

Steller Sea Lion Mitigation Committee

MINUTES 3/21-22/2013

ANCHORAGE, AK
NPRB Board Room

ATTENDEES – COMMITTEE MEMBERS	Larry Cotter-Chairman, Rudy Tsukada, Alvin Osterback, Dave Fraser, John Gauvin, Ernie Weiss, Todd Loomis, Jon Warrenchuk, Chad See, Gerry Merrigan (via WebEx), Steve MacLean-Council staff
PUBLIC ATTENDEES	Brandee Gerke, John Lepore, Josh Keaton, Melanie Brown, Mary Furuness, Dan Hull, Dave Wood, Steve Lewis, Mark Fina, Bill Tweit, Nicole Kimball, Glenn Merrill, Doug Vincent-Lang, Earl Kruyger
	WebEx: Mary Grady, Sarah Ellgen, Stephanie Madsen

Agenda topics

INTRO, REVIEW
PURPOSE

COTTER

DISCUSSION	The meeting began at 8:15 AM after arrival of most of the SSLMC members. Chairman Cotter welcomed the committee and public and reminded the committee that the purpose of the meeting was to devise a recommended Preliminary Preferred Alternative for the Council's consideration in April. It was noted that although the purpose of the meeting was not to review the preliminary draft EIS, it would be necessary to make some comments on the EIS during the course of developing a recommended PPA. Committee members were encouraged to keep their comments and submit them for the draft EIS, in addition to whatever comments were made on the preliminary draft.		
CONCLUSIONS	N/A		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	
N/A			

EIS ERRATA

BROWN

DISCUSSION	Melanie Brown informed the SSLMC, and distributed errata for the preliminary draft EIS, which consists of corrections and additions to the preliminary draft EIS that NMFS has crafted to date. Notable among the corrections and additions are the addition of a VMS discussion for monitoring and enforcement under each alternative, and corrections to tables and figures of estimated revenue in Ch 8 (RIR). Errata are attached as Appendix A.		
CONCLUSIONS			
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	

ALTERNATIVES

BROWN

DISCUSSION	<p>Melanie Brown presented the alternatives that were evaluated in the preliminary draft EIS. A question was asked about a protective option for Pacific cod trawl in area 543 that protected CH during the A season to 10 nm at rookeries and 20 nm at haulouts. The option was intended to protect prey species and foraging habitat for SSLs during the time that they were likely to be using the area for those species. During winter, SSLs are more likely to be using haulouts than rookeries, so the protective option was designed to protect CH around haulouts during the winter. Melanie was asked why a similar option to allow fishing for Atka mackerel 10-20 nm rookeries when SSLs are not using them was not included for Atka mackerel. Ms. Brown explained that Atka mackerel are important for SSLs year-round.</p> <p>It was noted that the protective options under Alternative 2 for pollock would remove the productive pollock grounds at Kanaga and Atka North Cape from fishing, effectively precluding fishing.</p>
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	Josh Keaton briefly explained the need for and the details of the VMS addition for each alternative.		
CONCLUSIONS	N/A		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	

TARGET SPECIES EFFECTS **KEATON**

DISCUSSION	There were no specific questions about the target species effects analysis, and no presentation was made.		
CONCLUSIONS	N/A		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	

RIR **Muse**

	<p>Ben Muse presented the RIR analysis of each alternative for all four fisheries: Atka mackerel, pollock, cod non-trawl, and cod trawl. During the presentation Mr. Muse commented on the language in the alternatives that establishes Atka mackerel TAC in area 543 "equal to" 65% of ABC, rather than "no greater than " 65%, which was used elsewhere in the alternatives. Mr. Muse also noted that setting TAC with the "no greater than" language would preclude the need for options for TAC = 50% or 40% of ABC that are now included in the alternatives. The SSLMC agreed that the "no greater than" language met the intent of the SSLMC better than the "equal to" language.</p> <p>Mr. Muse noted that Alternative 2 prohibits rollover between season from being fished inside CH while Alternatives 3 and 4 do not. The SSLMC noted that their intent was to prohibit rollover from being fished inside CH.</p> <p>Mr. Muse highlighted that Alternatives 2 and 3 closed CH in Area 541 to P cod fishing that is open under Status Quo, and noted that the closure had large impact on the fish caught in Area 541 and on revenues. The SSLMC noted that the language that created the closure resulted from the switch from the "open area" discussing at the SSLMC and the "closed area" language in the PD EIS, and that it was the intent of the SSLMC that openings discussed in Alts 2 and 3 would be in addition to Status Quo. It was not the intent of the SSLMC to close areas that are open under Status Quo, unless specifically described as closed.</p> <p>Mr. Muse highlighted that the option in Alternative 2, Area 543 that would prohibit mothership participation could result in up to 40% of the area catch being stranded if catcher processors were prohibited from receiving unsorted cod ends.</p> <p>A question was asked why NMFS discarded the provision in Alternative 1 for area 543 that limited participation to 2 vessels. NMFS SF responded that there was no mechanism to restrict participation to two vessels at a time that would meet CDQ participation and other regulatory needs.</p>		
CONCLUSIONS			
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	

SSL EFFECTS **BROWN**

DISCUSSION	Melanie Brown presented a summary of the EIS chapter on marine mammal effects, concentrating on the effects to Steller sea lions. The effects of the action on direct take (incidental catch) and		
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	<p>disturbance to Steller sea lions are unlikely to be significant at a population level, and no further discussion of direct take or disturbance occurred. During discussion it was noted that with regard to Atka mackerel, alternatives that responded to the FIT studies' results by shifting harvest away from areas with low Atka mackerel biomass were seen more favorably in the EIS. Ms. Brown pointed out that all of the Pacific cod alternatives could, potentially, result in a race for fish. It was suggested by the SSLMC that the area limits create spatial dispersion of harvest which could temper the race for fish, to some extent.</p> <p>After the presentation by Ms. Brown, the SSLMC began discussion about how to choose a PPA to recommend to the Council. A member was concerned that the lack of analysis of the alternatives on the WDPS on a population level created a difficult situation within which to choose a PPA that wasn't "arbitrary". The speaker clarified that the term "arbitrary" was not intended to suggest a legal problem with the EIS. A number of other committee members also expressed concern that the analysis in the EIS was insufficient to make an informed decision on a PPA. The Chairman noted that some discussion had occurred that encouraged the SSLMC to decline to recommend a PPA citing the lack of WDPS population-level analysis in the EIS. The Chairman encouraged the SSLMC to select a PPA to present to the Council, noting the Committee's expectation that PR will inform the Council of identified areas of concern for the PPA at the June Council meeting, and the SSLMC will have opportunity to modify the PPA before a Preferred Option is selected in October.</p> <p>The SSLMC adjourned for the day at 5:00 PM.</p>				
CONCLUSIONS					
ACTION ITEMS	<table border="1"> <thead> <tr> <th data-bbox="787 825 954 874">PERSON RESPONSIBLE</th> <th data-bbox="954 825 1424 874">DEADLINE</th> </tr> </thead> <tbody> <tr> <td data-bbox="787 874 954 981"></td> <td data-bbox="954 874 1424 981"></td> </tr> </tbody> </table>	PERSON RESPONSIBLE	DEADLINE		
PERSON RESPONSIBLE	DEADLINE				
SELECTION OF PPA	SSLMC				
DISCUSSION	<p>The Committee reconvened at 8 AM to develop a recommended PPA for Council consideration. The Chairman recommended starting with Alternative 4, and modifying from there to devise the SSLMC recommended PPA. One committee member noted, again, that the EIS lacks an evaluation of the population level impacts on SSLs, which necessitates choosing Alternative 4. Another committee member requested that an iterative process with SF and PR, in order to modify the PPA as PR develops the BiOp. The Chairman stated that it is his assumption that an iterative process would occur, giving the SSLMC and Council multiple opportunities to modify the PPA before a preferred alternative is chosen. It is assumed that the Council would direct the SSLMC to continue to meet with SF and PR to work out the potential issues. SF was asked whether that iterative schedule was their assumption, to which Melanie Brown responded that in June PR is scheduled to give their initial assessment of the PPA, then the next opportunity is in September, after the Comment and Response report is completed (estimated first week of September). Another committee member noted that it is not necessary to schedule multiple meetings to select a PPA. Rather, the SSLMC could select a PPA that seems likely to avoid jeopardy and adverse modification of critical habitat, and suggested Alternative 1 as a starting point. The Chairman responded that the 9th Circuit decision could preclude the necessity of choosing a PPA based on avoiding JAM, and choosing Alternative 4 as a starting point was the best option.</p> <p>Glenn Merrill stated that there are budgetary and time limitations for the agency to take up an iterative process to develop a PPA, and the schedule outlined earlier (June update to Council, September SSLMC meeting) is assumed by the agency.</p> <p>A recommendation was made to adopt Alternative 3 for pollock as a starting point for the SSLMC PPA. The details of the pollock PPA are shown in the detailed Table 1 in Appendix 1. IN summary, CH in area 543 would be closed except an area outside of 0-10 nm from rookeries and 0-3 nm at haulouts at Shemya, Alaid, and Chirikof. In area 542, CH is closed 0-10 at rookeries and haulouts west of 178° W long. CH is closed 0-3 nm at haulouts and 0-10 nm at rookeries east of 178°W long., except open portions of CH at Rat Islands area outside of 3 nm from Tanadak, Egula, and Krysi Point and 10 nm from Little Sitkin and Ayugadak, and outside of 3 nm from Kanaga and Bobrof Island. IN Area 541, CH is closed to directed fishing 0-3 nm from haulouts and 0-10 nm from rookeries. Catch limits would be established as shown in Appendix 1. This proposal was seen to be responsive to the high level performance standards from the 2010 BiOp (more protection in west). The area catch limits proposed would limit catch from the areas where SSL numbers are declining.</p>				

A committee member introduced an option to apply across all species in the PPA, to ensure that sufficient biomass was available for all species before catch was authorized in any area. The option would authorize openings only if spawning biomass of the target species was above a certain threshold. The threshold would be selected to ensure adequate prey for SSLs and other predators, and would address prey abundance issues. A threshold of B60 was proposed. Another committee member stated that this would require a fundamental change in the stock assessment process, and another stated that he would be amenable to the suggestion provided that TAC would equal 100% of ABC. After brief discussion, the option did not receive any additional support.

A suggestion was made to recommend Alternative 4 for Pacific cod trawl and non-trawl. It was noted that the error re: 174° line in Alternative 2 and 3 should be corrected to meet the SSLMC's intent to allow fishing in areas that are currently open under Status Quo. It was suggested that the catch limit in area 543 should be in proportion to the area 543 abundance estimate based on the annual stock assessment process, with no catch limit identified for areas 542 or 541. There was little discussion about this recommendation. Details are shown on Table 1.

The recommendation for Atka mackerel includes a provision to allow rollover amounts to be fished only outside of CH. Critical habitat would be closed in area 543 0-3 nm from haulouts and 0-10 nm from rookeries. CH catch limit 60% of TAC, evenly distributed between seasons, and TAC ≤ 65% ABC. CH in area 542 closed 0-3 nm from haulouts and 10 nm from rookeries, except close CH between 178°E long. To 180°, and east of 178°W long. CH harvest limit 60% of TAC west of 178°W long., evenly distributed between seasons. CH in area 541 closed except 12-20 nm portion SE of Seguam Island, Bering Sea subarea closed to directed fishing. Revise MRA calculation for Amend. 80 and CDQ operating in BS to offload to offload for Atka mackerel as incidental catch species.

Details of the PPA are shown in Table 1.

The PPA was passed by the SSLMC with one in opposition.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

COMMENTS ON PRELIMINARY DRAFT EIS

SSLMC

<p>DISCUSSION</p>	<p>Committee members made the following comments on the preliminary draft EIS:</p> <ul style="list-style-type: none"> • The PD EIS does not adequately take the CIE or States' commissioned reviews into account, nor provide a systematic approach to addressing the CIE's points that there are few data to link fishing effects to SSL trends • The PD EIS inequitably considered comments from the CIE and States' review, addressing some but not others • The PD EIS does not provide information about why the agency disagrees with some comments in the CIE or States' review • The PD EIS provided an excellent overlay of SSL CH and AIHCA open areas, which provides a more realistic assessment of available fishing areas • The PD EIS inappropriately used "in prep" documents, which have not been subject to the accepted scientific review process <p>After this comment, there was some discussion about the use of information in the 2010 BiOp, the reviews of the BiOp, and this EIS. It was noted that the CIE and Bernard et al. review relied on a Trites et al. unpublished working paper which was not peer reviewed, and gray literature such as these do have their place in these documents. Others on the committee disagreed and stated that papers or data that have not been peer reviewed and published should not be part of the record.</p> <ul style="list-style-type: none"> • The PD EIS is information rich, especially re: community impacts, etc., but lacks a response to the CIE and Sates' review • The impacts to SSLs in the PD EIS are indistinguishable between alternatives • The Draft EIS should be half as long as the PD EIS • Language in the PD EIS regarding future research should be strengthened to ensure that future research is supported • The PD EIS does not include any meaningful incorporation of the CIE or States' reviews
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	<p>and should respond to criticisms and points raised in the reviews</p> <ul style="list-style-type: none"> • The PD EIS is based upon a document (2010 BiOp) that is fundamentally flawed, as determined by the CIE and States' review and does not represent the best scientific information nor recent information. • The PD EIS does not quantitatively assess the indirect effects of fishing, so the PD EIS does not provide a valid method of comparing the relative merits of the alternatives. Instead the PD EIS assumes that there is an impact based on prior belief. The comparison of alternatives is, therefore, without any meaningful scientific or real world reference • The PD EIS does not include jeopardy criteria • The PD EIS does not include relevant analyses such as those identified in Bernard et al. • The cutoff date for new information included in the PD EIS was December 14, 2012 but includes references from 2013 and documents "in prep". The public is not able to evaluate the PD EIS without access to those citations. • The PD EIS does not provide a quantitative evaluate of the overlap of fisheries and SSL foraging • The PD EIS uses arbitrary Frequency of Occurrence (FO) criteria to determine significance of prey items and does not address the criticism of FO in the CIE and States' reviews • The PD EIS does not address forage ratios in the Aleutians because they do not support NMFS belief • The PD EIS assumes there is no benefit from p-cod removals as a means of reducing Atka mackerel mortality, contrary to an AI multi-species food web model that suggests there may be some benefit • It is difficult to derive overall SSL population growth and trend from tables in the PD EIS • The PD EIS should address the limitations of the Platforms of Opportunity database, as used by Boor & Himes. • Recent data (unpublished) on movement of adult female SSLs points out weakness of FO data: scat data from rookeries or haulouts are unlikely to represent females foraging offshore • Those recent data from adult females are not consistent with groundfish fishing areas and should be analyzed as other telemetry data have been analyzed and used in the PD EIS <p>A member of the public also provided the following comment on the PD EIS</p> <ul style="list-style-type: none"> • The PD EIS should include a metric to determine the extent and persistence of localized depletion
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CONCLUSIONS			
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ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

NEXT MEETING	COTTER
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DISCUSSION	<p>Mr. John Lepore stated that the next opportunity, after the April meeting, for the Council's involvement in the EIS process is in June and in October where the Council will identify a preferred alternative. The SSLMC could have other, undefined opportunities between those points.</p> <p>The Chairman stated his intention that the SSLMC will meet again in July and September. Both meetings will be held in Juneau, AK.</p> <p>The SSLMC meeting was adjourned at 11:25 AM.</p>
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CONCLUSIONS			
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ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

Table 1. Preliminary Preferred Alternative Summary Table Recommended by the SSLMC 3-22-13

Fishery	Seasons	Area 543		Area 542		Area 541	
		Closures	Catch and Participation limits	Closures	Catch and Participation limits	Closures	Catch and Participation limits
Atka mackerel	A season: 1/20-6/10 B season: 6/10-12/31 50:50 seasonal apportionment including CDQ rollover from A to B season allowed to be fished outside of critical habitat	Critical habitat closed 0-3 haulouts and 0-10 from rookeries	Critical habitat harvest limit 60% of TAC, evenly distributed between seasons TAC ≤ 65% ABC	Critical habitat closed 0-3 haulouts and 0-10 from rookeries except close critical habitat between 178°E long. to 180° and east of 178°W long	Critical habitat harvest limit 60% of TAC west of 178° W long, evenly distributed between seasons	Critical habitat closed except 12-20 nm portion southeast of Seguam Island Bering Sea subarea closed to directed fishing	Revise maximum retainable amount calculation for Amend. 80 and CDQ operating in BS to offload to offload for Atka mackerel as an incidental catch species
Pacific cod trawl	For Amendment 80 and CDQ A season: 1/20-6/10 B season: 4/1-6/10 C season: 6/10-12/31 For catcher vessels and AFA C/P: A season: 1/20-4/1 B season: 4/1-6/10 C season: 6/10-11/1 Seasonal apportionments based on BSAI wide TAC level under Amend 85.	Critical habitat closed 0-3 haulouts and 0-10 from rookeries	Catch limit in proportion to Area 543 abundance based on annual stock assessment process	Critical habitat closed 0-3 haulouts and 0-10 from rookeries.	None	Seguam Foraging Area closed, Critical habitat closed 0-3 haulouts and 0-10 from rookeries except a 20 nm closure at Agligadak.	None
Pacific cod non-trawl	Hook-and-line: A season: 1/1-6/10 B season: 6/10-12/31 Pot: A season: 1/1-6/10 B season: 9/1-12/31 Jig: A season: 1/1-4/30 B season: 4/30-8/31 C season: 8/31-12/31 Seasonal apportionments based on BSAI wide TACs under Amend 85.	Critical habitat closed 0-3 nm from rookeries and 0-10 from Buldir Island for hook-and-line and pot vessels	Catch limit in proportion to Area 543 abundance based on annual stock assessment process	Critical habitat closed 0-3 nm from rookeries for hook-and-line and pot vessels	None	Seguam Foraging Area closed. For HAL & Pot: Critical habitat closed 0-3 from rookeries west of 172.59° W long. Critical habitat closed east of 172.59° W long	None

Table 1 Ctd. Preliminary Preferred Alternative Summary Table Recommended by the SSLMC 3-22-13

<p>Pollock</p>	<p>A season: 1/20-6/10 B season: 6/10-11/1</p>	<p>Critical habitat closed except an area outside of 0-3 nm haulouts and 0-10 nm from rookeries at Shemya, Alaid, and Chirikof</p>	<p>Only vessels registered with the Aleut Corporation in directed fishery</p> <p>50 % of AI directed fishery allocation goes to vessels ≤ 60 ft.</p> <p>When AI ABC ≥ 19,000 mt, AI TAC is 19,000 mt. When AI ABC < 19,000 mt, AI TAC ≤ AI ABC.</p> <p>A season TAC no more than 40% of ABC</p> <p>A season catch limit 5% of 40% of ABC</p>	<p>Critical habitat closed 0-10 at rookeries and haulouts west of 178°W long.</p> <p>Critical habitat closed 0-3 nm haulouts and 0-10 nm from rookeries east of 178° W long.</p> <p><i>except</i> open portions of critical habitat at:</p> <p>Rat Island Area outside of 3 nm from Tanadak, Segula and Krysi Point and 10 nm from Little Sitkin and Ayugudak, and</p> <p>outside of 3 nm from Kanaga and Bobrof Island</p>	<p>Only vessels registered with the Aleut Corporation in directed fishery</p> <p>50 % of AI directed fishery allocation goes to vessels ≤ 60 ft.</p> <p>When AI ABC ≥ 19,000 mt, AI TAC is 19,000 mt. When AI ABC < 19,000 mt, AI TAC ≤ AI ABC.</p> <p>A season TAC no more than 40% of ABC</p> <p>A season catch limit 15 % of 40 % of ABC</p>	<p>Critical habitat closed to directed fishing 0-3 nm from haulouts and 0-10 nm from rookeries</p>	<p>Only vessels registered with the Aleut Corporation in directed fishery</p> <p>50 % of AI directed fishery allocation goes to vessels ≤ 60 ft.</p> <p>When AI ABC ≥ 19,000 mt, AI TAC is 19,000 mt. When AI ABC < 19,000 mt, AI TAC ≤ AI ABC.</p> <p>A season TAC no more than 40% of ABC</p> <p>A season catch limit 30 % of the 40% of ABC.</p>
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CDQ= Community Development Quota, TAC=total allowable catch, ABC=acceptable biological catch, BSAI=Bering Sea and Aleutian Islands Management Area, GHL=guideline harvest level

170°0'0"E

175°0'0"E

180°0'0"

175°0'0"W

**SSLMC Recommended PPA:
Atka Mackerel**

-  Closed to Directed Fishing for Atka Mackerel
-  Open SSL CH

50°0'0"N

55°0'0"N

543

542

541

178 East

178 west

Adak

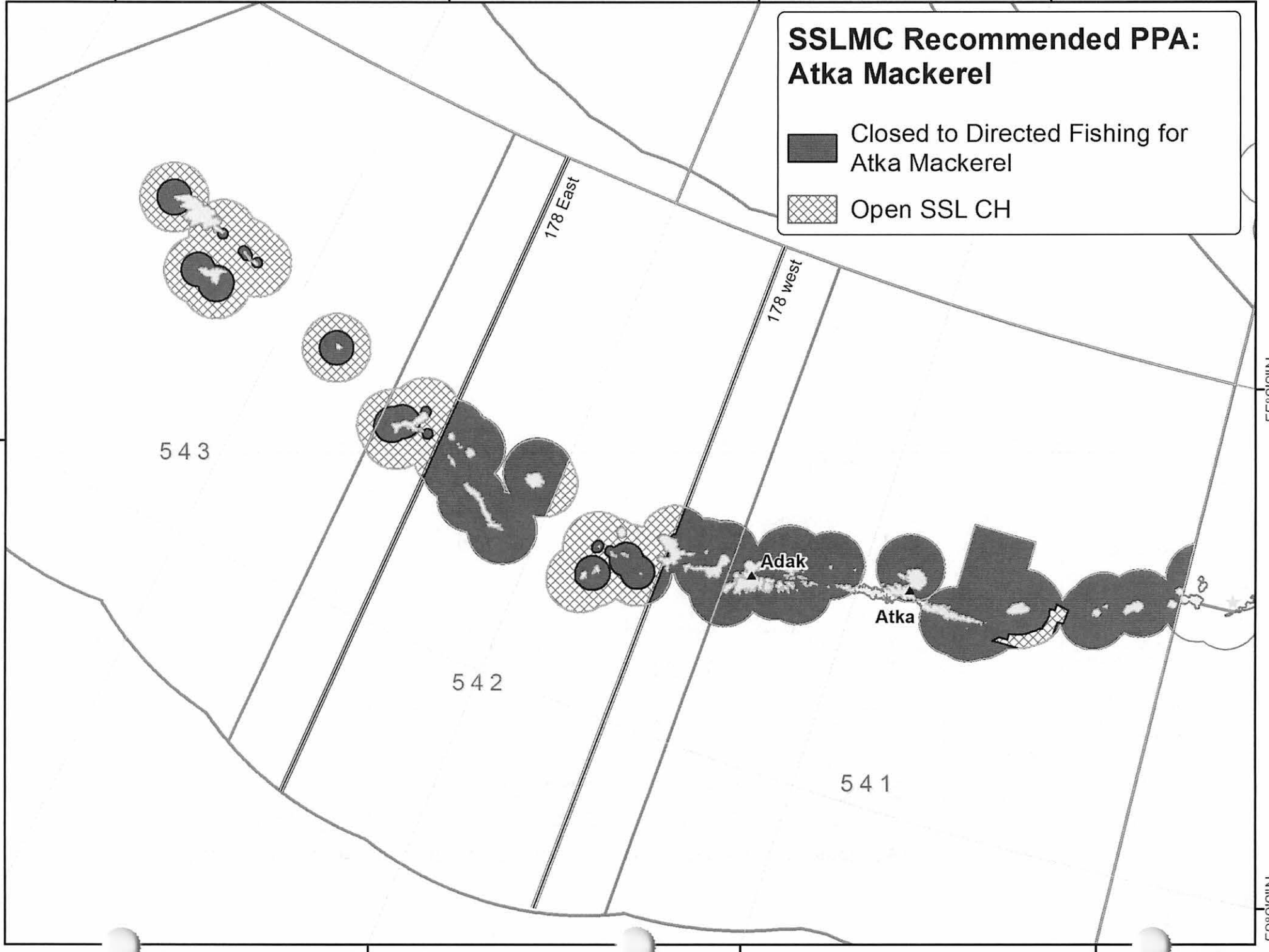
Atka

180°0'0"

175°0'0"W

170°0'0"W

50°0'0"N



170°0'0"E

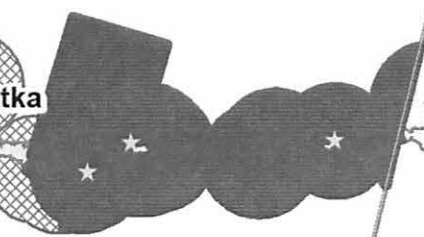
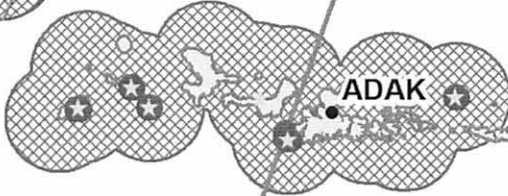
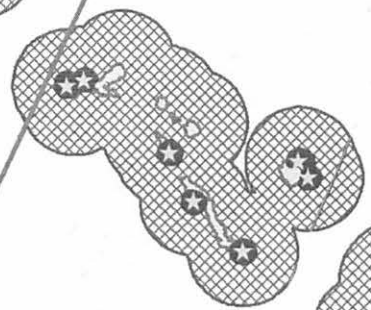
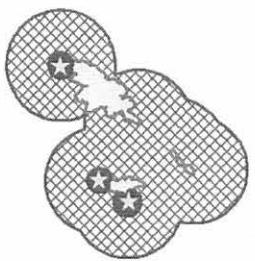
175°0'0"E

180°0'0"

175°0'0"W

SSLMC Recommended PPA: Pacific Cod Non-Trawl

- Closed to Directed Fishing
- ▨ Open SSL CH
- ★ SSL Rookeries



543

542

541

ADAK

Atka

50°0'0"N

55°0'0"N

180°0'0"

175°0'0"W

170°0'0"W

50°0'0"N

170°0'0"E

175°0'0"E

180°0'0"

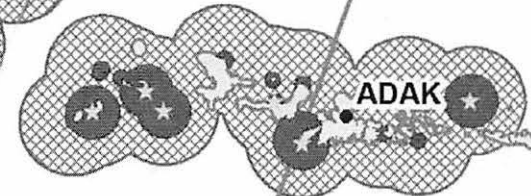
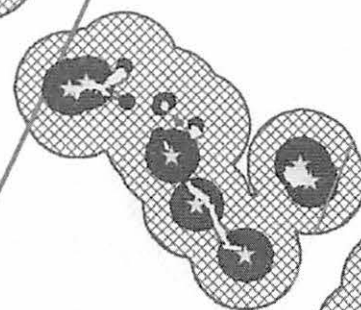
175°0'0"W

SSLMC Recommended PPA: Pacific Cod Trawl

- Closed to Directed Fishing
- ▨ Open SSL CH
- ★ SSL Rookeries

50°0'0"N

543



ADAK

Atka



542

541

55°0'0"N

180°0'0"

175°0'0"W

170°0'0"W

50°0'0"N





170°0'0"E

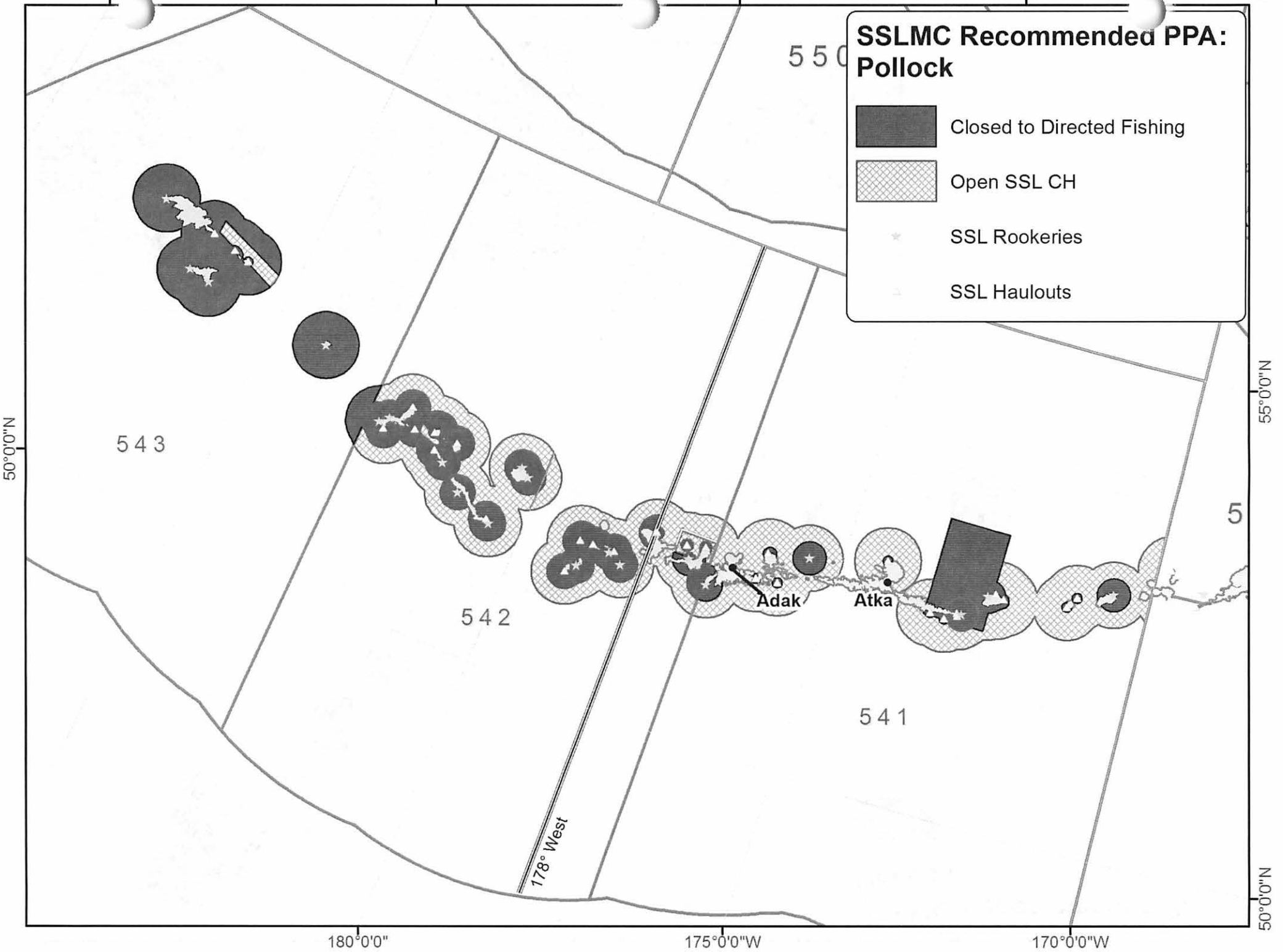
175°0'0"E

180°0'0"

175°0'0"W

SSLMC Recommended PPA: Pollock

-  Closed to Directed Fishing
-  Open SSL CH
-  SSL Rookeries
-  SSL Haulouts



543

542

541

550

5

178° West

Adak

Atka

50°0'0"N

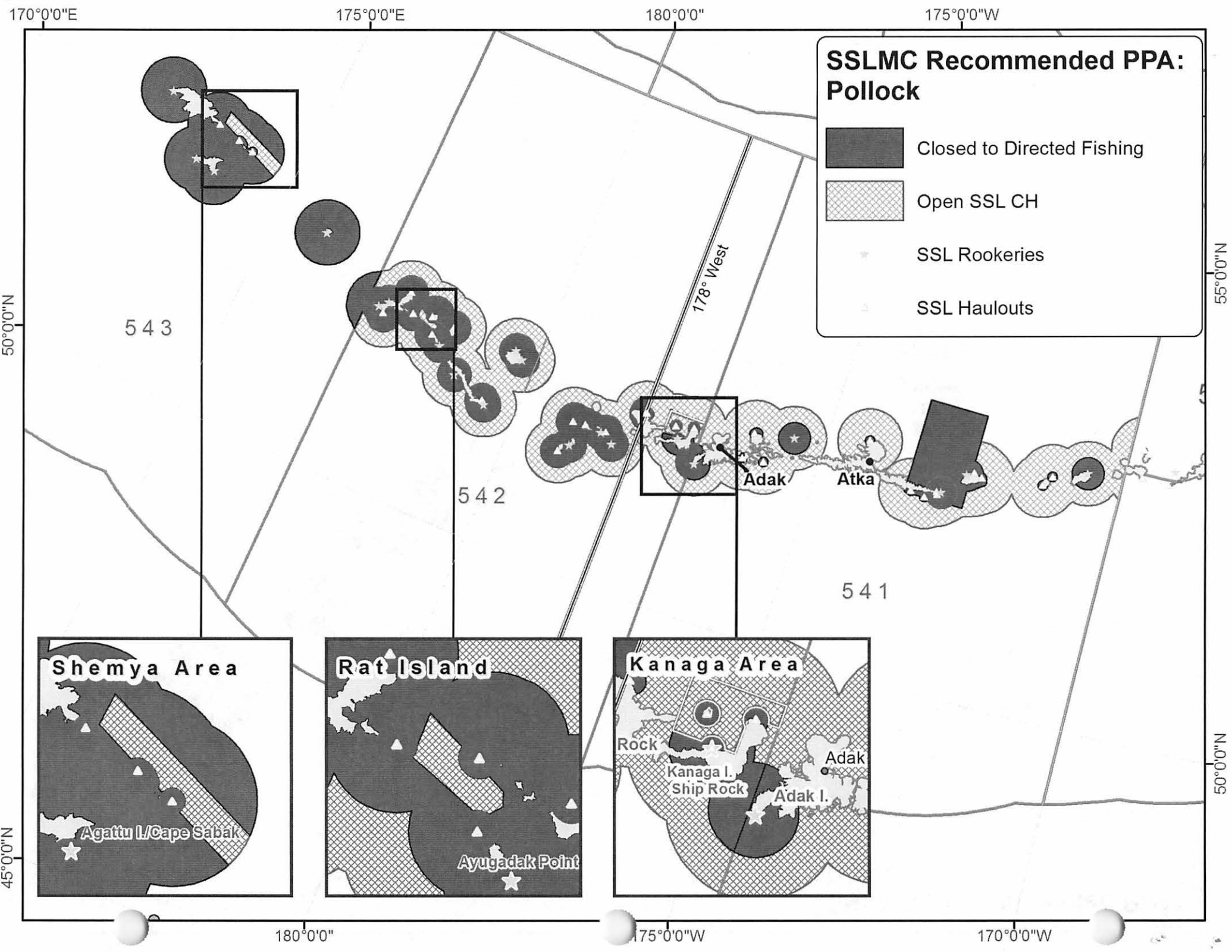
180°0'0"

175°0'0"W

170°0'0"W

55°0'0"N

50°0'0"N



543

542

541

178° West

Adak

Atka

Shemya Area

Rat Island

Kanaga Area

Agattu I./Cape Sabak

Ayugadak Point

Rock

Kanaga I.

Ship Rock

Adak

Adak I.

180°0'0"

175°0'0"W

170°0'0"W

50°0'0"N

45°0'0"N

55°0'0"N

50°0'0"N