

**North Pacific Fishery Management Council
Steller Sea Lion Mitigation Committee
April 26, 2004 Meeting**

Minutes

The Steller Sea Lion Mitigation Committee (SSLMC) convened April 26, 2004 at the Alaska Fisheries Science Center in Seattle. Some members of the Committee and the public tied in to this meeting via telephone. Chairman Larry Cotter reviewed the agenda (attached). Bill Wilson reviewed the Council's charge to this committee: review SSL¹ protection measures in the Aleutian Islands region to determine whether changes can be made in SSL protection measures to allow small pollock trawlers to operate more safely and efficiently. Wilson noted that the Council explicitly does not want to take any action that would result in reinitiation of formal Endangered Species Act Section 7 consultation.

Members attending this meeting were: Chairman Larry Cotter and members Dave Benson, Julie Bonney, Shane Capron, Tony DeGange, Doug DeMaster, John Gauvin, Terry Leitzell, Chuck McCallum, Matt Moir, Farron Wallace, and John Winther. Bill Wilson attended as NPFMC staff. Brandee Gerke attended from NMFS Protected Resources Division.

SSL Research Update

Doug DeMaster reviewed the status of several research projects under way that focus on fishery interactions with SSLs.

1. 2004 is a normal SSL count year. The Southwest Fisheries Science Center, National Marine Mammal Laboratory (NMML), and ADF&G will use a new photogrammetric technique for counting pup and non-pup SSLs in June and July 2004. Large format cameras will take vertical, high resolution photos of rookeries and haulouts, and animal counts will be made from these photos. In the past, oblique photos were used; scientists believe they possess adequate data to calibrate the photogrammetric count method so that these counts can be directly compared with past counts made using oblique photography.
2. Killer whale surveys will occur in several regions of Alaska in 2004. The Alaska Sea Life Center and the North Pacific Universities Marine Mammal Research Consortium both have killer whale projects under way for 2004. The NMML will conduct killer whale surveys in the western Alaska Peninsula and eastern AI region, focusing on photo identification and collection of biopsy samples for genetic studies and to determine transient or resident ecotype. The Alaska Fisheries Development Foundation will deploy remote cameras at some SSL rookeries to document SSL reactions to killer whale presence. John Winter reported that AFDF plans to deploy hydrophones on one of his vessels to collect acoustic information on killer whale vocalization during their depredation of longline catch.
3. The NMFS fishery interaction studies have experienced large budget cuts, although the AFSC plans to continue in 2004, at a reduced level, the Pacific cod studies in the AI region, the pollock studies near Kodiak, and the Atka mackerel studies in the Aleutians. During August and early September, the AFSC will survey distribution of pollock before and after a fishing event in Barnabas Trough and in an unfished control site in Chiniak Trough. The Pacific cod study will continue in 2004 (March/April, September) and 2005 (January and March/April) to examine relative change in cod CPUE (measured by pot fishing off a chartered research vessel) before and after fishing in sites where commercial trawling was prohibited (control) and allowed (impacted). The Atka mackerel study will occur in the Seguam Pass, Amchitka Island, and Tanaga Pass areas where previously-tagged Atka mackerel will be recovered to help identify their abundance, distribution, and movement patterns with respect to SSL trawl exclusion zones.

¹ The Steller sea lion Distinct Population Segment (DPS) discussed in these minutes is the western DPS unless otherwise noted.

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Status of Council's EA/RIR on Aleut Corporation Pollock Fishery

Wilson provided an update on the alternatives being analyzed in the EA for a proposed Fishery Management Plan amendment that provides for a directed Aleutian Islands pollock fishery by the Aleut Corporation. The Council made some changes in the alternatives during their April meeting. These changes include two additional methods for determining allocation size, one additional alternative for "funding" the allocation, and an additional alternative for providing an economic report on the fishery. The Council also added a sixth decision element with two alternatives that address whether or not Chinook salmon bycatch in the AI pollock fishery would count against the BSAI pollock fishery Chinook salmon bycatch cap and savings areas. Wilson also noted some modifications made by the EA team, based on NOAA Enforcement and US Coast Guard input, to one of the fishery monitoring alternatives. The revised decision elements and alternatives are attached.

Proposed Changes to SSL Protection Measures in the Adak Area

Proposal Presentation: Terry Leitzell, on behalf of the Aleut Corporation and Icicle Seafoods, Inc. (the Aleut Corporation's partner and designated agent for the proposed AI pollock fishery), presented a draft proposal for changes in the pollock and Pacific cod closed areas in the Adak area (see attached). Leitzell reported that his group considered two main criteria in developing this proposal: 1) to increase fishing opportunity close to Adak for improved safety for small vessels and to enhance good product quality, and 2) to provide fishing opportunity in an area where historic pollock catches were high. Leitzell acknowledged assistance provided by Dave Fraser who has fishing experience in the area.

Leitzell proposes that the Council approve opening two areas for directed pollock fishing by AFA-qualified vessels <125 feet LOA and /or <60 foot LOA vessels during the A season. To offset the amount of area to be opened, the proposal includes a complementary closure of another area to Pacific cod fishing. Details of the proposal are included in the attached materials. To summarize:

1. Two new open areas:

- a) Reduce the size of the pollock fishery closures in Kanaga Sound. This will involve reducing the size of closed areas around three SSL haulouts to 3 n mi (Kanaga/North Cape, Kanaga/Ship Rock, and Bobrof Island), and opening an area within the 20 n mi closure around the Adak/Lake Point-Cape Yakak rookery.
- b) Reduce the pollock closure at the Atka/North Cape SSL haulout from 20 n mi to 3 n mi.

2. One new closure:

Enlarge the Pacific cod trawl fishery closure at the Atka/North Cape SSL haulout from 3 to 10 n mi.

Leitzell noted that the proposal recognizes the potential impacts of the new open areas and the new closed area on SSLs. The proposal considered SSL diet data, SSL pup and non-pup counts in the area and in the region, and data on SSL prey fields (specifically information on the stock status for Atka mackerel, Pacific cod, and pollock).

The SSLMC discussed various elements of the proposal including the anticipated number of vessels likely to participate, how the proposed new open areas might be affected if a Habitat Area of Particular Concern is designated in the area, how the proposal might affect cod fishing in the area proposed for closure, and the proposed restrictions on size of vessels allowed to participate in terms of pollock removal rates. The Committee also discussed whether this proposal might trigger a formal ESA Section 7 consultation.

NMFS Initial Review: Shane Capron provided some information relevant to considering this proposal and its potential effects on SSLs (see attached). Capron indicated the proposal contained a good presentation of the

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suggested changes and a good review of data to support the proposal. Capron noted that NMFS, Division of Protected Resources, has only been able to provide a general review of the proposal. A more thorough review by PR is necessary to provide a conclusion on the potential effects of this proposal on SSLs.

Capron noted that the western SSL DPS continues to decline in parts of its range, particularly in the western Aleutian Islands area. The decline seems to be occurring in a gradient, with the rate of decline increasing from east to west. Capron reviewed available SSL diet data, noting that geographic and seasonal diet composition is still not well understood and the data are inconclusive. But it appears that in some areas, pollock are important, and in some other areas pollock occur with lower frequency in SSL diets. For example, scat sampling indicate pollock occur at around 1.6% in SSL diets in the central AI, but at 62% in the eastern AI area. Capron suggested that one interpretation for the reduced decline in the eastern AI is the higher prevalence of pollock in the diet of SSLs in this region. (Note: the data reported in the Leitzell proposal, cited from Sinclair and Zeppelin 2002, are for the period 1990-1998.)

New SSL diet data not previously published were provided in Table 4 of Capron's handout. Data from SSL scat samples are provided for Adak, Amlia, and Kasatochi. Pollock occur at a higher frequency in SSLs from Adak and Amlia Islands. Capron also noted the uncertainty in pollock stock composition in the Aleutian Islands, and referenced the review of the AI pollock stock as contained in the Council's AI pollock fishery EA. Pollock stock assessment biologists may suggest a break at 174 degrees W and define available harvest biomass in two areas, east and west of 174 degrees. Both of the proposed new open areas are west of 174 and may be affected by any changes the Plan Team might recommend regarding the pollock stock structure in the AI area. Capron also noted that both proposed open areas are essentially the same high harvest areas considered in the previous Biological Opinion and closure of these and other areas was part of the process in developing the current SSL protection measures.

Capron concluded that PR would require more time to give a thoughtful response to this proposal. Discussions could continue on an informal basis to further explore available data on SSL diet and potential impacts of prey removals in the AI region, and perhaps fine tune or revise this proposal such that it ultimately would not result in a jeopardy or adverse modification finding. The Committee should further explore some of the data that suggest a change in prey composition around the Adak area; west of Adak, SSLs tend to have a higher proportion of Atka mackerel and less pollock in their diets, while east of Adak pollock are more prominent and Atka mackerel less; to what extent might this be related to SSL population trends in smaller subareas of the wSSL DPS? More data are needed to explore these kinds of relationships, and more time is required for discussions between the SSLMC, NMFS, and PR. Capron recommended discussions continue along this path on an informal basis and see what might evolve from this process.

Capron also noted that the 6-year closure of the Aleutian Islands to pollock fishing (1999 – 2004) has set up an experiment along the lines of the experimental approach suggested by the National Research council's recommendations. This closure has established part of an experiment from which data might be evaluated to test hypotheses about fishing effects on SSLs. To what degree has the AI pollock stock biomass changed over this time period? How might any changes in prey fields have affected SSLs during this time period? Since SSL scat samples are available for both prior to and during this closure, we have an opportunity to explore possible effects of a large closure on the pollock stock and SSL diet. Capron suggested we take advantage of this to further the scientific understanding of potential fishery effects on SSL populations.

The SSLMC also suggested looking at this issue with some alternative openings/closures that might provide the same or similar benefit to small pollock trawlers yet not impact P cod fisheries. The Committee also suggested evaluating historic pollock CPUE data for an indication of total removals per unit of time; is the removal rate in a specific geographic area an issue RE: SSL recovery? Capron noted that removal volumes is a concern, and that some CPUE data sets are spotty and may not lend insights; however, further exploration of such issues will be necessary. John Gauvin noted that the historic AI fishery was somewhat opportunistic in nature, and a directed fishery as contemplated for the future might be prosecuted differently.

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Conclusion: The SSLMC proposes to continue informal consultations with NMFS PR to explore the Aleut Corporation proposal and possible alternative actions that might provide the desired benefit (increased pollock trawling opportunity near Adak) and yet minimize impacts on SSLs and remain under the jeopardy bar. This will likely be an iterative process involving a give and take process of sharing data and exploring options. NMFS PR recommends continuing in this fashion. The SSLMC will likely meet at least once over the next several months, after NMFS has the opportunity to complete their technical review. The SSLMC will report the results of the informal consultations on this proposal to the Council at their October 2004 meeting. The SSLMC will not suggest any action that would trigger reinitiation of formal ESA Section 7 consultation on SSL protection measures.

Analytical Tools

Cotter recounted the need for some kind of tool or analytical model that would help the SSLMC evaluate the effects of a proposed action on SSLs. The SSLMC had requested that NMFS develop such a tool, if possible, during their June 2003 meeting; at that meeting NMFS reported that the BUMP model would not be acceptable to the SSC and that another approach would be necessary.

Doug DeMaster reported that NMFS has been working on another “tool” that the SSLMC and NMFS might use to evaluate proposed changes in fishing practices that might affect SSLs. DeMaster provided the Committee with some conceptual information on two different models (see attached). Model 1 consists of the following elements:

- 1) Western SSL rookery trend counts for 1991-2000 and 1991-2002 to characterize three main patterns of trajectories
- 2) Assumes that one of 5 possible population trajectories will apply to a given rookery through 2006 absent a change in fishing practices
- 3) Allows for the trajectory of a given rookery to change (improve or worsen) depending on the change in fishing practices
- 4) Evaluates the overall impact of fishing practice changes by a) comparing the estimated SSL population size in 2006 assuming no change in fishing practices to b) the estimated population size in 2006 under a set of new fishing practices.

Model 2 consists of the following elements:

- 1) Considers the most recent SSL survey data from haulouts and rookeries
- 2) Assigns to each rookery or haulout a determination as to whether the animals are present or absent in the breeding season and outside the breeding season
- 3) Identifies classes of fishing practices, and assigns a relative weight to each in terms of potential impacts on SSLs based on average prey removal rates
- 4) Evaluates overall impact as the sum of all the changes that would lessen SSL protection measures minus the sum of all changes that would increase SSL protection measures. This is done by multiplying the number of SSLs potentially impacted in a given season by the relative weight assigned to a class of fishing practice change (changes that worsen protection are positive, changes that lessen protection are negative).

The SSLMC noted that both model approaches involve summing of numerical scores and indexing fishing practices, SSL count trends, etc. and suggested that the models be discussed with the SSC at their June 2004 meeting. If the SSC believes either or both models have merit in evaluating potential changes in SSL protection measures, they be further developed and brought back to the SSC and Council at their October meeting and then used by the SSLMC in future evaluations. The SSLMC noted that it is important to develop a tool for evaluating various proposals for SSL protection measure changes such that alternatives may be evaluated so that no net loss can be clearly measured. The Committee is very supportive of the NMFS model approaches discussed at this meeting and urge the SSC and Council to support their further development.