

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver *Chris*
Executive Director

DATE: January 31, 2007

SUBJECT: Protected Resources Report

ESTIMATED TIME 1 HOUR

ACTION REQUIRED

Receive report on Protected Resources issues and take action as necessary.

BACKGROUND

A. List of Fisheries for 2007

At the December 2006 meeting, the Council received a brief report on the draft List of Fisheries (LOF) for 2007. The proposed rule provides for no changes from the LOF for 2006 affecting Alaskan Federal groundfish fisheries. The following fisheries will remain in Category II for 2007:

- BSAI Pacific cod longline
- BSAI pollock trawl
- BSAI flatfish trawl
- Bering Sea sablefish pot

The Council decided to not comment on the LOF for 2007 since it had previously provided fairly extensive comments on the LOF for 2005 when these fisheries first appeared as Category II fisheries. However, the SSC continues to have questions about the process used by NMFS to develop the List of Fisheries, and the SSC requested an opportunity to review the methods used by NMFS at this meeting (an excerpt from the December 2006 SSC meeting minutes is attached as Item B-8(a)). A presentation is scheduled for the SSC this week to provide the SSC an opportunity to discuss the LOF in detail with the preparers. Staff from the NMFS Alaska Region and the National Marine Mammal Laboratory will be available for questions.

B. Update on FMP Consultation and SSL Mitigation Committee Work on Proposal Ranking Tool

At the December 2006 meeting, the Council was notified by NMFS that the schedule for completion of the draft Biological Opinion has changed and the draft BiOp will now be available for Council review at its June 2007 meeting. [More on that issue below.] In the interim, the Steller Sea Lion Mitigation Committee (SSLMC) will continue development of a Proposal Ranking Tool (PRT). The PRT will be used to evaluate proposals for changes in SSL protection measures in the pollock, Pacific cod, and Atka mackerel fisheries.

The SSLMC met in Anchorage on January 8-9, 2007 to continue development of the PRT, and to prepare a report which responds to SSC comments and provides the documentation of the PRT model (draft

SSLMC meeting minutes are attached as Item B-8(b)). This report will be presented at this meeting to the SSC for their review. Once this review is completed, the SSLMC intends to begin the process of reviewing proposals and to eventually prepare recommendations for the Council.

The next steps in this process are summarized here (see meeting schedule below):

The SSLMC will meet next to begin using the PRT. Before the full SSLMC meets, a SSLMC Subcommittee on Proposal Scoring will meet to work through the proposals; this subcommittee is comprised of “unbiased” members who have no connection to any of the proposals. Proposals will be broken down into components that can be fit into the PRT, and status quo for each proposal will be defined.

The Subcommittee will then discuss their initial review and how the proposals fit the PRT with the entire SSLMC. The SSLMC will discuss the Subcommittee’s review of each proposal and how the Subcommittee would define status quo for each proposal. No scoring of proposals will occur until proposers present their proposals to the full Committee. The SSLMC then will receive presentations from proposers and discuss/request additional information, if needed. Proposers will be provided beforehand with a list of the issues the SSLMC will consider when evaluating each proposal. These considerations will include not only the elements in the PRT but also the data sets the Committee will use that are considered “outside the model” considerations. Proposers may wish to provide their own comments on these issues. The SSLMC will prepare a document for proposers to help them prepare their presentations.

At a follow-up meeting, the SSLMC plans to receive reports on any new scientific information that has been developed since the PRT was built, such as new SSL counts from the 2006 survey, new killer whale information, updated SSL natality information, fishery interaction study results, etc. The PRT may be revisited based on this new information. The SSLMC will also review any supplemental information provided by proposers to be sure the Committee fully understands the proposals and how to input them to the PRT model.

The SSLMC will then finalize proposal scores and rankings based on the PRT model runs, and the SSLMC will define how each proposal will be further reviewed with data sets or information considered “outside the model”. These data will include all historic SSL counts, fishery bycatch of “other” SSL prey items by region and season, harvest rate data by gear and species, annual TACs, and other information.

The SSLMC notes that when the draft BiOp is released, the SSLMC will convene to review the draft BiOp and it may revisit the PRT as needed based on the information and conclusions presented in that document. This process will eventually culminate in a package of recommendations for Council review.

The schedule of future (2007) meetings is:

April 16 (8:30 am) - Subcommittee on Proposal Scoring - Juneau – Subcommittee meets to define elements of proposals for PRT model runs, including status quo for each proposal.

April 17-19 (8:30 am daily) - SSLMC meeting - Juneau – SSLMC meets to discuss proposals with Subcommittee, receive proposal presentations from proposers, clarify proposal intent and effects, and request additional information from proposers as appropriate.

May 7-10 (8:30 am daily) – SSLMC meeting - Seattle, AFSC - This meeting will be structured into two time-certain parts: May 7-8 will focus on proposal work, and May 9-10 will focus on receiving new scientific information. The overall goals for this meeting are to review new

proposal information, receive and discuss new scientific information, review the PRT in light of new information, and finalize the PRT. The SSLMC intends to conduct model runs to score all proposals, including each proposal's status quo score.

June 19-21 (8:30 am daily) – SSLMC meeting - Seattle, AFSC – This meeting will likely be wholly focused on receiving a presentation on the draft BiOp and working through the BiOp with NMFS staff. The Committee may also discuss the PRT in light of information contained in the draft BiOp. The SSLMC intends to expand its review of proposals, based on the information provided in the BiOp, at subsequent meetings (TBA).

NOTE: On January 12, 2007, NMFS received a letter from the Alaska Department of Fish & Game encouraging NMFS to review the comments NMFS has received on the Draft Revised Steller Sea Lion Recovery Plan and to complete a revision of the recovery plan based on those comments; ADF&G recommends that this process be completed prior to preparing the draft BiOp (the ADF&G letter is attached as Item B-8(c)). On January 31, 2007 NMFS responded to the ADF&G letter (see Item B-8(d)). In their response, NMFS expresses agreement with the State on reprioritizing completion of the Draft Revised SSL Recovery Plan, and to that end NMFS intends to put staff emphasis on reviewing the comments it has received on the draft recovery plan, and prepare another draft of that plan for a 60-day public review, prior to the Council's June 2007 meeting. In so doing, the agency also notes that the schedule for completion of the draft BiOp will change; the draft BiOp is now scheduled for completion late in 2007. NMFS has also sent a letter to the Council dated January 31, 2007 (see Item B-8(e)) which explains the above change in schedule. The Council may wish to discuss the implications of these actions to the FMP consultation process and future work by the SSLMC.

C. Update on Cook Inlet Beluga Whales

In November 2006, NMFS completed a status review of the Cook Inlet population of beluga whale. The intent of this review was to evaluate new scientific information on this population as an aid to the determination of whether Cook Inlet beluga whales should be listed on the Endangered Species List. This population is considered a Distinct Population Segment of beluga whales in the North Pacific, and as such is considered a "species" under the Endangered Species Act. The status review included a summary of new information and the status of the population, an analysis of potential risk factors, and a population viability analysis. A press release on the latest Cook Inlet beluga population estimate and a summary of the conclusions of the status review are attached as Item B-8(f). The full status review can be obtained at <http://www.afsc.noaa.gov/Publications/ProcRpt/PR%202006-16.pdf>.

D. Alaska Board of Fisheries Proposals

At their February 6-10, 2007 meeting in Anchorage, the Alaska Board of Fisheries (BOF) will consider Alaska Peninsula and Aleutian Islands Finfish proposals, including several that may be of interest to the Council (the BOF meeting Agenda is attached as Item B-8(g)). Specifically, the Council may wish to discuss Proposals # 182 and 183 which propose increasing the GHF for P. cod in the South Alaska Peninsula area to 50 % of the Federal TAC for the western GOA (currently it is 25 %) and Proposal 185 which would prohibit vessels >58 ft LOA from participating in the parallel P. cod fishery in the South Alaska Peninsula Area. All South Alaska Peninsula Proposals (178-185) are attached as Item B-8(f). The Council may wish to provide comments to the BOF on these proposals. The BOF will review these proposals in "Committee A" on February 8; their agenda calls for BOF deliberations on proposals on February 10-11.

On January 31, 2007 NMFS sent a letter to the BOF with comments on two of these proposals, # 182 and 183 (see Item B-8(i)). NMFS expresses concern that the proposals may result in increased Pacific cod harvest in State waters in this region that are currently not under the more stringent Federal SSL protection measures. The letter presents the rationale for this concern. The Council may wish to discuss the ADF&G and NMFS letters to the BOF as the Council considers any action it may wish to take.

DRAFT REPORT
of the
SCIENTIFIC AND STATISTICAL COMMITTEE
to the
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 6-8, 2006

The Scientific and Statistical Committee met during December 6-8, 2006 at the Hilton Hotel in Anchorage, AK. Members present were:

Gordon Kruse, Chair <i>University of Alaska Fairbanks</i>	Pat Livingston, Vice Chair <i>NOAA Fisheries—AFSC</i>	Keith Criddle <i>University of Alaska Fairbanks</i>
Steven Hare <i>International Pacific Halibut Commission</i>	Mark Herrmann <i>University of Alaska Fairbanks</i>	Sue Hills <i>University of Alaska Fairbanks</i>
Anne Hollowed <i>NOAA Fisheries—AFSC</i>	George Hunt <i>University of Washington</i>	Seth Macinko <i>University of Rhode Island</i>
Franz Mueter <i>SigmaPlus Consulting</i>	Steve Parker <i>Oregon Department of Fish and Wildlife</i>	Ken Pitcher <i>Alaska Department of Fish and Game</i>
Terry Quinn II <i>University of Alaska Fairbanks</i>	Farron Wallace <i>Washington Dept of Fish and Wildlife</i>	Doug Woodby <i>Alaska Department of Fish and Game</i>

B-3 NPRB Report

Clarence Pautzke (executive director NPRB) presented a report on the current activities of the NPRB, including information on funding levels and regional focus. The NPRB Science Plan was mentioned as being the guide for activities in the next 5-7 years. The recent Bering Sea Integrated Ecosystem Research Plan (BSIERP) activities will be coordinated with National Science Foundation's Bering Ecosystem Study (BEST). These two programs, extending over five to six years at an expected funding of about \$35 million, will focus on understanding and predictions of the effects of climate variability on the sustainability of subsistence and commercial fisheries in the eastern Bering Sea. The Council's update of its list of research priorities would be useful to the NPRB if provided after the June Council meeting. Also useful to the NPRB would be an indication of the highest priority research issues, in addition to the complete list of needed research. The SSC commended Dr. Pautzke on his leadership in working with the NSF to coordinate the activities of the NPRB BSIERP and NSF BEST programs. This effort will produce a much more comprehensive and integrated effort than either program could have accomplished on its own.

B-9 Protected Species Report

Bill Wilson (NPFMC) presented the protected species report. It was primarily informational and required no action by the SSC. Additional comments were given by Doug Demaster (AFSC). Four topics were addressed including the List of Fisheries (LOF), SSL ranking tool, SSL and NFS research permits, and the upcoming groundfisheries/SSL ESA consultation. No public testimony was offered.

List of Fisheries for 2007

Previously, the SSC has commented on List of Fisheries (LOF) and the methods used since the change to split out fisheries more finely (October and December 2004, February 2005, June 2006). In December 2004, the SSC commented on a white paper, "Summary of analysis for the proposed list of fisheries for 2005: and in February 2005, additional information was provided by NMML staff, but the SSC provided substantial additional comments. NMFS provided a written response to the SSC and Council's comments on the 2005 LOF, but the SSC continues to request

an opportunity to review the methods in detail with the analysts. **The SSC requests that such a presentation be scheduled for the February 2007 meeting.**

The SSC notes that the Council's letter of February 28, 2005 expressed concern over the short time "provided to Councils and the public to meaningfully review the draft LOF, the Federal Register notice, and particularly the data and reports used by NMFS and their resulting rationale for assigning various fisheries to categories." This concern remains for the 2006 and 2007 LOF; the 2007 LOF has not yet been seen by the SSC and the comment period will end in early January, long before the February meeting, making meaningful comment difficult. To reiterate our June 2006 minutes, "in the future, the SSC requests that proposed the Proposed Rule for LOF be scheduled in a way that allows for SSC review before the end of the comment period. Also, the SSC requests the authors to work with the SSC to resolve outstanding analytical issues."

Update on SSL Mitigation

The SSL mitigation committee met after the October Council meeting to consider comments received from the SSC regarding development of a Ranking Tool (RT) to evaluate proposals that modify SSL protection measures. The SSLMC made revisions to the RT based on SSC comments and documented the rationale for assumptions and the hierarchy of the model. Details are provided in SSLMC minutes from their last meeting. The SSLMC plans to meet in January to finalize model develop and documentation. They will prepare a final report for presentation to the Council at the February 2007 meeting. The SSLMC will use this RT in conjunction with the draft BIOP to evaluate proposals that would change SSL protection measures in fisheries for pollock, Pacific cod, and Atka mackerel.

Steller Sea Lion and Northern Fur Seal Research Permits

NMFS reports that the EIS is being developed on the effects of research activities on SSL and NFS and, if it remains on schedule, will be completed by early summer 2007. Once the EIS is completed a Record of Decision will be issued, and research resumed, barring legal challenges. The 2006 SSL survey was only partially completed due to permit and weather issues. Results of the partial survey suggested a continued decline in the western Aleutians and stability throughout the remainder of the range of the western SSL population.

FMP Consultation and Preparation of SSL Biological Opinion

NMFS has changed the schedule for completion of the draft BiOP and now plans on presenting the draft at the June 2007 Council meeting. Based on legal advice, NMFS will develop the BiOP in advance of finalizing the SSL Recovery Plan. The draft Recovery plan and comments received on that draft will be utilized in preparation of the BiOP. Based on this schedule, the Council would receive recommendations from the SSLMC and comments from the public on proposals to change SSL protection measures at the October 2007 meeting.

C-1 Charter Halibut Management

C-1(a) Status Review of 2005 and 2006 GHs

Doug Vincent-Lang (ADF&G) responded to questions about recent estimates of charter-based sport fishing catches of halibut in IPHC areas 2C and 3A. Public testimony was provided by Dan Falvey (Alaska Longline Fishermen's Association). Catch estimates for 2005 have been finalized based on the 2005 Statewide Harvest Survey (SWHS) conducted in Spring 2006. The SSC was informed that

**North Pacific Fishery Management Council
Steller Sea Lion Mitigation Committee Meeting
January 8-9, 2007
Anchorage Hilton Hotel**

Minutes

The Steller Sea Lion Mitigation Committee (SSLMC) convened in Anchorage at the Hilton Hotel on January 8-9, 2007. Committee members present were: Larry Cotter (Chairman), Jerry Bongen, Julie Bonney, Sam Cotten, Ed Dersham, John Henderschedt, Dan Hennen, Sue Hills, Frank Kelty (via telephone), Dave Little, Steve MacLean, Max Malavansky Jr, and Art Nelson. Also present were Earl Krygier (ADF&G), Bill Wilson (Council staff); Doug DeMaster (NMFS AFSC); Kristin Mabry and Melanie Brown (NMFS AK Region staff); John LePore (NOAA General Counsel AKR); Shane Capron (NMFS AK Region PR), and several members of the public. The primary focus of this meeting was to review the revised Proposal Ranking Tool (PRT), develop procedures for reviewing proposals with the PRT and other data sets, prepare a draft report on the PRT for SSC review of the PRT at the February 2007 meeting, and set a future SSLMC meeting schedule in light of recent changes in the FMP consultation schedule.

Chairman Cotter reviewed the agenda (attached), the work schedule for the coming several days, and Kristin Mabry reviewed the handout materials provided to each committee member. The minutes of the SSLMC's October 30-November 1 meeting were reviewed. These minutes capture the rationale for the structure and weightings of the elements in the PRT and most of this text will go into the draft report for PRT. Mr. Wilson used these to update the PRT report (version dated Dec. 2006) which was provided to SSLMC members. The draft October SSLMC minutes were revised to reflect the SSLMC's revoting on type of site based on Ken Pitcher's season discussion from the North Pacific Fishery Management Council's (Council) Scientific and Statistical Committee (SSC). The minutes from the October 30 (Halloween) meeting were approved with those edits.

Board of Fisheries Actions

The Committee received reports on recent Board of Fisheries actions. Art Nelson reviewed the Board of Fisheries' (BOF) action on the Aleutian Islands State waters pollock fishery. The BOF clarified the start date of the fishery to 7 days after the federal exempted fishing permit (EFP) is effective, if the authorized harvest amount of the EFP is less than 3,000 mt, or by March 1 if no EFP is authorized. The guideline harvest level is based on the authorized amount in the EFP, not the federally harvested amount. Shane Capron, NMFS Protected Resources Division (PR), stated that a no jeopardy or adverse modification determination was made for the EFP.

FMP Consultation Update

Mr. Capron reported that the draft biological opinion (BiOp) will be available by June 1. The Council is expecting final alternatives for revisions to the SSL protection measures in December 2007. The four draft chapters of the BiOp previously released are likely to change in the final draft based on feedback received by the agency. Committee members should retain the four draft BiOp chapters they received earlier. Mr. Capron stated that NMFS is on the schedule for peer review by the Council of Independent Experts (CIE), but this review depends on funding and scheduling. NMFS is not sure where this project falls in the priorities for the CIE. NMFS may be able to steer the review to certain types of reviewers but may not be able to control who does the peer review. There was some discussion about the SSLMC reviewing the statement of work for the peer review, but it was decided that this was not a responsibility of the SSLMC.

Mr. Capron recommended that PR's limited resources will be focused on the BiOp. They will address concerns with the draft chapter 1-4 in the June 1 draft of the BiOp. He recommended that a range of alternatives could be developed now even though the BiOp is not ready yet. Mr. Capron stated that new information is constantly available and wants the new draft BiOp to be comprehensive. The BiOp will cite peer reviewed and published information. Mr. Capron stated that NMFS is developing a summary of comments it has received on the draft SSL Recovery Plan and determining how to respond. NMFS needs to decide on the amount of work needed to complete the plan. If major work is needed, the plan may need to be put to the side until the BiOp is completed. NMFS will

know the schedule in the next few weeks. The public will be updated on the schedule when it is finalized.

Schedule for SSL Protection Measures Development

The SSLMC reviewed their schedule of activities for the next few months:

- The draft BiOp is released June 1, 2007. The committee would like to have the BiOp as soon as it is ready and well before the meeting.
- The SSLMC will review proposals and develop recommendations for changes in fishing regulations by the October 2007 Council meeting. The SSLMC may decide to alter the weightings of the model elements based on the BiOp and may need to reevaluate proposals.
- NMFS will prepare the NEPA document (EA or EIS) based on the preliminary alternatives recommended by the Council.
- A preliminary preferred alternative should be selected in December 2007.
- Final Council action would be April 2008.

The SSLMC noted that this is a very aggressive schedule. Because of this, the SSLMC decided that they should start the proposal evaluation process now and develop recommendations sooner instead of waiting for the draft BiOp to trigger this process. The SSC recommended that the final PRT be reviewed by NMFS PR. The SSLMC discussed whether the PRT should be reviewed by PR or the AFSC and the purpose of such review. If PR does the review of the PRT, it will likely result in a one page review. The AFSC could review the PRT to determine if it is a scientifically valid method to support the work of the SSLMC. Mr. Cotter asked PR to determine if the tool is flawed and identify what those flaws may be. The SSLMC would like to have PR determine if the right structure for scoring was used and are the right elements being looked at. The SSLMC may need to revote on their weightings based on the June 1 draft BiOp. Ms. Mabry stated that PR's review of the PRT should concentrate on whether the PRT is meeting the conclusions of the BiOp. The SSLMC discussed this issue later in the meeting (see below).

New Proposal Discussion

The SSLMC discussed whether to allow new proposals to be submitted. The Committee decided that no new request for proposals would be issued. No one has been approached by the public requesting an additional opportunity to submit proposals, and there are enough proposals now before the committee to work on. Also, the SSLMC was concerned that any new proposals may be written to ensure the results from the PRT are as favorable as possible.

The SSLMC may base its recommendations on one or more proposals, and may combine or change features of the proposals. Julie Bonney stated that the fishers in the GOA may want to look at Pacific cod seasonality and gear splits after the draft BiOp is available in June.

Atka Mackerel, Pacific cod, and Pollock Fisheries Actual Fishing Periods

As requested at the last SSLMC meeting, Ms. Bonney and Mr. Henderschedt provided information to the SSLMC on actual fishing time periods compared to regulatory fishing seasons. These data will be used by the SSLMC during the proposal review process. Ms. Bonney provided data for the GOA, and Mr. Henderschedt provided data for the BSAI. The AI Atka mackerel fishery information was reported by subarea. There are large differences in pollock fishing time periods among areas in the GOA and Ms. Bonney will revise the GOA information to be in a similar format to the BSAI information.

One important finding was to not assume the fishery starts on the opening day. In the GOA, the pollock roe fishery has a gentleman's agreement to wait until the middle of February for the roe to ripen, but this behavior may change with rationalization. Mr. Krygier requested the data be reported by average length of the fishery or listing the closure dates, as done for the BSAI fisheries. It was determined that average length is not as good a representation of future fishing behavior because the fisheries durations seem to be getting shorter. This shortening of the fisheries may be from improved CPUE or smaller TACs. In the Bering Sea the pollock A season fishing starts on January 20 and the fishery may continue into April. The BSAI Pacific cod fishery is on less fish in a more intense and shorter fishing period.

The SSLMC discussed data sources for this issue and other ways of looking at catch information. Mr. Ken Stump (public) recommended using NMFS inseason management reports on fishing seasons which is what was used for the

BSAI fisheries information provided by Mr. Henderschedt. The use of daily and weekly removals was discussed but Dr. Hennen recommended that it was not appropriate for the PRT because it is not designed to use that level of detail. The PRT inputs should include if the season is shorter or longer than status quo. This general approach is sufficient for what is needed for the model. Mr. Cotter recommended that the extraction rates over time are important and should be included in the other datasets for consideration outside of the PRT.

The information provided by Mr. Henderschedt shows how long fisheries take to prosecute. This information covers a short period and should be considered the worst case scenario but is likely most reflective of what the fisheries will look like for the next few years. Ms. Mabry suggested that the fishing period information informs the model. Temporal distribution would be a good dataset to look at. She reminded the SSLMC that the model is their expert judgment. In the model, there are four seasons. The fishing period information is intended to allow the SSLMC to associate dates with how the model looks at the four seasons.

Subcommittee Reports

The SSLMC Subcommittees on Proposal Input and Status Quo Scoring have not met yet. However, John Henderschedt and Dan Hennen reported that the proposals have been read and it is likely that some won't "fit" the PRT. He noted that some proposals may also not address SSL mitigation issues. Of the 29 proposals, Mr. Henderschedt and Dr. Hennen believe that 23 will "fit" and can be scored by the SSLMC using the PRT. The SSLMC should not try to change the model structure to fit the proposals that cannot be evaluated with the PRT.

Mr. Cotter asked all Committee members to review the draft report prepared by Bill Wilson and reconvene in the afternoon to begin working through the revised PRT. Mr. Cotter also asked the three Subcommittees to morph into a single committee and work on proposal scoring and proposal review issues and report back in the afternoon.

Public Comment

Mr. Cotter provided an opportunity for questions or comments from the public. Ken Stump noted that in his view the PRT is only a tool and doesn't have the resolution to provide a sound basis for making decisions. He suggested that the SSLMC should look beyond this model for additional information for evaluating proposals.

Updated Subcommittee Reports

Members of the three subcommittees (Dan Hennen, Kristin Mabry, Doug DeMaster, and John Henderschedt) met together during the break and suggested a procedure for scoring and ranking proposals. Dr. Hennen reported for these subcommittees since their activities and memberships are interrelated. He noted that the SSLMC recommended that proposals should be initially scored at a subcommittee level through an objective process and the end results would be brought to the SSLMC. The SSLMC has an obligation to use the PRT as a component of the evaluation process. The goal is a qualitative, and, when possible, a quantitative, look at proposals to rationalize the decision-making process. Mr. Henderschedt noted that the SSLMC will not be able to get to a fine level of detail on the economic impacts of proposals.

The Subcommittee suggests a three step proposal review process:

- 1) Work through each proposal to unravel its basic components that will fit the model. The subcommittee believes that all but three proposals can be run through the PRT. Plug those components into the PRT to score the proposal.
- 2) Score status quo for each proposal. Status quo will be defined as only those elements of a proposal that would change from how the current fishery is prosecuted and managed. Thus a proposal will receive a status quo score and a proposal score, the difference between which will be the metric for ranking the proposal.
- 3) Identify the components of each proposal that lie outside the model. This step also includes identifying areas of a proposal that are unclear and will require additional information from proposers. Some proposals may need to be re-scored based on additional information or clarification received during this step in the process.

Mr. Cotter added that, after this process is completed, the full SSLMC would receive a report from the Subcommittee on proposal scores, status quo scores, and the difference metric. The SSLMC would then discuss this with the Subcommittee, ask questions, and clarify and eventually score the proposals. If the full Committee cannot agree, then further discussions and alternative scoring might be pursued. The overall goal will be to achieve SSLMC

consensus on the scores for all proposals. Mr. Cotter appointed Dan Hennen, Sue Hills, Kristin Mabry, and Doug DeMaster as the subcommittee that will initially score the proposals; these individuals would be considered neutral and not connected or to benefit from any of the proposals.

Dr. Hennen noted that the Subcommittee also suggested that after the BiOp is released for public review, the SSLMC may wish to re-visit the PRT and weightings for some of the elements in the PRT based on information presented in the BiOp. Mr. Cotter also noted that once the proposals are scored, they will be reviewed by the full SSLMC; proposers will need to attend that meeting as well to respond to questions, clarify proposals, and to hear the scores of their proposals. A second SSLMC meeting will be convened shortly thereafter to do additional work on the proposals, consider "outside the model" data sets, and proceed with a preliminary analysis of the proposals. Mr. Cotter suggested that proposals that stray too far from SSL issues may be set aside; some proposals may be subsumed or integrated into others, and some may morph into a Committee-generated measure based on the PRT results, proposal clarification, or the draft BiOp. All of these deliberations will be aided by public input.

Draft PRT Report Comments

Mr. Wilson provided the SSLMC with a December 2006 version of the PRT report for review. He reviewed the history of interactions with the SSC regarding the PRT and the current status of addressing their concerns. A third version of the report on the PRT is scheduled for SSC review in February 2007. The report has been updated with new information that addresses the SSC concerns for documentation of the model. Updates include the rationale for elements and for weighting of elements which start on page 17 of the report. Pages 19-25 are detailed discussions of each of the model elements. The report is intended to describe the reasoning for the structure and weighting of the PRT. The model structure is done for now and ready to use. The SSLMC reviewed the responses to the SSC to make sure they are correct and provided edits to Mr. Wilson.

The SSLMC suggested changes to pages 29-30 in the draft report (drafted by Mr. Wilson):

- The language for steps 1 and 2 on "Implementation of the Proposal Review Process" will need updating based on the Subcommittee's work discussed above. Dr. Hennen will help with that language.
- The SSLMC suggested splitting out gear type issues into two areas: fish removal rate and direct effects on SSLs. Considerable discussion on effects of gear on SSLs continued. Some were concerned that gear effects (entanglement, injury, etc.) would be beyond the purview of the SSLMC and would be dealt with in the NEPA analysis. And some felt that current fishery practices have almost negligible gear impacts and needn't be considered by the SSLMC. Others noted that gear impacts could be considered outside the model, which the Committee eventually agreed to do.
- The SSLMC discussed how to evaluate economic or social impacts of a proposal. Economic data can be complex and difficult to address, and may not be the purview of this Committee. The SSLMC concluded that where socio-economic data should be considered, it would be outside the model.
- The term "historic" as related to SSL count data should be revised to read "all recorded data" on SSL site counts and trends.
- The issue of fishery practice change as a result of a proposal should read "will the means in which the fishery is conducted be improved or otherwise affected".
- And an additional consideration should be added – are there components of a proposal that may mitigate or minimize effects on SSLs.

In compiling this list of the elements of the proposal review process, the SSLMC felt that the public should consider these elements as examples of the kinds of considerations the Committee will take into account in the proposal review process. The Committee does not want to lead the public by providing a specific formula, yet it wants to give examples to help proposers prepare for presentations of their proposals. The SSLMC also noted that, since new proposals will not be solicited, and we currently have in hand all of the proposals we will have to review, articulating the above process should not impact proposers other than to give them ideas on how to come prepared for discussing their proposals with the Committee.

Sue Hills noted that the SSLMC will have to develop the process for how to use these data sets which are considered to be "outside the model" and how to weight these considerations along with the PRT scores. Dr. Hills noted that the Committee's job is to assemble a package of proposed changes in fishing regulations that, when considered together, minimize effects on SSLs.

Mr. Cotter asked that, when this "Implementation of the Proposal Review Process" section of the report is re-drafted, that Dr. Hennen and Mr. Henderschedt review the new language before the next draft of the report is circulated for review.

Public Comment

Mr. Cotter provided opportunity for public comments early on Tuesday January 9. Dave Fraser suggested that, in addition to the "outside the model" data sets listed above, the SSLMC should also consider TAC harvested inside and outside SSL critical habitat. Earl Krygier concurred. Mr. Fraser was concerned that in some fisheries there is not a limit on the amount of TAC that can be taken inside critical habitat (e. g. Pacific cod) and in other fisheries there is a limit (e.g. pollock in the Steller sea lion conservation area). This issue was addressed by adding a catch-all question under 4: Are there other components of the proposal that may mitigate or minimize effects on SSL?

PRT Review and Update

Kristin Mabry reported to the SSLMC that she and Dr. Peggy Merritt met over the weekend to review a revised PRT based on Committee suggestions at the last meeting. The only substantive structural change made was to add "other" to the category of Target Species harvested – to allow for consideration of what other elements in the diet of SSLs occur in the scat data, by region. The revised PRT also now includes the revised weightings the Committee gave to elements in the Site Type, Proximity, % of Sites, and Season categories. Ms. Mabry led the Committee through all of these changes, most of which were minor. She also reviewed the SSC comments, particularly the comments on the Structural Adjust feature of the model.

The Committee reviewed some proposals that were run through the last version of the model to see how this new PRT would score these same proposals. The SSLMC also ran sensitivity tests using these proposals as examples to see how scores might change if different elements were assigned to the proposals. Additional sensitivity tests were run later in the meeting.

Mr. Fraser's concerns were illustrated with Ms. Mabry's high impact example, allowing Atka mackerel harvest to the shore around rookeries in the AI. The amount of weight on proximity masks any effect from changing the species from Atka mackerel to pollock in this example. The Committee felt that this can be addressed outside the model. If a proposal applies to two areas, the SSLMC will need to add the effects together from each area. The proposal will need to be broken into areas first and then the subcommittee would sum the scores of status quo and sum the scores of the proposals. If a proposal is to open all sites in one area, this would get a higher score than if the proposal is to open half the sites from two areas.

The SSLMC also discussed which elements in the model might affect scores more than other elements. Some suggested we prepare a "gradient chart" that would show which elements had the most effect on a score down to those that had the least. A suggestion was made to develop a spreadsheet showing all 206 "bins" and the weightings each bin gives to the model scoring calculus. Some felt that the most important part of this process is to see how a proposal stacks up against the status quo for that specific proposal. It would be helpful to look at several proposals, some that are obviously of higher impact on SSLs and some that have obvious less impact on SSLs, and score them and their status quo conditions to see how each would end up on a scale of potential SSL impact; this would allow the SSLMC to see if the model provides results that make sense. And, doing this would be more like how the SSLMC intends to score proposals.

The SSLMC discussed the "synthesis" bar charts that can be developed within the model and reviewed whether the gradient of impact in these charts makes sense based on how the model was developed. Many felt that the position in the chart of the various elements matches their thoughts on where those should occur in such a hierarchy. The Committee tested additional proposal examples – a high impact and a low impact proposal – and changed various elements and weightings to see the resultant effect on the proposal score. Some noted that each proposal will be unique, and comparisons of raw scores between proposals are inappropriate; rather, these scores are a means to "rank" the proposals in a continuum and are not a score of impact on SSLs. A better way to look at this is that a score for a proposal can be "weighed" against the score for that proposal's status quo to see how this difference, or departure from status quo, stacks up against another proposal's departure from status quo. Again, the SSLMC noted that there is no absolute meaning of a specific score; that score reflects that proposal's rank relative to another proposal's score. The SSLMC will not be able to determine a specific score that is "okay", below which all higher scores are "not okay".

Dave Little suggested that the SSLMC could run the model with the worst combination of elements (highest SSL impact) and again run the model with the best possible combination (least SSL impact) to see the extremes of the range of possible PRT scores. Others suggested that the SSLMC needs to get familiar with the model by running more tests on a variety of proposal examples. Mr. Little added that a proposal could be run through the model multiple times, each time only changing one element to compile a list of score outputs.

Next Steps for Proposal Review

Mr. Cotter convened a subcommittee of the SSLMC during the lunch period to discuss and recommend how the SSLMC should proceed with application of the PRT to proposals. There might be two routes to follow from this point on. Either go back, run several proposal examples, and “tweak” the model’s elements and weightings, in some cases re-vote on some elements, to develop a model that might generate proposal scores that better match scores that the members might expect. Others felt that the Committee has already done that, principally in the Halloween meeting, and we should retain the model’s elements and weightings as they are, and that it would be inappropriate to further change model structure just to try to get results that more closely match expected output. The PRT’s internal working structure is complex, and to attempt to rework that structure to attain some expected output will not likely be possible. Dr. DeMaster reminded that the PRT output is only a relative ranking score, not an absolute score of SSL impact, and that the SSLMC should trust in their previous work and trust in the PRT procedures that are based on the theory in the Analytic Hierarchy Process methodology and the Decision Support software used to prepare the Committee’s PRT.

The Subcommittee also noted that with 206 variables in the PRT, it may be impossible to fully understand their interactions. Some noted that if the SSLMC decides to re-visit the model, and open it to revision, then this must be done systematically and will take time – and would likely repeat the work that has already been accomplished, with the potential for no real benefit. The Committee would have to have considerable justification to do this, and would have to develop the basis for making changes; to “crack the model” and revise its structure would essentially return the process to the beginning and would likely only lead to a repeat of all the work that has been accomplished to date. John LePore also noted that the SSLMC should be careful about reworking the model since it has been built based on expert judgment and the AHP process has been followed and there would be little justification for adjusting the Committee’s judgments contained in the model. He also noted that the Committee members have already made decisions and expressed their expert opinions based on available information, and thus the Committee should feel comfortable with their work.

Ms. Mabry also noted that if some elements in the PRT were revisited at this meeting, and if the SSLMC decided to revote on some elements, this could be a source of error since some members are not present today who were present in past meetings. Some noted that based on some earlier model runs today of hypothetical proposals, even fairly dramatic changes in weighting factors had little consequence to model output. Dr. Hennen noted that the SSLMC has already revisited all elements in the model – at the Halloween meeting – and if the Committee continually decides to revisit their voting, this could continue for a very long time.

Mr. Cotter summarized: The consensus of the Subcommittee is to recommend leaving the PRT as it is, but that the full SSLMC should work through a variety of proposal scenarios to get a better feel for how it operates. By ranking a series of hypothetical proposals, the SSLMC can then discuss and evaluate how the ranking scores for each compare. This kind of process would allow the SSLMC to gain a better sense of how the model scoring works and help the Committee become more comfortable with the model.

Mr. Cotter also noted that when new information is available, such as the upcoming draft BiOp, then the SSLMC could revisit the PRT and perhaps revisit portions of the hierarchy and weighting factors and make adjustments if it felt the new information justified this.

SSLMC Discussion

Mr. Cotter reported to the SSLMC the recommendations of the Subcommittee. The SSLMC should not revisit the PRT weighting factors and proceed with proposal scoring with the model structured as it is. The SSLMC should spend some time “gaming” with the model, testing a variety of hypothetical proposals, and working on the Structural Adjust feature to better understand when it is applied. The SSLMC also should run some worst case and best case hypothetical proposals to get a sense for the outer bounds of model output. He recommended that the remainder of the meeting focus on the report and a schedule for future meetings.

The SSLMC proceeded with some additional testing of the PRT. The two proposals tested at the last meeting, the Puale Bay and Marmot Island proposals, were compared – scores using the model from the last meeting and scores from the updated model at this meeting. Scores were very similar. A high impact hypothetical proposal was run and compared with status quo; the proposal score was .041 compared to the status quo score for that proposal of .018 - the higher the score, the more impact that proposal would have. Another proposal where fishing would be allowed around a rookery up to 3 n mi versus only up to 10 n mi resulted in scores of .028 versus .018. The SSLMC discussed these kinds of model output and felt comfortable with the relative scores – they made sense.

The Structural Adjust feature was discussed and tested. This feature preserves the hierarchical weightings the SSLMC has given to the main elements - the "mother" elements - in the model. The Structural Adjust is applied when one mother element will affect a disparately different number of "children" compared with another "mother" element. Model runs were made with and without the Structural Adjust; the SSLMC observed how this feature preserves the weightings the Committee established for the mother elements; that is, it preserves the relative weightings of the mothers throughout the hierarchy beneath these main elements.

For the PRT, it is not going to matter because the proposals will be compared to status quo. When revising the PRT, Ms. Mabry reported that many of the structural adjustments were very small because the structure was already balanced in most cases. For comparing the 'sensitivity to fishing' and the 'target species' occurrence in SSL diet, the structural adjust was large for the 'sensitivity to fishing' because there were so many children under this category. If a proposal triggers only one of the branches, the structural adjustment is important to preserve the higher level judgments. The SSC requested a structural adjustment sensitivity analysis which was done by Ms. Mabry. The model will be more likely to meet the intent if structural adjustment is used when there are an uneven number of children. The SSLMC is comfortable using the structural adjustment in the hierarchical location of the model Ms. Mabry demonstrated.

PRT Documentation

The SSLMC discussed how best to provide a thorough documentation of the model and the rationale the SSLMC used to develop the model elements and weightings. Dr. Hills reminded that the SSC recommends strongly a thoroughly documented model, and an option might be to develop a NOAA Technical Memorandum or similar peer-reviewed paper on the model. In that paper the model and how it works could be thoroughly presented and discussed. She suggested that for the upcoming February 2007 SSC meeting, the more brief report developed by Mr. Wilson and the SSLMC at this meeting might serve as an adequate progress report.

The SSLMC discussed the report and provided editorial suggestions, which will be incorporated into the next draft. Some specific discussions relevant to model documentation and some SSC comments followed.

The SSC recommended that the PRT documentation report be provided to Protected Resources Division, NMFS, for their review and comment. Some believe that the SSLMC's judgments in the PRT should not conflict with PR's view of the available scientific information. For example, the SSLMC currently ranks summer about equally with winter in terms of seasonal sensitivity of SSLs to fishery effects. Dr. DeMaster countered that perhaps the PRT is more of a science issue and that the Alaska Fisheries Science Center might be more appropriate for a review. Mr. Henderschedt suggested that it might be good to be sure PR has input on whether the PRT has the appropriate elements. Dr. Hills noted that, in the past, some comments from PR suggested a difference in opinion on some parts of the PRT, and that perhaps their review would be appropriate given past comments from PR. Mr. Cotter noted that we are already subjecting the PRT to scientific review before the SSC. Dr. DeMaster concurred that the SSC review would likely accomplish any need for a scientific review, and that the SSC has already commented on whether the PRT is appropriate, adequate, and are we applying it correctly, and that the upcoming additional review in February will give the SSC the opportunity to again review the model as it is now configured. The consensus is to subject the PRT to another round of SSC review and then use the model after that has been completed.

Dr. Hills asked that the PRT documentation report contain more discussion of how the Committee voting occurred. She suggested we provide more on what the members used to make judgments and what process was used to prepare members for voting. The process involved a lot of back and forth discussion and debate on each element in the PRT hierarchy. SSLMC members questioned each other, the scientists, and the available data. Alternative explanations were raised and explored, and perhaps conclusions were changed based on this debate. The Committee also discussed all the available data, the limitations of the data bases, and how differing opinions on the meaning of these data sets could be derived. This process raised the level of understanding of the available information and prepared committee members for voting on weighting factors for the various elements in the hierarchy.

Proposal Ranking Process and Schedule

The SSLMC will meet next to discuss the proposals and to score them. Before the SSLMC meets, however, a Subcommittee on Proposal Scoring will meet to work through the proposals. This subcommittee (DeMaster, Mabry, Hills, Hennen) will determine what elements in the PRT each proposal would affect, input them to the PRT, develop scores for each, and then run a status quo scenario through the PRT for each proposal. These dual scores, and the difference between scores, will be placed in a data table for the full SSLMC to review.

The SSLMC will then meet to discuss each proposal and how it was scored by the Subcommittee. Proposers will be invited to this meeting to hear their proposal scores. Proposers will be asked to make a brief presentation of their proposal. Proposers will be provided with a list of the issues the SSLMC will consider when evaluating each proposal. These considerations will include not only the elements in the PRT but also the data sets the Committee will use that are considered "outside the model" considerations. Proposers may wish to provide their own comments on these issues. The SSLMC will prepare a document for proposers to help them prepare for their presentations. At a follow-up meeting, the SSLMC will receive reports on any new information that has been developed since the PRT was built, such as new SSL counts from the 2006 survey, new killer whale information, updated SSL natality information, fishery interaction study results, etc. The PRT may be revisited based on this new information. Proposals will be further evaluated based on all available data. And when the BiOp is released, the SSLMC will convene to review the draft BiOp.

The schedule of future (2007) meetings is:

April 16 (8:30 am) - Subcommittee on Proposal Scoring - Juneau – Subcommittee meets to review and score all proposals against their individual status quo scores; develop table of scores for SSLMC review.

April 17-19 (8:30 am daily) - SSLMC meeting - Juneau – SSLMC meets to review proposal scores, discuss proposals, etc. At this meeting the SSLMC will receive proposal presentations from proposers. The SSLMC may request additional information from proposers.

May 7-9 (8:30 am daily) – SSLMC meeting - Seattle, AFSC - This meeting will be structured into two time-certain parts: May 7-8 will focus on proposal work, and May 9 will focus on receiving new scientific information. The overall goals for this meeting are to continue work on proposals, review new proposal information, receive and discuss new scientific information, review the PRT in light of new information, and adjust proposal rankings based on information requested or new scientific information.

June 19-21 (8:30 am daily) – SSLMC meeting - Seattle, AFSC – This meeting will likely be wholly focused on receiving a presentation on the draft BiOp and working through the BiOp. The Committee may also discuss the PRT in light of information contained in the draft BiOp. The SSLMC intends to continue its review of proposals based on the information provided in the BiOp at a subsequent meeting (TBA).

Adjourn

The Committee adjourned at 4:50 PM Tuesday January 9, 2007. The next meeting will be in the NMFS Alaska Region Regional Administrator's Conference Room in Juneau on April 17-19, 2007, starting at 8:30 AM on April 17. The Proposal Scoring Subcommittee will meet April 16 at 8:30 AM at the NMFS AK Region offices in Juneau, same location.

Bill Wilson
Bill.wilson@noaa.gov

Melanie Brown
Melanie.brown@noaa.gov

North Pacific Fishery Management Council
Steller Sea Lion Mitigation Committee Meeting
Anchorage Hilton Hotel, Dillingham Room
January 8-9, 2007

Purpose: Review Proposal Ranking Tool; develop procedure for reviewing proposals with the PRT. Review draft report on the PRT and prepare for SSC review of the PRT at the February 2007 meeting. Discuss future SSLMC meeting schedule in light of recent change in FMP consultation schedule.

AGENDA

January 8 – 8:30 AM – 5:00 PM

1. Introductions and Opening Remarks, Announcements, Agenda Approval (Cotter)
2. Minutes of Last Meeting, Report on Alaska Board of Fisheries' December 3 Meeting (Wilson)
3. Discuss December 2006 Council Meeting and New FMP Consultation Schedule (Wilson)
4. Review Progress on Revising Proposal Ranking Tool (PRT)(Mabry, Wilson)
5. Review Data on Actual Fishing Periods (Bonney, Henderschedt)
6. Receive Report from Proposal Input Subcommittee (Hills, Hennen, DeMaster)
7. Receive Report from Status Quo Scoring Subcommittee (Hennen et al.)
8. Receive Report from "Outside the Model" Subcommittee (Henderschedt, Hennen)
9. Test Proposals and Conduct Sensitivity Tests of Revised PRT

January 9 – 8:30 AM – 5:00 PM

10. Continue Testing PRT
11. Develop Procedures for Reviewing Proposals
12. Review Draft Report on Documentation of PRT for SSC
13. Discuss Future Schedule of SSLMC Meetings
14. Action Items, Closing Remarks, Adjourn (Cotter)

Public comment periods will be provided during the meeting.

Contact Bill Wilson at the Council offices if you have questions: 907-271-2809 or bill.wilson@noaa.gov

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SARAH PALIN, GOVERNOR

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

January 12, 2007

Dr. James Balsiger
Regional Administrator
National Marine Fisheries Service
U.S. Department of Commerce
P.O. Box 21668
Juneau, AK 99802-1668

Dear Dr. Balsiger: 

The State of Alaska (SOA) understands that National Oceanic Atmospheric Administration (NOAA) Fisheries Service is currently considering whether to adopt the draft recovery criteria developed by the Steller sea lion recovery team and presented in the draft Steller sea lion (SSL) recovery plan. While adopting such recovery criteria may be legally adequate, the SOA does not believe this is an appropriate action to take at this time because of the contentious nature of this issue and because of the extensive level of public comment your agency has received on the draft recovery plan. The North Pacific Fishery Management Council (council) tasked its Scientific and Statistical Committee (SSC) to convene a special meeting in August 2006 to review this draft recovery plan, and consequently has forwarded to your agency a considerable number of technical concerns with the plan. We believe that, until the comments on the draft recovery plan have been considered, moving forward with adoption of the draft recovery criteria is clearly not the most effective method to respond to the council, SSC, and public process.

We strongly encourage you to not consider adopting these criteria until the recovery plan has been finalized and the unresolved technical concerns with the draft recovery plan and its draft recovery criteria are fully addressed. The main reason that the SSC conducted the special August meeting was to provide comments to your agency on the recovery plan prior to the development of the Draft Biological Opinion (BiOp) which had been scheduled for release at the December 2006 council meeting. Because the SSC, the council, and the testifying public's (especially Dr. Ian Boyd) comments from June, August, and October meetings were so substantive, adopting recovery criteria based on a draft recovery plan that has not been revised to address these comments may not constitute good public process. We also note that some have suggested that, given the number of comments received and the nature of those comments, that NOAA Fisheries Service consider preparing another draft of the SSL recovery plan for another round of council, SSC, and public review. The draft BiOp has already slipped to June and we encourage you to adopt a comprehensive plan that includes both a revision of the recovery plan and development of a draft BiOp that can include revised recovery criteria based on the comments described above.

Dr. James Balsiger


2

January 12, 2007

We clearly understand the staff workload associated with drafting both a revised recovery plan and a draft BiOp, and strongly encourage you to look within your agency for marine mammalogists who can be tasked with assisting your Protected Resources Division staff in this process. Without such a revised recovery plan and another hard look at the proposed recovery criteria, we can only expect to see a draft BiOp that is based on the draft recovery plan, in which case your agency will likely see the same level of criticism that has already been submitted.

Thank you for your consideration on this issue.

Sincerely,



Denby S. Lloyd
Acting Commissioner

cc: Shane Capron, SSL Coordinator, NOAA, U.S. Department of Commerce
Doug Demaster, Science Director, NOAA, U.S. Department of Commerce
Gordon Kruse, Chair, SSC
Earl Krygier, Program Manager, Alaska Department of Fish and Game
Stephanie Madsen, Chair, NPFMC
Bob Small, Wildlife Scientist, Alaska Department of Fish and Game



AGENDA B-8(d)
FEBRUARY 2007

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 31, 2007

Denby Lloyd, Acting Commissioner
Alaska Department of Fish and Game
PO Box 25526
Juneau, Alaska 99802-5526

Dear Mr. Lloyd:

This responds to your January 12, 2007, letter to Dr. James Balsiger regarding the draft Revised Steller Sea Lion Recovery Plan (draft recovery plan) and the ongoing section 7 consultation under the Endangered Species Act (ESA) for the Alaska groundfish fisheries. As you point out, NMFS has received numerous substantive comments on the draft recovery plan which will require careful consideration. The final recovery plan may have implications to fishery management, and thus it is of great interest to the public. Our intent is to take the time necessary to consider these comments as we progress toward a final recovery plan. We agree that additional public review and comment would be helpful as we complete the process, as well as in achieving our goal of recovering endangered and threatened populations of Steller sea lions.

NMFS will review and respond to comments on the draft recovery plan and provide another draft recovery plan for public review. The revised draft will be available for a 60-day public review period beginning about May 1, 2007. This will allow the public and the North Pacific Fishery Management Council's (Council's) Scientific and Statistical Committee time to review the revised plan and provide additional comments. Comments will be considered by NMFS, and we anticipate that the recovery plan will be finalized by September 2007.

Due to the requirement to consider conservation (e.g., recovery) in our adverse modification decisions, it has become more advantageous to complete the recovery plan prior to releasing another biological opinion on the groundfish fisheries. The biological opinion will integrate the recovery goals from the plan in its determinations. Based on this new schedule, any changes to the draft biological opinion we had committed to completing by June 2007, will be delayed to late 2007. As a result, any changes to the Steller sea lion protection measures recommended by the Council are not likely to be implemented until mid-2009.

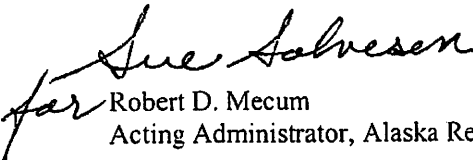
In order to ensure that any future changes to the Federal and State fisheries consider the findings of the new recovery plan and the new ESA consultation, we are requesting that the Board of Fisheries (BOF) postpone action on Proposals 182 and 183 during its February 2007 meeting. These proposals would substantially increase the harvest of Pacific cod in the State-managed fishery of the South Alaska Peninsula area which would have an adverse effect on Steller sea lion critical habitat that was not previously considered in ESA consultations. Once the recovery plan is completed, the Council, BOF, Alaska Department of Fish and Game, and NMFS should work together to develop comprehensive Steller sea lion protection measures, incorporating the latest information from the recovery plan and consultation and considering potential impacts of both Federal and State fisheries. The Steller Sea Lion Mitigation Committee is conducting a systematic review of proposed changes to the Steller sea lion protection measures. This review



should consider any proposed changes to the State-managed fisheries that may impact Steller sea lions to ensure a complete understanding of potential Federal and State fisheries impacts. The entire suite of recommended changes to the State and Federal fisheries could be part of the final biological opinion on the Alaska groundfish fisheries, to guarantee that potential cumulative effects from any proposed changes to the State-managed fisheries are addressed. We encourage the State to continue participation in the Steller Sea Lion Mitigation Committee proposal review process. Any action at this time by the BOF that may adversely affect Steller sea lions may shift NMFS resources away from completion of the recovery plan toward addressing the immediate ESA concerns of the State action and potentially affecting Federal fisheries management.

While the revised recovery plan and consultation schedule may result in a delay in any changes to the Steller sea lion protection measures for the Alaska groundfish fisheries, it is a reasonable compromise to ensure full public participation in Alaska fisheries management and marine conservation.

Sincerely,


for Robert D. Mecum
Acting Administrator, Alaska Region

Cc: Stephanie Madsen, NPFMC
Mel Morris, BOF



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 31, 2007

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Stephanie,

We would like to update the North Pacific Fishery Management Council (Council) on the status of the revised Steller Sea Lion Recovery Plan (recovery plan) and the Endangered Species Act (ESA) section 7 consultation for the Fishery Management Plans (FMPs). Based on public comment, NMFS intends to complete a final recovery plan before completing a draft biological opinion on the FMPs. We recognize this strategy differs from that discussed with the Council since last June, when we agreed to develop a draft biological opinion based on the draft recovery criteria set forth in the draft recovery plan.

In January 2007, the Alaska Department of Fish and Game requested that NMFS "not consider adopting the [draft recovery] criteria until the recovery plan has been finalized..." This would allow good public process as NMFS fully considers comments on the draft recovery plan, provides the public and the Council additional opportunity to review and comment on a revised draft recovery plan, and then finalizes the recovery plan prior to preparing the draft biological opinion.

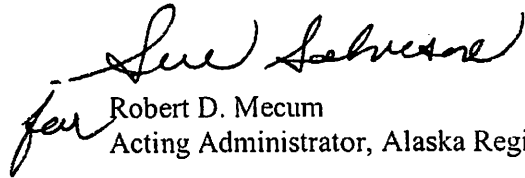
We agree that this approach is prudent, particularly in consideration of recent agency guidance which requires the consideration of the conservation of the species when making adverse modification determinations in biological opinions. Conservation is defined in the ESA as the use of all measures necessary to bring an endangered species to the point that the protections of the ESA are no longer required (i.e., de-listing). Thus, the plan's recovery criteria are important in making determinations in the biological opinion.

We intend, therefore, to complete the recovery plan first and then incorporate the recovery criteria in the biological opinion. Due to the sequential nature, it is not practical to work on these two issues at the same time, thus additional time is needed to complete the documents and to allow for the requested public review. We expect to provide a 60-day public review and comment period on the revised recovery plan by May 2007. This should allow review by the Council's Scientific and Statistical Committee prior to the June 2007 Council meeting. NMFS will consider the additional public comments and then complete the recovery plan. NMFS will then focus on completing the draft biological opinion by the end of 2007. The revised schedule may allow for peer review on the biological opinion before it is released to the public.



We understand that this delay affects the Council's schedule for developing changes to the Steller sea lion protection measures. While NMFS completes the recovery plan, the Steller Sea Lion Mitigation Committee can continue to review and prioritize proposals. The completion of the recovery plan and the biological opinion has been difficult due to the controversial nature of the issues, the need to integrate the public, and the changes to the regulatory definition of adverse modification of critical habitat. We will continue to update you on our progress and appreciate your cooperation and patience as we complete this important work.

Sincerely,


Robert D. Mecum
Acting Administrator, Alaska Region



NOAA FISHERIES
NATIONAL MARINE FISHERIES SERVICE

ALASKA AGENDA B-8(f)
FEBRUARY 2007

Home | News Releases | News



NOAA Fisheries
National Marine Fisheries Service
Alaska Region
NEWS RELEASE

P.O. Box 21668, Juneau, Alaska 99802-1668

CONTACT:
Sheela McLean, (907) 586-7032

NMFS 07-AKR
January 8, 2007

2006 Cook Inlet Beluga Whale Population Estimate Completed

NOAA Fisheries Service biologists have analyzed data from a recent survey of beluga whales in Cook Inlet near Anchorage, Alaska. The latest abundance estimate is 302 individual beluga whales in Cook Inlet.

"Although this estimate is slightly higher than the 2005 estimate of 278 whales, it is still well below the average of 370 whales for the years 1999 to 2004," explained Alaska Fisheries Science Center Administrator Doug DeMaster. "If you step back to look at the bigger picture, the annual estimates from 1994 to 2006 show an average decline of 5.6 percent per year."

NOAA Fisheries Service currently is comparing available data on the Cook Inlet belugas with the requirements of the Endangered Species Act to determine whether the population meets the Endangered Species Act listing criteria for either endangered or threatened. The finding is expected by April, 2007.

A recently completed status review of the Cook Inlet belugas provides a summary of the best available science to aid NOAA Fisheries Service policymakers with decisions about the status of the Cook Inlet beluga whale population and possible listing under the Endangered Species Act. The review is at: www.afsc.noaa.gov/Publications/ProcRpt/PR%202006-16.pdf.

NOAA Fisheries Service researchers fly systematic annual surveys in early June in order to take advantage of typically good weather at a time when belugas concentrate near river mouths during fish migrations, especially near the Susitna and Little Susitna rivers, Knik Arm and Chickaloon Bay.

Abundance estimates are calculated from a careful examination of video taken during aerial passes over groups of belugas. The 2006 abundance estimate of 302 belugas has a 95 percent confidence interval that the true population of whales is between 222 and 410.

The Cook Inlet beluga population declined by nearly 50 percent between 1994 and 1999, and NOAA Fisheries Service declared the population to be depleted in 2000 under the Marine Mammal Protection Act.

Alaska natives hunt beluga whales for subsistence. NOAA Fisheries Service has worked with the Cook Inlet Marine Mammal Council, the Native Village of Tyonek, Cook Inlet Treaty Tribes and others over the last decade to manage subsistence harvests and establish agreements for the cooperative management of the whales.

Beginning in 1999, federal laws and voluntary efforts by the beluga hunters have resulted in a limited harvest. Between 1999 and 2006 five beluga whales were taken for subsistence in Cook Inlet. From 1999 to 2006 annual estimates show an average decline of 4.1 percent per year. The current abundance estimate and the observed population decline will receive careful consideration in determining future harvests.

The Cook Inlet beluga population is one of five beluga populations (Cook Inlet, Bristol Bay, eastern Bering Sea, eastern Chukchi Sea and Beaufort Sea) recognized within U.S. waters.

For more information, visit: www.fakr.noaa.gov/protectedresources/whales/beluga.htm

NOAA Fisheries Service is dedicated to protecting and preserving our nation's living marine resources through scientific research, management, enforcement, and the conservation of marine mammals and other protected marine species and their habitat. To learn more about NOAA Fisheries in Alaska, please visit www.fakr.noaa.gov or www.afsc.noaa.gov.

The National Oceanic and Atmospheric Administration, an agency of the U.S. Commerce Department, is celebrating 200 years of science and service to the nation. From the establishment of the Survey of the Coast in 1807 by Thomas Jefferson to the formation of the Weather Bureau and the Bureau of Commercial Fisheries in the 1870s, much of America's scientific heritage is rooted in NOAA.

NOAA is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and information service delivery for transportation, and by providing environmental stewardship of our nation's coastal and marine resources. Through the emerging Global Earth Observation System of Systems (GEOSS), NOAA is working with its federal partners, more than 60 countries and the European Commission to develop a global monitoring network that is as integrated as the planet it observes, predicts and protects.

NOAA News Release

[Home](#) | [CDQ](#) | [Fisheries](#) | [Grants](#) | [Habitat](#) | [Jobs](#) | [News](#) | [Marine Mammals & Seabirds](#) | [Oil Spill](#) | [RAM Permits](#) | [SEARCH](#) | [Privacy Policy](#) | [Webmaster](#)



Alaska
Fisheries Science
Center

National Marine
Fisheries Service

U.S. DEPARTMENT OF COMMERCE

AFSC PROCESSED REPORT 2006-16

Status Review and Extinction Assessment of Cook Inlet Belugas (*Delphinapterus leucas*)

November 2006

This report does not constitute a publication and is for information only.
All data herein are to be considered provisional.

STATUS REVIEW AND EXTINCTION ASSESSMENT
OF COOK INLET BELUGAS (*DELPHINAPTERUS LEUCAS*)

By:

R. C. Hobbs, K. E. W. Shelden, D. J. Vos,
K. T. Goetz, and D. J. Rugh



With contributions from:

R. Angliss, K. Brix, B. Mahoney, G. O'Corry-Crowe, C. Sims, and B. Smith

National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Alaska Fisheries Science Center
National Marine Mammal Laboratory
7600 Sand Point Way N.E.
Seattle, WA 98115-6349

November 2006

EXECUTIVE SUMMARY

Background

After completion (in 2005) of the Draft Conservation Plan for Cook Inlet belugas (*Delphinapterus leucas*) under the Marine Mammal Protection Act (MMPA); the National Marine Fisheries Service (NMFS) recommended that a Status Review be conducted to incorporate new scientific findings available since the publication of a scientific review in 2000 in the journal *Marine Fisheries Review* 62 (3). NMFS formally initiated this Status Review on March 29, 2006 to determine if Cook Inlet belugas should be listed under the Endangered Species Act (ESA). On April 20, 2006, NMFS received a petition from Trustees for Alaska to list Cook Inlet belugas as endangered under the ESA. After reviewing the information contained in the petition, as well as other scientific information readily available, NMFS determined the petitioned action may be warranted. Within 12 months of the date of the petition, NMFS must make one of the following findings:

- 1) the petitioned action is not warranted;
- 2) the petitioned action is warranted and the Secretary of Commerce will publish in the *Federal Register* (FR) a proposed regulation to implement the action pursuant to 50 CFR 424.16; or
- 3) the petitioned action is warranted, but
 - (A) the immediate proposal and timely promulgation of a regulation to implement the petitioned action is precluded because of other pending proposals to list, delist, or reclassify species; and
 - (B) expeditious progress is being made to list, delist, or reclassify qualified species, in which case such findings shall be promptly published in the FR.

This Status Review provides a summary of the best available science to aid NMFS policy makers in this process.

Status of Cook Inlet Belugas

Temporal Changes in Distribution

Since the mid-1990s, 96% to 100% of the observed Cook Inlet belugas have congregated in the upper Inlet in shallow areas near river mouths—they were only occasionally found in the central or southern portions of the Inlet during the summer months. It is unknown if this contracted distribution is a result of changing habitat, prey concentration, predator avoidance, or a more acute reduction of the population into all but a small number of preferred habitat areas. This concentration of belugas in the northernmost portion of Cook Inlet appears to be a fairly consistent pattern from June to October. Data from tagged whales (14 tags between July and March 2000-03) show that belugas use the upper Inlet intensively between summer and late autumn, but during winter months they also disperse to mid-Inlet offshore waters. Tagged whales and extensive surveys both within Cook Inlet and in the Gulf of Alaska indicate that belugas do not have a seasonal migration in and out of the Inlet. Yakutat Bay is the only location outside of Cook Inlet where there is a known, persistent population of several belugas.

Population Size and Trend

NMFS began comprehensive, systematic aerial surveys of the beluga population in Cook Inlet in 1993. Unlike previous efforts, these surveys included the upper, middle, and lower sections of the Inlet. These surveys documented a decline in abundance of nearly 50% between 1994 and 1998, from an estimate of 653 whales to 347 whales. Although this rapid decline stopped after hunting was regulated in 1998, beluga numbers have not increased. In fact, the most recent abundance estimate (in 2005) was 278 whales, the lowest point estimate to date.

Data results indicated that the documented decline in beluga abundance from 1994 to 1998 is adequately explained by the estimated mortalities from the Native subsistence hunt for the same period. With the very limited hunt between 1999 and 2005 (1 to 2 whales per year), NMFS anticipated that the population would begin to recover at a growth rate of 2% to 6% per year. However, a Bayesian analysis including the 2005 estimate of abundance indicates that there is a

likelihood of less than 10% that the growth rate is above 2%, and a likelihood of 65% or more that the population will decline further. The best available data at this time indicate that the Cook Inlet beluga population is not growing as expected despite the limits on subsistence hunting.

Determination of Distinct Population Segment

NMFS established Cook Inlet belugas as a Distinct Population Segment (DPS) and therefore, a species as defined under Section 3(15) of the ESA on June 22, 2000. The population of belugas in Cook Inlet is discrete from other Alaskan and Russian beluga populations in the Arctic. Physically, these whales are isolated from other populations by the Alaska Peninsula. Despite extensive, dedicated marine mammal survey effort, the lack of sightings along the southern side of the Alaska Peninsula and Aleutian Islands chain suggests that the Cook Inlet population does not disperse into the Bering Sea. Behaviorally, belugas show strong maternally-driven site-fidelity to summering areas, suggesting opportunity for intermixing may only occur during winter migrations. However, the available data suggest that belugas remain in Cook Inlet year-round and do not undertake extensive migrations. Furthermore, the genetic characteristics of this population differ markedly from the other four beluga populations that occur off western and northern Alaska. Given the site-fidelity of beluga populations, it is unlikely that immigrants from other Arctic beluga populations would repopulate Cook Inlet in the foreseeable future if the Cook Inlet beluga population goes extinct. As it is the only population found in subarctic waters east of the Alaska Peninsula, the result would be a significant loss in the range of the taxon.

Risk Assessment

Risk Factors

The ESA defines an endangered species as any species in danger of extinction throughout all or a significant portion of its range, and a threatened species as any species likely to become endangered within the foreseeable future. Section 4(b)(1)(a) of the ESA requires that determinations of whether a species is threatened or endangered be based solely on the best

scientific and commercial data available, after taking into account those efforts, if any, being made to protect the species. The Secretary shall determine whether any species is endangered or threatened because of any of the following factors listed under Section 4(a)(1) of the ESA:

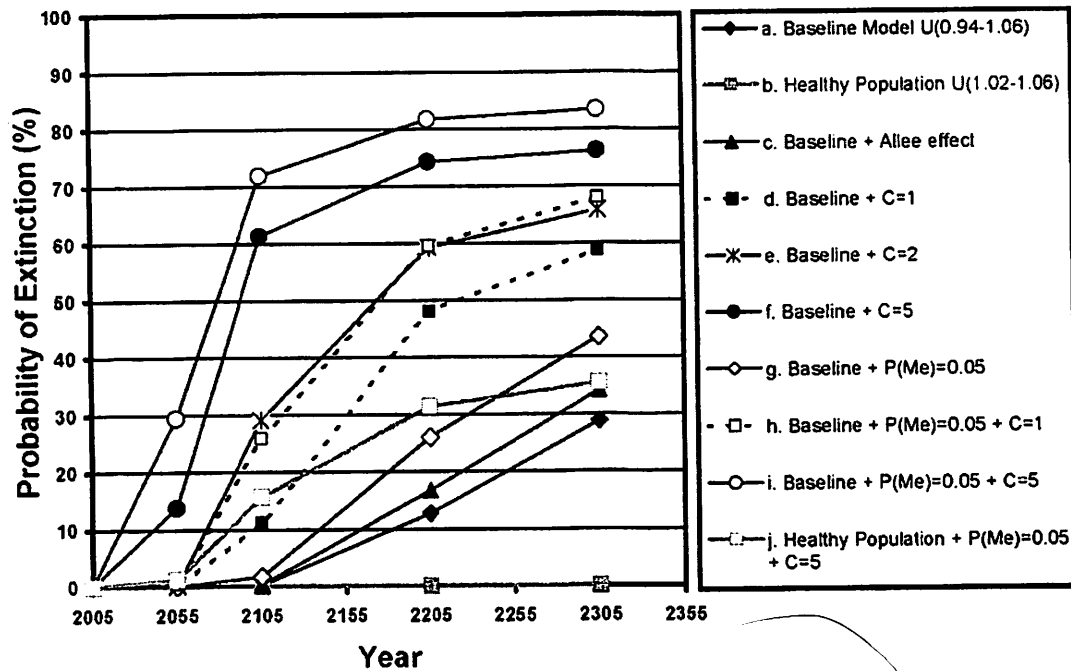
- 1) The present or threatened destruction, modification, or curtailment of habitat or range;
- 2) Overutilization for commercial, recreational, scientific, or educational purposes;
- 3) Disease or predation;
- 4) The inadequacy of existing regulatory mechanisms; or
- 5) Other natural or manmade factors affecting its continued existence.

There are a number of behavioral and ecological characteristics that put Cook Inlet belugas at considerable risk of extinction. These include but are not limited to the following: 1) life history characteristics such as slow population growth rate; 2) distorted age, size or stage structure of the population, and reduced reproductive success; 3) strong depensatory or Allee effects; 4) habitat specificity or site fidelity; and 5) habitat sensitivity. The genetic and spatial isolation of the Cook Inlet beluga population and strong site-fidelity greatly increases the risk of inbreeding and expression of deleterious genes should this population decline further in number. At reduced numbers and with contraction of their range, this population is far more vulnerable to losses due to stranding, predation, or disease. Cook Inlet belugas rely heavily on several fish prey species that are available only seasonally and are also of considerable commercial interest. Disturbances that cause belugas to temporarily or permanently abandon summer feeding areas could reduce their ability to survive through the winter months.

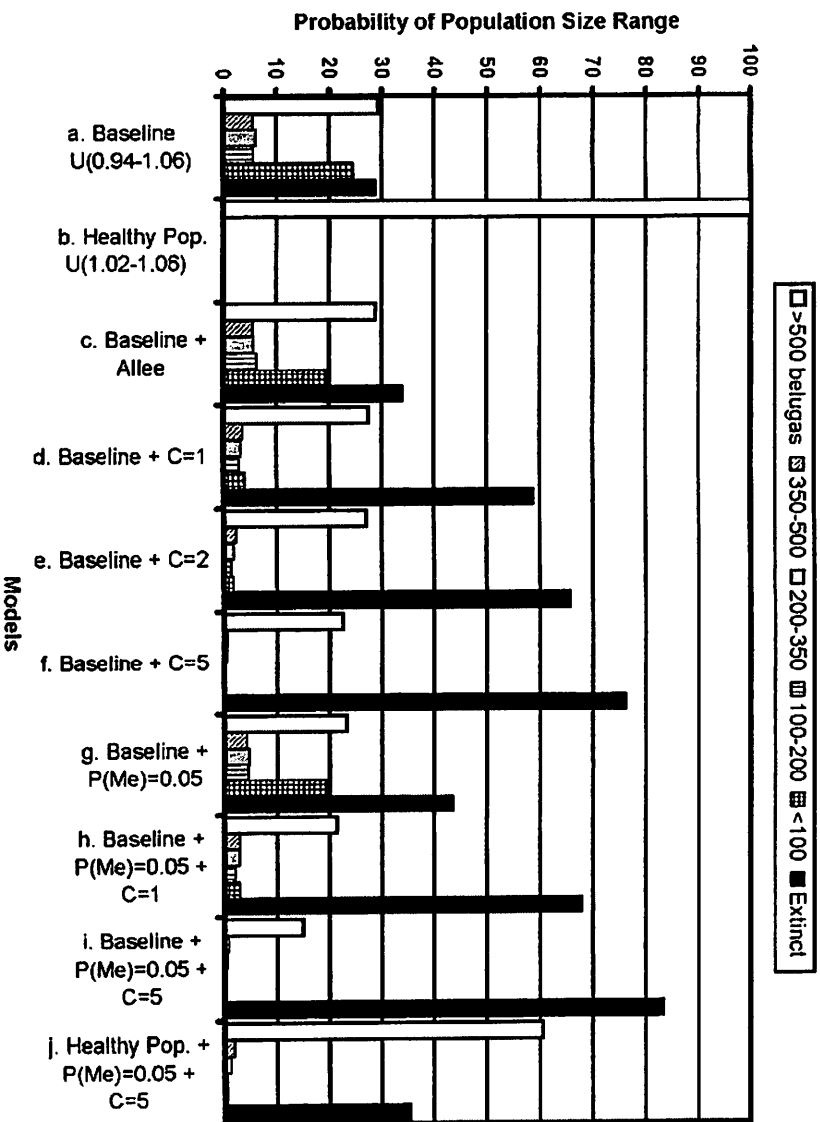
Population Viability Analysis

A detailed population viability analysis model, including immature and mature phases of both sexes, was developed for the Cook Inlet beluga population. This model focused on the behavior of a declining population at sizes < 500 belugas. Small population effects, demographic stochasticity, Allee effects, predation mortality, and unusual mortality events were modeled explicitly. The Allee effect and predation mortality produced thresholds of population size below which the population could not recover; extinction occurred more or less rapidly depending on the height of the population size threshold. This threshold was particularly

pronounced when predation (C) was set at two mortalities or greater per year causing a visible break point below which there was little likelihood of the population avoiding extinction. The probability of extinction within 100 years ranged from 0% to 29%, and within 300 years ranged from 29% to 68% in the models that considered parameters most representative of the Cook Inlet beluga population (ES-Fig.1, models a-e, g-h). What was thought to be the most realistic model (ES-Fig. 1, model h), with an average of one predation mortality per year and a 5% annual probability of an unusual mortality event killing 20% of the population, resulted in a 26% probability of extinction in 100 years and 68% probability of extinction in 300 years. Models with five predation mortalities per year (ES-Fig. 1, models f, i, j) showed that the extinction probability was sensitive to changes or underestimation of this parameter and that the population at its current size of 278 would be near the threshold population size (200 animals) for this model, even if the population was otherwise healthy but suffered occasional unusual mortality events. The model with no threshold effects (i.e., Allee or predation) resulted in a 65% probability of decline and 29% probability of extinction within 300 years (ES-Fig. 1, model a). Even with this most optimistic scenario, with no harvest after 2005, the probability that the population would be larger than 500 animals in 2305 was only 29% (ES-Fig. 2, model a).



ES-Figure 1. Probability of extinction by year for the Cook Inlet beluga population based on each population viability analysis model. Models using the same parameters are the same line style, color, and symbol type with open symbols indicating the inclusion of the unusual mortality event parameter $P(Me)$ set at a 5% annual probability of a 20% mortality. The constant mortality effect parameter (C) was set at 1, 2 or 5 whales per year. U = uniform distribution (of the annual growth multiplier). The Baseline model allowed declining and increasing annual growth while the Healthy Population model allowed only increasing annual growth.



ES-Figure 2. Probability of the Cook Inlet beluga population size range based on population viability analysis outcomes after 300 years. Note that in all cases the majority of outcomes are either extinct or > 500 animals. The Baseline Model allowed only increasing declining and increasing annual growth while the Healthy Population model allowed only increasing annual growth. U = uniform distribution (of the growth multiplier), C = constant mortality effect parameter (e.g., predation) set at 1, 2 or 5 belugas, P(Me) = unusual mortality event parameter set at 5% annual probability of 20% mortality.

Conclusions of the Status Review

- The contraction of the range of this population northward into the upper Inlet makes it far more vulnerable to catastrophic events with the potential to kill a significant fraction of the population.
- The population is not growing at 2% to 6% per year as had been anticipated since the cessation of unregulated hunting.
- The population is discrete and unique with respect to the species, and if it should fail to survive, it is highly unlikely that Cook Inlet would be repopulated with belugas. This

would result in a permanent loss of a significant portion of the range for the beluga species.

- The importance of anadromous fish runs in Cook Inlet to belugas is evident. The bulk of their annual nutrition is acquired during the summer months.
- The PVA shows a 26% probability of extinction in 100 years and 68% probability of extinction in 300 years (for the model assuming one predation mortality per year and a 5% annual probability of an unusual mortality event killing 20% of the population). It is likely that the Cook Inlet beluga population will continue to decline or go extinct over the next 300 years unless factors determining its growth and survival are altered in its favor.

6. CONCLUSIONS OF THE STATUS REVIEW

The small, isolated population of belugas in Cook Inlet has not shown appreciable signs of recovery since 1999 when hunting restrictions began. Prior to this, a significant declining in abundance was documented from 1994 to 1998, but there are little empirical data for the period between 1979 and 1994 to identify a mechanism for the apparent decline of this population from 1,300 to 650. Anecdotal reports suggest Native subsistence hunt (enumerated through hunter interviews) was significant during the 1970s and 1980s and may have been at levels similar to the hunts reported in the mid-1990s. Also, commercial and sport hunts occurred during the 1960s and 1970s, so the highest available abundance estimate of 1,300, based on the 1979 ADF&G survey, may already represent a partially depleted population. With the very limited hunt between 1999 and 2005, NMFS anticipated that the population would begin to recover at a rate of 2% to 6% per year. However, a Bayesian analysis including the 2005 estimate of abundance indicates that there is a likelihood of less than 8% that the annual increases of 2% or greater will occur and a likelihood of 65% or more that the population will decline further.

A population viability analysis was conducted to assess the extinction risks faced by this small population under a range of scenarios that considered density dependence, constant mortality, Allee effects, and catastrophes. The best case scenario, with no threshold effects, resulted in population declines in 65% of the cases and extinction within 300 years in 29%. Even with this most optimistic scenario, and with no harvest after 2005, only 29% of the cases resulted in a population above 500 animals in 2305. There is a significant likelihood that the Cook Inlet beluga population will continue to decline or go extinct over the next 300 years unless factors determining its growth and survival are altered in its favor. The contraction of the range of this population northward into the upper Inlet makes it far more vulnerable to catastrophic events with the potential to kill a significant fraction of the population. The probability of potential catastrophic events--such as oil or toxic substance spills, failure of key fish runs, ice entrapments, or disease or parasitic introductions-- added 10% to 15% to the probabilities of extinction in 300 years in the models. As the models demonstrate, killer whale predation which is documented on a near annual basis, could also significantly impact recovery. Since belugas spend much of their time in shallow waters, stranding is a constant risk. Prolonged stranding

events more than a few hours, although not common, may under unusual circumstances such as unusual tidal cycles, storm surge, flooding, tsunami or earthquake uplift result in significant mortalities.

The importance of anadromous fish runs in Cook Inlet to belugas is evident from stomach contents data as well as Native accounts of blubber thickness. This suggests that belugas are in a caloric deficit through winter and early spring and depend on the fish runs in late spring and summer for the bulk of their annual nutrition. Beluga distribution may not only be driven by the strength of fish runs but how those runs are concentrated within river mouths during the summer months. The summer period is also when calves are born and lactating females will have much greater energetic needs in order to maintain themselves and their calves through the winter.

Belugas in Cook Inlet make up a small, genetically distinct population that appears to have strong site fidelity to the Inlet year-round. Should this population go extinct, it is highly unlikely that Cook Inlet would be repopulated with belugas in the foreseeable future. The closest large population is in Bristol Bay, 1,500 km away by sea and separated by the Alaska Peninsula that extends 3 degrees of latitude south of the southern limit of the Bristol Bay beluga population. It is highly probable that the loss of the Cook Inlet beluga population would result in a permanent loss of range for the beluga species.

ALASKA BOARD OF FISHERIES
ALASKA PENINSULA-ALEUTIAN ISLANDS FINFISH
February 6 - 11, 2007, Millennium Hotel, Anchorage
TENTATIVE AGENDA¹

NOTE: This tentative agenda is subject to change throughout the course of the meeting. This Tentative Agenda is provided to give a general idea to the public of the board's anticipated schedule. The board will attempt to hold to this schedule; however, the board is not constrained by this Tentative Agenda. Those of you who wish to testify must sign-up by the deadline. Public testimony will continue until those present at the meeting are heard; the board will continue working through its agenda immediately upon conclusion of public testimony.

Tuesday, February 6, 8:30 a.m.

OPENING BUSINESS

Call to Order; Introductions of Board Members and Staff
Board Member Ethics Disclosures

STAFF REPORTS

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY²

Deadline for SIGN-UP TO TESTIFY will be announced at the meeting. Public testimony will continue until those who are present at the meeting are heard.

Wednesday, February 7, 8:30 a.m.

Continue/Conclude Public Testimony
Organize for Committees³

Thursday, February 8, 8:30 a.m.

COMMITTEE WORK (Morning)
Committee A – South Alaska Peninsula Groundfish
Committee B – Salmon: June Fishery

COMMITTEE WORK (Afternoon)
Committee C – Salmon: Post June Fishery
Committee D – Salmon: Southeastern District Mainland

Friday, February 9, 8:30 a.m.

COMMITTEE WORK
Committee E – Salmon: North Peninsula
Committee F – Herring and Salmon: Miscellaneous

Board Committee Report Preparation and Distribution to the Public

Saturday, February 10 thru Sunday, February 11

BOARD DELIBERATIONS

MISCELLANEOUS BUSINESS, including Petitions, Findings, Resolutions, Letters, Other

ADJOURN

AGENDA NOTES:

1. This agenda is TENTATIVE and subject to change during the meeting. A list of staff reports and roadmap will be available at the meeting. Scheduled updates will be posted at the meeting, and can be obtained by calling the board's recorded message phone. Phone Number: **1-800-764-8901** [In Juneau call: 465-8901]
2. Advisory Committee representatives can present reports either at the beginning or end of Public Testimony. The representative should notify the board secretary whether they prefer the beginning or end of public testimony.
3. **Board Committees:** Following staff reports and oral testimony, the board has established a number of board committees to provide additional review of proposals. Grouping of proposals will be finalized at the meeting. Board committees are comprised of board members. The board selects public advisors to the committees from qualified and interested members of the community(s). Advisory committee representatives are ex-officio advisors to all board committees, and may move between board committees as they choose. **Purpose** of the committee process is to: 1) broaden public participation in the regulatory process; 2) provide another forum for stakeholders to discuss resolution of contentious issues; and 3) provide additional detailed information relative to proposals.

ALASKA PENINULA / ALEUTIAN ISLANDS

PROPOSAL 178 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Amend this regulation as follows:

(c) The commissioner shall open, by emergency order, a state waters cod season in the South Alaska Peninsula area on March 15, or seven days following the closure of the directed federal cod season in the Federal Western Gulf of Alaska Area, which ever comes later.

ISSUE: Establish a set starting date for the Area M state waters cod season.

WHAT WILL HAPPEN IF NOTHING IS DONE?

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Area M fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Sand Point Advisory Committee (HQ-06F-039)

PROPOSAL 179 - 5 AAC 28.XXX. Establish a new regulation as follows:

The start of Area M state waters cod season opening shall be delayed for 24 hours if the 4:00 a.m. National Weather Service 48-hour forecast, for Area M, contains gale force wind warnings for the opening date. The season opening delays may continue on a rolling 24-hour basis until weather forecast permits.

ISSUE: The area M state cod season start with nice weather.

WHAT WILL HAPPEN IF NOTHING IS DONE? Local boats will continue to try and set gear in dangerous weather conditions.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Area M fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

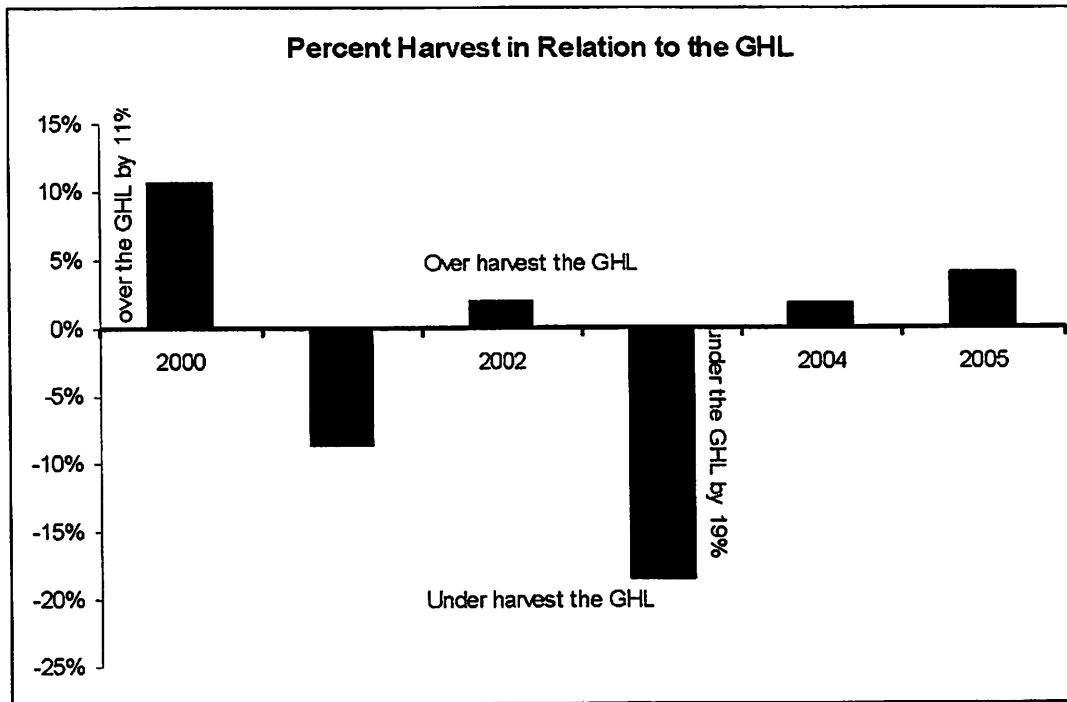
PROPOSED BY: Sand Point Advisory Committee (HQ-06F-041)

PROPOSAL 180 – 5 AAC 28.58X. Reporting requirements for South Alaska Peninsula state waters fishery. Adopt a new regulation as follows:

5 AAC 28.58X. Reporting requirements for South Alaska Peninsula state waters fishery. In the South Alaska Peninsula state-waters Pacific cod fishery, a validly registered vessel using pot gear must report each day to the department

- (1) the number of pot lifts in the previous 24-hour reporting period;
- (2) the pounds of Pacific cod retained for the previous 24-hour reporting period; and
- (3) any other information that the commissioner determines is necessary for the management and conservation of the fishery, as specified in the registration.

PROBLEM: Vessels fishing for Pacific cod using pot gear during the South Alaska Peninsula state-waters fishery have high fishing power. During some years, the fleet has averaged over one million pounds of cod per day. However, the amount of on-grounds fleet information the department has to manage this fishery is low compared to other similar Pacific cod fisheries. This results in a lack of precision in achieving the targeted guideline harvest level (GHL).



Because the Pacific cod fishery GHL is based on the National Marine Fisheries Service (NMFS) Allowable Biological Catch (ABC), the total GHL (pot and jig gear combined) cannot be exceeded. Thus, in years when the pot fleet over harvests the guideline, the difference is subtracted from the amount available to the jig fleet. When pot harvests are less than the GHL, the pot fleet may not achieve their guideline harvest level.

With the development of better communication hardware (e.g., satellite phones), the department has increasingly relied upon daily reports received directly from vessels participating in other fisheries within the region. This allows the department more timely information on daily catch rates, participation levels, weather, and total poundage onboard.

The department requested voluntary daily reports from vessel operators during the 2006 South Alaska Peninsula Pacific cod season. Reporting worksheets were distributed while vessels were

purchasing buoy tags. Participation in the voluntary program was low (approximately 10 percent); however, the department could have provided more information on the importance of the reporting program.

The department has made recent investments to increase communications with fishing fleets in the Westward Region. Last year, a fixed site satellite phone with Matrix service was installed in the Kodiak office and an additional satellite phone with Stratos service is currently being installed.

As an example of the utility of inseason catch reporting from participants, harvest during the Kodiak Tanner crab season was within one percent of the GHL and pot gear harvest during the Kodiak Pacific cod season was within five percent of the GHL; both of these fisheries rely heavily on inseason catch reporting from fishing vessels.

WHAT WILL HAPPEN IF NOTHING IS DONE? Management precision will continue to be low, and the potential for under harvest or over harvest will continue to exist.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Both pot and jig gear participants

WHO IS LIKELY TO SUFFER? Some fishermen may need to purchase additional communication equipment.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-06F-138)

PROPOSAL 181 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Amend this regulation as follows:

If 10 percent or more of the GHL is not harvested, there will be a mandatory extension or reopening.

ISSUE: State-water Pacific cod are, at times, underharvested. There is no certainty that the department will extend the season or reopen if closed before the GHL is harvested.

WHAT WILL HAPPEN IF NOTHING IS DONE? Loss of economic opportunity for Pot fishermen.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Pot cod fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Allow the department to decide whether to reopen or extend. Uncertainty.

PROPOSED BY: Ken Mack

(SW-06F-005)

PROPOSAL 182 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Amend this regulation as follows:

(e)(1) the guideline harvest level for Pacific cod in the South Alaska Peninsula area is 50 [15] percent of the estimated total allowable harvest of Pacific cod for the federal Western Gulf of Alaska Area.

ISSUE: We would like more cod quota moved into the Area M state waters cod fishery.

sWHAT WILL HAPPEN IF NOTHING IS DONE? Local fishermen will continue to lose fishing opportunities to large outside crabbers, longliners and trawlers in the federal fishery.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Local small boat cod fishermen in Area M.

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Sand Point Advisory Committee

(HQ-06F-040)

PROPOSAL 183 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Amend this regulation as follows:

During a state waters season, the guideline harvest level for Pacific cod in the South Alaska Peninsula Area M is 50 percent of the estimated allowable harvest of Pacific cod for the federal Western Gulf of Alaska area 610.

ISSUE: Large vessels with crab rationalized quotas had higher harvest rates of Pacific cod during the 2006 federal and state parallel season in area 610. The probability of Pacific cod rationalization by NPMC in the Western Gulf area 610 will take Pacific cod stocks in state waters away from state.

WHAT WILL HAPPEN IF NOTHING IS DONE? More vessels will fish Pacific cod in federal and state parallel season of area 610 before moving on to fish their crab rationalization quotas of the Bering Sea.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It will cause a slower rate of harvest and promote a cleaner harvest because of gear type allowed.

WHO IS LIKELY TO BENEFIT? Small local vessels.

WHO IS LIKELY TO SUFFER? Large vessels.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: King Cove Advisory Committee

(SW-06F-003)

PROPOSAL 184 - 5 AAC 28.556. South Alaska Peninsula Area Registration. Although vessels have participated in two simultaneous groundfish fisheries within the same area, this proposal would clarify that a vessel fishing groundfish involved in the state-waters Pacific cod fishery and other groundfish fisheries simultaneously in other management areas is not allowed. This proposal creates a new subsection as follows:

5 AAC 28.556 South Alaska Peninsula Area Registration:

(f) A vessel registered for the state-waters Pacific cod fishery in the South Alaska Peninsula Area may not simultaneously be registered to participate in a groundfish fishery outside of the South Alaska Peninsula Area.

ISSUE: Registration for the parallel groundfish fishery in the South Alaska Peninsula Area allows vessels to be simultaneously registered for the parallel groundfish fishery in the remainder of the Westward Region. The state-waters Pacific cod fishery registration is specific to the South Alaska Peninsula Area.

Fishermen in the South Alaska Peninsula groundfish management area have registered to participate in both the state-waters Pacific cod fishery in the South Alaska Peninsula Area and simultaneously in the parallel walleye pollock fishery in the same area. Recently the department has received requests to allow vessels to fish in walleye pollock fisheries outside of the South Alaska Peninsula Area while actively participating in the South Alaska Peninsula state-waters Pacific cod fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulations allowing simultaneous participation in other groundfish fisheries may be ambiguous.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Regulations will be clear for the public.

WHO IS LIKELY TO SUFFER? Fishermen that wish to participate simultaneously in multiple groundfish registration areas.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-06F-144)

PROPOSAL 185 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Amend this regulation as follows:

The commissioner shall open and close, by emergency order, the parallel season during which the use of vessels larger than 58-feet is prohibited.

ISSUE: Bering Sea crab rationalization has allowed large vessels to delay the harvest of crab in January-February, until after they have cleaned up the federal/state parallel Pacific cod season quota of Western Gulf area 610. These vessels fish pots and harvest high 90s of state waters Pacific cod which they need no LLP's for.

WHAT WILL HAPPEN IF NOTHING IS DONE? More large crab pot vessels will fish the federal/state parallel Pacific cod season of Western Gulf area 610 before moving on to Opilio.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It will cause a slower rate of harvest.

WHO IS LIKELY TO BENEFIT? 58-foot vessels and local communities.

WHO IS LIKELY TO SUFFER? Large pot vessels.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: King Cove Advisory Committee (SW-06F-002)

PROPOSAL 186 - 5 AAC 09.200. Description of districts and sections. This proposal changes the description of the Sanak Island and Otter Cove Sections of the Unimak District of Area M.

5 AAC 09.200. Description of districts and sections.

(c)(2) Otter Cove Section: waters of Unimak District east of the longitude of Rock Island (163° 38.00' W. long.) , excluding the waters of the Sanak Island Section; [AND NORTH OF 54° 30.00' N. LAT.]

(3) Sanak Island Section: waters of the Unimak District east of the longitude of Cape Pankof Light (163° 03.70' W. long.) [ROCK ISLAND (163° 38.00' W. LONG.)] and south of 54° 33.17' N. lat. (latitude of Hague Rock) [54° 30.00' N. LAT.].

ISSUE: An area around Sanak Island is closed to commercial fishing during the South Alaska Peninsula June Fishery because, in some years, large numbers of chum salmon have been harvested in this area.

WHAT WILL HAPPEN IF NOTHING IS DONE? The description of the closed area around Sanak Island will continue to be difficult to describe in emergency orders and may lead to confusion. This will codify existing management practices.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Everyone will benefit by placing existing management practices into regulation.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Status quo, but modifying the boundaries in regulation will be clearer and more readily identifiable for commercial fishermen working in this area.



UNITED STATES DEPARTMENT
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 31, 2007

Mel Morris
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

Dear Mr. Morris:

This letter contains NMFS' comments and concerns regarding Proposals 182 and 183 which are scheduled for consideration at the Board of Fisheries (BOF) February 2007 meeting. These proposals would set a guideline harvest level (GHL) for Pacific cod in the South Alaska Peninsula that is 50 percent of the Federal acceptable biological catch amount (ABC) for Pacific cod in the Western Gulf of Alaska (WGOA).

The total allowable catch (TAC) for the Federal Pacific cod fishery in the WGOA has historically been reduced to allow for the State-managed harvest of Pacific cod in this area. For 2007, the WGOA Pacific cod TAC is based on the ABC minus 25 percent allowance for the State-managed Pacific cod fishery. The Federal WGOA Pacific cod fishery is divided 90 percent to the inshore and 10 percent to the offshore sectors. Under the Steller sea lion protection measures, the TAC also is seasonally apportioned 60 percent to the A season and 40 percent to the B season. The majority of the harvest is by trawl and pot gears with about the same amount harvested by each gear type (See enclosures Western Gulf Inshore Pacific cod Catch by Week and Gear for 2005 and 2006).

The rate and amount of Pacific cod harvest is dependent on the time of year, gear type, and level of participation. The features of the Pacific cod harvest in the WGOA during 2005 and 2006 are as follows:

- The inshore sector fully and rapidly harvested its allocation, with the A season fishery closing before or during the first week of March each year.
- The WGOA Pacific cod inshore sector harvested 85 percent and 75 percent of the annual TACs, respectively.
- The A season Pacific cod apportionment was fully harvested.
- The inshore Federal Pacific cod trawl fishery maximum daily harvest rates were 304 mt and 217 mt, respectively.
- The inshore Federal Pacific cod pot fishery maximum daily harvest rates were 219 and 258 mt, respectively.



The State of Alaska limits Pacific cod harvests in the South Alaska Peninsula to pot and jig gears, with the majority being taken by pot gear. The Alaska Department of Fish and Game (ADF&G) report to the BOF for Proposal 180 states that the pot harvest capacity of the fleet in the South Alaska Peninsula Pacific cod fishery is approximately 1.1 million pounds (500 mt) per day and is difficult to manage within the GHL under current reporting requirements.

Implementation of Proposals 182 and 183 would result in two significant concerns. The first concern is the current harvest specifications for Pacific cod in the WGOA. If either Proposal 182 or 183 were adopted by the BOF and implemented in 2007, NMFS would need to take immediate action to specify a reduced WGOA Pacific cod TAC to prevent exceeding the ABC and the A season apportionment required under the Steller sea lion protection measures. This would be difficult to achieve because the Pacific cod A season apportionment will be mostly harvested by the time of the BOF action. As with any State action that may affect a Federal TAC, we recommend that the BOF action be delayed to allow integration with the Federal harvest specifications process. NMFS will propose harvest specifications for 2008 and 2009 in October 2007, and could propose adjusted WGOA Pacific cod 2008 and 2009 TACs at that time to account for the proposed additional harvest in the State-managed fishery. This would allow for public comment before implementation of any changes to the Federal TAC and allow the BOF to work with the North Pacific Fishery Management Council (Council) in managing the Pacific cod fisheries.

The second concern is shifting Pacific cod harvest from fisheries that are managed under the Steller sea lion protection measures to the State-managed fishery, which has limited protection measures based solely on 3 nm closures around Steller sea lion rookeries. The South Alaska Peninsula Area contains 12 rookeries and 28 haulouts which have various Federal closures to Pacific cod fishing depending on the gear type used (Tables 5 and 12 to 50 CFR part 679, See enclosed maps). By shifting Pacific cod harvest into the State managed fishery, 57 percent of the area closed to Pacific cod trawling in the Federal and State parallel Pacific cod fishery would be open to the State managed Pacific cod pot fishery. In addition, 22 percent of the State waters currently closed to the Federal and State parallel Pacific cod pot fishery would be open to the State-managed Pacific cod pot fishery. Shifting the harvest to the State-managed fishery likely will result in a reduction in the amount of Pacific cod harvested by trawl gear and an increase in pot and jig gear harvests. Because of the pot harvest capacity in the State-managed fishery described above, there may be higher rates of Pacific cod harvest in State waters during the State-managed fishery compared to rates seen during the Federal and State parallel fishery.

In addition, the Steller sea lion protection measures that are applied to the Federal and State parallel Pacific cod fisheries would not apply to the State-managed Pacific cod harvest. The harvest of Pacific cod subject to Steller sea lion protection measures has decreased since the 2000 and 2001 ESA consultations (table below). Shifting half of the ABC into the State-managed fishery would result in a 26 to 37 percent reduction in the amount of harvest that was expected to be conducted under the Steller sea lion protection

measures when the 2000 and 2001 consultations were completed (based on 1997 through 2000 data in the table below).

Harvest of Pacific cod in the South Alaska Peninsula Area. ADF&G landings data in pounds
 Source: ADF&G Comments on BOF Proposals for February 2007

Year	Federal Waters	State Parallel	State-Managed	Total	Percent Harvest Under Steller Sea Lion Protection Measures**
1997	53,748,347	9,850,571	9,524,706	73,123,624	87%
1998	44,784,981	8,596,111	8,630,512	62,011,604	86%
1999	39,664,603	8,643,758	11,821,979	60,130,340	80%
2000	33,961,964	12,641,670	15,044,104	61,647,738	76%
2001	23,017,093	6,080,637	13,455,619	42,553,349	68%
2002	26,176,698	7,242,899	12,746,106	46,165,703	72%
2003	17,538,284	13,429,949	11,560,663	42,528,896	73%
2004	17,008,135	14,271,554	12,442,442	43,722,131	72%
2005	16,030,828	9,753,948	11,436,172	37,220,948	69%
2006*	10,254,385	13,323,190	11,715,820	35,293,395	67%

* Through Oct. 1, 2006.

**50 CFR part 679

Shifting half of the ABC into the State-managed fishery also would result in half of the WGOA harvest occurring with no seasonal apportionment. This temporal concentration of harvest inside State waters near haulouts and rookeries may affect the Steller sea lions critical habitat by disrupting fish aggregations and may decrease the foraging ability of Steller sea lions.

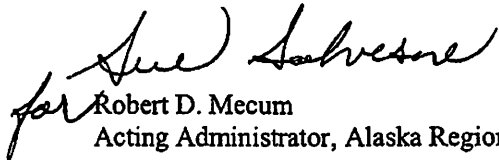
The effect of either Proposal 182 or 183 is that half of the WGOA Pacific cod ABC would be harvested without most of the Steller sea lion protection measures. The potential increased harvest rates, concentrated fishing in State waters with no seasonal apportionment, and minimal Steller sea lion protection measure closures likely would result in cumulative adverse impacts on Steller sea lions and their critical habitat that were not considered in previous consultations on the Alaska groundfish fisheries.

In January 2007, the ADF&G requested additional public review and comment on the draft Steller Sea Lion Recovery Plan. The recovery criteria described in that plan are important considerations in the groundfish fisheries consultation. We agree that additional review and public comments would benefit the recovery plan. Therefore, we have delayed release of the draft biological opinion until late 2007 after the recovery plan is completed. As requested by the Council in their September 26, 2006, letter to the BOF, we also recommend that the BOF postpone any action that would affect the State-managed pollock, Pacific cod or Atka mackerel fisheries until the consultation on the Federal groundfish fisheries is completed.

The BOF should continue its good working relationship with the Council and provide any proposed changes to the State-managed pollock, Pacific cod or Atka mackerel fisheries to the Council's Steller Sea Lion Mitigation Committee. The Committee is scheduled to begin review of proposed changes to the Steller sea lion protection measures at its April 2007 meeting, and their deliberations would be enhanced by considering proposed State-managed fisheries changes. This would give the Council a complete picture of fisheries effects to be considered in the consultation process as it makes recommendations for any changes to the Steller sea lion protection measures.

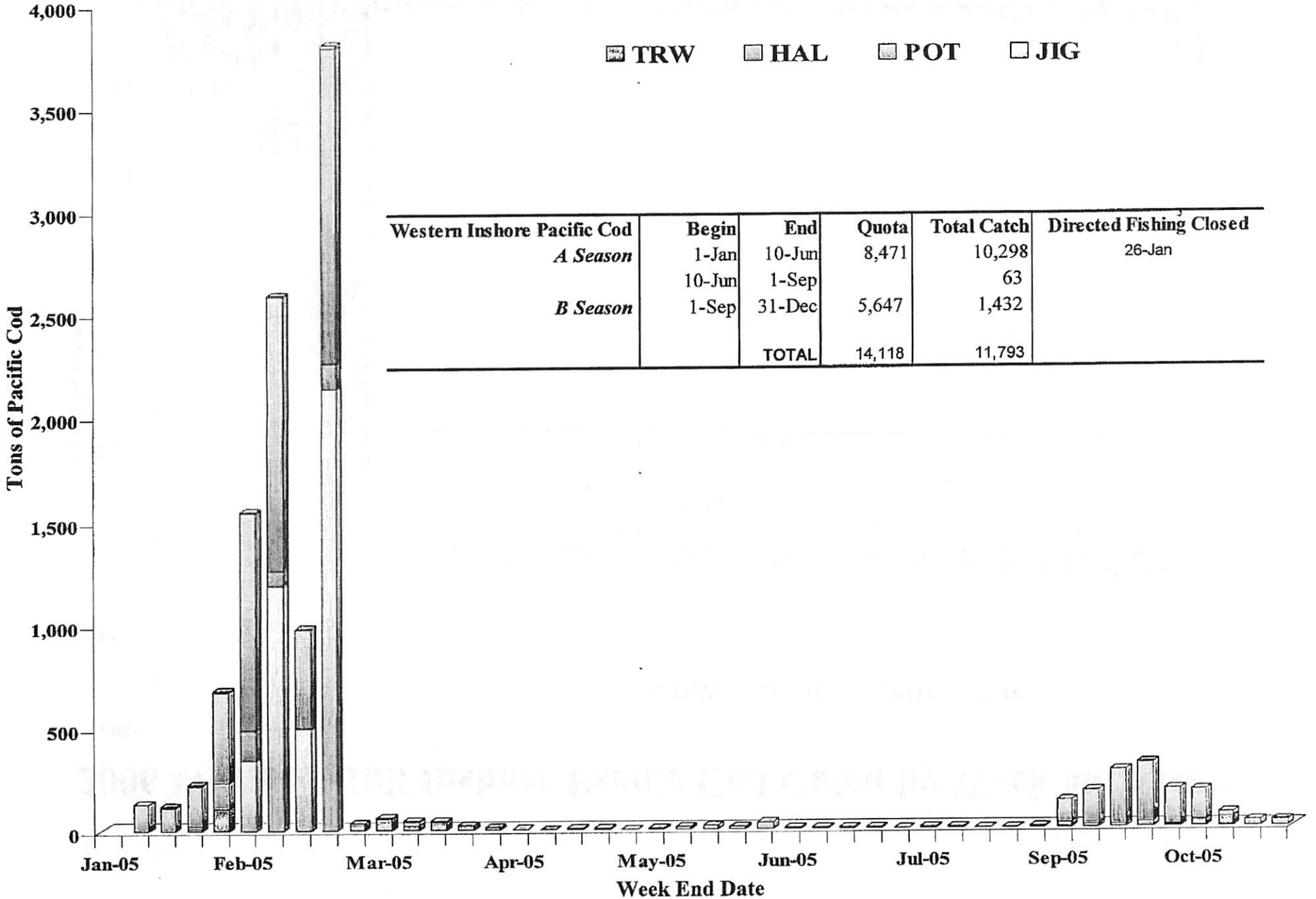
If the BOF implements Proposals 182 or 183, NMFS would need to shift resources away from completion of the recovery plan towards addressing the Endangered Species Act concerns of the State's action, further delaying the completion of the groundfish fisheries consultation. By working together, we can ensure robust fisheries without risking adverse modification of critical habitat for Steller sea lions.

Sincerely,

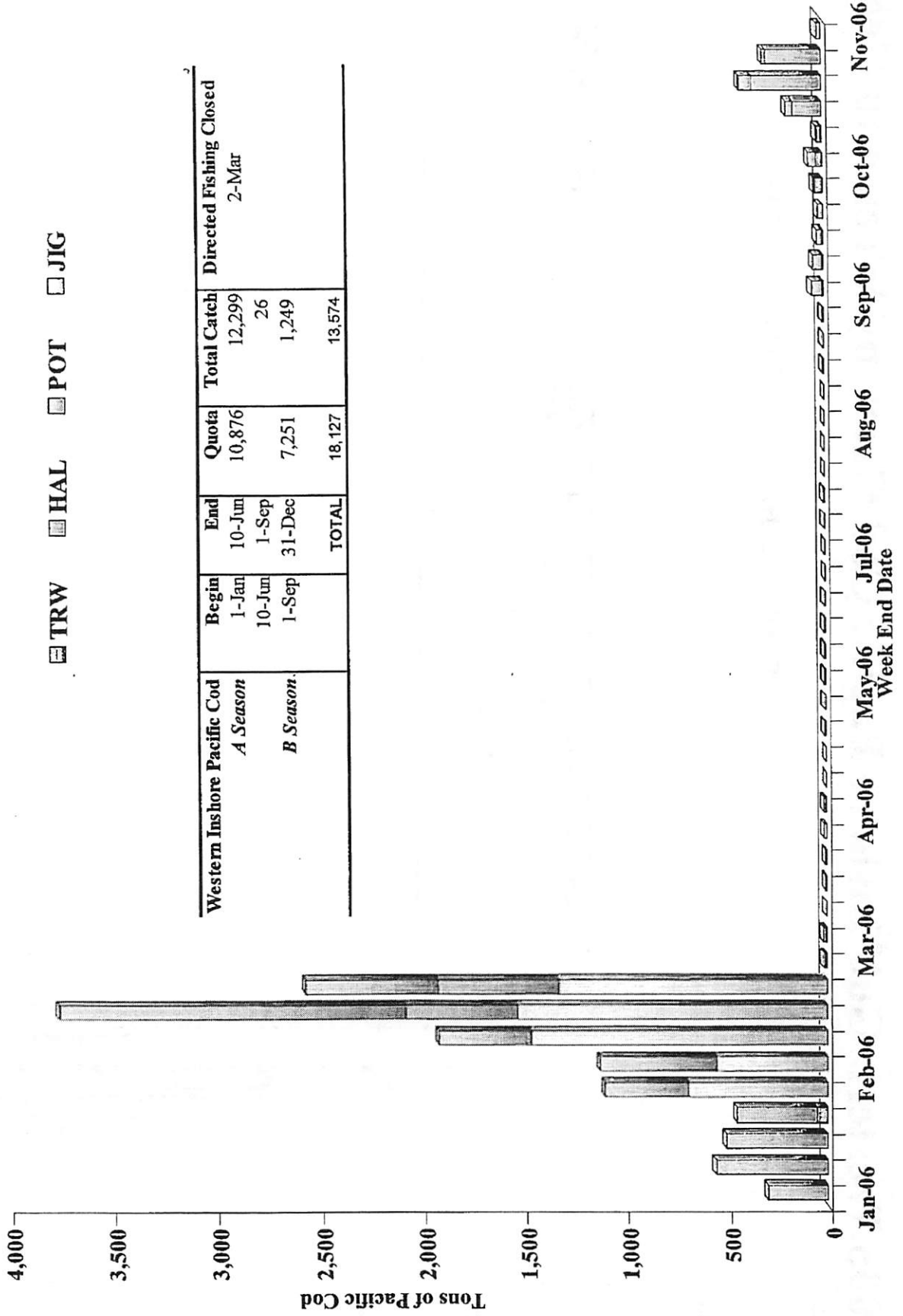

for Robert D. Mecum
Acting Administrator, Alaska Region

cc: Denby Lloyd, ADF&G
Stephanie Madsen, NPFMC

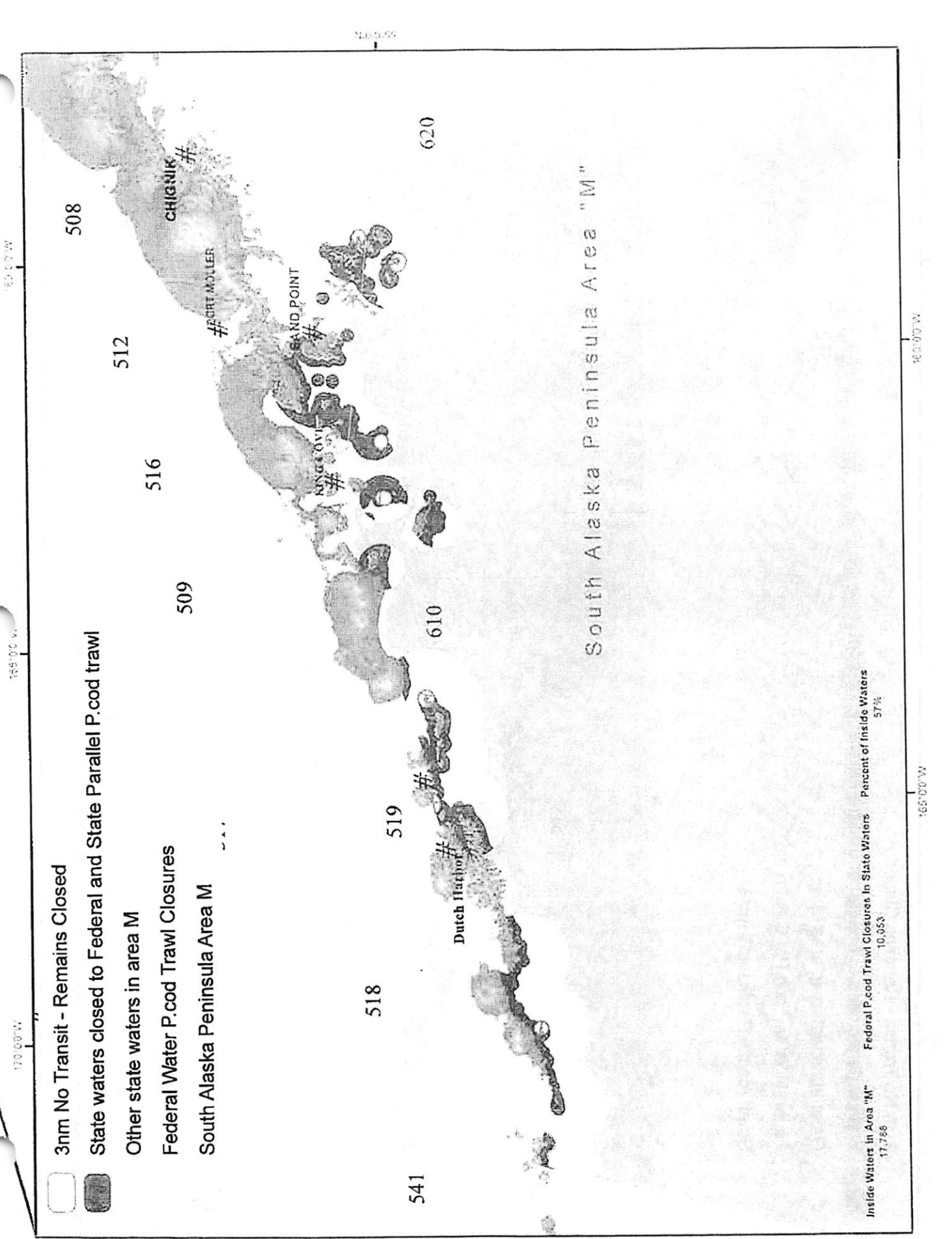
2005 Western Gulf Inshore Pacific Cod Catch by Week and Gear



2006 Western Gulf Inshore Pacific Cod Catch by Week and Gear



Western Inshore Pacific Cod	Begin	End	Quota	Total Catch	Directed Fishing Closed
<i>A Season</i>	1-Jan	10-Jun	10,876	12,299	2-Mar
<i>B Season</i>	10-Jun	1-Sep	26	26	
	1-Sep	31-Dec	7,251	1,249	
		TOTAL	18,127	13,574	



- 3nm No Transit - Remains Closed
- State waters closed to Federal and State Parallel P.cod trawl
- Other state waters in area M
- Federal Water P.cod Trawl Closures
- South Alaska Peninsula Area M

South Alaska Peninsula Area "M"

Inside Waters in Area "M" 17,768
 Federal P.cod Trawl Closures in State Waters 10,053
 Percent of Inside Waters 57%

165°00'W

165°00'W

170°00'W

160°00'W

165°00'W

508

512

516

509

518

519

541

610

620

CHIGNIK #

FORT MOLLER #

SAND POINT #

KING SOVI #

Dutch Harbor #

NAD 83

NAD 83

