**KING COVE CORPORATION**

P.O. Box 38
King Cove, AK. 99612
907, 497-2312

Fax: 907, 497-2444

e-mail: kcc@arctic.net

RESOLUTION No. 2000-09

WHEREAS, on December 7, 2000, the King Cove Corporation met and discussed issues that affect the village of King Cove socially, economically and culturally; and,

WHEREAS, the King Cove Corporation is opposed to the Biological Opinion and Incidental Take Statement issued November 30, 2000 by the National Marine Fisheries Service, Alaska Regional Sustainable Fisheries Division; and

WHEREAS, there is consensus that the native community of King Cove has been culturally and economically dependent on the living marine resources since time immemorial; and,

WHEREAS, there are immediate issues at the State, Federal and Native level that negatively impact our Native community; and,

WHEREAS, the Aleut people of King Cove want to continue living within the village of King Cove and continue to provide for their families, their children's education and remain independent of the welfare system; and,

NOW THEREFORE BE IT RESOLVED that the King Cove Corporation requests that the North Pacific Council supporting the State and Federal Governments provide:

1. That information on Fisheries be based on scientific and biological information when making a decision that effects our village.
2. When discussions or closures of fisheries are made, that all the effected areas, regions and villages concur with the State or Federal agency decisions.

PASSED AND APPROVED, this 7th day of December, 2000, at a duly called meeting of the Shareholders of the King Cove Corporation at King Cove, Alaska.

BY: Dean Gould
Dean Gould, President

ATTEST:

BY: Xenia Bendixen
Xenia Bendixen, Secretary/Treasurer

RECEIVED
JAN - 4 2001
N.P.F.M.C

North Pacific Management Council
Attn: Chairman David Benton
605 West 4th, Suite 306
Anchorage, Alaska 99501-2252

Dear Sir:

I am writing to draw your attention to the meeting of the North Pacific Management Council scheduled for Seattle Washington January 10th - January 12 the 2001. As I understand it much of this meeting will be to establish time lines for responding to directives issued by NMFS concerning the Steller Sea Lion closures in Alaska fishing waters.

One of the major inadequacies of the Biological Opinion and its' accompanying RPA was that the public had not been included in the process. It would appear that much the same is happening once again. The cost of round trip airfare from Anchorage to Seattle can be as much as \$500.00. The cost of interstate air transportation from some of the coastal communities most effected is easily another \$165.00. The cost of even budget food and lodging in the Seattle area can easily be \$200.00 per day. Simple addition will immediately show that the price for the opportunity to represent individual fishers interests and small private enterprise is easily \$1365.00 per each individual. I do not believe the portions of the Magnuson Stevenson act addressing opportunity for public input in any way shape or form mandate that this opportunity be held at great distance from the areas to be affected and at great expense for those individuals, businesses, and coastal communities which will be impacted by the decision making process.

In addition what if one is a fixed gear fisherman whose all important earning window occurs during this time. Add lost income for time not spent on the water harvesting product to the above equation and then extend that amount out to include lost revenue to not only individual vessel owners, but their crews, the communities in which they live and home port, and the many businesses which supply them.

Why is it necessary to hold these meetings which so directly effect the Alaskan economy in Seattle . I hope that you will consider the fact that only a tiny amount of the public will actually be available to enter the process which so impacts their lives and the future shape of their communities. Thank you for your consideration.

Michael G. Brooks
Michael G. Brooks

GREENPEACE

news release

Tel: (202) 462-1177
Fax: (202) 483-8683
Washington, DC

FOR IMMEDIATE RELEASE

January 11, 2001

ENDANGERED SPECIES ACT IGNORED BY FISHING AGENCY

*Leading Environmental Organizations Ask Administration
to Protect its Position on Steller Sea Lions.*

WASHINGTON—Greenpeace and other organizations hand-delivered a letter to George Frampton, the Acting Chairman of the Council on Environmental Quality, today, urging him to take measures to protect the threatened marine environment along the coast of Alaska. The National Marine Fisheries Service (NMFS), which regulates fishing in the U.S., is apparently disregarding the conclusions reached by its own scientists, and continuing to allow fishing at dangerously high levels in the Bering Sea. The most recent study done by scientists within NMFS demonstrates that overfishing is having a devastating impact on the health of the environment and the survival of the endangered Steller sea lion.

"The worst thing to do right now is to continue as if nothing has changed," said Niaz Dorry, Greenpeace Oceans Campaigner. "Clearly, the way we have been fishing is jeopardizing the Steller sea lion's survival. We must transform our fishing strategy immediately, into one that accounts for the effect of fishing on the entire marine environment."

The letter sent to George Frampton states: "This strategy being considered by NMFS is not only illegal, it would undo the protections for Steller sea lions... secured by you and others last month."

"For years, industrial fishing has been ravaging the marine environment in the Bering sea," continued Dorry. "Now there is definitive evidence of the destruction these ships are causing, and NMFS is ignoring their own evidence and the Endangered Species Act by bowing to the pressure of the industrial fishing industry."

In April 1998, Greenpeace, American Oceans Campaign, and Sierra Club, represented by Earthjustice Legal Defense Fund and Trustees for Alaska, filed a lawsuit seeking to force the NMFS to comply with federal environmental laws. In response, NMFS released its Biological Opinion, which confirms that the primary cause of the decline in the Steller sea lion population is overfishing, spearheaded by the industrial fishing fleet.

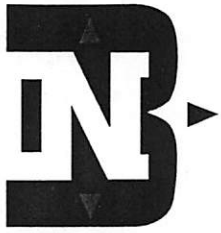
Since the 1980's, the Steller sea lion population has declined by over 80 percent, and continues to drop by five percent annually. Their rapid decline over the past few decades has mirrored the expansion of the industrial fishing fleet in the region. During the upcoming fishing season, the fishing industry will target spawning pollock for the lucrative Japanese roe (fish egg) market.

CONTACT: Aaron Bannon, Greenpeace Media Officer, (202) 319-2432; Niaz Dorry, (202) 251-6292; Web site—www.greenpeaceusa.org

WWW.
greenpeaceusa.org

Greenpeace is an international, non-profit organization using peaceful, direct action to expose global environmental problems and create solutions. It accepts no funding from industry or government.

Oceans
Ancient Forests
Global Warming
Genetic Engineering
Nuclear Issues
Toxics



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Tollfree 1-877-TRUECOD • email: bluenorth@uswest.net

January 11, 2001

<< Public Comment >>

Mr. David Benton, Chairman
North Pacific Fisheries Management Council

To Mr. Benton and the Members of the Council:

This letter is in regards to NMFS' proposed regulations for July 21 - December 31, 2001 for the groundfish fisheries in the Bering Sea and Aleutian Islands.

Mr. Balsiger has indicated that his administration is supportive of Council suggestions to modify proposed closures for the remainder of 2001. He offers as an example that closing 50% of critical habitat to the three fisheries (pollock, Atka mackerel, and Pacific cod) would be acceptable. I suggest that this criteria be applied to effort, rather than blanket closures.

The Biological Opinion (BiOp) points out how little the fixed gear fleet contributes to localized depletion, the trawl sector removes over *ten times* as much groundfish from critical habitat as fixed gear, in less time:

- ❖ "In terms of effects on ESA-listed species, the slower and more dispersed nature of hook and line and pot fisheries make localized depletion less likely than would be possible with trawl gear. In addition, fleet capacity is currently much smaller..."
-BiOp, pgs. 215-6
- ❖ "...the magnitude of the trawl catch in critical habitat was much greater than pot, about 430,000 mt compared to about 14,000 mt (in 1999). Hook-and-Line catch was more dispersed outside critical habitat on average, and accounts for...about 25,000 mt inside (in 1999). The possible effects of these other [fixed] gear types were dwarfed by the biomass removed by the trawl sector in 1999, which removed 1,286,852 mt."
-BiOp, pgs. 216-7
- ❖ "...the hook and line fishery does fish in a manner that is consistent with the intent to minimize disturbance to the prey field."

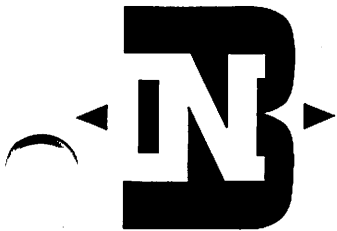
from: <http://www.nmfs.noaa.gov/steller/QandA.htm>

The problem of "localized depletion" is a trawl issue, and should be dealt with on a gear specific basis. Any attempts to include the fixed gear sector in the RPA's are misguided efforts born of politics and willful ignorance. As a fleet, fixed gear fishermen catch fish in a Steller Sea Lion-friendly manner. I propose that fixed gear fishermen be exempted from the proposed RPA's.

On behalf of myself, my company, and fellow fixed gear fisherman, I petition the Council to recognize the fundamental differences between fishing methods and make recommendations on an intelligent, informed, gear-specific basis.

Sincerely,

Mike Burns
President, Blue North Fisheries
F/V Blue North, F/V Blue Pacific, F/V Blue Dutch, F/V Blue Attu



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January 12, 2001

<< Public Comment >>

Mr. David Benton, Chairman
North Pacific Fisheries Management Council

To Mr. Benton and the Members of the Council:

This letter refers to the Synopsis of Draft 2001 Harvest Specifications Consistent with Steller Sea Lion Protection Measures issued by NMFS Alaska Region, dated January 9, 2001.

On pg. 8 of the Synopsis, NMFS' addresses concerns over Allocation of Prohibited Species Catch (PSC) Limits for Halibut, Crab, Salmon, and Herring. Specifically, the document states: "*Pending Council recommendations for modifications to Table 9, NMFS will consider amending PSC seasonal apportionments and amounts listed.*"

A look at Table 9 reveals that Halibut PSC apportionments for Pacific cod trawl fisheries are set at 1,334 mt while Pacific cod non-trawl fisheries have only 755 mt. Between these two fisheries there is a total of 2,089 mt of Halibut PSC, with the trawl fishery getting 63.9% and the non-trawl fisheries only 36.1%. There is a marked discrepancy between this bycatch allowance and the allocation of the actual target species, where trawl fisheries are allotted 47% and non-trawl fisheries 53% (Table 7).

Historically, trawl fisheries demonstrate an inability to catch their allocation of Pacific cod resulting in "Rollovers" to non-trawl fisheries. This trend is likely to increase as a result of the RPA's. The Pacific cod non-trawl fishery should be given additional allowance of halibut bycatch allowance to allow the harvest of this quota.

I urge the Council to correct this disparity by recommending a halibut PSC apportionment that more accurately reflects the division of effort between these two fisheries. I propose an allowance of 982 mt (47%) to Pacific cod trawl fisheries and 1,100 mt (53%) to Pacific cod non-trawl fisheries.

NMFS has indicated their willingness to consider amending PSC apportionments, I commend the Council in advance for their recommendation that they do so.

Sincerely,

Mike Burns
President, Blue North Fisheries
F/V. Blue North, F/V Blue Pacific, F/V Blue Dutch, F/V Blue Attu

REQUEST OF STEVE AARVIK (F/V WINDJAMMER), OMAR ALLINSON (F/V MISS LEONA), AND CHARLES BURRECE (F/V LONE STAR).

We request that the Council recommend small boat protections as authorized under the "Stevens Rider". Under Section 209(c)(6), the Council is authorized to make the following types of recommendations for the protection of small boats in 2001:

1. Open critical habitat where needed,
2. Adjust seasonal catch levels, and
3. Other measures as needed.

Senator Stevens' comments make clear Congress' intent that the Council recommend measures for the safety of small boats engaged in the fisheries. Senator Stevens also noted in his Section-by-Section Analysis (at page 4 of Item (c) of the Council materials):

"These modifications may include the opening of additional designated Steller sea lion critical habitat for fishing by small boats, the postponement of seasonal catch levels inside critical habitat for small boats, or other measures to ensure that small boat fishermen and on-shore processors in Alaska are not adversely affected during 2001 as compared to the fisheries before the July 19, 2000 injunction."

The term "small boat" is not defined in Section 209. There has been testimony before to the Council that in the Bering Sea, a small boat is one less than 90 feet in length overall, or alternatively 99 feet or less.

We request that the Council recommend the following small-boat safety measures as to the Bering Sea trawl fisheries, commencing in the year 2001 as contemplated by Congress in Section 209(c)(6):

1. That in 2001 non-AFA and AFA cod-exempt vessels of less than 100 feet in length overall be exempted from the seasonal catch restrictions as set forth in the RPA's (i.e. the 60/40 division of TAC by seasons), provided that such vessels must have had directed cod deliveries in the Bering Sea in 1999.
2. That commencing June 10, 2001, the same vessels be exempt from Critical Habitat closures and harvest limits, in addition to being exempt from seasonal catch restrictions.

We believe that these recommendations are consistent with Congress' intent and with the National Standards (especially regarding safety) under the Magnuson-Stevens Act. Similar protections should also be established for small boats engaged in the other fisheries affected by the RPA's.

T. Smith

Table 9.--PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL AND NON-TRAWL FISHERIES¹
 [All amounts are in metric tons]

TRAWL FISHERIES	Prohibited Species and Zone					
	Halibut mortality (mt) BSAI	Herring (mt) BSAI	Red King Crab (animals) Zone 1	C. opilio (animals) COBLZ ²	C. bairdi (animals)	
					Zone 1	Zone 2
Yellowfin sole	911	139	11,664	2,876,981	253,894	1,246,502
January 20 - March 31	286	.....	.....	.....	.....	.....
April 1 - May 20	196	.....	.....	.....	.....	.....
May 21 - July 3	49	.....	.....	.....	.....	.....
July 1 - December 31	380	.....	.....	.....	.....	.....
Rocksole/oth.flat/flat sole ³	854	20	64,782	469,130	272,126	415,501
January 20 - March 31	498	.....	.....	.....	.....	.....
April 1 - July 3	179	.....	.....	.....	.....	.....
July 1 - December 31	177	.....	.....	.....	.....	.....
RKC savings subarea ³	.....	.....	22,674	.....	.....	.....
Turbot/sablefish/arrowtooth ⁴	.....	9	.....	40,238	.....	.....
Rockfish (July 1 - December 31) ⁵	69	7	.....	40,237	.....	7,658
Pacific cod	1,334	20	11,664	524,736	136,400	225,941
Pollock/Atka/other ⁶	232	146	1,615	72,428	12,830	19,148
Midwater trawl pollock	.....	1,184	.....	.....	.....	.....
TOTAL TRAWL PSC	3,400	1,526	89,725	4,023,750	675,250	1,914,750
NON-TRAWL FISHERIES						
Pacific cod - Total	755					
Jan. 1 - June 10 ⁷	300					
June 11 - July 31	0					
August 1 - Dec. 31	455					
Other non-trawl - Total	78					
May 1 - December 31	78					
Groundfish pot & jig	Exempt					
Sablefish hook-&-line	Exempt					
TOTAL NON-TRAWL	833					
PSQ RESERVE⁸	342	.....	7,275	326,250	54,750	155,250
GRAND TOTAL	4,575	1,526	97,000	4,350,000	730,000	2,070,000

¹ Refer to § 679.2 for definitions of areas.

² C. opilio Bycatch Limitation Zone. Boundaries are defined at 50 CFR part 679, fig. 13..

³ The Council at its December 2000 meeting limited red king crab for trawl fisheries within the RKCSS to 35 percent of the total allocation to the rock sole, flathead sole, and other flatfish fishery category (§ 679.21(e)(3)(ii)(B)).

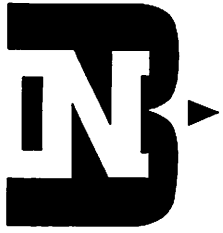
⁴ Greenland turbot, arrowtooth flounder, and sablefish fishery category.

⁵ The Council at its December 2000 meeting apportioned the rockfish PSC amounts from July 1 - December 31, to prevent fishing for rockfish before July 1, 2001.

⁶ Pollock other than pelagic trawl pollock, Atka mackerel, and "other species" fishery category.

⁷ Any unused halibut PSC from the first trimester may be rolled over into the third trimester.

⁸ With the exception of herring, 7.5 percent of each PSC limit is allocated to the multi-species CDQ program as PSQ reserve. The PSQ reserve is not allocated by fishery, gear or season.



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January 12, 2001

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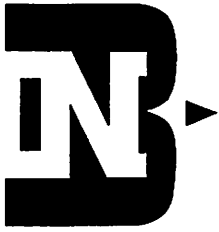
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Sincerely,

Mike Burns
President, Blue North Fisheries
F/V Blue North, F/V Blue Pacific, F/V Blue Dutch, F/V Blue Attu

Questions & Answers Concerning:

Endangered Species Act Section 7 Consultation - Biological Opinion

For Bering Sea/Aleutian Islands and Gulf of Alaska Groundfish Fisheries

December 1, 2000

Q 11. Long-liners and pot fisheries don't make "holes in the prey field", they catch fish one at a time. Why are those gear fisheries included in this scheme?

Long-lining includes hook and line fishing and the pot fishery. Individually, these two types of fishing do not have the magnitude of impact on fisheries as does the trawl fishery. However, cumulatively, the rate of removal for pot fisheries can be high over short time periods and total removals approach that of the trawl fishery for some species. This makes the potential rate of removal for these fisheries a concern, and does have the potential to create "holes in the prey field". However, the hook and line fishery does fish in a manner that is consistent with the intent to minimize disturbance to the prey field. NOAA Fisheries recognizes that and for that reason, NOAA Fisheries is allowing hook and line fishing during periods that other fishing is restricted. As protective measures for SSL are being developed, both fisheries are being reviewed separately from other trawl fisheries to see if their impact is of concern.

Q 12. Why does NOAA Fisheries believe that cod fishing jeopardizes Steller sea lions?

Cod is an extremely important component of the SSL diet especially in winter when SSL conservation is considered most important. Most of the fishery occurs inside critical habitat. For these reasons, the cod fishery overlaps in area, in time, and removes large amounts of fish in a very short period, thereby potentially creating "holes in the prey field", which can be of significant consequence to SSLs. The cod fishery is conducted using several gear types and NOAA Fisheries is considering the impacts of each of these gear types when developing conservation measures, as the various gear types have the potential for different levels of impacts.

Q 13. Substantial evidence seems to indicate other causes for the decline of Steller sea lions, such as ocean regime shift and predation by killer whales. Why is NOAA Fisheries focusing on the fisheries as the cause of the decline?

It is difficult to separate the effects of the regime shift and the effects of fishing on the declining SSL population. However, NOAA Fisheries has examined all the known or apparent causes of the decline - environmental shifts, increased predation, direct mortality, indirect and/or incidental competition with fisheries - when looking at the trends over the past few decades. During the 1970-80s, NOAA Fisheries believes the significant decline of 15 percent per year was due to a combination of all these activities. Since the 1990s, most

ALASKA CRAB COALITION

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Seattle, Washington 98107
206 547 7560
206 547 0130 Fax
Email: acc-crabak@msn.com

COMMENT TO NORTH PACIFIC FISHERY MANAGEMENT COUNCIL ON STELLER SEA LION CONSERVATION MEASURES

**January 11, 2001
Seattle, Washington**

- The Alaska Crab Coalition (ACC), representing the owners and operators of Bering Sea crab pot vessels, wishes to provide comments for the administrative record supporting the findings and recommendations of the NPFMC on December 9, 2000 in regards to Steller sea lions and the NMFS Biological Opinion and Reasonable and Prudent Alternatives for conservation.
- In addition, the ACC also supports the recently enacted legislative program of conservation measures to protect Steller sea lions, P.L. 106-554, the Consolidated Appropriations Act of 2001.
- There are approximately 45 Bering Sea pot vessels that regularly participate in the harvest of Pacific cod in the Bering Sea and Aleutian Islands. These vessels harvest 9% of the total TAC, which last year amounted to almost 17,000 metric tons. The vessels are economically dependent on the fishery for a significant portion of their annual gross revenue. Almost 80% of the fleet's historic catch normally occurs in critical habitat, CH-RFRPA Area 8, as noted in figure 9.1a of the Biological Opinion of November 30, 2000 (BiOp).
- Closing Area 8, as proposed in the BiOp will likely foreclose the fishery to most of the pot vessels, as it closes off most of the productive cod fishing grounds adjacent to the ports of Akutan and Dutch Harbor. This is a significant problem, as the pot vessels fishing and travel time to port with fresh fish, is limited to 60 hours. Closure of Area 8 will force not only pot vessels, but trawl vessels into Area 7, a longer distance from the landing ports. The BiOp did not take into consideration the adverse conservation impacts of the effort displacement into Area 7, namely increased bycatch mortality of prohibited species of crab (PSC). In addition, the BiOP did not establish a scientific rationale for the boundaries of the proposed closure areas. The ACC participated in a scoping session with the NMFS this past summer and raised these issues, that will soon have a drastic effect on the pot vessels and increased crab bycatches.
- The cumulative effects of the CH-RFRPA of closing areas 8 and 9, in the Bering Sea will force pot and trawl vessels together into Area 7, create gear conflicts resulting in lost pots, and also result in high bycatches of already depressed bairdi and king crab stocks.

Arni Thomson, Executive Director

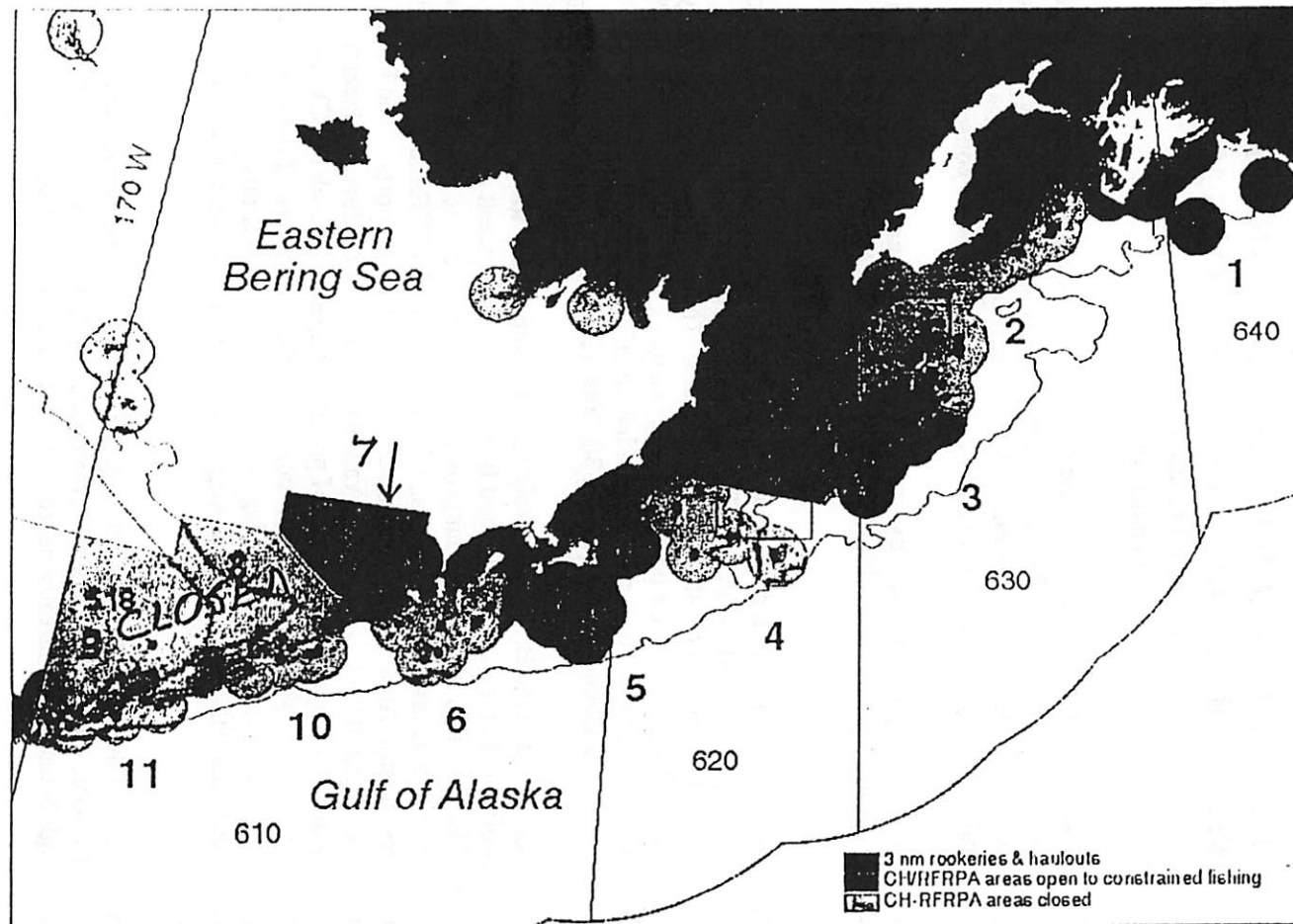


Figure 9.1a. CH-RFRPA areas closed and open to constrained fishing for pollock and Pacific cod fisheries in the Gulf of Alaska. Areas 1-6, 10 and 11 are in the Gulf of Alaska groundfish fishery management region (areas 610-640).

David Benton, Chair
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, Alaska 99501

11 January 2001

Re: Emergency rule and the following regulations

Dear Chairman Benton:

The Center for Marine Conservation (CMC) writes regarding the Steller sea lion protective measures that will be discussed by the North Pacific Fisheries Management Council and its Advisory Panel at the special meeting in Seattle January 11 and 12. CMC understands that at the special meeting, the Council and AP will discuss both the emergency rule proposed by NMFS for the first half of the fishing season from January 20 to July 20, 2001, as well as the proposed regulations for the second half of the fishing, July 21 to December 31, 2001. In addition, the Council and AP will establish a schedule for developing protective measures for 2002. Finally, the Council and AP will develop a schedule and proposal for using the National Academy of Sciences' expertise to conduct an independent scientific review of the November 30, 2000 Biological Opinion (BiOp), its underlying hypothesis and Reasonable and Prudent Alternatives (RPAs).

CMC supports the BiOp's conclusion that "the Fishery Management Plans for Alaska Groundfish in the Bering Sea and Aleutian Islands and Gulf of Alaska, and the cumulative effects,... is [are] likely to jeopardize the continued existence of the western population of Steller sea lions." CMC has a long history of working to develop constructive conservation-based approaches to marine mammal/fishery interactions. We hope to work with all interested parties to improve the implementation of the BiOp and the RPAs and identify and undertake the necessary research and monitoring. To that end, CMC urges National Marine Fisheries Service (NMFS) to quickly establish its proposed NMFS Steller Sea Lion Team and to include adequate representation from the environmental community. In the short term, however, we are concerned about the implementation of the RPAs from the November 30 BiOp and the Appropriations Rider.

Emergency Rule Must Satisfy the ESA

CMC firmly believes that the Council and NMFS must implement the emergency rule consistent with the BiOp and the Endangered Species Act (ESA). The Appropriations Rider section 209, addressing the development of fishery management plans and the regulations to

implement measures to protect Steller sea lions, requires the Secretary of Commerce to submit to the Council "conservation and management measures" to implement the RPAs. The Council will then prepare an FMP amendment to implement those measures. The Rider requires that such measures be consistent with the Magnuson-Stevens Act, highlighting specifically "best available science, bycatch reduction, impacts on fishing communities, the safety of life at sea, and public comment and hearings." This provision does not waive the Endangered Species Act.

Ensure Bycatch Reduction and Protect Habitat

The RPAs and the Rider must be implemented in a manner that minimizes by catch and adverse impacts to habitat. Therefore, CMC recommends that NMFS and the Council take the necessary measures to minimize bycatch and adverse impacts to habitat. Specifically we recommend that the Council consider and address the different impacts of various gear types on prey availability, critical habitat and the potential for localized depletions of prey.

Under subsection (6) of the Rider, NMFS has discretion to make changes to the 2001 fisheries to provide "small boat" fishermen and "Alaskan onshore processors" with the same income levels in 2001 as they had in 1999. While this provision is laudable, this language is not mandatory and does not waive the application of the ESA or the Magnuson-Stevens Act to these fisheries. Although the Secretary is not obligated to maintain income levels of any fishery sector, should he choose to do so, CMC recommends that he modify the fishery in such a way that ensures protection for the western population of Steller sea lions and their critical habitat under the ESA. Subsection (6) does not define "small boat" fishermen and "Alaskan onshore processors," so it is unclear what exactly these phrases mean. We urge the Council to work with NMFS to define these terms, recognizing the importance of Alaska community-based vessels under sixty-feet in length. Vessel size limits need to be combined with other appropriate measures to ensure that fishing rates and volumes are not causing localized depletions of Steller sea lion prey.

Global Control Rule

The RPAs contain a Global Control Rule, which the Appropriations Rider modified. The Rider prevents the Global Control Rule from reducing the Total Allowable Catch (TAC) of any fishery by more than ten percent. This will affect the Gulf of Alaska pollock, which the RPAs would have reduced approximately nineteen percent in 2001 in the absence of the Rider. Since the ESA still applies and the Global Control Rule is an important component of avoiding jeopardy and adverse modification, CMC recommends that the Council and NMFS seek compensatory changes elsewhere in order to be meet requirements of the ESA.

Similarly, CMC has been working with the Council for over a year now to modify the Global Control Rule to prevent overfishing. Moreover, some North Pacific stocks have dropped to extremely low levels but have not been separated out in Council quota setting. Due to the need for a more responsive Control Rule and stronger protection for badly depleted stocks, CMC recommends that the Council and NMFS seek compensatory changes outside of the TAC-setting process, such as the creation of no take marine reserves, to avoid overfishing as required under the Magnuson-Stevens Act.

Aleutian Islands Pollock Closure

CMC supports the Council's recommendation for the continued closure of Aleutian Islands directed fishing for pollock. Such a closure is a necessary measure to allow the stock to rebuild from its extremely low biomass estimates and to provide prey for Steller sea lions.

Proportional TAC Reduction

Because of the restrictions under the Rider, it is likely the RPAs associated with the Global Control Rule will not achieve the goal of avoiding jeopardy to Steller sea lions. In addition, CMC believes the Control Rule proposed in the RPAs does not prevent overfishing as required by the Magnuson-Stevens Act. For example, there is no proportional TAC reduction in open areas to account for catch not taken in closed areas. Consequently, the entire TAC can be taken in open areas and areas outside critical habitat. These issues need to be addressed in the implementing regulations.

Independent Scientific Review

At the special meeting, the Council plans to develop a schedule and proposal for using the National Academy of Sciences (NAS) to conduct an independent scientific review of the BiOp and its underlying hypothesis and RPAs. It is not clear what the Council envisions in developing a proposal to the NAS. CMC recommends that, to ensure the review is truly "independent," the NAS alone should define the scope of the review, the process for review, and choose the peer review members.

Conclusion

The BiOp concluded that "the Fishery Management Plans for Alaska Groundfish in the Bering Sea and Aleutian Islands and Gulf of Alaska, and the cumulative effects,... is [are] likely to jeopardize the continued existence of the western population of Steller sea lions." Consequently, the implementation of this BiOp will require significant changes to the fisheries management scheme for fisheries prosecuted within Steller sea lion critical habitat to satisfy requirements of the ESA. The depleted nature of some stocks and concern about bycatch and habitat impacts require management measures that will satisfy the Magnuson-Stevens Act under the constraints of the Rider. CMC looks forward to working with the NMFS, the Council, the environmental community and other interested parties to help achieve both of these objectives in implementing the BiOp.

Thank you for the opportunity to comment.

Sincerely,



Kris Balliet
Alaska Region Director