

**DRAFT Minutes of the RPA Committee Meeting,
May 21-24, 2001**

Members Present:

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

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

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

Staff present: *Dave Witherell (coordinator), Cathy Coon (NPFMC), Tom Laughlin (NMFS), Mike Payne (NMFS), Sue Salveson (NMFS), Tamra Faris (NMFS), Lauren Smoker (NOAA GC), Kristin Mabry (ADF&G), and several other NMFS staff.*

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. The remaining 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 seventh meeting of the RPA Committee was held May 21 - 24 in Seattle at the Alaska Fishery Science Center, beginning at 8 am. Larry Cotter briefly reviewed the tasks of the Committee, the draft agenda, and format of Committee meetings. The minutes from the previous meeting were approved with one small editorial revision. Public comment was taken after each meal break.

Reports - At the last meeting, Dave Cline questioned the impacts of fishing on pre-spawning and spawning aggregations of fish. Marten Dorn and Chris Wilson (NMFS) responded to these questions. Regarding the potential impacts on spawning fish, there is no evidence that fishing on spawning aggregations affects sustainability. It was noted that cod off Norway have been fished for thousands of years; currently the Norwegian stock has declined due to excessive fishing mortality. The key to sustainability is fishing at conservative harvest rates. Off Alaska, the overall mortality is controlled by quota, and we only take about 10-20% of the exploitable (i.e., spawning) biomass annually. The management aim for cod in Alaska is to conserve 40% of the spawning capacity. It doesn't matter to future recruitment whether the fish are removed before or after spawning. Recruitment success of cod and pollock appears to be primarily dependent upon environmental conditions. Committee members discussed current harvest rates for pollock and cod off Alaska, and how the ABC rates are generated.

Lauren Smoker reported on some legal guidance from NOAA GC on questions raised at the last RPA committee meeting. She covered 3 topics: Recovery, limited access issues with pre-registration, exclusive registrations, and super exclusive registration requirements, and reporting co-ops. She reported specifically in regards on the recovery question as follows: NMFS must be able to insure that the fisheries avoid jeopardy and adverse modifications and therefore, the RPA committee has to design an RPA that removes any jeopardizing or adversely modifying effects from fishery interactions with Steller sea lions such that the resulting fishery avoids jeopardy and adverse modification. Given the underlying uncertainty with the precise point at which the fisheries no longer jeopardize SSL or adversely modify its critical habitat, if the RPA committee only aims for stability of the population trend for the western portion of SSL as the best case

scenario under its proposal for a modified fishery, and does not acknowledge or account for any reasonable probabilities that the modified fishery could still contribute to a continuing population decline or diminishing prey field within critical habitat, NMFS may not be able to insure that the modified fishery avoids jeopardy and adverse modification.

Sue Salveson reported on additional catch analysis provided by Dave Ackley. Weekly catch data were aggregated by vessel class and buffer area. Additional analysis of observer data was undertaken for BSAI fixed gear cod fisheries. Very little (15%) of the BSAI cod catch is taken with hook and line gear within 20 nm buffers. More (80%) is taken inside the rookery and haulout areas by pot gear.

Russ Andrews (UBC) reported on his foraging studies of lactating female SSL using time-depth recorders. These instruments provide very refined information on dive depth over time (every 10 seconds). It allows the researcher to infer dive function. In addition, stomach temperature recorders provides exact information about when a SSL eats a fish, as stomach temperature drops in response when fish > 150 grams are ingested. Russ compared SSLs with time-depth recorders from Forrester Island (in SEAK) and Sequam (AI). Although these results couldn't be considered conclusive because the data came only from one year (1997) and very few animals (4 and 3), several observations were made. At both locations, the SSL started foraging dives within ½ hour of leaving the rookery. At Forrester, the SSLs made deep (100-200 m) foraging dives to the bottom, and had their first successful foraging event after about 5 hours. They left Forrester on foraging trips, and returned at any time of the day or night. On average, they spent about 50% of their time at sea, with 23 hours onshore, and 26 hours offshore. Based on scat analysis, the SSL from this site were feeding on a wide variety of prey including gadids, forage fish, salmon, rockfish, and flatfish. At the Sequam deployment site, the SSLs made fairly shallow (25 - 100 m) foraging dives to the bottom, and had their first successful foraging event after about 1 hour. They left Sequam on short foraging trips in the evening and returned in the early morning. On average, they spent about 25 % of their time at sea, with 23 hours onshore, and 7 hours offshore. Based on scat frequency of occurrence analysis, the SSL from this site fed nearly entirely on Atka mackerel.

Russ concluded that his information did not support a nutritional stress hypothesis, and in fact showed just the opposite. In a declining population, one would expect SSL to make longer foraging trips, ingest foods at a lower rate, and exhibit lower population growth. Russ noted that the Sequam population was declining at the time of the study, but that SSLs from this site made shorter foraging trips, high foraging success, and had pup growth that was twice as fast as pups on Forrester Island.

Russ also reported on movement patterns of SSL from the Forrester Island and Sequam locations. He noted many individual home range areas extending beyond 20 nm from the rookery. Some preliminary calculations estimate 90% of home ranges to be around 50 km (27nm) long. This refers only to females w/ pups because they tend to stay closer to the haulout or rookery if no pups they tend to be much more wide-ranging.

Tamra Faris provided a summary of the NEPA scoping process. She handed out a 5 part scoping document describing the alternatives and issues to be analyzed. A comment letter template was included for the public to comment. The public comment period ends June 22, 2001.

Bob Small presented his draft 'white paper' on satellite telemetry and Steller sea lion research conducted by NMFS and ADF&G. The paper described how the satellite-linked time-depth recorders (SDR)s function, how the data are extracted and summarized, a summary of deployments to date, and results of the research to date. The draft paper includes figures and tables providing information on individual tags, including deployment site, age and sex of the SSL tagged, and the number of days monitored. A final draft of the white

paper, based on the outline distributed at the last meeting, will not be complete in the near-term. The committee expressed their concern that this paper was important for evaluating telemetry information.

Tom Laughlin described the NMFS satellite tagging effort. To date 100 SDRs have been deployed by NMFS. A total of 20 animals were instrumented in 2001 and of these, 9 SDRs are still working. Of the 80 SDRs deployed through 2000, 27 failed and provided no data. Problems with the early transmitters included construction and power limitations. The earlier data is not directly comparable to more recent data. Data from the first 21 'good' transmitted animals have already been published, and the information was used to designate critical habitat. The remaining 25 animals have now been analyzed and a publication is forthcoming. Three movement patterns have been described: location movements from one place to another, nearshore foraging, and far shore foraging. Plans for future analysis include linking the telemetry data with information of fish abundance and catch.

Tom further provided a historical perspective on the use of telemetry data in the past. The 10 nm buffer zones were extended out to 20 nm during the pollock A season to protect the areas of the SSL population were in trouble when the Bogoslof pollock fishery was shut down (1992), because there was concern of displaced fishing effort. The 20 nm buffer represented a maximum foraging distance from data available at the time, and this information was also used to designate critical habitat.

Bob noted that ADF&G is at the same stage of analysis as NMFS, trying to integrate the dive data, and trying to understand foraging behavior of adult females and juveniles. Public access to individual NMFS and ADF&G satellite data is underway, and should be available in the next month or so, once data filtering is complete.

The committee discussed the foraging behavior of SSL's and questioned why SSLs would forgo nearshore prey when apparently available. SSLs are thought to be selective 'opportunistic' feeders; that is, they feed on the first things on their menu that they encounter. The committee noted the importance of surveys of prey abundance to help understand the foraging behavior of SSLs.

Initial Proposals - A letter from Cline and Leape was distributed, which conveyed their concerns and position relative to the 2002 RPA. Dave Cline further discussed his concerns under questioning of committee members. Their bottom line is that, in addition to adjusting fishing regulations per their proposal to avoid jeopardy and adverse modification, marine reserves, past 2002, should be implemented to maintain biodiversity in the North Pacific.

The committee reviewed requirements for avoiding jeopardy and adverse modification. Doug DeMaster discussed criteria on how proposals would be judged during the meeting. Lauren Smoker provided some legal guidance on questions raised at the last meeting regarding preregistration and exclusive registration, reporting co-ops, and the definition of recovery relative to ESA requirements. A bright line criteria for jeopardy and adverse modification was determined; that is, regulatory measures must, in a worst case scenario, not be expected to result in a declining trend of more than -0.7%. This is the worst case rate resulting from implementation of the BiOp RPA, which was determined by the agency to remove jeopardy and adverse modification.

John Gauvin reviewed his revised proposal for the AI Atka mackerel fishery. Measures include 50/50 seasonal TAC allocation, no fishing November 1 to January 20, and VMS requirement, global control rule, Bogoslof closure, Seguam closure, Agligidak closure, 10 nm rookery closures, and 3 nm haulout closures, inside/outside CH TAC split of 70/30, platooning of the fleet, and pre-season registration with a 14 day standdown.

Susan Robinson reviewed a revised proposal for BSAI cod. Measures include and 80/20 seasonal TAC split for trawl gear, different season dates for gear types, 10 nm rookery closures, 3 nm haulout closures, Seguam closure, Agligidak and Buldir closure to 10 nm, no trawling November 1 - February 1.

John Winther revised his proposal for cod freezer longliners. Measures include a 60/40 seasonal TAC apportionment, 10 nm closures around rookeries of Walrus Island, Agligadak and Balder, 10 nm closures around the 5 northern haulouts, and a Bogoslof closure.

Jerry Bongen reviewed his proposal from the last meeting and added additional rationale. Measures include a 70/30 seasonal TAC split, 3 nm closures around haulouts and 10 nm rookery closures with an exemption for vessels < 60', and closures in Bogoslof and Seguam for vessels > 60'.

Terry Leitzell revised the proposal for BSAI pollock fisheries. Measures include a 10 nm 'band' closure during the roe season, a 40/60% seasonal TAC apportionment, closure of Bogoslof and Seguam, closure of rookeries to 10 nm, 3 nm closure of haulouts, closure of the AI during the non-roo season, and for the Bering Sea non-roo season the suite of measures adopted for the second half of 2001.

Steve Drage reviewed the revised proposal for Gulf of Alaska trawl fisheries. Measures include one season for cod, four seasons for pollock with 25% TAC apportionment to each, 10 nm closures of rookeries, 3 nm closure of haulouts, allowance for vessels <60' to fish within 3-10 nm of haulouts, and allowance for all vessels to fish within 3-10 nm of Chiswell and Rugged Islands. Further, they propose that the global control rule should be eliminated, redesignation of critical habitat, and the Shelikof foraging areas should be reclassified.

Brent Paine provided a slightly modified proposal for the BSAI cod trawl fishery. Measures include 10 nm closures around rookeries and haulouts and a 3 nm band closure in the eastern Bering Sea, seasonal TAC apportionment of 80/20, closure of Bogoslof and seaguam, 10 nm rookery closures and 3 nm closures around haulouts in the AI.

Strawman: At the conclusion of the second day, Larry Cotter introduced a strawman document that contained some elements from all of the proposals. Copies were made and distributed. This strawman was used as a comparison for further committee discussions and recommendations.

DeMaster commented on the aspects of the strawman. He noted that the strawman incorporated new information on SSL movements and diet studies. If implemented, the 10 nm closure areas would result in an expected increase of 4% in all areas, with an overall resulting trend of +0.9%.

Gauvin commented on the strawman closure elements for Atka mackerel. He likes his original proposal because under the strawman, the fleet would be limited on where they can fish. Some of the haulouts should be open to fishing, and have smaller buffers around rookeries. He noted that rookeries are used in the summer, but fishery occurs in February and September. He would rather see something like 7 nm closures around rookeries in the winter.

John Winther commented on the strawman. The 10 nm closures greatly impact the AI fishery; the fishing grounds are nearly all within 10 nm. John doesn't think its fair to allow pot gear within 10 nm. Concern about impacts on sablefish fishery; sablefish are not prey of SSLs, so why include this fishery in the RPA. The Pacific cod TAC split would cause more effort in the Bering Sea. A 60/40 split may inhibit the catch of CDQ fisheries. The plan team should be the group to propose a TAC split, rather than the committee. Discussion of this issue related to survey timing and exploitation rates on older fish.

Terry Leitzell reported on the AI trawl cod fishery restrictions. Their biggest concern is the seasonal apportionment. An 80/20 split is needed; a 60/40 split results in a much lower catch. Also, due to the nature of the grounds, and the strawman restrictions, trawling would be almost non-existent. A split at the 178 W line was discussed, and whether or not to prohibit fishing for cod in CH west of this line. The Adak fishery should also be taken into considerations; the 10 nm circles would likely shut down the processing plant. Terry noted that we still need to deal with AI pollock.

Beth Stewart reported on the western GOA fisheries and provided a new proposal. 10 nm closures would be established for all gear types except jig gear. There would be exceptions to the closures. They still didn't like the 60/40 split, but changed the season dates (January and September 1) to try and accommodate the fisheries.

Matt Moir reported on the central GOA measures. Closures were established based on BiOp RPA areas, with exceptions. Pollock seasons would be established with equal TAC apportionments with season dates of: 1/20 - 2/25, 3/10-5/21, 9/1-9/15, 10/1-11/1.

Terry Leitzell discussed the strawman relative to BS fisheries. Concern about the definition of haulouts; don't want Pribilof haulouts closed to 10 nm because no counts have been made for years and NMFS did not see any SSL there in 1991. Still want the 80/20 season split for cod. Wants formula on allowances in CH before he can determine if he can support this measure.

John Winter discussed the longliner concerns for the BS. He believes that closures out to 10 nm are not needed for longliners.

Jerry Bongen wanted to make sure that the harvest of cod by the <60' pot vessels accounted towards the 1.4% quota when the season for big boats was closed. This is the same as was recommended by the Advisory Panel in April.

Gerry Leape commented on the strawman from the environmental community. His primary concern was that he felt it did not remove jeopardy and adverse modification. NMFS responded that the 10 nm buffers would equal 30% of CH closed including foraging areas. Without foraging areas included, the 10 nm rings would equate to 37% of CH closed. Doug noted that the forage ratio test should be met if the formula is used to limit CH catch, but concerns of perception may still exist regarding the SCA. Before conclusion of the meeting the forage ratio test was withdrawn from the committee's consideration due to data concerns and was recommended to a small committee for further refinement. Gerry does not agree with the strawman recommendation that CH should be reexamined as part of the committee's recommendation. Another concern is the global control rule. He believes that it does not go far enough to compensate for the NPFMC's unwillingness to establish MSSSTs for the stocks under its jurisdiction. He also reiterated his endorsement of a zonal approach for cod to make some allowances for small vessels. Gerry further considers a recommendation to extend AFA as inappropriate for this group. Dave Cline raised concern about the strawman's Area 9 and Seguam closures as control areas for SSL monitoring.

Allen Parks remained convinced that the zonal approach is the best way to go. He believed the zonal approach avoids jeopardy and adverse modification. He further believes that the global control rule should be addressed by assessment people, not the committee. He also wanted allowances for trawl vessels to convert to fixed gear.

Initial Composite Industry Proposal: After a few hours of breakout group caucusing Wednesday morning, the groups came together for further changes. For AI fisheries, John Gauvin reported on changes

recommended. Pollock fishing allowed outside 10 nm table 21 haulouts and rookeries, and 20 nm of Balder and Agligadak. The mackerel fishery would be prohibited east of 178 west, but allowed to the west of 178. Some haulout areas would be open outside of 3 nm and some rookeries out to 7 nm. All haulouts in 543 would be closed out to 20- nm. Gauvin stated he would provide a list later. For AI trawl cod fishery, the fishery would be spread out. Fishery for cod inside haulouts would occur east of some line. John Winther said the cod longline would not fish east of Amlia Island (173 W) in the AI, of in Area 9, 20 nm of Balder and Agligadak. The GOA group reported on their items of disagreement, and did not bring forward any changes.

Additional breakout groups met in the afternoon on Wednesday to come up with a comprehensive industry proposal by area. John Gauvin, Beth Stewart, and Terry Leitzel reported on the industry proposals for AI, GOA, and BS respectively. The strawman was ok for Bering Sea with the exception of an 80/20 split for cod. The three area proposals were brought together, and hereafter referred to as the ‘industry proposal’.

Doug DeMaster provided a summary handout of methods used for a forage analysis. This analysis could be used to determine how much surplus fish would theoretically be available to the fishery once sea lion needs have been met.

The Committee reviewed a typed up version of a conglomerate of the industry proposal and clarifications were made. The issue of VMS was discussed as an overall recommendation. Extension of inshore/offshore provisions were also discussed, and the committee agreed that the provisions should be maintained.

Review of Proposals: Doug DeMaster reviewed his ‘worst case scenario’ trend calculations for the 5 proposals (BiOp, strawman, industry, industry/AMCC, and Leape/Cline (Table 1). The overall resulting 10 years trends resulted in worst case scenarios of the following: BiOp = -0.77%, strawman = -0.02%, industry = -0.96%, AMCC/industry = -0.74%, Leape/Cline = +0.70%. The modifications that improved the projections for the industry proposal included extending an Amak closure, a 30% TAC restriction for pollock period to April 1, 542 cod closure east of 173, mackerel restricted inside CH west of 178, and other changes. Doug also discussed the areas of concern regarding the industry proposal. Committee discussion focused on the weighting factors applied in the calculations.

Table 1. ‘Lower end’ population trend calculations.

Proposal	SSL trend (worst case)	% CH protected	# pups protected	# non-pups protected
BiOp	-0.77%	66%	74%	56%
Strawman	-0.02%	45%	100%	100%
Industry	-0.41%	not available	not available	not available
Industry/AMCC	-0.74%	not available	not available	not available
Leape/Cline	+0.70%	not available	not available	not available

Final Proposal Recommendations: After several hours of caucusing, the industry came forward with a revised proposal that addressed NMFS concerns. A sheet of revisions was distributed and clarifications were made.

Doug provided and updated assessment of the revised AMCC/industry proposal. The resulting overall trend resulting from this proposal was - 0.21% (Table 2). A projected population trend was compared for an eight year period with the adopted RPA proposal vs. the BiOp (Figure 1). The modifications that improved the projections included extending an Amak closure, a 30% TAC restriction for pollock period to April 1, 542 cod closure east of 173, mackerel restricted inside CH west of 178, and other changes.

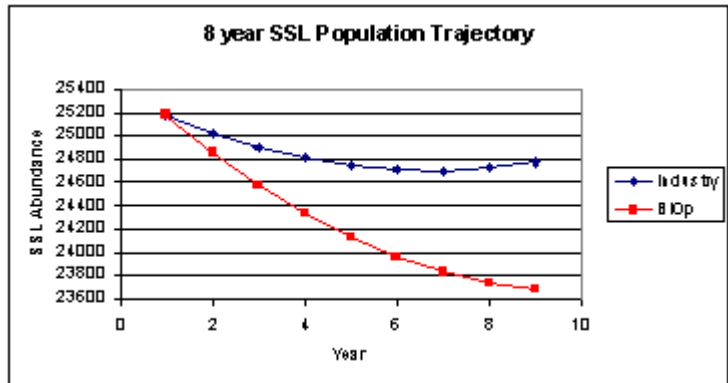


Figure 1. Population Trajectory of RPA Committee Proposal and the BiOp using linear regression.

The committee discussed its final proposal recommendation. Larry noted that the suite of measures would be quantified in the analysis during the summer. He stated his intent that the committee bring forth only one alternative to the Council. Changes could be recommended by the committee before the Council takes final action. The Committee recommended that the revised industry proposal be sent forward as the committee’s recommended alternative. Gerry Leape, Dave Cline, and Allen Parks objected, and they will provide a minority report. One member (Robison) remained undecided.

Table 2. Updated ‘lower end trend projections’ scenario calculations and ‘bump’ by area

Area	BiOp	Strawman	Industry	Industry/AMCC	Leape/Cline
1	0	0.03	0.03	0.0325	0.0375
2	0.04	0.03	0.02	0.0325	0.0375
3	0	0.03	0.02	0.0325	0.0375
4	0.04	0.03	0.04	0.0325	0.0375
5	0	0.03	0.03	0.0325	0.0375
6	0.04	0.03	0.0275	0.0325	0.0375
7	0	0.03	0.015	0.01	0.0375
8	0.04	0.03	0.015	0.01	0.0375
9	0.04	0.04	0.04	0.04	0.0375
10	0.04	0.03	0.0325	0.0325	0.0375
11	0.04	0.03	0.0325	0.0325	0.0375
12	0	0.03	0.01	0.01	0.0375
13	0.04	0.03	0.01	0.01	0.0375
Net Trends	-0.77%	-0.02%	-0.41%	-0.21%	0.007

In addition to the management measures contained in the committees recommendation, the committee also recommends the following items be addressed.

1. The committee strongly urges NMFS to appoint the new SSL recovery team as expeditiously as possible, and write an updated recovery plan that includes de-listing criteria.
2. The committee recommends that NMFS move forward with a process to re-evaluate critical habitat designation, in view of existing and new scientific information, as soon as possible. (Leape objects)
3. The committee recommends that all vessels fishing for pollock, cod, and Atka mackerel in the GOA and BSAI be required to carry and utilize VMS or an acceptable alternative while fishing. The committee recognizes that a phase-in period may be necessary for a variety of practical reasons. Additionally, the committee recognizes that small jig boats (i.e., skiffs) may not have the capability to comply with this requirement and recommends that they be exempt. The committee recommends that NMFS investigate potential funding sources to assist the industry in complying with this requirement. The committee notes that the Council may wish to coordinate with the Board of Fisheries on this issue.
4. The committee recognizes that the ability for individual vessels and fleets of vessels to better manage their activities under the SSL RPAs is enhanced through the use of co-operatives and other similar rationalization programs. The committee recommends the Council encourage the development and use of this and other similar approaches to rationalization. (Parks objects)
5. The committee recommends that the existing CVOA requirements in the Bering Sea be extended as part of the RPAs, in as much as it serves to disperse the pollock fleet.
6. The committee recognizes that a large amount of money is available for SSL research in FY01 and FY02, and that numerous research projects have been initiated. The committee is concerned that the projects be well coordinated to avoid redundancy and to ensure that the information generated be brought forward as expeditiously as possible. Accordingly, the committee recommends that the Council and NMFS consider the retention of an individual to serve as a Steller sea lion research coordinator. Additionally the committee is concerned that all data gathered as a result of the research activities is not made available to all the entities participating in SSL research and management. The committee urges the Council urges NMFS to construct the research contracts in such a way as to require that all gathered data be generically available this should create a much broader SSL database than would otherwise exist, thereby increasing the general body SSL knowledge available to the scientific community.
7. The committee has concerns with the BiOp RPA global control rule. The committee recommends that the Council consider an alternative control rule proposed by NMFS staff. Essentially, the rule would add to the existing harvest strategy by prohibiting fishing when biomass fell below 20% of pristine levels for a given stock. (Parks objects)
8. The committee is interested in having more research be conducted on fish stock surveys and assessments.

Larry Cotter expressed a desire to further refine and develop a formula that could be used to determine sea lion forage needs relative to total available biomass in the different regions. When complete this formula

could be used as one method of determining the allowable harvest of prey species in different regions while ensuring that SSL forage needs are addressed. The committee concurred that such a formula should be developed.

Additionally, the committee recognizes that a more formalized system to grade the impacts of respective proposals on SSL needs to be established. This grading system should clearly articulate the various values used to determine impacts of proposed RPA measures on SSL so that a logical, consistent, and rational RPA evaluation approach is defined. The committee expects this evaluation criteria to be developed as part of the revised biological opinion.

Cotter's Strawman

(unless otherwise noted, applies to all including CDQ as well)

Area Closures

Gulf of Alaska

- * 0-3 nm of all rookeries would be closed to all groundfish fishing.
- * 0-3 nm of major haulouts would be closed to all groundfish fishing, except with jig gear.
- * 3-10 nm of rookeries and major haulouts would be closed to groundfish fishing except with jig and pot gear. All trawling and all longlining for any FMP species within 0-10 nm of all rookeries and major haulouts would be prohibited.
- * Framework so that rookery closures extend out to 20 nm for all groundfishing when declines exceed -10% over a 10 year trend (and reverse when trends are less than -10%).

Bering Sea/ Aleutian Islands

- * Area 9 (Bogoslof) and Seguam would be closed to all groundfish fishing.
- * Establish a 10 nm 'Leitzell band' for the pollock fishery A season.
- * 0-3 nm of all rookeries would be closed to all groundfish fishing.
- * 0-3 nm of major haulouts would be closed to all groundfish fishing, except with jig gear.
- * 3-10 nm of rookeries and major haulouts would be closed to groundfish fishing except with jig and pot gear. All trawling and all longlining for any FMP species within 0-10 nm of all rookeries and major haulouts would be prohibited.
- * Framework so that rookery closures extend out to 20 nm for all groundfishing when declines exceed -10% over a 10 year trend (and reverse when trends are less than -10%).
- * 0-20 nm closure of the 5 northern haulouts to all groundfish fishing.

Spatial Distribution

- * A platoon approach would be implemented for the mackerel fishery.

TAC Specification

- * Split the BSAI cod TAC into AI and BS TACs; address gear allocations through the Council.

No Fishing Periods

- * No trawl fishing November 1 through January 20 in all areas, BSAI and GOA.

Temporal Distribution

- * Two seasons would be established for pollock in the BSAI, with a 40/60% TAC allocation.
- * Four seasons would be established for pollock in the GOA, with equal TAC apportionment.
- * Retain two seasons for AI mackerel (50/50) per Gauvin proposal

- * Two seasons for cod in BS and GOA with a 60/40% TAC apportionment (all gear types); one season in the AI as follows: fixed gear January 1 and trawl gear January 20.
- * CDQ fisheries can fish for pollock, cod and mackerel January 1- November 1. (1/20 for trawl)

Critical Habitat Catch Limits

- * CH limits for Atka mackerel established at 70% inside / 30% outside CH.
- * A formula to determine the amount of allowable pollock and cod harvest in Bering Sea CH would be established based on a percentage of the SSL prey surplus in CH. This would be done seasonally based on surveys.

Monitoring

- * VMS or an approved alternative system would be required for all vessels fishing in the pollock, cod, or mackerel fisheries.

Other Prey Protection

- * Octopus would be designated a PSC species. All octopus taken in groundfish fisheries would be returned to the sea with a minimum of injury. No retention would be allowed.

Other Recommended Actions

- * Develop a recovery plan for SSL that includes de-listing criteria.
- * Re-examine critical habitat designation based on new information.
- * No global control rule.
- * Extend AFA and address rationalization in all areas as expeditiously as possible, including encouraging volunteer programs.

Revised Industry Proposal

Aleutian Islands Fisheries

Atka Mackerel:

Temporal Measures: A&B Seasons (January 20 and September 1).

Season TAC allocations: 50/50 per A&B seasons

Measures to reduce catch rates on localized basis: Platoon management in Areas 542 and 543. Vessels wishing to participate would register with NMFS to fish scheduled A or B seasons and would be randomly assigned to one of two teams. The teams would start in either 542 or 543, then when the other team is done with their starting areas CH allowance. A 14 day stand down would apply.

Area Restrictions: No CH fishing in Seguam foraging area and Area 518 (Bogoslof).

No CH fishing for mackerel east of 178 West longitude.

Rookeries west of 178 West longitude closed out to 10 nm except 15 miles at Balder.

Haulouts: closed 0-3 nm.

CH Apportionment: 70% inside and 30% outside.

Pacific cod:

Seasons:

trawl: January 20 - June 10 (80%), June 11 - October 31 (20%)

longline, jig: January 1 - June 10 (60%), June 11 - December 31 (40%)

pot: January 1 - June 10 (60%), September 1 - December 31 (40%)

pot CDQ January 1 - December 31

Note: the harvest of cod by the <60' pot vessels should account towards the 1.4% quota when the 18.3% season is closed.

Area Restrictions: Longline and Pot: no CH fishing east of 173 degrees West to western boundary of Area 9, Balder closed inside 10 nm, Agligadak closed to 20 nm.

Trawl: East of 178 west: rookeries closed at 10 miles except 20 nm Agligadak, haulouts open from 3 miles and out; west of 178 west: no fishing within 10 miles at haulouts and rookeries until the Atka mackerel fishery inside CH A or B season, respectively, is completed, at which time trawling for cod can occur 3 nm outside of haulouts and 10 nm of rookeries.

Seguam foraging area closed to all gear types.

Pollock:

One season with January 20 opening.

No fishing for pollock in CH.

Other applicable allocation splits (AFA)

Bering Sea Fisheries

Area Closures

- * Area 9 (Bogoslof) would be closed to pollock, cod, and mackerel fishing.
- * Establish a 10 nm ‘Leitzell line’ for the pollock fishery A season.
- * 0-3 nm of all rookeries would be closed to all groundfish fishing.
- * 0-3 nm of major haulouts would be closed to pollock, cod, and mackerel fishing, except with jig gear.
- * 3-10 nm of rookeries and major haulouts would be closed to pollock, cod, and mackerel fishing except with jig, longline, and pot gear. All trawling for pollock, cod, and mackerel withing 0-10 nm of all rookeries and major haulouts would be prohibited.
- * 0-20 nm closure of the 5 northern haulouts to all groundfish fishing.
- * Close CVOA to trawl c/ps fishing for pollock (June 10 - Dec 31) as per current regulations.
- * The Pribilof haulouts would be closed only to 3 nm.
- * No fishing with longline and pot gear inside of 7 nm of Amak rookery.

Seasons

Pollock: January 20 - June 10 (40%), June 11 - October 31 (60%).

Cod:

- trawl: January 20 - June 10 (80%), June 11 - October 31 (20%)
- longline, jig: January 1 - June 10 (60%), June 11 - December 31 (40%)
- pot: January 1 - June 10 (60%), September 1 - December 31 (40%)
- pot CDQ January 1 - December

Note: the harvest of cod by the <60' pot vessels should account towards the 1.4% quota when the 18.3% season is closed.

Critical Habitat Catch Limits

* A-season limit of SCA fishing: no more than 30% of the annual TAC can be harvested in the SCA prior to April 1 each year. The remaining 10% of the annual TAC may be harvested outside of the SCA before April 1 or inside SCA after April 1. If the 30% was not taken in the SCA prior to April 1, the remainder can be rolled over to be taken inside after April 1.

GOA Fisheries

Closure areas

Establish closure areas as follows (jig gear not subject to any area closures):

Area 1: Closed to cod and pollock trawling out to 20 nm, except for Middleton Island where trawling would not be allowed inside 10 nm.

Area 2: Closed to cod and pollock trawling out to 10 nm around haulouts. The Pye Island and Sugarloaf rookeries are closed out to 20 nm for trawling and 10 nm for fixed gear. For Marmot Island - in the first half of the year the trawl fishery is open from 15 nm, which extends to 20 nm in the second half of the year. The Marmot closure for fixed gear in 10 nm year-round.

Area 3: Cape Barnabus and Cape Ikolik are open to all cod and pollock gear from 3 nm out. Gull Point and Ugak Island are open to trawl (outside 3 nm) in C+D season pollock and B season trawl cod.

Areas 4: Closed to pollock, cod, and mackerel fishing out to 20 nm (all gears except jig).

Areas 10, 11: Closed to pollock, cod, and mackerel fishing with trawls or pots out to 20 nm (all gears except jig). Longlining closed out to 10 nm.

Area 5: Closed to trawling out to 20 nm, except Mitrofanía/Spitz where trawling, longlining, and pot fishing are allowed from 3 nm out.

Area 6: Closed to trawling out to 10 nm except that trawling, longlining, and pot fishing are allowed from 3 nm at the Whaleback, Sea Lion Rocks, Mountain Point, Caton, Castle Rock, the Pinnacles.

Seasons and apportionements

cod:

A-season = 60% of TAC: January 1 fixed gear, January 20 trawl

B-season = 40% of TAC: September 1 all gear types

pollock:

A season = January 20 - February 25 (25%)

B season = March 10 - May 31 (25%)

C season = September 1 - September 15 (25%)

D season = October 1 - November 1 (25%)

Rollovers of TAC: rollovers from one quarter to the next are ok, provided that no rollover is more than 30%.

MINORITY REPORT 5/25/01

The mission of the Steller sea lion RPA committee was to develop a set of RPAs that would allow NMFS to fulfill its obligations toward Steller sea lions under the Endangered Species Act(ESA). If we were successful in doing that, then we could explore making accommodations to meet additional economic or social needs of the affected fishing industry and fishing communities.

We believe that the Committee's proposal, in spite of the hard work of most members, fails to meet the basic ESA mandate of eliminating jeopardy for Steller sea lions and adverse modification of its critical habitat.

PRINCIPLES FOR STELLER SEA LION RECOVERY

According to the most recent biological opinion from NMFS, there are four primary effect categories on Steller sea lions; effect of global biomass levels, effects of disturbance, effects of temporal concentration, and effects of spatial concentration of fishing (p. 259). In addition, NMFS maintains that the reasonable and prudent alternative (RPA) must avoid jeopardy and adverse modification "*at all three scales, global, regional and local, where the competitive interactions occur.*"

- 1) At the global scale, we propose to reduce groundfish (pollock, Atka mackerel and Pacific cod) catch levels from the maximum permissible level to maintain the forage base for Steller sea lions and other predators at high levels relative to the estimated unfished abundance.

The Committee's proposal failed even to acknowledge that total take of groundfish had an impact on Steller sea lions or other predators. During the most recent meeting of the RPA Committee, we were initially asked to support the criteria of forage available divided by forage consumed as a way of determining a surplus for the commercial catch. The calculations for forage available were based on summer stock assessment surveys for the stock regionwide. Over the course of the meeting, it became obvious that this could not begin to tell us what the "surplus" was in specific areas or fishing zones. More fundamentally, as NMFS has recognized, the whole concept of "surplus" in a marine ecosystem is dubious, at best.

- 2) At the regional scale, we propose that groundfish fisheries be dispersed in four seasons and across management areas to avoid high removal rates over short periods of fishing.

In fact, the Committee's proposal moves in the opposite direction. It calls for significant increases in pollock catches in critical habitat including at sea foraging areas during the winter months when nutritional needs of Steller sea lions are expected to be greatest. Atka mackerel catches in critical habitat will also increase, and only minor changes were made to the Pacific cod fisheries. The justification for the Committee's proposal to invade critical habitat further was based on telemetry data presented to the Committee. The shortcomings of this data are significant and include, but are not limited to the following: First, telemetry data are highly biased toward nearshore activities due to limits of the technology. Second, the majority of the data were collected in the summer months from a limited number of nursing females on rookeries and young-of-the-year pups. There is little to no information on their activity in the winter months, or that of subadults, male sea lions, or females without pups. While acknowledging the shortcomings, the Committee still chose to adopt the notion that Steller sea lions' prey base does not need to be protected beyond 10 nautical miles.

- 3) At the local scale (within critical habitat), we propose to eliminate the possibility of direct food competition and disturbance on the sea lion's prey field by establishing complete spatial separation of trawl fishing (trawl exclusion zones).

The Committee's proposal exacerbates this problem as well. In the one area where progress was being made, limits on trawling for pollock in the sea lion conservation area, the Committee chose to allow the catch to double, and to force that catch into half the critical habitat area.

- 4) Finally, for the fixed gear fishery, we propose a zonal approach, which would allow for continued fishing opportunities for those who need them, while allowing the testing of differential gear impacts on the prey field of Steller sea lions.

This proposal echoed a proposal offered up by Ken Stump and Phil Kline before the North Pacific Fishery Management Council in September, 2000. Despite repeated requests through the Council process and this Committee, analysis of this zonal approach has yet to be done. The Committee's proposal rejected this approach, and only puts serious limits on fishing between 0-3 nautical miles of rookeries and haulouts.

While we acknowledge that marine reserves were not officially part of the suite of recommendations that were being considered by the Committee for recommendation to the Council, it appeared to us that our case for a system of reserves as an integral part of the future of fisheries management in the North Pacific could not have been made more clear. In the longer term, we feel that marine reserves are essential to steller sea lion conservation and maintaining marine biodiversity in the North Pacific.

After experiencing more than fifteen frustrating days of working in good faith with this Committee, with little willingness by the majority to move any closer toward our recommendations, we are submitting to you this minority report.

Gerald Leape

David Cline