



# MARINE MAMMAL COMMISSION

17 February 2011

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

Dear Ms. Brix:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the National Marine Fisheries Service's 90-day petition finding and request for information regarding delisting of the eastern distinct population of Steller sea lions (75 Fed. Reg. 77602). The Commission offers the following recommendations and rationale.

## RECOMMENDATIONS

The Marine Mammal Commission recommends that the National Marine Fisheries Service proceed with delisting the eastern distinct population segment of Steller sea lions. The Marine Mammal Commission further recommends that the National Marine Fisheries Service conduct a review of Steller sea lions in California waters to—

- examine the existing genetic and other related information to determine if the southern portion of the eastern population is discrete and warrants management as a separate unit;
- develop or design a strategy to track the status of the population in California waters;
- identify possible causes of the southern range contraction and the evidence needed to prove or disprove each;
- develop a research plan to investigate the gaps in information regarding the potential causes of the contraction; and
- estimate the costs for carrying out such a plan.

## RATIONALE

### Delisting

The Service's 2008 revised Steller Sea Lion Recovery Plan identifies a single delisting criterion for the eastern population in addition to the five listing factors identified in the Endangered Species Act. The criterion is that the population has increased at an average annual growth rate of 3 percent per year for 30 years. The *Federal Register* notice and the plan provide a convincing case that, on the whole, the eastern segment has grown at that rate. The plan—

- estimates that the annual growth rate observed over the past 30 years has been at least 3 percent;

- estimates that in 2002 the total eastern population was between 45,000 and 51,000 animals (of all ages) and cites surveys that indicate that population growth has continued since then;
- incorporates a population viability analysis that supports the conclusion of population growth at the required rate; and
- cites no convincing evidence of any major threats to the population.

The plan also reviews the five listing factors and finds no basis for maintaining the population's threatened listing. Therefore, the Marine Mammal Commission recommends that the National Marine Fisheries Service proceed with delisting the eastern distinct population segment of Steller sea lions. The growth of the eastern population of Steller sea lions since the 1970s is a significant accomplishment of both the Marine Mammal Protection Act and the Endangered Species Act.

### **The Southern Contraction**

The one exception to the overall trend of the eastern population has been at the population's southernmost haul-out sites: San Miguel Island (Channel Islands), Año Nuevo Island, and the Farallon Islands. Numbers at those sites have declined for unknown reasons. Possible hypotheses include (1) ecological changes associated with climate disruption and/or (2) competition for prey with fisheries and/or with the growing populations of California sea lions and harbor seals. However, the evidence regarding these hypotheses is limited and inconclusive.

Given the uncertainty, the Commission does not believe it appropriate for the Service simply to delist the eastern population without also addressing the southern contraction. On the one hand, the listed unit is the entire eastern population and, on the whole, the population has met the recovery criterion. On the other hand, the apparent changes in range and numbers are substantial and the evidence neither confirms specific causes nor rules them out. Under the Marine Mammal Protection Act, the Service is responsible for managing the population based on a solid scientific foundation, whether it is listed under the Endangered Species Act or not. At present, the poor understanding of the observed changes precludes a sound scientific basis for management.

To pursue this matter in a manner consistent with science-based management, the Marine Mammal Commission recommends that the National Marine Fisheries Service convene a review of Steller sea lions in California waters to—

- examine the existing genetic and related information to determine if the southern portion of the eastern population is discrete and warrants management as a separate unit;
- recommend a survey strategy to track the status of the population in California waters;
- identify possible causes of the southern range contraction and the evidence needed to prove or disprove each;

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- develop a research plan to investigate the gaps in information regarding major potential causes; and
- estimate the costs for carrying out such a plan.

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 large, sweeping initial 'T'.

Timothy J. Ragen, Ph.D.  
Executive Director