



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Anchorage Fish & Wildlife Field Office
605 West 4th Avenue, Room G-61
Anchorage, Alaska 99501-2249

in reply refer to
WAES

January 13, 2003

2003 JAN 16 AM 9:00
RECEIVED FISHERIES
NATIONAL MARINE FISHERIES
HALL ROOM

Mr. James Balsiger
Administrator, Alaska Region
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
PO Box 21668
Juneau, Alaska 99802-1668

Re: BSAI Crab Fishery Management Plan (*consultation number 2002002*)

Dear Mr. Balsiger,

This letter is in response to your August 20, 2002 letter requesting concurrence with your determination that implementation of the Bering Sea/Aleutian Island King and Tanner Crab Fishery Management Plan (FMP), as modified, is not likely to adversely affect listed species or critical habitat. Eight species of crab are regulated under the management plan. The management area covered by the FMP is defined as those waters of the U.S. EEZ that lie south of Point Hope, east of the U.S.-U.S.S.R. convention line of 1867, and extend south of the Aleutian Islands for 200 miles between the convention line and Scotch Cap Light. Crabs are taken in pots, catch is processed both onshore and at sea, and seasons occur in fall, winter and early spring, depending on the fishery.

On April 8, 2002, the Service received the Biological Assessment for the BSAI Crab Fishery Management Plan (FMP) prepared by the National Marine Fisheries Service, Alaska Region (NMFS). The biological assessment analyzes the effects of the Bering Sea/Aleutian Island king and tanner crab fisheries, as conducted under the management plan, on the endangered short-tailed albatross (*Phoebastria albatrus*), and the threatened Steller's eider (*Polysticta stelleri*), and spectacled eider (*Somateria fischeri*) or their critical habitat. Service and NMFS staff have been informally consulting on this action since April 2001 at which time the Service expressed concern about potential for Steller's eiders to strike lighted vessels in low weather and at night in areas where crab fisheries overlap with areas used by this species. We have anecdotal evidence documenting that Steller's eiders may collide with lighted vessels.

The outcome of staff negotiations over past months is a mutually agreed upon change to the Alaska Department of Fish and Game Observer Program reporting protocol. Henceforth, not only will fishery-related interactions with listed species be reported when they exist, but the lack of such encounters will be reported when appropriate at the conclusion of each season. Observers will report fishery-related interactions with listed seabird species when they occur on an encounter form. At the conclusion of each season, the ADF&G Observer Program will summarize all observed encounters between listed bird species and vessels, including the lack of

encounters, on a summary form. The Observer Program will submit the completed encounter and summary forms to the Anchorage Fish and Wildlife Field Office, 605 West 4th Avenue, Room G-61, Anchorage, Alaska 99501, within 45 days of the conclusion of each BSAI crab fishing season. Copies of the encounter and summary forms are attached.

The modifications detailed in this letter will go far in improving the reliability of the ADF&G observer program in defining the extent of fishery/seabird interactions in the BSAI crab fisheries. Therefore, the Service concurs with your determination that implementation of the BSAI crab fisheries management plan as modified above is not likely to adversely affect listed species. Preparation of a biological assessment or further consultation under section 7 of the Act regarding this project is not necessary at this time. If project plans change, additional information on listed or proposed species becomes available, or new species are listed that may be affected by the project, consultation should be reinitiated.

This letter relates only to federally listed or proposed species and/or designated or proposed critical habitat under our jurisdiction. It does not address species under the jurisdiction of National Marine Fisheries Service, or other legislation or responsibilities under the Fish and Wildlife Coordination Act, Clean Water Act, National Environmental Policy Act, or Bald and Golden Eagle Protection Act.

This concludes section 7 consultation on the implementation of the Bering Sea/Aleutian Island King and Tanner Crab Fishery Management Plan (FMP), as modified. If you have any questions please contact me at (907) 271-2781. In future correspondences regarding this project please refer to consultation number 2002002.

Sincerely,



Charla Sterne
Endangered Species Biologist

cc: Mary C. Schwenzfeier, ADF&G
Kim Rivera, NMFS
Gretchen Harrington, NMFS



BSAI Crab Fishing Season Endangered Species Encounter Summary Form (Short-tailed albatross, spectacled eider, Steller's eider)

Number of encounters and sightings recorded on report forms:

Spectacled eider

Number of lethal encounters: _____

Number of non-lethal encounters: _____

Number of sightings: _____

Steller's eider

Number of lethal encounters: _____

Number of non-lethal encounters: _____

Number of sightings: _____

Short-tailed albatross

Number of lethal encounters: _____

Number of non-lethal encounters: _____

Number of sightings: _____

Additional encounters and sightings reported at season debriefing:

Date	Location/Coordinates	Number Observed	Comments (Injuries etc)

No Encounters or Sightings

Based on observer notes, encounter reporting forms, and season debriefing statements, I certify that no encounters with threatened or endangered species occurred during the _____ (month/year) BSAI _____ (species) crab fishing season.

Signature

Date

**Please return completed form to: Greg Balogh, U.S. Fish and Wildlife Service
605 West 4th Avenue, Room G-61
Anchorage, Alaska 99501**



Endangered Species Encounter Reporting Form

(Short-tailed albatross, spectacled eider, Steller's eider)

Your Name, Address, Phone		Vessel Name and ADF&G No.:	
Check one: <input type="checkbox"/> Fisherman <input type="checkbox"/> Fishery Observer <input type="checkbox"/> Non Fishery-related boater <input type="checkbox"/> Non Fishery-related Scientist <input type="checkbox"/> Other (Explain)		Date of Encounter(s): Describe weather and light level when encounter occurred.	
If bird(s) observed from a fishing vessel, which fishery was this vessel participating in when encounter occurred?		Location or Geographic Coordinates of Encounter(s):	
Briefly describe the bird(s).		How many did you see of each? <input type="checkbox"/> Adult bird(s) <input type="checkbox"/> Immature bird(s) <input type="checkbox"/> Uncertain of age	
Where birds injured or killed? If yes, list number of each species and sex and explain how they were injured or killed. (e.g. struck rigging, came up in gear, shot by someone).			
Additional sightings:			
Date	Coordinates	Number Seen	Number injured or killed and how killed
Please return completed form to: Greg Balogh, U.S. Fish and Wildlife Service 605 W. 4th Ave. Rm G-61 Anchorage, AK 99501			