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**Steller Sea Lion Recovery Team**  
**Final Terms of Reference**

3/18/2002

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**1 INTRODUCTION**

Since 1990, the Steller sea lion (*Eumetopias jubatus*) has been listed for protection under the Endangered Species Act (ESA). The conservation and recovery of the species is the responsibility of the National Marine Fisheries Service (NMFS). Over the last decade, numerous research projects have been undertaken, conservation measures implemented, and other actions taken to conserve the species and protect its habitat. In 1997, the population was split into two distinct population segments (DPS); a western DPS which was listed as endangered, and an eastern DPS which was listed as threatened. Although the eastern DPS appears to be stabilizing or recovering, the western DPS continues to decline with no obvious single cause or any sign of abating. Although much is being done to conserve Steller sea lions, a comprehensive recovery plan is needed to provide a framework for addressing problems across the entire range of the species, among all of the activities that threaten Steller sea lions, and for prioritizing actions necessary for their recovery.

Section 4(f) of the ESA requires the preparation and implementation of recovery plans for all listed species. Under Section 4(f)(1)(B), each plan, at a minimum, must contain the following:

1. A description of such site-specific management actions as may be necessary to achieve the plan's goal for the conservation and survival of the species;
2. Objective, measurable criteria that, when met, would result in a determination, in accordance with the provisions of this section, that the species be removed from the list; and
3. Estimates of the time required and the cost to carry out those measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal.

In addition, NOAA Recovery Planning Guidelines stipulate that recovery plans must include a concise summary of the current status of the species and its life history, and an assessment of the factors that led to population declines and/or which are impeding recovery. It is also important that the plan include a comprehensive monitoring and evaluation program for gauging the effectiveness of recovery measures and overall progress towards recovery. Prior to the approval of a revised recovery plan, NMFS must provide public notice and an opportunity for comment.

The ESA authorizes NMFS to appoint recovery teams to assist the development and implementation of recovery plans. The ESA specifically exempts recovery teams from the Federal Advisory Committee Act (FACA), but, otherwise, does not provide specific guidance related to the conduct of recovery teams. The current recovery team has been established as a body of experts to revise the recovery plan for Steller sea lions and to advise NMFS on issues related to their status and conservation. The revised recovery plan will serve as a basis for future recovery efforts, prioritization of research to ensure that new information will contribute toward the greatest research needs, and effective monitoring to allow NMFS

to track the status of Steller sea lions and the factors that may affect them.

The Steller sea lion has also been designated as depleted under the Marine Mammal Protection Act (MMPA). Under Section 115 of the MMPA, NMFS is required to prepare a conservation plan for species or stocks designated as depleted for the purpose of conserving and restoring the species or stock to its optimum sustainable population (OSP). Because the plans are very similar in scope, the recovery plan should be prepared so that it meets the requirements of both Acts.

## **2 BACKGROUND**

Steller sea lions were listed as threatened under the ESA by emergency rule in April 1990. That emergency rule was subsequently replaced by notice-and-comment rulemaking with a final rule completed in November 1990, effective in December 1990. NMFS then convened a Steller sea lion recovery team to help prepare and implement a recovery plan for Steller sea lions. The team, composed of 10 members, met numerous times over about two years to draft a recovery plan. The recovery plan was partially approved in December 1992. NMFS approved most of the plan including the delisting criteria (Part II, Section 1.D; a requirement for recovery plans), but did not implement the evaluation criteria (Section 1.C) which would have provided the criteria to determine the listing status of Steller sea lions (i.e., threatened or endangered).

In November 1994, NMFS convened the recovery team to reconsider the appropriate listing status for Steller sea lions and to evaluate ongoing research and management programs. The team recommended to NMFS that Steller sea lions be split into two distinct population segments east and west of 144° W longitude. The team recommended that the eastern DPS remain listed as threatened and the western DPS be listed as endangered. NMFS proceeded with notice-and-comment rulemaking to implement these recommendations and completed its final rule to reclassify Steller sea lions in May 1997. The recovery team continued to meet following the reclassification of Steller sea lions, although the recovery plan was not revised as planned. Generally, NMFS' policy is to revise recovery plans every 5 years. In October 2001, NMFS convened a revised Steller sea lion recovery team with the intent to update the recovery plan.

## **3 ROLES AND RESPONSIBILITIES**

### **3.1 NMFS**

Within NMFS, the Alaska Regional Administrator has lead responsibility for activities related to recovery planning and implementation for Steller sea lions. The Office of Protected Resources provides assistance as needed, concurs on recovery team or sub-committee membership and terms of reference for the team, concurs on draft and final recovery plans, and collaborates with regional and center staff on annual or periodic oversight of the recovery effort. The Alaska Fisheries Science Center provides scientific information and oversight of the entire research program. The Center provides assistance as needed, concurs on recovery team members and terms of reference for the recovery team, concurs on draft and final recovery plans (with emphasis on scientific issues within the plan), and collaborates with regional and headquarters staff on periodic review of the recovery effort.

NMFS, through the Alaska Regional Office, will oversee and coordinate all recovery team activities and will be responsible for the following: (1) establishing, modifying, and disbanding the recovery team, (2) defining team functions and establishing schedules for completing products (with team input and

discussion), (3) approving, adopting, and amending recovery plans, (4) transmitting team recommendations to other agencies and organizations, as appropriate, and (5) providing logistical support.

Within the constraints of appropriations, NMFS will provide funds as needed for travel expenses of recovery team travel and meetings; however, NMFS will not pay salaries or honoraria to members or advisors. NMFS will provide administrative support, such as photocopying, procurement of supplies, and expenses related to printing and distributing materials. In addition, NMFS may contract for services to the recovery team or to outside experts for specific products or to facilitate the drafting and assembling of the recovery plan or other documents for the team's use.

### **3.2 Recovery Plan Coordinator**

The Alaska Regional Administrator appoints a member of the NMFS staff to serve as a recovery plan coordinator for Steller sea lions. The major role of the recovery plan coordinator is to serve as a liaison between the recovery team and NMFS. In that regard, the coordinator will be the primary point of contact within NMFS for any team communications and will be responsible for transmitting communications between appropriate agency personnel and team members. The coordinator will promote and facilitate completion of a revised recovery plan and in that capacity will be the responsible official for logistical support for the team. The coordinator will ensure that summaries of team meetings and advice to NMFS is transmitted to the Alaska Regional Administrator, Director of the Alaska Fisheries Science Center, Director of the Office of Protected Resources, and others as appropriate.

### **3.3 Recovery Team**

The recovery team serves as an advisory group to NMFS through the Alaska Region. The objective for the recovery team is to draft a revised Steller sea lion recovery plan. Recovery teams are independent entities that may draft recovery plans and/or make recommendations to NMFS regarding the development and implementation of recovery plans, recovery activities or research. Team members are appointed as independent scientists/experts in the species under consideration. They do not represent their agency or organization while serving in the capacity of a recovery team member.

When a draft of the recovery plan is completed by the team, it will be transmitted through the Regional Administrator, Alaska Region, for approval by NMFS. At this point, the draft plan is subject to change, and may be wholly or only partially approved. If any part of the plan is not approved by NMFS, rationale for that decision will be provided to the team. The final recovery plan will be a government document and will contain an acknowledgment of the recovery team's role in its preparation. Once this objective is met, NMFS may solicit further recommendations on other issues regarding the conservation of the species, including designation of critical habitat and future status reviews.

The recovery team may form sub-committees to work on specific aspects of the tasks identified in these terms of reference or on other issues that the team and NMFS deem appropriate. These sub-committees may meet independent of the entire team in order to facilitate completion of their assigned task. As advisors to the recovery team, these sub-committees would not be subject to FACA. In light of the size of the recovery team, formation of such sub-committees is encouraged to facilitate initial drafts of recommendations to be considered by the entire team. Sub-committees may include additional experts who are not members of the core recovery team, however, these experts would serve the sub-committee under the same terms as members of the team (e.g., conflict-of-interest, no payment for services, and

payment for travel or other expenses). The recovery team may request NMFS to contract for specific products to aid the recovery team or sub-committees.

Sub-committees would be identified and convened after discussions among NMFS staff and the recovery team. For illustration purposes, potential sub-committees of the recovery team could include the following:

*Biology* - this group could update the vast amount of biological information on Steller sea lions;

*Direct mortality* - this group could identify direct anthropogenic mortality factors; evaluate the magnitude and immediacy of these factors; and draft and establish draft priorities for management measures, monitoring programs, and information/research needs;

*Listing Criteria* - this group could develop draft reclassification/delisting criteria for the two DPS of Steller sea lions that would then be discussed further by the entire team;

*Ecosystem-scale threats* - this group could summarize the indirect factors that may affect Steller sea lions and food web dynamics (including predation on Steller sea lions); and,

*Recovery Units* - investigate the use of recovery units, and determine if this tool might be effective in the recovery of Steller sea lions.

#### **4 TERMS OF SERVICE**

Recovery team members are advised to avoid conflicts of interest and other ethical problems in accordance with the following guidelines (April 2, 1992, Dept. of Commerce, Office of General Counsel):

- ▶ Members should disqualify themselves from advising on a matter which has direct and predictable affect on their personal financial interests, those of a client, or those of a company by which they are employed, apart from matters which are inherent in their employment or outside affiliation.
- ▶ Members should not solicit business for themselves or their firms or seek an economic advantage based on their position on the recovery team.
- ▶ Members should hold any non-publish information obtained as a result of their service on the recovery team in confidence and ensure that it is used exclusively for official purposes. Members should not use or permit the use of such information for their own private gain or permit the use of such information for their own private gain or the gain of another person.
- ▶ Members should not use the resources available to the recovery team for the purposes of assisting a political campaign, or for any campaign business.

Although the recovery team is exempt from FACA, team meetings should be open to the public and allow a period for public input and discussion. NMFS will work with the recovery team to prepare a schedule for completing a revised recovery plan. The goal for completing a draft recovery plan should be within 2 years of the initial meeting, with an additional goal of completing a final recovery plan within 3

years. When the recovery plan is completed NMFS will determine whether or not to maintain the team.

## **5 RECOVERY PLAN CONTENT**

The goal of the ESA is to conserve the ecosystems upon which endangered and threatened species depend and to use all methods and procedures necessary to bring such species to the point at which the measures provided under the Act are no longer necessary. This includes controlling or eliminating the threats to the species and its habitat. A recovery plan identifies and assigns priorities to actions required for the recovery of the species. Recovery under the ESA does not necessarily mean historic or current carrying capacity. A recovered population is one that is unlikely to go extinct, and is also unlikely to need future listing under the ESA because all of the known threats to the species have been removed.

To the maximum extent practicable, the plan must include objective, measurable criteria that, when met, would indicate recovery. The specific tasks necessary for recovery must be identified and described in sufficient detail, including uncertainty, to indicate the nature and rationale for the tasks. The approach should be one of problem identification and resolution, which could include a description and analysis of current efforts and programs directed at the recovery of the sea lions. In addition to the minimum statutory requirements, a recovery plan identifies and assigns priorities to actions required for the recovery of the species.

Because the western and eastern DPSs of Steller sea lions currently have a different listing status, they should be discussed in separate sections of the plans. The biology and life history information can be combined into one section for the two DPSs, where appropriate. However, the recovery plan for the two DPSs should be considered separately, including evaluation criteria and delisting criteria.

The information below lists the scope of information that should be included in the recovery plan. The order in which it appears in the plan is discretionary and may be arranged to enhance the flow of the document.

### **5.1 Status of the Species or Distinct Population Segment**

A concise summary of the information on the DPSs and their life histories should be presented, including but not limited to, information on: taxonomy and physical appearance; population or stock discreteness (including a discussion of the separation between two (or more) DPSs); population size and trends (including past and present size and future projections based on current trends); reproduction and recruitment rates; diet and feeding habits, migration and movement patterns; and habitat use patterns and essential habitats.

The plan should also assess ecologically based habitat requirements of Steller sea lions. All areas that are essential to the conservation of each DPS should be identified including a description of the essential physical and biological features of that habitat. Essential features should be described in general terms

rather than specific standards. This description of essential habitat would be used in the decision process for re-evaluating designated critical habitat, if necessary.

## **5.2 Factors Affecting the Species or Distinct Population Segment**

Factors affecting the DPSs are direct or indirect threats from natural and human causes. These factors should be described and should include the entire scope of factors in section 4(b) of the ESA:

1. The present or threatened destruction, modification, curtailment of its habitat or range;
2. Overutilization for commercial, recreational, scientific, or educational purposes;
3. Disease or predation;
4. The inadequacy of existing regulatory mechanisms; and
5. Other natural or manmade factors affecting its continued existence.

Discussion in the narrative descriptions of factors affecting each DPS should include evaluations of the magnitude of the threat from each factor, the immediacy of the threat from each factor, the recovery potential for the affected DPS if the threat were removed or reduced, and the level of uncertainty.

## **5.3 Objectives - Recovery Criteria**

The overall objective of a plan is the recovery of the species. To the maximum extent practicable, the plan must include objective, measurable criteria for each DPS that would indicate recovery. Quantitative criteria can be stated in biological or other terms appropriate for Steller sea lions. For example, recovery criteria could include a provision for a specified population level or observed rate of increase for the population over a specified time period. The plans must also have criteria that demonstrate that threats to the species have been controlled. The existing criteria were developed based on the best data available when the recovery plan was developed and should be revised to incorporate new scientific information. Intermediate objectives and criteria may also be established to measure progress toward recovery.

## **5.4 Needed Recovery Actions**

An outline should be developed listing the measures that are needed to promote the recovery of each DPS and the specific tasks that should be completed to accomplish each general measure, including management actions, monitoring, and research. The outline will serve as the basis for a narrative section that describes the nature and rationale for tasks (either individually or in groups) as they relate to the plan objectives. The narrative of task descriptions should provide the basic information needed to support priority rankings and their importance related to recovery.

NMFS is currently revising its recovery planning guidelines. In these new guidelines, we will highlight the importance of site-specific management measures to be included in the recovery plan. Therefore, this section of the recovery plan should emphasize site-specific management measures by including them at the front of the narrative and implementation schedule. To the extent feasible, the narrative should link each site-specific management measure to one of the factors identified as a threat, and how it is expected to resolve the impacts of that factor. Because the discussion of factors includes the magnitude and immediacy of threats, such a linking should be important in assigning priorities to recovery actions. Monitoring programs should be discussed separately from research programs and may be included as elements of site-specific management measures.

Finally, needed research should be identified and prioritized. As with monitoring, more than one level of research pertaining to a specific topic may be included and prioritized to reflect the optional nature of higher levels of research.

Each task, whether management measure, monitoring, or research must be described as specifically as possible, including the responsible parties, and feasibility or problems that may be encountered in completing the task.

## 5.5 Implementation Schedule

Each plan must include an implementation schedule or action plan that lists each recovery plan task, priority (see below), estimated cost, the time required to be completed, and those responsible for carrying out the recovery tasks. The implementation schedule is used to direct and monitor implementation and completion of recovery tasks.

Guidelines for establishing priorities were published in the Federal Register on June 15, 1990 (55 FR 24296), and are as follows:

PRIORITY	TYPE OF TASK
1	An action that must be taken to prevent extinction or to identify those actions necessary to prevent extinction.
2	An action that must be taken to prevent a significant decline in population numbers, habitat quality, or other significant negative impacts short of extinction.
3	All other actions necessary to provide for full recovery of the species.

These serve only as guidelines and are not inflexible frameworks. Accordingly, the recovery team and NMFS are not constrained to only 3 priorities if additional ranking criteria (i.e., additional categories within these 3 priorities) are required or would be helpful in ranking the many activities needed for Steller sea lion recovery. It would be useful to arrange tasks in priority order to increase visibility of the most crucial tasks, although exact presentation may vary to allow for grouping recovery actions by specific sites.

It should be noted that, under the existing guidelines, even the highest priority tasks within a plan are not given a Priority 1 ranking unless they are actions necessary to prevent a species from becoming extinct or to identify those actions necessary to prevent extinction. Therefore, some plans will not have any Priority 1 tasks. In general, Priority 1 tasks only apply to a species or DPS facing immediate threat. Well-conceived priorities will help ensure that the Steller sea lion conservation, monitoring, and research activities address concerns that would promote conservation of the species.

## 5.6 List of Reviewers

Per the 1994 ESA recovery policy (59 FR 34272; July 1, 1994), NMFS is required to “actively solicit independent peer review during the development of draft recovery plans” in order to obtain all pertinent available data, and review data relating to the selection or implementation of specialized recovery tasks. The draft recovery plan should contain a list of the reviewers and a summary of their opinions should be included in the final recovery plan.

## **5.7 Appendices**

Appendices can be used to:

- ▶ Include information that is too long or detailed for the body of the plan (e.g. data)
- ▶ Provide readily accessible information for some sub-section of the plan (e.g. research or monitoring plan).

## **5.8 MMPA - Conservation Plan requirements**

The ESA recovery plan should also contain the necessary components to meet NMFS’s requirements under the MMPA. Senate Report 100-592 specified that conservation plans (under the MMPA) should include the following:

1. An assessment of the status of the species or stock and its essential habitat,
2. A description of the nature, magnitude, and causes of any population declines or loss of essential habitat,
3. An assessment of existing and possible threats to the species and its habitat,
4. A discussion of critical information gaps,
5. A description and discussion of research and management that could be undertaken to meet the objectives of the plan, and
6. A schedule for implementing the research and management actions identified in the plan.

Ideally, the recovery plan should have covered these elements within the background, narrative, and implementation schedule sections, but efforts should be made to ensure this is the case.