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Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, speak to us so that what we speak may have the ring of reality and the tenor of truth. You have granted the Senators the gift of words. May they use this gift wisely today. Help them to speak words that inspire and instruct. Enable them to say what they mean and then mean what they say, so that they are able to stand by their words with integrity. And since the world listens so carefully to what is said and watches how it is said, may the Senators judge each other's ideas but never each other's value. In this way, may the Senate exemplify to the world how to maintain unity in diversity and the bond of patriotism in the search for Your best for America. Help us to listen to You and to each other. In Your all-powerful name. Amen.

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PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

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SCHEDULE

Mr. THOMAS. Mr. President, for the information of all Senators, the Senate will be in a period for morning business until 10:30 a.m. It is expected the House will vote this morning on a continuing resolution that funds the Government through Monday, December 11. The Senate will have a voice vote on the resolution as soon as it is received from the House. Therefore, no votes will occur during today's session of the Senate. On Monday, an additional CR will be necessary. However, it is hoped that a vote will not be needed on that resolution on Monday. I thank my colleagues for their attention.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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STELLER SEA LION BIOLOGICAL OPINION

Mr. STEVENS. Mr. President, I have come to the floor because, as we are considering the final wrapup of the appropriations bills, I face the problem of having to modify a provision that was in a bill as we were ready to send it to the President before the election dealing with Steller sea lions.

It is sort of a long story, but let me start from the beginning.

In 1969, as a new Senator, I flew from Kodiak to the Pribilof Islands in a Navy plane. I observed hundreds—hundreds—of foreign fishing vessels—factory trawlers—between those two islands off our coast. They were catching Alaska's seafood. As a matter of fact, they were beyond the 3-mile limit. They were in international waters at that time.

Subsequently, I asked the Coast Guard, and I think the Fish and Wildlife Service then, to take some photographs of those vessels. We found, after examining photographs, that on the top of the vessels, on the decks, there were pens, literally, where they would toss a fur seal here and a harbor seal there, and a baby sea lion there. And then there was what we called a ''glory hole'' in the center, and they just shoved all of the fish into that hole. And it was ground up and sent back into the world's economy as protein. None of it came ashore in the United States or Alaska.

That appalled me. I came back and we worked with people in the House. We devised a bill and introduced it to claim the 200 miles off our shore for the protection of the marine resources. That did not pass that year.

The next year, I asked my good friend, Senator Warren Magnuson of Washington, and he introduced the bill as chairman of the Commerce Committee. I was cosponsor. But we worked to get that bill passed.

By 1976, that bill was passed. We obtained control over the 200 miles off our shore. In that process we started the concept of Americanizing the 200 mile zone so we could get better control over the vessels that harvested our fish.

The grand story of the whole continuum since 1976 is the pollock and cod of the North Pacific. Pollock and cod were at that time a fairly insignificant fishery. They were taking probably 10–20 million pounds a year—a little bit more—and would bring it ashore here into our country.

But the difficulty with pollock is, it must be fleshed and boned soon after it is caught. It turns into a wonderful, white protein. The Japanese use it as surimi. We use pollock and cod as fillets and in fish sticks. If you go to Long John Silver's or McDonald's, any one of those entities today to buy a fish sandwich, there is a 9 out of 10

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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chance you are going to be eating Alaska pollock.

But here is the beauty of the control mechanism we set up over the 200-mile limit. Pollock in the North Pacific is cannibalistic. I have said that on the floor before. As they mature, they get lazy, do not want to forage for food, and they eat their young. We found that if you harvest the mature fish—take them to market—the biomass expands.

The biomass of Alaskan pollock is about five times the size it was when we created the 200-mile limit. It now sustains the most enormous fishery in the world. It is a vital necessity to the economy of the Pacific Northwest and an absolute necessity to our State.

By virtue of an action taken just recently, the administration has now denied access to Alaskan pollock and cod, to the extent that about 1,000 boats will not fish in January who would otherwise go out and start fishing.

The Department of Commerce released, last Friday, a biological opinion on the relationship between the Steller sea lion and the Alaskan groundfish fleet. This 588-page document contains a massive rewrite of the fishery management plan for the Bering Sea and the Gulf of Alaska groundfish fisheries.

Mind you, under the Magnuson Act—it is now called the Magnuson-Stevens Act—but under that Act that commenced in 1976, the duty to create fishery management plans for the areas off our shore lies in the regional councils. Alaska is the only State that has its own council—because of the massive area of our State; more than half the coastline of the United States is in Alaska—we have a regional council.

As I mentioned, the duty to prepare fishery management plans under Federal law is in the regional councils. This is a magnificent experiment in terms of government. The councils are created by appointments from the Secretary of Commerce from a list submitted by the Governors of the coastal States. The Federal Government and the States have each delegated some authority to those councils to manage fisheries in those areas.

But this document, filed last Friday, was prepared in secrecy. No one in my State knew what was in it.

It impacts areas inside Alaska state waters. It covers areas in the jurisdiction of other departments. And it was not unveiled until the very last minute. In fact, the National Marine Fisheries Service had an appointment to brief me on it on Thursday, and they asked to put it off until Friday. I changed that appointment for them. The reason was, they wanted to file it in court before they met with me. They had already delivered the document to the Federal judge involved when we met Friday. They prepared this because a Federal judge in Washington had enjoined all fishing because they lacked sound science under their prior biological opinion, prepared under the Endangered Species Act.

I am trying to start a line of reasoning here so people understand what has happened. The way that that biological opinion under the Endangered Species Act has been handled is a direct assault on the 1976 Magnuson Act because it has taken over the jurisdiction of the regional councils to prepare these fishery management plans. In fact, the Magnuson Act contains an emergency clause. The Secretary of Commerce is enabled, under certain circumstances, to issue emergency orders that change or even promulgate a management plan. But this management plan is promulgated in a biological opinion issued under the Endangered Species Act. There is no emergency clause in the Endangered Species Act.

What we did in 1976 was to provide the tools to each region to manage the fisheries in their area. There has never been a more successful effort in terms of Federal-State cooperation, in my opinion. Now, because of a lawsuit filed by Greenpeace in a Federal court, the National Marine Fisheries Service is trying to change the total management of the North Pacific as far as the Steller sea lion and Alaska groundfish are concerned. This is the real emergency here for us, but it is something every coastal State should look at. Because by using the authority of the Magnuson Act emergency clause and taking it into a process under the Endangered Species Act and issuing a management plan that is only outlined by the Magnuson Act, but by issuing it in a biological opinion, what they have done is they have seized from the States, they have seized from the regional councils any management authority over the areas off our shores that the Magnuson Act covered.

I cannot stand by and see this happen. In the first place, as I said, this is a terrible blow to the people of my State who work hard harvesting and processing this fish. The value of the lost harvest alone will be at least $191 million under the biological opinion. But if you look at that stream of economic activity it creates in the national economy, there is over $1 billion a year that comes from groundfish. It is turned into a marketable, salable product and develops these retail entities that are world renowned in terms of providing quality fish and fish products for consumption by our consumers.

The opinion that was filed is an interesting thing. The first five times the National Marine Fisheries Service explored the relationship between pollock and the decline of the Steller sea lion, the opinion said there was no relationship. Dissatisfied with that, the administration dismissed from the area of research the people who had written those first opinions and turned to a new researcher who had done some research off Atka Island, which is about 1,500 miles west of Anchorage, on the relationship of mackerel out there to the fishing efforts.

One man developed what is known as a localized depletion theory. He opined that the reason there was a decline around Atka Island was that factory trawlers were coming and fishing. In the period after they were fishing, there was a localized depletion of the fishery resource. That is not a scientific conclusion. That is a theory. But they brought him in to write the biological opinion on Steller sea lions in relationship to pollock and cod, and he used his new concept of localized depletion. He has now brought forward in this biological opinion, through the Department of Commerce—I wish I had the map to show the Senate—a process which denies access to the groundfish fleet to areas within a 20-mile radius of most Steller sea lion rookeries. The concept of the connection between those rookeries and the pollock is localized depletion. It is not science. It is an assumption. And it has not been accepted by the scientific community.

Their own scientists admit they have no data to support this theory, and that is a direct violation of both the Magnuson-Stevens Act and the Endangered Species Act, which require a sound scientific basis. The difficulty is that the biological opinion, if it becomes operative, will limit the areas and limit the seasons in which fishermen can fish for pollock and cod. That is a limitation that is only authorized under the Magnuson-Stevens Act, and it cannot be promulgated except in response to a plan presented by the regional council.

Our regional council denounces this current biological opinion. Our State opposes it violently. As I said, no one knew anything that was in it. It was totally in camera. Nobody had access to it, unless it was the plaintiffs in the lawsuit, Greenpeace. The Commerce Department denied me access to it and demanded I wait 12 hours. And in that 12 hours, they filed it in opinion in court without giving us a chance to examine it.

The Magnuson Act was designed to promote safety at sea. I don't know how many people know about it, but the worst death ratio in any industry in our country is in commercial fishing off our State. As the father of a son who has been out there fishing for 10, 12, 15 years, I can tell the Senate, there is no greater worry for a father than to have a son on one of those boats because the death toll is horrendous. It will be worse because of Government regulations that require closures and require actions that aren't based on common sense. In this biological opinion, they are now going to force our small boats to fish in the dangerous offshore areas in the winter storm season. They say: Fish in the winter storm season. We passed the act so we could enact regulations so we could get out of the winter storm season. I can't understand why they would do that. It is a direct violation of Federal law to do that. They should have at least consulted the regional council and allowed

the regional council to have hearings. They have not done so.

Yesterday in Anchorage the advisory panel to the North Pacific Fisheries Management Council voted unanimously to reject this biological opinion. They want to restore the regulations that were in effect prior to its issuance until we can have public hearings and public review and we get the National Academy of Sciences and other qualified scientists to review this theory that has been presented by the National Marine Fisheries Service under the cloak of sound science.

I do have a provision I am going to offer to this bill again. It is a modification of the amendment that is already there. It would allow the fishery to go forward under both the Endangered Species Act and the Magnuson-Stevens Act regulations that were in place before this opinion was issued. People are saying we are emasculating the Endangered Species Act. Nothing is further from the truth. The Endangered Species Act was part of the plan that was followed and was in effect before this new plan was filed in the lawsuit in Seattle. Earlier this year, the Department of Commerce argued in court that these regulations were sufficient under the Endangered Species Act.

Again, I am here to ask the Senators from New England, from the Atlantic area, from the South Atlantic area, from the Gulf coast, from the Pacific council area, to look at what has happened. This is a federalization of fisheries off our shores under the guise of the Endangered Species Act based upon a theory that has not been tested anywhere.

In my opinion, the current act that is before us to close out the Government should not pass and will not have my signature on the final conference report unless something is in there that deals with this very odd biological opinion and restores the capability of our people to continue to fish in a safe and sound way off our shores.

Mr. President, I was given a CD–ROM of this document, the biological opinion. I think it would be nice reading for some people over the weekend. I ask unanimous consent that the executive summary be printed in the RECORD following my remarks. The entire document is available on the National Marine Fisheries Service website.

There being no ojbection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY—NOVEMBER 30, 2000

In compliance with section 7 of the Endangered Species Act (ESA), the National Marine Fisheries Service (NMFS) has completed this biological opinion consulting on the authorization of groundfish fisheries in the Bering Sea and Aleutian Islands region (BSAI) under the Fishery Management Plan (FMP) for the BSAI Groundfish, and the authorization of groundfish fisheries in the Gulf of Alaska (GOA) under the FMP for Groundfish of the GOA. This opinion is comprehensive in scope and considers the fisheries and the overall management framework established by the respective FMPs to determine whether that framework contains necessary measures to ensure the protection of listed species and critical habitat. The opinion determines whether the BSAI or GOA groundfish fisheries, as implemented under the respective FMPs, jeopardize the continued existence of listed species in the areas affected by the fisheries (i.e., the action areas) or adversely modify critical habitat of such species.

ACTION AREA

The action area consists of ''all areas to be affected directly or indirectly by the Federal action, and not merely the immediate area involved in the action'' (50 CFR 402.02(d)). As such, the action area for the Federally managed BSAI groundfish fisheries covers all of the Bering Sea under U.S. jurisdiction, extending southward to include the waters south of the Aleutian Islands west of 170°W longitude to the border of the U.S. Exclusive Economic Zone. The action area covered by the GOA FMP applies to the U.S. Exclusive Economic Zone of the North Pacific Ocean, exclusive of the Bering Sea, between the eastern Aleutian Islands at 170°W longitude and Dixon Entrance. The area encompasses sites that are directly affected by fishing, as well as sites likely to be indirectly affected by the removal of fish at nearby sites. The action area would also, necessarily, include those state waters that are encompassed by critical habitat for Steller sea lions.

The action area includes the Alaska range of both the endangered western and threatened eastern populations of the Steller sea lion. However, the effects of the Federal FMPs on Steller sea lions generally occur within the range of the western population. Therefore, this consultation focuses primarily on areas west of 144 W longitude (the defined boundary of the western population of Steller sea lions).

NMFS has determined that the action being considered in this biological opinion may affect 22 species listed under the ESA, including 7 species of endangered whales, the two distinct populations of Steller sea lions, twelve evolutionarily significant units (ESU) of Pacific salmonids and one species of endangered sea turtle. The action area also includes 4 species of endangered or threatened seabirds, and 1 species of marine mammal, the northern sea otter, that has been proposed as a candidate species under the ESA.

ENVIRONMENTAL BASELINE

The environmental baseline for the biological opinion must include the past and present impacts of all state, Federal or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone consultations, and the impact of contemporaneous State or private actions (50 CFR §402.02). The environmental baseline for this biological opinion includes the effects of a wide variety of human activities and natural phenomena that may affect the survival and recovery of threatened and endangered species in the action area. The opinion recognizes that such phenomena and activities have contributed to the current status of populations of those listed species. While some may have occurred in the past but no longer affect these species, others may continue to affect populations of listed species in the study area.

The environmental baseline for this action includes fisheries and other FMP-associated activities that are occurring, and that have occurred prior to January 2000. Other human-related activities discussed that may affect, or have affected, the baseline include the impacts of human growth on the action area and the effects of commercial and subsistence harvests of marine mammals. Alaska managed commercial fisheries are also addressed. Those fisheries and their effects on listed species are expected to continue in the action area and into the future. Herring and salmon are fisheries that are managed entirely by the State of Alaska, or, in the case of pollock and Pacific cod, only a percentage of the fishery is managed by State authority, and are species found year-round in the diet of Steller sea lions.

The environmental baseline also discusses the potential effects of the environmental changes on the carrying capacity of the action area over the past several decades, including the relationship between the dietary needs of Steller sea lions, the regime shift hypothesis, and massive population declines in recent decades. The opinion concludes that it is highly unlikely that natural environmental change has been the sole underlying cause for the decline of Steller sea lion.

The environmental baseline attempts to bring together all of the estimated mortalities of Steller sea lions and a synthesis of the significance of those takes. The best available scientific information on the magnitude and likely impacts of Orca predation on listed species in the action area are analyzed. Other factors, such as disease, ecological effects of commercial whaling through the 1970s, and pollutants, while not entirely excluded as contributing factors, have been considered, but are given lesser importance in explaining the observed pattern of declines.

EFFECTS OF ACTIONS

The scope of the ''effects of actions'' analysis is intended to be comprehensive. As such, the opinion is broad and examines a range of activities conducted pursuant to the FMPs including the manner in which the total allowable catch levels are set, the process that leads to the setting of these levels, the amount of prey biomass taken from sea lion critical habitat. The effects of other activities that are interrelated or interdependent are also analyzed. Indirect effects are those that are caused later in time, but are still reasonably certain to occur. Interrelated actions are those that are part of a larger action and depend upon the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration (50 CFR 402.02).

The first part of the effects analysis is a description of fishery management as practiced under the FMPs, including an explanation of how ecosystem issues are considered. Particularly important sources of potential ecosystem effects are highlighted in subsequent sections. The second part of the effects analysis focuses on the current exploitation strategy and its potential relevance, both past and present, in shaping changes in the abundance and population structure of groundfish stocks. The present fishery management regime's maximum target fishing reference point of B40% is used as an example to illustrate the potential direction and intensity of direct effects.

The third part of the effects analysis reviews the annual fishery cycle, from surveys through the establishment of Total Allowable Catch (TAC) levels. The effects are evaluated specific to the major stages of the cycle and to explore whether effects can be compounded through subsequent steps in the cycle. Finally, in the fourth part of the effects analysis, the FMPs and their management tools and policies are examined as guiding documents for management of the fisheries and protection of the associated ecosystems. This part also addresses the fisheries as they are prosecuted under the FMPs.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, tribal, local, or private actions

that are reasonably certain to occur in the action area. The State groundfish fisheries are generally smaller than the federal groundfish fisheries but are expected to have marginally more impacts (because of location) on listed species with respect to competition for prey and long term ecosystem impacts. The crab fishery is one of the biggest fisheries managed by the state. However, this fishery is not likely to directly compete for prey with either Steller sea lions or other listed species. Herring, salmon, Pacific cod, pollock, squid, and octopus are items found year-round in the diet of Steller sea lions. Species such as salmon and herring occur much more frequently in the summer as determined by analyses of Steller sea lion prey habits from 1990–1998.

Perhaps the most important interaction between state fisheries and listed species may arise from the pattern of localized removals of spawners. Although the patterns are generally similar from one fishery to the next, the sheer number of distinct fisheries makes it difficult to describe them individually. Likewise, each fishery is distinctly different in either the number of boats, gear used, time of year, length of season, and fish species. Therefore, we present the herring fishery as an example of this type of interaction to demonstrate some of the competitive interactions that may occur.

The impacts of some of the State fisheries on Steller sea lions and, in some cases, humpback whales would be similar to those of the Federal fisheries: cascade effects and competition. Steller sea lions and some of the State fisheries actively demand a common resource and the fisheries reduce the availability of that common resource to Steller sea lions while they satisfy their demand for fish. The State groundfish fisheries may reduce the abundance or alter the distribution of several prey species of listed species.

After reviewing the current status of each listed species in the action area, the environmental baseline for the action area, the effects of the FMPs for Alaska Groundfish in the BSAI and GOA, and the cumulative effects of the federal action, NMFS has determined that the FMPs are not likely to jeopardize the continued existence of any listed species in the action area except for the endangered western population of Steller sea lions. In addition, after reviewing the current status of critical habitat that has been designated for Steller sea lions, the environmental baseline for the action area, the FMPs for Alaska Groundfish in the BSAI and GOA, and the cumulative effects, it is NMFS' biological opinion that the FMPs are likely to adversely modify this critical habitat designated for Steller sea lions.

REASONABLE AND PRUDENT ALTERNATIVE

Based on the effects discussion and NMFS determination that fishing activity under the FMPs are likely to jeopardize the continued existence of the western population of Steller sea lions and are likely to adversely modify their designated critical habitat, NMFS has developed a reasonable and prudent alternative (RPA) with multiple components for the groundfish fisheries in the BSAI and GOA. The fisheries effects that give rise to these determinations include both large scale removals of Steller sea lion forage over time, and the potential for reduced availability of prey on the fishing grounds at scales of importance to individual foraging Steller sea lions.

The first RPA element addresses the harvest strategy for fish removal at the global or FMP level. This RPA requires the adoption of a new harvest control rule that would decrease the likelihood that the fished biomass for pollock, Pacific cod and Atka mackerel would drop below B40%. The global control rule is a revised, more precautionary fishing strategy (F40% adjustment procedure) for principal prey of Steller sea lions taken by the groundfish fisheries in the BSAI and GOA (pollock, Pacific cod and Atka mackerel) than that which currently exists under the FMP. The effect of using the global control rule is increased likelihood that the stock is maintained at or above the target stock size by reducing the exploitation rate at low stock sizes.

Other RPA elements completely protect sea lions from groundfish fisheries at global and regional scales, and in both temporal and spatial dimensions. The other RPA elements reflect a heirarchy of NMFS concerns about the effects of the groundfish fisheries on Steller sea lions. Those concerns are greatest with respect to critical habitat areas around rookeries and major haulouts, and in special foraging areas designated as critical habitat, and less for areas outside of critical habitat where take levels are not considered to be at a level that would jeopardize Steller sea lions. Significant interactions between sea lions and the fisheries for pollock, Pacific cod and Atka mackerel have been eliminated in critical habitat between November 1 and January 19, or 22% of the year. This level of partitioning is necessary in this period because sea lions at this time are considered extremely sensitive to prey availability. Because fisheries are restricted to the remaining 78% of the year, dispersive actions taken at finer temporal and spatial scales are also necessary to avoid jeopardy and adverse modification. The RPA extends 3 nautical mile (nm) protective zones around rookeries to all haulouts. In the GOA, EBS and AI, a total of 139 no-fishing zones (note: the rookeries are already no-entry zones) are established that will partition all pups and non-pups from disturbances associated with vessel traffic and fishing in close proximity to important terrestrial breeding and resting habitat. The RPA closes many rookeries and haulouts out to 20 nm to directed fishing for pollock, Pacific cod and Atka mackerel. This second spatial partitioning element excludes all fisheries for pollock, Pacific cod, and Atka mackerel from approximately 63% of critical habitat in the GOA, EBS, and Aleutian Islands. These measures significantly increase the amount of critical habitat protected from directed fishing for Steller sea lion prey, greatly reduces the number of potential takes of Steller sea lions through competition for a prey base inside critical habitat, completely protects all pups and non-pups on rookeries and haulouts out to 3 nm from the effects of fishing activity, and greatly reduces the interactions between fisheries and sea lions during winter months.

Fisheries occurring in the remaining 34% of critical habitat and the areas outside critical habitat require further dispersive actions to avoid jeopardy and adverse modification. The temporal concentration of fisheries for pollock, Pacific cod and Atka mackerel may result in high local harvest rates that may reduce the quality of habitat by modifying prey availability. The RPA establishes the following measures to disperse fishing effort at regional and local scales and to reduce the effects of groundfish fisheries on prey availability for sea lions to negligible or background levels.

The RPA separates the fisheries into four seasonal limits inside critical habitat, and two seasonal releases outside of critical habitat, and disperses fishing effort throughout the open portion of the year, January 20–October 31. Season start dates are spaced evenly throughout this period and portions of the TAC is allocated to each season. These actions reduce the proportion of pollock, Pacific cod and Atka mackerel taken inside critical habitat inside the GOA to less than 20% of the total catch. The measure also protects against excessive harvest rates that may rapidly deplete concentrations of prey inside critical habitat. NMFS has concluded that a temporally dispersed fishery would not significantly harm the foraging success of Steller sea lions as the take would be reduced to a level that NMFS believes would not compromise them.

The spatial concentration of current fishing effort for pollock, Pacific cod and Atka mackerel may result in high local harvest rates that reduce the quality of habitat for foraging Steller sea lions. Fishing inside critical habitat may result in takes of Steller sea lions through adverse modification of habitat (i.e, prey availability). Therefore, this RPA reduces the percentage of pollock taken inside critical habitat from 80 to 42% in the GOA, from 45 to 14% in the EBS and from 74 to 2% in the AI compared to 1998. It also reduces the percentage of Pacific cod caught in critical habitat from 48 to 21% in the GOA, from 39 to 17% in the EBS and from 79 to 17% in the AI as compared to 1998. The RPA reduces the percentage of Atka mackerel caught inside critical habitat in the AI from 66 to 8% as compared to 1998.

Finally, the RPA is designed to close adequate portions of critical habitat to commercial fishing for the three primary prey species of groundfish, while imposing restrictions on fishing operations in areas open to fishing to avoid local depletion of prey resources for Steller sea lions. This approach of creating areas open and closed to fishing operations provides contrast between complete closures and restricting fishing areas within critical habitat and forms the basis for monitoring the RPA. Over the past decade the North Pacific Fisheries Management Council has noted the importance of assessing the efficacy of conservation measures intended to promote the recovery of the western population of Steller sea lions. To this end, NMFS has incorporated into its RPA a monitoring program that will allow for such an evaluation.

INCIDENTAL TAKE STATEMENT AND CONSERVATION RECOMMENDATIONS

An Incidental Take Statement (ITS) specifies the impact of any incidental taking of endangered or threatened species. It also provides reasonable and prudent measures that are necessary to minimize impacts and sets forth terms and conditions with which NMFS must comply in order to implement the reasonable and prudent measures and to be exempt from the prohibitions of section 9 of the ESA.

In addition to the RPA and ITS, conservation recommendations have been provided within this biological opinion. An example of one of the conservation recommendations that NMFS believes should be implemented is a more comprehensive stock assessment that would provide detailed information on groundfish stocks on spatial and temporal scales and to provide timely review of possible fishery interactions with listed species (and in the future on essential fish habitat). This would allow for better analysis of the possible impacts of target fisheries on listed species and the more proactive development of time/space harvest recommendations at the individual stock assessment level so that fishery interactions with listed species and essential fish habitat can be minimized.

The cumulative effect of the RPA elements contained in this biological opinion successfully removes jeopardy and avoid adverse modification of designated critical habitat. However, the State fisheries in Alaska, particularly those involving salmon, herring, and Pacific cod are likely to result in take of

Steller sea lions and may require modification. As a conservation measure, NMFS also recommends that the State of Alaska request NMFS to assist in the development of a Habitat Conservation Plan (as authorized under section 10 of the ESA). This plan should be designed to mitigate adverse impacts on Steller sea lions and other listed species that might accrue from State managed fisheries. This plan should employ the same standards and principles as used in this biological opinion to prevent completion and minimize take between fisheries and listed species.

CONCLUSION

After analyzing the cumulative, direct and indirect effects of the Alaska groundfish fisheries on listed species, NMFS concludes that the fisheries do not jeopardize any listed species other than Steller sea lions. The biological opinion concludes that the fisheries do jeopardize Steller sea lions and adversely modify their critical habitat due to competition for prey and modification of their prey field. The three main species with which Steller sea lions compete for prey are pollock, Pacific cod, and Atka mackerel. The biological opinion provides a reasonable and prudent alternative to modify the fisheries in a way that avoids jeopardy and adverse modification.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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EXTENSION OF MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that the period for morning business be extended, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

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SENATE RELATIONSHIPS

Mr. GORTON. Mr. President, yesterday morning, without any notice to this Senator, my distinguished colleague from Washington, Senator MURRAY, came to the floor to congratulate me in my career in the Senate in a most generous and gracious fashion and to yield time to other Senators for the same purpose.

Each of them, including the other Senator present, Mr. BURNS, was more than generous and profuse in their praise. The experience of listening to it in my office bore some resemblance to attending one's own wake. But, nonetheless, the many fine things that were stated about my career by Members on both sides of the aisle is deeply appreciated.

I reflected a little bit later on the fact that while our public image—and, for that matter, our public duties—has to deal with profound political and social questions of public policy, our personal relationships among the 100 Members is something really quite different. Each of us leaves the others with strong impressions. Friendships become both broad and deep during the course of a career here in the Senate. When one comes to the end of such a career, it is those personal relationships, in my view, that are the most deep and most profound and that have the greatest effect on one as an individual.

To listen to expressions from people who are not accustomed to speaking emotionally or personally is an extremely moving experience. For that reason, as close as each of those individuals was to me, I don't want to mention them by name but simply express my thanks and my appreciation for all they said. Those friendships, of course, will continue in most cases through a lifetime.

Relationships of necessity are really quite different.

There is, however, one other set of relationships about which I should like to speak very briefly, and that is the relationship between a Member of this body and his or her staff, both present and past. I think I can say unequivocally that quite profoundly I am and have been a creature of my staff over the period of my entire 18 years in this body.

My proudest achievement is that so many young people—almost all from my own State—have worked for a great or shorter period of time on my staff either here or in the State of Washington. The great majority of them, of course, have already gone on to other careers—most of them in the State, a return that I find particularly gratifying.

If I have a legacy—I think in many respects if any of us has a true legacy over the years—the best of all the bills we have gotten passed and almost inevitably amended within a relatively short period of time—that legacy is the young people to whom we have given a start here in highly responsible positions, working on important matters of public policy and dealing with dozens, hundreds, and even thousands of the constituents whom we represent, growing in not only thoughtfulness but responsibility during that period of time.

For me, the great legacy for generations to come will be the new, young, and maturing people who have worked for me during the course of these 18 years. I have every hope that at some time in the not too distant future at least one of them may appear in this body as a Member. And certainly I am of the belief that many of them will appear in my State and other States in positions of increasing responsibility in a lifetime that will have been marked by our association together.

I thank my colleagues. I thank the staff here and of the Senate itself in this Chamber, but most particularly the hundreds of young people who have worked for and with me during the course of the last 18 years.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. GORTON. Given the presence of the assistant Democratic leader, I ask unanimous consent the Senate now turn to the consideration of H.J. Res. 128.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 128) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be considered read the third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 128) was considered read the third time and passed.

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COMMENDING SENATOR GORTON

Mr. REID. Mr. President, while the Senator from Washington is present. I wish to tell him on a very personal basis, how much I have appreciated his help. SLADE GORTON has called the State of Washington his home for the past 47 years, having moved to Seattle from Chicago in 1953.

He served in the United States Army from 1946 to 1947. He was in the United States Air Force on active duty where he reached the rank of colonel, from 1953 to 1956, and in the Air Force Reserves from 1956 to 1981.

I have worked with Senator GORTON on the Appropriations Committee, particularly on interior issues. Because of his knowledge and experience on interior matters, working closely with him in his role as the Interior Subcommittee chair, we passed the Lake Tahoe Restoration Act and other important environmental legislation for Nevada including restoration of the Lahonton cutthroat trout and stopping the spread of invasive species.

Those of us who have worked with SLADE GORTON have long known his dedication to the ideals of this body and his championing of the State of Washington. I remember when the Senator took over the Interior Subcommittee on Appropriations; he did something unusual. The Senator called members to his office, all the members of the subcommittee, Democrats and Republicans, to sit down and talk about what we thought should be the direction of the subcommittee, which areas should be funded, which areas should be cut back a little bit. I appreciated that very much. It set a great tone for the subcommittee.

I was curious and looked around his office and saw many indications that Senator GORTON had been to the U.S.