



Alaska Trollers Association

130 Seward St., No. 205
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

June 17, 2012

Jon Kurland
Assistant Regional Administrator
Protected Resources Division
NMFS/Alaska Region
Box 21668
Juneau, AK 99802

Attn: Ellen Sebastian

RE: RIN 0648–BB41 Proposed Rule Delisting of Eastern DPS of Steller Sea Lions

The Alaska Trollers Association (ATA) appreciates the opportunity to comment on National Marine Fisheries Service (NMFS) proposed rule to remove the eastern distinct population segment (DPS) of Steller sea lions from listed status under the Endangered Species Act (ESA). We support this delisting.

The petition submitted by Alaska Department of Fish and Game (ADFG), combined with NMFS *Status Review of the Eastern Distinct Population Segment of Steller Sea Lions*, provides substantial scientific and commercial information, which leads to the reasonable conclusion that delisting of the eastern DPS is warranted.

ATA represents commercial hook and line fishermen who harvest salmon off the coast of Southeast Alaska. Our fleet is 85% resident and highly reliant on local fisheries for both jobs and sustenance. Our members and staff are quite familiar with this region's sea lion population and have watched it steadily increase since the 1970s. ATA has followed with interest the listing and regulation of sea lions under both the ESA and Marine Mammal Protection Act (MMPA).

When NMFS first took emergency action to list Steller sea lions it was noted that,

Steller sea lions observed on certain rookeries in Alaska declined by 63% since 1985 and by 82% since 1960. The declines are spreading to previously stable areas and accelerating (NMFS, 1990).

The formal listing documents catalogued significant declines of Steller sea lions in the western areas of the state, but not Southeast Alaska. In fact, NMFS plainly stated that, *[c]ounts of sea lions in southeast Alaska show a stable or possibly increasing trend*. Also noted was that in the period immediately preceded listing, the only rookery in Southeast, Forrester Island, *...was the largest Steller sea lion rookery in the world* (NMFS, 1992).

Unfortunately, NMFS lacked data regarding distinct populations of Steller sea lions, so determined that the species should be listed as one group, across its entire range. Since listing, NMFS has learned a great deal more

about these animals and modified its recovery plans accordingly, starting with separate listings and unique regulations for the west and east DPS.

In Southeast Alaska, the population of sea lions has grown remarkably in recent years and four new rookeries have sprung up. NMFS believes this to be due, in part, to dispersal from Forrester Island (NMFS Recovery Plan, 2008). Even at listing, the eastern DPS was expanding at a rate of 3% per year. Since 1992, the population has grown by 225%. Today, 55% of the Steller sea lion pups in North America are born in the east rookeries (NMFS Recovery Plan, 2008). The Alaska fishing community has seen first-hand the consistent and significant expansion of the sea lion population in the Southeast region.

Fishermen and agencies all along the coast have reported similar abundances, which are confirmed by NMFS research and other documentation. Steller sea lion recovery in California is occurring at a slower rate than the other states. However, as the NMFS status review aptly notes, there are a great many factors at play, such as an exponential increase of California sea lions over the past 50 years, which has increased competition for food and rearing space.

One or more of five criteria are considered when evaluating reclassification or delisting of a species managed under the ESA (16 U.S.C. § 1533(a) (1); 50 C.F.R. § 424.11). NMFS status review and the ADFG petition combine for a thorough analysis of these criteria in support of delisting. ATA believes that the eastern DPS meets all the criteria, but for the purposes of these comments we will focus on the first two, with which we are most familiar.

(1) Present or threatened destruction, modification, or curtailment of habitat or range.

Eastern DPS have expanded their range and we see them hauling out in more areas all the time. There are several large new rookeries in remote areas with little direct human contact. These areas will be under multiple layers of statutory protection, regardless the listing status of the eastern DPS. Notably, these places are very much the same now as they were pre-listing, and are expected to remain the same for the foreseeable future. Food resources are abundant and no concerns have ever been identified in this region with regard to a deficit in prey species for Steller sea lions.

(2) Overutilization for commercial, recreational, scientific, or educational purposes.

There is no doubt that some sea lions have been taken in the course of commercial, recreational, scientific, and educational operations. However, incidental takings in commercial fisheries are not significantly impacting the long term viability of the eastern DPS. NMFS support documents do not reveal any concerns:

... relatively small numbers of eastern DPS Steller sea lions are taken incidental to commercial fishing. There is no information to suggest that the numbers of eastern DPS Steller sea lions taken incidental to commercial fishing will increase appreciably in the foreseeable future.

NMFS recognizes this take as having a diminutive impact, yet we continue to see some agency references implicating commercial fishermen in the decline of Steller sea lions. Such statements are overblown and simply untrue. This can be seen with a quick information check on the fisheries and a status of sea lions – of all kinds - in the eastern areas.

Southeast Alaska is home to more permit holders and fisheries than any other area on the West Coast; the Steller sea lion population here has never been considered depleted. According to researchers, fish and wildlife managers, and anecdotal evidence, the Steller sea lion population in Southeast is abundant and at or near historic levels. In fact, the agencies say the entire eastern DPS is healthy and stable or growing. In addition, California sea lion populations have grown significantly. Sea lions remain highly abundant, even though there is

commercial fishing from Alaska to California. The rules for commercial fishermen changed upon listing and lethal takes are no longer allowed. This has certainly helped a few individual sea lions since implementation of the ESA and MMPA. However, data indicates that the eastern DPS was healthy and growing even when it was ESA listed, despite the fact lethal takings to protect life, gear, and catch was an option available to fishermen for over 100 years. The eastern DPS continues to increase in number, so obviously commercial fishing has not been a hindrance to its long-term survival.

We appreciate NMFS separately cataloguing the various types of natural and human induced sea lion mortalities, since there have been a wide range of causes and circumstances over the years. Statements in agency documents through the years have led some members of the public to believe that takings in commercial fisheries have caused harm to sea lion populations, but there is no data to support that assumption. When suspect fisheries were studied, far fewer lethal interactions occurred than had been previously assumed. Data and observation simply do not support the claim that small boat commercial fishermen have had a deleterious effect on the eastern DPS. Your background documents for delisting help to clarify this matter, and it is hoped that you will review the final draft and remove or re-work any statements that could be misconstrued or that unfairly implicate fishermen past or present.

In the 2008 Recovery Plan, NMFS concluded that:

[n]o threats to recovery [of the eastern DPS] have been identified and the population has been increasing for over 25 years, new rookeries have been created, and the population is at historical high levels;

And,

... [the eastern DPS] should be considered for removal from the List.

It's been four years since that recommendation was made and the eastern DPS continues to thrive. We support NMFS' delisting proposal and think removing the eastern DPS from ESA listing is justified and long overdue. The eastern DPS of Steller sea lion seem far removed from any risk of extinction within the foreseeable future, in any portion of its range.

Finally, congratulations to NMFS for its dynamic approach to managing the eastern DPS. The agency took precautionary steps when data was lacking and then set to work filling those gaps. As better information came to light, the agency responded in a cautious way to both safeguard the resource and allow important human activities. Now that it's clear that the eastern DPS Steller's do not need special protection, NMFS has responded positively to ADFG's petition, by moving to delist these animals. This action will allow both agencies to redirect efforts to help ensure that other marine resources are sustainably managed, and avoid future listing scenarios.

Please don't hesitate to contact me if I can clarify ATA's position on this issue, or otherwise be of help.

Best regards,

Dale Kelley
Executive Director