



NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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Action Memo

File Number: REP 15-141

Agenda Date 6/1/2015

Agenda Number: B7

Dan Hull, Chairman
Chris Oliver, Executive Director

SUBJECT:
Protected Species Report

ACTION REQUIRED:
Review Protected Species report, action as necessary

BACKGROUND:

ESA Revisions to the regulations for petitions

On May 21, 2015, the US Fish and Wildlife Service and the National Marine Fisheries Service (Services) published a proposed rule in the Federal Register (<http://www.gpo.gov/fdsys/pkg/FR-2015-05-21/pdf/2015-12316.pdf>) that proposes changes to the regulations concerning petitions, to improve the content and specificity of petitions and to enhance the efficiency and effectiveness of the petitions process to support species conservation. The proposed revisions would clarify and enhance the procedures by which the Services will evaluate petitions under Section 4(b)(3) of the Endangered Species Act, and maximize the efficiency with which the Services process petitions. The Services are accepting comments on the proposed rule until July 20, 2015.

Humpback whale

A proposed rule to revise the listing status of the humpback whale was published by NMFS on April 21, 2015. NMFS proposes to divide the globally listed endangered species into 14 distinct population segments (DPSs), remove the current species-level listing, list two of the proposed DPSs as endangered and two as threatened. The remaining ten DPSs are not proposed for listing based on their current status. The two endangered DPSs are the Cape Verde Islands/Northwest Africa DPS, and the Arabian Sea DPS. The two threatened DPSs are the Western North Pacific and Central America DPSs. Of these, only the Western North Pacific DPS is found in U.S. Waters. The other DPSs that occur in U.S. waters are not considered for listing. This, effectively, results in a positive finding for the petition submitted by the State of Alaska to delineate the Central North Pacific (Hawaii) stock of humpback whales as a DPS and remove it from the List of Endangered and Threatened Species, and a negative finding on a petition received from the Hawaii Fishermen's Alliance for Conservation and Tradition, Inc., to classify the entire North Pacific population as a DPS and delist it.

NMFS has concluded that critical habitat for the humpback whales in the Western North Pacific and Central America DPSs is not determinable at this time, and the agency will proposed critical habitat for those DPSs in a separate rulemaking if they determine that it is prudent to do so.

The Proposed Rule is available at <http://www.alaskafisheries.noaa.gov/prules/80fr22304.pdf>. NMFS is accepting public comment on the Proposed Rule until July 20, 2015.

Cook Inlet beluga whale

On May 15, NMFS published a Draft Recovery Plan for the Cook Inlet Beluga Whale (*Delphinapterus leucas*). The most recent comprehensive survey for Cook Inlet belugas (2014) resulted in a point estimate of 240

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whales, with the population continuing to show a negative growth trend since 1999 (1.3% per year). This is down from the best available historical abundance estimate of 1,293 whales in 1979. The Cook Inlet beluga whale was listed as endangered under the US ESA in 2008. The Draft Recovery Plan is available at <http://www.alaskafisheries.noaa.gov/protectedresources/whales/beluga/recovery/draft-cibrecoveryplan051515.pdf>. NMFS is soliciting review and comment of the Draft Recovery Plan until July 14, 2015.

Steller sea lion

NMFS has published their Defendants' Memorandum in Opposition to Motion for Summary Judgement in response to the complaint filed by EarthJustice on behalf of Oceana and Greenpeace challenging the Steller sea lion protection measures put into place in the Aleutian Islands in 2015. Both briefs are available at <http://www.alaskafisheries.noaa.gov/sustainablefisheries/sslpm/>. Oral arguments are scheduled for June 29, 2015 in Anchorage, AK.