

U.S. Fish and Wildlife Service
June 7, 2006

Short-tailed Albatross Recovery:

The Service continues to track all eight short-tailed albatrosses that were captured and tagged with satellite transmitters on Torishima in February. All have left Torishima Island and are either in Alaskan waters along the Aleutians or are heading our way (as of May 22).

Ten Laysan Albatrosses were translocated from Midway Island to Kauai in March. This provides a learning and training opportunity for Japanese scientists preparing for similar translocations with short-tailed albatrosses in Japan. Three of the ten chicks died of unknown causes. Bacterial infections were present in the dead birds, but it is unknown if this caused their deaths or was a symptom of ill health.

Southwest Alaska Distinct Population Segment of the Northern Sea Otter:

By letter dated May 15, 2006, the Service informed NOAA Fisheries Acting Administrator Robert Mecum that we have reevaluated the information provided for reinitiation of consultation on Groundfish Fisheries Management Plans and groundfish harvest specifications. Previously (letter dated March 23, 2006) we indicated that two aspects of the proposed fishery management action could affect the listed sea otter Distinct Population Segment (DPS): interactions between otter and oil released from vessels participating in the fishery, and the incidental take of otters in commercial gear.

Chronic oil contamination issues can be attributed to all vessels operating within the range of the listed DPS, and are not limited to actions taken by commercial fishing vessels in this area. Furthermore, regulation of oil shipping, spill response and spill prevention is outside the regulatory authority of NOAA Fisheries. Therefore, we have determined that it is more appropriate to address the issue of take of sea otters due to chronic oiling in a separate consultation with the U.S. Coast Guard.

Potentially, incidental take of sea otters could occur as a result of direct entanglement in fishing gear leading to mortality and/or serious injury. The fisheries under review occur in areas largely outside the range of sea otters. Currently, sea otter distribution in the region of these fisheries is concentrated in the near-shore areas (≤ 20 meters and within 1 km of shore). As a result of the restricted distribution of sea otters in this area and in consideration of the general lack of overlap between the groundfish fisheries and the sea otter DPS, we concluded that the likelihood of a sea otter take due to commercial fishing gear is discountable.

The Distribution of Seabirds on the Alaskan Longline Fishing Grounds: Implications for Seabird Avoidance Regulations:

As far back as 1999, the Service recognized the need to investigate whether seabird avoidance regulations for small vessels (vessels 26-32 feet long and 32-55 feet long with no mast, poles, or rigging) fishing Alaskan inside waters were warranted. During the process of drafting and adopting revised seabird avoidance measures for Alaskan groundfish longline vessels, the North Pacific Fishery Management Council directed the NMFS and the Washington Sea Grant Program to investigate the issues surrounding seabirds and small vessels fishing Alaska's inside waters. Subsequent seabird bycatch reduction funding that the Service received from Congress allowed us to contribute a small amount of financial assistance to the Washington Sea Grant Program in pursuit of this issue. Melvin et al. (2006) presents the assemblage of data that allows us to endorse recommended changes to seabird incidental catch regulations for small vessels fishing Alaskan inside waters.

We applaud the efforts that went into developing this report. This study serves as an excellent example of leveraging large amounts of information from existing survey platforms at little cost. For a small monetary investment, and a moderate investment of time, the Sea Grant Program obtained a large amount of quantitative point source seabird abundance information from the following survey sources: International Pacific Halibut Commission sablefish surveys, NMFS sablefish surveys, Alaska Department of Fish and Game (ADF&G) Southeast Inside sablefish surveys, ADF&G Prince William Sound sablefish surveys, the US Geological Survey's Pacific Pelagic Seabird Database (PPSD), and several FWS seabird surveys.

The Service supports the recommendations made by Melvin et al. (2006) relative to 1) changes in seabird avoidance regulations; 2) changes in classification of Chatham Strait and Dixon Entrance to "outside" waters in the context of seabird bycatch regulations; and 3) adoption of seabird data collection protocols as part of other ongoing data collection efforts at sea in Alaska.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Rd.
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

FWS/AFES/AFWFO

MAY 15 2006

Robert D. Mecum
Acting Administrator, Alaska Region
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802

Re: Further consideration of Endangered Species Act Section 7 consultation for the Alaska Groundfish Fisheries and its affect on the threatened SWAK population of northern sea otters (*consultation number 2006-117*)

Dear Mr. Mecum:

The U.S. Fish and Wildlife Service (USFWS) has further reviewed the information associated with reinitiation of consultation on Groundfish Fisheries Management Plans and groundfish harvest specifications with respect to the southwest Alaska distinct population segment (DPS) of the northern sea otter (*Enhydra lutris kenyoni*). We provide 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.*). This letter is to inform you of the outcome of further deliberations within Region 7 of the USFWS regarding the circumstances surrounding the reinitiation of this section 7 consultation between USFWS and National Oceanic and Atmospheric Administration/ National Marine Fisheries Service(NOAA/NMFS).

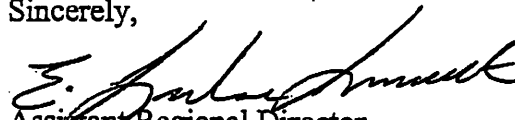
Previously (March 23, 2006), we indicated there were two aspects of your proposed fishery management action in which fishery activities could affect this listed sea otter DPS: 1) the interaction between otters and oil released from vessels participating in fisheries, and 2) the incidental take of otters in commercial fishing gear. We have further considered the responsibilities for overseeing these activities and the likelihood that each activity may result in any take of an otter.

As you know, activities associated with regulation of shipping, transfer, and spilling of petroleum products is outside the regulatory authority of the NOAA/NMFS. Rather, such regulatory authority lies within the U.S. Coast Guard. Furthermore, a large proportion of fuel use, transfer, spill and spill response within Alaska's waters are associated with actions taken by non-fishing vessels. Chronic oil contamination issues can be attributed to all classes of vessels operating within the range of the listed otter DPS; they are not limited to actions taken by commercial fishing vessels that work in this area. Therefore, we have determined that it is more appropriate to address the issue of take of sea otters due to chronic oiling in a separate consultation with the U.S. Coast Guard.

Potentially, the incidental take of sea otters could occur as a result of direct entanglement in fishing gear leading to mortality and/or serious injury, and competition for prey species. Sea otters feed primarily on benthic invertebrates in shallow water (<100 m). Most commercial fisheries that take benthic invertebrates occur offshore, well outside the foraging range of sea otters (> 100 m of water depth and > 3 miles from shore). There are few recorded instances of sea otter take in Alaskan Groundfish Fisheries, and entanglement risk is thought to be discountable. The fisheries under review include areas largely outside the range of sea otters; in general, habitat that supports the highest sea otter densities is usually within 40 m depth contour of the shoreline. Current sea otter distribution in the region of these fisheries is concentrated in the near-shore areas (approximately ≤ 20 m depth contour and within ≤ 1 km of shore) for the majority of this sea otter population. As a result of the restricted distribution of sea otters in this region, we therefore expect a discountable likelihood of a sea otter take in these Groundfish Fisheries.

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 our endangered species Branch Chief, Greg Balogh, at 907-271-2778, or by email at Greg_Balogh@fws.gov.

Sincerely,



Assistant Regional Director
Fisheries and Ecological Services



IN REPLY REFER TO:
AFWFO

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Rd.

Anchorage, Alaska 99503-6199

JUN 2 2006

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, Alaska 99501

Dear Ms. Madsen:

On behalf of the U.S. Fish and Wildlife Service (FWS), I wish to express my support for the recommendations made by Melvin et al. (2006) relative to: 1) changes in seabird avoidance regulations; 2) changes in classification of Chatham Strait and Dixon Entrance to "outside" waters; and 3) adoption of seabird data collection protocols as part of other ongoing data collection efforts at sea in Alaska.

As far back as 1999, the FWS recognized the need to evaluate whether seabird avoidance regulations for small vessels (vessels 26-32 feet long and 32-55 feet long with no mast, poles, or rigging) fishing Alaska inside waters were warranted. During the process of drafting and adopting revised seabird avoidance measures for groundfish longline vessels, the North Pacific Fishery Management Council directed the NMFS and the Washington Sea Grant Program (WSGP) to investigate the issues surrounding seabirds and small vessels fishing Alaska's inside waters. Melvin et al. (2006) presents the assemblage of data that allows us to endorse recommended changes to seabird incidental catch regulations for small vessels fishing in these waters. This study is an excellent example of leveraging large amounts of information from existing survey platforms at little cost. For a small monetary investment, and a moderate investment of time, the WSGP obtained a large amount of quantitative point source seabird abundance data.

The following paragraphs outline the basis for our support of the recommendations contained in Melvin et al. (2006).

Regulation changes for inside waters, and retention of existing regulations for outside waters.

We agree with the recommendations made by Melvin et al. (2006) to eliminate seabird avoidance requirements for longline vessels fishing in the inside waters of Prince William Sound [National Marine Fisheries Service (NMFS) area 649], Southeast Alaska (NMFS area 659), and State waters of Cook Inlet. During the 3 years that information was gathered for Melvin et al. (2006), the investigators determined that there was minimal bird activity associated with vessels fishing inside waters, and virtually no tubenose activity associated with vessels fishing there. This is consistent with observations made

by fishermen prior to the initiation of this work. For a variety of reasons explained in the report (e.g., low bird density, fewer hooks being set, slow speed of setting, low offal production), small vessels fishing inside waters do not attract seabirds. Consequently, longline fishing poses little to no risk to albatrosses and other seabirds in Alaska inside waters.

Redefinition of "inside waters" to exclude Chatham Strait and Dixon Entrance

We endorse amending the definition of Alaska Department of Fish and Game Statistical Areas 345603, 345534, in Chatham Strait, and areas 325431, and 325401 in Dixon Entrance, so they may be classified as "outside waters" for the purposes of seabird incidental catch regulations. This recommendation is based upon seabird observations in these areas that are typical of outside waters and bird assemblages that were seen nowhere else in waters classified as inside waters.

Research Recommendations

The FWS endorses Melvin et al.'s (2006) recommendation to institutionalize the collection and management of seabird observation data from fish stock assessment surveys at NMFS and the International Pacific Halibut Commission. Such data can be gathered at a tiny fraction of the effort and expense that would be incurred by a separate survey to gather this same information. Likewise, given the small additional effort that such a bird survey would require, and the cost savings incurred by collecting this information from vessels that are already at sea for other purposes, we strongly endorse implementing this seabird survey protocol during all Alaska and Northwest Fisheries Science Center surveys. We are sensitive to the fact that the observers with the North Pacific Groundfish Observer Program are already fully allocated with respect to their duties while on board fishing vessels. Nevertheless, as their duties evolve over time, we strongly encourage this protocol be adopted as part of these fishery observers' regular duties.

We applaud the cooperation between the many entities that contributed to Melvin et al. (2006), and we fully support its conclusions and recommendations. The FWS stands ready, within our jurisdiction, to assist the Council and NMFS in implementing these recommendations.

Sincerely

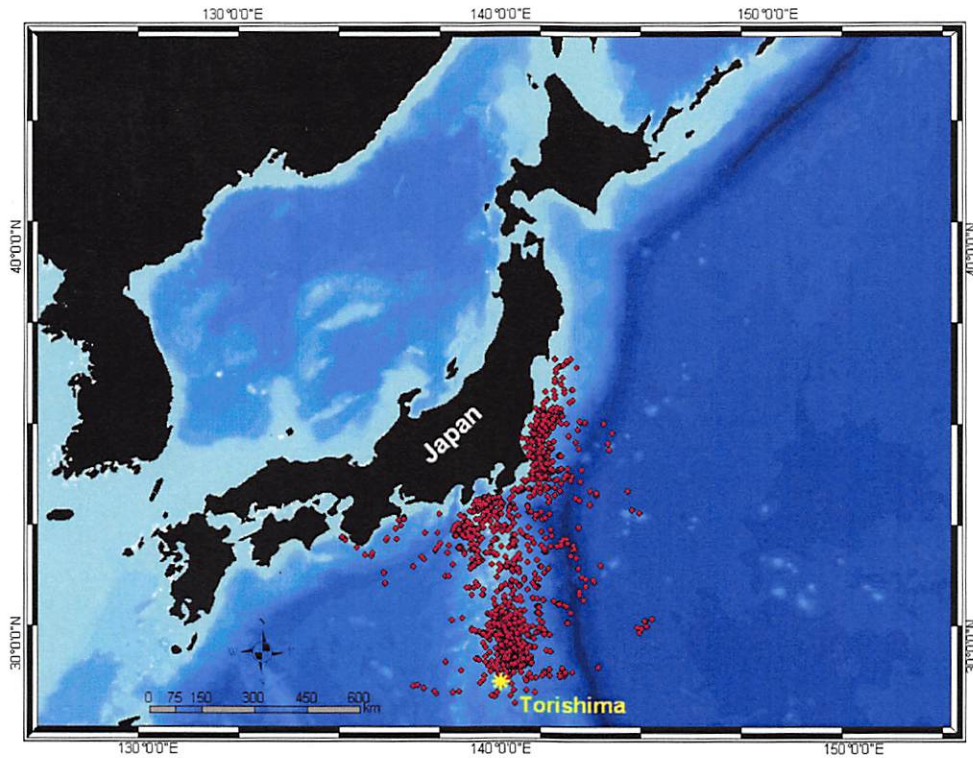


Regional Director

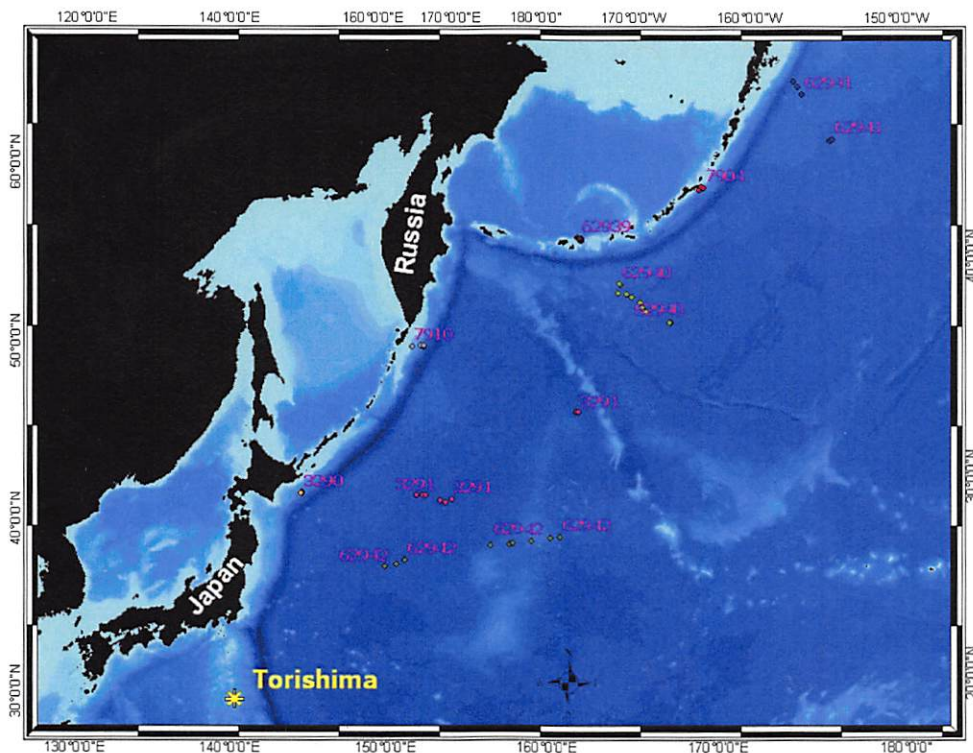
Literature Cited

Melvin E.F., M.D. Wainstein, K.S. Dietrich, K.L. Ames, T.O. Geernaert, and L.L. Conquest. 2006. The distribution of seabirds on the Alaskan longline fishing grounds: implications for seabird avoidance regulations. Washington Sea Grant Program. Project A/FP-7.

Locations of 8 breeding short-tailed albatross fitted with satellite tags in February, 2006 on Torishima Island, Japan. As of May 22, all 8 birds were still transmitting signals.



Locations of satellite-tagged short-tailed albatross from February through 21 March (during chick-provisioning time).



Locations of satellite-tagged short-tailed albatross for the week of 15 May (likely after final feeding of chicks).