

**Final DRAFT Minutes of the RPA Committee Meeting,  
March 26-29, 2001**

Members Present:

*Larry Cotter (chair)*  
*Dave Benson*  
*Shane Capron*  
*Doug DeMaster*  
*John Gauvin*  
*Terry Leitzell*  
*Alan Parks*

*Beth Stewart*  
*Jack Tagart*  
*John Winther*  
*Sue Hills*  
*Wayne Donaldson*  
*Bob Small*  
*Fred Robison*

*Gerald Leape*  
*Jerry Bongen*  
*John Iani*  
*Matt Moir*  
*Dave Cline*  
*Steve Drage*  
*Tony DeGange*

Staff present: *Dave Witherell (coordinator), Elaine Dinneford (NPFMC), Steve Lewis (NFMS), Mike Payne (NMFS), Sue Salvesson (NMFS), Lauren Smoker (NOAA GC), Kristin Mabry (ADF&G).*

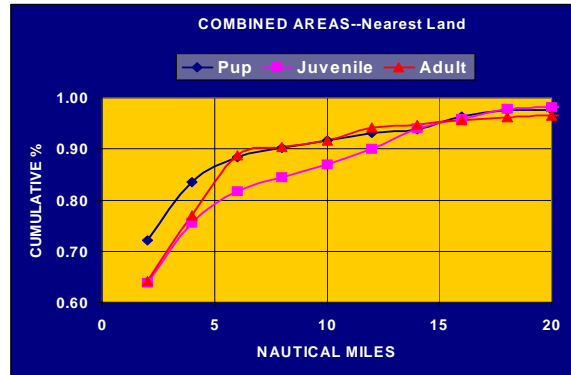
Background - This Committee was established to respond to the Steller sea lion (SSL) Reasonable and Prudent Alternative (RPA) and experimental design in a technical, operational, and practical sense to try to make it more functional. In the short term (by April), the Committee has been tasked with development of open/closed area recommendations for the latter half of 2001. The longer term task of the Committee is to provide an alternative RPA for analysis (by June), and make recommendations to the SSC, AP, and Council on the analysis.

Meeting - The fourth meeting of the RPA Committee was held on March 26-29 in Anchorage at the Hilton Hotel, beginning at 10 am. Larry Cotter briefly reviewed the tasks of the committee, the draft agenda, and format of committee meetings. The March 6 minutes were provisionally adopted [motion: Stewart/Winther], with a change noted for the criteria, which should be protect *at least* 50% of CH and non-pups. Also, it was noted that state waters were included in the protection calculations. Other recommended changes were submitted via email and distributed. Dave Cline submitted two publications of the World Wildlife Fund for the record. Lauren Smoker (NOAA-GC) provided a 'cheat sheet' on MSFCMA guidelines and national standards, and Public Law 106-554.

Kate Wynne (UAF) provided an overview of SSL research being done around Kodiak Island. Kate has been studying 12 SSL sites (11 haulouts, one rookery at Marmot) around Kodiak, including counts, scat collection, and local prey abundance. Preliminary results after one year showed that counts can be variable over seasons, with SSL moving around and dispersing in the fall months. Over 300 scats have been examined. A total of 13 species had over a 10% occurrence in scats, indicating that many species are eaten by SSLs. So far, scat data have been useful in providing frequency of occurrence of prey in the diet, but have not been able to distinguish overall volume of prey consumed. There are also regional and seasonal differences among the sites. Of interest, no capelin or eulochon are found in the scats even though they are taken in the survey. Copies of her presentation were distributed.

Bob Small reviewed the state and federal satellite telemetry data, and distributed a set of summary figures. He explained how the satellite data are collected. The instruments can only transmit when dry (animal is at surface or on land), and transmissions can potentially be received only when satellites are overhead. The total number of satellite tagged animals analyzed included 36 pups, 31 juveniles, and 25 adults. Bob analyzed the at-sea location data in two ways: distance to nearest landmass and distance to capture site. The results indicated that the large majority of at-sea locations occurred close to shore (<10 nm) across regions and

seasons, and that there was low fidelity to the capture site. There are several important caveats to consider with these telemetry location data: (1) due to a larger proportion of time spent at the surface nearshore, the probability of obtaining at-sea locations near haulouts and rookeries is likely higher than when further offshore when sea lions are diving to depth in deeper waters; (2) at-sea locations do not directly indicate where sea lions are foraging; (3) the large majority of pups, and perhaps most juveniles, were likely still nursing and thus not foraging independently for prey; and (4) telemetry data are lacking for subadults and females without pups.



Nonetheless, both Bob and Doug agreed that telemetry data were considerably more reliable than platform of opportunity data for determining habitat use by SSL. All agreed that the designation of critical habitat should be re-examined in the future as new information becomes available.

Kristin Mabry reviewed the GIS maps that she, Cathy Coon, and Steve Lewis prepared. Kristin showed an example of how the maps are generated from the data, and how the different data sets (coverages) are overlaid. Handouts and posters of fishery maps and survey maps were distributed, showing locations of RPA areas, fishery catch, vessel accidents, sea lion counts, rookery and haulout sites, and metapopulation trend information.

The Committee revisited its draft goals and objectives based on the previous meeting. The Committee adopted its revised goal as shown in the adjacent box. There was some discussion and concerns raised about adding the term biodiversity into the goal statement, as some thought it was beyond the scope of the committee, and others thought we should maintain a broad vision for our goal. The Committee agreed to the objectives as distilled in the previous minutes, and shown in the adjacent box.

**Goals and objectives of the RPA Committee.**

Goal: Develop an RPA that meets the mandates of the ESA, MSFCMA, and other applicable laws, while conserving marine biodiversity and sustaining viability of the diverse fishing communities dependent upon the Alaska fishery resources.

Objectives:

- Remove jeopardy and adverse modification.
- Develop a sound experimental design for monitoring.
- Minimize social and economic impacts.
- Minimize bycatch of PSC and other groundfish.
- Promote safety at sea.

Gerry Leape provided the committee with a proposed principles and guidelines for RPAs to avoid jeopardy and adverse modification. It included elements of reduced catch levels at a global scale, dispersion of fisheries in time and space on a regional scale outside critical habitat, reduced catch rates on a local scale within critical habitat, and elimination of prey competition in nearshore areas. To accomplish this, Gerry's proposal was to distribute catch over time and area, establish trawl exclusion zones, and lower TACs. The Committee discussed these principles, and decided that this should be an issue for discussion at a later meeting.

Public testimony was taken and proposals were voiced. These proposals were put on paper, distributed, and discussed. After some debate, the proposals were refined. The Committee agreed that none of the proposals adopted for 2001 would be binding for consideration of 2002 RPA measures – it is a clean slate. A summary of the discussion for each proposal, including rationale, is provided below.

*1. All Areas: Low and Slow Approach (Leape, Parks, Cline)* - This proposal was based on the principles and guidelines proposed by Gerry. Spatial dispersion would occur through a 'zonal approach', whereby small

jig and longline vessels could fish within 10 nm, all fixed gear vessels could fish within 20 nm, and trawl vessels could only fish outside of 20 nm. Allen noted that AMCC's version of the proposal would allow pelagic trawling within rookery and haulout areas during months when there were no sea lions observed. Rationale behind the zonal approach was that fixed gear, especially small vessels, had lower catch rates and hence reduced impacts to the prey field than trawl gear. Temporal dispersion would occur by allocating the Pacific cod TAC for the remainder of 2001 into two equal seasons. The proposal also request that pollock fishing in the AI remain closed. A number of other management measures (e.g., daily catch limits, reduce MRBs, LLP pot endorsement for trawl vessels, PSC for octopus, VMS and observer requirements) were proposed to reduce catch rates and competition. The Committee discussed these issues, and determined that many of the recommendations would not be able to be implemented for 2001. It was recommended that NMFS provide some guidance on management and enforcement aspects of this proposal for the next committee meeting.

2. *Kodiak (Moir, Drage, Bongon)* - Representatives from the Kodiak area wanted to allow some fishing in nearshore areas, and make allowances for small fixed gear vessels for safety reasons. They felt it was imperative to keep product coming in so the plants could continue to operate and the community to survive. They also wanted to make sure the Chiniak and Barnabus experiment was able to continue.

3. *Sand Point (Stewart)* - Beth was concerned about allowing access by small vessels, while protecting sea lions and avoiding potentially large salmon bycatch in summer months. This balance was achieved by proposing all CH be closed out to 10 nm, with exemptions for small fixed gear vessels, and changing the season dates to catch cod when they are more available and when salmon bycatch is lower.

4. *Bering Sea (Leitzell, Benson)* - Terry wanted to protect SLL inside the most important areas out to 10nm, and have fisheries in the remainder of the Bering Sea foraging areas. He noted that the AFA coops have allowed for a much more temporal dispersion of catches. He also noted that sea lions in this area do not appear to rely on pollock or cod and that sea lion populations in areas 7 and 8 are increasing. Dave Benson wanted to allow fishing access in the Pribilof haulout areas that apparently no longer have sea lions on them. There was also interest in allowing small vessels to fish with fixed gear near to Dutch Harbor for safety reasons.

5. *Aleutian Islands (Gauvin, Winther)* - John Gauvin provided a novel approach for temporal and spatial dispersion of the fleet by introducing the concept of 'platooning', whereby the fleet would be allocated quota and start dates in different areas. In addition, he wanted to keep the current closure areas, seasons, and quotas specified in regulations in place. He did request that NMFS address the inside/outside quota problem ASAP (trawl fisheries are not allowed inside CH until outside mackerel TACs have been taken). John Winther argued that longline fisheries should be allowed within 20 nm in the AI because they likely had minimal impacts to sea lions as the fleet was dispersed and removal rates were low. In addition, a season opening change would allow for higher fish quality and lower halibut bycatch rates.

6. *All Areas (DeMaster)* - NMFS proposed a straightforward approach that would establish 10 nm closures around rookeries and haulouts with 20 nm closures around rookeries with >10% declines, and close Area 9 and Seguam to all fishing for pollock, cod, and Atka mackerel. The committee agreed that this is a sensible approach to start with, and is subsequently used as a base, for the final proposal.

The committee agreed that the measure of these proposals for SSL protection should include, but not be limited to, the following criteria:

- at least 50% of CH should be closed to fishing for pollock, cod, and mackerel;
- closures should protect at least 50% of the non-pup population and at least 75% of pups;

- measures should be designed to remove jeopardy (assumes fishery causes decline);
- a monitoring program must be included (2002 and beyond).

A final set of measures (attached) was recommended by consensus of the committee, with one member (Leape) objecting and one member (Cline) undecided. These measures are in addition to the regulatory measures already in place for the first half of 2001 (3 nm no transit zones, 10/20 nm rookery trawl closures, etc.), except as modified by the Committees recommendation. Gerry remained concerned about the emergency rule provisions for small vessels within 3 nm, the telemetry data (sample sizes, interpretation), and whether or not this package would trigger reinitiation of consultation. He stated that reluctantly, he was unable to support the package because in his opinion it failed to avoid jeopardy and adverse modification. He felt that 20 nm trawl closures were needed. Nevertheless, he was supportive of the committee process and agreed that the committee could send the recommendation forward to the Council. Overall, the committee felt that they had made significant progress with the 2001 recommendation, and that a 2002 RPA recommendation could be agreed upon at upcoming meetings.

Most committee members felt that their recommended suite of measures for the remainder of 2001 is more conservative than the BiOp RPA. The table below compares these two sets of measures relative to criteria set forth in the BiOp. More animals are protected because the committee adopted only one “green area” off Kodiak in its entirety. The critical habitat amount was lower due to opening of the foraging areas in Shelikof and the Bering Sea. However, the new telemetry data clearly showed that the large majority of at-sea locations are in the nearshore areas inside 10 nm. Assumptions built into the calculations include: 1) a 50% adjustment factor was applied to areas 11 and 12 as the mackerel and cod trawl fishery are allowed only in one or the other area, and limited amount of cod longline fishing was allowed in these areas, 2) full protection was assumed for areas that had closures out to 10 nm based on new telemetry data, and 3) the exceptions for fishing in CH with small boats was considered insignificant to reduce the calculated protection. Calculations are based on the total CH (151 sites plus foraging areas) and total population of pups and non-pups from the most recent surveys.

<b>Summary of RPA Committee recommended protection measures relative to Biological Opinion criteria.</b>		
<u>Criteria</u>	<u>Measures from BiOp RPA</u>	<u>Measures Committee Recommended on 3/29</u>
Protect 50% of Critical Habitat	66%	57%
Protect 50% of non-pups	56%	80%
Protect 75% of pups	74%	80%

The committee discussed its schedule, task and data needs for the next few meeting. Meetings have been scheduled as shown in the adjacent box. No teleconferencing facilities will be available at these meetings. NMFS and ADF&G will be preparing a white paper on the use, interpretation, and summary of telemetry information, and if time permits, a summary of data used to create protection zones in the past. Agency staff will also be preparing a list of information they think should be made available for Committee deliberations. A subcommittee may be established at the next meeting to coordinate with the Alaska SSL Restoration Team in developing an appropriate experimental design. A last recommendation of the Committee was that NMFS should coordinate efforts with the State of Alaska, because telemetry data have shown the importance of nearshore areas for sea lions.

<b>RPA Committee Meeting Schedule.</b>
April 17-19 (Anchorage)
May 9-11 (Juneau)
May 21-23 (24) (Seattle)

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The meeting ended at approximately 11 am on March 29.

## Revised DRAFT 4/5 Recommendation of the RPA Committee for 2001 Fisheries

**Global:** The measures contained in this document are recommended to be implemented for the second half of 2001, in addition to those rules implemented by the January 22, 2001, emergency rule (66 FR 7276), and the March 29 modification (66 FR 17083), which allows for fishing within haulout and rookery areas for vessels using jig gear off Alaska, and on vessels less than 60' using fixed gear in the BSAI. In summary, the emergency rule measures (excerpted from the FR notice) include:

1. No transit zones within 3 nautical miles (nm) of 37 rookery sites;
2. Closure within 10 or 20 nm of 37 rookeries to all trawling year-round;
3. Closure to pollock fishing within 10 or 20 nm of 75 haulouts, seasonally or year-round;
4. In the Bering Sea pollock fishery: (a) four seasons with harvest limits within CH; and (b) two seasons (40:60 percent allocation) outside critical habitat; *[Note that the committee's proposal would have only 2 seasons, and not allocate catch inside/outside critical habitat]*
5. Continuation of Bering Sea pollock fishery cooperatives established under AFA;
6. Gulf of Alaska pollock fishery distributed over four seasons (30:15:30:25 percent allocation);
7. Closure of the Aleutian Islands to pollock fishing;
8. Atka mackerel fishery to include VMS, two equal seasons, and restrictions on harvests in CH;
9. Closure of the groundfish fishery to federally permitted vessels within 3 nm of more than 75 important haulout sites identified under established criteria;
10. Two fishing seasons for BSAI and GOA Pacific cod, January 1 to June 10 (60 percent of the total allowable catch (TAC)) and June 11 to December 31 (40 percent of the TAC);
11. Reduction GOA pollock TAC by 10 percent; and
12. Bering Sea pollock harvests in the Steller sea lion conservation area (SCA) are limited to no more than the metric ton amount authorized in the final 2000 harvest specifications. *[Note that the committee's proposal would not limit the catch amount in the SCA]*

Note that some committee members are in dispute regarding the language in italics under items 4 and 12.

### **Gulf of Alaska (Areas 1, 2, 3, 4, 5, 6, 10, 11):**

*For all areas, Pacific cod fisheries would open September 1. Rationale: salmon bycatch is highest and flesh quality lowest in the summer.*

#### **Area 1 (Prince William Sound)**

Sea lion abundance trend - This area is declining faster than average (-10% per year).

Existing RPA rule - Green area. Open to restricted fishing outside of 3 nautical miles (nm).

Recommendation - Prohibit fishing for pollock, Pacific cod, and Atka mackerel with all gear types within 20 nm of listed rookeries and haulouts.

Rationale - Sea lions in this area are in the steepest decline of any region. Summer fisheries in this area target salmon. Cod catches in this area are minimal and likely from IFQ halibut bycatch.

#### **Area 2 (North Gulf Coast)**

Sea lion abundance trend - This area is declining faster than average (-7% per year).

Existing RPA rule - Red area. Closed to pollock, cod, and mackerel fishing outside of 3 nm.

Recommendation - Prohibit fishing for pollock, Pacific cod, and Atka mackerel with all gear types in Area 631 and within 20 nm of listed rookeries and haulouts except for Chiniak and Long Island that would be closed only out to 10 nm from October 1- December 31.

Exception: Vessels < 60' fishing with fixed gear would be allowed to fish within haulout areas (3-20 nm).

Rationale - Sea lion decline in this region is high, so large closures were adopted. The exceptions were adopted because telemetry data suggests that sea lions are primarily located within 3 nm of land, and almost always within 10 nm.

### **Area 3 (Kodiak Island)**

Sea lion abundance trend - This area is declining at the population average (-4% per year).

Existing RPA rule - Green area. Open to restricted fishing outside of 3 nm.

Recommendation - No change. Maintain the BiOp RPA that allows fishing for pollock, Pacific cod, and Atka mackerel with all gear types in critical habitat and the Shelikof foraging area, except within 20 nm of listed rookeries and 3 nm of listed haulouts.

Rationale - These are critically important fishing areas for small vessels using trawl gear for pollock and Pacific cod, hailing from the fishing community of Kodiak. Scat collections in this area during the fall of 1999 showed a highest frequency of occurrence of sandlance, salmon, and arrowtooth flounder (Wynne analysis).

### **Area 4 (Chignik)**

Sea lion abundance trend - This area is declining (-6% per year).

Existing RPA rule - Red area. Closed to pollock, cod, and mackerel fishing outside of 3 nm.

Recommendation - No change. Maintain the BiOp RPA that prohibits fishing for pollock, Pacific cod, and Atka mackerel with all gear types in critical habitat within 20 nm of listed rookeries and haulouts.

Rationale - Sea lion decline in this area is higher than average.

### **Areas 5 and 6 (False Pass, King Cove, Sand Point)**

Sea lion abundance trend - This area is declining only slightly (-1% per year for each area).

Existing RPA rule - Area 5 is a green area, Area 6 is a red area.

Recommendation - Prohibit fishing for pollock, Pacific cod, and Atka mackerel with all gear types within 10 nm of listed rookeries and haulouts.

Exception: Vessels < 60' fishing with fixed gear would be allowed to fish within haulout and rookery areas (3-20 nm).

Rationale - The sea lion population here is relatively stable. Telemetry data suggests that sea lions are primarily located within 3 nm of land, and almost always within 10 nm. SSL prey in this area is primarily herring, sandlance, cod, and irish lords (Sinclair analysis)

### **Areas 10 and 11 (Gulf side of Unalaska)**

Sea lion abundance trend - This area is declining (-2% per year in area 10, -3% in area 11).

Existing RPA rule - Both are red areas. Closed to pollock, cod, and mackerel fishing outside 3nm.

Recommendation - Prohibit fishing for pollock, Pacific cod, and Atka mackerel with all gear types in critical habitat within 20 nm of listed rookeries and haulouts.

Rationale - This area is not a critical fishing area for cod and pollock fishing in the second half of the year.

## **Bering Sea (Areas 7, 8, 9):**

*For all areas, seasons would open as follows:  
June 11 - All CDQ fisheries, pollock and cod trawl, and jig; August 15 - longline cod; September 1 - Pacific cod pot gear. Rationale: trawl fishery not active in summer. Longline date coincides with AI.*

### **Area 7 (Unimak)**

Sea lion abundance trend - This area is increasing (+ 3% per year).

Existing RPA rule - Green area. Open to restricted fishing outside of 3 nm.

Recommendation - Prohibit fishing for pollock, Pacific cod, and Atka mackerel with all gear types within 10 nm of listed rookeries and haulouts, otherwise all of area 7 remains open.

Rationale - The sea lion populations is increasing in this area. Telemetry data suggests that sea lions are primarily found within 10 nm of land. Scat analysis indicates that SSL eat a wide variety of prey in this area.

### **Area 8 (Dutch Harbor and northern Bering Sea)**

Sea lion abundance trend - This area is increasing the fastest (+7% per year).

Existing RPA rule - Red area. Closed to pollock, cod, and mackerel fishing in entire Area 8.

Recommendation - Prohibit fishing for pollock, Pacific cod, and Atka mackerel with all gear types within 10 nm of listed rookeries and haulouts, otherwise all of area 8 remains open, except that: the four Pribilof haulouts would remain open outside 3 nm, and the five northern haulouts would be closed out to 20 nm.

Exception: Vessels < 60' fishing with fixed gear would be allowed to fish within haulout and rookery areas (3-20 nm).

Rationale - The sea lion population is increasing at about the maximum recovery rate. Sea lions have not been counted on the four Pribilof haulouts since 1961. The northern haulouts are not utilized by the cod or pollock fishery.

### **Area 9 (Bogoslof)**

Sea lion abundance trend - This area is decreasing (-4% per year).

Existing RPA rule - Red area. Closed to pollock, cod, and mackerel fishing in entire Area 9.

Recommendation - No change. Maintain the BiOp RPA that prohibits fishing for pollock, Pacific cod, and Atka mackerel with all gear types in this entire area.

Rationale - Bogoslof has been closed for the past 10 years for pollock fishing. Mackerel and cod fishing occurs here.

## **Aleutian Islands (Areas 12, 13):**

*For both areas, seasons would open as follows:  
June 11 - All CDQ fisheries, cod trawl, pot, and jig; August 15 - longline cod; September 1 - mackerel. Rationale: Longline date coincides with BS.*

### **Area 12 (Eastern AI)**

Sea lion abundance trend - This area is decreasing slightly (-2% per year).

Existing RPA rule - Green area. Open to restricted fishing outside of 3 nm, including Seaguam foraging area.

### **Area 13 (Central and Western AI)**

Sea lion abundance trend - This area is decreasing faster than average (-7% per year).

Existing RPA rule - Red area. Closed to pollock, cod, and mackerel fishing outside of 3 nm.

Recommendation for areas 12 and 13 - based on target fisheries. Note that pollock fishing is already closed. In addition to the current closure areas (10 nm rookery and 3 nm haulouts), 20 nm closures would be implemented for pollock, mackerel, and Pacific cod using all gear types around the listed areas known as Agligadak (in area 12) and Buldir (in area 13).

**Atka mackerel-** West of 178° west longitude: keep open to mackerel fishing, but with closures as per NMFS Table 21 from regulations.  
East of 178° west longitude: close to all mackerel fishing.

**Pacific cod -**  
TRAWL: West of 178° west longitude: close to all Pacific cod fishing.  
East of 178° west longitude: keep open to Pacific cod fishing, but with closures as per NMFS Table 21 from regulations. Segum foraging area would remain closed.

FIXED GEAR: In both areas 12 and 13, allow fixed gear vessels to fish within CH outside of 3 nm. Segum foraging area would remain closed.

Rationale - Steep declines of SSL at Agligadak (-16%) and Buldir (-13%) prompted 20 nm closure of these areas to all gear types. Other nearshore areas are also protected by current closure areas, because telemetry data suggests that sea lions are primarily located within 3 nm of land, and almost always within 10 nm. The division of the AI for cod and mackerel fisheries allows for reduced removals throughout the area. The AI fixed gear fisheries are thought to be dispersed and have lower removal rates than trawl gear.

**Other Recommendations:** The Committee recommends that the State of Alaska consider additional measures to protect sea lions in State waters. Telemetry data have shown the importance of nearshore areas for sea lions.