



Marine Conservation Alliance

promoting sustainable fisheries to feed the world

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Adak Fisheries, LLC
Alyeska Seafoods
Alaska Crab Coalition
Alaska Draggers Association
Alaska Groundfish Data Bank
Alaskan Leader Fisheries
Alaska Pacific Seafoods
Aleutian Islands Brown Crab Coalition
Aleutian Pribilof Island Community Development Association
Akutan, Adka, False Pass, Nelson Lagoon, Nikolski, St. George
At-Sea Processors Association
Bristol Bay Economic Development Corp.
Aleknagik, Clark's Point, Dillingham, Egegik, Ekuk, Ekwok, King Salmon, Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek, Topak, Twin Hills, Ugashik
Central Bering Sea Fishermen's Association
St. Paul
City of Unalaska
Coastal Villages Region Fund
Cheforak, Chevak, Eek, Goodnews Bay, Hooper Bay, Kipruk, Koroglanak, Kwigillingok, Makooyak, Napakiak, Napaskiak, Nevtok, Nightmute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tunutuliak, Tununak
Groundfish Forum
High Seas Catchers Cooperative
Icicle Seafoods
McCarty and Associates
Mid-Water Trawlers Cooperative
Mothership Group
PV Excellence
PV Ocean Phoenix
PV Golden Alaska
North Pacific Longline Association
Norton Sound Economic Development Corporation
Brevig Mission, Diomedes, Elm, Gambell, Golovin, Koyuk, Nome, Saint Michael, Savoonga, Shaktolik, Stebbins, Teller, Unalakleet, Wales, White Mountain
Pacific Seafood Processors Association
Alaska General Seafoods
Alyeska Seafoods, Inc.
Golden Alaska Seafoods, Inc.
Peter Pan Seafoods, Inc.
Premier Pacific Seafoods, Inc.
Supreme Alaska Seafoods, Inc.
UniSea Inc.
Wardis Cove Packing Company
Western Alaska Fisheries, Inc.
Westward Seafoods, Inc.
Prowler Fisheries
Trident Seafoods Corp.
United Catcher Boats
Akutan Catcher Vessel Assoc.
Arctic Enterprise Assoc.
Mothership Fleet Cooperative
Northern Victor Fleet
Peter Pan Fleet Cooperative
Unalaska Co-op
Unisea Fleet Cooperative
Westward Fleet Cooperative
U.S. Seafoods
Waterfront Associates
Western Alaska Fisheries, Inc.
Yukon Delta Fisheries Development Association
Alakanuk, Emmonak, Grayling, Kotik, Mountain Village, Nunami Iqua

August 20, 2007

BY E-MAIL (SSLRP@noaa.gov) and HAND DELIVERY

Ms. Kaja Brix
Assistant Regional Administrator
Protected Resources Division
Alaska Region
National Marine Fisheries Service
709 West 9th Street
Juneau, AK 99802

Attention: Ellen Walsh

Draft Revised Steller Sea Lion Recovery Plan

Dear Ms. Brix:

MCA is a broad-based coalition of Alaska coastal communities, fixed and mobile gear fishermen, vessel owners, processors, support industries, Community Development Quota organizations, fishing organizations, consumers, and others who are directly or indirectly involved in various aspects of the fisheries off the coast of Alaska, including efforts to protect the Steller sea lion ("SSL"). We would like to thank the National Marine Fisheries Service for providing this opportunity to comment on the Draft Revised Steller Sea Lion Recovery Plan (DRSSLRP), published for public comment on May 21, 2007 (72 Fed. Reg. 28473). We are also very appreciative of the work that the agency and others put into the plan, the CIE reviews, and the presentations at the special meeting of the North Pacific Fishery Management Council in early August. While we do not agree with many aspects of the DRSSLRP, we applaud the effort NMFS is making to seek additional advice and provide these opportunities to comment.

Please note that our comments, unless otherwise stated, pertain to the western population of Steller sea lions (WDPS). As part of our comments, we have enclosed MCA's letter of July 18, 2007, to the Scientific and Statistical Committee of the North Pacific Fishery Management Council (NPFMC) and comments, dated July 14, 2007, submitted by Dr Ian Boyd to the SSC.

In addition, on August 10, 2006, MCA submitted extensive comments to the NPFMC regarding the May 2006 draft of the SSLRP. MCA believes that its comments of last summer remain valid, and it is disappointed with the failure of

the NMFS to address the issues raised in our comments or to adopt many of the changes MCA recommended for improving the document.

MCA requests that the enclosures accompanying this letter, as well as our August 10, 2006 comments to the NPFMC (which were also provided to your office) be incorporated into the public record as comments on this DRSSLRP; and that the agency respond to the issues raised, and the recommendations made, and include your responses in the public record.

MCA also wishes to express support for the recommendations of the NPFMC regarding changes to the DRSSLRP as adopted in their motion of August 3, 2007. This motion was adopted after the receipt of extensive presentations from the Council's SSC, NMFS staff, the NPRB review, and public comment. Many of the Council's recommendations deal with policy calls made by NMFS staff when drafting the current version of the SSLRP. The Council's recommendations fall within the discretion of the agency under the ESA and NMFS' own internal guidelines for recovery plans. MCA wants to specifically highlight support for the following major recommendations:

1. MCA supports the Council's recommendation for modifying the recovery criteria for the WDPS in the DRSSLRP for downlisting and delisting.

The Council recommended modifying the downlisting delisting criteria if the population is "stable or increasing" over a period of years. We believe that this is an important recognition that the WDPS may be responding to changes in carrying capacity. The SSC noted that the recovery criteria are based on an assumption that a change in carrying capacity has not occurred, even though the plan acknowledges that such a change may have occurred. Dr. Boyd states in his comments, "if the population remained stable at current numbers for 15 years the PVA's as applied in the revised recovery plan would almost certainly show an extremely low probability of extinction and would take the population well above the ESA criteria". Yet, under the existing criteria, downlisting or delisting are not considered even if the population is stable over several generations.

Similarly, the Council recommends dropping the subarea trends as part of the downlisting criteria. This is a recognition that consideration of the subareas as part of the recovery criteria may have nothing to do with the status of the WDPS as a whole. MCA previously pointed out that there are several problems with NMFS' approach. It ignores that the distribution of SSLs may be shifting across its range; it assumes congruence between the current definitions of sub-populations and actual, biological sub-populations; it ties U.S. management to actions in Russia that are beyond US control; and it ignores the possibility that the overall WDPS population could increase to 60-70 thousand animals in US waters but not qualify even for downlisting.

And finally, MCA also supports the recommendation of the NPFMC to modify the recovery requirements to use timeframes more suited to generations of SSLs: 1.5 generations for downlisting (15 years as recommended by the Recovery Team) and three generations (30 years) for delisting.

2. MCA supports the Council's reinstating the Orca Predation threat to "potentially high".

There is considerable controversy within the scientific community regarding the potential threat of orca predation to recovery of the WDPS. This is evident from comments by some of the Recovery Team members on this issue, by comments from the various reviewers of the DRSSLRP, and the Council. MCA acknowledges that NMFS provided some new information at the Council meeting on the issue, but this information has not been widely vetted within the scientific community. The data discussed at the Council meeting seemed to cover only a distinct period in a limited geographic area, with no data from the winter or from areas in the western Aleutians. Similarly, NMFS has taken other information, presumably from “Assessing Killer Whale Predation on Steller Sea Lions from Field Observations in Kenai Fjords, Alaska,” *Marine Mammal Science* 23(2): 306-321 (April 2007) and applied its results across the WDPS despite cautions by the authors not to extrapolate their data to other areas.

Given the scientific controversy on this issue, and the lack of definitive data MCA believes that it is premature to downgrade the orca predation threat from “potentially high” as recommended by the Recovery Team to “medium” as recommended by NMFS staff. We urge NMFS to reinstate the threat as “potentially high” and follow the recommendation of the NPFMC for a scientific process to further evaluate this issue.

3. MCA supports the recommendation for re-evaluating the PVA and the 1% in 100 years risk of extinction criteria.

The NPFMC recommended re-evaluation of the assumption that the conditions leading to the steep decline through the 1980's is certain to occur again. The Council also recommended modifying the 1% in 100 year standard for risk of extinction to 10% over 30 years (3 generations of SSLs). These assumptions drive many of the results of the threats assessment in the current PVA. The SSC also identified issues that should be addressed with the PVA, including the use of the 1% in 100 years standard for assessing risk of extinction as well as running different PVAs and comparing results. MCA supports these recommendations. It is almost certain that at least some of the factors (shooting, entanglement in fishing gear, etc) affecting SSLs during the early 1980s will not occur again due to changes in regulations and in fishing practices. The use of the 1% in 100 years criteria is based on cetaceans, not pinnipeds which have shorter generation times.

4. MCA supports the comments of the SSC that the recovery plan should explore the management implications of possible alternative SSL stock structures.

While this issue was not specifically highlighted by the Council in their August 3 motion, it was raised by the SSC, and by Dr. Boyd, among others. Specifically the possibility of the SSL being a metapopulation needs to be further explored, and not dismissed. In addition, the SSCs recommendation for further discussion of the criteria the agency might use to revise its determination of the population structure is timely.

As a final point, we cannot let pass the controversy and concern that this draft of the SSLRP has caused among the public, the seafood industry, the scientific community, and even the Recovery Team membership. Much of this controversy stems from the interpretations and policy choices

made by NMFS in this draft. We urge you to carefully consider our comments and the recommendations made by the Council for improving this plan. We believe that the Council recommendations lay a course of action that greatly improve the chances for success of this recovery plan and efforts to protect Stellar sea lions.

Thank you for the opportunity to comment. We look forward to continuing to work with NMFS in the SSL recovery efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "David Benton". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Benton
Executive Director

Encl: (1) MCA letter to NPFMC SSC, dated July 18, 2007
(2) Ian Boyd Review, dated July 14, 2007