



NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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Action Memo

File Number: REP 18-034

Agenda Date 6/4/2018

Agenda Number: B8

Dan Hull, Chairman
David Witherell, Executive Director

SUBJECT:

B8 - Protected Species Report

STAFF CONTACT: Steve MacLean

ACTION REQUIRED:

Review Protected Species report, action as necessary

BACKGROUND:

Steller sea lions

On June 1, 2015, NOAA Fisheries received a report of dead sea lions on a remote beach near Softuk Bar, about 45 miles southeast of Cordova. On June 2, 2015, NOAA biologists and enforcement agents visited the site and found 15 dead Steller sea lions. Signs suggested that the sea lions had been deliberately killed. On April 12, 2018, Jon Nichols and Theodore Turgeon were charged with using a shotgun to harass and kill the Steller sea lions. Nichols was captain of the F/V Iron Hide, Turgeon was a deckhand aboard the vessel. Charging documents state that Nichols instructed his crew to use the shotgun to shoot Steller sea lions as the boat traveled to the mouth of the Copper River fishing district between May and June 2015. According to the U.S. Attorney's office, the men removed the shotgun from the vessel after learning they were under investigation and coordinated false stories among crew members, and Nichols tried to obstruct a grand jury investigation by attempting to influence crew members to provide false information. The charges include conspiracy, violations of the Marine Mammal Protection Act and Endangered Species Act, obstruction of a Marine Mammal Protection Act investigation, false statements, and obstruction.

North Pacific right whale

NMFS completed the 5-year review of the North Pacific right whale (*Eubalaena japonica*) in December 2017. Section 4(c)(2) of the Endangered Species Act requires, at least once every five years, a review of all threatened and endangered species to determine if they should be removed from the list of threatened or endangered species or changed in their listing status. The Northern right whale was listed as Endangered in 1970. In 2008 the Pacific and Atlantic species were identified as distinct, and both were listed as Endangered. The North Pacific right whale is considered to exist in two populations: eastern and western North Pacific. Critical habitat was designated for the North Pacific right whale in 2008. The first 5-year review was completed in 2012.

The North Pacific right whale population is extremely small and recovery is not anticipated in the foreseeable future. Recent sightings have shown that right whales are extant in the North Pacific, and there is evidence that reproduction may be occurring in this population. Life history characteristics including low reproductive levels, delayed sexual maturity, and reliance on high juvenile survivorship make these whales particularly vulnerable to demographic risks posed by anthropogenic mortality. Risks from entanglement and ship strikes may pose little direct threat to recovery of North Pacific right whales at this time, although any injury or

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mortality from anthropogenic activities would be significant because of the small population. Many basic life history parameters and census data necessary to perform quantitative population analyses or develop models to evaluate risk of extinction remain undetermined.

NMFS considered the best scientific and commercial data available and concluded that the data do not substantiate downlisting or delisting the North Pacific right whale. Therefore, the North Pacific right whale retains its status as endangered, with the eastern Pacific population being critically endangered.

Proposed Incidental Harassment Authorization

NMFS has posted notice of a proposed incidental harassment authorization for the Ketchikan Dock Company (KDC) for authorization to take marine mammals incidental to the Ketchikan Berth IV expansion project in Ketchikan, AK. KDC's request is for take of eight species of marine mammal (humpback whale, minke whale, killer whale, Pacific white-sided dolphin, harbor porpoise, harbor seal, Steller sea lion) by Level B harassment and Level A harassment of a small number of harbor porpoises and harbor seals. KDC proposes to expand Berth IV, its dock adjacent to downtown Ketchikan to accommodate a new fleet of large cruise ships expected to operate in Alaska in 2019. The project would involve the removal of some existing piles and structures and the installation of new piles and structures from October 2018 - January 2019. NMFS is requesting comment on the proposed IHA until June 11, 2018. Information is available at <https://www.federalregister.gov/documents/2018/05/11/2018-10017/takes-of-marine-mammals-incident-to-specified-activities-taking-marine-mammals-incident-to-the#h-45> <<https://www.federalregister.gov/documents/2018/05/11/2018-10017/takes-of-marine-mammals-incident-to-specified-activities-taking-marine-mammals-incident-to-the%23h-45>>.

Marine Debris

Scottish National Heritage (SNH) has released images showing red deer stags on the Scottish Isle of Rum with marine debris entangled in their antlers. Two of the deer died after becoming entangled in the same line, and another deer was photographed with line and an orange buoy in its antlers. There are no reports of any entangled Alaskan antlered ungulates.

