

**North Pacific Fishery Management Council  
Steller Sea Lion Mitigation Committee Meeting  
March 10-12, 2008  
Hawthorne Suites, Anchorage**

**Minutes**

The Steller Sea Lion Mitigation Committee (SSLMC) convened in Anchorage at the Hawthorne Suites Hotel on March 10-12, 2008. Committee members present were: Larry Cotter (Chairman), Jerry Bongen, Julie Bonney, John Gauvin, John Henderschedt, Dan Hennen, Sue Hills, Frank Kelty, Earl Krygier (replaces Ed Dersham), Terry Leitzell, Dave Little, Steve MacLean, Stephanie Madsen, Max Malavansky Jr, Art Nelson, and Beth Stewart. Also present were Bill Wilson and Chris Oliver (Council staff); Dr. Doug DeMaster (NMFS AFSC); Kaja Brix, Lisa Rotterman, Kristin Mabry, Sue Salveson, and Melanie Brown (NMFS AK Region staff); Mel Morris and John Jensen (Chairman and Vice Chairman, respectively, Alaska Board of Fisheries); John Lepore (NOAA General Counsel AKR); and several members of the public.

Bill Wilson reviewed the agenda (attached), the work schedule for the coming several days, and the handout materials provided to each committee member. The minutes of the SSLMC's January 6-8, 2008 meeting were reviewed and approved.

At their January 2008 meeting, the SSLMC requested that the Council be alerted to upcoming reports from the SSLMC on SSL issues. The SSLMC intends to review the final Revised SSL Recovery Plan in March 2008 and based on that recovery plan prepare some initial/preliminary recommendations for changes in SSL protection measures. Those preliminary recommendations would be provided to the Council at the Council's April 2008 meeting. Then at a May 2008 meeting, the SSLMC would receive the draft status quo BiOp, and in light of this BiOp finalize its recommendations to the Council; those recommendations would be presented to the Council at its June 2008 meeting. Mr. Wilson noted that the Council was given this information at their February 2008 meeting, and has placed on their April and June agendas these SSL issues.

In January, the SSLMC also approved allowing the proponents of proposals 8 and 16 to ask the Council to fast track an analysis of these proposals given their potential positive effects on fishery management and minimal effects on SSLs. [Note: Proposal 8 is identified as Proposal 33/7/24 in the current suite of proposals under SSLMC consideration.] The proponents presented these proposals to the Council in February, and the Council requested that NMFS review the proposals to determine the work involved and potential time savings if they were fast tracked through an analysis and potential rulemaking. NMFS has reviewed these two proposals, and has written a letter to the Council with their recommendations. John Gauvin emailed that letter to all SSLMC members. NMFS has also discussed the proposals and the work involved in their analysis with the proponents, indicating that the analysis of these proposals could require a large effort, and the overall fast track process would likely not save appreciable time over the ongoing SSLMC process. NMFS also indicated some potential implementation concerns with proposal 8. Mr. Gauvin

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expanded on this discussion, noting that the SSLMC may be able to develop alternatives that could overcome these concerns. Similarly, Julie Bonney noted that proposal 16 has benefits to fishery management, and more discussion with NMFS is needed to identify potential management issues so that proponents could suggest alternatives. Mr. Cotter requested that Melanie Brown discuss management issues with all proposals with NMFS, and bring to the May SSLMC meeting additional information on implementation of these and the other proposals, to the extent the Agency has time to do so.

Mr. Cotter stated that the goals of this SSLMC meeting are to receive a presentation from NMFS on the final Revised SSL Recovery Plan, understand the recovery plan and what flexibility the Committee may have in recommending changes, and with that background to work through proposals to develop an initial or preliminary set of recommendations for Council review. The EIS schedule calls for a preliminary package by the April 2008 Council meeting and a final package by June 2008. This SSLMC meeting also provides a forum for public review of the newly-released final SSL recovery plan.

Beth Stewart congratulated NMFS for completing the final recovery plan on schedule. The SSLMC concurred.

#### Final Revised SSL Recovery Plan

Kaja Brix and Dr. Lisa Rotterman presented an overview of the final SSL recovery plan. Dr. Rotterman is NMFS' new SSL coordinator, and has assumed responsibilities for SSL management issues for the Agency. Dr. Rotterman presented the final recovery plan to the SSLMC in four general categories: acknowledgements, rationale for plan development, plan history and process, and plan content.

#### Acknowledgements

The plan recognizes the many individuals and groups responsible for its development, including particularly the SSL Recovery Team. Other inputs and comments on the plan that facilitated its preparation were provided by various stakeholders, particularly the commercial fishing industry, several peer reviewers, the Marine Mammal Commission, the State of Alaska, and the NPFMC.

#### Rationale

Dr. Rotterman summarized the background and rationale for developing the plan (ESA mandates), noting that a recovery plan must contain management actions necessary for recovery of a listed species, recovery criteria, and the time and cost to achieve recovery. The SSLMC discussed how new interpretations of adverse modification of critical habitat relate to recovery. Dr. Rotterman pointed out that recovery does not necessarily require restoring the SSL population to historic levels. Dr. Rotterman also noted that this final plan has been reformatted to facilitate updating, in that sections can be updated as new scientific information is available without opening up the entire plan. And, while this recovery plan is scheduled for review in five years, it may be unlikely that the Agency will convene

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another recovery team in the near future; NMFS does not envision major revisions to the plan in five years, but would conduct a review and update it. The format of this final plan will facilitate updating to aid SSL management without the complex and lengthy process involving appointment of a recovery team and revision of the entire plan.

### Plan History and Process

After the SSL was listed under the ESA, the process for recovering this species started with development of the first recovery plan published in 1992. With the separation of the SSL into two stocks or Distinct Population Segments (DPS) in 1997, a new recovery team was convened (in 2001) to address recovery of both DPSs. A first draft of a revised recovery plan was produced by the Team and released by the Agency in 2006, and a second draft in 2007. This final recovery plan (March 2008) is a revision of the original 1992 plan and the culmination of many years' effort.

### Plan Content

Dr. Rotterman noted that the final recovery plan is similar in content to the May 2007 version with some updates in SSL counts and trends, considerable editing and updating of narratives, and various changes made in response to comments received. The overall conclusion of NMFS is that the western DPS shows regional differences in abundance trends with some subareas increasing and some subareas decreasing, but the overall trend for the wDPS is stable or slightly decreasing.

### Highlights of Changes from the May 2007 Draft

Dr. Rotterman identified the main changes made to the plan based on comments received from the public, peer reviewers, and agencies. The plan narrative has changed in tone and content, and the plan now contains updated information on SSL birth and survival rates, clarification of the terms "Asian" and "Russian" subareas, and a revised discussion of nutritional stress. The threats assessment and conservation measures are largely unchanged. In the section on factors affecting the wDPS, NMFS has expanded the discussion of killer whale predation, expanded the discussion of the megafaunal collapse hypothesis, modified the nutritional stress section, and added a discussion of the Fishery Interaction Team studies. The main change in the plan is moving the killer whale threat from medium to potentially high, largely in response to public comment. All other threats classifications remain as in the May 2007 draft.

The recovery goals section is largely unchanged, and the Agency highlights these important recovery goals: continue population monitoring, maintain the current (or equivalent) fishery mitigation measures, evaluate the efficacy of these conservation measures through an adaptive management program, and develop a recovery implementation plan.

The downlisting/delisting criteria section also is largely unchanged. The PVA section remains an appendix. The SSLMC discussed how recovery criteria must meet the five listing criteria (from the ESA). The final plan still references a need to consider the

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Russia/Asia SSL subarea in the recovery of the overall wDPS. The SSLMC remains concerned over inclusion of this subarea in the recovery criteria since management actions (or inactions) in Russia, over which the U.S. may have little control, may affect SSL management in Alaska. The criterion referencing performance of SSLs in two adjacent subareas remains in the plan.

The Committee also discussed the definition of “significantly” as the term is used in specifying recovery criteria requiring SSL performance over the specified time periods. The Committee noted the difficulty in acquiring annual SSL counts throughout the SSL range, and how this may affect monitoring the population and measuring the attainment of significant increases – and ultimately a recovery determination.

The recovery action implementation section is largely unchanged from the May 2007 draft, and no major changes were made in the recovery plan sections for the eastern DPS. The plan does recommend a status review of the eDPS and possible delisting.

Dr. Rotterman summarized some of the peer reviewers’ comments (from the CIE and NPRB reviews), noting most were favorable. Dr. Rotterman also highlighted several of the comments received from the public on the May 2007 draft and the Agency’s responses. Some commented on whether NMFS will continue to consider the zonal approach to fishery mitigation as an important component of future SSL protection measures; Dr. Rotterman indicated this will be discussed in the upcoming status quo BiOp. Dr. Rotterman explained the Agency’s views of killer whale predation as a threat to SSL recovery and the justification for changing this threat from medium to potentially high. She noted that the final recovery plan includes discussion of the Fishery Interaction Team research findings. A question was posed about legal coverage for authorized take in certain State fisheries if an incidental take of SSLs occurs in these fisheries; Ms. Brix noted that there is no Incidental Take Statement (ITS) for State water fisheries nor for State salmon and herring fisheries.

The SSLMC discussed the issue of adverse modification and how the final recovery criteria relate to the current Agency interpretation of past court decisions. John Lepore stated that adverse mod involves both survival and recovery of a listed species, and the Agency is required to consider adverse mod in developing recovery criteria. Terry Leitzell also noted that since this final recovery plan is a review of the latest science, adverse mod is now evaluated in the plan based on recent litigation and addresses the conservation of SSLs. To satisfy the current adverse mod standard, the analysis in this final plan includes critical habitat and in that light how current fisheries may affect recovery. Adverse mod of designated Critical Habitat will be covered in the upcoming BiOp.

Mr. Cotter posed another question: given the SSL population is determined to be stable or declining, as stated in the final recovery plan, how can NMFS conclude that SSLs can recover under the current suite of SSL protection measures? Dr. Rotterman stated that this will be discussed in the BiOp. The Committee extensively discussed the recovery plan statement that continuing the current protection measures, or their “equivalent”, is required to allow recovery. The Committee questioned whether the term “equivalent measures”

may provide some room to develop alternative mitigation measures. To what extent was this a policy call on the part of NMFS? And are the current fishery management measures sufficient for recovery? John Lepore noted that the conclusions in this final recovery plan are partly based on the last BiOp, and jeopardy and adverse mod under the current management measures will be addressed in the upcoming status quo BiOp. The SSLMC will need that BiOp to determine what changes in protection measures may be feasible.

The SSLMC also discussed the process that follows publication of the final recovery plan. The SSLMC understood that the final recovery plan would be a guide to where the SSLMC can go in developing new management measures, but yet there seems to be little "room" for change given the specific statement in the plan that requires continuation of current or equivalent management measures. Lengthy discussion concluded that the draft status quo BiOp will need to be consulted; this BiOp will be a significant document that may provide insights and answers to some of the Committee's concerns.

The Committee also observed that this final recovery plan does not include updated and recent data on SSLs and recent fishery management changes; Dr. Rotterman noted that the BiOp would contain the most recent data.

Later in the meeting the SSLMC developed a statement of concerns with the final recovery plan. The SSLMC asked that the Chairman bring these concerns to the Council at its April 2008 meeting. Since the Council will be given a briefing on the final recovery plan, the SSLMC suggested that some of its concerns with the plan may assist the Council in its review. This summary statement is as follows.

#### Committee Summary Statement to the Council on the Final Revised SSL Recovery Plan

The SSLMC is generally concerned that the final Revised SSL Recovery Plan is little changed from the May 2007 draft. While some improvements have been made, some members of the SSLMC are concerned with certain recovery criteria remaining in the recovery plan that have questionable merit and may be unattainable. These are discussed below. The SSLMC is also concerned that there is no clear direction or guidance in the final recovery plan as to what NMFS intends to do at the 5 yr review of this recovery plan. Can some of the issues identified by the SSLMC be addressed in a 5-year review? As reported to the SSLMC, NMFS does not envision appointing new recovery team or a major rewrite, but rather envisions only small revisions at the 5-year review. The SSLMC is concerned that there may not be an opportunity for making changes to the final recovery plan any time soon.

The SSLMC recommends the following to the Council:

- (1) That the Council request the NMFS permitting section to again allow permits for handling and tagging or branding adult female SSLs. Though the prohibition against allowing such permits to handle adult female SSLs is scheduled to sunset in 2009, it should sunset sooner - this year if possible. If the sunset can not be in place this year, the prohibition surely should not be reinstated or extended after the 2009

- sunset. Scientists can only understand many of the proposed natality and population health issues by having these permits available to study reproducing female SSLs.
- (2) That the Council express concern to NMFS that including the Russian SSL subarea as an element in the Recovery Criteria was an agency policy decision that could have been made differently. While it is expected and required that NMFS consider the Russian segment of the wDPS under the five listing factors of the ESA, it was a discretionary choice for NMFS to adopt Russia as one of the seven sub areas needed to determine if rebuilding has occurred. It is particularly troubling since: (a) the Russian segment has shown no rebuilding; (b) there is no international agreement with Russia that they will protect these SSL stocks (particularly from bycatch mortality occurring in their herring fisheries); and (c) formulation of such an international protection agreement was the only uncompleted Recovery Action from the 1992 1<sup>st</sup> Recovery Plan. While this is a Final Recovery Plan document, there needs to be a strong commitment by NMFS to update this document at the 5-year review, where they could reconsider this policy decision.
  - (3) That the Council express concern to NMFS that adopting a specific wSSL population increase rate and target population size for delisting was another agency policy decision that could have been made differently. In the recovery plan, NMFS has made a discretionary choice to adopt a 3% rate of increase over 30 years and a target of 103,000 animals as a metric to determine if delisting the wSSL can occur. NMFS did not need to be this draconian; the Agency could have adopted the same metric as in down-listing (that there would be a statistically significant increase in the SSL population over a 15 year period). The justification for the 3% metric was discussed, but some members of the SSLMC believe this justification is predicated on very conservative assumptions in the PVA model used by the recovery team and assumes that carrying capacity has not limited the population trajectory. The SSLMC also noted that the Alaska Sea Life Center has funded Russian SSL counts for the last several years, but this funding will not likely continue into the future, potentially jeopardizing the monitoring of the wSSL population. The SSLMC again notes that, while this is a Final Recovery Plan document, there needs to be a strong commitment by NMFS to update this document at the 5-year review, where they could reconsider this policy decision.
  - (4) That the Council expresses its continued concerns with the inconsistency of application of ESA standards within the Agency and between Agencies (e.g. widely varying population change targets for recovery of Yellowstone grizzly bears or Northern Rocky Mountain gray wolves or Hawaiian monk seals).

Finally, the recovery plan specifies that an adaptive management program is required to assess the efficacy of fishery mitigation measures and to reduce the uncertainty in how fisheries may affect SSLs, yet no adaptive management approach has been developed even though many have attempted to do so. If adaptive management is not feasible, yet it is mandated in the recovery plan, the Council might request the Agency to explain how this action can be implemented.

### Other Discussion of the SSL Recovery Plan

The SSLMC discussed the recovery plan several times during this meeting. The above are the main concerns, but other issues also were of concern to some committee members. The following is a summary of those additional discussions.

The SSLMC discussed the origins of the recovery criterion that requires a 3% growth of the wSSL over 30 years. Dr. DeMaster recounted that this figure was chosen because the eSSL has grown at nearly 3% over the past 30 years, the wSSL population surveys showed that this DPS increased about 3% over the years 2000-2004, and the PVA modeling indicated that growth of the wSSL over 30 years would allow the population to attain a level that would minimize the risk of it declining to the quasi-extinction threshold of 4743 animals.

The SSLMC notes that the monitoring plan specified in the final recovery plan is a very important action. Monitoring is critical to understanding the population dynamics of the wSSL in future years and to verify the efficacy of the protection measures currently in place.

An adaptive management program will be difficult to implement given the mandates of the ESA. The recovery process needs a clear set of guidelines for how NMFS intends to implement adaptive management.

The SSLMC discussed at length its concern that the Recovery Plan does not provide clear insights for how SSL protection measures might be modified. This uncertainty will affect the SSLMC's process for developing a suite of recommendations for Council consideration. The upcoming status quo BiOp is characterized by NMFS as a document that will provide the insights the SSLMC will need to develop its recommendations, and thus the BiOp now takes on increased importance.

The SSLMC believes that NMFS should expeditiously proceed with the process required to delist the eSSL. This population has performed as required for delisting by the Recovery Plan.

The SSLMC discussed whether NMFS will now revisit Critical Habitat designation for the wSSL. Will the Agency relook at CH now that the final Recovery Plan is completed? Some are concerned that this could lead to imposition of more fishery restrictions, and this process should be approached cautiously. Dr. DeMaster stated that now that the recovery plan is final, the Agency will look at the merits of revising the existing Critical Habitat designation.

The SSLMC also notes that it is unclear from the presentation of the final Recovery Plan whether NMFS intends to conduct a 5-year review of the plan. The Council should be

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alerted to this and perhaps request a firm commitment for a review of the plan and a possible revision in five years.

### EIS Process

Gretchen Harrington with NMFS, AK Region reviewed the process for developing an EIS on the proposed changes to SSL protection measures. To meet the Council's desired date for implementation of new measures, the beginning of the fishing year 2010, a purpose and need (P&N) statement and a set of alternative actions should be drafted by June 2008. These will form the basis for writing the EIS and the analysis it will contain. A draft P&N statement has been prepared by staff, and this was reviewed by the SSLMC. With a few editorial changes, the SSLMC felt that the draft P&N statement was appropriate.

Regarding alternatives, Stephanie Madsen noted that the Federal Register notice that NMFS will prepare an EIS provided some general alternatives, and would these be sufficient, or are more detailed alternatives required to start the EIS process. Ms. Harrington noted that the NOI's alternatives are intended to give the public a place to start, but more specific alternatives will be required when the Council selects its preliminary preferred alternative. The alternatives will partly be developed based on public input during scoping, and partly on the proposals.

The SSLMC discussed concerns over whether this Committee can develop recommendations, and alternatives, since the final recovery plan provides little guidance or insights into what changes in SSL protection measures may be possible. Most felt that this process must await publication of the status quo BiOp, as the BiOp will significantly affect how the SSLMC proceeds. It is too early to give the Council even preliminary or initial recommendations. Mr. Cotter suggested that the SSLMC could inform the Council in April of what proposals are still under active consideration by the SSLMC, and the main elements of each proposal, and that the SSLMC will complete its review of proposals and will develop recommendations for the Council after it receives and understands the status quo BiOp. Development of alternatives must await the BiOp and the SSLMC's May 2008 meeting.

The SSLMC voiced concerns over the schedule, and whether the Council would have sufficient time to review the SSLMC's recommendations at their June 2008 meeting, even if given a report in April as suggested above. If the SSLMC is now delayed in paring down the list of proposals or otherwise making initial determinations of what kinds of management measures can be changed until after its May 2008 meeting, will the Council's June meeting alone be sufficient opportunity for the Council to select a preliminary preferred suite of changes to SSL protection measures to start the EIS process? A Council decision in June will be required to keep the overall schedule on track. Some Committee members suggested proceeding now with a review of the proposals, attempt to do some prioritization and combination or elimination of some proposals, and frame up a package of active proposals for the May 2008 SSLMC meeting in Seward. The consensus was to proceed as such, and do what work is possible now. The SSLMC also concurred with Mr.

Cotter's suggestion to give the Council a report in April on what proposals remain active, and that the SSLMC will complete its work during the May 2008 meeting.

In light of this delay, some questioned whether the scoping period should be extended. Ms. Harrington noted that under the current schedule, the scoping period ends in late April so a scoping report can be prepared for the Council in time for the June 2008 meeting. Public involvement continues, however, as the EIS alternatives are further developed in June, so there is additional opportunity for public comment even after the formal scoping period closes.

### Proposal Review and Discussion

The SSLMC proceeded with a review of each proposal and discussed remaining data needs and whether some proposals can be eliminated or combined. The following summarizes those discussions. NOTE: some proposals were discussed in more detail than others; at their May 2008 meeting, the SSLMC intends to complete a more detailed analysis of each proposal.

Areas in **BOLD** are data or information products still pending from various sources (noted).

**Note: the SSLMC requested that NMFS provide to the SSLMC a review of each proposal for any legal or management issues that may create a problem for how the proposal might be implemented. The Committee also requested a PR review for any potential ESA issues.**

#### Proposal 1/29

- Should the A season start date be specific? 7 days was the decision
- Should the end of the B season be shortened an equivalent number of days?
- The proponents propose that the end of the A season be shortened an equivalent number of days, but not the B season
- For SSL conservation, NMFS may require the current length of the period between the end of the B season and the start of the A season to remain as is; however, some believe there may be some flexibility in changing the length of this period
- No new data sets are required for review of this proposal

#### Proposal 2/27

- This proposal could affect the amount of pollock harvested from SSL CH in the BSAI (that is, the SCA) – proponents believe less pollock would come from the SCA if this proposal is implemented
- The proponents provided a statement of this proposal to help guide development of data needs: *Given the restrictions on pollock harvests within BSAI SSL critical habitat in the A and B seasons (the restrictions are different between the A and B seasons), what is the effect on potential CH removals of shifting 5% of the TAC from the B season to the A season in a year when the directed pollock TAC is 1.3*

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*million mt or less? The status quo A/B season split is 40/60; the proposed A/B season split is 45/55.*

- The proposed change in TAC allocation to the A and B seasons can be referenced to the 2003 BiOp Supplement's red light/green light table that indicates 40/60 was green but that the guideline was 50/50
- The proposed threshold of 1 million mt was discussed and is retained as a feature of this proposal
- **The SSLMC will need a more comprehensive table of data showing pollock TACS and harvests in the BSAI fishery, in the A and B seasons, inside and outside the SCA in each season, and percentages, over the period 2003-2007**

### Proposal 3

- Withdrawn – Paul Soper email to L. Cotter

### Proposal 4

- NPLA no longer exists, but the new Freezer Longline Coalition (FLC) wishes the proposal to remain active
- **Data needs: seabird bycatch in BSAI C/P H&L cod fishery, A and B seasons, last 10 years**

### Proposal 8

- This is a proposal for management of a Bering Sea Atka mackerel fishery
- Agency's new definition of "trip" negates ability of fleet to harvest Atka mackerel in the Bering Sea (previously AM could be harvested incidental to other fisheries)
- Industry desires an AM fishery in the Bering Sea; put more AM into BS; need areas to fish; could benefit SSLs
- NOTE: the fast track request referenced at the beginning of these minutes was actually for Proposal 33/7/24, not Proposal 8
- **Need data from 541 AM harvests, bycatch, etc.; J. Gauvin to obtain data from Sea State**

### Proposal 9

- No new data sets are required for review of this proposal

### Proposal 11

- The seasonal apportionments of pollock TAC in the GOA will be addressed in Proposal 14
- This proposal is withdrawn

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Proposal 12

- No new data sets are required for review of this proposal

Proposal 13

- Data for average catch, last 5 years, are in hand
- **F. Kelty to provide vessel numbers in this area for last 5 years**
- **SSLMC requests an example of how this fishery currently “works” (overall cod TAC in BSAI for a year, allocation amount to the jig and longline sector for that year, cap amount, etc.) and an example how it would “work” as proposed (F. Kelty to provide)**

Proposal 14

- **J. Bonney to provide season start dates if the A&B seasons and the C&D seasons are combined, as proposed – the desired start dates – and Martin Dorn’s analysis update**
- **J. Bonney also to provide an updated, clarified proposal – including elements of Proposal 11**

Proposal 15

- No new data sets are required for review of this proposal

Proposal 16

- No new data sets are required for review of this proposal

Proposal 17/10

- The SSLMC decided to eliminate the option for a 100/0 seasonal apportionment and retain only an 80/20 seasonal apportionment proposal
- **Data needs: halibut and salmon bycatch data for this fishery for historic (1998-2000) and recent years to judge impacts on bycatch from changing the seasonal apportionments**

Proposal 18

- No new data sets are required for review of this proposal

Proposal 19

- No new data sets are required for review of this proposal

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### Proposal 20

- The SSLMC believes that the catch data needed to judge the merits of this proposal are confidential
- **C. McCallum will provide confidential data**

### Proposal 21

- Data needed for review of this proposal are likely to be confidential
- **C. McCallum will provide confidential data**

### Proposal 22

- Proponent has changed this proposal to only a change in the pollock trawl closure at Atka North Cape from 20 nm to 3 nm; may include Kanaga Sound option also
- The SSLMC believes that some of the other options proposed will likely not be possible
- It was noted that NMFS has determined a 454 mt fishery in the Adak area will require formal consultation, indicating chances of this fishery may be slim
- There may be some informative data in SSL scat samples for this area
- **The data needs identified previously for this proposal are still valid – the SSLMC will need those data sets relevant to the Atka North Cape option – including recent surveys by NMFS in this area**

### Proposal 23

- The SSLMC discussed whether to keep this proposal given the apparent current lack of current Council interest in an AI/BS cod split
- The proponents want it retained, as there may be helpful information provided in the status quo BiOp with which this proposal might be judged; keep it as a place holder
- The SSLMC noted that the Council has put off into the future any further consideration of the concept of a cod TAC split, and the science is still unfolding; developing allocation scheme will be difficult and time consuming
- The proponents want this kept in the mix of proposals for the upcoming consultation on the package of recommendations
- Some believe that by retaining the proposal in any package of recommendations forwarded by the SSLMC, this could slow the analysis process and affect the schedule
- The SSLMC believes this is a call for the Council since the Council will receive information from the BSAI Plan Team this fall and may wish to take further action at that time

### Proposal 24

- This is reactivated as an alternative to Proposal 33/7/24 (see below)

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- This proposal will be a backup proposal for consideration in case Proposal 33/7/24 does not advance

### Proposal 25

- There hasn't been a recent fishery in this area, so there are no data available
- Need information on abundance of Atka mackerel in the area, but it is unlikely there are survey data available
- May need to look at AM survey data and fishery performance data from other areas as a proxy for how to analyze this proposal
- **Request to D. Fraser and J. Gauvin for data to help analyze this proposal**

### Proposal 26

- After Amendment 85, C/Vs now have an allocation but have difficulty harvesting the quota late in the year
- No new data sets are required for review of this proposal

### Proposal 28

- Withdrawn

### Proposal 30

- This has two options: conduct fishery as a State waters fishery or as a State parallel fishery
- **Data needs: the Board of Fisheries information package that accompanied Proposal 6 (HQ-06F-002) which may have the historic data from a previous Commissioner's permitted fishery**

### Proposal 31

- Data are available in the recent NMFS letter to the BOF
- No new data sets are required for review of this proposal

### Proposal 32

- Proposal may be withdrawn pending additional input from the BOF
- No new data sets are required for review of this proposal

### Proposal 33/7/24

- This has morphed into a proposal for a new approach to Atka mackerel fishery management; requires intercooperative agreements and participation
- This is the proposal the proponents wanted fast tracked (not Proposal 8)

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- Have in hand the NMFS response to a request to fast track
- A new start date option was added to the proposal
- Note – old proposal 24 will be retained as a separate proposal for consideration in case this proposal does not advance
- **J. Gauvin and D. Fraser to jointly develop this proposal further and bring to the next meeting a summary sheet comparing status quo AM management and how AM would be managed under this new approach (including fishery start dates, length of fishing periods, etc.)**

### Changes in SSL Use of Haulouts and Rookeries

The SSLMC discussed new data on SSL use of haulout and rookery sites in the BSAI and the GOA. In recent years, NMML scientists have observed that at some sites, SSL usage has either declined or increased, and in some cases sites are no longer used and in other cases new sites are now occupied. The SSLMC questioned how this would be addressed by NMFS, particularly related to critical habitat designation and imposition (or removing) of SSL protection measures in conjunction with these changes. In other words, would NMFS change the protection measures if a haulout is now considered a rookery? And what would that process involve? NMFS reported that a revision to regulations could be proposed in the future, but this will require rule making. Earlier in the meeting, Dr. Rotterman noted that the BiOp will provide a comprehensive review of all SSL sites, and will identify where changes have occurred and where new sites are now being used.

The SSLMC also discussed whether recolonization of sites is an indicator of recovery? How will NMFS treat the changes observed in SSL site usage in the recovery process and in future consideration of changes in SSL protection measures? Some insights will be provided in the status quo BiOp. The BiOp looks at the current situation, including all available (and new) data on SSL site usage.

### Biological Opinion Schedule

The SSLMC requests the opportunity to review the draft status quo BiOp as early as possible, but at least a week or so before the May 12-16 meeting. Since this BiOp will be a critical information source that will guide the SSLMC's work, an opportunity to fully digest and understand the BiOp and its conclusions is essential to the SSLMC's efforts to develop a package of recommendations. The SSLMC also requests a clarification from NMFS if there will be an opportunity for a revision to this draft status quo BiOp, or time in the schedule to allow for review and comment on the draft status quo BiOp, before proceeding with preparation of an action BiOp?

### Next Meeting and Work Schedule

The SSLMC will meet during the week of May 12-16 in Seward at the Alaska Sea Life Center. This meeting will be to complete the proposal analysis process and to develop final recommendations for Council review. The SSLMC will receive the draft status quo BiOp at this May meeting, and prepare its recommendations based on information in the BiOp.

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The SSLMC also needs to rescore all proposals with the PRT since there have been changes, deletions, etc. and the rankings need to be updated . Chairman Cotter requested that SSLMC members reserve that entire week for this meeting, although the Committee could finish its work early.

The SSLMC's final recommendations will be based on all of the Committee's previous work, including proposal ranking by the Proposal Ranking Tool, analysis of proposals using all available information and new data on SSLs and SSL/fishery interactions, comparing proposals with the final SSL Recovery Plan and the draft status quo BiOp, consideration of public comment and input during SSLMC meetings over the past 2 years, and its own knowledge and consideration of information gathered during PowerPoint presentations from marine mammal biologists and fishery researchers, reviewing new scientific publications, consideration of the large number of publications in the SSL Compendium compiled by Drs. Loughlin and Tagart, and many other information and data sources as provided on the resource CDs and DVD. This final set of recommendations, and the rationale and justification for them, as well as the record built during the proposal review process, will be presented to the Council at its June 2008 meeting. The intent will be that this set of recommendations would be modified, and then approved by the Council as the "proposed action" for analysis in a supplemental draft EIS.

#### Adjourn

The Committee adjourned at 10:30 am March 12.

Bill Wilson

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North Pacific Fishery Management Council  
**Steller Sea Lion Mitigation Committee Meeting**  
March 10-14, 2008  
Hawthorne Suites, Ballroom B  
1110 West 8<sup>th</sup> Avenue  
Anchorage

Purpose: Proceed with proposal analysis, review additional data sets requested at January 2008 meeting, and develop preliminary draft package of recommendations for Council review.

**AGENDA**

March 10 – 1:00 PM – 5:00 PM

1. Introductions and Opening Remarks, Announcements, Agenda Approval (Cotter)
2. Minutes of Last Meeting (Wilson)
3. Update on February 2008 Council Meeting and SSLMC Schedule (Wilson, Cotter)
4. Review Final SSL Recovery Plan (Rotterman)

March 11-12-13 – 8:30 AM – 5:00 PM

5. Summary of Proposals as of January 2008 Meeting (Cotter, Wilson)
6. Receive and Discuss Additional Databases Requested for Proposal Review (Mabry, Lewis, Miller, Brown)
7. Initiate Proposal Analysis: Review Proposals, Databases, Rankings, Other Information
8. Evaluate Tradeoffs, Develop Preliminary Draft Recommendations

March 14 – 8:30 AM – 5:00 PM

9. Continue Development of Preliminary Draft Recommendations
10. Finalize Preliminary Draft Recommendations
11. Discuss Process for BiOp Review at May 2008 Meeting
12. Schedule and Logistics for May 2008 Meeting in Seward (Wilson)
13. Action Items, Closing Remarks, Adjourn (Cotter)

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Public comment periods will be provided during the meeting.

Contact Bill Wilson at the Council offices if you have questions: 907-271-2809 or [bill.wilson@noaa.gov](mailto:bill.wilson@noaa.gov)

Proposal #	Status	Description	Sector	Area	Proponent
1/29	Active	Start pollock A season 5-15 days earlier	AFA pollock trawl	BSAI	APA/UCB
2/27	Active	Framework pollock A/B TAC apportionment: 45/55 % if BSAI TAC <1.3 M mt; 40/60 % if BSAI TAC >1.3 M mt	AFA pollock trawl	BSAI	APA/UCB
3	Withdrawn	Start C/P Cod fishery B season 17 days earlier	C/P cod pot	BSAI	Trident
4	Active	Allow H&L C/P cod fishery to harvest 70% in A season, 30 % in B season from current 51/49%; additional A season harvest outside CH only	C/P cod H&L	BSAI	FLC (NPLA)
8	Active	Allow directed fishing for Atka mackerel between 10 and 20 nm of SSL sites in two discrete Bering Sea areas. The purpose is to increase the fishing grounds available to the 541/BS mackerel fishery	Atka mackerel trawl	EBS	H&G W.G.
9	Active	Change A/B season cod apportionment in pot C/V >60' sector from 51/49 to 80/20 %	C/V cod pot	BSAI	UFMA
11	Withdrawn	Change pollock ABCD season apportionment in GOA Area 610 to 1/3, 1/3, 1/6, 1/6	Pollock trawl	WGOA	AEB
12	Active	Open a portion of Jude Is. closure outside 10 nm for pollock trawling (open Pavlof Bay)	Pollock trawl	WGOA	AEB
13	Active	Increase harvest cap for Bogoslof exemption area for <60' jig and H&L sector to no more than 1% of the BSAI cod TAC; include allowing pot vessels also; include jig set aside of 10% of the cap	Cod jig, H&L; pot(?)	BSAI	UNFA
14	Active	Aggregate GOA pollock A and B season TACs and aggregate C and D season TACs when GOA pollock TACs are low	Pollock trawl	GOA	AGDB
15	Active	Allow pollock trawling to 3nm at Cape Ugat (Area 620) during A & B seasons and to 10 nm in C & D seasons	Pollock trawl	CGOA	AGDB
16	Active	Change GOA pollock C season start date from Aug 25 to Sept 1 (the humpy proposal)	Pollock trawl	GOA	AGDB
17/10	Active	Change GOA cod (all gear) A/B seasonal TAC apportionments from current 60/40 to up to 80/20	Cod fixed/trawl	GOA	AGDB/AEB
18	Active	Allow cod trawling to 10 nm Jan 20 to June 1 at Chernabura (WGOA)	Cod trawl	WGOA	WGF
19	Active	Change groundfish trawl closure around Dalnoi Pt from 0-3 to 0-20 n mi (option 0-10 n mi)	Groundfish trawl	EBS	St. George

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<b>20</b>	Active	Remove Spitz Is. 0-3 n mi closure to allow fishing to the beach for cod jig and pot gear <60' vessels only	Cod jig/pot	CGOA	Chignik
<b>21</b>	Active	Change Sutwik Is. 0-20 n mi closure to 0-3 n mi for cod jig and pot gear <60' vessels only	Cod jig/pot	CGOA	Chignik
<b>22</b>	Active	Change pollock fishery geographic closures in AI to match the cod fishery closures in the AI; option to change by subarea; option to limit harvest in relaxed zones; option to open only the Kanaga and Atka "boxes"	Pollock trawl	AI	AEC/Adak Fish
<b>23</b>	Active	Split cod TAC apportionment between AI and BS	Cod (all sectors)	BSAI	AEC/Adak Fish
<b>24</b>	Active	Subject limited access trawl C/V fleet to registration, trip limits, and weekly delivery limits. Back-up proposal to 33/7/24.	Atka mackerel trawl	AI	AEC/Adak Fish
<b>25</b>	Active	Allow C/V Atka mackerel fishing to 10 n mi at the Kasatochi SSL site in Area 541	Atka mackerel trawl	AI	AEC/Adak Fish
<b>26</b>	Active	Change A/B/C seasonal BSAI cod trawl C/V apportionment from 74/11/15 to an A/B seasonal apportionment of 89/11	Cod C/V trawl	BSAI	UCB
<b>28</b>	Withdrawn	Extend end of BSAI pollock B season from Nov. 1 to Dec. 1	Pollock trawl	BS	UCB
<b>30*</b>	Active	Open closed areas >3 nm from Rugged, Chiswell, & Seal SSL sites between 149 & 150 in state waters to pollock trawling	Pollock trawl	CGOA	ADF&G
<b>31*</b>	Active	Change allocation of cod in WGOA state waters fishery from 25% to 50% of Federal WGOA TAC	Cod jig, pot	WGOA	Sand Point
<b>32*</b>	Active (pending BOF confirmation)	Limit vessels to <60' in WGOA cod fishery in state waters	Cod jig, pot, H&L, trawl	WGOA	King Cove
<b>33/7/24 33a/7/24</b>	Active	Change SSL regulations affecting Atka mackerel fishery in AI sub-areas 542 and 543 to allow inter-cooperative agreements to control daily and weekly harvest rates at less than or equal 2001-2007 catch rates in lieu of HLA regulations; option (a) to change date of fishery end	Atka mackerel trawl	AI	H&G W.G./AEC & Adak Fish

\* SSLMC recommendations to be advisory; will require BOF approval