

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence Pautzke  
Executive Director

DATE: September 24, 2001

SUBJECT: Seabird Avoidance Measures

ESTIMATED TIME  
3 HOURS

**ACTION REQUIRED**

- (a) Review research results from Washington Sea Grant Program (WSGP).
- (b) Revisions to regulations for avoidance measures: final action (Tentative).

**BACKGROUND**

(a) WSGP Research Results

Biological Opinions issued by the U.S. Fish & Wildlife Service (USFWS) in 1997 and 1999 require that NMFS investigate the effectiveness of seabird avoidance measures currently used in Alaska's hook-and-line groundfish fishery. If so warranted by the research results, NMFS would be required to modify the existing seabird avoidance regulations to improve the effectiveness of measures or devices which are required, and minimize the likelihood of short-tailed albatross mortalities. Mr. Ed Melvin, WSGP, conducted a two-year research program in 1999 and 2000 evaluating the effectiveness of seabird avoidance measures in the longline fisheries off Alaska. Mr. Melvin will present the final research results and make recommendations for changes to the existing seabird avoidance regulations as well as recommendations for optional non-regulatory actions and future research.

In addition to a presentation by WSGP, NMFS, USFWS, and IPHC staff will make informational presentations on several seabird-related topics:

Seabird Informational Reports

- ▶ Report on Seabird Bycatch in Longline Fisheries off Alaska: 1993-1999 Preliminary Bycatch Estimates and Bycatch Rates (NMFS) (see Tables 2 and 3 of Seabird EA/RIR/IRFA)
- ▶ National Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries: Implementation in Alaska. (NMFS) (see Appendix 2 of Seabird EA/RIR/IRFA)
- ▶ Short-tailed Albatross Items (USFWS)
  - ▶ Status of USFWS Short-tailed Albatross Biological Opinions on the Alaska Groundfish and Halibut Fisheries
  - ▶ Formation of an ESA STAL Recovery Team
  - ▶ US-Japan Endangered Short-tailed Albatross Satellite Telemetry Study
- ▶ Development and Implementation of a Short-tailed Albatross Monitoring Plan for the Pacific Halibut Fishery off Alaska (NMFS and IPHC) (see Appendix 4 of Seabird EA/RIR/IRFA)

- ▶ Additional Seabird Initiatives (USFWS)
  - ▶ USFWS Waterbird Bycatch National Policy
  - ▶ Presidential Executive Order 13186: "*Responsibilities of Federal Agencies to Protect Migratory Birds*"
  - ▶ Congressional Funding for Seabird Bycatch Initiatives in Alaska

(b) Revisions to Regulations for Avoidance Measures, Seabird EA/RIR/IRFA

The Council took final action on recommended changes to the existing seabird measures in April 1999. NMFS later decided to await the availability of final research results from the WSGP study before proceeding with rulemaking to revise the seabird avoidance measures. The Council could then reconsider its previous recommendations, in conjunction with WSGP's recommendations based on the newly available research results.

The WSGP study recommends the following regulatory measures for all Alaska longline vessels: 1) paired streamer lines deployed during the setting of gear, and 2) eliminate the direct discharge of residual bait and offal from the stern of the vessel while setting gear. Material standards and performance standards for streamer lines are specified. Other recommendations are made for gear, methods, and operations which should not be allowed as seabird avoidance measures.

The draft EA/RIR/IRFA for this action includes 4 alternatives:

**Alternative 1:** Status quo: No change in the current Federal requirements for seabird avoidance measures.

**Alternative 2:** Revisions to existing regulations, based on the Council's final action in April 1999.

**Alternative 3:** Revisions to existing regulations, based on recommendations from a two-year scientific research study conducted by the WSGP on the effectiveness of seabird avoidance measures used in hook-and-line fisheries off Alaska.

**Alternative 4:** Minor modifications to WSGP recommendations for regulatory changes.

Applicability of Alternatives

The current seabird avoidance regulations apply to operators of Federally-permitted vessels fishing for groundfish with hook-and-line gear in the GOA and the BSAI, and Federally-permitted vessels fishing for groundfish with hook-and-line gear in waters of the State of Alaska that are shoreward of the GOA and the BSAI, and to operators of vessels fishing for Pacific halibut in U.S. Convention waters off Alaska. To more closely reflect the respective fishery management authorities, regulations implementing any of the alternatives would apply to operators of vessels fishing for groundfish with hook-and-line gear in the U.S. EEZ waters off Alaska (3-200 nm) and to operators of vessels fishing for Pacific halibut in U.S. Convention waters off Alaska (0-200 nm). This revision would have the effect of not requiring vessels fishing in state waters from using seabird avoidance measures, based on applicability of federal seabird avoidance regulations [§679.24(e)] in state waters. As appropriate, NMFS could pursue adoption of seabird avoidance regulations by the State of Alaska for parallel fisheries for groundfish in state waters.

The EA/RIR/IRFA describing these alternatives and issues, including the Executive Summary, was mailed to members of the Council, AP, and SSC on September 21, 2001. The WSGP final report, "*Solutions to Seabird Bycatch in Alaska's Demersal Longline Fisheries*" was mailed on September 25, 2001.

# PROWLER FISHERIES, INC.

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September 24, 2001

RECEIVED

SEP 25 2001

N.P.F.M.C

Mr. David Benton, Chairman  
NPFMC  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

**Re: C-3: Seabird Avoidance Measures: Request to Delay Final Action**

Dear Chairman Benton,

At the October meeting, the NPFMC has final action scheduled on seabird avoidance devices. We ask that the Council not take final action at this meeting. It would seem more appropriate for Council to take a report of the research and then develop a range of alternatives for analysis. This would give the public an opportunity to review and comment upon the alternatives in a reasonable time frame.

Final action at the October meeting is premature for the following reasons:

- At this time, there is no analysis nor identified alternatives released for the public to review. There has been no scoping document nor an initial review as in normal NPFMC process. The normal process of the NPFMC allows the opportunity for public comment as well as refinement and analysis of the alternatives under consideration. Bypassing the normal Council process by going immediately to final action puts the public process at risk.
- Council did take final action in April of 1999 but NMFS unilaterally chose not to implement the Council's recommendations and informed the Council to that effect in October of 2000. The action being considered in October 2001 is quite different and, in some instances, contradictory to actions taken in April 1999.
- To the best of our knowledge, the research paper is not yet available on the web. Only the three page executive summary has become available as of August 31, 2001.
- In the executive summary, the proposed regulatory action is one-size-fits-all solution which unfortunately is to be applied to a longline fleet of many sizes. The longline fleet has diverse characteristics of vessel lengths, vessel configurations, and distribution of fishing effort. The proposed requirement is that, "All Alaska longline vessels must employ a minimum of two streamer lines while setting longline gear."



Frozen at Sea Longline Caught Fish

This requirement would be regardless of vessel length, time and area fished, and setting configuration of the vessel (stern or amidships).

- A vessel that sets amidships has considerable difficulty in safely and effectively deploying and towing paired streamer lines. However, the vessel hull itself acts as a bird avoidance device (i.e. wall of steel).
- Regional differences were noted in the executive summary (by-catch increased as fishing moved west) yet there are no regional differences in the recommended actions. No research was conducted in the EGOA. It is bird avoidance to fish where and when birds are not concentrated. The research authors also caution readers that the study only covers a sub-set of the fishing season.
- The executive summary calls for a minimum streamer line length of 300 feet for all vessels regardless of vessel length or height of setting chute above the water. Performance standards for vessels 26 feet to 100 feet requires deployment of the 300 foot streamer line to be in the air for at least 131.2 feet aft of the vessel. For vessels over 100 feet, the 300 foot streamer line is to be in the air 196.9 feet aft of the vessel. It may be appropriate to have different streamer lengths and standards corresponding to different vessel lengths, and/or height of setting chute, and/or use of a line shooter.
- A stated goal of the research is to "*Encourage continued development of seabird bycatch avoidance measures by the Alaskan fleet.*" Contrarily, a one size-fits-all solution with no flexibility would seem to discourage and reduce the incentives for fleet innovation such as bait modification research.

For these reasons, Prowler Fisheries requests that the Council not take final action at the October 2001 meeting but instead develop a range of alternatives in a timely fashion that allows for public review.

Thank you for your consideration,



Prowler Fisheries



09/27/01 11:06

NO.671 P002/002



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
 1315 East-West Highway  
 Silver Spring, MD 20910

AGENDA C-3  
 OCTOBER 2001  
 Supplemental

THE DIRECTOR

Dr. Clarence G. Pautzke  
 Executive Director  
 North Pacific Fishery Management Council  
 605 West Fourth Avenue  
 Anchorage, Alaska 99501

Dear Dr. *Clarence* Pautzke:

An important component of the National Marine Fisheries Service (NMFS) marine stewardship role is the responsibility to protect seabirds and other migratory birds. This responsibility has been brought into focus through two new directives that offer us an exciting opportunity to enhance our current seabird conservation efforts, the National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (NPOA), and Executive Order (EO) 13186. Following the adoption of the Food and Agriculture Organization (FAO) International Plan of Action on Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA-Seabirds), NMFS, the U.S. Fish and Wildlife Service (USFWS) and the Department of State have worked cooperatively to prepare an NPOA. The NPOA and EO 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds," combined with existing law, provide guidance for NMFS to work domestically and internationally to gain a better understanding of seabird bycatch and pursue ways to reduce that bycatch. To be effective in accomplishing these responsibilities, I am taking some initial steps to coordinate NMFS seabird programs.

NMFS Seabird Coordination

The implementation of the NPOA and EO 13186, in combination with existing mandates, will require maintenance of a national perspective through coordinated regional activities. I have asked Kim Rivera of the Alaska Region to serve as the National Seabird Coordinator. She will be working directly under Laurie Allen of my office on seabird issues. Kim brings with her an extensive background in seabird issues.

Enclosed are draft milestones associated with the NPOA and EO 13186 (see the NPOA, Appendix VI for EO). I have asked Kim to work with the regions to ensure that we meet these milestones and to provide assistance as we adjust to our new responsibilities. To accomplish this, I encourage you to identify a Council staff contact person and forward the name to Kim by October 20, 2001. She can be reached at (907) 586-7424 or at [kim.rivera@noaa.gov](mailto:kim.rivera@noaa.gov).

THE ASSISTANT ADMINISTRATOR  
 FOR FISHERIES



SEP 27 2001  
**RECEIVED**  
 SEP 27 2001  
 N.P.F.M.C.

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Sincerely,

*Bill*

William T. Hogarth, Ph.D.  
Assistant Administrator  
for Fisheries

Enclosures

## DRAFT MILESTONES: NMFS'S REGIONAL IMPLEMENTATION OF NATIONAL SEABIRD DIRECTIVES

Target Date/ Completion Date	Tasks / Activities / Events
01/10/01	EO 13186 issued. Agencies encouraged to implement EO conservation measures immediately, notwithstanding the 2 year target date for MOU completion.
02/28/01	US's Final NPOA-Seabirds issued.
06/28/01	NMFS and GC staff meet with USFWS to develop a schedule for completion of MOU (EO 13186).
08/14/01	NMFS and GC staff meet with USFWS to discuss development of MOU (EO 13186).
09/01	NMFS Seabird Coordinator (Coordinator) assigned. Transmittal of NPOA and EO to Ras/SCDs/ODs and Councils.
10/01	NMFS, GC and USFWS staff meet on continued development of MOU (EO 13186).
09/30/01	RAs/SCDs/ODs identify seabird contacts to Coordinator for NMFS Seabird Team and Interagency Seabird Working Group (ISWG).
11/01	Coordinator site visit to Silver Spring.
11/15/01	Fish Expo in Seattle, WA; Seabird Bycatch Seminar and Panel (WSGP report on effectiveness study, Alaska seabird bycatch initiative); Informative seminar for regions newly addressing this bycatch initiative.
by 12/01	1 <sup>st</sup> meeting of NMFS Seabird Team—Identify regional needs and develop implementation plan; e.g. characterize regional longline fisheries and needs to conduct seabird bycatch assessment.
by 12/15/01	Region/Science Center contacts review applicable sections of NPOA Appendix II and provide comments and/or updated section to Coordinator.
11/01-04/02	Region site visits by Coordinator.
by 12/01	1 <sup>st</sup> ISWG meeting to coordinate NPOA implementation.
by 12/01	Develop seabird website, outreach materials, powerpoint on NPOA.
12/01 -	Longline fishery assessments underway, to the extent that existing observer programs already collect seabird bycatch data.
Ongoing	Guidance developed and provided by Coordinator and NMFS Seabird Team and ISWG to regions/councils (on outreach, education, research, required reporting).

<b>by 01/03</b>	<b>Complete MOU with USFWS. Publish notice of availability of MOU in Federal Register (EO 13186).</b>
<b>by 02/03</b>	<b>Seabird bycatch assessments in longline fisheries completed (target in NPOA).</b>
<b>within 1 yr of problem ID</b>	<b>Regional Seabird Bycatch Reduction Programs adopted (target in NPOA).</b>
<b>within 2 yr of problem ID</b>	<b>Prescription of Seabird Measures and other NPOA Action Elements (target in NPOA).</b>
<b>annual regional SAFE report</b>	<b>Regional NPOA Implementation Report (target in NPOA). Submitted annually to Coordinator and subsequently compiled into biennial report to FAO. Submissions should coincide with region completion dates for SAFE documents.</b>
<b>as soon as practicable</b>	<b>Seabird Bycatch Data Collection Incorporated in New and Existing Observer Programs (target in NPOA).</b>
<b>biennial report to FAO's COFI, 02/03</b>	<b>NPOA Implementation Report within the US Report to FAO on Implementation of the Code of Conduct for Responsible Fisheries (target in NPOA).</b>

**NPOA-Seabirds and information on NMFS Seabird Initiatives can be accessed from <http://www.nmfs.noaa.gov/>**

The actual implementation schedules for milestones may vary from region to region. Milestones include tasks, activities, or events related to a seabird directives. Travel budgets may affect the ability of the seabird contacts to hold in-person NMFS team meetings or ISWG meetings.

## U.S. Fish and Wildlife Service Waterbird Bycatch Program

24 September 2001

### USFWS Waterbird Bycatch Policy :

Marine birds are among the trust resources of the U.S. Fish and Wildlife Service, and seabird bycatch in fisheries is an important conservation issue for the USFWS. On December 30, 2000, the USFWS issued its policy statement on Waterbird Bycatch:

It is the policy of the U.S. Fish and Wildlife Service that the Migratory Bird Treaty Act of 1918, as amended, legally mandates the protection and conservation of migratory birds. Avian conservation is of significant concern to many in the United States. Substantial numbers of waterbirds (especially seabirds, but also waterfowl, shorebirds, and other related wading species) are killed annually in fisheries, making waterbird bycatch a serious conservation issue and a violation of the underlying tenets of the MBTA. The goal of the U.S. Fish and Wildlife Service is the elimination of waterbird bycatch in fisheries. The Service will actively expand partnerships with Regional, national, and international organizations, States, tribes, industry, and environmental groups to meet this goal. The Service, in cooperation with interested parties, will aggressively promote public awareness of waterbird bycatch issues, and gather the scientific information to develop and provide guidelines for management, regulation, and compliance.

In addition, the FWS is currently in the process of completing its Strategic Plan For Seabird Bycatch, which is anticipated to be completed this fall.

Waterbird bycatch (including seabirds, waterfowl, shorebirds, and some wading species) is recognized as a global problem, not just in longline fisheries but also in gillnets, trawls, seines, and pots. Hundreds of thousands of seabirds representing 61 species are conservatively estimated to die from strangulation and drowning in global longlines each year, including 14,000 seabirds on average in Alaska's waters. Conservatively, tens of thousands of waterbirds are entangled in U.S. set and drift gillnets within our territorial waters and EEZ each year.

Efforts have been taken to globally address bird bycatch reduction. The U.N. General Assembly unanimously banned the practice of large-scale high-seas driftnetting worldwide in 1991, and the United States passed the 1992 High Seas Driftnet Fisheries Enforcement Act implementing that U.N. ban. More recently the U.S. co-sponsored a technical consultation at the FAO in Rome in 1998, resulting in the global approval of an International Plan of Action to Reduce Seabird Bycatch in Longline Fisheries in 1999. The NMFS and USFWS co-chaired the Interagency Seabird Working Group developing and implementing the U.S. National Plan of Action submitted to FAO in February 2001. The NPOA-S, although voluntary, is now being implemented.

### Presidential Executive Order 13186: "Responsibilities of Federal Agencies to Protect Migratory Birds".

President Clinton signed Executive Order 13186 on January 10, 2001. Basically, this EO directs all federal agencies that affect migratory birds to develop a Memorandum Of Understanding with the USFWS, to promote conservation of migratory birds. The MOU will indicate what each agency, in implementing its responsibilities, plans to do to reduce any negative impact on migratory birds. A Memorandum of Understanding is being completed between NMFS and USFWS, with a primary focus on seabird bycatch. This EO applies only to federal agencies.

**CONTACTS:** Kathy Kuletz ([Kathy\\_Kuletz@fws.gov](mailto:Kathy_Kuletz@fws.gov)) Or Kent Wohl ([Kent\\_Wohl@fws.gov](mailto:Kent_Wohl@fws.gov)), Div. Of Migratory Bird Management, USFWS, Anchorage, AK. (907)-786-3444.

## **Projects from congressional funding for 2001 Seabird Bycatch Initiatives in Alaska**

- 1. Seabird Mitigation Outreach and Video (\$50K):** Develop an outreach program and contact fishers at multiple sites in the use of seabird bycatch mitigation devices, including the paired streamer lines made available to fishers in Alaska. Following development of an Outreach Program and video this year, the project will eventually include distribution of the video to Alaska fishers.
- 2. Pelagic Seabird Database (\$165K):** Develop a comprehensive database on at-sea distribution and abundance of waterbirds in Alaska. By synthesis of the entire range of available at-sea surveys, this will identify areas of seabird concentrations, seasonal shifts in distribution, and better estimates of numbers. The database will be available to agency and industry groups via a website, to promote bycatch avoidance and efficiency in fishing.
- 3. Short-tailed Albatross Telemetry Project (\$150K):** A joint U.S.-Japan initiative to determine the occurrence & marine habitat use of the endangered short-tailed albatross in the Bering Sea & North Pacific. Information will alert fishers of albatross high-use areas, and will assist efforts to enable albatross delisting.
- 4. Black-footed and Laysan Albatross Project (\$49K):** These two species are a prominent source of bycatch mortality in Alaska groundfish longline fisheries. This project will provide a banding database and population models to determine what levels of mortality, from all sources, their populations can sustain.
- 5. Fulmar Telemetry Project (\$33K):** Fulmars are ~60% of bird bycatch in BSAI groundfish fisheries. This project contributed \$5K to a pilot satellite telemetry study, and will conduct genetic identification of birds to determine colonies of origin. Defines where fulmars forage throughout the year, to alert fishers of high density fulmar regions, and assist modeling efforts to better understand population dynamics.
- 6. Demography of frequently caught seabirds (\$54K):** In cooperation with the NPF observer program, carcasses of fulmars and albatrosses will be retained and processed to determine age, sex ratios, breeding condition, body condition, and take tissue samples for genetic studies. Genetic studies may identify colony or region of origin, and together with the demographic information, assist modeling to determine whether population-level effects occur.
- 7. Fishery Observer Bird Observation Report (\$20K):** Create a database and enter notes from observer data logs (1993-current), to make observations accessible and quantifiable to all user groups. Includes albatross sightings, vessel strikes, rare seabird observations, effectiveness of mitigation devices, and other useful information.
- 8. Fishery Observer - Seabird Bycatch Training (\$4K):** Will provide seabird study skins and develop a PowerPoint presentation, to improve the NMFS observer training module for seabirds.
- 9. Seabird-Fisheries Liaison (\$50K):** Support towards a new position for a biologist who will interact with NMFS, the North Pacific Fisheries Management Council, Groundfisheries Plan Team, fishery industry associations, Alaska Seabird Bycatch Working Group, and other agency and non-governmental groups regarding seabird - fisheries interactions.

**Options for future work:** a) **Test a prototype weighted sink line:** A weighted line with 'advanced sink rate' might reduce seabird bycatch without impact to fishing efficiency. The line has not been developed yet, but if it is available in the future, the goal would be to field test the weighted line under Alaska conditions. b) **Test bycatch mitigation devices on small vessels.** Determine efficacy and viable options for mitigation devices on small vessels. c) **Develop a resource database for fishers and managers:** Synthesize and make available up-dated information on seabird diet, productivity, distribution, and population trends, especially in relation to distribution of fishing effort.



# AMERICAN BIRD CONSERVANCY

CONSERVING WILD BIRDS AND THEIR HABITATS THROUGHOUT THE AMERICAS

September 25, 2001

RECEIVED

SEP 25 2001

Mr. David Benton, Chair  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501

N.P.F.M.C

RE: ABC Comments on Seabird Mitigation Measures

Dear Mr. Benton:

These comments are submitted on behalf of American Bird Conservancy (ABC) in reference to the agenda item on seabird bycatch at the October meeting of the North Pacific Fishery Management Council. Please attach these comments to the packets to be sent to all Council members. American Bird Conservancy is a national non-profit organization dedicated to the conservation of wild birds in the Americas. We have 86 member organizations that work in common through our Policy Council. These groups include the Pacific Seabird Group, The Ocean Conservancy (formerly Center for Marine Conservation), National Audubon Society, World Wildlife Fund, Defenders of Wildlife, and Environmental Defense. We at ABC have grown increasingly concerned with increasing seabird mortality from longline fisheries affecting the populations of albatrosses and other seabirds. We have submitted previous comments to the Council urging more effective mitigation measures in the Alaskan groundfishery.

We have thoroughly reviewed the just published Report by Melvin et al., Solution to Seabird Bycatch in Alaska's Demersal Longline Fisheries. The findings will be presented to the Council in October. We commend the researchers, NMFS, FWS, and the vessel owners and operators who co-operated in this study. Much can be learned by this research in solving the seabird bycatch issue.

Based on that Report and other data, we recommend that at its October meeting, the Council recommend the following regulations to be adopted by NMFS and to be effective on January 1, 2002 (see rationale, below):

- (1) All Alaskan longline vessels shall have in place two streamer lines while setting lines;
- (2) That the deployment and materials of the streamer lines meet the criteria found at page 36 of the Melvin et al. Report, except that the streamers be required to be in the air for at least 50 meters aft of the stern of vessels under 100' in length and 70 meters for vessels 100' and over and that when high winds prevent their deployment, another mitigation measure shall be used;
- (3) That all vessels at or over 100' in length shall deploy, in addition to the paired streamer lines, another mitigation measure at all times and may choose: a) additional line weights/weighted lines sufficient to sink the baited hooks below 10 meters when 100 meters aft of the stern; or b) an underwater lining tube sufficient to deploy the lines at least 2 meters under water at line setting and to assure that the lines sink the baited hooks below 10 meters when 100 meters aft of the stern;

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- (4) That offal discharge during line setting and its presence on the water within 300' of the vessel be prohibited during line setting and that all discarded bait have fish hooks removed;
- (5) That the regulations require line setting methods to be employed that do not cause longlines to become taut during setting due to weights;
- (6) That all owners and operators of Alaskan longline vessels be required to attend annual seabird bycatch avoidance educational workshops conducted by NMFS and FWS. Crew members should be encouraged to attend;
- (7) That there be placed in the regulations a requirement for seabird bycatch data collection (such as the number and species of seabirds hooked per thousand hooks set) and the evaluation of the effectiveness of paired streamer lines and other mitigation measures, such data collection to be conducted either by observers or the vessel operator. This data shall be compiled annually by NMFS and successful use of mitigation measures, innovative measures, and other progress shared at the annual workshops;
- (8) That NMFS adopt separate regulations for the same mitigation measures in the Pacific halibut ground fishery in Alaska, including requirements for observer coverage; and
- (9) That the regulations should establish the goal of eliminating seabird bycatch.

The Draft Supplemental Environmental Impact Statement for Alaska Groundfish Fisheries (Draft SEIS) dated January 2001 and prepared by NMFS, notes at page 3.5-34 that "Recent studies have implicated longline fishing in population declines of albatross species. Longline fishing is considered the most recent and potentially most serious global threat faced by albatrosses and other procellariiformes." NMFS estimates that Alaskan longliners (excluding the halibut fishery for which there is no reliable data) killed 2,425 Black-footed and 6,721 Laysan Albatrosses from 1993-1999. NMFS estimates that 13 endangered Short-tailed Albatrosses were killed from 1996-1998. See the Draft SEIS, Tables 3.5-5 and 3.5-6. Reported mortality can be underestimated by 30% to 95% (Gales 1998), cited in the final Hawaiian EIS on their pelagic fisheries.

Adding to the urgency of eliminating longline mortality is increasing evidence of declines in albatross, petrel, and other seabird species due to longline fisheries. The most recent data clearly indicates Black-footed and Laysan Albatross breeding populations are in decline. The Black-footed Albatross has been listed as Threatened (with extinction) by the IUCN and placed on their Red List. *Threatened Birds of the World* (2000), BirdLife International, at page 49, attributes its listing and decline as "...owing to interaction with longline fisheries for tuna, billfish and groundfish in the North Pacific Ocean where there are few mitigation measures." The longest time series for which there are consistently collected data for the largest colonies of Black-footed Albatrosses representing approximately 77% of the total world population at Midway, Laysan, and French Frigate Shoals indicates a decrease of about 10 percent over the last 10 years (1992-2001). Nesting pairs at these sites declined from 48,413 pairs in 1992 to 43,781 pairs in 2001. Beth Flint, U.S. FWS-Hawaii, (2001) Chart.

For Laysan Albatrosses, significant population declines are occurring. The combined breeding population on Midway, Laysan, and French Frigate Shoals declined by 30% from 1992 to 2001.



Beth Flint, U.S. FWS-Hawaii, (2001) Chart. This breeding population represents over 90% of the world's Laysan Albatross population. Although, the IUCN does not list the Laysan as an endangered species, data on the sharp declines at breeding colonies would undoubtedly qualify this species for listing. Both Laysans and Black-footed Albatrosses are included in the peer reviewed Partners in Flight *Watch List* (2000) as species of Moderately High priority. The Watch List includes 123 U.S. avian species that most warrant conservation attention and are not already listed under the ESA.

For the Federally endangered Short-tailed Albatross, the NMFS Draft SEIS at page 4.3-22 notes that "Given all of these factors, we believe Alternative 1 [the status quo] to have conditionally significant adverse effects on the short-tailed albatross with respect to take." This species, once numbering in the millions, now numbers 1,500 total birds. The Draft SEIS notes at page 2.7-54 that "..... the U.S. Fish and Wildlife Service concluded in 1997 that the groundfish fisheries were having an effect on short-tailed albatross....". At page 4.3-21, the Draft SEIS states that mortality from longlines in Alaska is likely slowing the recovery of the endangered Short-tailed Albatross and notes that despite an increasing population "...it is still extremely vulnerable because of its small population size and the fact that it breeds on only two islands near Japan, one of which is an active volcano."

We would urge the Council to take into consideration these significant declines in two albatross species (the Black-footed's decline clearly linked by scientists to longline mortality) and the serious problem of killing even a few endangered Short-tailed Albatrosses. The Short-tailed Albatross' listing under the Federal Endangered Species Act seems to have driven much of NMFS' actions on seabirds, including the adoption of the current ineffective regulations. While we fully support efforts to protect and do everything possible to study and conserve this bird, much more emphasis needs to be placed on the protection and study of the other seabirds killed in the Alaskan longline fishery. Besides the declining Black-footed and Laysan Albatrosses, Northern Fulmars, Sooty Shearwaters, Short-tailed Shearwaters, Black-legged Kittiwakes, Glaucous-winged Gulls, Glaucous Gulls, and a number of alcid species are killed on Alaskan longlines. Several of these species also are in decline. Concerns over impacts of longline mortality on these other species should not be dismissed simply because they are not Federally listed. Even birds that are fairly numerous can be threatened with significant artificial mortality, such as from longlines, that their continued existence can become precarious. Note the Passenger Pigeon, once numbering in the millions and now extinct. Also, the IUCN has recently listed the White-chinned Petrel as Vulnerable to extinction, even though it numbers about 5 million birds. This is because of significant longlining mortality in the Southern Oceans. See *Threatened Birds of the World* (2000), BirdLife International, at page 66. Simply because a seabird's population is in the millions or hundreds of thousands does not mean that it can sustain significant artificial mortality without an eventual population collapse. The Northern Fulmar is a case in point. Over 17,000 were killed in the Alaskan ground fisheries in 1998. See Table 3.5-6 in the Draft SEIS.

The Migratory Bird Treaty Act (16 U.S.C. 701 et seq) prohibits the killing of any migratory bird

without a permit, whether Federally listed or not. And yet over 20,000 are being killed on average annually in the Alaskan ground fisheries. On January 19, 2001, the Interior Solicitor issued a final Opinion on the applicability of the MBTA. He ruled that the MBTA does apply to the full EEZ and extraterritorially to all U.S. citizens and U.S. flagged vessels on the high seas. This means that it is against the law for U.S. citizens or U.S. flagged vessels to kill seabirds anywhere in the world.

It should be obvious to the Council that the current regulations are not effective. In fact, the Council in April 1999 recommended better mitigation measures, including the elimination of towing a board or a stick as a prime mitigation measure, but these changes were not adopted by NMFS, pending the completion of the Melvin et al. study. Under the current regulations, seabird mortality is up in Alaska considerably. During the 3-year period (1993-1996), before any regulations, an average of 14,527 seabirds were killed. From 1997-1999, an average of 20,209 seabirds were killed in the Alaskan ground fisheries. This is an increase in seabird mortality of 39%. The seabird bycatch rate per 1,000 hooks in the Bering Sea/Aleutian Islands fishery (where most of the mortality occurs) rose from an average of 0.09 birds from 1993-1996 to 0.11 birds during 1997-1999. All of this data is found in the Draft SEIS, at Tables 3.5-5 and 3.5-6.

In support of our recommendations, we submit the following:

**#(1) Paired Streamer Lines for All Vessels.**

The Melvin et al. study, other studies from around the world cited by the Melvin et al. study, and practical experience of Alaskan fishermen document the effectiveness of these inexpensive bird scaring lines to virtually eliminate albatross and Northern Fulmar mortality. Other seabird mortality is nearly eliminated as well, except for the Short-tailed and other shearwaters. In 2000, the U.S. Fish and Wildlife Service initiated a project in which Alaskan longliners could apply for free bird-scaring lines. \$850,000 has been made available. Over 500 vessels have been supplied these bird scaring devices free of charge. The paired lines cost \$260 for materials, labor, and shipping to the vessel. This project also pays for up to 50% of the cost for installation of davits that must be welded onto the stern of the larger longline vessels (>100') to hold the tori poles that support the bird scaring lines. There is a \$5,000 ceiling per boat. Nine vessels took advantage of the davit reimbursement offer. The Pacific States Marine Fisheries Commission administers the purchase, assemblage, and distribution of the lines. Use of these lines presents no safety problems, does not diminish catch of target species and may increase such catch, and does not increase bycatch of other species.

**#(2) Operational and Material Standards for Streamer Lines.**

We concur with the Melvin et al. study recommendations that there should be operational and material standards for streamer lines in the regulations. This is essential for effectiveness. We support the material standards recommended. However, the operational standards should include a requirement that the streamers be required to be in the air for at least 50 meters aft of the stern of vessels under 100' in length and 70 meters for vessels 100' and over. If the Council adopts the recommendation exempting deployment of paired lines when high winds exist, another mitigation measure should be required. The extra ten meters over the length recommended will assure better protection for seabirds that forage further aft of the vessel,

including shearwaters. If the paired lines are not to be required under high wind conditions, then some other mitigation measure should be required as significant mortality could occur during such events. Such optional use also constitutes an enforcement issue the Council should consider.

**#(3) Vessels over 100' To Deploy Additional Mitigation Measure.**

The larger freezer-processor vessels generally deploy more hooks and can have higher incidence of seabird mortality. These vessels should be required to employ an underwater lining tube or weighted lines that sink the baited hooks below 10 meters when 100 meters aft of the stern. This will assure effective avoidance of seabird mortality should paired streamer lines not be in use because of fouling or wind conditions and will assure a lessening of shearwater mortality, as these birds forage beyond the bird scaring lines and can dive 30' on baits.

**#(4) No Offal Discharge During Line Setting, No Hooks in Offal.**

Offal discharge during line setting and its presence on the water within 300' of the vessel should be prohibited during line setting. All discarded bait should have fish hooks removed. We support the Melvin et al. study recommendations of no discharge from the stern of the vessel during line setting. But it will be difficult to assure that the discharge of offal from elsewhere on the vessel during line sets will not drift over the lines during setting given wind, currents, boat speed, etc. Such a provision would be difficult to enforce. The Hawaii longline regulations prohibit the discharge of hooks in offal because these hooks can be ingested by seabirds.

**#(5) Line Setting Without Causing Line Tautness.**

The regulations should require line setting methods to be employed that do not cause longlines to become taut during setting due to weights. At page 33 of the Melvin et al. report, weights at skate junctions that are commonly used in the sablefish fishery sometimes caused line tautness, which pulled the lines to the surface or even above the surface during line setting. This exposes the baits to seabirds and needs to be eliminated, not left as an optional, discretionary measure.

**#(6) Required Educational Workshops.**

Owners and operators of Alaskan longline vessels should be required to attend annual seabird bycatch avoidance educational workshops conducted by NMFS and FWS. Crew members also should be encouraged to attend. Since the effective use of paired streamer lines requires a good knowledge of their deployment and use, and since these bird scaring lines are pivotal for eliminating the killing of seabirds on longlines, all owners operators should attend such workshops to go over their deployment and use, seabird identification, use of other deterrents, and to discuss any innovations in seabird avoidance in the industry. Protected species workshops have been conducted in Hawaii for the longline fleet since September 1996. Owners and operators of Hawaiian longline vessels are now required to attend such annual workshops under NMFS' regulations.

**#(7) Seabird Bycatch Data Collection.**

Regulations should require observers and/or vessel operators to collect data on the number and species of seabirds hooked per thousand hooks set and to evaluate the effectiveness of paired streamer lines and other mitigation. This data would be compiled annually by NMFS and successful use of mitigation measures, innovative measures, and other progress shared in the annual workshops. In order to assess the effectiveness of new regulations and learn of any innovations, such data collection should be mandated.

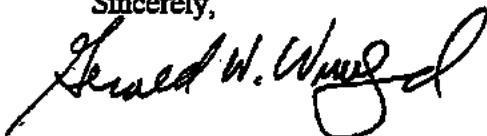
**#(8) Pacific Halibut Fishery To Adopt Same Mitigation Measures and Observer Coverage.** We request the Council to recommend that NMFS adopt separate regulations for the same mitigation measures in the Pacific halibut fishery and that fishery be required to have observer coverage. We recognize that this fishery is not under the jurisdiction of the Council but action needs to be taken. The Melvin et al. Report recommends at page 37 that the regulatory actions be extended to the halibut fishery. We concur. The Pacific longline halibut fishery set 28 million hooks on board 1,802 vessels in 1998. Currently there are no valid assessments of seabird mortality, including of Short-tailed Albatrosses, within the Alaskan halibut fishery. No comprehensive data set exists for estimating the amount of seabird bycatch in halibut fisheries. In early 1998, as part of its Biological Opinion on the Short-tailed Albatross for the Pacific halibut fishery, the U.S. Fish and Wildlife Service recommended conservation measures including a provision as follows: "...The USFWS strongly discourages the use of self-reporting as a sole method for monitoring this fishery, and strongly encourages the use of observers on Pacific halibut vessels over 60 ft in length." This would cover approximately 70% of the vessels licensed to fish for Pacific halibut in Alaskan waters. Over three years have passed since this recommendation and there have been no observers placed on halibut vessels nor is there any other reliable method of monitoring and reporting on seabird interactions.

**#(9) Establish Goal of Eliminating Seabird Bycatch.**

The Council should set a goal of eliminating seabird bycatch and recommend that such a goal be included in the regulations. The Melvin et al. Report recommends at page 37 under International Action that all longlining nations in the Pacific Rim should, in the long term, develop, test, and ultimately require deterrent measures that virtually eliminate all seabird bycatch. We agree and suggest that such a goal be adopted in Alaska as a model for the rest of the U.S. and the world.

We believe that the adoption of the above recommendations can virtually eliminate seabird mortality without decreasing fishing capacity or landings and without jeopardizing the safety of crew members. We again applaud the co-operative actions of all responsible for the Melvin et al. study and Report. We hope that the Council will take our suggestions under consideration and act to expedite the recommended actions to end seabird mortality in Alaskan longline fisheries.

Sincerely,



Gerald W. Winegrad  
Vice President for Policy

# Petersburg Vessel Owners Association

P.O. Box 232  
Petersburg, Alaska 99833  
Phone (907) 772-9323 Fax (907) 772-4495

September 25, 2001

Mr. David Benton, Chairman  
North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

RECEIVED

SEP 25 2001

N.P.F.M.C

Subject: October 2001 Agenda Item C-3: Seabird Avoidance Measures

Dear Chairman Benton:

Petersburg Vessel Owners Association is a diverse group of commercial fishermen, many of whom participate in the longline fisheries affected by the proposed regulatory amendments. We would like to take this opportunity to strongly urge the council not to take final action on seabird avoidance measures at the October meeting. The EA/RIR/IRFA became available only yesterday. The deadline for written comments is today, and we do not feel that we have had adequate time to review the research and proposed action or consult with our fleet to provide meaningful comments. We ask that the Council reschedule final action on seabird avoidance devices until the December meeting to give the industry and the public the opportunity to review the research and proposed action and provide comments.

At this time, we are concerned that the proposed regulatory amendments may apply a rule that is effective and necessary for one type of vessel or area to our entire highly diverse fleet, and we are unsure if this is the best possible solution. We have concerns about the small, low-production catcher vessels fishing in inside waters of Southeast Alaska being held to the same regulations as the large, high-production catcher-processors fishing in the Bering Sea. We need additional time to consult with our fishermen and develop a solution that will serve the diverse needs of the longline fleet while still providing needed protection for seabirds.

Currently, due to the extremely limited time the EA/RIR/IRFA has been available, we are unable to provide specific comments on the proposed regulations. For that reason, we would ask that the Council provide the industry and other members of the public with adequate time to review and comment on the proposed action by delaying final action on seabird avoidance devices until the December meeting. Thank you for your consideration of these comments.

Sincerely,



Cora Crome  
Director



# DRAFT SEABIRD EA/RIR/IRFA

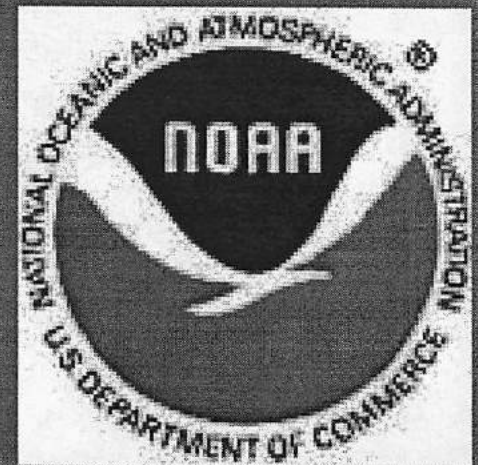
A Regulatory Amendment to Revise  
Regulations for Seabird Avoidance Measures  
in the Hook-and-line

Fisheries off Alaska To Reduce the  
Incidental Catch of the Short-tailed Albatross  
And Other Seabird Species

A presentation to the North Pacific Fishery Management Council

October 2001, Agenda Item C-3

Kim Rivera  
Protected Resources Division  
NMFS, Alaska Region





**PURPOSE: Revise seabird regulations based on WSGP research program**

**WHY?**

- Requirement of USFWS Biological Opinion
- Improve effectiveness of seabird avoidance measures



# PROPOSED ALTERNATIVES

- **1: Status quo**
- **2: Council's 1999 final action**
- **3: WSGP recommendations**
- **4: Modifications from WSGP**



# Applicability of All Alternatives

- For groundfish, in EEZ only (3-200 nm)
- For halibut, in US Convention waters off Alaska (0-200 nm)



# Alternative 1: Current Measures

## § 679.24(e)(2)

- Sink baited hooks
- If offal discharged at set or haul, must distract birds
- Safe release of live-caught birds

## § 679.24(e)(3)

- For  $\geq 26'$ , do one or more of following:
  - Tow streamer line
  - Tow buoy, board, stick
  - Underwater deployment through lining tube
  - Night setting



## **Alt. 2: Council Final Action in 1999**

- **Applicable to vessels > 35'**
- **Weight groundlines**
- **Same offal discharge as Alt 1, plus remove embedded hooks**
- **Safe release of live-caught birds**
- **Use 1 of following:**
  - **Tow bird scaring line (not a board or stick, but buoy OK)**
  - **If lining tube used, must also tow bird scaring line**
  - **Night setting**



## Alt. 3: WSGP Recommendations

- Regulatory
- Optional, non-regulatory
- Future research
- Gear/methods not recommended



## Alt 3: Regulatory Recommendations

- Paired streamer lines
  - Performance standard
  - Materials standard
  - Weather exception for safety
- Prohibit directed discharge of residual bait or offal from stern while setting



Alt 3: § 679.24(e)(3) would be replaced with the following requirements for all longline vessels:

**Paired Streamer Lines:** Deploy a minimum of two streamer lines while setting longline gear. At least one streamer line must be deployed prior to deployment of the first hook. Both streamers must be fully deployed from 90 seconds of the first hook entering the water until the last hook is deployed.

**Exceptions:** In conditions of wind speeds exceeding 30 knots (near gale or Beaufort 7 conditions), it is acceptable to fly a single streamer from the windward side of the vessel. In winds exceeding 45 knots (storm or Beaufort 9 conditions), the safety of crew supersedes deployment of streamer lines.



Con't.

Performance Standard: Streamer lines must be deployed in such a way that streamers are in the air for a minimum of 131.2 ft (40 m) aft of the stern for vessels under 100 ft (30.5 m) and 196.9 ft (60 m) aft of the stern for vessels 100 ft (30.5 m) or over.

The performance standard can be achieved in several ways: by increasing the height off the water at the stern [recommended minimum is 20 ft (6.1 m)], minimizing the weight of streamer line components, and/or increasing drag at the far end of the streamer line with combinations of drogues, weights and buoys.



Con't.

Materials Standard: The minimum streamer line specifications are as follows:

*Length*: 300 feet (91.4 m)

*Spacing of streamers*: Every 5 meters until performance standard is achieved.

*Streamer material*: Brightly colored, UV-protected plastic tubing or 3/8 inch polyester line or material of an equivalent density. An individual streamer must hang from the mainline to 0.25 meters of the water in the absence of wind.

*Line material*: discretionary

*Terminal end*: discretionary

*Breakaways*: discretionary, but highly recommended.



Con't.

§ 679.24(e)(2)(ii) would be amended to include the following for all applicable vessels using hook-and-line gear:

**1. Directed Discharge During the Set:** Directed discharge (through chutes, pipes, or other similar devices suited for purpose of offal discharge) of residual bait or offal from the stern of the vessel while setting gear is prohibited. This does not include baits falling off the hook or offal discharges from other locations that parallel the gear and subsequently drift into the wake zone well aft of the vessel. For vessels not deploying gear from the stern (i.e. gear is deployed from the side of the vessel or amidship), directed discharge of residual bait or offal over sinking longlines while gear is being deployed is prohibited.



## Alt 3: Measures Not Recommended

- Night setting as sole method
- Area- & season-based management
- Use of single streamer lines (except for weather)
- Requiring line weighting, more research needed
- Line shooter
- Lining tube as sole method



## Alt 4: Modifications from WSGP

- Vessels < 26' exempt (same as Alt 1)
- Sink baited hooks
- Prohibit directed discharge of residual bait or offal from stern while setting
- Remove embedded hooks (same as Alt 2)
- 26-35' vessels use 1 streamer line
- Line has same performance standard as Alt 3, but may be shorter in length

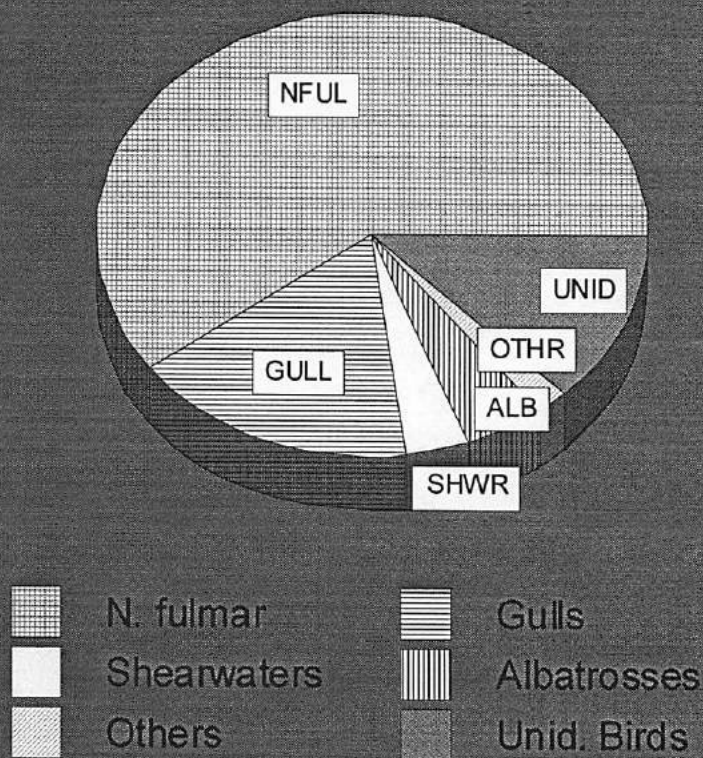


# BSAI SEABIRD BYCATCH ESTIMATES

(average annual estimates, 1993-1999; Fig 5 EA)

- **TOTAL = 14,582 BIRDS**
- **NFUL = 8,814**
- **GULL = 2,468**
- **UNID = 1,817**
- **SHWR = 530**
- **STAL = 2**
- **LAAL = 580**
- **BFAL = 25**

Bird Bycatch Species Composition in BSAI



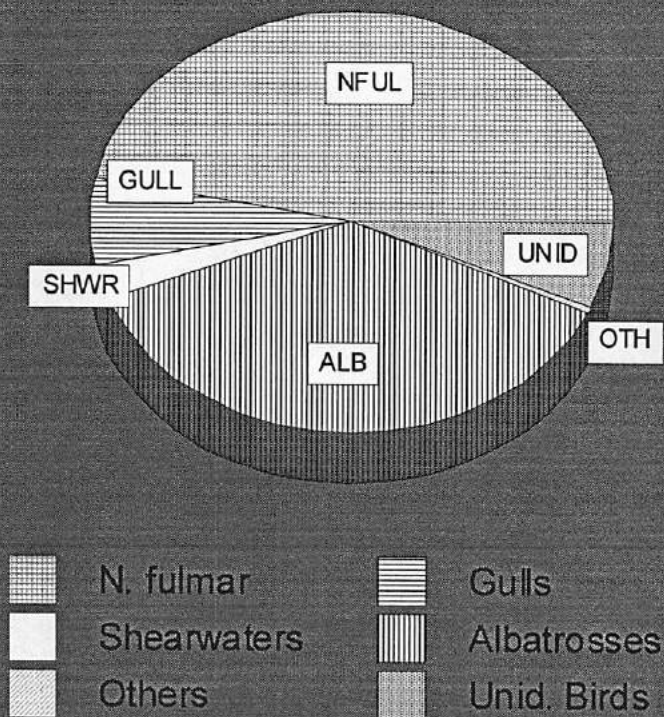


# GOA SEABIRD BYCATCH ESTIMATES

(average annual estimates, 1993-1999; Fig. 6 EA)

- **TOTAL = 2,287 BIRDS**
- **NFUL = 1,073**
- **STAL = 0**
- **BFAL = 360**
- **LAAL = 328**
- **GULL = 148**
- **UNID = 146**
- **SHWR = 68**

Bird Bycatch Species Composition in GOA





# GROUND FISH HARVEST (mt) BY YEAR & AREA

YEAR		BSAI	GOA
2000	All gf (mt)	1.47 million	205,000
	H&L portion (mt)	111,000	29,800
	% H&L of all gf	7.5	14.6
1999	All gf (mt)	1.43 million	226,000
	H&L portion (mt)	112,000	27,000
	% H&L of all gf	7.8	11.9

Table 10, EA



# 1999 GROUND FISH LONGLINE HARVEST by vessel type, by area

<u>BSAI</u>	<u># of Vessels</u>	<u>Harvest (mt)</u>	<u>% of Average Harvest</u>
Total Harvest	----	112,000	100.0
By Catcher-processor	41	110,000	98.2
By Catcher vessel	78	2,000	1.8

<u>GOA</u>	<u># of Vessels</u>	<u>Harvest (mt)</u>	<u>% of Average Harvest</u>
Total Harvest	----	27,000	100.0
By Catcher-processor	29	8,000	29.6
By Catcher vessel	909	19,000	70.4

(Table 13, EA, see tables 11 & 12 for breakout by vessel size)



# Pacific Halibut Fishery Statistics

Year	Allocated Catch (million pounds) (IFQ/CDQ)	Landed Catch (million pounds) (IFQ/CDQ)	Percent of Allocation Landed (IFQ/CDQ)
2001	58.5/3.0	35.5/1.8**	61/59**
2000	53.1/3.0	51.8/2.9	98/96
1999	58.4/2.8	56.4/2.6	97/93

Table 15, EA



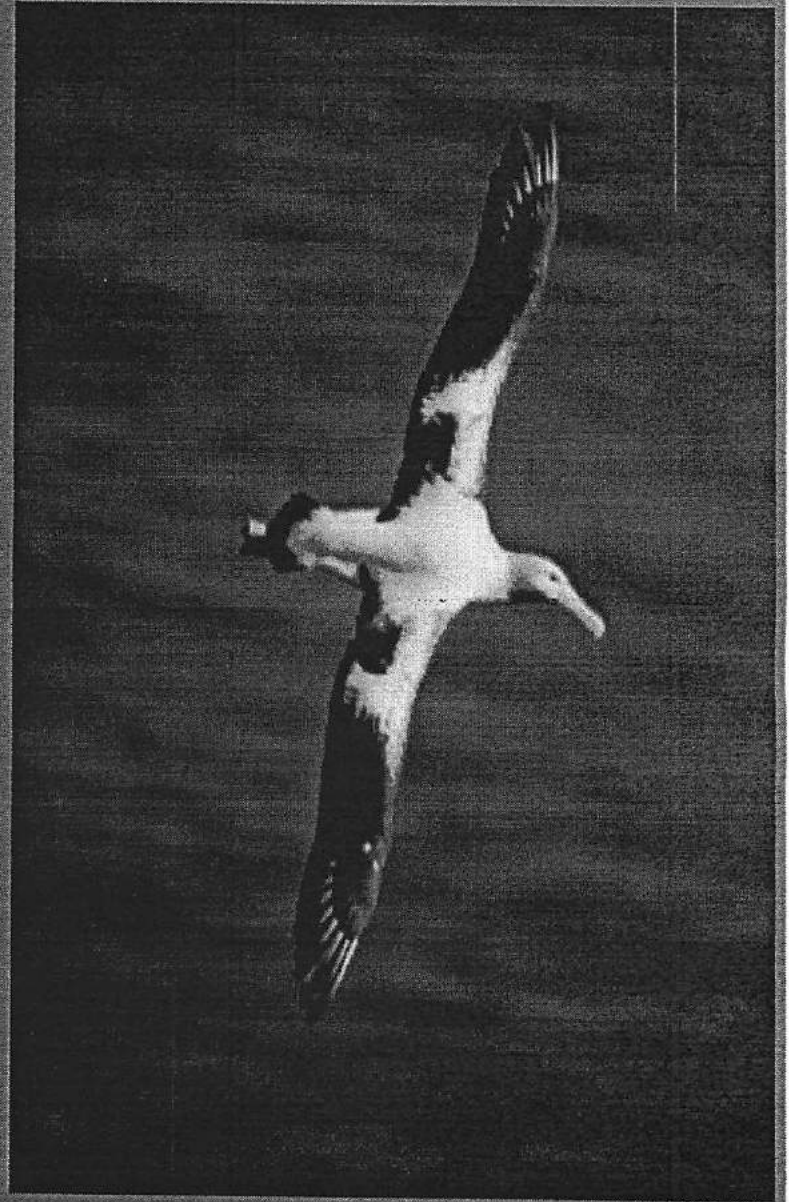
# #IFQ/CDQ HALIBUT VESSELS, YR 2000

Table 16, EA

vessel size category (ft LOA)	#vessels landing only halibut
• <26'	• 242
• <u>≥</u> 26' & <35'	• 385
• <u>≥</u> 35' & <60'	• 611
• <u>≥</u> 60' & <100'	• 31
• <u>≥</u> 100' & <125'	• 10
• <u>≥</u> 125'	• 5
• Total	• 1284

# USFWS ESA BiOp Summaries

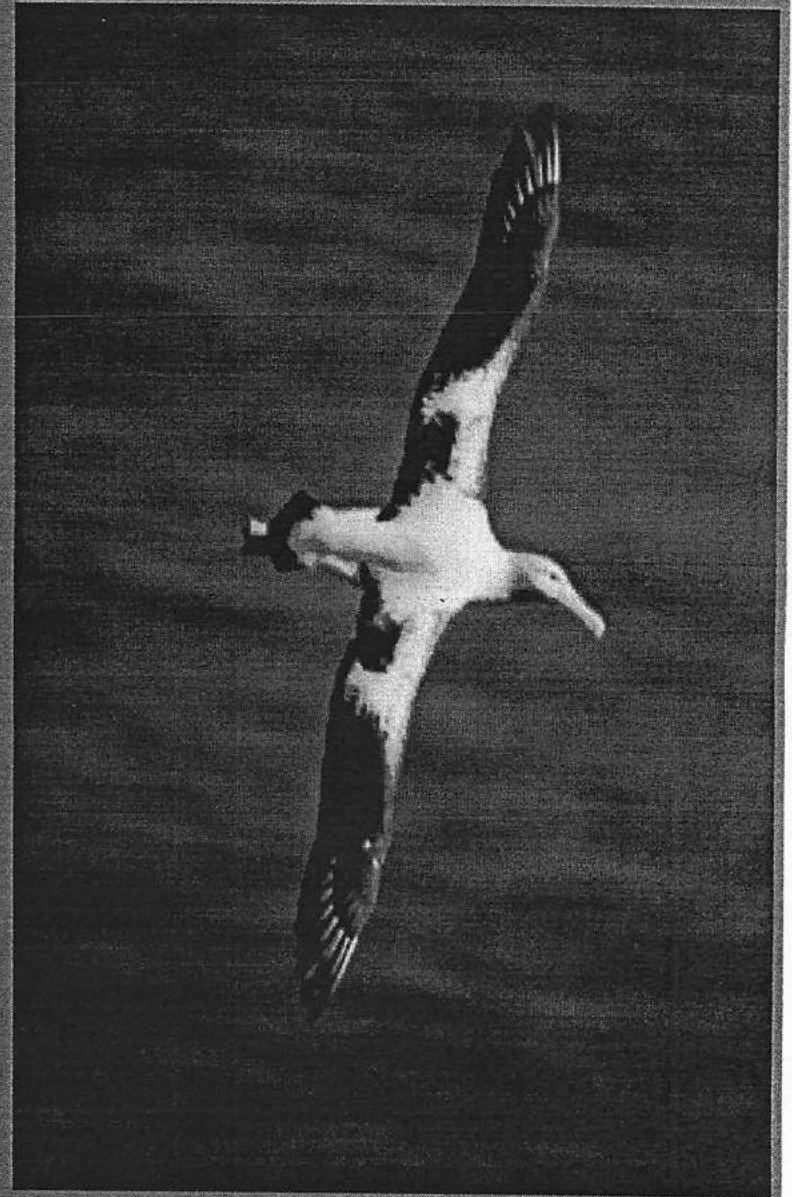
- 'No jeopardy'
- Must use seabird avoidance
- Must evaluate measures
- Must revise if warranted
- ITS is 4 birds/2 yrs, gf and 2 birds/ 2 yrs, halibut
- Fishers protected if fishing under ITS
- If ITS is exceeded, fishery could close





# USFWS ESA BiOp Summaries

- 'No jeopardy'
- Must use seabird avoidance
- Must evaluate measures
- Must revise if warranted
- ITS is 4 birds/2 yrs, gf and 2 birds/ 2 yrs, halibut
- Fishers protected if fishing under ITS
- If ITS is exceeded, fishery could close



## Effects of Alternative 1:

WSGP research results indicate improvements can be made to existing regulations, thus status quo is not a viable option under BiOp



# Does Alt. 1 cause population- or colony-level impacts on seabirds?



**Short-tailed albatross . . .**

(very small pop, endangered)

**Northern fulmar . . .**

(large pop, high bycatch, may be some colony declines, not clear)

**Black-footed albatross . . .**

(small pop, some bycatch, may be some colony declines, cause not clear, cumulative impact)





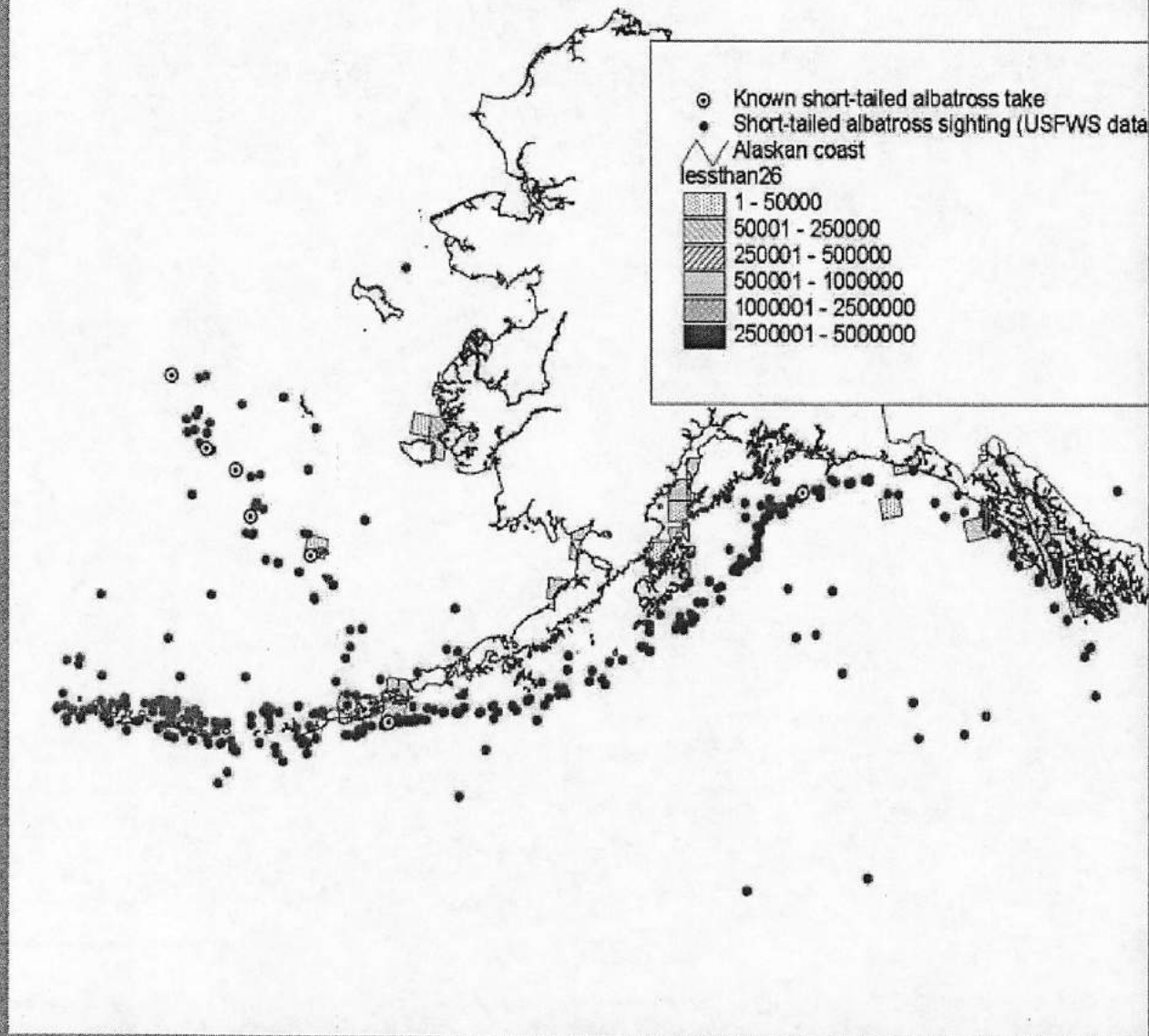
# Effects of Alt. 2: Council Final Action in 1999

## Components:

- Applicable to vessels > 35'
- Weight groundlines
- Same offal discharge as Alt 1, plus remove embedded hooks
- Safe release of live-caught birds
- Use 1 of following:
  - Tow bird scaring line (not a board or stick, but buoy OK)
  - If lining tube used, must also tow bird scaring line
  - Night setting

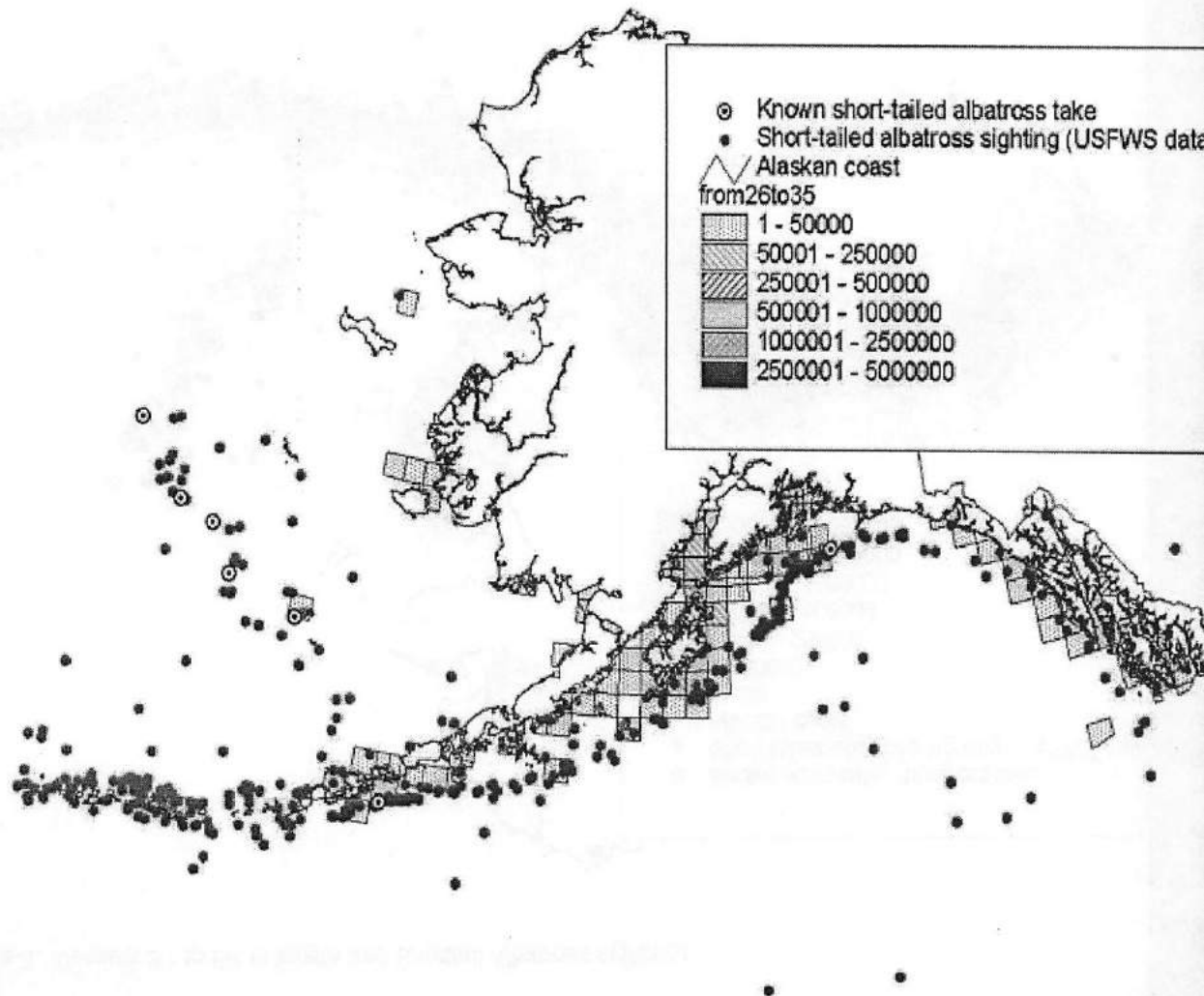


Figure 1. Vessels 25' and under in length and Shorttail Albatross sightings.



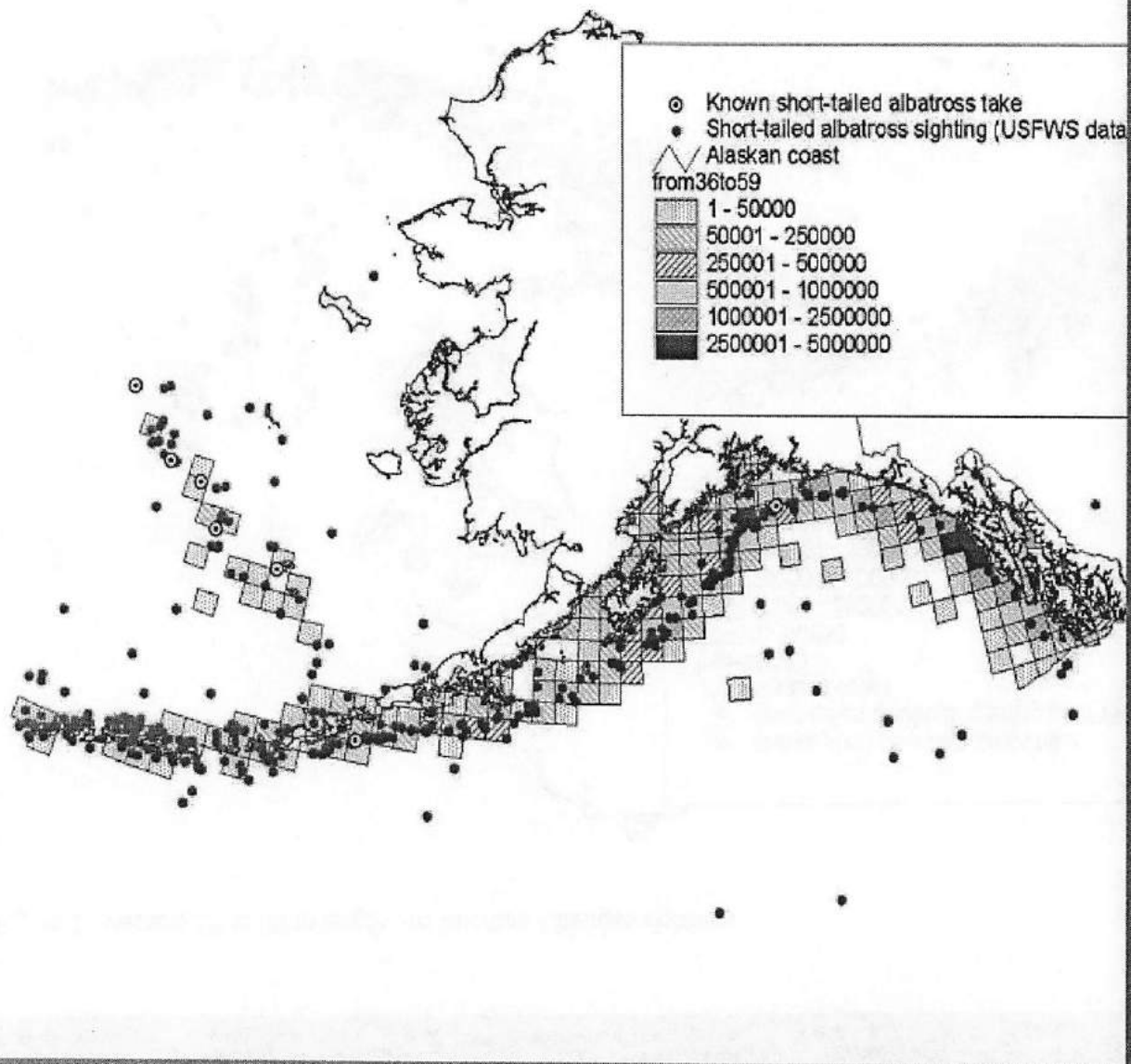
**Fig 1. Harvest locations for IFQ vessels  $\leq 25'$  and STAL locations**

Figure 2. Vessels 26' to 35' in length and Shorttail Albatross sightings.



**Fig 2.**  
**Harvest**  
**locations for**  
**IFQ vessels**  
**26-35' and**  
**STAL**  
**locations**

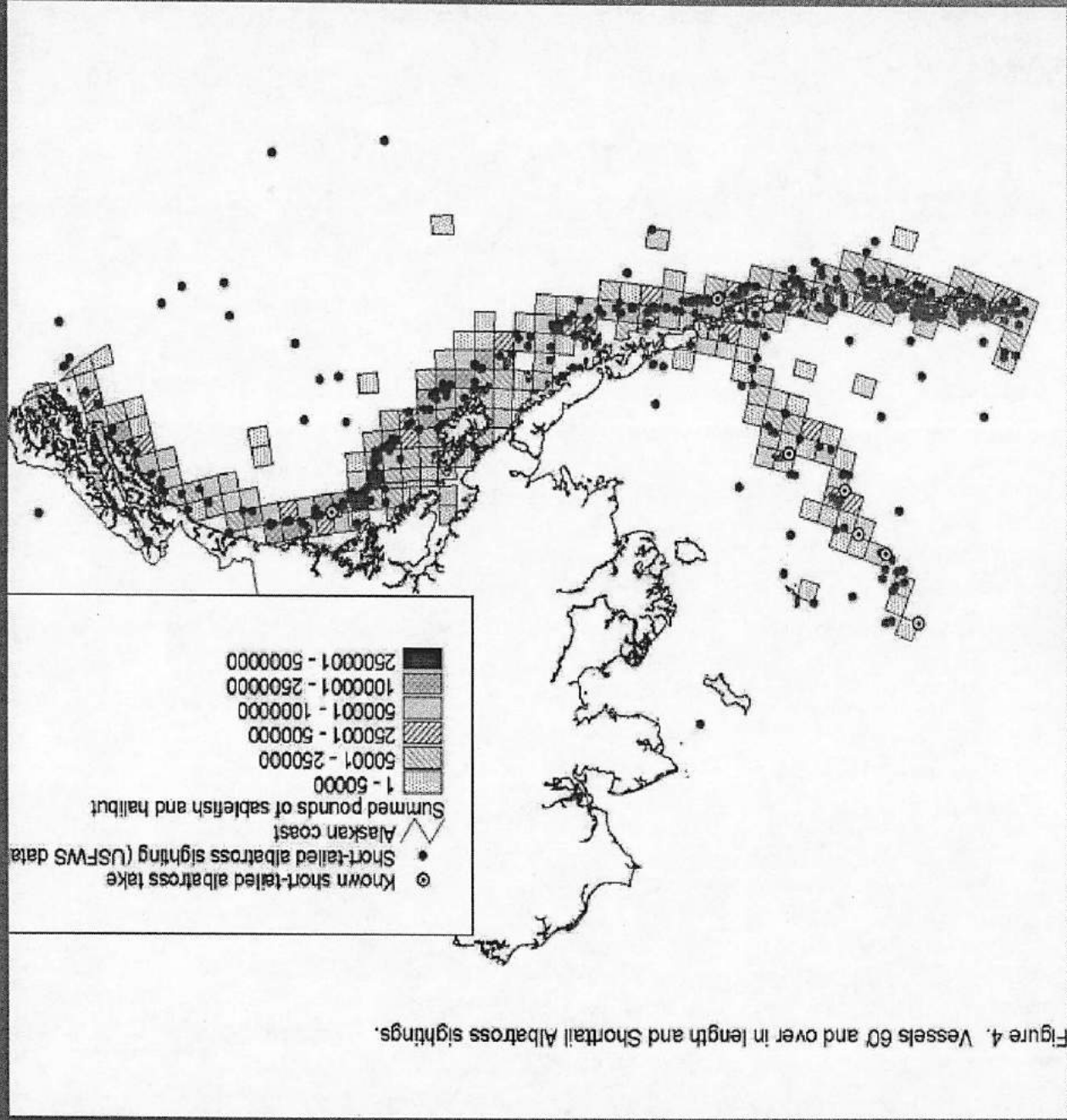
Figure 3. Vessels 36' to 59' in length and Shorttail Albatross sightings.



**Fig 3. Harvest locations for IFQ vessels 36-59' and STAL locations**



Harvest locations for IFQ vessels  $\geq 60'$  and STAL locations



## Based on WSGP research. . .

- X Tow 1 scaring line (streamer or buoy)
- ✓ Lining tube with scaring line (if paired streamers)
- X Night setting as sole method



**Adding weights to groundline. . .**

**From WSGP research, adding weights for purposes of bird avoidance not recommended until better information available**



**Therefore, conclude that....**

**Measures other than those in Alt. 2  
could be more effective and  
potentially impact seabirds less.**



# Effects of Alt. 3: WSGP Recommendations

## Components:

- Paired streamer lines w/ standards
  - Reduced bird bycatch 88-100% relative to controls
  - Bird abundance & attacks reduced also
  
- Prohibit directed discharge of residual bait or offal from stern while setting
  - Will reduce number of birds attracted to area where baited hooks sinking



Con't.

## Why not the following?

- **Night setting as sole method: increased bycatch**
- **Area- & season-based management: area & season differences highly variable and unpredictable**
- **Use of single streamer lines (except for weather): not as effective as paired lines; in some conditions, ineffective**
- **Requiring line weighting: more research needed**
- **Line shooter: increased bycatch**
- **Lining tube as sole method: performance & operational limitations; very costly**



## **Are paired streamer lines practicable for longline vessels that:**

- Set gear through a lining tube: yes, can be done & will compensate for lining tube operational problems (prop wash, sea conditions, mechanical failure)**
- Set gear from amidships (side-setters): yes, poles for line deployment will need to be addressed**
- Are 'small' (ie 26-35'): may depend on the specific vessel and if superstructure exists for line deployment; see Alt. 4**





**Conclude that....**

**Since Alt 3 measures are effective at reducing bird bycatch, they potentially could have less an impact (population- or colony-level) on seabirds. Expect that fewer seabirds would be incidentally taken.**



# Effects of Alt 4: Modifications from WSGP

- **Vessels < 26' exempt (same as Alt 1): not likely to adversely affect STAL**
- Sink baited hooks
- Prohibit directed discharge of residual bait or offal from stern while setting
- Remove embedded hooks (same as Alt 2)
- **26-35' vessels use 1 streamer line: some constraints to deploying 2 streamer lines**
- **Line has same performance standard as Alt 3, but may be shorter in length: if same perf std can be met, line may be shorter; operational concerns**



# SUMMARY OF EFFECTS OF ALTERNATIVES ON SEABIRDS

Species/Species Groups	Alt. 1	Alt. 2	Alt. 3	Alt. 4
Northern Fulmar				
Incidental take—BSAI	U	U	I	I
Incidental take—GOA	I	I	I	I
Short-tailed Albatross				
Incidental take	CS-	CS-	I	I
Other Albatrosses & Shearwaters				
Incidental take	I	I	I	I
Gulls				
Incidental take	I	I	I	I

From EA; U = unknown, I = insignificant, CS- = conditionally significant negative

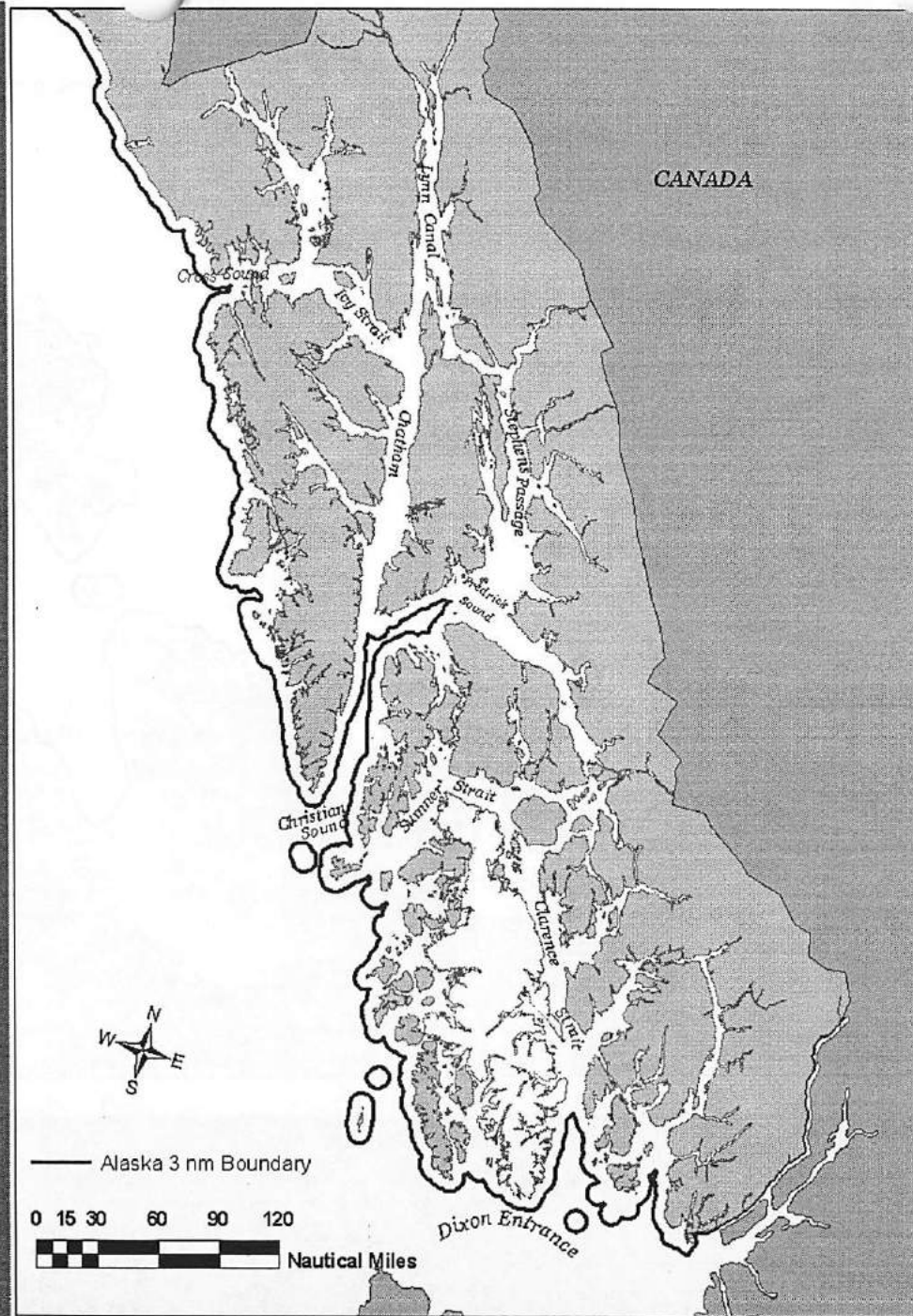


# SEABIRD INFORMATIONAL REPORTS

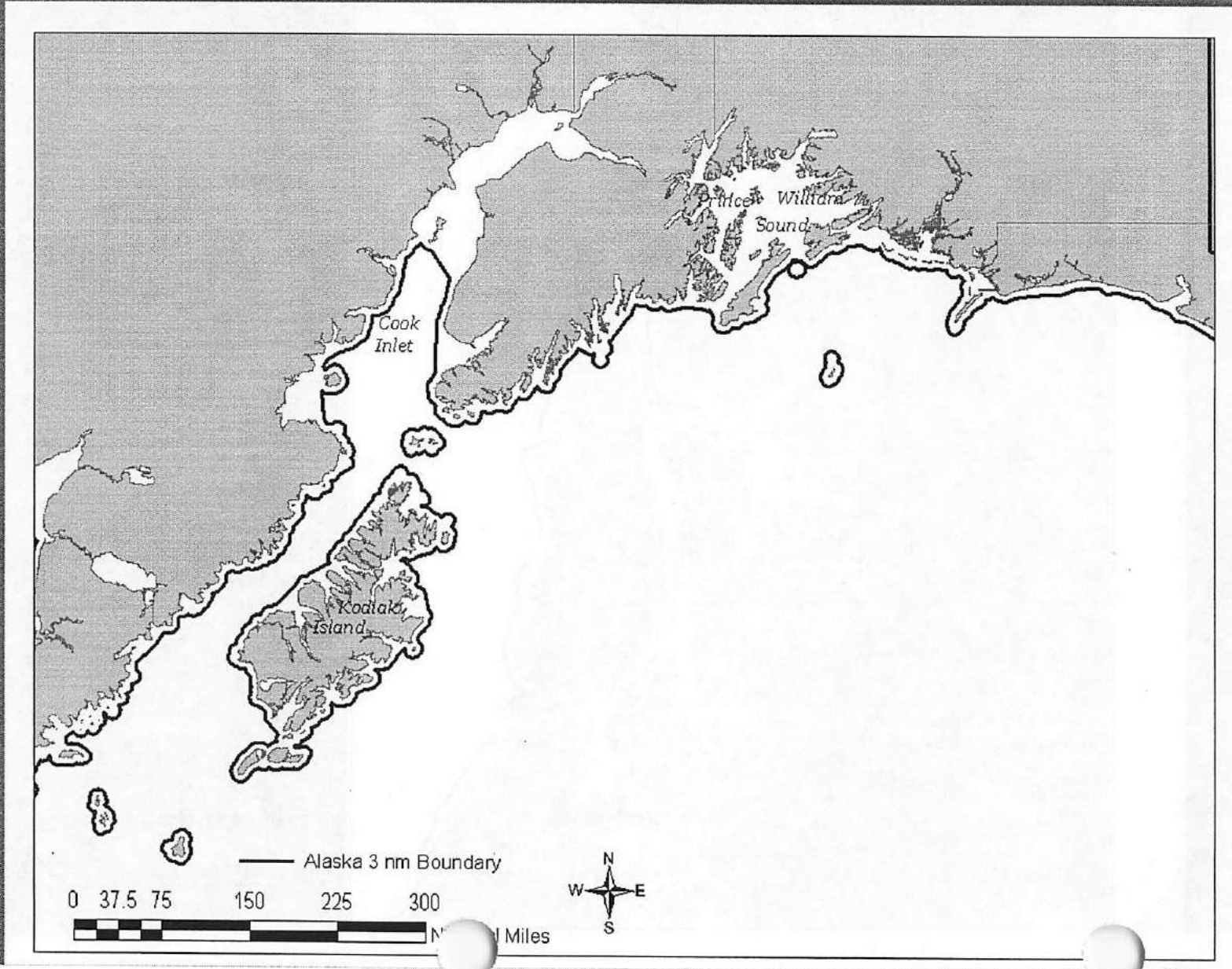
- **Seabird Bycatch in Longline Fisheries off Alaska**
- **National Plan of Action**
- **Short-tailed Albatross Items**
  - ℞ **Status of USFWS Short-tailed Albatross Biological Opinions**
  - ℞ **Formation of an ESA STAL Recovery Team**
  - ℞ **US-Japan Endangered Short-tailed Albatross Satellite Telemetry Study**
- **Development of a Short-tailed Albatross Monitoring Plan for the Pacific Halibut Fishery off Alaska**
- **Additional Seabird Initiatives**
  - ℞ **USFWS Waterbird Bycatch National Policy**
  - ℞ **Presidential Executive Order 13186**
  - ℞ **Congressional Funding for Seabird Bycatch Initiatives in Alaska**



# Southeast Alaska, 0-3 nm state waters

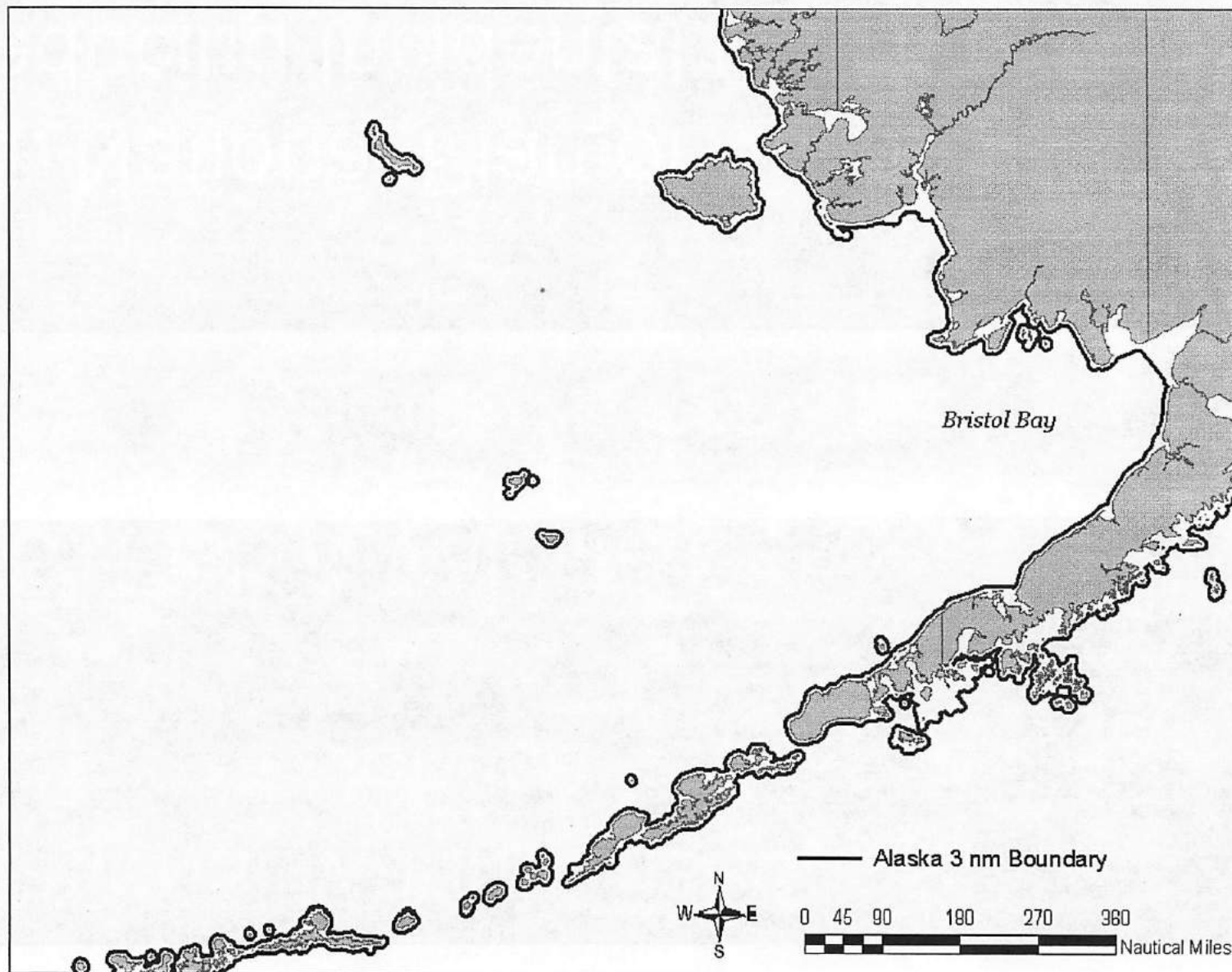


# Southcentral Alaska, 0-3 nm state waters





# Southwestern Alaska, 0-3 nm state waters



# National Marine Fisheries Service

U.S. Fish & Wildlife Service

U.S. National Plan of Action for  
Reducing Incidental Catch of  
Seabirds in Longline Fisheries



# Planned Actions for Regions with Longline Fisheries

- I. Seabird Bycatch Assessment
- II. Data Collection and Improved Reporting
- III. Prescription of Mitigation Measures
- IV. Research and Development of Mitigation Measures and Techniques
- V. Outreach, Education, and Training About Seabird Bycatch
- VI. Reporting
- VII. Collaboration between NMFS and FWS on Seabird Issues



## VI. Reporting

- The NMFS Regions and the regional fishery management councils will also each prepare an biennial report - scheduled for COFI off-years - on the status of seabird mortality for each longline fishery, including mitigation and research efforts and assessment information as available





- Regional annual reports may be compiled and incorporated into the NMFS biennial status report to FAO on its implementation of the *Code of Conduct for Responsible Fisheries*

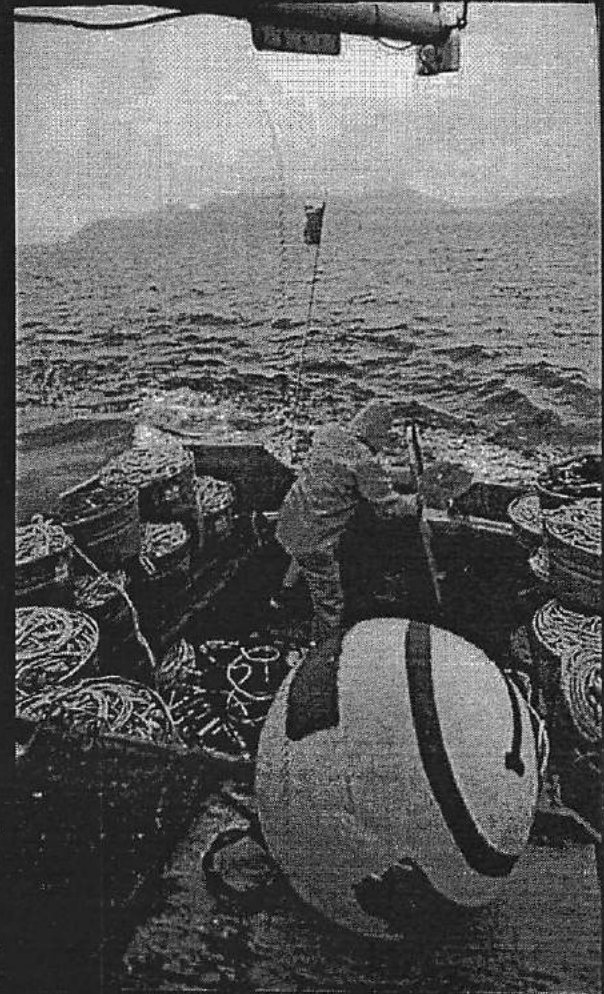


Photo from North Pacific Longline Association



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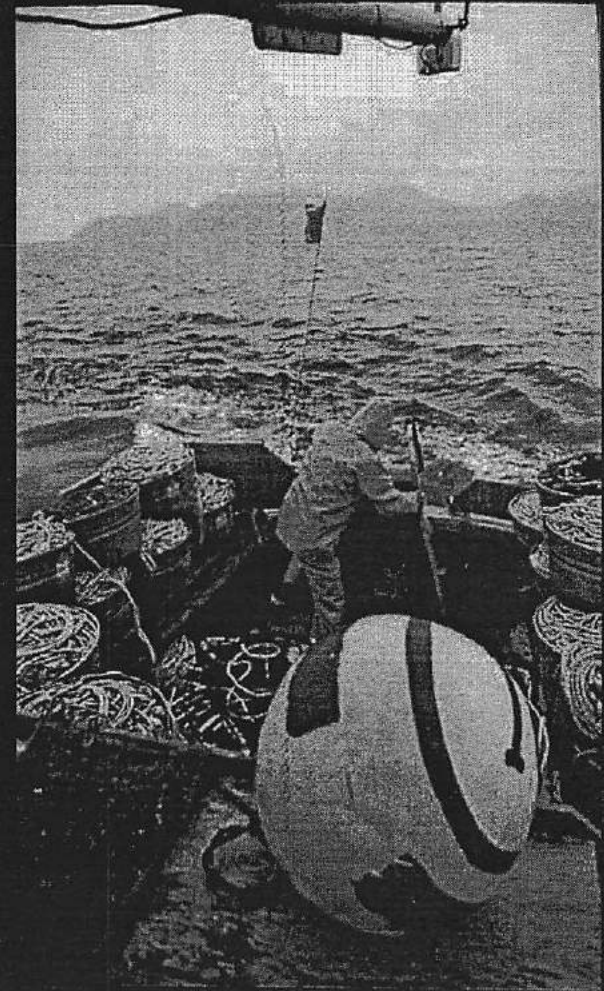


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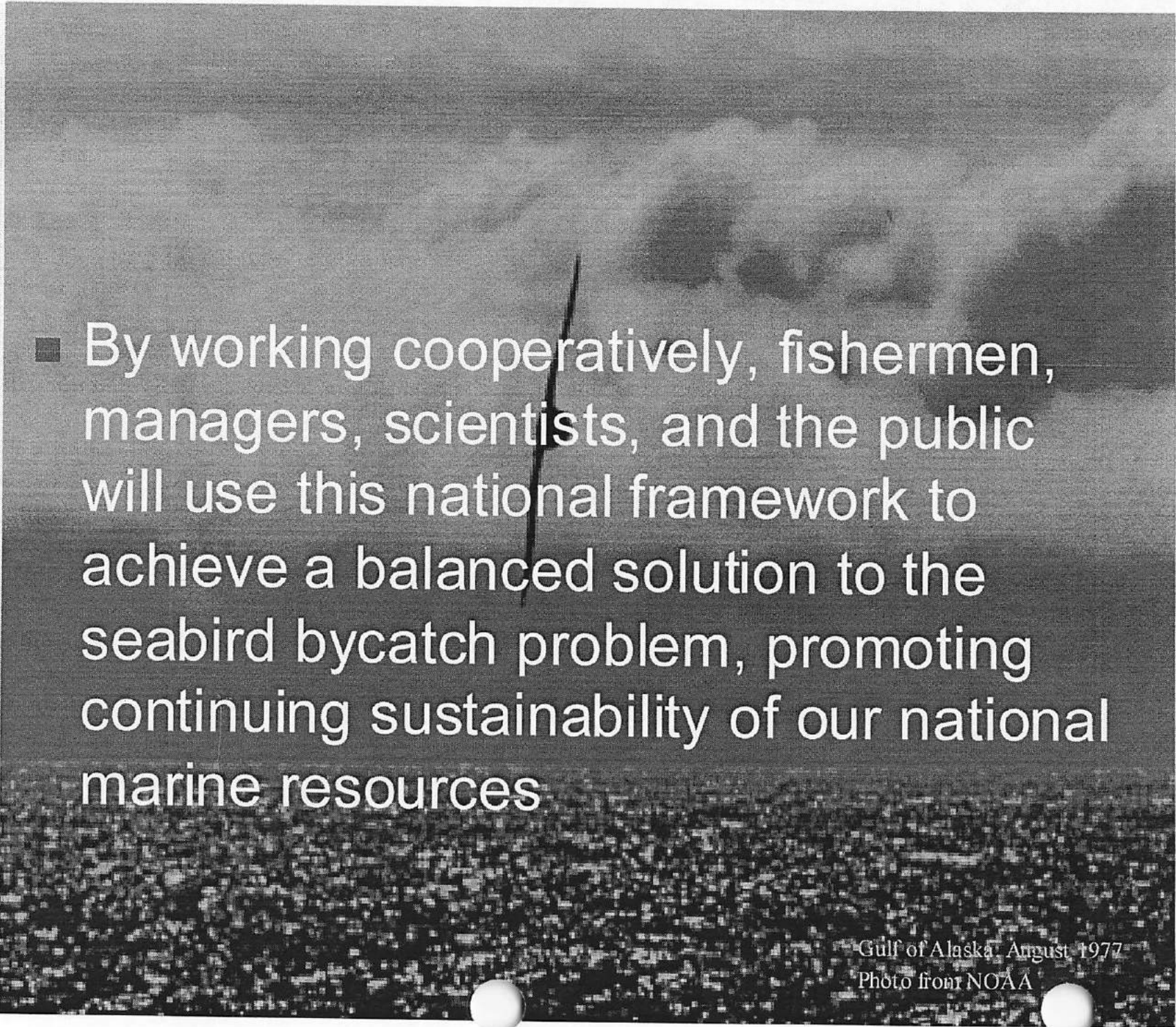


# Conclusions

- NPOA-S development process was a collaborative effort between NMFS and FWS with assistance from State
- NPOA-S requires seabird-fishery interaction assessments, yet allows regions and the regional fishery management councils the flexibility to develop fishery-specific seabird mitigation measures





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- By working cooperatively, fishermen, managers, scientists, and the public will use this national framework to achieve a balanced solution to the seabird bycatch problem, promoting continuing sustainability of our national marine resources



Gulf of Alaska, August 1977  
Photo from NOAA



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2 October 2001

Mr. David Benton, Chairman  
North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Ave., Suite 306  
Anchorage, Alaska 99501-2252

RE: Changes to Seabird Regulations

Dear Mr. Benton:

I urge the council to take action during this meeting to avoid further delays in changing the current regulations. I have worked as a longline fisheries observer for several years on board catcher boats in the Gulf of Alaska and have monitored seabird avoidance measures (SAM). I'm sure the Council is aware that seabird bycatch rates have actually increased since the implementation of the current regulations and would agree changes are timely. The endangered short-tailed albatross regularly interacts with longline operations and I have seen them near the vessel's gear on numerous occasions throughout the Gulf of Alaska, including Southeast Alaska. I hope that, during this Council meeting, incentives will be discussed to encourage "bad performers" to change their operations. Currently they are identified by industry but not penalized. Requirements (not recommendations) of enforceable material standards as mentioned in the WSG report are needed. An analysis of observer data is necessary to understand the source of seabird bycatch. Critical information is missing from observer data collection protocol that could assist in monitoring the effectiveness of seabird regulations.

**1. Paired Streamer Lines—Alternative 3 (WSG):** This measure is an improvement over what currently exists. However, there should be no exceptions to this measure during adverse weather conditions. Currently the observer program is not collecting sufficient information to identify causes of seabird bycatch, including weather conditions, so the extent of seabird bycatch in Alaska during adverse weather conditions is unknown. Even when industry was in danger of shutting down in 1998 over the two short-tailed albatross takes, critical information wasn't collected from the observers regarding time of set, weather conditions and vessel parameters.

If vessel operators can find methods to safely deploy 13,000 hooks/set in adverse weather conditions, methods can be found to safely deploy the streamer lines. Unfortunately there was no testing during adverse conditions in the WSG study, so research to address safety concerns was not conducted, nor were methods studied to avoid entanglement of the lines with the groundline (which would render streamer lines entirely ineffective).

During adverse weather conditions, perhaps vessels can slow the setting speed to decrease the tautness of the groundline as it leaves the vessel and further reduce chances of entanglement. If it is unsafe for crew to deploy the streamer line from upper level decks, than a tag line should be implemented to release streamer lines from a safer location on the lower deck. Ultimately, vessel operators will know best how to address these problems because they know the limitations of their vessel and gear and what actions would avoid reduction in the catch. However, no exceptions should be granted.

**2. Exceptions for small vessels—Alternative 4:** To a degree I find the current recommendations for 90-meter paired streamer lines unreasonable for some small longline vessels. The design and focus of the WSG study was not geared toward vessels under 60 feet. There should also have been greater outreach by NMFS and the International Pacific Halibut Commission (IPHC). Data should have been collected on the various vessel parameters of this fleet to find appropriate SAM. However, there is no excuse now to roll back needed changes. In 1997, industry-developed regulations allowed experimentation by the fleet because it was known that there was no “silver bullet” for the varied fleet. Vessel operators have had over 4 years to find SAM appropriate for their various vessel types. Yet, there was no monitoring through the observer program or IPHC of vessel parameters and other factors that effect seabird bycatch. Now we’re facing another “silver bullet”. Not surprisingly, it doesn’t apply to every vessel type and we still are uncertain of sources of seabird bycatch.

Because there is no observer coverage for the “small” boat fleet (virtually eliminating the chances of being caught with a dead short-tailed albatross), these vessels may not have felt much incentive to find effective SAM. There are a number of vessels that have been re-constructed to just under 60 feet, specifically to avoid observer coverage and other requirements. Many of these vessels fish in the same areas as vessels just over 60 feet, have greater holding capacity and more room to carry an observer. This is yet another example of how using length of vessel as delineation for fisheries management purposes is arbitrary and unfair. If vessels under 60 feet do not have a seabird and/or other bycatch problem it needs to be proven through observer data collection. Reasonable alternatives need to be found for vessels that truly cannot accommodate these regulations but a monitoring program must be developed to assure the effectiveness of developed alternatives.

**3. Weighted Lines—Alternative 2 (Council 2000):** Weighted groundlines should be implemented, if for no other reason than to sink the hooks quickly to prevent entanglement of the streamer lines. Though other studies have shown that weighted lines used with streamer lines are effective, there’s been much resistance by industry to this option. It is not surprising that this method was not rigorously studied in the WSG project. In fact the weights used in this study were not much more than what was already in use by the fleet and deemed insufficient by the Council in 2000.

The observer program does not monitor SAM, so it will be difficult to evaluate the efficacy of any measure fleet-wide. Ideally reasonable measures should be developed by industry members to ensure success of implementation. However, without monitoring



according to vessel and gear type, we risk being in the same position years from now that we are today, with no real certainty of why we have a seabird problem. Until we start monitoring SAM effectiveness, I support other studies that have shown that weighted lines used with streamer lines are effective and support the Council's final action in 2000 to require additional weights be added to the groundline. However, I also urge the Council to heed WSG's recommendation for integrated weight within the groundline and hope that a timeline for this requirement will be developed. Meanwhile, NMFS should work with researchers and industry to arrive at a weight regime standard per vessel type before the 2002 longline season.

**4. Release of Live Birds:** There are certain techniques to remove swallowed barbed hooks from birds. Veterinarians should be consulted and an instructional pamphlet should be distributed to the fleet and to NMFS fisheries observers.

**5. Night Setting—Alternative 3 (WSG):** I agree that this is not an effective measure on its own. I have observed fulmars caught during night sets with and without a streamer line. Again, weighted lines should be used in conjunction with streamer lines.

**6. Offal Discharge—Alternative 3 (WSG):** On the iceboats, when the fishing was good, the fish backed up in the holding bin and the crew didn't have time to finish dressing the fish until the setting of the next gear. I observed the offal drifting over the gear along with the birds feeding on it and therefore support WSG's recommendation for no offal discharge during the setting of gear, as well as the Council's recommendation to remove hooks from offal.

**7. Impacts on Albatross Populations:** The WSG report states that, "recent counts of breeders are increasing", which may be misunderstood. It's encouraging that there was a small increase in the world population of black-footed albatrosses from 2000 to 2001. What must be considered is substantial overall declines in world-wide populations of both black-footed and Laysan albatrosses: "...the overall population trend of all Laysan albatrosses at Midway, Laysan, and FFS, which represents 90% of the [world] population, shows a decline of 30% in the last 9 years. Overall trend in the black-footed albatross is down 9.6% in 9 years." (USFWS, unpublished data, 2001).

Although albatross bycatch estimates in Alaska are small in relation to estimated world takes, this should not excuse our responsibility to eliminate known sources of mortality, however small. This is especially true in light of the overall declines of these populations and with the view that we may be providing example to other nations. We must also remain somewhat cautious of the bycatch estimations because the majority of the fishery remains unmonitored and coverage is almost non-existent in Southeast Alaska. Vessels under 60 feet can choose when and where they carry observers so we cannot depend on representative coverage at this time.

It is encouraging that short-tailed albatross (STAL) estimations are increasing, but of more consequence is the low number of *breeding pairs* (238). We must not minimize the fact that 1500 individuals is still extremely low, that STAL regularly interacts with

Alaskan longline fisheries and the loss of even one breeding adult could delay the recovery of this species significantly, especially in light of a potential catastrophic event. The youngest recorded breeding age of STAL was 5 years old, so at least one of the "sub-adults" caught in this fishery could possibly have been an adult breeder, raising the number of possible breeders caught in Alaska to two out of six longline takes. Remembering that the STAL is considered a "coastal albatross", there could be more takes than what is recorded.

**8. Monitor the effectiveness of SAM and analyze the existing seabird bycatch data:** The North Pacific Groundfish Observer Program (NPGOP) should implement an on-going special project to monitor the effectiveness of seabird regulations and report on vessel, weather and operational parameters that are known to effect seabird bycatch. This would require that normal duties be altered, that they monitor a certain percentage of the sets and that the project gets a representative sample of the fleet.

Implementing regulation changes based on the WSG research is an improvement, though this doesn't exclude the responsibility of ensuring that they work in "the real world". Insist on a critical analysis of the NPGOP seabird bycatch data to determine seabird bycatch profiles (i.e. area, vessel type, gear type, time of day, season) and that the efficacy of any changes be monitored.

Thank you for your time.

Sincerely,

Elizabeth A. Mitchell



GERICA  
C-3  
OCT 2001

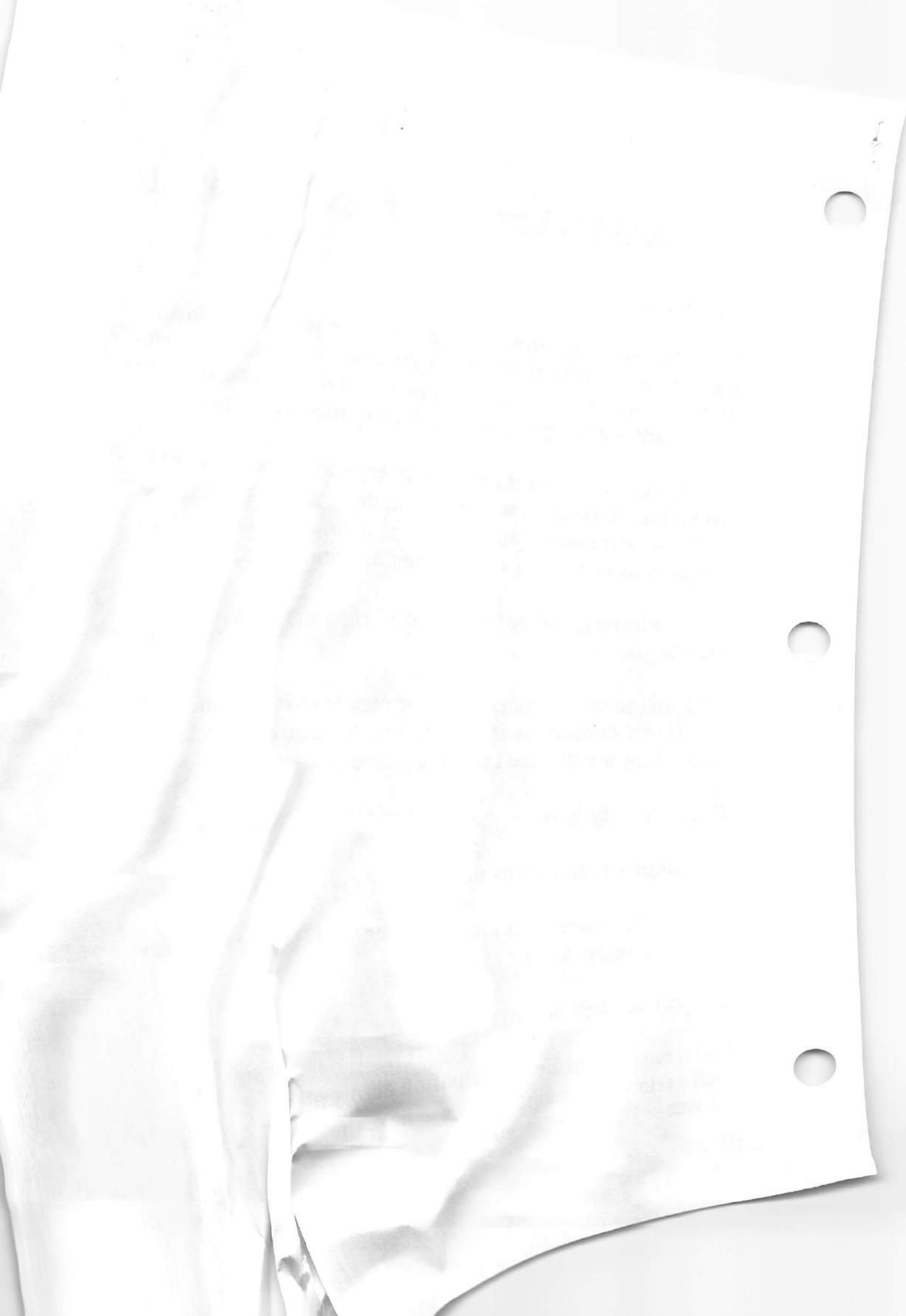
## Proposed Seabird Avoidance Regulations

### Concerns:

- 1.) Practical application of preferred method and performance standards to entire fleet (only split is on vessel size: under/over 100 feet and under 26 feet). Application should consider gear type, additional vessel sizes, and area considerations.
- 2.) Performance standards are in regulation rather than as guidelines. Example: a.) 90 second deployment standard, b.) airborne streamer length standard (60m and 40 m), and c.) safety considerations solely based on wind speed.
- 3.) Monitoring and enforcement of rigid performance standards.
- 4.) How do the regulations encourage fleet innovation in the continued development of avoidance measures or technologies that eliminate the need to fly streamers.

### Recommendations

- 1.) Adopt AP motion as modified:
  - a.) add "area" as a basis under # 4.a. (along with gear and vessel size).
  - b.) delete # 5.
- 2.) To ensure public participation across all sectors and have final action in December, please have the documents available 3-4 weeks prior to December meeting.





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## Freezer-Longliner Bycatch Rates

FIS Program: Prowler Fisheries (birds/1000 hooks)

<u>Vessel</u>	<u>Type</u>	<u>2000</u>	<u>2001</u>
One	Stern	0.021	0.010
Two	Stern w. line shooter	0.007	0.011
Three	Side-setter	0.023	0.017
All FIS (35 vessels) average		0.090	0.041

NMFS Data: from Table 17, draft EA: Average rates for 36 vessels (birds/1000 hooks in sampled hauls)

<u>Year</u>	<u>Rate</u>	<u>Annual % Change</u>
1998	0.140	n/a
1999	0.084	-40%
2000	0.088	+5%
2001	0.037	-58%

% change from 1998 - 2001 = -74% reduction