

**MARINE MAMMAL COMMISSION**  
4340 EAST-WEST HIGHWAY, ROOM 905  
BETHESDA, MD 20814

20 August 2007

Ms. Kaja Brix  
Assistant Regional Administrator  
Protected Resources Division  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, AK 99802-1668

Dear Ms. Brix:

On 21 May 2007 the National Marine Fisheries Service published a *Federal Register* notice announcing the availability for public review of a revised draft recovery plan for the western and eastern distinct population segments of Steller sea lions. The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the *Federal Register* notice and the draft revised plan and offers the following recommendations and comments.

## **RECOMMENDATIONS**

The Marine Mammal Commission recommends that the National Marine Fisheries Service—

- move quickly to finalize and implement the recovery plan;
- develop a plan for (a) implementing conservation and mitigation actions necessary to promote recovery, (b) monitoring the effectiveness of those actions, and (c) conducting and coordinating the research needed to guide recovery efforts;
- implement a rigorous experimental research program that employs a genuinely adaptive management approach to assess the effects of fisheries on sea lions and their critical habitat; and
- place a high priority on addressing the concerns noted under recovery action 3.5 (“evaluate and reduce the direct and indirect impacts of research activities”) to (a) avoid or minimize effects that may contribute to the cumulative impacts of human activities, (b) ensure that unintended research effects do not bias research results, and (c) ensure that important research on Steller sea lions can continue without unnecessary interruptions or constraints.

## **RATIONALE**

The Commission believes that the draft recovery plan should be finalized and attention focused on its implementation. Modifications to the May 2006 version do not appear sufficient to justify further delay in implementation. Although some text was reorganized and some new information from recent research was added, the threats analysis and recovery criteria, actions, and priorities remained virtually unchanged with the exception of refining priority 2 actions into “2a” and “2b” priorities. The one substantive change to the threats analysis appears to be the

downgrading of killer whale predation from “possibly high” to “medium” impact on recovery. That change appears to be largely semantic because the recovery actions related to killer whale predation (actions 4.3.1 – 4.3.7) remain priority 2 actions (that is, priority 2a or 2b). In view of the limited nature of the changes, the Service probably will not receive many comments that differ from those submitted during the previous public comment period. If that is the case, then we believe the focus should shift immediately to implementation of the plan and associated recovery efforts.

It is worth noting that the draft recovery plan was reviewed by five independent experts prior to publication for public review in May 2006. The current (May 2007) draft has been reviewed by three experts selected by the Center for Independent Experts and by an additional three experts commissioned by the North Pacific Research Board at the request of the North Pacific Fishery Management Council. Although public comments on the first draft varied, to the Commission’s knowledge all the expert reviewers indicated that the plan was comprehensive, provided a balanced view of issues where uncertainty exists, and laid out an appropriate strategy for encouraging the recovery of Steller sea lions. In the Commission’s opinion, the draft recovery plan has been thoroughly and sufficiently scrutinized by expert and public review. Recovery plans are intended to be adaptive, “living” documents that can be revised as new information becomes available. Given the importance of promoting the recovery of Steller sea lions, the Marine Mammal Commission recommends that the National Marine Fisheries Service move quickly to finalize and implement the recovery plan.

### **Recovery Criteria**

In its 31 August 2006 letter commenting on the previous draft recovery plan for Steller sea lions, the Commission recommended that the Service use the population viability analysis (PVA) developed through collaboration between a recovery team committee and Dr. Daniel Goodman as a basis for establishing recovery criteria. The revised draft recovery plan provides more description of how the PVA was used to inform the development of recovery criteria, although the results of the PVA would suggest more stringent criteria. The current delisting criteria require three decades of population growth at an average rate of 3 percent per year. Such an increase, if begun in 2004, would result in a total of more than 110,000 animals for the western stock of Steller sea lions in 2034. The PVA, however, indicates a high likelihood of quasi-extinction (9.71 percent in 100 years), even following such growth. The current downlisting criteria require a “statistically significant increase” in the population over 15 years. The PVA, however, indicates that even with a 3 percent increase per year for 20 years, the western stock would still face a 15.97 percent probability of quasi-extinction in 100 years. The revised draft recovery plan points out that the PVA results change dramatically if the rapid population decline from 1985–1989 is removed from the analysis, but we know of no justification for excluding those data—they are a real and important part of the recent history of the western stock of Steller sea lions and provide essential information for estimating the population’s risk of extinction. Given the PVA results, the Commission suggests that the Service consider extending the duration of continued population increase required for both delisting and downlisting, as well as raising the rate of increase required for downlisting to 3 percent per year. Such modifications would make the criteria more consistent with the recovery team’s general principles of

requiring a less than 10 percent chance of becoming in endangered in 20 years for delisting and a less than 1 percent chance of quasi-extinction in 100 years for downlisting. The plan states explicitly that the intention is to gather more information, improve and update the PVA, and revise the recovery criteria in the future to reflect the PVA results. Although we agree with that intention, we also think that the PVA results are sufficiently informative to be used now for establishing the recovery criteria.

## **Recovery Actions**

The revised draft recovery plan highlights four key recovery actions:

- continue population monitoring and research on the key threats potentially impeding sea lion recovery (action 1.1.1; priority 1);
- maintain current fishery conservation measures (action 2.6.6; priority 2a);
- design and implement an adaptive management program to evaluate fishery conservation measures (action 2.6.8, priority 2a); and
- develop an implementation plan (action 1.5, priority 2a).

The Commission agrees that these four actions are the highest recovery priorities. The latter two, in particular, are consistent with recommendations that the Commission provided in its 31 August 2006 letter. The Commission agrees with the increased emphasis given in the revised draft recovery plan to development of an implementation plan. The Commission continues to believe that such a plan is necessary to improve our understanding of Steller sea lion population dynamics and promote more effective conservation measures, both of which should enhance prospects for population recovery. Therefore, the Marine Mammal Commission recommends that the National Marine Fisheries Service develop a plan for (a) implementing conservation and mitigation actions necessary to promote recovery, (b) monitoring the effectiveness of those actions, and (c) conducting and coordinating the research needed to guide recovery efforts. As the Commission has suggested before, such a plan might be best developed and carried out by an interdisciplinary, interagency team.

The Marine Mammal Commission also reiterates its previous recommendation that the National Marine Fisheries Service implement a rigorous experimental research program that employs a genuinely adaptive management approach to assess the effects of fisheries on sea lions and their critical habitat. Several of the independent reviewers from both the Center for Independent Experts and North Pacific Research Board panels indicated that the adaptive management/experimental approach should be among the highest priorities for the recovery program. In this regard, the Commission and several of the independent reviewers note that competition with fisheries is the only threat that was considered by the recovery team to be a potentially high threat to recovery for which mitigation is considered to be highly feasible (Table IV-1, p. 120). Thus, it is appropriate to place a high priority on research to clarify the potential impact of fisheries on Steller sea lion recovery and test the effectiveness of mitigation measures.

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Although considered to be a potential threat with low impact on recovery, research on Steller sea lions has been given a great deal of attention in this regard, even becoming the subject of litigation. Some research permits issued by the Service have been voided as a result, and several research projects have been suspended while the permits were being resubmitted and reevaluated. Although the Commission agrees that the impact of research activities on the recovery of Steller sea lions is likely to be lower than the impacts of other identified threats, the Marine Mammal Commission recommends that the National Marine Fisheries Service place a high priority on addressing the concerns noted under recovery action 3.5 (“evaluate and reduce the direct and indirect impacts of research activities”) to (a) avoid or minimize effects that may contribute to the cumulative impacts of human activities, (b) ensure that unintended research effects do not bias research results, and (c) ensure that important research on Steller sea lions can continue without unwarranted interruptions or constraints. The Commission commented in letters dated 2 April and 2 May 2007 on concerns regarding permits for Steller sea lion and northern fur seal research. The Commission believes that a well-designed implementation plan for the recovery program, developed and directed by an interdisciplinary team (as recommended above), will help address concerns regarding the potential effects of research activities on Steller sea lions.

Please contact me if you would like to discuss any of these comments and recommendations.

Sincerely,



Timothy J. Ragen, Ph.D.  
Executive Director