

HUMPBACK WHALE AND LEATHERBACK SEA TURTLE BIOLOGICAL OPINION

In April 2024, the National Marine Fisheries Service (NMFS) informed the Pacific Fishery Management Council (Council) that they requested reinitiation of Endangered Species Act (ESA) consultation on the ongoing operation of the Pacific Coast Groundfish Fishery (PCGF) based on new information on recent interactions with hook and line and trawl gears. This request included consideration of the Council's gear marking action (anticipated to be implemented in 2026). NMFS also requested the voluntary initiation of consultation for leatherback sea turtles and their critical habitat. While none of the triggers from the 2012 Biological Opinion (BiOp) were met, given the similarities in vulnerabilities with fixed gear entanglements as humpback whales, it was deemed an efficient use of NMFS resources to reinitiate.

The 2024 BiOp (Attachment 1) concluded the PCGF is not likely to jeopardize the continued existence of either the Mexico Distinct Population Segment (DPS) or the Central America DPS of humpback whale or leatherback sea turtles or destroy or adversely modify their critical habitat. The BiOp's incidental take statement specified new incidental take amounts for both species and detailed six nondiscretionary Terms and Conditions (T&C) designed to minimize the impact of the amount or extent of incidental take.

NMFS will provide an overview of the 2024 BiOp to the Council and discuss any next steps at this meeting.

Council Tasks:

Council Discussion and Comment, as Appropriate.

Reference Materials:

1. Agenda Item H.2, Attachment 1: Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion Continuing Operation of the Pacific Coast Groundfish Fishery and Effects to Humpback whale (*Megaptera novaeangliae*) and Leatherback sea turtle (*Dermochelys coriacea*)(***Electronic Only***).
2. If received, Public Comments are electronic only ([see e-portal](#)).

Agenda Order:

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| H.2 | Humpback Whale and Leatherback Sea Turtle Biological Opinion | Jessi Waller |
| a. | NMFS Report | Dan Lawson |
| b. | Reports and Comments of Management Entities and Advisory Bodies | |
| c. | Public Comment | |
| d. | Council Discussion and Comment, As Appropriate | |