

# North Pacific Fishery Management Council

## *News and Notes*



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September 2000

## Pacific Cod – Steller Sea Lions

At the September meeting, the Council reviewed of an analysis of the Pacific cod fisheries and alternatives to minimize possible competitive interactions with the endangered western population of Steller sea lions. The Council added additional alternatives to be analyzed, and recommended that additional information be examined to evaluate potential for competition. A copy of the full motion, as adopted is attached. Only a brief report on the status of the analysis will be made at the October meeting. Final action is scheduled for a special meeting to be convened in November, with implementation of the preferred alternative by emergency rule prior to January 1, 2001.

## Biological Opinion

On January 25, 2000, the Court ruled that the biological opinion for the 1999 BSAI and GOA Groundfish TAC specifications was arbitrary and capricious as it failed to conduct a sufficiently comprehensive examination of the overall effects of the groundfish fisheries on listed species and designated critical habitat. On July 19, the Court ruled that it would enjoin all groundfish trawl fishing in Steller sea lion critical habitat in the BSAI and GOA beginning on August 8. The injunction remains in effect until further order of the Court. Presumably, the injunction could be lifted when the Court deems that a sufficient plan level biological opinion has been prepared and that management measures are adequate to avoid jeopardy or adverse modification of critical habitat for all listed species. That plan level opinion is due October 31.

## Council Elects new Chairman

Following the long and distinguished leadership of Rick Lauber, the Council elected its first new Chairman in ten years. David Benton was unanimously elected as Chairman for the next year, with Bob Mace continuing as vice-Chair, also by unanimous consent. We wish to welcome long-time Council member Benton in his new role. This meeting also welcomed aboard three new Council members - Kevin Duffy with ADFG, Bob Penney, and Tony DeGange with USFWS.

In other Council business, Dr. Steve Berkeley of Oregon was appointed to the SSC, Herman Savikko from ADFG was appointed to both the Scallop Plan Team and the BSAI Crab Plan Team, and Kathy Kuletz from USFWS was appointed to the Groundfish Plan Teams.

## AFA Crab Processing Sideboards

At this meeting the Council took final action to make adjustments to the AFA crab processing sideboards which were implemented in 2000 as prescribed by the Act. Those sideboards limited the AFA processors to the amount of crab they processed on average from 1995-1997. To mitigate unintended, adverse impacts to both processors and harvesters, and to more accurately reflect the recent distribution of processing between AFA and non-AFA processors, the Council took action as follows: First, they revised the caps such that they are based on the 1995-1998 average, with 1998 history weighted twice in that calculation. For most species this results in a slight increase in the AFA percentage, except for opilio crab where preliminary calculations indicate that the AFA percentage would increase from 58% to about 66%. Secondly, the Council requested ADFG to employ management measures, as have been used in the CDQ fisheries, where estimates are provided to the processors three days after the close of the season, so that they have a better real-time assessment of where they stand relative to the caps. This is intended to allow them to better achieve the processing levels of the caps, without exceeding them. These actions will not be in place in 2000, but are expected to be in place in time for the 2001 opilio fisheries. Council staff contact is Chris Oliver.

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## Habitat Areas of Particular Concern

Habitat areas of particular concern (HAPC) are those areas of special importance that may require additional protection from adverse effects. In June, the Council directed staff to prepare meeting materials on corals and sponges for an initial set of stakeholder meetings this fall. The meetings will be held in Sitka, Yakutat, and a location representing the Western Aleutians. A paper summarizing the why's and how's of protecting gorgonian corals off Alaska is available from the Council office as well as on the Council web page.

## SEIS

On July 8, 1999, U.S. District Court issued two rulings. First, the 1998 biological opinion and the reasonable and prudent alternatives (RPAs) developed therein to mitigate interactions between Steller sea lions and the pollock fisheries were arbitrary and capricious for lack of sufficient explanation. Second, the court found that the 1998 SEIS was too narrow in scope and that a more programmatic (i.e., plan level) EIS was needed. NMFS staff, with assistance from others including Council staff, are preparing a revised SEIS. A complete draft is scheduled to be available for review by the end of October, with the release to be announced in the Federal Register. Copies of the document will be available on CD.

## Salmon Bycatch

This year's returns of chinook and chum salmon to the Yukon, Kuskokwim, and Norton Sound regions were poor. In July, Governor Tony Knowles declared this to be a disaster, and wrote a letter requesting the Council to stop or at least reduce bycatch of chinook and chum salmon. The Governor also asked the Council to require 100% observer coverage on all vessels fishing in the EEZ. At the September meeting, the Council initiated an amendment to further improve bycatch controls for salmon taken incidentally in pollock fisheries by assigning salmon bycatch caps at the co-op level. In December, the Council will develop specific alternatives for analysis based on industry proposals and information presented in reports from the Bering Sea pollock cooperatives. The Council also requested a letter be sent to Governor Knowles informing him of the Council's development of such measures. The letter will also describe existing management measures to control salmon bycatch, note the compounding problems of bycatch with regard to measures taken to reduce fishery impacts on Steller sea lions, and note the voluntary program used by fishing industry to avoid salmon bycatch.

## Observer Program

The Council received a report from the Marine Resource Assessment Group (MRAG) on its independent review of the North Pacific groundfish observer program, and the NMFS response to the recommendations from that report. The Council also heard a report from its Observer Committee which met in July to review the MRAG report and discuss other issues regarding potential short and long-term changes to the existing program. While there were numerous recommendations in the MRAG report, the immediate focus is on resolution of baseline program goals and objectives, and on the establishment of a contractual relationship between NMFS and the observer contracting companies.

Regarding program goals and objectives, NMFS will be conducting internal discussions this fall to resolve priorities from the agency perspective. This is viewed as a key first step from which the Committee/Council process will further develop goals and objectives for the program. The development of a contractual relationship between NMFS and the contracting companies is intended to create the 'arms length' relationship previously discussed, and eliminate any real or perceived conflicts of interest in that regard. NMFS is proposing a pilot program using the AFA catcher processor and mothership sectors. This fall they will be further fleshing out the issues and concerns raised by the Observer Committee, Advisory Panel, and Council, with the intent of coming back to the Committee/Council process prior to actual implementation.

During this time NMFS and Council staff will continue to work on several information requests from the last Committee meeting, as well as continue further development of program funding options. Given the timing of these initiatives, along with the Council's intense fall meeting schedule, it is likely that the next meeting of the Observer Committee would occur in January 2001, and a report to the Council on all of these issues would occur at the February 2001 meeting in Anchorage. Council staff contact is Chris Oliver.

## Magnuson-Stevens Act Reauthorization

The Council briefly discussed potential MSA reauthorization issues at this meeting, and passed a motion relative to a potential lifting of the Congressional moratorium on IFQs. The essence of that motion was to convey the Council's desire that, in the event the moratorium is lifted, any IFQ or cooperative type programs, for BSAI crab or other fisheries, be developed through the Council process. A letter to that effect was sent to the Secretary of Commerce on September 11, with copies to the AK, WA, and OR Congressional delegations. Copies can be obtained from the Council offices.

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September 15, 2000

**DRAFT AGENDA**  
**146<sup>th</sup> Plenary Session**  
**North Pacific Fishery Management Council**  
**October 4-9, 2000**  
**Centennial Building**  
**Sitka, Alaska**

The North Pacific Fishery Management Council will meet October 4-10, 2000, at the Centennial Building in Sitka, Alaska. Other meetings to be held during the week are:

Committee/Panel

Advisory Panel  
Halibut Charter IFQ Committee  
Scientific and Statistical Committee  
Socioeconomic Data Committee

Beginning

8:00 am, Mon., October 2  
1:00 pm, Mon., October 2 (Location TBA)  
1:00 pm, Tue., October 3  
6:00 pm, Tue., October 3

All meetings will be held at the Centennial Building unless otherwise noted. All meetings are open to the public, except executive sessions of the Council. Other committee and workgroup meetings may be scheduled on short notice during the week, and will be posted at the hotel.

## **INFORMATION FOR PERSONS WISHING TO PROVIDE PUBLIC COMMENTS**

Sign-up sheets are available at the registration table for those wishing to provide public comments on a specific agenda item. Sign-up must be completed **before** public comment begins on that agenda item. Additional names are generally not accepted **after** public comment has begun.

Submission of Written Comments. Any written comments and materials to be included in Council meeting materials must be received at the Council office by 5:00 p.m. (Alaska Time) on Tuesday, Sept. 26, 2000. **Please note this is one day earlier than normal in order to ship materials to the meeting site.** Written and oral comments should include a statement of the source and date of information provided as well as a brief description of the background and interests of the person(s) submitting the statement. Comments can be sent by mail or fax--please **do not** submit comments by e-mail. **Material received after the deadline will not be included in notebooks for this meeting. It is the submitter's responsibility to provide an adequate number of copies of comments after the deadline.** Materials provided during the meeting for distribution to Council members should be provided to the Council secretary. A minimum of 18 copies is needed to ensure that Council members, the executive director, NOAA General Counsel and the official meeting record each receive a copy. If copies are to be made available for the Advisory Panel (23), Scientific and Statistical Committee (13), staff (10) or the public (50) after the pre-meeting deadline, they must also be provided by the submitter.

## FOR THOSE WISHING TO TESTIFY BEFORE THE ADVISORY PANEL

The Advisory Panel has revised its operating guidelines to incorporate a strict time management approach to its meetings. Rules for testimony before the Advisory Panel have been developed which are similar to those used by the Council. Members of the public wishing to testify before the AP **must** sign up on the list for each topic listed on the agenda. Sign-up sheets are provided in a special notebook located at the back of the room. The deadline for registering to testify is when the agenda topic comes before the AP. The time available for individual and group testimony will be based on the number registered and determined by the AP Chairman. **The AP may not take public testimony on items for which they will not be making recommendations to the Council.**

## FOR THOSE WISHING TO TESTIFY BEFORE THE SCIENTIFIC AND STATISTICAL COMMITTEE

The usual practice is for the SSC to call for public comment immediately following the staff presentation on each agenda item. In addition, the SSC will designate a time, normally at the beginning of the afternoon session on the first day of the SSC meeting, when members of the public will have the opportunity to present testimony on any agenda item. The Committee will discourage testimony that does not directly address the technical issues of concern to the SSC, and **presentations lasting more than ten minutes will require prior approval from the Chair.**

## COMMONLY USED ACRONYMS

<b>ABC</b>	Acceptable Biological Catch	<b>MSFCMA</b>	Magnuson-Stevens Fishery Conservation and Management Act
<b>AP</b>	Advisory Panel	<b>MMPA</b>	Marine Mammal Protection Act
<b>ADF&amp;G</b>	Alaska Dept. of Fish and Game	<b>MRB</b>	Maximum Retainable Bycatch
<b>BSAI</b>	Bering Sea and Aleutian Islands	<b>MSY</b>	Maximum Sustainable Yield
<b>CDQ</b>	Community Development Quota	<b>mt</b>	Metric tons
<b>CRP</b>	Comprehensive Rationalization Program	<b>NMFS</b>	National Marine Fisheries Service
<b>CVOA</b>	Catcher Vessel Operational Area	<b>NOAA</b>	National Oceanic & Atmospheric Adm.
<b>EA/RIR</b>	Environmental Assessment/Regulatory Impact Review	<b>NPFMC</b>	North Pacific Fishery Management Council
<b>EEZ</b>	Exclusive Economic Zone	<b>OY</b>	Optimum Yield
<b>EFH</b>	Essential Fish Habitat	<b>POP</b>	Pacific ocean perch
<b>FMP</b>	Fishery Management Plan	<b>PSC</b>	Prohibited Species Catch
<b>GHL</b>	Guideline Harvest Level	<b>SAFE</b>	Stock Assessment and Fishery Evaluation Document
<b>GOA</b>	Gulf of Alaska	<b>SSC</b>	Scientific and Statistical Committee
<b>HAPC</b>	Habitat Areas of Particular Concern	<b>TAC</b>	Total Allowable Catch
<b>IBQ</b>	Individual Bycatch Quota	<b>VBA</b>	Vessel Bycatch Accounting
<b>IFQ</b>	Individual Fishing Quota	<b>VIP</b>	Vessel Incentive Program
<b>IPHC</b>	International Pacific Halibut Commission		
<b>IRFA</b>	Initial Regulatory Flexibility Analysis		
<b>IRIU</b>	Improved Retention/Improved Utilization		
<b>ITAC</b>	Initial Total Allowable Catch		
<b>LAMP</b>	Local Area Management Plan		
<b>LLP</b>	License Limitation Program		

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September 15, 2000

**DRAFT AGENDA**  
**146<sup>th</sup> Plenary Session**  
**North Pacific Fishery Management Council**  
**October 4-9, 2000**  
**Centennial Building**  
**Sitka, Alaska**

Estimated Hours

- |   |                            |
|---|----------------------------|
| A. CALL MEETING TO ORDER  |                            |
| (a) Approval of Agenda  | C                          |
| (b) Approval of Minutes of Previous Meetings  | C                          |
| B. REPORTS  |                            |
| B-1 Executive Director's Report   | C                          |
| B-2 State Fisheries Report by ADF&G   | C                          |
| B-3 NMFS Management Report  | C                          |
| B-4 Enforcement and Surveillance Reports  | C                          |
|   | (4 hours for<br>A/B items) |
| C. NEW OR CONTINUING BUSINESS   |                            |
| C-1 <u>Pacific Cod/Steller Sea Lions</u>  | (2 hours)                  |
| Status report on analyses and direction as appropriate.   |                            |
| C-2 <u>American Fisheries Act</u>   | (10 hours)                 |
| (a) Update on EIS/rulemaking: consider emergency rule for 2001<br>implementation.                         |                            |
| (b) Final action on groundfish processing sideboards and BSAI pollock<br>processing excessive share caps. |                            |
| (c) Report from industry on Pacific cod sideboard issues.   |                            |
| (d) Review proposals from September meeting; action as appropriate.                                       |                            |
| C-3 <u>Halibut Subsistence Regulations</u>  | (8 hours)                  |
| Final action.   |                            |
| C-4 <u>Halibut Charter IFQ Program</u>  | (2 hours)                  |
| (a) Preliminary review/progress report.   |                            |
| (b) Discuss Gulf of Alaska Coastal Community Coalition proposal.  |                            |

- C-5 CDQ Program (3 hours)  
(a) Proposed revisions to CDQ administrative regulations:  
initial review.  
(b) Review State of Alaska recommendations on CDQ allocations.

D. FISHERY MANAGEMENT PLANS

- D-1 Groundfish Management (5 hours)  
(a) Recommend interim & preliminary specifications for 2001 for the  
Bering Sea/Aleutian Islands and the Gulf of Alaska.  
(b) BSAI Pacific cod pot gear split (CP/CV): initial review.  
(c) Progress report on GOA rationalization.
- D-2 Crab Management (2 hours)  
(a) SAFE reports.  
(b) Progress report on co-op development and buyback.
- D-3 Staff Tasking (3 hours)  
(a) Review progress and current tasking.  
(b) Direction to staff.

E. PUBLIC COMMENTS

F. CHAIRMAN'S REMARKS AND ADJOURNMENT

Total Agenda Hours: 41

	SSC	AP	Council
Monday, Oct. 2		8:00am C-2 American Fisheries Act	
1:00pm Halibut IFQ Committee		1:00pm C-2 continued	
Tuesday, Oct. 3		8:00am C-2 continued C-1 P. Cod/Steller Sea Lions	
6pm Socioeconomic Data Committee	1:00pm C-1 P. cod/Steller Sea Lions C-4 Halibut Charter IFQ	1:00pm C-3 Halibut Subsistence	
Sheldon Jackson Charity Event (Details TBA)			
Wednesday, Oct. 4	8:00am C-4 continued D-1 Groundfish Mgmt.	8:00am C-3 continued	8:00am B-1 ED Report B-2 ADF&G Mgmt.. Report B-3 NMFS Mgmt.. Report B-4 Enforcement & Surveillance Reports
6pm Industry Reception/ Lauber Retirement	1:00pm D-2 Crab Mgmt.	1:00pm C-4 Halibut Charter IFQ D-1 Groundfish Mgmt.	12:00 Lunch 1:00pm C-1 P. Cod/Steller Sea Lions C-2 American Fisheries Act
Thursday, Oct. 5		8:00am D-2 Crab Mgmt. C-5 CDQ Program	8:00am C-2 continued
		1:00pm D-3 Staff Tasking	12:00 Lunch 1:00pm C-2 continued
Friday, Oct. 6			8:00am C-3 Halibut Subsistence
			12:00 Lunch
			1:00pm C-3 continued
Saturday, Oct. 7			8:00am C-4 Halibut Charter IFQ
			12:00 Lunch
			1:00pm C-5 CDQ Program D-1 Groundfish Mgmt.
Sunday, Oct. 8			8:00am D-1 continued
			12:00 Lunch
			1:00pm D-2 Crab Mgmt. D-3 Staff Tasking
Monday, Oct. 9			8:00am D-3 continued
			12:00 Lunch
			1:00pm Continue if necessary

NOTE: The above agenda items may not be taken in the order in which they appear and are subject to change as necessary. All meetings are open to the public with the exception of Council Executive Sessions.

## NPFMC Three Meeting Outlook

(Excluding November)

Attachment 2

October 2, 2000 Sitka, The Centennial Building	December 6, 2000 Hilton, Anchorage	February 5, 2001 Hilton, Anchorage
Pacific cod /SSL Interactions: <b>Progress report</b> (Final action in November)		
GOA Rationalization: <b>Discuss</b>		
Halibut Subsistence Regulations: <b>Final Action</b>		
Halibut Charter IFQ Program: <b>Review Data and Analytical Issues</b>	Halibut Charter IFQ Program: <b>Initial Review (T)</b>	Halibut Charter IFQ Program: <b>Final Action (T)</b>
GOA Coastal Community Proposal: <b>Discuss</b>		Observer Program: <b>Progress Report</b>
AFA Groundfish Processor Sideboard Caps/Excess Share Analysis: <b>Final Action</b>	AFA Co-op Reports: <b>Review and Discuss</b>	
AFA EIS/Rulemaking: <b>Progress Report</b>	AFA EIS/Rulemaking: <b>Review and comment</b>	
CDQ Allocations: <b>Review and Approve</b>		
	TAC setting process: <b>Initial Review</b>	TAC setting process: <b>Final Action</b>
Staff Tasking: <b>Review and Direction</b>		
Crab Management: Review SAFEs and Progress on buyback/coops	Groundfish SEIS/FMP Updates: <b>Review and Comment</b>	
Groundfish specifications/SAFE: <b>Initial Review</b>	Groundfish specifications/SAFE: <b>Final Action</b>	
	Groundfish overfishing definitions (MSST): <b>Initial Review (T)</b>	Groundfish overfishing definitions (MSST): <b>Final Action (T)</b>
CDQ Program Reg Amendment: <b>Initial Review</b>	CDQ Program Reg Amendment: <b>Final Action (T)</b>	
		P. cod bycatch and PSC reg. Amendments: <b>Initial Review (T)</b>
P. cod pot split CV/CP: <b>Initial Review</b>	P. cod pot split CV/CP: <b>Final Action</b>	

\*NOTE: This tentative timeline will be updated periodically, particularly after each Council meeting, as the Council works through its decision process.

TAC - Total Allowable Catch  
 IFQ - Individual Fishing Quota  
 AFA - Amercian Fisheries Act  
 HAPC - Habitat Areas of Particular Concern  
 LLP - License Limitation Program  
 PSC - Prohibited Species Catch

SSL - Steller Sea Lion  
 GHl - Guideline Harvest Level  
 SEIS - Supplemental Environmental Impact Statement  
 CDQ - Community Development Quota  
 GCCC- Gulf Coastal Communities Coalition  
 MSA - Magnuson-Stevens Act

SAFE - Stock Assessment and Fishery Evaluation  
**(T)-Tentatively schedulec**  
 CV - Catcher Vessel CP- Catcher Processor  
 SR/RE - Shortraker/Rougheye  
 MSST - Minimum Stock Size Threshold  
 FMP - Fishery Management Plan



## Council Action on Steller Sea Lion/Pacific Cod Interactions

September 11, 2000

Final Draft

### Draft Problem Statement

Steller sea lion (SSL) populations have declined and there are numerous reasons hypothesized for the decline. Recently, Steller sea lions have been listed as endangered in the western portion of their range under the Endangered Species Act (ESA), and it is suggested that they may be nutritionally stressed. Pacific cod is one of many recognized food items of Steller sea lions and the Pacific cod fishery has been identified as a potential source of competition that might result in jeopardy to Steller sea lions as that term is used in the ESA.

### Revised Purpose and Need Statement

The purpose of this action is to consider the need to develop and implement management measures that reduce competition between Pacific cod fisheries and sea lions if such competition is found to be a likely source of jeopardy as that term is used in the ESA. This action must provide research and adaptive management measures for the evaluation of the likelihood that fishery removals of Pacific cod are a significant factor in the failure of sea lion populations to increase.

### Management Measures

The Council concurs with the SSC that the premise upon which Council action is based is so tenuous that adoption of the alternatives is imprudent and may deprive individuals and communities of their livelihoods without justification. However, because this is the initial review and NMFS has requested that the Council develop alternatives, the following is proposed for further analysis:

#### Alternatives for the GOA:

- A. Divide fishery into two seasons. (“A” & ”B”)
  - 1. ‘A’ Season: January 1 - April 30
  - 2. ‘B’ Season: May 1 - December 31
  
- B. Phase in implementation of seasonal and critical habitat Total Allowable Catch (TAC) limits.
  - 1. ‘B’ season Critical Habitat (CH) limit to be frameworked and based annually on biomass distribution in summer survey.
  - 2. No ‘B’ season limit in CH.

#### Option 1:

- 1. 2001 ‘A’ Season: No more than 80 % of TAC and no more than 60% in critical habitat.
- 2. 2002 ‘A’ Season: No more than 70% of TAC and no more than 50% in critical habitat.

#### Option 2:

- 1. 2001 ‘A’ Season: No more than 60% of TAC and no more than 40% in critical habitat.
- 2. 2002 ‘A’ Season: No more than 50% of TAC and no more than 30% in critical habitat.
- 3. 2003 ‘A’ Season: No more than 40% of TAC and no more than 20% critical habitat.

NOTE: The phase in would be superseded when winter survey data on biomass distribution is available.

- C. Option 1: Keep federal waters open under current regulations around rookeries and haulouts open to all gear types.

Option 2: Allow the following:

**a. Rookeries**

<u>0-3nm</u>	<u>3-10nm</u>	<u>10-20nm</u>	<u>outside 20nm</u>
no fishing	pot (60 pot limit) jig (5 machines) CV longline	pot jig longline (all) Trawl <80' (suboption) Trawl <100' (suboption) All trawl vessels (suboption)	all vessels

**b. Haulouts**

<u>0-10nm</u>	<u>10-20nm</u>	<u>&gt;20nm</u>
pot (60 pot limit) jig (5 machines) CV Longline	pot longline (all) jig trawl <80' (suboption) trawl <100' (suboption) All trawl vessels (suboption)	All vessels

- NOTES:
1. Section C, Option 2, pertains to directed cod fisheries.
  2. Rookeries and haulouts would be defined as those designated in the Reasonable and Prudent Alternatives for pollock.

D. During the parallel fishery that takes place within State waters (zero to three miles), the fishery will start on January 1 and fishing may occur within currently open rookeries and haulout areas. The fishery is limited to longline, pot, and jig vessels with the following restrictions:

1. Pot Limits:  
Option a. 60  
Option b. 75  
Option c. 100
2. A limit of 5 mechanical jigging machines for vessels using jig gear.
3. Retain inside trawl exemptions provided by Board of Fisheries in Shumagins.

E. Remainder of seasonal and critical habitat limits in federal waters is allocated to catcher vessels, catcher processors and pot fisheries by gear type based on historic catch and percent within critical habitat.

Alternatives for the Bering Sea

An additional alternative would be added to the EA/RIR for the Bering Sea, with the following elements:

**A. Management measures**

1. Two seasons: 'A' and 'B'.

Rationale: This measure would spread harvest across the year in CH\* waters of the Bering Sea.

**\*For the purpose of this motion, CH does not include haulouts.**

2. 'A' season start/end dates:

	<u>Trawl</u>	<u>Fixed Gear</u>
'A' season start	January 20	January 1
'A' season end	May 31	May 31
'B' season start	June 1	June 1
'B' season end	November 15	December 31

Rationale: This 'A' season start provides to fixed gear fleet the advantage of access to their traditional fishing grounds and reduces the potential for high catch rates at the outset of the season by delaying the start of the trawl fishery until January 20. The 'B' season start for the fixed gear sector should balance catch objectives with potential for significant rollovers and bycatch considerations. The end date for the 'B' season for trawl is the date used for the Atka mackerel trawl fishery.

Option 1:

1. Critical Habitat limit on Pacific cod removals in the 'A' season.

The 'A' season TAC=60% of annual TAC, and 60% of the 'A' season TAC can be taken in CH in 'A' season.

NOTE: This season split should be used to determine the 'A' season harvest limit for CH. This alternative does not limit the amount of cod that can be harvested outside of CH.

Rationale: This is a mechanism to ensure a balanced harvest of cod in CH throughout the year, while still preserving some element of the basic nature of the fishery which is that cod are best fished when they are aggregated during the first part of the year.

The actual winter distribution of Pacific cod is currently not obtainable from available data, but distribution of cod fishing effort in the Bering Sea suggests that cod are mostly found in the Bering Sea CH for at least the first two to three months of the year. When a winter survey is conducted, the proportion of Pacific cod in CH can be substituted for the above CH fishing limit.

2. No 'A' or 'B' season limit outside CH.

Rationale: The objective is to spread fishing over the year to reduce potential for competition with Steller sea lion foraging. Given that increased fishing outside of CH has little or no impact on sea lion CH and serves to reduce overall CH removals to below the 'A' season CH limit, then fishing outside of CH should not be limited. This could also help the industry reduce the economic impacts of modifications to the cod fishery by increasing opportunity to harvest the entire TAC in an area that is less important to sea lion foraging, as per the designation of CH.

3. No "B" season CH limit.

Rationale: Cod are not primarily located in CH during the second portion of the year and little fishing occurs in CH for that reason. The creation of a "B" season limit could actually trigger a small "race for fish" inside CH.

4. CH cod catch in the "Residual CH" area do not count against CH catch limit.

Rationale: The "crescent" shaped area on the eastern edge of sea lion CH (also referred to in the analysis as "residual SCA") **is not CH**. This means that in designating CH, areas sufficiently distant from the feeding range of sea lions should not be included in the CH designation. The argument in the analysis that "edge effects" could occur could be said of any area adjacent to CH, regardless of how far that line is placed.

5. Attainment of CH ‘A’ season limit closes CH to directed cod fishing only. Bycatch in non-cod target fisheries should be deducted from individual gear and sector catch limits, based on historical usage. Attainment of the CH limit should trigger MRB (bycatch-only) status for cod in CH, not closure of area to non-cod target fisheries.

Rationale: Flatfish and other non-pollock fisheries that occur during the proposed ‘A’ season period do not generally take large quantities of cod as bycatch. Evidence of this is apparent when catch per week of cod is evaluated in weeks where Pacific cod is closed to directed fishing or in weeks when little or no cod effort is occurring. There is no reason to hamstring vessels targeting other species that need to fish in their traditional areas in order to maintain catches at economic levels, with low bycatch rates.

6. Rookery “no-trawl” areas to be maintained according to current regulations.

Rationale: Sea lions demonstrate no fidelity to haul outs and use of haul outs is variable (testimony of John Burns to NPFMC Advisory Panel on September 8, 2000). Existing measures restricting trawl fishing for non-pollock species to outside ten miles around sea lion rookeries (including the seasonal 20-mile closures at three specific sites) have not been tested for efficacy. Until this research is done, there is no evidence to suggest that extension of the rookery closures will benefit sea lions.

7. Fixed gear can continue to be fished in rookery “no trawl” zones. (NOTE: Fishing with any gear should not be restricted in haulouts).

Catch rates of cod per week by the portion of fixed gear vessels fishing in Bering Sea CH are relatively low. To force these vessels to fish outside of rookeries could impact their ability to fish (in the case of smaller vessels) and will create needless grounds conflicts and possibly gear conflicts.

Option 2:

**Bering Sea east of Seguam Pass**

**a. Rookeries**

<u>0-3 nm</u> no fishing	<u>3-10nm</u> pot (60 pot limit) jig (5 machines) CV longline	<u>10-20nm</u> pot jig longline (all) Trawl ≤100' (suboption) Trawl <125' (suboption) All trawl vessels (suboption)	<u>outside 20nm</u> all vessels
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**b. Haulouts**

<u>0-10nm</u> pot (60 pot limit) jig (5 machines) CV longline	<u>10-20nm</u> pot jig longline (all) Trawl ≤100' (suboption) Trawl <125' (suboption) All trawl vessels (suboption)	<u>≥20nm</u> All vessels
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NOTE: Rookeries and haulouts would be defined as those designated in the Reasonable and Prudent Alternatives for pollock.

### c. Critical Habitat

pot  
jig  
longline (all)  
trawl  $\leq 100'$  (suboption)  
trawl  $< 125'$  (suboption)  
All trawl vessels (suboption)

### B. Proposed distribution of allowed CH fishing between different gear sectors.

Option 1: The “pain sharing” formula will use historical dependence on fishing during the first half of the year and historical dependence on fishing in CH in the first half year, per gear and sub-sector.

The principle for compensation for pain sharing, as envisioned, would be that in the event of a significant rollover of cod from trawl to fixed gear, the trawl sector would work with the fixed gear sector to maximize the ability of the fixed gear sector to harvest the fish that are rolled over. A formula for rolling over cod earlier in the year so that the rollover works for the fixed gear sector should also be developed.

Option 2: Any ‘A’ season reduction in CH quota, to protect sea lions, would be absorbed by each subsector in direct proportion to its historical ‘A’ season catch in CH.

### C. Rookery and Haulout Alternatives for All Areas

1. Closure in rookeries only.
2. Rookery no-trawl areas to be maintained according to current regulations.
3. Fixed gear can continue to be fished in rookery no-trawl zones.
4. Rookeries and important haulout closures as per pollock RFRPAs (generally 20 nm in BS and 10 nm in AI and GOA).

### D. Vessel Safety

Analyze impacts of CH restrictions on the following size classes of vessels:

<u>BSAI</u>	<u>GOA</u>
-less than 125'	-less than 100'
-less than 100'	-less than 80'
-less than 60'	

### Other Recommendations

The Council identifies Alternative 1 as the preferred option for both the Gulf of Alaska and the Bering Sea and Aleutian Islands.

Further, the Council requests that NMFS conduct annual winter biomass surveys in the GOA and BSAI, and that adaptive management research and surveys be allowed to continue in critical habitat.

The Council shares the concerns identified by the SSC regarding the EA/RIR. In addition to the changes recommended by the SSC, the analysis needs to be enhanced with the following information to better evaluate the question of competition between the fishery and the sea lions:

Where there is discussion in the text concerning elements of overlap (diet composition, fishing/diving depths, size composition, etc.), the text should avoid presenting information on the extreme ends of those ranges of data, without providing characterization about the distribution of the data that provides the reader with a clear understanding of the central tendency of the data. The presentation of fishery depths and sizes on pages 37 & 38 is an example of an appropriate presentation.

Examples of inappropriate presentations:

- Page 53 Sea lions dive up to 250 meters (doesn't represent the avg or range)
- Page 57 Sea lion scats contain up to 62% cod (doesn't give avg or range)
- Page 57 Sea lions consume cod up to 80 cm (nothing in data to support; only one data point of 75)
- Page 28 Mackerel, herring, capelin, etc. can be less than 5% of cod diet in any given year (no average given per year)

Though the EA "tiers" off the prior BiOps, the public would be better informed if important information regarding sea lions was recapped (and updated) in the EA:

- Population data (both counts and population estimates by year and area, including pup counts and pup population estimates by year and area). This should update and expand upon Table 7 from the December 1998 BiOp.
- Telemetry data on sea lion dive depths should include and update Figure 36 from the December 1998 BiOp. (Including similar data tables from the paper on diving behavior by Loughlin et al. 1998, as well as a review of information on ongoing research that may be available to the agency but not yet in press.)
- Expanded information on GIS analysis of foraging patterns (presented in such a way that the reader has an understanding of the central tendency of the data, as well as the extremes of the ranges), including a review of information on ongoing research that may be available to the agency but not yet in press.
- Presentation of quantitative data on estimated human-caused sea lion kills and an estimate of their contribution to the decline.
- Presentation of best available data on estimates of killer whale populations and their consumption of sea lions and the role they might play in impeding recovery.
- A review of the literature regarding the applicability of the "nutritional stress" hypothesis to the decade of the 1990s, with regard to data on condition factors of sea lions, including a review of information on ongoing research that may be available to the agency but not yet in press.
- A presentation of the case for "regime shift hypothesis."

The EA should also include a quantitative analysis of the probabilities of overlap and competition as outlined in the SSC minutes. This should include quantification of the area of overlap in depth by category of animal (ie: juveniles, lactating females, etc.) and by fishery and area. It should also include a quantification of overlap in diet in both weight/biomass consumed by the fishery and by sea lions by age/size class of cod by area.

The analysis of total groundfish consumption by Stellers presented on page 55 is based on 1980's population estimates and provides little area specific information. This portion of the EA needs to be updated using current population levels by area, and broken down by key prey species to the extent possible. A review of the current literature should be undertaken (including a thesis by Winship in 2000) for more recent estimates.

The size analysis of cod in sea lion scat shown in Figure 31 on page 235 is a much smaller data set than Table 3 of the June 2000 discussion paper. Both sets of information should be included in the EA. Additionally, the review of stomach content studies from the December 1998 BiOp should be included (Table 6 pages 147-157).

The preliminary CPUE analysis presented on page 34-37 and in Figure 5 should be included only if the deficiencies noted by the SSC are incorporated. Additionally, the statement concerning interpretation of the Martin Smith analysis based on this work (page 49) should be deleted.

CPUE analysis should be undertaken to compare winter and summer CPUEs in CH as a potential index of abundance changes between seasons. However, any further CPUE work undertaken should avoid mixing CV and CP catches, as well as mixing target and non-target catches. Time series of CPUE data should clearly delineate the opening and closing of target fishing in the study areas, or sub-components thereof.

The EA should include a thorough review of the cumulative measures that constitute the current cod fishery management regime, together with the matrix of closures that apply to the cod trawl fishery, as well as a quantification of the reduction in fishing for pollock and mackerel in CH that has resulted from actions related to sea lion concerns.

The estimate of cod in the SCA based on the summer trawl survey should include the amount of cod estimated in the Southern Bering Sea portion of the AI survey.

The statement regarding bottom trawl and Spectacled Eiders on page 72 should be deleted.

Expand the trophic analysis relative to P. cod diet.

Include information on how rookeries and haulouts were identified, particularly the haulouts.

Discussion on page 41 regarding edge effects should be deleted from the document as the crescent is not designated as CH and edge effects, by definition, would occur anywhere the edge is replaced.

An expanded discussion on the ramifications of the state water fishery relative to the federal fishery.

For the Bering Sea/Aleutian Islands and Gulf of Alaska cod fisheries each sub-sector should be evaluated for spatial and temporal dispersion, and rate and volume of catch in critical habitat, and fixed gear and trawl sectors should be evaluated in the same manner.

#### NMFS Fisheries Research

Also, the Council will send a letter to the Secretary of Commerce, with a copy to the Alaska, Washington, and Oregon Congressional delegations, requesting that adequate funding be provided in the Department of Commerce's budget for Steller sea lion research for immediate use by NMFS RACE division to launch winter biomass surveys in sea lion critical habitat and the 3 aquatic foraging habitat areas this year. This letter should emphasize that an adequate level of funding is needed on an annual basis to provide essential data for managing fisheries. The Council further recommends that NMFS utilize commercial fishing vessels, crews and expertise, as well as collaborate with the State of Alaska to the extent possible to most efficiently use these limited funds to conduct stock assessment and management efficacy studies.

#### Fishery Rationalization

The EA should include a discussion of the regulatory changes that would be necessary to facilitate the voluntary formation of harvesting cooperatives in the BSAI and GOA cod fisheries, along with a proposed timetable for Council action that describes the steps necessary to enable the various sectors wishing to form cooperatives to do so as quickly as possible, hopefully in time for the 2001 fisheries.

#### Future Consultations on Commercial Fisheries and Steller Sea Lion Interactions

The Council will send a letter to the NMFS Alaska Region indicating its strong desire that the agency address, to every extent possible, the scientific concerns put forward by the SSC and AP as regards the cod-Steller sea lion EA as it completes the comprehensive FMP-level consultation that it will deliver on October 31, 2000.

# October, November and December Meetings

The regularly scheduled **October** meeting will be held in Sitka, Alaska at the Centennial building, the week of October 2. A draft agenda and schedule is attached. Please note the addition of initial review of an amendment to split the BSAI cod pot sector allocation between CVs &CPs. A special **November** meeting to review Steller sea lion and P.cod fisheries interactions will be held in Anchorage at the Hilton starting with the AP meeting November 15-17, the SSC meeting the 16<sup>th</sup> and the Council starting its meeting on the 17<sup>th</sup> going through the 19<sup>th</sup> or 20<sup>th</sup>. In **December**, the Council's regularly scheduled meeting will be held in Anchorage also at the Hilton the week of the 4<sup>th</sup>. For more information and updates, be sure to check our website or call our office for details. The 3 meeting outlook is also attached for the meetings in October, December and February.

# Committee Meetings

**CDQ Committee:** September 22, 9 am - 4 pm, in the Penthouse at the Westmark Hotel, Anchorage. The agenda would include initial review of the regulatory amendment for State-proposed changes to CDQ administrative regulations. Meeting materials will be available on September 15.

**Crab Plan Team Meetings:** September 19 and 20th starting at 9:00 a.m. in Kodiak, Kodiak Fisheries Research Center, 301 Research Court. (2nd driveway on Near Island) 9/19: Review survey information and GHLS; Prepare and review SAFE report 9/20: Review/critique proposal by AMCC regarding habitat and bycatch management measures; make recommendations to NPFMC; Reports/updates on biological reference points, overfishing, and opilio harvest strategy; other issues for discussion. NPFMC contacts is Dave Witherell.

**Groundfish Plan Team Meetings:** November 6 to 9. AFSC Building 4, conference rooms 2079 and 2143. Agendas will be available one week prior to the meetings. All meetings start at 9:00 a.m.

# Cook Inlet Non-pelagic Trawl Ban

The Council approved Plan Amendment 60 to the Gulf of Alaska FMP to prohibit the use of non-pelagic trawl gear in federal waters of Cook Inlet. This action complemented action adopted by the Alaska Board of Fisheries in 1995, which prohibited the use of non-pelagic trawl gear in state waters of Cook Inlet. The trawl prohibition was taken to protect and promote rebuilding of king and Tanner crab resources. Little fishing effort has occurred with this gear, and the action was identified as long-term, proactive protection is needed for this habitat to promote rebuilding of these resources. The EA/RIR for this change to the GOA FMP analyzed seven alternatives for limiting the impact of gear on crabs in the federal portion of Cook Inlet in the GOA. The Council chose the alternative recommended to it by the State Alaska. The gear ban would likely be implemented in 2002, if approved by the Secretary.

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