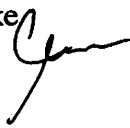


MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke
Executive Director 

DATE: June 18, 1991

SUBJECT: Marine Mammals

ACTION REQUIRED

- (a) Proposed amendments to Marine Mammal Protection Act.
- (b) Draft Recovery Plan for Steller Sea Lions.

BACKGROUND

MMPA Amendments

NMFS is developing a regime to govern the incidental taking of marine mammals in commercial fisheries after October 1, 1993, when the current five-year agreement, developed through amendment to the Marine Mammal Protection Act in 1988, will expire. The Council received an overview of the proposal in April, and parts of a draft EIS have become available since then.

Considering the work load for this week, the proposal won't receive the attention it merits. Also, the DEIS is not yet complete. The Pacific States Marine Fisheries Commission is soliciting industry comment on the proposed amendments and I recommend that the Council establish a workgroup to interact with the Commission and industry during the summer, and develop comments for the Council to consider adopting. Comments are due September 23, which is Monday of Council week. Perhaps with some slippage of the comment deadline, we could consider this issue in September, or if need be, through special conference later this summer.

Recovery Plan for Steller Sea Lions

The SSC will be reviewing the draft recovery plan, mailed to you on June 12. The stepdown outline provided to you in April is again under this tab as item C-5(a). Lloyd Lowry, who chairs the recovery team, will be here to present an overview and answer questions. NMFS has taken action to protect sea lions in concert with the recent release of pollock in the Gulf of Alaska (item C-5(b)).

TECHNICAL DRAFT RECOVERY PLAN--FEBRUARY 15, 1991

D. **Stepdown Outline**

1. Identify habitat requirements and protect areas of special biological significance
 11. Identify current and historical use areas
 111. Map and describe rookeries and major haulouts
 112. Map and describe feeding areas
 12. Determine seasonal use patterns
 13. Document effects of disturbance caused by human activities
 14. Prepare guidelines and regulations to control potentially disruptive activities
 15. Identify and designate "Critical Habitat" areas
2. Identify management stocks
 21. Conduct visual marking/tagging studies
 211. Tag and brand pups on selected rookeries
 212. Monitor rookeries for occurrence of marked animals
 22. Determine if biological parameters indicate different stocks of sea lions
 23. Compile and analyze data
3. Monitor status and trend of sea lions
 31. Develop statistically valid survey procedures
 32. Conduct Alaska statewide survey every year
 321. Conduct aerial survey of adults and juveniles at all rookeries and major haulouts
 322. Conduct pup counts at selected rookeries
 33. Conduct annual surveys of pups and non-pups at rookeries in California and Oregon
 34. Conduct range-wide survey every 5 years
 341. Conduct aerial survey of adults and juveniles at all rookeries and major haulouts

TECHNICAL DRAFT RECOVERY PLAN--FEBRUARY 15, 1991

- 342. Conduct pup counts at selected rookeries
- 4. Monitor health, condition, and vital parameters
 - 41. Examine and sample dead animals from rookeries, incidental take, subsistence harvests, and those located by stranding networks and carcass surveys
 - 42. Collect and sample animals
 - 43. Develop methods for non-lethal sampling
 - 431. Develop and evaluate capture techniques
 - 432. Develop indices of condition
 - 44. Conduct studies on rookeries
 - 441. Determine sex and age class of animals on shore
 - 442. Determine rates of pup production and mortality
 - 443. Tag and brand pups and adult females
 - 444. Monitor status of tagged animals
 - 445. Obtain measurements and samples using non-lethal techniques
 - 45. Compile a catalog of all tissues and other samples
 - 46. Conduct laboratory analysis of samples for diseases and parasites, contaminant levels, and nutritional status
 - 47. Compile and analyze data
- 5. Assess and minimize causes of mortality
 - 51. Determine causes of mortality and their relative contributions to total mortality
 - 511. Implement/expand stranding networks
 - 512. Survey selected areas for dead animals
 - 513. Monitor incidental take in commercial fisheries
 - 514. Investigate entanglement in debris
 - 515. Determine level of subsistence take in Alaska

TECHNICAL DRAFT RECOVERY PLAN--FEBRUARY 15, 1991

- 516. Evaluate causes and extent of other deliberate killing
- 517. Evaluate mortality caused by non-human predators
- 52. Minimize injury and mortality
 - 521. Develop and implement methods to reduce incidental take
 - 522. Develop non-harmful deterrents for use by commercial fishermen
 - 523. Improve and continue programs to minimize marine debris
 - 524. Develop methods to reduce loss rate in subsistence harvests
- 53. Review and revise recommendations for maximum allowable levels of legal take
- 6. Investigate feeding ecology and factors affecting energetic status
 - 61. Investigate sea lion feeding ecology
 - 611. Describe foods eaten by sea lions
 - 6111. Collect and analyze stomach contents
 - 6112. Collect and analyze scats
 - 612. Determine food and energy requirements
 - 613. Investigate feeding areas and feeding strategies
 - 6131. Identify feeding areas
 - 6132. Investigate diving behavior and feeding cycles
 - 614. Assess significance of various prey
 - 6141. Characterize geographic and seasonal patterns of prey availability and utilization by sea lions
 - 6142. Determine seasonal, size, and sex-related patterns of caloric and nutritional value of prey

TECHNICAL DRAFT RECOVERY PLAN--FEBRUARY 15, 1991

- 615. Compile and analyze data
- 62. Investigate interrelationships between prey abundance and sea lion growth and productivity
 - 621. Measure growth and productivity in areas with different food availability
 - 622. Develop models for individual and population energetics, growth, and productivity
- 63. Determine effects of fisheries on sea lion prey
 - 631. Measure effects of fisheries on sea lion prey in feeding areas
 - 632. Model effects of fishing on prey composition, distribution, abundance, and behavior
- 64. Ensure adequate food availability in feeding areas
 - 641. Regulate fishing areas, seasons, and types of operations
 - 642. Regulate fishery catches
- 7. Implement Recovery Plan and coordinate recovery activities
 - 71. Establish a Steller sea lion coordinator staff position
 - 72. Maintain the Steller Sea Lion Recovery Team
 - 73. Monitor Section 7 ESA requests for consultation
 - 74. Develop mechanisms for international conservation efforts
 - 741. Distribute Recovery Plan to other involved nations
 - 742. Develop bilateral or multilateral conservation agreements
 - 75. Conduct information and educational programs
 - 76. Enforce regulations
 - 761. Develop and improve systems for reporting violations
 - 762. Provide adequate and effective field enforcement programs



UNITED STATES DEPARTMENT OF COMMERCE
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National Marine Fisheries Service
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NEWS RELEASE
 Steven Pennoyer
 907-586-7221

June 13, 1991

For Immediate Release

**POLLOCK 1991 HARVEST QUOTAS AND STELLER SEA LION
 PROTECTIVE MEASURES IMPLEMENTED IN THE GULF OF ALASKA**

A pollock total allowable catch (TAC) of 100,000 metric tons (mt) for the 1991 fishing year has been implemented in the combined Western/Central (W/C) Regulatory Area of the Gulf of Alaska, effective June 13, 1991, according to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service. Although a TAC of 3,400 mt is also implemented in the Eastern Regulatory Area, prior fishing has already resulted in this amount being reached. No further retention of pollock is authorized in the Eastern Regulatory Area during the 1991 fishing year.

Because pollock is an important forage species for Steller sea lions, which have been listed as threatened under the Endangered Species Act, the pollock fishery in the W/C Regulatory Area is being limited by certain measures intended to provide protection for sea lions. First, the 100,000 mt TAC is allocated equally to two subareas east and west of 154° W. longitude, resulting in a TAC of 50,000 mt in the Kodiak area (statistical area 63) and 50,000 mt in the Chirikof and Shumagin areas combined (statistical areas 62 and 61, respectively). Second, each subarea TAC of 50,000 mt is apportioned equally among the four quarterly reporting periods, or 12,500 mt in each subarea for each quarter. Any rollover of unharvested pollock in a subarea to a subsequent quarter will be limited such that the resulting allowable catch does not exceed 18,750 mt in each subarea.

A pollock harvest of about 22,000 mt has been taken to date due to the availability of an interim TAC. This amount represents a 3,000 mt harvest shortfall of the combined first quarter TAC of 25,000 mt. This shortfall is now allocated proportionally to the remaining three quarters for each subarea, resulting in a total of 13,000 mt in each subarea for each of these quarters. This amount is available for harvest in each subarea during the remainder of the second quarter.

In addition, no-trawl zones, applicable to all trawl fisheries, are established for the remainder of the year within 10 nautical miles of 14 Steller sea lion rookeries as follows: Outer Island, Sugarloaf Island, Marmot Island, Chirikof Island, Chowiet Island, Atkins Island, Chernabura Island, Pinnacle Rock, Clubbing Rocks, Ugamak Island, Akun Island, Akutan Island, Adugak Island, and Ogchul Island.

This press release summarizes regulatory requirements and is for informational purposes only. For more information concerning regulatory requirements, consult the applicable regulations or contact the Fisheries Management Division, NMFS, 907-586-7228.



Greenpeace USA: Ocean Ecology Fisheries Campaign Alaska and
Pacific Northwest Policies and Positions
July, 1991

The goal of Greenpeace USA's ocean ecology fisheries campaign is to protect the diversity of the marine environment and the health and integrity of all its ecosystems.

We seek to prevent the ecological degradation that inevitably occurs when fish are exploited using management regimes primarily based on short-term profit motives rather than on sound principles of biology and ethics. Historically, the approach has been reactive: efforts have been limited to ~~monitoring the catches and decline of fish stocks and resulted in managing by crisis.~~ Greenpeace believes we must take a precautionary and more comprehensive approach to fisheries management. Instead of narrowly focusing on a fishery's impact on a single species of commercial importance, we need to carefully consider the impacts on the ecosystem as a whole. A fundamental problem is that in a vast majority of fisheries, unrestricted access, excess capacity, and overcapitalization consistently outpace and undermine efforts to manage the fisheries. While there are a number of federal and state control efforts, there are also a number of subsidies and incentives that encourage more and increasingly efficient boats to enter the fleet. In any case, fisheries continue to be conducted to maximize short-term economic gain with little attention to impacts on the ecosystem or to the long-term viability of the fisheries themselves.

In addition to calling for better science, a much more conservative management approach, and truly effective implementation of regulations, Greenpeace believes that there is an ethical responsibility for each succeeding generation to leave the planet's waters in a condition better than that in which they were found. In this way, options for future generations will be preserved and increased. At the same time the ocean ecology campaign works to foster respect for all the entities that comprise the remarkable marine environment. The following pages provide a brief description of a number of issues currently being addressed by the Greenpeace USA ocean ecology fisheries team.

1. Science and management

Fisheries management has not been successful in part because of the narrow focus and inadequacy of the science upon which it is based. Fisheries science has historically taken a single species approach and failed to consider the impact of removals of fish on the marine ecosystem as a whole. In the face of the enormous uncertainties associated with virtually all aspects of fisheries science, scientists have consistently failed to adopt a precautionary approach. At best, fisheries science has only been able to monitor changes in the status of economically desirable populations of fish. In light of the above, Greenpeace is encouraging and participating in developing new ways to assess the full impacts of fisheries on

the marine environment, and is encouraging the incorporation of these ecosystem impact assessments into the fisheries management process. In addition to better science, the federal system of fisheries management, mandated by the Magnuson Fishery Conservation and Management Act (MFCMA), must be overhauled. For instance, conservation decisions (e.g. determination of acceptable biological catch or ABCs) should be divorced from decisions over allocations (e.g. determinations of total allowable catch, or TACs). Scientific decisions should be insulated from political pressure and industry influence. Otherwise, decisions such as those that led to the 1991 increase in the TAC in the Gulf of Alaska will continue. Representatives of conservation and environmental organizations and other parties without an immediate financial stake in the process should be appointed to voting seats on the fishery management councils. Council membership must be comprised of people who are primarily interested in assuring the long-term health and integrity of the entire marine environment. This, in turn, will help to assure continued abundance of fish and thus, viable fisheries.

2. Observers

In order for fisheries management to improve, the raw material of science must improve. Reliable data giving an accurate picture of what is happening at sea must be available. One way to accomplish this is through an expanded fishery observer program reporting on all aspects of the fishery. The number of observers should be increased to adequately cover all fishing operations, funding assured and supplied by the fleet, and timely analysis and use made of the gathered information.

3. Effort limitations

Overcapitalization and excess capacity are endemic to open access fisheries. The marine environment, and the exploitation of fishes in particular, has not been immune from the tragedy of the inadequate care that is accorded common property resources. We support limitations on fishing effort. These may include limiting access of new boats to particular fisheries as well as controlling the capacity of current fleets. Any limited entry regime must be equitably drawn and prevent monopolizations of access to the resource. We will be closely following the development of limited entry schemes including individual transferable quotas (ITQs).

4. Overharvest

The U.S. factory trawl fleet now operating in the Bering Sea and Gulf of Alaska (GOA) poses the greatest threat of overfishing and therefore puts the long-term viability of these marine ecosystems at risk. Because of the enormous cost and capacity of factory trawl vessels, they must operate almost continuously to ensure a satisfactory return on their investment. Factory trawl fleets, because of their high mobility, are less likely to have a concern for the long-term viability of a fishery in a particular region. In the event of stock depletion these vessels can move out of one area to exploit fishes in other regions of the world.

Allocation of fish to inshore (shoreside) or offshore (factory trawler) harvesting units does not solve the problem of containing overcapitalization.

The race for fish will continue under any proportional allocation scheme, so long as effort remains unchecked. Thus the allocation scheme as proposed for groundfish in the Bering Sea and Gulf of Alaska does not directly work to maintain the health and integrity of the marine environment. For that reason we have taken no position on this matter.

5. Donut hole

Greenpeace is calling for a moratorium on pollock trawling by fishing fleets of any nation in the international waters of the Bering Sea known as the donut hole. This position is necessary because there is no international agreement or ~~management regime and because such fishing (on what are called~~ "straddling stocks") affects fish abundance in U.S.-managed waters. We have also requested that the North Pacific Fishery Management Council (NPFMC) require that any fish caught in the donut hole by U.S. vessels be deducted from the U.S. Bering Sea TAC. Obviously there must be a Bering Sea-wide analysis of fish abundance and thereafter carefully considered harvest levels must be set. Closer cooperation with the U.S.S.R. is necessary to assess the status of pollock and other stocks throughout the Bering Sea and to implement complementary management measures.

6. Cap in the Bering Sea groundfish fishery

Greenpeace questions the biological basis for allowing 2.0 million metric tons (4.4 billion pounds) of groundfish to be taken annually from the Bering Sea, given the enormous uncertainties inherent in the collection and analysis of data and in the results of mathematical models relied upon to set this level. Greenpeace finds that it is currently impossible to determine what specific level of fish catch (i.e. quota) is environmentally acceptable. However, to the extent that quotas are used, Greenpeace (in consultation with its scientists) will advise, based on the best scientific information available, that the most conservative estimate(s) should be used. This caution is necessary to minimize the risk of stock collapses or serious stock depletions over the long-term. Estimates must be frequently and systematically reviewed for input of better data and more sophisticated modeling methods to assure that the health and integrity of the marine ecosystems are not impaired. The biological justification for a cap which combines catches of over 15 exploited species is questionable. Certainly, any increase in this cap is not warranted given our limited understanding of the overall effect of such removals and the population declines of other species dependent on this ecosystem.

7. Gulf of Alaska pollock catch quota increase

In the Gulf of Alaska pollock fishery, the significance of uncertainty and the need for careful, conservative management are heightened because of the population status of other members of the ecosystem. Steller sea lions, listed as a

"threatened" species, harbor seals, fur seals, and several species of sea birds, all of which feed on pollock, are in serious decline. The rationale for the increased catch quotas set by NMFS for 1991 (nearly a 41% increase) leave unanswered substantial questions about the actual biomass level of pollock and about the appropriate catch given those estimates. Even more glaringly the increased quota does not fully consider ecosystem impacts. Finally, questions remain as to whether NMFS has been fully counting all the pollock being removed from the GOA, especially pollock retained as bycatch in other fisheries and pollock discarded in all fisheries. Greenpeace believes that the higher catch quota was set because of economic pressure caused by the overcapitalization of the fleet. We have filed suit against the federal government in federal district court in Seattle on the grounds that this increase violates the National Environmental Policy Act, the Magnuson Fishery Conservation and Management Act and the Endangered Species Act.

8. Roe fishery

Pulse fishing on pollock aggregations during spawning season to obtain roe may have an adverse impact on pollock stocks and on other species. In particular, the roe fishery in the GOA and in the Bogoslof district is thought to adversely affect Steller sea lions. Until an Environmental Impact Statement can demonstrate that such roe fisheries do not have an adverse effect on pollock, Steller sea lions and other species, fishing on spawning concentrations of pollock should be prohibited. Likewise, the expanding and wasteful roe fisheries on Pacific cod and rock sole should be prohibited until further information proves that they do not have negative, ecosystem-wide impacts.

9. Limitation on gear types/fishery practices

If a particular gear type or fisheries practice is shown to have an adverse impact on the marine environment (i.e. in terms of bycatch, physical destruction of marine habitat, or for other reasons), Greenpeace takes the position that modification of the gear or fishery practice must be made to minimize those impacts. If no modification of a particular gear type or practice is capable of progressively reducing and ultimately terminating the adverse impacts, a prohibition may be warranted.

10. Driftnets

Greenpeace has been addressing the issue of large-scale driftnet fishing since the early 1980's and has worked together with a number of Alaska fishing organizations to bring about an end to the Japanese mothership salmon driftnet fishery in the U.S. exclusive economic zone. Greenpeace is opposed to large scale driftnet fishing because of the indiscriminate and wasteful nature of the practice and because of the difficulties inherent in regulating such fisheries, particularly on the high seas. In cooperation with commercial and subsistence fishermen, Greenpeace supports United Nations Resolution 44/225 and calls for a permanent ban on all high seas driftnet fishing. As for small scale, coastal, drift and

set net fisheries, Greenpeace takes the position that where problems arise they should be reviewed on a case by case basis.

11. Bycatch

Greenpeace has and will continue to support bycatch control measures and continued efforts to minimize the incredible waste associated with the bycatch in numerous fisheries. Under current fisheries practices and management, extensive bycatch enormously complicates efforts to assess the status of both target and non-target marine species and the impact of fisheries on the marine ecosystem. Greenpeace therefore supports the development and application of the most selective gear types and fishing methods possible.

12. Time, area, and seasonal closures

Greenpeace supports the selective application of time, area and seasonal closures as appropriate to deal with overexploitation (e.g. to protect spawning stocks and long-lived species), bycatch (e.g. to prevent halibut bycatch in the P. cod fishery), marine mammal interactions (e.g. to protect orcas from shooting), and endangered species recovery (e.g. to provide buffer zones for Steller sea lions).

13. Gulf of Alaska trawl restrictions

There has been a recent influx of large trawlers into the GOA as pollock quotas are more quickly reached in the eastern Bering Sea. These boats target on rockfish over rough bottoms, ever closer to shore. Their great capacity can result in catches quickly exceeding quotas, especially of short raker and roughey rockfish which have small quotas. (Roughey rockfish live up to 150 years.) These species with low quotas might be better managed if catch was restricted to long line gear. Trawling here in 1991 has already resulted in high bycatch of salmon and halibut and may have caused extensive destruction of sensitive habitat. Greenpeace currently supports a prohibition on directed rockfish trawling anywhere in the GOA and a prohibition on any trawling in the Eastern GOA.

14. Orca/black cod fishery interaction

Greenpeace continues to oppose the shooting of orcas by any black cod fisherman. While we realize that only a small percentage of black cod fishermen engage in this activity, if the shooting cannot be stopped through education, we will return to the NPFMC, or petition the Secretary of Commerce to ask for a closure of the problem areas.

15. Steller sea lion critical habitat

Steller sea lions have declined worldwide from as many as 300,000 in 1960 to less than 66,000 today. Three fourths of the world's population of Stellers lives in Alaska waters. In a substantial portion of that range -- an "index area" established by marine mammal scientists -- they have declined 83% since 1960 and 63% in the last five years. Prey

deprivation is a major cause. They have been designated as a "threatened" species under the Endangered Species Act (ESA), but ESA regulations apply to only part of their U.S. range and do not adequately protect them. In addition to working for stronger regulations, Greenpeace will petition for the establishment of critical habitat on land (rookeries and haul outs) and in the water (feeding areas) to assure that Steller sea lions are able to obtain sufficient food and are given maximum protection from intentional shooting and harassment.

16. Offshore oil exploration

Offshore oil and gas development threatens the long-term viability of marine ecosystems and the fishes and fisheries that depend upon it. Despite years of protest by fishing groups, environmental organizations and the State of Alaska, the U.S. Department of Interior leased Bristol Bay to the oil industry in 1988. Continuing concerns over the threats posed by oil development to commercial fishing in Bristol Bay have forced Congress and the Department of Interior to consider buyback of the leases. Greenpeace, along with numerous other environmental and fishing organizations, has been an active participant in the Bristol Bay buyback coalition. The Department of Interior recently released its 1992-1997 five-year plan for oil and gas leasing. This plan would sacrifice vast areas of Alaska's continental shelf, including 4 locations within the Bering Sea, 1 off Yakutat in the Gulf of Alaska, 1 within Cook Inlet and 4 new areas in the Beaufort and Chukchi Seas. Greenpeace hopes to work with the fishing community in thwarting this plan. We believe viable renewable energy resources and energy efficiency measures could more than meet our energy needs without risking long-term damage to the marine environment.

17. Waste

Greenpeace is opposed to wasteful and destructive fishing practices that have negative impacts on marine ecosystems and result in poor stewardship of marine resources.

The taking of species other than those targeted on is a general characteristic of trawl fisheries. It is a particularly common and serious problem with almost all bottom or near-bottom trawling. Many "single-species" fisheries occur in areas where a number of species are found. Incidental catches (by-catches) of non-target species which are prohibited (e.g. by the NPFMC) are required to be thrown overboard (discarded) and are not recorded as landed catch. Similarly, undersized target species are also discarded, as are any fish not valuable to that fishery. This is due to the necessity to maximize profits from available vessel hold space. The current open access and quota system encourages this behavior, since competition is intense and the fishery is furiously paced to reap the largest possible share of the quota in the shortest possible time. Because of current market preferences, even large individuals of the target species may be discarded in preference for smaller fish.

It is estimated that on average 40% of the fish caught in the Bering Sea and Gulf of Alaska groundfish fisheries are discarded dead at sea. For some species, especially flatfish in the Bering Sea, the discard rate can exceed 65%. Accurate

assessment of the actual effects on the marine ecosystem of current levels of fishing is impossible given the uncertainty of true catch levels and catch composition. While attempts are made to alleviate the problem by net mesh size, area, season and effort limitations, little success has been achieved. The problem has been compounded by the increased competition between user groups as greater numbers of more powerful and efficient vessels enter the fisheries.

Alternative gear types and gear modifications may offer some chance to control the harmful effects of by-catch and the wastefulness represented by discards. Some fishing methods may be seen to be "cleaner" than others by having lower incidental catches. However, without an integrated approach to regulation of the human use of the marine environment, including preventing the tendency for unlimited growth of ~~fishing capacity on limited living marine resources~~, significant waste reduction cannot be expected. Wasteful and ecologically destructive fishing methods and wasteful utilization practices, such as the pollock and rock sole roe fisheries, must be challenged and eliminated if a truly rational fisheries regime is to be achieved. Greenpeace will continue to demand changes in all current practices deemed a threat to these marine ecosystems.

18. Pollution and debris

Greenpeace believes that all ocean users should join forces and work together to eliminate all sources of marine pollution and debris.

CONCLUSION

The Bering Sea and Gulf of Alaska ecosystems are among the richest, most productive in the world. It has long been recognized that fish stocks in the Bering Sea were among the largest anywhere and that whales, smaller marine mammals and seabirds abounded in association with this rich food supply. We have only just begun to understand the complex web of life found in these waters and to attempt to quantify the potential alarming impacts caused by human activities. The overcapitalization and excess capacity of the groundfish fleet are placing enormous pressure on the fishes of the Bering Sea and Gulf of Alaska. It is now becoming all too clear that the patterns of overfishing and eventual collapse of marine animal populations which have occurred in other areas of the world are beginning to be repeated here. Greenpeace is dedicated to preventing this and is working to protect the health and integrity of this rich marine environment.

Throughout all our efforts we seek to point out that the long-term integrity of marine ecosystems and the long term viability of fisheries can be complimentary goals.

FURTHER INFORMATION

For further information on Greenpeace fisheries campaigns,
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