

U.S. Fish and Wildlife Service
March 28, 2007

The U.S. Fish and Wildlife Service general comments on the EA/RIR/IRFA for the Amendment to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI #89), and Regulatory Amendments for Bering Sea Habitat Conservation:

In terms of responsible management of FWS trust resources, especially for threatened spectacled and Steller's eiders and northern sea otters, endangered short-tailed albatross, and the Pacific walrus, we consider **Alternative 3**, the gear modification approach, to be our preferred alternative. We choose this alternative because the gear modifications associated with it will reduce the effects of non-pelagic trawl fishing throughout the Alaska EEZ. **Alternative 3** will presumably result in better conservation of benthic and epibenthic resources, upon which nearly all FWS trust species in the Bering Sea depend.

We recognize that **Alternative 2**, the open area approach, would preclude fishing north of the boundary line noted in the Draft EA. However, we also note that this option would not call for gear modifications which we believe would be of benefit to our benthic-feeding trust resources in areas that are currently exploited by non-pelagic trawlers.

St. Matthew Island is a breeding area for a large number of seabirds that may strike vessels that fish close to the island. Non-breeding sea ducks such as King and Common eiders also use the coastal waters of St. Matthew Island during the non-breeding season. With this in mind, adopting **Option 1** would be of benefit to Service trust resources.

Adoption of **Option 2** would serve to protect waters that are used by smaller numbers of molting and wintering Steller's eiders. And by pre-breeding and post-breeding spectacled eiders. Non breeding Steller's eiders likely remain in the waters off this island during the entire breeding and non-breeding season.

Option 3 further extends the protected waters of **Option 2** to include Kuskokwim Bay, which is a very important molting area for Steller's eiders, with perhaps half of the listed Steller's eiders undergoing a flightless molt there. Etolin Strait is an important Pacific walrus feeding area. Migrating seaducks make extensive use of these coastal waters during both spring and fall migrations. Given this information, Adoption of **Option 3** would be of notable benefit to Service trust resources.

We strongly favor the adoption of **Option 4** in conjunction with **Alternative 3**. The benthic studies that are called for in **Option 4** could fill some key information gaps for us with respect to the effects of trawling upon the prey bases of Pacific walruses and wintering spectacled eiders. We encourage the execution of these studies, but hope that they do not focus solely upon juvenile snow crab questions.

Option 4 would allow for us to wisely manage key spectacled eider wintering grounds, important molting grounds for both eider species, and provides a measure of protection for the benthic organisms upon which these species depend. It would allow for us to conduct section 7 consultations prior to the commencement of any fishing in areas important to our trust resources. **Option 4** would allow for FWS section 7 consultation on fishing activities that are proposed for key spectacled and Steller's eider habitats, including all designated Critical Habitats, before such fishing activities occur. At the same time, choosing **Alternative 3** with **Option 4** would greatly streamline the consultation process for this particular action, likely resulting in no additional non-discretionary *terms and conditions* being imposed upon the trawl fishery beyond what already exists.

Option 5 places non-pelagic trawling off limits for a portion of spectacled eider critical habitat. In addition, it closes waters north of St. Lawrence Island that are used by wintering spectacled eiders during weather events that close all leads south of the island. Some of these birds have also been observed staging north of the island during autumn. Option 5 may also provide some measure of habitat protection to alcids that breed on St. Lawrence Island.

Related Data Gaps: The FWS has some notable information gaps for threatened and endangered trust resources that may be affected by actions being contemplated here today. First, as we have noted, the global population of threatened spectacled eiders winter between St. Lawrence and St. Matthew islands. They occupy small leads in the ice that form as the sea ice shifts in response to currents and winds. These small leads are kept ice free by the ducks themselves as they take turns diving the 30-70 meters to the bottom to feed on *Nuculana* clams. However, everything we know about the birds wintering in this area is nearly a decade old. We believe that a combination of satellite telemetry and aerial survey efforts directed towards these wintering birds is in order to update what we know about their wintertime habitat use and the distribution and abundance of the world population.

Short-tailed albatrosses are the only albatross species that makes extensive use of the Bering Sea. Satellite telemetry and opportunistic observations suggest that short-tailed albatrosses may be concentrating in an area along the US/Russia border just north of the donut hole during September. On September 29, 2004, between 152 and 329 short-tailed albatrosses were observed in a single flock at this location. To our knowledge, no scientist has made observations of this albatross flocking phenomenon. It is unclear to us whether this concentration relates to an abundant source of food in that area at that time, or whether the birds may be congregating for some other purpose, such as pair bonding prior to their migration back to the breeding colonies. Since the discovery of this albatross concentration, we have been unable to place scientists in the area to describe what is happening there, but doing so remains a high priority for us.

Should the Council find it helpful, the Service can make staff available to provide presentations on these topics at the June meeting, when research priorities are currently scheduled to be evaluated and subsequently ranked.

Southwest Alaska DPS of the Northern Sea Otter: In late February, the Department of Justice filed the response to the Center for Biological Diversity (CBD) lawsuit over failure to designate critical habitat. CBD also filed a motion for summary judgment. FWS Regional Director Tom Melius signed a settlement recommendation memo on February 28, 2007, which proposes to begin working on a critical habitat determination in October 2007, with either a proposal to designate critical habitat or not prudent determination to the Federal Register by December 2008.

The Southwest Alaska Sea Otter Recovery Team will hold their third meeting April 10-11, 2007, at the North Pacific Research Board conference room. The team has been making good progress in the development of a draft recovery plan.

Pacific Walrus: The FWS and the U.S. Geological Survey continue to analyze data collected during the April 2006 aerial survey of Pacific walrus in the Bering Sea. Members of the Russian survey team will be traveling to Anchorage for a meeting in late April, early May to compare preliminary results.

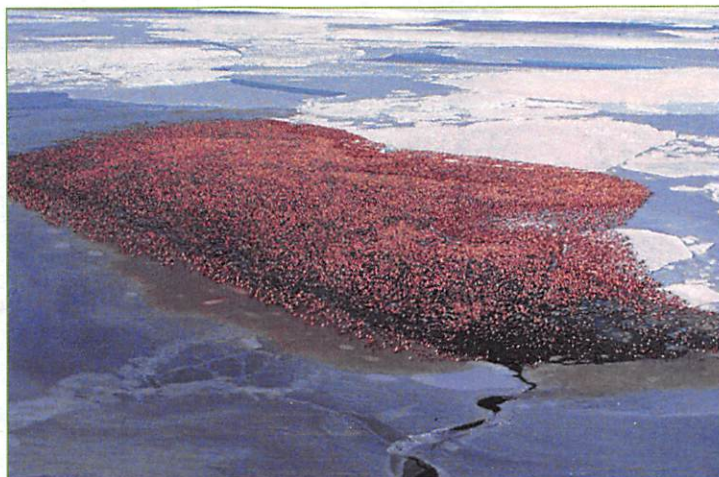


A Look at Spectacled Eiders in the Bering Sea

The world population of spectacled eiders was listed as threatened on May 10, 1993. Critical Habitat was designated in the Bering Sea and on the Yukon-Kuskokwim Delta on February 6, 2001.

Most spectacled eiders breed in Arctic Russia, where we have no population trend information. The highest breeding concentrations in Alaska occurred along the central coast of the Yukon-Kuskokwim Delta, where populations declined by over 95% between the 1970's and 1990's. The cause for this decline remains unknown. The North Slope and Yukon - Kuskokwim Delta breeding population can perhaps be best characterized as stable over the past decade.

In the U.S., this species undergoes flightless molt in Norton Sound and Ledyard Bay; areas well north of large scale commercial fisheries (we note that salmon gillnetting does occur close to the eiders that molt in Norton Sound). Spectacled eiders gather in incredibly dense flocks on their wintering areas. Their use of wintering habitat, if it has remained



Wintering flocks of spectacled eiders, such as this flock of over 80,000 birds, gather in the pack ice southwest of St. Lawrence Island.

unchanged since it was last surveyed nearly a decade ago, occurs at the northern edge of documented non-pelagic trawl fishing.

If non-pelagic trawl fishing effort creeps northward in response to changing sea ice conditions, it may adversely impact the beds of *Nuculana* clams upon which this threatened species exists during winter. The effect of trawling on *Nuculana* clams remains unknown, but the first trawls through each section of *Nuculana* bed will likely have the greatest impact. Studies conducted elsewhere suggest that non-pelagic trawling would cause the clams to experience at least a

temporary (3-4 year) period of disturbance and reduction in abundance after the initial trawl pass.

Our experience indicates that the world population of spectacled eiders remain in a few extremely large flocks during winter, and these flocks all occupy an area of ocean about 300 square miles in size (within a 10 mile radius).

We don't know if this tight distribution is a result of prey distribution or the distribution of open water leads during severe winter ice conditions. We do know that this heavy-use area shifts from year to year. However, our once-



While in breeding plumage (October to June), adult male spectacled eiders have a black chest, white back, pale green head with a long sloping forehead, and white spectacle-like patches around the eyes. From July to September, males are entirely mottled brown. Females and juveniles are mottled brown year-round with pale brown eye patches. One of the largest sea ducks, spectacled eiders average 52-56 centimeters (20-22 inches) in length.

per-year snapshot surveys don't tell us whether winter time habitat use shifts within the course of a single winter.

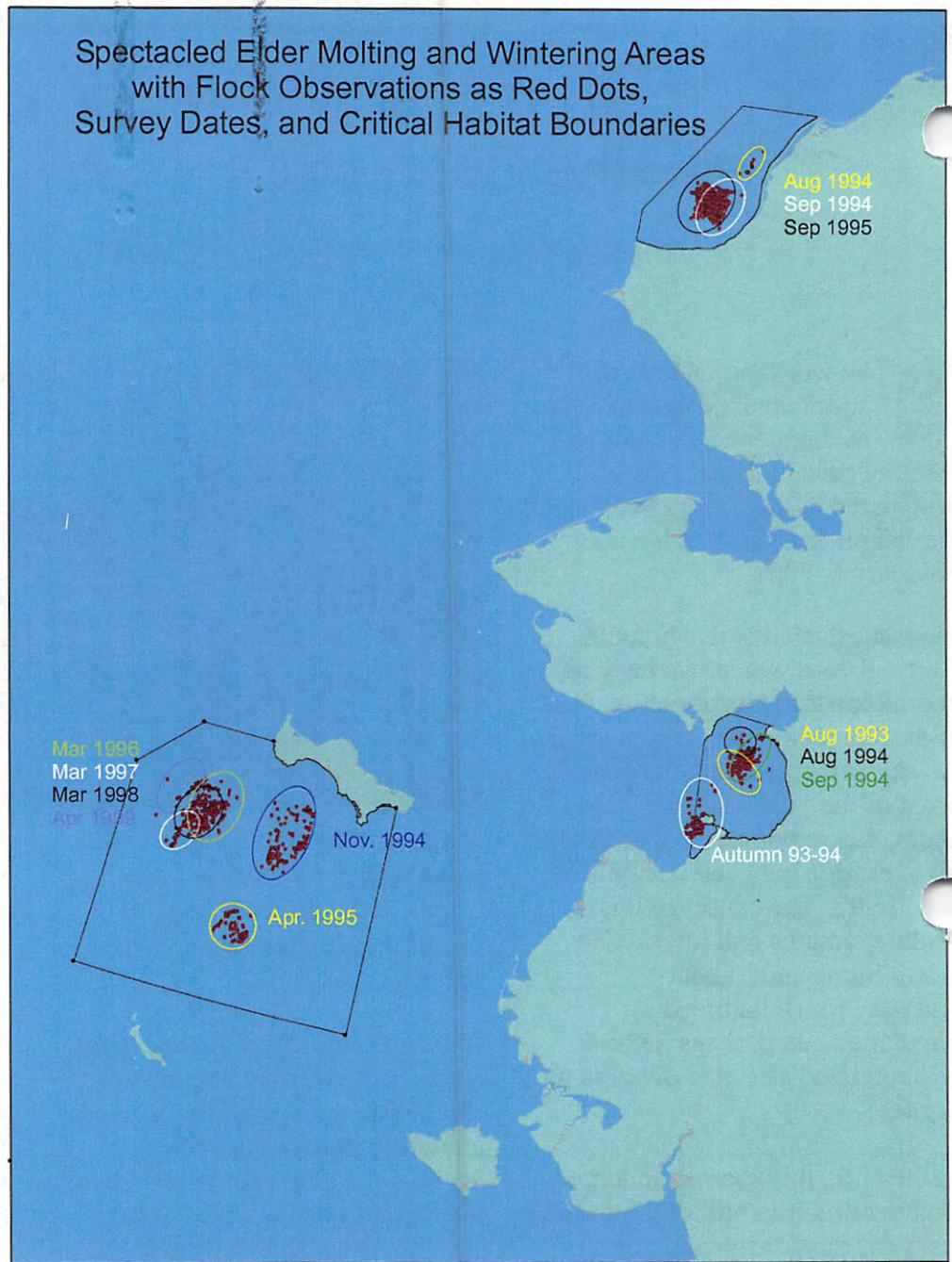
We believe that unrestricted trawl fishing in the wrong spot could result in significant localized impact to the primary constituent element of spectacled eider critical habitat, and could adversely affect this species.

We also believe that, prior to fishing in this area, it is crucial to answer the following questions:

- 1) What effects will non-pelagic trawling have upon dense *Nuculana* beds?
- 2) Do eiders always rely upon *Nuculana* clams, or do smaller *Macoma* clams sometimes become their primary prey?
- 3) What is the distribution of these birds within their critical habitat?
- 4) Do the birds move around within their critical habitat during winter?
- 5) What is the driving force behind these movements? Is it availability of food, open water, or some other factor?

The only way we know to obtain this information involves coordinated satellite tagging operations, follow-up aerial surveys, and marine-based benthic studies and eider food habits analysis. Experimental trawls through *Nuculana* beds seems to be the best way to predict the effects of trawling on dense beds of *Nuculana* (and other) clams.

Agency funding limitations have precluded us from conducting satellite tracking and wintering aerial surveys since 1998. Some benthic studies have been progressing independent of our



agency, thanks to the University of Wyoming with National Science Foundation funding. Experimental trawling has, thus far, been outside the scope of field work contemplated by our agency.

Since we last surveyed wintering eiders from the air in 1998, their winter habitat use and population status may have changed notably in response to changes in ice patterns or benthic fauna distributions. However, we cannot know this until we can obtain funding to tag birds and find them again during winter.

Conducting test trawls and follow-up benthic monitoring in dense clam beds, away from eider heavy use winter habitats, would also allow us to determine what the effects of non-pelagic trawling are likely to be upon eider prey in their Bering Sea critical habitat. Our agency is seeking opportunistic funding to undertake these works.

For further information, contact Karen Laing, eider recovery coordinator, at 907-786-3459.





Short-tailed albatross in the Bering Sea

Short-tailed albatross were listed as endangered throughout their range on July 31, 2000. Prior to that, they had long been considered endangered throughout their range except within the U.S. This odd classification was a result of an administrative error dating back to the formation of the original endangered species list. There is no designated critical habitat for this species.

Recent satellite telemetry results indicate that short-tailed albatross adults and subadults make more extensive use of the Bering Sea than do short-tailed albatross juveniles. The Short-tailed albatross is the only northern hemisphere albatross to make extensive use of the Bering Sea, primarily using waters along the Bering Sea shelf break and shelf slope regions.

Preliminary analysis of telemetry data and opportunistic sighting data suggests that there may be an annual late September congregation of short-tailed albatross near the junction of the northern tip of the donut hole and the border of the U.S. and Russian EEZ, just above a very steep drop-off of the Bering Sea shelf. An observer aboard the F/V Blue Gadus submitted photos of this congregation. Biologists estimate between 152 and 329 short-tailed albatross in this one flock. The photo series we used to derive this estimate did not show the flock edges, so the actual flock size may have exceeded 329 birds.

Such an observation is without precedent for this species except

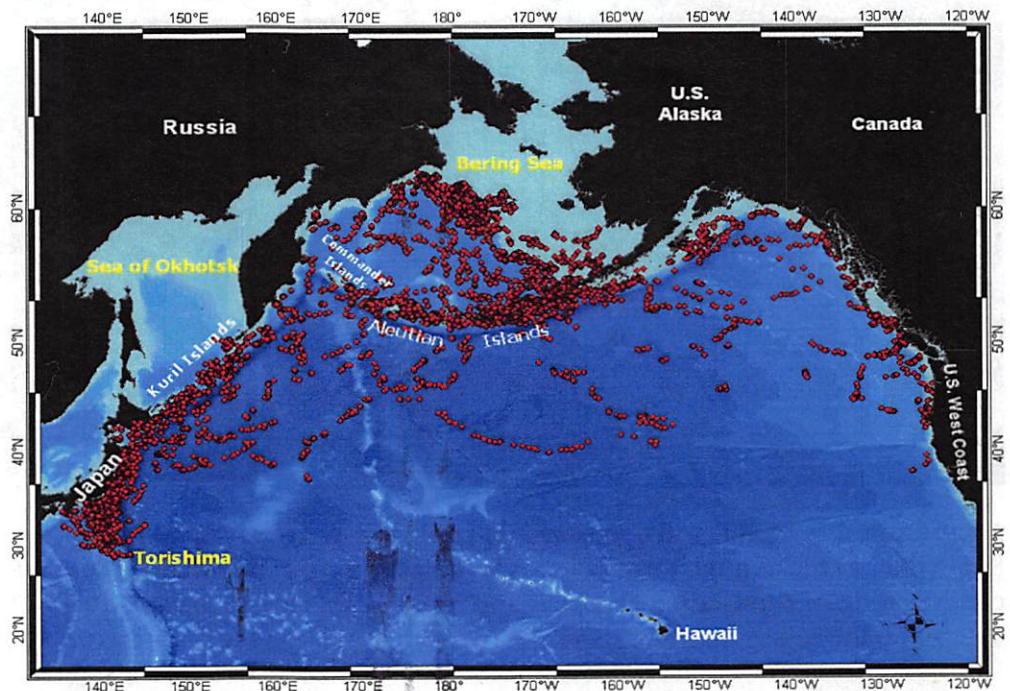


The short-tailed albatross is the largest and least numerous seabird in the North Pacific. Its wingspan can reach over 2.1 meters (7 feet). It is best distinguished by its large, bubblegum pink bill, with its blue tip and external tubular nostrils. Young birds are dark chocolate brown, gradually turning white as they grow older. Adults have an entirely white back, with a white or light gold head.

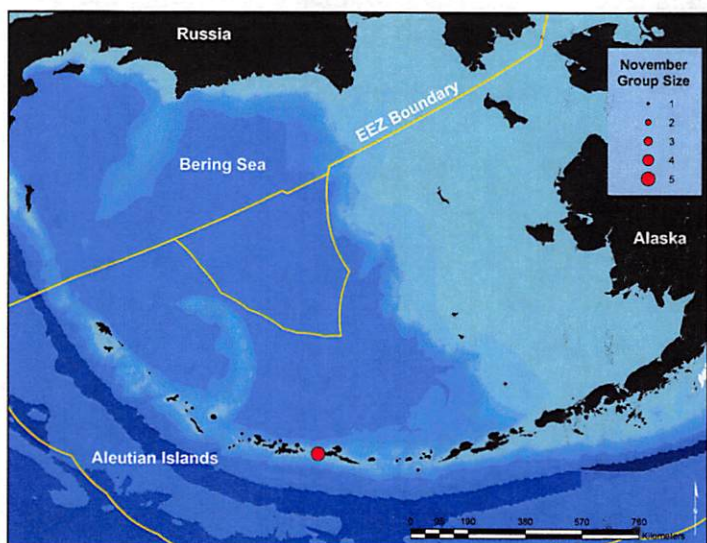
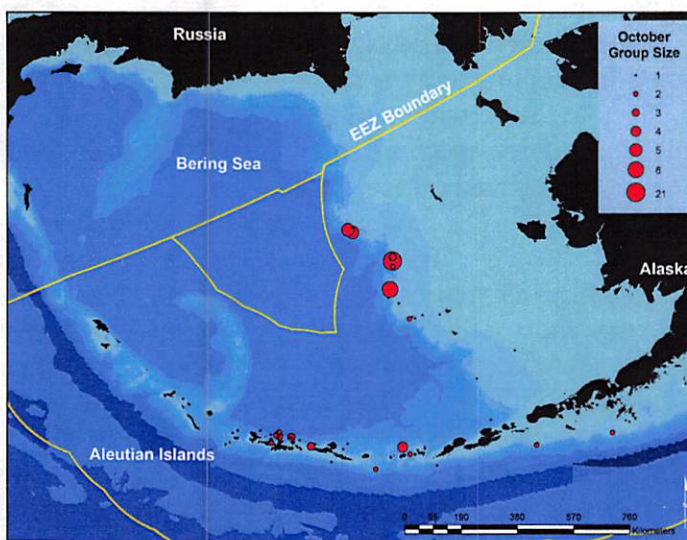
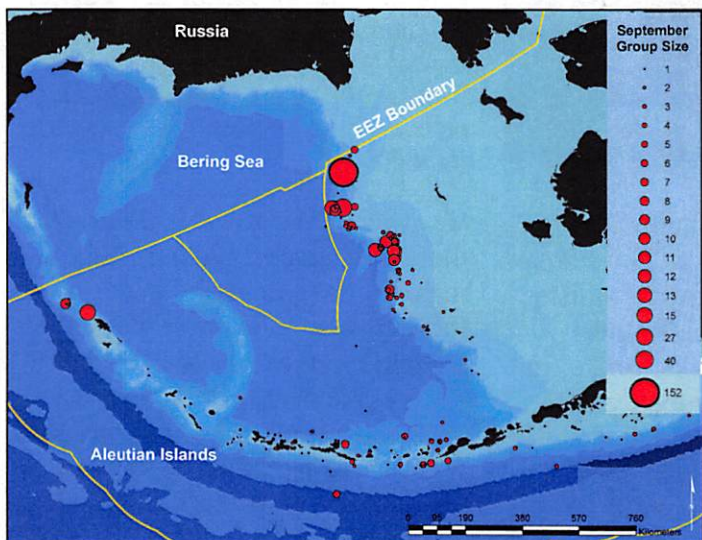
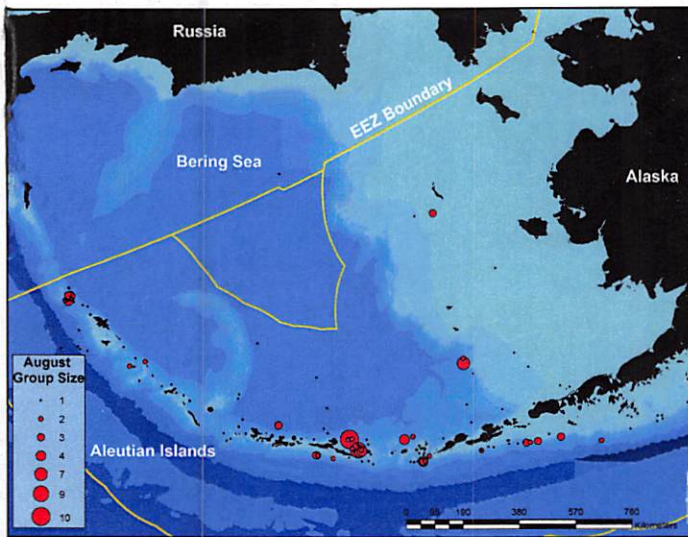
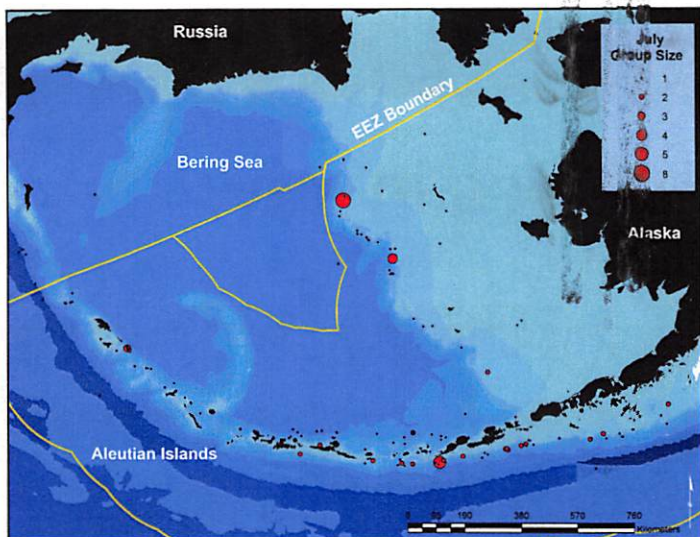
when birds are associated with the main breeding colony on Torishima Island. However, our opportunistic sighting data set contains other sightings of larger flocks from a time when the short-tailed albatross world population was considerably smaller than it is now. It seems likely that a large proportion of the world population congregates here each year during early Autumn (see graphs on following page)..

It would be unfortunate if vessels disturbed, discharged harmful material near, or towed gear through such a flock. It would be even more unfortunate if the birds congregate here to take advantage of some natural phenomenon that was subsequently altered by human activity.

The U.S. Fish and Wildlife Service is currently looking for



High quality satellite locations from 21 tagged short-tailed albatrosses that were captured from 2002-2006 in Japan and near Seguam Pass in the Aleutians.



opportunities to travel to this location in late September to make direct observations of this large congregation of short-tailed albatross and try to determine the reason they are there.

A portion of a flock of at least 152 short-tailed albatross observed by the crew of the F/V Blue Gadus on September 29, 2004 north of the Donut hole along the U.S./Russia EEZ boundary.

For more information, contact Greg Balogh, Endangered Species Branch Chief for the Anchorage Fish and Wildlife Field Office, at 907-271-2778.