UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

April 19, 2006

MEMORANDUM FOR: Kaja Brix
Assistant Regional Administrator
For Protected Resources

FROM: Susan Salveson
Assistant Regional Administrator
For Sustainable Fisheries

SUBJECT: Reinitiation of Endangered Species Act (ESA) Section 7 Consultation for the Alaska Groundfish Fishery Management Plans (FMPs).

I request reinitiation of ESA Section 7 formal consultation on the effects of the federal groundfish fisheries on ESA-listed cetaceans, sea turtles, Steller sea lions and proposed and designated critical habitats. The section 7 consultation for Pacific salmon currently is being conducted by the NMFS Northwest Region which maintains the expertise on ESA-listed salmon species. The action being consulted on includes the State of Alaska parallel groundfish fisheries (see Attachment 1) and the Federal groundfish fisheries as authorized under the following FMPs:

- FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI), January 2005
- FMP for Groundfish of the Gulf of Alaska (GOA), January 2005

We consider this consultation to be a mid-term evaluation of fishery effects on listed species for which we already have an FMP-level biological opinion in place that was completed in November 2000 (FMP BiOp) and supplemented in 2001 with a biological opinion evaluating fishery effects on the western distinct population segment (DPS) of Steller sea lions and their critical habitat (2001 BiOp). Since the conclusion of the FMP BiOp and the 2001 BiOp, all subsequent modifications to the action have been considered through additional consultations, and thus have already undergone review under the ESA. These consultations have concluded that the current federal and parallel groundfish fisheries are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of such species during the time period that the new FMP-level consultation is conducted.

On October 18, 2005, the Council requested that NMFS reinitiate consultation on the FMP BiOp and evaluate all new information that has developed since the previous consultations. New

information would be useful as the Council considers potential changes to the Steller sea lion protection measures implemented in the fisheries. Based on the Council's request, reinitiation of formal consultation is prudent to allow consideration of the latest information as the Council reexamines the Steller sea lion protection measures and their effectiveness.

The attached biological assessment (BA) provides the information necessary to initiate consultation. Each element required by 50 CFR 402.14(c) is addressed in parts of the BA as identified below.

- A description of the action: Section 1.0, Section 2.0., Appendices A and B
- A description of the action area: Section 2.0
- A description of ESA-listed species and critical habitat affected by the action: Section 3.0
- A description of the manner in which the action may affect ESA-listed species and critical habitat: Section 3.0
- Cumulative Effects: Section 4.0
- Relevant reports: Section 5.0 and Section 7.0

In response to your March 13, 2006, memorandum requesting assistance for the consultation, we included several items in the BA as follows:

- Updated maps of fisheries management areas: Section 2.5 and Appendix A
- Updated harvest specifications tables: Section 2.6
- Updated maximum retainable bycatch tables: Section 2.6
- Updated regulatory allocations of total allowable catch by season, gear, sector, and area: Section 2.6
- Updated maps of Steller sea lion protection areas: Appendix A
- Description of temporal dispersion of the Atka mackerel fishery by season: Appendix B

The four remaining items in your memorandum requested from Sustainable Fisheries will be provided before May 15, 2006.

Section 3 of the attached BA provides our determinations on whether the Alaska groundfish fisheries are likely to adversely affect listed species or their critical habitat. These determinations are based on evidence of historical interaction or the potential for interaction between listed species and the groundfish fisheries. We understand that our determinations will be assessed as part of the consultation process and that your expert review of the available information and data may lead to modified conclusions.

Attachments (2)

Attachment 1

STATE OF ALASKA

FRANK H. MURKOWSKI
GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

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March 31, 2006

Mr. Doug Mecum, Acting Regional Administrator
National Marine Fisheries Service
NOAA, U.S. Department of Commerce
P.O. Box 21668
Juneau, AK 99802-1668

Dear ~~Mr. Mecum~~ Doug:

Thank you for your recent letter regarding the Endangered Species Act (ESA) Section 7 consultation on the effects of Alaska groundfish fisheries on ESA-listed marine mammals and sea turtles. The State of Alaska accepts the invitation to participate in the Section 7 consultation for the Bering Sea and Aleutian Islands Management Area and the Gulf of Alaska groundfish fishery management plans (FMP) with regard to the state-managed parallel groundfish fisheries. The parallel groundfish (Pacific cod, Atka mackerel, and pollock) fisheries are those fisheries managed by the state using the same harvest limits, seasons, and area restrictions as the federal fisheries.

Staff from the Alaska Department of Fish & Game will be available to work with National Marine Fisheries Service during the consultation process. We also plan to update the October 2000 overview document that described the effects of all state-managed fisheries on Steller sea lions. We look forward to participating in the FMP-level review of Alaska's groundfish fisheries.

Sincerely,

Mckie Campbell
Commissioner