

Executive Summary

This document analyzes the potential environmental and economic effects of a proposal to establish seasonal transit areas through the Round Island and Cape Pierce walrus protection areas in northern Bristol Bay, Alaska. The proposed action would establish one or more transit areas through the walrus protection areas at Round Island and Cape Peirce in order to allow vessels with Federal Fisheries Permits (FFPs) to transit through the areas while tendering for State of Alaska managed herring and salmon fisheries in Togiak Bay, Cape Peirce and Cape Newenham, and Security Cove. Previous Council action (Component 10 to GOA FMP Amendment 83) prevents vessels from surrendering their FFP and reapplying for an FFP within a three year period. As a result, vessels that had previously temporarily surrendered their FFP in order to tender herring or salmon through the walrus protection area were at risk of being out of compliance with federal regulations if they transit the walrus protection area during tendering, or risk losing their FFP if they chose to surrender their permit during tendering.

Purpose and Need

Until implementation of GOA FMP Amendment 83, vessels with FFPs tendering herring or salmon in the Togiak Bay fishery were able to surrender their FFP during the tendering season and transit the walrus protection area around Round Island. Tendering vessels transited north of Round Island as they tendered product from fishing vessels in Togiak Bay, Kulukak Bay, and other bays in northern Bristol Bay to processing plants in Dillingham and other communities. Passage through federal waters north of Round Island is necessary because of shallow waters along the mainland that make it dangerous for vessels to pass through Stat waters north of the walrus protection area. Amendment 83 to the GOA FMP prevents vessels from surrendering their FFP and reactivating it within a three year period. As a result, vessels with FFPs face risk of fine for being out of compliance with existing regulations if they pass through the walrus protection area, or must surrender their FFP in order to tender herring or salmon for the northern Bristol Bay fisheries.

Passage to the south of the Round Island walrus protection area requires vessels to transit through Hagemeister Strait, and around Round Island, adding considerable distance and time to each transit, and potentially exposing vessels to adverse weather conditions. The same is true for vessels wishing to deliver yellowfin sole from the Northern Bristol Bay Trawl Area to floating processors in the Togiak Bay area. Passage through Hagemeister Strait also puts these vessels in close proximity to an emerging walrus haulout on the southern tip of Hagemeister Island where they may have increased likelihood of disturbing those walrus.

The purpose of this action is to maintain suitable protection for walruses on Round Island, to restore access to vessels with FFPs serving as tenders for the northern Bristol Bay herring and salmon fisheries to the routes used by tenders before implementation

of GOA FMP Amendment 83, and to allow vessels delivering yellowfin sole access to the route north of Round Island to reduce the likelihood of disturbance to walrus on Hagemeister Island. Any action would only affect vessels with FFPs, vessels without FFPs are not affected by the walrus protection area closures.

The Council adopted the following problem statement to originate this action in April 2013.

The purpose of this action is to establish opportunities for federally-permitted vessels to transit the walrus protection area closures at Round Island and Cape Peirce. Currently, federally-permitted vessels that operate as tenders during the Togiak herring and salmon fisheries cannot transit through the Round Island Walrus protection area. This effectively precludes vessels with FFPs tendering the Togiak herring and salmon fisheries. Federally-permitted vessels that tender for the herring fishery at Cape Peirce and Security Cove travel through State waters to avoid the Exclusive Economic Zone (EEZ) closures, moving vessels closer to walrus haulouts in these areas. Salmon tender vessels may be similarly affected. Additionally, vessels fishing yellowfin sole in the Northern Bristol Bay Trawl Area, that deliver to processors or trampers in the roadsteads located in Hagemeister Strait or Togiak Bay, must travel south of the Round Island Walrus protection area, which may increase interactions with walrus at Hagemeister Island haulout and walrus moving from Round Island to their feeding grounds in Bristol Bay. Opportunities to transit these areas are necessary to alleviate the unintended consequences of an unrelated Council action and to maintain appropriate protection for walruses.

Alternatives

The Council adopted the following alternatives for analysis in December 2012. Alternatives 2 and 3 are not exclusive

Alternative 1 is the No Action alternative, and would not establish any transit corridors through Walrus protection areas at Round Island or Cape Peirce. Any vessel with a FFP is prohibited from transiting through these areas.

Alternative 2 would establish a transit area in the EEZ north of Round Island, open from April 1 – August 15. There are three options analyzed:

1. Establish a transit area north of a line from 58.80°N, 160.36°W to 58.55°N, 159.59°W, maintaining a minimum of 3 nm from Round Island.
2. Establish a transit area north of a line from 58.77°N, 160.18°W to 58.58°N, 159.58°W, maintaining a minimum of 4.5 nm from Round Island.
3. Establish a transit area north of a line from 58.28°N, 160.74°W to 58.61°N, 159.58°W, maintaining a minimum of 6 nm from Round Island.

Alternative 3 would establish a transit area in the EEZ near Cape Peirce, open from April 1 – August 15. There is one option analyzed: establish a transit area east of a line from 58.50°N, 161.77°W to 58.35°N, 161.77°W.

Environmental Assessment

None of the alternatives considered are expected to change the timing, duration, effort, or harvest levels in the herring, salmon, or groundfish fisheries in northern Bristol Bay.

Action is limited to transit through walrus protection areas by vessels with FFPs.

Therefore, no substantial changes are expected on groundfish or other fish species, habitat, ecosystem components, or seabirds. Potential impacts are limited to direct take (ship strike) or disturbance to marine mammals including Pacific walrus, Steller sea lions, bearded seals, ringed seals, spotted seals, and harbor seals. Levels of direct take via ship strike of marine mammals are very low. Because none of the alternatives would change the level of fishing or other vessel traffic in the area, the effects of the alternatives on direct take (ship strikes) of marine mammals are expected to be insignificant.

Disturbance to Pacific walrus and Steller sea lions hauled out on Round Island and Hagemeister Island is possible for all alternatives. Alternative 1 has incrementally less likelihood for disturbance of marine mammals hauled out on Round Island because vessels with FFPs would not be allowed to transit within 12 nm of the island. However, vessels circumnavigating the walrus protection area would transit close to an emerging walrus haulout on Hagemeister Island, potentially increasing disturbance to animals hauled out there.

Alternative 2 would allow vessels with FFPs to transit the Round Island walrus protection area from April 1 – August 15, with options to allow the closest point of approach at increasing distances from Round Island. Vessels have been recorded to disturb walrus on haulouts on Round Island, but no disturbance events have been observed for vessels passing more than 3 nm from the island (outside the State of Alaska no transit zone). Because none of the options would allow vessels within 3 nm of Round Island, the likelihood for disturbance to marine mammals hauled out on the island is very low, and any impacts to walrus or other marine mammals are expected to be insignificant.

Alternative 3 would allow vessels with FFPs to transit the Cape Peirce walrus protection area from April 1 – August 15, east of a line from 58.50°N, 161.77°W to 58.35°N, 161.77°W. This alternative could reduce the potential for disturbance to walrus hauled out at Cape Peirce and nearby haulouts compared to the status quo, as tenders currently transit to the fishing grounds using State waters less than 3 nm from shore. Moving vessels outside of the State waters could reduce the potential for disturbance to marine mammals hauled out on shore.

Management and Enforcement Considerations

Implementation of the any alternative would require NMFS to monitor the activities of federally-permitted vessels to ensure that vessels comply with existing regulations.

Existing Vessel Monitoring Systems (VMS) are likely sufficient to monitor the groundfish fisheries. The VMS in Alaska is a relatively simple system that transmits a vessel's identification and location to the NOAA Office of Law Enforcement (OLE) at fixed 30-minute intervals. These data are analyzed daily, to identify anomalies such as vessels failing to send VMS signals, or vessels entering closed waters. Automated data checks identify instances of possible non-compliance and highlight them for manual analysis.

Increasing the VMS polling rate from twice-per-hour may be required to ensure compliance with transit provisions, depending on the size of the transit area through the walrus protection areas. Increasing the polling rate allows for more accurate vessel tracks, but increases the cost to the VMS participant. Those costs are estimated to be approximately \$25.88 per month for each additional poll (NPFMC 2012). Increasing to three polls per hour for the five month herring tendering season would add \$129.40 to the annual transmission costs resulting in an estimated total cost of \$944.40. Increasing to four polls per hour for the same period would add \$258.80, resulting in an estimated total cost of \$1,073.80.

Vessels without a FFP would not be constrained by the Walrus protection areas around Round Island and Cape Peirce. The lack of VMS on these vessels would, therefore, not have any impact on the enforcement of this action. The NOAA OLE has noted that there is an innate disparity between vessels with a FFP that are prohibited from transiting the walrus protection area, and those without a FFP that are allowed free access through the walrus protection area (B. Pristas, NOAA OLE, Pers. Comm.).

Regulatory Impact Review

Under Alternative 1, the status quo, transit areas would not be established through either the Round Island or Cape Peirce Walrus protection area. Vessels with FFPs would be precluded from tendering for the Togiak herring or salmon fishery unless they could transit through State waters 0-3 nm from shore or through federal waters around the Walrus protection areas. Vessels with FFPs could continue to serve as tender vessels for the Cape Peirce, Cape Newenham, and Security Cove herring fisheries by transiting through State waters 0-3 nm from shore or around the Cape Peirce Walrus protection area. If vessels with FFPs were precluded from tendering, there may be costs for processing companies associated with a reduced pool of available tender vessels. Alternately, vessels with FFPs that served as tenders for either the herring or salmon fishery would be required to travel outside of the walrus protection areas. Additional costs associated with the longer transit around the protection areas would depend on the fuel consumption rate and additional time required for each vessel.

Amendment 80 vessels delivering yellowfin sole to domestic floating processors or foreign trampers would be prohibited from transiting the Walrus protection areas, and would instead have to circumnavigate the Protection Areas. Vessels transiting from the Norther Bristol Bay Trawl Area would continue to be required to transit south of Round Island and along the west coast of Hagemeister Island, through Hagemeister Strait. This would add 6-8 hours per trip (J. Gauvin, AKSC, Pers. Comm.) compared to transiting through the Walrus protection area. Those larger Amendment 80 vessels typically burn

105 – 145 gallons per hour (J. Anderson, AKSC, Pers. Comm.), and the cost of fuel in Dutch Harbor for the summer of 2013 was \$4.04/gallon (Aleutian Fuel Services, Dutch Harbor, 7/26/2013). That results in additional fuel costs of \$2,545 to \$4,686 per trip compared to transiting north of Round Island.

Under Alternative 2, a transit area would be established through the Round Island Walrus protection area from April 1 – August 15. This would allow vessels with FFPs tendering for the Togiak area herring and salmon fisheries, and Amendment 80 vessels delivering yellowfin sole to processors in Togiak Bay to transit through the Walrus protection area. Transiting through the Walrus protection area would save approximately 6-8 hours per trip compared to transiting south of Round Island and through Hagemeister Strait (J. Gauvin, AKSC, Pers. Comm.). Amendment 80 vessels typically burn 105 – 145 gallons per hour (J. Anderson, AKSC, Pers. Comm.), and the cost of fuel in Dutch Harbor for the summer of 2013 was approximately \$4.00/gallon (Aleutian Fuel Services, Dutch Harbor, North Pacific Fuel 7/26/2013). Transiting the Walrus protection area would result in fuel savings of \$2,520 to \$4,640 per trip compared to transiting south of Round Island and through Hagemeister Strait. Shortening the trip to processors would reduce the delivery time for those fish, and may reduce the likelihood of bruising, which reduces product quality (J. Anderson, AKSC, Pers. Comm.).

Options under Alternative 2 would establish a southern boundary of the transit area, at increasing distances from Round Island: 3 nm, 4.5 nm, and 6 nm. The boundaries farther from Round Island may incrementally reduce the potential for disturbance to walrus on Round Island, but are not likely to significantly affect the distances traveled as vessels with FFPs transit the protected area. Therefore, the differences in transit time or fuel costs are not likely to be significantly different between the options.

Under Alternative 3, a transit area would be established in the eastern portion of the Cape Peirce Walrus protection area from April 1 – August 15. This would allow vessels with FFPs to access the Cape Peirce, Cape Newenham, and Security Cove herring fisheries through federal waters. Currently vessels tendering those fisheries access the grounds through State waters, 0-3 nm from shore. Allowing vessels to access federal waters would move vessels farther from walrus haulouts at Cape Peirce, potentially reducing disturbance to those walrus. Distances traveled and transit times are not likely to be significantly different when traveling through federal vs. State waters.