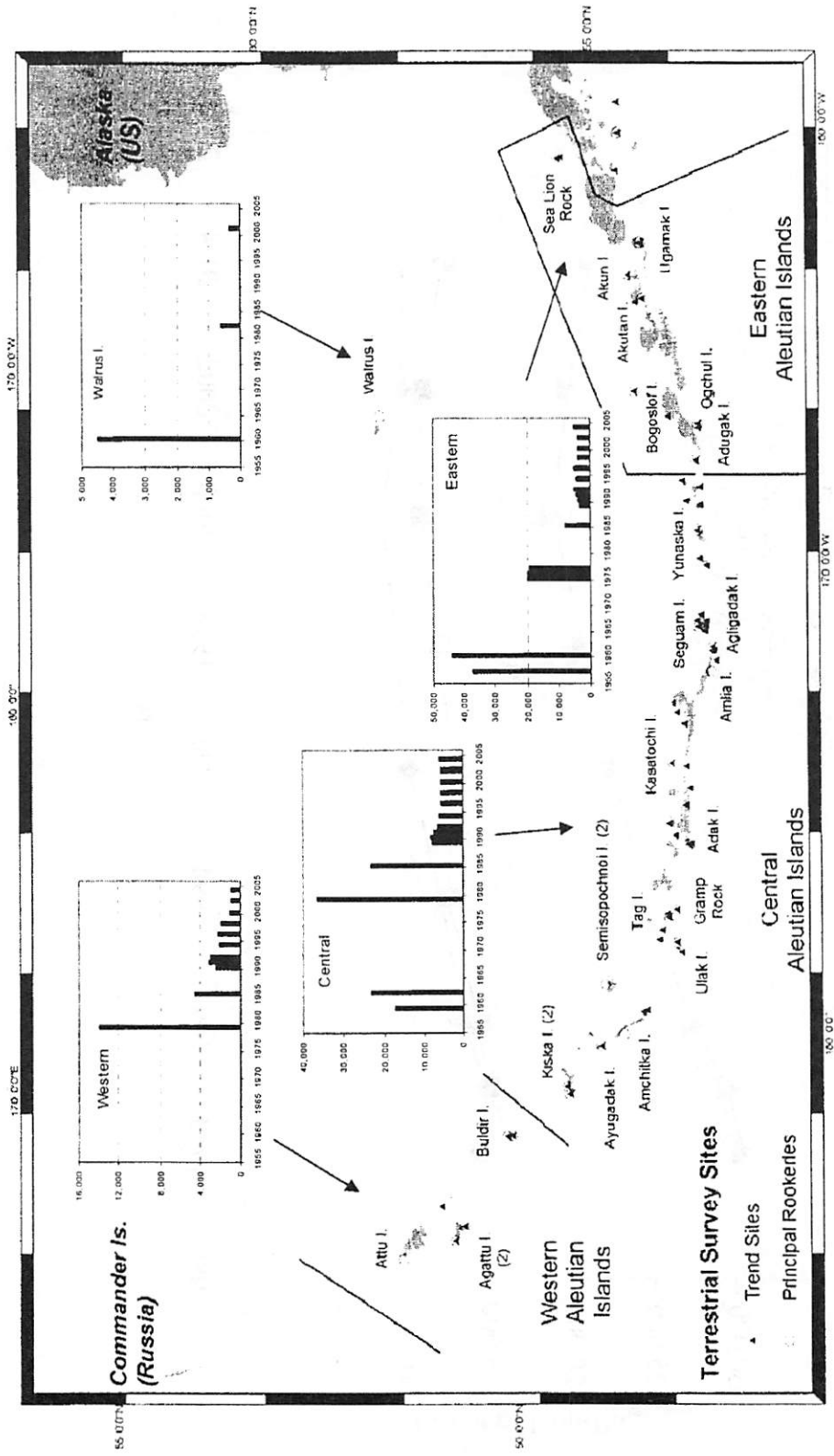
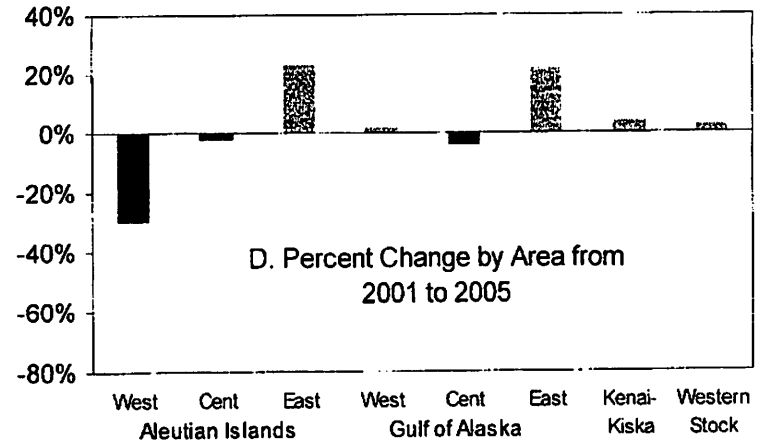
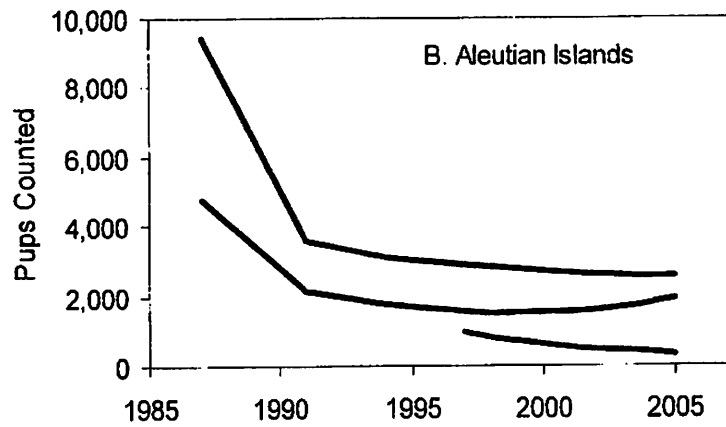
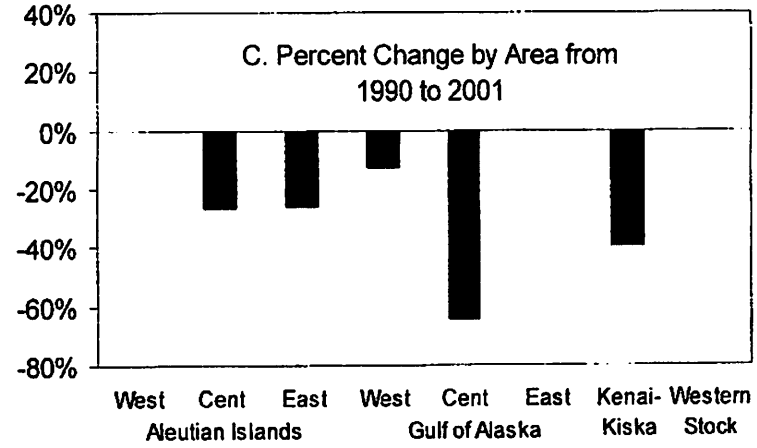
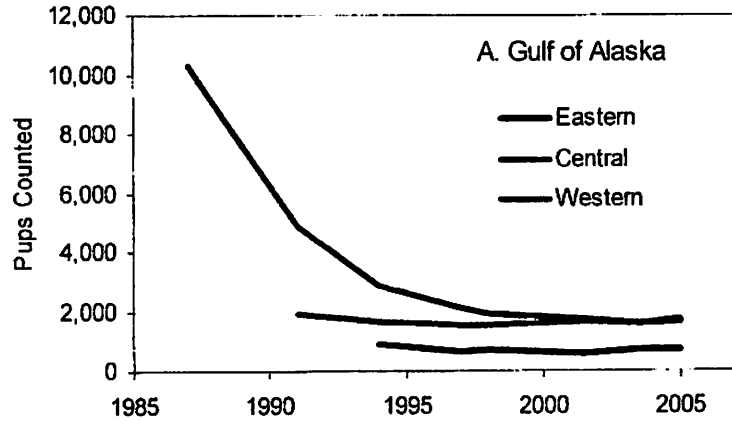


Figure 7. Counts of adult and juvenile Steller sea lions on western population trend sites in three sub-areas of the Aleutian Islands, 1950s through 2004. Counts on Walrus Island in the eastern Bering Sea are also shown, as are the location of principal rookeries (named) and major terrestrial haulout trend sites (NMFS 1992; Fritz and Stinchcomb 2005).



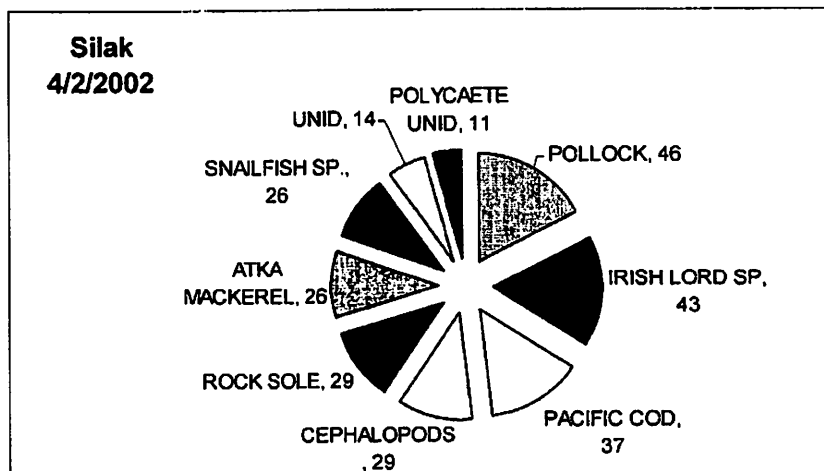
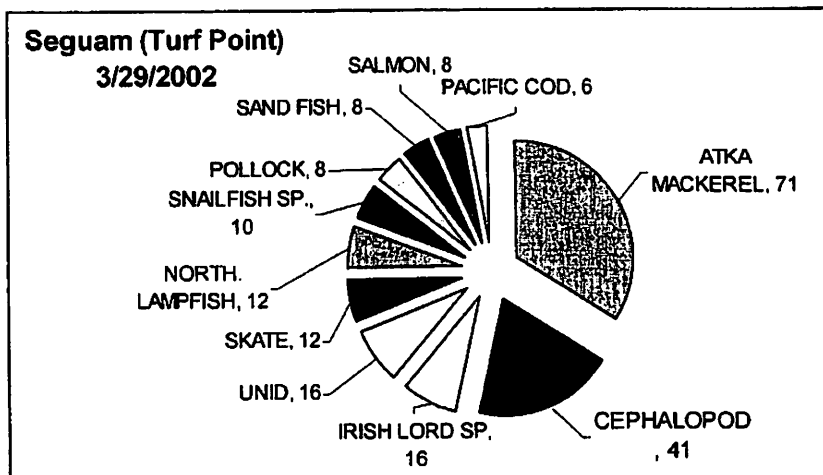
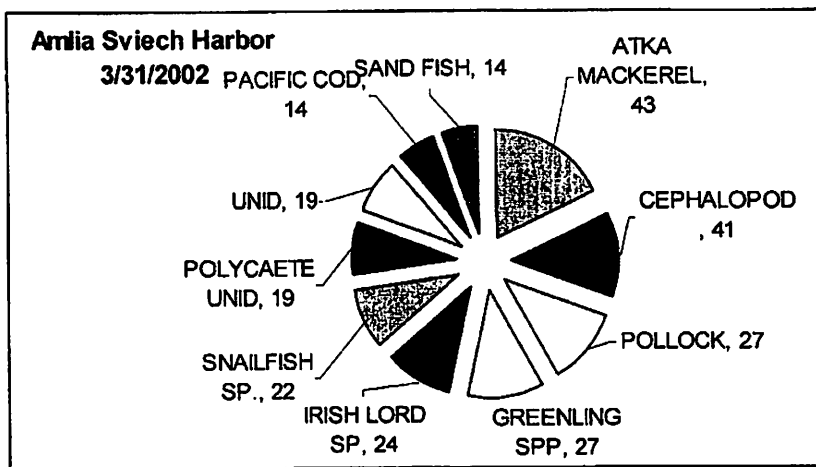
FIGURES

Figure 8. Steller sea lion pup counts at trend rookeries in the range of the western stock in Alaska by region from the late 1980s to 2005 in the Gulf of Alaska (A) and Aleutian Islands (B). Percent change in counts between 1990/92 and 2001/02 (C) and 2001/02 and 2005 (D) are also shown (data from Table 2).



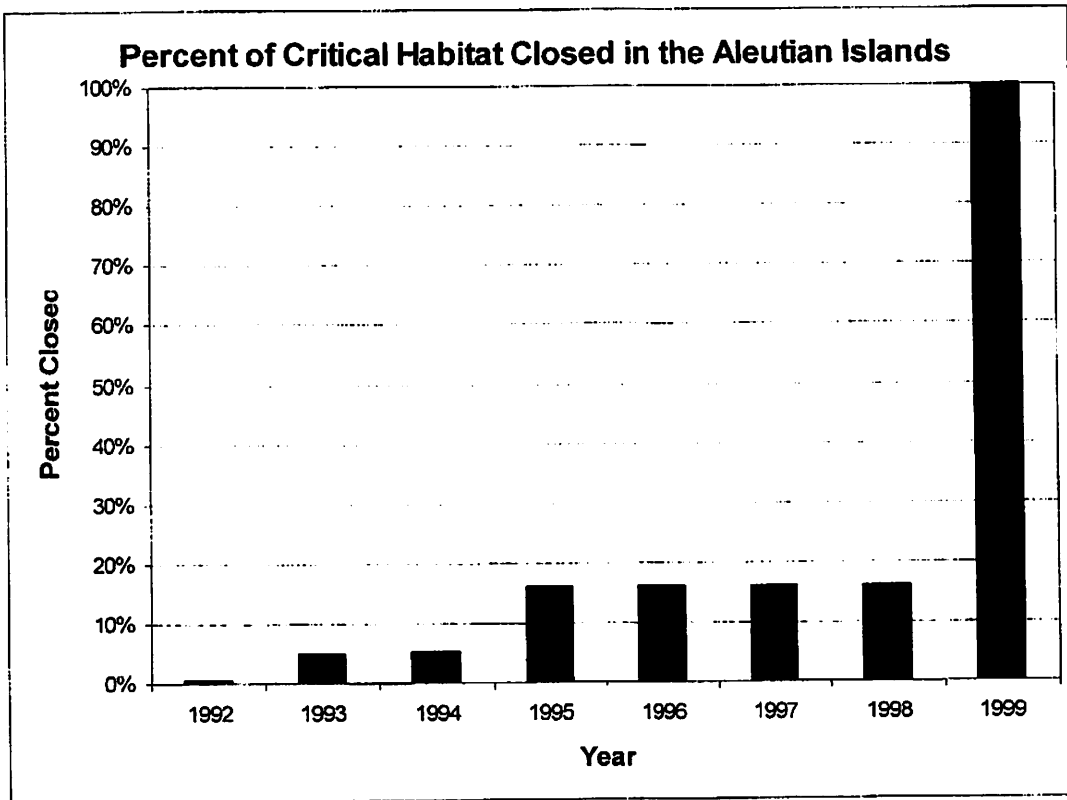
FIGURES

Figure 9. Frequency of occurrence of various prey items in scat as described in Table 6.



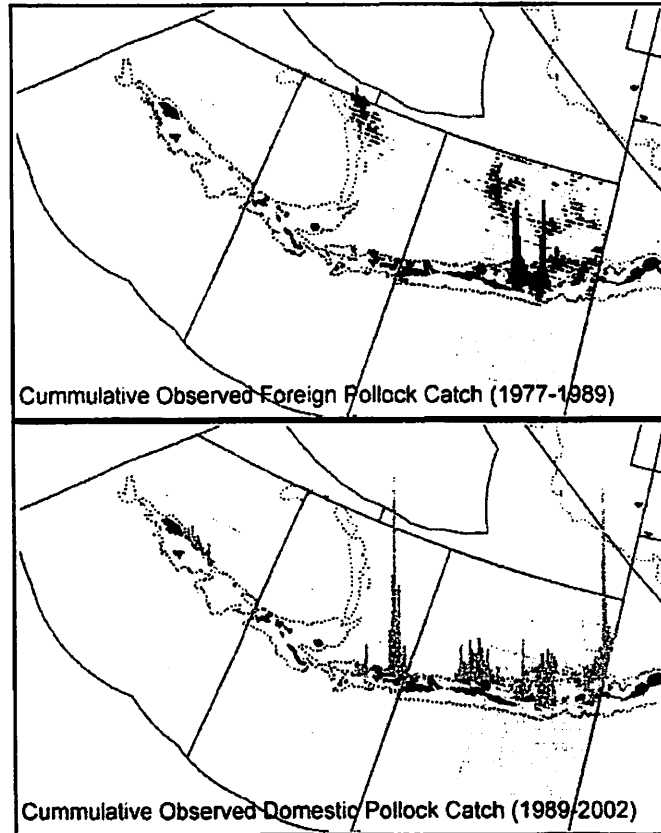
FIGURES

Figure 10. Fraction of critical habitat in the Aleutian Islands area closed to pollock fishing.



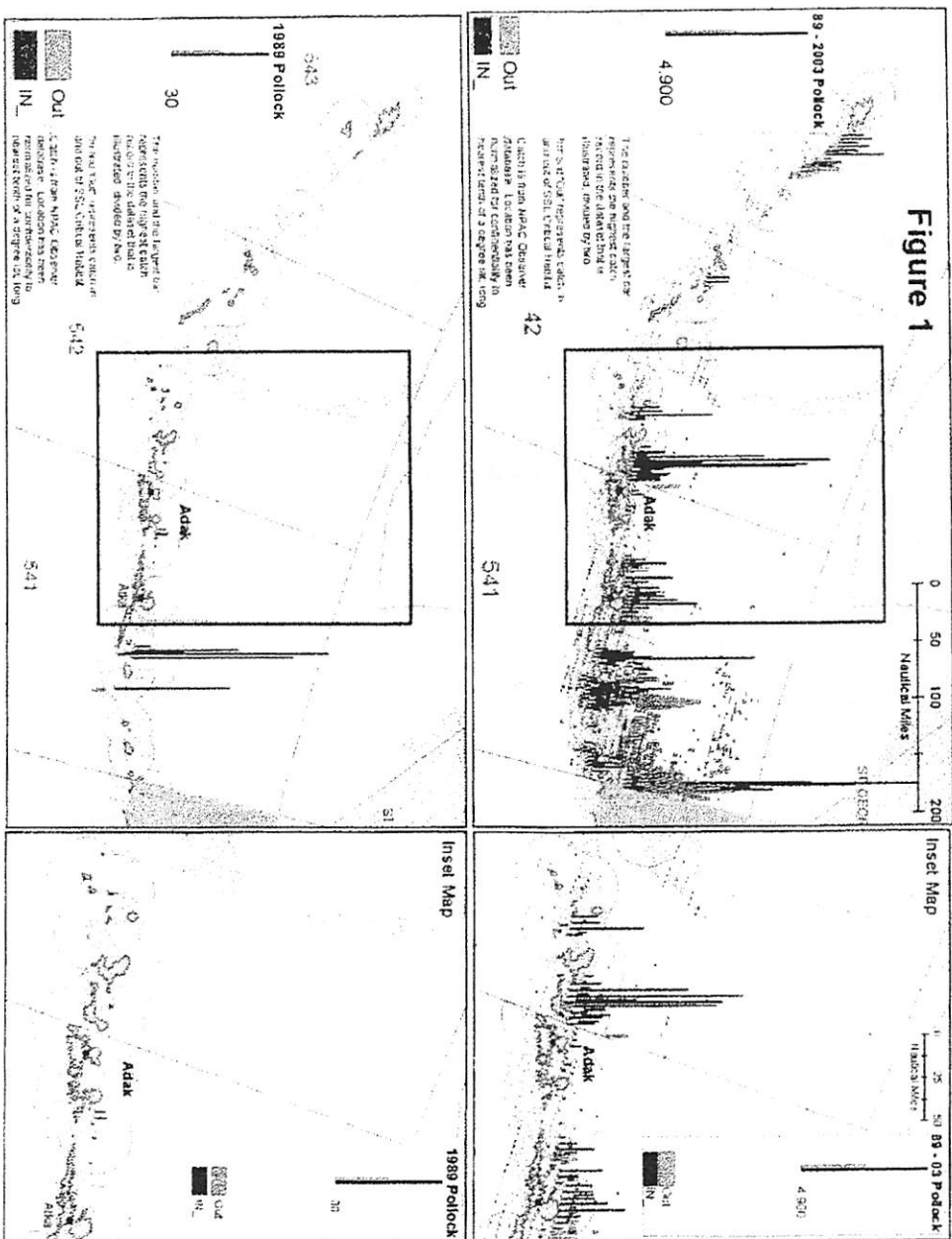
## FIGURES

Figure 11. Observed foreign and J.V. (1978-1989), and domestic (1989-2002) pollock catch in the Aleutian Islands Area summed over all years and 10 minute latitude and longitude blocks. Both maps use the same scale (maximum observed catch per 10 minute block: foreign and J.V. 8,000 t and Domestic 19,000 t). Catches of less than 1 t were excluded from cumulative totals. (from Barbeaux et al. 2005).



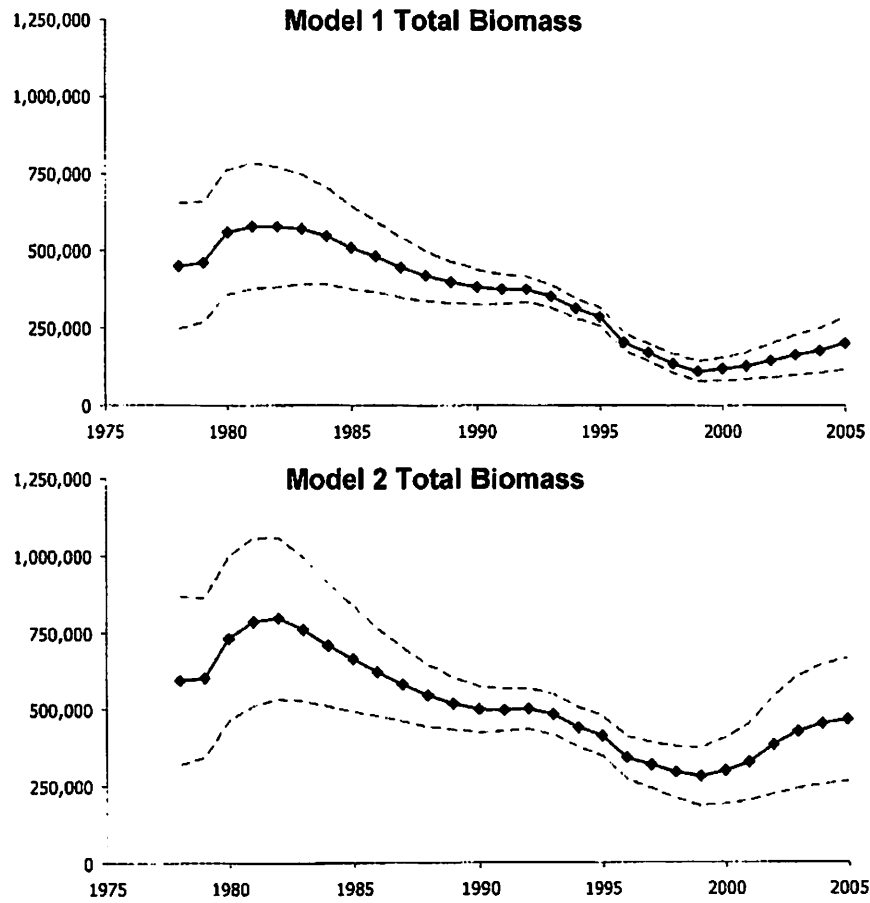
FIGURES

Figure 12. Harvest of pollock in the Aleutian Islands area from 1989-2003 (NMFS unpublished data).



FIGURES

Figure 13. Model1(top) and Model 2 (bottom) estimates of Aleutian Islands pollock age 2+ total biomass (in tons); dashed lines represent approximate upper and lower confidence bounds (from Barbeaux et al 2005).



KC31

**PROPOSAL XX: 5 AAC 28.6XX. Aleutian Islands District Pacific Cod Management Plan.** Create a new regulation as follows to conduct an Aleutian Islands state-waters Pacific cod fishery.

5 AAC 28.6XX. Aleutian Islands District, west of 170° W long., Pacific Cod Management Plan.

(a) This management plan governs the harvest of Pacific cod in the Aleutian Islands District west of 170° W longitude, of the state Bering Sea-Aleutian Islands Area.

(b) Each year the commissioner shall open and close, by emergency order, a parallel Pacific cod season in the Aleutian Islands District west of 170° W longitude to coincide with the initial federal season in the federal Bering Sea-Aleutian Islands Area. The commissioner shall open and close, by emergency order, the parallel Pacific cod season during which the use of the same gear allowed in the federal Bering Sea-Aleutian Islands Area Pacific cod season is permitted, unless use of that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.629.

(c) The commissioner shall open, by emergency order, a state-waters Pacific cod season in the Aleutian Islands District west of 170° W longitude on March 15. The commissioner shall, by emergency order, close the state-waters Pacific cod season opened under this subsection when the guideline harvest level is taken or on December 31, whichever occurs first;

(d) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this management plan if;

(1) the guideline harvest level specified in (e)(1) of this section has been reached and a federal season is ongoing in adjacent federal waters; or

(2) the commissioner determines it is necessary to

(A) adapt to unanticipated openings and closures of the federal season;

(B) maintain sustained yield management; or

(C) provide for orderly fisheries.

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W long. is 3 percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea-Aleutian Islands Area;

**(A) a maximum of 70 percent of the guideline harvest level shall be available for harvest before June 1.**

**(B) any unharvested amount under (e) (1) (A) will be rolled over on June 1. A maximum of 70% of the guideline harvest level will be available after June 1, including the rollover amount.**

**(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, and hand troll gear.**

**(3) during the 2006 and 2007 season, in addition to the gear types specified in (2) of this subsection, non-pelagic trawl and longline gear may be used during the state-waters season except from May 1 – September 15. Trawl gear may only be operated during the state-waters Pacific cod fishery in those waters opened for non-pelagic trawling during the parallel Pacific cod fishery. A vessel must be registered to fish with non-pelagic trawl or longline gear; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Dutch Harbor, and that registration has been validated by the department;**

**(4) A vessel using non-pelagic trawl gear or longline gear may only harvest up to 300,000 pounds of Pacific cod daily and may only have 600,000 pounds of unprocessed Pacific cod onboard the vessel.**

**(f) in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with pot gear or with mechanical jigging machines and hand troll gear (jig gear), and may be registered to fish only with one of these two gear types; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Dutch Harbor, or other locations specified by the department for validation, and that registration has been validated by the department;**

**(g) The Aleutian Islands District is a non exclusive registration area for Pacific cod during a state-waters season.**

Also:

If the above is adopted, amend 5 AAC 28.081 to include the proposed Aleutian Islands state-waters Pacific cod fishery.

If the above is adopted, consider amendments to 5 AAC 28.629 (d) (1&2) and (e). For example 5 AAC 28.629 (d) (1) allows trawl vessels less than or equal to 60' to operate in



Sitkin Sound for Pacific cod year-round. That contradicts the trawl exclusion from May 1  
– September 15 in the proposal.

**The following are closed waters in the Aleutian Islands Area. This is submitted for discussion purposes only. The following waters are closed waters under a global EO.**

**5 AAC 28.6XX. Agligadak Island** (52° 06.09' N. lat., 172° 54.23' W. long.); **Kasatochi Island** (52° 11.11' N. lat., 175° 31.00' W. long.); **Gramp Rock** (51° 28.87' N. lat., 178° 20.58' W. long.); **Tag Island** (51° 33.50' N. lat., 178° 34.50' W. long.); **Semisopchnoi Island (Pochnoi Point)** (51° 57.30' N. lat., 179° 46.00' E. long.); **Amchitka Island (Column Rocks)** (51° 32.32' N. lat., 178° 49.28' E. long.); **Ayugadak Point** (51° 45.36' N. lat., 178° 24.30' E. long.); **Yunaska Island** (52° 41.40' N. lat., 170° 36.35' W. long.); **Seguam Island (Saddleridge Point)** (52° 21.02' N. lat., 172° 33.60' W. long., to 52° 21.05' N. lat., 172° 34.40' W. long.); **Adak Island** (51° 37.40' N. lat., 176° 59.60' W. long., to 51° 35.50' N. lat., 176° 57.10' W. long.); **Kiska Island (Cape St. Stephen)** (51° 53.50' N. lat., 177° 12.00' E. long., to 51° 52.50' N. lat., 177° 12.70' E. long.); **Buldir Island** (52° 20.38' N. lat., 175° 53.85' E. long., to 52° 20.25' N. lat., 175° 54.03' E. long.); **Attu Island (Cape Wrangell)** (52° 55.40' N. lat., 172° 27.20' E. long. to 52° 54.60' N. lat., 172° 27.90' E. long.); **Ulak Island (Hasgox Point)** (51° 18.70' N. lat., 178° 59.60' W. long., to 51° 18.90' N. lat., 178° 58.90' W. long.); **Amchitka Island (East Cape)** (51° 22.00' N. lat., 179° 27.00' E. long., to 51° 22.26' N. lat., 179° 27.93' E. long.); **Semisopchnoi Island (Petrel Point)** (52° 01.50' N. lat., 179° 39.00' E. long., to 52° 01.40' N. lat., 179° 36.90' E. long.); **Agattu Island (Cape Sabak)** (52° 21.80' N. lat., 173° 41.40' E. long., to 52° 22.50' N. lat., 173° 43.30' E. long.); **Kiska Island (Lief Cove)** (51° 57.24' N. lat., 177° 20.53' E. long., to 51° 57.16' N. lat., 177° 20.41' E. long.).

# North Pacific Fishery Management Council

Stephanie Madsen, Chair  
Chris Oliver, Executive Director



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February 16, 2006

Art Nelson, Chairman  
Alaska Board of Fisheries  
P.O. Box 115525  
Juneau, AK 99811-5525

Dear Art:

The NPFMC would like to thank you and the Board for meeting with us in Anchorage on February 3, 2006 to discuss BOF Proposal 399. We understand the proposal would allocate three percent of the Federal Bering Sea/Aleutian Islands Pacific cod Acceptable Biological Catch to an Aleutian Islands State water Pacific cod fishery. At that meeting the Council and National Marine Fisheries Service (NMFS) expressed our concerns over various aspects of the proposal. Chief among the concerns expressed were the implications of the proposal relative to Steller sea lions, and potential triggering of a Section 7 consultation process. If BOF action on Proposal 399 were to trigger a formal consultation, we are concerned that this could delay the FMP-level consultation recently initiated. That consultation process is being tracked by the Council's Steller Sea Lion Mitigation Committee, to which you have been appointed, as well as Ed Dersham from the Alaska Department of Fish & Game. A copy of the consultation schedule is attached. Based on our discussions on February 3, and based on preliminary advice from the NMFS Protected Resources Division, we are hopeful that the BOF can craft the proposed state water cod fishery in a manner which avoids the Steller sea lion issues and does not result in a Section 7 consultation process. The minutes from our February 3 meeting suggest a number of considerations (including maintenance of existing closed areas and seasonal apportionments) which we hope the BOF will include if they move forward with this proposal.

The Council recently met in Seattle and further discussed the proposed State water cod fishery. The Council appreciates that the BOF has postponed taking action on Proposal 399 until your February 20-26 meeting in Ketchikan, in order to consider the issues discussed at our joint meeting on February 3. The Council also requested that the BOF be provided additional information from our recent Council meeting, which is summarized below.

First, as we reported to you, the Council is in the process of developing a new amendment (85) to the BSAI Groundfish Fishery Management Plan that would: 1) revise the cod allocations to each gear sector, and 2) position the Council to separate Pacific cod sector allocations into Bering Sea and Aleutian Island allocations in a future specifications process. The Aleutian Islands quota could be further apportioned to various gear groups. The Council identified its preliminary preferred alternative on this part of Amendment 85, such that Aleutian Islands sector allocations would be based on a sector's catch history of Pacific cod in the Aleutian Islands. When this action is completed, it could benefit the fishing sectors that are seeking better access to cod in Proposal 399. In short, we believe that the pending Council action on Amendment 85 will largely satisfy the goals of Proposal 399, though such action would not be in place for 2006. It is our recommendation that if the BOF chooses to establish a fishery as described in 399 that it only authorize it for this year, and then reassess the status of these various fishery conditions later this year.

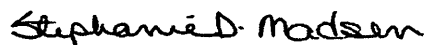
Secondly, at its recent February meeting, the Council recommended approving an Exempted Fishing Permit (EFP) to allow pollock trawling in some areas of the Aleutian Islands that are closed under Steller sea lion protection measures. The proposed study would use commercial fishing vessels to test the viability of acoustic assessments, to locate and measure schools of pollock and then fish these areas with trawl gear to collect pollock samples and to measure effects of the fishing on the pollock biomass. The objective of the study is to collect data to improve pollock stock assessments in the Aleutian Islands. Fish harvested in this experimental fishery (1,000 metric tons of pollock) will be processed in Adak.

Thirdly, the Council's Enforcement Committee was briefed on Proposal 399. The committee requested that, if the BOF approves this fishery, all participating vessels carry Vessel Monitoring System equipment (Enforcement Committee meeting minutes are attached). Mr. Bill Wilson from the Council staff will be attending your meeting in Ketchikan and can further speak to all of these issues if necessary. I understand that NMFS will also have a representative at your meeting.

The Council also discussed other proposals that are before the BOF, and we recommend that the BOF proceed with any action you see fit. These are Proposals 428 and 430 that deal with king crab and Proposal 20 that addresses charter vessel anchoring in Cook Inlet. The Council has no further concerns or other comments on these proposals.

Again, the Council appreciates the BOF efforts to meet with the Council and to discuss fishery management issues of mutual concern. The Council looks forward to continuing to work cooperatively with the BOF.

Sincerely,



Stephanie Madsen  
Chair

CC: Ms. Sue Salvesson, NMFS Office of Sustainable Fisheries  
Ms. Kaja Brix, NMFS Office of Protected Species

Attachments:

Minutes of Feb 3 mtg  
Enforcement Committee minutes  
Schedule of consultation

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## Joint Meeting - North Pacific Fishery Management Council and Alaska Board of Fisheries

Meeting on Board of Fisheries Proposal 399 for a State Water Pacific cod fishery in the Aleutian Islands West of 170° West Longitude

February 3, 2006

### MINUTES

The Alaska Board of Fisheries (BOF) and North Pacific Fishery Management Council convened at 8:30 am on February 3, 2006 in the 4<sup>th</sup> Avenue Theatre, Anchorage. This meeting was chaired by Stephanie Madsen, Chair of the Council. The BOF and Council meeting agenda (attached) included addressing concerns over a proposed State waters Pacific cod fishery in the Aleutian Islands; the agenda also included discussion of certain BOF proposals that might raise issues of concern to the Council.

BOF members present were: Art Nelson (BOF Chair), John Jensen, Mel Morris, Jeremiah Campbell, and Robert Heyano. Council members present were: Stephanie Madsen (Council Chair), Sue Salvesson, Doug Hoedel, Roy Hyder, John Bundy, Bill Tweit, Eric Olson, Dave Benson, and Earl Krygier. Other staff present were: Jonathan Pollard (NOAA Office of General Counsel), Jim Marcotte (Executive Director, BOF), Chris Oliver (Executive Director, Council), Steve Daugherty (Asst. Attorney General, Alaska), Denby Lloyd and Wayne Donaldson (ADF&G Staff) and Nicole Kimball, Bill Wilson, and David Witherell (Council Staff).

#### Staff Presentations

Wayne Donaldson and Denby Lloyd presented an overview of BOF Proposal 399 (see attached) and clarified some of the proposal's elements. The proposed Aleutian Islands State waters fishery quota would be a Guideline Harvest Level (GHL) based on 3 % of the Federal BSAI Pacific cod ABC and the fishery would occur in State waters of the Aleutian Islands west of 170° West Longitude. Vessels of any length using non-pelagic trawl and hook and line gear could participate in 2006 only and would be required to comply with all Steller sea lion (SSL) protection measures; other vessels specified in 399 (pot, jig, hand troll) would be exempt from SSL haulout closures but not the 0-3 n mi no transit zones.

Nicole Kimball presented an overview of the current Federal Pacific cod fishery in the BSAI including apportionment of TAC to CDQ groups (7.5 % of TAC off the top) and the remaining ITAC apportioned to eight gear/sector groups. The process for reallocating unharvested TAC was described. Ms. Kimball also gave an overview of the Council's pending consideration of BSAI FMP Amendment 85 which seeks to revise Pacific cod allocations based on actual catch history of the sectors and also to

## DRAFT

provide a methodology to split Pacific cod sector allocations between the Bering Sea and the Aleutian Islands (AI) sub areas, if a TAC split occurs in the future.

Bill Wilson presented a summary of several issues of concern to the Council and to NMFS. These were outlined in letters from the Council to the BOF dated December 21, 2005 and from NMFS to the BOF dated January 17, 2006. These issues include:

- conservation of the Pacific cod stock in the AI subarea based on current assumptions of 15/85 % of biomass in AI and Bering Sea subareas, respectively;
- potential for harvest over ABC for Pacific cod in the BSAI unless NMFS respecifies TAC for 2006;
- quota reductions for current participants in the 2006 fishery, to remain under ABC, with potential adverse economic impacts to these sectors;
- complication of catch and groundfish bycatch accounting in Federal and State waters;
- accounting of halibut PSC taken in State waters fishery;
- effects of a BOF action on Council's alternatives under consideration in Amendment 85; and
- potential SSL concerns, particularly concerns over triggering a formal Section 7 consultation under the Endangered Species Act.

The Council and BOF members discussed each of these issues in detail. A summary of discussion and suggestions for BOF consideration is provided below.

### Public Comment

Public comment was received from 12 individuals: Joe Childers (Western GOA Fishermen), Michael Swetzof (City of Adak), Rick Koso (Community of Adak), Vince Tutiakoff, Sr. (Community of Adak), Gerry Merrigan (Prowler Fisheries), Tom Manos (Alaskan Lady), Dave Fraser (Adak Fisheries), Brent Paine (United Catcher Boats), Clem Tillion (Aleut Enterprise Corp), Donna Parker (High Seas Catcher Vessel Coop), Shirley Marquardt (City of Unalaska), and Sandra Moller (Aleut Enterprise Corp).

Comments generally in favor of BOF Proposal 399 included the beneficial economic effects of the proposed fishery on Adak and other AI communities; potential to encourage a small vessel fishery in the AI subarea, particularly local resident vessels in Adak and Atka; need for quick action to allow a fishery in 2006, and the BOF process is the only avenue for quick action; and alleviate current closure of the AI subarea "A" season by the fleet fishing the Bering Sea before the Pacific cod schooled up in the Adak area. Comments also included several suggestions for resolving concerns over bycatch and PSC accounting, for addressing concerns over SSL protection measures, and for defining the types of vessels eligible to participate. Comments also included recommendations that the BOF provide for this fishery by March 15 at the latest, that no less than 10 million lbs of Pacific cod GHL be

## DRAFT

allocated to this fishery, that trawling be allowed beyond 2006, and that only vessels less than 60 feet LOA be allowed to participate.

Comments not in favor of Proposal 399 included concerns over the potential for creating stranded unharvested TAC in the AI subarea that cannot be harvested by other participants; costs to transit to the AI subarea may be too high to effectively attract enough participants; the Council is already in the process of taking action on Amendment 85 that would provide resolution to the problems Proposal 399 seeks to resolve; current Federal regulations allow for participation of jig and pot vessels without this action; halibut PSC currently is not addressed, and if reduced PSC allocations to current fisheries occur, this could constrain these fisheries; complexity of reducing the current sector and seasonal allocations; and the complexity of dealing with unharvested TAC and required rollovers back to the Federal fishery if the State waters GHL is not fully harvested.

### Council/BOF Discussion

Policies of the BOF regarding emergency action were discussed. The BOF is free to set their meeting agendas and to adjust meeting cycles. The BOF also is free to declare an emergency based on its own assessment of an issue or based on public testimony. Steven Daugherty noted that under State law an emergency is something that threatens the public welfare. The difference between emergency regulations and longer-term, final regulations were discussed (emergency regulations may be enacted immediately upon signature of the Lt. Governor and are only in place for 120 days). The BOF likely would approve both emergency regulations (to get the fishery in place quickly) and final regulations<sup>1</sup> (to keep it in place all year). Mr. Daugherty also noted that the BOF has fairly broad discretion to weigh issues that arise before and during BOF deliberations, and can modify proposals accordingly based on consideration of issues and public testimony.

Several Council members recommended that the BOF consider the issues raised during this meeting when they meet next; a summary of these recommendations is provided below. These recommendations largely reiterate the concerns outlined in the Council's December 21, 2005 letter and the NMFS January 17, 2006 letter.

There was a general understanding that these issues and concerns would be considered by the BOF at their February 20-26, 2006 meeting in Ketchikan. If the BOF provides additional information and approves the fishery, the Council may be better positioned to continue its work on Amendment 85; however, the BOF's action on the State waters Pacific cod fishery may directly affect the Council's decision on Amendment 85 with regard to the specific sectors allowed to fish the GHL. Additional information/clarification is also necessary to enable NMFS to more clearly develop a process for TAC reallocations, groundfish bycatch management, and rollover procedures in the Federal fishery.

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<sup>1</sup> Regular BOF action is effective 30 days after Lt. Governor's signature.

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NMFS and Council staff will attend the BOF's Ketchikan meeting. The Council and NMFS requested that the BOF schedule a time-certain consideration of Proposal 399. Preliminary indication is that the proposal will be deliberated on Friday February 24.

#### Summary and Recommendations to the BOF on Proposal 399

1. Define what kinds of vessels (gear types, sizes) will be eligible to participate in this fishery.
2. Define the seasonal apportionments of Pacific cod quota to the above participants (will the Federal SSL protection measures for specific seasonal/sector allocations be retained?).
3. Will all current Federal SSL protection measures (e.g. closures) be retained?
4. Consider other factors that may affect AI subarea fisheries including a pending Exempted Fishing Permit for an experimental pollock fishery (February 2006 Council meeting issue).
5. Consider a phase-in of Pacific cod quotas in a step-up fashion similar to how the Gulf of Alaska Pacific cod State water fishery developed.
6. Will VMS be required for all participants?
7. Describe the requirements for observers on participating vessels.
8. Provide a mechanism to account for incidental harvest of non-target groundfish and PSC, particularly halibut.
9. Consider specifying what would occur if the Council does split the TAC between the Bering Sea and Aleutian Islands in the future. Would the GHL remain a percentage of the BSAI ABC?
10. Permit trawl gear for 2006 only?

#### Discussion of Other Proposals

Ms. Madsen listed the BOF proposals that may require consideration by the joint BOF and Council, including Proposals 428 and 430 dealing with king crab and Proposal 20 (from November 2004) addressing charter vessel anchoring in Cook Inlet. A summary of past actions by the BOF on these proposals was provided in the meeting briefing book. Ms. Madsen indicated that the Council has no concerns over these proposals and recommends that the BOF proceed to take any appropriate action as they see fit.

The meeting adjourned at 2:22 pm.

Proposal 399 is available at the following link:

[http://www.boards.adfg.state.ak.us/fishinfo/meetinfo/2005\\_2006/HQ-05-F-312.pdf](http://www.boards.adfg.state.ak.us/fishinfo/meetinfo/2005_2006/HQ-05-F-312.pdf)



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**North Pacific Fishery Management Council  
And  
Alaska Board of Fisheries**

**Joint Meeting**

**Fourth Avenue Theatre, Anchorage, Alaska  
8:30 am – 5:00 pm  
February 3, 2006**

**AGENDA**

The purpose of this meeting is to review a Board of Fisheries proposal for a State waters Pacific cod fishery in the Aleutian Islands west of 170° West Longitude. The attached Action Memorandum provides background on this issue and referenced attachments and other information.

1. Introductions, Opening Remarks, and Purpose of Meeting
2. Overview of Board of Fisheries Proposal 399
3. Overview of Federal Pacific cod Fishery Management in the BSAI and proposed BSAI FMP Amendment 85
4. Review of Potential Issues of Concern
  - A) Pacific cod stock conservation – ABC and TAC issues
  - B) Quota reductions in Federal fisheries and rollover of unharvested TAC
  - C) Joint Federal/State management process
  - D) Bycatch and PSC management and accounting
  - E) Pending Council action on Pacific cod allocation in Federal waters – BSAI FMP Amendment 85
  - F) Steller sea lion protection measures
  - G) Other issues
5. Public Comment
6. Board of Fisheries and Council Discussion and Recommendations
7. Discuss Necessity of Joint Protocol Committee Meeting to Address Other Proposals
8. Adjourn

ALASKA BOARD OF FISHERIES

RC # 25

COMMITTEE E – Aleutian Islands District Pacific Cod  
February 23, 2006

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Board Committee Members:

1. Mel Morris, Chair
2. Jeremiah Campbell

Alaska Department of Fish and Game Staff Members:

1. Patti Nelson
2. Wayne Donaldson
3. Ed Dersham
4. Sue Aspelund
5. Todd Johnson – note taker

Alaska Department of Law

1. Steve Daugherty

NPFMC Staff

1. Bill Wilson

NMFS Staff

1. Andy Smoker

Public Panel Members:

1. Dave Fraser, Adak Fisheries
  2. Jan Jacobs, American Seafoods
  3. Agafon Krukoff, Aleut Enterprise Corporation
  4. Gerry Merrigan, Prowler Inc
  5. Kris Norosz, Icicle Seafoods
  6. Brent Paine, United Catcher Boats
  7. Mike Swetzoff, Adak Fisheries
  8. Clem Tillion, Aleut Enterprise Corporation
  9. Vince Tutiakoff, Aleut Enterprise Corporation
- 

This committee met on Thursday February 23 at 8:45 a.m. and adjourned at 12:00 p.m.

**PROPOSAL BEFORE THE COMMITTEE:**

(1 Proposal)

**PROPOSAL 399 - 5 AAC 28.6XX Aleutian Islands District Pacific Cod Management Plan**

**PROPOSAL 399 - 5 AAC 28.6XX Aleutian Islands District Pacific Cod Management Plan**

This proposal would create a state-waters fishery for Pacific cod (P. cod) in a portion of the Aleutian Islands District, similar to the existing state-waters P. cod fisheries in the Gulf of Alaska.

**Staff Reports:** none

**Staff Comments:** RC 26

**AC Reports:** none

**Public Comment:** PCs 1, 3.

**Record Comments:** RCs 4, 11, 18, 26, 31, 32, 33, 34, 44.

**Department Comments:** The department is NEUTRAL on this allocative proposal. The current TAC is fully utilized and creating a state-waters fishery would reallocate harvest.

The proponent of this proposal summarized the reasons behind the submission of proposal 399 (RC 31) which included:

- The community of Adak, which is highly dependent on fisheries, is facing an economic crisis
- Deliveries of P. cod have decreased in recent years because of earlier closures of the Federal fishery
- Crab rationalization has decreased the amount of crab delivered to Adak
- Federal Steller sea lion protection measures (area closures) have inhibited full utilization of the Aleutian Islands pollock allocation
- While there is an amendment (85) before the NPFMC which could provide P. cod allocations in the Aleutian Islands that could benefit the community, those measures will likely not be in place until the 2008 season
- Amendment 85 may not benefit the smaller boats

Those in opposition to this proposal offered the following:

- The BSAI P. cod fishery is fully allocated
- The Council is in the process of developing amendment 85 which could solve the problem
- There has been little effort when given the opportunity to fish in Adak (e.g., Adak box in 2000)
- Concern as to whether this is intended to be a short term fix or a permanent allocation
- If allocated 3% of the BSAI ABC it is likely that fish could go unharvested
- It is expensive with increases in fuel costs to travel to prosecute this fishery
- Concerns relating to roll-over provisions were discussed
- If this proposal were implemented as written, it puts catcher/processors at a disadvantage

The subsequent committee discussion focused on the summary and recommendations provided to the board by the North Pacific Fishery Management Council (RC 4, page 4).

**#1 Define what kinds of vessels (gear types, sizes) will be eligible to participate in this fishery?**

RC 31 allows for pot, jig, hand troll, longline and non-pelagic trawl gear types. Trawl and longline would be allowed for only 2006 and 2007. There are no vessel size limits or designations for catcher processor or catcher vessels.

Pros:

- Multiple gear types will help ensure allocation is taken
- The under 60' pot small vessel allocation was taken near Dutch Harbor in 2005

Cons:

- Small vessels have not taken advantage of the current BOF regulations for a small boat fishery near Adak

**#2 Define the seasonal apportionments of Pacific cod quota to the above participants (will the federal SSL protection measures for specific seasonal /sector allocations be retained?)**

RC 31 allocates the state-waters fishery a maximum of 70% of the GHIL to all gear types prior to June 1 and 30% plus any unharvested portion from the prior season up to a maximum of 70% of the total GHIL, for the state-waters fishery beginning June 1. June 10 aligns with federal A season closure.

Pros:

- Seasonal apportionment is an SSL protection measure
- Apportionments would slow the annual removals
- Trip limits will help to manage the fishery inseason

Cons:

- Could be enforcement issues with state-federal boundary line
- Concerns were raised regarding the timing of roll-over from state to federal fisheries

**#3 Will all current federal SSL protection measures (e.g. closures) be retained?**

Comments:

- The intent of RC 31 is to maintain all parallel closures for SSL protection and HAPC to be carried into the state-waters fishery for all gear types
- The 3% allocation is based on historic state-waters removals which were considered when these SSL protection measures were developed
- Protected Resources will not review this proposal until it is in a final stage of development

**#4 Consider other factors that may affect AI subarea fisheries including a pending Exempted Fishing Permit for an experimental pollock fishery (February 2006 Council meeting issue).**

This issue was discussed but the EFP pollock fishery should not have an effect on the Pacific cod fishery.

**#5 Consider a phase-in of Pacific cod quotas in a step-up fashion similar to how the Gulf of Alaska Pacific cod state-waters fishery developed.**

Pros (in favor of phase-in quotas):

- Gulf of Alaska Pacific cod fisheries were stair-stepped for implementation of the allocation
- Allows state-waters fishery participants to gear-up to attain the allocation for a new fishery
- With fuel costs, weather and other fishing schedules to consider, there are questions on whether the allocation can be achieved
- Small fixed gear vessels operating under current vessel size and gear restrictions have not harvested much Pacific cod
- If the state-waters fishery is not capable of fully harvesting the state-waters allocation, there would be less deducted from federal participants
- May be difficult for federal managers to reabsorb any unharvested state-waters quota in 2007, because the federal system has a 2 million metric ton limit that may constrain their ability to absorb state-waters fish
- Allocation could be for one year and then have the BOF revisit the issue

Cons (opposed to phase-in quotas):

- Proponents for a state-waters fishery believe, with the addition of trawl and longline vessels, that the state-waters allocation will be fully achieved
- Proponents indicate they may want to raise their allocation request in future years above three percent
- State could develop guidelines for transferring any unharvested quota to the federal system
- Any release of state-waters quota would not likely occur until late summer or fall

**#6 Will VMS be required for all participants?**

VMS is not part of the proposal.

Pros (in favor of VMS requirement):

- Would permit enforcement of vessels inside and outside three nautical miles
- Would allow for enforcement of SSL and HAPC regulations
- The state may obtain access to VMS data in the future

Cons (opposed to VMS requirement):

- Many vessels, if not all, that are likely to participate will be required under their Federal Fisheries Permit to have VMS on in the state-waters fishery

- Vessels could relinquish their FFP but this is unlikely due to the time required to get their FFP back from RAM
- The state does not currently have access to federal VMS data

**#7 Describe the requirements for observers on participating vessels.**

The proposal does not contain an observer requirement for any vessel in the state-waters fishery.

Pros (in favor of adding an observer requirement):

- Proponents of this proposal indicate that many vessels would voluntarily keep observers
- Adak Seafoods would require their vessels to maintain existing federal coverage and Adak Seafoods will also likely have a plant observer
- Would provide accounting of bycatch and discards and other protection measures
- Would provide data on marine mammal or seabird interactions
- Halibut fishery in Area 4B is in tough shape
- Concerns for bycatch of halibut

Cons (opposed to adding an observer requirement):

- The state does not have an observer program
- Bycatch levels are presumed to be very small in this fishery

**#8 Provide a mechanism to account for incidental harvest of non-target groundfish and PSC, particularly halibut.**

The proposal does not contain a provision for bycatch accounting.

Pros (in favor of adding a bycatch accounting mechanism):

- Fishery managers should have observer data
- Some proponents believe the state is getting into long-term halibut management
- Status of the halibut stock in the Aleutian Islands is of concern and we need to account for all removals

Cons (opposed to requiring a bycatch accounting mechanism):

- The trawl fishery in the Aleutian Islands is very clean compared to other Pacific cod trawl fisheries
- The halibut bycatch is projected to be low
- PSC cannot be retained in the state-waters fishery
- Voluntary observer coverage may occur anyway

**#9 Consider specifying what would occur if the Council does split the TAC between the Bering Sea and Aleutian Islands in the future. Would the GHL remain a percentage of the BSAI ABC?**

Comments:

- Amendment 85 could split the BSAI TAC into BS and AI TACs
- The Council could elect to deduct the state-waters GHL from the AI TAC
- The 3% allocation deduction is a Council decision

**#10 Permit trawl gear for 2006 only?**

**Comments:**

- RC 31 permits non-pelagic trawl for 2006 and 2007 only
- Amendment 85 is not expected to be in place until 2008
- Amendment 85 may not provide an adequate quota for small vessels
- The board could revisit the GHL allocation prior to the 2007 season

ACs that oppose: none

ACs that support: none

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***POSITIONS AND RECOMMENDATIONS***

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**Public Panel Recommendation: No consensus**

**Board Committee Recommendation: Consensus to support with amended substitute language provided on pages 7-9.**

**Amended Substitute Language:**

**PROPOSAL 399: 5 AAC 28.6XX. Aleutian Islands District Pacific Cod Management Plan.** (a) This management plan governs the harvest of Pacific cod in the Aleutian Islands District west of 170° W longitude, of the state Bering Sea-Aleutian Islands Area.

(b) Each year the commissioner shall open and close, by emergency order, a parallel Pacific cod season in the Aleutian Islands District west of 170° W longitude to coincide with the initial federal season in the federal Bering Sea-Aleutian Islands Area. The commissioner shall open and close, by emergency order, the parallel Pacific cod season during which the use of the same gear allowed in the federal Bering Sea-Aleutian Islands Area Pacific cod season is permitted, unless use of that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.629.

(c) On or after March 15, the commissioner shall open, by emergency order, a state-waters Pacific cod season in the Aleutian Islands District west of 170° W longitude if the parallel trawl fishery is closed. The commissioner shall, by emergency order, close the state-waters Pacific cod season opened under this subsection when the guideline harvest level is taken or on December 31, whichever occurs first;

(d) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this management plan if;

(1) the guideline harvest level specified in (e)(1) of this section has been reached and a federal season is ongoing in adjacent federal waters; or

(2) the commissioner determines it is necessary to

(A) adapt to unanticipated openings and closures of the federal season;

(B) maintain sustained yield management; or

(C) provide for orderly fisheries.

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W long. is 3 percent of the estimated total allowable harvest (federal Acceptable Biological Catch) of Pacific cod for the federal Bering Sea-Aleutian Islands Area;

(A) a maximum of 70 percent of the guideline harvest level shall be available for harvest before June 10;



(B) any unharvested amount under (e)(1)(A) will be rolled over on June 10. A total of 30% of the GHL plus any unharvested portion from the prior season up to a maximum of 70% of the total GHL will be available beginning June 10, including the rollover amount;

(C) if the commissioner determines that the GHL will not be harvested in the state waters fishery, the commissioner may notify the NMFS that the projected unharvested GHL may be made available for the federal fisheries;

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, and hand troll gear; in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with pot gear or with mechanical jigging machines and hand troll gear (jig gear), and may be registered to fish only with one of these two gear types; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Dutch Harbor, or other locations specified by the department for validation, and that registration has been validated by the department; a vessel may not fish outside of the designated registration area;

(3) during the 2006 and 2007 season, in addition to the gear types specified in (2) of this subsection, non-pelagic trawl and longline gear may be used, except trawl and longline gear may not be used during the state-waters season from May 1 – September 15, except for vessels operating under 5 AAC 28.629(d) and 5 AAC 28.690(a).

(4) a vessel must be registered to fish with <sup>and (e)</sup> non-pelagic trawl or <sup>and (b)</sup> longline gear; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Dutch Harbor, and that registration has been validated by the department; a vessel may not fish outside of the designated registration area; a vessel may not change registration while unprocessed fish are on board;

*add daily reporting of harvest*

(5) a vessel may only harvest up to <sup>150,000</sup> 200,000 pounds of Pacific cod daily, may only have <sup>200,000</sup> 200,000 pounds of unprocessed Pacific cod onboard the vessel, and may not have more processed fish on board than the round weight equivalent of the fish reported on ADF&G fish tickets during the applicable season.

(6) *overages relinquished to State - to reduce incentives to discard at sea - reduce*

(f) The Aleutian Islands District is a nonexclusive registration area for Pacific cod during a state-waters season.

(g) The commissioner may, by emergency order, impose bycatch limitations and/or retention requirements based on conservation of the resource, to avoid waste of a bycatch species, to prevent overharvest of bycatch species, or to facilitate consistency of the regulations in an area where state and federal jurisdictions overlap.

(h) In the state-waters Pacific cod fishery, all parallel Pacific cod fishery closures apply as specified by gear type.

(i) The management plan under this section will not apply after December 31, 2007.

Also:

If the above is adopted, amend 5 AAC 28.081 to include the proposed Aleutian Islands state-waters Pacific cod fishery.

RC 79

**PROPOSAL 399: 5 AAC 28.6XX. Aleutian Islands District Pacific Cod Management Plan.** (a) This management plan governs the harvest of Pacific cod in the Aleutian Islands District west of 170° W longitude, of the state Bering Sea-Aleutian Islands Area.

(b) Each year the commissioner shall open and close, by emergency order, a parallel Pacific cod season in the Aleutian Islands District west of 170° W longitude to coincide with the initial federal season in the federal Bering Sea-Aleutian Islands Area. The commissioner shall open and close, by emergency order, the parallel Pacific cod season during which the use of the same gear allowed in the federal Bering Sea-Aleutian Islands Area Pacific cod season is permitted, unless use of that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.629.

(c) On or after March 15, the commissioner shall open, by emergency order, a state-waters Pacific cod season in the Aleutian Islands District west of 170° W longitude if the parallel trawl fishery is closed. The commissioner shall, by emergency order, close the state-waters Pacific cod season opened under this subsection when the guideline harvest level is taken or on December 31, whichever occurs first;

*intent is  
"if the parallel  
C/V trawl  
fishery is  
closed"*

(d) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this management plan if;

(1) the guideline harvest level specified in (e)(1) of this section has been reached and a federal season is ongoing in adjacent federal waters; or

(2) the commissioner determines it is necessary to

(A) adapt to unanticipated openings and closures of the federal season;

(B) maintain sustained yield management; or

(C) provide for orderly fisheries.

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W long. is 3 percent of the estimated total allowable harvest (federal Acceptable Biological Catch) of Pacific cod for the federal Bering Sea-Aleutian Islands Area;

(A) a maximum of 70 percent of the guideline harvest level shall be available for harvest before June 10;

(B) any unharvested amount under (e)(1)(A) will be rolled over on June 10, a maximum of 70 percent of the guideline harvest level will be available beginning June 10, including the rollover amount;

(C) if the commissioner determines that the GHJ will not be harvested in the state waters fishery, the commissioner may notify the NMFS that the projected unharvested GHJ may be made available for the federal fisheries;

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, and hand troll gear; in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with pot gear or with mechanical jigging machines and hand troll gear (jig gear), and may be registered to fish only with one of these two gear types; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Dutch Harbor, or other locations specified by the department for validation, and that registration has been validated by the department; a vessel may not fish outside of the designated registration area; **a vessel may not change registration while unprocessed fish are on board;**

(3) during the 2006 and 2007 season, in addition to the gear types specified in (2) of this subsection, non-pelagic trawl and longline gear may be used, except trawl and longline gear may not be used during the state-waters season from May 1 – September 15, except for vessels operating under 5 AAC 28.629(d) **and (e)** and 5 AAC 28.690(a) **and (b)**.

(4) a vessel must be registered to fish with non-pelagic trawl or longline gear; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or the owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Dutch Harbor, and that registration has been validated by the department; a vessel may not fish outside of the designated registration area; a vessel may not change registration while unprocessed fish are on board;

(5) a vessel may only harvest up to **150,000** [200,000] pounds of Pacific cod daily, may only have **300,000** [200,000] pounds of unprocessed Pacific cod onboard the vessel, and may not have more processed fish on board than the round weight equivalent of the fish reported on ADF&G fish tickets during the applicable season. **A validly registered vessel must report to the department the daily pounds of Pacific cod taken and on board the vessel.**

**(6) All Pacific cod taken in the must be retained, however, any overage must be immediately reported to the department and all proceeds from the sale of Pacific cod in excess of the limitations of his section shall be immediately surrendered to the State; an overage of the provisions of this section shall**

**not be considered a violation of this section if it is immediately reported and the proceeds of the overage immediately surrendered to the state.**

(f) The Aleutian Islands District is a nonexclusive registration area for Pacific cod during a state-waters season.

(g) The commissioner may, by emergency order, impose bycatch limitations and/or retention requirements based on conservation of the resource, to avoid waste of a bycatch species, to prevent overharvest of bycatch species, or to facilitate consistency of the regulations in an area where state and federal jurisdictions overlap.

(h) In the state-waters Pacific cod fishery, all parallel Pacific cod fishery closures apply as specified by gear type.

(i) The management plan under this section will not apply after December 31, 2007.

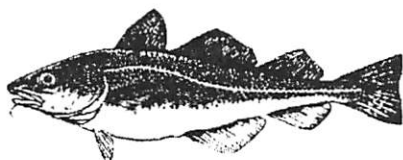
Also:

If the above is adopted, amend 5 AAC 28.081 to include the proposed Aleutian Islands state-waters Pacific cod fishery.

# ALASKA DEPARTMENT OF FISH AND GAME

## COMMERCIAL FISHERIES

### NEWS RELEASE



*McKie Campbell, Commissioner*

*Denby S. Lloyd, Director*  
*Division of Commercial Fisheries*  
*Juneau*



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Contact: Forrest Bowers  
Barbi Failor-Rounds  
Area Groundfish Biologists

Westward Region  
211 Mission Road  
Kodiak, AK 99615

Division of Commercial Fisheries  
Phone: (907) 581-1239  
Fax: (907) 581-1572

Date: March 1, 2006

#### **ALASKA BOARD OF FISHERIES ESTABLISHES A STATE-WATERS PACIFIC COD FISHERY IN THE ALEUTIAN ISLANDS DISTRICT**

The Alaska Board of Fisheries, at their recent meeting in Ketchikan, established a Pacific cod fishery in state waters, west of 170° W long, of the Aleutian Islands District. The state-waters Pacific cod fishery will open on or after March 15, 2006, at the conclusion of the initial parallel catcher-vessel trawl fishery for Pacific cod in the federal BSAI Area. A subsequent news release will be issued announcing the opening. The state-waters fishery is open to jig, pot, longline and non-pelagic trawl gear types. Trawl and longline gear may not be used from May 1 – September 15, unless operating in the 60 ft. and under vessel size limitation areas near Adak Island. In Sitkin Sound, near Adak Island, the vessel size limit is in effect year-round for all gear types.

The 2006 Aleutian Islands District state-waters Pacific cod fishery guideline harvest level (GHL) is 12,893,400 pounds. The GHL will be apportioned so that a maximum of 70% (9,025,380 pounds) is available prior to June 10, and 30% (3,868,020 pounds) plus any rollover from the first season is available beginning June 10. The daily harvest limit for each vessel is 150,000 pounds round weight, with a maximum of 300,000 pounds of unprocessed Pacific cod onboard a vessel. All Pacific cod taken must be retained, and any overage must be immediately reported to the department, with proceeds from the overage forfeited to the state. Each vessel will be required to report daily to the department. A vessel may not have more processed fish onboard than the round weight equivalent of the fish reported on ADF&G fish tickets during the Aleutian Islands state-waters Pacific cod fishery.

The Aleutian Islands state-waters Pacific cod fishery is non-exclusive registration. All vessels must register with ADF&G prior to participating. All Steller sea lion closures that are in effect during the parallel fishery will also apply in the state-waters fishery. Bycatch limits that apply in the parallel fishery will apply in the state-waters fishery.

For more information, contact the Alaska Department of Fish and Game in Dutch Harbor at (907) 581-1239 or Kodiak (907) 486-1842. **-end-**

**NOAA FISHERIES**  
NATIONAL MARINE FISHERIES SERVICE**ALASKA REGIONAL OFFICE**

Home Sustainable Fisheries 2006 Information Bulletins

Information Bulletin 06-31  
Sustainable Fisheries Division  
907-586-7228March 14, 2006  
4:00 p.m.

## Adjustment of the Pacific Cod Total Allowable Catch in the Bering Sea and Aleutian Islands

The National Marine Fisheries Service (NMFS) is adjusting the Pacific cod total allowable catch (TAC) amounts in the Bering Sea and Aleutian Islands Management Area (BSAI) according to Robert D. Mecum, Acting Administrator, Alaska Region, NMFS.

This action is necessary to prevent exceeding the Pacific cod acceptable biological catch (ABC) in the BSAI and is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the BSAI.

On March 1, 2006, the Alaska Department of Fish and Game (ADF&G) announced by emergency regulation, a Pacific cod guideline harvest level (GHL), west of 170 degrees west longitude in the Aleutian Islands subarea, equal to 3% of the Pacific cod ABC in the BSAI established in the final harvest specifications for groundfish in the BSAI (71 FR 10984, March 3, 2006). In accordance with 50 CFR 679.25(a)(1)(iii) and (2)(iv), the Regional Administrator adjusts the 2006 and 2007 Pacific cod TACs to account for the state waters GHL in the Aleutian Islands subarea.

The changes to tables 1, 2, 5, 12, and 14 of the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006) can be found at:

Table 1 [http://www.fakr.noaa.gov/sustainablefisheries/specs06\\_07/BSAItable1.pdf](http://www.fakr.noaa.gov/sustainablefisheries/specs06_07/BSAItable1.pdf)  
Table 2 [http://www.fakr.noaa.gov/sustainablefisheries/specs06\\_07/BSAItable2.pdf](http://www.fakr.noaa.gov/sustainablefisheries/specs06_07/BSAItable2.pdf)  
Table 5 [http://www.fakr.noaa.gov/sustainablefisheries/specs06\\_07/BSAItable5.pdf](http://www.fakr.noaa.gov/sustainablefisheries/specs06_07/BSAItable5.pdf)  
Table 12 [http://www.fakr.noaa.gov/sustainablefisheries/specs06\\_07/BSAItable12.pdf](http://www.fakr.noaa.gov/sustainablefisheries/specs06_07/BSAItable12.pdf)  
Table 14 [http://www.fakr.noaa.gov/sustainablefisheries/specs06\\_07/BSAItable14.pdf](http://www.fakr.noaa.gov/sustainablefisheries/specs06_07/BSAItable14.pdf)

Fishermen are reminded that all actions and closures remain in full force and effect. This reallocation does not rescind or modify closures to directed fishing or actions prohibiting retention of a groundfish species.

This information bulletin only provides notice of a regulatory change. For the purposes of complying with the regulatory change, you are advised to see the actual text of the regulation in the Code of Federal Regulations.

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TABLE 5-2006 AND 2007 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD ITAC

[Amounts are in metric tons]

Gear Sector	Percent	2006 Share of gear sector total	2006 Subtotal percentages for gear sectors	2006 Share of gear sector total	2006 Seasonal apportionment <sup>1</sup>		2007 Share of gear sector total	2007 Subtotal percentages for gear sectors	2007 Share of gear sector total	2007 Seasonal apportionment <sup>1</sup>	
					Date	Amount				Date	Amount
Total hook-and-line/pot gear	51	88,774	n/a	n/a	n/a	n/a	67,724	n/a	n/a	n/a	n/a
Hook-and-line/pot ICA	n/a	n/a	n/a	500	n/a	n/a	n/a	n/a	500	n/a	n/a
Hook-and-line/pot sub-total	n/a	88,274	n/a	n/a	n/a	n/a	67,224	n/a	n/a	n/a	n/a
Hook-and-line C/P	n/a	n/a	80	70,619	Jan 1-Jun 10	42,372	n/a	80	53,780	Jan 1-Jun 10	32,268
					Jun 10-Dec 31	28,248				Jun 10-Dec 31	21,512
Hook-and-line CV	n/a	n/a	0.3	265	Jan 1-Jun 10	159	n/a	0.3	202	Jan 1-Jun 10	121
					Jun 10-Dec 31	106				Jun 10-Dec 31	81
Pot C/P	n/a	n/a	3.3	2,913	Jan 1-Jun 10	1,749	n/a	3.3	2,218	Jan 1-Jun 10	1,331
					Sept 1-Dec 31	1,165				Sept 1-Dec 31	887
Pot CV	n/a	n/a	15	13,241	Jan 1-Jun 10	7,945	n/a	15	10,084	Jan 1-Jun 10	6,050
					Sept 1-Dec 31	5,296				Sept 1-Dec 31	4,033
CV < 60 feet LOA using Hook-and-line or Pot gear	n/a	n/a	1.4	1,236	n/a	n/a	n/a	1.4	941	n/a	n/a
Total Trawl Gear	47	81,811	n/a	n/a	n/a	n/a	62,413	n/a	n/a	n/a	n/a
Trawl CV			50	40,906	Jan 20-Apr 1	28,634		50	31,206	Jan 20-Apr 1	21,844
					Apr 1-Jun 10	4,091			n/a	Apr 1-Jun 10	3,121
					Jun 10-Nov 1	8,181			n/a	Jun 10-Nov 1	6,241
Trawl CP			50	40,906	Jan 20-Apr 1	20,453		50	31,206	Jan 20-Apr 1	15,603
					Apr 1-Jun 10	12,272			n/a	Apr 1-Jun 10	9,362
					Jun 10-Nov 1	8,181			n/a	Jun 10-Nov 1	6,241
Jig	2	3,481	n/a	n/a	Jan 1-Apr 30	1,393	2,656	n/a	n/a	Jan 1-Apr 30	1,062
			n/a	n/a	Apr 30-Aug 31	696		n/a	n/a	Apr 30-Aug 31	531
			n/a	n/a	Aug 31-Dec 31	1,392		n/a	n/a	Aug 31-Dec 31	1,062
Total	100	174,066	n/a	n/a	n/a	n/a	132,793	n/a	n/a	n/a	n/a

<sup>1</sup> For most non-trawl gear the first season is allocated 60 percent of the ITAC and the second season is allocated 40 percent of the ITAC. For jig gear, the first season and third seasons are each allocated 40 percent of the ITAC and the second season is allocated 20 percent of the ITAC. No seasonal harvest constraints are imposed for the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. For trawl gear, the first season is allocated 60 percent of the ITAC and the second and third seasons are each allocated 20 percent of the ITAC. The trawl catcher vessels' allocation is further allocated as 70 percent in the first season, 10 percent in the second season and 20 percent in the third season. The trawl catcher/processors' allocation is allocated 50 percent in the first season, 30 percent in the second season and 20 percent in the third season. Any unused portion of a seasonal Pacific cod allowance will be reapportioned to the next seasonal allowance.



TABLE 5.—2006 AND 2007 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD ITAC  
[Amounts are in metric tons]

Gear sector	Percent	2006 share of gear sector total	2006 subtotal percentages for gear sectors	2006 share of gear sector total	2006 seasonal appointment <sup>1</sup>		2007 share of gear sector total	2007 subtotal percentage for gear sectors	2007 share of gear sector total	2007 seasonal appointment <sup>1</sup>	
					Date	Amount				Date	Amount
Total hook-and-line/pot gear.	51	91,520	n/a	n/a	n/a	n/a	69,819	n/a	n/a	n/a	n/a
Hook-and-line/pot ICA	n/a	n/a	n/a	500	n/a	n/a	n/a	n/a	500	n/a	n/a
Hook-and-line/pot sub-total	n/a	91,020	n/a	n/a	n/a	n/a	69,319	n/a	n/a	n/a	n/a
Hook-and-line C/P	n/a	n/a	80	72,816	Jan 1–Jun 10	43,690	n/a	80	55,455	Jan 1–Jun 10	33,273
					Jun 10–Dec 31	29,126				Jun 10–Dec 31	22,182
Hook-and-line CV	n/a	n/a	0.3	273	Jan 1–Jun 10	164	n/a	0.3	208	Jan 1–Jun 10	125
					Jun 10–Dec 31	109				Jun 10–Dec 31	83
Pot C/P	n/a	n/a	3.3	3,004	Jan 1–Jun 10	1,803	n/a	3.3	2,288	Jan 1–Jun 10	1,373
					Sept 1–Dec 31	1,201				Sept 1–Dec 31	915
Pot CV	n/a	n/a	15	13,653	Jan 1–Jun 10	8,192	n/a	15	10,398	Jan 1–Jun 10	6,239
					Sept 1–Dec 31	5,461				Sept 1–Dec 31	4,159
CV < 60 feet LOA using Hook-and-line or Pot gear.	n/a	n/a	1.4	1,274	n/a	n/a	n/a	1.4	970	n/a	n/a
Total Trawl Gear	47	84,342	n/a	n/a	n/a	n/a	64,343	n/a	n/a	n/a	n/a
Trawl CV			50	42,171	Jan 20–Apr 1	29,520		50	32,171	Jan 20–Apr 1	22,520
				n/a	Apr 1–Jun 10	4,217			n/a	Apr 1–Jun 10	3,217
				n/a	Jun 10–Nov 1	8,434			n/a	Jun 10–Nov 1	6,434
Trawl CP			50	42,171	Jan 20–Apr 1	21,086		50	32,171	Jan 20–Apr 1	16,086
				n/a	Apr 1–Jun 10	12,651			n/a	Apr 1–Jun 10	9,651
				n/a	Jun 10–Nov 1	8,434			n/a	Jun 10–Nov 1	6,434
Jig	2	3,589	n/a	n/a	Jan 1–Apr 30	1,436	2,738	n/a	n/a	Jan 1–Apr 30	1,095
			n/a	n/a	Apr 30–Aug 31	718		n/a	n/a	Apr 30–Aug 31	548
			n/a	n/a	Aug 31–Dec 31	1,435		n/a	n/a	Aug 31–Dec 31	1,095
Total	100	179,450	n/a	n/a	n/a	n/a	136,900	n/a	n/a	n/a	n/a

<sup>1</sup> For most non-trawl gear the first season is allocated 60 percent of the ITAC and the second season is allocated 40 percent of the ITAC. For jig gear, the first season and third seasons are each allocated 40 percent of the ITAC and the second season is allocated 20 percent of the ITAC. No seasonal harvest constraints are imposed for the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. For trawl gear, the first season is allocated 60 percent of the ITAC and the second and third seasons are each allocated 20 percent of the ITAC. The trawl catcher vessels' allocation is further allocated as 70 percent in the first season, 10 percent in the second season and 20 percent in the third season. The trawl catcher/processors' allocation is allocated 50 percent in the first season, 30 percent in the second season and 20 percent in the third season. Any unused portion of a seasonal Pacific cod allowance will be reapportioned to the next seasonal allowance.

**Sablefish Gear Allocation**

Section 679.20(a)(4)(iii) and (iv) requires the allocation of sablefish TACs for the Bering Sea and AI subareas between trawl and hook-and-line or pot gear. Gear allocations of the TACs for the Bering Sea subarea are 50 percent for trawl gear and 50 percent for hook-and-line or pot gear and for the AI subarea are 25 percent for trawl gear and 75 percent for hook-and-line or pot gear. Section 679.20(b)(1)(iii)(B) requires apportionment of 20 percent of the

hook-and-line and pot gear allocation of sablefish to the CDQ reserve. Additionally, § 679.20(b)(1)(iii)(A) requires apportionment of 7.5 percent of the trawl gear allocation of sablefish (one half of the reserve) to the CDQ reserve. Pursuant to § 679.20(c)(1)(iv), the harvest specifications for the hook-and-line gear and pot gear sablefish IFQ fisheries will be limited to the 2006 fishing year to ensure those fisheries are conducted concurrent with the halibut IFQ fishery. Having the sablefish IFQ fisheries concurrent with the halibut

IFQ fishery will reduce the potential for discards of halibut and sablefish in those fisheries. The sablefish IFQ fisheries will remain closed at the beginning of each fishing year until the final specifications for the sablefish IFQ fisheries are in effect. The trawl sablefish fishery will be managed using specifications for up to a 2-year period concurrent with the remaining BSAI species. Table 6 lists the 2006 and 2007 gear allocations of the sablefish TAC and CDQ reserve amounts.

TABLE 6.—2006 AND 2007 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS  
[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2006 share of TAC	2006 ITAC <sup>1</sup>	2006 CDQ reserve	2007 share of TAC	2007 ITAC	2007 CDQ reserve
Bering Sea:							
Trawl <sup>2</sup>	50	1,410	1,199	106	1,350	1,148	101
Hook-and-line/pot gear <sup>3</sup>	50	1,410	1,128	282	n/a	n/a	n/a
Total	100	2,820	2,327	388	1,350	1,148	101
Aleutian Islands:							
Trawl <sup>2</sup>	25	750	638	56	685	582	51
Hook-and-line/pot gear <sup>3</sup>	75	2,250	1,800	450	n/a	n/a	n/a

exceeded. Table 1 listed incorrect individual state commercial quota allocations in the columns entitled "2006 Commercial Quota (lb) with Research Set-Aside" and "2006

Commercial Quota (kg) with Research Set-Aside." The amounts that appear in the row entitled "Total" remain the same. The following corrections are made:

1. On page 9473, Table 1. Commercial State-by-State Allocations for 2006 as Adjusted by the Research Set-Aside (RSA) is corrected to read as follows:

TABLE 1. CORRECTED COMMERCIAL STATE-BY-STATE ALLOCATIONS FOR 2006 AS ADJUSTED BY THE RSA

States	Quota	2006 Commercial Quota		2006 Commercial Quota (lb)	2006 Commercial Quota (kg)
	Percent Share	(lb)	(kg)	With Research Set-Aside	With Research Set-Aside
ME	0.6685	54,022	24,504	53,230	24,145
NH	0.4145	33,496	15,194	33,005	14,971
MA	6.7167	542,783	246,205	534,823	242,592
RI	6.8081	550,169	249,555	542,101	245,893
CT	1.2663	102,331	46,417	100,830	45,736
NY	10.3851	839,230	380,672	826,923	375,086
NJ	14.8162	1,197,311	543,097	1,179,753	535,127
DE	1.8782	151,779	68,847	149,553	67,836
MD	3.0018	242,578	110,033	239,021	108,418
VA	11.8795	959,994	435,450	945,915	429,060
NC	32.0608	2,590,864	1,175,208	2,552,869	1,157,962
SC	0.0352	2,845	1,290	2,803	1,271
GA	0.0095	768	348	756	343
FL	10.0597	812,934	368,744	801,012	363,333
Total	100.0001	8,081,096	3,665,561	7,962,586	3,611,769

<sup>1</sup> Metric tons and kilograms are as converted from pounds and may not necessarily add due to rounding.

The Assistant Administrator for fisheries, NOAA (AA) finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be impracticable and contrary to the public interest. This rule corrects a calculation error in the state allocations for bluefish in the final rule published on February 24, 2006 (71 FR 9471). When the final state allocations were calculated to reflect the new transfer amount, NMFS inadvertently made an error in calculation; i.e., the table that revised the individual state quota allocations carried over a conversion factor that did not correctly account for the RSA quota based on the new proportion (recreational/commercial split). Providing for a public comment period for this rule would prevent the correction of the aforementioned final rule before it becomes effective. Publication of incorrect state quota allocations could cause some unnecessary confusion among those states whose allocation is different from the levels previously calculated. The correction provides a slightly higher allocation to each of the states.

The AA further finds pursuant to 5 U.S.C. 553(d)(3) good cause to waive the thirty (30) delayed effectiveness period for the reasons stated above. This rule corrects a calculation error in the state allocations for bluefish in the final rule published on February 24, 2006 (71 FR 9471). When the final state allocations were calculated to reflect the new

transfer amount, NMFS inadvertently made an error in calculation; i.e., the table that revised the individual state quota allocations carried over a conversion factor that did not correctly account for the RSA quota based on the new proportion (recreational/commercial split). Providing for a 30-day delay in effectiveness for this rule would prevent the correction of the aforementioned final rule before it becomes effective. Publication of incorrect state quota allocations could cause some unnecessary confusion among those states whose allocation is different from the levels previously calculated.

This rule has been determined to be not significant under Executive Order 12866.

Dated: March 13, 2006.

James W. Balsiger,  
Acting Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.

[FR Doc. 06-2617 Filed 3-16-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric  
Administration

50 CFR Part 679

[Docket No. 060216045-6045-01; I.D.  
031406B]

Fisheries of the Exclusive Economic  
Zone Off Alaska; Adjustment of Pacific  
Cod Total Allowable Catch Amounts in  
the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries  
Service (NMFS), National Oceanic and  
Atmospheric Administration (NOAA),  
Commerce.

ACTION: Temporary rule; inseason  
adjustment.

SUMMARY: NMFS is adjusting the Pacific  
cod total allowable catch (TAC) amount  
in the Bering Sea and Aleutian Islands  
Management Area (BSAI). This action is  
necessary to prevent exceeding the  
Pacific cod acceptable biological catch  
(ABC) in the BSAI and is consistent  
with the goals and objectives of the  
Fishery Management Plan for  
Groundfish of the BSAI (FMP).

DATES: Effective March 14, 2006,  
through 2400 hrs, Alaska local time  
(A.l.t.), December 31, 2007.

FOR FURTHER INFORMATION CONTACT: Josh  
Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS  
manages the groundfish fishery in the  
BSAI according to the FMP prepared by

the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006) establish the 2006 and 2007 Pacific cod ABCs as 194,000 metric tons (mt) and 148,000 mt, respectively. The TACs are set equal to the ABCs for Pacific cod in the BSAI.

On March 1, 2006, the Alaska Department of Fish and Game announced by emergency regulation, a Pacific cod guideline harvest level

(GHL), west of 170 degrees west longitude in the Aleutian Islands subarea, equal to 3% of the Pacific cod ABC in the BSAI established in the final harvest specifications for groundfish in the BSAI (71 FR 10984, March 3, 2006).

As of March 1, 2006, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that the current TACs are incorrectly specified and an adjustment is necessary to prevent exceeding the ABC. The best available scientific information for the Pacific cod fisheries in the BSAI indicates that the addition of a state waters GHL in the Aleutian Islands subarea would result in overall harvest amounts that exceed the 2006 and 2007 Pacific cod ABCs in the BSAI.

The Council, its Advisory Panel, and its Scientific and Statistical Committee have determined that the acceptable harvest level for the combined State and Federal Pacific cod fisheries should not exceed the ABC since this could result in an unacceptable change in the biological stock status of Pacific cod in the BSAI. Therefore, in accordance with § 679.25(a)(1)(iii) and (2)(iv), the Regional Administrator adjusts the 2006 and 2007 Pacific cod TACs in the BSAI.

Pursuant to § 679.20(a)(7), Tables 1, 2, 5, 12, and 14 of the 2006 and 2007 final harvest specifications for groundfish in the BSAI (71 FR 10894, March 3, 2006) are revised for the 2006 and 2007 Pacific cod TACs consistent with this adjustment.

TABLE 1.—2006 AND 2007 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUNDFISH IN THE BSAI<sup>1</sup>  
[Amounts are in metric tons]

Species	Area	2006					2007				
		OFL	ABC	TAC	ITAC <sup>2</sup>	CDQ <sup>3</sup>	OFL	ABC	TAC	ITAC <sup>2</sup>	CDQ <sup>3</sup>
Pollock <sup>4</sup>	BS <sup>2</sup>	2,090,000	1,930,000	1,485,000	1,336,500	148,500	1,930,000	1,790,000	1,500,000	1,350,000	150,000
	AI <sup>2</sup>	39,100	29,400	19,000	17,100	1,900	39,100	29,400	19,000	17,100	1,900
	Bogoslof	50,600	5,500	10	10	n/a	50,600	5,500	10	10	n/a
Pacific cod	BSAI	230,000	194,000	188,180	159,953	14,114	176,000	148,000	143,560	122,026	10,767
Sablefish <sup>5</sup>	BS	3,680	3,080	2,820	2,327	388	3,260	2,700	2,700	1,148	101
	AI	3,740	3,100	3,000	2,438	499	3,300	2,740	2,740	582	51
Atka mackerel	BSAI	130,000	110,000	63,000	53,550	4,725	107,000	91,000	63,000	53,550	4,725
	EAI/BS	n/a	21,780	7,500	6,375	563	n/a	18,020	7,500	6,375	563
	CAI	n/a	46,860	40,000	34,000	3,000	n/a	38,760	38,000	32,300	2,850
	WAI	n/a	41,360	15,500	13,175	1,163	n/a	34,220	17,500	14,875	1,313
	BSAI	144,000	121,000	95,701	81,346	7,178	137,000	116,000	107,641	91,495	8,073
Yellowfin sole	BSAI	150,000	126,000	41,500	35,275	3,113	145,000	122,000	44,000	37,400	3,300
Rock sole	BSAI	14,200	2,740	2,740	2,329	206	13,400	2,630	2,630	2,236	197
Greenland turbot	BS	n/a	1,890	1,890	1,607	142	n/a	1,815	1,815	1,543	136
	AI	n/a	850	850	723	64	n/a	815	815	693	61
Arrowtooth flounder	BSAI	166,000	136,000	13,000	11,050	975	174,000	142,000	18,000	15,300	1,350
Flathead sole	BSAI	71,800	59,800	19,500	16,575	1,463	67,900	56,600	22,000	18,700	1,650
Other flatfish <sup>6</sup>	BSAI	24,200	18,100	3,500	2,975	263	24,200	18,100	5,000	4,250	375
Alaska plaice	BSAI	237,000	188,000	8,000	6,800	600	231,000	183,000	15,000	12,750	1,125
Pacific ocean perch	BSAI	17,600	14,800	12,600	10,710	945	17,600	14,800	14,800	12,580	1,110
	BS	n/a	2,960	1,400	1,190	105	n/a	2,960	2,960	2,516	222
	EAI	n/a	3,256	3,080	2,618	231	n/a	3,256	3,256	2,768	244
	CAI	n/a	3,212	3,035	2,580	228	n/a	3,212	3,212	2,730	241
	WAI	n/a	5,372	5,085	4,322	381	n/a	5,375	5,372	4,566	403
Northern rockfish	BSAI	10,100	8,530	4,500	3,825	338	9,890	8,320	5,000	4,250	375
Shorthead rockfish	BSAI	774	580	580	493	44	774	580	580	493	44
Rougheye rockfish	BSAI	299	224	224	190	17	299	224	224	190	17
Other rockfish <sup>7</sup>	BSAI	1,870	1,400	1,050	893	79	1,870	1,400	1,400	1,190	105
	BS	n/a	810	460	391	35	n/a	810	810	689	61
	AI	n/a	590	590	502	44	n/a	590	590	502	44
Squid	BSAI	2,620	1,970	1,275	1,084	n/a	2,620	1,970	1,275	1,084	n/a
Other species <sup>8</sup>	BSAI	89,404	58,882	29,000	24,650	2,175	89,404	62,950	27,000	22,950	2,025
Total		3,476,987	3,013,086	1,994,180	1,770,073	187,522	3,224,217	2,799,914	1,995,560	1,769,284	187,290

<sup>1</sup> These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea (BS) subarea includes the Bogoslof District.

<sup>2</sup> Except for pollock and the portion of the sablefish TAC allocated to hook-and-line and pot gear, 15 percent of each TAC is put into a reserve. The ITAC for each species is the remainder of the TAC after the subtraction of these reserves.

<sup>3</sup> Except for pollock, squid and the hook-and-line or pot gear allocation of sablefish, one half of the amount of the TACs placed in reserve, or 7.5 percent of the TACs, is designated as a CDQ reserve for use by CDQ participants (see §§ 679.20(b)(1)(iii) and 679.31).

<sup>4</sup> Pursuant to § 679.20(a)(5)(i)(A)(1), the annual Bering Sea pollock TAC after subtraction for the CDQ directed fishing allowance—10 percent and the ICA—3.35 percent, is further allocated by sector for a directed pollock fishery as follows: Inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Pursuant to § 679.20(a)(5)(iii)(B)(2)(i) and (ii), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance—10 percent and second for the ICA—1,800 mt, is allocated to the Aleut Corporation for a directed pollock fishery.

<sup>5</sup> Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear and 7.5 percent of the sablefish TAC allocated to trawl gear is reserved for use by CDQ participants (see § 679.20(b)(1)(iii)).

<sup>6</sup> "Other flatfish" includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder and Alaska plaice.

<sup>7</sup> "Other rockfish" includes all *Sebastes* and *Sebastes* species except for Pacific ocean perch, northern, shorthead, and rougheye rockfish.

<sup>8</sup> "Other species" includes sculpins, sharks, skates and octopus. Forage fish, as defined at § 679.2, are not included in the "other species" category.

TABLE 2.—2006 AND 2007 APPORTIONMENT OF RESERVES TO ITAC CATEGORIES

[Amounts are in metric tons]

Species—area or subarea	2006 reserve amount	2006 final ITAC	2007 reserve amount	2007 final ITAC
Atka mackerel—Eastern Aleutian District and Bering Sea subarea	563	6,938	563	6,938
Atka mackerel—Central Aleutian District	3,000	37,000	2,850	35,150
Atka mackerel—Western Aleutian District	1,163	14,338	1,313	16,188
Pacific ocean perch—Eastern Aleutian District	231	2,849	244	3,012
Pacific ocean perch—Central Aleutian District	228	2,808	241	2,971
Pacific ocean perch—Western Aleutian District	381	4,703	403	4,969
Pacific cod—BSAI	14,113	174,066	10,767	132,793
Shortraker rockfish—BSAI	44	537	44	537
Rougheye rockfish—BSAI	17	207	17	207
Northern rockfish—BSAI	338	4,163	375	4,625
Other rockfish—Bering Sea subarea	35	426	61	750
<b>Total</b>	<b>20,113</b>	<b>248,035</b>	<b>16,878</b>	<b>208,140</b>

TABLE 5.—2006 AND 2007 GEAR SHARES AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD ITAC

[Amounts are in metric tons]

Gear sector	Percent	2006 share of gear sector total	2006 subtotal percentages for gear sectors	2006 share of gear sector total	2006 seasonal apportionment <sup>1</sup>		2007 share of gear sector total	2007 subtotal percentages for gear sectors	2007 share of gear sector total	2007 seasonal apportionment <sup>1</sup>	
					Date	Amount				Date	Amount
Total hook-and-line/pot gear	51	88,774	n/a	n/a	n/a	n/a	67,724	n/a	n/a	n/a	n/a
Hook-and-line/pot ICA	n/a	n/a	n/a	500	n/a	n/a	n/a	n/a	500	n/a	n/a
Hook-and-line/pot subtotal	n/a	88,274	n/a	n/a	n/a	n/a	67,224	n/a	n/a	n/a	n/a
Hook-and-line C/P	n/a	n/a	80	70,619	Jan 1–Jun 10	42,372	n/a	80	53,780	Jan 1–Jun 10	32,268
					June 10–Dec 31	28,248				June 10–Dec 31	21,512
Hook-and-line CV	n/a	n/a	0.3	265	Jan 1–Jun 10	159	n/a	0.3	202	Jan 1–Jun 10	121
					June 10–Dec 31	106				June 10–Dec 31	81
Pot C/P	n/a	n/a	3.3	2,913	Jan 1–Jun 10	1,749	n/a	3.3	2,218	Jan 1–Jun 10	1,331
					Sept 1–Dec 31	1,165				Sept 1–Dec 31	887
Pot CV	n/a	n/a	15	13,241	Jan 1–Jun 10	7,945	n/a	15	10,084	Jan 1–Jun 10	6,050
					Sept 1–Dec 31	5,296				Sept 1–Dec 31	4,033
CV < 60 feet LOA using Hook-and-line or Pot gear	n/a	n/a	1.4	1,236	n/a	n/a	n/a	1.4	941	n/a	n/a
Total Trawl Gear	47	81,811	n/a	n/a	n/a	n/a	62,413	n/a	n/a	n/a	n/a
Trawl CV			50	40,906	Jan 20–Apr 1	28,634		50	31,206	Jan 20–Apr 1	21,844
					Apr 1–Jun 10	4,091				Apr 1–Jun 10	3,121
					Jun 10–Nov 1	8,181				Jun 10–Nov 1	6,241
Trawl CP			50	40,906	Jan 20–Apr 1	20,453		50	31,206	Jan 20–Apr 1	15,603
					Apr 1–Jun 10	12,272				Apr 1–Jun 10	9,362
					Jun 10–Nov 1	8,181				Jun 10–Nov 1	6,241
Jig	2	3,481	n/a	n/a	Jan 1–Apr 30	1,393	2,656	n/a	n/a	Jan 1–Apr 30	1,082
			n/a	n/a	Apr 30–Aug 31	696		n/a	n/a	Apr 30–Aug 31	531
			n/a	n/a	Aug 31–Dec 31	1,392		n/a	n/a	Aug 31–Dec 31	1,082
<b>Total</b>	<b>100</b>	<b>174,066</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>132,793</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>

<sup>1</sup> For most non-trawl gear the first season is allocated 60 percent of the ITAC and the second season is allocated 40 percent of the ITAC. For jig gear, the first season and third seasons are each allocated 40 percent of the ITAC and the second season is allocated 20 percent of the ITAC. No seasonal harvest constraints are imposed for the Pacific cod fishery by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear. For trawl gear, the first season is allocated 60 percent of the ITAC and the second and third seasons are each allocated 20 percent of the ITAC. The trawl catcher vessels' allocation is further allocated as 70 percent in the first season, 10 percent in the second season and 20 percent in the third season. The trawl catcher/processors' allocation is allocated 50 percent in the first season, 30 percent in the second season and 20 percent in the third season. Any unused portion of a seasonal Pacific cod allowance will be reapportioned to the next seasonal allowance.

TABLE 12.—2006 AND 2007 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS

[Amounts are in metric tons]

Target species	Area	1995–1997			2006 ITAC available to trawl C/Ps	2006 C/P sideboard limit	2007 ITAC available to trawl C/Ps	2007 C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
Pacific cod trawl	BSAI	12,424	48,177	0.258	40,906	10,554	31,206	8,051
Sablefish trawl	BS	8	497	0.016	1,199	19	1,148	18
	AI	0	145	0.000	638	0	582	0
Atka mackerel	Central AI	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	A season <sup>1</sup>	n/a	n/a	0.115	18,500	2,128	17,575	2,021
	HLA limit <sup>2</sup>	n/a	n/a	n/a	11,100	1,277	10,545	1,213
	B season <sup>1</sup>	n/a	n/a	0.115	18,500	2,128	17,575	2,021

TABLE 12.—2006 AND 2007 LISTED BSAI AMERICAN FISHERIES ACT CATCHER/PROCESSOR GROUND FISH SIDEBOARD LIMITS—Continued  
[Amounts are in metric tons]

Target species	Area	1995–1997			2006 ITAC available to trawl C/Ps	2006 C/P sideboard limit	2007 ITAC available to trawl C/Ps	2007 C/P sideboard limit
		Retained catch	Total catch	Ratio of retained catch to total catch				
	HLA limit <sup>2</sup> ....	n/a	n/a	n/a	11,100	1,277	10,545	1,213
	Western AI ...	n/a	n/a	n/a	n/a	n/a	n/a	n/a
	A season <sup>1</sup> ....	n/a	n/a	0.200	7,169	1,434	8,094	1,619
	HLA limit <sup>2</sup> ....	n/a	n/a	n/a	4,301	860	4,856	971
	B season <sup>1</sup> ....	n/a	n/a	0.200	7,169	1,434	8,094	1,619
	HLA limit <sup>2</sup> ....	n/a	n/a	n/a	4,301	860	4,856	971
Yellowfin sole .....	BSAI .....	100,192	435,788	0.230	81,346	18,710	91,495	21,044
Rock sole .....	BSAI .....	6,317	169,362	0.037	35,275	1,305	37,400	1,384
Greenland turbot .....	BS .....	121	17,305	0.007	1,607	11	1,543	11
	AI .....	23	4,987	0.005	723	4	693	3
Arrowtooth flounder .....	BSAI .....	76	33,987	0.002	11,050	22	15,300	31
Flathead sole .....	BSAI .....	1,925	52,755	0.036	16,575	597	18,700	673
Alaska plaice .....	BSAI .....	14	9,438	0.001	6,800	7	12,750	13
Other flatfish .....	BSAI .....	3,058	52,298	0.058	2,975	173	4,250	247
Pacific ocean perch .....	BS .....	12	4,879	0.002	1,190	2	2,516	5
	Eastern AI ...	125	6,179	0.020	2,849	57	3,012	60
	Central AI ...	3	5,698	0.001	2,808	3	2,971	3
	Western AI ...	54	13,598	0.004	4,703	19	4,969	20
Northern rockfish .....	BSAI .....	91	13,040	0.007	4,163	29	4,625	32
Shortraker rockfish .....	BSAI .....	50	2,811	0.018	537	10	537	10
Rougheye rockfish .....	BSAI .....	50	2,811	0.018	207	4	207	4
Other rockfish .....	BS .....	18	621	0.029	426	12	750	22
	AI .....	22	806	0.027	502	14	502	14
Squid .....	BSAI .....	73	3,328	0.022	1,084	24	1,084	24
Other species .....	BSAI .....	553	68,672	0.008	24,650	197	22,950	184

<sup>1</sup> The seasonal apportionment of Atka mackerel in the open access fishery is 50 percent in the A season and 50 percent in the B season. Listed AFA catcher/processors are limited to harvesting no more than zero in the Eastern Aleutian District and Bering Sea subarea, 20 percent of the annual ITAC specified for the Western Aleutian District, and 11.5 percent of the annual ITAC specified for the Central Aleutian District.

<sup>2</sup> Harvest Limit Area (HLA) limit refers to the amount of each seasonal allowance that is available for fishing inside the HLA (see § 679.2). In 2006 and 2007, 60 percent of each seasonal allowance is available for fishing inside the HLA in the Western and Central Aleutian Districts.

TABLE 14.—2006 AND 2007 BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS  
[Amounts are in metric tons]

Species	Fishery by area/season/processor/gear	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2006 initial TAC	2006 catcher vessel sideboard limits	2007 initial TAC	2007 catcher vessel sideboard limits
Pacific cod .....	BSAI .....	n/a	n/a	n/a	n/a	n/a
	Jig gear .....	0.0000	3,481	0	2,656	0
	Hook-and-line CV .....	n/a	n/a	n/a	n/a	n/a
	Jan 1–Jun 10 .....	0.0006	159	0	121	0
	Jun 10–Dec 31 .....	0.0006	106	0	81	0
	Pot gear CV .....	n/a	n/a	n/a	n/a	n/a
	Jan 1–Jun 10 .....	0.0006	7,945	5	6,050	4
	Sept 1–Dec 31 .....	0.0006	5,296	3	4,033	2
	CV < 60 feet LOA using hook-and-line or pot gear.	0.0006	1,236	1	941	1
	Trawl gear CV .....	n/a	n/a	n/a	n/a	n/a
Sablefish .....	Jan 20–Apr 1 .....	0.8609	28,634	24,651	21,844	18,805
	Apr 1–Jun 10 .....	0.8609	4,091	3,522	3,121	2,687
	Jun 10–Nov 1 .....	0.8609	8,181	7,043	6,241	5,373
	BS trawl gear .....	0.0906	1,199	109	1,148	104
Atka mackerel .....	AI trawl gear .....	0.0645	638	41	582	38
	Eastern AI/BS .....	n/a	n/a	n/a	n/a	n/a
Pacific cod .....	Jig gear .....	0.0031	69	0	69	0
	Other gear .....	n/a	n/a	n/a	n/a	n/a
	Jan 1–Apr 15 .....	0.0032	3,434	11	3,434	11
	Sept 1–Nov 1 .....	0.0032	3,434	11	3,434	11
	Central AI .....	n/a	n/a	n/a	n/a	n/a
	Jan–Apr 15 .....	0.0001	18,500	2	17,575	2
	HLA limit .....	0.0001	11,100	1	10,545	1
	Sept 1–Nov 1 .....	0.0001	18,500	2	17,575	2
	HLA limit .....	0.0001	11,100	1	10,545	1
	Western AI .....	n/a	n/a	n/a	n/a	n/a
Jan–Apr 15 .....	0.0000	7,169	0	8,094	0	

TABLE 14.—2006 AND 2007 BSAI AMERICAN FISHERIES ACT CATCHER VESSEL SIDEBOARD LIMITS—Continued  
 [Amounts are in metric tons]

Species	Fishery by area/season/processor/gear	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2006 initial TAC	2006 catcher vessel sideboard limits	2007 initial TAC	2007 catcher vessel sideboard limits
	HLA limit .....	n/a	4,301	0	4,856	0
	Sept 1–Nov 1 .....	0.0000	7,169	0	8,094	0
	HLA limit .....	n/a	4,301	0	4,856	0
Yellowfin sole .....	BSAI .....	0.0647	81,346	5,263	91,495	5,920
Rock sole .....	BSAI .....	0.0341	35,275	1,203	37,400	1,275
Greenland Turbot .....	BS .....	0.0645	1,607	104	1,543	100
	AI .....	0.0205	723	15	693	14
Arrowtooth flounder .....	BSAI .....	0.0690	11,050	762	15,300	1,056
Alaska plaice .....	BSAI .....	0.0441	6,800	300	12,750	562
Other flatfish .....	BSAI .....	0.0441	2,975	131	4,250	187
Pacific ocean perch .....	BS .....	0.1000	1,190	119	2,516	252
	Eastern AI .....	0.0077	2,849	22	3,012	23
	Central AI .....	0.0025	2,808	7	2,971	7
	Western AI .....	0.0000	4,703	0	4,969	0
Northern rockfish .....	BSAI .....	0.0084	4,163	35	4,625	39
Shortraker rockfish .....	BSAI .....	0.0037	537	2	537	2
Roughey rockfish .....	BSAI .....	0.0037	207	1	207	1
Other rockfish .....	BS .....	0.0048	426	2	750	4
	AI .....	0.0095	502	5	502	5
Squid .....	BSAI .....	0.3827	1,084	415	1,084	415
Other species .....	BSAI .....	0.0541	24,650	1,334	22,950	1,242
Flathead Sole .....	BS trawl gear .....	0.0505	16,575	837	18,700	944

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the adjustment of the 2006 and

2007 Pacific cod TACs to account for the state waters GHJ in the Aleutian Islands subarea. On March 1, 2006, ADF&G announced the state waters GHJ in the Aleutian Islands subarea. Since the 2006 fisheries are currently underway and the 2006 and 2007 TACs are jointly established, it is necessary to immediately adjust the TACs to avoid overharvesting gear shares and seasonal allowances of Pacific cod in the BSAI. Immediate adjustment is necessary to allow for the orderly conduct and efficient operation of this fishery, allow the industry to plan for the remainder of the 2006 and 2007 fishing seasons, and avoid potential disruption to the fishing fleet and processors.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and § 679.25 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 14, 2006.


James P. Burgess,  
 Acting Director, Office of Sustainable  
 Fisheries, National Marine Fisheries Service.  
 [FR Doc. 06–2616 Filed 3–14–06; 2:34 pm]  
 BILLING CODE 3510–22–P




**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
*National Marine Fisheries Service*  
P.O. Box 21668  
Juneau, Alaska 99802-1668

March 6, 2006

MEMORANDUM FOR: The Record

THROUGH: Robert D. Mecum   
Acting Administrator, Alaska Region

FROM:   
Susan Salveson  
Assistant Regional Administrator for  
Sustainable Fisheries

SUBJECT: Determination to Not Reinitiate Formal Consultation on the Federal Groundfish Fisheries as a Result of the Alaska Board of Fish Action to Establish a State Water Pacific Cod Fishery in the Aleutian Islands Area.

I have reviewed the action taken by the Alaska State Board of Fish (BOF) to establish a State managed Pacific cod fishery in the Aleutian Islands area west of 170 degrees W. longitude. I have determined that the BOF action will not require reinitiation of formal consultation on the federal groundfish fisheries under section 7(a)(2) of the Endangered Species Act (ESA) and implementing regulations at 50 CFR Part 402.16.

The draft emergency regulations developed by the Alaska Department of Fish and Game (ADF&G) which will implement the BOF action are provided in Attachment 1. With the exception of vessel monitoring provisions and seasonal apportionment of harvest, ADF&G's regulations are consistent with the Reasonable and Prudent Measures (RPMs) developed for the Pacific cod fisheries in federal and Alaska State waters under the 2001 Biological Opinion.<sup>1, 2</sup> Since 2002, these measures have been implemented for vessels fishing for Pacific cod in federal waters and in State waters during the Aleutians Islands parallel fishery, respectively. In addition, the BOF action establishes vessel specific daily harvests limits, as well as possession limits for tender vessels. These limits are not established in federal regulations and are expected to slow

<sup>1</sup> October 2001 Biological Opinion on the federally managed pollock, Pacific cod, and Atka mackerel fisheries of the Bering Sea and Aleutian Islands Area and the Gulf of Alaska and the parallel fisheries for these species as authorized by the State of Alaska within 3 nm of shore.

<sup>2</sup> The 2001 BiOp assessed state water fishing activities for Pacific cod off of Alaska conducted as part of the parallel fishery (harvests deducted directly from a federal total allowable catch amount). The BiOp did not extend to consultation on the Pacific cod fisheries in the Gulf of Alaska managed under Guideline Harvest Levels established by the BOF and implemented by the Alaska Department of Fish and Game.



the pace of the fishery, thus better ensuring that the State's guideline harvest level (GHL) is not exceeded. A slower rate of removal also would enhance RPMs implemented to address concerns about localized depletion of Steller sea lion prey field.

The draft ADF&G regulations establish the following provisions until October 2007, when these provisions will be reassessed by the State:

- A State water guideline harvest level (GHL) for Pacific cod is established in the Aleutian Islands District west of 170 degrees W. Long. The GHL is equal to 3 percent of the federal BSAI total allowable catch, or 5,820 mt;
- Federal closures for the Pacific cod fishery around rookeries, haulouts and other critical habitat areas are maintained;
- The GHL is seasonally apportioned (70 percent prior to June 1, and 30 percent for the remainder of the year);
- Gear limits and restrictions are implemented that are not inconsistent with federal regulations;
- A vessel specific daily harvest limit of 150,000 lbs is established;
- A vessel is restricted to having onboard no more than 300,000 lbs of unprocessed Pacific cod onboard at any time; and
- One hundred percent of harvested cod must be retained and reported daily.

The BOF action and resulting ADF&G regulations are silent on the vessel monitoring provisions (vessel monitoring system (VMS) and observer requirements) that have been implemented for the Pacific cod fishery in the federal and parallel fisheries under the RPMs. However, federally permitted vessels still are required to comply with federal requirements for VMS at 50 CFR 679.28(f).

Compared to federal regulations, the draft ADF&G regulations are more conservative with respect to harvest in the A season by the trawl fishery, which has a higher rate of harvest. Fisheries with lower rates of harvest (pot, hook-and-line and jig) have slightly higher seasonal apportionments in the State fishery during the beginning of the year compared to the Federal seasonal apportionments. ADF&G regulations also provide additional seasonal apportionments for those vessels that do not have seasonal apportionments under the Federal regulations (Table 1). When considered in combination with the daily harvest limit and unprocessed fish onboard limits, the State's seasonal apportionments are not likely to result in any effects with measurable differences from those effects analyzed in the 2001 BiOP. The effects of the State GHL fisheries seasonal apportionments are therefore insignificant.

Although the new BOF action will provide increased opportunity to harvest Pacific cod within State waters in the Aleutian Islands, the authorized level of harvest would have been allowed under existing federal regulations implementing Steller sea lion protection measures. Moreover, the federal Pacific cod TAC will be reduced by three percent, the same amount of harvest authorized by the State pursuant to the BOF action. Thus, the total Pacific cod harvest will not be increased by the BOF action.



Table 1. Comparison of Federal and ADF&G regulations on temporal distribution of Pacific cod harvest in the Aleutian Islands.

Gear Type	Federal			State	
	A Season Allocation Percent	B Season Allocation Percent	C season Allocation Percent	A season March 15-June 1 Percent Allocation	B season June 1-Dec. 31 Percent Allocation
Trawl	60 Jan. 20- April 1	20 April 1-June 10	20 June 10- Nov 1	70	30
<i>Trawl CV</i>	70	10	20	70	30
<i>Trawl CP</i>	50	30	20	70	30
Hook-and-line CP, H&L>60 ft, and non-CDQ pot > 60 ft.	60 H&L and pot Jan. 1- June 10	40 H&L June 10-Dec. 31 Pot Sept. 1-Dec. 31		70	30
Jig vessels	40 Jan. 1-April 30	20 April 30- Aug. 31	40 Aug. 31- Dec. 31	70	30
All other nontrawl vessels	No seasonal apportionment			70	30

In summary, the impacts of the new State water fishery during the two years it is authorized (2006 and 2007) are not appreciably different than the impacts considered in the 2001 BiOp. No new information is revealed as a result of the BOF action to indicate that the federal fisheries may affect listed species or critical habitat in a manner or to an extent not previously considered in the 2001 BiOp or in the 2000 Biological Opinion on Fishery Management Plans and associated regulations for the groundfish fishery in the Bering Sea and Aleutian Islands Area and the Gulf of Alaska. Thus, the BOF action and the resulting emergency regulations developed by ADF&G would not trigger reinitiation of consultation on the federal groundfish fisheries.

Attachment

**Title 5. Fish and Game.**

**Chapter 28. Groundfish Fishery.**

**Article 10. Bering Sea - Aleutian Islands Area**

**(Registration Area O).**

5 AAC 28 is amended with a new section to read:

**5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.** This management plan governs the harvest of Pacific cod in the Aleutian Islands District west of 170° W. long., of the state Bering Sea – Aleutian Islands Area.

(b) Each year the commissioner shall open and close, by emergency order, a parallel Pacific cod season in the Aleutian Islands District west of 170° W. long., to coincide with the initial federal season in the federal Bering Sea – Aleutian Islands Area. The commissioner shall open and close, by emergency order, the parallel Pacific cod season during which the use of the same gear allowed in the federal Bering Sea – Aleutian Islands Area Pacific cod season is permitted, unless that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.629.

(c) On or after March 15, the commissioner shall open, by emergency order, a state-waters Pacific cod season in the Aleutian Islands District west of 170° W. long., if the initial parallel catcher-vessel trawl fishery is closed. The commissioner shall, by emergency order, close the state-waters Pacific cod season opened under this subsection when the guideline harvest level is taken or on December 31, whichever occurs first.

(d) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in the management plan if;

(1) the guideline harvest level specified in (e)(1) of this section has been reached and a federal season is ongoing in adjacent federal waters; or

(2) the commissioner determines it is necessary to

(A) adapt to unanticipated openings and closures of the federal season;

(B) maintain sustained yield management; or

(C) provide for orderly fisheries.

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W. long., is three percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea – Aleutian Islands Area;

(A) a maximum of 70 percent of the guideline harvest level shall be available for harvest before June 10;

(B) any unharvested amount under (e)(1)(A) of this subsection, will be rolled over on June 10; a total of 30 percent of the guideline harvest level plus the unharvested amount from the prior season up to a maximum of 70 percent will be available beginning June 10;

(C) if the commissioner determines that the guideline harvest level will not be harvested in the state-waters fishery, the commissioner may notify the National Marine Fisheries Service that the projected unharvested guideline harvest level may be available for harvest in the federal fishery;

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, and hand troll gear; in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with pot gear or with mechanical jigging machines and hand troll gear, and

may be registered to fish only with one of these two gear types; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Dutch Harbor, or other locations specified by the department for validation, and that registration has been validated by the department; a vessel may not fish outside of the designated registration area; a vessel may not change registration areas while unprocessed fish are on board;

(3) during the 2006 and 2007 season, in addition to the gear types specified in (e)(2) of this subsection, non-pelagic trawl and longline gear may be used, except during a state-waters season, trawl and longline gear may not be used from May 1 – September 15, except vessel's operating gear under 5 AAC 28.629(d) and (e) and 5 AAC 28.690(a) and (b);

(4) a vessel must be registered to fish with non-pelagic trawl or longline gear; a vessel's gear registration may be changed during a state-waters season to a different gear registration if the owner, or owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Dutch Harbor, or other locations specified by the department for validation, and that registration has been validated by the department; a vessel may not fish outside of the designated registration area; a vessel may not change registration while unprocessed fish are on board;

(5) a vessel may harvest up to 150,000 pounds daily of Pacific cod, and may only have 300,000 pounds of unprocessed Pacific cod onboard the vessel; a vessel may not have more processed fish on board than the round weight equivalent of the fish reported on ADF&G fish tickets during the two seasons specified in (e)(1)(A) and (e)(1)(B) of this section; a validly

registered vessel must report daily to the department the pounds of Pacific cod taken and on board the vessel;

(6) all Pacific cod taken must be retained, however, any overage must be immediately reported to the department and all proceeds from the sale of Pacific cod in excess of the limitations of the amount specified in (e)(5) of this section shall be surrendered to the state; an overage of the provisions of this section shall not be considered a violation of this section if the overage is immediately reported to the state and the proceeds of the overage immediately surrendered to the state.

(f) The Aleutian Islands District is a nonexclusive registration area for Pacific cod during a state-waters season.

(g) The commissioner may, by emergency order, impose bycatch limitations and or retention requirements based on conservation of the resource, to avoid waste of a bycatch species, to prevent over harvest of bycatch species, or to facilitate consistency of the regulations in an area where state and federal jurisdictions overlap.

(h) In the state-waters Aleutian Islands District Pacific cod fishery, all closures specified in the parallel Pacific cod fishery shall apply as specified by gear group in 50 CFR 679, revised as of October 2005.

(i) The provisions of this section do not apply after December 31, 2007. (Eff.

\_\_\_\_\_/\_\_\_\_\_/2006, Register \_\_\_\_\_)

**Authority:** AS 16.05.060 AS 16.05.251 AS 16.05.270

Register \_\_\_\_\_, \_\_\_\_\_ 2006 EMERGENCY REGULATION

**Editor's note:** The department office in Dutch Harbor may be contacted at Department of Fish and Game, P.O. Box 920587, Dutch Harbor, Alaska, 99692-0587; Phone (907) 581-1219; Fax: (907)581-1572.

ALASKA REGION SUSTAINABLE FISHERIES DIVISION CLEARANCE SHEET

DATE:

*ESA*

TITLE:

*Determination on BOF Action*

F/AKR2 - Task Coordinator

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

F/AKR2 - Team Leader

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

F/AKR2 - Branch Chief

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

F/AKR2 - ARA Sustainable Fisheries

*Sue Dalveson*  
\_\_\_\_\_  
(Name)

*3-6-04*  
\_\_\_\_\_  
(Date)

F/AKR3 - Protected Resources

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

F/AKR3 - Habitat Conservation

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

F/EN5 - Enforcement

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

F/AKRx4 - Restricted Access Management

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

GCAK - General Counsel

*[Signature]*  
\_\_\_\_\_  
(Name)

*3/6/06*  
\_\_\_\_\_  
(Date)

F/AKR - Regional Administrator

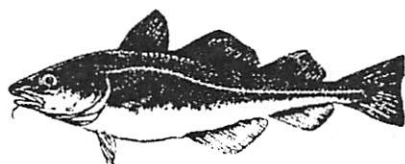
*[Signature]*  
\_\_\_\_\_  
(Name)

*3/7/06*  
\_\_\_\_\_  
(Date)

\*F/AKR2: ENTER DATE ACTION MUST BE RECEIVED IN CENTRAL OFFICE OR FILED AT OFR.

\_\_\_\_\_  
(Date)

# ALASKA DEPARTMENT OF FISH AND GAME COMMERCIAL FISHERIES NEWS RELEASE



*McKie Campbell, Commissioner*

*Denby S. Lloyd, Director  
Division of Commercial Fisheries  
Juneau*



Contact: Forrest R. Bowers  
Barbi Failor-Rounds  
Area Groundfish Biologists

Westward Region  
211 Mission Road  
Kodiak, AK 99615

Division of Commercial Fisheries  
Phone: (907) 581-1239  
Fax: (907) 581-1572

Date: March 16, 2006

## CLOSED WATERS FOR ALEUTIAN ISLANDS DISTRICT STATE-WATERS PACIFIC COD FISHERY ANNOUNCED

In addition to the previously announced Steller sea lion closures for the Aleutian Islands District state-waters Pacific cod fishery, the state-waters portion of the following six coral garden protection areas, are hereby closed effective at 3:00 p.m. Thursday March 16, 2006 to commercial fishing.

Each closed-water area is delineated by connecting the coordinates in the order listed by straight lines. The last set of coordinates for each area is connected to the first set of coordinates for the area by a straight line.

	Latitude		Longitude	
Great Sitkin Is	52° 9.56'	N	176° 6.14'	W
Great Sitkin Is	52° 9.56'	N	176° 12.44'	W
Great Sitkin Is	52° 4.69'	N	176° 12.44'	W
Great Sitkin Is	52° 6.59'	N	176° 6.12'	W
Cape Moffett Is	52° 0.11'	N	176° 46.65'	W
Cape Moffett Is	52° 0.10'	N	176° 53.00'	W
Cape Moffett Is	51° 55.69'	N	176° 53.00'	W
Cape Moffett Is	51° 55.69'	N	176° 48.59'	W
Cape Moffett Is	51° 57.96'	N	176° 46.52'	W

-continued-



Adak Canyon	51° 39.00'	N	177° 0.00'	W
Adak Canyon	51° 39.00'	N	177° 3.00'	W
Adak Canyon	51° 30.00'	N	177° 3.00'	W
Adak Canyon	51° 30.00'	N	177° 0.00'	W
Bobrof Is	51° 57.35'	N	177° 19.94'	W
Bobrof Is	51° 57.36'	N	177° 29.11'	W
Bobrof Is	51° 51.65'	N	177° 29.11'	W
Bobrof Is	51° 51.71'	N	177° 19.93'	W
Ulak Is	51° 25.85'	N	178° 59.00'	W
Ulak Is	51° 25.69'	N	179° 6.00'	W
Ulak Is	51° 22.28'	N	179° 6.00'	W
Ulak Is	51° 22.28'	N	178° 58.95'	W
Semisopchnoi Is	51° 53.10'	N	179° 53.11'	E
Semisopchnoi Is	51° 53.10'	N	179° 46.55'	E
Semisopchnoi Is	51° 48.84'	N	179° 46.55'	E
Semisopchnoi Is	51° 48.89'	N	179° 53.11'	E

For further information, contact the Alaska Department of Fish and Game in Dutch Harbor at (907) 581-1239 or Kodiak (907) 486-1842.

-end-

**ALASKA DEPARTMENT OF FISH AND GAME**  
**COMMERCIAL FISHERIES**  
**NEWS RELEASE**



*McKie Campbell, Commissioner*

*Denby S. Lloyd, Director*  
*Division of Commercial Fisheries*  
*Juneau*



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Barbi Failor-Rounds  
Area Groundfish Biologists

Westward Region  
211 Mission Road  
Kodiak, AK 99615

Division of Commercial Fisheries  
Phone: (907) 581-1239  
Fax: (907) 581-1572

Date: March 23, 2006  
3:00 PM

**ALEUTIAN ISLANDS DISTRICT STATE-WATERS PACIFIC COD FISHERY  
CLOSES UNTIL JUNE 10**

State-waters in that portion of the Aleutian Islands District west of 170° W long. will close to commercial fishing for Pacific cod at 8:00 PM March 24, 2006.

Based on catch reports received through 8:00 AM March 23, 2006 the total Pacific cod harvest in state-waters of the Aleutian Islands District west of 170° W long. is 6.85 million pounds and at the current catch rate that portion of the guideline harvest level (GHL) available prior to June 10 (8.98 million pounds) will be met by 8:00 PM March 24, 2006.

The remaining 30% of the total GHL (3.85 million pounds) plus any unharvested portion of GHL remaining from the first season will be available beginning June 10. Fishers are advised that state-waters will not reopen to fishing for Pacific cod until June 10. This reopening will be detailed in a subsequent news release.

Fishers are advised that at the time of the closure all pot gear must be out of the water or stored unbaited with doors open. Unbaited pot gear may be stored in waters deeper than 25 fathoms for up to seven days after the closure. Longline and trawl gear must be out of the water at the time of the closure.

For further information, contact the Alaska Department of Fish and Game in Dutch Harbor at (907) 581 1239 or Kodiak (907) 486-1842.

-end-



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# Solving Seabird Bycatch In Alaskan Fisheries: A Case Study In Collaborative Research

Edward F. Melvin, Kim S. Dietrich, and Michelle D. Wainstein, Washington Sea Grant Program

Seabird mortality in longline fisheries is a worldwide marine conservation problem. Seabirds aggregate in response to fishing operations and can become hooked and drown as they attack sinking baited hooks. Because many seabirds are long-lived species with delayed maturity and limited reproductive capability, they are highly vulnerable to adult mortality.

Regulatory and conservation attention in the Alaskan longline fisheries is focused on the rare incidental mortality of one species — the short-tailed albatross (*Phoebastria albatrus*), an endangered species under the U.S. Endangered Species Act. Takes of six short-tailed albatrosses within a two-year period would trigger re-initiation of a Section 7 consultation in these respective fisheries and consequently interrupt or close Alaska's \$300 million (ex-vessel value) demersal longline fisheries. Takes of only two short-tails over five years could disrupt or close the Alaskan trawl fisheries, valued at over \$500 million.

Building on earlier collaborative work to reduce the bycatch of seabirds in salmon drift gillnets, Washington Sea Grant Program launched a suite of research and outreach programs in collaboration with industry, NOAA Fisheries and the U.S. Fish and Wildlife Service to reduce seabird bycatch in Alaska's diverse longline fisheries. More recently this work was extended to Alaska's trawl fisheries.

Seabirds feeding on offal discards. Northern fulmars, black-footed and Laysan albatrosses, and an endangered short-tailed albatross (pink bill, left to right).

Projects include the following:

## Solving Seabird Bycatch in Longline Fisheries (1999 - 2000)

Conducted an extensive 2-year research program in two Alaskan longline fleets, sablefish and Pacific cod in the context of production fishing. To date, this is the largest effort of its kind.

### Outcomes:

- Paired streamer lines were proven to be near 100-percent effective at eliminating the catch of albatrosses and other surface-feeding birds.
- Both sablefish and cod fishing fleets adopted this new technology, two years before it was required — resulting in an eight-fold decrease in seabird mortality.
- Antarctic seabird avoidance requirements were modified in 2003, based on findings from the Alaska research.

## Integrated Weight Line Development and Testing (2002 - 2005)

Tested a novel leaded longline material — one that sinks quickly and consistently out of the range of seabirds and offers improved handling characteristics, relative to traditional unleaded lines. Testing was conducted over five months on two vessels in the Bering Sea and by collaborators in New Zealand and Antarctic fisheries.

over



#### Outcomes:

- Preliminary results show integrated weight line coupled with streamer lines can further reduce seabird bycatch, especially of diving birds such as shearwaters.
- Report in process.

#### Seabird Surveys (2002 - 2004)

Initiated and coordinated a three-year effort to collect seabird data on the Alaskan longline fishing grounds in the course of fish stock assessment surveys.

#### Outcomes:

Data demonstrated the absence of albatross-like seabirds in Alaska's inside waters. Elimination of seabird avoidance requirements recommended to the North Pacific Fishery Management Council for these inside waters, affecting over 600 of the 1600 vessels in the Alaskan fleet. The Council will take action at the June 2006 meeting.

WSGP-created protocols, methodology and training were extended to all NMFS Alaska Science Center surveys beginning in 2004.

#### Research Extended to Smaller Longline Vessels (2002)

WSGP research originally focused on large vessels (> 60 feet). At the urging of the North Pacific Fishery Management Council, in 2002 WSGP extended research to small vessels that make up the bulk of the Alaskan longline fleet. The Alaska Sea Grant Program continued outreach with the small boat fleet in 2003 and 2004 to filter new ideas and raise awareness.

#### Outcomes:

Specific recommendations on small vessels are being made at the North Pacific Fisheries Management Council June 2006 meeting.

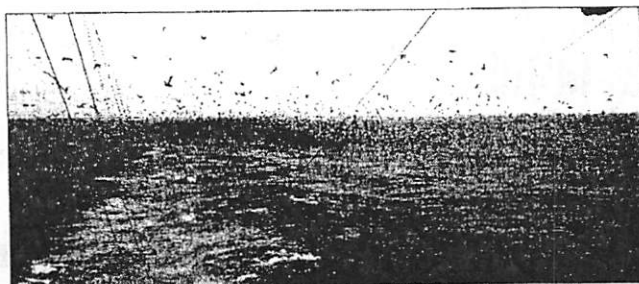
A new, lighter streamer line was developed in collaboration with the Alaska Sea Grant Program and is being distributed to the small boat fleet throughout Alaska.



Paired streamer lines while setting longline gear.

#### Solving Seabird Bycatch in Trawl Fisheries (2004 – present)

Pilot testing of seabird deterrent technologies was initiated to reduce seabird interactions with trawl cables in the Bering Sea catcher-processor fleet. With NOAA Fisheries funding, two vessels were retrofitted in 2005, based on WSGP recommendations, and WSGP expanded research on retrofitted vessels.



Paired streamer lines while trawling.

#### Outcomes:

Several seabird deterrents were shown to be highly effective and work continues to make deterrents more practical. Data are currently being analyzed.

Collaborations initiated with the New Zealand squid trawl fleet.

#### Outreach

Research findings and recommendations from these projects were shared with a range of potential users in U.S. and foreign fisheries.

*Off the Hook* video (a collaboration with the Alaska Sea Grant Program) and accompanying flyer were developed and distributed to the Alaska fleet and translated into Spanish and Russian for use in South America and the Russian Far East.

Port-to-port workshops were presented throughout Alaska in 2002.

Streamer lines designed by Melvin have been distributed to the Alaskan fishing fleet at no cost.

In collaboration with the World Wildlife Fund, protocols and resources were shared with a Russian scientific team to develop parallel studies on streamer lines and integrated weight longlines in the Russian longline fisheries. Pilot tests were completed in 2005 and work is to be expanded in 2006.

#### Collaborators

Research and outcomes were made possible by many supportive partners from federal and state agencies, other Sea Grant programs, and non-governmental organizations in this country and abroad.

Collaborators to date have included NOAA Fisheries, U.S. Fish and Wildlife Service, Alaska Sea Grant College Program (Marine Advisory Program), Alaska Department of Fish and Game, International Pacific Halibut Commission, Alaska Longline Fishermen's Association, American Seafoods Company, Australian Antarctic Division, Cordova District Fishermen United, Glacier Fish Company, Kamchatka Branch of Pacific Institute of Geography Far-Eastern Department of Russian Academy of Science, North Pacific Longline Association, Fishing Vessel Owners Association, Petersburg Vessel Owners Association, Pollock Conservation Cooperative, Southern Seabird Solutions, United Fishermen of Alaska, and World Wildlife Fund.



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# National Marine Mammal Laboratory

Alaska Fisheries Science Center

The National Marine Mammal Laboratory (NMML) conducts **RESEARCH** on marine mammals worldwide, primarily coastal California, Oregon, Washington and Alaska

[Northern fur seal Index](#) [K-12 Index](#) [Photo Index](#)

## Northern Fur Seal Bibliography

The bibliography described below is being made available to promote access to published materials documenting our understanding of the northern fur seal (*Callorhinus ursinus*). Our understanding of this species, its ecology and our interactions with it depends heavily on scientific studies, historical accounts, and the variety of related publications. This bibliography is intended to help promote understanding and provide information.

This bibliography lists research conducted on the northern fur seal over the past 200 years. To make it more flexible and useful, we have provided both a published technical bibliography and an online Procite<sup>1</sup> database of formal and informal northern fur seal literature.

The technical bibliography<sup>2</sup>, available here as [AFSC Processed Report 2006-05](#), in pdf format lists materials we deemed of potential importance to scientists and managers.

The more comprehensive [Procite database](#) utilizes bibliographic software that has, as a subset of its contents, the complete technical bibliography.

Both versions lead to further references, including previous bibliographies. In contrast to the technical bibliography, the database is more comprehensive and contains entries from newspapers and popular magazines that were judged to be of potential historic value. The database contains more unpublished material than the technical bibliography. The database also offers the option of searching and taking advantage of keywords and notes related to information of potential use (keywords found in the database but not listed in the [keyword list](#) are used in the bibliographic management process and are not pertinent to subject material).

<sup>1</sup> Reference to trade names does not imply endorsement by the National Marine Fisheries Service, NOAA.

<sup>2</sup> T.L. Scott, K. M. Yano, J. Baker, M. H. Rickey, M. Eames, and C. W. Fowler. 2006. The northern fur seal (*Callorhinus ursinus*): A Bibliography. AFSC Processed Report 2006-05, 246p. Alaska Fish. Sci. Cent., Natl. Mar. Fish. Serv., NOAA, 7600 Sand Point Way N.E. Seattle WA 98115.

at the "order" date. Therefore, the Department stated that it would recalculate the margin using Colakoglu's reported "order" date as the date of sale.

On November 28, 2005, the Department received comments on the draft results from Gerdau AmeriSteel Corporation, Commercial Metals Company (SMI Steel Group), and Nucor Corporation (collectively "the petitioners"). On November 30, 2006, the Department received rebuttal comments from Colakoglu. On January 13, 2006, the Department issued its final results of redetermination pursuant to remand to the Court. After analyzing the comments submitted by interested parties, we continued to find that the appropriate date of sale for Colakoglu's U.S. sales for the time period in question was the "order" date. Accordingly, Colakoglu's antidumping duty margin percentage for the 2002-2003 period of review is 4.91 percent.

On March 13, 2006, the Court found that the Department complied with the Court's remand order and sustained the Department's remand redetermination. See *Colakoglu Remand*.

**Timken Notice**

In its decision in *Timken Co., v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*), the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The Court's decision in *Colakoglu Remand* on March 13, 2006, constitutes a final decision of that court that is not in harmony with the Department's final results in the 2002-2003 administrative review of certain steel concrete reinforcing bars from Turkey. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or, if appealed, pending a final and conclusive court decision.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: March 20, 2006.

David M. Spooner,  
 Assistant Secretary for Import Administration.  
 [FR Doc. E6-4311 Filed 3-23-06; 8:45 am]  
 BILLING CODE 3510-DS-S

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. No. 031606B]

**Endangered and Threatened Wildlife and Plants: Announcement of Initiation of a Status Review of the Cook Inlet Beluga Whale under the Endangered Species Act (ESA)**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; request for information.

**SUMMARY:** We, NOAA's National Marine Fisheries Service (NMFS), intend to review the status of the Cook Inlet beluga whale pursuant to the ESA to determine if this group of beluga whales should be listed as an endangered or threatened species. We previously reviewed the status of these whales in 1998, and in 2000 concluded that a listing under the ESA was not warranted at that time. We solicit information to be used in reassessing the status of the Cook Inlet beluga whale.

**DATES:** Comments and information must be received by April 24, 2006.

**ADDRESSES:** Comments and information should be sent to Kaja Brix, Assistant Regional Administrator, Protected Resources Division, NMFS, Alaska Region, Attn: Ellen Walsh. Comments may be submitted by:

- (1) Mail: P.O. Box 21668, Juneau, AK 99802-1668;
- (2) Hand Delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK;
- (3) FAX: 907-586-7557; or
- (4) Email: *CIB-ESA-Status-Review@noaa.gov*. Include in the subject line of the email the following document identifier: CI Belugas Status Review. Email comments, with or without attachments, are limited to five (5) megabytes.

**FOR FURTHER INFORMATION CONTACT:** Brad Smith, NMFS Alaska Region, Anchorage Field Office, (907) 271-5006, Kaja Brix, NMFS, Alaska Region, (907) 586-7235, or Marta Nammack, Office of Protected Resources, (301) 713-1401.

**SUPPLEMENTARY INFORMATION:** ESA section 4 contains provisions and procedures for adding and removing species to the lists of endangered and threatened species. In particular, section 4(a) provides that NMFS shall determine whether any species is threatened or endangered because of any of the following factors: (1) The present or threatened destruction,

modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence.

Pursuant to the ESA, and in response to petitions from external organizations, we reviewed the status of the Cook Inlet beluga whale under the ESA. We determined in 2000 that this group is a distinct population segment (DPS) and, thus, a separate species as defined by the ESA. We also determined that listing the Cook Inlet beluga whale DPS as a threatened or endangered species was not warranted at that time (65 FR 38778; June 22, 2000).

Between 1994, when we initiated abundance surveys for the stock, and 1998, the Cook Inlet beluga whale population declined from an estimated 673 animals to an estimated 347 animals. We stated that the population was likely declining when the 1994 abundance was estimated, and the historical abundance was likely more than 1,000 animals. Subsistence harvest in 1995-1997 was estimated at 87 whales per year, and we concluded this level of harvest accounted for the observed decline of the population. At the time, no other factors could be identified as having a significant effect on the beluga population. Because there was an adequate regulatory mechanism in place to address subsistence harvest, we concluded that an ESA listing was not warranted. This determination was based in part on the expectation that the population would increase after the harvest was reduced to sustainable levels.

We are concerned that recovery may not be occurring as expected, and we recognize that long-term persistence at a small population size increases the risk to this population. Therefore, we plan to re-evaluate the status of the Cook Inlet beluga whale DPS under the ESA.

ESA section 4(a)(3) provides that NMFS shall, concurrent with making a determination that a species is threatened or endangered, designate critical habitat for that species. Critical habitat consists of specific areas in which are found physical and biological features essential to the conservation of the species and which may require special management considerations or protection. Cook Inlet beluga whales occur primarily in upper Cook Inlet, where human development and occupation have been extensive. The status review concerns only whether the Cook Inlet beluga whales should be listed. However, if we determine listing



is necessary, we would also determine whether designation of critical habitat is prudent and determinable.

#### Information Solicited

To ensure the status review is complete and based on the best available scientific and commercial data, we solicit information and comments concerning the Cook Inlet beluga whales and the extent to which natural or human factors may be affecting them. We are particularly interested in information that has been collected since 1998, when the previous status review was initiated, or information that was not available for consideration during that status review. We are seeking available information on: (1) Current known range of the Cook Inlet beluga whale, with a particular focus on current and historical habitat use; (2) demographic movements; (3) trends in foraging habits and seasonal prey abundance; (4) trends in environmental contamination; (5) contaminant burdens in prey species, especially salmonids and eulachon; (6) impacts caused by human recreational activities (e.g., boating); (7) current and planned activities and their possible impacts to the Cook Inlet beluga whale (e.g., habitat modification); (8) efforts to protect the Cook Inlet beluga whale or improve its habitat; (9) non-human factors that may have contributed to its decline (i.e., disease, biotoxins, climatic or oceanographic regime shifts); and (10) industry effects from oil and gas, municipal wastewater, commercial fishing, commercial shipping, etc., and associated noise.

Information is available on the Cook Inlet beluga whale at: <http://www.fakr.noaa.gov/protectedresources/whales/beluga.htm>.

Dated: March 20, 2006.

Jim Lecky,

Director, Office of Protected Resources,  
National Marine Fisheries Service.

[FR Doc. E6-4323 Filed 3-23-06; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032006D]

#### Fisheries Off West Coast States and in the Western Pacific; Pelagic Fisheries; Overfishing Determination on Yellowfin Tuna; Western and Central Pacific Ocean

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of overfishing determination.

**SUMMARY:** This action serves as notice that NMFS, on behalf of the Secretary of Commerce, has determined that overfishing is occurring on the yellowfin tuna (*Thunnus albacares*) stock in the western and central Pacific Ocean (WCPO), and requests that the Western Pacific Fishery Management Council (Council) address this overfishing condition pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. The intent of this action is to notify interested persons that yellowfin tuna is undergoing overfishing in the WCPO.

**SUPPLEMENTARY INFORMATION:** The following reprint of the March 16, 2006, letter from NMFS to the Council notifies the Council of a determination that overfishing is occurring on the yellowfin tuna stock in the WCPO, provides background on how NMFS made the determination, provides the legal basis for the Council to act in response to a determination that overfishing is occurring, and requests the Council to take appropriate action to address the overfishing condition.

Mr. Frank McCoy, Sr.,  
Chairperson,  
Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400,  
Honolulu, HI 96813.

Dear Chairman McCoy:

By this letter, NOAA's National Marine Fisheries Service (NMFS), on behalf of the Secretary of Commerce, notifies the Western Pacific Fishery Management Council (Council) that overfishing is occurring on the yellowfin tuna (*Thunnus albacares*) stock in the western and central Pacific Ocean (WCPO). NMFS requests the Council to take appropriate action pursuant to section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

According to Amendment 8 Supplement to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (Pelagics FMP), effective July 3, 2003 (68 FR 46112, August 5, 2003), the maximum fishing mortality threshold (MFMT) for stocks managed under the Pelagics FMP would be exceeded if the fishing mortality rate exceeded the rate associated with maximum sustainable yield (MSY). The most recent stock assessment (August 2005) on WCPO yellowfin tuna by the Scientific Committee of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, indicates that the then-current rate of fishing mortality ( $F_{\text{current}}$ ) is likely to be in excess of the rate associated with MSY ( $F_{\text{MSY}}$ ). For the base case analysis, the assessment results indicate an  $F_{\text{current}}/F_{\text{MSY}}$  ratio of 1.22 with a

range from 1.0 to 2.33 for the four analyses using alternative sets of assumptions<sup>1</sup>.

The latest estimate of  $F_{\text{current}}/F_{\text{MSY}}$  (1.22) for WCPO yellowfin tuna in 2005 was substantially higher than in the 2004 assessment (0.63)<sup>2</sup>. Scientists at the NMFS Pacific Islands Fisheries Science Center (PIFSC) consider the 2005 assessment model to be an improvement over the 2004 model, and the results to be more reliable. Based on these assessment results and relying on the expertise and advice of the PIFSC Director (October 28, 2005), NMFS has determined that overfishing of the WCPO yellowfin tuna stock is occurring.

The Pacific-wide distribution of yellowfin tuna and the scope of fisheries (international and domestic) exploiting this important species dictate that the U.S. government pursue a strategy to end overfishing through the relevant Regional Fisheries Management Organization, in this instance, the Western and Central Pacific Fisheries Commission (WCPFC). The entire U.S. harvest of yellowfin tuna in the WCPO is only about 4% of the total WCPO catch and the majority of the U.S. harvest is by purse seine vessels fishing within the EEZs of Pacific Island nations (under the authority of the South Pacific Tuna Treaty) or on the high seas. NMFS welcomes the Council's participation as a member of the U.S. Delegation to the WCPFC and looks forward to working with the Council to develop and implement domestic management measures necessary to implement WCPFC decisions. According to Section 304(e) of the MSA, the Council has one year from the date of this notification to prepare and submit an FMP, FMP amendment, or proposed regulations to address the overfishing condition of the yellowfin tuna stock.

Sincerely,

William L. Robinson,  
Regional Administrator.

Dated: March 20, 2006.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6-4322 Filed 3-23-06; 8:45 am]

BILLING CODE 3510-22-P

<sup>1</sup> Hampton, J., P. Kleiber, A. Langley, Y. Takeuchi, and M. Ichinokawa. 2005. Stock assessment of yellowfin tuna in the western and central Pacific Ocean. WCPFC-SA WP-1, 1st Meeting of the Scientific and Committee of the Western and Central Pacific Fisheries Commission, WCPFC-SC1, Noumea, New Caledonia, 8-19 August 2005. July 2005. 79p.

<sup>2</sup> Hampton, J., P. Kleiber, A. Langley, and K. Hiramatsu. 2004. Stock assessment of yellowfin tuna in the western and central Pacific Ocean. WCPFC SCTB17 Working Paper SA-1. 17th Meeting of the Standing Committee on Tuna and Billfish, Majuro, Marshall Islands, 9-18 August 2004. July 2004. 74 p.

Issued on: February 3, 2006.

Stephen R. Kratzke,  
Associate Administrator for Rulemaking,  
[FR Doc. E6-1739 Filed 2-8-06; 8:45 am]  
BILLING CODE 4910-59-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Petition To List the Polar Bear as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the polar bear (*Ursus maritimus*) as threatened under the Endangered Species Act of 1973, as amended (Act). We find that the petition presents substantial scientific or commercial information indicating that the petitioned action of listing the polar bear may be warranted. We, therefore, are initiating a status review of the polar bear to determine if listing under the Act is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information regarding this species.

**DATES:** We must receive your comments on or before April 10, 2006.

**ADDRESSES:** If you wish to comment, you may submit your comments and/or information concerning this species and the status review by any one of the following methods:

1. You may submit written comments and information to the Supervisor, U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503.
2. You may hand-deliver written comments to our office at the address given above.
3. You may send your comments by electronic mail (e-mail) directly to the Service at [AK\\_Polarbear@fws.gov](mailto:AK_Polarbear@fws.gov), or to the Federal eRulemaking Portal at <http://www.regulations.gov>. Your submission must include "Attn: Polar Bear" in the beginning of your message, and you must not use special characters or any form of encryption. Electronic attachments in standard formats (such as .pdf or .doc) are acceptable, but please name the software necessary to open any attachments in formats other than those given above. Also, please include your name and return address

in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, please submit your comments in writing using one of the alternate methods described above. In the event that our Internet connection is not functional, please submit your comments by one of the alternate methods mentioned above.

**FOR FURTHER INFORMATION CONTACT:** Scott Schliebe (see ADDRESSES), telephone, 907-786-3800; facsimile, 907-786-3816.

#### SUPPLEMENTARY INFORMATION:

##### Public Comments Solicited

We intend that any final action resulting from this status review will be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, or any other interested party. We are opening a 60-day public comment period to allow all interested parties an opportunity to provide information on the status of the polar bear throughout its range, including:

- (1) Information on taxonomy, distribution, habitat selection (especially denning habitat), food habits, population density and trends, habitat trends, and effects of management on polar bears;
- (2) Information on the effects of climate change and sea ice change on the distribution and abundance of polar bears and their principal prey over the short- and long-term;
- (3) Information on the effects of other potential threat factors, including oil and gas development, contaminants, hunting, poaching, and changes of the distribution and abundance of polar bears and their principal prey over the short and long term;
- (4) Information on management programs for polar bear conservation, including mitigation measures related to oil and gas exploration and development, hunting conservation programs, anti-poaching programs, and any other private, tribal, or governmental conservation programs which benefit polar bears, and
- (5) Information relevant to whether any populations of the species may qualify as distinct population segments.

We will base our finding on a review of the best scientific and commercial information available, including all information received during the public comment period.

Our practice is to make comments, including names and home addresses of respondents, available for public review

during regular business hours. Individual respondents may request that we withhold their home addresses from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

All comments and materials received will be available for public inspection, by appointment, during normal business hours at our Anchorage, Marine Mammals Management Office (see ADDRESSES).

#### Background

We received a petition from the Center for Biological Diversity dated February 16, 2005, to list the polar bear as threatened throughout its range with critical habitat in the United States. The petition, which was clearly identified as such, contained detailed information on the natural history and biology of the polar bear, and the current status and distribution of the species. It also contained information on what they reported as potential threats to the species from climate change, oil and gas development, contaminants, hunting, and poaching. The petition also discussed existing regulatory mechanisms and their perceived inadequacy. In a letter dated July 5, 2005, the petitioners informed us that two additional parties were joining as petitioners: The Natural Resources Defense Council and Greenpeace, Inc. In the same letter, the petitioners informed us of two new scientific articles, Henson *et al.* 2005, and Stroeve *et al.* 2005, that they wanted us to take into consideration when conducting our evaluation on the petition to list the polar bear. The petitioner further submitted new information in a letter received on December 27, 2005, to be considered, along with the information in the initial petition, in making our 90-day finding.

Subsequent to the filing of the initial petition with the Service, a petitioner may submit additional information relevant to the petitioned action. If the petitioner requests that the Service consider the information in making the 90-day finding on the petition, the Service will treat the new information,



together with the information in the initial petition, as a new petition filed on the date that the new information is received. In such case, the Service will consider the initial petition to be withdrawn by the petitioner. This has the effect of "resetting the clock" for the purpose of calculating the statutory deadlines under section 4(b)(3) of the Act. Applying this reasoning to the Center for Biological Diversity's petition regarding the polar bear, we consider the petition to have been received on December 27, 2005.

On the basis of information provided in the petition we have determined that the petition presents substantial scientific or commercial information

that listing the polar bear as threatened may be warranted. Therefore, we are initiating a status review to determine if listing the species is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information regarding this species. Under section 4(b)(3)(B) of the Act, we are required to make a finding as to whether listing the polar bear is warranted by December 27, 2006.

The petitioners also requested that critical habitat be designated for this species. We always consider the need for critical habitat designation when listing species. If we determine in our 12-month finding that listing the polar

bear is warranted, we will address the designation of critical habitat in a subsequent proposed rule.

#### Author

The primary author of this document is Scott Schliebe, Polar Bear Project Leader, Marine Mammals Management Office, U.S. Fish and Wildlife Service, Anchorage, Alaska.

**Authority:** The authority for this action is the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 3, 2006.

**H. Dale Hall,**

*Director, U.S. Fish and Wildlife Service.*

[FR Doc. 06-1226 Filed 2-8-06; 8:45 am]

BILLING CODE 4310-55-P



DEPARTMENT OF COMMERCE  
**National Oceanic and Atmospheric Administration**

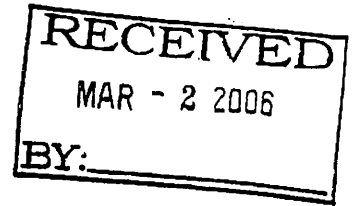
National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

February 23, 2006

Ann Rappoport, Field Supervisor  
USFWS/Anchorage Field Office  
605 W. 4th Avenue, Rm. G-61  
Anchorage, Alaska 99501



Re: Endangered Species Act (ESA) Section 7 Consultation for Alaska Fisheries and Northern Sea Otters

Dear Ms. Rappoport:

Due to the recent listing of the southwest Alaska distinct population segment (DPS) of northern sea otters as threatened (70 FR 46365, August 9, 2005), NMFS requests reinitiation of Endangered Species Act (ESA) section 7 consultation on the effects of the federally managed Alaska fisheries and State of Alaska fisheries implemented under Federal oversight on this DPS (50 CFR 402.16). In September 2003, your agency completed program and project level biological opinions (BiOps) on the effects of groundfish fisheries and the groundfish harvest specifications on USFWS managed species. Northern sea otters have now been added to the list of ESA-listed species that are managed by the U. S. Fish and Wildlife Service (USFWS). Northern sea otters may occur in the exclusive economic zone (EEZ) where Alaska fisheries are conducted and in near shore areas where fishing support activities occur. Therefore, sea otters may be affected by the Alaska fisheries. Critical habitat is not designated for this DPS. The following discussion addresses information required for formal consultation requests, as described in 50 CFR 402.14(c) and section 4.2 of the ESA Section 7 Handbook (March 1998). All references cited in this letter are either enclosed or available from your office. The best scientific and commercial information regarding northern sea otters and the Alaska fisheries is summarized below.

#### Action Considered

The action is the authorization and implementation of the following fishery management plans (FMPs):

- FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI)
- FMP for Groundfish of the Gulf of Alaska (GOA)
- FMP for Bering Sea/Aleutian Islands King and Tanner Crabs
- FMP for the Scallop Fishery Off Alaska

In the past, NMFS has consulted with the USFWS on the groundfish and crab fisheries managed under the FMPs. Informal consultations were used with the crab fisheries, with the most recent consultation completed with USFWS concurrence on January 13, 2003. This crab consultation found that the crab fisheries were not likely to adversely affect listed species or modify or destroy critical habitat. The following biological opinions have been developed by the USFWS for the groundfish fisheries regarding impacts on USFWS managed species:



- Biological Opinion on the Effects of the Total Allowable Catch-Setting Process for the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish Fisheries to the Endangered Short-tailed Albatross (*Phoebastria albatrus*) and Threatened Steller's Eider (*Polysticta stelleri*), September 2003
- Biological Opinion on the effects of the Fishery Management Plans for the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish fisheries on the endangered short-tailed albatross (*Phoebastria albatrus*) and threatened Steller's eider (*Polysticta stelleri*), September 2003

We request reinitiation of consultation on program and project levels for the groundfish FMPs and for the annual groundfish harvest specifications, respectively. The FMPs describe the management practices for these fisheries and are available at [www.fakr.noaa.gov/npfmc/fmp](http://www.fakr.noaa.gov/npfmc/fmp). The groundfish programs authorized under the FMPs are implemented by regulations at 50 CFR part 679. These regulations control overall amounts, species, methods, locations, and timing of groundfish harvests. NMFS uses the annual harvest specifications to control the specific amounts and allocations for each target species or species group and timing of harvests during a fishing year. For the fisheries where otter takes have been observed (Pacific cod pot), little change in fishing effort occurs between years (less than 10 percent for BSAI between 2003 and 2005) so that the level of effort in a particular area is not likely to change substantially between years. For reasons further explained below, the locations of fishing and support activities are the only aspect of the groundfish fisheries that are likely to impact sea otters. Harvest specifications do not change harvest locations, and therefore, the program and project level effects on sea otters are the same.

The action includes the State of Alaska parallel groundfish fisheries (Pacific cod, Atka mackerel and pollock) which are managed by the State using the same harvest limits, seasons, and area restrictions as the Federal fisheries. These fisheries are established annually by emergency order issued by the Commissioner of the Alaska Department of Fish and Game. The management of the crab and scallop fisheries under their respective FMPs is deferred to the State with Federal oversight. A detailed description of the State managed fisheries and the potential interaction with the southwest DPS of sea otters is in Enclosure 1. This consultation is limited to those state fisheries that are managed under the FMPs listed above. A letter from the State agreeing to be a cooperative agency in the consultation is enclosed. (Enclosure 20) We request consultation on the crab and scallop FMPs.

## **Location of Fisheries and Northern Sea Otters and Diet**

### *Groundfish*

Federally regulated groundfish species are harvested in the EEZ off Alaska in waters 3 nm to 200 nm from the shore. The State parallel groundfish fisheries occur in State waters from 0 nm to 3 nm from the shore. Otters primarily occur in the near-shore waters closer than 3 nm from shore where they forage in shallow, rocky areas on benthic invertebrates and fish. Otters also may feed on clams in the EEZ in the soft sediment substrate of Bristol Bay and the Kodiak archipelago. Before the population decline, large rafts of sea otters were seen up to 25 miles from shore in the shallow shelf area of Bristol Bay (Schneider 1976). In 2000, the USFWS found groups of sea otters up to 27 nm offshore in Bristol Bay (Burn and Doroff 2005). Otters rarely are seen offshore in other locations because foraging is limited to shallow areas. Federally permitted groundfish fishing vessels may transit and may perform loading or offloading activities in near shore areas.

### *Red King Crab*

Red King Crab is generally fished in offshore waters in areas deeper than sea otters dive. Informal reports have identified red king crab as a potential prey item for sea otters. The crab may be available as prey during the late winter or spring as they move to shallow water to molt (Enclosure 1, page 26).

### *Tanner Crab*

Tanner crabs in the federal fishery are harvested primarily offshore. Sea otters prey on Tanner crabs in the Aleutian Islands (Enclosure 1, page 34).

### *Deepwater and Offshore Crab Fisheries*

Golden and scarlet king, grooved and triangle Tanner, and snow crab fisheries are conducted exclusively in offshore, deep waters. Because of the location of these fisheries, it is unlikely that sea otters would compete with these fisheries for prey or become entangled in gear (Enclosure 1, pages 40-43).

### *Weathervane Scallops*

Weathervane scallops are not recorded as a prey item of sea otters. This fishery occurs in deeper, offshore waters from where sea otters are likely to occur.

## **Potential Effects from Prey Competition or Entanglement for Sea Otter by the Federally Managed Alaska Fisheries**

### *Groundfish*

Enclosure 2 is section 4.6 of the environmental assessment for the 2006 and 2007 harvest specifications for the groundfish fisheries. Section 4.6 analyzes the potential impacts of the groundfish fisheries on marine mammals, including sea otters.

Groundfish fisheries may impact marine mammals by incidental take, competition for prey, or disturbance. Because the groundfish fisheries primarily harvest groundfish species in the EEZ that are not eaten by northern sea otters, competition for prey is not likely between sea otters and the groundfish fisheries.

With sea otters primarily occurring in near shore areas, federally permitted groundfish fishing vessels are less likely to disturb sea otters while harvesting groundfish. Offshore sea otter groups found during the 2000 USFWS survey were located primarily in the Nearshore Bristol Bay Trawl Closure Area (NBBTCA) (Enclosure 3) (50 CFR 679.22(a)(9)). Except for a small portion during April 1 to June 15, the NBBTCA is closed to all types of trawling. The open portion is located on the northern shore of Bristol Bay, outside of the range of the southwest Alaska stock of northern sea otters (Angliss and Lodge 2004). NMFS observer data also shows that very little groundfish fishing by pot or hook-and-line gear occurs in the NBBTCA where the otter groups have been observed. The NBBTCA and the lack of fishing vessels in the area reduce potential interactions between fishing vessels and offshore sea otters. This trawl closure and the trawl closures near Kodiak Island (Enclosure 4) also limit the potential impact of the fishery on the benthic habitat that may support clam prey for sea otters. The Steller sea lion protection measures provide additional fishery closures in the EEZ and in the State parallel fisheries for

pollock, Atka mackerel, and Pacific cod. These measures also reduce the potential for interactions between fishing vessels and sea otters and reduce potential effects of bottom trawl on benthic habitat (Enclosures 5 and 6) in the EEZ. The North Pacific Fishery Management Council also has recommended closures of many near shore areas to certain bottom contact fishing gears to protect essential fish habitat and habitat areas of particular concern. These measures are expected to be effective in 2006, and maps of the potential closure areas are enclosed (Enclosures 7-10). Disturbances may occur in the near shore waters if vessels are transiting, loading or offloading in areas occupied by sea otters. The effect of such disturbance is unknown.

Incidental take by the federal groundfish fisheries is not likely a concern. NMFS observers monitor incidental take in the groundfish trawl, longline, and pot fisheries. The observer data indicates that three otter take events occurred in the BSAI trawl fishery between 1989 and 2004 but in each case, the otters were dead before encountering the trawl gear (Enclosure 11). In 1992, eight sea otters were observed taken in the Pacific cod pot fishery, resulting in an estimated annual mortality of 24 animals. These mortalities occurred in State waters near Attu Island. According to 1992 observer records, catcher processors harvested 5,000 mt of groundfish using pot gear in area 543 where Attu Island is located. In 2005, no pot vessels harvested Pacific cod in area 543. Based on this information, no otter injury or mortalities due to the federal groundfish fisheries conducted in the EEZ have been observed.

Because groundfish fishery observers are not required for vessels less than 60 feet, NMFS depends on small vessel operators to report the taking of marine mammals, as required by the Marine Mammal Protection Act. In 1997, a fisher reported one sea otter mortality in the BSAI trawl fishery. The self reporting form only provides for the reporter to indicate that the animal was "killed," but the fisher indicated that the animal was previously dead before encountering the trawl. NMFS has received no other sea otter mortality reports from the groundfish fisheries in the EEZ. The USFWS has determined that, based on available data, present commercial fishery interaction likely does not significantly affect sea otter abundance, and commercial fishing is not likely to contribute to the population decline (70 FR 46365, August 9, 2005). Overall cumulative effects of future State, tribal, local, or private actions in combination with the groundfish fisheries were found to be insignificant for sea otters (Enclosure 2).

#### *Tanner Crab Fisheries*

Most of the Tanner crab fisheries occur in offshore waters that are not in the sea otter range. The Bering Sea Tanner crab fishery was closed in 2004 (Alaska Department of Fish and Game (ADF&G) data at <http://www.cf.adfg.state.ak.us/geninfo/shellfish/04value.php>), but this fishery opened west of 166° W longitude October 15, 2005 through March 31, 2006. The potential for entanglement in pot gear is unlikely because the tunnel opening must be less than 5 inches (Enclosure 1, page 34).

#### *Red and Blue King Crab Fisheries*

Currently, fishing for blue king crab is closed due to depressed stocks. Directed fishing is prohibited until the stocks are rebuilt to reach their maximum sustainable stock size level in two consecutive years (69 FR 17651, April 5, 2004). One sea otter drowning in a red king crab pot was recorded in the Aleutian Islands in 100 meters of water (Newby 1975, and Riedman and Estes 1990, available from Enclosure 1). The Aleutian Islands red king crab fishery was closed in 2004, and approximately 500,000 lbs of crab were taken in 2003 and 2002 (ADF&G data at <http://www.cf.adfg.state.ak.us/geninfo/shellfish/>).

## *Weathervane Scallops*

Weathervane scallop fisheries occur further offshore and in deeper waters than those used by sea otters for foraging. It is unlikely that scallop dredging would impact sea otter prey by either removal of prey or disturbance of prey habitat. There is no record of sea otter interaction with scallop fishing gear (Enclosure 1, page 102).

### **Relevant Studies and Additional Information**

The sea otter listing Federal Register notice contains the most comprehensive summary of the southwest Alaska DPS of northern sea otters demographic and biological characteristics and potential effects on the DPS (70 FR 46365, August 9, 2005). The following describes additional information requested by USFWS that may be considered in the consultation.

#### **Sea Otter Carcasses**

According to Angela Doroff, sea otters generally float when dead.<sup>1</sup> It is unknown at what point of decay the carcass may sink. Sinking is likely to occur at some stage considering the reports of bottom trawl gear bringing up sea otter carcasses, as described above.

#### **Killer Whale Interaction**

Predation by killer whales may be an important factor in the sea otter population decline. Williams et al. (2004) (Enclosure 12) studied the physiological and demographic characteristics of killer whales. Killer whales primarily occur in two ecotypes based on behavior, vocalization, geographic movements, morphological characteristics, pod size, social structure, and genetics (Bigg et al. 1987, Dahlheim and Heyning 1998). These ecotypes are marine mammal-eating transients and fish-eating residents. The decline in sea otters may be due to the transient killer whales broadening their prey selection to include smaller marine mammals (Estes et al. 1998) (Enclosure 13). Only transient killer whales likely broaden their prey selection to additional mammals because resident killer whales eat primarily fish. Successful foraging on either fish or marine mammals involves different behaviors, and we are not aware of any observation of a killer whale ecotype changing their foraging behavior.

A "cascade hypothesis" has been presented in *The Bering Sea Ecosystem* (National Research Council 1996) to explain the changes in abundance of different vertebrate and invertebrate species and trophic levels in the Bering Sea over time. A large portion of the large whale biomass was removed during commercial whaling before the mid 1970s. In addition, commercial fisheries intensely exploited certain fish stocks to the point of reducing abundance below commercially viable amounts in the 1960s and 1970s. In the mid 1970s, a climatic shift to warmer temperatures occurred which may have further resulted in improving conditions for some species over others (increasing pollock and flounder abundance and decreasing herring and crab abundance). As far as the effects of fishing on the groundfish stocks of the Bering Sea, the National Research Council concluded that "the effects of overfishing on the spatial distribution of these species outside the fishing area, yet still within the Bering Sea ecosystem are unknown." Information on the cause of the Steller sea lion decline is also limited. The National Research Council concluded that for Steller sea lions "we do not have the data to assess the relative importance of fishery effects...and environmental effects on food availability, but both have

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<sup>1</sup> Angela Doroff, Wildlife Biologist. Personal communication, October 25, 2005. USFWS/Anchorage Field Office, 605 W. 4th Avenue, Rm. G-61 Anchorage, Alaska 99501

likely been involved in the decline of sea lion numbers." Not enough information exists to conclude the extent to which commercial fisheries have reduced the abundance of Steller sea lions causing transient killer whales to switch prey from sea lions to sea otters.

### **Oil Spills from Fishing Activities**

Fishing vessels, seafood processing, and seafood product transport activities release oil into the marine environment. If these activities occur in the near shore areas, sea otters and their foraging areas may be affected. The potential impact of oil spills depends on the type of oil, weather conditions, amount, and location of the spill in relation to the occurrence of sea otters. Sea otters are not known to seasonally migrate and can occur at any time in the near shore waters in the southwest range. For this reason, detailed location information for sea otters should be collected at the time of the spill to accurately gauge the potential direct impact of the spill on the animals.<sup>2</sup> Fishing vessels primarily use diesel fuel and also may have hydraulic and lubricating oils on board. These fuels are considered non-persistent, having less likelihood of long term environmental harm compared to heavier fuels. Large fish processing vessels and fish trawlers may use heavier oils such as bunker C fuels (No. 6 fuel oil). Both diesel and bunker fuels would have immediate adverse effects on contact with sea otters by oiling their fur and preventing the animal from maintaining its temperature. Both fuels also would cause acute toxicological effects on the animals from inhalation and ingestion.<sup>1</sup>

Enclosures 14 and 15 describe the NOAA spill response histories from 1981 through 1999 in the Aleutian Islands and in the Gulf of Alaska from 1985 through 1995. Most spills are diesel fuel from a fishing vessel (Whitney, 1996 and 2000). Large spills also have been released from fish cargo vessels (e.g. Kuroshima, November 1997). No sea otter impacts were reported with the Kuroshima spill. Of the 29 spill events responded to by NOAA between 1981 and 1999 in the Aleutian Islands, 24 were from either vessels or processors participating in fishing activities. Of these 24, approximately half of these were participants in groundfish fishing activities. Quantities of oil spilled range from a few gallons to over 110,000 gallons with an average of 23,000 gallons. Thirteen out of 23 spill events in the Gulf of Alaska were from fishing vessels or support activities. Spills in the Aleutian Islands can be a concern due to the area's remote location and longer response times. The infrastructure to rapidly respond currently is located only in Dutch Harbor.<sup>3</sup> Many of the spills in the Aleutians occurred near islands that are a large distance from Dutch Harbor.

The causes of oil spills are primarily from shipwrecks due to poor weather or human error. Some spills at or near onshore fish processing facilities have entered marine waters and likely impacted otters (diesel spill at Trident Seafoods Facility at Sand Point, January 15, 1990 and an unknown source of a petroleum spill at King Cove Lagoon December 4, 1992). In 1995, a spill from a fishing vessel also was reported at a fueling dock in Dutch Harbor (Alaska Department of Environmental Conservation September 1999 Aleutian Spill Contingency Plan).

Kiska Island and Tanaga Island are locations where offloading of Atka mackerel may occur in the sheltered bays. These areas also may be important foraging areas for sea otters. The receiving vessel (trawler) is normally anchored and the fishing vessel is bumpered to the trawler during offloading. Though no oil spills in this area have been reported, the U. S. Coast Guard has been

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<sup>2</sup> Douglas Burns, Wildlife Biologist. Personal communication, Oct. 25, 2005. USFWS/Anchorage Field Office, 605 W. 4th Avenue, Rm. G-61 Anchorage, Alaska 99501.

<sup>3</sup> Lt. Cmdr. Chris Woodley, Assistant Chief for Compliance and Investigation Branch. Personal communication, October 25, 2005. USCG 13<sup>th</sup> District, 915 2<sup>nd</sup> Ave., Ste. 3506, Seattle, WA 98174.

concerned that during poor weather, an anchor coming loose may allow the vessels to collide or allow a grounding, both potentially resulting in an oil spill.<sup>4</sup> The trampers are more likely to be using bunker C fuel which potentially would cause more long-term impacts in the case of a spill. NMFS 2005 vessel monitoring system data indicate that substantial offloading activities occur in Kiska Harbor and infrequent offloading occurs on the west side of Tanaga Island. The offloading activities at Kiska Harbor are in the vicinity of locations where sea otters have been observed during USFWS skiff surveys in 2003 and 2005 (Enclosure 16).

Because oil releases are frequently caused by shipwreck, the spills are likely to occur in near shore waters. Any diesel release in offshore waters may be dissipated before reaching near shore areas, depending on currents, distance and weather conditions. Approximately 90 percent of a 500-5,000 gallon spill is either evaporated or dispersed in the water column within a few hours to a couple days (Whitney, 2000). Heavier oils spilled offshore are more likely to exist long enough to reach near shore areas. Approximately 70 percent of the heavy oil would persist for a week or longer (Whitney, 2000).

If either diesel or bunker C oils are wind driven to the shore during a low tide, contamination of the intertidal zone is likely to occur. The diesel contamination is likely to persist for 2 years and the heavier oils may persist in the intertidal zone up to several decades.<sup>5</sup> Persistent oil contamination was found in the subsurface of some middle and lower intertidal areas sampled in Prince William Sound (Short, et al. 2004, Enclosure 17). Sea otters in Prince William Sound after the *Exxon Valdez* oil spill were reported to use the low intertidal areas for clam foraging. The animals would dig pits into the intertidal sediment to remove the clams. Some locations of Prince William Sound continue to have oil present in the low intertidal sediments, and it is likely that foraging sea otters may be impacted if they encounter this oil.<sup>6</sup> Bodkin, et al. 2002 has reviewed the sea otter population status in Prince William Sound since the *Exxon Valdez* spill and has hypothesized that chronic exposure to oil at Knight Island may be constraining the recovery of the otters in this area by elevated mortality and emigration (Enclosure 18). If foraging behavior of the southwest stock of sea otters is similar to otters in Prince William Sound and if an oil spill contaminates a foraging area, it is also likely the southwest stock of sea otters may be impacted by foraging in oil contaminated areas. Stressed sea otters also may encounter oil in the intertidal zone when traveling through this area to haul out on land.<sup>1</sup>

Several current and future actions may mitigate some potential impacts of oil spills from fishing activities. As fisheries are rationalized in the future, fewer vessels are likely to participate in the fisheries, reducing the potential for spills. More information on the rationalization of the groundfish fisheries is in the harvest specifications EA under cumulative effects (Enclosure 2). The proposed nearshore closures for protection of essential fish habitat and habitat areas of particular concern may also reduce activities in these near shore waters that may result in oil spills. State and Federal regulations require minimum standards and inspections to prevent oil spills (18 AAC 75.075) at onshore oil storage facilities.<sup>4</sup> State regulations also specify the actions to take in the event of a spill, reducing potential impacts (18 AAC 75.300-75.396).

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<sup>4</sup> Charlie Medlicott, Fishing Vessel Safety Program Coordinator. Personal communication, October 25, 2005. Marine Safety Office, USCG, 510 L St., Ste 100, Anchorage, AK 99501.

<sup>5</sup> Dr. John Whitney, NOAA Scientific Support Coordinator. Personal Communication, October 27, 2005. Hazardous Materials and Response Division, Office of Response and Restoration, National Ocean Service, NOAA, Anchorage, AK.

<sup>6</sup> Dr. Jeff Short, Supervisory Research Chemist. Personal communication, Oct. 27, 2005. Auke Bay Laboratory, Juneau, AK.



Alaska Statute 46.04.055 requires all operators of self-propelled nontank vessels over 400 gross tons to file oil spill contingency plans (18 AAC 75.425) and certificates of financial responsibility (18 AAC 75.271) with the Alaska Department of Environmental Conservation (ADEC). Many of the larger fishing vessels hold these plans and certificates. Of the 95 fishing vessels with contingency plans, 94 carry less than 630,000 gallons of fuel (Nuka 2005, Enclosure 19) and typically carry 30,000 gallons of non-persistent fuels. State regulations for general oil pollution prevention requirements are at 18 AAC 75.007. Fuel transfer procedures also are used to prevent spills.

Foreign trampers are limited to operations in ports, roadstead or internal waters (bays and inlets) that meet the port or roadstead definitions under the International Law of the Sea, limiting potential areas where oil spills may happen during fish product transfers. These ports and roadstead are generally places of historical use by fishery participants. Requests for new locations are reviewed through the U. S. State Department which may take up to a year to complete a decision. A comprehensive list of designated locations is not available, and many near shore areas of Alaska likely meet the definition of ports and roadsteads.<sup>7</sup>

The State of Alaska also is developing Geographic Response Strategies (GRS) for potential spills in coastal areas. The GRSs are oil spill response plans tailored to protect a specific sensitive area from oil impacts following a spill. These are a series of maps that spill responders can use to quickly identify sensitive areas and determine where to place spill protection resources. These strategies are available on the ADEC website at <http://www.dec.state.ak.us/spar/perp/grs>. Candidate GRS sites have been identified in the Aleutian Islands and Kodiak areas and several sites have been approved on the west side of Kodiak Island. Selection criteria include consideration of fishing vessel activity and sea otter occurrence.

Chronic oil exposure from fueling operations and bilge water in harbor areas has also been identified by the USFWS as a potential threat to sea otters (G. Balogh, USFWS, personal communication, 1/6/06). The US Geological Survey (USGS) has examined oil biomarkers (P450) in California sea otters of Monterey Bay, California and has compared these results to oil biomarkers in northern sea otters of Prince Williams Sound. They found levels of P450 in otters in Prince William Sound in oiled areas in the late 1990s were similar to the range and variation of amounts of P450 in the Monterey Bay sea otters. This indicated that otters in both locations were experiencing similar types of oil exposure. The PWS data suggested that the oil in the late 1990s was having a deleterious effect on sea otters. By inference, the USGS believes that the Monterey Bay sea otters may also be experiencing deleterious effects from oil exposure (Brenda E. Ballachey, USGS, personal communication, 1/18/06). It is possible that sea otters chronically exposed to low levels of oil releases in harbor areas of Alaska may experience adverse effects. The level of effect may depend on the duration of occurrence of sea otters in areas where low levels of oil may be released, the type of oil, and the conditions during the release. The behavior of northern sea otters and California sea otters may also influence how the animals are exposed to oil releases.

The USFWS completed a biological opinion on the Effects of the Construction of a Harbor at Little South America-South, Unalaska, Alaska on Steller's Eiders (August 29, 2005). This document details the known release and amounts of oil in the Dutch Harbor Area and determined that the acute and chronic oil exposure to Steller's Eiders would result in one animal taken. Based on physiology and behavior, we are unsure that the potential adverse effects of chronic

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<sup>7</sup> Ron Antaya, Assistant Special Agent in Charge. Personal communication, October 26, 2005. NMFS Office of Law Enforcement, Alaska Region. P. O. Box 21668, Juneau, AK 99802.

oiling for Steller's Eiders can be inferred to northern sea otters. The southwest Alaska DPS of northern sea otters was considered in this biological opinion but was determined to be not likely to be jeopardized by the project and not further analyzed in the biological opinion regarding any effects, including chronic oiling. No additional information could be found on this topic.

### Conclusion

NMFS will continue to collect sea otter and fisheries interaction information and provide that to the USFWS. Based on the information provided, the Alaskan fisheries may have an impact on sea otters through disturbance during near shore activities. In addition, adverse effects on sea otters and their foraging habitat may occur from potential oil spills during fishing activities. An adverse impact through incidental take also may occur in rare circumstances in nearshore waters fisheries, but the effect of incidental take on the DPS is likely to be minor.

Because potential adverse impacts may result in take, an incidental take statement (ITS) is likely needed. 50 CFR 402.14(i) provides for an ITS to allow for exemptions from the ESA section 9 takings prohibition. An ITS to allow for takings during a federal action is part of a biological opinion. Before an ITS may be given, a negligible impact determination (NID) under section 101(a)(5)(E) of the Marine Mammal Protection Act needs to be completed. Because the Alaska fisheries may incidentally take a listed sea otter, participants in these fisheries likely will need a biological opinion and an ITS for ESA-authorized incidental takes of the southwest Alaska DPS of northern sea otters.

Thank you for your attention to this matter, and we look forward to working with you on this consultation. If you have any questions, please contact Melanie Brown of the Sustainable Fisheries Division at 907-586-7006 or [Melanie.brown@noaa.gov](mailto:Melanie.brown@noaa.gov).

Sincerely,



Robert D. Mecum  
Acting Administrator, Alaska Region

Enclosures



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
 Anchorage Fish and Wildlife Field Office  
 605 West 4<sup>th</sup> Avenue, Room G-61  
 Anchorage, Alaska 99501-2249



March 23, 2006

Robert D. Mecum  
 Acting Administrator, Alaska Region  
 US Department of Commerce  
 National Oceanic and Atmospheric Administration  
 National Marine Fisheries Service  
 P.O. Box 21668  
 Juneau, Alaska 99802

Re: Endangered Species Act Section 7 Formal Consultation addressing the effects of the Alaska Groundfish Fishery on the threatened southwest distinct population segment of northern sea otters (*consultation number 2006-117*)

Dear Mr. Mecum,

Thank you for your February 23, 2006 letter, received in this office on March 2, 2006, in which you request formal section 7 consultation on the effects of the proposed Groundfish Fishery as authorized and implemented in the Exclusive Economic Zone (EEZ) Fishery Management Plans (FMPs) on the southwest distinct population segment (DPS) of the northern sea otter (*Enhydra lutris kenyoni*). A follow-up telephone call with Ms. Melanie Brown on March 21, 2006, confirmed that the National Marine Fisheries Service (NMFS) determined this proposed action was likely to adversely affect the listed northern sea otter DPS. The U.S. Fish and Wildlife Service (USFWS) has reviewed the information on this project and is providing the comments below in accordance with section 7 (a) (2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended, 16 U.S.C. 1531 *et seq.*).

Because the threatened southwest DPS of the northern sea otter occurs in the EEZ where Alaska fisheries are conducted and in near-shore areas where fishing support activities occur, and because sea otters have been known to become entangled in fishing nets; have drowned in red king crab and Pacific cod pots; are occasionally taken incidentally in near-shore groundfish fishing activities; are adversely affected by diesel and bunker fuels from spills – both from immediate and chronic exposure; and their foraging habitats are negatively impacted from oil spills; we concur with your determination that the listed species is likely to be adversely affected by the Alaska Groundfish Fishery. The specific federal actions for which our concurrence applies includes the following FMPs:

- FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area
- FMP for Groundfish of the Gulf of Alaska

- FMP for the Bering Sea and Aleutian Islands King and Tanner Crabs
- FMP for the Scallop Fishery off Alaska

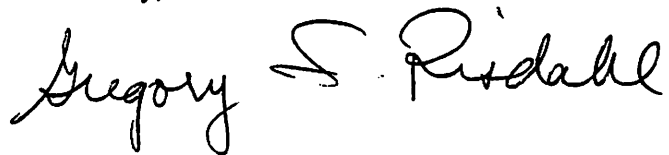
There is no critical habitat designated for the threatened southwest DPS of the northern sea otter at this time.

We agree with NMFS, because of the reasons listed above, that an incidental take statement (ITS) is needed in order to comply with ESA. As you stated, 50 CFR 402.14(i) provides for an ITS, which allows for exemptions from ESA section 9 'take prohibitions'. The USFWS will prepare a Biological Opinion to determine if the proposed federal action will jeopardize the continued existence of the listed southwest DPS of northern sea otters. The Biological Opinion will include an ITS, non-discretionary Reasonable and Prudent Measures and Terms and Conditions. We intend on having the completed Biological Opinion to you by August 4, 2006, 135 days from the date of this letter. NMFS must also seek a negligible impact determination (NID) under 101(a)(5)(E) of the Marine Mammal Protection Act before a take permit may be granted.

This letter relates only to species listed or proposed under ESA and/or designated or proposed critical habitat under our jurisdiction. It does not address species under the jurisdiction of NMFS, or other legislation or responsibilities under the Fish and Wildlife Coordination Act, Clean Water Act, National Environmental Policy Act, Bald and Golden Eagle Protection Act, or Migratory Bird Treaty Act.

Thank you for your cooperation in meeting our joint responsibilities under section 7 of the Endangered Species Act. We look forward to continuing work with you in the future on this consultation. If you have any questions, please contact me by phone at (907) 271-2807, or by email at [Greg\\_Risdahl@fws.gov](mailto:Greg_Risdahl@fws.gov). Please refer to consultation number 2006-117 in future correspondence on this project.

Sincerely,



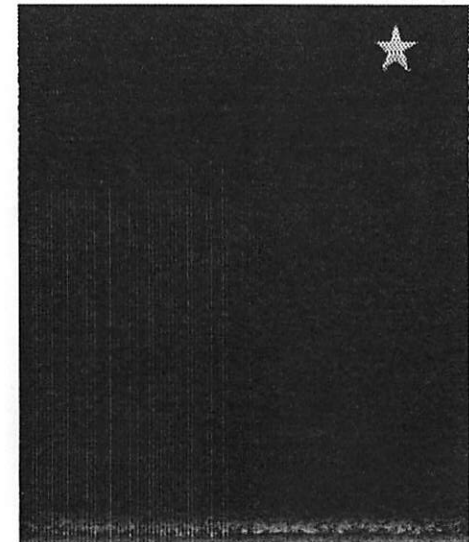
Greg Risdahl  
Fish and Wildlife Biologist

Council Testimony  
Bill Noll, Commissioner  
April 5, 2006  
CDQ Program

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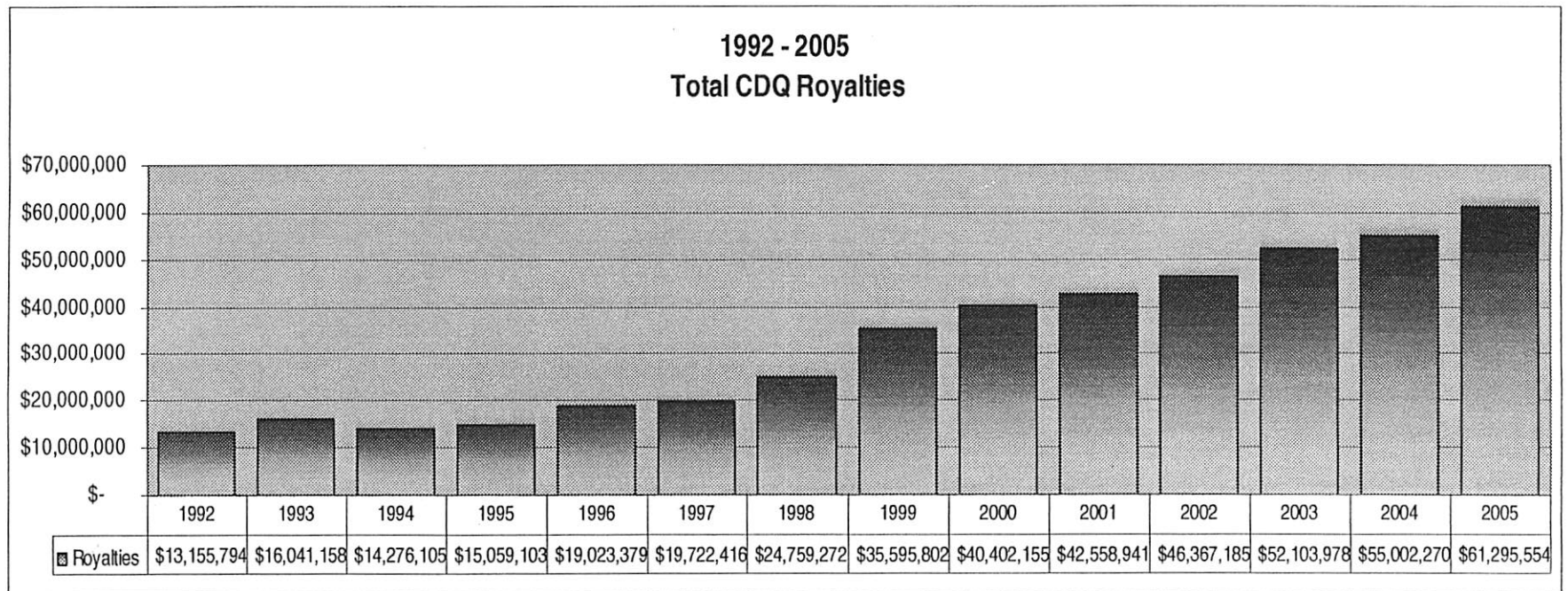
State of Alaska

Department of Commerce, Community &  
Economic Development



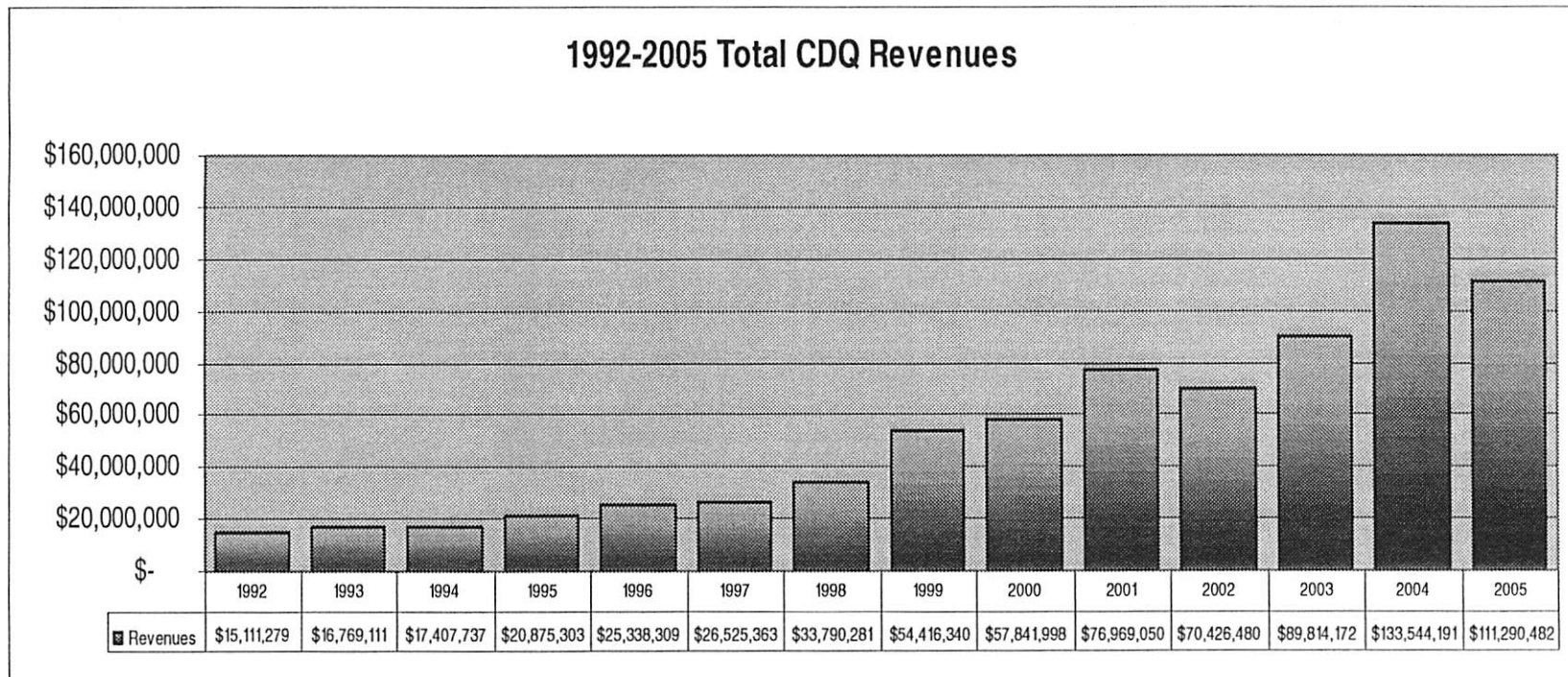
## 1992 - 2005 Total CDQ Royalties

Since 1992, over \$450 million in CDQ Royalties have been generated.



# 1992 – 2005 Total CDQ Revenues

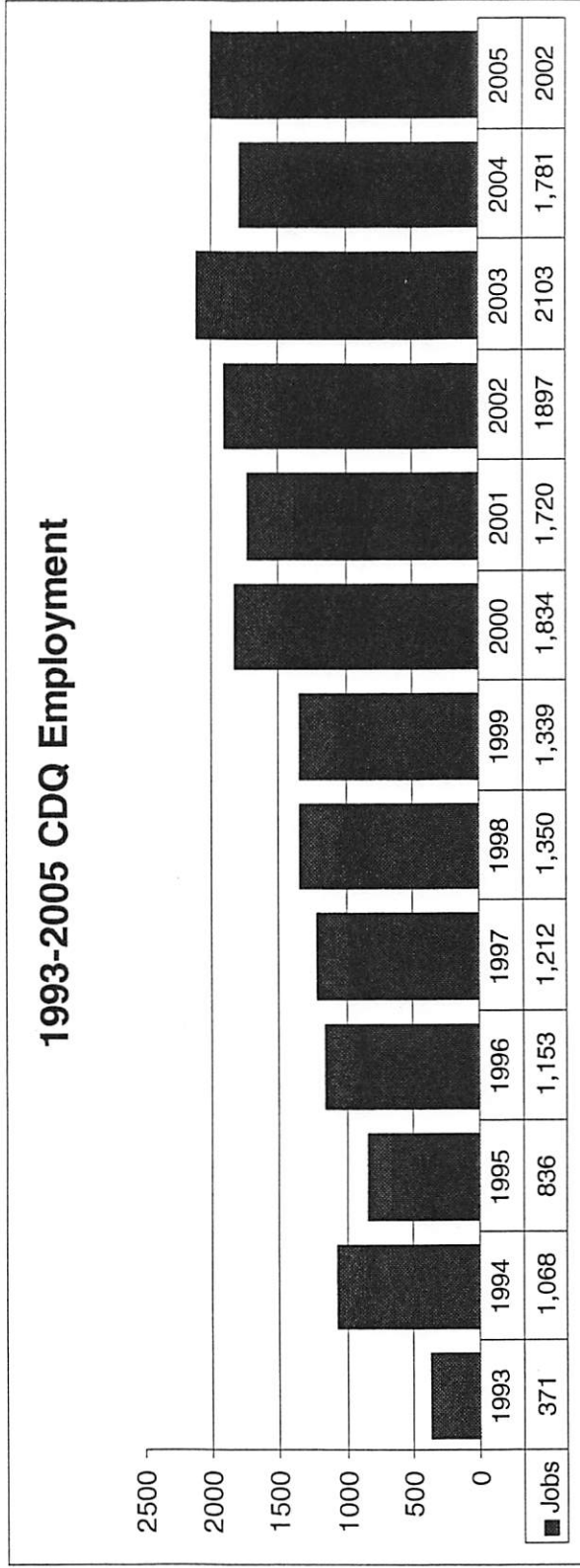
Since 1992, over \$750 million in revenues have been generated.





# 1992-2005 CDQ Employment

Since 1992, over 18,000 jobs have been generated.







# 2006-2008 Allocation Timeline

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- February 9, 2005—State issues 2006-2008 Initial Allocation Recommendations.
- March 14, 2005—State issues 2006-2008 Draft Initial Allocation Recommendations.
- March 31, 2005—State sends 2006-2008 Draft Initial Allocation Recommendations to Council.
- April 8, 2005—State consults with Council. Council passes a motion recommending Governor establish a Blue Ribbon Panel to review CDQ program.
- April 11, 2005—Council Chair sends Governor a letter requesting a Blue Ribbon Panel be formed to review CDQ program.



# 2006-2008 Allocation Timeline

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- April 27, 2005--Blue Ribbon Panel is formed.
- July 14, 2005--State submits 2005 Crab CDQ allocations to NMFS.
- August 8, 2005--NMFS issues IAD extending 2003-2005 CDPs through 2006.
- September 19, 2005--NMFS issues IAD disapproving 2005 Crab CDQ allocations from the State. (Note that they had been based on the same methodology and record as the March 14, 2005 allocation recommendations).
- October 4, 2005--Governor accepts Blue Ribbon Panel Report.



# 2006-2008 Allocation Timeline

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- October 12, 2005--NMFS approves a settlement agreement for all six CDQ groups for the new 2005 crab CDQ species.
- November 23, 2005--Proposed Revisions to State regulations are published and public is given until January 6, 2006 to comment.
- December 7, 2005--Governor announces he will submit new allocation recommendations to NMFS.
- May 2006--Governor plans to submit 2006-2008 allocation recommendations to NMFS.



# Process for CDQ Allocations

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- The CDQ Team prepared the allocation scorecard and an extensive administrative record including an evaluation of each CDQ group for each State evaluation criteria in regulation including nine program standards and 20 evaluation criteria.
- The State will provide a 30 day request for reconsideration period at the request of NMFS prior to submitting allocation recommendations to NMFS.
- State will forward 2006-2008 allocation recommendations to NMFS after the reconsideration period is over.



# Future Oversight of CDQ Program

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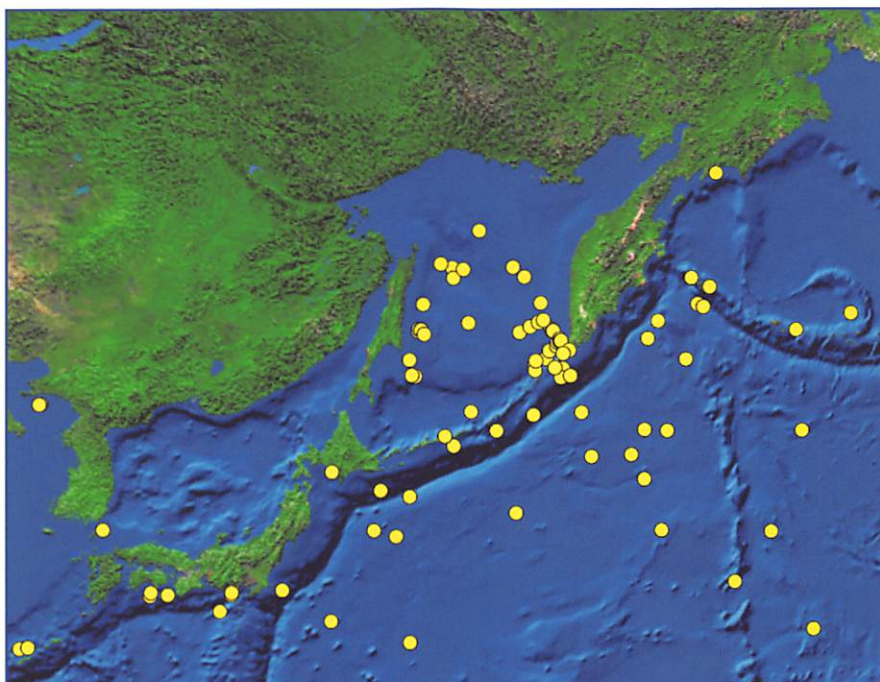
- State regulations can be revised to extend the allocation cycle term, streamline reporting requirements, incorporate revised allocation criteria, incorporate a comprehensive annual report with specific disclosure requirements.
- Federal changes are needed to raise the floor for substantial amendments, and to streamline the oversight process between the State and NMFS.
- Non-fisheries related investments are now permitted as a result of Federal administrative decision adopted by the Administration.
- The State looks forward to working with NMFS to incorporate Blue Ribbon Panel recommendations.



# Гладкие Киты Северной Пацифики

## РЕКОМЕНДАЦИИ МОРЕПЛАВАТЕЛЯМ

Популяция северного гладкого кита (*Eubalaena japonica* Lacerpede, 1818) западной части Тихого океана – одна из самых малочисленных популяций китов в мире. Ее численность оценивается всего лишь в несколько сот особей, и она находится на грани полного исчезновения. Северные гладкие киты медленно плавают и часто кормятся у самой поверхности воды. Они не обращают внимания на движущиеся суда, что зачастую ведет к опасным столкновениям. Также натываясь в море на рыболовные сети и пытаясь их обойти, они инстинктивно начинают поворачиваться вокруг своей продольной оси и запутываются в снастях. В северо-западной части Тихого океана северных гладких китов наблюдали в Охотском море, вблизи Курильских островов, у берегов Камчатки и у западной части Алеутской гряды.



● встречи за период с 1941 по 1999гг



## ПРИ ОБНАРУЖЕНИИ СЕВЕРНЫХ ГЛАДКИХ КИТОВ:

### СЛЕДУЕТ

1. Наблюдать за китами.
2. Заносить в судовой журнал время и место встречи гладких китов.
3. Очень важно попытаться сфотографировать китов, для подтверждения встречи и послать сообщение по адресу, указанному на обороте листовки.
4. Сообщить о встрече находящимся поблизости судам.
5. Не подходить к китам ближе, чем на 100 м.
6. Если кит приближается к вашему судну, то перейти на нейтральную скорость и позволить киту пройти мимо.
7. Не задерживаться в месте встречи кита и покинуть его на медленной скорости.

### НЕ СЛЕДУЕТ

1. Устанавливать рыболовные снасти или проводить траления поблизости от китов.
2. Приближаться к ним на расстояние менее 100 метров.
3. Направлять судно навстречу китам или пересекать их курс, тем самым вынуждая их подниматься на поверхность воды.
4. Находиться вблизи гладких китов продолжительное время.
5. Двигаться на высокой скорости вблизи китов, подвергая их опасности столкновения с судном.





## СЕВЕРНЫЙ ГЛАДКИЙ КИТ



Фонтан пушистый, раздвоенный (V-образной формы).



Окраска спины однотонная, темная. На голове светлые роговые наросты.



Гладкая спина, спинной плавник отсутствует.

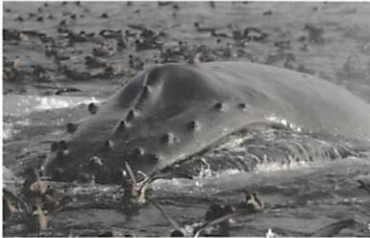


Хвостовой плавник треугольной формы, однотонный, край гладкий.

## ГОРБАТЫЙ КИТ (ГОРБАЧ)



Фонтан обычно высокий и узкий.



Окраска спины однотонная, темная. Шишковидные наросты на голове.



При заныревании спина напоминает горб. Спинной плавник хорошо выражен.



Край хвостового плавника зазубренный, цвет внутренней поверхности хвостового плавника от чисто черного до белого.

## СЕРЫЙ КИТ



Фонтан пушистый сердцевидной формы.



Окраска тела пестрая, со светлыми пятнами. Местами на теле могут быть наросты (раковины болянусов).



Вместо спинного плавника своеобразный волнистый гребень, высота которого снижается к хвосту.



Хвостовой плавник, широкий, закругленный, окраска пестрая.

### Северного гладкого кита можно перепутать с горбатым или серым китами. Обратите внимание на следующие важные признаки.

Северные гладкие киты относятся к усатым китам (питающимся способом фильтрации). Нижняя губа у них изогнута вверх и охватывает узкую также изогнутую в виде арки верхнюю челюсть. Тихоокеанский северный гладкий кит достигает до 18 м в длину, а средний вес взрослых особей составляет 50 тонн. У них крепкое туловище с крупной головой, составляющей четверть общей длины тела. Характерны роговые наросты – участки вздутой огрубленной белесой кожи – на подбородке, над глазами, на нижней губе, за дыхалом и на голове. Кожа обычно черного цвета с белыми пятнами на животе. У гладких китов нет спинного плавника и горловых борозд. У них широкие, похожие на лопасти, (грудные) плавники и очень широкий треугольный хвост с прямыми краями. Фонтан имеет V-образную (раздвоенную) форму и достигает 5 метров в высоту. Примечание: никогда не основывайте определение китов только по форме фонтана, которая может меняться в зависимости от погоды и поведения кита.

Если есть возможность, делайте фото- и видеосъемку китов. Гладких китов можно индивидуально распознавать по расположению роговых наростов на голове и другим внешним особенностям, так что фотографии, в особенности головы или каких-либо шрамов на теле, имеют огромную ценность для ученых. По крайней мере, сообщайте дату встречи, число животных и их местоположение (широту и долготу).

*Text by Thorn Smith, Kim Shelden and Phil Clapham, translation by Olga Romanenko, Vladimir Burkanov, and Yulia Ivashchenko, design by AFSC Graphics Unit, right whale illustrations by Harriet Corbett, all photos by NOAA staff.*

### Видео-, фото-материалы и сообщения о встречах направляйте в Камчатский филиал Тихоокеанского института Географии ДВО РАН по адресу:

КФ ТИГ ДВО РАН  
Пр. Рыбаков, 19 А  
Петропавловск-Камчатский,  
683024  
тел. (415-2) 26-24-36  
e-mail: [graywhal@mail.kamchatka.ru](mailto:graywhal@mail.kamchatka.ru)

Составители текста:  
Торн Смит, Ким Шелден, Фил Клафам.

Оформление:  
Отдел графики (AFSC)  
Рисунки южного кита сделаны  
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