

# North Pacific Fishery Management Council

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## MEMORANDUM OF UNDERSTANDING for Independent Review of Revised Draft Steller Sea Lion Recovery Plan

### North Pacific Fishery Management Council MOU #2007-01

#### BETWEEN:

North Pacific Fishery Management Council, represented by Mr. Chris Oliver, Executive Director, and the North Pacific Research Board, represented by Dr. Clarence Pautzke, Executive Director.

#### BACKGROUND:

The North Pacific Fishery Management Council requires that an independent group of experts conduct a review of the National Marine Fisheries Service's second draft of the Revised Steller Sea Lion (SSL) Recovery Plan (Plan). The Council is contracting with the North Pacific Research Board to conduct this review according to the terms outlined below. Preparation of this Plan is required under the Endangered Species Act (ESA) and serves to guide NMFS in its future management and conservation of SSLs and in particular recommends actions the Agency should take to cause the SSL population to increase in size to a level that it could be downlisted or delisted from the list of endangered species.

In 2002, NMFS organized a SSL Recovery Team that prepared a draft Plan. This new Plan was based on new information on SSLs and their habitat, and reflected the current view of the SSL stock structure. NMFS accepted the draft Plan in early 2006, and released it for public review. The Council and its Scientific and Statistical Committee (SSC) reviewed the draft Plan, as did members of the public. NMFS has received these comments, some of which suggested some extensive revisions to the plan. Based on the SSC comments, comments received from the public, and its own review, and because of the importance of this Plan as a guidance document for future management of SSLs in Alaska, the Council asked NMFS to prepare another draft of the Plan. NMFS agreed to this request, and is preparing another draft of the Plan which it will release for another round of public review, including another Council review, in early May.

As part of the process for preparing this revised draft Plan, NMFS intends to have the Plan reviewed by the Center for Independent Experts (CIE). The Council also wishes to conduct a review of the revised draft Plan. The difference between how these two reviews would be conducted is what has partly prompted the Council to seek a separate review. The CIE review process involves a blind review, with reviewers not revealed to the public and unavailable for questions on their review. The Council desires a review that is more public, with opportunity for SSC and Council discussion with the reviewers of their comments on the revised draft Plan.

## STATEMENT OF WORK:

The Council has asked the North Pacific Research Board (NPRB) if it can arrange for this review by selecting the reviewers, administering the review process, and ultimately facilitating the panel's final report for the Council. Reviewers chosen by NPRB will be at the discretion of NPRB but should be individuals with strong expertise in marine mammal population dynamics, endangered species management, wildlife ecology, or similar background. It may be helpful if one or more reviewers were familiar with marine mammal foraging and nutrition, and one or more familiar with North Pacific commercial fisheries. It is expected that three individual experts would be empanelled to conduct this review. NPRB may choose to have individuals review the draft revised Plan separately, and then convene together to discuss their individual reviews and compile a consensus report. If reviewers cannot attain consensus on all points raised in their reviews, this should be documented in the report.

The review should be completed by mid July 2007 so as to allow time for Council, SSC and public review and preparation for the special August 2007 Council meeting. The Council will transfer funds necessary for this process to NPRB, and will not be involved in the management or conduct of the review. Then, at the special August Council meeting, a representative of the panel will be available to present their report and discuss it with the Council and its SSC. Public comment will be taken at that Council meeting.

The Council will provide copies of the revised draft Plan to NPRB as soon as it is released for public review (anticipated to be early May 2007). NPRB will then arrange distribution of the Plan to the reviewers and commence the review process.

Reviewers should first read the revised draft Plan and familiarize themselves with the main issues: the Plan is a prescription for recovery of the eSSL and wSSL populations, and as such presents the "case" for what measures should be taken to rebuild these populations to a level the Plan describes as sufficient to either downlist or delist both populations (the eSSL is threatened, so a downlisting is the only action necessary for that population unit).

The Council's goal is a thorough, scientifically-based, independent, and open and transparent review process. The following questions (taken directly from the terms of reference for the CIE review) should be the focus for the review panel. Additional sub questions the NPRB review panel should include in its review are listed below each CIE question and are italicized.

1. Does the Plan thoroughly describe what is known about potential threats to both the eastern and western populations of Steller sea lion? Are there additional significant threats to the species? Does the evidence presented in the Plan support the threats assessment?  
*1a. Are the threats as described in the Plan compelling threats to the reviewer; does the evidence fully support listing all of these as threats?*
2. Is the ecological and biological information presented in the Plan adequate, thorough, and scientifically defensible?
3. Does the Plan adequately present an ecologically and biologically defensible recovery strategy for the western population of Steller sea lion? Describe any shortcomings in the recovery strategy.  
*3a. Are there other interpretations of the ecological and biological information, and the recovery strategy derived from these interpretations, that might hold equal merit to the interpretations presented in the plan?*
4. Are the recovery actions described within the Plan appropriate to meet recovery goals? Are the recovery actions consistent with the Steller sea lion life history information, population dynamics,

and threats assessment presented in the Plan? Are there other recovery actions that have not been included in the Plan that should be included to achieve recovery?  
4a. *Is there sufficient evidence in the scientific literature, as presented in the plan, to suggest that the recommended recovery actions will work?*

5. Are the recovery tasks in the Plan's Implementation Schedule appropriately prioritized to facilitate recovery?
6. Does the information in the Plan appropriately support the recovery criteria described in the Plan? Are the recovery criteria consistent with and do they meet the requirement of the Endangered Species Act (ESA) to ensure the conservation of the species (i.e. recovery and ultimate delisting: "conservation" as defined in the ESA [16 USC Section 1532(3)])?

In addition to these questions that have been posed to the CIE, the Council would like the NPRB review panel to answer this question:

*Does the Plan fairly weigh competing hypotheses on the causes of the decline, and/or lack of recovery, of the western population of Steller sea lion?*

TERMS AND DELIVERABLES:

Funds available for this review panel, including necessary travel expenses, are not to exceed \$50,000. NPRB will manage the project and facilitate as necessary the panel's activities and preparation of a report on the panel's findings. The report should be completed and provided to the Council offices by July 20, 2007. The Council will make copies for the Council and SSC and for public distribution. A representative of the review panel will be required to attend a meeting of the Council and its Scientific and Statistical Committee, and provide a presentation of their report finding, August 1-3, 2007, in Anchorage, Alaska.

AGREED

Chris Oliver  
Executive Director, NPFMC \_\_\_\_\_  
Date \_\_\_\_\_

Clarence Pautzke  
Executive Director, NPRB \_\_\_\_\_  
Date \_\_\_\_\_