

## **Council motion- 10/7/12**

### **C-4: Steller sea lion issues**

With regard to scoping for the SSL EIS, the analytical approach, and related actions the Council moves the following:

The Council notes that all three of the CIE reviewers found that: 1) the conclusions of the 2010 BIOP are not supported by scientific evidence and are largely based on qualitative statements, opinions, and speculation rather than science; 2) the determination of jeopardy and adverse modification is not compelling or supported by the scientific record; 3) there is no evidence for the hypothesized indirect effects of fishing on SSL prey species; and 4) the RPA measures are not warranted, will have no positive effects on SSLs and have little utility as an adaptive management experiment.

Further, the Council also notes that the CIE reviewers' conclusions on the lack of scientific basis for the conclusions of the 2010 BIOP are in agreement with the conclusions reached separately by the Independent Scientific Review Panel (convened by the States of Alaska and Washington).

Thus, there have been two independent scientific reviews conducted by 7 independent scientists that have reached largely similar negative conclusions and critical findings regarding the 2010 BIOP and the RPAs stemming from it. This overwhelming expert criticism of the BIOP assumptions and bias constitutes new information providing the basis for NMFS to reinitiate consultation to reconsider its findings.

NMFS' statements at this meeting that it does not intend to take action in the near-term to modify the current RPA are inconsistent both with its prior statements of intent, and the CIE reviewers' conclusions that the current RPA measures are not warranted and will not have positive effects on SSLs. We believe NMFS should exercise its discretion to expeditiously reconsider its conclusions in the BIOP and the RPA. Given the conclusions of the CIE review, the Council recommends that NMFS:

1. Take appropriate regulatory action to vacate the management measures implemented by the interim final rule in time for the 2013 fishery and revert to 2001 measures except where no longer appropriate (e.g. HLA regs with 178 degrees west line and platooning),
2. Adopt an expedited schedule for completion of the EIS so that it supports the completion of rulemaking for a final rule with new final management measures such that these measures can be fully in place for start of the 2014 fishery.
3. Concurrent with the expedited EIS process, immediately re-initiate consultation with regard to Central and Western Aleutian Islands, and prepare a supplemental Biological Opinion that incorporates the findings and recommendations of the CIE review and Independent Scientific Review Panel. These findings substantially change what is the best scientific information that is now currently available, and the new supplemental

Biological Opinion should reflect this new information as it reconsiders the jeopardy and adverse modification determinations for groundfish fisheries in the Aleutian Islands.

4. In light of the continuing overall growth of the western DPS of SSLs and the findings of the two independent scientific review panels, the Council recommends the following as part of the EIS scoping process:
  - a) The range of alternatives analyzed should include: Alternative 1 would be the 2010 interim final rule; Alternative 2 would be the regulations and RPAs in place prior to adoption of the 2010 interim final rule adjusted to take into account changes in fishery management that have been implemented since 2003 (Amendment 80, etc); and Alternative 3 has the Alternative 2 regulations with reductions in the pollock closures in the central and western Aleutians. The Council notes that the SSLMC will be working on additional alternatives that may be appropriate to include in the EIS.
  - b) The recommendations of the SSC and the SSLMC report on scoping should be fully addressed.
  - c) The EIS analysis should fully incorporate the critiques and recommendations made by the CIE review reports from Dr. Bowen, Dr. Stewart, and Dr. Stokes and the Independent Scientific Review Panel report of October 8, 2011.
  - d) The EIS should address and respond to public comment received on the draft 2010 BIOP and the public comment received on the interim final rule.

The Council believes these actions are necessary to restore public confidence in the quality, validity, and reliability of NOAA science as well as the management and regulatory process.