MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director

DATE: June 1, 1999

SUBJECT: Steller Sea Lions

ESTIMATED TIME
16 HOURS

ACTION REQUIRED

Final review of amendment package for implementation in 2000. Emergency action for second half of 1999.

BACKGROUND

Independent Review

The Council requested that an independent panel review the scientific basis for NMFS conclusions that the proposed 1999-2002 pollock fisheries were likely to jeopardize the continued existence of the western population of Steller sea lions and adversely modify its critical habitat. The panel consisted of world renowned marine mammal scientists, and was chaired by W. Don Bowen (Bedford Institute of Oceanography, Nova Scotia, Canada). The panel met in public sessions April 26-28 at the Alaska Fisheries Science Center. Their conclusions are contained in the Executive Summary of their report (Item C-2(a)). The full report is available on the Council's web site.

Final Action for 2000; Emergency Rules for Rest of 1999

In December, the Council reviewed the Biological Opinion (Section 7 consultation) from NMFS, which concluded with a 'Jeopardy Finding' relative to the pollock fisheries in both the BSAI and the GOA. In order to allow these fisheries to be prosecuted in 1999, the Council took emergency action to implement measures consistent with NMFS' proposed Reasonable and Prudent Alternatives (RPAs). The RPAs, in summary, proposed spatial and temporal distribution of the pollock fisheries as well as additional closure areas around specific rookery and haul-out sites used by sea lions. For the BSAI, the Council's actions included: (1) separating the pollock fisheries into four seasons (A1, A2, B, and C seasons), with a limit of 30% of the total TAC coming from any one season; (2) reducing the overall roe season fishery to 40% of the annual total TAC; (3) limiting the overall A season removals from the sea lion critical habitat area/catcher vessel operational area (CH/CVOA) to 62.5% of the total TAC for those seasons; (4) eliminating a directed pollock fishery in the Aleutian Islands subarea; and, (5) expanding closure areas around rookery and haul-out sites. For the GOA, the Council also created four seasons with limits on the percentage of the TAC which can be taken from any one season, expanded the closure areas around rookery and haul-out sites, and established a 300,000 pound trip limit for pollock in the western and central Gulf areas.

These measures were implemented by emergency rulemaking for the first half of 1999. At the June 1999 meeting, the Council will need to take final action on permanent regulations to protect Steller sea lions for 2000 and beyond, as well as adopt additional emergency rules for the second half of 1999. The Council's motion from the April meeting is included as Item C-2(b).

Independent Review of the Scientific Bases for the 3 December 1998 Biological Opinion Regarding Interactions between Steller Sea Lions and Bering Sea and Gulf of Alaska Pollock Fisheries

Executive Summary

- In their 3 December, 1998 Biological Opinion the NMFS concluded that the pollock fisheries in the Eastern Bering Sea/Aleutian Islands (BSAI) and the Gulf of Alaska (GOA) could jeopardize the continued existence of the endangered western stock of the Steller sea lion and adversely modify its critical habitat,

- the western stock of the Steller sea lion in Alaska has declined dramatically since the 1970s and continues to decline. The causes of the decline are poorly understood, but it is thought that food shortages are involved, or have been involved during some periods of the decline,

- the relative importance of environmental changes in carrying capacity versus the effects of commercial pollock fisheries in the BSAI and GOA on hypothesized food shortages to Steller sea lions is unknown,

- although understanding the causes of the decline in the number of Steller sea lions is important, we can only modify human activities to promote recovery. In the BSAI and GOA, commercial fishing is likely the most significant human activity affecting ecosystem structure and function and potentially depleting Steller sea lion food,

- pollock is an important food of Steller sea lions. The concentration in both space and time of the pollock fisheries in Steller sea lion critical habitat could modify the availability of food to Steller sea lions and thus could reasonably be expected to jeopardize the survival of sea lions and to modify their critical habitat,

- the proposed Reasonable and Prudent Alternatives (RPAs) identified in the Opinion attempt to reduce the concentration of the pollock fishery in Steller sea lion critical habitat and to disperse fishing effort away from the potentially critical winter period and distribute it more evenly throughout the remainder of the year. These seem to the panel to be reasonable goals,

- we do not know what fraction of the Steller sea lion population uses the designated critical habitat or the extent to which the pollock fishery either depletes or otherwise modifies the availability of food to Steller sea lions,

- therefore, it is not possible to know if the RPAs specified in the Opinion will significantly promote recovery of the western stock of Steller sea lions,

- high priority should be given to research, involving NMFS, the North Pacific Fishery Management Council and other stakeholders, to determine the extent of competition between Steller sea lions and fisheries, and to monitor the effects of the RPAs.

Council's April 1999 Action on Steller Sea Lions

Council amendments to the AP motion, as adopted, are shown in italics.

Gulf of Alaska (GOA)

2.5.1. Options for Season Dates and TAC Apportionments

Season	Start Date	TAC Apportionment
A	January 20	25%
B	5 days after A season closure	25%
C	September 1	25%
D	5 days after C season closure	25%

Provide a discussion of mechanism(s) available to revert to a trimester or A and B season openings if TAC is reduced.

2.5.2 Options for Seasonal Exclusive Area Requirement

Add sub-option that would limit this requirement to vessels > 125'. Add a table to show the number of vessels less than and greater than 125'.

2.5.3 Options for Trip Limits in the GOA

Add Option 3: 300,000 lb trip limit in the western, central and eastern Gulf with a prohibition of tendering in 620, 630 and 640 and a 500,000 lb tendering limit in 610 *and 620.*

2.7 Options for Pollock No-trawl Zone in GOA

Include monthly break down of data for the 8 haul-outs to determine whether there is a seasonal use pattern by the fleet.

Include data, by quarter, comparing pollock size distribution by the ADF&G statistical areas associated with the 8 additional rookeries versus size distribution in the remainder of the NMFS management areas.

Include a discussion that compares the efficacy of the proposed measures in terms of distributing effort temporally and spatially, including trip limits and changing season dates, relative to the proposed closures of rookeries and haul out sites (particularly the Mitrofania and Spitz sites).

Aleutian Islands:

Include option to open directed pollock fishing in all of the alternatives in Section 1.

Bering Sea:

Add option to all alternatives: Catcher vessels less than or equal to 99 ft length overall (LOA) would be exempt from CH/CVOA closures from September 1 through March 31 unless the percentage cap for the inshore sector has been reached. To accomplish this objective, NMFS would announce the closure of the CH/CVOA conservation zone to catcher/vessels over 99 ft LOA before the inshore sector percentage limit is reached and in a manner intended to leave remaining quota within CH/CVOA sufficient to support fishing by vessels less than or equal to 99 ft LOA for the duration of the current inshore sector opening.[a]

A1/A2 Stand-down:

Add sub options to all stand-downs, to apply stand-down only inside CH.

B-season start dates:

Option 2: Add sub-option for 1999, to open earlier than August 1st, by the number of days equivalent to the stand-down

Add Option 3 (for the year 2000): Allow co-ops to open as of June 1st

Add Option 4: Allow motherships to open Sept. 1st with a single season (corrects page 14 of EA)

B and C season stand-down period:

Add Option 4: Stand-downs only apply inside CH

Add Option 5: Stand-down 5 days

C season start date:

Add Option 3: C season opens 5 days after the closure of B season.

TAC apportionments to individual seasons for non-CDQ sectors:

Add option 1: A1 = 30%, A2 = 15%

Add option 2: A1 = 15%, A2 = 30%

Add option 3: A1 = 15% inside CH, 7.5% outside CH,
A2 = 7.5% inside CH, 15% outside CH

A1 and A2 seasons: (pages 35-37)

Add option 4: Based on overall split of A1 = 15% inside CH, 7.5% outside CH, and A2 = 7.5% inside CH, 15% outside CH, apportion by sector as follows: (Option would be approved only after industry consensus on percentages)

Inshore	A1 ___in ___out	A2 ___in ___out
CP	A1 ___in ___out	A2 ___in ___out
Mothership	A1 ___in ___out	A2 ___in ___out
CDQ	A1 ___in ___out	A2 ___in ___out

Weighted Average A1=66.6% in, 33.3% out A2=33.3% in, 66.6% out
Overall A1/A2 = 50/50

Add option to Alternative 3: all catcher vessels have the same percentage taken inside and outside of CH/CVOA (meaning motherships and inshore treated equally).

B/C season split Inside Outside CH:

Add option 3: 1999 phase-in for half of reduction for Y2K end point

Add option 4: based on the central tendency of the average of the bottom trawl survey distribution plus the 2 to 3 standard deviations.

Add option 5: 30% inside, 70% outside (CPs 100% outside; Inshore and Motherships 50% inside, 50% outside)

Add option 6: if motherships have a single B/C season, motherships to take 100% catch outside CH/CVOA.

Split of catch outside CH during B/C seasons:

Options for determining split amounts:

Add option 4: based on the central tendency of the average of the bottom trawl survey distribution, plus the 2 to 3 standard deviations.

Options for BS no trawl zones:

Under Option 3, add sub-option defining short-term as 5 years.

Modify Option 5: Comprehensive combination of closures and no closures around BSAI/GOA rookeries to comprise an adaptive management experiment incorporating rookery status through 1998.

Options for AI subarea:

Clarify that Option 2 allows for directed fishery in the AI.

Additions to the Analysis:

Before the analysis is released for public review, the NMFS should review the data and assumptions used to develop the analysis of the seasonal EBS pollock distribution. The analysis itself should be revised to include:

1. a list of the assumptions used to determine the values of Table 3.4;
2. the formulas and values used to calculate the entries of Tables 3-4 and Table 3-5;
3. the probabilities associated with the alternative scenarios of Figure 3-19;
4. a justification for the reliability of using the winter acoustic survey as an estimate of the absolute size of the EBS pollock biomass in the CH-CVOA.
5. The estimates of selectivity and catchability for the winter CH/CVOA survey.
6. Add an appendix to the analysis preventing pollock catch, by percent and tons, within 10, 20, 40 and 60 nm of rookery and haul-outs sites listed as CH over the period since late 1970s.

Clarify that stand-downs are not a principle or rule. Distinct separations of seasons are only one means to insure that the principle of temporal distribution is achieved. To the extent that co-ops can provide mechanisms to prevent lumping, stand-downs are not necessary.

Notice the public that actions taken to address the 1999 B and C seasons by emergency rule may not be the same as adopted by a regulatory amendment process. It is possible that adoption of permanent rules for future B and C seasons for the year 2000 and beyond may be delayed to allow analysis of the 1999 fishery data.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 033099C]

Notice of Availability of Draft Stock Assessment Reports

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS has revised the Alaska, Atlantic, and Pacific marine mammal stock assessment reports in accordance with the Marine Mammal Protection Act (MMPA). Draft revised 1999 reports are available for public review and comment.

DATES: Comments must be received by August 26, 1999.

ADDRESSES: Send requests for printed copies of the draft Reports to: Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226, Attn: Stock Assessments. Copies of the regional reports may also be requested from Douglas P. DeMaster, Alaska Fisheries Science Center (F/AKC), NMFS, 7600 Sand Point Way, NE BIN 15700, Seattle, WA 98115–0070 (Alaska); Richard Merrick, Northeast Fisheries Science Center, 166 Water St., Woods Hole, MA 02543 (Atlantic); and Irma Lagomarsino, Southwest Regional Office (F/SWO3), NMFS, 501 West Ocean Boulevard, Long Beach, CA 90802–4213 (Pacific). Electronic copies of the reports can be found at http://www.nmfs.gov/prot res/mammals/sa rep/sar.html.

FOR FURTHER INFORMATION CONTACT: Cathy Eisele, Office of Protected Resources, NMFS, at (301) 713–2322, Douglas P. DeMaster (206) 526–4045, regarding Alaska regional stock assessments; Irma Lagomarsino, (310) 980–4020, regarding Pacific regional stock assessments; or Richard Merrick, (508) 495–2311, or Steven Swartz, (305) 361–4487, regarding Atlantic regional stock assessments.

SUPPLEMENTARY INFORMATION: Section 117 of the MMPA (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments reports for each stock of marine mammals that occurs in waters under the jurisdiction of the United States. These reports contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality from all sources, descriptions of the fisheries with which the stock interacts, and the status of the stock.

The MMPA also requires NMFS and FWS to review these reports annually for strategic stocks of marine mammals and at least every 3 years for stocks determined to be non-strategic. NMFS, in conjunction with the Alaska, Atlantic, and Pacific Scientific Review Groups, has reviewed the MMPA status of marine mammal stocks, and has revised reports for which significant new information was available. Tables 1–3 contain lists of all the stock assessment reports which NMFS has revised. Tables 1–3 also detail changes that have been made to their estimated abundance, human-caused mortality, or other relevant items. NMFS solicits public comments on these draft revised Alaska, Atlantic, and Pacific reports.

NMFS has chosen to label these reports the 1999 Stock Assessment Reports, as the intent is to finalize and publish these reports in 1999. It should be noted that the previous reports, labeled the 1998 Stock Assessment Reports, were finalized on February 19, 1999 (64 FR 8323).

Alaska Stocks

NMFS, in conjunction with the Alaska Scientific Review Group, reviewed information available for all strategic stocks of Alaska marine mammals under its authority, as well as for several other stocks. A total of 13 of the 33 Alaska stock assessment reports were revised for 1999 (Table 1). Most proposed changes to the stock assessment reports incorporate new information into mortality estimates. The revised stock assessment reports include western U.S. Steller sea lions, eastern U.S. Steller sea lions, all five beluga whale stocks (Cook Inlet, Bristol Bay, Eastern Bering Sea, Eastern Chukchi Sea, and Beaufort Sea), western North Pacific humpback whales, central North Pacific humpback whales, Baird's beaked whales, Stejneger's beaked whales, and Cuvier's beaked whales. In addition, the stock assessment report for the Eastern North Pacific transient killer whale stock was revised and moved to the Pacific region document. The new information on abundance and mortality did not change the status (strategic or not) of any of these 13 Alaska stocks relative to the last time the respective stock assessment report was revised (1996 or 1998).

Fishery mortality sections in the revised reports have been updated to include observer program, fisher self-reporting, and stranding data through 1997, where possible. Similarly, subsistence harvest information through 1997 has been included for those stocks which are taken by Alaska Natives for subsistence purposes. New abundance estimates are available and have been included in the revised assessments for two stocks: western U.S. Steller sea lions and Cook Inlet beluga whales. New Potential Biological Removal level (PBR) estimates have been calculated for those stocks having new abundance estimates.

Atlantic Stocks

The 1999 Atlantic stock assessment reports (including the Gulf of Mexico) were prepared by staff of the Northeast Fisheries Science Center and Southeast Fisheries Science Center. NMFS staff presented the Reports at the November 1998 meeting of the Atlantic Scientific Review Group and subsequent revisions were based on their contributions and constructive criticism.

Major revisions and updating of the stock assessment reports were completed only for Atlantic Coast strategic stocks and Atlantic Coast and Gulf of Mexico stocks for which significant new information was available. The stock definitions were changed for four Atlantic stocks (Sei whale; gray, harp and hooded seal) based on stock area definitions used by international scientific organizations (i.e., the International Whaling Commission and the International Council for Exploration of the Sea).

Table 2 contains a summary, by species, of the information included in the stock assessments, and also indicates those assessments that have been revised since the 1998 publication. A total of 31 of the 60 Atlantic and Gulf of Mexico stock assessment reports were revised for 1999. Most proposed changes incorporate new information into mortality estimates. The revised stock assessment reports include 14 strategic and 17 non-strategic stocks. Information on human interactions (fishery and ship strikes) between the North Atlantic right whale, North Atlantic humpback whale, and Canadian east coast minke whale stocks were re-reviewed and updated. Further, the status of three western North Atlantic stocks (Atlantic spotted dolphin, pantropical spotted dolphin, and dwarf sperm whale) were changed to non-strategic because the 5-year (1993–1997) mean annual mortalities in fishing operations were below PBR. Conversely, the western North Atlantic stock of long-finned pilot whale was changed to strategic.

Table 1--list of Alaska Marine Mammal Stocks Which Have Revised 1999 Stock Assessment Reports.

Species	Stock Area	NMFS Center	Nmin	Rmax	Fr	PBR	Total Annual Mortality	Annual Fish. Mortality	Strategic Status
Steller sea lion	Western US	AKC	~~38,893~~ 38,067	0.12	~~0.15~~ 0.10	~~350~~ 228	~~444~~ 442	~~32~~ 30	Y
Steller sea lion	Eastern US	AKC	30,403	0.12	0.75	1,368	19	~~15~~ 16	Y
Beluga whale	Beaufort Sea	AKC	32,453	0.04	1.0	649	~~160~~ 184.0	0.0	N
Beluga whale	Eastern Chukchi Sea	AKC	3,710	0.04	1.0	74	~~54~~ 68	0.0	N
Beluga whale	Eastern Bering Sea	AKC	6,439	0.04	1.0	129	~~127~~ 122	0.0	N
Beluga whale	Bristol Bay	AKC	1,316	0.04	1.0	26	~~20~~ 19	1	N
Beluga whale	Cook Inlet	AKC	~~712~~ 273	0.04	~~1.0~~ 0.5	~~14~~ 2.7	~~72~~ 87	0.0	Y
Baird's beaked whale	Alaska	AKC	N/A	0.04	0.5	N/A	0.0	0.0	N
Cuvier's beaked whale	Alaska	AKC	N/A	0.04	0.5	N/A	0.0	0.0	N
Stejneger's beaked whale	Alaska	AKC	N/A	0.04	0.5	N/A	0.0	0.0	N
Humpback whale	Western North Pacific	AKC	394	0.04	0.1	0.7	~~0.0~~ 0.2	~~0.0~~ 0.2	Y
Humpback whale	Central North Pacific	AKC	3,698	0.04	0.1	7.4	~~1.6~~ 1.4	~~1.2~~ 1.0	Y

Alaska Groundfish Data Bank — P.O. Box 2298 • Kodiak, Alaska 99615

TO: RICK LAUBER, CHAIRMAN
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

RE: SEA LION PROTECTIVE MEASURES
FOR GULF OF ALASKA IN YEAR 2000

DATE: JUNE 1, 1999

SENT BY FAX: 21 PP

AGENDA ITEM C-2

COMMENTS ON PROPOSED SEA LION PROTECTIVE MEASURES FOR THE CENTRAL GULF OF ALASKA IN THE YEAR 2000

SUBMITTED BY ALASKA GROUNDFISH DATA BANK -- JUNE 1, 1999

SECTION 1: SUMMARY OF CENTRAL GULF OF ALASKA PROPOSAL

In order to allow the Central Gulf of Alaska fishermen to take the annual pollock quota while complying as close as possible to the NMFS' proposed Reasonable and Prudent Actions AGDB requests the following changes and additions to the RPA's.

1. Delete Barnabas from the list of closed haul-outs. This haul-out is the major source of pollock for Kodiak and it not a haul-out used by sea lions.
2. Delete Ikolik from the list of closed haul-outs. This haul out is important to vessels fishing Shelikof.
3. Delete Rugged Island from the list of closed haul-outs for the first quarter only. This haul -out is the only source of pollock for Seward.
4. Delete Point Erlington/Needles from the list of closed haul-outs for the first quarter only. This haul-out is the major source of pollock for Cordova.
5. Set the Central Gulf pollock openings concurrent with the Bering Sea pollock openings. Allocate 25% of the pollock quota to each opening.
6. Include a provision to revert to trimester opens for any Gulf quota area if the annual area quota is 8,000 MT or less. This provision is needed to assure that the fishery will be manageable.
7. Analyze options for seasonal exclusive registration.

The rookeries and haulouts around Kodiak Island contained 4879 sea lions in 1998. The number of sea lions in Barnabas and Ikolik in 1998 was 47, about 1% of the total sea lions counted around Kodiak Island in 1998.

SECTION 2: THE PROBLEM

It is obvious that the proposed RBA's were designed for the Bering Sea and transferred to the Gulf of Alaska with little or no attention to

1. the distribution of pollock biomass in the Central Gulf,
2. effected communities
3. actual fishing time,
4. vessel size,
5. Effort surges,
6. Unintended consequences, and
7. the RPA's implemented in 1992 and other constraints

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The result, should the RPA's proposed for the year 2000 be implemented, will be to virtually stop pollock fishing in the Kodiak area and eliminate pollock deliveries to Seward and Cordova.

SECTION 3: OVERVIEW OF GULF POLLOCK DISTRIBUTION - (See maps in Appendix 1)

Unlike the Bering Sea where all survey stations show some pollock, the 1996 Central Gulf summer bottom trawl survey shows that the commercial concentrations of pollock are adjacent to the coast -- and mostly adjacent to haul-outs within the proposed ten mile closure areas. Outside the pollock concentrations the survey found no pollock on the east side of Kodiak and minimal pollock in Shelikof Strait.

The Shelikof Strait spawning biomass occurs in the early winter and is not present in the summer when the trawl surveys are conducted.

The 1996 Gulf bottom survey also found that "three strata (Chirikof Bank, Albatross Gullies and Shelikof Edge) accounted for 45% of the total survey area biomass, although they represent less than 9% of the total area".

The repeatedly cited observation that the amount of pollock taken from critical habitat in the Gulf of Alaska has increased is not a function of changes in the fleet, but is a function of changes in pollock distribution.

SECTION 4: AFFECTED COMMUNITIES

The Central Gulf communities affected by the proposed Sea Lion Protective Measures are Kodiak, Seward and Cordova. During 1999 six haul-outs (Gull Point, Cape Barnabas, Cape Ikolik, Rugged Island, Point Erlington and the Needles) were left open in the Central Gulf with the intent that the haul-outs close in the year 2000.

KODIAK: Of the 24 haulouts and rookeries closed or scheduled for closure in the year 2000 Barnabas and Ikolik are considered the most important to the Kodiak pollock fishery. Without these haul-outs it is unlikely that the Kodiak pollock quota can be taken. Most of catch in the following two haulouts occurs outside 3 miles. Data is not available for the amount catch coming out of the 3-10 mile area; fishermen report that most of the pollock biomass is located within 10 miles of the rookery in the area where the 10 mile proposed closure zone where the Barnabas and Gull Point closures intersect.

EAST SIDE KODIAK - BARNABAS: The ten mile proposed closure intersects with the ten mile proposed closure of Gull Point. Further, the Gull Point proposed closure intersects with the Ugak ten mile closure.

Between 1991 and 1998 Barnabas has accounted for 27 to 56% of the annual catch in the Kodiak area.

SEA LION COUNTS in Barnabas/Gull Point/Ugak complex 1995-1998 averaged 0.25 animals for Barnabas, 77 for Gull Point and 0.25 for Ugak.

SHELIKOF STRAIT - IKOLIK: Keeping Ikolik open allows pollock fishing in Shelikof Strait and offers refuge in bad weather.

SEA LION COUNTS in Ikolik 1995-1998 averaged 68 animals.

SEWARD: There was no pollock fishery in the Seward area until 1996. The Seward fishing occurs only in the first quarter. AGDB recommends that this haul-out be open to pollock fishing only during the first seasonal opening for reporting Area 630) pollock season.

RUGGED ISLAND: The only source of pollock for Seward is Rugged Island. About half the pollock catch has occurred inside three miles. The remainder of the catch appears be taken within the 3-10 mile portion of the proposed no pollock fishing closure zone.

SEA LION COUNTS at Rugged Island were 30 animals in 1996. No counts were made in 1995, 1997 or 1998.

PRINCE WILLIAM SOUND: Prince William Sound is a State Internal Waters area. The Prince William Sound pollock fishery started in 1995. The pollock fishery occurs only in the first seasonal opening. The quota is set by Alaska Department of Fish and Game and has been around 2,000 MT 1995 thru 1998. Exploitation rate has ranged from 10% to 2% of the biomass. Though the quota has not changed, the pollock biomass has increased each of the years for which there is data. The Prince William Sound pollock is has been deducted from the Gulf wide pollock quota since the fishery began.

AGDB recommends that Point Erlington and The Needles be open for pollock fishing for the first seasonal opening in Area 630 and remain closed for the remainder of the year after the quota is taken.

AGDB also supports the Prince William Sound's ADF&G Advisory Panel's recommendation to open the Eastern part of Prince William Sound to pollock so that the fishery can be spread out over three areas with a limit of 40% of the quota to be taken in any of the three areas. This proposal must go through the Board of fish and we support delaying any changes in Prince William Sound until the Board of Fish has had time to act on the "three area" proposal.

POINT ERLINGTON and THE NEEDLES: These two haulouts are the only source of pollock for Prince William Sound. It has not been possible to separate the catch between the two haul-outs. Together these two areas provide between 87 and 100% of the pollock delivered to Cordova.

SEA LION COUNTS: In 1996 Sea Lion counts were 231 animals on Pt. Erlington were 126 animals on the Needles. No counts were made in 1995, 1997 or 1998.

SECTION 5: FISHING TIME

HIGHEST NUMBER OF FISHING DAYS BY SEASONAL OPENING WITHIN THE PERIOD 1992-1998 OCCURRED IN 1993.

KODIAK (AREA 630)

YEAR	SEASON	#FISH DAYS
1993	JAN	36
1993	JUNE	23
1993	JULY	19
1993	OCT	12

MAXIM TOTAL POLLOCK FISHING IN THE KODIAK AREA = 90 DAYS

In other words the Kodiak pollock fleet is fishing pollock less than 25% of the year.

SECTION 6: VESSEL SIZE: The average vessel length for the January 1998 Kodiak pollock fishery was 77 feet LOA. Due to the change in the mothership 1999 opening from Jan. 20 to Feb. 1 several large vessels fished Kodiak January 1999. The average vessel size jumped to 85 feet LOA.

SECTION 7: EFFORT SURGES: The pollock quotas for the 1998 and 1999 January Kodiak Area 630 were about the same; however, in 1998 the fishery lasted 15 days. The additional effort which fished the 1999 January Kodiak pollock fisher reduced the number of fishing days to 7.

If the intent is to slow down the pollock fishery then provisions must be made to curtail effort surges into the Gulf by Bering Sea vessels. <u>This increased effort and reduction of fishing time occurred even though the 300,000 lb. trip limit was in place.</u>

AGDB suggests that the Gulf of Alaska pollock openings be concurrent with the Bering Sea pollock openings. This measure can taken quickly.

For the longer term AGDB requests that seasonal exclusive registration between the Bering Sea and Gulf of Alaska be analyzed.

SECTION 8: UNINTENDED CONSEQUENCES: There has been no attention paid to the effects of forcing a pollock fishery to occur on only a small segment of the pollock stock. Instead of spreading the fishery out, the sea lion RPA's force an intensive fishery on a small portion of the stock -- a consequence which is not considered responsible fishing.

SECTION 9: 1992 SEA LION MEASURES: In 1992 the Gulf of Alaska pollock fishery was constrained by the following sea lion protective measures:

SPATIALLY: Three quota areas were designated. The quotas for each of the three areas: Kodiak (630), Chirikof (620) and Shumagin (Area 610). Quota for each of the three areas was based on the biomass estimates by area from the most current bottom trawl survey.

TEMPORALLY: The area quotas were further broken out into four quarters. When the quotas dropped the pollock fishery became unmanageable and the fishing seasons were changed to trimesters.

DIRECT SEA LION PROTECTION: All rookeries were closed to all trawl fishing out to ten miles.

POLLOCK QUOTA: Ever since 1992 when the first Sea Lion Protective measures were implemented in the Gulf of Alaska, the optimum Gulf quota has been reduced as an "ecosystem concern" . The concern had a lot to do with sea lions.

For example, the original 1994 pollock quota recommended by the Assessment author was 172,000 MT. The quota passed by the Council was 114,400 MT due to the "ecosystem concerns". This conservative policy for setting the Gulf pollock quota has become routine.

AGDB SEA LION COMMENTS -- JUNE 1, 1999 -- PAGE 5 OF 21

CLOSING COMMENTS:

1. The Gulf of Alaska has already gone through Sea Lion Protective Measures which meet the spatial and temporal criteria required by the December 1998 Section 7 Consultation.
2. The Gulf has also experienced reduced pollock quotas largely in part due to Sea Lion Concerns even though reduced quotas were not part of the 1992 measures.
3. The current distribution of Gulf pollock -- aggregated in clusters around haul-outs -- has not been considered: nor the effect of closing the haul-outs on the ability of the fleet to find fish been considered.
4. No consideration or attention has been paid to the fact that the Gulf fleet are small vessels which on the whole pack 300,000 lbs. or less.
5. No credit has been given to the additional spatial spread of the fleet due to the new Seward and Cordova pollock fisheries.
6. No credit has been given to the Gulf exploitation rate which is around 10% annually.
7. The effort protection of concurrent openings with the Bering Sea has been voided, resulting in a more intense fishery.

APPENDIX 1

SURVEY MAPS OF POLLOCK DISTRIBUTION

BERING SEA 1997

GULF OF ALASKA 1987

GULF OF ALASKA 1998

Figure 2.--Distribution of total sampling effort by the Arcturus and Aldebaran during the the 1997 eastern Bering Sea crab and groundfish survey.

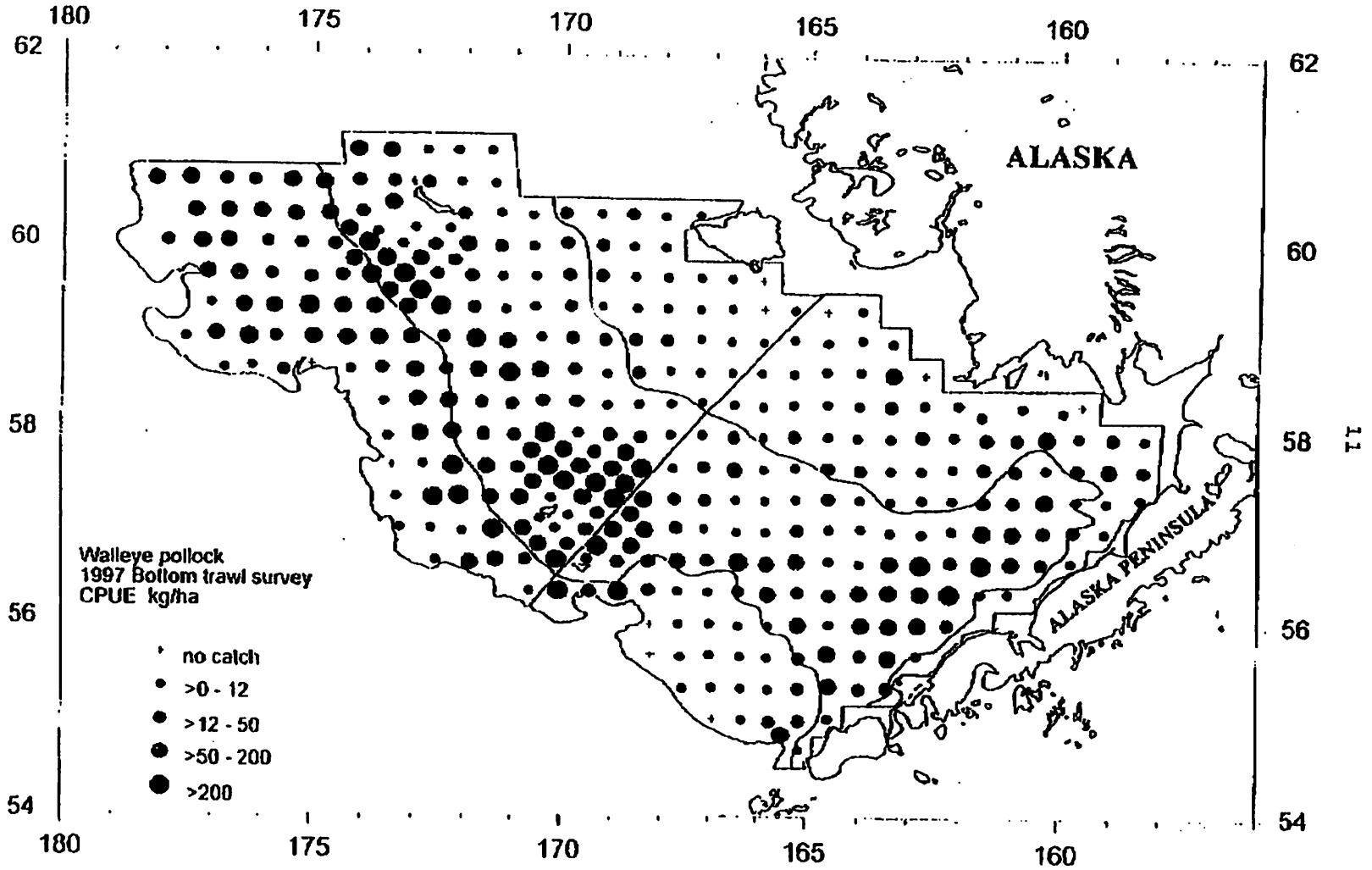

Figure 3.--Distribution and relative abundance of walleye pollock during the 1997 eastern Bering Sea bottom trawl survey.

Walleye pollock (Theragra chalcogramma)

Walleye pollock was the third most abundant species encountered during the survey (Table 2). Pollock were found throughout the survey area (Table 27) and were captured in all 49 strata (Fig. 25; Table 28). Pollock were caught in 83% of all tows during the survey (Table 27). The highest CPUEs of the survey were seen on the eastern edge of Lower Shelikof Gully and in Albatross Gullies to the south and east of Kodiak Island. Three strata (Chirikof Bank, Albatross Gullies and Shelikof Edge) accounted for about 45% of the total survey area biomass estimate, although they represent less than 9% of the total area. Catches were most consistent in the 201-300 m range where pollock were caught in 94% of the tows, although rarely in large numbers (Table 27). Definite modes of larger (ages 6 - 8) and smaller fish (ages 1 - 2) were present in all depths in the western and central GOA, while the larger fish were generally absent in the eastern GOA in water less than 200 m deep. Length modes representing age-1 (10-21 cm FL) and age-2 (22-30 cm FL) fish were apparent in several area-depths (Fig. 26). The length-weight relationship for walleye pollock specimens collected during the survey is depicted in Figure 27.

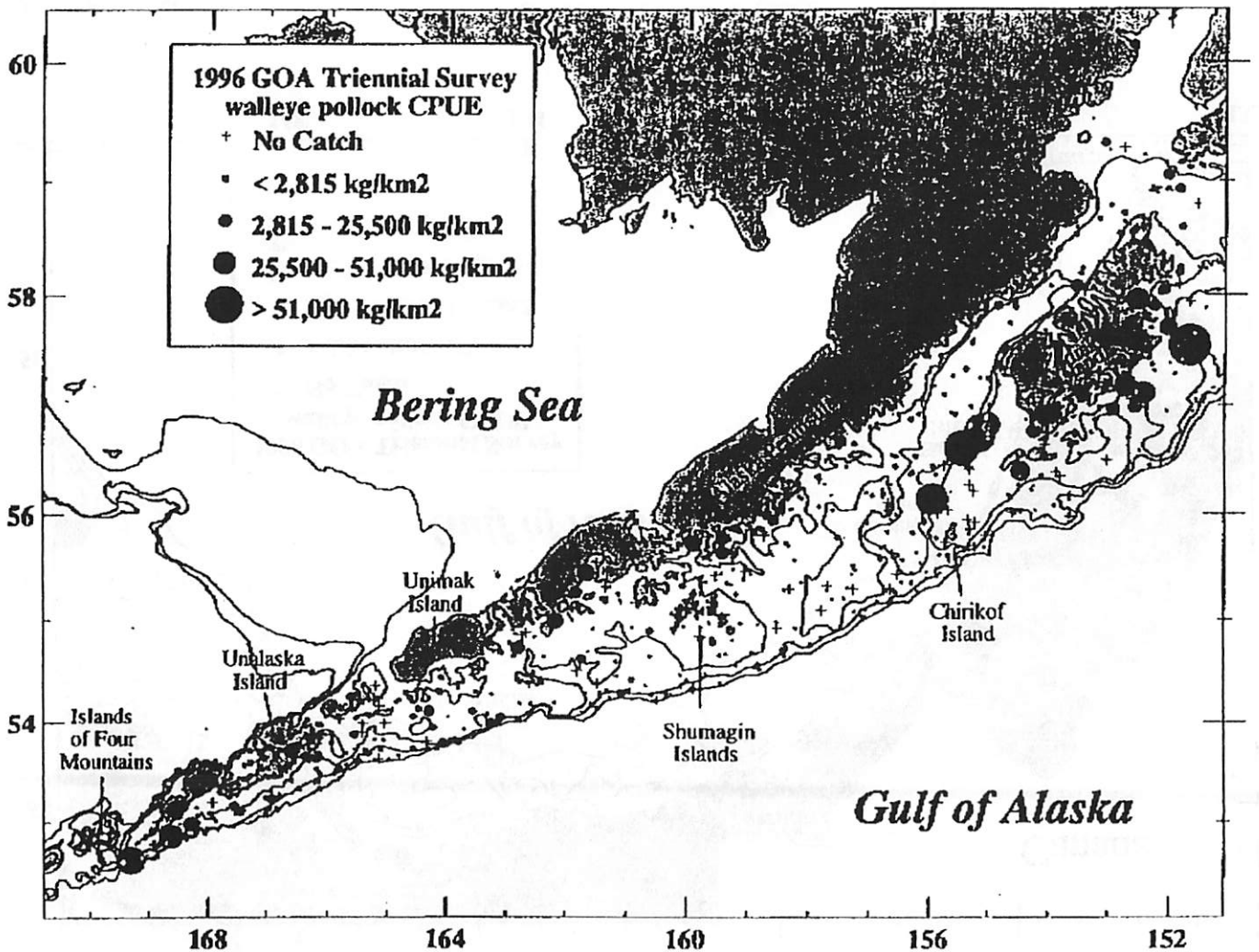

Figure 25.--Distribution and relative abundance of walleye pollock from the 1996 Gulf of Alaska bottom trawl survey. Relative abundance is categorized by no catch, sample CPUE less than the mean CPUE, between mean CPUE and two standard deviations above mean CPUE, between two and four standard deviations above mean CPUE, and greater than four standard deviations above mean CPUE. Each symbol is proportional to the sample CPUE.

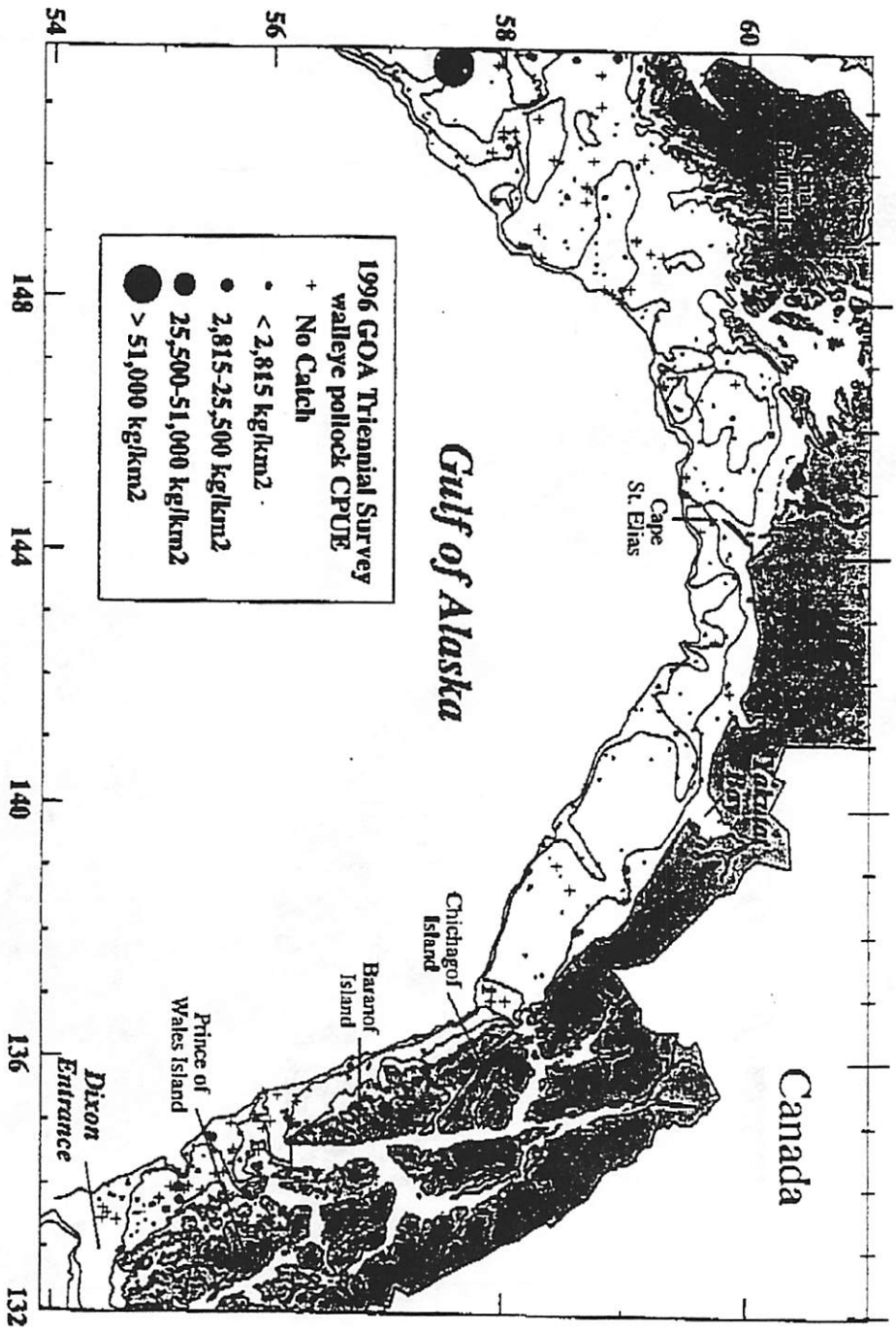

Figure 25.--Continued.

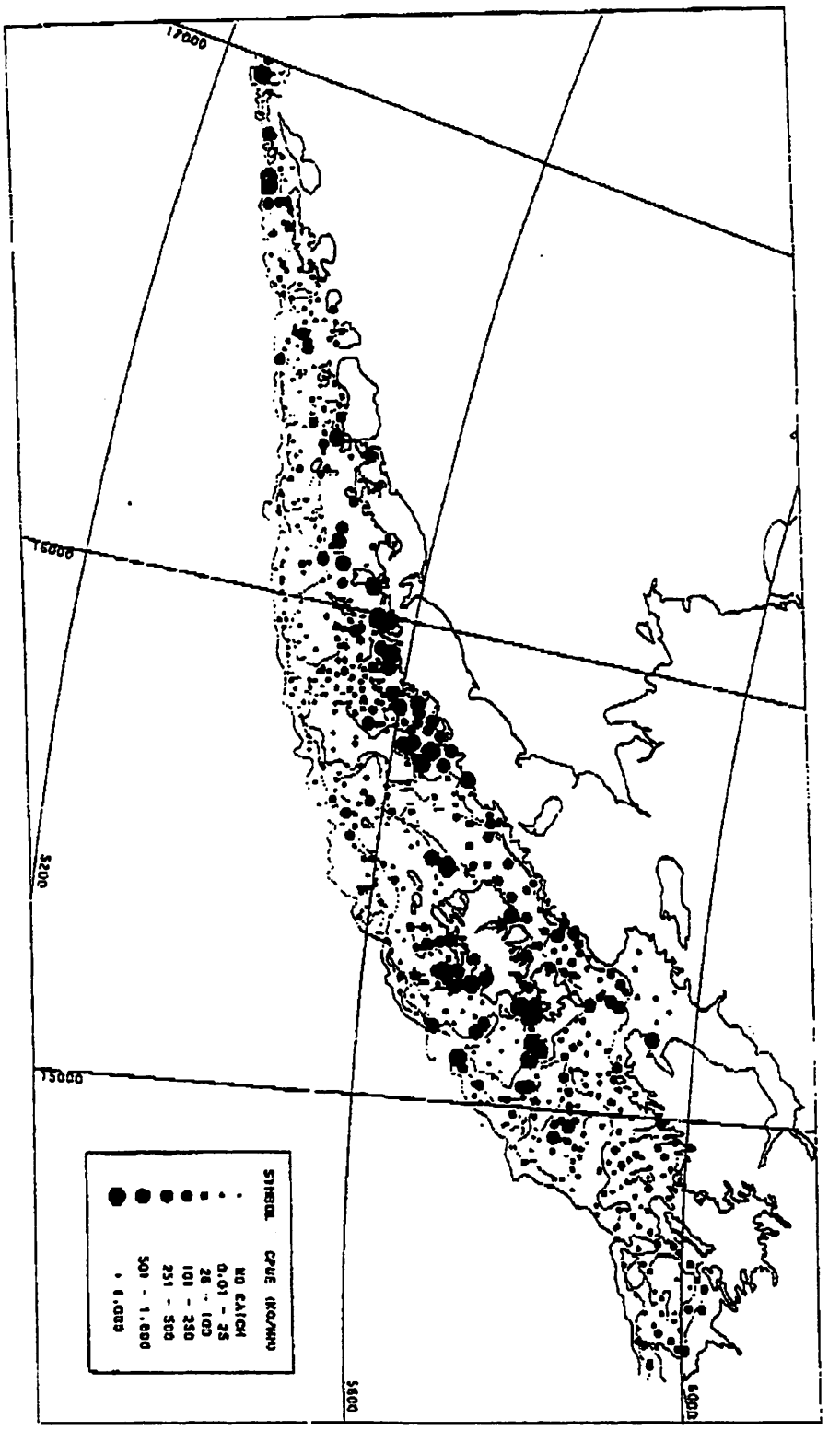

Figure 14.--Catch per unit effort (kilograms/nautical mile) of walleye pollock, during the 1987 triennial U.S.-Japan cooperative bottom trawl survey of the central and western Gulf of Alaska.

APPENDIX 2

SEA LION COUNTS FOR KODIAK ISLAND, NORTHERN GULF AND PRINCE WILLIAM SOUND

AGDB SEA LION COMMENTS -- JUNE 1, 1999 - PAGE 13 OF 21

SEA LION COUNTS - EAST SIDE KODIAK

YEAR	LONG T-X(n-a)	C.CHINIAK T-X	UGAK X(m-o)	GULL PT.	C.BARNABAS T	2-HEADED T-X	SUNDSTROM	C.SITKINAK T-X	TUGIDAK
1957	75	772	318		1598	2738		343	
1976	0	365		145	364	1615		120	
1977									
1978									
1979									
1983					694				
1985	16	873	17	281	107	1240		477	
1986			341					702	
1987					0	600		0	
1989	30	0	0	0	0	479		204	
1990	93	95	0	91	1	268		234	0
1991	131	231	0	81		382		334	
1992	114	154	15	46	1	330	0	173	0
1994	141	191	1	111	0	365	0	87	0
1996	128	232	0	40	0	216	0	62	
1997	77	113	0	87	0	308	0	138	
1998	70	212	0	70	0	378	0	100	

SEA LION COUNTS - EAST SIDE KODIAK (Continued)

YEAR	CHIRIKOF T-R-X	NAGAI RKS X	CHOWIET T-R-X	SUTWIK T-X(m-o)	UGAIUSHAK T	TOTAL
1957	1695		6014		572	14125
1976	2391	657	2000	6	125	7788
1977				20	0	20
1978	3699		4419			8118
1979	5199		4441			9640
1983						694
1985	2346	798	2059	224	166	8604
1986						1043
1987	825		186			1611
1989	1278	233	737	210	138	3309
1990	1061	196	897	153	55	3144
1991	946	245		139		2489
1992	770	162	771	115	18	2669
1994	433	331	599	94	23	2376
1996	360	180	592	132	13	1955
1997	295	204	538	143	10	1913
1998	266	313	515	178	19	2121

AGDB SEA LION COMMENTS -- JUNE 1, 1999 - PAGE 14 OF 21

SEA LION COUNTS - NORTH KODIAK ISLAND

YEAR	CAPE ELIZABETH T-R-X	SUGAR LOAF T-X(m-o)	ROCKS S. USHAGAT T	USHAGAT	WEST AMATULI	LATEX RK T-X	SEA OTTER ISLAND X	TONKI C.	SEA LION ROCKS T-X
1957	108	11963		789		3334			300
1976	124	5226	106	902	57	1164	541		432
1977									
1978		4810							
1979		4374							
1983									
1985		2991	33	1496		1482	335		225
1986									
1987									
1989	249	1861	2	168		354	450	22	46
1990	85	1319	55	441	0	519	164	14	93
1991		1216		233		280	123		88
1992	102	1184	33	227	0	193	0	1	57
1994	114	976	27	201	10	230	206	6	62
1996	88	741	27	111	0	195	171	16	4
1997	35	625	21	96	0	170	101	0	37
1998	42	646	3	95	0	109	123	0	61

SEA LION COUNTS - NORTH KODIAK ISLAND (Continued)

YEAR	MARMOT T-R-X	TOTAL
1957	3866	20360
1976	9862	18414
1977		0
1978	8506	13316
1979	8450	12824
1983		0
1985	4983	11545
1986	8819	8819
1987		0
1989	2331	5483
1990	1766	4456
1991	1459	3399
1992	1581	3378
1994	1091	2923
1996	1102	2455
1997	781	1866
1998	694	1773

AGDB SEA LION COMMENTS -- JUNE 1, 1999 - PAGE 15 OF 21

SEA LION COUNTS - WESTERN KODIAK ISLAND

YEAR	CAPE ALITAK	CAPE IKOLIK	STURGEON HEAD	CAPE UGATX	NOISY	MALINA POIINT	STEEP CAPE	GRANITE CAPE	CAPE PARA MANOF
1957									
1976		1913							
1977									
1978									
1979									
1983				356					
1985									
1986									
1987									
1989									
1990									
1991				0					
1992	0	64	0	110					0
1994	0	62	0	273	0	0	14	0	0
1996	0	105	0	100	0	0	33		0
1997	0	56	0	99	0	0	42		0
1998	0	47	0	128	0	0	34		0

SEA LION COUNTS - WESTERN KODIAK ISLAND (Continued)

YEAR	CAPE UYAK	CAPE DOUGLAS X(m-o)	SHAKUN ROCKS X	CAPE NUKSHAK	CAPE UGIAK	CAPE GULL X(m-o)	CAPE KULIAK	TAKLI AREA X(m-o)	PUALE BAY X
1957									
1976						207		1877	1877
1977						0		700	15000
1978									
1979									
1983									
1985			1055			285		802	834
1986									
1987									
1989			0			0		66	309
1990	0		140			0		0	387
1991			123			0		38	297
1992			191	0	0	0	0	0	278
1994	0	0	127	0	0	0	95	58	265
1996	0	0	107	0	6	0	2	30	169
1997	0	0	109	0	0	0	0	34	143
1998	0	0	56	0	0	0	0	35	136

AGDB SEA LION COMMENTS -- JUNE 1, 1999 - PAGE 16 OF 21

SEA LION COUNTS - WESTERN KODIAK ISLAND (continued)

YEAR	KILOKAK ROCKS	TOTAL
1957		0
1976		5874
1977		15700
1978		0
1979		0
1983		356
1985		2976
1986		0
1987		0
1989		375
1990		527
1991		458
1992		643
1994	103	997
1996	120	672
1997	90	573
1998	77	513

OTHER KODIAK

YEAR	OUTER R-X	GORE POINT	EAST CHUGACH	PERL X	NAGAHUT ROCKS	TOTAL
1956				687		
1957	2848	200	20			
1976	3847	535	0	33	344	4759
1977						
1978	3142					
1979	3155					
1983						
1985						
1986						
1987						
1989	350	25		50	20	445
1990	589	63	39	97	28	816
1991	334	43				
1992	243	4	3	188	0	438
1994	406	0	0	92	1	499
1996	319	0	0	239	0	558
1997	225	0	3	136	0	364
1998	344	0	0	127	0	471

AGDB SEA LION COMMENTS -- JUNE 1, 1999 - PAGE 17 OF 21

EASTERN GULF

YEAR	SITKAGI BLUFFS T	C. ST. ELIAS T-X	MIDDLE-TON	HOOK PT. X(m-o)	C.HINCH-INBROOK X(m-o)	SEAL ROCKS T-R	FISH (WOODED) T-X	PLEIADES	GLACIER T-X
1956						162			
1957							3000		
1973		1548				1533	1243		
1976		1628				1709	878		0
1977									
1978						2463			
1979						2961			
1983									
1985									
1986									
1987									
1989		1883	1			2159			0
1990		948				1471	1232	0	0
1991		744			163	1220	1350		0
1992	0	895	9	366	129	784	1005	3	82
1994	0	781	0	155	111	636	649	0	349
1996	n.s	500	0	30	245	544	502	0	54
1997									
1998	n.s	413				730	330		

EASTERN GULF (continued)

YEAR	PERRY	POINT ELEANOR	NEEDLE T	PT.ELR-INGTON T	CAPE PUGET	CAPE JUNKEN	C. FAIR-FIELD	C.RESUR-RECTION	PT. LA-TOUCHE
1956									
1957	80		179	250					
1973			234	250					
1976			537	725					
1977									
1978									
1979									
1983									
1985									
1986									
1987									
1989	0	0	668	487					
1990	0	0	926	382	37	0	51		
1991			430	316					
1992	0	0	242	332	8	0	104	0	
1994	0	0	260	299	38	0	73	0	0
1996	0	0	126	231	0	0	70	0	1
1997									
1998									

AGDB SEA LION COMMENTS -- JUNE 1, 1999 - PAGE 18 OF 21

EASTERN GULF (continued)

YEAR	DANGER ISLAND	GRANITE CAPE	STEEP PT X(m-o)	RABBIT IS	AIALIK CAPE	RUGGED T	CHISWELL T-X	SEAL RK T-X	TOTAL
1956									162
1957							1930	250	5689
1976						150	1106	320	6384
1977									5477
1978									0
1979									2463
1983									2961
1985									0
1986									0
1987									0
1989						190	456	65	711
1990					25	25	408	52	5708
1991						128	383	65	5623
1992					3	153	240	5	4624
1994	0	0	203	21	27	157	180	58	4605
1996	0	37	67	0	3	30	115	31	3634
1997			110	0					2413
1998									0

APPENDIX 3

CATCH ASSOCIATED WITH SELECTED HAUL-OUTS

AGDB SEA LION COMMENTS -- JUNE 1, 1999 - PAGE 20 OF 21

POLLOCK CATCH - BARNABAS

POLLOCK CATCH INSIDE STATISTICAL AREA 525703

This statistical area is in State waters and represents the total catch inside of a three miles..

STATISTICAL AREA 525703 - TOTAL BARNABAS & GULL ISLAND - NMFS INSIDE				
YEAR	AREA 630 MT CATCH	STAT AREA MT CATCH	STAT AREA %CATCH	NMFS %
1991	48115	1034	2.15	2.7
1992	50211	CONF	N/A	0.2
1993	62936	0	0.00	0.0
1994	61488	733	1.19	N/A
1995	26360	0	0.00	0.1
1996	13360	0	0.00	0.0
1997	25023	335	1.34	1.5
1998	39035	316	0.81	0.8

POLLOCK CATCH INSIDE STATISTICAL AREA 525702

This statistical area is in federal waters. A portion of this area lays within the Barnabas haulout outside state waters. Most of the pollock catch is believed to be taken within the area between 3 and ten miles.

STATISTICAL AREA 525702 - TOTAL BARNABAS & GULL ISLAND - STRADDLING STAT AREA				
YEAR	AREA 630 MT CATCH	STAT AREA MT CATCH	STAT AREA %CATCH	NMFS %
1991	48115	18279	37.99	
1992	50211	23288	46.38	
1993	62936	19261	30.60	
1994	61488	14729	23.95	
1995	26360	14286	54.20	
1996	13360	3641	27.26	
1997	25023	14098	56.34	
1998	39035	21327	54.64	

AGDB SEA LION COMMENTS -- JUNE 1, 1999 - PAGE 21 OF 21

RUGGED ISLAND

Pollock catch is by ADF&G statistical area. The "inside" area is within three miles and all catch is within the Rugged Island proposed ten mile pollock exclusion zones. The statistical area designataed as "straddling" include part of the proposed 10 mile exclusion zone and federal waters outside the exclusion zones.

	SEA LION COUNTS		POLLOCK CATCH						
YEAR	SEA LION COUNT		POLLOCK CATCH	POLLOCK CATCH	POLLOCK CATCH	POLLOCK CATCH	TOTAL	TOT 630 Q1 CAT	%TOT Q1 CAT
STAT			495938	495931	496001	496002			
			INSIDE	STRADDLE	STRADDLE	STRADDLE			
1976	150								
---	---	---							
1989	190								
1990	25								
1991			0		0	0	0		
1992	153		0.1		0	0	0.1		
1993			T		0	0	0		
1994	157		0		0	0	0		
1995			T		0	0	0		
1996	30		T		794	0	749	6717	11.15
1997			300		1162	296	1758	8948	19.65
1998			1367	2419	1152	675	5613	9173	61.19

POINT ELRINGTON AND THE NEEDLES

	SEA LION COUNTS			POLLOCK BIOMASS & CATCH			
YEAR	NEEDLE T	PT.ELR-INGTON T		PWS BIOMASS MT	PWS CATCH MT	% EXPL PWS	%TOTAL PWS CATCH
1956							
1957	179	250					
1973	234	250					
1976	537	725					
1978				15,600			
---	---	---	---	---	---	---	---
1989	668	487		9,500			
1990	196	382					
1992	242	332					
1994	260	299		24,238			
1995				28,855	2857	9.90	83.3
1996	126	231			1480	N/A	100.0
1997				37,894	1779	4.69	96.8
1998				114,344	2022	1.77	87.6

Black Sea Fisheries Inc.
F/V Michelle Renee
P.O. Box 967
Port Townsend, WA. 98368
Ph. 360-379-0128 Fax. 360-379-0173

April 16, 1999

Mr. Richard Lauber
Chairman
North Pacific Fisheries Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK. 99501-2252
Fax 907-271-2817

Re: (C-2) Concurrent Openings-- Trip Limits for Pollack Gulf of Alaska

Dear Mr. Lauber,

In December 1998 the NPFMC approved to implement a 300,000-pound trip limit for Pollock in the Gulf of Alaska. Our boat and many other boats that fish in the Gulf pack between 300,000 and 400,000 pounds. As the season began we found that these limits were very hard to maintain. Our vessel holds 325,000 lbs.; even for a seasoned fisherman it is difficult to judge exactly how much you have on board. In order to stay within the limit and keep from being fined heavily we have to retain catch way under our capacity. This results in waste of resource, loss of revenue not only for the vessels, but the processors as well. The processing plants in Kodiak need boats such as these so they can provide a steady supply of product during stormy conditions. NMFS agents are forced to give citations to individuals who are just trying to make a living instead of dealing with the real violators. The 300,000-pound trip limit has put our vessel and many other Kodiak based vessels in a smaller vessel category. We have greater overhead expenses and must maximize our production. We strongly support concurrent Pollock openings with the Bering Sea; this will allocate the fleet between the two areas. The result will be longer seasons and better management. We suggest the Pollock trip limit is raised to 400,000 pounds. Raising the trip limit to 400,000 lbs. will be needed to accommodate these vessels, and the processing plants in Kodiak. This will solve the problems we mentioned and will help all the vessels that are based in Kodiak.

Sincerely,

Stoian and Angelique Iankov
F/V Michelle Renee

PATIENCE FISHERIES, INC.
1125 S.E. SPRUCE WAY
NEWPORT, OR 97365

June 1, 1999

Mr. Richard Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501

Via Fax: (907) 271-2817

RE: SEA LION ISSUE-99 FOOT EXEMPTION

Dear Chairman Lauber and Council Members:

I am the managing owner of the fishing vessels Perseverence and Predator, two small trawlers 90 feet in length that fish for pollock in the Bering Sea out of Akutan, AK. The reason we have picked to fish out of Akutan is it's close proximity to the fishing grounds making it a suitable place to fish with vessels of this size.

I believe that a 99-foot exemption is necessary for the safety of this class of vessels. Forcing them outside of the critical habitat area to catch pollock will put them in a dangerous situation that could be avoided if they could fish closer to port.

Thank you,

Mark Cooper

Mark Cooper, President
Patience Fisheries, Inc.

David Jincks, President
(541) 265-8694

BLUE FOX FISHERIES

P. O. BOX 352
NEWPORT, OREGON 97365

May 26, 1999

Mr. Richard Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

VIA FAX: (907) 271-2817

RE: AGENDA ITEM C-2, STELLAR SEA LIONS

Dear Chairman Lauber and Council Members:

I am the managing owner of a trawler, 85 feet in length, that fishes Bering Sea B Season pollock out of Akutan. We deliver our pollock inshore to the Trident plant.

The Stellar Sea Lion issue that probably has the greatest adverse impact on my vessel is the potential that I could be required to travel long distances outside of the CVOA during stormy times of the year in order to stay in business. While this may be possible (although costly) for the larger vessels, there is an additional factor that impacts the small trawlers and that is ***safety***.

During A Season the Council recommended and NMFS approved an exemption, based on safety, for vessels under 99 feet in length being excluded from the CVOA and critical habitat areas. The continuation of that exemption during those times of the year that pollock seasons occur, between September 1 and March 31 of each year, is extremely important for the safety of the small trawlers.

I do not believe that granting an exemption on the basis of safety to the small trawlers should cause any substantial adverse impacts to the large trawlers because our capacity is extremely small compared to the average pollock trawler.

Please make provisions for this important ***safety exemption*** for the small vessels and their crews.

Thank you.

Sincerely,

David Jincks

David Jincks
President

MIDWATER TRAWLERS COOPERATIVE

P. O. Box 2352 * NEWPORT, OREGON 97365
Captain R. Barry Fisher, President
Phone: (541) 265-9317 Fax: (541) 265-4557

MTC

May 31, 1999

Mr. Richard Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Ave., Suite 306
Anchorage, AK 99501

VIA FAX: (907) 271-2817

RE: STELLAR SEA LION ISSUE

Dear Chairman Lauber and Council Members:

The Stellar Sea Lion issue is an extremely difficult one which adversely impacts all sectors of the pollock industry. A majority of the MTC vessels participating in the pollock fishery are among the smallest catcher vessels in that fishery. Small vessels forced outside the CVOA during stormy months of the year are more likely to suffer from safety risks than the larger vessels which make up a majority of the fleet.

Therefore, MTC supports the continuation of the previously adopted Council provision that inshore CVs less than or equal to 99 ft. LOA, be exempt from the CH/CVOA closures from September 1 through March 31.

This exemption is proposed as a ***safety measure only*** and MTC supports the manner in which NMFS has announced it intends to manage this exemption, which will prevent it from becoming an allocative advantage to the small catcher vessels.

Thank you.

Sincerely,

Fred A. Yeck
Technical Director

Sea Lion Caucus

Comments Submitted by the Steller Sea Lion Caucus
to the North Pacific Fishery Management Council
Regarding SSL Management
June, 1999

The Sea Lion Caucus is comprised of the fishery-dependent communities of Southwest Alaska which are the closest in proximity to the Steller sea lion rookeries and haulouts. The Caucus membership includes the City of Akutan, the Aleutians East Borough, City of False Pass, City of King Cove, the City of Kodiak, the Kodiak Island Borough, the City of Sand Point, and the City of Unalaska. These communities are heavily dependent on the Bering Sea and Gulf of Alaska pollock and other groundfish fisheries for employment and municipal tax revenues. The purpose of the Caucus is expressed by the following goals:

- Active support of Federal, State, and Local efforts to promote the long-term recovery of the Steller Sea Lion population.
- Active support of Federal, State, Local, and Industry efforts to provide for a sustainable North Pacific groundfish fishery, and sustainable fishing communities.
- Aggressive and continuous participation in the long-term Steller Sea Lion recovery effort, including the promotion of an open, public discourse on the National Marine Fisheries Service's ESA process, best available scientific and commercial data, and the use of the North Pacific Fishery Management Council and the Steller Sea Lion Recovery Team in all efforts to recover sea lions while sustaining the Region's commercial fisheries.
- Promotion of cooperation between Governmental and independent scientists, including objective and credible peer review of **all** scientific and commercial data, theories, and research protocols.
- Promotion of educational efforts to explain the fact of the Steller Sea Lion decline, and efforts being made to recover this important marine species.

The management of SSL is the most critical issue facing these coastal communities. Due to the seriousness and far-reaching implications of this issue, the residents expect and deserve a thorough, deliberate process through which the federal government addresses the SSL situation.

The SSL Caucus is extremely concerned over the lack of any formal process. Alaskan communities, as well as fishermen from Washington State and Oregon are at the mercy of the National Marine Fisheries Service, the ESA, and the target of Greenpeace, the Sierra Club and the American Oceans Campaign...and the odds are not good.

The SSL Caucus members understand the Endangered Species Act (ESA) places the ultimate responsibility for rendering Biological Opinions with the National Marine Fisheries Service (NMFS). The statue requires the agency to "use the best scientific and commercial data as well as traditional knowledge available" but does not require NMFS to work in a vacuum. Inherently, the SSL Caucus believes the agency cannot work effectively in a vacuum but rather through an orderly series of steps, involving a number of parties working to implement a recovery plan. This plan should be based on the best information and designed to achieve appropriate and measurable conservation objectives.

Sadly, the main components of an orderly management process (i.e. scientific, administrative, and stakeholder) are ill-used or nonexistent. This is clearly evident in previous statements made by the Council and the Council's Science & Statistical Committee (SSC) and Advisory Panel (AP).

If you recall, the Council passed a motion at the December 1998 meeting which stated:

> There is considerable scientific uncertainty regarding the relationships between pollock fisheries and the Western population of Steller sea lions. The uncertainty lies at the heart of concerns expressed by the AP and SSC. The Council recognizes and shares these concerns. The uncertainty has placed the industry at risk, and forced the Council to react to ESA concerns in a very compressed time frame and make critical decisions based on incomplete and conflicting data. This is not acceptable.

The Council's SSC also stated at the December 1998 meeting:

> In general, the SSC shares the discomfort with the speed of the process expressed in public testimony and by others. The process has been hampered by the SSC's ability to thoroughly review the document. Further, it has provided less peer review than is desirable. There is inadequate understanding of the roles of the Council, the public, and the SSC in the ESA legal process....

The SSC continued to address the specifics of the Biological Opinion by stating "The SSC again shares the general discomfort over the large amount of uncertainty in the data and large data gaps. Uncertainty allows many approaches and interpretations, none of which can be overwhelmingly supported by rigorous science at this time...."

At the December 1998, meeting the Council's AP stated that the agency:

> failed to consider a large body of relevant scientific information... not consulted with, or maintained the activity of the SSL Recovery Team... not been responsive to an internal federal policy regarding peer review of ESA activities...failed to provide any analyses to the AP to quantify the impacts of the proposed RPA's on SSL and the coastal communities...not provided enough time for a through deliberative process to address the final Biological Opinion... and failed to include objective or reasonable criteria in a formal recovery plan process.

Since the Council provides the only conduit for public participation, it is imperative the Council play a more significant role in the management of SSL.

Scientific Process

In 1933, renowned ecologist Aldo Leopold expressed the philosophy that the means to achieving a conservation objective is research. We agree - it is far better for these communities to live under a management regime based on the most rigorous scientific research possible, rather than just whatever is available coupled with a heavy dose of the *"Precautionary Principle"*.

Unfortunately, the scientific method being applied to SSL is inadequate for several reasons. First, the agency has failed to consider a large body of scientific information pertinent to meso-scale ecosystem changes and fishery-SSL interactions which is a requirement of the ESA and federal interagency policy for ESA activities. Second, the agency has failed to assess the efficacy of prior/pending mitigation measures through a formal deliberative scientific process. Third, the agency has elucidated no quantifiable differences between the projected impacts on SSL by the 1999 groundfish fishery versus the impacts of fisheries on SSL during other years when "non-jeopardy" decisions were issued by the agency.

I. Failure To Use Consistent ESA Policy and Best Available Scientific And Commercial Data

The NMFS is currently operating under an interagency policy which requires an independent peer review process to ensure the best biological and commercial information is being used in the ESA decision making process (59 FR 34270, July 1, 1994, attached).

Section (B)(1) of this policy specifically addresses circumstances when scientific disagreement is sufficient to warrant special review. The "Special Circumstances" Section (B)(1) reads as follows:

> Sometimes, specific questions are raised that may require additional review prior to a final decision, (e.g. scientific disagreement to the extent that leads the Service to make a 6 month extension of the statutory rulemaking period). The Services will determine when a special independent peer review process is necessary and will select the individuals responsible for the review. Special independent peer review should only be used when it is likely to reduce or resolve the unacceptable level of scientific uncertainty.

A 1995 report authored by UK scientist I.L. Boyd titled "Steller Sea Lion Research" is possibly the most comprehensive review of SSL research in existence. It addresses SSL research through specific terms of reference including a review and comment on current data, research objectives, and future agency recommendations. In the report, Dr. Boyd provides his own set of specific recommendations to clarify linkages between managing fisheries and other top predators, such as SSL. Oddly, the report was never mentioned or even listed in the agency's 200+ page Biological Opinion which included a reference list of more than 250 articles, technical memoranda, Masters Theses, symposium reports, and unpublished manuscripts (Boyd, 1995).

The fact that all NMFS's mitigation measures (current and proposed) are directed at the pollock fishery clearly indicate that NMFS has determined the pollock fishery to be the single cause of decline in the SSL population. In addition to Boyd (1995), we firmly believe the NMFS marine mammal biologists have failed to consider a large body of scientific information prior to issuing the Summary Draft Biological Opinion. This additional scientific information runs counter to both the NMFS' single hypothesis that the pollock fishery is causing the decline, and to the Interagency Policy on ESA activities which require the agency to "...use the best scientific and commercial data available." (ESA Section 7(a)(2); 59 FR 34270).

To the best of our knowledge NMFS has not considered the following sources of available scientific and commercial data as required by law:

1) There is conflicting information regarding the implications of diet and the decline of sea lions. Merrick (et.al, 1997) reported a highly significant correlation between prey diversity and SSL population decline. More specifically, as diet diversity decreases — sea lion numbers decrease. Resident SSL groups feeding on fewer prey species experienced a more pronounced rate of decline compared to SSL groups feeding in areas offering a suite of prey species. Fadely (et.al., 1994) also implicate diet composition and prey abundance/acquisition in the decline of SSL.

2) SSL populations reached peak densities during the 1960's. Since that time, starting in the late 1970's, the population has declined significantly. According to NMFS oceanographer Dr. Bill Peterson (personal communication, NMFS presentation to Pacific States Marine Fisheries

Commission, October 12, 1998, Sun Valley, Idaho) the Gulf of Alaska and North Pacific region experienced substantial shifts in species composition, a direct result of oceanographic changes in the form of reduced upwelling, warming, and other El Nino-related events. These physical and biological oceanographic changes were followed by substantial shifts in prey species composition which has forced cascading affects across trophic levels, impacting SSL, piscivorus marine bird populations, sea otters (*Enhydra lutris*), and killer whales (*Orcinus orca*) (Alverson, 1992; Boyd, 1995; Merrick, 1995; Trites and Larkin, 1996; Estes, et. al., 1998; Merculieff, 1998). Existing research documents a shift in SSL diet correlated with this "regime shift", from one of small pelagic fish to a diet dominated by pollock (Alverson, 1992; Merrick et. al., 1997).

3) The Scientific and Statistical Committee (SSC) of the North Pacific Fishery Management Council (NPFMC) recommended several alternative hypotheses be examined to determine the root cause(s) of SSL decline (NPFMC-SSC, 1998). The fact that the SSC has recommended investigation in these specific areas clearly indicates viable alternatives have not been satisfactorily examined by NMFS biologists.

The NPFMC-SSC list of hypotheses requiring investigation includes the following:

#1: Physical oceanographic conditions in the eastern Bering Sea and North Pacific changed in the mid-1970's. This change influenced the productivity of several species.

#2: Among the species that declined were forage fishes high in fat, including capelin, herring, eulachon and sandlance.

#3: At the start of the fatty forage fish decline, the W. SSL stock was high in abundance. The forage fish decline initiated the subsequent decline in SSL.

#4: Walleye pollock numbers increased as the W. SSL decreased and became the major prey of SSL.

#5: Pollock as a prey item are less nutritious than forage fish, to the point that SSL in captivity show declines in health when fed solely on pollock. By implication feeding on pollock is contributing to the decline.

#6: The present fishery for pollock adversely affects the availability of prey limiting the ability of SSL to recover.

4) The Committee on the Bering Sea Ecosystem (et.al., 1996) indicated the inability to adaptively manage resources (incl. marine mammals) in the region is a direct result of our meager understanding of the system. The Committee suggested a top research priority should be to more fully understand the relationships between ecosystem dynamics, pollock and other prey species, predators, and anthropogenic activities if we are to reverse declines in species such as SSL.

5) Research indicates increasing adult pollock biomass may actually have a negative impact on the abundance of small pollock (Livingston, 1993). Density-dependent cannibalism may result in a dampening in the abundance of a given year class of pollock. Predation by adult pollock has been shown to inflict a large amount of mortality which varies interannually. Trites (et.al., 1998) has suggested increasing adult pollock biomass could result in less (or at least, more variable) individual juvenile pollock available to juvenile SSL.

6) No supporting evidence is currently available which suggests the commercial pollock fishery, which targets Age-4+ fish (Hallowed, 1998; Hughes, 1998) has had any demonstrated impact on the abundance of juvenile pollock (Alverson, 1998; Fritz and Ferrero, 1998). Alverson (1998) indicates that despite periodic and significant increases (>400%) in the abundance of Age-0 to Age-2 pollock (preferred prey size for juvenile SSL), the SSL population did not respond to this positive trend in prey numbers.

7) Southeast Alaska contains three major rookeries. SSL on these rookeries are counted individually during stock assessments. In the western population, only a subset of rookeries is included in the assessment as "trend sites." Thus, all individual counts are reported in the eastern stock and only trend sites are reported in the western stock.

At the eighth meeting of the Alaska Scientific Review Group November 18-20, 1998, AKSRG recommended to NMFS that the method for calculating western SSL stock populations be the sum of direct counts of adults, juveniles and pups at all sites and that the estimate not be reduced for Nmin (i.e. "minimum population estimate" calculated first by estimating the minimum stock size - and then reducing the population estimate further to assure that the true stock size is equal to or greater then the estimate). This adjustment would ensure consistency between the methodologies used to estimate the western and eastern populations. There has been no formal indication the agency has/will adjust the assessment process to account for this recommendation.

8) On December 31, 1998, just three weeks after the NPFMC SSL deliberations, NOAA issued a press release elucidating the existence of dramatic large-scale changes in the Bering Sea ecosystem. Included in the release were references to extensive seabird die-offs, rare algal blooms, poor salmon returns, abnormally warm ocean temperatures and altered ocean currents and atmospheric conditions. Also highlighted in the article was the need for research to meet the challenge of preserving diverse populations of fish, marine mammals, and birds in this highly variable environment (NOAA, 1998). Despite the fact that NMFS representatives present at the council SSL deliberations were quoted in the release, none of these issues were ever presented by the agency for council consideration.

9) On January 21, 1999, NMFS advised the NPFMC (Pennoyer, 1999) which issues and principles still required council consideration. In the section "Pollock Trawl Exclusion Zones", NMFS clearly stated that fishing within 10 nm of the remaining GOA haul-out sites will be phased out for 2000 and beyond, "absent other management alternatives submitted by the Council that are both compelling and equivalent in terms of sea lion protection."

The SSL Caucus is deeply concerned regarding this stated position taken by NMFS. First, the agency itself has yet to produce any compelling evidence linking SSL and commercial fishing throughout the 1990's while disregarding a plethora of scientific information. Second, the agency has never managed to assess the benefit/harm of any SSL conservation measure. Third, in NOAA's FY2000 budget request, NMFS proposed a net *reduction* in SSL research funding of $1.08 Million, (i.e. $330,000 for the North Pacific Universities Marine Mammal Consortium and

$750,000 for the US National Fish & Wildlife Service). The research programs that NMFS has proposed to terminate are currently examining SSL energetics, nutritional value of SSL forage and SSL interactions with killer whales — all of which are key to testing alternative hypotheses regarding SSL decline. In light of these facts, it seems highly unlikely the agency will ever generate compelling evidence.

10) Finally, there is a growing concern over the lack of scientific accountability coupled with the use of the *"Precautionary Principle"*. The central tenet of this philosophy is to allow for management decisions to move forward in situations where the data are less then perfect. Members of the SSL Caucus appreciate the concept of caution when exact scientific information is not available. However, implementation of a cautious strategy must be coupled with an articulated research plan designed to collect the missing information that is forcing the initial risk-averse decision-making.

Unfortunately, with respect to SSL, the agency is not being held accountable for developing a rigorous program, articulating research and funding priorities within in that framework, and considering alternative hypotheses and data. Any scientific information inconsistent with the agency's sole hypothesis of prey availability is being disregarded and research funding reduced. We are increasingly concerned the *"Precautionary Principle"* is fostering a disincentive for rigorous and open SSL research within the agency.

II. Failure To Assess Efficacy of Current/Pending Mitigation Measures

NMFS cannot determine the positive or negative effects of current and pending measures vis a vis the SSL jeopardy condition due to the fact that a coordinated scientific program is nonexistent. The SSL Recovery Team (SSLRT) was developed to review components of a SSL Recovery Plan (SSLRP), rank research priorities, evaluate research hypotheses and methodologies, coordinate SSL-related studies, and provide a basis for updating the SSL Recovery Plan (NMFS, 1998). Unfortunately, the SSLRT convened only two of the originally scheduled four workshops and has for all intents and purposes, ceased to function. The SSLRP has apparently never received sufficient funding to achieve full implementation (Boyd, 1995). To our knowledge, the body that NMFS has formally recognized as playing a key role in SSL recovery has not been re-convened or even consulted on the current jeopardy situation.

During 1991-1993, NMFS implemented protective 10 and seasonal 20 nm trawl exclusion zones in numerous areas in the Gulf of Alaska and Bering Sea. To date, NMFS has not assessed the effectiveness of these initial protective measures. The agency has publically recognized the logical need to reassess the effectiveness of these SSL protective measures before the addition of any new measures by the following statement: "Given the current understanding of the sea lion/fishery prey interactions, additional research is warranted prior to establishing revised management actions." (NMFS, 1998; see also NMFS-Alaska, 1998a).

Section 7 (3)(A) of the ESA requires that in the event jeopardy is determined to exist, the action

agency shall suggest reasonable and prudent alternatives which would result in avoidance of the jeopardy condition outlined in ESA Section (a)(2). In the case of SSL, the record clearly indicates NMFS is not able to estimate the impacts on the western population of SSL for current or proposed measures with respect to the jeopardy condition. This is further supported by the statement in the NMFS DRAFT Biological Opinion — "At present, our understanding of predator-prey-fishery dynamics is limited, and much of the information necessary to evaluate direct links between the fisheries and sea lions is not available." (NMFS-Alaska, 1998b). Clearly, NMFS cannot meet the ESA jeopardy avoidance requirements of Section 7(3)(A) due to a lack of relevant scientific information.

The NPFMC and NMFS has implemented additional SSL protection measures. For example, three mile no-entry buffer zones were established in 1990; seasonal apportionments in the GOA and Bering Sea (1991) pollock fisheries and GOA Atka mackerel fishery (1999); 1998 measures to reduce AI Atka mackerel fishing effort near SSL rookeries; 1997 measure prohibiting directed fishing on forage fish such as capelin, sand lance, and myctophids. To date, the efficacy of any of these measures has never been quantified. Fritz and Ferrero (1998) concur, stating "These initial measures partitioned some fishing effort away from sea lion habitats, but the conservation benefits remain uncertain." We strongly question any process that advocates moving forward with additional conservation measures when the impacts, positive or negative, of the current measures have not been assessed.

III. Failure To Quantify How The 1999 Groundfish Fisheries Will Impact SSL More Severely Compared to Other Years

NMFS issued non-jeopardy Biological Opinions on the Alaska groundfish fisheries Alaska in 1991 and 1996. Each of these opinions concluded that the fisheries were not likely to jeopardize the continued existence and recovery of the SSL (NMFS-Alaska, 1998b).

In December 1997, the NPFMC proposed a 60% increase in the 1998 total allowable catch (TAC) for pollock in the Western and Central Regulatory Areas of the GOA based on increases in groundfish biomass. NMFS re-initiated the ESA consultation process and concluded the 1998 TAC increase would not likely jeopardize the continued existence of the western population of SSL, nor would it result in degradation/adverse modification of SSL critical habitat (NMFS, 1998).

NMFS re-initiated consultation because the previous consultation expired at the end of 1998, and is therefore required before the beginning of the fishery in 1999. NMFS has yet to quantify how the 1999 fisheries will differ in their impact on SSL. In fact, NMFS has not provided any evidence that the 1999 groundfish fishery is any different or will have a negative effect on SSL compared to the fisheries in 1991, 1996, and 1998.

In conclusion, it remains unclear how NMFS can render an accurate Biological Opinion and provide effective measurable RPA objectives in light of the following: 1) a failure to consider a

substantial body of scientific and commercial data pursuant to ESA and embodied in the federal interagency policy on ESA peer review; 2) a failure to assess the efficacy of existing/pending mitigation measures as part of a formal deliberative scientific process; 3) a failure to reconcile how the 1999 groundfish fishery will increase the potential for jeopardy compared to other years when no jeopardy rulings were issued by the agency; and 4) a lack of positive correlations between increased pollock populations and higher SSL populations and between rookery protection zones and SSL populations.

Administrative Process

The agency has openly commented on the active role of the public and the NPFMC in a cooperative and coordinated process designed to resolve the SSL issue (see Commerce, 1999; Pennoyer, 1999). Since SSL conservation measures are implemented as components of council-managed FMP's, the NPFMC through its committee structure, and the public, should have full participation through the Magnuson-Stevens Act process. Unfortunately, the administrative component of the process has been woefully inadequate and is most assuredly not reflective of the agency's self-proclaimed open and cooperative position. This is clearly evident in a review of the chronology by which the current RPA's were developed/implemented.

The NMFS "Summary of DRAFT Biological Opinion" was available October 22, 1998. The October 1998 NPFMC SSC minutes contained no references to the SSL issue. Clearly, the SSC was not aware, at that time, it would be playing an active role in such a critical issue.

The "Summary of Draft Biological Opinion" already included a list of RPA's. The fact that NOAA drafted RPA's prior to council and public consideration, and in advance of a jeopardy determination clearly indicates the agency pre-determined a finding of jeopardy. The fact that the RPA's only affected the pollock fishery indicates NMFS has pre-determined that the pollock fishery was the sole cause of the SSL decline.

Despite the fact that the pollock fishery is managed by the NPFMC, no scientific information was given to the council upon which to base the management changes to the fishery. This fact clearly indicates that NMFS never had any intention of including the council or the public in any facet of developing the SSL protective measures in the pollock fishery.

NMFS staff informed the council at the November 1998 meeting that the Section 7 consultation process was a NOAA/NMFS decision. The council "could give suggestions" but that the agency would decide the jeopardy finding and the final RPA's. NMFS staff explained that the NPFMC would then be required to address the RPA targets at the December 1998 meeting. NMFS staff indicated the NPFMC would be required to meet the RPA targets by implementing changes "with some latitude" to the FMP, pursuant to the Magnuson-Stevens Act. The agency would issue an Emergency interim rule to implement the changes. Clearly, the council's role was relegated to implementing the agency's predetermined conclusion.

The NPFMC's SSC was informed by NMFS staff they would be expected to address the RPA's at the December 6, 1998 meeting, the issue of jeopardy was apparently forgone conclusion. NMFS did not provide the 200+ page Final Biological Opinion until December 3, 1998, leaving no time for a substantive review of the document. In fact, the SSC stated in the December 1998 minutes "The process has hampered the SSC's ability to thoroughly review the document...." and "Although the SSC was requested to comment on appropriate actions that might be taken at this meeting to meet the RPA's for the 1999 fishery, the SSC declines to do so. We were not presented with information to complete such a task."

Throughout the process, the NPFMC and the public were in the dark with respect to the existence of any process. The NPFMC's SSC minutes reflect a serious lack of direction provided to the council, by the agency. For example, the SSC stated "There is inadequate understanding of the roles of the council, the public, and the SSC in the ESA legal process...." and "All parties involved in the process would benefit from a clarification of the roles of the various bodies." (SSC minutes, December 1998).

NOAA's Summary of FY 2000 budget request (p.1-3) NOAA indicates that partnerships to protect and recover at-risk species on the West Coast "...were based upon the significant flexibility of the Endangered Species act...." and that these relationships "promote the economic strength of the Nation and enhance the recovery of at-risk species."

The SSL Caucus respectfully disagrees. Not only is there a lack of a process and a federal-constituent partnership — but the inflexibility of the ESA has resulted in two environmental lawsuits and implementation of untested SSL conservation measures which have whip-sawed the industry, increased operating costs, and most importantly — compromised fishermen's safety.

Furthermore, lacking a measurable focused recovery program, we are no closer to enhancing the recovery of SSL and NMFS is concurrently reducing funding for future SSL research. This parochial approach has increased the agency's vulnerability to ESA-driven lawsuits and ultimately, the industry, to sudden and untested conservation restrictions. The future is clear — Greenpeace staff informed the NPFMC's SSC and members of the public at the December 1998 meeting that SSL ESA "pollock-style" litigation can be expected in the Atka mackerel and Pacific cod fisheries in the near future.

Stakeholder Process

The Steller Sea Lion Recovery Team (SSLRT) was developed to evaluate the direction and adequacy of research and management programs. It also was intended to allow for substantive input by various constituencies. According to NMFS staff, the SSLRT was not considered in the development/implementation of the Biological Opinion and the RPA's.

The lack of agency coordination with the SSLRT is alarming. Prior to the finding of jeopardy in 1998, the SSLRT met just seven times since inception in 1994. It remains unclear how the

SSLRT fits into any formal agency process if permitted to languish in periods of inactivity. Since we believe a formal federal research program is a necessity, the SSLRT must be re-invigorated with a well defined role.

Additionally, the agency has neglected Secretarial Order #3026 regarding agency responsibilities to tribal entities for federal ESA activities. The Order indicates the Secretaries of Commerce and Interior will carry out their ESA activities "in a manner that harmonizes the Federal trust responsibility to tribes...." (Secretarial Order #3206). The departments are required to work directly with tribal entities, consider tribal concerns, and make available information related to the management of tribal resources. The absence of any formal federal SSL constituent process available to the Alaskan Native communities clearly indicates the agency has neglected the intent of the Secretarial Order.

Conclusion

The SSL Caucus submits there is a stronger correlation between environmental lawsuits and trawling restrictions than there is between SSL and commercial fishing. The only way to remedy this harmful cycle and insulate the agency from frivolous environmental lawsuits is to formalize a science-based research/recovery program, build in federal accountability, formalize the role of the SSLRT in the federal recovery strategy, and implement a formal MMPA SSL constituent process which takes into account Native participation. The overall objective of these program components will focus on implementing the necessary conservation measures commensurate with the best scientific information.

The SSL Caucus respectfully requests the Council actively support the following recommendations designed to improve the management process for SSL in Alaska:

Improving The Scientific Process

- Support a formal federal SSL research program which incorporates a peer-review of all agency SSL actions, requires annual reporting of progress and research priorities
- Support a peer-reviewed independent SSL research program based in Alaska
- Create a SSL position at the Council specifically designated to work cooperatively with the agency and the public to ensure efficient communication and development of a Council EIS process whereby new information is continually incorporated into the Council's EIS process

Improving The Stakeholder Process

- Support the development of a take reduction team-style process through the MMPA reauthorization to address the SSL problem in Alaska
- Support consideration of Native concerns pursuant to Secretarial Order #3206
- Require the agency to specify and formalize the role of the SSL Recovery Team

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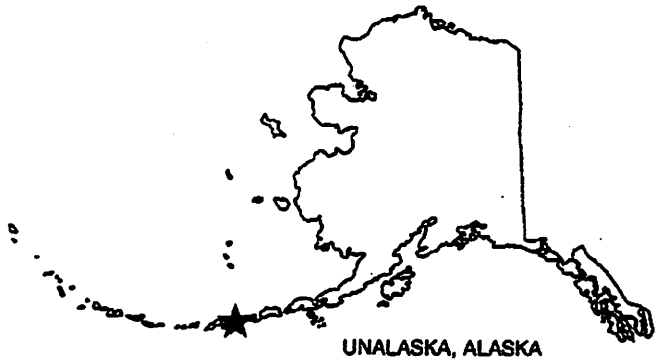

June 1, 1999

Mr. Richard Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Ave., Suite 306
Anchorage, Alaska 99501

Re: Agenda Item C-2 Steller Sea Lions

Mr. Chairman and Members of the Council,

Thank you for the opportunity to comment on this very important issue. My name is Frank Kelty and I am the Mayor of the City of Unalaska, this nation's #1 commercial fishing port for the past ten years in tonnage landed and dollar value. Each year, 500 to 700 million pounds of product are processed in my community, and the dollar value of that product is in excess of 100 million dollars annually. The total value of the pollock fishery in Alaska is one billion dollars per year.

My community has major concerns with the process that was used to develop the Jeopardy findings, biological opinions, and the reasonable and prudent alternative for the pollock fishery under the Endangered Species Act. Was the best science used? Was the research they worked off of current and up to date? Was a peer review performed on the science and research data? From what we can tell NMFS underlying theory is that the steller sea lion decline might be caused by the result of fishing activity, we feel very little is known about the real cause for the decline,and that these regulations driven in haste by the National Marine Fisheries Service/Green Peace Lawsuit.

The City of Unalaska supports stellar sea lion research and has provided funding to the North Pacific Marine Science Foundation Consortium of Universities, since its inception. The North Pacific Marine Science Foundation includes the University of British Columbia, University of Alaska, and the University of Washington.

This Consortium receives it funding from the seafood industry, grants, support sector businesses, and coastal communities. The City of Unalaska has also used taxpayer's dollars to become intervenors in the Green Peace/National Marine

Fisheries Service lawsuit. Why would we use taxpayer's dollars on these issues? Because the fishing industry in Unalaska is the only economic base we have, and the pollock fishery in our community is the most important part of our fishery-based economy. In 1997, NMFS figures showed that 93% of all products landed and processed in Unalaska was groundfish, 83% of that amount was pollock. This shows the importance of the pollock fishery in the Bering Sea to our community.

During my 30 years working in the Alaskan seafood industry, I have seen the crash of the crab and shrimp stocks in the Gulf of Alaska, and I lived and worked in Unalaska during the Bering Sea red king crab crash in the early 80's.

I have seen, first hand, the devastation of coastal communities whose economic base has disappeared overnight. Employment in the community will be hurt, not just in the local processing plants, but in all sectors. We have support sector businesses that have invested millions of dollars in our community. Their revenues will be hurt; the people that they employ in transportation, marine repair, retail stores, fuel companies, longshoremen, and City work force will all be impacted. The City of Unalaska with a major decline in revenues would have to cut back on services, programs, and capital projects would have to be delayed or stopped.

There is a section in the Magnuson Stevens Act that talks about protection for fishery dependent communities. We should remember that section as we review these regulations that are widely opposed in my community and other fishery dependent communities in Southwest Alaska, and we believe will cause severe social and economic stress on the residents, businesses, and the seafood industry of our region. The most damaging impacts will be to the seafood processing industry. Both to onshore and offshore sectors and the fishing fleets that provides the product to these operations. They have invested hundreds of millions of dollars in shoreplants, factory trawlers that process at sea and use Unalaska as their support base, and in catcher vessels that deliver to these operations.

I would like to share with you now some of the problems the seafood industry has encountered because of the recent adoption of the RPA's. The pollock roe season was impacted with a 5% reduction. The roe season is the most important part of the pollock fishery, and is critical to the bottom line of the fishing fleet and the processors.

Aleutian Island area pollock closure impacted the fishing fleets, our local processing plants, the at-sea fleet and revenues to the community of Unalaska. This fishery is valued at over $50 million dollars.

We see no reason for using Aleutian Island area as a control site that serves no realistic scientific purpose. We would urge the North Pacific Fisheries Management Council to recommend re-opening of this area outside the protection zones. This will be of economic importance to the seafood industry, the community of Unalaska, and the State of Alaska.

The new RPA regulations require a Stand down provision between seasons, which is very costly to the industry.

Moving the fishing fleet away from sea lion critical habitat areas, and reducing the amount of fish taken from these areas, as well as other proposed area closures or buffer zones, could dramatically reduce the amount of fish available to all processors and fishing fleets. This could lead to quality concerns of the product received by shore plants by our fishing vessels who will have to fish farther away, and having a longer running time to get their product to the plants. Fishing in areas that the fleet hasn't traditionally fished could lead to bycatch problems, and gear conflicts. All of the above mentioned impacts could cause economic hardships on all fishery dependent communities in the Bering Sea and the Gulf of Alaska.

National Marine Fisheries Service has imposed a jeopardy finding. My community, other fishery dependent communities, and the seafood industry of Alaska that supports these communities are the ones facing jeopardy now. I would ask this council to advise the National Marine Fisheries Service of your concerns with the biological opinion, jeopardy findings, and the RPA's. That no further regulations or restrictions be placed on the pollock fishery in the Bering Sea, Aleutian Islands and Gulf of Alaska until the NMFS sets forth in writing a long -term research program for investigating the steller decline. That all-scientific investigations relied upon by NMFS now and in the future be subject to independent peer review to identify strengths and weaknesses. We would ask the council to support substantial funding for independent research with peer review. Continued research for this billion dollar a year fishery is critical to the economic well being of the State of Alaska, the community of Unalaska, and the Alaska seafood industry.

Sincerely,

Frank Kelty
Mayor

CC: Alaska Congressional Delegation
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Unalaska City Council

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June 1, 1999

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Re: Steller sea lions

Mr. Chairman and members of the council

I write to you as a 5th year Unalaskan City council member and a 18 year resident of Unalaska/Dutch Harbor, and I appreciate the opportunity to comment on the Steller sea lion issue in writing, as I cannot attend the June meeting.

It was with great difficulty and uncertainty, that we in the #1 fishing port in the nation, found ourselves planning for future operations and maintenance costs for our fishery-dependent community of over 4,000, with a forecast of decreased revenues in our very near future. Given the financial uncertainties facing Unalaska/Dutch Harbor, I am greatly concerned about further potential revenue declines if certain Steller sea lion protection measures are adopted permanently. While I share concerns of the seeming inability for the Steller to recover from whatever it is that ails them, I have not seen any hard evidence that further restrictions to the Pollock fishery will facilitate the Stellers recovery.

In particular, the closure of the Aleutian Islands pollock fishery in order to make it an experimental control site , that would have a " relatively small experimental effect that would be difficult to measure", comes at a price that I am not willing to pay. A mitigation measure that imposes a guaranteed negative impact on industry as well as fishery-dependent communities such as ours, with out the ability to measure in any credible way their efficacy in actually facilitating the Stellers recovery, should not be acceptable to Alaska's fishery managers or the State of Alaska itself.

Please carefully reconsider the closure of the Aleutian Islands pollock fishery. If marine mammal scientists have determined that adequate protection of Stellers can be achieved in the AI through the 10nm no pollock trawl zones, and this satisfies applicable RPA principles, fishing for pollock OUTSIDE the protection zones should be allowed to continue.

Please stand firm in your resolve to craft a solution that truly fits the "reasonable and prudent" test. And please continue to look for protection measures that produce positive outcomes for both the Steller and those of us who depend on the reasonable and practical management of our fisheries for our livelihood.

Shirley Marquardt

cc: Governor Tony Knowles

Unalaska/Dutch Harbor Chamber of Commerce
P.O. Box 920833
Dutch Harbor, Alaska 99692
(907) 581-4242

June 1, 1999

Mr. Richard Lauber, Chairman
North Pacific FisheryManagement Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Re: Agenda Item C-2 Stellar Sea Lions

Mr. Chairman and Members of the Council,

My name is Mike Golat. I am the president of the Unalaska/Dutch Harbor Chamber of Commerce which represents 88 businesses and individuals in Unalaska. I would like to take this opportunity to comment on the stellar sea lion agenda item; this issue has the potential to significantly impact Unalaska's business community.

As you are aware, the Magnuson Stevens Act includes a provision meant to protect the economic and social interests of fishery dependent communities. While the Endangered Species Act has no such provision, it is imperative that the economic and social fabric of coastal Alaska be taken into account when considering further restricting the Pollock fishery to prevent further declines in the stellar sea lion population. The Council's decision will have significant and long lasting effects on our community.

I encourage the Council and NMFS to support further research to verify the current hypothesis that fisheries activities are hindering stellar sea lion recovery. The hypothesis, is just that—it is not proven and not supported by conclusive scientific evidence. To base any decision on such inconclusive and untested theories would be irresponsible. Please balance the interests of the people and businesses of Unalaska with the interests of the Stellar Sea Lion when you make your recommendation.

Thank you for the opportunity to comment on this critical issue.

Sincerely,

Mike Golat
President
Unalaska/Dutch Harbor Chamber of Commerce

PETER PAN SEAFOODS INC.

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SALES FAX 206.728.1855

June 1, 1999

Mr. Richard B. Lauber
Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Re: Alternatives for Pollock Tendering Limits in the Gulf of Alaska

Dear Chairman Lauber:

Peter Pan Seafoods processes Pollock from the Gulf of Alaska and the Bering Sea at our King Cove facility. In the Gulf of Alaska fishery, a significant portion of our Pollock comes from small vessels (less than 60 ft.). Therefore, we have a keen interest in retaining the ability to tender Pollock in order to service this fleet. Our comments regarding the alternatives for tendering Pollock in the Gulf of Alaska as presented in the "EA/RIR/RFA for the Measures to Protect Steller Sea Lions in the Pollock Fisheries of the Bering Sea and Aleutian Islands and Gulf of Alaska" are as follows.

We favor Option 3 with a 600,000 pound trip limit for tender vessels. This option matches the current emergency rule and we feel it is a good compromise among the proposed alternatives. We have not used tenders with a capacity to approach this limit for groundfish, but feel that the limit should be high enough to enable tendering without the constant specter of overages. With this in mind, we feel that Option 2 that provides for a 300,000 pound trip limit is not appropriate and too restrictive. Option 4 that allows tendering with a 500,000 pound trip limit in area 610 only (or in 610 and 620 only) was originally presented by us in AP testimony as a compromise between the 300,000 and 600,000 pound limits, but without the area specific provisions. It would be a great disservice to allow tendering in one area, but not in an adjacent area that is used by the same fishing fleet. Tendering Pollock as it has been traditionally practiced has not been identified as an activity that raises concerns with respect to Steller sea lions, and the prohibition of it should not be an item for consideration under this rule.

Although we have not used tenders for Pollock in the Gulf of Alaska to any great extent in the past, we do see a need to retain this option as this fishery is likely to undergo some major economic changes in the near future in response to the RPA's for Steller sea lions. As these changes occur, we will need access to all of our tools to be able to service our fleet, especially the small vessels, as their fishing patterns evolve under the new regulations.

Sincerely,

Barry D. Collier

Barry Collier
President and CEO

ALEUT
ENTERPRISE CORPORATION

June 7, 1999

Mr. Richard Lauber, Chairman
North Pacific Fishery Management Council
605 W. 4th Ave. Suite 306
Anchorage, Alaska 99501

RE: Agenda Item C-2 Steller Sea Lions

Dear Mr. Lauber:

The Aleut Enterprise Corporation is engaged in the economic development of Adak, Alaska's southern and westernmost remote coastal community. We are in the process of developing commercial enterprises with strong ties to Alaska's fishing industry. The existing world class port facilities and abundant fisheries of the Aleutian Islands is the centerpiece of our developing economy. Adak is the home of an operating shorebased seafood processing plant. Adak also services fishing vessels harvesting pollock, Pacific cod, and other species found in the Aleutians. All these activities depend upon viable fishing seasons in the Aleutian Islands. We feel fortunate to have the support of Alaska's congressional delegation and the Administration in our economic development efforts, and we look forward to working with Council.

The Aleut Enterprise Corporation supports the Council's efforts to responsibly manage the pollock fishery while fashioning reasonable protection measures for Steller Sea Lions under RPA principles of the Bioloigical Opinion. We strongly urge the Council and NMFS to adopt Option 2 for the Aleutian Islands which calls for implementing pollock trawl closures around the sea lion haulouts and rookeries out to a distance of at least 10nm. This would serve to properly protect Steller sea lions while moving the fishery away from critical sea lion habitat. While 10 nm restrictions would make harvest and processing of pollock more difficult in the Aleutian Islands, maintaining pollock fishing seasons in the Aleutian Islands is one key to Adak's economic future. We are also concerned that an unnecessary closure of Aleutian Islands pollock fishing will set an unfortunate precedent for additional closures of other species.

Several factors make Option 2 the preferred choice. The continental shelf in the Aleutians is quite narrow. The proper size of effective exclusion zones according to the draft opinion reflects the relative widths of the continental shelf. This is the reason the scientists believed 10 nm exclusion zones adequate for Stellers in the Aleutians and areas in the Gulf of Alaska. In the Aleutians where the shelf is extremely narrow, the mean distance traveled during breeding season and the majority of Steller foraging effort occurs within the 10 mile boundary. (Opinion, 5/11/99, pg.47) Ten nm closures around the

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Steller rookeries and haulouts would therefore seem to protect sea lions where and when they need it the most, while moving historical pollock fishing effort away from critical areas.

We believe 10 nm protection zones will reserve adequate prey for Steller sea lions for several additional reasons. The Council manages Aleutian Island pollock under a fixed quota. That quota only allows a low exploitation rate of the available pollock biomass, and historically the fishery has taken far less than the quota available in the Aleutian Islands. These factors tend to make even more fish available than would otherwise be expected. The pollock fishery seems to be moving further west in the Aleutians, which will make even more prey available in the critical habitat areas to the east. The westward movement of the fishery is one reason Adak expects to do more business with the fleet.

Some may say closing the Aleutians to pollock fishing will serve as an experiment, a control site for studies. The Aleutian Islands and pollock fishing cover a territory more than 1,000 miles in length. Scientists have noted that simply closing the Aleutian Islands to pollock fishing would "lead to a relatively small experimental effect that would be difficult to measure." While some may claim setting up such a vast closure would not be disruptive, we can assure you closing pollock fishing in the Aleutians, losing the benefits of a $50 million fishery and our opportunity to service the fleet, will have negative impacts in Adak. Further, we are concerned that setting an unfortunate precedent of wholesale closures in the Aleutians will lead to further unnecessary restrictions.

We respectfully request the Council and NMFS adopt a system of 10-mile closures to protect Steller sea lions in the Aleutians. We believe such a system will be adequate for scientific study and prove equally effective as a wholesale closure of the Aleutians. Option 2 will also assist our efforts to develop Adak as an Alaskan fishing community.

Thank you for considering our comments.

Sincerely

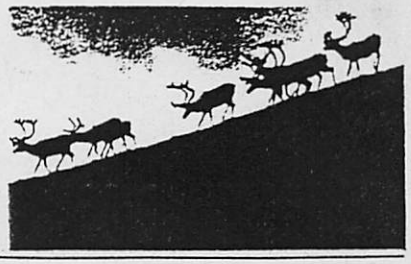
Julie Anderson

Julie Anderson
Operations Manager

Cc: Governor Knowles
Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young

Sierra Club

Alaska Field Office
241 E. Fifth Avenue, Suite 205, Anchorage, Alaska 99501
(907) 276-4048 • FAX (907) 258-6807



June 9, 1999

Rick Lauber, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Chairman Lauber and Council Members,

I am presenting the following comments on behalf of the Sierra Club, which has 578, 000 members and the Pinniped-Fisheries Project of Earth Island Institute, a national environmental organization with 10, 000 members. These comments are offered for your consideration as you prepare to vote on the final Steller sea lion conservation regulations.

The population of the Steller sea lion, the largest sea lion on Earth, and an animal which has thrived in what are now Alaskan waters for some three million years, has dwindled to 15-20% of its early 1960's population in the western portion of its range. This grand creature, listed since 1990 as threatened, has for two years been listed as endangered pursuant to the Endangered Species Act. NMFS's primary hypothesis for why this is happening is competition for prey.

The pollock fishery in question here is the largest single-species fishery in the world. Indications are that the millions of metric tons of pollock and of the essential parts of the marine ecosystem that constitute bycatch to the industry are taking their toll - on Steller sea lions, and on other species such as fish-eating birds, harbor seals, fur seals, and perhaps on the fishery itself. Even under the emergency rules instituted in December after the jeopardy finding, more than 60% of the pollock catch is allowed within critical habitat for the endangered Steller sea lion.

The final regulations on which you will be voting this week must go beyond December's emergency RPA's to do everything possible to support the recovery of the endangered Steller sea lion and prevent its continued descent toward extinction. Specifically, final regulations should:

- Protect the full extent of critical habitat around all designated rookeries and haulouts within a 20 nautical mile radius.

- Protect the designated aquatic foraging areas on pollock spawning grounds beyond 20 nautical miles in the Shelikof Strait and eastern Aleutian Islands.

- Achieve significant large reductions in catches from all critical habitat areas.

- Significantly reduce catches in the critical fall and winter months.

- Redistribute the catches in at least four seasons.

It is important to note here that the Peer Review Panel commissioned by the Council to review NMFS' jeopardy finding and RPA principles recently affirmed that the finding and principles are reasonable and supported by the best available science. This panel of highly respected scientists confirmed that the pollock fishery may indeed jeopardize the continued survival of the Steller sea lion. Thus, there can no longer be any debate about whether the fishery must be changed to protect this species.

But it is not just the ESA that mandates changes in the fishery to protect Steller sea lions. NMFS has affirmed that accommodating the food requirements of marine mammals is considered part of the "conservation and management" of fishery resources under the Magnuson Act. Thus, from the points of view of both the Endangered Species Act and of the Magnuson-Stevens Act, it falls to the Council to take action.

Conservation measures to benefit the Steller sea lion population will benefit the health of the fisheries and of the North Pacific ecosystem as a whole, and as such can be part of the Council's growing ecosystem approach to management. Along these lines, we support a return to smaller scale fisheries, as it is these fisheries that, like the ecosystem on which they depend, suffer when the discussion becomes polarized between "conservationists" and "fishermen." We wish to note that small-scale, local fishermen continually lose out by the creation of this false opposition, which serves only to protect large-scale industry, not the environment, and not small boat fishermen.

Without additional precautionary measures to reduce pressure on its primary prey in areas deemed essential to the species, hopes for the Steller's survival and eventual recovery appear increasingly slim. We prevail upon you based upon available scientific evidence, agency findings, the precautionary principle, the Endangered Species Act, and your own personal senses of compassion and stewardship to create the strongest possible permanent regulations for Steller sea lion conservation.

We request that you register these comments as part of the public record. We thank you for the opportunity to comment and we offer any help we can give as you address Steller sea lion conservation.

Sincerely yours,

Jack Hession

Jack Hession, Alaska Representative
Sierra Club

National Audubon Society

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June 11, 1999

Rick Lauber, Chariman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Chairman Lauber and Council Members,

Please consider Alaska Audubon's comments regarding the North Pacific Fishery Management Council's final vote on conservation regulations for the Steller sea lion. The National Audubon Society has a membership of over half a million people including 2,000 members in Alaska. The mission of the Audubon Society is to conserve natural ecosystems focusing on birds, other wildlife, and their habitats. Audubon has a great interest and concern for the conservation of Steller sea lions in Alaska.

For the last 30 years, we have followed the dramatic decline of this species throughout the western portion of their range in Alaska. The reasons for the initial decline are uncertain and potentially complicated. However, even now, the western stock continues to decline. Regardless of the reason for the initial decline, we now have a population at low numbers that can be affected by a number of different factors including climate change, regime shifts, commercial fishing, contaminants, etc. We also know that pollock is a major food resource of sea lions in the area of decline, and the fishery may now be having a significant impact on sea lion recovery. Unfortunately, it has taken us a long time to address this issue in a substantive way and now we are facing a crisis.

Audubon concurs with the recent jeopardy finding of the National Marine Fisheries Service and we recommend decisive conservation actions to reverse the decline of Steller sea lions. The emergency rules instituted in December after the jeopardy finding still allowed more than 60% of the pollock catch within Steller sea lion critical habitat. We strongly encourage you to support final regulations that include the following elements.

- Protect the critical habitat within a 20 nautical mile radius around designated rookeries and haulouts.
- Protect the designated foraging areas on pollock spawning grounds in the Shelikof Strait and eastern Aleutian Islands.
- Distribute the pollock catch in proportion to pollock biomas and significantly reduce catches from all critical habitat areas.
- Redistribute the catches in at least four seasons and reduce catches in the critical fall and winter months.

We strongly urge the Council to work together constructively with commercial fishers, NMFS, and the conservation community to reverse the decline and restore the sea lion population. Clearly, we also need an additional investment in research to help reduce the level of uncertainty surrounding the causes of the decline and monitor our success along the way. Setting benchmarks, monitoring, and adaptive management will be fundamental to successful conservation.

Again, Audubon has a significant concern for conservation of the Steller sea lion. We urge the Council to work cooperatively with the National Marine Fisheries Service to immediately address the conservation needs of the Steller sea lion. If you error, error on the side of conservation. In the long run, this will help protect the Steller sea lion, the marine ecosystem, and a sustainable fishing industry.

Thank you for considering our concerns.

Sincerely,

John W. Schoen, Ph.D.
Executive Director

EARTH ISLAND INSTITUTE

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9 June 1999

Rick Lauber, Chariman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Chairman Lauber and Council Members,

I am presenting the following comments on behalf of the Pinniped-Fisheries Project of Earth Island Institute, a national environmental organization with 10, 000 members and the Sierra Club, which has 578, 000 members. These comments are offered for your consideration as you prepare to vote on the final Steller sea lion conservation regulations.

The population of the Steller sea lion, the largest sea lion on Earth, and an animal which has thrived in what are now Alaskan waters for some three million years, has dwindled to 15-20% of its early 1960's population in the western portion of its range. This grand creature, listed since 1990 as threatened, has for two years been listed as endangered pursuant to the Endangered Species Act. NMFS's primary hypothesis for why this is happening is competition for prey.

The pollock fishery in question here is the largest single-species fishery in the world. Indications are that the millions of metric tons of pollock and of the essential parts of the marine ecosystem that constitute bycatch to the industry are taking their toll — on Steller sea lions, and on other species such as fish-eating birds, harbor seals, fur seals, and perhaps on the fishery itself. Even under the emergency rules instituted in December after the jeopardy finding, more than 60% of the pollock catch is allowed within critical habitat for the endangered Steller sea lion.

The final regulations on which you will be voting this week must go beyond December's emergency RPA's to do everything possible to support the recovery of the endangered Steller sea lion and prevent its continued descent toward extinction. Specifically, final regulations should:

• Protect the full extent of critical habitat around all designated rookeries and haulouts within a 20 nautical mile radius.

• Protect the designated aquatic foraging areas on pollock spawning grounds beyond 20 nautical miles in the Shelikof Strait and eastern Aleutian Islands.

• Achieve significant large reductions in catches from all critical habitat areas.

• Significantly reduce catches in the critical fall and winter months.

• Redistribute the catches in at least four seasons.

It is important to note here that the Peer Review Panel commissioned by the Council to review NMFS' jeopardy finding and RPA principles recently affirmed that the finding and principles are reasonable and supported by the best available science. This panel of highly respected scientists confirmed that the pollock fishery may indeed jeopardize the continued survival of the Steller sea lion. Thus, there can no longer be any debate about whether the fishery must be changed to protect this species.

But it is not just the ESA that mandates changes in the fishery to protect Steller sea lions. NMFS has affirmed that accommodating the food requirements of marine mammals is considered part of the "conservation and management" of fishery resources under the Magnuson Act. Thus, from the points of view of both the Endangered Species Act and of the Magnuson-Stevens Act, it falls to the Council to take action.

Conservation measures to benefit the Steller sea lion population will benefit the health of the fisheries and of the North Pacific ecosytem as a whole, and as such can be part of the Council's growing ecosystem approach to management. Along these lines, we support a return to smaller scale fisheries, as it is these fisheries that, like the ecosystem on which they depend, suffer when the discussion becomes polarized between "conservationists" and "fishermen." We wish to note that small-scale, local fishermen continually lose out by the creation of this false opposition, which serves only to protect large-scale industry, not the environment, and not small boat fishermen.

Without additional precautionary measures to reduce pressure on its primary prey in areas deemed essential to the species, hopes for the Steller's survival and eventual recovery appear increasingly slim. We prevail upon you based upon available scientific evidence, agency findings, the precautionary principle, the Endangered Species Act, and your own personal senses of compassion and stewardship to create the strongest possible permanent regulations for Steller sea lion conservation.

We request that you register these comments as part of the public record. We thank you for the opportunity to comment and we offer any help we can give as you address Steller sea lion conservation.

Sincerely yours,

Laura Seligsohn

Laura Seligsohn, MA
Director, Pinniped Fisheries Project
of Earth Island Institute

"A few years ago the entire Aleutian pollock TAC was taken basically out at Four Mountain, the 170 line, because it was as close to town as possible and logistics are easy. A couple of years later, people just steamed right on by Four Mountain because there wasn't much there. Then the effort was at Seguam Pass, and then a couple of years later it was at North Head on the other side of Atka, and then the last couple of years it's been out at Tanaga. Although the TAC for the Aleutians might be entirely appropriate if effort were evenly distributed over the Aleutians, it's real evident that we're fishing one little spot at a time and knocking it down. It's a completely wrong way to go about it. But the Aleutian pollock TAC is 20,000-30,000 [tons]. Compared to what we're managing, it's only two to three percent of the total quota."

-- Dave Fraser, in Ecosystem-Based Management in the Bering Sea, Proceedings of the Alaska Seas Marine Conservation Biology Workshop. Center for Marine Conservation, October 6-7, 1997

Surfrider Foundation

9 June 1999

Mr. Steven Pennoyer, NMFS Regional Director
709 W. 9th St.
P.O. Box 21668
Juneau, AK 99802-1668

cc: Ms. Penny Dalton, Chairman Richard Lauber

Dear Director Pennoyer:

As you may know, the Surfrider Foundation is a non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches through conservation, activism, research and education. The Surfrider Foundation's mission is embraced by a wide and diverse membership of ocean users, including surfers, swimmers, divers, body boarders, wind surfers, ocean kayakers; coastal communities residents; and beach and ocean enthusiasts of all ages and from all walks of life. The Surfrider Foundation is currently represented by almost 25,000 members in the United States, with 42 domestic chapters, and internationally by affiliates in Australia, Brazil, France and Japan.

I am writing on behalf of our membership to urge the National Marine Fisheries Service to institute and enforce strong, comprehensive regulations on the groundfish trawl industry. These regulations are urgently needed to protect endangered Steller sea lions and other animals (harbor seals, fur seals, fish-eating birds) that have declined during decades of 'mining' of the ocean for the prey upon which these animal populations depend.

We exhort you to establish permanent regulations that would :

- Protect the full extent of critical habitat around all designated rookeries and haulouts within a 20 nautical mile radius.
- Protect the designated aquatic foraging areas on pollock spawning grounds beyond 20 nautical miles in the Shelikof Strait and eastern Aleutian Islands.
- Achieve significant reductions in catches from all critical habitat areas.
- Reduce catches in the critical fall and winter months.
- Redistribute catch into at least four distinct seasons.

Clearly, if 60% or more of the catch of the chief prey for endangered Steller sea lions takes place in areas designated as critical habitat, the provisions and intent of the Endangered Species Act are not being met.

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www.surfrider.org • E-MAIL info@surfrider.org

The survival of the Steller sea lion species and the of the North Pacific ecosystem are at risk. Current fishery practices are not sustainable. The environmental and economic impacts of a continuation of the status quo will be disastrous.

After a decade of virtual inaction since the Steller sea lion was first listed as threatened, NMFS must now take decisive action to reverse the decline of the Steller sea lion and the ecosystem of which it is an integral part. Further inattention to this worsening situation is simply not acceptable.

We appreciate this opportunity to express our concerns, and respectfully request a reply to this correspondence. Please join the Surfrider Foundation and the environmental community in our efforts to preserve the integrity of our coastal and marine ecosystems and our tremendous and irreplaceable diversity of marine life.

For the Oceans,

Eve J. Kliszewski
Environmental Director

GREENPEACE

Rick Lauber, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

June, 1999

RE: Item C-2, Steller Sea Lion Final RPA Regulations

Mr. Chairman:

Greenpeace and American Oceans Campaign submit these supplemental comments for your consideration as you prepare to vote on the final sea lion conservation regulations. Now that the Council-commissioned Peer Review Panel has reaffirmed the soundness of the Biological Opinion's findings, it is incumbent on the Council to lay that bone of contention to rest and to move forward with the promulgation of measures that address the conditions of jeopardy and adverse modification.

In our April, 1999, Council testimony we laid out in great detail the shortcomings of the existing emergency RPA rules as well as proposed sea lion conservation alternatives analyzed in the NMFS *Draft EA/RIR for Reasonable and Prudent Steller Sea Lion Protection Measures in the Pollock Fisheries of the Bering Sea and Gulf of Alaska*, revised May 11, 1999. In the past year we have provided NMFS and the Council comprehensive RPA recommendations of our own, all of which we incorporate by reference. Our recommended measures are based on the best available science, giving the endangered species the benefit of the doubt in instances where scientific uncertainty must be weighed against compelling circumstantial evidence.

Under the ESA, a jeopardy finding requires Reasonable and Prudent Alternative (RPA) measures to avoid the jeopardy and adverse modification conditions. Since NMFS has elected to implement the RPAs through the Council process, under the Magnuson-Stevens Act, it is now incumbent upon the Council to comply. The Council must adopt a comprehensive package of management measures that will satisfy the requirements of the Endangered Species Act to ***ensure*** to that the fisheries are ***not likely*** to jeopardize the species, adversely modify its critical habitat, or hinder its recovery from endangered status. The ESA, not the Magnuson-Stevens Act, has the final word on what is acceptable for Steller sea lions and the corresponding adjustments that must be made to the fisheries.

As we stated in our April testimony, the test of the RPAs is not whether they satisfy the demands of the industry to avoid affecting the conduct of the fisheries in any significant way, but rather whether they satisfy the ESA's requirements to avoid jeopardy and adverse modification. Yet the existing

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emergency RPA rules clearly do not represent a significant change from the status quo, and fall far short of complying with the December 3, 1998, Biological Opinion's RPA objectives and principles. The Opinion's "example" RPA also falls short of its stated objectives and seems more concerned to minimize any immediate changes from past fishing practices, a point made repeatedly in the Opinion's example RPA and again in the NMFS draft EA/RIR for RPA alternatives. Political and economic considerations, not the best interests of the endangered species and the requirements of the ESA, have dominated both NMFS' and the Council's thinking at every juncture of this process.

The alternatives now under consideration by the Council are premised on some combination of features from the emergency RPA and/or the Opinion's RPA example. No one of them provides a reasonable assurance of avoiding jeopardy or adverse modification. In our comments from the April meeting we identified major shortcomings that must be addressed in both the NMFS and Council RPA alternatives, and we restate them now:

- ***The emergency RPA and the Opinion's RPA example fail to achieve major reductions in catch from critical habitat.*** RPA reduction targets for catch in critical foraging habitat do not represent a significant departure from the status quo. The so-called "50% Principle" of the EA/RIR's RPA alternatives does not constitute a meaningful reduction in critical habitat catches from the status quo jeopardy condition.

- ***The emergency RPA and the Opinion's RPA example fail to eliminate the possibility of competition between Steller sea lions and the fisheries in all designated critical foraging habitat around rookeries and haulouts.*** Both the emergency RPA and the Opinion's RPA example fail to prohibit pollock trawling or any other trawling across the full extent of designated critical habitat around rookeries and haulouts out to 20 nm. The only way to *eliminate* the possibility of competition from the major trawl fisheries in nearshore critical habitat (the stated goal of the Biological Opinion's trawl exclusion zone strategy) is to prohibit ALL trawling year-round within a radius of 20 nm around these sites.

- ***The emergency RPA and the Opinion's RPA objectives fail to address seasonal differences in sea lion foraging ranges or to avoid competition in the large aquatic foraging areas beyond 20 nm in Shelikof Strait and the Aleutian Islands.*** The emergency rule and proposed RPAs fail to provide adequate protection of designated aquatic foraging areas on spawning grounds beyond 20 nm, including seasonally expanded no-trawl zones. NMFS has previously determined that a seasonal trawl exclusion zone strategy comprised of 20 nm closures in summer and 60 nm closures in winter (Oct 1-Apr 30) would better approximate Steller sea lion foraging patterns (NMFS 1991).

- ***The emergency RPA and the Opinion's RPA example fail to prevent the majority of the catch from being concentrated in the difficult fall and winter months when NMFS says sea lion prey is more scarce and nutritional stress is most likely***. The emergency RPA rules fail to significantly disperse pollock catches away from the winter roe pollock season in the Bering Sea, making only a token 5% reduction in the A1/A2 season allocation, and actually *increase* winter roe pollock fishery removals in the Gulf of Alaska. The bulk of the remaining TAC is allocated to the fall season.

- ***The emergency RPA and the Opinion's RPA example fail to achieve the Biological Opinion's objectives for temporal dispersion of the fisheries by distributing the quota in at least four distinct***

seasons, especially in the Bering Sea and Aleutian Islands. The RPAs fail to distribute the BS/AI pollock TACs into at least four seasons, the second principle of temporal dispersion in the Biological Opinion. A four-season allocation of the Aleutian Atka mackerel fishery is also needed to avoid large single pulses of fishing that can cause localized depletions of the sea lion prey base and other adverse effects.

- ***The emergency RPA fails to achieve the Biological Opinion's objectives for spatial dispersion of the pollock fisheries.*** Final RPA regulations must establish area-specific TACs or limits on percentages of TACs that may be taken from CH/CVOA, east of 170W longitude, and west of 170W longitude in the eastern Bering Sea pollock fishery, as well as a separate Shelikof Strait management district (in addition to areas 610, 620, and 630), combining Areas 621 and 631, which includes an area-specific TAC allocation. Similar area-specific TAC allocations must be extended to the Aleutian Islands pollock fishery in the event that this fishery is reopened in the future.

- ***The emergency RPA fails to satisfy other outstanding requirements of the Opinion's RPA principles, including (1) adequate temporal separation of the seasonal TACs to avoid a single pulse of fishing; (2) establishment of required no-trawl zones around Cape Sarichef in the eastern Aleutian Islands and 8 Gulf of Alaska haulout sites excluded in the January 20 emergency rule; and (3) a prohibition on winter fishing for Gulf of Alaska pollock from 1 November to January 20, concurrent with the Bering Sea provision.***

- ***Existing regulations in the Aleutian Atka mackerel fishery do not avoid jeopardy or adverse modification, and are arbitrary and capricious under the ESA.*** The four-year phase-in of measures in Aleutian subareas 542 And 543 (but not subarea 541 in the eastern Aleutians) ensures that the fisheries will continue to jeopardize Steller sea lions and adversely modify critical habitat in 1999 and beyond, in violation of the ESA. Temporally and spatially concentrated trawling, disproportionately high fishery removal rates on local Atka mackerel populations, and localized depletions in critical habitat are not avoided by existing regulations.

Previously we have summarized RPA measures that we believe are necessary to provide any real assurance of avoiding the jeopardy and adverse modification conditions in **Table 1,** which we include once again at the end of these comments.

THE BURDEN OF PROOF MUST SHIFT TO GIVE THE ENDANGERED SPECIES THE BENEFIT OF THE DOUBT

NMFS has acknowledged that "*it will be difficult to demonstrate a definitive causal link between Steller sea lion decline and fishery-related activities due to the complex nature of the interactions between fisheries and marine mammals on a large scale*" (Federal Register, May 5, 1997). It could take many years of expensive, difficult field work to begin to begin to quantify the direct, indirect and cumulative linkages involved in food web competition. As Boyd (1995) notes, however, waiting until linkage or non-linkage of fisheries and sea lion declines is demonstrated may prove fatal to the population.

Up to now, the burden of proof has always been on advocates of Steller sea lions and the larger ecosystem to demonstrate that further protective measures are justified. Indeed, the management bias consistently has been to avoid finding harm from fisheries activities even when the evidence strongly suggests otherwise – not for good scientific reasons but for political and economic ones:

> "*Current management focuses on reducing the Type I error [finding harm from a fishery when there is none] because this kind of error results in catching fewer than the maximum number of fish and is therefore highly visible to politicians and the fishing industry; management virtually ignores the Type II error [failing to find harm when there is harm] principally because the deleterious effects are not immediately obvious. But ignoring the Type II error results in failure to recognize and avoid serious long-term damage such as collapse of the fisheries or environmental destruction*" (Paul K. Dayton, "Reversal of the Burden of Proof in Fisheries Management," Science, Vol. 279, Number 5352, 6 Feb. 1998: 821-822).

In the face of scientific uncertainty but compelling circumstantial information, who bears the bigger burden of proof – the sea lions to demonstrate harm or NMFS to demonstrate that no harm is occurring? Members of the Council, the Marine Mammal Research Consortium, and other industry interests have all cited scientific uncertainty as a reason for waiting until more is known before taking any additional action. Each calls for more research and perhaps an "experimental design" of the no-trawl zones in order to test the effects of fishing on sea lion prey availability and foraging success. However, Steller sea lion critical habitat is already the major focus of several large-scale trawl fisheries for primary sea lion prey, yet scientists have not been able to test or quantify those impacts or otherwise learn much about them. It is clear to us that the entire management process is demanding an unreasonable level of certainty, placing an unreasonable burden of proof on the endangered species – and thumbing its collective nose at the ESA.

The misuse of scientific uncertainty as a delaying tactic to forestall comprehensive action is transparent and should not stand. Section 7 of the ESA clearly places the burden of proof on the agency to insure that any action authorized by that agency is not likely to jeopardize the continued existence of any endangered species or result in the destruction or adverse modification of critical habitat. The time has long since come to shift the burden of proof from sea lions to those who contend that the fisheries have no adverse effect on sea lions. Given the high levels of fisheries removals from critical habitat, particularly for pollock, Atka mackerel, and Pacific cod, these big trawl fisheries bear the burden to prove that they are *not* the problem.

Clearly this comes as a shock to some in the industry who do not like to think that any interests other than their own private economic interests should receive the benefit of the doubt and the benefit of the public resource. Dayton (1998) summarizes the situation which non-fishing public interests confront whenever they advocate for broader public concerns in the ocean domain:

> "*How can society stop the alteration of these previously diverse and productive habitats? It is first necessary to recognize a fundamental problem: Unlike other effects of private interests on the resources of the general public, fishing often is considered a right not a privilege. Regulations often are barely tolerated by the fishing community, and poaching is rampant and minimally penalized. Management of fisheries has typically aimed to maximize the number of fish caught, while allowing little safety margin for assessment error, interannual variability in*

recruitment of young fish, or other factors such as El Nino and diseases. The countless species incidentally killed are usually ignored--unless they are also of commercial or recreational value, or are protected by the Endangered Species Act or the Marine Mammal Protection Act. Even the marginal protection afforded by these regulations are impeded by controversies and may take more than a decade to implement."

Indeed, it has taken nearly a decade to reach this decision point. NMFS and the Council have had ample opportunity during the 1990s to address the concentration of the major trawl fisheries in Steller sea lion critical habitat. Failure to do so has led to the difficult situation in which we find ourselves today.

THE DOUBLE STANDARD IN THE TREATMENT OF SCIENTIFIC UNCERTAINTY IS NOT DEFENSIBLE

The need for more scientific information has been the focus of the Council debate in recent meetings. But how well will the research answer the questions which the management system is demanding? What science attempts to do is to test hypotheses and statistically disprove null hypotheses. In one test, the null hypothesis is that fishing has no effect on prey availability and sea lion foraging; in another, fishing has an adverse effect on both. Science can disprove neither, although compelling evidence for locally high exploitation rates and localized depletions of prey have been identified most recently in the Aleutian Atka mackerel and pollock fisheries, lending further support to the contention that the fisheries can and do pose a significant competitive threat to sea lion food supplies and adversely modify critical habitat. Yet because the latter research conflicts with the management system's expectations, there were vociferous protests and demands for more research to provide hard answers immediately, if not sooner.

Members of the Council have expressed discomfort being put in the position of making judgements without solid scientific justification, since the risk is that any action will be arbitrary. This position, while reasonable in principle, can become a convenient excuse for councilmembers who do not like being put in the position of voting against their own industry interests. Councilmembers know that the scientists do not have enough hard scientific data to justify any number, any TAC reduction, any sea lion protective regulation; and the scientists know that the industry is going to mount a vigorous attack on any recommendation that reduces or constrains their ability to do business in any way, demanding more evidence for any change in the status quo.

This Council/industry position is also misleading in that it implies that other fishery-related judgements *are* made on the basis on solid scientific justification, when in fact nothing could be farther from the truth. Taking action in the face of uncertainty is not new to NMFS or the fishery management councils, which routinely allocate large fishery quotas despite enormous uncertainties about exploited stocks. Management of wild capture marine fisheries is conducted in the face of irreducible scientific uncertainties, and in the absence of long-term baseline environmental data or basic understanding of the life histories, recruitment processes, and habitat requirements of many exploited species.

Although other factors, including environmental changes, may have played a role in Steller sea lion declines, only fishery effects on sea lion prey availability were considered to have a high likelihood of playing a major role, according to the 1996 Bering Sea Ecosystem report (NRC 1996, Table 4.18).

Furthermore, we can not control environmental variables to produce optimal conditions for sea lions, even if we knew what those optimal conditions are; we can only control human activities that impact sea lion habitats and prey availability. This point was highlighted in the Council-commissioned "Peer Review Panel" report (26-28 April 1999):

> "*The panel emphasizes that although understanding the relative influence of these [environmental] and other factors compared to the effects of human activities on Steller sea lion numbers would be desirable, it is only human activities that we can modify to promote the recovery of this stock.*"

Scientific certainty is not required for management actions directed at the fisheries and in most cases is not even attainable. It is never a sure thing that management measures will fix problems they were intended to address.[1] In fact, the Council's management of marine fisheries is said to reflect an adaptive management approach to problems, based on the recognition of our lack of basic information and the need to learn by a process of trial and error. Steller sea lion conservation is no exception to the rule in this respect.

CRITICAL HABITAT MUST NOT REMAIN THE FOCUS OF THE MAJOR TRAWL FISHERIES

Probably no groundfish predator in western Alaska has had more direct competitive interaction with the fisheries than the endangered Steller sea lion. We have repeatedly warned this Council that it could not continue to allow these major fisheries, targeting prime Steller sea lion prey, to remain intensely concentrated in areas deemed essential to the survival and recovery of the species. Yet NMFS and the Council have ignored our appeals to reason and permitted Steller sea lion critical habitat to become ground zero for some of the largest fisheries in the world. Bluntly stated, we do not think NMFS or this Council can pass the red face test under the ESA as long as you allow the fisheries to concentrate large-scale removals in critical habitat.

The Council/industry focus on scientific uncertainty does not obscure the clear facts of this case. If food availability and food limitation is the problem for sea lions – and there is general agreement that it is – then it does not make sense to allow high-volume fishery removals of primary sea lion prey to continue to be concentrated in critical areas. If there is to be any real hope of recovery of the endangered population, then the only way to ***ensure*** that the fisheries are ***not likely*** to have significant adverse impacts on the quantity and/or quality of primary sea lion prey, adversely modify critical habitat, or limit recovery, is to prevent the fisheries from concentrating in areas identified as essential to survival and recovery. Lack of sufficient data and admissions of ignorance are no basis for concluding that there is not a problem, particularly given the large size, concentration and intensity of the major trawl fisheries for sea lion prey which now occur in critical habitats, as well as best available information indicating

[1] However, as was noted in the 1996 Bering Sea Ecosystem report, spreading out the large groundfish fisheries in time and area may prove beneficial to predators, and is not likely to produce adverse effects: "*The concentrated fishing for pollock in some places at specific times probably reduces the availability of food for marine mammals and birds, especially juveniles. Thus one step that might help improve the food supply for and reverse declines in marine mammals and birds would be to distributed fishing over wider areas and over longer periods. This management strategy is unlikely to have any adverse effects*" (NRC 1996: 6).

at localized depletions in critical habitat do indeed occur during the routine operation of these large ulse fisheries.

REDEFINING OVERFISHING IN AN ECOSYSTEM CONTEXT: THE NEED FOR AN ECOSYSTEM-BASED POLICY FRAMEWORK IN SINGLE-SPECIES FISHERIES MANAGEMENT

We have often stated, and it bears repeating, that the Steller sea lion issues before the Council present the entire management system with a prime example of what it means to think about large-scale fisheries in an ecosystem context. Status quo ABC- and TAC-setting in the management of the groundfish fisheries of the North Pacific clearly does not incorporate multispecies or ecosystem-level considerations into conventional single-species catch levels:

> "*The ABCs have generally been developed using single-species stock assessment philosophies...which maximize yield while preventing overfishing of each [managed] species, but do not explicitly account for trophic interactions with other taxa*" (Fritz et al. 1995).

The National Research Council's 1996 report on The Bering Sea Ecosystem similarly noted the limitations of a commodity-driven, single-species approach to marine resource management:

> "*Management in the oceans is still typified by a focus on maximizing yields or economic profits from individual resources without an understanding of the ecosystem processes required to sustain those resources...*" (NRC 1996).

Thus what appears conservative in a single-species fisheries context may not be sustainable when the timing and geographic distribution of fishing effort are considered in a broader ecosystem context, taking into account the direct, indirect and cumulative impacts of fishery food web competition in a patchy marine environment with ecologically critical "hotspots" of high productivity where wildlife populations are concentrated. In Section 2.2.3 of the revised EA/RIR for Reasonable and Prudent Steller Sea Lion Protection Measures in the Pollock Fisheries of the Bering Sea and Gulf of Alaska (NMFS, May 11: 43), NMFS draws a clear distinction between single-species fishery and ecosystem contexts:

> "*The annual TAC is based on the total biomass estimate over an extensive area covering most of the eastern Bering Sea Shelf. The overall harvest rate is assumed to be safe and conservative for the entire pollock stock, but is not a good indicator of possible effects on other elements of the Bering Sea ecosystem (such as Steller sea lions) because the fishery tends to be heavily concentrated spatially and fishes only a relatively small part of the whole stock...the fact remains that by concentrating the catch in certain geographic regions, the potential for detrimental ecosystem effects increases accordingly.*"

The problem facing the Council is that there is no clear policy framework or procedure within the conventional single-species management regime for considering non-economic values and adjusting single-species fishing strategies to address multi-species contexts, impacts on food webs, protected pecies, habitats, etc. For instance, the Bering Sea pollock stock(s) might be able to withstand the

current MSY exploitation strategy under existing regulations; but even if the pollock can, that does not mean that other pollock predators in that food web can thrive under such a regime. The allowable catch might be deemed conservative from the perspective of the "managed stock as a whole," but "the managed stock as a whole" is a meaningless index of sustainability *in an ecosystem context*. It exists in the virtual world of today's "state-of-the-art" stock dynamics models, based on very limited information from triennial trawl/acoustics surveys and from the observer program fishery data.

In recent years the Council has heard testimony from the Plan Teams plainly stating that no such ecosystem adjustments are currently made to their Acceptable Biological Catch (ABC) recommendations. This kind of single-species "management by the numbers" tells us next to nothing about the actual pattern of fishing, which is concentrated in a few highly productive areas where, formerly, there were also tens of thousands of large sea lions nearby. Fisheries are targeting discrete patches of densely aggregated fish, just as the sea lions are. But the temporal/geographic dynamics of fisheries are not relevant to the conventional single-species stock models and the existing single-species TAC-setting process. Such considerations are extremely relevant, however, to foraging sea lions which are targeting the same stocks of fish in the same areas. This is the ecosystem context which federal laws require the fishery management system to address.

CONCLUSION

Exhaustive analyses of the fisheries and sea lion research have determined that the pollock fisheries are likely to jeopardize the survival and recovery of Steller sea lions and adversely modify their critical habitat in the manner described in the Biological Opinion. Furthermore, the Council-commissioned Peer Review Panel of the Biological Opinion (26-28 April, 1999) concluded that the Opinion's findings of jeopardy and adverse modification are supported by the available data, and that the proposed remedies are reasonable and prudent in light of the increasing concentration, both in time and space, of pollock removals from Steller sea lion critical habitat.

The Steller sea lion case underscores the need to incorporate ecosystem considerations and legally binding ecosystem obligations into single-species fishery regulations. It is now time for the Council to act in the best interests of the endangered species and the ecosystem. NMFS has confounded this issue by not providing the Council clearer guidance on the specific package of RPAs which the agency believes are necessary to meet the ESA standard in this case. That speaks to the agency's lack of will or leadership, as well as its failure to meet its obligations under the ESA – not to mention the agency's gross violations of NEPA. It does not, however, speak to the requirements of the law. By abdicating its responsibilities in this way, NMFS has, in effect, thrown this decision into the Council's lap and attempted to wash its hands of the final outcome.

Substantially reducing the impacts of the major trawl groundfish fisheries in Steller sea lion critical habitat requires comprehensive conservation measures both inside and outside critical habitat. The only solution to geographically and temporally compressed pulse fisheries, locally high extractions rates, localized depletions, and other adverse environmental impacts of the trawl fisheries is a comprehensive package of measures which accomplish the following objectives:

- prohibit ALL trawling year-round in nearshore critical foraging habitat out to 20 nm

- protect designated aquatic foraging habitats on accustomed sea lion winter foraging grounds beyond 20 nm
- prevent the concentration of displaced trawl effort immediately outside the boundaries of critical habitat
- limit the amount of fish that can be removed from individual management areas outside critical habitat by establishing area-specific TAC limits or TAC allocations that spread fisheries over wider management areas, based on available survey information regarding stock distributions
- prevent the concentration of fishing in the critical fall and winter months, and on spawning aggregations, by apportioning the TACs on at least a quarterly basis
- reduce the presently high TACs at least in proportion to the reductions in catch from Steller sea lion critical habitat and to the extent that area-specific removal rates outside critical habitat exceed the stated "target harvest rates" for the fisheries as a whole
- close the Aleutian Islands to directed pollock fishing to promote rebuilding of a depleted stock and to safeguard the availability of this important component of prey diversity of endangered Steller sea lions throughout the Aleutians

Thank you for your consideration.

Sincerely,

Kenneth Stump, for AOC

Paul Clarke, Greenpeace

A conservation example implementing sea lion ecosystem principles

Management Action	Eastern Bering Sea Pollock	Gulf of Alaska Pollock	Aleutian Islands Pollock	Atka Mackerel
Temporal TAC Distribution	A minimum of 4 Seasons: A (Jan 20) 15% B (April 15) 30% C (July 1) 30% D (Sept 15) 25% • Nov 1 – Jan 19 Closed • Inter-seasonal closures • No rollovers	A minimum of 4 Seasons: A (Jan 20) 15% B (April 15) 30% C (July 1) 30% D (Sept 15) 25% • Nov 1 - Jan 19 – Closed • Inter-seasonal closures • No rollovers	Short-term: prohibit directed fishery for pollock Long-term: establish consistent time/area scheme	4 Seasons: A (Jan 20) 25% B (April 15) 25% C (July 1) 25% D (Sept 15) 25% • Nov 1 – Jan 19—Closed • Inter-seasonal closures • No rollovers
Spatial TAC Distribution	• No phase-in • Maximum 35% of pollock TAC from CH/CVOA • TAC allocated to: (1) CH/CVOA (2) E. of 170W outside CH/CVOA (3) W. of 170W	• No phase-in • Areas 610, 620, 630, Shelikof (621, 631)	N/A	• No phase-in • Areas 541, 542, 543 • Subarea allocations within existing areas to avoid localized concentration
Trawl Exclusion Zones	• 20 nm, year-round • ALL trawling • 60 nm seasonal for foraging range / year-round CVOA • All haulouts and rookeries identified as CH	• 20 nm, year-round • ALL trawling • All haulouts and rookeries identified as CH	N/A	• 20 nm, year-round • ALL trawling • All haulouts and rookeries identified as CH
TAC Reductions	At least in proportion to reductions in catch from SSL CH and consistent with target catch rates for fishery as a whole.	At least in proportion to reductions in catch from SSL CH and consistent with target catch rates for fishery as a whole.	N/A	At least in proportion to reductions in catch from SSL CH and consistent with target catch rates for fishery as a whole.

- Support jeopardy/adverse modification opinions for pollock fisheries
- Do not support no jeopardy opinion for Atka mackerel fishery.
- Our recommended pollock RPAs consistent with bi-op's conservation principles
- RPAs benefit SSLs
- RPAs benefit pollock stocks, long-term future of fisheries
- RPAs benefit crab and halibut habitat
- RPAs benefit other predators that are in decline/ecosystem as a whole

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11 June 1999

Rick Lauber, Chairman
North Pacific Fishery Management Council
605 W 4th Avenue, Suite 306
Anchorage, AK 99501

Dear Chairman Lauber and Council Members,

On behalf of the Center For Marine Conservation (CMC), I wish to make the following comments on the Council's current deliberations on regulations for Steller sea lion recovery in the Bering Sea and Gulf of Alaska. The Center for Marine Conservation is a private, non-profit organization committed to protecting ocean environments and conserving global abundance and diversity of marine life. Through science-based marine advocacy, research, and public education, CMC promotes informed citizen participation to reverse the degradation of our oceans. Established in 1972 CMC has 120,000 members. Headquartered in Washington, DC, CMC has regional offices in California, Florida, Virginia and Alaska.

CMC continues to have concerns for the remarkable decline of the western stock of Steller sea lions. Consequently, we are committed to working collaboratively with commercial fishermen, the National Marine Fisheries Service (NMFS) and other federal agencies, coastal communities and our colleagues in the conservation community to find creative and constructive solutions to this decline, recognizing the uncertainty surrounding its causes and striving to bring to bear the resources needed to help clarify this uncertainty. In the interim, we are faced with a shrinking population that is vulnerable to any combination of factors, including naturally-occurring ocean conditions and regime shifts, regulated and non-regulated fishing effort, degraded water quality, and impacts from marine debris and derelict fishing gear.

Given the broad suite of potential impacts to the sea lions' recovery, the uncertainty surrounding its causes , and the continued decline of this once burgeoning population, CMC must urge the Council to err on the side of conservation and follow the lead of the best available science in making your conservation regulation decisions.

In their 3 December 1998 Biological Opinion, the NMFS concluded that the pollock fisheries in the Eastern Bering Sea/Aleutian Islands (BSAI) and the Gulf of Alaska (GOA) could jeopardize the continued existence of the endangered western stock of the Steller sea lion and adversely modify its critical habitat. Although there is uncertainty to the causes of the decline in the number of Steller sea lions , while the research necessary to better our understanding of this decline is done, we can only and must modify human activities to promote recovery. The peer review panel commissioned by the Council to assess the conclusions of the Biological Opinion found that, in the BSAI and GOA, commercial fishing is likely the most significant human activity affecting ecosystem structure and function and potentially depleting Steller sea lion populations. They further found that pollock is an important food of Steller sea lions and that the concentration in both space and time of the pollock fisheries in Steller sea lion critical habitat could modify the availability of food to Steller sea lions and thus could reasonably be expected to jeopardize their survival. For these reasons, we recommend that the Council adopt the following measures:

- Protect critical habitat within a twenty nautical mile radius around designated rookeries and haulouts.
- Redistribute fishing effort over four seasons, with reduced catch in the fall and winter when the sea lions require higher concentrations of roe-bearing fish.
- Significantly reduce catch in all critical habitat areas.
- Distribute catch in proportion to biomass.
- Protect designated aquatic foraging areas on pollock spawning grounds in the Shelikoff Strait and eastern Aleutian Islands.

Thank you for your thoughtful consideration of these comments.

Kris Balliet

Kris Balliet
Director, Alaska Field Office
Center for Marine Conservation

North Pacific Fisheries Management Council

Mr. Chairman:

It has to stop. Each measure taken to increase the sea lion population has been well intended but ineffective in its goal. Each measure has caused just a little pain for the people who live by the sea. Trawlers have suffered the most, but who's next? I'm sure sea lions eat salmon, so those fisheries will be cut back. Loud airplanes probably scare them, so all air traffic will be restricted. Continue on this course and you'll have less people on Kodiak than sea lions. Your large scale experiments are slowly killing the people that live and work here. Stop experimenting with our lives and find something that helps the sea lions.

I suggest you establish two experimental rookeries and have at it. Fly in the choicest roeladen herring and serve them on a platter. Tinker on a small scale and find something that WORKS. The experiment on us has got to stop.

Kevin Thurston
F/V Excalibur II

Received at Alaska Draggers Association via E-mail: June 7, 1999
From: F/V Excalibur2@orbcomm.net

Resource Development Council for Alaska, Inc.

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June 4, 1999

Mr. Richard Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501

Re: Agenda Item C-2 Steller Sea Lions

Dear Mr. Lauber:

The Resource Development Council (RDC) supports the work of the North Pacific Fisheries Management Council as it strives to craft appropriate Steller sea lion protection measures while allowing Alaska's fishing industry and commerce significant opportunities to benefit from use of the pollock fisheries resources. The Council has established an admirable record managing the pollock resource under a science-based quota management scheme. Alaska's fishery, marine mammal and bird resources are well served under this system which limits annual pollock harvest to conservative levels. The annual pollock quota recommendations take into account foraging needs of marine mammals, birds and pollock stock regeneration. The establishment of protection zones imposed around Steller sea lion rockeries and haulouts constitute additional safeguards for Steller sea lions by providing them with unimpeded foraging opportunities where needed.

RDC believes it is important that pollock fishing continue in the Aleutian Islands where possible, and call upon the Council and the National Marine Fisheries Service to work towards an effective system. Option 2 in the Environmental Assessment calls for implementing 10-mile pollock closures in the Aleutians as described in the Reasonable and Prudent Alternatives (RPA) principles. This appears to be a reasonable, balanced and conservative approach to protecting Steller sea lions while allowing continued pollock fishing in the Aleutian Islands.

It appears from the analysis package that a quota-based pollock fishery and Steller sea lion protection measures can successfully coexist in the Aleutian Islands. Current low pollock exploitation rate management practices followed by the Council, annual harvest rates which fall short of available quotas, and a westward progression of the fishery are factors which tend to support Steller sea lion foraging needs. Since the Aleutian Self is narrow and recorded sea lion foraging patterns place the animals largely within ten miles of rockeries and haulouts, the proposed 10-mile restriction zones would provide for the needs of Stellers and remove the directed fishery from areas of concern into other areas where it can achieve its economic potential.

RDC believes that a complete closure of the Aleutian Islands to the pollock fishery would not result in a useful scientific control mechanism. Closing the Aleutians to pollock fishing only offers a relatively small experimental effect that would be difficult to measure while imposing high costs to the fishery. This seems particularly important as Atka Mackerel, not pollock, appears to be the number one sea lion food source in the Aleutian Islands.

RDC is concerned that an unwarranted closure will be used in the future as justification for other unnecessary restrictions on an industry that is a major part of Alaska's economic foundation. A complete closure would also cripple the lives of many Alaskans and growing businesses dependent upon viable commerce in the region.

In conclusion, RDC believes the Aleutian Islands should remain open for pollock and other fishing, subject to reasonable protection zones designed to safeguard Steller sea lion populations.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.

Carl Portman
Deputy Director

cc: Governor Tony Knowles
Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young

Resource Development Council for Alaska, Inc.

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Carl Portman
Deputy Director

cc: Governor Tony Knowles
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June 9, 1999

Mr. Richard Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Ave., Suite 306
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Re: Agenda Item C-2 Steller Sea Lions

Mr. Chairman and Members of the Council,

Thank you for the opportunity to comment on this very important issue. The Southwest Alaska Municipal Conference (SWAMC) is a nonprofit economic development organization established in 1986 to represent Southwest Alaska communities, are organization advances the collective interests of Southwest Alaska people, business, and communities. The Southwest region supports a wide variety of commercial fisheries which produce salmon, herring, halibut, pollock, Pacific cod, Atka mackerel, sable fish, all species of crab, flat fish, rock fish and other shellfish. These fisheries are the foundation of the regions seafood industry and are a critical economic base for many Southwest Alaska Communities.

At your meeting in Anchorage in December of 1998 SWAMC sent in Resolution 98-20 which outlined are concerns on this issue, that resolution was passed unanimously by our board of directors. From the 1970's to the present there has been and abundance of Pollock available to Steller Sea lions, nevertheless the population of sea lions in the Western and Central Gulf, Bering Sea and Aleutian Islands has continued to decline. Harvest quotas limit the Pollock fishery, and only 25% of the available Pollock biomass is harvested. We feel much more research is needed on the diet of Steller sea lions, prey interaction, buffer zones do these measures accomplish anything to benefit sea lions. Ocean ecosystem regime shifts is another area that needs to be studied before further restrictions are placed on the pollock fishery that is of the utmost importance to many of our fishery dependent communities in Southwest Alaska. From what we can tell NMFS underlying theory is that the steller sea lion decline might be caused by the result of fishing activity, we feel very little is known about the real cause for the decline.

The Southwest Alaska Municipal Conference supports stellar sea lion research and many of our members have provided funding to the North Pacific Marine Science Foundation Consortium of Universities, since its inception for research on Steller sea lions.

There is a section in the Magnuson Stevens Act that talks about protection for fishery dependent communities. We should remember that section as you review any request for more RPA's or increases in no trawl or buffer zones that would be widely opposed by fishery dependent communities in Southwest Alaska. Which we believe will cause severe social and economic stress on the residents, businesses, and the seafood industry of our region. The most damaging impacts will be to the seafood processing industry. Both to onshore and offshore sectors and the fishing fleets that provides the product to these operations. They have invested hundreds of millions of dollars in shoreplants, factory trawlers and in catcher vessels that deliver to these operations.

I would like to share with you now some of the problems the seafood industry has encountered because of the recent adoption of the RPA's. The pollock roe season was impacted with a 5% reduction. The roe season is the most important part of the pollock fishery, and is critical to the bottom line of the fishing fleet and the processors.

Aleutian Island area pollock closure impacted the fishing fleets, local processing plants, the at-sea fleet and revenues to communities in that area of Southwest Alaska. This fishery is valued at over $50 million dollars. We see no reason for using Aleutian Island area as a control site that serves no realistic scientific purpose. We would urge the North Pacific Fisheries Management Council to recommend re-opening of this area outside the protection zones. This will be of economic importance to the seafood industry, to communities in Southwest Alaska, and the State of Alaska.

The new RPA regulations require a Stand down provision between seasons, which is very costly to the industry.

Moving the fishing fleet away from sea lion critical habitat areas, and reducing the amount of fish taken from these areas, as well as other proposed area closures or buffer zones, could dramatically reduce the amount of fish available to all processors and fishing fleets. In the Gulf of Alaska many small boat fishermen would be forced to fish farther offshore in some of the worse weather conditions imaginable during the roe season. This would lead to major safety concerns for this fleet. The product received by shore plants from fishing vessels who will have to fish farther away, could lead to quality concerns because of the longer running time to get their product to the plants. Fishing in areas that the fleet hasn't traditionally fished could lead to bycatch problems, and gear conflicts. All of the above mentioned impacts could cause economic hardships on all fishery dependent communities in the Bering Sea and the Gulf of Alaska.

National Marine Fisheries Service has imposed a jeopardy finding. Southwest Alaska fishery dependent communities, and the seafood industry of Alaska that supports these communities are the ones facing jeopardy now. I would ask this council to advise the National Marine Fisheries Service of your concerns with the jeopardy findings.

the RPA's that have been placed on the Pollock fishery. That no further regulations or restrictions be placed on the pollock fishery in the Bering Sea, Aleutian Islands and Gulf of Alaska until the NMFS sets forth in writing a long -term research program for investigating the steller decline.

That all-scientific investigation relied upon by NMFS now and in the future is subject to independent peer review to identify strengths and weaknesses. We would ask the council to support substantial funding for independent research with peer review. Continued research for this billion dollar a year fishery is critical to the economic well being of Southwest Alaska fishery dependent communities, the State of Alaska, and the Alaska seafood industry.

Sincerely,

Frank Kelty
President
Southwest Alaska Municipal Conference

CITY OF KODIAK
RESOLUTION NUMBER 99-12

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK URGING THE NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL TO RECOMMEND, AND THE NATIONAL MARINE FISHERIES SERVICE TO FUND SPECIFIC RESEARCH ON THE CAUSES OF STELLER SEA LION POPULATION DECLINE AND TO DEVELOP CONSERVATION POLICIES THAT SUPPORT THE SURVIVAL OF POLLOCK FISHERIES IN THE NORTH PACIFIC OCEAN

WHEREAS the western stock of Steller sea lions in Alaska has declined since the 1970s and the reasons for the decline are poorly understood; and

WHEREAS most of the pollock stock in the Kodiak area exists in the vicinity of Steller sea lion haul-out areas that have been closed to pollock fishing; and

WHEREAS those area closures have been put into effect with no substantive scientific evidence or other basis for concluding that the pollock fishery was contributing to the Steller sea lion population decline, nor that the closures would materially reduce their decline; and

WHEREAS further closures of the remaining Steller sea lion haul-outs in the Kodiak area have been proposed despite the lack of knowledge of the mammals' foraging habits or the effects of fisheries near the haul-out areas; and

WHEREAS such further closures of pollock fishery areas would effectively terminate the pollock fishery to the Kodiak commercial fishing fleet; and

WHEREAS the loss of the pollock fisheries would seriously damage the economy of Kodiak Island, causing severe hardship to thousands of fishers and processing plant employees as well as countless small business owners and employees; and

WHEREAS such area closures, once put into effect, are often left closed without any future review or study, resulting in perpetual loss of resources not justified by scientific knowledge; and

WHEREAS specific research has been proposed that would study the foraging and eating habits of Steller sea lions, prey availability, and the effects of commercial pollock fishing on the population of Steller sea lions, and others have proposed that one area be left open as a control against which to gauge the effectiveness of closures in nearby areas,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the North Pacific Fisheries Management Council (NPFMC) is urged to make recommendations, at its June meeting in Kodiak, to the National Marine Fisheries Service to fund research into the specific causes of Steller sea lion population decline.

BE IT FURTHER RESOLVED that the National Marine Fisheries Service (NMFS) is urged fund such research into the specific causes of Steller sea lion population decline.

AND BE IT FURTHER RESOLVED that pending such research NMFS is encouraged not to close any further areas to pollock fisheries.

AND BE IT FURTHER RESOLVED that NMFS is urged to develop plans for Steller sea lion conservation that support the continued survival of pollock fisheries vital to the economic health of North Pacific coastal communities.

CITY OF KODIAK

Charles E. Davidson

DEPUTY MAYOR

ATTEST:

William A. Malowney

CITY CLERK

Passed and approved: June 10, 1999

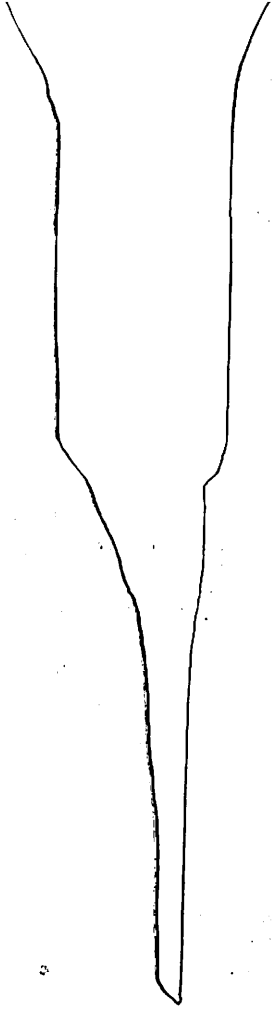
CITY OF KODIAK ALASKA

CERTIFICATION

I do hereby certify that this is a true and correct copy of the original on file in the office of the Kodiak City Clerk.

Dated this 11th **day of** JUNE, **19**99.

William A. Malowney **Clerk/~~Deputy~~**



2550 Denali Street, Suite 1201
Anchorage, Alaska 99503-2737
(907) 276-2007 Fax (907) 279-7913

July 11, 1999

LATE COMMENT

Edward E. Crane
President

TO: Chris Oliver, North Pacific Fisheries Management Council
(via fax at Kodiak Inn (907)486-3430)

FROM: Ed Crane

SUBJ: Agenda Item C-4; Magnuson-Stevens Act Reauthorization

We understand that the above subject, deferred from the April session, may be discussed during the current meeting. This is to advise the Council, through the involved committee, of an anticipated amendment to the Magnuson-Stevens Act whose effect will be to modify the provisions of the Central Registry sections of the law.

National Marine Fisheries Service published an Advance Notice of Proposed Rulemaking in early 1997, in anticipation of implementation of the existing Central Registry provisions. The ANPRM provided an insightful analysis of issues of concern to NMFS which stimulated lenders, harvesters, and their attorneys to engage in research and considerations which, in turn, led to a broadspread awareness of certain inherent flaws and to the need for remedial language.

During the ensuing two years, a group of five lenders – National Bank of Alaska, Farm Credit Services, the State of Alaska Division of Investments, Seafirst, and CFAB – who, in the aggregate, have provided an overwhelming percentage of the IFQ financing to date, engaged and consulted with a number of attorneys on the matter. There has also been contact with the NOAA's and Department of Commerce's General Counsel offices; and we have consulted with the Alaska Draggers Association; with officers of U.S. Bank and Key Bank of Washington; with Senator Stevens' staff; with the Petersburg Vessel Owners Association; with other private attorneys; with the At-Sea Processors Association; and with the Atlantic Surf Clam and Ocean Quahog Harvesters organization. While these parties have varying levels and degrees of interest in the matter, and while it would be inappropriate to imply that each or any of them is an "active supporter" of the draft amendment we have submitted to Senator Stevens, we are aware of none who has expressed conflicting perceptions.

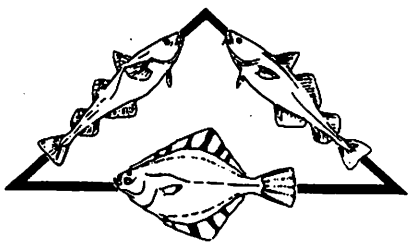
The primary issues and concerns arise from the dichotomous nature of IFQs and other forms of limited access permits which must be (and are by the Magnuson-Stevens Act) characterized as privilege to assure the integrity and efficacy of the underlying management systems, while at the same time they bear certain features of property and are the objects of a range of commercial transactions. The proposed amendment assures the manager of the ability to control access to any managed fishery, and eliminates the potential for development of a secondary market in permit rights, but it does not change any existing limited access systems and is designed to have no effect on the manner in which Federal fisheries may be managed in the future. We believe this is a requirement for a reliable and durable registry.

The proposed amendment also establishes a uniform permit transfer procedure, consistent with current law relating to any governmental license. It gives the manager direct control over both the voluntary and involuntary transferor, and the proposed transferee.

There is also provision for a national permit database (on which NMFS has already completed much work). This will give the managers a national record for their purposes and will allow public access to information which is needed by buyers and lenders.

There are other important elements to the proposed amendment. This document, however, is not an attempt to provide a highly technical and comprehensive summary. Rather, it is an effort to make the Council aware of our group's intentions and of the scope of its interests. On behalf of the group and other interested parties, I would be happy to provide further and more detailed information.

Alaska Groundfish Data Bank
P.O. Box 2298 • Kodiak, Alaska 99615



SUMMARY OF AGDB ISSUES SUMMARY FOR SEA LION PROTECTIVE MEASURES

HAUL-OUTS

1. 1996 GULF OF ALASKA BOTTOM TRAWL SURVEY SHOWS THAT MOST OF THE GULF POLLOCK IS TIGHTLY AGGREGATED IN A FEW AREAS WHICH COINCIDE WITH SEA LION ROOKERY AND HAUL-OUT AREAS. 45% OF THE POLLOCK WAS CONCENTRATED IN 9% OF SURVEY AREA. THE CONCENTRATIONS WERE IN ALBATROSS GULLIES (BARNABAS), SHELIKOF EDGE AND CHIRIKOF.

   THE 1987 GULF BOTTOM TRAWL SURVEY SHOWED POLLOCK CONCENTRATIONS OUTSIDE THE NEAR SHORE AREAS.

YEAR	BOTTOM TRAWL SURVEY BIOMASS	2+ MODEL BIOMASS	MODEL, 2+ NUMBER OF POLLOCK
1987	846,976 MT	1,450,000 MT	1,730,207 FISH
1996	633,905 MT	950,000 MT	2,289,112 FISH

2. FOR THE KODIAK AREA AGDB REQUESTS THAT THE FOLLOWING HAUL-OUTS BE LEFT OPEN FOR EACH OF THE THREE FISHERY DEPENDENT COMMUNITIES: BARNABAS FOR KODIAK EAST SIDE, CAPE IKOLIK FOR KODIAK WEST SIDE YEAR ROUND, RUGGED ISLAND FOR SEWARD FIRST QUARTER ONLY AND PT. ERLINGTON FOR CORDOVA FIRST QUARTER ONLY.
   NOTE THAT IN 1998 THE EXPLOITATION RATE IN PRINCE WILLIAM SOUND WAS 1.77%.

EFFORT

3. TO CONTROL FISHING EFFORT AGDB REQUESTS POLLOCK OPENINGS CONCURRENT WITH THE BERING SEA .

   IT MAKES NO SENSE TO IMPLEMENT MEASURES DESIGNED TO SLOW DOWN AND SPREAD OUT THE GULF POLLOCK FISHERY, BUT CREATE A MANAGEMENT REGIME WHICH INCREASES THE NUMBER OF VESSELS FISHING THE GULF.

4. PLAN FOR UNMANAGEABLE QUOTAS: KODIAK HAD QUARTERLY POLLOCK QUOTAS UNTIL THE QUOTAS BECAME TO SMALL TO MANAGE. AT THAT POINT THE ANNUAL POLLOCK QUOTA WAS APPORTIONED IN TRIMESTERS. AGDB SUGGESTS PROVISIONS BE MADE TO REVERT TO A TRIMESTER SYSTEM IN ANY CENTRAL/WESTERN GULF QUOTA AREA WHERE THE ANNUAL QUOTA IS 8,000 MT OR LESS.

5. ANALYZE SEASONAL EXCLUSIVE REGISTRATION

Chris Blackburn • Director • (907) 486-3033 • FAX (907) 486-3461 • e-mail 7353974@mcimail.com

SUMMARY OF AGDB COMMENTS - CONTINUED

6. THE PURPOSED RBA'S FOR THE CENTRAL/WESTERN GULF SEA LIONS FOR THE GULF OF ALASKA WILL INTENSIFY THE POLLOCK FISHERY IN SMALL AREAS.

7. PROHIBIT TENDERING OF POLLOCK. PROHIBITING TENDERING SLOWS DOWN THE RATE OF CATCH.

LEGEND FOR MAPS ON THE WALL

BROWN -- ROOKERY CLOSURE YEAR ROUND
ORANGE -- HAUL OUT CLOSURE YEAR ROUND
GREEN -- HAUL OUT CLOSURE MAY 1 TO JANUARY 20
PURPLE -- HAUL OUT CLOSURE NOVEMBER 1 THRU APRIL 30
YELLOW -- SCHEDULED FOR YEAR ROUND CLOSURE IN YEAR 2000

END

DAVE FRASER

High Seas Catchers' Co-op

Comments to NPFMC on Sea Lion RPAs

AP Motion

HSCC supports the AP motion on BSAI sea lion RPA measures. The AP motion relies on the elements included in Alt. 6 of the EA/RIR, and is consistent with the intent of each of the principles outlined in Chapter 1 of the document.

SSC Minutes

As the SSC pointed out again in its minutes, **"there is no unequivocal evidence to suggest that the pollock fishery has had detrimental effects on the sea lion population."** Also, as the SSC noted, it has "repeatedly argued for conservative and cautious policies in the management of groundfish fisheries under the Council jurisdiction."

We believe the Council has heeded the SSC advice, and has taken eco-system considerations into account in its management of the pollock fisheries, both explicitly and implicitly through conservative single species management in setting ABCs and TACs.

As the SSC noted the development of the EA/RIR has been "rushed" and has "not allowed thorough discussion and analysis," that "several suggestions form industry... were not analyzed," and that "many changes suggested by the SSC" were not made.

The minutes state, **"The SSC continues to be concerned with the tenor of this document". Not as a concern about minor "editorial detail, but as an important matter." We share the SSC's concern about avoiding "stating underlying hypotheses as statements of fact."**

Chapter 1 of the EA/RIR

Beginning on page 7 the EA outlines the principles behind the RPAs as one-sentence rules. It then devotes about 2 paragraphs describing the "intent" behind each principle. The AP motion relies heavily on the guidance provided in the elaboration of the intent.

Where the AP motion varies from the one sentence "bullets" on a limited number of the principles, it remains consistent with the intent of each principle.

Temporal Distribution

Relative to the A1/A2 seasons, the AP motion meets the explicit intent by maintaining 4 separate seasons. The only exception is with regard to the Mothership and CDQ sectors.

With regard to the CDQ sector, the intent of temporal dispersion is still met, as was demonstrated by the A1/A2 catch rates for the CDQ sector in 1999.

With regard to the Mothership sector, the AP motion relies on the implication of the term "reasonable" in definition of RPAs. The MS sector represents less than 9% of the overall pollock TAC. Split seasons for such a limited amount of fish would be a huge logistical and financial burden for that sector. The need for temporal dispersion in the MS sector is met by having a staggered start date for MS catchers, and by the fact that they can only harvest 50% of their A1A2 apportionment inside CH/CVOA, which results in a de-facto stand-down inside CH/CVOA when the are harvesting the outside portion of the A1 apportionment. Finally, the 1999 emergency rule found a single MS A1/A2 season to be consistent with the RPA principles.

Stand-downs – A season

Though agency staff advised the AP of their "preference" for a stand-down longer than 5 days, that was presented as "advice." The AP relied on the EA/RIR, which states that 5 days is consistent. While 5 days may be minimally consistent, the reality of the fishery is such that for the shoreside sector, the de-facto stand down inside CH/CVOA is longer, because the fleet moves outside to harvest the balance of its A1 apportionment.

For the CP sector, the actual harvest rates were slowed down by the coop far beyond the expectations of the agency. This applies an additional layer of temporal dispersion on top of the 5-day stand down.

Stand-downs – B/C season

The AP motion incorporates inside CH/CVOA stand-downs for MS and Shoreside sectors, explicitly. The outside area will have a lengthy de-facto stand down when the Shoreside fleet returns to the inside area to begin its C season.

The CP sector doesn't fish inside CH/CVOA during B/C, and so has no stand down. However, its outside fishing will occur in the context of a coop, and thus can be expected to conform with the "daily catch rate" concept developed in Alt. 6 even without an explicit regulation requiring a particular catch rate ceiling.

Seasonal Split

The 30% A1 and 15% A2 allocation is clearly consistent with the RPA, and reduces the 60% apportionment to the B/C season, to provide a more even distribution of effort through the year. It also provides greater flexibility in the utilization of the rollover provisions, by leaving the 4th quarter with less than the 30% maximum limit.

Spatial Dispersion

We believe the priority for spatial dispersion in the RPA should be focused on CH as defined for sea lions. The rationale for further splitting of the TAC east and west of 170 is much less compelling.

Use of Fishery Distribution Data-set

As the SSC noted, the RPA analysis should "admit the possibility that these management measures could even make matters worse if the inadvertently redistribute the fleet in space and time in a way that increases interactions between the fishery and the sea lion population."

While the EA/RIR does include enhanced analysis of inter-annual variation in the trawl survey and incorporates the "two standard deviation" range around the mean 91-98 value, (at least with regard to outside CH/CVOA) it doesn't adequately consider an important data set – fishery distribution data.

Table 3-1 on page 85 does provide some raw data on the monthly catch by year and area. A summary table examining the relative percentage of catch during the June-October period (equivalent to B and C season) is attached to these comments. It is clear that there is significant variation in how the fleet distributes itself from year to year. Additionally, the attached figure shows a significant degree of correlation with the Figure 3-18 on page 120.

There is no compelling reason to mandate and E/W split outside CH/CVOA. The fleet is all ready responding to the distribution of pollock stocks in its effort distribution as seen in the fisheries data set.

Inside CH/CVOA Percentage in the B/C Seasons

While a cap on inside CH/CVOA is necessary, it should be phased in as Alt. 6 provides. We agree with the AP, that while 15% may represent a relevant "anchor point" for the May/June period when the survey takes place, it is certainly much less relevant by the time the C season begins.

The presentation to the AP by Ed Richardson demonstrated clearly that any conclusions about biomass distibution in the B and C seasons, rest heavily on assumptions that are almost "religious" in nature. **When the distribution of the stock is an unknown, the RPA itself suggests defaulting to the 50%-50% rule.** We believe that at least for the C season, this would be the approach that would be most consistent with the RPA principles.

Any departure from the 50/50 rule in the B season should be phased-in for 1999, and any B season cap inside CH/CVOA should not be less than 40% in 1999.

Aleutian Islands

We support Option 2, the reopening of the AI, combined with the 10 closures around haulouts and rookeries. This action alone represents a massive redistribution of the fleet, shifting 80% of the effort outside historical fishing areas.

The 1999 closure of the AI was not required by the RPA, nor even requested by the agency as a preferred alternative. The closure represents a cost of some $50 million dollars, and 60% of the lost fishing opportunity is borne by catcher vessels, many of which are small entities.

We support the idea of a well-developed scientific experimental design for the AI, but that is a task for scientists. The Council should not close the AI in the interim, as doing so is as likely as not to confound the design by destroying the time series.

If an experiment is to be conducted in the AI, it seem only logical that because it is a unique area which is so different from either the Bering or GOA, that the experimental treatment must compare differing treatments for sub-components of the AI. Additionally, it would be appropriate that the plan team make recommendations for sub-division of the AI TAC by area. However, this action is something that the Council can act on in the TAC "specification" process later this year.

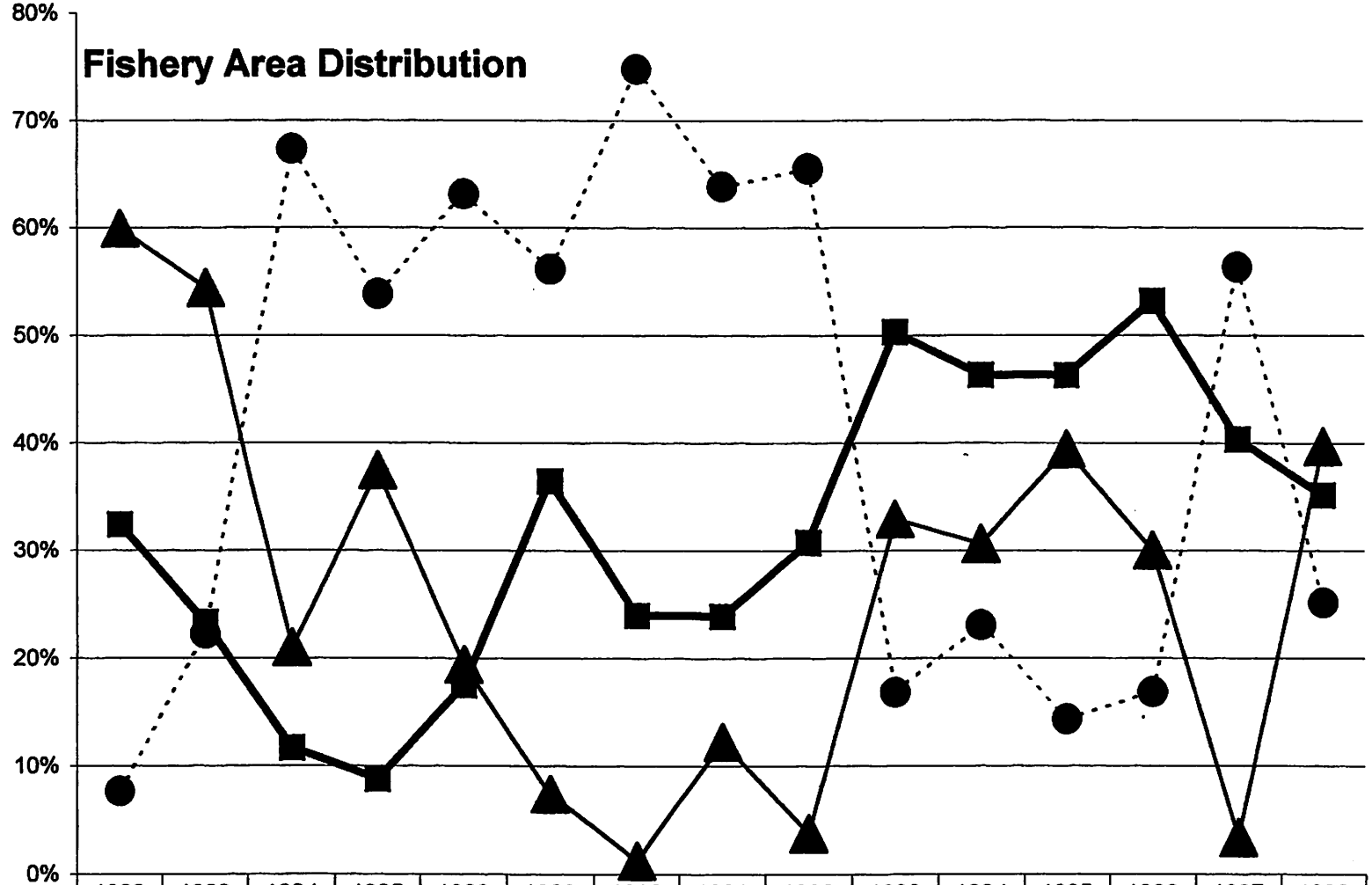
Conclusion

The AP motion is consistent with the intent of the RPA principles, it represents a consistent application of those principles in the context of Alt. 6 of the EA/RIR, and should be adopted by the Council.

Thank you.

dave fraser
President, HSCC

Attachments:
Figure: Fisheries Distribution by Area, for June-Oct. 1982-1998 (from Table 3.1) (note: 87/88 data not included due skewing caused by extremely low total catch in B/C season during those years)
Spreadsheet: Kent Lind's RPA Worksheet, with AP seasonal and area apportionments by sector. (note: B season shows a possible pro-rata phase in of inside CH/CVOA limit of 40%, not explicitly identified in AP motion.)



	1982	1983	1984	1985	1986	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
CH/CVOA	32%	23%	12%	9%	17%	36%	24%	24%	31%	50%	46%	46%	53%	40%	35%
E170	60%	54%	21%	37%	19%	7%	1%	12%	4%	33%	31%	39%	30%	3%	40%
W170	8%	22%	67%	54%	63%	56%	75%	64%	66%	17%	23%	14%	17%	56%	25%

Note to users: Yellow boxes are for user input of parameters. Red numbers are resulting tonnages and in/out of CH/CVOA percentages

BS TAC Allocations

BS Pollock TAC	992,000	
CDQ Reserve (10%)	99,200	
A season ICA	4.0%	
B season ICA	6.0%	
NON-CDQ	892,800	AFA allocations
Inshore	446,400	50%
C/P	357,120	40%
Mothership	89,280	10%
CDQ Reserve (10%)	99,200	

Seasonal TAC apportionments

	A1	A2	B	C
Inshore	30.0%	15.0%	30.0%	25.0%
C/P	30.0%	15.0%	30.0%	25.0%
Mothership	45.0%		30.0%	25.0%
CDQ	45.0%		55.0%	

CH/CVOA Percentages

	A1	A2	B	C
Inshore	56.0%	56.0%	64.0%	80.0%
C/P	33.0%	33.0%	0.0%	0.0%
Mothership	50.0%		40.0%	50.0%
CDQ	82.5%		82.5%	

CH/CVOA limits by sector and season

	A1		A2		B		C		Annual totals	
	Total	CH/CVOA	Total	CH/CVOA	Total	CH/CVOA	Total	CH/CVOA	Total	CH/CVOA
Inshore	128,563	71,995	64,282	35,998	125,885	80,566	104,904	83,923	423,634	272,483
C/P	102,851	33,941	51,425	16,970	100,708	-	83,923	-	338,907	50,911
Mothership	19,284	9,642	19,284	9,642	25,177	10,071	20,981	10,490	84,727	39,846
CDQ	22,320	18,414	22,320	18,414	27,280	22,506	27,280	22,506	99,200	81,840
Total	273,018	133,992	157,311	81,024	279,050	113,143	237,088	116,920	946,467	445,079
Total CH/CVOA %	49.1%		51.5%		40.5%		49.3%		47.0%	

CH A1 Limit	A1 & A2 Combined		
64,282	Inshore	192,845	107,993
51,425	C/P	154,276	50,911
9,642	Mothership	38,569	19,284
11,160	CDQ	44,640	36,828
136,509	Total	430,330	215,017
50%	Total CH/CVOA %		50.0%

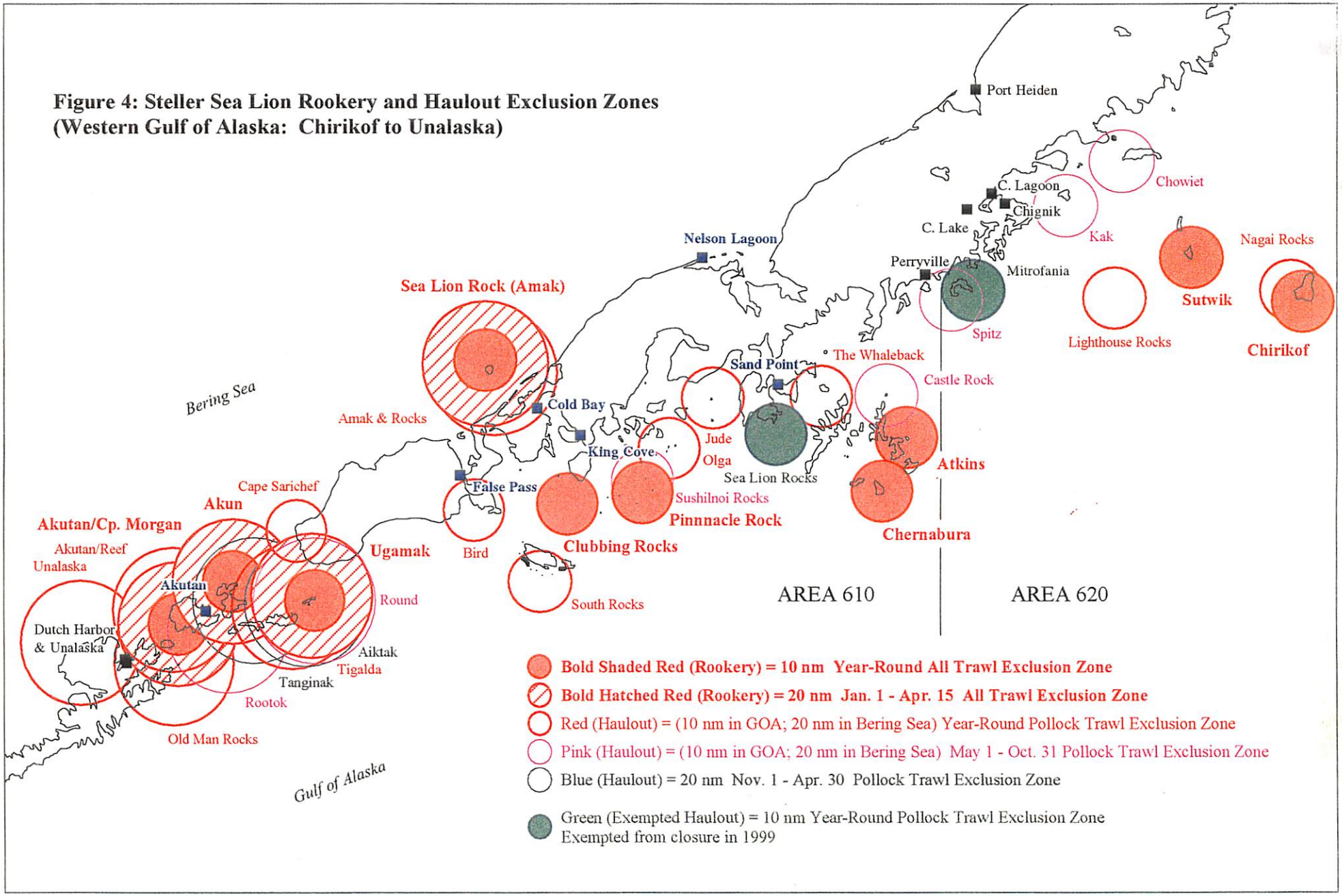
B & C Combined		
Inshore	230,789	164,489
C/P	184,631	-
Mothership	46,158	20,561
CDQ	54,560	45,012
Total	516,138	230,063
Total CH/CVOA %		44.6%

Assumptions about CDQ and mothership season splits

Enter Hypothetical CDQ and Mothership A1/A2 splits and CDQ B/C splits

	A1	A2		B	C
Mothership	50%		50%	50%	50%
CDQ	50%		50%	50%	50%

Figure 4: Steller Sea Lion Rookery and Haulout Exclusion Zones
(Western Gulf of Alaska: Chirikof to Unalaska)



LATE COMMENT

North Pacific Fisheries Management Council

Mr. Chairman:

It has to stop. Each measure taken to increase the sea lion population has been well intended but ineffective in its goal. Each measure has caused just a little pain for the people who live by the sea. Trawlers have suffered the most, but who's next? I'm sure sea lions eat salmon, so those fisheries will be cut back. Loud airplanes probably scare them, so all air traffic will be restricted. Continue on this course and you'll have less people on Kodiak than sea lions. Your large scale experiments are slowly killing the people that live and work here. Stop experimenting with our lives and find something that helps the sea lions.

I suggest you establish two experimental rookeries and have at it. Fly in the choicest roeladen herring and serve them on a platter. Tinker on a small scale and find something that WORKS. The experiment on us has got to stop.

Kevin Thurston
F/V Excalibur II

Received at Alaska Draggers Association via E-mail: June 7, 1999
From: F/V Excalibur2@orbcomm.net

Figure 4: Steller Sea Lion Rookery and Haulout Exclusion Zones
(Western Gulf of Alaska: Chirikof to Unalaska)