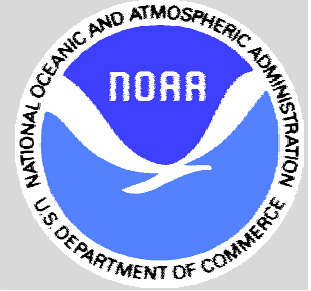


Steller Sea Lion and Northern Fur Seal Research

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 3rd 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.

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 2700 Gambell Street, Suite 200
 Anchorage, Alaska 99503