

## SEABIRD AVOIDANCE REGULATIONS

In 2012, the U.S. Fish and Wildlife Service (USFWS) published a biological opinion considering the effects of West Coast groundfish fisheries to Endangered Species Act (ESA) listed marine species, including seabirds (see <http://tinyurl.com/nl4ye3u>). The opinion includes reasonable and prudent measures (RPMs), terms and conditions, and conservation recommendations<sup>1</sup> to minimize take of seabirds, particularly the endangered short-tailed albatross. The RPMs stipulate that the National Marine Fisheries Service (NMFS) shall 1) minimize the risk of short-tailed albatross interactions with commercial hook and line gear, 2) establish a work group as an advisory body to NMFS and USFWS for the purposes of reducing risk to short-tailed albatross (and other ESA-listed species), 3) monitor and report all observed, reported, and estimated short-tailed albatross take as well as report on the efficacy of avoidance and minimization measures, and 4) facilitate the salvage of short-tailed albatross carcasses taken by longline gear.

In June 2013, NMFS prepared a preliminary draft Environmental Assessment (EA) and associated regulations, in response to the RPMs, for Council consideration. In addition to No Action (labeled Alternative 1 in the draft EA), the Council adopted two alternatives for public review. Alternative 2 would require that streamer lines be deployed during setting operations on commercial longline vessels 55 feet or greater in length with a safety exemption in the event of rough weather, which is defined as 35 knot winds or Beaufort 9 conditions. Proposed regulations would also minimize offal discharge and require that baited hooks sink as soon as they are put in the water to minimize seabird interactions. Procedures for reporting and salvaging short-tailed albatross carcasses taken by longline gear are also proposed. Alternative 3 is the same as Alternative 2, except that it would not provide for a rough weather exception.

The NMFS revised the draft EA and associated regulations (see Appendix A of the EA), in response to Council action at the June meeting (Agenda Item H.1.b, Preliminary Draft EA, November 2013). NMFS also added a new alternative (Alternative 4), which would include a rough weather exemption with the exact threshold to be determined through outreach and the rule-making process. Alternative 4 also removes the offal and sink rate provisions from the regulations relying on public outreach to accomplish the underlying objectives. The Council should review the draft EA and regulations, provide guidance, and select a final preferred alternative.

### **Council Action:**

**Adopt final seabird avoidance regulations for groundfish fisheries.**

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<sup>1</sup> Reasonable and prudent measures are non-discretionary measures to minimize the amount or extent of incidental take. Terms and conditions are non-discretionary terms to implement the reasonable and prudent measures. Conservation recommendations are suggestions regarding discretionary measures to minimize or avoid adverse effects on listed species or critical habitat or regarding the development of information.

Reference Materials:

1. Agenda Item H.1.b, Preliminary Draft EA: Measures to Minimize Take of Short-tailed Albatross in the Pacific Coast Groundfish Fisheries.

Agenda Order:

- a. Agenda Item Overview Kelly Ames
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Adopt Final Seabird Avoidance Regulations for Groundfish Fisheries

PFMC  
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