



**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

November 20, 2007

Mr. Eric Olson, Chairman  
North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue #306  
Anchorage, AK 99501-2252

Dear Mr. Chairman:

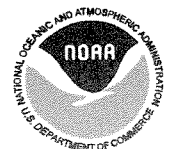
Working with Council staff, we have revised the project schedule for revisions to the Steller sea lion protection measures and enclosed a new draft timeline for the Council's consideration. This ambitious schedule would provide for the final rule to be effective in January 2010, and incorporates the Council's recommendation to initiate scoping for the environmental impact statement (EIS) in April 2008. To achieve the requested effective date, all of the milestones must be met by the month projected in the schedule. A delay in any of the milestones likely would delay implementation beyond the January 2010 goal. The schedule includes several major milestones and coordination issues that are further described below.

### **Recovery Plan and EIS Scoping**

In October 2007, the Council recommended that NMFS delay the publication of the Notice of Intent to develop an EIS until April 2008. This delay of the scoping period is intended to ensure the final recovery plan would be available to inform the public during the EIS scoping period. The final recovery plan is scheduled for release in March 2008. We agree that the final recovery plan could provide important information to anyone participating in the EIS scoping process. To ensure adequate time for the public to review information, and provide scoping comments, **we recommend the Council reconsider its October action and provide for an extended scoping period which commences before April 2008.** A scoping period of 60 days starting at the end of February or early March would provide the opportunity to review the final recovery plan before the end of the scoping period and would provide an additional 30 days for developing and submitting comments. The scoping period would close before the end of April to provide time to develop the scoping report for the Council's consideration in June.

### **Status Quo Biological Opinion and EIS Alternatives**

In June 2008, the Council is scheduled to recommend a range of alternatives for analysis and a preliminary preferred alternative that could be analyzed in the action biological opinion. The alternatives will be used in the EIS, Regulatory Impact Review (RIR) and Initial Regulatory Flexibility Analysis (IRFA) to support the action. The Council should consider the following



three items when recommending alternatives: (1) the status quo biological opinion, (2) the EIS scoping report, and (3) recommendations from the Council's Steller Sea Lion Mitigation Committee (SSLMC).

The status quo biological opinion is scheduled for release May 1, 2008. The status quo biological opinion will inform the Council and the SSLMC of the impacts of the status quo fisheries on Steller sea lions and their critical habitat.

The primary sources of information on alternatives to status quo will be the SSLMC recommendations and the EIS scoping report. In May 2008, the SSLMC is scheduled to provide to the Council the committee's recommended revisions to the Steller sea lion protection measures. These recommendations would be based on the committee's analysis of proposals, the status quo biological opinion, and the final recovery plan. The scoping report will inform the Council on public comments received during scoping on the range of alternatives and issues to be analyzed.

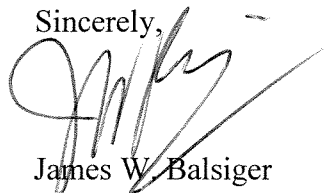
### **Action Biological Opinion and EIS/RIR/IRFA**

Following the above activities, the next major milestone is the release of the draft action biological opinion and preliminary draft EIS/RIR/IRFA. The draft action biological opinion would be released in December 2008, to provide time for the Center for Independent Experts to review it and provide comments to the Council in February 2009. If desired by the Council, this time period would allow for additional review and comment by the SSLMC as well. At the February 2009 meeting, the Council also would review the preliminary draft EIS/RIR/IRFA and recommend whether it should be released to the public. If the Council recommends publication, NMFS would publish the draft EIS/RIR/IRFA and release the document for public comment.

In May 2009, NMFS would release the final action biological opinion and the comment analysis report summarizing and responding to the public comments on the draft EIS/RIR/IRFA. With this information, the Council would be able to take final action in June 2009. After Council final action, NMFS would produce the final EIS/RIR/IRFA and commence the rulemaking process with the goal of having the revisions effective in January 2010.

We appreciate your patience and input on the development of a schedule for assessing potential revisions to the Steller sea lion protection measures. We look forward to continuing to work with the Council and the SSLMC to coordinate and complete this complex process.

Sincerely,



James W. Balsiger  
Administrator, Alaska Region

Enclosure (Draft SSL Measures Development Timeline 11/14/07)



												2010
2009												2010
jan	feb	mar	apr	may	jun	jul	aug	sep	oct	nov	dec	jan
	(1) Review preliminary DEIS/RIR/IRFA, draft Action BiOp, SSLMC comments, and CIE review and (2) Chose preferred alternative				Take final action based on final Action BiOp, DEIS/RIR/IRFA, and CAR							
SSLMC review of draft Action BiOp												
CIE Review		Complete final Action BiOp		Final Action BiOp to Council								
Preliminary DEIS/RIR/IRFA to Council		Publish DEIS/RIR/IRFA, 45-day comment period		Develop Comment Analysis Report (CAR) and submit to Council		Revise EIS/RIR/IRFA to incorporate final action, CAR, and final action BiOp			Publish Final EIS/RIR/IRFA	Sign ROD with final rule		
					Develop proposed rule		Publish proposed rule, 30-day public comment period		Respond to comments and develop final rule		Publish final rule	Final rule effective