

**North Pacific Fishery Management Council
Steller Sea Lion Mitigation Committee
January 20, 2004 Meeting**

Minutes

The Steller Sea Lion Mitigation Committee (SSLMC) convened at the NMFS Alaska Fisheries Science Center in Seattle on January 20, 2004. The principal purpose for this meeting was to review the informal consultation document prepared by NMFS on the Committee's package of proposed changes in SSL protection regulations in the GOA. After self-introductions from Committee members and members of the public, Chairman Larry Cotter reviewed the agenda and invited the public to freely participate in committee discussions. Cotter added to the agenda a report from Beth Stewart on a new Steller sea lion monitoring program being conducted by the Aleutians East Borough. Cotter also welcomed Dr. Farron Wallace, Washington Dept. of Fisheries and Wildlife (WDFW), to the SSLMC. Dr. Wallace replaces Dr. Jack Tagart who recently retired from WDFW and has resigned from this committee.

Members attending this meeting were: Chairman Larry Cotter and members Dave Benson, Jerry Bongen (via telephone), Julie Bonney (via telephone), Shane Capron, Tony DeGange, Doug DeMaster, Terry Leitzell, Denby Lloyd, Chuck McCallum, Matt Moir (via telephone), Bob Small, Beth Stewart, and Farron Wallace. Bill Wilson attended as NPFMC staff.

NMFS Review of SSLMC Proposal Package

Cotter reviewed how this package of proposed regulatory changes would proceed through the Council process. After today's meeting of the SSLMC, an agreed-upon package would be presented to the Council at its February meeting. If approved, the Council would forward the proposal package for analysis and preparation of an Environmental Assessment or appropriate NEPA document. Presumably an EA would be prepared; this could be presented to the Council in April and then sent out for public review. The Council could make a final decision in June. This schedule depends on Council priorities and staff availability. Cotter suggested that the SSLMC might convene again during this process, if necessary, to clarify any parts of the proposed regulatory changes as the EA is prepared.

Shane Capron with NMFS' Office of Protected Resources presented the NMFS review document. This review is part of the informal consultation process under Section 7 of the Endangered Species Act. Capron noted that the purpose of the consultation is to ensure that the proposed regulatory changes do not result in potential adverse effects on the endangered western population of Steller sea lion (wSSL). The process is informal, in that it allows for dialogue among the Committee and NMFS to explore each proposal to determine which components may result in adverse impacts and which may not. Those proposals that do not pose the potential for adverse effects would not trigger the need to reinstate formal consultation under Section 7.

The results of the informal consultation are that 3 of the 7 proposals developed by the SSLMC, if implemented, could result in potential adverse effects on wSSLs. The remaining 4 proposals likely would not cause such effects. The committee discussed the reasoning behind the NMFS conclusions on the three proposals that could adversely affect wSSLs. Various aspects of these three proposals were further explored to see if a remedy could be found to remove the potential for an adverse effect finding.

The three proposed regulatory changes that could result in adverse effects on wSSLs are summarized below:

1. Open the closed area around Marmot Island to 10 n mi for pollock trawling during the A and B seasons and compensate for this expanded open area with a closure around Sea Otter Island.

NMFS notes that Marmot Island was once the largest wSSL rookery in the GOA. Survey data show that wSSL pup counts on Marmot have declined considerably in the 1990s. This rookery is listed as critical habitat for wSSLs. NMFS believes this group of animals that use Marmot are key to the overall recovery of sea lions in the GOA and the prey field used by these animals should receive continued protection from pollock trawling. The proposed regulatory change would reduce this protection and potentially adversely affect wSSLs.

2. Open an area around Atkins Island to allow for Pacific cod trawling to 3 n mi offshore from Castle Rock.

The wSSL population using Atkins Island has declined considerably in the 1990s. This rookery was once one of the larger rookeries in the western GOA. This rookery is listed as critical habitat for wSSLs. While the intent of this proposal is to allow for more Pacific cod trawl fishing effort around Castle Rock, the current sea lion closures around Atkins Island prevent fishing close to Castle Rock. Relaxing the Atkins closures would allow for more fishing near Castle Rock but would at the same time also relax the closure around Atkins Island. NMFS believes that the prey field used by sea lions on the Atkins Island rookery should continue to receive protection from Pacific cod trawling. The proposed regulatory change would reduce this protection and potentially adversely affect wSSLs.

3. Change the seasonal apportionment of Pacific cod TAC to a 60-20-20 split.

The current regulations require no more than 60 percent of the Pacific cod TAC be harvested in the GOA in the A season (January 1 [nontrawl] or January 20 [trawl] through June 10); the remaining 40 percent can be taken in the B season (June 10 through November 1 [trawl] or December 31 [nontrawl]). This 60-40 TAC split is required by the current sea lion protection measures in the GOA. NMFS believes that changing to a 60-20-20 split would effectively result in a fishery that would be concentrated in the early part of the year. This situation is what NMFS considered would jeopardize wSSLs in the 2001 Biological Opinion. NMFS believes that the current 60-40 apportionment of TAC provides necessary protection to the Pacific cod prey field for wSSLs. Changing to a 60-20-20 apportionment would potentially adversely affect wSSLs.

In addition to the above concerns, NMFS also noted that for the proposed regulatory changes at Kak Island, the SSLMC proposed a compensatory closure at Kilokak Rocks. NMFS believes that a closure at Kilokak Rocks would provide very minimal to negligible additional protection to wSSLs and that this measure may be unnecessary.

Members of the SSLMC presented some alternative ideas for NMFS consideration regarding the Marmot Island and Atkins Island measures and the 60-20-20 Pacific cod TAC apportionment scheme. Bonney provided data and a chart showing the seasonal wSSL pup and total animal counts on Marmot Island that suggest that fewer animals are present during the period when most fishing would occur. Bonney also presented information on pollock biomass apportionments to Areas 610, 620, and 630 that show quota in 630 is lower than other areas. Bonney also noted that the wSSL telemetry data in the 2003 BiOp Supplement suggest that a closure around Sea Otter Island would cover an area that appears important to foraging wSSLs. Discussion of this and other proposals centered on the issue of a trigger for reinitiation of formal Section 7 consultation. The Committee recognized that while these three proposals could go forward, this would require formal consultation, a process that could take a large amount of time with uncertain results.

The Committee suggested that if formal consultation is recommended, that other SSL protection measures perhaps be evaluated in that process and the area of consideration be expanded to include the BSAI.

NMFS presented analyses of issues associated with the other proposed regulatory changes developed by the SSLMC. None of these remaining proposals would trigger an adverse effect finding. In response to the above concerns, the SSLMC agreed to forward to the Council for further consideration and action those proposals that would not trigger an adverse effect finding. The SSLMC requests that the Council approve for analysis and eventual public review the following proposed regulatory changes:

1. Open the closed area around the Puale Bay wSSL haulout to 3 n mi for pollock trawl fishing during January 20 through June 10. All other fishing restrictions around Puale Bay would remain as is. As a compensatory action, close the area around the Cape Douglas/Shaw Island wSSL haulout to 20 n mi to pollock trawling during January 20 through June 10.
2. Open the closed area around the Kak Island wSSL haulout to 3 n mi for Pacific cod pot fishing. All other fishing restrictions around Kak Island would remain as is.
3. Open an area around the Castle Rock wSSL haulout to the shoreline for Pacific cod pot fishing. (This was originally part of the Atkins Island proposal discussed above, but was found to not have potential adverse effects on wSSLs and thus was separated out as a separate proposal for further consideration and analysis.)
4. Remove the two-week stand-down periods between the A and B seasons and between the C and D seasons in the GOA pollock trawl fishery. Allow continuous fishing from the A season into the B season (and from the C season into the D season) until either the quarterly TAC is reached in the A season (and C season) or the B season (and D season) ends.
5. Change the method for rolling over unharvested pollock TAC in the Western/Central Regulatory Areas in the GOA pollock trawl fishery. Roll over any unharvested TAC within the same region and up to the 20 percent limit of the seasonal apportionment so that any unharvested TAC apportioned to an area may be further rolled over into the remaining open areas in proportion to the projected pollock biomass in those areas (as estimated by the Plan Team at the beginning of each year).

Note that the SSLMC proposal for a 60-20-20 Pacific cod TAC apportionment scheme in the GOA also included an alternative. This alternative, recommended by NMFS, would have amended regulations to ensure that no more than 60 percent of the TAC would be harvested in the A season (by including projected bycatch in other fisheries in the A season TAC). NMFS has since determined that they can manage the Pacific cod harvest in a manner that results in this TAC harvest requirement and no further action is required. Therefore, this component of the proposal developed by the SSLMC has been dropped from further consideration.

New SSL Monitoring in the GOA

Beth Stewart reported to the Committee that the Aleutians East Borough has received funds and the necessary permits to conduct wSSL surveys and scat studies in the Shumagin Islands area. This work may be expanded to other geographic areas in the coming years. This initial study is for 3 years and will be conducted by Cathy Hegwer who will work closely with Kate Wynne, University of Alaska, Kodiak. The program will include aerial surveys, scat sampling and analysis, and a whale identification project involving local fishermen.

Adaptive Management Experiment

Based on recommendations in the National Research Council's 2003 report on the decline of Steller sea lions off Alaska, the SSLMC previously concluded that a Request for Proposals might be an appropriate mechanism to seek ideas for how to test the effects of groundfish fisheries on the wSSL population. This concept was presented to the Council and the SSC. While the Council and SSC agreed that an RFP might be appropriate, consideration of other methods for responding to the NRC's recommendations might be examined. One of these would be to empanel a group of experts into a "blue ribbon panel" who would convene and design such an experiment. Such a panel would have to include experts in experimental design and adaptive management. DeMaster and Wilson reported that Chris Oliver believes that the blue ribbon panel approach is preferable. However, he and some Council members have suggested that we give this more thought. New information will be developed in the next few years that might affect scientific thinking about fishery and wSSL interactions; this may include information on wSSL population trends, killer whale predation, climate and oceanographic regime shifts, and new insights from the ongoing fishery experiments. Also, we should give more thought to how an experiment might be conducted that would comply with Endangered Species Act. The Committee concurred with a wait-and-see approach, and recommended that consideration of a large-scale adaptive management experiment be set aside for now.

Summary of the Meeting

The SSLMC agreed to forward to the Council the above 5 proposals that NMFS has determined would not trigger an adverse effects finding. The Council will be asked in February to forward these proposals for analysis and development of the appropriate NEPA document. The SSLMC also will inform the Council that the remaining proposals that would trigger reinitiation of formal consultation could be reconsidered by the Committee and the Committee may suggest that the Council move forward with them as well, but at a later date. The Committee further believes that if the Council does move forward with the formal consultation process, the Council could add other issues it wants to be included (which could initially be considered in an informal consultation process). The Committee understands that a formal consultation process would also include analysis of all new information on sea lions, groundfish fisheries, oceanographic data, etc. collected since the 2001 BiOp and its Supplement were prepared. If this process does proceed, the Committee believes that the geographic area of consideration should be expanded to include the BSAI so as to better address all current and potential future issues associated with groundfish fisheries and wSSLs.

Next Meeting

Cotter suggested that the Committee meet again, perhaps in early March, depending on what the Council decides during their February meeting. The Council will hear the recommendations from the SSLMC and will give directions to the Committee in February. Cotter and Wilson will contact Committee members to schedule any further meetings.

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