



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**


National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

July 26, 2001

MEMORANDUM FOR: P. Michael Payne
Assistant Regional Administrator
for Protected Resources

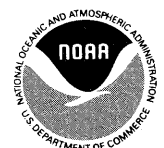
FROM: 
Susan Salveson
Assistant Regional Administrator
for Sustainable Fisheries

SUBJECT: Request for Re-Initiation of Consultation on the Effects on Steller Sea Lions of the Alaska Pollock, Atka mackerel and Pacific cod Fisheries under Amendments 61/70 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (Groundfish FMPs).

In accordance with section 7(a)(2) of the Endangered Species Act (ESA) and 50 CFR § 402.16, I request that you re-initiate consultation on the effects of proposed changes to the Groundfish FMPs on Steller sea lions and their critical habitat. We request consultation on the following proposed actions:

- Amendments 61/61 to the groundfish FMPs that implement American Fisheries Act (AFA) provisions for the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) groundfish fisheries, and
- Proposed Steller sea lion protection measures for the BSAI and GOA groundfish fisheries for 2002 and beyond (Amendments 70/70 to the groundfish FMPs).

This consultation is requested based on new information regarding Steller sea lions and modifications to the groundfish fisheries that are likely to occur under the Steller sea lion protection measures being considered for 2002 and beyond and with implementation of permanent regulations for the AFA. Our prior consultation, which led to the



November 31, 2000, Biological Opinion (200 BiOp), evaluated the overall effects of the Groundfish FMPs on listed species and their critical habitat. The effects of the Groundfish FMPs have not changed since then, but the changes associated with Amendments 61/61 and 70/70 and the new information regarding Steller sea lions warrant reinitiation of consultation. The reinitiated consultation should be limited to evaluating the changes and new information, and we anticipate that the 2000 BiOp will remain valid with regard to the remainder of the effects of the Groundfish FMPs on listed species and critical habitat.

In assessing the potential effects of the proposed actions as well as new information available since the completion of the 2000 BiOp, the Sustainable Fisheries Division, Alaska Region, has determined that the pollock, Atka mackerel and Pacific cod fisheries may adversely affect Steller sea lions or their critical habitat. As such, we have determined that formal consultation must be initiated to assess (1) new information that challenges the principles established in the 2000 BiOp concerning requirements for spatial and temporal distribution of these fisheries, (2) the continued potential for takes of Steller sea lions and competition for prey in these fisheries, and (3) the lack of rigorous assessment of new information that formed the basis of the proposed Steller lion protection measures for 2002 and beyond.

With the exception of Steller sea lions, the Alaska groundfish fisheries as modified under the proposed actions are not expected to have effects on other listed species not previously considered under previous consultations. Thus, section 7 consultation is requested only for Steller sea lions.

To comply with the section 7 regulations implementing the ESA (50 CFR §§ 402.12 and 402.14(c)), our request for initiation of consultation is based partly on information contained in the Biological Assessment prepared for the proposed actions

(Attachment 1). The draft NEPA documents^{1,2} being prepared for Amendments 61/61 and 70/70 to the Groundfish FMPs will contain additional information assessing the impacts of the proposed actions, including affects on Steller sea lions. Although these documents are not yet complete, we must initiate consultation now to comply with agency policy (see Attachment 2). This policy strives to ensure that information on the potential effects of the proposed action is available to the North Pacific Fishery Management Council and NMFS prior to final recommendations and decisions concerning the adequacy of Steller sea lion protection measures in meeting threshold considerations for no jeopardy and adverse modification to Steller sea lions and their critical habitat.

Attachments (2)

¹ Draft Environmental Impact Statement for American Fisheries Act Amendments. National Marine Fisheries Service, Alaska Region. August 2001.

² Draft Supplemental Environmental Impact Statement on Steller Sea Lion Protection Measures in the Federal Groundfish Fisheries Off Alaska. National Marine Fisheries Service, Alaska Region. August 2001.