

SIX WAYS THE NORTH PACIFIC COUNCIL DAMAGES THE BERING SEA

No one would say that the North Pacific Fishery Management Council intentionally pushed the Bering Sea ecosystem toward collapse. Even so, that appears to be what's happening.

In recent years, six major decisions by the Council have played an important role in the decline of the ecosystem and its parts, an investigation by *Cascadia Times* has found. Among its major findings, *Cascadia Times* found that the Council is:

1 Pushing the Steller sea lion toward extinction

The Council has pumped up the pollock catch in areas where Steller sea lions feed since 1999 by a factor of four. These areas, designated by NOAA Fisheries as "critical habitat," generally extend 10 to 20 miles around sea lion rookeries or haulouts.

From 1990 through 2000, policies and regulations recommended by the Council violated the Endangered Species Act, federal courts have ruled. From 1985 to 1990, high pollock catches in areas important to the Steller sea lion led to a rapid collapse in population. The Council always challenged the evidence, while actively fighting efforts to reduce the groundfish catch in areas important to the sea lion. Conservation groups were forced to go to court to make sure the Council's regulations complied with the ESA.

In 2001, the Council appointed a special committee stacked with industry representatives that overturned protection measures for the sea lion put in place the year before. The sea lion decline has slowed considerably since then, a fact federal scientists say may be due to measures in effect during the late 1990s. Now that the Council has increased pollock harvests within sea lion habitat once again, some scientists speculate the marine mammal may be in for another fall.

2. Pushing the northern fur seal toward a place on the Endangered Species List

Lactating female northern fur seals swim as far as 200 miles from their breeding areas for food for herself and her offspring. In one 20-square-mile area next to a breeding area on St. George Island in the Pribilofs, the Council has let the pollock catch go up ten-fold between 1999 and 2002. (A series of five maps on Page 14 illustrates this progression.) The pollock fleet squeezed 2 percent of its entire Bering Sea catch from this one tiny area.

An unpublished study by the National Marine Mammal Laboratory shows a similar pattern of increased pollock harvests in fur seal foraging areas.

In fact, the northern fur seal is barely on the Council's radar. It has never made use of marine mammal productivity information as a potential indicator of ecosystem health, according to a group of independent scientists who reviewed the Council's habitat protection meas-

ures.

In the last four years, the fur seal has been mentioned only twice in the minutes of Council meetings, once each in June and October 2003 when it created a committee to deal with fur seal issues.

The Northern Fur Seal Committee is loaded with industry operatives, including Council member David Benson, the employee of Trident Seafoods; and Paul MacGregor, an influential lawyer for the factory trawlers.

3. Falling to address the root cause of the collapse of Bering Sea crab

Seven crab species have crashed in the Bering Sea, five crab fisheries are closed and four species are overfished. NOAA Fisheries and the Council responded to this crash in part by developing a monopoly for crab processing companies. Their "crab rationalization" plan requires fishermen to sell their catch to specific companies, creating an artificial marketplace that the U.S. Department of Justice says would violate anti-trust laws. What the plan won't do is address what some scientists say is a potential root cause of the crab crash: bottom trawling in spawning habitat.

Crab fishermen in the Bering Sea have been asking for help in making the fishery safer. They agreed on a solution that would end the "race for fish" by allocating quotas among the harvesters. Seafood processors demanded quotas too, and threatened to use their vast political power to block any crab rationalization plan that failed to also allocate market shares to the largest players.

Crab fishermen opposed the plan for fear it would lead to price-fixing among processors, as well as reduce their ability to negotiate better prices. The U.S. Department of Justice said the plan would likely violate antitrust laws. Yet the Council recommended the plan, and Congress ratified it.

4. Failing to sufficiently protect key marine habitat

The Council has banned bottom trawling in some habitat areas, but has never addressed the question whether the current level of protection is enough. For example, in 1994 the Council created the Pribilof Habitat Conservation Area -- a no-trawl zone to protect blue crab and northern fur seals.

The Council has not monitored or reviewed the effectiveness of this or any other protected area in the Bering Sea, despite repeated requests from its own scientists to do so. Moreover, the protected areas cover only 4 percent of habitat for the only remaining significant crab fishery, the snow crab. The snow crab has been "overfished" since 1999, yet the Council has taken no steps to determine whether further habitat protection is necessary, some members of its Science and Statistical Advisory Committee (SSC) say.

The SSC has "repeatedly voiced concern" about the Council's failure to review the effectiveness of closed areas

designed to protect crabs and Steller sea lions, says Dr. Keith Criddle, an SSC member who teaches at Utah State University.

"The failure to implement an experimental design means that whether crab populations (or Steller sea lion populations) rise or fall subsequent to the introduction of the closures, it will not be possible to establish that the closure caused the change in crab populations (or Steller sea lion populations)," Criddle says.

In October 2003, in a widely criticized decision, the Council voted against any protection for "essential fish habitat" damaged by fishing vessels that drag huge nets across the sea floor, such as coral or sponge. It rejected a proposal to designate "Essential Fish Habitat" even though the measure would have only slightly reduced the total area vessels are allowed to fish.

NOAA Fisheries, in a recent environmental impact statement, determined that fisheries were possibly causing "long term" and "irreversible" damage to habitat, especially the long-lived old-growth corals. A new scientific paper describes cold water corals in the Aleutians as probably the evolutionary center of cold-water corals on the planet.

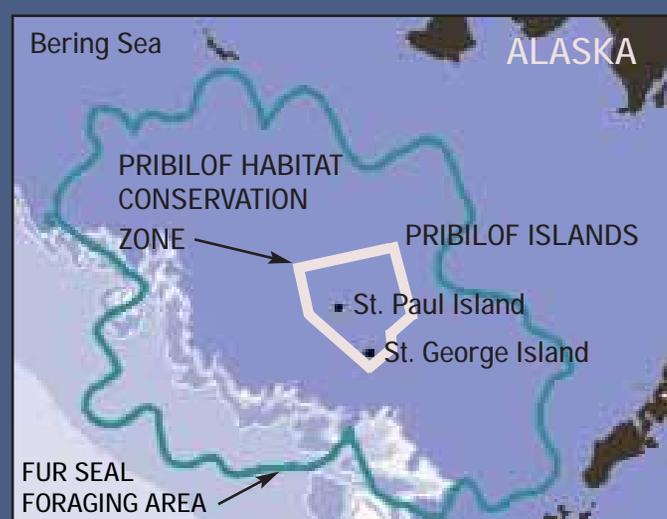
But the Council decided that any damage to deep sea habitat is only minor and temporary. A panel of scientists that reviewed the decision issued reports in October 2004 that were highly critical of the Council's analysis.

"Further protection of those habitats would be a precautionary step to reduce the risk of future losses to the stock, fishery and ecosystem," wrote one of the reviewers, Dr. Asgeir Aglen of Bergen, Norway.

They found that there's been "no assessment and little discussion" on how fishing is affecting spawning areas. They also were critical of the Council's failure to recommend no habitat protection even where substantial local habitat areas had already been lost.

5. Failing to take into account the needs of the overall ecosystem

Until 2001, it was Council policy to allow stocks to fall as low as 2 percent of their unfished size. In 2001, the Council raised the threshold to 20 percent for Steller sea lion prey species only (a group that includes pollock, Atka mackerel and Pacific cod). For all other



PRIBILOF PROTECTED AREA — The North Pacific Council created a no-trawl zone around the Pribilof Islands in 1994. The zone primarily was designed to protect king crab from damage from trawling, but northern fur seals were also expected to benefit from the closed zone. Tracking studies showed, however, that lactating female fur seals forage far beyond the no-trawl zone boundaries. They travel up to 200 miles from rookeries on the Pribilof Islands out to the green line, above. Fur seals who forage south of St. George Island are especially impacted, as the council designed the boundaries to minimize impacts on commercial fishing in the rich fishing grounds south of that island. Against the repeated advice of its own Science and Statistics Committee, the Council has never reviewed the zone's effectiveness, and so does not know whether the zone protects crab, seals any other species.

stocks, the minimum size remains 2 percent. This policy is far less conservative than the national policy of allowing stocks to fall to 20 percent their original size without declaring them overfished.

The Council believes it can allow fishers to remove 60 percent or more of a stock without significant consequences for the rest of the ecosystem or on species that may be threatened or in danger of extinction. Neither the Council nor NOAA Fisheries have ever proven that this assumption is true, and many critics contend it is patently false.

6. Failing to significantly reduce halibut bycatch

The Council has allowed bottom druggers and others to destroy halibut as bycatch in fisheries near the Pribilofs. In "One day one vessel can catch, kill, and throw away more halibut than the entire community of St. George gets for their halibut quota," says Karen Holser of the Pribilof Islands Stewardship Council. She says Pribilofians have not been able to catch their quotas because the pollock fleet is "scooping up all the fish." The pollock fleet is required to toss the pollock bycatch back to sea.

"Our people have no fish in their freezers," says Richard Zacharof, president of the St. Paul Tribal Government.

The destruction of halibut around the Pribilofs has caused serious damage to their economy. In 1997, Pribilof Aleuts were allowed to catch 87 percent of their annual quota before the fishery was closed for the year. In 2003, they were allowed to take only 42 percent of their quota before the fishery was closed.

"This is the beginning of the halibut crash," says Kevin Kennedy, marine operations manager at the port on St. Paul Island in the Pribilofs. He and others are urging the Council to expand the no-trawl zone around the islands. ■