



# MARINE MAMMAL COMMISSION

27 August 2015

Jon Kurland  
Assistant Regional Administrator for Protected Resources  
National Marine Fisheries Service, Alaska Region  
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Attn: Ellen Sebastian

Dear Mr. Kurland:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the National Marine Fisheries Service's (NMFS) notice of intent to prepare a supplemental Environmental Impact Statement (SEIS) to consider possible changes to regulations governing the subsistence harvest of northern fur seals on St. Paul Island, Alaska (80 Fed. Reg. 44057). As reflected in that notice, the Commission previously commented on proposed revisions to those regulations by letter of 24 August 2012. That letter is enclosed and should be read in conjunction with these comments. The focus of this letter is to comment on the scope of alternatives and issues to be considered in the SEIS and not to comment specifically on the underlying merits of all proposed changes to the fur seal harvest regulations. That is something best done at the proposed rule stage, when the specified changes being contemplated have been refined and when we have the benefit of the analyses presented in the SEIS.

To provide context for evaluating the possible impacts of contemplated changes to harvest regulations, the SEIS should discuss the trajectory of the St. Paul Island fur seal population since the 1980s, when the regulations were adopted, and review the factors that may be contributing to the observed population trend. We are concerned about the declines in pup production (the metric used to estimate overall abundance) over that period, especially since the late 1990s. Although there was a slight uptick in pup production in 2012 (the most recent year for which data are available) as compared to the previous (2010) estimate, this was the first year since 1998 in which estimated pup production did not decline. NMFS estimates that between 1998 and 2012, pup production on St. Paul Island declined by 46 percent. The SEIS should discuss whether the subsistence harvest may be a contributing factor in the decline and, in particular, whether any of the alternatives being considered might exacerbate the decline or impede recovery of this depleted stock.

The Commission notes at the outset that the *Federal Register* notice of intent to prepare an SEIS indicates that the relevant petition and other background documents are available on the Alaska Region's website. However, two of the key documents referenced in the notice, the 10 November 2014 and 29 April 2015 letters from the Aleut Community of St. Paul Tribal Government (ACSPI), were not available on the site until a few days before the close of the comment period. These documents revise the Community's rulemaking petition and provide additional rationale for the requested changes. The Commission requested and received these documents on 18 August 2015, but they have not been made generally available to other reviewers

and commenters. Because of the importance of these documents in understanding and commenting on the petitioned action to be analyzed in the SEIS, the Commission recommends that they be posted on the referenced website as soon as possible and that NMFS consider giving the public an additional opportunity to review and comment once those materials have been made available.

### **Alternatives under Consideration**

NMFS identifies three alternatives that it proposes to include in the SEIS. The first is the no-action alternative, which would retain the existing harvest-management regulations without changes. The second is the action set forth in ACSPI's 2007 petition as modified by the Tribal Government in 2014 and 2015. Among other things, it would—

- expand the season during which harvest would be allowed (to allow some type of harvest year-round except between 31 May and 23 June);
- extend the season during which roundups of subadult males for harvest can be conducted beyond the current 8 August cut-off date;
- change the allowable harvest methods to permit the use of firearms between 1 January and 31 May and to allow hunters to target seals in the water as well as on land;
- allow sex/age classes other than two- to five-year old subadult male seals to be targeted (including male pups and males up to seven years old);
- lift restrictions limiting roundups of seals for harvest to certain rookeries and haulouts grounds.
- relax restrictions on the take of female fur seals (allowing up to 20 to be killed accidentally per year);
- incorporate an overall annual harvest limit of 2,000 fur seals into the regulations; and
- task the St. Paul Island Co-Management Council with responsibility to monitor and manage the harvest.

The third alternative is similar to the second, but incorporates some changes in response to the 2012 comments from the Commission and others. It would retain the proposed annual harvest limit of 2,000 seals, but apportion it to allow the harvest of up to 1,500 male pups and 500 juvenile males. This alternative would retain the current prohibition on using firearms to hunt fur seals and continue to require that seals be harvested using the current practices of roundup, stunning, and exsanguination. In addition, this alternative would retain the current practice of establishing a projected harvest range and requiring review of subsistence needs once the lower bound has been reached.

The Commission believes that alternatives one and two set the appropriate bounds for the range of alternatives to be considered in the SEIS. The Commission sees little use in analyzing alternatives that go beyond the changes that ACSPI is seeking. The Commission also agrees that retaining the existing regulations without changes is the appropriate no-action alternative. We note, however, that NMFS might want to use the opportunity presented by its decision to prepare an SEIS to analyze any changes to the fur seal harvest regulations that it has been contemplating independent of ACSPI's petition or that may have been suggested by others since the 2005 EIS was

prepared. The one shortcoming that we see in the alternatives identified in the *Federal Register* notice is NMFS's lumping of elements of the proposed changes into just two alternatives. The SEIS should reflect that there are other permutations that include some, but not all of the changes being sought by ACSPI, by presenting a broader range of alternatives. In particular, because of the increased risk of accidentally taking subadult female seals after the first week of August, the Commission recommends that alternatives which would retain the current August 8 cutoff date for the harvest of subadult seals, in addition to the no-action alternative, be included in the SEIS. The alternatives considered also should include a range of other possible variables, such as the frequency, timing, location, and harvest methods for the proposed taking of pups.

### **Significant Issues**

As indicated in the *Federal Register* notice, one of the purposes of the scoping process under the National Environmental Policy Act is to identify the key issues that should be analyzed in an EIS. Here, the Commission believes that the appropriate starting point for these analyses is for NMFS to assess how the proposed changes comport with the purposes and rationale behind the existing regulatory provisions and to discuss the environmental impacts of deviating from the agency's previous policy determinations. The Commission has reviewed the preamble to the 9 July 1986 final rule and believes that the following issues should be discussed in the SEIS and its analysis of the identified alternatives.

*Wasteful Take/ Subsistence Needs* – The 1986 final rule identified three facets to wasteful take – (1) killing seals in excess of those needed for subsistence, (2) not using a substantial portion of each seal harvested, and (3) employing harvest methods not likely to ensure the killing and retrieval of each selected fur seal. Each of these aspects warrants discussion in the SEIS.

The first element continues to be of concern to the Commission given the discrepancy between projected subsistence needs and actual harvest levels. The estimated take range of subadult males for St. Paul is set between 1,645 and 2,000 seals per year, a range that has been in place since 1992. However, only once in the past 10 years has the annual harvest exceeded 400 seals. Between 2005 and 2013, the St. Paul harvest has averaged only about 350 seals per year, roughly 17 percent of the harvest limit that ACSPI requests be institutionalized in the regulations. Does this mean that harvest projections are being set based on unrealistic assessments of subsistence needs or that a significant part of the community's subsistence needs are going unmet? If the latter is true, then an explanation should be provided as to why that is the case.

The Commission also recognizes that fur seals are not the only subsistence resource utilized by residents of the Pribilof Islands. Presumably, there is some interplay between the use of fur seals and other species, which likely varies over time. It would be useful if the SEIS discussed how the declining trend in the number of fur seals being harvested since the 1980s and 1990s correlates to the use of other subsistence resources. Has there been an overall decline in subsistence use or is reduced reliance on fur seals being offset by increases in the use of other species (e.g., sea lions)?

In addition, the Commission appreciates that the proposal to harvest pups reflects a cultural preference, but notes that switching to harvesting mostly pups as ACSPI proposes has the potential to result in taking more seals than would a harvest directed at larger animals. That is, pups presumably do not yield the same amount of usable meat per animal as do subadult males. However,

it is not entirely clear how the expected yield from a pup compares to that from a subadult male or whether the size of the animals harvested has a direct correlation to the overall number of animals killed. This should be discussed in the SEIS.

In switching from a commercial harvest to a subsistence harvest of fur seals, one of the concerns was about ensuring the substantial utilization of the seals harvested. When over 20,000 seals were being taken annually for their pelts, the Pribilof Islands residents could be selective in the edible portions chosen for subsistence uses – the supply far exceeded the demand. NMFS expended considerable effort in the early years of the subsistence harvest monitoring and documenting utilization. The attention given to this issue seems to have subsided over the years as harvest numbers have stabilized at lower levels. Harvest reports now contain a fairly cursory assessment of whether any waste was observed and only highlight deviations from the norm.<sup>1</sup> For example, the 2006 report noted bags of seal meat being discarded and the 2012 report discussed discontinuation of using the “butterfly cut.” Nevertheless, the SEIS should discuss the expected utilization rates of new classes of seals that might be harvested under the changes being considered. Specifically, does NMFS expect that pups will produce as much usable meat on a percentage basis as do the subadult males currently being harvested and is that a relevant consideration in assessing the impacts of the proposed regulatory changes? Similarly, if larger subadult males are harvested, how is that expected to affect percent utilization? Also, does NMFS or ACSPI anticipate a heightened monitoring effort, at least during the early years of any switch, to collect empirical data to ascertain the potential and actual usage levels of these new age/size classes?

The last element of wasteful taking, not successfully killing and retrieving all selected animals, is also relevant to the proposed harvest changes. Current harvest practices provide a very high level of assurance that all animals selected for harvest will be killed and retrieved. Allowing the use of firearms to harvest seals and allowing seals to be targeted in the water are much less reliable means of assuring that all seals killed (or injured) will be retrieved and used for subsistence purposes. The extent to which the efficiency of the harvest could be reduced by switching to less reliable harvesting methods should be assessed in the SEIS.

*Take of Females* – The original regulations recognized the reproductive importance of female seals to the recovery of the population and placed a very high priority on avoiding, or at least minimizing, the risk that female seals will be taken. The harvest season was set to end on 8 August to minimize the risk of taking female seals. However, the 1986 regulations provided for extending the harvest beyond 8 August if subsistence needs remained unmet, but contained two provisions that specifically limited the allowable, accidental take of female seals. The annual harvest was to be terminated if either (1) the total number of female seals harvested during the season exceeded one half of one percent of the seals harvested or (2) more than five female seals were taken during any consecutive seven-day period after 8 August.

The only time that the harvest was extended beyond 8 August was in 1986, when, during a single day of additional harvesting, 12 of 71 seals taken proved to be females. This prompted NMFS not only to terminate the harvest for the remainder of that year, but to delete the extension

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<sup>1</sup> In this regard, the Commission notes that regulations at 50 C.F.R. § 216.74(b) still require St. Paul residents to cooperate with NMFS representatives, who remain responsible for compiling, *on a daily basis*, the number of seals taken that day and the extent of the utilization of those seals.

provision from the regulations entirely in 1992. When that provision was deleted, the limits on taking female fur seals specific to St. Paul Island also were deleted because the risk of mistakenly taking female seals during the specified season was thought to be sufficiently low. (As discussed below, this is an assumption borne out by the low rates of females taken under the current practices.) Nevertheless, the original provisions provide a benchmark of what NMFS thought to be an acceptably small number of accidental takes of female fur seals. It should also be remembered that those limits on the allowable take of female seals were adopted at a time when pup production on St. Paul was about double what it is now. As such, given the declines in pup production since the 1990s, presumably even more premium now should be placed on minimizing the accidental take of female seals, and thereby maximizing recruitment of breeding females, than there was in the 1980s. As indicated in its 2012 comments, the Commission continues to believe that there is “no justification for taking female northern fur seals” and that NMFS should “deny any change in harvesting methods that would result in increased taking of female northern fur seals.” The Commission therefore recommends that NMFS include alternatives in the SEIS that would impose stricter limits than those specified in the second and third proposed alternatives concerning both the numbers of female seals that could be killed accidentally per year and the rate at which killing females would be allowed.

The experience with the harvest extension in 1986 highlights the difficulty in distinguishing between subadult male and female fur seals once they begin to intermingle, even by experienced sealers. Thus, the Commission opposes extending the harvest season for subadult males to 31 December as ACSPI has requested. In fact, any extension of that season beyond the current 8 August termination date creates a heightened risk of taking females, could be detrimental to the overall population, and warrants close analysis in the SEIS.

The existing harvest scheme has proven effective in minimizing the harvest of females. According to the reports available on NMFS’s website, only 37 female seals were accidentally killed in subsistence harvests on St. Paul between 1995 and 2013 and, in over 40 percent of those years, no females were reported killed. This being the case, we are concerned about the proposal to increase the allowable take of female seals to 20 per year. This would allow about a ten-fold increase in the take of females above the average achieved over the past two decades. We note further that adopting this threshold (characterized as one percent by NMFS in its *Federal Register* notice, assuming a harvest of 2,000 seals per year) would be twice the allowable rate adopted in the 1986 regulations. Moreover, authorizing lethal taking of up to 20 female fur seals per year would exceed a five percent rate when viewed in light of the average harvest level since 2005.

Based on the history of harvests at St. Paul, it appears that the best way to avoid accidental take of females is to limit harvest seasons to times when males and females are segregated. As such, we are concerned about the proposal to expand the harvest season to allow the harvest of subadult males from 1 January to 31 May. In general, fur seals are scarce on the Pribilof Islands during most of that time. However, we are not aware of any compelling evidence indicating that those subadult seals that are observed at St. Paul and that could be targeted by hunters are all males or predominantly males. Thus, in analyzing this aspect of ACSPI’s proposal, the Commission recommends that the SEIS thoroughly review what is known about the presence of fur seals at and around St. Paul at that time of year and the age/sex composition of those animals. Further in this regard, we note that the proposed hunting methods, which would allow firearms to be used and seals in the water to be targeted, would make it less likely that male and female seals could be

differentiated, if they were somehow distinguishable. Furthermore, because there is a much higher risk of animals being struck and lost during the proposed hunt during January to May, the SEIS should discuss how struck and lost seals will be apportioned between males and females and counted against the limit(s) on taking females.

In concept, the plan to target only males in the proposed harvest of pups seems workable. Because pups are smaller and more easily handled, harvest crews, if careful, should be able to distinguish between males and females. Nevertheless, in considering this proposal, NMFS should evaluate ways to minimize the risk that female pups might be killed accidentally. Specifically, the SEIS should discuss the procedures that would be followed to sex pups before they are harvested and indicate whether they would be implemented as guidelines or regulatory requirements.

*Harvest Sites, Timing, and Practices related to Disturbance of Rookeries/ Allocation of Harvest among Rookeries –* The *Federal Register* notice indicates that under Alternative 2 “[t]he location restrictions would be changed to allow harvest round-ups to originate in the rookeries and hauling grounds.” However, it is not clear what changes are being considered or whether any such changes would be included under Alternative 3. The specifics of any such changes are important and should be described fully in the SEIS. For instance, is NMFS considering lifting such restrictions entirely? If not, are changes being contemplated that would allow (1) harvests at additional locations, (2) specified sites to be harvested more frequently than once per week, (3) selected sites to be entered more than once or by more than one harvest crew (or individual) on the day of the harvest, or (4) other than crews of “experience sealers” to enter the rookeries for purposes of harvesting seals?

When the 1986 harvest rule was being drafted, NMFS scientists cautioned that “frequent, uncoordinated disturbances could cause seals to abandon traditional landing sites.” They recommended that entries to each rookery be limited and that harvesting be done only by coordinated crews of experienced sealers (i.e., those most familiar with fur seal behavior). Both of those recommendations are reflected in the current rule, which allows harvesting only by experienced sealers and limits harvesting from any haul-out area to once per week. The preamble to the 1986 rule explained that this allowed only one “intrusion” of each rookery per week, not that repeated visits to a particular rookery could be made on the day it was selected for harvest.

The Commission agrees with the intent behind the existing regulations. Disturbance of rookeries should be limited to the extent possible, consistent with providing reasonable subsistence opportunities to the St. Paul community. It is not entirely clear whether ACSPI is seeking or NMFS is considering changes to the current harvest practices that limit how frequently a rookery may be targeted. This should be clarified in the SEIS. If changes are being considered under any of the alternatives, NMFS should discuss how, and the extent to which disturbance might increase, and the ramifications that this might have for the use of haul-out sites and for recovery of the population.

The SEIS also should evaluate the implications of allowing the harvest to continue beyond the existing August 8 cutoff date. Extending the harvest season until December 31 would quadruple the period over which rookeries could be entered and seals potentially disturbed (from 7 weeks to about 28 weeks). Over the proposed 28-week harvest season, the sex and age composition of the seals on the rookeries changes markedly, as does the seals’ behavior and, importantly, their response to disturbance. This should be discussed in the SEIS and the risks associated with disturbing different age/classes of fur seals at different times of the year, or over a prolonged period, evaluated.

Among other things, the SEIS should recognize that the proposed harvest of male pups will require more intensive handling of animals to distinguish between male and female seals than under current harvest practices.

The proposed use of firearms raises issues associated with disturbing fur seals in new ways and at different times of the year. Adult males generally begin coming on shore in May, followed by adult females in June. The proposed winter-spring hunting season would overlap somewhat with the use of haulouts and rookeries toward the end of that period. As such, the SEIS should evaluate the extent to which seals might be disturbed if winter-spring hunting is allowed, and what the ramifications might be for the fur seal population and its eventual recovery. The use of firearms also has the potential to disturb wildlife other than fur seals and presents human safety concerns not associated with other harvest methods. The SEIS should address these issues as well.

In formulating the existing rule, NMFS sought not only to minimize frequent disturbance of any particular rookery, but also to avoid overharvesting any particular rookery. Further, NMFS scientists recommended that harvest at each hauling ground be approximately in proportion to its relative size. The preamble advised St. Paul residents to be mindful of this concern and to schedule harvests to occur at the larger haulouts on those days when they intended to harvest more seals. The SEIS should discuss how any envisioned changes to the regulations would ensure that particular rookeries or other haulouts are not overharvested.

*Humane Harvest/Reduction of Stress* – During the commercial harvest of fur seals on the Pribilof Islands, NMFS directed a significant effort to develop humane taking methods. Several veterinarians, including the Panel of Euthanasia of the American Veterinary Medical Association determined that the traditional harvest practices are painless and humane. The SEIS should explore whether any alternative harvest methods being considered are likewise humane. This would include not only the use of firearms, but any meaningful changes to current practices (e.g., changes to who can engage in harvests, the time of day of roundups, etc.). The current regulations consider potential pain and suffering of seals associated not only with killing methods, but from potential hyperthermia during roundups, drives, and holding periods before animals are dispatched. This, too, should be addressed in the SEIS if NMFS is considering liberalizing current harvest practices.

*Use of Experienced Sealers* – As discussed elsewhere in this letter, the requirement that harvests be conducted only by experienced sealers serves many purposes. It serves to minimize disturbance of seals, maximizes the efficiency of the harvest, and reduces the stress that seals experience. As such, the Commission believes that this requirement should be retained, unless there are compelling reasons to change it. At the same time, we are aware that the pool of experienced sealers available to harvest seals may be declining. At the time of the commercial harvest, thousands of seals were harvested each season and seals were rounded up on a daily basis. It has been 30 years since a commercial harvest was authorized and we suspect that few of the sealers who gained extensive experience under that system still participate in subsistence harvests. In recent years the number of harvest days per year has ranged between three and eight. This prompts the Commission to raise several questions. Are the sealers participating in current day harvests less experienced than those that conducted harvests when the switch to a subsistence hunt was made in the 1980s? If so, are there repercussions that may affect the overall efficiency or humaneness of present-day harvests? Also, if there are fewer experienced sealers, has this placed any hardship on the St. Paul Community in being able to assemble crews to conduct harvests at any point during the specified season? How

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might the regulations facilitate a “training system” for younger members of the St. Paul community to learn these skills from their elders? These are issues that should be addressed in the SEIS.

*Take of Pups* – Although the MMPA prohibits the importation of marine mammals that were nursing at the time of taking or less than eight months old, it does not have a similar prohibition on the taking of such animals. Thus, there is no legal bar to harvesting pups for subsistence purposes. Nevertheless, the import prohibition highlights the sensitivity surrounding taking very young animals. While NMFS need not address the ethical or perception issues associated with allowing pups to be harvested, the SEIS should discuss any biological impacts this may have. As noted above, one possible impact of harvesting pups is that more individual seals would be killed to satisfy the community’s subsistence needs. Nevertheless, if all of the seals being harvested are “excess” males that are unimportant to the reproductive potential or success of the population, this may not have any adverse population-level effects. The SEIS also should discuss the survival rates of different age classes of fur seals and what implications that might have on what segment of the population is targeted for harvest.

*Monitoring/Reporting* – The existing regulations contain various data collection requirements. NMFS, with cooperation from St. Paul residents that participate in the harvest, is tasked with compiling, on a daily basis, information on the number of seals taken in the subsistence harvest and on the extent of utilization of the seals taken. To a large extent, these responsibilities have been ceded to ACSPI, which now submits an annual subsistence harvest report to NMFS. As discussed above, these reports do not provide much information on utilization, something that will take on added importance if taking new age classes of seals is authorized.

The changes proposed by ACSPI would pattern harvest monitoring programs on those in place for sea lions, which rely more on self-reporting than does the current fur seal program. This might make sense given the proposed shift away from a management regime that allows a single harvest to be conducted on a given day at a specific location. However, experience with self-reporting schemes has shown them generally to be less reliable than ones using independent observers. This being the case, the SEIS should assess the pros and cons associated with relying on self reporting, especially if new hunting practices are authorized that would significantly increase the probability of there being struck and lost seals, increase the risk of taking females, and increase the potential for disturbance impacts on rookeries.

The Commission hopes that these comments and recommendations are helpful to NMFS as it undertakes the preparation of the SEIS. Please contact me if you have any questions concerning the points raised in this letter.

Sincerely,



Rebecca J. Lent, Ph.D.  
Executive Director



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Enclosure



# MARINE MAMMAL COMMISSION

24 August 2012

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Attn: Ellen Sebastian

Dear Mr. Kurland:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the National Marine Fisheries Service's notice regarding subsistence harvests of northern fur seals on St. Paul Island, Alaska (77 Fed. Reg. 41168). The notice describes changes to harvest regulations proposed by the Pribilof Island Community of St. Paul Island and the Aleut Community of St. Paul Island-Tribal Government. The Commission provides the following recommendations and rationale.

## **RECOMMENDATION**

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

- require the Pribilof Island Community of St. Paul Island and the Aleut Community of St. Paul Island-Tribal Government to provide a rationale for the increase in the number of fur seals they wish to harvest; that rationale should be published in the *Federal Register* to give the public a meaningful opportunity to comment on whether it satisfies the requirement of the Marine Mammal Protection Act that the proposed take would not be wasteful
- describe, or require the St. Paul community to describe, how the proposed harvest would be monitored to provide accurate information on the number of takes, when and where those takes occur, the number of seals struck and lost, the number of females taken, and whether such taking is accomplished in a non-wasteful manner
- deny any change in harvesting methods that would result in increased taking of female northern fur seals
- deny the proposed use of firearms to take northern fur seals, and
- ensure that whatever dates are approved do not lead to more than a negligible increase in the risks of taking females and do not cause unnecessary disturbance of the animals on rookeries and haulouts.

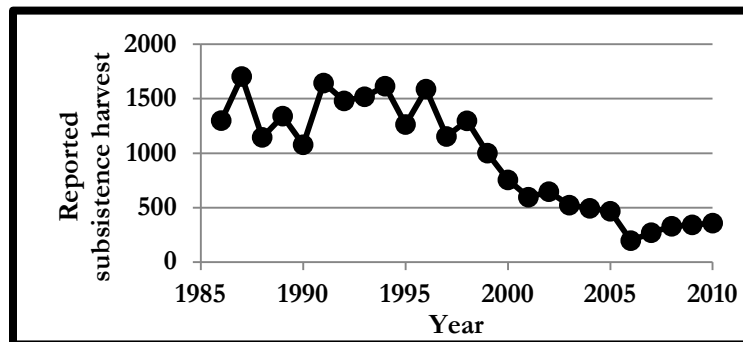
## **RATIONALE**

The background for this issue is worth noting because it serves as a reminder that the dynamics of this population are not well understood and that the population warrants cautious management. The harvesting of northern fur seals on the Pribilof Islands began in 1786, when the islands were discovered by the Russian Gavrill Pribylov. The Russians then brought natives from the Aleutian Islands to the Pribilofs to conduct the harvest, which continued under Russian control until the United States purchased Alaska in 1867. The United States increased the harvest (on land and at sea) until the Fur Seal Treaty of 1911 brought it to a halt to protect the population that, by then, had been decimated. The harvest resumed in 1918 but was limited to juvenile males until the 1950s. By the 1950s, the population had recovered to about 1.25 to 1.5 million seals. From 1956 to 1974, while an average of about 52,000 juvenile males were killed per year, an additional 316,000 females were culled from the population. The removal of those females was supposed to reduce the population's size, thereby causing a density-dependent increase in pup production and more juvenile males for the harvest. However, it also was intended to appease the Japanese, who were complaining that fur seals were competing with their fisheries. As the cull of females tapered off, scientists and managers expected the St. Paul population to rebound and, for a few years in the early to mid 1970s, it appeared to be starting a recovery. However, the population trend then reversed itself and continued the decline that began in 1956 when the cull was initiated. With the exception of a period from the mid 1980s to the early 1990s (after the commercial harvest was stopped), the decline has continued to the present time.

The eastern stock of northern fur seals is comprised of the St. Paul Island population, the St. George Island population, and the Bogoslof Island population. The potential biological removal level for the entire eastern stock is 13,809. At present, the St. Paul Island population comprises about 70 percent of the eastern stock, which suggests that its potential biological removal level is about  $13,809 * 0.7 = 9,666$  seals. However, there are good reasons to question the tolerance of the St. Paul Island population to human-related loss of seals. The primary reason is that the population already is declining at a relatively rapid rate—from 1998 to 2006 pup production declined at about 6.1 percent annually. Furthermore, the cause(s) of that decline has(have) not been determined. The eastern stock was designated as depleted in 1988.

### **The subsistence harvest and requested changes**

The subsistence harvest on St. Paul Island is substantially less than the past commercial harvest and less than the potential biological removal level. In addition, the subsistence harvest has declined markedly over the last three decades, as illustrated in the following figure. The reported annual takes fall well below the limit of 2,000 allowed under the Service's current regulations.



Despite the fact that the reported take is well below the current allowed take, the St. Paul community has requested a number of changes to the harvest regulations. As described in the Service's *Federal Register* notice, the requested changes are—

- (1) Take by harvesting and individual hunting of up to 1,500 young of the year male fur seals annually from August 25 to December 31, of which no more than 10% may be composed of incidental take of female young of the year;
- (2) Take by harvesting and hunting with firearms of up to 1,500 sub-adult (i.e., 1–4 year-old) male fur seals annually in the following St. Paul hauling grounds: Reef, Gorbach, Morjovi, Sea Lion Neck, Vostochni, Big Zapadni, Little Zapadni, Zapadni Reef, Tolstoi, Polovina, Lukanin, and Ketovi;
- (3) Take by firearms sub-adult males at Sea Lion Neck beginning September 1 through June 1 of each year and from October 15 through June 1 at the following hauling grounds: Reef, Gorbach, Morjovi, Vostochni, Big Zapadni, Little Zapadni, Zapadni Reef, Tolstoi, Polovina, Lukanin, and Ketovi;
- (4) Extension of the current annual harvest period for all sub-adult males by two days (from June 23–August 8 to June 23–August 10) and an additional harvest period for sub-adult males from September 15 to October 31; and
- (5) [Allow] St. Paul residents to individually hunt young of the year fur seals with firearms no larger than .22 caliber and a minimum of .22 caliber to take subadult males.

### Increased take allowance

The requested changes would increase the allowed take from 2,000 to 3,000 seals. At present, reported takes amount to a fifth or less of the current allowance. The reason for the 50 percent increase is not clear, but it must be made clear if the Service is to make a determination that the extra take is not wasteful. Therefore, the Marine Mammal Commission recommends that the National Marine Fisheries Service require the Pribilof Island Community of St. Paul Island and the Aleut Community of St. Paul Island-Tribal Government to provide a rationale for the increase in the number of fur seals they wish to harvest; that rationale should be published in the *Federal Register* to give the public a meaningful opportunity to comment on whether it satisfies the requirements of the Marine Mammal Protection Act. The Marine Mammal Commission further recommends that the National Marine Fisheries Service describe, or require the St. Paul community to describe, how the proposed harvest would be monitored to provide accurate information on the number of takes,

when and where those takes occur, the number of seals struck and lost, the number of females taken, and whether such taking is accomplished in a non-wasteful manner.

### **Harvesting females**

The request from the Pribilof Island Community of St. Paul Island and the Aleut Community of St. Paul Island-Tribal Government would increase the number of females taken annually. Those females would include young of the year (up to 150) and females taken accidentally in the sub-adult male harvest or the proposed hunting of sub-adult males.

The Commission sees no justification for taking female northern fur seals. As noted above, the population is depleted and declining, pup production is dropping at a substantial rate, the Service has no clear remedies for these problems, and population recovery depends entirely on the female portion of the population. Furthermore, the current harvesting method has been demonstrated to be effective at separating males from females and very few females have been taken incidentally using that method. Although one might make the argument that the number of females taken incidentally under the proposed new harvesting regime would still be relatively small, the loss of those additional females would contribute to what may be an accumulation of risk factors driving the population's decline. Because the taking of females could accordingly undermine population recovery and because current harvest methods effectively separate males and females, the Marine Mammal Commission recommends that the National Marine Fisheries Service deny any change in harvesting methods that would result in increased taking of female northern fur seals.

### **Hunting fur seals with firearms**

The Pribilof Island Community of St. Paul Island and the Aleut Community of St. Paul Island-Tribal Government have proposed to take fur seals with firearms, using firearms of no less than 0.22-caliber for young of the year or of that caliber or higher for juveniles and sub-adults. The Commission disagrees with this proposal on a number of grounds.

- Although the proposed use of firearms will make it easier to hunt seals, it clearly will increase the difficulties of recovering targeted seals. Animals that have been shot and only wounded may escape to the water before they die. Once an animal dies, the carcass may remain near shore or be carried out to sea. In either case, especially the latter, the hunter may not be able to recover it. Such taking would be wasteful if the hunter could have avoided such loss by using more efficient harvesting methods.
- The proposed use of firearms would also increase the likelihood of injuring or killing females. Distinguishing the sex of targeted seals becomes more difficult with distance and, from a distance, the hunter is more likely to shoot a female. As mentioned above, any killing of females is likely to undermine population recovery.
- The proposed use of firearms also could cause extensive, unnecessary suffering. Although a well-placed shot sometimes kills the animal instantly, there are times when shooting results in painful injuries that may or may not be life-threatening. Therefore, the taking may not be in the most humane manner possible.

- The proposed use of firearms would increase the amount of disturbance on the rookeries. Decades ago, during surveys, a firearm would be discharged over a rookery to cause territorial bulls to come to an upright position, making them easier to count. The bulls would maintain their ground while other animals often fled into the water. The resulting commotion commonly led to the injury of pups, particularly, as they could be trampled by larger animals moving toward the water. A present-day hunter standing above a rookery to shoot seals may cause similar disturbance of animals on both rookeries and haulouts. The current method of rounding up seals from a haulout area also causes some disturbance, but generally this process should cause less overall disturbance because all seals to be harvested in a day can be rounded up at one time. In contrast, a hunter may cause similar disturbance to secure only one or a few seals. In such cases, the extra disturbance would not be necessary.
- Finally, the proposed use of firearms would increase the risk of accidents. Scientists work around and sometimes within rookeries to study the seals. Hunters with firearms pose an unnecessary risk to themselves and to others who may be working on or near the rookeries or haulouts.

For all these reasons, the Marine Mammal Commission recommends that the National Marine Fisheries Service deny the proposed use of firearms to take northern fur seals.

### **Extending the harvest dates**

The actual dates when fur seals are taken for subsistence purposes are not a direct concern. Instead, what matters is whether those dates lead to additional, unnecessary population effects. The major pattern during the course of a reproductive season is the loosening of social structure and the increased mixing of animals of different age/sex classes as the closely tied birthing and mating seasons pass. In the late spring and summer, social structure is strongly maintained on rookeries by breeding males. In the fall, much of that structure is lost and the animals are more mixed on both the rookeries and haulout grounds.

The major question that the Service must address is whether harvesting later in the reproductive season increases the risk of taking females or causes more disturbance. The risk of taking more females may be increased because of the mixing of age/sex classes. The consequences of disturbance also may be greater as animals may be less compelled to remain on the rookery or haulout area toward the end of the reproductive season. Such disturbance may not have significant effects on animals in good condition, but may have such effects on adult females that are generally in poor condition from months of nursing their pups. Increased disturbance also could lead to premature weaning if females permanently abandon their pups before they are ready for independence. Their propensity to wean their pups must increase naturally over time, but could be hastened by added disturbance.

To address the request for an extended harvesting season, the Marine Mammal Commission recommends that the National Marine Fisheries Service ensure that whatever dates are approved do not lead to more than a negligible increase in the risks of taking females and do not cause unnecessary disturbance of the animals on rookeries and haulouts.

Mr. Jon Kurland  
24 August 2012  
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Please contact me if you have questions about the Commission's recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen". The signature is written in a cursive style with a prominent horizontal line at the beginning.

Timothy J. Ragen, Ph.D.  
Executive Director