

# North Pacific Fishery Management Council

David Benton, Chairman  
Clarence Pautzke, Executive Director



605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

Telephone: (907) 271-2809

Fax: (907) 271-2817

Visit our website: <http://www.fakr.noaa.gov/npfmc>

Certified \_\_\_\_\_  
David Benton, Chairman

Date \_\_\_\_\_

## DRAFT MINUTES

**152nd Plenary Session**  
**NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**  
**September 7-8, 2001**  
**Sitka, Alaska**

The North Pacific Fishery Management Council met September 7-8, 2001 at the Harrigan Centennial Hall in Sitka, Alaska. The Scientific and Statistical Committee met September 5-6, and the Advisory Panel met September 6-7, also in Sitka. The purpose of this meeting was to review the draft Supplemental Environmental Impact Statement (DSEIS) on Steller sea lion protection measures, together with a draft Biological Opinion. The following members of the Council, staff, SSC and AP attended the meetings.

### Council

David Benton, Chairman  
Stosh Anderson  
Jim Balsiger  
John Bundy  
Anthony DeGange for David Allen  
Kevin Duffy for Frank Rue

Dave Hanson  
David Fluharty  
Stephanie Madsen  
Robert Penney  
CAPT Richard Preston for RADM Tom Barrett  
H. Robin Samuelsen, Jr.

Council member Dennis Austin was absent due to a family emergency. Representatives of Oregon and the State Department were not present at this meeting.

### NPFMC Staff

Clarence Pautzke, Executive Director  
Chris Oliver, Deputy Director  
Cathy Coon  
Mark Fina

David Witherell  
Helen Allen  
Gail Bendixen  
Maria Shawback

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**Support Staff**

Lauren Smoker, NOAA-GCAK  
Sue Salvesson, NMFS-AKR  
Earl Krygier, ADFG  
Jeff Passer, NMFS-Enforcement  
Tamra Faris, NMFS-AKR  
Doug Demaster, NMFS-NMML

Tom Loughlin, NMFS-NMML  
Michael Payne, NMFS-PRD  
Shane Capron, NMFS-PRD  
Galen Tromble, NMFS-AKR  
Ben Muse, NMFS-AKR  
Lew Queirolo, NMFS-AFSC

Also contractors Mike Downs (EDAW) and Mike Taylor (Northwest Economic Assoc.) participated in the report provided by Lew Queirolo.

**Scientific and Statistical Committee**

Richard Marasco, Chair  
Steve Berkeley  
Keith Criddle  
Doug Eggers  
Steve Hare  
Mark Herrmann

Jack Tagart, Vice Chair  
Sue Hills  
George Hunt, Jr.  
Dan Kimura  
Terry Quinn

**Advisory Panel**

John Bruce, Chairman  
Dave Benson  
Dave Boisseau  
Al Burch  
Craig Cross  
Ben Ellis  
Tom Enlow

Dan Falvey  
Dave Fraser  
Spike Jones  
Teresa Kandianis  
Tracey Mayhew  
Hazel Nelson  
Kris Norosz

Michelle Ridgway  
Jeff Steele  
Jeff Stephan  
Robert Ward  
Lyle Yeck

**Other Attendees**

The following people signed the attendance register:

Al Burch  
Captain Vice O'Shea, USCG  
Robert Cranston  
Jed Whittaker  
John Henderschedt

Robert Mikol  
John Iani  
Gerry Merrigan  
Thorn Smith  
Joe Childers

Jeff Stephan  
Marcus Alden  
Brent Paine  
Steve Hughes

**A. CALL TO ORDER/OATH OF OFFICE/ELECTIONS**

Chairman David Benton called the meeting to order at approximately 8:05 a.m. on Friday, September 7, 2001. Mr. Benton announced that Dennis Austin had to leave the meeting because of a family emergency. At the beginning of the meeting, Bob Penney and Anthony DeGange were absent. Both arrived later in the morning.

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Oath of Office. Jim Balsiger administered the Oath of Office to new Council members Stosh Anderson and Stephanie Madsen.

Elections. By unanimous vote, David Benton and Dennis Austin were elected Chair and Vice Chair, respectively, for the next year.

Guests. Dr. Bill Hogarth, Assistant Administrator for Fisheries, and Don Knowles, Director of the Office of Protected Resources, were in attendance for the entire meeting.

### **STELLER SEA LIONS**

#### **ACTION REQUIRED**

- (a) Receive staff reports on the draft SEIS and the draft Biological Opinion.
- (b) Receive report from the RPA Committee.
- (c) Receive report from the Alaska SSL Restoration Team.
- (d) Comment on the draft SEIS, biological opinion, and modify, as necessary, measures contained in the alternatives for final action in October.

#### **BACKGROUND**

##### **SEIS and BiOp4**

A draft Supplemental Environmental Impact Statement (SEIS) on Steller sea lion protection measures was distributed for public review on August 20, 2001. A draft biological opinion (BiOp) was included as Appendix A to the SEIS. Both documents can be viewed on the NMFS Alaska region website. Staff will provide a summary of the SEIS and BiOp.

##### **RPA Committee**

In January, the Council established an RPA Committee to make recommendations on sea lion protection measures for the second half of 2001 and develop an alternative RPA for the 2002 plan amendment analysis. The RPA Committee is composed of 21 members from the fishing community, the conservation community, NMFS, SSC, and State agencies. The RPA Committee met on August 23-24 in Juneau to review the SEIS and BiOp and make recommendations. Minutes from the meeting are attached. Committee Chairman Larry Cotter will report to the Council on their recommendations.

##### **Alaska Steller Sea Lion Restoration Team (ASSLRT)**

In September 2000, Governor Knowles formed the ASSLRT to identify means to promote the recovery of Steller sea lions while sustaining viable commercial fisheries in Alaska. ASSLRT recently released their report, which is available on the ADF&G website. Earl Krygier will be on hand to provide a summary of their findings.

At this meeting, the Council may provide comments on the draft biological opinion and SEIS. Deadlines for comments on these documents are October 15 and September 21, respectively. The Council may also wish to modify the management measures contained in the alternatives. Note that the RPA Committee has made recommendations to that effect.

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**Public Comment**

The following persons provided public comment during the meeting:

Jed Whittaker, Sitka  
Vern Jackson, F/V Constitution, Dutch Harbor  
Terry Leitzell, Icicle Seafoods  
Thorn Smith, North Pacific Longline Assn.  
Clem Tillion, Aleut Corporation  
Beth Stewart, Aleutians East Borough  
Donna Parker, F/V Arctic Storm  
John Gauvin, Groundfish Forum  
Frank Kelty, City of Unalaska  
Gerry Merrigan, Prowler Fisheries  
Mike Szymanski, Fishing Company of Alaska  
Dorothy Childers/Alan Parks, Alaska Marine Conservation Council  
Joe Childers, Western Alaska Fisheries Assn.  
Dave Fraser, HiSeas Cooperative  
Paul MacGregor, At-sea Processors Assn.

**Report of the Scientific and Statistical Committee**

The SSC noted that members have not had time for a thorough review of all aspects of BiOp4 or the DSEIS and that lack of comment on any particular portion of the documents does not necessarily imply the SSC's agreement with the information supplied. The SSC did, however, state that many concerns expressed by the SSC on previous biological opinions were addressed. The full minutes of the SSC (Appendix I to these minutes) provide more detailed concerns and comments on the current documents.

**Report of the Advisory Panel**

The AP recommends that the Council reaffirm its selection of Alternative 4 as the preferred alternative with the following modifications:

- A** Incorporate all of the additional recommendations of the RPA committee included in the minutes of the Aug. meeting:
- 1 W/C-GOA pollock C season start date of Aug. 25
  - 2 Revised platooning for the Atka Mackerel fleet
  - 3 Additional restrictions for the Bering Sea cod and pollock fishery
    - a) Closure of Area 8 haulouts (at Reef, Lava, Bishop Pt) to 10 miles for longliners >60'
    - b) Implement a 3 season split of trawl cod at 60/20/20 (50/30/20 for CP and 70/10/20 for CV) with rollover provisions.
    - c) Limit A season SCA pollock harvest to 28% of annual TAC prior to April 1<sup>st</sup>
- B** Incorporate the following recommendations on issues identified by staff, and presented by Chairman Cotter:
- 1 The 19 additional "RPA" haulouts should be treated consistently with CH haulouts.
  - 2 The 5 northern BS 20 mile haulout closures should apply to the Atka Mackerel, pollock, and P.cod fisheries only.

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- 3 Assignment to mackerel platoons should be random (so switching of assignments between vessels is not allowed) and apply to a specific vessel (not a permit).
- 4 Seasonal splits of P. cod do not apply to longliners <60 (catch fixed gear vessels <60 between the open access seasons accrues to the <60 reserve quota).
- 5 Maintain the <99' safety exemption in the SCA. NMFS should set aside such A season pollock quota in the SCA as needed for vessels <99' to harvest their full A season pollock quota in the SCA during the period from Jan. 20<sup>th</sup> – Mar. 31<sup>st</sup>.
- 6 The SCA pollock limit in the A season should be allocated amongst the sectors proportionally (each sector would be limited to 28% of its annual pollock allocation.)
- 7 300,000lb trip limits in the GOA and tender restrictions east of 157 degrees W in the GOA, as well as stand-down provisions and exclusive registration provisions would be retained.
- 8 Cod rollovers within the trawl sector should occur within a season prior to allocating to other gear types. Rollovers will continue into subsequent seasons but may be reapportioned if one sector is unable to reach its TAC.
- 9 Jig gear is exempt from haulout closures except in Area 9 and in the Segum Foraging Area.

The AP requests that the Council request the BOF to seriously consider adopting parallel restrictions in the parallel cod, pollock and mackerel fisheries in state waters in a timely manner.

Additionally, the AP recommends adding an option to Alt. 4 or some other remedy, which would create an exemption for longline cod CVs >60 in Area 8 to operate between 3-10 miles.

Further, the AP requests the Council to send the SEIS and draft BiOp out for public review for final action at the October meeting and include the following:

- A Review the use of the CS+/- methodology for consistency (are effects evaluated primary, secondary, or tertiary effects – do secondary or tertiary effects rely on assumptions or documented causal relationships). Clarify that there is no weighting assigned to these findings (one CS+ for species “A” doesn’t necessarily cancel one CS- for species “B”), and that these ratings are only relative comparisons of the alternatives (option 1 may be negative relative to option 2, but the underlying condition may be negative, positive, or trivial in both options.)
- B Include a table (as presented by Chairman Cotter) of the rookery/haulout closures by gear type listing each site (as per table 21 for 2001 RPAs) and clarify that table 3.6 does not reflect the Alt. 4 closure specifications.
- C Review using 1998 TAC as the reference point for “question 2” (prey availability) is the SSL CS+/- analysis
- D A more extensive discussion of the importance of AFA in the gathering of data, monitoring of the fishery, enforcement and management.
- E Amplify the discussion on VMS issues, including:
  - 1) implementation schedule
  - 2) reliability
  - 3) consequences of failures
  - 4) fisheries and sectors where VMS monitoring may not be needed to achieve quota monitoring goals.
- F Clarify that application of Alt. 4 Global Control Rule reduces TAC to the amount necessary for bycatch and puts that species on MRB only status.

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- G Analysis of the economic impacts to industry of management and enforcement measures as proposed in each alternative, including compliance costs for vessels to carry observers, observer costs, increased transit costs, impact of lost crew space on production.

Finally, for ongoing SSL issues, the AP recommends:

- 1- An ongoing analysis of the telemetry data that integrates both location and dive behavior from individual at sea trips, to directly estimate spatial and temporal foraging patterns.
- 2- An ongoing study to outline the statistically significant and biologically important differences in SSL demographics and population trends in the 1970's and 1980's compared to the 1990's.
- 3 - Reassessment of the listing status of the western and eastern SSL stocks.

**COUNCIL DISCUSSION/ACTION**

The Council received the draft SEIS and the draft biological opinion to review in advance of the meeting. Oral and written reports or presentations were provided by NMFS and Council staff. Larry Cotter gave the report of the SSL RPA Committee, and Earl Krygier provided an overview of the State's SSL Restoration Team report. Copies of all presentations made available to the Council are appended to these minutes.

**Robin Samuelsen moved to approve the recommendations of the Advisory Panel.** The motion was seconded by Stephanie Madsen.

**John Bundy moved to amend the motion to delete the recommendation that would create an exemption for longline cod catcher vessels under 60 ft in Area 8 to operate between 3-10 miles.** The motion was seconded by Stephanie Madsen and failed, 6 to 3, with Bundy, Madsen, and Samuelsen voting in favor. Austin and the Oregon representative were not present.

The maker of the main motion clarified that the suboptions under Alternative 4 were not part of the motion. After some discussion, it was made clear that while the suboptions are not part of the Council's preliminary preferred alternative, they are addressed in the analysis and the Council could choose to adopt one or more of them during final action, if it chose to do so. Council members suggested that at this time analysts are not prepared to make determinations based on telemetry data, and also that it is important to maintain the integrity of the areas while experimental issues are being addressed by the Council's independent panel of scientists. Regarding suboption 3, some members felt that it is not a Steller sea lion-related issue and could be taken up at a later meeting if necessary.

**The main motion carried unanimously** (Austin and Oregon representative not present).

**Stephanie Madsen moved to request the analysts to address as many of the concerns raised by the SSC as possible within the time available.** The motion was seconded and carried without objection. The final motion is appended to these minutes as Appendix II.

Regarding coordination between the Council and the Alaska Board of Fisheries, Mr. Duffy stressed that the Board will need, in a timely manner a detailed description of the closures anticipated so the Board will have adequate information to take action on closures in State waters.

The meeting was adjourned at approximately 2:50 p.m. on Saturday, September 8.

**Appendices**

- I. Minutes of the Scientific and Statistical Committee.

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- II. Council action, as approved.
- III. Replacement Table 2.5-8 from the SSL Protection Measures Draft SEIS.
- IV. Table dated 9/6/2001, "Alternative 4 Steller Sea Lion Sites for Pollock, Atka Mackerel, P. Cod, and Groundfish Fisheries.
- V. Copy of Powerpoint presentations on the DSEIS, RIR, and Biological Opinion.
- VI. Presentation of Northwest Economic Associates, "Market Analysis of Alaska Groundfish Fisheries: Alaska Pollock, Pacific Cod, and Atka Mackerel."
- VII. Copy of Powerpoint presentation of the SSL RPA Committee.
- VIII. Copy of Powerpoint presentation from the Alaska Steller Sea Lion Restoration Team.
- IX. Written public comments received.