

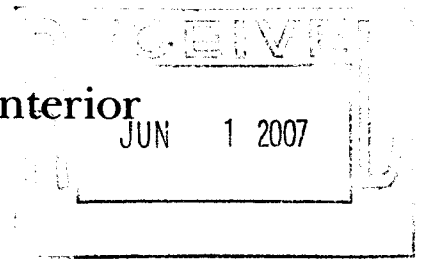


United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Rd.

Anchorage, Alaska 99503-6199



IN REPLY REFER TO:

FWS/AFWFO

MAY 24 2007

P. Michael Payne, Chief
Marine Mammal Conservation Division
Office of Protected Resources, NMPS (F/PR2)
1315 East Highway
Silver Spring, Maryland 20910

Re: Endangered Species Act Section 7 consultation for the Draft Programmatic
Environmental Impact Statement for Steller Sea Lion and Northern Fur Seal Research
(*Consultation Number 2007-R-0102*)

Dear Mr. Payne:

On March 30, 2007, we received your letter requesting concurrence with the determination that authorization of research on Steller Sea Lion (*Eumetopias jubatus*) and Northern Fur Seal (*Callorhinus ursinus*), as described in the Draft Programmatic Environmental Impact Statement (DPEIS) for Steller Sea Lion and Northern Fur Seal Research, is not likely to adversely affect species listed under the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended, 16 U.S.C. 1531 *et seq.*). On April 6, 2007, Daniel Brown from our U.S. Fish and Wildlife Service Pacific Region requested more information on your program of work, and on May 17, 2007, we received your response to our request. The USFWS Alaska Region has reviewed the DPEIS, as well as the supplemental information, and considered potential effects of the proposed actions on the following listed and candidate species and their critical habitat:

- 1) Southwest Alaska distinct population segment (DPS) of the northern sea otter (*Enhydra lutris kenyoni*);
- 2) Short-tailed albatross (*Pheobastria albatrus*);
- 3) Steller's eider (*Polysticta stelleri*);
- 4) Spectacled eider (*Somateria fischeri*); and
- 5) Kittlitz's murrelet (*Brachyramphus brevirostris*).

The DPEIS for Steller Sea Lion and Northern Fur Seal Research proposes authorization of research at Steller sea lion and northern fur seal haul-outs and rookeries along the coast of the western United States and Alaska. In Alaska, the Steller sea lion haul-outs and rookeries extend from central Alaska and the Pribilof Islands to southeast Alaska and northern fur seal haul-outs are located on the Pribilof Islands and Bogoslof Island. Research activities include aerial surveys of haul-outs and rookeries occurring no more than one time per year. Altitude restrictions will be placed on these surveys and some areas will be completely restricted (e.g., directly over Alaska Maritime Refuge lands and over Round Island State Game Sanctuary). Capture and handling of seals and sea lions will occur in some locations and require beach

landings by skiff with a larger research vessel standing by offshore. Capture operations will take place at the primary rookeries on Lowrie Island and Benjamin Island in southeast Alaska. Remote camera monitoring is expected to continue at haul-outs and rookeries in Prince William Sound and Resurrection Bay in southcentral Alaska. At Marmot Island near Afognak, a large research camp in proximity to a rookery will be occupied. Skiff surveys will be conducted at rookeries in western Alaska twice every five years. Some of the largest fur seal rookeries are on the Pribilof Islands and access to those sites will be by vehicle on shore.

The USFWS expects no effects to short-tailed albatross as a result of this proposed research program. Short-tailed albatross spend most of their time in the open waters of the Bering Sea and North Pacific. They are not known to come to shore, except to breed on a few islands in Japan. Further, the geographic scope of the proposed research program does not overlap with the range of spectacled eiders and we therefore anticipate no effects. There are no USFWS-listed species in southeast Alaska, at the haul-out and rookery sites in southcentral Alaska, or the rookery sites on the Pribilof Islands. In southeast and southcentral Alaska, Kittlitz's murrelets, a candidate species, are associated with tidewater glaciers. As tidewater glaciers are not a feature of Steller sea lion haul-out and rookery sites in southeast and southcentral Alaska, no effects to Kittlitz's murrelets are anticipated as a result of this research in that geographic area. Finally, the USFWS concurs with your determination that aerial and skiff surveys as well as capture and camera maintenance operations associated with this research program is not likely to adversely affect Steller's eiders, northern sea otters, and Kittlitz's murrelets at Steller sea lion haul-outs and rookeries in the Aleutian Islands, Alaska Peninsula, and Kodiak archipelago. This conclusion is based on the infrequency of the disturbance associated with the research program coupled with the low densities of Steller's eiders, northern sea otters, and Kittlitz's murrelets in the vicinity of the haul-outs and rookeries in that geographic area. The probability of harm to those taxa as a result of this research program is so low it is considered discountable.

This consultation relates only to federally listed or proposed species and/or designated or proposed critical habitat under our jurisdiction. It does not address species under the jurisdiction of National Marine Fisheries Service, or other legislation or responsibilities under the Fish and Wildlife Coordination Act, Clean Water Act, National Environmental Policy Act, Migratory Bird Treaty Act, or Bald and Golden Eagle Protection Act.

Thank you for your cooperation in meeting our joint responsibilities under Section 7 of the ESA. If you have any questions, please contact me at (907) 786-3493 or Ellen Lance at (907) 271-1467. In future correspondences regarding this consultation please refer to consultation number 2007-R-0102.

Sincerely,



Laverne Smith
Assistant Regional Director
Fisheries and Ecological Services

cc: Daniel Brown, USFWS Region 1