



August 15, 2018

Dear Chair Phil Anderson and Council Members:

Re: F.7 Future Council Meeting Agenda

The Pacific Seabird Group (PSG) is an international, non-profit organization that was founded in 1972 to promote knowledge, study, and conservation of Pacific seabirds with a membership drawn from the entire Pacific basin, including Canada, Mexico, Japan, China, Malaysia, Australia, New Zealand, and the USA. Among PSG's members are biologists who have research interests in Pacific seabirds, government officials who manage seabird refuges and populations, and individuals who are interested in marine conservation. PSG members serve as scientific experts and conservation leaders within their local communities. Collectively, the Group's members have a great deal of knowledge and experience with respect to seabird conservation and bycatch mitigation.

The Pacific Seabird Group gratefully acknowledges your great efforts in mitigating seabird bycatch in the fisheries industry. We now request the Council add the agenda item: "ESA mitigation measures for seabirds" to the November 2018 Council meeting. This agenda item appears on the Year at a Glance for the September 2018 meeting, but is not included in the detailed agenda for the upcoming meeting. Council attention is necessary to ensure NOAA's legal compliance with the Incidental Take Statement for the federally Endangered Short-tailed Albatross, described in the May 2017 Biological Opinion<sup>1</sup> for the continued operation of the west coast groundfish fleet. Council attention to ensure compliance with these requirements will also support the U.S. Environmental Protection Agency (EPA) in meeting its related non-discretionary requirements for its NPDES permit for the west coast groundfish fleet. Finally, Council action will protect other species of seabirds, especially Black-footed Albatross.

We request that at the November 2018 Council meeting:

1. The Council supports the development of regulations for Reasonable and Prudent Measure (RPM) #1, requiring that new or amended regulations for longline fisheries be put in place by May 2020.

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<sup>1</sup> U.S. FWS. 2017. Biological Opinion Regarding the Effects of the Continued Operation of the Pacific Coast Groundfish Fishery as Governed by the Pacific Coast Groundfish Fishery Management Plan and Implementing Regulations at 50 CFR Part 660 by the National Marine Fisheries Service on California Least Tern (*Sterna antillarum browni*), Southern Sea Otter (*Enhydra lutris nereis*), Bull trout (*Salvelinus cojiifluentus*), Marbled Murrelet (*Brachyramphus marmoratus*), and Short-tailed Albatross (*Phoebastria albatrus*), and Accompanying Incidental Take Statement. May.

2. NMFS, the Groundfish Management Team, Groundfish Advisory Panel, issue experts and the Endangered Species Work Group provide an update to the Council and the public on progress on the Terms and Conditions (T&C's) for RPMs, all of which are non-discretionary.
3. The Council include seabird ESA activities on its 2019 meeting agendas to allow further reporting, discussion, action on this issue with potential Council motions related to implementation of the RPMs and T&C's.

In May and September 2017, USFWS issued Biological Opinions to NMFS and EPA<sup>2</sup>, respectively, for continued operation of the West Coast groundfish fishery. The Biological Opinions include inter-related, non-discretionary Terms and Conditions requiring immediate compliance. At the Council's November 2017 meeting, USFWS staff presented the *Biological Opinion West Coast Groundfish Fishery for Short-tailed Albatross*.<sup>3</sup> This presentation underscored that Council attention is urgently needed in order for NMFS to comply with Section 9 requirements for Short-tailed Albatross under the U.S. Endangered Species Act: to not exceed an Incidental Take of one actual one bird over two years, or estimated five birds over two years. Completing these required actions will also ensure that the groundfish fleet minimizes bycatch of Black-footed Albatross (BFAL), a near-threatened<sup>4</sup> species which may be stable or declining, and which faces a number of threats on its Hawaiian breeding islands and at sea.

As summarized above, Council attention is needed to support the following non-discretionary Terms and Conditions:

- **T&C (a) for RPM #1 requires new or amended regulations be put in place by May 2020.**

These new or amended regulations require the use of streamer lines on boats 26 feet or more in length, or, setting longlines after civil twilight. These new regulations will build on regulations put in place in 2015 requiring streamer lines on vessels 55 feet or more in length.<sup>5</sup> Recent collaborative fisheries research has shown that streamers are not needed at night, and avoiding the use of streamers at this time will increase fleet profitability.<sup>6</sup>

- **T&C's (b-d) for RPM #1, and RPM's #2-5, require immediate compliance.**

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<sup>2</sup> U.S. EPA. 2017. Biological Opinion for the General NPDES Permit for Offshore Seafood Processing Discharge within Federal Waters off the Coasts of Washington and Oregon (Permit Number W AG520000, FWS Reference No. 01EOW00-2017-F-0495). September.

<sup>3</sup> [https://www.pcouncil.org/wp-content/uploads/2017/11/F7a\\_Sup\\_USFWS\\_Presentation1\\_STAL\\_PCGF\\_Consultation\\_Todd\\_NOV2017B.pdf](https://www.pcouncil.org/wp-content/uploads/2017/11/F7a_Sup_USFWS_Presentation1_STAL_PCGF_Consultation_Todd_NOV2017B.pdf)

<sup>4</sup> IUCN. 2018. <http://www.iucnredlist.org/details/22698350/0>

<sup>5</sup> <https://www.federalregister.gov/documents/2015/11/18/2015-29249/fisheries-off-west-coast-states-pacific-coast-groundfish-fishery-seabird-avoidance-measures>

<sup>6</sup> Gladics, A., E. Melvin, R. Suryan, T. Good, J. Jannot, and T. Guy. 2017. Fishery-specific solutions to seabird bycatch in the U.S. West Coast sablefish fishery. *Fisheries Research* 196: 85-95.

The Biological Opinion requires a suite of other non-discretionary T&C's related to minimizing the risk of Short-tailed Albatross (STAL) interaction with trawl cables, through additional research as well as operationalizing measures to minimize albatross interaction with trawl gear. Hake catcher-processor vessels attract seabirds through the release of offal; trawl vessels that do not release offal are not considered a significant threat to albatrosses.<sup>7</sup> Albatrosses with their long wings are more susceptible to cable strikes than smaller seabirds such as petrels.

Existing and emerging information shows albatrosses are extremely vulnerable to cable strikes in catcher-processor trawl fisheries on 3<sup>rd</sup> wire and warp cables. In southern hemisphere fleets, third wires are banned on these trawlers due to high levels of albatross strikes and mortalities. Years of observer data from the west coast groundfish fleet show substantial interaction of the trawl fleet with STAL.<sup>8</sup> This information was collected opportunistically and is difficult to interpret, leading NMFS and industry in 2016 to plan and implement a directed study in which observers watched for cable strikes on all nine hake catcher-processor vessels.

The first set of findings from this study are described in Jannot et al (2018),<sup>9</sup> which counted hard strikes on all nine of these vessels and developed an extrapolated estimate of 458 hard strikes and 58 deaths of BFAL in the fishery in 2016 and spring 2017. This may mean as much as 0.35% of the entire global population of BFAL experienced a hard strike on one of the west coast groundfish fleet's nine hake catcher-processor vessel in this time period alone, and at least 12% of those birds were killed. Given that the population of STAL is about 3.5% that of BFAL, and growing, it's clear that a full understanding as well as timely avoidance measures for albatross cable strikes in the catcher-processor fishery are urgently needed in order to ensure compliance with the Incidental Take allowance, as well as protect BFAL and other seabirds.

Fortunately, industry, NMFS, EPA, USFWS, and Sea Grant have been collaborating to understand and prevent albatross and other seabird cable strikes in the fleet. In 2017, NOAA's Northwest Fisheries Science Center, Alaska Fisheries Science Center, and Alaska Regional Office convened the "U.S. West Coast and Alaska Trawl Fisheries Seabird Cable Strike Workshop." The goal of the workshop was to "develop and prioritize mitigation measures for seabird cable strikes and brainstorm implementation hurdles and next steps for priority mitigation measures."

In sum, a number of interconnected and required regulations, collaborative research programs, and mitigation strategies to protect endangered and at-risk seabirds require

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<sup>7</sup> U.S. EPA. 2017. Revised Biological Evaluation for the General NPDES Permit for Offshore Seafood Processing Discharge within Federal Waters off the coasts of Washington and Oregon (Permit No. W AG520000). June. <https://www.epa.gov/sites/production/files/2017-08/documents/r10-npdes-offshore-seafood-gp-wa-or-wag520000-correspondence-usfws-revised-be-06-19-2017.pdf>

<sup>8</sup> Biological Opinion for NMFS, Table 5.

<sup>9</sup> Jannot, J. E., T. Good, V. Tuttle, A. M. Eich, and S. Fitzgerald, editors. 2018. U.S. West Coast and Alaska Trawl Fisheries Seabird Cable Strike Mitigation Workshop, November 2017: Summary Report. U.S. Department of Commerce, NOAA Technical Memorandum NMFSNWFSC-142. <https://doi.org/10.7289/V5/TM-NWFSC-142>

immediate Council attention and support as described above. Our organizations have a high level of interest in ensuring the requirements and recommendations of the Biological Opinion are completed in a robust and timely manner, in order to protect our magnificent North Pacific albatrosses for future generations. We urge the Council to avoid further delay in providing the needed level of guidance and support.

Thank you very much for your time, and your commitment to healthy oceans and bountiful fisheries.

Sincerely,

A handwritten signature in black ink, reading "Mark Rauzon". The signature is fluid and cursive, with the first name "Mark" and last name "Rauzon" clearly distinguishable.

Mark Rauzon  
Vice-Chair for Conservation  
Pacific Seabird Group  
[conservation@pacificseabirdgroup.org](mailto:conservation@pacificseabirdgroup.org)