

NOAA
FISHERIES

Endangered Species Act Section 7 Biological Opinion on the Bering Sea and Aleutian Islands Groundfish FMP & Integration of Endangered Species Act Section 7 with MSA Processes

October 2025

Anne Marie Eich
NMFS Alaska Region
Protected Resources Division

ESA Considerations

- NMFS has an ongoing responsibility to ensure the fishery management actions it implements are not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.



NOAA
FISHERIES

Coordination Policy Directive

- NMFS Policy 01-117
- Promotes early coordination with Councils throughout the section 7 consultation process
- Places particular emphasis on coordinating with the Council when changes to fishery management measures might be required to minimize adverse effects on listed species and critical habitat.
- Outlines the parameters of engagement given statutory and regulatory requirements and timeframes



NOAA
FISHERIES

Fishery Management Actions

- Reinitiation of a previously completed consultation is required if a trigger is hit
- Reinitiation triggers include:
 - new species listings
 - new critical habitat designations
 - exceeding an authorized limit in an incidental take statement
 - new information that reveals effects on listed species not previously considered



Situation that Applies to this BSAI FMP BiOp

- No pending Council action under consideration has triggered NMFS's obligation to reinitiate consultation on the BSAI FMP.
- Instead, new species listings, critical habitat designations, and take exceedances are driving the obligation to reinitiate consultation.
- The action under consideration is the authorization of status quo fishery management measures under the BSAI FMP.



BSAI FMP Reinitiation Triggers

- Authorized take limits exceeded
 - Steller sea lion
 - Sperm whale
- Humpback whale reclassification (2016)
- Humpback whale critical habitat (2021)



NOAA
FISHERIES

BSAI FMP Additional Considerations

- Proposed sunflower sea star listing (threatened)
- Updated information on species and ecosystem status available
- Separate GOA and BSAI opinions



NOAA
FISHERIES

BSAI FMP Consultation Process

- NMFS Sustainable Fisheries Division prepared a Biological Assessment
- NMFS Protected Resources Division is evaluating the effects of the BSAI groundfish fisheries and parallel fisheries to ESA species and preparing a Biological Opinion
- Consultation addresses the status quo fisheries
- Conference opinion on sunflower sea stars



BSAI FMP Species/DPS Considered

- **Marine mammals: 12 species, 13 DPSs**
 - Blue whale
 - Fin whale
 - Sei whale
 - Mexico DPS humpback whale
 - Western North Pacific DPS humpback whale
 - Western North Pacific DPS gray whale
 - Bowhead whale
 - North Pacific right whale
 - Sperm whale
 - Southern Resident killer whale
 - Western DPS Steller sea lion
 - Beringia DPS bearded seal
 - Arctic ringed seal
- **Fish: 2 species, 5 ESUs**
 - Upper Willamette River ESU Chinook salmon
 - Lower Columbia River ESU Chinook salmon
 - Snake River spring/summer-run Chinook salmon
 - Hood Canal summer-run chum salmon
 - Columbia River chum salmon
- **Invertebrate: Sunflower sea star**



BSAI FMP Critical Habitats Considered

- Western North Pacific DPS humpback whale
- Mexico DPS humpback whale
- North Pacific right whale
- Southern Resident DPS killer whale
- Steller sea lion
- Beringia DPS bearded seal*
- Arctic ringed seal*



NOAA
FISHERIES

Status of BSAI FMP consultation

- The draft BSAI FMP biological opinion is in review at AKR.
- No Council action will be required to implement any portion of this biological opinion.
- The biological opinion will not result in any changes to the BSAI groundfish fishery management regime.



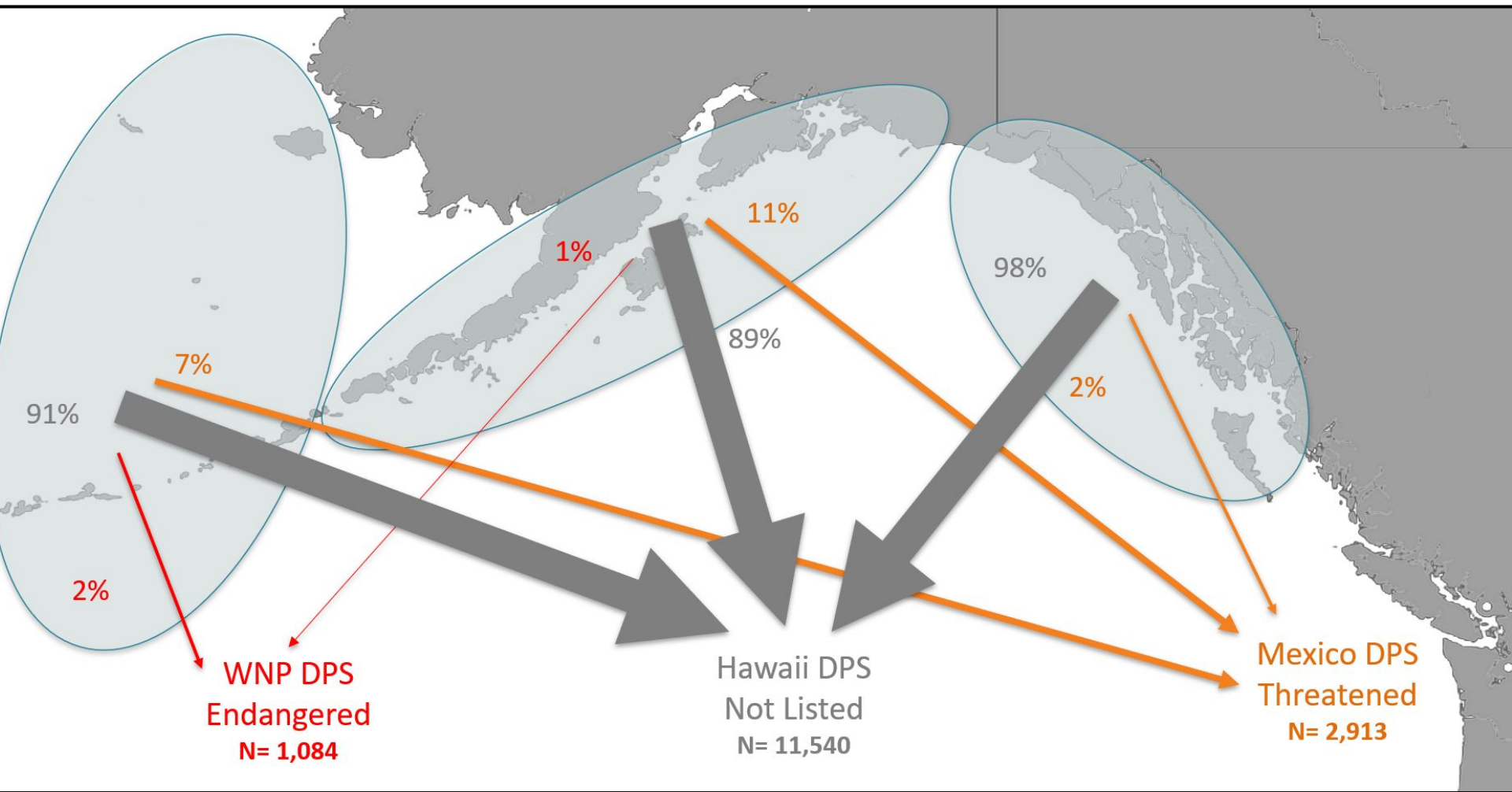
NOAA
FISHERIES

Extra slides



NOAA
FISHERIES

BSAI FMP Reinitiation Triggers



BSAI FMP Reinitiation Triggers

