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News & Notes

North Pacific Fishery Management Council

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Steller Sea Lions

The Council held a special meeting during the week of August 16-20, 2010 to review the draft Steller Sea Lion Biological Opinion. The Biological Opinion (BiOp) was released by NMFS on August 2, 2010, and concludes that the status quo BSAI and GOA groundfish fisheries jeopardize the continued existence of the endangered western Distinct Population Segment (DPS) of Steller sea lions and adversely modify designated critical habitat. In the BiOp, NMFS outlined a reasonable and prudent alternative (RPA) that would modify management of the groundfish fisheries to ensure that the fisheries do not result in jeopardy or adverse modification. Specifically, the draft RPA would close the Atka mackerel and Pacific cod fisheries in the Western Aleutian Islands (Area 543) and restrict the Atka mackerel and Pacific cod fisheries in the Central Aleutian Islands (Area 542). In addition to reviewing the BiOp, the Council, AP, and SSC also reviewed a draft EA/RIR that evaluates the environmental, social, and economic effects of alternative Steller sea lion mitigation measures for the Aleutian Island Atka mackerel and Pacific cod fisheries.

At the August meeting, the Council unanimously passed a motion recommending that NMFS consider another reasonable and prudent alternative (RPA) with less restrictive fishery closures in the Western and Central Aleutian Islands. The Council recommended a 2-year sunset provision for the mitigation measures. The measures could potentially be replaced with

another set of measures prior to the sunset date or could be renewed. The Council motion largely mirrored the AP motion, with several changes to the measures for the Pacific cod fishery.

The SSC focused on reviewing the scientific information in the BiOp and the analysis in the EA/RIR, and provided extensive comments to the Council. The Council motion noted several of the SSC's concerns with the BiOp, including the global scale of the RPA and several assumptions underlying the analysis, and recommended an independent scientific review of the BiOp. NMFS has indicated that an independent review by the Center for Independent Experts (CIE) will take place during the CIE's 2011 review cycle. In addition, the Council could potentially conduct a peer review process of its own.

NMFS is accepting public comments on the draft BiOp until September 3, 2010. NMFS will consider Council input and other public comments on the draft BiOp to determine whether changes can be made to the draft RPA consistent with the principles and objectives of the draft BiOp. NMFS will present the final RPA to the Council at its October 2010 meeting, as well as an updated analysis of fishery impacts associated with any revisions to the RPA. There will be no opportunity for the Council to make adjustments to the RPA in October. NMFS will implement the mitigation measures as a Secretary of Commerce action under section 305(d) of the Magnuson-Stevens Act. The final BiOp and rulemaking to implement the management measures in the final RPA is scheduled to be completed by January 2011.

In October, the Council will have preliminary discussions regarding the timing of the CIE (or other) review processes and the scheduling of potential Council development of alternative management measures during the next two years.

The primary differences between the draft RPA proposed by NMFS and the RPA recommended by the Council are summarized here, and the complete descriptions of the RPAs are attached.

Atka mackerel: The NMFS RPA closes Area 543 (Western Aleutians) to fishing for Atka mackerel. The Council RPA opens a portion of Area 543 outside critical habitat to Atka mackerel fishing, with the TAC set at 65% of the ABC. In Area 542 (Central Aleutians), the NMFS RPA allows fishing for Atka mackerel outside critical habitat only and sets the TAC at 47% of the ABC. The Council RPA increases the Area 542 Atka mackerel TAC to 65% of the ABC and allows fishing in some areas inside critical habitat.

Pacific cod: The NMFS RPA also closes Area 543 to fishing for Pacific cod, closes all critical habitat in Area 542 to trawling for Pacific cod, and closes critical habitat in Area 542 from 0-10 nm to fixed gear. The Council RPA allows Pacific cod trawling in a portion of Area 543, expands the locations open to Pacific cod trawling in Area 542, and reduces the fixed gear closure inside critical habitat in Area 542 to 0-4 nm. Under the Council RPA, no additional restrictions apply to vessels less than 60 ft in length using fixed gear. Staff contact is Jeannie Heltzel.

North Pacific Fishery Management Council motion -Steller Sea Lion Biological Opinion and EA/RIR

The Council recommends that NMFS consider the following as a Reasonable and Prudent Alternative (RPA).

RPA Alternative 4: SSL protection with sustainable fisheries and communities

Unless otherwise stated, the existing protection measures in 50 CFR 679 remain in place.

Atka mackerel

Remove existing 'platoon' system in areas 542 and 543

Area 543:

- No fishing inside critical habitat
- Fishing outside critical habitat east of 174 degrees – 30 minutes East longitude
- TAC not to exceed 65% of ABC
- A season Jan 20 to June 10, B season June 10 to Nov 1
- No more than 50% of TAC harvested in A or B season
- No rollover between A and B seasons

Area 542:

- No fishing inside critical habitat from 178 degrees – 0 minutes East longitude to 180 degrees – 0 minutes longitude.
- TAC not to exceed 65% of ABC
- Catch inside critical habitat (outside Trawl Exclusion Zones) not to exceed 50% of TAC
- A season Jan 20 to June 10, B season June 10 to Nov 1
- No more than 50% of TAC harvested in A or B season
- No rollover between A and B seasons

Area 541:

- Status quo, except A season January 20 to June 10, B season June 10 to November 1

Pacific cod trawl

Area 543:

- No cod trawling in critical habitat east of 174 degrees 30 minutes East longitude
- Cod trawling in critical habitat west of 174 degrees 30 minutes from 10 nm and out from February 15 to March 15
- Cod trawl harvest limited to no more than 2.5% of BS/AI ABC

Area 541 and Area 542 east of 178 degrees West Longitude:

- Trawl cod fishery is A Season only (January 20 to June 10)
- Trawl cod fishery inside critical habitat is only east of 178 degrees W to 541 management border
- No inside critical habitat cod fishing west of 178 degrees W to 177 degrees E
- Increase haulout closures to 10 nm for cod trawl between 170 degrees W to 174 W
- Status quo West of 174 W to 178 W

Pacific cod fixed gear

No additional restrictions on vessels under 60' using fixed gear

Area 543:

- Prohibit directed fishery for Pacific cod.

Areas- 542

- Cod fishery is limited to B season only (June 10 to November 1)
- Critical habitat open outside 3-4 nm-from rookeries and haulouts

Area 541/Bering Sea:

- No new 541 restrictions on fixed gear cod fishing

The Council strongly encourages NMFS to develop a research plan which considers the SSC recommendations to address data and information gaps regarding the decline of Steller sea lions in Area 543 and the slow Steller sea lion recovery in Areas 542 and 541, and to immediately initiate budget and funding discussions within the agency to support the research plan.

The Council notes SSC concerns and recommendations for the analysis including:

- stating as fact some conclusions that still have a great deal of uncertainty about them such as past conservation methods having a "positive impact on reducing the impacts of the fishery exploitation strategy on Steller sea lions";
- assumptions underlying the BiOp analysis including biomass projection methodology, biomass apportionment, and nutritional stress as the causal factor for low natality ;
- the global scale of the RPA relative to the current information base and conservation goal; and
- questions raised in the editorial comments of the SSC

and therefore recommends an independent review of the BiOp.

The Council recommends the agency include a 2-year sunset provision in their rule making. Further, the Council notes the SSC's concerns and recommendations regarding the EA/RIR, and requests strengthening and expanding the document.

NMFS RPA

In Area 543:

- Prohibit retention of Atka mackerel and Pacific cod.
- Establish a TAC for Atka mackerel sufficient to support the incidental discarded catch that may occur in other targeted groundfish fisheries (e.g., Pacific ocean perch).
- Eliminate the Atka mackerel platoon management system in the HLA.

In Area 542:

Groundfish

- Close waters from 0–3 nm around Kanaga Island/Ship Rock to directed fishing for groundfish by federally permitted vessels.

Pacific cod

- Close 0–10 nm zone of critical habitat to directed fishing by federally permitted vessels using nontrawl gear year round.
- Close critical habitat 10–20 nm to directed fishing for Pacific cod using nontrawl gear by federally permitted vessels January 1 through June 10.
- Close 0–20 nm zone of critical habitat year round to directed fishing by federally permitted vessels using trawl gear.
- Prohibit Pacific cod fishing November 1 through December 31 in Area 542. (This extends this trawl gear restriction to nontrawl gear.)

Atka mackerel

- Set TAC for Area 542 to no more than 47 percent of acceptable biological catch (ABC).
- Close 0–20 nm critical habitat to directed fishing by federally permitted vessels year round.
- Change the Atka mackerel seasons to January 20 through June 10 for the A season and June 10 through November 1 for the B season.
- Eliminate the Atka mackerel platoon management system in the HLA.

In Area 541 and the Bering Sea:

Pacific cod

- Close 0–10 nm of critical habitat to directed fishing for Pacific cod by all federally permitted vessels year round.
- Limit the amount of catch that can be taken in the 10–20 nm area of critical habitat based on gear type used:
- Close critical habitat 10–20 nm to directed fishing for Pacific cod using nontrawl gear by federally permitted vessels January 1 through June 10.
- Close critical habitat 10–20 nm to directed fishing by for Pacific cod using trawl gear by federally permitted vessels June 10 through November 1.
- Prohibit Pacific cod fishing November 1 through December 31 in Area 541. (This extends this trawl gear restriction to nontrawl gear.)

Atka mackerel

- Change the Bering Sea/Area 541 Atka mackerel seasons to January 20 through June 10 for the A season and June 10 through November 1 for the B season.



U.S Senator Lisa Murkowski and Governor of Alaska Sean Parnell addressed the Council Thursday afternoon during the meeting.