

C-2 Steller Sea Lion EIS Final Action

North Pacific Fishery Management Council

October 2013

The Council adopts the following:

In accordance with the schedule for completion of the NEPA process laid out by the National Marine Fisheries Service and the Court, and to further meet its obligations under the Magnuson Stevens Act, the Council adopts Alternative 5, the current Preliminary Preferred Alternative as its Preferred Alternative. Based on the record, and using the best available scientific information including the scientific findings of the independent scientific reviews conducted by the CIE on behalf of NNMFS and the Independent Scientific Review Panel convened by the States of Alaska and Washington, the Council believes that its Preferred Alternative will not result in jeopardy and adverse modification to SSL and their critical habitat.

NMFS has formally reinitiated consultation under section 7 of the Endangered Species Act on the proposed action to change sea lion mitigation measures for the BSAI groundfish fisheries. The Council strongly recommends that NMFS provide a draft Biological Opinion (BiOp) that analyzes this Preferred Alternative, and that the draft BiOp be provided to the Council and its SSC for review and comment within the context of the existing schedule. In this analysis, the Council expects to see clear and specific responses to findings and conclusions made by the CIE and the independent scientific review convened by the States of Washington and Alaska regarding the 2010 Biological Opinion as well as specific metrics and analyses regarding the effects of fishing on SSLs and their habitat in light of those findings and conclusions. This information is crucial for developing any reasonable and prudent alternatives to the Preferred Alternative, if needed. Receiving this information prior to final agency action is essential for the Council and the public to make informed comments and recommendations.

In adopting these two recommendations, the Council notes the following:

1. In its letter of August 21, 2013, NMFS responded to the Council's request for additional information regarding the effects of fishing on SSLs and the metrics that would be used to evaluate the effects of the alternatives on SSL and their critical habitat, stating that there would be no new information provided to the Council at this meeting. NMFS cited several documents that might inform the Council's deliberations regarding selection of a preferred alternative. The Council has reviewed these documents and information sources and has taken them into consideration in making these recommendations.
2. The Council on numerous occasions has requested that NMFS provide the analyses and specific metrics and performance criteria that will be used to determine the effects of fishing on SSL and their critical habitat. The Council has repeatedly stated that it is necessary for these to be incorporated into the EIS at its various stages of development

in order to inform the public and the Council about the relative effects of the alternatives on SSLs. The Council has specifically requested this information be made available to assist in choosing a preferred alternative. To date, NMFS has declined to make this information available.

3. In making these recommendations, the Council notes that the existing schedule for completion of the EIS and rulemaking provides ample time to prepare the draft Biological Opinion, develop RPAs if necessary in a coordinated manner with the Council and provide the opportunity for a meaningful public process. The Council believes that this is an important step as it will be the first opportunity for the public and the Council to review and comment on the analyses that will be used to assess the effects of fishing on SSL and their critical habitat, and to review and comment on the performance criteria and metrics that will be used to evaluate the effects of alternatives on SSLs.