

North Pacific Fishery Management Council

Eric A. Olson, Chairman
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November 4, 2013

Dr. James Balsiger
Administrator, Alaska Region
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
PO Box 21668
Juneau, AK 99802

Dear Dr. Balsiger,

During the recent meeting of the North Pacific Fishery Management Council, the Council reviewed the Agency's analysis of the preliminary preferred alternative in the draft Steller Sea Lion Protection Measures EIS (EIS), and a summary of the draft Comment Analysis Report (CAR). After review of this information, recommendation from the Advisory Panel, and public comments, the Council approved a motion to recommend Alternative 5, the preliminary preferred alternative, as its Preferred Alternative for analysis in the Final EIS. Based on the best available scientific information, including the scientific findings of the independent scientific reviews conducted by the CIE on behalf of NMFS and the Independent Scientific Review Panel convened by the States of Alaska and Washington, the Council believes that its Preferred Alternative will not result in jeopardy and adverse modification to the SSL and their critical habitat.

The Council also strongly recommends that NMFS provide a draft Biological Opinion (BiOp) that analyzes the Preferred Alternative, and that the draft BiOp be provided to the Council and its SSC for review and comment within the context of the existing schedule. In this analysis, the Council expects to see clear and specific responses to findings and conclusions made by the CIE and the independent scientific review convened by the States of Washington and Alaska regarding the 2010 Biological Opinion, as well as specific metrics and analyses regarding the effects of fishing on SSLs and their habitat in light of those findings and conclusions. This information is crucial for developing any reasonable and prudent alternatives to the Preferred Alternative, if needed. Receiving this information prior to final Agency action is essential for the Council and the public to make informed comments and recommendations.

In selecting the Preferred Alternative and recommending completion of a Draft BiOp, the Council notes the following:

1. In its letter of August 21, 2013 NMFS responded to the Council's request for additional information regarding the effects of fishing SSLs and the metrics that would be used to evaluate the effects of the alternatives on SSL and their critical habitat, stating that there would be no new information provided to the Council at this meeting. NMFS cited several documents that might inform the Council's deliberations regarding selection of a preferred alternative. The Council has

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reviewed these documents and information sources and has taken them into consideration when making these recommendations.

2. The Council on numerous occasions has requested that NMFS provide the analyses and specific metrics and performance criteria that will be used to determine the effects of fishing on SSL and their critical habitat. The Council has repeatedly stated that it is necessary for these to be incorporated into the EIS at its various stages of development in order to inform the public and the Council about the relative effects of the alternatives on SSLs. The Council has specifically requested this information be made available to assist in choosing a Preferred Alternative. To date, NMFS has been able to make this information available.
3. In selecting the PPA and requesting completion of a draft BiOp, the Council notes that the existing schedule for completion of the EIS and rulemaking provides ample time to prepare the draft Biological Opinion, develop RPAs if necessary in a coordinated manner with the Council, and provide the opportunity for a meaningful public process. The Council believes that this is an important step as it will be the first opportunity for the public and the Council to review and comment on the analyses that will be used to assess the effects of fishing on SSL and their critical habitat, and to review and comment on the performance criteria and metrics that will be used to evaluate the effects of alternatives on SSLs.

On behalf of the Council, I respectfully submit these comments. We remain committed to working closely with NMFS Alaska Region as the EIS and BiOp are completed, and look forward to reviewing the draft Biological Opinion.

Sincerely,



Chris Oliver
Executive Director

Cc: Dr. Douglas DeMaster
Mr. Samuel Rauch
Mr. Jon Kurland