



NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

605 W. 4th Ave. Suite 306
Anchorage, AK 99501
(907) 271-2809
Fax (907) 271-2817

Action Memo

File Number:REP 18-008

Agenda Date2/5/2018

Agenda Number:B7

Dan Hull, Chairman
David Witherell, Executive Director

SUBJECT:

Protected Species Report

STAFF CONTACT: Steve MacLean (NPFMC)

ACTION REQUIRED:

- Review Protected Species Report
- Action as necessary

BACKGROUND:

Bearded Seal ESA determination

The U.S. Supreme Court declined, on Monday, January 21, to review a 9th Circuit Court of Appeals ruling that confirmed the ESA listing of bearded seals in Alaska. Bearded seals were listed as threatened under the U.S. Endangered Species Act in 2012, based on the prediction that a changing climate will reduce the sea-ice habitat upon which the seals depend for molting, pupping, and resting. That ruling was successfully challenged by the Alaska Oil and Gas Association, American Petroleum Institute, the State of Alaska, and several municipalities and development groups in the U.S District Court for Alaska in 2014. The Court determined that NMFS should not have listed the species based on projections of sea ice loss 100 years into the future. The 9th Circuit Court of Appeals overturned the District Court's ruling and restored protections in 2016. By declining to hear the appeal, the Supreme Court maintains the 9th Circuit Court of Appeals decision that confirmed the ESA listing, and protections remain in place.

In a related decision, the Center for Biological Diversity has notified the U.S. Fish and Wildlife Service that it plans to sue over the decision not to grant federal protection to walrus, based on 100-year climate projections.

Alaska Bering Sea Crabbers meet with AEW

Shortly after Dr. Craig George from the North Slope Borough Department of Wildlife Management updated the Council on bowhead whale entanglement in pot or longline gear (December 2017), representatives from the Alaska Bering Sea Crabbers (ABSC) met with the Alaska Eskimo Whaling Commission (AEWC). ABSC representatives are also meeting with the AEW in Utqiagvik, Alaska on February 5-6, 2018. Staff will continue to keep the Council updated on any developments.

AFSC marine mammal update for SSC

In December 2017, the SSC requested that NMFS, AFSC staff provide updates on marine mammals for which there are conservation concerns (ESA listed, MMPA depleted listing, etc.) or for which there are unusual or unexpected results from surveys or other research activities. Staff from the AFSC, Marine Mammal Laboratory will be at this meeting to provide that update to the SSC.