

Excerpt from:

**North Pacific Fishery Management Council
Steller Sea Lion Mitigation Committee Meeting
June 27-29, 2006
Alaska Fisheries Science Center, Seattle**

Minutes

Draft Revised SSL Recovery Plan

Shane Capron, NMFS AK Region, and Bob Small, ADF&G, presented an overview of the recently-completed draft revised SSL Recovery Plan. This plan was prepared by the SSL Recovery Team and is out for public review. The Council recently received a briefing on the draft revised Recovery Plan and will have its SSC review the plan and prepare comments during a special SSC meeting likely to be held in Juneau in mid August. The Council has requested an extension of the comment period; NMFS will likely approve an extension of time to September 1, 2006.

The draft revised SSL Recovery Plan provides recovery information for the threatened eastern DPS of SSL (eSSL) and the endangered western DPS of SSL (wSSL). The draft plan contains information on the population status and ecology, a summary of current conservation activities, a threats assessment, criteria for down listing or delisting, recommended recovery actions, and estimates of time and cost for recovery of both DPSs.

The threats assessment part of the draft Recovery Plan stimulated considerable discussion and questions from the SSLMC. The threats assessment is a combination of a retrospective look at impacts on SSLs and an assessment of the current threats in light of uncertainty and the relative impacts on SSLs from each threat with a recommendation of feasible mitigation recommendations for reducing or removing these threats. The draft plan suggests that the highest (potentially high) threats to the wSSL are killer whale predation, environmental variability, and competition with commercial fisheries. The feasibility of mitigating these threats, however, is low for the former two and high for the latter one. The draft plan concludes with a recovery strategy for the wSSL: maintain current (or equivalent) fishery conservation measures, implement an adaptive management program to evaluate those measures, and continue population monitoring and research on the key threats. The draft plan provides criteria for down listing or delisting the wSSL and eSSL, respectively.

SSLMC discussion included how the threats assessment was conducted and what rationale the Recovery Team used for ranking the threats. Discussion also included:

- The role of predation in the wSSL decline
- The current status of killer whale abundance and dietary preferences of transient killer whales
- The threats ranking for commercial fishery effects and the effects of current fishery mitigation measures on SSLs
- To what extent a change in fishery management or SSL protection measures would align with the recommendations in the draft plan

Mr. Capron presented information on how the Agency views the process for integrating information in the draft revised Recovery Plan with the upcoming revised FMP Biological Opinion on the groundfish fishery. Mr. Capron noted that the rationale for the determination in the revised FMP BiOp regarding jeopardy and adverse modification of CH will be based partially on the recovery criteria provided in the final revised Recovery Plan. He noted that the Recovery Plan is more of a policy document that provides recommendations and a strategy for recovery of the SSL population in the North Pacific, while the BiOp will be a legally binding document with required actions that will influence how SSLs will be managed in future years.

The SSLMC discussed adaptive management and legal constraints on how adaptive management experiments might be carried out. Some believed that a working definition of “adaptive management” should be developed before proceeding further with this concept. Others believed that adaptive management experiments in our fisheries are ongoing at present; still others believed we need to do something more specific (e.g., more in line with the recommendations of the NRC panel on causes of declines in Steller sea lions).

The SSLMC also discussed the draft revised Recovery Plan’s population viability analysis (PVA) and how this was used to develop the recommended recovery criteria. This discussion included concerns over the status of the carrying capacity of the North Pacific for SSLs, and how this might relate to future growth of both the eSSL and wSSL populations. Some question whether fisheries may have affected carrying capacity for SSLs (reducing prey fields), while others were concerned that we don’t know what the carrying capacity is for this population and therefore couldn’t evaluate how fishing might affect SSL population dynamics. In addition concerns were raised regarding the ability of the wSSL population to recover relative to the criteria proposed in the draft revised Recovery Plan, given all of the uncertainty regarding factors that control the dynamics of this population. The Committee also discussed the importance of the 1985-1989 period of steep decline in the wSSL population and how assumption on the reasons for this decline affect the outcome of the PVA and the nature of the recommended recovery criteria.

Discussion continued on the process or protocol the Agency would use for evaluating the merits of downlisting or delisting the wSSL DPS and how the Recovery Team arrived at the criteria provided in the draft plan. Mr. Capron outlined scenarios for down- or delisting. The discussion also included how the listing factor threats are dealt with in the down or delisting process. The plan also provides a summary of what recovery actions

the agency believes are of highest priority: 1) continued SSL surveys, and 2) adaptive management to test the efficacy of conservation measures in mitigating the potential effects of the groundfish fishery in the BSAI and GOA on the recovery of the wSSL DPS.

The Committee discussed the PVA modeling and how it was used to help define the down- and delisting criteria. Dr. Small noted that the Recovery Team evaluated alternative hypotheses for explaining the SSL decline and how these hypotheses were viewed by the Team. Mr. Capron reported that the next steps are for the Agency to receive comments from the public and to finalize the revised Recovery Plan. The Agency then will likely initiate a status review of the wSSL and eSSL. Depending on the results of the status review for the eSSL DPS, a draft proposal by the Agency to delist that DPS could follow.

Public comment: Andrew Trites reported that several other SSL PVA modeling exercises have been published. Nonetheless, the Recovery Team relied most heavily on the results reported in the Goodman PVA. Trites suggested that the final revised Recovery Plan might include a more in-depth summary of each of the PVAs and a more comprehensive comparison of the different assumptions and findings in each of the PVAs. Capron noted that the Goodman PVA was specifically contracted for the purpose of providing advice to the Agency and the Recovery Team and that it was not surprising that the Recovery Team relied heavily on this report. Dave Fraser noted that the Plan provides little rationale for why the Recovery Team included the Goodman PVA (as an appendix) and not the other PVAs. Mr. Capron noted that the Plan does provide such rationale (see pages 115-116 in the draft Plan), but perhaps additional rationale would clarify this issue. Beth Stewart noted that there was a general lack of rationale in the draft revised Recovery Plan for many of the recommendations and findings and that this could be used in court to further disadvantage fishermen.

Additional discussion of the draft revised Recovery Plan included:

- The significance of this Recovery Plan in driving the content of the FMP consultation BiOp and the importance of reviewing comments from the SSC and the public prior to preparation of the draft BiOp
- The influence of the Goodman PVA on the listing criteria included in the plan
- Whether the peer review comments on the draft plan would be made available to the SSLMC or the public. Capron noted that the Agency would likely make those comments available upon request
- The schedule for reviewing comments on the draft Recovery Plan, and how this meshes with the process for preparation of the BiOp, the BOF proposal review, and the SSLMC's proposal review process

Mr. Capron reported that NMFS will likely accept comments on the draft revised Recovery Plan until September 1, 2006. NMFS also is required to have a draft BiOp completed at that same time. The schedules for these two events do not mesh well and require that the draft BiOp be completed before the comments on the draft revised Recovery Plan are reviewed and the plan revised. The BiOp would likely benefit if there

were time to use the SSC and public comments on the draft revised Recovery Plan during preparation of the draft revised FMP BiOp. Some members of the SSLMC noted that the draft BiOp should be prepared after the Recovery Plan comments are evaluated, but it was acknowledged that the existing consultation schedule would not allow for this. The Committee generally agreed that the process should move forward, that proposals will be reviewed later this summer, and if schedules of other processes change then this Committee should be "flexible" and change its schedule and process as necessary to accommodate potential change.

Members of the SSLMC discussed what might be an appropriate role of the Committee regarding the review process of the draft revised Recovery Plan. Some members suggested that the Committee should submit comments to the Council; others suggested that this is not an appropriate role of the SSLMC, unless so directed by the Council.