

# ***Memorandum of Understanding***

## ***Between the US Fish and Wildlife Service and Marine Transportation Companies serving Eastern Norton Sound***

**Subject:**        **Commercial Vessel Operations in Critical Spectacled Eider Habitat in Eastern Norton Sound**

**Date:**            **June 2003**

WHEREAS: The United States Fish and Wildlife Service (Service), an agency of the United States Department of the Interior is, along with the National Marine Fisheries Service, charged with implementing the Endangered Species Act of 1973, (16 U.S.C. 1531 et seq: 87 stat 884, as amended) (Act). Through interagency cooperation, Federal agencies or Commissions are mandated by the Act to assure that their actions do not jeopardize the continued existence of listed species.

WHEREAS: The Service has specifically identified the waters of eastern Norton Sound as Critical Habitat for spectacled eiders (*Somateria fischeri*). Furthermore, the spectacled eider recovery team has noted that eastern Norton Sound is likely the most important habitat to protect for the Yukon-Kuskokwim Delta breeding population, the most imperiled of the three spectacled eider populations and which has undergone over a 95% reduction in numbers in recent decades.

WHEREAS: Certain companies own or operate commercial vessels in the waters of Eastern Norton Sound.

WHEREAS: It is the desire of the signatories to this Memorandum of Understanding (MOU) to minimize disturbance and threats to the Spectacled Eider during the summer migration, staging, and molting periods within the vicinity of the critical habitat area in Eastern Norton Sound.

THEREFORE: This Memorandum of Understanding (MOU) is executed by the parties listed below for the purpose of documenting a mutual commitment between the parties to agree to the following elements of commercial vessel operations in Eastern Norton Sound:

**A. The Service agrees:**

- 1) To provide maps and other information relating to timing and location of concentrations

**B. The undersigned marine transportation companies agree to:**

- 1) Work towards reducing the disturbance to spectacled eiders, including staging and molting flocks by:
  - a Avoiding, when possible considering vessel and customer safety requirements, travel into or through the waters indicated by the Service (as shown on Attachment 1) that may contain spectacled eiders during the period August 1<sup>st</sup> through October 31<sup>st</sup>; times in which spectacled eiders are present and during which they undergo a flightless molt;
  - b Requiring that vessels that must travel, or that inadvertently travel, into or through the area identified in Attachment 1 during the period August 1<sup>st</sup> to October 31<sup>st</sup> maintain a hard copy of the vessel's track line;
  - c Implementing annual employee (vessel crew and supervisors) awareness training regarding efforts and actions that may be taken to minimize disturbance. Such training may be presented by Service personnel;
  - d Working with the Service to identify the opportunity for Service personnel to observe commercial vessel activity in eastern Norton Sound in order to observe bird avoidance activities, if required, and fuel delivery procedures as well as to allow Services personnel to become more familiar with the entire process, and
  - e Providing the Service an annual letter by March 30<sup>th</sup> of the following year indicating the extent to which it has complied with the terms of this MOU or otherwise indicating the environmental or safety reasons that resulted in the inability to partly or wholly comply with this MOU.

**C. Implementation:**

- 1) This MOU becomes effective immediately for participants upon signature and will remain in effect indefinitely.
- 2) Any party to this MOU may withdraw upon 30-day notice to all other participants. The MOU will remain in effect for all other participants so long as two or more remain.
- 3) Nothing in this MOU shall be construed to limit or modify the authority or responsibility of any participating agency.
- 4) Nothing in this MOU shall be construed to limit a vessel's Master's responsibility for the safety of personnel and the vessel, nor his authority to determine the course of the vessel to ensure such safety.

**D. Contact Information:**

The parties hereby designate Gregory R. Balogh of the Service as the person who will coordinate administration and information dissemination resulting from this MOU. Each signatory agrees

*This list will be an amendable document to allow for other marine transportation company participation.*

The undersigned understand and agree to the terms and conditions of this Memorandum of Understanding.

**AGREED TO BY:**

US Fish and Wildlife Service

By

*Gouzman Gould*

Date 7/9/03

Title

REGIONAL DIRECTOR

Yutana Barge Lines, LLC

By

*Matt Sweetin*

Date 6/28/03

Title

President

Crowley Marine Services, Inc.

By

*William E. Fazio*

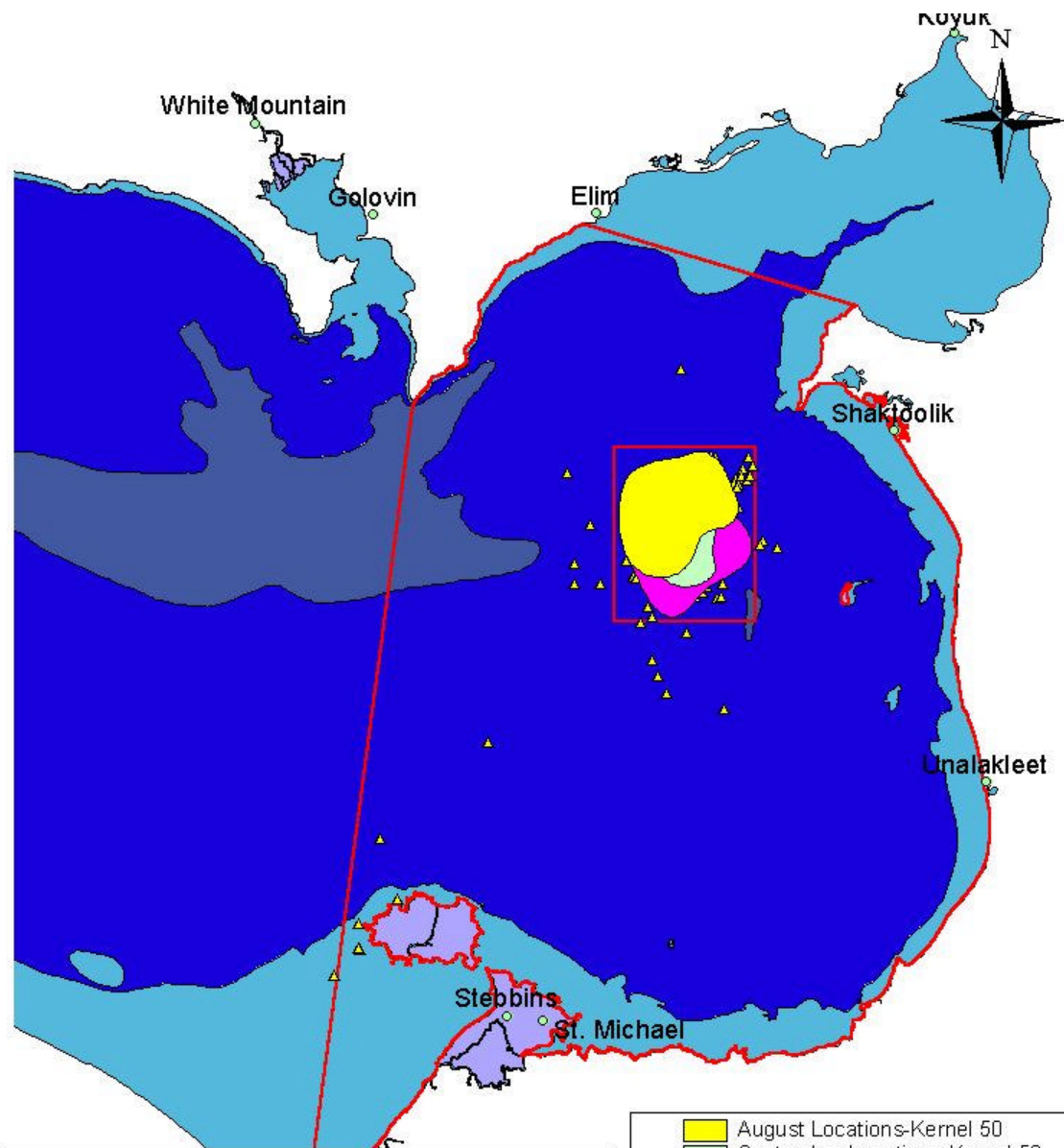
Date 6/25/03

Title

Vice President Petroleum Services

**Attachment 1. Proposed boundary of the avoidance area for vessels traversing eastern Norton Sound. The red rectangle surrounds Kernel 50 contours for spectacled eiders tracked using satellite telemetry during August, September and October. Kernel 50 contours indicate the area in which the probability is 50% that it includes the core home range of spectacled eiders in eastern Norton Sound, during molting season. Observation data corroborate these data, because 88% of eiders observed during aerial surveys occurred within this red rectangle.**

**The area of the red rectangle equals 152,905 acres or 239 sq. miles. The dimensions are 17 miles north/south, 14 miles east/west.**



Lat/Long Coordinates for Corners of the 50% Boundary:  
 NE: 64.321/-161.665  
 SE: 64.079/-161.608  
 NW: 64.291/-162.120  
 SW: 64.056/-162.054

- August Locations-Kernel 50
- September Locations-Kernel 50
- October Locations-Kernel 50
- Observations from 2000
- villages
- 50% boundary
- Critical Habitat Boundary
- Bathymetry in meters
- 35