


MEMORANDUM

TO: Council, SSC and AP Members
FROM: 
Chris Oliver
Executive Director
DATE: March 20, 2007
SUBJECT: Protected Resources Report

ESTIMATED TIME 1 HOUR

ACTION REQUIRED

Receive report on Protected Resources issues and take action as necessary.

BACKGROUND

A. Update on FMP Consultation and SSL Recovery Plan

At the February 2007 meeting, the Council received an update on the FMP consultation. Following a letter from the Alaska Department of Fish & Game (ADF&G) (**Item B-6(a)**), NMFS notified ADF&G and the Council that it intends to complete the Draft Revised SSL Recovery Plan before continuing with work on the draft Biological Opinion (BiOp). NMFS' letters to ADF&G and the Council are attached as **Items B-6(b) and B-6(c)**. Therefore, the schedule for these two efforts has changed and now provides for a draft revised SSL recovery plan by May 2007, with time allowed for another Council and public review before preparing the final recovery plan. NMFS has also noted that by re-prioritizing work on the SSL recovery plan, the draft Biological Opinion will be delayed until late 2007. At the February 2007 meeting, the Council responded to the NMFS letter and acknowledged the importance of completing another draft of the Revised Steller Sea Lion Recovery Plan, even if this effort requires a change in the schedule for drafting the BiOp. The Council's letter outlined several recommendations that NMFS consider in preparing a schedule for revising the recovery plan and developing the BiOp; the Council's letter is attached as **Item B-6(d)**. A written response from NMFS to the Council's recommendations will be distributed as supplemental, and NMFS staff will be available to answer question about the proposed future schedule for the recovery plan and BiOp.

In February, the Council also requested development of a report that compares the recovery and delisting criteria contained in the draft SSL Recovery Plan with those of other recovery plans. A draft paper on the methodology to be used in this comparison is provided as **Item B-6(e)**. The final report would be prepared in advance of the June meeting for the Council to consider as they review the revised SSL recovery plan. Dr. Tom Loughlin, of TRL Wildlife Consulting, will be on hand to summarize his work to date. At this meeting, the Council may wish to provide additional guidance and clarification on the proposed scope of work.

Also at the February 2007 meeting, the SSC received an update from its SSL Mitigation Committee (SSLMC) on the revised Proposal Ranking Tool (PRT); a brief report on the PRT was also provided to

the Council. The SSC provided additional comments on the updated PRT report (an excerpt from the SSC minutes is attached as **Item B-6(f)**). The SSC concluded that the PRT is ready to use for proposal review and ranking, and the SSC would like to receive updates on the application of the PRT to the proposal review process. The SSLMC intends to meet next on April 17-19, 2007 to receive presentations on the proposals it has received, and to request any additional information it judges will be necessary to understand each proposal. During its May 7-10 meeting, the SSLMC will receive the additional information requested on the proposals, and will run the proposals through the PRT to develop a ranking list. The SSLMC will also begin the process of preparation of a package of recommended changes in SSL protection measures in the Atka mackerel, Pacific cod, and pollock fisheries; this package of recommendations will be provided to the Council for approval. Agendas for the SSLMC's April and May meetings are provided as **Item B-6(g)**.

B. Alaska Board of Fisheries Actions

At their February 6-10, 2007 meeting in Anchorage, the Alaska Board of Fisheries (BOF) considered Alaska Peninsula and Aleutian Islands finfish proposals, including several that were of interest to NMFS and the Council. Two proposals requested changes in the amount of TAC that would be allocated to the State waters Pacific cod fishery in the western GOA and one proposed a 58' LOA vessel size limit for the GOA Area 610 parallel P. cod fishery.

On January 31, 2007 NMFS sent a letter to the BOF about two of these proposals, Proposals # 182 and 183 [**Item B-6(h)**], expressing concern that the proposals could have adverse effects on SSLs and requesting that the BOF postpone action on these two proposals. NMFS suggested that these proposals could be integrated into the proposal review process that is planned by the SSLMC and be part of the ongoing consultation process. At the February 2007 meeting, the Council reviewed the BOF proposals, and requested that the BOF delay action on all these two proposals until they could be discussed at a joint BOF/Council meeting. The Council's letter to the BOF is attached as **Item B-6(i)**. The Council and BOF are scheduled to meet jointly this week on March 28; these proposals will be on the agenda for that meeting.

C. Humane Society Lawsuit on SSL and NFS Research and Permitting

NMFS has completed a draft programmatic EIS on SSL and northern fur seal (NFS) research. The EIS analyzes four alternatives, and NMFS has chosen its preferred alternative, Alternative 4. A newsletter announcing the availability of the EIS and summarizing the alternatives is attached as **Item B-6(j)**. Once the public review period is completed (comments are due by April 2, 2007) and the Agency completes its responses to the comments and publishes the final EIS, a Record of Decision will then be issued. The Agency intends to review research permit applications concurrent with the completion of the EIS process so that hopefully there will be time to both complete the NEPA process and the review of the requests for permits so that research on SSLs and NFSs can proceed in 2007. Several researchers have applied for permits for SSL and NFS research for 2007 (**Item B-6(k)** is the FR notice announcing this list); the comment period on these requests for research permits closes on April 2, 2007.

STATE OF ALASKA

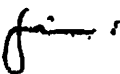
DEPARTMENT OF FISH AND GAME OFFICE OF THE COMMISSIONER

SARAH PALIN, GOVERNOR

P.O. BOX 115526
JUNEAU, AK 99811-3526
PHONE: (907) 485-4100
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January 12, 2007

Dr. James Balsiger
Regional Administrator
National Marine Fisheries Service
U.S. Department of Commerce
P.O. Box 21668
Juneau, AK 99802-1668

Dear Dr. Balsiger: 

The State of Alaska (SOA) understands that National Oceanic Atmospheric Administration (NOAA) Fisheries Service is currently considering whether to adopt the draft recovery criteria developed by the Steller sea lion recovery team and presented in the draft Steller sea lion (SSL) recovery plan. While adopting such recovery criteria may be legally adequate, the SOA does not believe this is an appropriate action to take at this time because of the contentious nature of this issue and because of the extensive level of public comment your agency has received on the draft recovery plan. The North Pacific Fishery Management Council (council) tasked its Scientific and Statistical Committee (SSC) to convene a special meeting in August 2006 to review this draft recovery plan, and consequently has forwarded to your agency a considerable number of technical concerns with the plan. We believe that, until the comments on the draft recovery plan have been considered, moving forward with adoption of the draft recovery criteria is clearly not the most effective method to respond to the council, SSC, and public process.

We strongly encourage you to not consider adopting these criteria until the recovery plan has been finalized and the unresolved technical concerns with the draft recovery plan and its draft recovery criteria are fully addressed. The main reason that the SSC conducted the special August meeting was to provide comments to your agency on the recovery plan prior to the development of the Draft Biological Opinion (BiOp) which had been scheduled for release at the December 2006 council meeting. Because the SSC, the council, and the testifying public's (especially Dr. Ian Boyd) comments from June, August, and October meetings were so substantive, adopting recovery criteria based on a draft recovery plan that has not been revised to address these comments may not constitute good public process. We also note that some have suggested that, given the number of comments received and the nature of those comments, that NOAA Fisheries Service consider preparing another draft of the SSL recovery plan for another round of council, SSC, and public review. The draft BiOp has already slipped to June and we encourage you to adopt a comprehensive plan that includes both a revision of the recovery plan and development of a draft BiOp that can include revised recovery criteria based on the comments described above.

Dr. James Balsiger

2

January 12, 2007

We clearly understand the staff workload associated with drafting both a revised recovery plan and a draft BiOp, and strongly encourage you to look within your agency for marine mammalogists who can be tasked with assisting your Protected Resources Division staff in this process. Without such a revised recovery plan and another hard look at the proposed recovery criteria, we can only expect to see a draft BiOp that is based on the draft recovery plan, in which case your agency will likely see the same level of criticism that has already been submitted.

Thank you for your consideration on this issue.

Sincerely,



Denby S. Lloyd
Acting Commissioner

cc: Shane Capron, SSL Coordinator, NOAA, U.S. Department of Commerce
Doug Demaster, Science Director, NOAA, U.S. Department of Commerce
Gordon Kruse, Chair, SSC
Earl Krygier, Program Manager, Alaska Department of Fish and Game
Stephanie Madsen, Chair, NPFMC
Bob Small, Wildlife Scientist, Alaska Department of Fish and Game



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

AGENDA B-6(b)

APRIL 2007

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

January 31, 2007

Denby Lloyd, Acting Commissioner
Alaska Department of Fish and Game
PO Box 25526
Juneau, Alaska 99802-5526

Dear Mr. Lloyd:

This responds to your January 12, 2007, letter to Dr. James Balsiger regarding the draft Revised Steller Sea Lion Recovery Plan (draft recovery plan) and the ongoing section 7 consultation under the Endangered Species Act (ESA) for the Alaska groundfish fisheries. As you point out, NMFS has received numerous substantive comments on the draft recovery plan which will require careful consideration. The final recovery plan may have implications to fishery management, and thus it is of great interest to the public. Our intent is to take the time necessary to consider these comments as we progress toward a final recovery plan. We agree that additional public review and comment would be helpful as we complete the process, as well as in achieving our goal of recovering endangered and threatened populations of Steller sea lions.

NMFS will review and respond to comments on the draft recovery plan and provide another draft recovery plan for public review. The revised draft will be available for a 60-day public review period beginning about May 1, 2007. This will allow the public and the North Pacific Fishery Management Council's (Council's) Scientific and Statistical Committee time to review the revised plan and provide additional comments. Comments will be considered by NMFS, and we anticipate that the recovery plan will be finalized by September 2007.

Due to the requirement to consider conservation (e.g., recovery) in our adverse modification decisions, it has become more advantageous to complete the recovery plan prior to releasing another biological opinion on the groundfish fisheries. The biological opinion will integrate the recovery goals from the plan in its determinations. Based on this new schedule, any changes to the draft biological opinion we had committed to completing by June 2007, will be delayed to late 2007. As a result, any changes to the Steller sea lion protection measures recommended by the Council are not likely to be implemented until mid-2009.

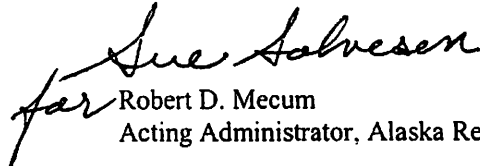
In order to ensure that any future changes to the Federal and State fisheries consider the findings of the new recovery plan and the new ESA consultation, we are requesting that the Board of Fisheries (BOF) postpone action on Proposals 182 and 183 during its February 2007 meeting. These proposals would substantially increase the harvest of Pacific cod in the State-managed fishery of the South Alaska Peninsula area which would have an adverse effect on Steller sea lion critical habitat that was not previously considered in ESA consultations. Once the recovery plan is completed, the Council, BOF, Alaska Department of Fish and Game, and NMFS should work together to develop comprehensive Steller sea lion protection measures, incorporating the latest information from the recovery plan and consultation and considering potential impacts of both Federal and State fisheries. The Steller Sea Lion Mitigation Committee is conducting a systematic review of proposed changes to the Steller sea lion protection measures. This review



should consider any proposed changes to the State-managed fisheries that may impact Steller sea lions to ensure a complete understanding of potential Federal and State fisheries impacts. The entire suite of recommended changes to the State and Federal fisheries could be part of the final biological opinion on the Alaska groundfish fisheries, to guarantee that potential cumulative effects from any proposed changes to the State-managed fisheries are addressed. We encourage the State to continue participation in the Steller Sea Lion Mitigation Committee proposal review process. Any action at this time by the BOF that may adversely affect Steller sea lions may shift NMFS resources away from completion of the recovery plan toward addressing the immediate ESA concerns of the State action and potentially affecting Federal fisheries management.

While the revised recovery plan and consultation schedule may result in a delay in any changes to the Steller sea lion protection measures for the Alaska groundfish fisheries, it is a reasonable compromise to ensure full public participation in Alaska fisheries management and marine conservation.

Sincerely,


for Robert D. Mecum
Acting Administrator, Alaska Region

Cc: Stephanie Madsen, NPFMC
Mel Morris, BOF



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 31, 2007

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Stephanie,

We would like to update the North Pacific Fishery Management Council (Council) on the status of the revised Steller Sea Lion Recovery Plan (recovery plan) and the Endangered Species Act (ESA) section 7 consultation for the Fishery Management Plans (FMPs). Based on public comment, NMFS intends to complete a final recovery plan before completing a draft biological opinion on the FMPs. We recognize this strategy differs from that discussed with the Council since last June, when we agreed to develop a draft biological opinion based on the draft recovery criteria set forth in the draft recovery plan.

In January 2007, the Alaska Department of Fish and Game requested that NMFS "not consider adopting the [draft recovery] criteria until the recovery plan has been finalized..." This would allow good public process as NMFS fully considers comments on the draft recovery plan, provides the public and the Council additional opportunity to review and comment on a revised draft recovery plan, and then finalizes the recovery plan prior to preparing the draft biological opinion.

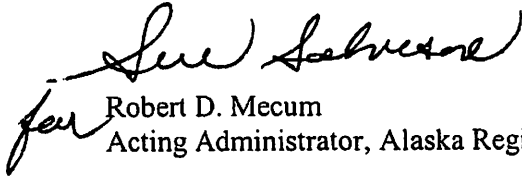
We agree that this approach is prudent, particularly in consideration of recent agency guidance which requires the consideration of the conservation of the species when making adverse modification determinations in biological opinions. Conservation is defined in the ESA as the use of all measures necessary to bring an endangered species to the point that the protections of the ESA are no longer required (i.e., de-listing). Thus, the plan's recovery criteria are important in making determinations in the biological opinion.

We intend, therefore, to complete the recovery plan first and then incorporate the recovery criteria in the biological opinion. Due to the sequential nature, it is not practical to work on these two issues at the same time, thus additional time is needed to complete the documents and to allow for the requested public review. We expect to provide a 60-day public review and comment period on the revised recovery plan by May 2007. This should allow review by the Council's Scientific and Statistical Committee prior to the June 2007 Council meeting. NMFS will consider the additional public comments and then complete the recovery plan. NMFS will then focus on completing the draft biological opinion by the end of 2007. The revised schedule may allow for peer review on the biological opinion before it is released to the public.



We understand that this delay affects the Council's schedule for developing changes to the Steller sea lion protection measures. While NMFS completes the recovery plan, the Steller Sea Lion Mitigation Committee can continue to review and prioritize proposals. The completion of the recovery plan and the biological opinion has been difficult due to the controversial nature of the issues, the need to integrate the public, and the changes to the regulatory definition of adverse modification of critical habitat. We will continue to update you on our progress and appreciate your cooperation and patience as we complete this important work.

Sincerely,


Robert D. Mecum
Acting Administrator, Alaska Region

North Pacific Fishery Management Council

AGENDA B-6(d)
APRIL 2007

Stephanie Madsen, Chair
Chris Oliver, Executive Director



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February 12, 2007

Doug Mecum
Acting Regional Administrator
National Marine Fisheries Service
709 West 9th Street
Juneau, AK 99802

Dear Mr. Mecum:

Thank you for your letter of January 31, 2007 describing NMFS' plans for completing a revised draft of the Draft Revised Steller Sea Lion Recovery Plan (recovery plan). While the Council is disappointed that the FMP consultation and draft Biological Opinion (BiOp) schedule will change because of this, we agree that completion of a properly constructed recovery plan is appropriate, as this document will help guide the FMP consultation process and development of a draft BiOp, and will be an important reference and policy document for the future conservation and management of Steller sea lions.

As you know, the Council has been closely following the development of the recovery plan, and previously has recommended that the Agency consider preparing another draft of this recovery plan. The Council's suggestion was based partly on public comment on the draft recovery plan received at its June 2006 meeting, and on its Scientific and Statistical Committee's (SSC) review of the first draft during a special SSC meeting convened in August 2006. Based on this SSC and public review, the Council submitted comments on the recovery plan and is looking forward to the agency's response. The Council hopes that a focused effort to prepare another draft of this recovery plan can move forward as soon as possible, and requests that our respective staffs work together to develop a schedule for completion of this revised draft.

The Council wishes to continue to be closely involved in this process, and we request that NMFS include in your revised schedule an opportunity for another round of Council and public comment. Given the nature of the comments you have received on the recovery plan, and the contentious nature of some unresolved issues in this document, we request that NMFS allow for a 90-day review period when the revised draft is released. Since the Council realizes that revising the recovery plan will involve a considerable commitment of staff resources and a relatively lengthy period of time to consider the comments your agency has received, we would anticipate that the revised draft cannot be completed until May or June. The Council will likely need to convene a special meeting, perhaps in July or August, to provide a forum for additional Council and public review of the revised recovery plan, which allows us to consider the input of an independent peer review (discussed below).

Central to the Council's concerns is our strong belief that the revised draft recovery plan undergo an independent peer review prior to being finalized. The Council recommends the agency conduct this peer review process in an open and transparent manner using prestigious scientists as the review panel. While either a Center for Independent Experts or National Research Council committee could be an excellent choice for this review, the Council recognizes that a review by one of these entities may require a more lengthy review process than can be accommodated in the current rigid schedule for completion of a revised draft recovery plan. Regardless how the review is conducted, the Council recommends the

process be an objective review by experts not affiliated with development of the first draft recovery plan. We realize this review is very important, as it must be conducted in a manner acceptable to NMFS but also responsive to public concerns. The Council recommends our respective staffs work together to develop a peer review process and panel of experts, and that a plan for the review be presented to the Council at its March/April meeting.

The Council understands that, as part of the process for developing the draft BiOp, NMFS plans a series of in-house workshops to update staff on new scientific information on some subjects such as killer whale predation and SSL natality rates. These workshops will also be important in providing information essential to the completion of a revised draft recovery plan. The Council recommends that these workshops include invited national or international experts on the subject matter, and we also recommend the workshops be open to public observation. The Council is willing to help NMFS facilitate convening the workshops.

As an aid to help the Council better understand the process of endangered species recovery and also to inform the process for completion of a revised draft recovery plan, the Council intends to commission a white paper on the recovery planning process used for other ESA-listed species elsewhere in the United States. This paper would review how recovery planning has occurred for other species, both by NMFS and the U.S. Fish & Wildlife Service, and would include a summary of how recovery teams developed recovery criteria and delisting criteria based on available scientific information. The Council intends to have this white paper completed in time for its June meeting.

In summary, the Council encourages NMFS to consider our recommendations as listed above, and look forward to working with the agency on the details for implementing these recommendations. We also believe that this implementation plan should assess options for integrating proposed changes to SSL protection measures into the draft BiOp and how the ESA consultation process would be integrated into the analysis of current and proposed management measures. We request that a detailed plan and schedule for completion of a revised draft recovery plan, draft BiOp, and analysis of management measures be brought to the Council at its March/April meeting.

Sincerely,

Stephanie D. Madsen

Stephanie D. Madsen
Chair

Cc: Doug DeMaster
Denby Lloyd

**Scoping Paper on the Feasibility of a
REVIEW AND COMPARISON OF RECOVERY
CRITERIA IN THE 2006 DRAFT
STELLER SEA LION RECOVERY PLAN**

Prepared by:

Thomas R. Loughlin, Ph.D.
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On behalf of

Chris Oliver, Executive Director
North Pacific Fishery Management Council
605 W. 4th Ave., Suite 306
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15 March 2007

1. Introduction.

The purpose of this scoping paper is to discuss the feasibility of a review of recovery criteria included in the May 2006 draft Steller Sea Lion Recovery Plan (or its revision if available). The proposed review will include a summary of information on recovery planning and information on the listing, down-listing and delisting of Endangered Species Act (ESA) listed species in other parts of the U.S. The objective is to compile information on the criteria developed by recovery teams for changing the listing status of species that are on, or that were on, the ESA list of threatened or endangered species and to compare this information with the draft criteria proposed for down-listing and delisting the Steller sea lion (SSL; *Eumetopias jubatus*). The review will include discussion and comparison of recovery actions (tasks) in the plans and their similarity to those in the SSL plan. The intent of the review is to inform the North Pacific Fisheries Management Council (Council) on how the proposed Steller sea lion recovery criteria compare with similar recovery criteria developed and implemented for other species elsewhere.

Recovery plans represent the primary tool used by both the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) for managing and conserving endangered species under their jurisdiction. In 1991 the U.S. congress requested that the National Academy of Sciences study 'several issues related to the Endangered Species Act.' Some of the specific issues included were the definition of a species, recovery planning, conservation conflicts between species, and the role of habitat conservation (NRC 1995). Since the NRC review, the ESA and recovery planning by the agencies has come under further scrutiny. Various reviews of ESA recovery plans found that plans vary in the amount, quality, and type of information that they provide (Brigham et al. 2002; Tear et al. 1993), but they all require inclusion of specific topics such as species biology, recovery actions, recovery criteria, etc. The effectiveness of the plans in meeting their goal to conserve the species and remove it from the list was variable and equivocal. A preliminary review of the effectiveness of ESA recovery plans was published by Boersma et al. (2001). That review was followed by a comprehensive review of 135 recovery plans for 181 species conducted by the Society for Conservation Biology (SCB; summarized in Hoekstra et al. 2002). Results of that broad review, which was funded by the USFWS and the National Center for Ecological Analysis and Synthesis, were published in numerous papers in the journal *Ecological Applications* in 2002; data used in the reviews are available at their web site¹.

As summarized in the Executive Summary of the draft 2006 Steller Sea Lion Recovery Plan, the SSL was listed as a threatened species under the ESA in April 1990 due to substantial declines in the western portion of the range. In contrast, the eastern portion of the range (in southeastern Alaska and Canada) was increasing at 3% per year. Critical habitat was designated in 1993 based on the location of terrestrial rookery and haulout sites, spatial extent of foraging trips, and availability of prey items. In 1997, the SSL population was split into a western stock and an eastern stock based on demographic and genetic dissimilarities (Bickham et al. 1996; Loughlin 1997). Due to the persistent decline, the western stock was reclassified as endangered, while the increasing eastern

¹ www.nceas.ucsb.edu/recovery

stock remained classified as threatened. Through the 1990s the western stock continued to decline. However, the western population has shown an increase of approximately 3% per year between 2000 and 2004. This was the first recorded increase in the population since the 1970s. Based on recent counts, the western stock is currently about 44,800 animals and may be increasing due to higher juvenile and adult survival. However, it remains unclear whether SSL reproduction has also improved and whether the observed 3% annual population growth will continue. The eastern stock is currently between 45,000 and 51,000 animals, and has been increasing at 3% per year for 30 years.

The first SSL recovery plan was completed in December 1992 and covered the entire range of the species. However, the recovery plan became obsolete after the split into two stocks in 1997. Therefore, in 2001, NMFS assembled a new recovery team to revise the plan. The recovery team completed the draft revision in early 2006 and forwarded the plan to NMFS.

The draft 2006 SSL plan contains over 70 specific tasks contained within five broad actions required for species recovery. The plan also contains broad criteria for down-listing or de-listing the western and eastern stocks of SSL. These broad tasks each contain separate criteria that must be achieved before down-listing or de-listing can occur. Therefore, the objective of the proposed study is to review the criteria proposed for SSL recovery and for changing the listing of the western stock of SSLs and to compare these criteria to those contained in other recovery plans.

2. Proposed Study.

The SCB review mentioned above was based on >450 questions on 13 forms separated by topic which were completed by graduate students reviewing recovery plans in university seminars across the country. The completed forms included information from 135 plans; the information was then placed into a large data base for analysis. An abbreviated version of the questions contained in these forms applicable to the SSL plan will be used in this review (see below). Extracted information will be placed in both text and spreadsheet format and subjective comparisons made between each species' plan and the SSL plan.

Nine recovery plans (plus the SSL plan) will be included in the review, depending on available information in the plan and relevance to the SSL plan. Two of the plans will be for species that have been removed from the ESA list (gray whale and gray wolf—noted by * below). No more than nine plans additional to the SSL plan will be included in the review, probably five from each agency.

NMFS

Steller sea lion
Hawaiian monk seal
Southern resident killer whale
Northern Atlantic right whale
Eastern Pacific gray whale*

USFWS

Sea otter
Grizzly bear
West Indian manatee
Canada lynx
Gray wolf* (northern Rocky Mountains and western Great Lakes areas)

Species that may be considered additional to or replacement for those above include:

NMFS

Sperm whale
Fin whale
Humpback whale
Columbia River salmon

USFWS

Spectacled Eider
Short-tailed albatross
Louisiana black bear
Red wolf

A. Summarize information in a spreadsheet and text format for each species.

Each plan will be reviewed and information from the following bullets will be extracted and inserted into the spreadsheet and detailed in text format.

- Initial population size at time of listing
- Relative scale of population decline
- Population size at down-listing or delisting and proportion to virgin population
- How long from listing to down-listing or delisting
- Number of threats to the population at time of listing
- Types of threat including habitat degradation, food limitation, over harvest, high mortality level, etc.
- Recovery criteria for that species (number and type).
- Were recovery criteria related to habitat, number of individuals, or both
- Habitat issues factored into the listing decision (yes or no)
- Number of recovery tasks suggested in the plan
- Utilization of Population Viability Analysis (PVA) in recovery plans

Additional to this information, the following questions will be addressed, when possible. It is expected that one to two sentences or a short paragraph will suffice for each question resulting in about two pages of text for each species.

- ▶ What are the key elements of the Recovery Plan and what are the recovery goals?
- ▶ What has happened to the population over the years since the species was listed (or de-listed)?

- ▶ What actions were taken to help the population recover?
- ▶ For de-listed species, how were the threats mitigated so that the species could be de-listed?
- ▶ Is there internal consistency in terms of information and rationale within the Plan supporting the proposed recovery criteria?
- ▶ Are monitoring efforts sufficient in determining if delisting is warranted or if recovery has been achieved?
- ▶ Are the recovery tasks reasonable and is recovery hampered if they are not implemented?
- ▶ Are certain recovery tasks crucial to recovery and others crucial to effective management?

B. Compare the above to the revised Steller Sea Lion Recovery Plan.

The comparison for this project will be done using the most current Steller sea lion plan. The May 2006 draft Plan is being revised by NMFS to incorporate comments received since publication and may be available in May 2007. The most current SSL plan will be compared to those nine mentioned above, but not all plans are similarly organized or written and may not contain information in the form that can be consistently compared.

Additional to this comparison, Clark and Harvey (2002) developed a threat similarity index (TSI) to quantify the similarity of threats to species within multi-species recovery plans. That index will be explored in this review to compare similarity of threats in single species recovery plans for the ten species in this review by quantifying the proportion of threats common to a group or pair of species. Clark and Harvey (2002) calculated the TSI dividing the number of threats common to each species by the total number of threats facing either species. Thus a pair of species with no threats in common resulted in a similarity score of zero, whereas a pair of species with the exact same threats yielded a score of one (Table 1; Clark and Harvey 2002). The use of this analysis in the present review will be to determine if similar types of threats were used during the listing or down-listing process; e.g. was food limitation a threat to both Hawaiian monk seals and to Steller sea lions.

C. Summarize and compare/contrast NMFS and USFWS policy and guidelines for recovery planning.

DeMaster et al. (2004) state that uniform guidelines for listing, reclassifying, or delisting species have not been developed by either NMFS or the USFWS. The lack of uniform guidelines for listing decisions has led to inconsistencies and inequities in the listing process. NMFS responded to this problem by establishing a Steering Committee and a

Quantitative Working Group (QWG) to work toward developing quantitative procedures that will make listing decisions “more transparent, consistent, and scientifically and legally defensible.” The publication of the QWG recommendations (DeMaster et al. 2004) will be reviewed for this project and compared to the criteria included in the most recent draft Steller sea lion Recovery Plan. If available, recommendations or guidance provided by the USFWS will be reviewed.

D. Final product.

The final product will be a text report organized by Introduction, Methods, Results, Discussion, and Literature Cited. Tables (e.g., Table 1) and spreadsheets will be included similar to Table 2 containing information from Item (2.A.) above.

3. Conclusions.

For this scoping paper two recovery plans were briefly reviewed to determine if adequate information was available to complete the broad review. Plans reviewed were the Hawaiian monk seal and western stock portion of the draft 2006 Steller sea lion plan. Information in those plans was adequate to make some of the comparisons (but not all) and to meet the goals of the broader review (Table 2). Whether that is true for the remainder of the plans is yet to be determined.

4. Citations.

DeMaster, D. (chair), R. Angliss, J. Cochrane, P. Mace, R. Merrick, M. Miller, S. Rumsey, B. Taylor, G. Thompson, and R. Waples. 2004. Recommendations to NOAA Fisheries: ESA Listing Criteria by the Quantitative Working Group, 10 June 2004. U.S. Dep. Commerce, NOAA Tech. Memo. NMFSF/ SPO-67, 85 p.

Bickham, J. W., J. C. Patton, and T. R. Loughlin. 1996. High variability for control-region sequences in a marine mammal: Implications for conservation and biogeography of Steller sea lions (*Eumetopias jubatus*). *Journal of Mammalogy* 77:95-108.

Boersma, P.D., P. Kareiva, W.F. Fagan, J.A. Clark, and J.M. Hoekstra. 2001. How good are Endangered Species Act recovery plans? *Bioscience* 51:643-650.

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Table 1. Example illustrating calculation of the threat similarity index (TSI) for Steller sea lions and two hypothetical species (after Clark and Harvey 2002).

Species	Threat A	Threat B	Threat C	Threat D	Threat E	Threat F	TSI
Steller sea lion	no	no	no	yes	yes	yes	
Species 2	no	yes	no	yes	yes	yes	
Species 3	no	yes	yes	no	no	yes	
SSL vs 2	neither	one	neither	both	both	both	0.75
SSL vs 3	neither	one	one	one	one	both	0.2
2 vs 3	neither	both	one	one	one	both	0.4
mean							0.45

The TSI is calculated by dividing the number of threats to both species by the number of threats to at least one species. For SSL versus species 2 the value is 3 divided by 4 (threats D, E, and F divided by threats B, D, E, and F). The purpose of this analysis is to determine if similar types of threats were used during the listing or down-listing process.

Table 2. Example of spread sheet for comparison of western stock of SSL plan to the Hawaiian monk seal plan. Additional species will be added.

Species	ESA listing status; date	Previous status on ESA	Population size prior to listing	Population size at listing	Most recent population estimate	Pop. decline prior to listing (%)	Population size needed to change listing	Number of factors involved in listing change	Number of years from original listing to change	Number of key threats	Number of key actions needed for recovery	Recovery Criteria Related to S Plan				
												Habitat degradation	Food limitation	Over harvesting	Excessive mortality	Low survival
SSL	E; 1997	T	~110K	20.4K	20.5K	>80	n/a	3	7	13	3	y	y	n	y	y
HMS	E; 1976	n/a	unk	~1.4K	~1.3K	n/a	2.9K	13	n/a	10	4	y	y	n	y	y

North Pacific Fishery Management Council

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**DRAFT REPORT
of the
SCIENTIFIC AND STATISTICAL COMMITTEE
to the
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
February 5-7, 2007**

The Scientific and Statistical Committee met during February 5-7, 2007 at the Benson Hotel in Portland, OR. Members present were:

Pat Livingston, Chair
NOAA Fisheries—AFSC

Keith Criddle, Vice-Chair
University of Alaska Fairbanks

Bill Clark
International Pacific Halibut Commission

Sue Hills
University of Alaska Fairbanks

Anne Hollowed
NOAA Fisheries—AFSC

Gordon Kruse
University of Alaska Fairbanks

Seth Macinko
University of Rhode Island

Franz Mueter
SigmaPlus Consulting

Steve Parker
Oregon Department of Fish and Wildlife

Terry Quinn II
University of Alaska Fairbanks

Theresa Tsou
Washington Dept of Fish and Wildlife

Doug Woodby
Alaska Department of Fish and Game

Members absent:

George Hunt
University of Washington

Ken Pitcher
Alaska Department of Fish and Game

Election of Officers

Pat Livingston was elected to chair the SSC. Keith Criddle was elected as vice-chair. The SSC commends and thanks Gordon Kruse who has provided exceptional leadership during his two-year tenure as SSC chair.

B-8 Protected Species

Robyn Angliss (NMML) and Bridget Mansfield (NMFS AK Region) responded to the SSC request for additional information about the analytic methods used to devise the annual List of Fisheries (LOF). Bill Wilson (NPFMC), Kristin Mabry (NMFS AK Region), and Larry Cotter (SSLMC chair), reported on measures taken by the SSLMC to refine the proposal ranking tool (PRT) pursuant to recommendations of the SSC (October 2006). Bill Wilson also provided a report on recent changes to the FMP consultation schedule, the status review and extinction assessment of Cook Inlet belugas, and proposals under review by the Alaska Board of Fisheries (BOF) that would expand cod fisheries in state waters in the Alaska Peninsula and Aleutian Islands management region. Public testimony was not received on any of these topics.

List of Fisheries (LOF)

The SSC has commented on the LOF several times before including in December 2006, and requested presentation of additional information on the process and the methods at this meeting. The SSC commends Robyn Angliss (NMML) for her excellent job of responding to the October 2006 SSC comments and questions about the 2005 LOF and looks forward to receiving the full description of the LOF analysis for Alaska fisheries (Perez 2006) that will be available shortly.

Timing of release of the annual LOF has often precluded SSC and Council review within the normal comment period. Renewing a request included in the Council's letter of February 28, 2005, our June 2006 minutes request that "... the Proposed Rule for LOF be scheduled in a way that allows for SSC review before the end of the comment period." Consequently, the SSC is pleased to learn that an effort will be made to ensure that the LOF analysis and publication will occur on or around June 1st so that the normal review period encompasses the Council's June meeting. If it is not possible to get the information to the Council in advance of the June meeting, the SSC requests that the NMFS review schedule be adjusted to allow SSC review and Council comment in October or during another regularly scheduled Council meeting.

In order to better understand the methods used to record, analyze, extrapolate and classify fisheries in Alaska, the SSC would like to schedule a review of Perez (2006) at the June 2007 meeting, when it is also anticipated that the next LOF will be brought to the Council.

Because the LOF determination is largely reliant on observer data, fisheries with infrequent observer coverage may remain assigned to LOF categories appropriate to the year in which they were last observed, but uncharacteristic of more recent years performance. For fisheries not regularly observed under the groundfish, crab, or scallop observer programs, the AK marine mammal observer program has, contingent on funding, provided observer coverage in one or two fisheries in each two year period. As a result of the limited resources budgeted to the AK marine mammal observer program and the large number of unobserved fisheries, individual fisheries may be observed as infrequently as once every two to three decades. NMFS's response to comments in the final LOF for 2005 recognizes that fisheries evolve quickly and when recent data are available, they utilize data from the previous 5 years to classify the fisheries. However, if no recent data are available, NMFS policy is to use data from the most recent observation period; data that may be several decades old. This approach is logically inconsistent in two ways. First, by recognizing that fisheries evolve quickly and restricting classification data to the most recent 5 years, NMFS agrees that the older data used to classify other fisheries are not representative of recent performance. Second, NMFS argues that because older data are all that exist, they must be used. The SSC notes that, where estimates of marine mammal serious injuries and mortalities are not available for unobserved fisheries or fishery components, the LOF designation is listed as "unknown". The SSC encourages NMFS to carefully review the use of legacy data and to prioritize observer coverage to update those estimates, derive proxy estimators to use in lieu of observer coverage, or to classify those fisheries as "unknown".

The current scale of operation for the AK marine mammal observer program will always result in the problem of outdated observations that do not represent the current performance of a fishery. Essentially then, the observer program cannot be relied on as a meaningful basis for classifying all fisheries. Options to address this problem include: dedicating sufficient funds to provide robust observations for fisheries on a timely basis; redesigning the observation program to generate less precise estimates of injuries, but to cover more fisheries per unit time with current funding levels; or to reconsider the reliance on observer information in categorizing fisheries in the first place. A framework to incorporate other, more qualitative information in classifying a fishery could be investigated. An additional option could be to seek information from alternative observer programs that may be funded through competitive grants, state, or private funding. This option would require NMFS and the observer program to provide criteria for observations to be evaluated and utilized.

SSLMC Proposal Ranking Tool

On behalf of the SSLMC, Larry Cotter (SSLMC chair), thanked and commended the Council and NMFS staff (Bill Wilson, Kristin Mabry, Melanie Brown) who have supported development of the Proposal Ranking Tool (PRT); the SSC is similarly appreciative of the effort that staff have devoted to this project.

It is important to recognize that the PRT is a multi-criteria decision tool to be used to evaluate some aspects of proposals for changes to SSL protection measures in the GOA and BSAI groundfish fisheries. It is NOT an assessment of actual benefit or harm to SSL, distance from the jeopardy bar or quantifiable changes to critical habitat. It is one of the several tools that will be used to evaluate proposals to change regulations impacting SSL protection measures. Although the proposals can be scored with this tool, until the recovery plan and BiOp are released, the SSLMC will not know if PR agrees with the relative importance of the variables scored in the PRT.

In October 2006, the SSC asked the SSLMC to address several issues related to the structure and organization of the PRT. The report detailed those discussions well; and the SSC thanks the SSLMC for their attention to the SSC comments. For example, the SSC asked the committee to re-examine the issue of the structural adjust feature of the software: document where it should be used, and the effect of using it. The SSC appreciates the work and agrees that it is now being used correctly.

The SSC agrees that the PRT is ready to be used to score the proposals that have been submitted but notes that several areas of uncertainty remain and requests the SSLMC to continue documenting development, use and issues that arise as it is used. This analytic approach is new for the Council and although it is potentially a useful approach to explicitly represent decision criteria and qualitative judgments involving disparate elements, there is a need to assess how well the PRT functions in practice.

The SSC has a few questions and concerns. The report states that some issues will be considered "outside the model" such as safety, management benefits, demographic impacts, fishing rate changes, etc. Evaluating these other factors will be important in the overall ranking of individual proposals. Making the evaluation process and criteria as transparent as possible will aid in the judging process and also in future proposal development. **The SSC recommends that to the degree possible, the SSLMC specify the framework and evaluation process prior to actually ranking proposals.** That is, the SSC would like to see a list of these issues, some sense of their relative importance, and some information about how those issues will be weighted relative to the score from the PRT and whether the PRT will be used to prescreen proposals that will be subsequently judged according to these other criteria or whether the other criteria will be used to prescreen proposals that will then be ranked using the PRT. Although not requesting this as a change to the PRT now, the SSC notes that if all that work were done, those elements, including potential benefits, could possibly be added to the model, perhaps as higher level nodes and branches. The SSC concurs with the SSLMC's view that the PRT is a living tool that can be revised and added to as needed.

The SSC cautions that the scores not be treated as absolute clear differences; the ranking score has no units associated with it. Evaluations of each proposal will result in an impact score, but not an indication of uncertainty to allow the scale of differences in impact score to be resolved. One potential mechanism to incorporate uncertainty in the ranking process would be to capture the uncertainty in weighting factors for variables where there was lack of consensus within the committee in determining the weight. Evaluating a given proposal under the range of weights for different variables would incorporate the uncertainty in variable weights and provide an overall indication of uncertainty associated with the impact of the proposal relative to aspects scored in the PRT (see e.g., Merritt and Criddle 1993). Alternatively, the robustness of model rankings could be explored using functions included in Expert Choice that indicate the magnitude of change that would be required to change model rank.

The PRT will rank the impacts of various proposals relative to "status quo". The definition of status quo should be clarified in the current draft document. The regulatory environment to be used as status quo should be defined to prevent or allow a cumulative creep in impacts over time due to implementation of new regulations.

FMP consultation schedule

In December we heard that the date for receipt of the draft BiOp had been changed to early June. The State of Alaska then sent a letter requesting that the recovery plan be revised in response to public comment (including that from the SSC's special August meeting) before the BiOp is drafted. The rationale was that many of the comments pertained to the recovery criteria, clearly an important part of the BiOp. If the BiOp is written with the old criteria, the SSC would just reiterate many of their previous comments. The reply from NMFS agrees, and cites other factors too that resulted in their decision to revisit the recovery plan, take the comments into account, and issue a draft revised recovery plan in May and that release of the draft BiOp will be delayed until late 2007.

Status Review of Cook Inlet Belugas

NMFS must decide within 12 months of April 20, 2007, the date that a petition to list the Cook Inlet Beluga Distinct Population Segment as endangered under the ESA was received. The primary findings of the status review are: 1) that the range of the population has contracted; 2) that the population is not growing at 2-6% as predicted when hunting was stopped; 3) that this is a DPS and if extirpated is unlikely to be repopulated; 4) that anadromous fish runs are very important to the CI belugas; and 5) that PVA results suggest that it is likely that the CI belugas will be extinct within 300 years if nothing is done to change factors that are affecting them.

BOF State Waters Cod Fisheries

The BOF is meeting this week to consider several groundfish proposals. Probably the most important in relation to Protected Resources are the ones that seek to increase cod harvests in state waters from 25% of the federal TAC to 50% of federal TAC. A letter about it from NMFS to the state is in our notebooks. If the proposals go forward, and more cod is taken close to SSL CH with fewer regulatory protections in place than would be the case in federal waters fisheries, a new section 7 consultation could be triggered. How that would influence the changed schedules for the draft Recovery Plan and draft BiOp is unknown.

C-3 Seabird Interactions

The SSC received staff reports on seabird interactions from Bill Wilson (Council Staff), Kim Rivera (NMFS-AKR), Kristin Mabry (NMFS-AKR), Scott Miller (NMFS-AKR), and Greg Balogh (USFWS).

Kristin Mabry provided an overview of the EA/RIR/IRFA to revise seabird avoidance regulations, including recent revisions to this proposed amendment based on information received since the December 2006 Council meeting. The amendment arose from evidence of a low level of occurrence of albatrosses and other seabird species of concern in inside waters of Alaska and from new research on the performance of seabird mitigation devices on 25-55 ft vessels. The amendment provides alternatives that would rescind some seabird deterrent measures in inside waters and enhance some measures in outside waters in the EEZ. Since the Council's December 2006 meeting, an area associated with the entrance to Cross Sound was added as a third region of Southeast Alaska inside waters where seabird mitigation devices would be required. The Council is scheduled to take final action on this amendment at this meeting.

Greg Balogh (USFWS) presented a review of recent studies on movement patterns of three species of albatross. In general, tagged birds spent 2/3 of their time in the Alaskan EEZ during the relatively short period of time that tags were retained. Albatross exhibit extensive migrations between breeding grounds in Japan and feeding grounds in Alaska. His study showed that all albatross are capable of traveling large distances with short-tailed albatross juveniles and black-footed albatross exhibiting daily movements over

North Pacific Fishery Management Council
Steller Sea Lion Mitigation Committee Meeting
Regional Administrator's Conference Room
National Marine Fisheries Service
Juneau, Alaska
April 16, 2007 – Subcommittee Only
April 17-19, 2007 – Full Committee

Purpose: Proposal Scoring Subcommittee reviews and develops process for inputting proposals to the PRT; SSLMC reviews proposal input process and receives subcommittee report; receive proposal presentations from proposers; discuss proposals with proposers and request additional information as needed.

AGENDA

April 16 – 8:30 AM – 5:00 PM

SSLMC Subcommittee on Proposal Scoring Meets to Review/Score Proposals (Hennen, DeMaster, Mabry, Hills)

April 17 - 8:30 AM – 5:00 PM

1. Introductions and Opening Remarks, Announcements, Agenda Approval (Cotter)
2. Minutes of Last Meeting (Wilson)
3. Review Comments on Proposal Ranking Tool from SSC's February Meeting
4. Review and Discuss Process for Proposal Input to PRT with Proposal Scoring Subcommittee (Hennen et al.)
5. Receive Presentations on Proposals from Submitters

April 18 – 8:30 AM – 5:00 PM

6. Proposal Presentations (Continued)
7. Committee Work Session on Proposals

April 19 – 8:30 AM – 5:00 PM

8. Committee Work Session on Proposals (Continued)
9. Identify Additional Information Needed from Proposers
10. Action Items, Closing Remarks, Adjourn (Cotter)

Public comment periods will be provided during the meeting.

Contact Bill Wilson at the Council offices if you have questions: 907-271-2809 or bill.wilson@noaa.gov

North Pacific Fishery Management Council
Steller Sea Lion Mitigation Committee Meeting
Alaska Fisheries Science Center
Seattle, Washington
May 7-10, 2007

Purpose: Continue work on proposals; review information requested from proposers; receive and discuss new scientific information; review PRT in light of new information; continue proposal review and scoring process

NOTE: Time Certain: May 7-8 will focus on proposal work; May 9-10 will focus on new scientific information

AGENDA

May 7 - 8:30 AM – 5:00 PM

1. Introductions and Opening Remarks, Announcements, Agenda Approval (Cotter)
2. Minutes of Last Meeting (Wilson)
3. Receive and Discuss Information Requested from Proposers
4. Review Proposals Based on New Information

May 8 – 8:30 AM – 5:00 PM

5. Proposal Review (Continued)

May 9 – 8:30 AM – 5:00 PM

6. Receive Presentations on New Scientific Information

May 10 – 8:30 AM – 5:00 PM (IF NEEDED)

7. Continue Presentations on New Scientific Information
8. Conduct Proposal Scoring
9. Action Items, Closing Remarks, Adjourn (Cotter)

Public comment periods will be provided during the meeting.

Contact Bill Wilson at the Council offices if you have questions: 907-271-2809 or bill.wilson@noaa.gov



AGENDA B-6(h)
APRIL 2007

UNITED STATES DEPARTMENT OF
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

January 31, 2007

Mel Morris
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

Dear Mr. Morris:

This letter contains NMFS' comments and concerns regarding Proposals 182 and 183 which are scheduled for consideration at the Board of Fisheries (BOF) February 2007 meeting. These proposals would set a guideline harvest level (GHL) for Pacific cod in the South Alaska Peninsula that is 50 percent of the Federal acceptable biological catch amount (ABC) for Pacific cod in the Western Gulf of Alaska (WGOA).

The total allowable catch (TAC) for the Federal Pacific cod fishery in the WGOA has historically been reduced to allow for the State-managed harvest of Pacific cod in this area. For 2007, the WGOA Pacific cod TAC is based on the ABC minus 25 percent allowance for the State-managed Pacific cod fishery. The Federal WGOA Pacific cod fishery is divided 90 percent to the inshore and 10 percent to the offshore sectors. Under the Steller sea lion protection measures, the TAC also is seasonally apportioned 60 percent to the A season and 40 percent to the B season. The majority of the harvest is by trawl and pot gears with about the same amount harvested by each gear type (See enclosures Western Gulf Inshore Pacific cod Catch by Week and Gear for 2005 and 2006).

The rate and amount of Pacific cod harvest is dependent on the time of year, gear type, and level of participation. The features of the Pacific cod harvest in the WGOA during 2005 and 2006 are as follows:

- The inshore sector fully and rapidly harvested its allocation, with the A season fishery closing before or during the first week of March each year.
- The WGOA Pacific cod inshore sector harvested 85 percent and 75 percent of the annual TACs, respectively.
- The A season Pacific cod apportionment was fully harvested.
- The inshore Federal Pacific cod trawl fishery maximum daily harvest rates were 304 mt and 217 mt, respectively.
- The inshore Federal Pacific cod pot fishery maximum daily harvest rates were 219 and 258 mt, respectively.



The State of Alaska limits Pacific cod harvests in the South Alaska Peninsula to pot and jig gears, with the majority being taken by pot gear. The Alaska Department of Fish and Game (ADF&G) report to the BOF for Proposal 180 states that the pot harvest capacity of the fleet in the South Alaska Peninsula Pacific cod fishery is approximately 1.1 million pounds (500 mt) per day and is difficult to manage within the GHIL under current reporting requirements.

Implementation of Proposals 182 and 183 would result in two significant concerns. The first concern is the current harvest specifications for Pacific cod in the WGOA. If either Proposal 182 or 183 were adopted by the BOF and implemented in 2007, NMFS would need to take immediate action to specify a reduced WGOA Pacific cod TAC to prevent exceeding the ABC and the A season apportionment required under the Steller sea lion protection measures. This would be difficult to achieve because the Pacific cod A season apportionment will be mostly harvested by the time of the BOF action. As with any State action that may affect a Federal TAC, we recommend that the BOF action be delayed to allow integration with the Federal harvest specifications process. NMFS will propose harvest specifications for 2008 and 2009 in October 2007, and could propose adjusted WGOA Pacific cod 2008 and 2009 TACs at that time to account for the proposed additional harvest in the State-managed fishery. This would allow for public comment before implementation of any changes to the Federal TAC and allow the BOF to work with the North Pacific Fishery Management Council (Council) in managing the Pacific cod fisheries.

The second concern is shifting Pacific cod harvest from fisheries that are managed under the Steller sea lion protection measures to the State-managed fishery, which has limited protection measures based solely on 3 nm closures around Steller sea lion rookeries. The South Alaska Peninsula Area contains 12 rookeries and 28 haulouts which have various Federal closures to Pacific cod fishing depending on the gear type used (Tables 5 and 12 to 50 CFR part 679, See enclosed maps). By shifting Pacific cod harvest into the State managed fishery, 57 percent of the area closed to Pacific cod trawling in the Federal and State parallel Pacific cod fishery would be open to the State managed Pacific cod pot fishery. In addition, 22 percent of the State waters currently closed to the Federal and State parallel Pacific cod pot fishery would be open to the State-managed Pacific cod pot fishery. Shifting the harvest to the State-managed fishery likely will result in a reduction in the amount of Pacific cod harvested by trawl gear and an increase in pot and jig gear harvests. Because of the pot harvest capacity in the State-managed fishery described above, there may be higher rates of Pacific cod harvest in State waters during the State-managed fishery compared to rates seen during the Federal and State parallel fishery.

In addition, the Steller sea lion protection measures that are applied to the Federal and State parallel Pacific cod fisheries would not apply to the State-managed Pacific cod harvest. The harvest of Pacific cod subject to Steller sea lion protection measures has decreased since the 2000 and 2001 ESA consultations (table below). Shifting half of the ABC into the State-managed fishery would result in a 26 to 37 percent reduction in the amount of harvest that was expected to be conducted under the Steller sea lion protection

measures when the 2000 and 2001 consultations were completed (based on 1997 through 2000 data in the table below).

Harvest of Pacific cod in the South Alaska Peninsula Area. ADF&G landings data in pounds

Source: ADF&G Comments on BOF Proposals for February 2007

Year	Federal Waters	State Parallel	State-Managed	Total	Percent Harvest Under Steller Sea Lion Protection Measures**
1997	53,748,347	9,850,571	9,524,706	73,123,624	87%
1998	44,784,981	8,596,111	8,630,512	62,011,604	86%
1999	39,664,603	8,643,758	11,821,979	60,130,340	80%
2000	33,961,964	12,641,670	15,044,104	61,647,738	76%
2001	23,017,093	6,080,637	13,455,619	42,553,349	68%
2002	26,176,698	7,242,899	12,746,106	46,165,703	72%
2003	17,538,284	13,429,949	11,560,663	42,528,896	73%
2004	17,008,135	14,271,554	12,442,442	43,722,131	72%
2005	16,030,828	9,753,948	11,436,172	37,220,948	69%
2006*	10,254,385	13,323,190	11,715,820	35,293,395	67%

* Through Oct. 1, 2006.

**50 CFR part 679

Shifting half of the ABC into the State-managed fishery also would result in half of the WGOA harvest occurring with no seasonal apportionment. This temporal concentration of harvest inside State waters near haulouts and rookeries may affect the Steller sea lions critical habitat by disrupting fish aggregations and may decrease the foraging ability of Steller sea lions.

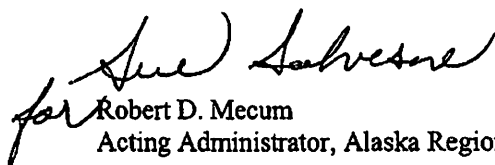
The effect of either Proposal 182 or 183 is that half of the WGOA Pacific cod ABC would be harvested without most of the Steller sea lion protection measures. The potential increased harvest rates, concentrated fishing in State waters with no seasonal apportionment, and minimal Steller sea lion protection measure closures likely would result in cumulative adverse impacts on Steller sea lions and their critical habitat that were not considered in previous consultations on the Alaska groundfish fisheries.

In January 2007, the ADF&G requested additional public review and comment on the draft Steller Sea Lion Recovery Plan. The recovery criteria described in that plan are important considerations in the groundfish fisheries consultation. We agree that additional review and public comments would benefit the recovery plan. Therefore, we have delayed release of the draft biological opinion until late 2007 after the recovery plan is completed. As requested by the Council in their September 26, 2006, letter to the BOF, we also recommend that the BOF postpone any action that would affect the State-managed pollock, Pacific cod or Atka mackerel fisheries until the consultation on the Federal groundfish fisheries is completed.

The BOF should continue its good working relationship with the Council and provide any proposed changes to the State-managed pollock, Pacific cod or Atka mackerel fisheries to the Council's Steller Sea Lion Mitigation Committee. The Committee is scheduled to begin review of proposed changes to the Steller sea lion protection measures at its April 2007 meeting, and their deliberations would be enhanced by considering proposed State-managed fisheries changes. This would give the Council a complete picture of fisheries effects to be considered in the consultation process as it makes recommendations for any changes to the Steller sea lion protection measures.

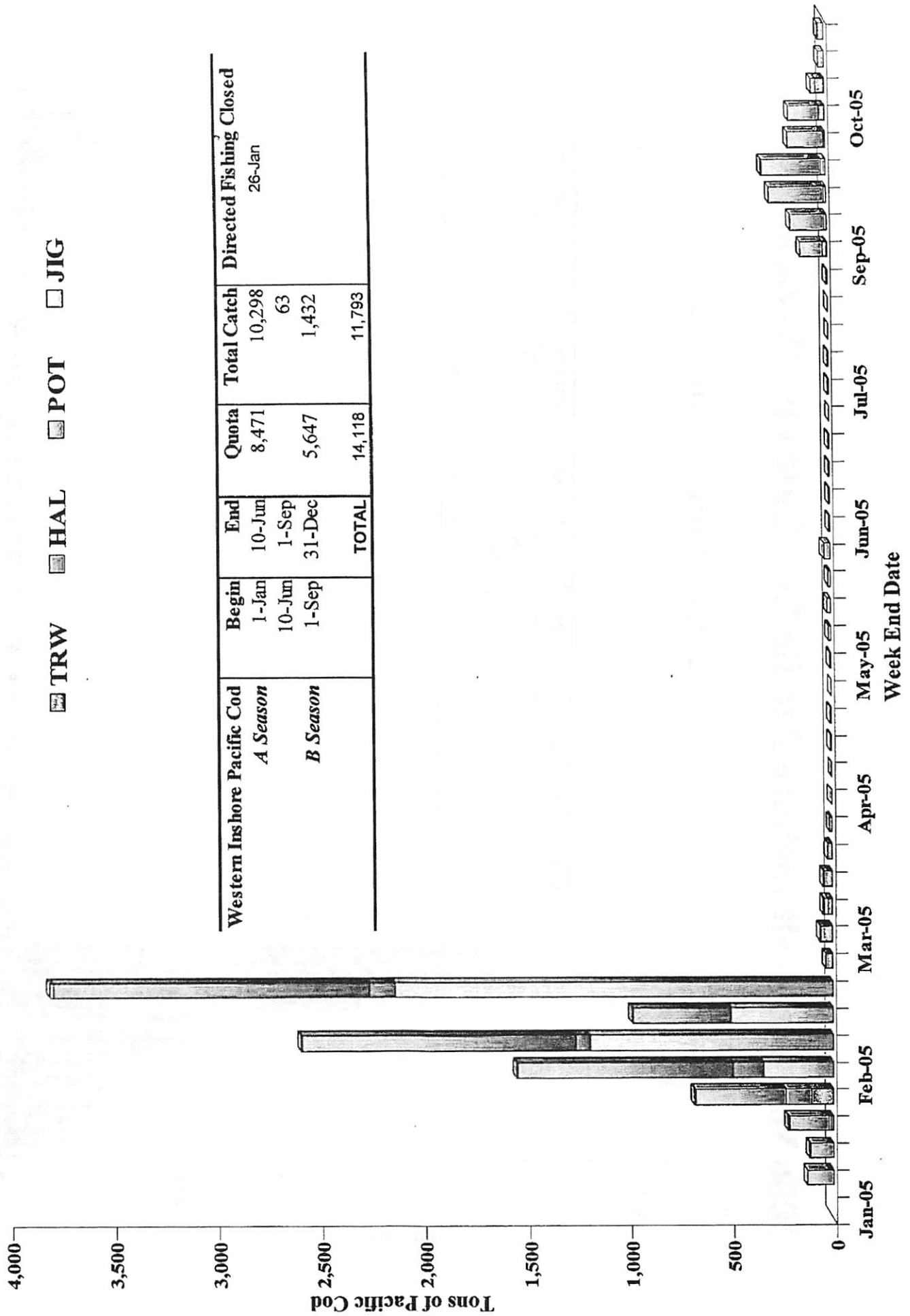
If the BOF implements Proposals 182 or 183, NMFS would need to shift resources away from completion of the recovery plan towards addressing the Endangered Species Act concerns of the State's action, further delaying the completion of the groundfish fisheries consultation. By working together, we can ensure robust fisheries without risking adverse modification of critical habitat for Steller sea lions.

Sincerely,

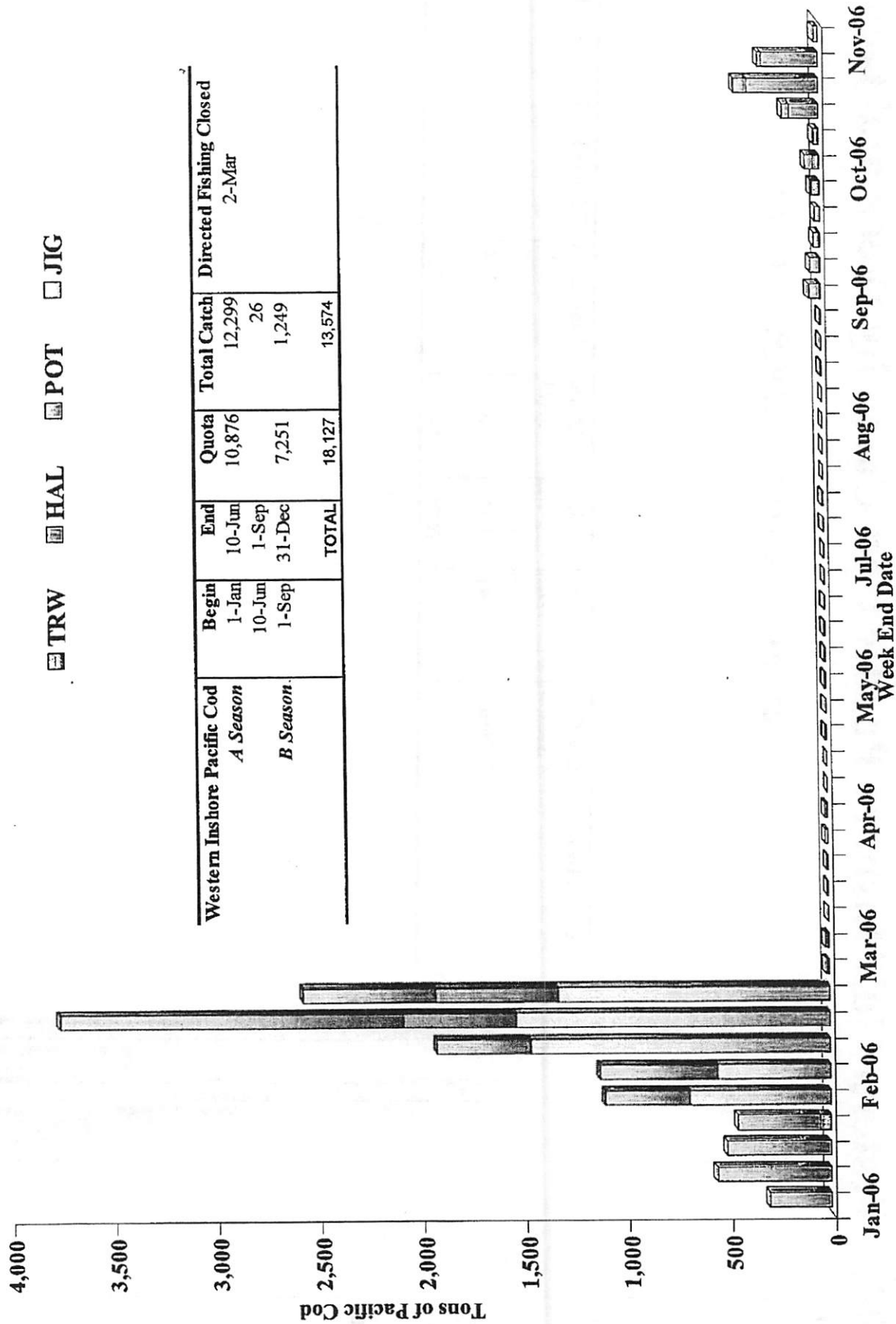

for Robert D. Mecum
Acting Administrator, Alaska Region

cc: Denby Lloyd, ADF&G
Stephanie Madsen, NPFMC

2005 Western Gulf Inshore Pacific Cod Catch by Week and Gear



2006 Western Gulf Inshore Pacific Cod Catch by Week and Gear



Western Inshore Pacific Cod	Begin	End	Quota	Total Catch	Directed Fishing Closed
A Season	1-Jan	10-Jun	10,876	12,299	2-Mar
B Season	10-Jun	1-Sep	26	26	
	1-Sep	31-Dec	7,251	1,249	
		TOTAL	18,127	13,574	

170°00'W

165°00'W

160°00'W

55°00'N

55°00'N



3nm No Transit - Remains Closed

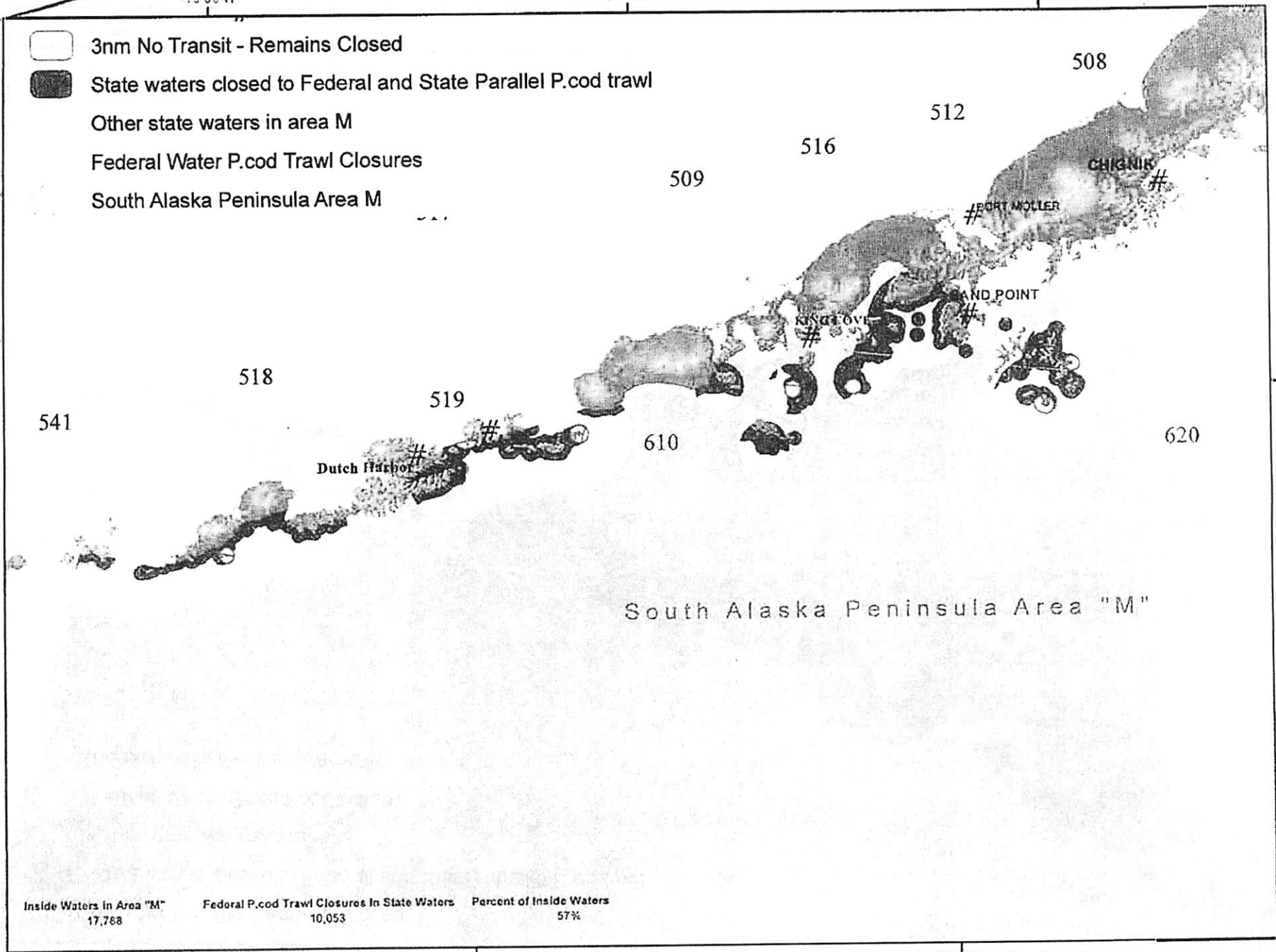


State waters closed to Federal and State Parallel P.cod trawl

Other state waters in area M

Federal Water P.cod Trawl Closures

South Alaska Peninsula Area M

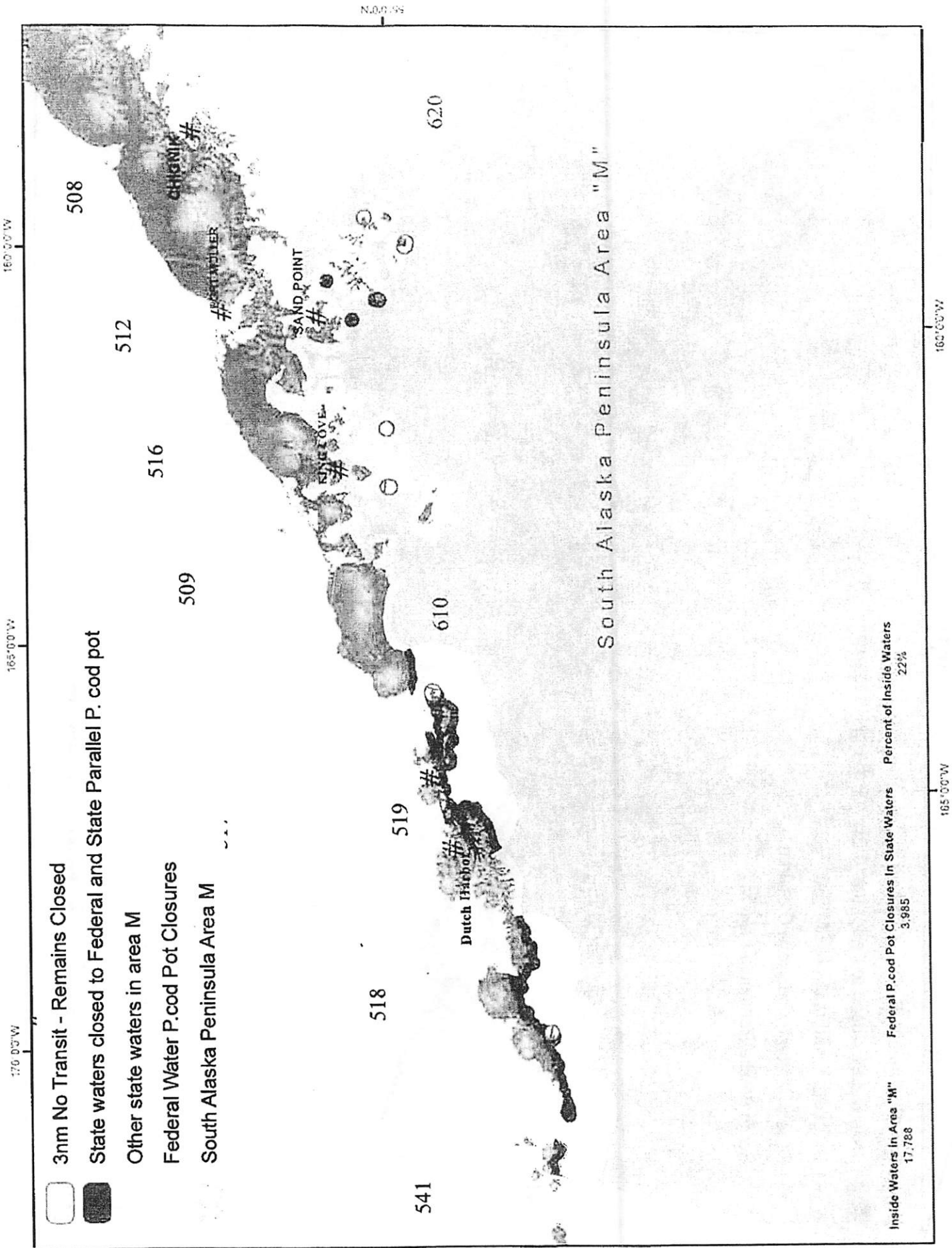


South Alaska Peninsula Area "M"

Inside Waters In Area "M"	Federal P.cod Trawl Closures In State Waters	Percent of Inside Waters
17,768	10,053	57%

165°00'W

160°00'W



North Pacific Fishery Management Council

Stephanie Madsen, Chair
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February 8, 2007

Mel Morris
Chairman, Alaska Board of Fisheries
Alaska Department of Fish & Game
P.O. Box 25526
Juneau, AK 99802

Dear Mr. Morris,

On Wednesday of this week, the North Pacific Fishery Management Council (Council) reviewed several proposals currently scheduled for action by the Alaska Board of Fisheries (BOF) during your current February 2007 meeting in Anchorage. While we did see these proposals last fall, it was our misunderstanding that final action might be considered by the BOF this February. Therefore we apologize for the extremely late timing of this letter given your ongoing deliberations. However, based on our discussions, I am writing to request that the BOF postpone taking action on two proposals that deal with the South Alaska Peninsula Pacific cod fishery, specifically Proposals 182 and 183. The Council also would like the BOF to consider additional information as it addresses Proposal 185 this week.

Regarding Proposals 182 and 183, we believe it would be appropriate for the BOF and the Council to have an opportunity to jointly discuss these proposals before the BOF takes action. We also discussed the recent letter from NMFS which has raised ESA issues, such as changes in spatial and temporal harvests, over which the Council is similarly concerned. The Council has already initiated a new formal consultation at the FMP level, and certainly could accommodate a proposal for a change in Pacific cod fishery management in that process. Since the BOF and Council are tentatively scheduled for a joint meeting on March 28, 2007, perhaps we can place this issue on the agenda for that meeting. Additional issues raised during our discussions this week are summarized below.

Proposals 182 and 183

As we understand it, Proposals 182 and 183 are identical and call for an increase in the allocation of Pacific cod to the State waters fishery from the current 25 percent to 50 percent of the Federal Western Gulf of Alaska (GOA) Pacific cod ABC. These proposals have several issues of concern to the Council:

1. Under current Federal regulations, the GOA Pacific cod fishery is managed so that TACs are allocated seasonally and geographically, primarily for Steller sea lion protection. TACs are further divided into onshore and offshore components, and the Council sets aside 25 percent of the Western GOA ABC for the current State waters fishery. If the BOF were to approve Proposals 182/183 for 2007 with a quota of 50 percent of the Western GOA Pacific cod ABC for 2007 (which would equal about 13,427 mt), this would require an after-the-fact reallocation (reduction) of TAC to the Federal fishery, thereby affecting inshore and offshore entities, including associated seasonal allocations. This is because the Council has already approved a Federal fishery TAC, some of which has already been harvested (about 3,000 mt as of the first week of February). For 2007, this also could result in a larger harvest of Pacific cod in the A season, possibly raising additional SSL concerns.

2. A second issue associated with adopting Proposals 182/183 is the impact on the ongoing Council review of options for management of the GOA Pacific cod fishery. As you know, the Council has been working to craft management options for GOA groundfish fisheries, and while the larger rationalization initiative is currently on hold, the Council is considering options for sector allocations in the Pacific cod fishery. A BOF action to change amounts of Pacific cod available to Federal fishery participants could affect those discussions. The State waters fishery is limited to pot and jig sectors; increasing the State waters Pacific cod allocation to 50 percent of the Federal Western GOA ABC would be a *de facto* allocation to these sectors.

3. Staff with ADF&G has also raised issues with Proposals 182/183 as outlined in their report to the BOF for the February 6-11, 2007 BOF meeting.¹ While the Department is neutral on Proposals 182 and 183, the Department has concerns over localized depletion of cod, and further notes the allocative impacts of these proposals on parallel fisheries (participants of which may be the same entities seeking the additional State waters quota); ADF&G further advises that the BOF coordinate harvests with the Council. The Council agrees and recommends that this be one of the subjects of our upcoming joint meeting.

Proposal 185

Proposal 185 seeks to restrict participants in the parallel Pacific cod fishery in the Western GOA to vessels < 58 feet LOA. While the Council appreciates the desire of the proposer to increase harvest of cod in this area by small vessels, we wish to clarify two aspects relative to the proposed justification for this action. Proposal 185 states that Bering Sea crab rationalization has allowed large vessels with pot gear to harvest large quantities of Western GOA Pacific cod (this was also raised in proposals 182 and 183). The Council has established sideboards, which are now in effect, as part of crab rationalization that limits the harvest for those particular vessels to their historic levels. Secondly, relative to the background comments from the Department, we wish to reiterate that our GOA groundfish rationalization initiative is currently on hold. We also note that this proposal does have allocative impacts, which we presume will be duly considered in the Board's deliberations.

In summary, the Council's discussions raised several issues associated with several proposals that would affect the Western GOA State waters Pacific cod fishery. I recommend that these be included on the agenda for our upcoming meeting of the Council and BOF. This would give us the opportunity to discuss these issues and seek a resolution that is satisfactory to both the Council and the BOF.

Thank you for considering this request, and we look forward to our continued collaboration on these important issues.

Sincerely,



Stephanie D. Madsen
Chair

¹ Staff Comments on Alaska Peninsula/Aleutian Islands Groundfish, Herring, and Salmon Proposals. Committee A – South Alaska Peninsula Groundfish (8 Proposals), Pages 5-22.



Steller Sea Lion and Northern Fur Seal Research

Programmatic Environmental Impact Statement

NOAA-National Marine Fisheries Service

February 2007

This newsletter is the third in a series of newsletters regarding the Steller Sea Lion and Northern Fur Seal Research Programmatic Environmental Impact Statement (EIS). Since distribution of the second newsletter in May 2006, the Draft Programmatic EIS was completed and is currently being printed and distributed. All three newsletters, subsequent newsletters, and the Draft Programmatic EIS and its appendices can be found on the project website at <http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm>.

Overview

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) has prepared a Draft Programmatic EIS for Steller sea lion (SSL) and Northern fur seal (NFS) research. This newsletter provides a summary of information provided in the document and instructions for providing comments.

Purpose and Need

NMFS is responsible for management, conservation, and protection of SSLs (*Eumetopias jubatus*) under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). NMFS also has the same responsibilities for NFSs (*Callorhinus ursinus*) under the MMPA and, in the case of NFSs of the Pribilof Islands, under the Fur Seal Act of 1966.

To best meet their responsibilities, NMFS relies on scientific research for the necessary information to sufficiently manage the species. NMFS facilitates research by awarding grants and issuing permits. By awarding research grants and permitting investigators to monitor these species and their populations and to conduct studies that enhance NMFS' understanding of the causes of population decline, NMFS can subsequently develop more informed and effective management actions to promote recovery and conservation of the species.

The goal of the *Steller Sea Lion and Northern Fur Seal Research Programmatic Environmental Impact Statement* is to develop the framework NMFS will use to award research grants and issue permits. This framework will guide NMFS in meeting its responsibility to implement the ESA and the MMPA for species under its jurisdiction and will facilitate SSL and NFS research to (1) promote recovery, (2) identify factors limiting the population, (3) identify reasonable actions to minimize impacts of human-induced activities, and (4) implement conservation and management measures.

This Programmatic EIS also satisfies NMFS' obligations under the National Environmental Policy Act (NEPA) by

analyzing the environmental consequences of research it funds and permits on SSLs and NFSs, affording public comment on this information, and providing the basis for NMFS research grant and permit decisions.

Chapter 1 of the Draft Programmatic EIS presents in more detail NMFS' responsibilities, the dramatic increase in SSL and NFS research proposals over the last decade, and the criteria and requirements that NMFS must meet as the steward of these animals.

Alternatives Evaluated in the Draft Programmatic EIS

Issues identified during public scoping were considered in the development of the four management alternatives presented in Chapter 2 of the Draft Programmatic EIS. These four alternatives provide a reasonable range of alternatives, as required by NEPA, for the dispersal of federal funds and issuance of permits for research on SSL and NFS. Summaries of each of the four alternatives follow:

Alternative 1 – No Action: No New Permits or Authorizations. Under this alternative, information on the distribution and abundance of SSLs and NFSs, as well as information on foraging and reproductive behavior, could continue to be collected, allowing NMFS to monitor population trends and foraging behaviors. To obtain this information, however, researchers would, in general, be allowed to use only techniques that would not disturb animals in the wild.

Under Alternative 1, the following would occur:

- Research activities that either do not require a permit or that are currently allowed under existing permits that have not been vacated by the May 26, 2006, court order (Civil Action No. 05-1392 ESH), which are valid through 2010.
- Research using remote sensing techniques, behavioral observations, scat collection from vacant haulouts and rookeries, and aerial surveys conducted at distances and

conditions that are not likely to result in disturbance or "takes" (and therefore would not require permits).

- Research permits and grants for receipt and use of tissue samples from Alaska Natives who agree to provide samples from animals taken for subsistence harvest or found dead.
- Research permits and grants for receipt and use of tissue samples collected either by means that would result in no takes of live SSLs or NFSs or under the provisions of the MMPA's Marine Mammal Health and Stranding Response Program (MMHSRP) and the permit held by the MMHSRP.
- Research on SSLs and NFSs already in captivity.

Under Alternative 1, the following would NOT occur:

- Issuance of new permits to replace currently valid permits as they expire.
- Amendments to existing permits to allow modifications in research activities, sample sizes, or objectives.
- Grants for research activities that are not authorized under existing valid permits.
- Incidental or intentional mortality due to research activities. Researchers would not be allowed to approach or capture animals to collect data, or breed animals in captivity.
- Research activities on the western population of SSLs that would require entering certain geographic areas in the Aleutian Islands and the Gulf of Alaska designated by federal regulation as "no-approach" buffer areas (50 CFR 223.202).

Alternative 2 – Research Program without Capture or Handling. The policy direction of this alternative would be to issue permits and to provide grant support to conduct research on SSLs and NFSs using methods that would not involve capture, restraint, tissue sampling, or that would not risk causing animals to leave rookeries during the breeding season.

Under Alternative 2, the following would occur:

- Total incidental mortality under all permits and authorizations not exceeding 5 percent of potential biological removal (PBR) for each stock (i.e., western SSL=12, eastern SSL=98, eastern Pacific NFS=727, San Miguel Island NFS=9).
- Censusing surveys and behavioral observations that have a very small potential to cause injury to animals.
- Research permits and grants for receipt and use of tissue samples from Alaska Natives (same as Alternative 1).
- Research permits and grants for receipt and use of tissues from animals that have been found dead (stranded) or that were collected under the provisions of the MMPA's MMHSRP (same as Alternative 1).

- Scat collection from haulouts rookeries during the non-breeding season and only from haulouts during the breeding season.
- Placement of remote sensing equipment for research and observers on rookeries during the breeding season when conducted at times and in such a manner as to avoid disturbing animals.

Under Alternative 2, the following would NOT occur:

- Intentional lethal takes.
- Activities involving capture, restraint, or disturbance of animals on rookeries during the breeding season.

Alternative 3 – Status Quo Research Program. Under Alternative 3, permits would be issued to conduct research according to the scope and methods requested in their applications, with permit restrictions and mitigation measures required by the MMPA, the ESA, and NMFS implementing regulations. In addition to these statutory and regulatory permit restrictions, the proposed research programs for SSLs must have impacts at a level below that which would jeopardize the continued existence of the species or result in adverse modification of critical habitat, as required by Section 7 of the ESA.

Under Alternative 3, the following would occur:

- Total incidental mortality under all permits and authorizations not exceeding 10 percent of PBR for each stock (i.e., western SSL=23 animals, eastern SSL=97, eastern Pacific NFS =1,455, San Miguel Island NFS=18).
- Research activities allowed under existing permits.
- Issuance of new permits for the same type and scope of research as occurred under permits that existed before the court order vacated them in May 2006.
- Issuance of new permits to replace permits as they expire such that the levels and types of research activities would continue to the extent that funding allows.
- Consideration of new requests for permits and amendments on a case-by-case basis.
- Research activities on live animals that would require no capture, restraint, or collection of tissues including censusing surveys, scat collection, remote sensing techniques, receipt of tissue samples collected from animals taken legally for subsistence harvest by Alaska Natives, and receipt of tissue samples taken from animals found dead from other causes.
- Research activities on live animals that would require capture, restraint, or collection of tissues including, but not limited to, skin and muscle biopsies, blubber and blood samples, tooth extraction, temporary marking instrument implantation, ultrasound, stable isotope injection, and temporary captivity.

Under Alternative 3, the following would NOT occur:

- Permits for research, which if issued, would result in impacts that would exceed the ESA jeopardy or adverse modification threshold when added to existing research and other activities in the baseline at the time the application is received.
- Intentional lethal take of moribund animals.

Alternative 4 – Research Program with Full Implementation of Conservation Goals. This alternative would include not only those specific activities currently or previously permitted but also any additional research activities or methods that are needed to implement NMFS' new SSL Recovery Plan (2006) and new NFS Conservation Plan (2006), assuming the activities/methods are consistent with the MMPA, the ESA, and NMFS implementing regulations.

Under Alternative 4, the following would occur:

- Total incidental mortality allowed under all permits and authorizations not exceeding 15 percent of PBR for each stock (i.e., western SSL=35 animals, eastern SSL=295, eastern Pacific NFS=2,182, San Miguel Island NFS=27).
- Permits for research that poses a higher risk of injury to individual animals than is currently authorized, including intentional mortality of moribund animals or other specified individuals, if the permit applicant demonstrates that the research has a reasonable chance of providing significant data relevant to conservation of the species.
- Expansion of the research program to match available funding.
- Research activities on live animals (same as Alternative 3).
- Research on the eastern distinct population segment of SSL that would focus on developing a post-delisting monitoring plan to ensure that the species is not re-listed after it is removed from the ESA's List of Threatened and Endangered Species.
- Research on the depleted eastern Pacific stock of NFS that would lead to the species' recovery.

Under Alternative 4, the following would NOT occur:

- Research that would put ESA-listed species at a disadvantage or in jeopardy or would have a significant adverse impact on marine mammal species or stocks.

Alternative Eliminated from Further Consideration

NMFS considered numerous management alternatives in putting together this EIS; however, only the four summarized previously were carried forward for evaluation in this Programmatic EIS. Chapter 2 of the

Draft Programmatic EIS details the alternatives not carried forward; below is a summary of them.

A research moratorium, which would involve not allowing any research and revoking all active research permits, was not carried forward because it would not be consistent with NMFS legal mandates to monitor the status of marine mammals and recover threatened and endangered species. A permanent "no research" policy would end all research activities and compromise NMFS' ability to monitor distribution and abundance of the species and thereby risk violating the MMPA and the ESA by failing to attempt to recover the species. Without some level of research surveys, NMFS would not be able to monitor the status of the endangered population, nor assess whether or not protective measures, such as regulations prohibiting fishing in critical habitat, were achieving the desired effect of recovery of the species.

Alternatives that would allow research not consistent with the requirements of the MMPA and the ESA, or with NMFS implementing regulations, were also not carried forward because they would not meet the minimum environmental standards established by these laws. or would require revision of the statutes by Congress.

NMFS Preferred Alternative

NMFS has chosen Alternative 4 as the Preferred Alternative in this Draft Programmatic EIS. The approach outlined in Alternative 4 allows the agency to fully implement the recommendations in the species' conservation and recovery plans. Full implementation of the plans would lead to a better understanding of these species, more informed management decisions, and the prospect of recovery.

Availability of the Draft Programmatic EIS

A copy of the Draft Programmatic EIS will be sent to everyone on the project mailing list in mid-February 2007. The document will also be posted on the project website at <http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm>. Additionally, copies will be made available for public review at the following libraries:

Alaska Resources Library and Information Services (ARLIS) and Z.J. Loussac Public Library Anchorage, AK	Downtown and Valley branches of the Juneau Public Library Juneau, AK	Seward Community Library Seward, AK
NOAA Seattle Regional Library Seattle, WA	Seattle Public Library – Central Library Seattle, WA	The Library of Congress Washington, DC
Montgomery County Public Library – Silver Spring Branch Silver Spring, MD		

Public Involvement – How to Participate

Public participation is essential to this EIS process. NMFS will consider all comments in the preparation of the Final Programmatic EIS. A 45-day review period on the Draft Programmatic EIS will begin on February 16, 2007, with the publication of the Notice of Availability in the *Federal Register*, and continue through April 2, 2007.

Three public hearings will be held during that time to provide opportunities for public comment:

Silver Spring, MD March 13, 2007 1:00 to 4:00 PM Silver Spring Metro Center – Building 4 Science Center 1301 East-West Highway	Seattle, WA March 15, 2007 4:00 to 7:00 PM Alaska Fisheries Science Center, Building 9 7600 Sand Point Way	Anchorage, AK March 19, 2007 5:00 to 8:00 PM Hilton Hotel 501 West 3 rd Avenue
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Comments can also be submitted by other means:

Fax comments to 301-427-2583,
Attention: P. Michael Payne

Email comments to ssleis.comments@noaa.gov

Mail comments to

Permits, Conservation and Education Division
Office of Protected Resources (F/PR1)
National Marine Fisheries Service
Attention: P. Michael Payne
1315 East-West Highway, Room 13705
Silver Spring, MD 20910-3226

Issue the Proposed Final Programmatic EIS

After analyzing public comments received on the Draft Programmatic EIS, NMFS will make revisions to the document to prepare the Final Programmatic EIS. Based on the information contained in the draft document and in the public comments received, NMFS will select a preferred alternative and present it to the public in the Final Programmatic EIS. This document will include the comments submitted on the Draft Programmatic EIS and responses to the comments, including changes incorporated in the Final Programmatic EIS.

This step will also include public notice of the final document's availability, the distribution of the document, and a 30-day comment period. After submittal of the Final Programmatic EIS, NMFS will prepare a Record of Decision (ROD) to present the chosen course of action (40 CFR 1505.2). The ROD will discuss all mitigation measures included in the Final Programmatic EIS. This task is estimated to occur in the summer of 2007.

comment the following document identifier: File No. 984-1814-01.

FOR FURTHER INFORMATION CONTACT: Kate Swails or Tammy Adams, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 984-1814, issued on June 19, 2006 (71 FR 37060), is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 984-1814 authorizes the permit holder to capture up to 20 adult Weddell seals (*Leptonychotes weddellii*) and disturb up to 30 adult and 10 juvenile seals annually in McMurdo Sound, Antarctica. The animals have a data logger/video system attached, muscle biopsies and blood samples collected, and blubber thickness measured. The permit also authorizes up to 3 research-related mortalities per year. The permit holder requests an amendment to change the field season for this project from five August to December field seasons to three back to back field seasons over the course of two research years. This would allow researchers to investigate different light phases. Researchers would attach data logger/video systems to 24 adult seals and another 24 seals would have time-depth recorders attached annually. Researchers would measure metabolic rates of all captured seals using open-flow respirometry.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 12, 2007.

P. Michael Payne,
Chief, Permits, Conservation and Education
Division, Office of Protected Resources,
National Marine Fisheries Service.

[FR Doc. E7-2688 Filed 2-14-07; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020907C]

Marine Mammals; Scientific Research Permit Applications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of applications.

SUMMARY: Notice is hereby given that: seven applications have been received for permits to conduct research on free-ranging threatened and endangered Steller sea lions (*Eumetopias jubatus*) in California, Washington, Oregon, and Alaska; five applications have been received for permits to conduct research on free-ranging northern fur seals (*Callorhinus ursinus*) in Alaska; and one application has been received for an amendment to a permit for activities with captive Steller sea lions in Alaska.

DATES: Written, telefaxed, or e-mail comments must be received on or before April 2, 2007.

ADDRESSES: The applications and related documents are available for review upon written request or by appointment in the following office(s): See **SUPPLEMENTARY INFORMATION**.

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on the particular request(s) would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is NMFS.Pr1Comments@noaa.gov. Include the appropriate File Number(s) in the subject line of the e-mail comment as a document identifier.

FOR FURTHER INFORMATION CONTACT: Tammy Adams, Amy Sloan, Kate Swails, or Jaclyn Daly, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject permits for research on Steller sea lions are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226). The subject permits for research on northern fur seals are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine

mammals (50 CFR part 216), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

File No. 782-1889: The National Marine Mammal Laboratory (NMML), NMFS, Seattle, Washington, requests a 5-year permit to measure Steller sea lion population status, vital rates, foraging behavior, and condition in North Pacific Ocean areas including California, Washington, Oregon, and Alaska. Annually in the western Distinct Population Segment (DPS), up to 73,000 sea lions may be exposed to aerial surveys, 27,000 to rookery-based activities, and 23,000 to incidental activities. Up to 1,280 could be captured annually, with up to 630 having blood, skin and swab samples collected, 580 hot-branded, and up to 180 blubber and lesion biopsied, tooth and vibrissa removed, be ultrasonically imaged, and subject to stomach intubation or enema. Instruments may be attached on up to 280 per year, and 880 per year may receive a non-permanent tag or mark. Annually in the eastern DPS, up to 26,000 may be exposed to aerial surveys, and 5,000 to incidental activities. Up to 12 could be captured per year, and have blood, skin, blubber, fecal, and culture samples collected, a tooth and vibrissa removed, hot-brand, tag or non-permanent mark applied, and have an instrument attached. NMML requests authorization for up to 10 research-related mortalities of Steller sea lions per year (not to exceed 5 per year in the western DPS). Up to 5,000 harbor seals (*Phoca vitulina richardsi*) and 15,000 northern fur seals may be disturbed per year incidental to activities in Alaska. Up to 3,000 California sea lions (*Zalophus californianus*) and 200 harbor seals may be incidentally disturbed per year along the U.S. west coast.

File No. 358-1888: The Alaska Department of Fish and Game (ADF&G), Division of Wildlife Conservation, Juneau, Alaska, requests a 5-year permit to continue investigating the various hypotheses for the decline or lack of recovery of Steller sea lions in Alaska. The research covers a variety of activities including incidental disturbance during aerial surveys (up to 20,000 individuals per year in the eastern DPS), disturbance of animals on rookeries and haulouts during brand resighting surveys (up to 25,000 individuals annually in the eastern DPS and up to 5,000 individuals annually in the western DPS), and incidental to scat collection, capture for instrument attachment, physiological research and sample collection (up to 15,000 individuals in the eastern DPS and 2,000 in the western DPS per year). Up

to 800 pups would be hot branded per year for long-term demographic and distribution studies. Up to 280 older animals would be captured per year for physiological assessment, with attachment of scientific instruments to investigate foraging ecology and diving behavior on up to 95 per year. ADF&G requests authorization for up to 10 research-related mortalities of Steller sea lions per year (not to exceed 5 per year in the western DPS). Harbor seals, northern fur seals, and California sea lions may be disturbed incidentally during the course of this research due to proximity of isolated individuals to the Steller sea lion study area. Field work will take place during all seasons of the year and throughout the range of Steller sea lions in Alaska (both eastern and western DPS).

File No. 881-1893: The Alaska SeaLife Center (ASLC), Seward, Alaska, requests a 5-year permit to characterize the movements, foraging behavior and habitat-associations of northern fur seal pups during their first winter at sea. ASLC proposes to capture and instrument up to 50 northern fur seal pups annually on the Pribilof Islands and Bogoslof Island. Once captured, pups would be physically restrained and sedated for: blood sampling; measurements of body composition (isotope dilution, bioelectric impedance analysis, and ultrasonic imaging of blubber); taking skin, blubber, and muscle biopsies; collecting fecal loops and culture swabs; collecting vibrissae, hair and nails; attachment of flipper tags and marking fur temporarily; and attachment of scientific instruments and placement of internal stomach temperature transmitters. Up to 200 northern fur seals may be captured at sea in the North Pacific and subject to the same list of procedures as above, with the addition that adult females would undergo ultrasonography of the reproductive tract to determine pregnancy. Up to 5,000 fur seals of either sex and any age may be disturbed annually during approaches to the rookery to capture pups, to read flipper tags, and to check previously attached equipment for damage. When possible, fur seals returning to their natal island would be recaptured in subsequent years to remove instruments and to repeat blood collection and measurements of body composition. The ASLC requests authorization for up to four research-related mortalities of fur seals per year.

File No. 881-1890: The ASLC requests a 5-year permit to conduct population monitoring and studies on health, nutrition, and foraging behavior of free ranging and temporarily captive Steller

sea lions. Research would occur in the Gulf of Alaska and the Aleutian Islands and at the ASLC. The purposes of this research are to provide data on pup and juvenile survival, reproductive rates, diet, epidemiology, endocrinology, immunology, virology, physiology, ontogenetic and annual body condition cycles, foraging behavior, and habitat selection. Individuals may be taken by disturbance associated with capture, remote video studies, scat and carcass collection, and mark resighting (14,000 animals annually); capture, restraint and sampling (610 animals annually); and temporary captivity at ASLC with life history transmitter implantation (30 animals annually). Annually, captured sea lions (640 including those in temporary captivity) will undergo morphometrics measurements, blood and tissue collection, digital imaging, hot-branding, scientific instrument attachment, body condition measurement, whisker sampling, metabolic rate measurement, temporary marking, and x-ray exams. The ASLC requests authorization for up to seven research-related mortalities of Steller sea lions per year. The ASLC also requests authorization to collect an unlimited number of carcasses and hard and soft parts of dead Steller sea lions.

File No. 434-1892: The Oregon Department of Fish and Wildlife (ODFW), Corvallis, Oregon, requests a 5-year permit to continue to assess status and monitor trend in Steller sea lion abundance, ecology, and vital rates in the southern extent of the Steller sea lion eastern DPS. Research would occur throughout California, Oregon, and Washington and cover a variety of activities. These activities include incidental disturbance to animals during aerial surveys (500 pups and 1,000 older animals per year), grounds counts and incidental scat collection (2,000 pups and 4,000 older animals per year), as well as captures, sampling, behavioral observations, and monitoring (up to 10,000 animals per year). ODFW also proposes to capture and sedate (physically or chemically) up to 200 pups and 10 adults annually for measuring, skin biopsying, flipper tagging or other marking, and hot-branding. In addition to the procedures above, 50 pups and 10 adults annually would have fecal loops and culture swabs collected and 80 pups and 10 adults per year would have scientific instruments attached. ODFW requests authorization for up to 10 research-related mortalities of Steller sea lions per year. Up to 1,000 harbor seals and 5,000 California sea lions may be

disturbed annually incidental to this research.

File No. 1049-1886: Kate Wynne, University of Alaska Fairbanks, Kodiak, Alaska, requests a 5-year permit to continue studies on the abundance, distribution, and diet of the western DPS of Steller sea lions. Authority is requested to harass animals for aerial surveys (13,000 individuals per year), scat collection (2,000 individuals per year), and land-based (500 individuals per year) and vessel-based (1,000 individuals per year) brand re-sighting activities. Activities would take place throughout the year; however, rookeries would not be approached in June to minimize disturbance during breeding and pupping season. Research would occur in the western and central Gulf of Alaska.

File No. 1034-1887: Dr. Markus Horning, Oregon State University, Hatfield Marine Science Center, Newport, Oregon, requests a 5-year permit to study condition and health status of juvenile Steller sea lions in the western DPS; and, using satellite-linked Life History Transmitters (LHX), will estimate survival rates, and obtain long-term data on foraging effort and causes of mortality. Over five years, up to 140 juvenile Steller sea lions will be captured, anesthetized, handled and sampled (morphometrics; 3-D photographic imaging; X-ray imaging; ultrasound; deuterium oxide administration; blood, whisker, hair, claw, blubber, and skin sample collections; mucosal swabs; naturally excreted feces), flipper tagged or hot-branded, and external instruments applied. Of those animals, 100 will additionally have internal LHX transmitters surgically implanted. Researchers would implant up to 50 carcasses with the LHX transmitters to assess the effect of the non-independence of two paired tags on the calculation of correction factors. Dr. Horning requests authorization for up to 15 research-related mortalities over five years, not to exceed five in any one year. Dr. Horning also proposes to install remote imaging systems for 3-D photogrammetry at locations in Alaska and Oregon to census animals and monitor body mass, condition, and health trends. Up to 10,500 Steller sea lions may be harassed annually during capture and other activities. California sea lions, harbor seals, and northern elephant seals may also be harassed incidental to activities with Steller sea lions.

File No. 715-1883: The North Pacific Universities Marine Mammal Research Consortium (NPUMMRC), University of British Columbia, Vancouver, B.C.,

requests a 5-year permit to conduct physiological studies on captive northern fur seals to test the hypothesis that changes in food supply or environmental conditions are inducing a state of nutritional stress that is causing changes in survival or reproductive success. Up to 32 fur seal pups from St. Paul Island, AK, would be captured, restrained, and gender determined. Of those 32, up to 16 female pups would have blood samples taken and a veterinary health exam performed. Of those 16, up to eight pups would be held in temporary enclosures for up to seven days for further health testing (blood sampling, physical exams). Of those eight, six female pups would be transported to the Vancouver Aquarium, Canada, for long-term physiological and nutritional research. During capture operations, up to 185 fur seals may be incidentally disturbed. The NPUMMRC requests up to one research-related mortality over the duration of the permit. While the actual captures will occur in a single year, the NPUMMRC has requested a 5-year permit to allow for flexibility in logistical coordination of the captures.

File No. 715-1884: The NPUMMRC requests a 5-year permit to continue to study the distribution, life history, physiology, and foraging and behavioral ecology of northern fur seals on the Pribilof Islands and Bogoslof Island. Research activities would occur from July to October, annually, and involve harassment of animals for capture, measuring, flipper tagging, coded wire tagging, and blood, skin, blubber and vibrissae sampling (200 pups and 200 older animals per year). The pups would also be injected with tetracycline and be recaptured for age determination. Older animals would also be anesthetized and have a single post-canine tooth removed for aging. The NPUMMRC also requests to capture, measure, and attach scientific instruments to no more than 30 lactating females annually. An additional five lactating females per year would be processed as above; however, they would not have scientific instruments attached. Incidental disturbance of up to 1,800 pups and 775 older northern fur seals annually, and 100 Steller sea lions per year is requested. The NPUMMRC requests authorization for up to 10 research-related mortalities of northern fur seals per year. The NPUMMRC would also collect measurements, jaw bones, and teeth from subsistence hunted animals to assess body size and annual growth increments of northern fur seals.

File No. 715-1885: The NPUMMRC requests a 5-year permit to continue a

long-term research program to test various hypotheses for the decline of Steller sea lions in Alaska. The research would result in disturbance of Steller sea lions by the following activities: behavioral and demographic observations (up to 10,000 individuals in the western DPS and 5,000 in the eastern DPS per year), scat collection (up to 40,000 individuals in the western DPS and 15,000 in the eastern DPS per year), collection of carcasses or parts of carcasses (up to 40,000 individuals in the western DPS and 15,000 in the eastern DPS per year), and aerial/boat surveys and camera maintenance (up to 10,000 individuals in the western DPS and 5,000 in the eastern DPS per year). NPUMMRC requests authorization for up to four research-related mortalities of Steller sea lions per year. Northern fur seals, California sea lions, harbor seals, Northern elephant seals (*Mirounga angustirostris*), and Killer whales (*Orcinus orca*) may be disturbed incidental to this research. In conjunction with branding conducted by other permit holders the NPUMMRC would also conduct a 2-year study to assess pain and distress associated with hot-branding of Steller sea lions. The study would use 96 pups per year and follow a 2 x 2 design: with and without branding, and with and without a post-operative non-steroidal anti-inflammatory analgesic. Pain response would be measured using respiration rate, cortisol concentrations, body temperature, blood pressure, and using behavioral elements including movements and vocalizations.

File No. 1118-1881: The Aleut Community of St. Paul Island, Tribal Government, Ecosystem Conservation Office, St. Paul Island, Alaska, requests a 5-year permit to fulfill their Biosampling, Disentanglement, and Island Sentinel program responsibilities as established under the co-management agreement between NMFS and the Aleut Community. The Aleut Community of St. Paul Island requests authorization for incidental disturbance of up to 550 northern fur seals per year during the collection of biological samples from dead stranded and subsistence hunted marine mammals. These samples would be exported to researchers studying the decline of northern fur seals. Up to 6,500 northern fur seals may be disturbed during disentanglement events. The Island Sentinel program may result in the disturbance of up to 3,400 northern fur seals per year during haulout and rookery observations, monitoring, and remote camera maintenance. Steller sea lions and

harbor seals may be disturbed during the course of any of these activities.

File No. 1119-1882: The Aleut Community of St. George Island, St. George Traditional Council, St. George Island, Alaska, requests a 5-year permit to fulfill their Biosampling, Disentanglement, and Island Sentinel program responsibilities as established under the co-management agreement between NMFS and the Aleut Community. The Aleut Community of St. George Island requests authorization for incidental disturbance of up to 450 northern fur seals per year during the collection of biological samples from dead stranded and subsistence hunted marine mammals. These samples would be exported to researchers studying the decline of northern fur seals. Up to 5,250 northern fur seals may be disturbed during disentanglement events. The Island Sentinel program may result in the disturbance of up to 3,400 northern fur seals per year during haulout and rookery observations, monitoring, and remote camera maintenance. Steller sea lions and harbor seals may be disturbed during the course of any of these activities.

File No. 881-1745: The ASLC requests a 5-year amendment to Permit No. 881-1745 to breed captive Steller sea lions at the ASLC, to produce up to four pups, and conduct studies related to gestation, lactation, and pup growth and development. Permit No. 881-1745, issued March 16, 2006 (59 FR 15387), currently allows studies on three adult (one male, two female) captive Steller sea lions held by the ASLC to investigate stress responses, endocrine and immune system function, and seasonal variations in normal biological parameters such as mass and body composition, and conduct of 'research and development' of external tags and attachments for future deployment on free-ranging animals. The purpose of the proposed amendment is to assess physical, metabolic, hormonal, and immunological changes related to gestation, lactation, and pup growth and development. The breeding part of this study may require the transfer of additional captive adult Steller sea lions from facilities in the U.S., or import from facilities in Canada. Offspring produced would be held at the ASLC for long-term physiological studies, or be transferred or exported to other facilities for permanent holding. During gestation the adult animals would be subject to currently permitted sampling procedures, with additional study-specific testing on the samples themselves. Milk samples would be collected from adult females. Offspring produced would be subject to sedation,

anesthesia, physical restraint, morphometric measurements, metabolic measurements, collection of urine and feces, blood sampling, and audio and visual recordings (e.g., audio, photographic, video, digital, thermal, radiographic). Offspring would be trained to encourage voluntarily participation in research activities to minimize the use of physical restraint, sedatives, or anesthetics during sampling. The ASLC requests one research-related mortality of any live-born Steller sea lion during the proposed study. The ASLC proposes that stillborn or spontaneously aborted pups not be considered related to the study or counted against any mortality allowance in their permit.

NMFS is preparing a Programmatic Environmental Impact Statement (PEIS) for Steller Sea Lion and Northern Fur Seal Research to evaluate the potential environmental impacts of awarding grants and issuing permits to facilitate research on these species. Information about the PEIS is available at <http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm>.

Concurrent with the publication of this notice in the *Federal Register*, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents may be reviewed in the following locations:

All Files: Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; <http://www.nmfs.noaa.gov/pr/permits/review.htm>;

File Nos. 782-1889 and 434-1892: Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206)526-6150; fax (206)526-6426;

All Files except 434-1892: Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907)586-7221; fax (907)586-7249; and

File Nos 782-1889 and 434-1892: Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

Dated: February 12, 2007.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7-2689 Filed 2-14-07; 8:45 am]

BILLING CODE 3510-22-S

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

[OJP (OJJDP) Docket No. 1465]

Meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention

AGENCY: Coordinating Council on Juvenile Justice and Delinquency Prevention.

ACTION: Notice of meeting.

SUMMARY: The Coordinating Council on Juvenile Justice and Delinquency Prevention (Council) is announcing its March 2, 2007 meeting.

DATES: Friday, March 2, 2007, 9 a.m. to 12 p.m.

ADDRESSES: The meeting will take place at the U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202 in the Barnard Auditorium.

FOR FURTHER INFORMATION CONTACT: Robin Delany-Shabazz, Designated Federal Official, by telephone at 202-307-9963 [Note: this is not a toll-free telephone number], or by e-mail at Robin.Delany-Shabazz@usdoj.gov.

SUPPLEMENTARY INFORMATION: The Coordinating Council on Juvenile Justice and Delinquency Prevention, established pursuant to Section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App. 2) will meet to carry out its advisory functions under Section 206 of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. 5601, et seq. Documents such as meeting announcements, agendas, minutes, and interim and final reports will be available on the Council's Web page at www.JuvenileCouncil.gov. (You may also verify the status of the meeting at that web address.)

Although designated agency representatives may attend, the Council membership is composed of the Attorney General (Chair), the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (Vice Chair), the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, and the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement. Up to nine additional members are appointed by the Speaker of the House of Representatives, the Senate Majority

Leader, and the President of the United States.

Meeting Agenda

The agenda for this meeting will include: (a) Report from the Council's working groups; (b) a panel and discussion about recovery in the Gulf States, the nexus between the education and juvenile justice systems, and implications for the federal agencies; (c) legislative, program and agency updates; and (d) other business and announcements.

Registration

For security purposes, members of the public who wish to attend the meeting must pre-register online at <http://www.juvenilecouncil.gov/> or by fax to: 301-945-4295 [Daryel Dunston at 240-221-4343 or e-mail, ddunston@edjassociates.com for questions], no later than Wednesday, February 28, 2007. [Note: these are not toll-free telephone numbers.] Additional identification documents may be required. Space is limited.

Note: Photo identification will be required for admission to the meeting.

Written Comments

Interested parties may submit written comments by Wednesday, February 28, 2007, to Robin Delany-Shabazz, Designated Federal Official for the Coordinating Council on Juvenile Justice and Delinquency Prevention, at Robin.Delany-Shabazz@usdoj.gov. The Coordinating Council on Juvenile Justice and Delinquency Prevention expects that the public statements presented will not repeat previously submitted statements. Written questions and comments from the public may be invited at this meeting.

J. Robert Flores,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. E7-2660 Filed 2-14-07; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Task Force on the Future of the Military Health Care

AGENCY: Office of the Assistant Secretary of Defense (Health Affairs); DoD

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972, as amended (5 U.S.C., Appendix) and the

**Center for Independent Experts:
Terms of Reference for Review of the draft Steller Sea Lion (*Eumetopias jubatus*)
Recovery Plan dated May 2007**

The first Steller Sea Lion (SSL) Recovery Plan was completed in 1992 and provided recovery guidance to the National Marine Fisheries Service (NMFS) for the species, which at that time was listed range-wide as threatened.

NMFS organized a new SSL Recovery Team in January 2002, and charged the new Team with writing a revised Plan to reflect the current view of stock structure and the differences in stock status under the ESA (eastern Distinct Population Segment (DPS) listed as threatened, and western DPS listed as endangered). The Team completed its draft of the second Plan in February 2006, at which time the Team sought an external peer review from 5 highly qualified experts (see Attachment 1).

Upon receipt of the peer reviewer comments, the Team revised the Plan and submitted it to NMFS. NMFS released the Plan for public review in May 2006 and received detailed written comments from 18 parties or individuals. Based on these comments and those of the expert reviewers listed above, NMFS revised the Plan into the document being presented to the Center for Independent Experts (CIE) for an additional peer review (document dated May 2007).

The CIE experts' comments will assist NMFS in making recovery decisions for the Steller sea lion based upon the best scientific and commercial data available (as required by the Endangered Species Act of 1973, as amended).

Reviewer Requirements

The CIE shall provide three expert reviewers. Each reviewer's duties shall require a maximum of five days of effort, including time to read the relevant document and to produce an individual written report consisting of his/her comments and recommendations. No travel is required; each reviewer shall work from his/her home location. Each reviewer's report shall reflect his/her area(s) of expertise, and no consensus opinion (or report) will be required.

Expertise of the reviewers needed to review the subject document includes the following:

* Familiarity with relevant sections of the Endangered Species Act (http://www4.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_35.html), and as applicable, the Marine Mammal Protection Act, and related wildlife management legislation (e.g., NEPA).

In particular,

* Experience as a Recovery Team member, contributor, or reviewer of Recovery Plans developed for other listed species; as a current or recently retired employee of a federal or state agency holding a position implementing ESA regulations; or from an academic position that has focused on ESA statutes and implementation.

* In depth expertise in the biology and management of marine and/or other large; specifically population dynamics, reproductive and foraging biology and physiological ecology.

* NMFS requests that former reviewers and former SSL Recovery Team members and support staff be specifically excluded from consideration as reviewers of this document. See Attachment 1, below.

Specific Reviewer Tasks and Schedule

The Alaska Region shall provide the CIE with copies of the May 2007 draft revised SSL Recovery Plan for the review, or a link to it, by May 31, 2007. Delay in meeting this schedule will result in a minimum of an equivalent delay in delivering the final CIE reviews. The document to be reviewed will be approximately 200 pages in length.

1. The CIE reviewers shall read and assess the May 2007 draft revised Steller Sea Lion (*Eumetopias jubatus*) Recovery Plan.
2. The CIE reviewers shall focus on and address the following questions in their review reports:
 - 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 Recovery Plan support the threats assessment?
 - Is the ecological and biological information presented in the Plan adequate, thorough, and scientifically defensible?
 - 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.
 - Are the recovery actions described within the Plan appropriate to meet recovery goals? Are the recovery actions consistent with the SSL 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?
 - Are the recovery tasks in the Plan's Implementation Schedule appropriately prioritized to facilitate recovery?
 - 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 ESA to ensure the conservation of the species (i.e., recovery and ultimate delisting: "conservation" as defined in the ESA 16 USC § 1532 (3))?
3. No later than June 29, 2007 each CIE reviewer shall submit a written report¹ to the CIE that addresses the points in item 2 above. See Annex I for additional details on the report outline.

¹ Each written report will undergo an internal CIE review before it is considered final.

Each report shall be sent to Dr. David Die, via email at ddie@rsmas.miami.edu, and to Mr. Manoj Shivlani, via email at mshivlani@rsmas.miami.edu

Submission and Acceptance of CIE Reports

The CIE shall provide the final individual reviewer reports for review for compliance with this Statement of Work and approval by NOAA Fisheries to the COTR, Dr. Stephen K. Brown (Stephen.K.Brown@noaa.gov), no later than July 13, 2007. The COTR shall notify the CIE via e-mail regarding acceptance of the reviewers' reports. Following the COTR's approval, the CIE shall provide pdf format copies of the reviewers' reports to the COTR.

ATTACHMENT 1.

STELLER SEA LION RECOVERY TEAM MEMBERS (October 24, 2001-2007)

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E-mail: trites@zoology.ubc.ca

Dr. Douglas Eggers (left in 2004)
replaced by: Mr. Denby Lloyd (ADF&G)
Alaska Department of Fish and Game
P.O. Box 25526
Juneau, Alaska 99802-5526

Peer Reviewers of the 2006 Draft Plan:

Mr. Ed Bangs (US Fish and Wildlife Service)
Dr. Bob Hofman (Retired, U.S. Marine Mammal
Commission)
Dr. Don Siniff (Retired, University of Minnesota)
Dr. Don Bowen, and (Bedford Institute of Oceanography)
Dr. Terry Quinn (University of Alaska Fairbanks and
member of the North Pacific Fishery Management
Council's Science and Statistical Committee).

Contributors

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Dr. Dan Hennen, Alaska Sealife Center

Members of the first Recovery Plan (issued 1992):

Dayton L. Alverson, Natural Resources Consultants
Jim Branson, North Pacific Fisheries Management Council
Vernon Byrd, US Fish and Wildlife Service
Donald Calkins, Alaska Dept. Fish and Game
Robert Gisiner, Dept. of the Navy
Carolyn Heath, Fullerton College
Pete Isleib, Pacific States Marine Fisheries Commission
Jack Lentfer, Marine Mammal Commission
Lloyd Lowry, Alaska Dept of Fish & Game
Donald Siniff, University of Minnesota

ANNEX 1. Contents of CIE Reviewer's Report

1. The reviewer's report shall be prefaced with an executive summary of findings and/or recommendations.
2. The main body of the reviewer's report shall consist of a background, description of the review, summary of findings, and conclusions/recommendations. The summary of findings shall address each Term of Reference.
3. The reviewer's report shall include as separate appendices the bibliography of materials provided for the review and a copy of the CIE Statement of Work.

Please refer to the following website for additional information on report generation:
<http://www.rsmas.miami.edu/groups/cie/cierevrep.htm>



UNITED STATES DEPARTMENT OF CC
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

March 20, 2007

RECEIVED
MAR 21 2007
N.P.F.M.C.

Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 W 4th Avenue,
Anchorage, AK 99501-2252

Dear Madam Chair:

Thank you for your February 12, 2007, letter requesting consideration of Council comments on the schedule and timing of the Steller sea lion Recovery Plan and the draft section 7 Biological Opinion (BO) on the fishery management plans for groundfish of the Bering Sea and Aleutian Islands management area and Gulf of Alaska. Your letter asked the agency to provide a detailed plan and schedule for completion of a revised draft recovery plan, draft BO, and analysis of management measures. Our response follows.

Steller sea lion Recovery Plan

NMFS currently is revising the draft Recovery Plan to include comments received from the five independent reviewers commissioned by the Recovery Team in early 2006 and from the public, including the Council, during the public review and comment period last summer. NMFS intends to release the revised draft Recovery Plan at the beginning of May 2007 for an additional 90-day public review and comment period. During this time period, NMFS also will schedule an additional independent peer review to be conducted by the Center for Independent Experts (CIE). We will coordinate with Council staff to develop the Terms of Reference for the CIE review. We hope to schedule this review during the month of June so that comments by the CIE review panel may be made available in July. If necessary, we can extend the 90-day public comment period so that the public, including the Council, has the benefit of the CIE review in developing comments on the draft recovery plan. Comments received from the CIE review and from the second public comment period will be incorporated into a final Recovery Plan, which we anticipate will be released to the public late this year.

Your letter also makes note of potential workshops on killer whale predation and Steller sea lion natality data. NMFS had contemplated the idea of workshops on these two topics as they relate to the questions posed in the analysis needed for the BO. However, we do not contemplate such workshops to be necessary for the development of a planning document such as the Recovery Plan. Our first priority now is finalizing the Recovery Plan prior to developing a draft BO. We will determine later whether a workshop is necessary to resolve the predation and natality issues for purposes of the BO.



Plan for completion of a draft BO

We have identified two possible strategies for the development of a draft BO and will need to work with the Council to develop a plan and schedule for the section 7 consultation process that best coordinates the finalization of the Recovery Plan, the Council's development of any proposed changes to Steller sea lion protection measures, and the analysis of alternatives for these changes. We have attempted to portray these related activities in the enclosed chart.

We recommend that the draft BO be developed in a two stage process. The first draft BO would be developed after the Recovery Plan is finalized and would analyze the status quo fisheries, as originally suggested. This approach would provide the Council a context for considering any changes to existing Steller Sea lion protections measures, which then could be assessed in a second draft BO. We would need to work with the Council to come to agreement on a strategy that best meets agency and Council objectives for this process. Regardless, given the interest in completing the Recovery Plan prior to completion of a draft BO, we anticipate that we would not resume working on the draft BO until late in 2007, our date of expected completion of the Recovery Plan. Although specific schedules that far into the future are difficult to predict, we would expect that a draft BO on the status quo fisheries could be available in April 2008. We remain open to a CIE review of the draft BO as originally planned. This could occur during May, prior to the Council developing its comments on the draft BO at its June 2008 meeting. Subsequent to the CIE review and depending on the scope of the Council's proposed changes to Steller sea lion protection measures, we may or may not need to develop a second draft BO prior to completing section 7 consultation.

NEPA Analysis of Management Measures

For purposes of discussion and the enclosed draft schedule of project activities supporting potential changes to Steller sea lion protection measures, we assume that the development of Council alternatives would be coordinated with the Steller Sea Lion Mitigation Committee recommendations and a draft BO on the status quo fisheries. The nature of the alternatives, associated controversy, and potential impacts on the environment would determine the nature of the NEPA process and document, as well as the analysis required under Executive Order 12866, and the Regulatory Flexibility Act. If an environmental impact statement is deemed the appropriate NEPA document, the scoping process could be initiated early in the process so that it may inform the Council's development of a preferred alternative. Depending on the nature of the proposed changes and based on our past experience in developing the current Steller sea lion protection measures, nearly 18 months could be required to complete the analytical and ESA consultation processes necessary to support the action and implement approved changes through federal rulemaking. Thus, depending on the nature of changes and associated processes, changes to the Steller sea lion protection measures may not be implemented until late summer 2009.

We will work with the Council to refine the process, strategy, and schedule for implementing any changes to Steller sea lion protection measures. As mentioned above, the schedules

presented on the enclosed spreadsheet are intended for discussion purposes and are meant to be illustrative of the sequential nature of the different processes leading to rulemaking to change these measures. Our first task is clear; to complete the Recovery Plan. The outcome and timing of that task will help inform subsequent activities.

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

Enclosure

Draft SSL Measures Development Timeline

	2007														
Tasks	feb	mar	apr	may	jun	jul	aug	sep	oct	nov	dec	jan	feb	mar	
Council Meetings							Special meeting (T) to review Recovery Plan				Scoping Meeting during Council meeting				
Council White Paper on ESA Listing	Contract for work			Draft Due			Council Review								
SSLMC Proposal Reviews and Recommendations based on two draft BiOps			16-19, review proposals and presentations	7-10 Preliminary scoring and recommendation developemnt											
SSL Recovery Pla	Prepare Draft			Release Draft for 90 day Public Review May 1 Peer Review			Council Review of RP	Revise RP			NOA and Release Final RP				
Biop												Revise based on final RP			
NEPA															
Biological Assessment														Develop draft assesemnt	
Rule making															

* Scoping alternatives very broad

** The Council may determine that the analysis is ready for choosing a preferred alternative at this time, or may postpone to the next Council meeting.

PR
SF
Council