



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE**

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

Item (d)

January 9, 2001

Mr. David Benton
Chairman, North Pacific
Fishery Management Council
605 West 4th Avenue
Anchorage, AK 99501-2252

Dear Dave,

The National Marine Fisheries Service (NMFS) is finalizing an emergency rule that we will implement by January 20, 2001. The purpose of the rule is to implement Steller sea lion protection measures consistent with the Endangered Species Act (ESA) and with section 209 of Public Law (P.L.) 106-554. The emergency rule also establishes 2001 harvest specifications for the Alaska groundfish fisheries.

A brief summary is attached describing NMFS's current strategy for a phased-in implementation of the Reasonable and Prudent Alternative (RPA) presented to the Council at its December 2000 meeting. For pollock and Atka mackerel, the 2000 regulations establishing SSL protection measures would be extended into 2001. Additional new measures for 2001 would include:

- (1) A prohibition on fishing in a directed fishery for groundfish by federally permitted groundfish vessels within 3 nautical miles of haulouts that are identified under the criteria developed in the 1998 biological opinion on the pollock fishery;
- (2) Establishment of two fishing seasons for Bering Sea/Aleutian Islands and Gulf of Alaska Pacific cod. The total allowable catch (TAC) would be divided 60/40 between the first and second season;
- (3) A ten percent reduction of the TAC for Gulf of Alaska pollock as required by P.L. 106-554;
- (4) Limitations on the amounts of pollock harvested in the Bering Sea Steller sea lion conservation area (SCA) so that 2001 harvest amounts in the SCA do not exceed the harvest amounts authorized for 2000 (in metric tons); and
- (5) Closure of critical habitat consistent with the closed areas identified in the RPA, effective June 10, 2001.

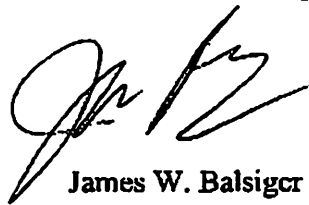


The delayed effective date of this last provision would provide the Council the opportunity to suggest modifications to the proposed closures for the remainder of 2001 that will meet the requirements of the biological opinion (e.g., close at least 50% of critical habitat to the three fisheries and maximize protection of Steller sea lion pups and juveniles). Extension of the emergency rule beyond mid-July through the end of 2001, including modification of the critical habitat closures, will require a separate emergency rule action. We note that closed critical habitat areas implemented in 2002 also must provide for the statistical design of a monitoring program to evaluate the effectiveness of protection measures.

In 2002, adequate tools will be needed to monitor and manage critical habitat harvest limits as required under the biological opinion, particularly for the unobserved segment of the fishing fleet. For this reason, NMFS will pursue immediately the development of an expanded vessel monitoring system (VMS) and electronic shoreside logbook reports for implementation later in 2001. Both of these tools will be necessary to prepare for effective monitoring and enforcement of critical habitat harvest limits in 2002.

NMFS staff will be available at the Council's special January 11-13, 2001, meeting to respond to questions.

Sincerely,



James W. Balsiger
Administrator, Alaska Region

Attachment