


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver 
Executive Director

DATE: August 13, 2010

SUBJECT: Steller Sea Lions

ESTIMATED TIME 16 HOURS

ACTION REQUIRED

Receive draft Steller Sea Lion Biological Opinion and EA/RIR and take action as necessary.

BACKGROUND

NMFS has prepared a draft Steller Sea Lion Biological Opinion that contains the Agency's conclusions regarding the effects of the BSAI and GOA groundfish fisheries on Steller sea lions. The Biological Opinion (BiOp) concludes that the status quo groundfish fisheries jeopardize the continued existence of the endangered western Distinct Population Segment (DPS) of Steller sea lions and adversely modify its designated critical habitat. NMFS has 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. The RPA would revise management of the Atka mackerel and Pacific cod fisheries in the Western and Central Aleutian Islands management areas. The Executive Summary of the BiOp, which includes a description of the RPA, is attached as Item C-1(a). NMFS released the draft BiOp for public review on August 2, 2010 and is accepting public comments until August 27, 2010.

NMFS has also prepared an initial review draft EA/RIR that evaluates the environmental, social, and economic effects of alternative Steller sea lion protection measures for the Aleutian Island Atka mackerel and Pacific cod fisheries. The Executive Summary of the EA/RIR is attached.

At this meeting, the Council, AP, and SSC are scheduled to review the draft BiOp and EA/RIR. 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 further adjustments to the RPA at the October meeting. If the Council does not recommend or adopt the final RPA in October, NMFS intends to pursue the implementation of these 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.

At the August meeting, the SSC will focus on reviewing the scientific information in the BiOp and the analysis in the EA/RIR, and will provide comments to the Council. The SSC's comments could help feed into the Council's discussion of the issues and questions to be addressed in an independent scientific review. NMFS has indicated that an independent scientific 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.



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668.*

AGENDA C-1(a)
AUGUST 2010

August 13, 2010

Eric Olson, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Mr. Olson:

We have participated in several discussions to clarify the process for completing the ongoing formal section 7 consultation on impacts of the Alaska groundfish fisheries on endangered Steller sea lions under the Endangered Species Act. This letter summarizes NOAA Fisheries' perspective on that process and the respective roles of the agency, the North Pacific Fishery Management Council (Council), and the public.

On August 3, 2010, NOAA Fisheries released the draft biological opinion (draft BiOp) on the impacts of the Federal groundfish fisheries and the State of Alaska parallel groundfish fisheries on species listed under the Endangered Species Act, with focus on the endangered western distinct population segment of Steller sea lion. The agency is accepting public comment on the draft BiOp, including the draft reasonable and prudent alternative (RPA), through August 27. During this public review period, NOAA Fisheries anticipates that the Council will provide comments on the draft BiOp and recommendations on potential modifications to the RPA at its August 16-19, 2010 meeting.

The agency will consider Council input, as well as other public comments received on the draft BiOp, to determine whether changes to the draft RPA can be made consistent with the principles and objectives of the draft BiOp. NOAA Fisheries intends to present the final RPA to the Council at its October 2010 meeting. In October, we also intend to include with the RPA presentation the basis for any modification to the draft RPA under the Endangered Species Act, as well as an updated analysis of fishery impacts associated with any revision to the RPA. If the Council does not recommend or adopt the agency's RPA in October, NOAA Fisheries intends to pursue the implementation of these mitigation measures as a Secretary of Commerce action under section 305(d) of the Magnuson-Stevens Act. The final BiOp and rulemaking to implement necessary mitigation measures set forth in the RPA is scheduled to be completed by January 2011.

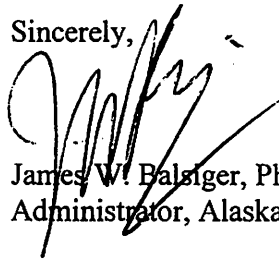
We plan to summarize and address comments received on the draft BiOp through August 27, 2010, in a separate document that likely will be appended to the final BiOp. The final BiOp will be scheduled for peer review by the Center for Independent Experts (CIE) as soon as is practicable in 2011. Following completion of this review, NOAA Fisheries will



determine how best to proceed in light of the CIE's recommendations. Possible outcomes include reinitiation of formal consultation if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered.

I will be happy to discuss this process with you and the Council next week and respond to any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'James W. Balsiger', written over the typed name below.

James W. Balsiger, Ph.D.
Administrator, Alaska Region