

Steller Sea Lion and Northern Fur Seal Research

Policy Implementation Document and Issuance of a New Record of Decision



NOAA-National Marine Fisheries Service

November 2008

This newsletter is the first in a series of newsletters regarding the Steller Sea Lion and Northern Fur Seal Research Policy Implementation Document and proposed Issuance of a new Record of Decision for the 2007 Programmatic Environmental Impact Statement on Steller Sea Lion and Northern Fur Seal Research. It is being mailed to federal, state, and local agencies; elected and appointed officials; Alaska Native groups; other interested organizations; and individual citizens within or adjacent to the project study area to inform people about the study process and to solicit comments. This and subsequent newsletters can be found on the project website <http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm>.

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) is preparing a Policy Implementation Document that will specify policy and guidance for the permitting process for research on Steller sea lions (SSL) (*Eumetopias jubatus*) and northern fur seals (NFS) (*Callorhinus ursinus*). The purpose of this newsletter is to invite you to participate in the public comment process and provide some background information on the policy document and the process of issuing a new Record of Decision (ROD) on the 2007 Programmatic Environmental Impact Statement on Steller Sea Lion and Northern Fur Seal Research.

Background

NMFS is the federal agency responsible for the management, conservation and protection of living marine resources within the United States' (U.S.) Exclusive Economic Zone (marine water from 3-200 miles offshore), including work in State waters as well as land-based research.

NMFS currently administers grant monies that have been designated by Congress and allocated within NMFS's annual budget for the purpose of facilitating research on SSLs and NFSs. Research permits are issued pursuant to the provisions of the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*), the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*), and regulations implementing these statutes. NMFS awards grants and issues permits to qualified individuals and institutions so they can conduct research activities likely to result in collection of information needed by NMFS to conserve and recover the populations of SSLs and NFSs.

In May 2005 a District Court required NMFS to complete an Environmental Impact Statement (EIS) on the effects of research on SSLs. NMFS completed a Programmatic EIS (PEIS) for the SSL and NFS research

programs and issued its ROD in June 2007. Permits were then issued for research, but limited to just over two years' duration. Current scientific research permits on SSLs and NFSs expire August 1, 2009.

As indicated in the ROD, NMFS stated its intent to engage in a review, to include convening an independent panel to assess selected components of the research program and the issuance of research permits for the program.

The project area for the EIS included the entire range of SSLs and NFSs in U.S. waters and on the high seas, which includes parts of Alaska, Washington, Oregon, and California (See Figures 1 and 2).

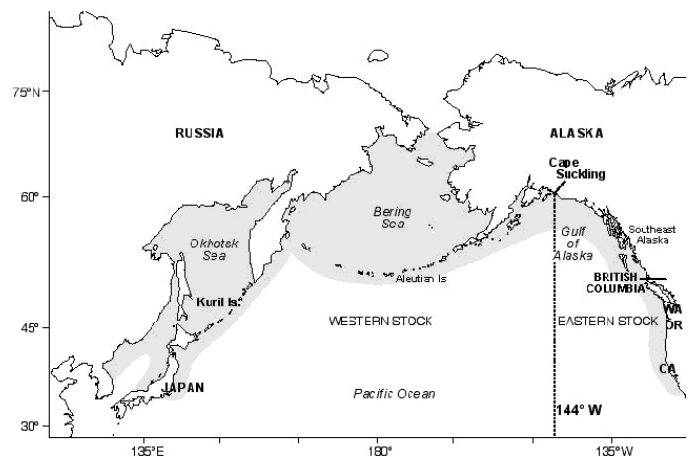


Figure 1. Steller Sea Lion Distribution
New Policy Implementation Document

In the summer of 2008, NMFS convened an Independent Panel of four members. The primary goal of convening the panel was to seek the recommendations of independent experts on issues pertinent to NMFS's implementation of the permit program for research on SSLs and NFSs with the recognition that the panel's recommendations could also be relevant and applied to

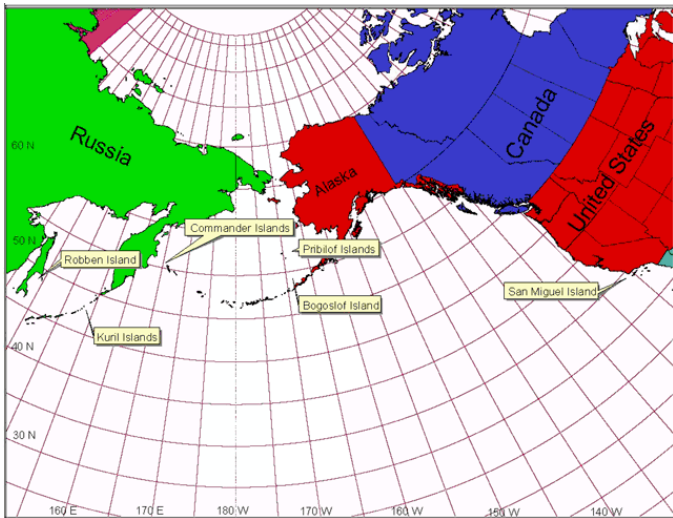
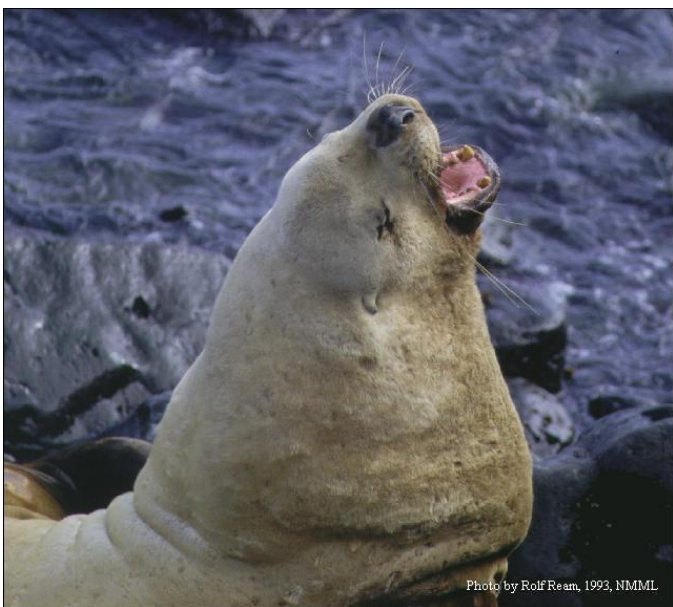


Figure 2. Northern Fur Seal Breeding Sites



Northern Fur Seals



Steller Sea Lion

other scientific programs (cetaceans, other pinnipeds, sea turtles, sturgeon) for which scientific research permits are issued.

The Independent Panel consisted of members from outside NMFS with expertise in endangered species recovery planning, marine mammal research, population modeling, and veterinary medicine. In general, the role of the panel was to review past and currently permitted research on SSLs and NFSs and, in consideration of conservation and management needs for these species, and public comments on the permitted research program, make recommendations on the following areas related to implementation of the research permit program for these species:

- what research techniques (e.g., methods of survey, capture, and sampling) are most appropriate to achieve the study objectives or otherwise satisfy information needs for conservation and management of the species;
- what actions are needed for a long-term strategy to coordinate permitted research and minimize its effects at research sites;
- what studies are needed to monitor and evaluate the effects of permitted research on the subject species, and the effectiveness of permitted research at promoting conservation and recovery of the species; and
- any other recommendations that the Panel feels appropriate given their task.

After completion of the independent review, NMFS considered the recommendations of the Panel and developed guidance to improve the implementation of the SSL and NFS research permit program. This guidance has been incorporated into the new Policy Implementation Document and will be incorporated into the new ROD when it is issued prior to the issuance of new permits in 2009.

Development and implementation of this policy and guidance falls within the parameters set forth in the Preferred Alternative presented in the 2007 ROD and therefore does not require NMFS to prepare a supplemental EIS.

Public Comment Period

NMFS will hold a 30-day public comment period to obtain input on the new Policy Implementation Document. Each comment will be carefully reviewed, categorized by major theme, and entered into a comments database to facilitate retrieval and tracking. A Comment Analysis Report will then be prepared and considered in issuance of a new ROD in 2009.

The availability of the new Policy Implementation Document and the comment period will be announced in the Federal Register. Please check the PEIS project website

(<http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm>) in late November or early December for the status of the comment period. After the close of the comment period, NMFS will analyze all of the comments received and produce a comment analysis report by February of 2009.

Written comments on the revised policy should be directed to NMFS (see contact information below). Please note that NMFS is not required to respond to any comments received as a result of publishing this new Policy Implementation Document. However, comments will be reviewed and considered for their impact on issuance of a new ROD.

NMFS will maintain a mailing list throughout the process. Informational materials will be distributed to those on the mailing list. A project website will be maintained and updated throughout the course of the project at <http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm>. Your comments are important to us, particularly at this stage of the process.

Issuance of a New Record of Decision

Notice of issuance of a ROD on the Final PEIS was published in the Federal Register in June 2007. The ROD limited implementation of the preferred alternative to issuance of permits and grants for three field seasons while NMFS convened an independent panel and developed a policy and guidance plan for implementation of the federal actions that were addressed in the Final PEIS. This included mitigation and monitoring requirements deemed appropriate.

In addition to finalizing the policy document after the close of the comment period, NMFS will re-initiate consultation as required under section 7 of the ESA. The consultation process will conclude with a new Biological Opinion summarizing an evaluation of whether issuance of permits under the Preferred Alternative in the Final PEIS and according to the Policy Implementation Document is likely to jeopardize the existence of ESA-listed species, including threatened and endangered SSL.

After completion of the new Biological Opinion, NMFS will issue a new ROD prior to issuing new research permits in 2009. This new ROD will consider comments from the public and present the revised implementation policy and guidance for issuing research permits for SSLs and NFSs.

We encourage you to take an active part in the SSL and NFS Research PEIS project. The purpose of this newsletter is to keep you informed and to allow you every opportunity to voice your opinion regarding this important project. If you require more information about the project, have any questions, or are interested in being added to (or removed from) the mailing list please contact Tammy Adams, the NMFS Project Manager for the PEIS at the phone or email address below. Please submit your written comments regarding the Policy Implementation Document to P. Michael Payne, Chief, Permits, Conservation and Education Division at:



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