

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver *Chris*
Executive Director

ESTIMATED TIME 1 HOUR

DATE: June 2, 2003

SUBJECT: Trawl Third Wire Gear and Short-tailed Albatross

ACTION REQUIRED

Receive report on agency meeting with industry on short-tailed albatross interactions with trawl fisheries

BACKGROUND

Shortly after the Council's April 2003 meeting, John Gauvin and members of the groundfish trawl industry invited the US Fish & Wildlife Service to meet with industry to discuss the impending USFWS Biological Opinion on fishery interactions with the endangered short-tailed albatross, particularly from trawl third wire gear. The meeting was held May 7 in Seattle at the NPFVOA offices in Fishermen's Terminal and was attended by NMFS, USFWS, and Council staff, and members of the public and the groundfish fishing industry. The objectives of the meeting were to hear a presentation from the USFWS on the impending BiOp and short-tailed albatross incidental take statement, and to discuss the consequences of taking a short-tailed albatross. Industry also planned to discuss potential steps industry might consider to reduce seabird interactions with trawl third wire gear and how to document the effects of those steps over the coming years. See attached minutes from that meeting (Item B-2(a)).

The main issue potentially affecting the groundfish trawl industry is the planned incidental take limit of two short-tailed albatross; i.e. a maximum of two short-tailed albatross mortalities would be permitted in the aggregate groundfish trawl fisheries in the GOA and BSAI. This take limit would be in place from when the BiOp is published (expected in June 2003) until December 31, 2006. During this period of time, the USFWS and NMFS plan to gather additional data on seabird interactions with trawl fishing operations. Should more than two short-tailed albatross be injured or killed in trawl fishing operations during the next approximately 3 1/2 years, NMFS would be required to reinitiate consultations with the USFWS to formulate a plan to address this issue.

After the May 7 meeting, industry and the USFWS and NMFS agreed to work cooperatively on a program to better document how seabirds interact with trawl gear, especially third wire equipment, and to develop techniques that might be employed to avoid the bycatch of seabirds, particularly the endangered short-tailed albatross. Both agencies plan to contribute funds for this program; the program will be coordinated through Shannon Fitzgerald, NMFS, Alaska Fisheries Science Center and Dr. Julia Parrish, University of Washington.

Industry Meeting on Trawl 3rd Wire Interactions With Short-tailed Albatross
May 7, 2003 – NPFVOA Conference Room, Seattle
Meeting Overview

Representatives of the groundfish trawl industry met in Seattle to discuss the impending US Fish & Wildlife Service Biological Opinion on interactions between trawl gear, especially trawl 3rd wire, and the endangered short-tailed albatross (STAL). Industry invited the USFWS to attend and to answer questions about the BiOp and the proposed incidental take statement (ITS). The USFWS has indicated that the ITS would permit the take of two short-tailed albatross in the trawl fisheries between now and December 31, 2006.

The USFWS presented an overview of the history of seabird interactions with trawl 3rd wire gear, the history of consultations between the USFWS and NMFS on this issue, and the soon-to-be published BiOp and its ITS. The available data (seabird bycatch data and anecdotal observer reports) indicate that, although no documented cases of mortality to STAL have been reported from 3rd wire gear, there are cases of documented Laysan albatross, northern fulmar, and other seabird take by this gear. The USFWS believes that the Laysan albatross is a suitable proxy for how STAL might interact with trawl 3rd wire gear because of behavioral similarities between the two species and the fact that Laysan and STAL frequently are observed together feeding on offal streams and discards from trawling operations. The agencies have agreed that there has been a sufficient number of Laysan albatross mortalities in the Alaska groundfish trawl fisheries that suggest an incidental take (mortality) of STAL is possible. If a take were to occur in a groundfish trawl fishery, this would violate the terms of the ESA. Therefore, NMFS has determined that the groundfish trawl fishery, especially trawl 3rd wire gear, is "Likely to Adversely Affect" STAL; the USFWS concurs with this determination, and has prepared a BiOp and ITS as required under the ESA.

The USFWS discussed the nature of the reasonable and prudent measures (RPMs) and the terms and conditions likely to be included in the BiOp; these RPMs and terms will apply to NMFS. There likely will be reporting and data gathering requirements to more accurately define the problem and to help define a strategy for addressing any problem areas. The take limit to be published in the BiOp likely will be two STAL; that is, the take limit for the trawl industry as a whole will be two STAL mortalities over a period that ends December 31, 2006. The incidental take limit provides protection to the industry (i.e. protection from inadvertent violation of the ESA) in case a STAL mortality might occur in the future. If the ITS is exceeded (i.e. a third STAL is taken), NMFS would be required to reinitiate consultations with the USFWS.

Industry presented some ideas on how trawl 3rd wire gear might be reconfigured aboard vessels to mitigate the problem. These ideas included re-routing the wire through a snatch block that directs the wire from the gantry directly into the water, attaching a sleeved buoy on the wire that would float and create a visible disturbance where the wire enters the water, or perhaps a large plastic "slinky" that unravels as the wire is deployed making it highly visible to birds that might encounter it. Industry expressed a willingness to work with the USFWS and NMFS in designing and testing devices or rigging alternatives to mitigate the problem and to otherwise help to resolve this issue. Industry also volunteered to help the USFWS and NMFS to gather data on trawl 3rd wire and seabird interactions during fishing operations at sea. This might include providing space for an additional observer on some fishing trips or allowing video cameras to be attached for monitoring seabird behavior and wire/seabird interactions. Industry also offered to

help gather data on number of vessels, fisheries, etc. 3rd wire gear is used in. The USFWS provided some aggregated data to industry that defines the issue such as in which fisheries and in what geographic areas seabird bycatch may occur.

The meeting concluded with a general recognition and agreement that industry and the USFWS and NMFS should proceed with the development of a cooperative research and data gathering plan to obtain the information necessary to further define the problem and to help find a solution. This will include some voluntary industry support for biologist observations and/or video documentation of seabird behavior and 3rd wire interactions on board trawl vessels during the upcoming season (August - September 2003). The cooperative plan will include a specific agreement to maintain the confidentiality of data and other information gathered on board participating vessels. NMFS and the USFWS plan to contribute funds for parts of this project including deterrent devices, equipment modifications, observer costs, videocamera equipment, etc. Shannon Fitzgerald (NMFS), Julia Parrish (University of Washington), and Greg Balogh (USFWS) will take the lead in implementing this cooperative program.

Bill Wilson
NPFMC Staff
May 11, 2003

B-2
John Gauvin

Dr. James Balsiger
Regional Administrator
NMFS- F/AKR
P.O. Box 21668
Juneau, AK 99802

June 9, 2003

Re: reducing potential for trawl 3rd wire interaction with endangered short tailed albatross

Dear Dr. Balsiger:

The Groundfish Forum and At-Sea Processors Association collectively represent most of the trawl catcher-processor vessels engaged in the Bering Sea/Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish fisheries. Since last April's meeting of the North Pacific Council, our associations have been engaged in an expedited effort with scientists from the NMFS and University of Washington to identify ways to reduce the possibility of inadvertently "taking" short-tailed albatrosses (STAs) during our member vessels' BSAI and/or Gulf of Alaska fishing operations. The purpose of this letter is to give you a status report on our efforts to date.

As you will recall, the issue of possible interactions between short-tailed albatrosses and trawl vessels was raised by the U.S. Fish and Wildlife Service (USF&W) at the meeting of the Council in Anchorage. The USF&W was concerned that short-tailed albatross might be in danger of becoming entangled in the "third wires" utilized by most trawl vessels to monitor net deployment. Although no such birds are known to have been taken in connection with trawling operations in the past, the members of our associations are interested in doing everything reasonably possible to minimize the chance of such takes in the future.

On May 7th, representatives of our respective associations and other trawl groups held an informational meeting with NMFS and USF&W officials who are working on a draft biological opinion and incidental take statement designed to address the third wire issue. Also attending the meeting was Dr. Julia Parrish, a seabird specialist from the University of Washington. Dr. Parrish helped develop bird deterrent procedures for the North Pacific Longline Association. The purpose of the meeting was to discuss the third wire issue and to explore various ways in which the possibility of inadvertent STA takes could be minimized. To facilitate the discussions, vessel captains met with industry representatives just prior to the organizational meeting to discuss possible mitigation devices based on their experiences on the fishing grounds. These meetings were very productive and the end result was a commitment from the major trawl associations and

their respective members to collaborate with NMFS and the USF&W in an effort to identify possible devices and/or techniques that might be employed to deter bird interactions with the third wires. We also agreed to start work on an experimental protocol that could evaluate the effectiveness of such mitigation devices/techniques.

Toward this end, we held several subsequent meetings with NMFS scientists and Dr. Parrish in an effort to develop a plan of action for trawl vessels that process at-sea. Our subsequent discussions focused on experimental designs and the data and other information necessary to identify the best conditions under which to evaluate the effectiveness of the bird deterrent devices we wanted to test. Our original plan was to initiate formal experiments as early as the beginning of the pollock "B" season this summer.

Some of the ideas we identified for further evaluation included: (1) "snatch blocks" attached to the stern of the vessel that route the third wire underwater closer to the vessel stern; (2) sleeved buoys through which the third wires would run and which would create a noticeable disturbance where the wire enters the water—thereby scaring birds away from the wire; (3) tori lines similar to those used by the longline fleet to scare birds away from the area where the third wire is suspended in the air as it stretches from the vessel to the net; (4) directional acoustical devices such as those used at airports and other facilities to scare birds away from sensitive areas; and (5) re-routing of offal discharge chutes so that offal would be released underwater and remain submerged until the third wire has passed out of the area.

As we began to evaluate research designs and the other preparations needed to adequately test and compare the efficacy of such mitigation strategies, it soon became clear that there were some technical, logistical, personnel, liability and perhaps other legal issues that needed to be addressed before such experiments could begin. Considering this, we concluded that our plan to initiate a full-blown formal experiment this summer was overly ambitious. In addition, the cost of the proposed program escalated as did the share of those costs that our associations would be expected to bear.

Under the circumstances, and rather than risk jeopardizing the chances of getting meaningful and informative results from the experiments we have in mind, our respective memberships have come to the conclusion that the most prudent course of action is to defer implementation of the experiments until the 2004 fishing year. This will enable the industry to spend the next several months working on the careful identification and design of the mitigation devices we want to test. It will also provide the industry and the government scientists an opportunity to fine-tune the experimental protocols that need to be followed in testing such devices.

The extra time will also help us deal with the funding, logistical and other remaining issues in a more deliberate fashion. In the meantime, the industry plans to utilize this summer's fishery as an opportunity to do some informal experimentation with some of the mitigation devices we have identified as possible solutions to the third wire issue. A

number of vessels have already left for the fishing grounds with prototypes of such devices onboard for preliminary testing purposes.

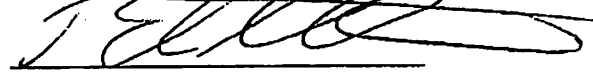
In deciding to go a bit slower on the proposed research program, we want to acknowledge the assistance of Mr. Shannon Fitzgerald of the Alaska Fisheries Science Center and Dr. Parrish. We very much appreciate their extraordinary efforts to design an experimental program in such a short time frame. We believe this initial work will facilitate the development of an experimental design for next year once we settle on a device (or at least a shorter list of devices) to test. We suspect that they too will welcome a more realistic planning schedule—a schedule that enables all of us to work together to resolve any remaining issues concerning the experimental protocols and logistics to effectively deploy the equipment and personnel needed to conduct the field research. The end result will hopefully be a more efficient, cost-effective and successful experiment.

In closing, we would like to reiterate how much we appreciate the time that you and the staffs of NMFS, the Alaska Fisheries Science Center, USF&W and Dr. Parrish have spent on this project to date. We look forward to continued collaboration with you all and are firmly convinced that we will be able to find a satisfactory solution to the third wire issue that will alleviate any and all concerns about the possibility of inadvertent interactions between our vessels and STAs.

If you have any questions about this letter or the action plan described herein, please give either myself or Trevor McCabe a call. Otherwise, we will be available to answer any questions that you or any of the other council members might have at the meeting this coming week in Kodiak.

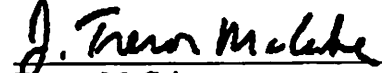
Sincerely,

Groundfish Forum



T. Edward Luttrell

At Sea Processors Association



Trevor McCabe

CC: Dave Benton, NPFMC