



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

January 31, 2007

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Stephanie,

We would like to update the North Pacific Fishery Management Council (Council) on the status of the revised Steller Sea Lion Recovery Plan (recovery plan) and the Endangered Species Act (ESA) section 7 consultation for the Fishery Management Plans (FMPs). Based on public comment, NMFS intends to complete a final recovery plan before completing a draft biological opinion on the FMPs. We recognize this strategy differs from that discussed with the Council since last June, when we agreed to develop a draft biological opinion based on the draft recovery criteria set forth in the draft recovery plan.

In January 2007, the Alaska Department of Fish and Game requested that NMFS “not consider adopting the [draft recovery] criteria until the recovery plan has been finalized...” This would allow good public process as NMFS fully considers comments on the draft recovery plan, provides the public and the Council additional opportunity to review and comment on a revised draft recovery plan, and then finalizes the recovery plan prior to preparing the draft biological opinion.

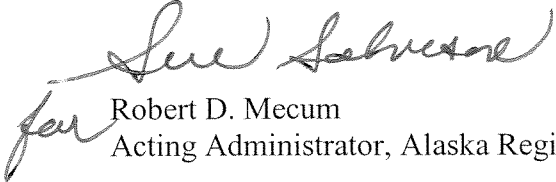
We agree that this approach is prudent, particularly in consideration of recent agency guidance which requires the consideration of the conservation of the species when making adverse modification determinations in biological opinions. Conservation is defined in the ESA as the use of all measures necessary to bring an endangered species to the point that the protections of the ESA are no longer required (i.e., de-listing). Thus, the plan’s recovery criteria are important in making determinations in the biological opinion.

We intend, therefore, to complete the recovery plan first and then incorporate the recovery criteria in the biological opinion. Due to the sequential nature, it is not practical to work on these two issues at the same time, thus additional time is needed to complete the documents and to allow for the requested public review. We expect to provide a 60-day public review and comment period on the revised recovery plan by May 2007. This should allow review by the Council’s Scientific and Statistical Committee prior to the June 2007 Council meeting. NMFS will consider the additional public comments and then complete the recovery plan. NMFS will then focus on completing the draft biological opinion by the end of 2007. The revised schedule may allow for peer review on the biological opinion before it is released to the public.



We understand that this delay affects the Council's schedule for developing changes to the Steller sea lion protection measures. While NMFS completes the recovery plan, the Steller Sea Lion Mitigation Committee can continue to review and prioritize proposals. The completion of the recovery plan and the biological opinion has been difficult due to the controversial nature of the issues, the need to integrate the public, and the changes to the regulatory definition of adverse modification of critical habitat. We will continue to update you on our progress and appreciate your cooperation and patience as we complete this important work.

Sincerely,


Robert D. Mecum
Acting Administrator, Alaska Region