

MEMORANDUM

TO: Council and Board Members

FROM: Clarence G. Pautzke
Executive Director



DATE: February 1, 2000

SUBJECT: Steller Sea Lions

In December 1999, NMFS staff provided the Council with an update on the status of litigation on two claims pertaining to the Endangered Species Act and the potential effects of groundfish fisheries on Steller sea lions. First, Plaintiffs and Defendant-Interveners are challenging the merits of the Revised Final Reasonable and Prudent Alternatives (RFRPAs) issued by NMFS. Briefing is underway for these challenges, but a complete schedule has not yet been established for resolution of this issue. In addition, the Court requested that the parties consider mediation of these matters.

In the second claim, the Plaintiffs challenged the "no jeopardy" finding of the Biological Opinion on 1999 TAC specifications (referred to by the court as BiOp2). On January 25, 2000, Judge Zilly denied NMFS's motion to dismiss the claim, or in the alternative, for a temporary stay of litigation pending completion and issuance of a comprehensive groundfish consultation. The Judge granted the plaintiffs' motion for summary judgment.

The joint Board/Council committee requested NOAA General Counsel to give the full Board and Council a status report on litigation of the Steller sea lion issue.