

Alaska Marine Conservation Council
PO Box 101145
Anchorage, AK 99510-1145

January 12, 2000

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

Re: Steller Sealion Protection Measures

Dear Mr. Benton,

The Alaska Marine Conservation Council (AMCC) has testified and written to the North Pacific Fishery Management Council in the past year about the vital importance of recognizing the differences in impacts on marine habitat, bycatch, and rate and level of biomass removal of different fishing gears and methods. These differences should be qualified, quantified, and incorporated into the design of Steller sea lion conservation measures.

These differences were acknowledged by NMFS in the Biological Opinion:

"The various gear types used in these fisheries (trawl, pot, hook and line, and jig) have differential effects on the environment. ... In terms of effects on ESA-listed species, the slower and more dispersed nature of the hook and line and pot fisheries make localized depletion less likely than would be possible with trawl gear." (page 215, BiOp November 30, 2000)

Yet, neither the RPAs in the BiOp nor the proposed emergency rules for 2001 before us now reflect these differences. One example of the outcome of this oversight is a *de facto* cod and pollock allocation to the flatfish trawl fleet in the "red zones" as bycatch, at the expense of the fixed gear coastal fleet.

The Council emphasized the importance of differential gear impact analysis, by prompting NMFS in its September motion regarding Pacific cod fisheries. The Council called for analysis of specific scenarios that recognized differences in gear impacts on prey species within critical habitat. As far as we can tell, that analysis has not been done.

AMCC remains extremely concerned that the "reasonable and prudent alternative" (RPA) for Steller sea lion conservation still does not recognized gear differences. This broad brush approach is disproportionately impacting Alaska's coastal community fleets, specifically the smaller boats and more selective gears. AMCC regards the

gear-specific impact analysis and subsequent incorporation into management measures as a crucial step in the design of an RPA that meets both Steller sea lion conservation goals, addresses research objectives and better accommodates Alaska's coastal fishing communities.

Here are some examples of elements of an RPA design which reflect differential gear impacts in a manner that minimizes impacts on the prey field, while allowing an appropriate level of fishing.

- Establish weekly delivery limits for all vessels operating in critical habitat. This will slow down the rate of harvest. An additional benefit is that if appropriate harvest level is set, this approach could level the playing field for gear types fishing in critical habitat.
- Establish zones within critical habitat which allow lowest impact fisheries to harvest closer to shore, and those gears with higher rates and volume of extraction or likelihood to impact the integrity of the prey field to harvest further from shore.
- Establish a total allowable catch level and harvest rate for the "red zones", and allow fisheries which meet the BiOp temporal and spatial dispersal to criteria and the research objectives on fish removals fish in those areas.

General Principles for RPA Development

In response to the outline of the proposed January 20, 2001 final rule presented in Dr. Jim Balsiger's January 9, 2001 letter to you, AMCC offers these general principles for development of all RPAs, both in the immediate and in the long term. We would like to offer more specific comments on the proposed rule, and will do so when we have an opportunity to see it in print.

First, AMCC strongly supports efforts to maintain the integrity of the Steller sea lion prey field to encourage and support their recovery. We recommend this goal as the basis for management actions within critical habitat. Secondly, we were pleased to learn that the Magnuson-Stevens Fishery Conservation and Management Act is one of the three driving statutes in formulating the proposed rules. **AMCC recommends the RPAs adhere to Magnuson-Stevens Act requirements to minimize bycatch and protect habitat. The RPAs should be designed to ensure that there is no net increase in fish, shellfish, seabird or marine mammal bycatch, and no net increase in seafloor habitat impacts geographically.**

Third, AMCC strongly advocates use of the global control rule as a precautionary measure to further stabilize Steller sea lion prey fields. Additionally, the GCR guards against further impacting prey for other sensitive or recovering species (such as red-

legged kittiwakes, short-tailed albatross, fur seals, harbor seals and the great whales).

The BiOp states "*the effect of using the global control rule is increased likelihood that the stock is maintained at or above the target stock size by reducing the exploitation rate at low stock sizes, thereby ensuring a more stable source of available prey for Steller sea lions.*" (page 291, BiOp November 30, 2000). We feel that implementing the FULL global control rule is imperative for sustaining the pollock, cod and atka mackarel fisheries off of Alaska's shores.

Again, we have not yet seen the proposed emergency rule in print, and therefore can not endorse the measures it contains. We hope that our general comments regarding the RPAs are useful. Finally, we will provide more comments to the Council on the 2001 and future rules, as well as our perspective on sea lion research priorities during the February Council meeting.

Sincerely,



Karen Wood-DiBari
AMCC Program Director

cc. Governor Tony Knowles, State of Alaska
Sue Salveson, Director, Sustainable Fisheries, NMFS
Dr. Mike Payne, Director, Protected Resources, NMFS