

# **Establishing a Transit Corridor through the Round Island Walrus Habitat Protection Area – Scope, Purpose and Need of the Action**

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## **1. Introduction**

### **1.1. Issue Brought to the Council**

At the June 2012 meeting of the North Pacific Fishery Management Council (Council), NOAA Enforcement, through the Council's Enforcement Committee, brought forward an unintended consequence of a recent Council action. As a result of Component 9 to GOA FMP Amendment 83 (implemented on September 28, 2011), federally permitted vessels risk losing their FFP if they act as tenders for the Togiak area herring fishery to bring herring from seiners operating in the Togiak area to processors in Dillingham or other nearby villages. Amendment 13 to the BSAI FMP created walrus protection areas from 3 to 12 nm from the shoreline at Round Island and the Twins (Northern Bristol Bay area) to reduce the likelihood of disturbance to walrus hauled out at these locations (Fig. 1). Vessels with Federal Fishery Permits are prohibited from transiting these Walrus Protection Areas. Until recently, vessels with FFPs were permitted to "surrender" their FFP which allowed them to transit the Walrus Protection Zone around Round Island during tendering, with the expectation that they could reapply for their FFP when they completed tendering. However, the recent passage of a suite of regulations implementing sector splits prevents those vessels from being issued an FFP more than once in any three year period. As a result, those vessels tendering for the Togiak area herring fishery risk being out of compliance with federal regulations if they transit the Walrus Protection Zone during tendering, or must surrender their FFPs for an extended period. This also creates a difficult situation for NOAA enforcement of either not enforcing an existing federal regulation or citing vessels for an unintended consequence of an existing regulation.

At the June 2012 meeting, the Council directed staff to analyze options for remedying this problem. The Council indicated it was interested in several options including developing a transit corridor with defined time or space restrictions, a check-in / check-out procedure, or other method to address the problem. This paper is intended to provide the Council with preliminary information that may affect the Council's desired scope for this action. It should be noted that this paper does not address creating additional protections in the northern Bristol Bay area, which has been the focus of recent discussions in the area.

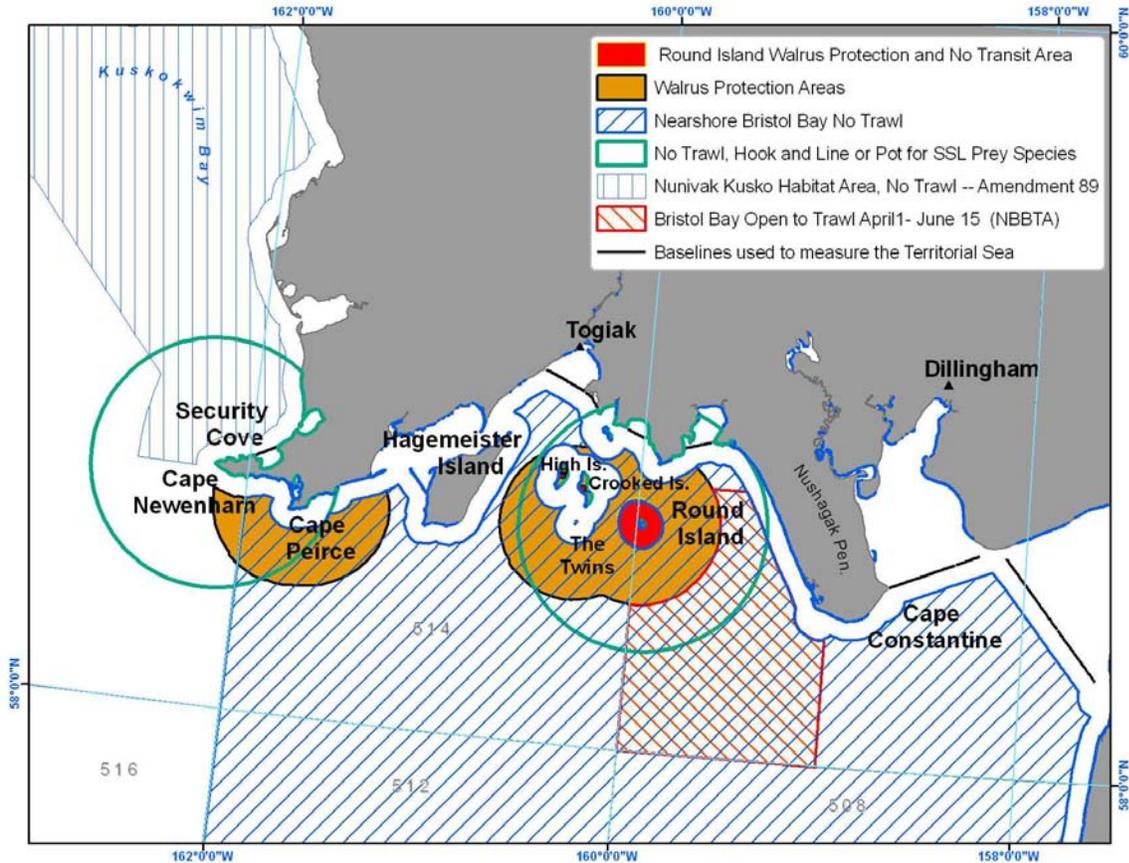


Figure 1. Existing closures and protection measures in northern Bristol Bay, including walrus protection zones.

## 2. Previous Council Action

In 1990, Amendment 13 to the BSAI groundfish FMP was implemented with measures to prohibit groundfish fishing within 3 to 12 nm closed areas around the Walrus Island (Round Island and The Twins) and Cape Peirce in northern Bristol Bay from April 1 – September 30 (Fig. 1). Specific concerns were expressed over noise emitted by fishing activities and its potential to disturb walrus hauled out in those areas. Amendment 17 to the BSAI FMP was adopted in April 1992 to prohibit transit by federally permitted vessels within 3 to 12 nm around Round Island, The Twins, and Cape Peirce. This amendment prevents vessels with FFPs from entering or transiting these closed areas during the closure period. Although the State of Alaska does not impose restrictions in State waters (0-3 nm) from The Twins, Hagemeister Island, Cape Peirce, and Cape Newenham, the Walrus Islands State Game Sanctuary (WISGS) imposes a no-transit area around Round Island year-round, except for a travel corridor that allows visitors to access Round Island.

In April 2009, the Council passed a motion based on a request from the U.S Fish & Wildlife Service (FWS) to gather information and describe procedures for designating a Walrus Protection Zone around a new, emerging walrus haulout on the west side of Hagemeister Island. The FWS expressed concern over potential disturbance of walrus using this haulout from groundfish fishing and other activities. In November 2009, the Council received an updated discussion paper that summarized issues around

establishing a protection zone around Hagemeister Island, and ultimately elected not to take any action on that issue.

### **3. Fisheries in the Affected Area**

The November 2009 discussion paper (Wilson and Evans, 2009) provided a discussion of the fisheries in the Northern Bristol Bay area. That discussion is briefly summarized here.

#### **3.1. Herring Fishery**

Two herring fisheries occur in northern Bristol Bay, a sac roe fishery using gillnets and purse seines, and a herring spawn on kelp fishery harvested by hand (Westering et al., 2006). The fishery occurs over a few weeks in late April through May. The herring fishery is generally prosecuted close to shore, in State of Alaska waters (Tim Sands, ADF&G, Pers. Comm in Wilson and Evans 2009). Fisheries occur in Togiak Bay and in the Cape Peirce and Cape Newenham areas (Tim Sands, ADF&G, Pers. Comm. 10/30/12). Tender vessels receive herring from the fishing vessels and transfer fish to floating processors or shore-based processors in the area. Tenders are commonly crabbers or cod fixed-gear vessels with federal fishing permits (FFPs). It is the prohibition on vessels with FFPs from transiting the protected area at Round Island that initiated this action.

#### **3.2. Yellowfin Sole Fishery**

The yellowfin sole fishery in northern Bristol Bay is restricted to the Northern Bristol Bay Trawl Area (NBBTA, Fig. 1), and takes place from May through June. Vessels that harvest yellowfin sole within the NBBTA may deliver catches to processor vessels or to refrigerated freighters that anchor in Hagemeister Strait. Foreign freight vessels or “trampers” can only receive fish products in designated roadsteads, ports, or international waters. One such roadstead is in Hagemeister Strait (Fig. 2). Yellowfin sole catcher vessels transit south of Round Island and along the east side of Hagemeister Island to reach the roadstead. That transit, south of Round Island, may intersect the movement of walrus from Round Island to their feeding areas in Bristol Bay, and may increase the potential for disturbance or incidental take of walrus.

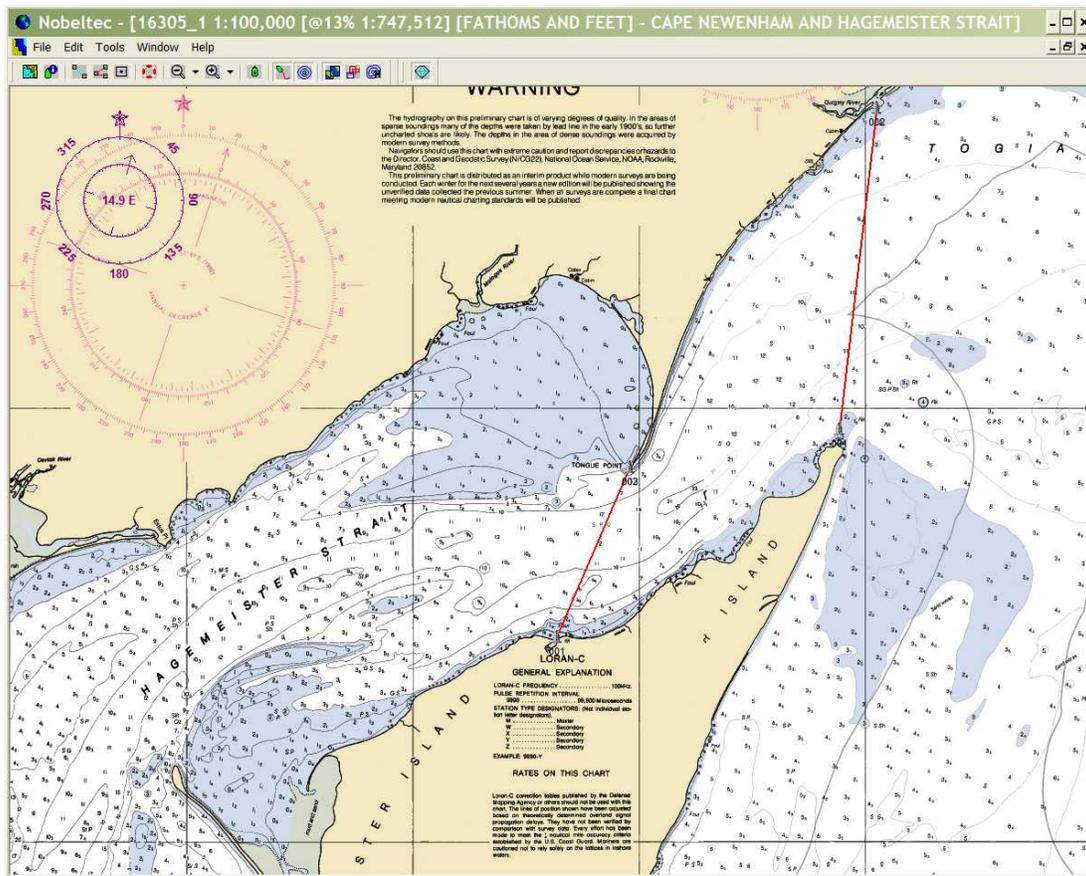


Figure 2. Hagemeister Island roadstead includes all waters within Hagemeister Strait which are west of a line extending from the northeast end of Hagemeister Island to the mouth of Quigmy River, and east of a line extending from the mouth of an unnamed river to the tip of Tongue Point (lines marked in red on map).

### 3.3. Halibut Fishery

A small domestic halibut fishery occurs in this area. Vessels that participate in the halibut fishery are from Togiak and Dillingham and other villages in the region.

### 3.4. Salmon Fishery

Commercial fishing for salmon, primarily sockeye, chum, and Chinook, occurs in State waters of the Togiak District. Most of the fishing occurs in Togiak Bay and Kulukak Bay (Tim Sands, ADF&G Pers. Comm. in Wilson and Evans 2009). Subsistence fishing for all five species of salmon occurs in this area, as well.

## 4. Pacific Walrus

Pacific walrus (*Odobenus rosmarus divergens*) occur in coastal waters, usually up to 100 m depth, in the Bering, Chukchi, and Beaufort Seas. They are managed as a single stock that inhabits both Alaskan and Russian waters. Walrus are managed by the FWS with scientific research support from the U.S. Geological Survey (USGS) and the State of Alaska, and management cooperation with the Alaska Eskimo Walrus Commission (EWC). Walrus are an important cultural and subsistence resource to

Alaska coastal Yupik and Inupiaq communities, providing food and materials to create handicraft and artwork.

During the summer months, most of the population migrates into the Chukchi Sea, but several thousand animals, primarily adult males, aggregate at coastal haulouts in the Bering Straits region, Gulf of Anadyr, and Bristol Bay. The size of the Pacific walrus population has never been known with any certainty, and recent population estimates have provided unsatisfactory results because of differences in survey methods that produced large variances and unknown biases. The most recent population estimation (Speckman et al. 2011) is 129,000 with 95% confidence limits of 55,000 to 507,000.

On February 7, 2008, the Center for Biological Diversity petitioned the USFWS to list Pacific walrus under the Endangered Species Act (ESA) because of the impact of global warming in the sea ice habitat (CBD 2008). On February 10, 2011, the USFWS released its 12-month finding and concluded that listing the Pacific walrus as threatened or endangered is warranted but precluded at this time by higher priority actions under the ESA. Therefore, the agency has added Pacific walrus to the candidate species list. As priorities allow, the USFWS will develop a proposed rule to list the Pacific walrus and define Critical Habitat (CH) for the species. It is likely that CH for walrus will include the areas around Round Island and The Twins, Cape Peirce, and Cape Newenham, and the emerging haulout at Hagemeister Island (J. Garlich-Miller, Pers. Comm), and it is possible that transit restrictions would be implemented in those areas as part of the CH designation (Fig 3).

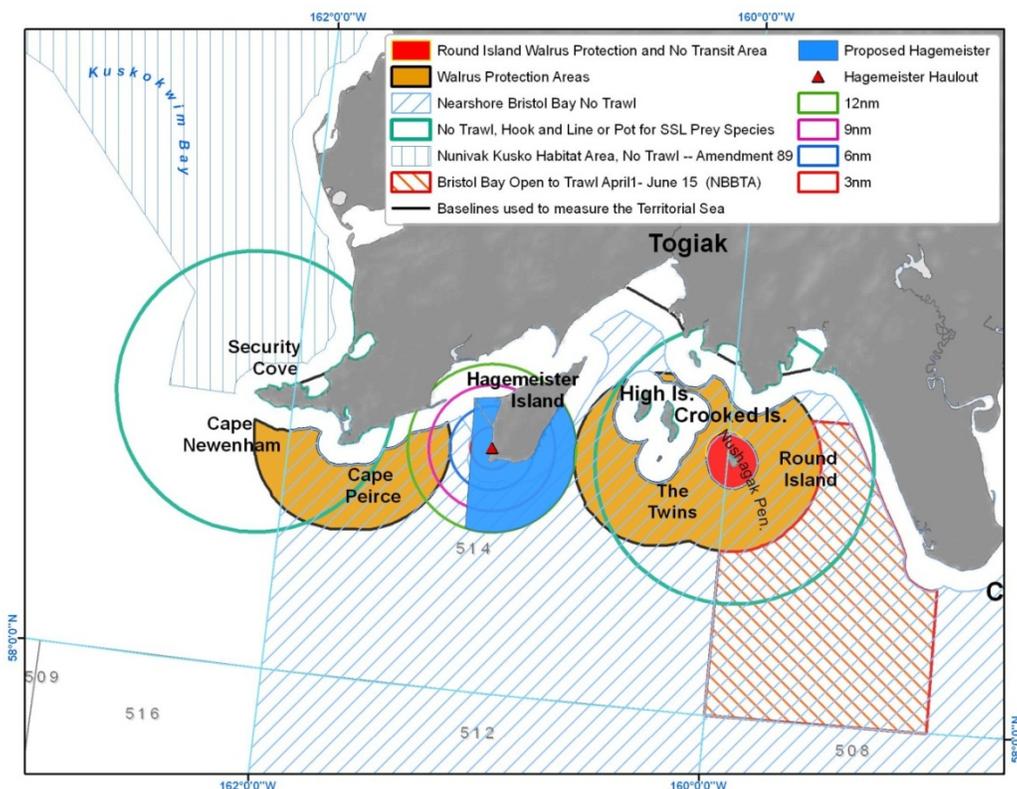


Figure 3. Walrus haulouts on Hagemeister Island (red triangle), closure areas, and fishery areas in northern Bristol Bay. The concentric circles around Hagemeister are 3, 6, 9, and 12 nm zones around the haulout. No closure around Hagemeister Island is proposed for this action. From Wilson and Evans (2009).

## **5. Vessel Disturbance of Walrus**

Commercial groundfish fishing may disturb walrus, in some cases causing them to depart haulouts or interrupt feeding activities. Specific concerns of the public were described in Wilson and Evans (2009) for fishing activities in the Northern Bristol Bay area, and include noise emitted by fishing activities and apparent correlations with observed declines in the numbers of walrus using haulouts in the area. Sell and Weiss (2011) summarized the disturbance of walrus on Round Island in 2011. All disturbance on that rookery, in that year occurred when boats or helicopters transporting ADF&G staff or visitors approached or departed from Round Island. Observations continue to be made to assess the impacts of vessels transiting the Round Island corridor on Round Island walrus. In recent years, anthropogenic disturbance of walrus hauled out on shore in Arctic Alaska has resulted in rapid evacuation of the haulout which often results in high levels of mortality to young walrus as they are trampled by stampeding adults (Fischbach et al. 2009). Amendments 13 and 17 to the BSAI FMP were enacted specifically to prevent disturbance to walrus on Walrus Island, Cape Peirce, and Cape Newenham by federally permitted vessels. However, federally permitted vessels are still permitted to transit through State waters (0-3 nm) adjacent to the Cape Peirce and Cape Newenham protected areas.

## **6. Need for Council Action and Potential Scope of the Action**

Before implementation of GOA Amendment 83, vessels that held a FFP and were tendering herring between the Togiak area fishery and local processors had the option of surrendering their FFP, which allowed them to transit the Walrus Protection Area around Round Island, and reapply for their FFP after the herring season. Amendment 83 prevents this practice by prohibiting the issuance of an FFP to a vessel more than once in any three-year time period. This effectively prohibits vessels with FFPs from tendering the Togiak herring fishery if they wish to maintain their FFP. Transiting north of the Walrus protection area is impractical because of shallow water, and transiting south, around the Walrus protection area exposes vessels to unnecessary risk because of weather exposure.

Council action may be desired to allow a legal option for vessels with FFPs to transit the Round Island walrus protection area in order to tender herring from the Togiak area herring fishery to local processors. Alternatives for this could include a transit corridor along a route developed in cooperation with FWS and ADF&G, and could be limited temporally to include the likely dates of the herring fishery, late April through May.

The scope of the action could be expanded to include options to legally transit the walrus protection areas around Cape Peirce and Cape Newenham (Fig. 1) for the same time period. This would allow vessels tendering the herring fishery at Cape Peirce and Security Cove to transit the walrus protection area, without needing to travel through State waters near the walrus haulouts at Cape Peirce and Cape Newenham. Although vessels can legally transit State waters adjacent to Cape Newenham and Cape Peirce, transiting those waters is likely to disturb walrus at the haulouts in that area. Several processors have indicated that they will have tenders working in the area, and a transit corridor through the walrus protected area is desired (W. Lew, Pers. Comm. 10/31/12; M. McNiven, Pers. Comm. 10/31/12). It is also possible, though not certain that a transit corridor through the walrus protection areas, defined in time and space, may be considered when FWS designates CH for Pacific walrus. Addition of a transit corridor through CH after designation would require a Section 7 consultation.

The scope of the action may also be expanded to allow Amendment 80 vessels to transit north of Round Island to access the roadstead in Hagemester Strait from May through June. Walrus from Round Island

travel south from the island to their feeding grounds in Bristol Bay and vessels transiting through this area have a greater likelihood of disturbing walrus than if they transit north of Round Island (Wilson and Evans 2009). The FWS has also indicated that allowing Amendment 80 vessels to travel north of Round Island is preferred to prevent potential disturbance to walrus at Hagemeister Island (J. Snyder, Pers. Comm. 11/14/12).

Should the Council wish to pursue development of a transit corridor, or other method to allow passage through the walrus protection areas at Round Island, Cape Peirce, and Cape Newenham for vessels tendering herring and the Amendment 80 sector a Purpose and Need statement that identifies the preferred scope of the action and potential alternatives would greatly assist the analysis of the action.