Appendix D

2006 NMFS Steller Sea Lion and Northern Fur Seal Research EIS Public Scoping Report

Comments Received on 2005 Environmental Assessment of the Effects of Permit Issuance for Research and Recovery Activities on Steller Sea Lions

Comments Received on 2002 Environmental Assessment on the Effects of NMFS Permitted Scientific Research Activities on Threatened and Endangered Steller Sea Lions

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2006 NMFS Steller Sea Lion and Northern Fur Seal Research EIS Public Scoping Report

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NMFS Steller Sea Lion and Northern Fur Seal Research EIS Public Scoping Report

NOAA 2005

NOAA 2005

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May 2006

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Acronyms

AEB	Aleutians East Borough
AFSC	Alaska Fisheries Science Center
ASLC	Alaska SeaLife Center
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act of 1973
F/PR1	Office of Protected Resources, Permits Division
FONSI	Finding of No Significant Impact
HSUS	Human Society of the United States
MMC	U.S. Marine Mammal Commission
MMPA	Marine Mammal Protection Act of 1972
NEPA	National Environmental Policy Act of 1969
NFS	Northern Fur Seal
NMML	National Marine Mammal Laboratory
NMFS	National Marine Fisheries Service
NPFMC	North Pacific Fishery Council
NPRB	North Pacific Research Board
NAO	NOAA Administrative Order
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NOS	National Ocean Services
NPUMMRC	North Pacific Universities Marine Mammal Research Consortium
ROD	Record of Decision
SSL	Steller Sea Lion
UAF	University of Fairbanks
URS	URS Corporation
U.S.	United States

1.0 INTRODUCTION

The National Marine Fisheries Service (NMFS) administers a Research Program that includes (1) directed grants from the Alaska, and other Regions' operational budgets, (2)"pass-through" grants detailed in the federal budget, and (3) permits issued pursuant to the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA). These federally funded grants for projects and services constitute federal actions subject to compliance with the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations [CFR] Pts. 1500 – 1508).

NMFS administers a permit program from the Office of Protected Resources (F/PR1) in NMFS Headquarters, Silver Spring, Maryland. Permits issued pursuant to Section 104 of the MMPA and Section 10(a)(1)(A) of the ESA provide exceptions to the moratoria on "taking"[1] marine mammals and species listed as threatened or endangered for bona fide scientific purposes and for activities that enhance the survival or recovery of the species in the wild. As with the grants, these permits constitute federal actions subject to compliance with NEPA.

NMFS is preparing a programmatic Environmental Impact Statement (EIS) that will satisfy the requirements of Council on Environmental Quality's (CEQ) regulations and the National Atmospheric and Oceanic Administration (NOAA) Administrative Order (NAO) 216-6 for those federal permits allowing research or federal grants funding research that may have impacts on Steller sea lions (SSL) and northern fur seals (NFS) throughout their range in the United States (U.S.) (Figure 1). This document, as a programmatic analysis, will cover expected and projected federally granted and permitted research projects for future years, until such time that a revision of the programmatic document is deemed necessary. The challenge is to develop an EIS that:

- Recognizes existing and anticipated research needs
- Identifies potential effects of research on SSL and NFS
- Is responsive to the SSL Recovery Plan, NFS Conservation Plan, and NEPA, ESA and MMPA compliance requirements

1.1 Purpose and Need

The purpose of the research on SSL and NFS, as stated in the SSL Recovery Plan (1992) and NFS Conservation Plan (1993), is to promote the recovery of the species' populations to levels appropriate to justify removal from ESA listings and to delineate reasonable actions to protect the depleted species under MMPA. The need for research is rooted in the fundamental questions related to understanding factors that are limiting the populations such as habitat requirements, population trends, reproduction, mortality rates, predation, parasitism, and disease, and feeding and energetics.

1 Under the MMPA, "take" is defined as to "harass, hunt, capture, collect or kill, or attempt to harass, hunt, capture, collect or kill any marine mammal." The ESA defines "take" as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."

The need for this action is to facilitate research to: 1) prevent harm and avoid jeopardy or disadvantage to the species; 2) promote recovery; 3) identify factors limiting the population; 4) identify reasonable actions to minimize impacts of human-induced activities; 5) implement conservation and management measures; and 6) make data and results available in a timely manner for management of the species. As part of this action, NMFS will evaluate measures that would improve efficiency and avoid unnecessary redundancy in SSL and NFS research, utilize best management practices, facilitate adaptive management, and standardize research protocols.

The intent of this programmatic EIS is to facilitate the funding and permitting process for necessary research on SSL and NFS such that NMFS can administer grants and issue permits subject to compliance with NEPA (40 CFR Parts 1500-1508) in a timely manner. The EIS will analyze alternatives for federally funded research grants and permits that may impact SSL and NFS on rookeries and haul outs and in waters off Alaska, Washington, Oregon, and California. The programmatic EIS is also intended to satisfy requirements of NEPA for federally granted and/or permitted research projects in subsequent years (40 CFR 1502.4[b]). By providing up-to-date scientific information on the cumulative impacts of SSL and NFS research grants and permits on the physical, biological, and human environment, this programmatic EIS will serve as the environmental baseline for evaluating current and future research-related activities.

The process of preparing an EIS identifies planning issues and concerns, develops and evaluates reasonable alternatives for the proposed action, describes the affected environment, assesses potential environmental consequences of alternatives, and adequately involves the potentially affected public in the process of preparing the EIS. The EIS will be prepared in compliance with NEPA, CEQ regulations implementing NEPA, MMPA, ESA, and other relevant laws and regulations.

The following factors have been identified for evaluation in the EIS. Additional issues identified through the scoping process will be analyzed and considered in the EIS:

- Types of research
- Level and effectiveness of research effort
- Coordination of research
- Qualification of researchers
- Effects of research on marine mammals
- Alternative methods for research

Preparation of the SSL and NFS Research EIS will provide the public an opportunity to:

- Understand the need for research; funding and permitting requirements; and NEPA compliance
- Make recommendations on how research should be conducted

- Review the decision-making options for acceptable research techniques and protocols on SSL and NFS in the study area
- Comment on potential environmental impacts that should be considered in decision-making

The programmatic EIS will identify the potential impacts of various research activities conducted on SSL and NFS, and identify acceptable research protocols and activities that could mitigate those impacts.

1.2 Description of the Project Area

NMFS is preparing a programmatic EIS that will address NMFS' administration of research permits and federal grants that may have impacts to SSL and NFS throughout their range in U.S. waters. A map of the project area is shown in Figure 1.

Steller sea lions range along the North Pacific Rim from Northern Japan to California (Loughlin et al. 1984), with centers of abundance and distribution in the Gulf of Alaska and Aleutian Islands, respectively.

Northern fur seals range from southern California north to the Okhotsk Sea and Honshu Island, Japan. During the breeding season, approximately 74 percent of the worldwide population of NFS is found on the Pribilof Islands in the southern Bering Sea, with the remaining animals spread throughout the North Pacific Ocean (Lander and Kajimura 1982). Approximately one percent of the NFS in U.S. waters outside of the Pribilof Islands population is found on Bogoslof Island in the southern Bering Sea and on San Miguel Island off southern California (NMFS 2003).

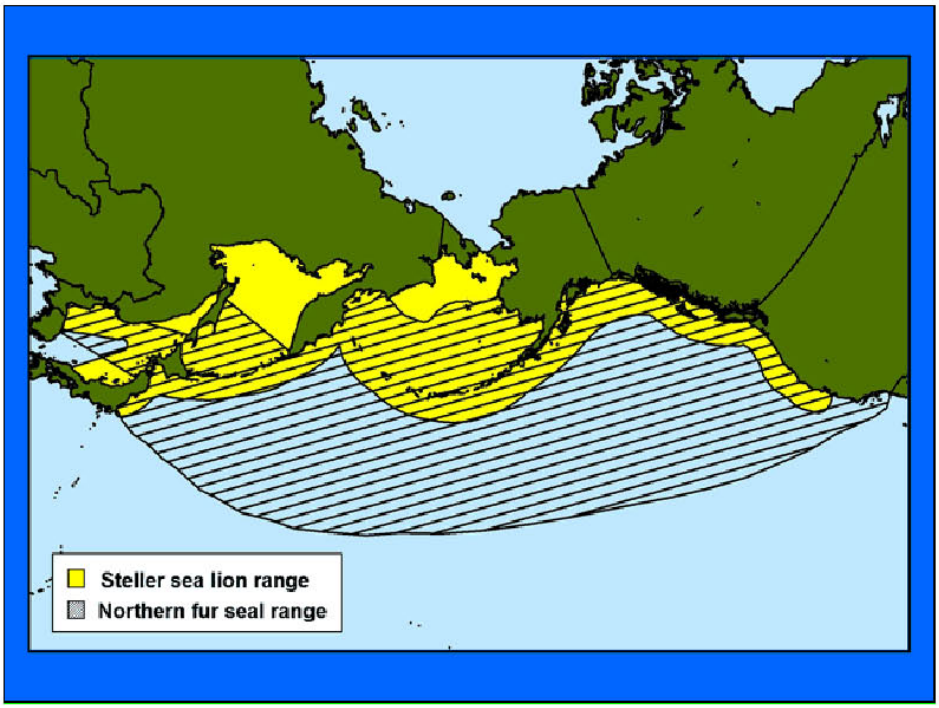

Figure 1 Project Location Map

1.3 Description of the Scoping Process

The scoping process is a requirement of preparing an EIS, and provides persons affected by the project an opportunity to express their views and concerns. Scoping is designed to be an open, public activity for identifying the scope of significant environmental issues related to the proposed project that should be addressed for NEPA compliance. These issues may stem from new information or changed circumstances, the need to address environmental protection concerns, or a need to reassess the appropriate mix of allowable grants and research permits based on new information. Scoping is typically accomplished through written communications, public scoping meetings, and formal and informal consultation with agency officials, interested individuals, and groups.

The scoping process for the Steller Sea Lion and Northern Fur Seal Research EIS involves presenting the proposed scope of analysis for preparation of the EIS for public comment. The research grants and permits are subject to certain parameters related to: 1) the provisions of the ESA of 1973, as amended; 2) the provisions of the MMPA of 1972, as amended; 3) NMFS regulations implementing these statutes, and 4) public involvement.

Endangered Species Act: Section 10 of the ESA allows research on endangered species. Further, it states that NMFS may issue permits for otherwise prohibitive acts for scientific purposes or to enhance the propagation or survival of the affected species. In issuing permits pursuant to Section 10, NMFS must also comply with Section 7 of the ESA by ensuring that any action it authorizes, funds, or otherwise carried out, is not likely to jeopardize the

continued existence of a listed species or result in destruction or adverse modification of critical habitat.

Marine Mammal Protection Act: Section 104 of the MMPA allows research on marine mammals. Specifically, it states that NMFS may issue a permit for scientific research purposes to an applicant who submits with their permit application information indicating that the taking is required to further bona fide scientific purpose. The permit applicant must also demonstrate that the permit will be consistent with the purposes of the MMPA.

NMFS Regulations: All permit applicants must demonstrate that their research will comply with NMFS regulations.

Public Involvement: Integral to the NEPA process is the public participation program, which keeps the public, research institutions, affected state and federal agencies, and Native corporations and councils engaged in the project's progress. Preparation of the Steller Sea Lion and Northern Fur Seal Research EIS will provide the public an opportunity to: 1) understand the requirements for research and NEPA compliance; 2) make recommendations on how research should be conducted; and 3) review decision-making options for research permitting and grant funding by NMFS. The public involvement program provided a number of opportunities, described later in this report, to submit comments on the scope of the EIS.

This document represents a public record of the scoping activities that began on December 28, 2005, when the Notice of Intent (NOI) was published in the Federal Register to prepare the Steller Sea Lion and Northern Fur Seal Research EIS (70 FR 76780). A supplemental NOI was published in the Federal Register extending the scoping period due to public interest (71 FR 7927). The NOI established a deadline for the submittal of scoping comments, and listed the time and location of public scoping meetings for the purpose of submitting oral comments. Comments were received through February 27, 2006, and are summarized in this document. Project scoping materials are located in the Appendices and include:

- Appendix A Federal Register NOI
- Appendix B Project Mailing List
- Appendix C Public Notices
- Appendix D Project Newsletter and Comment Form
- Appendix E Public scoping meeting information including sign-in sheets, and meeting transcripts (formal and informal comments).
- Appendix F Agency scoping meeting information including agency coordination letters, sign-in sheets, and meeting minutes.
- Appendix G Native tribal communication including Native Government-to-Government invitational letter, other Native groups information letter, and meeting minutes.
- Appendix H Comment Summary by Issue (public and agency comments organized by issue category)

Mechanisms used to inform the public and solicit their comments on the scope of EIS included:

- development of a mailing list that will be updated throughout preparation of the EIS,
- development and distribution of an initial project newsletter,
- creation of a project website,
- teleconferences with interested federal and state agencies and with federally recognized Native tribal organizations, and
- three public scoping meetings to disseminate project information and identify issues and concerns that 1) should be addressed in the EIS, and 2) should be used to select the best overall alternative that would meet the purpose and need objectives of this project.

A brief overview of public scoping tools and approach are summarized below.

Mailing List: An initial mailing list of over 300 people was developed that included members of the general public; federal, state and local government agencies and groups; public interest groups; Alaska Native organizations; and media groups. The mailing list is included in Appendix B.

Newsletter and Comment Form: A project newsletter and public comment form was distributed to the entire project mailing list beginning December 28, 2006. The newsletter was the first in a series of newsletters planned for publication throughout the project to keep the public informed on project status and opportunities for public input. A copy of the newsletter and comment form is included in Appendix D. The newsletter was also included on the project website.

Public Notices: Public notices for scoping meetings were prepared that included information on the project and location of scoping meetings. Public notices were advertised twice in each of the following newspapers. Copies of the public notices for scoping meetings are included in Appendix C.

NEWSPAPERS	
The Washington Post P.O. Box 17370 Arlington, VA 22216 (703) 469-2500 √ January 4 & 11, 2006	The Seattle Times 1120 John Street Seattle, WA 98109 (206) 464-2111 √ January 6 & 13, 2006
Anchorage Daily News 1001 Northway Drive Anchorage, AK 99501 (907) 257-4272 √ January 9 & 16, 2006	

Native Tribal Governments Consultation and Coordination: Consultation and Coordination with federally recognized Native Tribal governments (Executive Order [EO] 13175) was extended to tribes in Alaska and Washington located within the project area that have an expressed interest in or have previously had an interest in SSL or NFS. A letter describing the project and encouraging participation in the planning process was mailed on January 27, 2006. The Native Tribal government mailing list is included in Appendix B, and the coordination letter is in Appendix G. A teleconference was held with representatives of tribal governments on February 7, 2006. Similar to the public meetings, participants were presented background information on the project and then provided an opportunity to make formal public comments followed by an informal question and answer period. A summary of the government-to-government teleconference is provided in Appendix G.

Agency Consultation and Coordination: Consultation was extended to federal, state and local agencies located within the project area that have an expressed interest or regulatory responsibility related to SSL or NFS within the project area. A letter describing the project and encouraging participation in the planning process was mailed on January 27, 2006. The agency mailing list is included in Appendix B, and the coordination letter is in Appendix F. A teleconference was held with representatives of interested agencies on February 7, 2006. Similar to the public meetings, participants were presented background information on the project and then provided an opportunity to make formal public comments followed by an informal question and answer period. A summary of the agency teleconference is presented in Appendix F.

Public Scoping Meetings: Three public scoping meetings were conducted. The scoping meeting format and all information presented were the same at all meetings. During the open house session, attendees viewed presentation boards and maps that displayed conceptual project information including purpose and need, project area maps and preliminary issues identified by the agency. A project overview was then presented by NMFS personnel and consultant staff, and was followed by a formal comment period. The formal public comment period was then closed and an informal question and answer session began. A summary of substantive formal comments submitted during the public comment period are included in Appendix H. Questions and comments made during the informal question and answer session are not summarized in this Scoping Summary Report but will be considered by NMFS in its analysis; Comment forms were available at the meetings, which could be filled out during the meeting or mailed later. The following table is a list of locations and dates for the public scoping meetings.

PUBLIC SCOPING MEETINGS	
Silver Spring Metro Center, Building 4 1301 East-West Hwy. Silver Springs, MD √ January 18, 2006	Alaska Fisheries Science Center, Building 9 7600 Sand Point Way, NE Seattle, WA √ January 20, 2006
Hilton Hotel 501 W. 3rd Avenue Anchorage, AK √ January 23, 2006	

2.0 ISSUE SUMMARY

2.1 Source of Scoping Comments

Scoping comments submitted on preparation of the Steller Sea Lion and Northern Fur Seal Research EIS came from a variety of sources:

- Public scoping meetings
- Agency scoping meeting
- Federal recognized tribes scoping meeting
- Project web site comments forms
- Written comments
- Comments submitted on the 2002 and 2005 Environmental Assessments (EA's)

Public Scoping Meeting Comments: Three public scoping meetings were held in January 2006, to solicit comments from interested individuals, Alaska Native organizations, and public interest organizations. Section 1.3 presents a list of the public meeting dates and locations, and informal meeting dates and locations. The sign-in sheets and public meeting transcripts are included in Appendix E, as well as other public comments received by e-mail, fax, or U.S. mail. Comments received included a broad range of issues similar to those compiled in Section 2.2 of this report. A more detailed summary of comments is presented in Section 2.2 of this report and the complete comments are included in Appendix E.

Agency Scoping Meeting Comments: The agency scoping meeting was held via conference call on February 7, 2006. Representatives from NMML, NMFS Alaska Region, the U.S. Marine Mammal Commission (MMC), U.S. Environmental Protection Agency (EPA) Region 10, and Aleutians East Borough (AEB) participated in the agency scoping teleconference Agency scoping comments focused primarily on role of the National Marine Mammal Laboratory (NMML) in the EIS, status of grants, permits and modifications to permits and whether the EIS analysis of permits and grants would be retroactive, the Humane Society of the U.S. (HSUS) lawsuit, permit amendments and modifications, project schedule, project workshop, and NOAA General Counsel's involvement in the EIS. The meeting minutes, agency comment letters, and all agency issues raised are included in Appendix F.

Tribal Government Scoping Meeting Comments: The project team conducted a conference call on February 7, 2006 with interested tribes. No formal comments were made during the teleconference. However, comments and questions were raised during the informal comment period, which included subsistence, research permits, status of stocks and species biology and NFS surveys. These informal comments will be considered by NMFS during development of the EIS. Representatives from the Native Village of Akutan, Native Village of Nikolski, and the Sitka Tribe of Alaska participated in the teleconference. The list of participants is included in Appendix G.

Comments Received on the 2002 and 2005 Permit Environmental Assessments: Comments received on the 2002 and 2005 Environmental Assessments (EAs) of the Effects of Permit Issuance for Research and Recovery Activities on SSL (Permit EAs) are incorporated into this

scoping report given their relevance to the issues considered in this EIS. These comments have been coded just as those comments received for this EIS and are also summarized in this report.

E-mail and Written Comments: The majority of public comments received on this EIS during the formal scoping period have been in the form of written comments or e-mails sent to the agency's designated address for this project (ssleis.comments@noaa.gov). For example, comments submitted on the previous EAs, as described above, were written letters sent to the agency. Letters and e-mails submitted to the agency and included in this scoping period covered a broad range of issues which are summarized in the following section.

2.2 Issues Identified During Scoping

A number of issues were identified by NMFS prior to the start of the scoping process for this EIS. This preliminary list was provided to the public in an effort to encourage the public to participate in scoping and focus their concerns on issues within the scope of the project but the list was not intended to constrain the analysis. These issues identified by NMFS at the start of scoping included types of research methods and protocols permitted, level of research effort, coordination of research, effects of research, qualification of researchers, criteria for allowing modifications or amendments to existing grants and permits; for denying permit amendments; and for suspending or revoking permits.

The issues identified during scoping (as listed in Table 1 below) have been developed based on all formal comments made for public record and do not include any informal comments or questions asked during the public, agency, or government-to-government meetings. The issue codes presented in Table 1 include the preliminary issues and concerns that help to organize the comments and present them in a manner that facilitates the preparation of alternatives and evaluation of environmental consequences. The scoping comments received on the SSL and NFS Research EIS have been categorized under issue topics that are based on 1) the factors of analysis that NMFS is required to address in preparing an EIS, and 2) additional issues raised by the public. The issues are presented by general topic and may include sub-categories that further describe comments received related to that issue. For example, comments received on the adequacy of the previous SSL Permit EAs are included in the NEPA category as well as comments related to issues that should be addressed in this EIS analysis.

Scoping comments received during scoping are briefly summarized below (for more detailed comments see Appendices E and F). Some comments have been coded under multiple issue categories due to content. Therefore, there may be similarities among some of the summary comments presented under the issue codes below.

Alaska Native Issues

- Environmental justice issues should be addressed in the EIS.
- Questions asking about the role of Tribal governments in the EIS and the decision-making process.
- Effects of the proposed action on subsistence users.

Alternatives

- Comments related to the inadequacy of alternatives analyzed in the 2002 and 2005 SSL Permit EAs.
- Comments in support of, or against, alternatives analyzed in the 2002 and 2005 SSL Permit EAs.
- Suggestions for alternative components that should be analyzed in the EIS.
- Discussions related to a reasonable range of alternatives.

Branding/ Hot Branding

- Hot branding is an inhumane, intrusive method for marking animals and should not be used. The risks associated with hot branding outweigh the benefits.
- Branding causes too much disturbance on rookeries and should not be used.
- Effects of hot branding should be studied further before additional hot branding is authorized.
- Post branding monitoring is needed to understand its effects and ensure its effectiveness and utility.
- Too many animals are branded each year.

Conservation of the Species/ Conservation Goals

- Permitted research should be focused on contributing to the conservation of the species.
- The permitted research activities are not contributing to the conservation of the species.
- Concerns that proposed research does not appear to be conducted in a manner that promotes conservation of the species.
- Research objectives should be coordinated with the overall goal of recovering and conserving the species.

Coordination

- There is a lack of coordination among permitted research and it needs to be coordinated.
- NMFS has authorized permits without regard to how they all fit together to answer questions related to recovery and conservation of the species. Without such an approach, populations and areas are being over-sampled.
- Research must be coordinated to ensure that methodologies being used are comparable.
- Research needs to be coordinated with the goals in the species recovery plan.

Credentials of Researchers

- Comments related to the qualifications/credentials of researchers conducting certain types of research, particularly invasive research.
- Only veterinarians should administer anesthesia or dart animals.

Cumulative Effects

- The EIS should include discussion of the cumulative or synergistic effects of research on the animals.
- Cumulative effects were not addressed in the 2002 or 2005 Steller Sea Lion Permit EAs.
- Research is causing significant adverse cumulative effects on the species.
- Comments related to specific issues that should be included in the cumulative effects analysis.
- The cumulative effects of research exceed the sustainability of the population.
- All permits should be suspended until cumulative effects of research are analyzed.

Duplication of Research Effort

- Due to the lack of coordination of research activities permitted, there is duplication of effort that is harmful to the species.
- Some of the methodologies being used appear duplicative.

Editorial

- Editorial comments regarding text, tables or figures in the 2002 or 2005 SSL Permit EAs.

Effects of Research

- The effects of the invasive research taking place on these animals needs to be addressed. This should be addressed before any additional permits are approved.
- NMFS has not demonstrated that the effects of research will be insignificant.
- Specific comments on the effects of particular methods being used during research.
- Any given research method can have a wide range of disturbing effects.
- The cruelty of certain types of research is disturbing and lacks justification.
- The effects of administering multiple research methods on the same animal are not well documented and should be analyzed.

Endangered Species Act

- NMFS cannot meet its burden of proof under the ESA and MMPA to show that this research will clearly benefit the species.
- This research is in violation of the ESA.
- The quality and level of analysis required is lacking and does not meet the requirements of the ESA.

Inadequate Information

- There is inadequate information to fully understand the effects of research.

- Comments related to inadequate information provided in specific research permit applications (e.g. sampling locations, justification for specific protocols, mortality rates, etc.)

Methodology

- Research methods are inhumane; other methods that are less invasive should be used.
- Research methods are not justified.
- Effects of research methods are not well documented; not enough is known about the effects of certain research methods.
- Research methods should address questions or hypotheses related to the primary research goals listed in the SSL Recovery Plan and the NFS Conservation Plan.
- When there are conflicting methodologies, NMFS should clarify whether or how each fits within overall recovery goals.
- Suggestions on specific methodologies and how they should be administered (e.g., only veterinarians should administer anesthesia or that researchers working on rookeries should be briefed by biologists on how to minimize impacts).
- A power analysis for research methodologies should be done before any more invasive research is permitted.
- NMFS should create an independent research panel of outside experts to help identify the best methodologies to be used; a workshop that includes outside experts should be organized by NMFS to determine the best methodologies.
- When possible, new invasive methodologies should be tested on non-listed species first to determine their effects on subject species and effectiveness in attaining research objectives.

Mitigation

- Mitigation measures are not discussed in all permit applications.
- The EIS should discuss appropriate mitigation measures that should be implemented as part of the proposed action.

Marine Mammal Protection Act

- NMFS cannot meet its burden of proof under the MMPA to show that this research will clearly benefit the species and that the level of incidental mortality is acceptable.
- NMFS has not conducted the required level of analysis on the effects of research as required under the MMPA.
- Issuing permits for research violates the MMPA; approval of invasive research should be suspended until a comprehensive evaluation of effects and the contribution to recovery and compliance with MMPA are demonstrated.

Monitoring

- NMFS must suspend permits until an adequate monitoring program to evaluate effects of research is in place.
- Monitoring the long-term effects of research (e.g. hot branding) should be done.
- A monitoring program administered by NMFS should include ways to assess cumulative effects.

Mortality

- Comments expressing concern over the level of mortality described in specific permit applications; the rate of mortality described in some permit applications does not appear insignificant as NMFS concludes.
- Comments regarding research techniques that should not be used because they result in an increased level of mortality.
- The level of mortality (take) approved by NMFS is unacceptable, particularly for an endangered population.

National Environmental Policy Act

- The 2002 and 2005 SSL Permit EAs are inadequate and violate the requirements of NEPA; NMFS' Finding of No Significant Impact (FONSI) should be re-examined.
- The quality of analysis of the effects of research as required under NEPA are lacking at this time.
- Specific comments on what should be included in the SSL and NFS Research EIS; direct, indirect and cumulative effects should be analyzed in a single NEPA document.
- Questions related to why the EIS is not called a programmatic EIS since it is analyzing the effects of the grant and permit programs.
- Preparation of an EIS should be undertaken prior to issuance of permits rather than after the fact.
- Permits and permit modifications or amendments should be suspended until the EIS is complete.

Potential Biological Removal

- Concern that the level of take exceeds the Potential Biological Removal (PBR) for the species.
- The cumulative effects of research activities, when added to other factors such as Native harvest, could exceed the PBR and is clearly a significant impact.
- NMFS should require researchers to consult on how to reduce incidental mortality to ensure PBR is not exceeded.

Permits

- Comments expressing concern over the lack of sufficient information in specific permit applications to adequately assess impacts of research.
- Comments highlighting discrepancies in numbers or information presented in specific permit applications.
- NMFS must consider suspending all permits until a thorough EIS evaluating the effects of research is complete.
- Concerns related to invasive techniques described in specific permit applications.
- Research permits should be carried out under the respective co-management agreements.
- An overall assessment or description of all permit modifications should be developed by the agency so the effects of these permit changes can be understood.
- Permit applicants should be required to address how their activities address a critical need and justify why certain methodologies must be used, particularly if they are invasive.

Reporting Requirements

- Comments regarding discrepancies in permit applicant reports.
- Researchers are not doing an adequate job of reporting effects of their research activities to NMFS.

Sample Sizes; Techniques

- Specific suggestions for quality control of sample sizes, locations and techniques used to minimize impacts to SSL and NFS; sampling techniques should be coordinated so results are comparable.
- Concerns related to sample sizes, locations and techniques used for specific types of research; there is an apparent lack of integration and coordination of research for determining appropriate sample sizes, locations and techniques.
- A power analysis should be undertaken to determine appropriate sample sizes, locations and techniques.

Take

- Concerns that the level of take is too high for the population to sustain itself.
- Concern that researchers increase the level of take each year and the overall effects of this increase are significant.

Welfare

- NMFS must consider the welfare of individual animals when reviewing permit applications.

- Justification or sufficient information that the techniques used, or the level of take requested, meet the tests of the Animal Welfare Act is lacking. Each permit application should be able to pass scrutiny of an independent animal welfare/care committee.

Table 1 presents the scoping comments received organized by issue, number of comments per issue, number of submissions per affiliation, and the total number of comments received. A more complete summary of issues raised are located in the Appendices: Appendix E - issues raised by the public, Appendix F -issues raised by federal, state, and local government, and Appendix G – list of Native tribes that participated in the government-to-government meeting. See Key for table on the following page for identification of commenter affiliation.

Table 1. Scoping Comments by Issue and Entity

Issue Code	Issue Code Description	Public	Native	Agency	Total
AKN	Alaska Native Issues		AKU-1; NIK-2	EPA-4	7
ALT	Alternatives	HSUS-10;		EPA-1; MMC-1	12
BRD	Branding; Hot Branding	API-1; GS-1; GRN-2; HSUS-11		MMC-4	19
CON	Conservation of the Species; Conservation Goals	OMI-1; DOW-1; GRN-6; HSUS-6		MMC-4	20
COR	Coordination of Research	DOW-1; WWF-2; GRN-3; HSUS-7;		MMC-7	20
CRE	Credentials of Researchers	API-1; GS-1; HSUS-4		MMC-9	15
CUM	Cumulative Effects	API-1; DOW-2; BS-1; GRN-4; DB-2; HSUS-18		MMC-6	34
DUP	Duplication of Effort	API-1; AWI-1; DOW-1; HSUS-7		MMC-1	11
EDI	Editorial	HSUS-3			3
EFF	Effects	AWI-1; OMI-2; GS-2; GRN-7; HSUS-9		MMC-10; EPA-1	32
ESA	Endangered Species Act	DOW-2; HSUS-13			15
INA	Inadequate Information	DOW-2; HSUS-25		MMC-23	50
LIT	Litigation		AEB-1		1
MET	Methodology	API-1; AWI-2; OMI-2; GS-7; WWF-1; GRN-1; DB-3; HSUS-45		MMC-16;	78
MIT	Mitigation Measures	HSUS-2		MMC-1; EPA-1;	4
MMP	Marine Mammal Protection Act	DOW-2; HSUS-11			13
MON	Monitoring	AWI-1; GRN-3; HSUS-10		MMC-7;	21

Issue Code	Issue Code Description	Public	Native	Agency	Total
MOR	**Mortality**	DOW-2; GRN-3; HSUS-9		MMC-7;	**21**
NEP	**National Environmental Policy Act**	API-5; AWI-3; OMI-3; DOW-2; WWF-3; GRN-11; HSUS-55		MMC-5; EPA-10; NMML-3; AKR-1	**101**
NMM	**National Marine Mammal Laboratory**			NMML-1	**1**
PBR	**Potential Biological Removal**	HSUS-4		MMC-2	**6**
PER	**Permits; Permit Applications**	WWF-1; BS-1; GRN-1; HSUS-31	AEB-1;	MMC-23; NMML-1;	**59**
REP	**Reporting**	HSUS-3			**3**
SAM	**Sample Size; Sample Location**	GRN-6; HSUS-7		MMC-7	**20**
TAK	**Take; Incidental Take**	HSUS-1		MMC-2;	**3**
WEL	**Welfare of the Species; Animal Welfare Act**	API-1; HSUS-3			**4**

KEY:

AKU – Native Village of Akutan
AKR – NMFS Alaska Region
API - Animal Protection Institute
AWI - Animal Welfare Institute
BS – B. Sachau (citizen)
DB – David Bain (citizen)
DOW – Defenders of Wildlife
EPA – U.S. Environmental Protection Agency
GRN - Greenpeace
GS – Gary Snyder (citizen)
HSUS – Humane Society of the U.S.
MMC – U.S. Marine Mammal Commission
NIK- Native Village of Nikolski
OMI - Ocean Mammal Institute
WWF - World Wildlife Fund

2.3 Issues Raised That Will Not be Addressed in the EIS

Some issues raised during scoping will not be addressed in the EIS. Editorial comments related to specific content in the 2002 and 2005 SSL Permit EAs will not be addressed in this EIS, such as discrepancies in table numbers, figures or narrative text. However, comments related to the inadequacy of the EAs in addressing issues related to NEPA will be addressed.

3.0 SUMMARY OF FUTURE STEPS IN THE EIS PROCESS

Scoping is the first step in the EIS preparation process. Several more steps are necessary to complete the Steller Sea Lion and Northern Fur Seal Research EIS. The following chart depicts the requirements of the EIS process that falls within the framework of NEPA.

Figure 2 EIS NEPA Level Planning Process Steps

3.1 Development of Project Purpose and Need

An EIS must explain the underlying purpose and need to which NMFS is responding in proposing the research alternatives, including the proposed action. A preliminary purpose and need has been developed and was included in the project newsletter, as well as earlier in this report.

3.2 Description of the Affected Environment

Preparation of a focused description of the affected environment is needed to analyze the potential effects of the proposed action and its alternatives. The description of the affected environment will include a summary of the most recent scientific data available on all affected resources. This step has begun, and the analysis will provide the baseline reference for the development and evaluation of alternatives.

3.3 Formulation of Alternatives

A reasonable range of alternatives offering distinct choices of various research activities, combined with various types of research techniques, which meet the purpose and need for the project will be identified. All pertinent input from the public scoping process will be used to examine the range of potential alternatives to ensure that the full spectrum of positions expressed by participants in the scoping process have been considered. Alternatives eliminated from further consideration and not brought forward for formal analysis in the EIS will be identified, along with justifications for elimination. This step began in March 2006 and will continue through fall 2006.

3.4 Analyzing the Effects of the Alternatives

Once the alternatives are developed, the next step involves analyzing the effects of each alternative on the environment. This will include analysis of potential cumulative effects of each of the alternatives. NMFS expects to begin this process in September 2006 and will likely end in December 2006.

3.5 Write and Publish the Draft EIS

The results of the previous steps will be compiled in a preliminary Draft EIS that will be reviewed and approved by NMFS. The approved Draft EIS will be printed for distribution to the public for a 60-day review period. NMFS will provide a Notice of Availability (NOA) published in the *Federal Register*, which identifies the timing of the review period, time and location of public hearings on the Draft EIS, and any deadlines for submitting comments on the Draft EIS. NMFS will also distribute newsletters and provide information on the project website that contains this information. NMFS will likely begin the public comment period around January 2007 and may continue through March 2007.

3.6 Issuing the Proposed Final EIS

Based on the information contained in the Draft EIS and public comments received, NMFS will analyze and respond to the substantive comments received on the Draft EIS. Changes may be made to the information and analyses contained in the Draft EIS, and NMFS will select a preferred alternative and present it to the public in the Final EIS. This step will include public

notices of the document's availability, the distribution of the document, and a 30-day protest period on the final document. NMFS will begin this step in November 2007 and expects to complete the project in December 2007.

4.0 CONTACTS

For further information regarding this scoping report, or other aspects of preparing the Steller Sea Lion and Northern Fur Seal Research EIS, please use the following contact information:

Tammy Adams, Project Manager, Permits, Conservation, and Education Division
Office of Protected Resources (F/PR1)
National Marine Fisheries Service
1315 East-West Highway, Room 13705
Silver Spring, MD 20910-3226
Phone: (301) 713-2289
Fax: (301) 427-2582

Web Site: http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm
E-Mail: ssleis.comments@noaa.gov

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APPENDIX A
Federal Register Notice

rehabilitation activities; response to live animals would be limited to euthanasia or release; no disentanglement or health assessment activities;); (3) an alternative that allows for response and rehabilitation for cetaceans only; and (4) an alternative that allows for response and rehabilitation for ESA-listed marine mammals only. The elimination of any of these activities would impede data collection regarding strandings and the health of marine mammals that is necessary for NMFS conservation and recovery efforts for many species.

In addition to the alternatives listed above, NMFS will also utilize the scoping process to identify other alternatives for consideration. It should be noted that although several of the listed alternatives would not allow for the mandated activities listed in the MMPA, under 40 CFR 1506.2(d), reasonable alternatives cannot be excluded strictly because they are inconsistent with Federal or state laws, but must still be evaluated in the EIS.

For additional information about the MMHSRP, the national stranding network, and related information, please visit our website at *http://www.nmfs.noaa.gov/pr/health/*.

Public Involvement and Scoping Meetings Agenda

Public scoping meetings will be held at the following dates, times, and locations:

1. Tuesday, January 24, 2006, 7 – 10 p.m., Santa Barbara Natural History Museum, 2559 Puesta del Sol, Santa Barbara, CA;
2. Wednesday, January 25, 2006, 2 – 5 p.m.; Bay Conservation and Development Commission, 50 California Street, Suite 2600, San Francisco, CA;
3. Friday, January 27, 2006, 3 – 6 p.m., Hawaiian Islands Humpback Whale National Marine Sanctuary O'ahu Office, 6600 Kalaniana'ole Highway, Honolulu, HI;
4. Monday, January 30, 2006, 2 – 5 p.m., NMFS Northwest Regional Office, Building 9, 7600 Sand Point Way NE, Seattle, WA;
5. Wednesday, February 1, 2006, 2 – 5 p.m., U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, AK;
6. Tuesday, February 7, 2006, 5 – 8 p.m., NMFS Southeast Regional Office, 263 13th Avenue, South, St. Petersburg, FL;
7. Monday, February 13, 2006, 5 – 8 p.m., New England Aquarium, Conference Center, Central Wharf, Boston, MA;
8. Friday, February 17, 2006, 2 – 5 p.m., Silver Spring Metro Center, Building 4, Science Center, 1301 East-West Highway, Silver Spring, MD.

Comments will be accepted at these meetings as well as during the scoping period, and can be mailed to NMFS by February 28, 2006 (see **FOR FURTHER INFORMATION CONTACT**).

We will consider all comments received during the comment period. All hardcopy submissions must be unbound, on paper no larger than 8 1/2 by 11 inches (216 by 279 mm), and suitable for copying and electronic scanning. We request that you include in your comments:

(1) Your name and address;

(2) Whether or not you would like to receive a copy of the Draft EIS (please specify electronic or paper format of the Draft EIS); and

(3) Any background documents to support your comments as you feel necessary.

All comments and material received, including names and addresses, will become part of the administrative record and may be released to the public.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Sarah Howlett or Sarah Wilkin, 301–713–2322 (voice) or 301–427–2522 (fax), at least 5 days before the scheduled meeting date.

P. Michael Payne,

Chief, Marine Mammal and Sea Turtle Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E5–7990 Filed 12–27–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 122005C]

Notice of Intent to Prepare an Environmental Impact Statement on Impacts of Research on Steller Sea Lions and Northern Fur Seals Throughout Their Range in the United States

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Intent to prepare environmental impact statement.

SUMMARY: The National Marine Fisheries Service (NMFS) announces its intent to prepare an Environmental Impact Statement (EIS) to analyze the environmental impacts of administering grants and issuing permits associated with research on endangered and threatened Steller sea lions (*Eumetopias jubatus)* and depleted northern fur seals (*Callorhinus ursinus*). Publication of this notice begins the official scoping process that will help identify alternatives and determine the scope of environmental issues to be addressed in the EIS. This notice requests public participation in the scoping process and provides information on how to participate.

The purpose of conducting research on threatened and endangered Steller sea lions is to promote the recovery of the species' populations such that the protections of the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) are no longer needed. Consistent with the purpose of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*), the purpose of conducting research on northern fur seals is to contribute to the basic knowledge of marine mammal biology or ecology and to identify, evaluate, or resolve conservation problems for this depleted species.

Research on Steller sea lions and northern fur seals considered in this EIS is funded and permitted by NMFS, which are both federal actions requiring National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) compliance. The need for these actions is to facilitate research to: (1) Prevent harm and avoid jeopardy or disadvantage to the species; (2) promote recovery; (3) identify factors limiting the population; (4) identify reasonable actions to minimize impacts of human-induced activities; (5) implement conservation and management measures; and (6) make data and results available in a timely manner for management of the species. As part of this action, NMFS is developing measures that will improve efficiency and avoid unnecessary redundancy in Steller sea lion and northern fur seal research, utilize best management practices, facilitate adaptive management, and standardize research protocols.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for specific dates, times, and locations of public scoping meetings for this issue.

FOR FURTHER INFORMATION CONTACT: Written statements and questions regarding the scoping process must be postmarked by February 13, 2006, and should be mailed to: Steve Leathery, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910–3226,

Fax: 301–427–2583 or e-mail at *ssleis.comments@noaa.gov*.

SUPPLEMENTARY INFORMATION: NMFS is the Federal agency responsible for management of Steller sea lions and northern fur seals under the ESA and the MMPA. NMFS currently administers grants and issues permits to various individuals and institutions to conduct research on Steller sea lions and northern fur seals in lands and waters under U.S. jurisdiction.

The grant monies administered by NMFS have been designated by Congress and allocated within NMFS annual budgets for the purpose of facilitating research on Steller sea lions and northern fur seals. The agency has determined that the act of awarding grants is a federal action requiring NEPA compliance. Similarly, issuance of permits for research activities on marine mammals is a federal action requiring NEPA compliance. These permits are issued pursuant to the provisions of the ESA, the MMPA, and NMFS regulations implementing these statutes. This EIS would satisfy the NEPA compliance requirements for awarding grants and issuing permits for research on Steller sea lions and northern fur seals.

The statutory requirements for permits to allow research on marine mammals and on threatened and endangered species are described in Section 104 of the MMPA and Section 10 of the ESA, respectively. Specifically, Section 104(c)(3)(A) of the MMPA states that NMFS may issue a permit for scientific research purposes to an applicant, which submits with its permit application information indicating that the taking is required to further a bona fide scientific purpose. The MMPA defines bona fide scientific research as scientific research on marine mammals, the results of which: (1) likely would be accepted for publication in a refereed scientific journal; (2) are likely to contribute to the basic knowledge or marine mammal biology or ecology; or (3) are likely to identify, evaluate, or resolve conservation problems. Section 104 of the MMPA specifies additional conditions and requirements for permits including requiring permit applicants to demonstrate that the permit will be consistent with the purposes of the MMPA, which are specified in Section 2 of the statute.

For marine mammals listed as threatened or endangered, the provisions of Section 10 of the ESA apply to permit issuance in addition to the provisions of the MMPA. Section 10(a)(1)(A) of the ESA states that NMFS may issue permits for otherwise prohibited acts for scientific purposes or to enhance the propagation or survival of the affected species. Section 10(d) of the ESA further states that NMFS may grant exceptions under subsection 10(a)(1)(A) only if the agency finds that: (1) Such exceptions were applied for in good faith, (2) if granted and exercised will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policies set forth in Section 2 of the Act. The purposes of the ESA, which are stated in Section 2 of the statute, are to provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved, to provide a program for the conservation of such endangered and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in section 2(a) of the ESA.

In addition to the requirements of section 10 of the ESA, NMFS must comply with section 7 of the ESA in issuing permits. According to Section 7 of the ESA, NMFS must insure that any action it authorizes (such as by permit), funds (such as by grants), or carries out, is not likely to jeopardize the continued existence of listed species or result in destruction or adverse modification of critical habitat.

The purpose of issuing permits is to allow an exemption to the prohibitions on "takes" established under the ESA and MMPA. The ESA and the MMPA prohibit "takes" of threatened and endangered species, and of marine mammals, respectively. The ESA defines "take" as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Under the MMPA, "take" is defined as to "harass, hunt, capture, collect or kill, or attempt to harass, hunt, capture, collect or kill any marine mammal." Many research activities, including aerial and vessel-based surveys, tagging and marking procedures, attachment of scientific instruments, and collection of tissue samples require approaching or capturing animals and may result in harassment or other acts prohibited under the ESA and MMPA except where allowed by permit.

Because some of the proposed research may result in adverse effects on threatened and endangered Steller sea lions and depleted northern fur seals, NMFS has decided to prepare an EIS to evaluate the cumulative impacts of continuing to fund and permit research activities on these species. This EIS will assess the likely environmental and socioeconomic effects of funding and permitting research under a range of alternatives and will address compliance of the alternatives with the ESA, MMPA, and other applicable laws.

This notice initiates a public scoping period that will help determine the structure of each alternative considered in the EIS. The final scope and structure of the alternatives will reflect the combined input from the public, research institutions, affected state and federal agencies, and NMFS administrative and research offices. Based on comments received on Environmental Assessments prepared in 2002 and 2005 for permitting research on Steller sea lions, the following issues that NMFS is seeking public comments on have been identified and may be incorporated into the analysis of alternatives in the EIS:

(1) *Types of research methods and protocols permitted.* For example, are there critical research needs for these species other than those identified in the Recovery or Conservation Plans? If so, what are they and how are they likely to benefit the species? Of the research, information, and monitoring needs identified in the Recovery and Conservation Plans, what are the most appropriate methods to conduct the study or obtain the information? What criteria for developing and incorporating new research techniques should be used?

(2) *Level of research effort.* For example, how much of a specific research activity (e.g., aerial survey, tagging, biopsy sampling, etc.) is enough for management and conservation needs? Can there be too much? If so, how should NMFS set limits? Are the current methods to assess and document numbers of different "takes" that occur as a result of permitted research appropriate? Should there be different standards or more restrictions placed on research conducted on certain age, sex, or life-history stages or on the geographic or temporal distribution of research effort? If so, what should those limitations be?

(3) *Coordination of research.* For example, assuming permits are issued to multiple individuals, what are the most appropriate mechanisms for ensuring research is coordinated to maximize information and reduce adverse impacts? Alternatively, should NMFS consider limiting the number of permits to increase coordination and cooperation? If so, how should this be accomplished? Should researchers operating under different permits (but studying the same or related questions such as aerial survey for population census or biopsy for population

genetics) be required to use the same or similar methods to ensure the information collected is comparable and useful for NMFS conservation of the species? If so, what methods are most appropriate (e.g., for aerial surveys; capture and restraint; tissue sampling; marking; etc.)? If not, how should NMFS compare or use the data from various permit holders in its management decisions?

(4) *Effects of research.* NMFS will be assessing possible effects of the various research methods using all appropriate available information. Anyone having relevant information they believe NMFS should consider in its analysis should provide a complete citation or reference for retrieving the information. In addition, NMFS is seeking recommendations for study designs that could detect or predict the effects of research on Steller sea lions and northern fur seals.

(5) *Qualification of researchers.* For example, to ensure the study is conducted successfully and with the minimum of adverse impacts, how much prior experience should a permit applicant, principal investigator, or anyone else operating under a permit have with the specific methods for which they seek a permit?

(6) *Criteria for allowing modifications or amendments to existing grants and permits; for denying permit amendments; and for suspending or revoking permits.* In addition to the existing statutory and regulatory criteria for permit issuance and denial, should there be restrictions on the number or type of permit modifications or amendments issued over the life of a permit? With respect to environmental impacts, under what conditions should a permit be modified, revoked or suspended by NMFS?

The exact number and structure of the alternatives that are analyzed in the EIS will be determined based on information gathered during scoping. To provide a framework for public comments, the range of potential alternatives currently includes the Proposed Action and several other action alternatives, as well as a No Action alternative. The Proposed Action alternative would result in issuance of permits to qualified individuals and institutions to conduct those research activities determined critical or essential to NMFS' conservation and recovery of Steller sea lions and northern fur seals. To minimize the cumulative impacts of research on these species, no permits would be issued for lower priority research activities until the highest priority tasks identified for species conservation and recovery were completed or unless there was sufficient information to determine that the cumulative impacts of allowing additional takes for research would not adversely impact, disadvantage, or jeopardize the continued existence of the species. The Proposed Action could thus be viewed as a minimum take alternative, allowing the least amount of research practicable to meet NMFS' needs for recovery and conservation of the species.

In addition to the Proposed Action, NMFS will consider other alternatives for issuing permits for research on Steller sea lions and northern fur seals. One alternative to the Proposed Action is to issue all permits requested regardless of their relative potential contribution to conservation and recovery of the species, provided they meet all permit issuance criteria and would not jeopardize the continued existence of threatened or endangered species or result in significant adverse effects on depleted species. In contrast to the Proposed Action, this could be viewed as the maximum allowable take alternative.

Another alternative to the Proposed Action is the No Action alternative, which CEQ regulations require be included for consideration. The No Action alternative would only allow conduct of that research on Steller sea lions and northern fur seals already allowed under existing permits, which are valid through 2010. No new permits would be issued to replace the expiring permits, nor would existing permits be amended to allow modifications in research activities, sample sizes, or objectives.

A fourth alternative considered is the Status Quo. As with the No Action alternative, the Status Quo alternative would allow conduct of research on Steller sea lions and northern fur seals already identified under existing permits, and no permits would be amended to change research activities, sample sizes, or objectives. However, under the Status Quo Alternative, new permits would be issued to replace existing permits as they expire such that the current level of research and types of research activities would continue. Since the Status Quo would not allow issuance of permits for any research activities, objectives, or sample sizes not currently permitted, it would preclude adaptive changes in the research program that may be responsive to changes in the population status or threats to the recovery of the species.

The Status Quo and two other alternatives considered by NMFS may be eliminated from detailed study because they would not allow conduct of research identified by NMFS as necessary for conservation of the species. The other two alternatives that may be eliminated from further study are: (1) imposing a research permit moratorium (i.e., suspending or revoking existing permits and not issuing new ones) and (2) suspending all intrusive research activities (i.e., stopping biopsy sampling, instrument attachment, and other activities that could result in physical injury). In addition to preventing collection of information about Steller sea lions and northern fur seals needed for NMFS conservation and recovery efforts for these species, a research permit moratorium would hinder NMFS ability to monitor the status of these populations, which is important in making informed management decisions. Suspending permits for intrusive research would impede collection of information on Steller sea lion and northern fur seal habitat use and population structure which is needed for NMFS' conservation and recovery efforts for these species.

The EIS will assess the direct and indirect effects of the alternative approaches to funding and permitting Steller sea lion and northern fur seal research. The EIS will assess the effects on these species as well as other components of the marine ecosystem and human environment. The EIS will assess the contribution of research activities to the cumulative effects on these resources, including effects from past, present, and reasonably foreseeable future events and activities that are external to the research activities. The EIS will also assess the potential beneficial impacts of the research as it relates to conservation of Steller sea lions and northern fur seals. Anyone having relevant information they believe NMFS should consider in its analysis should provide a description of that information along with complete citations for supporting documents.

For additional information about Steller seal lions, northern fur seals, the permit process, and related information for these species, please visit our website at: *http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm.*

Scoping Meetings Agenda

Public scoping meetings will be held at the following dates, times, and locations:

1. January 18, 2006, 1 – 4 p.m., Silver Spring Metro Center, Building 4, Science Center, 1301 East-West Highway, Silver Spring, MD;

2. January 20, 2006, 4 – 7 p.m., Alaska Fisheries Science Center, 7600 Sand

Point Way NE, Building 9, Seattle, WA; and

3. January 23, 2006, 5 – 8 p.m., Hilton Anchorage, 501 West 3rd Avenue, Anchorage, AK.

Comments will be accepted at these meetings as well as during the scoping period, and can be mailed to NMFS by February 13, 2006 (see FOR FURTHER INFORMATION CONTACT).

NMFS will consider all comments received during the comment period. All hardcopy submissions must be unbound, on paper no larger than 8 1/2 by 11 inches (216 by 279 mm), and suitable for copying and electronic scanning. NMFS requests that you include in your comments:

(1) Your name and address;

(2) Whether or not you would like to receive a copy of the Draft EIS; and

(3) Any background documents to support your comments as you feel necessary.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tammy Adams or Andrew Wright, 301–713–2289 (voice) or 301–427–2583 (fax), at least 5 days before the scheduled meeting date.

Dated: December 20, 2005.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E5–7989 Filed 12–27–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121905E]

Pacific Fishery Management Council; Public Meetings/Workshop

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council (Council) will hold a public workshop to review and critique its groundfish stock assessment process in 2005.

DATES: The Groundfish Stock Assessment Process Review Workshop will commence at 8 a.m., Friday, January 13, 2006, and continue until business for the day is completed.

ADDRESSES: The Groundfish Stock Assessment Process Review Workshop meeting will be held at the Sheraton Portland Airport Hotel, Columbian A Room, 8235 NE Airport Way, Portland, OR 97220; telephone: (503) 281–2500.

Council address: Pacific Fishery Management Council, 7700 N.E. Ambassador Place, Suite 200, Portland, OR 97220–1384; telephone: (503) 820–2280.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the Groundfish Stock Assessment Process Review Workshop is for participants in the Council's 2005 stock assessment process to consider the procedures used in 2005 to assess and update groundfish stock abundance and develop recommendations for improving the process for future assessments. No management actions will be decided in this workshop. Any recommendations developed at the workshop will be submitted for consideration by the Council at its March meeting in Seattle, WA.

Although non-emergency issues not identified in the workshop agenda may come before the workshop participants for discussion, those issues may not be the subject of formal action during this workshop. Formal action at the workshop will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the workshop participants' intent to take final action to address the emergency.

Special Accommodations

This workshop is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the workshop date.

Dated: December 21, 2005.

Emily Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E5–7851 Filed 12–27–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 122005A]

50 CFR Part 660

Pacific Fishery Management Council; Public Meetings and Hearings

AGENCY: National Marine Fisheries Service (NMFS), NationalOceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of reports; public meetings, and hearings.

SUMMARY: The Pacific Fishery Management Council (Council) has begun its annual preseason management process for the 2006 ocean salmon fisheries. This document announces the availability of Council documents as well as the dates and locations of Council meetings and public hearings comprising the Council's complete schedule of events for determining the annual proposed and final modifications to ocean salmon fishery management measures. The agendas for the March and April Council meetings will be published in subsequent **Federal Register** documents prior to the actual meetings.

DATES: Written comments on the salmon management options must be received by March 28, 2006, at 4:30 p.m. Pacific Time.

ADDRESSES: Documents will be available from and written comments should be sent to Mr. Donald Hansen, Chairman, Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384, telephone: 503–820–2280 (voice) or 503–820–2299 (fax). Comments can also be submitted via e-mail at *PFMC.comments@noaa.gov* address, or through the internet at the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments, and include the I.D. number in the subject line of the message. For specific meeting and hearing locations, see supplementary information.

Council Address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, telephone: 503–820–2280.

SUPPLEMENTARY INFORMATION:

Schedule for Document Completion and Availability

February 28, 2005: "Review of 2005 Ocean Salmon Fisheries" and

specified by the Department. Parties who submit argument in this proceeding are requested to submit with the argument: (1) A statement of the issue, and (2) a brief summary of the argument. Parties submitting case and/or rebuttal briefs are requested to provide the Department copies of the public version on disk. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs, that is, 37 days after the date of publication of these preliminary results.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 351.309(c)(ii), are due. The Department will publish the final results of this administrative review, including the results of its analysis of arguments made in any case or rebuttal briefs.

This administrative review is issued and published in accordance with section 751(a)(1) and 777(i)(1) of the Act.

Dated: February 8, 2006.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E6–2166 Filed 2–14–06; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 122005C]

Notice of Intent to Prepare an Environmental Impact Statement on Impacts of Research on Steller Sea Lions and Northern Fur Seals Throughout Their Range in the United States

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to prepare environmental impact statement; extension of comment period.

SUMMARY: On December 28, 2005, the NMFS announced its intent to prepare an Environmental Impact Statement (EIS) to analyze the environmental impacts of administering grants and issuing permits to facilitate research on endangered and threatened Steller sea lions (*Eumetopias jubatus*) and depleted northern fur seals (*Callorhinus ursinus*). Written comments were due by February 13, 2006. NMFS has decided to allow additional time for submission of public comments on this action.

DATES: The public comment period for this action has been extended from February 13 to February 25, 2006. Written comments must be postmarked by February 25, 2006.

ADDRESSES: Written comments should be mailed to: Steve Leathery, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910–3226. Written comments may also be submitted by facsimile to 301–427–2583, or by e-mail at *ssleis.comments@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Andrew Wright at 301–713–2289.

SUPPLEMENTARY INFORMATION: On December 28, 2005 (70 FR 76780) NMFS announced its intent to prepare an EIS regarding Steller sea lion and northern fur seal research. Background information concerning the EIS can be found in the December 28, 2005, **Federal Register** notice and is not repeated here. For additional information about Steller sea lions, northern fur seals, the permit process, and this EIS, please visit the project website at: *http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm*.

Dated: February 9, 2006.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 06–1432 Filed 2–10–06; 3:29 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020806E]

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene its Socioeconomic Panel (SEP).

DATES: The meeting will convene at 9 a.m. on Thursday, March 2, 2006, and conclude no later than 12 noon on Friday, March 3, 2006.

ADDRESSES: The meeting will be held at the Quorum Hotel Tampa, 700 North Westshore Boulevard, Tampa, FL 33609.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Assane Diagne, Economist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico Fishery Management Council (Council) will convene its Socioeconomic Panel (SEP) to discuss total allowable catch (TAC) allocation issues. The SEP will prepare a report containing their conclusions and recommendations. This report will be presented to the Council at its meeting March 20–23, 2006 at the Radisson Admiral Semmes Hotel in Mobile, AL.

A copy of the agenda and related materials can be obtained by calling the Council office at (813) 348–1630.

Although other non-emergency issues not on the agendas may come before the SEP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions of the SEP will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Dawn Aring at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: February 10, 2006.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries Service, National Marine Fisheries Service.

[FR Doc. E6–2159 Filed 2–14–06; 8:45 am]

BILLING CODE 3510–22–S

APPENDIX B
Project Mailing List
May 2006

First Name	Last Name	Organization	Address 1	City	State	Zip
		Aleutian Pribilof Island Community Development Assoc.	234 Gold Street	Juneau	AK	99801
		Bering Sea Fishermen's Association	725 Christensen Drive	Anchorage	AK	99501
		National Marine Fisheries Service - WF Thompson Memorial Library	301 Research Court	Kodiak	AK	99615
		National Marine Fisheries Service AFSC, Auke Bay Laboratory Fisheries	11305 Glacier Highway	Juneau	AK	99801
		Sierra Club - Alaska Chapter	333 W. 4th Ave., Ste. 307	Anchorage	AK	99501-2341
		The Ocean Conservancy	1725 DeSales Street NW, Suite 600	Washington	DC	20036
Kelsey	Abbott	NOAA-NMFS				
Dave	Ackley	National Marine Fisheries Service	P.O. Box 21668	Juneau	AK	99801
Tammy	Adams	National Marine Fisheries Service, Office of Protected Resources	1315 East-West Highway	Silver Spring	MD	20910
Vera	Alexander	Marine Mammal Commission	P.O. Box 757500 Office 235 IRVII	Fairbanks	Alaska	99775
Matthew	Alford	University of Washington, Applied Sciences Laboratory	1013 NE 40th Street	Seattle	WA	98105-6698
Laurie	Allen	NOAA Fisheries/PR	1315 East-West Highway: SSMC III	Silver Springs	MD	20910
Bob	Alverson	Fishing Vessel Owners Association	4055 20th Avenue West	Seattle	WA	98119
Ralph	Andersen	Bristol Bay Native Association	PO Box 310	Dillingham	AK	99576
Patrick M.	Anderson	Chugachmiut	1840 South Bragaw Suite 110	Anchorage	AK	99508
Stosh	Anderson	F/V Kestrel	P.O. Box 310	Kodiak	AK	99615
Will	Anderson	Humane Society/U.S.	2122 8th Avenue #201	Seattle	WA	98109
Russel	Andrews	Alaska SeaLife Center	P.O. Box 1329	Seward	AK	99664
Harvey	Anelon	Village of Iliamna	P.O. Box 286	Iliamna	AK	99606
Robyn	Angliss	National Marine Mammal Laboratory	7600 Sand Point Way N.E. F/AKC3	Seattle	WA	98115
Bud	Antonelis	Pacific Islands Fisheries Science Center, Marine Mammal Research Program, Protected Species Division	2570 Dole Street	Honolulu	HI	96822-2396
Ellen	Athas	Council on Environmental Quality	722 Jackson Place NW	Washington	DC	20006
Shannon	Atkinson	Alaska SeaLife Center	P.O. Box 1329	Seward	AK	99664
Ben	Atoruk	Native Village of Kiana	P.O. Box 69	Kiana	AK	99749
A. Dennis	Austin	Washington Dept. of Fish & Wildlife	600 Capitol Way N.	Olympia	WA	98501-1091
Jim	Ayers	Oceana	175 S. Franklin, Ste. 418	Juneau	AK	99801

First Name	Last Name	Organization	Address 1	City	State	Zip
Bob	Bailey	Oregon Coastal Conservation & Development Commission (OCC&DC)	635 Capitol St. NE, Suite 150	Salem	OR	97301-2540
David	Bain	University of Washington				
Kris	Balliet	The Ocean Conservancy	425 G Street, Suite 400	Anchorage	AK	99501
Andrea	Balla-Holden	URS Corporation				
Greg	Balogh	U.S. Fish & Wildlife Service	1011 E. Tudor Road	Anchorage	AK	99503
Jim	Balsiger	National Marine Fisheries Service	P.O. Box 21668	Juneau	AK	99802
Greg	Bargmann	Washington Dept. of Fish & Wildlife	600 Capitol Way N.	Olympia	WA	98501
Randy	Bates	Alaska DNR OPMP - ACMP	302 Gold Street, Suite 202	Juneau	AK	99801-0030
Kimberlee	Beckmen	Alaska Department of Fish & Game	1300 College Road	Fairbanks	AK	99701-1599
Linda	Behnken	Alaska Longliner Fisherman's Association	403 Lincoln Street, Suite 237	Sitka	AK	99835
John	Bengtson	National Marine Mammal Laboratory	7600 Sand Point Way, NE BIN C15700, Bldg. 1	Seattle	WA	98115-0070
Dave	Benson	Fur Seal Committee	5303 Shilshole Ave., NW	Seattle	WA	98107-4000
Ron	Berg	National Marine Fisheries Service	P.O. Box 21668	Juneau	AK	99801
Steven	Berkeley	Hatfield Marine Science Center	Oregon State University	Newport	OR	97365
Sally	Bibb	National Marine Fisheries Service Sustainable Fisheries Division	P.O. Box 21668	Juneau	AK	99802-1668
Jerry	Bongen	Fairweather Fisheries	P.O. Box 3523	Kodiak	AK	99615
Corrie	Bosman	Center for Biological Diversity	201 Lincoln Street	Sitka	AK	99835
Corey	Bradshaw	Charles Darwin University		Darwin	Northern Territiry	909
Kaja	Brix	National Marine Fisheries Service	P.O. Box 21668	Juneau	AK	99801
Ryan	Broddrick	California Department of Fish and Game	1416 Ninth St	Sacramento	CA	95814
Margaret	Brown	Cook Inlet Region, Inc.	2525 C Street, Suite 500	Anchorage	AK	99509-3330
Robin	Brown	Oregon Department of Fish and Wildlife	7118 NE Vandenberg Avenue	Corvallis	OR	97330-9446
John	Bruce	Jubilee Fisheries	1516 NW 51st Street	Seattle	WA	98107
Jason	Brune	Resource Development Council	121 West Fireweed, Suite 250	Anchorage	Ak	99503
John	Bundy	Glacier Fish Company, LTD.	1200 Westlake Ave. N, Suite 900	Seattle	WA	98109
Alvin	Burch	Alaska Draggers Association	P.O. Box 991 (or 668 Anderson Way)	Kodiak	AK	99615
Kurt	Byers	UAF Sea Grant College Program	P.O. Box 755040	Fairbanks	AK	99775-5040

First Name	Last Name	Organization	Address 1	City	State	Zip
Vernon	Byrd	U.S. Fish and Wildlife Service, Alaska Maritime Wildlife Refuge	95 Sterling Highway, Suite 1	Homer	AK	99603
John	Calambokidis	Cascadia Research Collective	Waterstreet Bldg. Suite 201	Olympia	WA	89501
Meg	Caldwell	California Coastal Commission	Stanford Law School, 559 Nathan Abbott Way, Owen House Room 6,	Stanford	CA	94305-8610
Donald	Calkins	Alaska SeaLife Center	P.O. Box 1329	Seward	AK	99664
McKie	Campbell	Alaska Department of Fish and Game	P.O. Box 25526	Juneau	AK	99802
Shane	Capron	National Marine Fisheries Service	P.O. Box 21668	Juneau	AK	99801
Charlie	Challstrom	NOAA, National Ocean Services	1305 East-West Hwy, SSMC4, Rm 13632	Silver Spring	MD	20910
Mary	Charles	Native Village of White Mountain	P.O. Box 84082	White Mountain	AK	99784
Joseph M.	Chaszar	North Pacific Observer Training Ctr	7717 Regal Mountain Drive	Anchorage	AK	99504
Pat	Check	Nooksack Tribe	5017 Deming Road	Deming	WA	98244
Dorothy	Childers	Alaska Marine Conservation Council	P.O. Box 101145	Anchorage	AK	99510
Miranda	Christiansen	Gulf of Alaska Coastal Communities Coalition	P.O. Box 201236	Anchorage	AK	99520
Gary	Christofferson	Pacific States Marine Fisheries Commission	612 W. Willoughby Ave, Suite B	Juneau	AK	99801
Ronald	Clarke	Marine Conservation Alliance	P.O. Box 20676	Juneau	AK	99802
David	Clausen	National Marine Fisheries Service - Auke Bay Lab	11305 Glacier Highway	Juneau	AK	99801
Jim	Coe	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Adrian	Colewycz	National Marine Fisheries Service - Auke Bay Lab	11305 Glacier Highway	Juneau	AK	99801
Catherine	Coon	North Pacific Fishery Management Council	605 W. 4th Ave., Suite 306	Anchorage	AK	99501-2252
Larry	Cotter	Aleutian Pribilof Islands Community Development Association	234 Gold Street	Juneau	AK	99801
David	Cottingham	Marine Mammal Commission	4340 East West Highway, Suite 905	Bethesda	Maryland	20814
Keith	Criddle	Department of Economics	Utah State University	Logan	UT	84322
Craig	Cross	Aleutian Spray Fisheries	11021 1st Ave NW	Seattle	WA	98177

First Name	Last Name	Organization	Address 1	City	State	Zip
Brendan	Cummings	Center for Biological Diversity	PO Box 549	Joshua Tree	CA	92252
Christopher	Dahl	Pacific Fishery Management Council	7700 Ambassador Pl., Suite 200	Seattle	OR	97220
Paul	Dalzell	Western Pacific FMC	1164 Bishop Street, Suite 1400	Honolulu	HI	96813
Costa	Daniel	University of California, Long Marine Lab	100 Shaffer Rd	Santa Cruz	CA	95060
Steven	Davis	National Marine Fisheries Service-Alaska Region	222 W. 7th Avenue, Room 517	Anchorage	AK	99513
Randall	Davis	Texas A&M University, Department of Marine Biology	5007 Avenue U	Galveston	TX	77551
Paul	Dayton	Marine Mammal Commission	9500 Gilman Drive, 0210	La Jolla	California	92093-0210
LT. Peter	DeCola	USCG - NPRFTC	P.O. Box 10092	Kodiak	AK	99619
Anthony	DeGange	U.S. Fish & Wildlife Service	1011 E. Tudor Road, Suite 219	Anchorage	AK	99503
Robert	DeLong	National Marine Mammal Laboratory	7600 Sand Point Way, NE BIN C15700, Bldg. 1	Seattle	WA	98115-0070
Doug	DeMaster	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Jane	DiCosimo	North Pacific Fisheries Management Council	605 W. 4th Ave., Suite 306	Anchorage	AK	99501-2252
Kimberly	Dietrich	Assoc. for Professional Observers	5026 9th Avenue, NE	Seattle	WA	98105
Lisa	Dolchok	Cook Inlet Tribal Council, Inc.	3600 San Jeronimo Drive	Anchorage	AK	99508
Martin	Dorn	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Kevin	Duffy	Alaska Department of Fish and Game	P.O. Box 25526	Juneau	AK	99802
Gary	Duker	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Lori	Durall	National Marine Fisheries Service	P.O. Box 21668	Juneau	AK	99802
Matthew	Eagleton	National Marine Fisheries Service/HCD	222 W. 7th Avenue, Room 517	Anchorage	AK	99513
Tom	Enlow	The Grand Aleutian	P.O. Box 921169	Dutch Harbor	AK	99692
Ben	Enticknap	Oceana	4117 SE Division Street, PMB #309	Portland	OR	97202
Leonte	Ermeloff	Village of Nikolski	General Delivery	Nikolski	AK	99638
Michael	Etnier	University of Washington, Department of Anthropology	Box 353100	Seattle	WA	98198-3100
Larry	Evanoff	Native Village of Chanega	P.O. Box 8079	Chenega Bay	AK	99574
Diana	Evans	North Pacific Fisheries Management Council	605 W. 4th Ave., Suite 306	Anchorage	Ak	99501-2252
Brian	Fadely	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Mollie	Farrell	Lathum & Watkins	555 Eleventh Street, NW	Washington	D.C.	20004
Jennifer	Ferdinand	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115

First Name	Last Name	Organization	Address 1	City	State	Zip
Rich	Ferrero	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Shannon	Fitzgerald	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Dave	Fraser	High Seas Catchers' Co-op	P.O. Box 771	Port Townsend	WA	98368
Lowell	Fritz	National Marine Fisheries Service, Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	99815
Jeff	Fujioka	National Marine Fisheries Service - Auke Bay Lab	11305 Glacier Highway	Juneau	AK	99801
Fritz	Funk	Alaska Department of Fish & Game	P.O. Box 25526	Juneau	AK	99802
Sarah	Gaichas	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4, Bin C15700	Seattle	WA	98115
Nicholas	Gales	Australian Antarctic Division	Channel Highway	Kingston Tasmania 7050	AUSTRALIA	
Michael	Galginaitis	Applied Sociocultural Research	608 W 4th Ave., Suite 314	Anchorage	AK	99501
Russell	Galipeau	Channel Islands National Park	1901 Spinnaker Drive	Ventura	CA	93001
Steve	Ganey	Pew Oceans Commission	2101 Wilson Boulevard, Suite 550	Arlington	VA	22201
Jennifer	Gannett	Humane Society/U.S.				
Glen	Gardner	City of Sand Point	P.O. Box 249	Sand Point	AK	99661
John	Garner	NorQuest Seafoods, Inc.	5245 Shilshole Ave., NW	Seattle	WA	98107-4833
Chris	Gebhardt	EPA Region 10	1200 6th Avenue ECO-088	Seattle	WA	98101
Tom	Gelatt	National Marine Mammals Laboratory, National Marine Fisheries Service, NOAA	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Eric	Gilman	National Audobon Society	2718 Napuaa Place	Honolulu	HI	96822
Robert	Gilzinger	C/O Gorton's Inc.	128 Rogers Street	Gloucester	MA	1930
Jay	Ginter	National Marine Fisheries Service Sustainable Fisheries Div.	P.O. Box 21668	Juneau	AK	99802-1668
Jim	Glock	National Marine Fisheries Service - Northwest Region	525 NE Oregon Street, Suite 510	Portland	OR	97232
Raymond	Goldoff	Village of Atka	P.O. 47030	Atka	AK	99574
Jon	Goltz	State of Alaska - Department of Law	1031 West 4th Ave, Suite 200	Anchorage	AK	99501-1994
Rowan	Gould	U.S. Fish & Wildlife Service, Alaska Region	1011 East Tudor Road	Anchorage	AK	99503
Shane	Guan	NOAA-NMFS	1315 East-West Hwy. 13 Floor	Silver Spring	MD	20910

First Name	Last Name	Organization	Address 1	City	State	Zip
Glenn	Guffey	Peter Pan Seafoods	P.O. Box 12	King Cove	AK	99612
Randy	Hagenstein	The Nature Conservancy	715 L Street, Suite 100	Anchorage	AK	99501
Jeannie	Hagne	EPA Region 10	1200 6th Avenue ECO-088	Seattle	WA	98101
Jim	Hale	National Marine Fisheries Service	P.O. Box 21668	Juneau	AK	99802-1668
Kathy	Hansen	SEAK Fishermen's Alliance	9369 North Douglas Highway	Juneau	AK	99801
David	Hanson	Pacific States Marine Fisheries Commission	405 Durham	Lake Oswego	OR	97034
Amy	Hapeman	NOAA-NMFS				
Rob	Harcourt	Macquarie University, Graduate School of the Environment		Sydney	NSW	2109
Steven	Hare	International Pacific Halibut Commission	P.O. Box 95009	Seattle	WA	98145-2009
Brian	Harper	U.S. Army Corps of Engineers	P.O. Box 6898	Elmendorf AFB	AK	99506-6898
John	Harrington	US EPA	1200 Pennsylvania Avenue M/C 2252A	Washington	DC	20460
Jeff	Hartman	National Marine Fisheries Service Sustainable Fisheries	P.O. Box 21668	Juneau	AK	99802
Tom	Hawkins	Bristol Bay Native Corporation	111 West 16th Avenue, Suite 400	Anchorage	AK	99501
Jon	Heifetz	National Marine Fisheries Service - Auke Bay Lab	11305 Glacier Highway	Juneau	AK	99801
Eileen	Henniger	Yakutat Tlingit Tribe	P.O. Box 418	Yakutat	AK	99689
Adelheid	Herrmann	Bering Sea Fishermen's Association	725 Christensen Drive, Suite 3	Anchorage	AK	99501
Mark	Herrmann	University of Alaska - Fairbanks, Department of Economics	P.O. Box 757500	Fairbanks	AK	99775
Susan	Hills	University of Alaska - Fairbanks, School of Fisheries & Science	P.O. Box 757500	Fairbanks	AK	99775
Mark	Hindell	University of Tasmania, Antarctic Wildlife Research Unit	P.O. Box 05	Hobart	TAS	7001
Nick	Hindman	National Marine Fisheries Service Sustainable Fisheries Division	P.O. Box 21668	Juneau	AK	99802-1668
Bill	Hogarth	NOAA Fisheries	1315 East-West Highway: SSMC III	Silver Springs	MD	20910

First Name	Last Name	Organization	Address 1	City	State	Zip
Leslie	Holland-Bartels	U.S.G.S., Biological Resource Division, Alaska Science Center	4230 University Dr., Suite 201	Anchorage	AK	99508-4650
Ken	Hollingsled	NOAA-NMFS				
Anne	Hollowed	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4, Bin C15700	Seattle	WA	98115
Karin	Holser	Pribilof Islands Stewardship Program - St. Paul	P.O. Box 306	St. Paul Island	AK	99660
Sarah	Howlett	NOAA-NMFS				
Carrie	Hubard	NOAA-NMFS				
Jim	Ianelli	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Stephen	Insley	Hubbs-SeaWorld Research Institute	2595 Ingraham St.	San Diego	CA	92109
Dave	Irons	U.S. Fish & Wildlife Service	1011 E. Tudor Road	Anchorage	AK	99503
Dan	Ito	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Lianna	Jack	The Alaska Sea Otter and Stellar Sea Lion Commission	6239 B Street, Suite 204	Anchorage	AK	99518
Mark	Jen	EPA Region 10	222 W. 7th Avenue, Suite 19	Anchorage	AK	99513
Gary	Johnson	Peter Pan Seafoods, Inc.	2200 6th Avenue, Suite 1000	Seattle	WA	98121
Pete	Jones	National Marine Fisheries Service	P.O. Box 21668	Juneau	AK	99802
Allen	Joseph	AVCP, Inc.	P.O. Box 219	Bethel	AK	99559
Bob	Juettner	Aleutians East Borough	3380 "C" St., Suite 205	Anchorage	AK	99503
Archie	Kalmakoff	Ivanoff Bay Village	P.O. Box K1B	Ivanoff Bay	AK	99502
Gilbert	Kashervarof	Aleut Community of Saint George	P.O. Box 940	St. George Island	AK	99591
Gilberty G.	Kashevarof	St. George Traditional Council; St. George Co-Management Council	PO Box 940	St. George Island	AK	99591
Frank	Kelty	City of Unalaska	PO Box 610	Unalaska	AK	99685
Mitch	Kilborn	Western Alaska Fisheries, Inc.	P.O. Box 2367	Kodiak	AK	99615
Nicole	Kimball	North Pacific Fishery Management Council	605 W. 4th Ave., Suite 306	Anchorage	AK	99501-2252
Eric	Kingma	WesPac Fishery Management Council	1164 Bishop Street, Suite 1400	Honolulu	HI	96813
Alan	Kinsolving	National Marine Fisheries Service Sustainable Fisheries Division	P.O. Box 21668	Juneau	AK	99802-1668
Julie	Kitka	Alaska Federation of Natives	1577 C St., Suite 300	Anchorage	AK	99501
Jeffrey	Koenings	Washington Dept. of Fish & Wildlife	600 Capitol Way N.	Olympia	WA	98501-1091
Gary	Kompkoff	Village of Tatitlek	P.O. Box 171	Tatitlek	AK	99677
Iris	Korhonen-Penn	Earthjustice Legal Defense Fund	325 4th Street	Juneau	AK	99802

First Name	Last Name	Organization	Address 1	City	State	Zip
Harry W.	Kosbruk	Native Village of Perryville	P.O. Box 101	Perryville	AK	99648
Gordon	Kruse	Juneau Center for Fisheries and Ocean Sciences	11175 Glacier Highway	Juneau	AK	99801
Earl	Krygier	Alaska Department of Fish & Game - Commercial Fisheries	333 Raspberry Road	Anchorage	AK	99518
Rena J.	Kudrin	Tribal Government of St. Paul; St. Paul Co-Management Council	P.O. Box 86	St. Paul Island	AK	99660
Kathy	Kuletz	U.S. Fish & Wildlife Service	1011 E. Tudor Road	Anchorage	AK	99503
Jon	Kurland	National Marine Fisheries Service	P.O. Box 21668	Juneau	AK	99802-1668
Vincent	Kvasnikoff	Village of Nanwalek	PO Box 8026	Nanwalek	AK	99603
Andrew	Larsen	Consulate General of Japan	3601 C Street, Suite 1300	Anchorage	AK	99503
Mike	LaTourneau	EPA Region 10	1200 Sixth Avenue; Mailstop ECO-088	Seattle	WA	98101
Bruce	Leaman	International Pacific Halibut Commission	P.O. Box 95009	Seattle	WA	98145-2009
Gerald	Leape	National Environmental Trust	1200 18th Street NW, 5th Floor	Washington	D.C.	20016
Steve	Leathery	National Marine Fisheries Service, Office of Protected Resources, Permits, Conservation and Education Division, F/PR1	1315 East-West Highway, Room 13705	Silver Spring	MD	20910-3226
Claire	LeClair	Alaska Marine Conservation Council	P.O. Box 101146	Anchorage	AK	99502
Jim	Lee	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Anne	Lee	URS Corporation	2700 Gambell St., Suite 200	Anchorage	AK	99503
Terry	Leitzell	Icicle Seafoods, Inc.	4019 21st Avenue, W.	Seattle	WA	98199
Margaret	Lekanoff	Qawalangin Tribe of Unalaska	PO Box 334	Unalaska	AK	99685
Phillip	Lestenkof	Cent. Bering Sea Fishermen's Assoc.	P.O. Box 288	Saint Paul	AK	99660-0288
Aquilina	Lestenkof	Pribilof Islands Collaborative	P.O. Box 86	St. Paul Island	AK	99660
Joe	Lianos	Village of Ouzinkie	P.O. Box 130	Ouzinkie	AK	99644
Marina	Lindsey	NOAA-NMFS	P.O. Box 21668	Juneau	AK	99802
Lisa	Lindeman	NOAA General Counsel	PO Box 21109	Juneau	AK	99802
Beate	Litz	Alaska SeaLife Center	P.O. Box 1329	Seward	AK	99664
Pat	Livingston	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4, Bin C15700	Seattle	WA	98115
Denby	Lloyd	Alaska Department of Fish and Game	211 Mission Road	Kodiak	AK	99615

First Name	Last Name	Organization	Address 1	City	State	Zip
Patricia	Longley Cochran	Alaska Native Science Commission	429 L Street	Anchorage	AK	99501
Tom	Loughlin	TRL Wildlife Consulting	17341 NE 34th Street	Redmond	WA	98052
Loh-Lee	Low	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Sandra	Lowe	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Seth	Macinko	Department of Marine Affairs	University of Rhode Island, Washburn Hall	Kingston	RI	02881
Debra	Mack	Aleut Corporation	4000 Old Seward Hwy, Suite 300	Anchorage	AK	99503
Stephanie	Madsen	North Pacific Fisheries Management Council - Pacific Seafood Processors Assn	605 W. 4th Avenue, Suite 306	Anchorage	AK	99501-2253
Max	Malavansky, Jr.	St. George Traditional Council; St. George Co-Management Council	PO Box 940	St. George Island	AK	99591
Jay	Manning	Washington Department of Ecology - SEA Program	PO Box 47600	Olympia	WA	98504-7600
Richard	Marasco	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4, Bin C15700	Seattle	WA	98115
Tim	Markowitz	LGL Alaska Research Associates, Inc.	1101 East 76th Avenue	Anchorage	AK	99518
Kim	Marshall	Dept. of Commerce/NOAA/NMFS	1315 East West Highway, SSMC3	Silver Spring	MD	20910
Stacy	Marz	Center for Marine Conservation	425 G Street, Suite 400	Anchorage	AK	99501
Bruce	Mate	Oregon State University	2030 SE Marine Science Dr.	Newport	OR	97365
Craig	Matkin	Noerh Gulf Oceanic Society	60920 Mary Allen Ave.	Homer	AK	99603
Lisa	Mazzaro	Mystic Aquarium	55 Coogan Blvd.	Mystic	CT	6355
Steve	MacLean	The Nature Conservancy				
Sheela	McLean	NOAA-NMFS				
Barbara	McBride	Alaska Sablefish Inc.	P.O. Box 319	Homer	AK	99603
Trevor	McCabe	At-Sea Processors Association	431 West 7th Ave., Suite 201	Anchorage	AK	99501
Joe	McCabe	NOAA General Counsel	PO Box 21109	Juneau	AK	99802
Chuck	McCallum	Chignik Seiners	614 Irving Street	Bellingham	WA	98225
Peter	McCarthy	F/V Laura	P.O. Box 4311	Kodiak	AK	99615
Heather	McCarty	At-Sea Processors Association	319 Seward Street, #3	Juneau	AK	99801
Bob	McConnaughey	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115-6349
Greg	McGlashan	Pribilof Islands Collaborative	PO Box 940	St. George Island	AK	99591
Don	McIsaac	Pacific Fishery Management Council	7700 NE Ambassador Pl., Ste 200	Portland	OR	97220-1384
Chris	McNeil	Sealaska Corporation	One Sealaska Plaza, Suite 400	Juneau	AK	99801

First Name	Last Name	Organization	Address 1	City	State	Zip
Larry	Merculieff	Alaska Native Science Commission	429 L St.	Anchorage	AK	99501
Clark Lee	Merriam	Cousteau Society	710 Settlers Ldg Road	Hampton	VA	23669
Jo-Ann	Mellish	Alaska Sea Life Center/UAF	P.O. Box 1329	Seward	AK	99664
Richard	Merrick	NOAA National Marine Fisheries Service, Northwest Fisheries Science Center	166 Water Street	Woods Hole	MA	02543-1026
Gerry	Merrigan	Prowler Fisheries	P.O. Box 1364	Petersburg	AK	99833
Dennis	Metrokin	Koniag, Inc.	104 Center Avenue, Suite 205	Kodiak	AK	99615
Jeremy	Miller	The Ocean Conservancy	425 G Street, Suite 400	Anchorage	AK	99501
Mel	Moon, Jr.	Quileute Tribe	P.O. Box 187	LaPush	WA	98350
Joe	Moore	TOC	425 G Street, Suite 400	Anchorage	AK	99501
Phillip	Mundy	EVOS Trustee Council	441 W. 5th Avenue, Suite 500	Anchorage	AK	99501-2340
Peggy	Murphy	Alaska Fisheries Information Network	612 W. Willoughby Ave., Suite B	Juneau	AK	99801
Benjamin	Muse	National Marine Fisheries Service - Alaska Region	709 West 9th, Room 420	Juneau	AK	99802
Kevin	Myers	Sierra Club	1030 Wee Burn Drive	Juneau	AK	99801
Ahmad	Nassar	Latham & Watkins	555 Eleventh Street, NW	Washington	D.C.	20004
Robert J.	Nelson	Village of Port Lions	P.O. Box 69	Port Lions	AK	99550
Kris	Norosz	Icicle Seafoods, Inc.	P.O. Box 1147	Petersburg	AK	99833
Tom	Ofchus	Trustees For Alaska	1026 W. 4th Avenue, Suite 201	Anchorage	AK	99501
Karl	Ohls	North Star Group	1463 Kirby Road	McLean	VA	22101
Sebastian	O'Kley	Robertson, Monagle & Eastaugh				
Chris	Oliver	North Pacific Fisheries Management Council	605 W. 4th Ave., Suite 306	Anchorage	AK	99501-2252
Sara	Orr	Latham & Watkins	555 Eleventh Street, NW	Washington	D.C.	20004
David	Osterback	Qagan Tayagungin Tribe - Sand Point Village	P.O. Box 447	Sand Point	AK	99661
Dorothy	Owen	Douglas Indian Association	P.O. Box 240541	Douglas	AK	99824
George	Owletuck	Alaska Oceans Network	308 G Street, Suite 219	Anchorage	AK	99501
Brent	Paine	United Catcher Boats	4005 20th Avenue W, Suite 110	Seattle	WA	98199-1290
David	Palmer	Latham & Watkins	555 Eleventh Street, NW	Washington	D.C.	20004

First Name	Last Name	Organization	Address 1	City	State	Zip
Donna	Parker	Arctic Storm - Marine Conservation Alliance	81 Big Bear Pl. NW	Issaquah	WA	98027
Jeff	Passer	National Marine Fisheries Service Enforcement	P.O. Box 21767	Juneau	AK	99802
Tom	Pearson	National Marine Fisheries Service	301 Research Court, Room 212	Kodiak	AK	99615
Wally	Pereyra	Profish International Inc.	400 N 34th, Suite 306	Seattle	WA	98103
Paul	Peyton	C/O BBEDC	815 E. 82nd Ave 50c 104	Anchorage	AK	99518
Dimitri	Philemonof	Aleutian / Pribilof Islands Association	201 East 3rd Avenue	Anchorage	AK	99501
Patrick	Phillip	Village of Alakanuk	P.O. Box 149	Alakanuk	AK	99554
Ken	Pitcher	Alaska Department of Fish and Game	P.O. Box 25526	Juneau	AK	99802
Joe	Plesha	Trident Seafoods Corporation	5303 Shilshole Avenue, NW	Seattle	WA	98107
Karen	Pletnikoff	Aleutian/Pribilof Islands Association	201 E 3rd Avenue	Anchorage	AK	99501
Ed	Poulsen	F/V Arctic Sea	1143 NW 45th St.	Seattle	WA	98107
Jimmie	Powell	Pew Oceans Commission	2101 Wilson Blvd, Suite 550	Arlington	VA	22201
Rich	Preston	17th U.S. Coast Guard District	P.O. Box 25517	Juneau	AK	99802
Lawrence	Prokopiof	St. George Fisherman's Association	P.O. Box 947	St. George Island	AK	99591
Lewis	Queirolo	Alaska Fisheries Science Center	440 Eagle Crest Road	Carmano Island	WA	98282
Terry	Quinn	Juneau Center, School of Fisheries and Ocean Sciences	11120 Glacier Highway	Juneau	AK	99801
Lorrie	Rea	Alaska Department of Fish and Game	P.O. Box 25526	Juneau	AK	99802-5526
Glenn	Reed	PSPA	1900 W Emerson Pl, Ste 205	Seattle	WA	98119-1649
Monica	Reidel	Indigenous Peoples Council on Marine Mammals	800 East Dimond, Suite 3-590	Anchorage	AK	99515
Stephen B.	Reilly	National Marine Fisheries Service	8604 La Jolla Shores Dr.	La Jolla	CA	92037
Rebecca	Reuter	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
John	Reynolds III	Marine Mammal Commission	1600 Ken Thompson Parkway	Sarasota	Florida	34236
Ed	Richardson	At-Sea Processors Association	4039 21st Avenue W, Suite 400	Seattle	WA	98199
Michelle	Ridgway	Oceana Alaska	119 Seward Street, Suite 9	Juneau	AK	99801-1268

First Name	Last Name	Organization	Address 1	City	State	Zip
Patricia	Rivera	Alaska Department of Fish & Game - Marine Mammal Research Unit	University of Alaska, Irving II Bldg. rm 133, 906 N Koyukuk Drive	Fairbanks	AK	99775
Kim	Rivera	National Marine Fisheries Service	P.O. Box 21668	Juneau	AK	99802-1668
Rick	Rogers	Chugach Alaska Corporation	561 E. 36th Avenue	Anchorage	AK	99503
Mark	Rorick	Sierra Club	1055 Men. Pen. Road	Juneau	AK	99801
Craig	Rose	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Naomi A.	Rose	Humane Society/U.S.	2100 L Street, NW	Washington	DC	20037
Sue	Salveson	National Marine Fisheries Service	P.O. Box 21668	Juneau	AK	99802-1668
Roswell	Schaeffer	Marine Mammal Commission - Special Advisor on Native Affairs	P.O. Box 296	Kotzebue	Alaska	99752
Rollie	Schmitten	NOAA F/HC	1315 East-West Highway: SSMC III	Silver Springs	MD	20910
Tylan	Schrock	Alaska SeaLife Center	P.O. Box 1329	Seward	AK	99664
Whit	Sheard	The Ocean Conservancy	425 G Street, Suite 400	Anchorage	AK	99501
Gilda	Shellikoff	Village of False Pass	P.O. Box 29	False Pass	AK	99583
Greg	Siekaniec	Alaska Maritime National Wildlife Refuge	95 Sterling Highway, Suite 1	Homer	AK	99603
Greg	Siekaniec	Alaska Maritime Wildlife Refuge	95 Sterling Highway, Suite 1	Homer	AK	99603
Michael	Sigler	National Marine Fisheries Service - Auke Bay Lab	11305 Glacier Highway	Juneau	AK	99801
Eric	Siy	Alaska Marine Conservation Council	P.O. Box 101145	Anchorage	AK	99501
Jennifer	Skidmore	NOAA-NMFS				
Robert	Small	Alaska Department of Fish and Game, Division of Wildlife Conservation	P.O. Box 25526	Juneau	AK	99802-5526
Scott	Smiley	Fisheries Industrial Technical Center	118 Trident Way	Kodiak	AK	99615
Thorn	Smith	North Pacific Longline Association	4209 21st Avenue W, Suite 300	Seattle	WA	98199
Lauren	Smoker	NOAA General Counsel	PO Box 21109	Juneau	AK	99802
David	Soma	Deep Sea Fishermen's Union	5215 Ballard Avenue NW	Seattle	WA	98107
Paul	Spencer	Alaska Fisheries Science Center	7600 Sand Point Way N.E., Bldg. 4	Seattle	WA	98115
Trveor	Spradlin	NOAA-NMFS				
Alan	Springer	University of Fairbanks, Institute of Marine Science	Rm 262 AHRB	Fairbanks	AK	99775
Jacob	Stepetin	Village of Akutan	P.O. Box 89	Akutan	AK	99553
Jeff	Stephan	United Fishermen's Mktg Assc	P.O. Box 2917	Kodiak	AK	99615

First Name	Last Name	Organization	Address 1	City	State	Zip
Carol	Stephens	Alaska SeaLife Center	P.O. Box 1329	Seward	AK	99664
Jack	Stern	Trustees for Alaska	1026 W. 4th Avenue, Ste. 201	Anchorage	AK	99501
Rita	Stevens	Kodiak Area Native Association	3449 East Rezanof Drive	Kodiak	AK	99615
Beth	Stewart	Aleutians East Borough	2767 John Street	Juneau	AK	99801
Brent S.	Stewart	Hubbs-SeaWorld Research Institute	2595 Ingraham St.	San Diego	CA	92109
Jay E.	Stinson	Alaska Draggers Association	P.O. Box 3845	Kodiak	AK	99615
Janice	Straley	University of Alaska Southeast	1332 Seward Ave.	Sitka	AK	99835
Diana	Stram	North Pacific Fisheries Management Council	605 W. 4th Ave., Suite 306	Anchorage	AK	99501-2252

APPENDIX C
Public Notices

NOAA National Marine Fisheries Service

Public Scoping Meeting Announcement

January 23, 2006, 5-8 PM
Hilton Hotel 501 West 3rd Avenue, Anchorage, AK

The National Marine Fisheries Service (NOAA Fisheries) and URS Corporation invite the public to an open house and scoping meeting regarding the preparation of a Steller Sea Lion and Northern Fur Seal Research Environmental Impact Statement (EIS). The EIS will analyze the environmental impacts of administering grants and issuing permits associated with research on endangered and threatened Steller sea lions and depleted northern fur seals throughout their range in U.S. waters. The scoping meeting will combine an informational open house, which will last from 5:00 pm to 8:00 pm, with a brief presentation around 6:30pm that provides an overview of the EIS purpose, objectives, and schedule. Please contact Mr. Stephen Leathery, Project Manager, at (301) 713-2289 for further information.

Anchorage Daily News

TIME SENSITIVE - DISPLAY AD PROOF

Ad Number: 111766
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Phone: ..... (907) 257-4250
Fax: ..... (907) 257-4246
Ad Size: ..... 2 col. x 4 in.
Run Date: 01/16/06

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Fax/email: ..... Kim_Busse@URSCorp.com

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Changes.. ☐

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Public Notices - 381

MEETING NOTICE The King County Rural Forest Commission will meet on Wednesday, January at the Preston Community Center, 8625 310th Ave SE, Preston, from 9:30am - 12:30pm. For mor information please contact Linda Vane at 206-296-8042. *(This ad last ran on 01/07/2006.)*

MEETING NOTICE The King County Agriculture Commission meeting will be held on Thursday, January 12, at the Mercerview Community Center, Mercer Island, 8236 SE 24th Street, Mercer Island WA 98040, from 4:00 -7:00pm. For more information please contact Claire Dyckman at 206 296-1926. *(This ad last ran on 01/07/2006.)*

PUBLIC NOTICE Name of Operator/ Permitee: B. Douglas Williams-King County Permitting & Rig of-Way Agent Address of Owner: 201 S. Jackson St., KSC-NR-0503, Seattle, WA 98104 is seekir coverage under the Washington Department of Ecology's NPDES General Permit for Stormwater Discharges Associated with Construction Activities. The proposed 2 acre project, known as Carnation Wastewater Treatment Facility is located at 31500 W. Entwistle, in Carnation, WA. Approximately 8.5 acres will be disturbed for construction of a wastewater treatment facility, 1.6 m of conveyance pipeline and outfall. Stormwater will be handled on-site with biofiltration swale (203 feet in length, bed width- 3 feet, slope-0.01) and an infiltration trench (16 feet by 105 feet), sized f inches/hour prior to discharging into the grass field. The conveyance 12 inch pipeline, will follow existing right-of-way and existing private roadways and covered immediately for the 1.6 miles to th Snoqualmie River. This project, when completed by the end of 2007, will allow for all of the residences of the City of Carnation to convert from septic (a number which have failed) to treated sewerage and improve public health. Any persons desiring to present their views to the Departme of Ecology concerning this application may notify Ecology in writing within 30 days from the last d of publication of this notice. Comments may be submitted to: Washington Department of Ecology Water Quality Program Stormwater Unit - Construction PO Box 47696 Olympia, WA 98504-7696 *ad is from 12/29/2005 to 01/05/2006.)*

CITY OF DES MOINES WASHINGTON PUBLIC NOTICE OF LAND USE APPLICATION NOTIC HEREBY GIVEN THAT A SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT APPLICATION AND AN ENVIRONMENTAL REVIEW APPLICATION (SEPA) HAS BEEN FILED WITH THE CIT OF DES MOINES PLANNING, BUILDING AND PUBLIC WORKS DEPARTMENT.FOR THE FOLLOWING REQUESTED LAND USE DEVELOPMENT PROPOSAL APPLICATION SUBMITT. August 30, 2005 APPLICATION COMPLETE: November 7, 2005 NOTICE OFAPPLICATION: January 1, 2006 COMMENT DUE DATE: January 31, 2006 PROPOSAL: Removal of 10' to 15' of existing Redondo Waster Water Treatment Plant Outfall Pipe and installation of 2000' of a replacement outfall pipe to relocate the outfall from -30 Mean Lower Low Water to -400 Mean Lov Low Water. APPLICANT: Lakehaven Utility District LOCATION/ LEGAL DESCRIPTION: Adjacent the intersection of Redondo Beach Drive South and Redondo Shores Drive South:. Tax Parcel 0521046666 No Further Legal Description Available FILE NUMBER: LUA05-039 PERMITS REQUIRED: Department of Fish and Wildlife HPA approval, Army Corps of Engineers Section 10 Permit approval, Department of Ecology 401 permit approval, Department of Natural Resources Aquatic Land Lease, City of Des Moines Shoreline Substantial Development Permit, Environment Review Application (SEPA), and Grading Permit EXISTING ENVIRONMENTAL DOCUMENTATI

Biological Evaluation The public is invited to review contents of the official file for the proposal. Written comments are also encouraged and will be accepted for consideration if filed with the Planning, Building, and Public Works Department on or before 4:30 PM January 31, 2006. Furthe information about the proposal may be obtained by contacting Jason Sullivan by phone at 206-87 6551 or by email at jsullivan@desmoineswa.gov during regular working hours. The Planning, Building, and Public Works Department is located at 21630 11th Avenue South, Suite D, Des Moines, Washington 98198 *(This ad is from 01/01/2006 to 01/08/2006.)*

NOAA National Marine Fisheries Service Public Scoping Meeting Announcement The National Marine Fisheries Service (NOAA Fisheries) and URS Corporation invite the public to an open hou and scoping meeting regarding the preparation of a Steller Sea Lion and Northern Fur Seal Resea Environmental Impact Statement (EIS). The EIS will analyze the environmental impacts of administering grants and issuing permits associated with research on endangered and threatenec Steller sea lions and depleted northern fur seals throughout their range in U.S. waters. The scopir meeting will combine an informational open house, which will last from 4:00 pm to 7:00 pm, with a brief presentation around 5:30pm that provides an overview of the EIS purpose, objectives, and schedule. Please contact Mr. Stephen Leathery, Project Manager, at (301) 713-2289 for further information. January 20, 2006, 4-7 PM Alaska Fisheries Science Center, Building 9 7600 Sand Pc Way Seattle, WA

NOTICE: ANNOUNCEMENT OF A WASTEWATER PERMIT APPLICATION AND AVAILABILITY DRAFT PERMIT ********** PERMIT NO.: WA-003209-3 APPLICATION: Northwe Pipeline Corporation 2800 Post Oak Blvd Houston, TX 77056 SITE LOCATION: Western Washington Linear project from Sumas in Whatcom County through Skagit, Snohomish, King, Pierce, Thurston, Cowlitz Counties to Washougal in Clark County Northwest Pipeline Corporation has applied for a National Pollutant Discharge Elimination System (NPDES) permit in accordance with the provisions of Chapter 90.48 Revised Code of Washington (RCW), Chapter 173-220 Washington Administrative Code (WAC), and the Federal Clean Water Act. Following evaluation c the application and other available information, a draft permit has been developed to allow the discharge of stormwater, uncontaminated dewatering water associated with construction activities and hydrostatic test water from the Northwest Natural Gas Pipeline System construction project. A tentative determination has been made on the effluent limitations and special permit conditions th will prevent and control pollution. A final determination will not be made until all timely comments received in response to this notice have been evaluated. PUBLIC COMMENT AND INFORMATIC The draft permit and fact sheet may be viewed at the Department of Ecology (Department) websit http://www.ecy.wa.gov/programs/wq/permits/northwest_permits.html. The application, fact sheet, proposed permit, and other related documents are also available at the Department's Northwest Regional Office. To obtain a copy, please call Sally Perkins at (425) 649-7190, email at sper@ecy.wa.gov Interested persons are invited to submit written comments regarding the propo permit. All comments must be submitted within 30 days after publication of this notice to be considered for the final determination. Comments should be sent to: Water Quality Permit Coordinator Department of Ecology Northwest Regional Office 3190 - 160th Avenue SE Bellevue WA 98008-5452 Email comments should be sent to tmil461@ecy.wa.gov. Any interested party m request a public hearing on the proposed permit within 30 days of the publication date of this notic The request for a hearing shall state the interest of the party and the reasons why a hearing is necessary. The request should be sent to the above address. The Department will hold a hearing determines that there is significant public interest. If a hearing is to be held, public notice will be published at least 30 days in advance of the hearing date. Any party responding to this notice with comments will be mailed a copy of a hearing public notice. The Department is an equal opportunit agency. If you have a special accommodation needs, please contact Tricia Miller at (425) 649-72(or TTY (for the speech and hearing impaired) at 711 or 1-800-833-6388. *(This ad is from 12/28/2005 to 01/04/2006.)*

Public Notice Notice is hereby given that Umpqua Bank, 445 SE Main Street, Roseburg, Oregon 97470, has filed with the Federal Deposit Insurance Corporation an application to establish a limit service bank branch at 19625 62nd Ave. South, Building C, Suite 101, Kent, WA 98032 Any perso wishing to comment on this application may file his or her comments in writing with the regional director of the Federal Deposit Insurance Corporation at its region office, 25 Ecker Street, Suite 2300, San Francisco, California 94105 before processing of the application has been completed. Processing will be completed no earlier than the 15th day following the last required publication o the date of receipt of the application by the FDIC, whichever is later. The period may be extended the regional director for good cause. The non-confidential portion of the application is available fo inspection within one day following the request for such file. It may be inspected in the Corporatio

APPENDIX D
Newsletter and Comment Form

Steller Sea Lion and Northern Fur Seal Research

Environmental Impact Statement

NOAA-National Marine Fisheries Service

January 2006

This newsletter is the first in a series of newsletters regarding the Steller Sea Lion and Northern Fur Seal Research Environmental Impact Statement (EIS). 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.

Scoping Notice

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries Service) is preparing an EIS to analyze the potential environmental impacts of administering its grant and permit programs for Steller sea lions (*Eumetopias jubatus*) and northern fur seals (*Callorhinus ursinus*). The purpose of this newsletter is to invite you to participate in the planning process and provide some background information on both the project area and the process of preparing an EIS.

The scoping process provides persons affected by the project an opportunity to express their views and concerns. The Council on Environmental Quality (CEQ) under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) defines scoping as an "early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action" (40 CFR 1501.7). The objectives of the scoping process are to:

- identify potentially interested parties
- identify public and agency concerns regarding research
- define the range of alternatives that will be examined in the EIS
- ensure that relevant issues are identified early and drive the analyses
- establish a public record

Project Description

NOAA Fisheries Service 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).

NOAA Fisheries Service currently administers grant monies that have been designated by Congress and allocated within NOAA Fisheries Service's annual budget for the purpose of facilitating research on Steller sea lions and northern fur seals. The act of awarding grants is a federal action requiring NEPA compliance. Similarly, issuance of permits for research activities on marine mammals is a federal action requiring NEPA compliance. These 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. This EIS would satisfy the NEPA compliance requirements for awarding grants and issuing permits for research on Steller sea lions and northern fur seals. NOAA Fisheries Service 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 NOAA Fisheries Service to conserve and recover the populations of Steller sea lions and northern fur seals.

The need for this action is to facilitate research to: 1) prevent harm and avoid jeopardy or disadvantage to the species; 2) promote recovery; 3) identify factors limiting the population; 4) identify reasonable actions to minimize impacts of human-induced activities; 5) implement conservation and management measures; and 6) make data and results available in a timely manner for management of the species. As part of this action, NOAA Fisheries Service will evaluate measures that will improve efficiency and avoid unnecessary redundancy in Steller sea lion and northern fur seal research, utilize best management practices, facilitate adaptive management, and standardize research protocols.

The project area includes the entire range of Steller sea lions and northern fur seals in U.S. waters and on the high seas, which includes parts of Alaska, Washington, Oregon, and California (See Figures 1 and 2).

Why is an EIS needed?

Issuance of permits for scientific research on marine mammals is generally categorically excluded from NEPA requirements to prepare an environmental assessment (EA) or EIS (NOAA Administrative Order [NAO] 216-6). However, when the activities that would be authorized in a scientific research permit would involve a geographic area with unique characteristics, are the subject of public controversy based on potential environmental impacts, have uncertain environmental impacts or unique or unknown risks, would establish a precedent or decision in principle about future proposals, may result in cumulatively significant impacts, or may have any adverse effects upon endangered or threatened species or their habitats, the preparation of an EA or EIS is required. This EIS will assess the likely environmental and socioeconomic effects of funding and permitting research under a range of alternatives and will address compliance of the alternatives with the ESA, MMPA, and other applicable laws. An EIS serves several purposes. The process of preparing an EIS:

- identifies planning issues and concerns
- identifies the purpose and need for the proposed action
- develops and evaluates reasonable alternatives for the proposed action
- describes the affected environment
- assesses potential environmental consequences of alternatives

The Steller Sea Lion and Northern Fur Seal Research EIS will satisfy the requirements of CEQ regulations and NAO 216-6 for those federal permits allowing research or federal grants funding research that may have impacts on Steller sea lions and northern fur seals throughout their range in U.S. waters. The EIS will consist of a programmatic analysis, covering expected and projected federally granted and permitted research projects for future years, until such time that a revision of the programmatic document is deemed necessary.

Preparation of the Steller Sea Lion and Northern Fur Seal Research EIS will provide the public an opportunity to:

- understand the requirements for planning and NEPA compliance
- make recommendations on how research should be conducted
- review decision-making options for research grant funding by NMFS

Steps in the Planning Process

The EIS process, currently scheduled for completion in two years (2007), has nine basic steps:

1. Federal Notice of Intent to prepare an EIS
2. public scoping period
3. develop and analyze alternatives
4. prepare and distribute Draft EIS
5. public comment review and synthesis
6. response to comments and revisions to EIS
7. select the preferred alternative
8. prepare and distribute Final EIS
9. issue Record of Decision

The range, or scope, of public and agency issues and concerns are being identified through comments received in response to this notice and during upcoming public scoping meetings listed in this newsletter. NOAA Fisheries Service welcomes your thoughts and ideas on the grant and permit process and the development of alternatives to be addressed in the EIS process.

A range of reasonable alternatives, including an alternative considering no action, as required by NEPA, will be developed and analyzed in the EIS. The alternatives must address the requirements of NEPA as well as the legal, regulatory, and budgetary parameters that govern the research. Through scoping and subsequent discussions, the public will assist in developing the alternatives to be addressed in the EIS process.

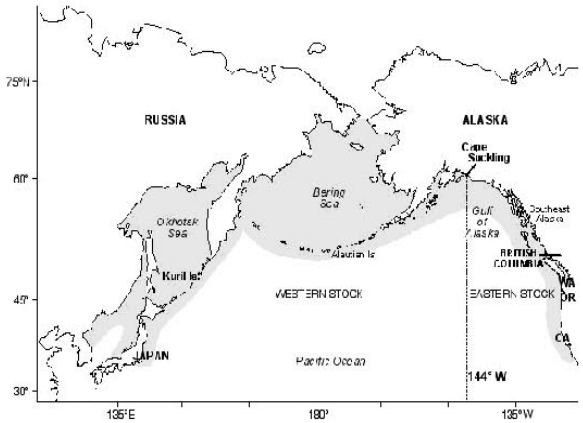


Figure 1. Steller Sea Lion Distribution

The potential impacts of the alternatives will be assessed and the results of the analyses will be documented in the Draft EIS, which the public will have an opportunity to review. Comments on the Draft EIS received from agencies and the public will be considered and incorporated, as applicable, into the Final EIS.

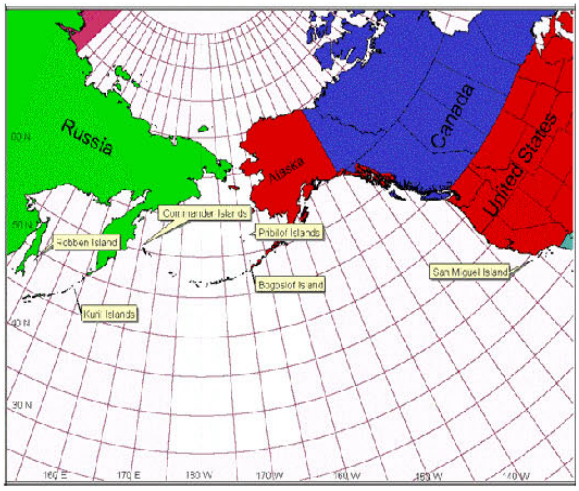


Figure 2. Northern Fur Seal Breeding Sites

What preliminary factors will be evaluated in the EIS?

The following factors were identified for evaluation in the EIS. Additional issues identified through the scoping process will be analyzed and considered in the EIS.

- Types of Research Needed
- Level and Effectiveness of Research Effort
- Coordination and Monitoring of Research
- Qualifications of Researchers
- Effects of Research on Marine Mammals
- Alternative Methods for Research

How can you participate in the project?

Public Scoping Meetings: Listening to the Public

There are several opportunities to participate in the Steller Sea Lion and Northern Fur Seal Research EIS process. Three public scoping meetings will be held to present information to the public and obtain input. The scoping meetings will combine an informational open house with a brief presentation that provides an overview of the plan purpose, objectives, and schedule. A question, answer, and comment session will take place after the formal presentation towards the end of the meeting.

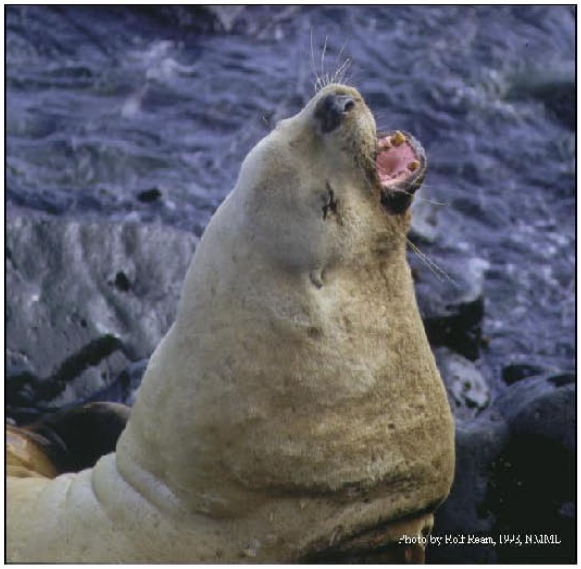
The public scoping comment period will be open until February 25, 2006. Comments may be submitted by e-mail fax, or by letter to the address provided at the end of this newsletter. Details for the public scoping meetings are provided below, and will be announced through media releases and the project web page at http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm.

Your comments are important to us, particularly at this early stage of the process.

Northern Fur Seals

Other Avenues for Public Involvement

The preaddressed comment form accompanying this newsletter can be used to submit written comments at any time during the scoping period, until February 25, 2006. Comments received from the public during scoping will be reviewed and incorporated, as applicable, into developing the EIS.



Steller Sea Lion

Once the Draft EIS is complete, the document will be released to the public to review for a period of 90 days. During the review period, NOAA Fisheries Service will conduct public hearings to accept comments on the Draft EIS document. Public testimony, written or faxed comments, and e-mailed comments will be accepted during this period. NOAA Fisheries Service 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 at http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm throughout the course of the project.

PUBLIC SCOPING MEETINGS
Please Attend!

Silver Spring, Maryland	Seattle, Washington	Anchorage, Alaska
January 18, 2006	January 20, 2006	January 23, 2006

We encourage you to take an active part in the Steller Sea Lion and Northern Fur Seal Research EIS 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 the NOAA Fisheries Service Project Manager for the EIS at the fax or email address below. Please submit your written comments regarding the scope of the EIS to Steve Leathery, Chief, Permits, Conservation and Education Division at:

Contact information:

Permits, Conservation and Education Division
Office of Protected Resources (F/PR1)
National Marine Fisheries Service
1315 East-West Highway, Room 13705,
Silver Spring, MD 20910–3226,
Fax: 301–427–2582 or e-mail at: ssleis.comments@noaa.gov.

URS Corporation
2700 Gambell Street, Suite 200
Anchorage, Alaska 99503

Written Comment Form

Environmental Impact Statement (EIS) on Steller Sea Lion and Northern Fur Seal Research Throughout Their Range in U.S. Waters

Your input is important to us. Please use this form to tell us about the environmental issues and alternatives that you think should be analyzed in the Draft EIS. Please feel free to use additional comment sheets if more space is needed. To ensure that your comments are considered in the Draft EIS, we must receive them by February 26, 2006.

Your Name & Email Address:

Mailing Address:

City, State, Zip Code:

This form can be submitted to:

Stephen L. Leathery
Chief of the Permits, Conservation, and Education Division
Office of Protected Resources
NMFS 1315 East-West Highway, Room 13705
Silver Spring, MD 20910
Email: ssleis.comments@noaa.gov
Fax: 301-427-2583

For Office Use Only

_____
_____
_____

Stephen L. Leathery
Chief of the Permits, Conservation, and Education Division
Office of Protected Resources
NMFS 1315 East-West Highway, Room 13705
Silver Spring, MD 20910

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APPENDIX E
Public Scoping Meetings, Issues Raised, Public Scoping Comments

Minutes

Meeting Type:	SSL/NFS Research EIS Scoping Meeting
Date:	01/18/2006
Time:	1:00 pm – 4:00 pm
Location:	National Oceanic and Atmospheric Administration Building 4
Attendees:	See sign-in sheet attached.

On January 18, 2006, representatives of National Marine Fisheries Service (NOAA Fisheries) and their contractor, URS, conducted a Public Scoping Meeting at NOAA Building 4 in Silver Springs, MD to provide a briefing on the Steller sea lion and northern fur seal research environmental impact statement, and to identify issues that should be addressed in the planning and permitting process. Twenty people attended the public meeting. For a full transcript of this meeting, please see the attachment.

- **Jennifer Gannett (Human Society of the United States [HSUS]) – *Formal Comment***

An environmental impact statement (EIS) should have been completed prior to issuing permits. NOAA Fisheries is limiting what will be analyzed in the EIS. NOAA Fisheries should identify and prioritize research needs in the EIS and coordinate research.The approporiate level of research (i.e., demographics, population) and the power of analysis/criteria should be developed before granting permits. The most common methodologies for marine mammal research should be used so there are minimal adverse effects on the species. Only vets should administer anesthesia to animals subjected to research. NOAA Fisheries should neither issue nor modify permits approved or disapproved by other agencies.

D

NMFS – URS
STELLER SEA LION AND NORTHERN FUR SEAL RESEARCH EIS
PROJECT SCOPING MEETING
January 2006
SIGN-IN SHEET

URS

PLEASE PRINT NAME AND ADDRESS	AGENCY and DISCIPLINE	PHONE NUMBER	EMAIL ADDRESS	MAKE ORAL COMMENT ?
Karl Ohls NSG 1463 Kirkby Road McLean, VA 22101	North Star Group	703-442-0355	kohls@northstargrp.com	No
Shiv Harrington 1200 Pennsylvania Ave Wash DC 20460	EPA	202 564 7148	Harrington.Matt@epa.gov	no
Jennifer Gannett	HSUS	202 676 2526	jgannett@hsus.org	yes
Sara	Latham + Watkins	202 637 2364	sara.orr@lw.com	no

Silver Spring 1/16/06

(2)

NMFS – URS
STELLER SEA LION AND NORTHERN FUR SEAL RESEARCH EIS
PROJECT SCOPING MEETING
January 2006
SIGN-IN SHEET

URS

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PETER JONES	NOAA/AKR	907 586-7280	peter.j.jones (AS) noaa.gov	No
David Palmer	Latham & Watkins	202-637-1073	david.palmer@lw.com	No

Silver Spring 1/18/06

NMFS – URS
STELLER SEA LION AND NORTHERN FUR SEAL RESEARCH EIS
PROJECT SCOPING MEETING
January 2006
SIGN-IN SHEET

URS

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(4)

NMFS – URS
STELLER SEA LION AND NORTHERN FUR SEAL RESEARCH EIS
PROJECT SCOPING MEETING
January 2006
SIGN-IN SHEET

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Silver Spring 1/18/06

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STELLER SEA LION AND NORTHERN FUR SEAL RESEARCH EIS
PROJECT SCOPING MEETING
January 2006
SIGN-IN SHEET

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PLEASE PRINT NAME AND ADDRESS	AGENCY and DISCIPLINE	PHONE NUMBER	EMAIL ADDRESS	MAKE ORAL COMMENT ?
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Shane Guan	NMFS/OPR	301-713 2289	shane.guan@noaa.gov	No
Kim Hollingshead	NMFS/OPR	713-2289	kim.hollingshead@noaa.gov	NO

Silver Spring 1/18/06

OFFICE OF PROTECTED RESOURCES

NOAA FISHERIES

NATIONAL MARINE FISHERIES SERVICE

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PUBLIC SCOPING MEETING

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ENVIRONMENTAL IMPACT STATEMENT ON

STELLER SEA LION AND

NORTHERN FUR SEAL RESEARCH

SILVER SPRING, MARYLAND

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The question-and-answer period of the public scoping meeting commenced on January 18, 2006, at 3:00 p.m., in the auditorium of the National Oceanic and Atmospheric Administration, 1301 East West Highway, Silver Spring, Maryland, Jon Isaacs, URS, presiding.

Moderator:

Jon Isaacs, URS

Presenters:

Stephen Leathery, National Marine Fisheries Service

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Tammy Adams, National Marine Fisheries Service

P-R-O-C-E-E-D-I-N-G-S

3:00 p.m.

MODERATOR ISAACS: Please give us your name for the record and who you represent, and that will help our court reporter.

MS. BENNETT: Hi. My name is Jennifer Bennett, and I represent the agency, the Humane Society of the United States.

Thanks for providing the opportunity so that we can briefly comment on the scope of the upcoming EIS. We'll be providing more extensive written comments at a later date, by the end of the comment period.

I'd like to start off by saying that the agency believes that this process should have been undertaken prior to issuing permits to conduct intrusive research on Steller Sea Lions.

Because of the large number of animals that are affected, and the number of procedures to which they will be subjected, and are being subjected, NMFS must evaluate a number of areas to assure that the research does not harm the very animals that you are required to protect.

We believe that answer is erred, in limiting the options under analysis, and our written comments will suggest other considerations.

The proposed action would grant permits to conduct research determined to be critical to the conservation of Steller Sea Lions and Fur Seals, and permit lower priority only if there is no adverse impact.

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While on its face this appears to be a reasonable alternative, this alternative is only reasonable if specific questions are addressed in the EIS that were not asked in the scoping questions. For example, the EIS should address how NMFS will identify which questions are, indeed, the most critical. As it stands, this nebulous alternative could allow permit applicants themselves to identify for themselves the critical needs in the recovery of conservation plans. NMFS should identify and prioritize the most critical needs prior to granting the permits.

Applicants should have to specify how their research will address the critical need and why their chosen methodology is more appropriate if there are other less intrusive approaches to addressing the question. This will also aid in efforts to coordinate research and ensuring minimal effect.

In addition, the EIS should identify the level of research that is appropriate and the appropriate demographic classes and temporal and spatial bounds for research to address those questions.

A power analysis for particular research questions and/or methodologies should be done before granting permits for invasive research and sampling.

NMFS cannot continue to do this on an ad hoc basis. We support convening a research panel with outside experts who can assist in clarifying the most appropriate research design and ensure it is not marred by self interest.

In terms of coordination of research, permits should

not be issued for Alaska-wide research until and unless there is a written plan indicating how multiple permittees will coordinate their studies and ensure that that research will cover appropriate times, area, and demographic classes, and is not duplicative.

The EIS should evaluate all of the most common methods of providing insight into important food habits. Research and methodology should be evaluated as to how effective they are in providing key information with minimal adverse effects, and how they can be used in combination with each other.

We believe that only veterinarians should administer anesthesia. This will ensure that distressed animals receive appropriate care and to prevent serious injury or mortality.

As you know, some permittees have requested half a dozen or more modifications to a single permit in less than a year. Changing protocol makes it difficult to standardize results. No permit should be modified until and unless the permittee demonstrates that the modification will not invalidate results from previous or ongoing studies.

NMFS should neither issue nor modify permits that other agencies, such as APHIS, the Animal Plant Health Inspection Service, has recommended for denial.

MODERATOR ISAACS: About 13 seconds.

MS. BENNETT: Thank you.

Permittees who do not comply with permit conditions, such as timely submission of reports, should have permits suspended. If there are declines in the number of species in Alaska, the EIS

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should discuss the need for appropriate ecosystem research that may not depend on synoptic and intrusive research directed at a single species or two species. The problems are much broader than Steller Sea Lions and Fur Seals, and appropriate management action cannot be taken without a more holistic approach to research.

I appreciate the opportunity to comment and will be submitting more involved written comments before the end of the comment period.

Thank you.

MODERATOR ISAACS: Thank you very much.

Is there anybody else in the audience who would like to testify at this point in time?

Okay, seeing none, then what we'll do right now is, we will suspend the public hearing, and the process is that we will be here for another hour. So, if you think about this, you are listening, you want to testify, just let us know, we will reopen the public hearing and take down the comments.

At this point in time, we'd like to maybe see if there is any questions that Steve might be able to answer, or at least take note of on an informal basis.

Do we have any questions that you might want to ask of Steve, about the NEPA process or anything else that we are going to be doing? Now is a good time to capture his attention.

MR. LEATHERY: So again, this is an informal question and answer session that's not in the formal record of scoping, but in other scoping meetings we've opened up an informal

question and answer period just to help inform the interested public.

There's no bad questions, be glad to take questions on permit process, or the research at hand, or anything at all.

Well, I guess seeing none then what we'll do is, we'll be around here, if you have informal questions, we can either go back to the board and discuss something informally, and again, if someone wants to testify just let us know and we'll reopen the public hearing to take it down for the record.

But, otherwise, thank you very much for coming today. Hopefully, we've given you some of the information you need to participate in the scoping process, and we appreciate all your attendance.

Okay, thank you.

MR. LEATHERY: Thank you.

(Whereupon, the above-entitled matter was concluded at 3:05 p.m.)

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Minutes

Meeting Type:	SSL/NFS Research EIS Scoping Meeting
Date:	01/20/2006
Time:	4:00 pm – 7:00 pm
Location:	Alaska Fisheries Science Center Building 9
Attendees:	See sign-in sheet

On January 20, 2006, representatives of National Marine Fisheries Service (NOAA Fisheries) and their contractor, URS, conducted a Public Scoping Meeting at the Alaska Fisheries Science Center Building 9 in Seattle, WA to provide a briefing on the Steller Sea Lion (SSL) and Northern Fur Seal (NFS) Research Environmental Impact Statement (EIS), and to identify issues that should be addressed in the EIS process. For a full transcript of this meeting, please see the attachment.

- **Will Anderson (self) – *Formal Comment***

Comments were submitted in the lawsuit filed with the Humane Society of the United States.

- **Dr. David Bain (University of Washington, Marine Mammal Research) – *Formal Comment***

Endangered species/potential biological removal (PBR) to allow human activities. Should expand PBR dev. to include cumulative effects. Research on Steller sea lions and northern fur seals needs to be coordinated to eliminate the duplication of effort. PBR is equivalent to the total budget of impact. There are certainly tradeoffs when doing research that is invasive. One such tradeoff may be to limit invasive research, which may affect the certainty of results but be less harmful to the species. In other words, research on a threatened population rather than the endangered population may make it more difficult to determine major factors affecting the endangered population but may help reduce the impact to that endangered population. There would be less likelihood of overstressing the threatened stock than an endangered stock if research was conducted only on the threatened stock.

NMFS – URS
STELLER SEA LION AND NORTHERN FUR SEAL RESEARCH EIS
PROJECT SCOPING MEETING
January 2006
SIGN-IN SHEET

URS

PLEASE PRINT NAME AND ADDRESS	AGENCY and DISCIPLINE	PHONE NUMBER	EMAIL ADDRESS	MAKE ORAL COMMENT ?
DAVID BAIN	UNIV. WA. MARINE MAMMAL RESEARCH	(425) 402-4378	dbain@u.washington.edu	YES
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Steven K. Davis	NOAA-Fisheries AK-Region	907-271-3523	Steven.k.davis@noaa.gov	no
WILL ANDERSON	SELF	206 715-6414	WILLOWSEATTLE@COMCAST.NET	NO

AFSC Seattle Jan. 20th

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,

(NOAA) FISHERIES

OFFICE OF PROTECTED RESOURCES

NATIONAL MARINE FISHERIES SERVICE

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Environment Impact Statement

on Steller Sea Lion and

Northern Fur Seal Research

Public Scoping Meeting

7600 Sandpoint Way, NE, Seattle, WA

Friday, January 20, 2006

*****

Appearances:

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Jon Isaacs

Steven Leathery

Andrew Wright

Rich Kleinleder

Stan Edo

Anne Lee

Steve Davis

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SEATTLE, WASHINGTON; FRIDAY, JANUARY 20, 2006
5:30 P.M.

MR. ISAACS: My name is Jon Isaacs. I'm from URS in Anchorage and I'm the project manager for the contractor team. I'll also be the moderator for this evening's meeting particularly for the public testimony period.

What I'd like to do is introduce our team that's here tonight. We have Steve Leathery who's chief with the Office of Protective Resources, the Education, Conservation and Permits Division. And with Steve, we have Andrew Wright who is also in the back here. From the URS side of the project team, we have Rich Kleinleder who is one of our marine mammal wildlife specialists. We have Anne Lee who is our deputy project manager. A couple other folks in the audience, Stan Edo who's a NEPA coordinator with the Alaska Sealife Center --

MR. EDO: Science Center.

MR. ISAACS: Science Center, excuse me. There's a foreordain slip. Alaska Fisheries Science Center. We have Steve Davis who's with the Alaska Region and the NEPA coordinator there, who's also a key member of the team.

So, again, welcome. We're going to do a

couple things in tonight's meeting. We're going to go through the general NEPA process and sort of what is in the scoping period, what are some of the expectations of scoping. We'll have a presentation by Rich on some of the status of the stocks and the research in terms of the Steller sea lions and the northern fur seals and then I will talk a bit about the purpose and need and some of the specifics of this EIS effort.

So this sort of summarizes what we're going to be doing tonight in our agenda. The thing to point out is this is really an important part of the public comment period. NEPA is a very serious process on public involvement and we are really looking forward to inviting comment as part of the scoping period to get identification of issues, concerns, topics that should be addressed in the NEPA process and so we're looking forward to various forms of comment, whether it's here in tonight in public testimony, whether it's using the e-mail site, whether it's sending in written comment. We're looking for a wide range of suggestions on what this NEPA document should consider.

This is the second of three scoping meetings. Our first scoping meeting was in Washington, DC on

Wednesday afternoon and then our third scoping meeting is going to be in Achorage on Monday evening in conjunction with the marine symposium that's going to be going on there.

As far as our scoping meeting procedures go, we ask you to sign in at the registration table for a couple reasons. One is to put you on our mailing list and so you'll receive newsletters, you'll receive updates when we send out a form asking for what format you might want the draft EIS in. We'll send those cards to folks. We'll also use it as our basis for the record for the public comment period and if you want to testify, I'll be using that to call people up in the order they've signed up. Written comments, if you have them with you, they can be turned in today but, again, our written comment deadline will be the 25th of February, and I'll talk about that a little bit later.

You might notice that we have a court reporter with us today and we're going to be recording transcripts of today's meeting. We're also going to audio tape it so we have it for the public record and we'll be using that to evaluate the scoping comments and include the results in the scoping report.

So, with that, I'd like to turn it over to

Steve Leathery to talk about the NEPA process.

MR. LEATHERY: Hi. Thank you all for coming tonight. Thanks for the introduction. I -- I'm Steve Leathery and I'm in charge of the Permitting Division and Protected Resources and Headquarters and we issue permits nationally for endangered species and marine mammals that are under the jurisdiction of the National Marine Fisheries Service, and my division also issues incidental take authorizations under the Marine Mammal Protection Act for activities in the coastal marine environment that may adversely affect marine mammals.

The purpose of the National Environmental Policy Act, you can read the text there, it's was enacted to ensure that the federal government disclose the activities that it's -- it's preparing to -- to do that would have environmental impacts and requires a consideration of a reasonable range of alternatives and the -- in analysis, the impact of those alternatives and then a selection of an alternative. It's really a sunshine law that requires the federal government to disclose the activities that it's going to conduct that may affect the environment, and that's both adverse effects and beneficial effects.

Requirements of NEPA, as I -- I mentioned,

are to assess the environmental impacts of proposed agency actions, consider environmental consequences early in the process, and to -- and to reduce, prevent or minimize environmental damage and to seek out public comment and involvement throughout this process.

It does not dictate what the decision should be. It -- it requires a full disclosure. It's basically a Sunshine Act.

The federal action in this case is the National Marine Fisheries Service is responsible under several statutes for the management of Steller sea lions and northern fur seals. It would be under the Endangered Species Act and the Marine Mammal Protection Act. And our administration of grants to fund this research and issuing permits to regulate the research is the activity under -- under consideration and that's for both Steller sea lion research and northern fur seal research.

NOAA policy is to prepare EIS for agency actions that are subject to significant public controversy based on the potential environmental consequences, have an uncertain impact or risks to the environment, establish a precedent or decision in principle about future proposals, may result in

cumulatively significant impacts, and that may have adverse effects upon endangered or threatened species in their habitats.

In -- generically, within an environmental impact statement, there's -- there's four primary sections, purpose and need for the proposed action, the reasonable range of -- of alternatives that meet the proposed need -- the -- the purpose and need and description of the effected environment and then analysis of the environmental consequences of the alternatives.

In this case, the CIS will look at the entire research program for these species covering current and projected granting and -- and permit activities.

This is the full range of factors that are in a typical EIS. In -- in this case, all these will be considered, but the most important that we would focus on is under wildlife, the first two sub-bullets, threatened and endangered species as well as marine mammals, and then the last sub-bullet, the -- the cumulative impacts -- the last bullet. NEPA requires an cumulative impact analysis and that will be a very important part of -- of this environmental impact statement.

The next steps after the public scoping is

that we will review and analyze the scoping comments. We plan to conduct a workshop on -- on research needs and methods, and that will have some invited participants and will be open to the public. After -- and -- and the results of that workshop will help inform, along with the public scoping comments, will inform the draft EIS that we'll prepare that. It will identify a range of alternatives to be considered that meet our purpose and need, describe the -- the environment and evaluate the environmental consequences of the proposed action and the alternatives.

There will be a public comment period on the -- the draft EIS and then we'll prepare a final EIS. And in the final EIS, there will be a formal response to comments that were raised by the public on the draft EIS.

My staffer Tammy Adams couldn't make it on this trip so at this point I'm turning it over to Rich to -- to give you some more information.

MR. KLEINLEDER: I'm Rich Kleinleder. I work with URS, so I'm going to just give a briefly overview of Steller sea lion and northern fur seal, their status -- management status and the type of research that's been going on with these species. And, like I

said, it will be a brief overview so if I leave out anybody's favorite factoid, you'll have to forgive me.

Steller sea lions were listed as -- as threatened in 1990 under the Endangered Species Act and there was a recovery plan initially published for that species in 1993. In 1997, the -- there was two stocks that were recognized. So essentially the -- for management purposes, there was two stocks, western stock and a eastern stock divided about the 144th parallel longitude. So west of the 144th is the western stock and east of that, going from just east of Prince William Sound down south along the Pacific coast to California is the eastern stock. The western stock also includes animals that are over in Russia and down into Japan. This -- this action will be considering just research that's going on in this U.S.

The western stock, the reason that they were split was a major difference in -- or demonstrable difference in genetics and so forth but another factor was -- was that the western stock was declining and the eastern stock was increasing. So it was a very different population dynamic.

The western stock population, major decline starting in the -- in the late '70s. This graph shows later part of the decline -- decline -- declined in --

in all different sections from the Gulf of Alaska out to the western Aleutians at different -- at slightly different rates but throughout it's range. So it was a major decline and that's -- that's why -- the reason it was put on the endangered species list. In the last few years, the last two surveys in 2002, 2004 has shown reversal of that trend showing about a five percent increase throughout -- throughout the -- in -- in almost all areas that have been surveyed.

The eastern population has been a very different story starting at a lower level, but over the past 20 years or so, it's been generally increasing throughout it's range, except for sort of central southern California where -- where the population has -- has declined in some cases -- or for some years but its stock, as a whole, has been -- has been generally increasing.

The research and the recovery plan for the sea lions has identified a number of potential contributing factors to the population decline and has identified types of research that would be important for helping the -- the stock recover. Among those -- and these are not listed in any particular order, but among those predation by killer whales, nutrition -- nutritional stress either brought about by combination

of fishing factors, ocean -- oceanographic shifts, changing conditions in the -- in the ocean, parasitism and disease have been looked at, and also mortality in fishing in various fisheries, both U.S. fisheries and foreign fisheries, including entanglement in lost fishing gear.

So these are some of the things that the research has been oriented towards trying to discover the reasons for the decline.

Grants to do Stellar Seal Lion research in the past five or six years have -- have a major increase in -- in granting money related to sea lion research. Some of it has been -- come through -- its earmarks from congressional appropriations. Some has been distributed in competitive fashion through the Stellar Sea Lion Initiative. Other -- other monies coming through NMFS for sea lion research has come from within the -- the budget of -- of NMFS to fund the research here, National Marine Mammal Laboratory. Recipients are both a combination of federal and state agencies as well as independent groups, especially university -- university groups.

The permitting process is -- is a formal process requiring application and justification of a whole list of criteria and it goes through a

complicated process involving a lot of different steps. I -- I won't go over all that right here but there is some more information on -- on the web site, NMFS web site as well as on one of the boards out here. But it is a public -- they are public documents. And the permitting for Steller sea lions is -- applies under both the Marine Mammal Protection Act permits as well as the Endangered Species Act permits.

So these are the institutions that have received permits to do work on Steller sea lions that are -- they're current -- currently valid permits.

Type of -- the permits are very specific as far as the type of activities that are allowed under the given permit, and -- so for different types of research functions, the permits specify a given number of animals that can be affected.

The types of research through surveys on population, essentially censusing, through use of planes, marine vessels and ground surveys, scat collection. Some animals are captured, temporary restrained for morphometric measurements. Some animals go through tissue sampling that are permitted from various tissues. Body composition, a number of other -- physiological measurements. Temporary and

permanent marking ranging from hot branding to flipper tags and things of that nature. External and scientific instruments -- internal scientific instruments, telemetry gear, stomach intubation, enemas. Removal from the wild in captivity and associated studies at the Sealife Center in Steward.

The -- the permits, like I said, they are specified for the -- a number of animals, the type of procedure, the sex, age, and -- and year of the -- the work and the season of the work, and it -- it varies. These research programs sometimes -- some years are more active than others, so this is just sort of a sample of an average number of animals that may be affected or that are permitted in a given year from all these different research programs.

So, all the animals may -- in the population may be disturbed through various censusing activities but then a subset are -- are permitted for work doing requiring capture and so forth.

Fur seals, there are two separate stocks recognized in U.S. waters, the Easter Pacific stock and the San Miguel Island stock. So the San Miguel Island stock in California relatively small component but the Eastern Pacific stock ranging all the way to the North Pacific and into the Bering Sea. Eastern

Pacific stock was listed as depleted under the Marine Mammal Protection Act in 1988. The San Miguel Island stock is not listed as depleted. That stock has -- has been increasing. That's why it's not as depleted.

Eastern Pacific stock has undergone substantial decline in -- in -- as a little -- in contrast to Steller sea lions, the fur seals, they're very few rookeries so most of the -- most of the breeding population -- most of the breeding occurs on the Pribilof Islands, St. Paul, St. George. There has been a increase on Bogoslof Island, that population has been increasing substantially at the same time that the Pribilof Island population has been decreasing.

Some very -- some -- some similar factors to the sea lion case as far as potential causes for decline, but with fur seals, there was also a substantial commercial harvest back in the '60s and the '50s. Same source of things incidental mortality in fisheries, nutritional stress, parasitism and disease, predation, and then habitat degradation. And it also is a -- a hunted population so the subsistence harvests as well as vessel traffic.

These are all compon -- or potential components in -- in the decline and so they have been

subject of research activities.

And so the -- the fur seals are listed as depleted on the Marine Mammal Protection Act but the Endangered Species Act so permits issued for them for research are just under the MMPA, and these are the recipients of a -- they're current permit holders for doing research on wild animals.

So there are other -- other permits for laboratory work but from tissue samples that are -- are collected from subsistence harvests and other -- other incidental mortality.

And they're really very similar types of research on -- on northern fur seals, different methodologies, but same types of things that are going on with these species but on a much smaller scale than the sea lions.

Okay.

MR. ISAACS: Thanks, Bruce.

What I'd like to do now is finish up this with information on the specific need to action before us in talking about the proposed action. What is the preliminary purpose and need. What are some of the issues we've identified preliminarily and what sort of information we're looking for feedback from the public.

I think as Steve indicated that proposed action before us is to facilitate conduct of research activities related to conservation and recovery of Steller sea lions and northern fur seals by awarding grants and issuing permits to qualified individuals and institutions.

And, again, there's some key words in here in terms of looking at research related to conversation and recovery and looking at awarding grants and issuing permits to qualified -- qualified individuals and institutions.

We put together a preliminary purpose and needs statement to start with scoping and what we'll be doing is we will be revisiting that purpose and need statement after we get the scoping comments in. But for the purpose of helping the public understand the purpose and need of the proposed action, this is where we're starting from.

The purpose is to award grants and assist in funding of activities identified by Congress or NMFS as important for management of protected species and to issue permits to provide an exemption from Marine Mammal Protection Act and Endangered Species Act prohibitions on take for conduct from bona fide scientific search and enhancement activities.

The preliminary need is to facilitate research needed to identify, evaluate or resolve conservation problems for the species and that information from this authorized research is needed by NMFS to identify natural and anthropogenic factors in limiting populations of stocks, in identifying reasonable actions to minimize impacts of human activities and to promote recovery of those stocks.

So why are permits needed for research? What the permits do is they allow researchers specific exemptions from the prohibitions of takes as defined under the Endangered Species Act and the Marine Mammal Protection Act.

And the way they define takes, there are some silimit -- some similarities and slight differences. Both of them prohibit takes of threatened and endangered species and the marine mammals respectively. ESA defines take as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or attempt to engage in any such conduct, whereas the Marine Mammal Protection Act defines take as to harass, hunt, capture, collect or kill or attempt to harass, hunt, capture or collect or kill under any marine mammal. So, again, the permits that are issued by NMFS provide an exception to these

prohibitions.

We've come up with some preliminary environmental issues that we see need to be addressed in the EIS. And, again, the purpose of scoping is we are looking from the public what should be the issues and the concerns that the EIS should address both in terms of the alternatives considered and in terms of the potential environmental consequences that we're going to analyze.

Among the issues are what are the information needs of NMFS for the conservation of the species, what type of information do they need for management, or do the types and the amounts of research activities that should be permitted, what mitigation measures should be identified and used as conditions on issuing permits, and then what are the cumulative impacts of research activities taken in conjunction with things like subsistence, commercial fishing and natural environmental factors on northern fur seals, on Steller sea lions and on the environment.

There's a number of specific questions that NMFS is asking the public to help answer and this is something that's being used not only for this project but for other research activities that NMFS is permitting and doing NEPA compliance on.

The first is the types of research. Things we would like to hear from people on are, are there critical research needs that are not already identified in the species' Recovery and Concervation Plans? If so, what are those research needs and how will they benefit the species?

What are the most appropriate methods to obtain the information required by the Recovery and Conservation Plans? Are there alternative methods we should -- should be considering? What should be the level of research effort? How much of a specific activity, such as hot branding, is enough for management and conservation needs? Can there be too much? Should NMFS set limits in some of these activities? Should there be different standards or more restrictions for research on certain age/sex/reproductive classes or life history stages? If so, for what classes, what stages, what should those limitations be?

Coordination of research. What are the most appropriate mechanisms to ensure that research is coordinated and there's not duplicative research? Should NMFS limit the number of permits to increase coordination? If so, how should this be accomplished? Should researchers operating under different permits

be required to use the same or similar methods? If so, what methods are the most appropriate for different research categories? How should NMFS compare data from different permit holders when making management decisions?

Qualifications of researchers. How much expertise and prior experience should a permit applicant, principal investigator or anybody else have with the specific methods for which they seek a permit?

And what are the effects of research? NMFS will be assessing the possible effects of the various research methods in this EIS. Anyone who has relevant information they believe NMFS should consider should provide a complete reference or citation. NMFS is also seeking recommendations for study designs that could detect or predict the effects of research activities on Steller sea lions and northern fur seals.

So we're going to get ready for the public hearing portion of this and I want to go over the process for oral comments and a few other administrative procedures.

NMFS is in the process of issuing a supplemental notice of intent. The original notice of

intent had a public comment deadline of February 13th and we've decided to extend that comment deadline to February 25th so that the supplemental notice of intent I think is going to be in the Federal Register relatively shortly.

The same procedure that we're using for all these scoping hearings is o people sign in at the registration table. Again, that gives us a list of people who have signed up and we'll call people in the order that they've signed up for testimony.

Everyone has four minutes to offer the oral comments. Typically what I do is, as you're approaching your four minutes, maybe 15 seconds left, I'll let you know you have about 15 seconds left and ask you to please wrap up. If you go a little bit over, no big deal but we'd like you to try to respect the four-minute limit.

And we have a court reporter here so we'll be recording the meeting both with a transcript and with an audiotape to make sure that we have accurate and complete record. We've used those for analyzing the scoping comments and those will be part of the scoping report which will be available on the web site for public review.

In addition to oral comments, you could also

submit written comments and you're not limited to one form of comment. In many cases, the best thing to do with oral comments is to summarize your main points and then submit more detailed written comments.

If you have written comments, your options are, if you have them today, we'll be glad to take them. You can hand them in to us. We have comment sheets here at the meeting and I think we also have comment sheets on the web site, if I'm not mistaken, and those can be filled out and turned in. You can send them in by e-mail and the e-mail address is ssleis.comments@noaa.gov. Anything that's submitted by e-mail, anything that's turned in in written comments needs to be in by the 25th of February.

We also have a NOAA web page. The address is up here and you can take a look at that for additional information. We will be posting the scoping report to that web site. We will be putting newsletters on the web site. Other project information will go on it. The draft EIS will be on it and will be downloaded by PDF, so that will be a very good source to check and keep up on the status of the project.

If you're interested in the copy of the EIS, you can register here and you can check the avail -- availability on the web site and I think for people

who are on the mailing list, we'll also be sending a card close to the period in time that the EIS is out to see if you want a hard copy or you want it in a CD format.

Probably don't think we need a five-minute break. But I've got a feeling is we have maybe one person who signed up to testify, is that a good guess?

MS. LEE: Uh-huh. Yes, we do.

MR. ISAACS: Okay. So let me go ahead and get the -- the sign-in sheet. And what I will do, even though we have one person set up to testify, I'm going to ask if anybody else in the audience who would like to testify, have you sign in.

When the testimony is finished, what we'll do is temporarily suspend the public hearing and then we will probably have an informal question and answer period, if you have some questions for Steve and other folks here.

We will certainly be here through the end of the published notice of 7:00 o'clock so if you change your mind or somebody else comes in, we'll reopen the public hearing to take testimony.

When I ask you to testify, if I could have you state your name and if you're representing an organization for the record to help out the court

reporter.

So the only person signed up on the list is David Bain. David, if you could come to the microphone here and, again, just state your -- your name for the record and you have four minutes, so thank you.

MR. BAIN: Okay. I'm Dr. David Bain and I'm not representing any organization.

Populations end up on the endangered species list when their potential for long-term survival has become impaired. NMFS has developed the concept of potential biological removal to try to strike a balance between allowing human activities to continue and the population to recover without further impairment and cumu -- or PBR was originally developed to deal with fishery situations when the removals were from immediate injuries or death, however, I think we should expand that concept to include cumulative effects.

And in that light, when we're looking at issuing research permits, factors like the level of effort will determine and what the contribution to the cumulative effect is. Also, how well researchers coordinate their efforts and avoid duplication of effort will impact the cumulative effect.

When -- well, we can think of potential biological removal as a total budget for all human impacts on a species attempting to recover. And when we're weighing the value of research projects, there are a number of things we should consider.

One, what is the probability that the factor addressed in the research influences the probability that the population will recover? Given the competence of the researchers, what is their probability of success in determining whether that factor is relevant? Even if the research is successful, what is the probability that it will result in the management action that will have an impact on the probability that the population will recover? And in making such decisions, we need to consider tradeoffs of sample size versus certainty in the results, invasiveness versus certainty -- or versus the certainty in the results.

When we're weighing the costs of a research project, we need to consider what the costs are, and there are a couple of different ways of looking at this. One is if you do your research on animals that are permanently in captivity anyway, there won't be any cost to the wild population. If you do the work with the threatened population, that's less likely

that the results will be as costly as if you did the work on an endangered population.

MR. ISAACS: About 15 seconds.

MR. BAIN: Okay. Two other points.

And we need to consider the relationship between the type of research and its effect on the survival and reproduction of the species. And, finally, we need to consider the reproductive value of the individuals influenced.

For example, a stranded animal or a young pup is likely to die before contributing to future reproduction of the population. Older individuals are less likely to contribute to the future reproductive -- reproductive value of the population and we may find females are more important to future reproduction than males are.

Thank you.

MR. ISAACS: Thank you, David.

Is there anyone else here who hasn't signed up who would like to testify tonight?

Okay. Seeing and hearing none, then what we'll do is we'll suspend the public hearing portion of it. Again, if someone here who would like to testimony and you change -- testify and you change your mind, please let us know and we'll open it back

up to take your testimony.

(Whereupon the Public Scoping Meeting concluded at 6:05 p.m.)

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CERTIFICATE

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I, Cynthia A. Kennedy, do hereby certify that pursuant to the Rules of Civil Procedure, the witness named herein appeared before me at the time and place set forth in the caption herein; that at the said time and place, I reported in stenotype all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

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IN WITNESS HEREOF, I have hereunto set my hand this 3rd day of February, 2006.

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Signature Expiration Date

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URS

Minutes

Meeting Type: SSL/NFS Research EIS Scoping Meeting
Date: 01/23/2006
Time: 5:00 pm – 8:00 pm
Location: Anchorage, AK
Attendees: See sign-in sheet

On January 23, 2006, representatives of National Marine Fisheries Service (NOAA Fisheries) and their contractor, URS, conducted a Public Scoping Meeting at the Hilton Hotel in Anchorage, AK to provide a briefing on the Steller Sea Lion (SSL) and Northern Fur Seal (NFS) Research Environmental Impact Statement (EIS), and to identify issues that should be addressed in the planning and permitting process.

- **Larry Merculieff (Alaska Native Science Commission, Deputy Director) – *Formal Comment***

Bering Sea Forum has been instrumental. Papers calling for cooperation and coordination in Bering Sea research. Bering Sea Summit of Indigenous Peoples. The Aleuts were the first to flag ecosystem problems in the Bering Sea in 1977. The Aleuts are never given attribution for their contribution. Two websites of interest include: www.nativeknowledge.org and www.nativescience.org. Not sure about implications of doing an EIS rather than an EA, or combining SSLs and NFSs. This approach may unnecessarily delay research. He was the first to report that a third decline of NFSs would occur. An EA should be adequate for both species. Alaska Natives must be involved in the development of the document because they are the only stakeholders with a nutritional stake since they consumers of both species. Do not ignore their knowledge of the species. The state of Alaska must be partners in research efforts and provide some financial assistance. The research on SSL and NFS should be kept separate. Research questions and management should include Russia – this half of the population cannot be ignored.

(1)

NMFS – URS
STELLER SEA LION AND NORTHERN FUR SEAL RESEARCH EIS
PROJECT SCOPING MEETING
January 2006
SIGN-IN SHEET

URS

ANCHORAGE 1-23

PLEASE PRINT NAME AND ADDRESS	AGENCY and DISCIPLINE	PHONE NUMBER	EMAIL ADDRESS	MAKE ORAL COMMENT ?
Donna Willoja	The AK Sea Otter & Steller Sea Lion Comm. (TASSC)	907 274-9799	dwilloja@seaotter-sealion.org	
Beate Litz	Alaska Sealife Center (ASLC)		beate_litz@alaskasealife.org	
Shannon Atkinson	ASLC		shannon_atkinson@alaskasealife.org	
Doug DeMaster	AFSC		douglas.demaster@noaa.gov	

NMFS – URS

STELLER SEA LION AND NORTHERN FUR SEAL RESEARCH EIS

PROJECT SCOPING MEETING

January 2006

SIGN-IN SHEET

(2)

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ANCHORAGE 1-23

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JO-ANN MELLISH ASLC/UAF PO BOX 1329 SEWARD AK 99664	ASLC/UAF BIOLOGIST			
Jamie Thornton ASLC POB 1329 Seward, AK 99664	ASLC Researcher			
Marina Lindsey NOAA Fisheries PO Box 21668 JNU 99802	NMFS	586-7213	marina.lindsey@noaa.gov	

NMFS – URS

STELLER SEA LION AND NORTHERN FUR SEAL RESEARCH EIS

PROJECT SCOPING MEETING

January 2006

SIGN-IN SHEET

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ANCHORAGE 1-23

PLEASE PRINT NAME AND ADDRESS	AGENCY and DISCIPLINE	PHONE NUMBER	EMAIL ADDRESS	MAKE ORAL COMMENT NO ?
Sheela McLean	NOAA Fisheries	586 7032	Sheela.mclean@noaa.gov	
Steve MacLean	The Nature Conservancy	276-2333	smaclean@tnc.org	No
Margaret Williams	World Wildlife Fund	279-5504	margaret.williams@wwfus.org	
MIKE WILLIAMS	NOAA FISHERIES	271-5006	Michael.williams@noaa.gov	No
TYLAN SCHROCK	ALASKA SEA LIFE CENTER	907 224.6319	tylan_schrock@alaskasealife.org	

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PROJECT SCOPING MEETING
January 2006
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PLEASE PRINT NAME AND ADDRESS	AGENCY and DISCIPLINE	PHONE NUMBER	EMAIL ADDRESS	MAKE ORAL COMMENT ?
Don Calkins ~~PSO~~ Alaska Sea Life Center Seward AK.	ASLC Steller Sea Lion and Northern Fur Seal Program Manager	907-224 6325	don_calkins@alaskasealife.org	
Kate Wynne Univ Alaska Fbx 118 Trident Way Kodiak AK 99615	UAF	907-486-1517	ffkmw@uaf.edu	
Clark Lee Merriam 710 Settlers Landing Rd Hampton VA 23669	Cousteau Society	757-722-9300	cmerriam@cousteausociety.org	
Lowell Fritz	NMFS NMML	206-526 4246	lowell.fritz@noaa.gov	

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STELLER SEA LION AND NORTHERN FUR SEAL RESEARCH EIS

PROJECT SCOPING MEETING

January 2006

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ANCHORAGE 1-23

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Lianna Jack 6239 B St Ste 204 Anch AK 99524	TASSC	907- 274- 9799	ljack@seaotter-sealion.org	N

(6)

NMFS – URS

STELLER SEA LION AND NORTHERN FUR SEAL RESEARCH EIS

PROJECT SCOPING MEETING

January 2006

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PLEASE PRINT NAME AND ADDRESS	AGENCY and DISCIPLINE	PHONE NUMBER	EMAIL ADDRESS	MAKE ORAL COMMENT ?
JOHN BENGTSON 7600 SAND POINT WAY SEATTLE, WA 98115	NMFS	206, 526, 4016	JOHN.BENGTSON@NOAA.GOV	NO

NOAA
PUBLIC SCOPING MEETING
Anchorage, Alaska

In Re:)
)
Environmental Impact Statement)
on Steller Sea Lion and)
Northern Fur Seal Research)
)

TRANSCRIPT OF FORMAL TESTIMONY
Hilton Anchorage
January 23, 2006
5:00 p.m.

APPEARANCES:
MR. JON ISAACS, Moderator: URS
MR. STEVEN LEATHERY: National Marine Fisheries Service, Silver Spring, Maryland
MR. ANDREW WRIGHT: National Marine Fisheries Service, Silver Spring, Maryland

ALSO PRESENT:
MS. KELLEY HARTLIEB, Court Reporter: Metro Court Reporting, Anchorage, Alaska

* * * *

(On record - 7:05 p.m.)

MR. ISAACS: I don't think we really need a five-minute break with the number of comments we have, but let me go through the comment list here and see who has signed up. Now, when I call you up, if you could come up to the microphone up here, it will help the court reporter out. And if you could state your name for the record and who you're affiliated with, and it also might help in some cases to spell your name if necessary so the court reporter can take that down. So it looks like first on the list is Bill Wilson. Bill, you have no comments at this time?

MR. WILSON: No comments.

MR. ISAACS: Okay, Larry Merculieff.

MR. MERCULIEFF: Is this the reporter?

MR. ISAACS: Yes.

STATEMENT BY LARRY MERCULIEFF

(Speaks in Aleut) In Aleut, that means the evening tastes good. My name is Larry Merculieff. I've given the court reporter the testimony so she's got the spelling of my name. I'm the deputy director of the Alaska Native Science Commission. And I'm going to make some general comments and then turn in written comments that are far more specific. But by way of introduction, I was involved in Bering Sea ecosystem issues for almost 30 years now and mostly as an indigenous leader. I was instrumental, for example, in the formation of

the International Bering Sea Forum which is composed of organizations and individuals focused on conservation in the Bering Sea and pursuing an international treaty. And I was also instrumental in securing Call to Action papers by the Departments of Interior and Commerce calling for cooperation and collaboration between those two departments and focussing in on research in the Bering Sea. And that was a result of a meeting that we had at the White House. Then I secured funding from the US State Department to mobilize a committee on the Bering Sea ecosystem under the auspices of the National Research Council, which was to take the best and the brightest of scientists nationally to take a look at the gaps and issues that need to be addressed in the Bering Sea, particular dealing with Bering Sea ecosystem approaches and the problems with the current science. And also I conducted the first ever Bering Sea Summit of Indigenous Leaders to outline what Alaska Native communities want to see in terms of research and Native participation in dealing with the Bering Sea issues. And I was the only indigenous representative who presented in the plenary in the White House Conference on the Oceans in Monterey, California in 1999. So I have some experience with these issues.

But without equivocation, I can say that Aleuts were the first ones to flag ecosystem problems in the Bering Sea in numerous scientific and general policy forums, governmental

forums, after Aleut people observed anomalous behavior of seals, sea lions and birds, sea birds, beginning in 1977. I can also say without equivocation that Aleuts were never given any attribution for our observations in any scientific forum, white paper or research document to this day. And that -- I'm hoping that whatever research is conducted that comes out of this, that attribution does take place because it hampers Native people's abilities to have some credibility in these scientific forums. I could say now, we pointed this out in 1977, that there were ecosystem problems. And we knew there were problems with sea lions, we knew there were problems with fur seals, we knew there were problems with sea birds, and it wasn't just isolated to the Pribilof Islands. That would have given us a little bit more credibility when we testify at any public forum.

Right now I serve as the deputy director for the Alaska Native Science Commission. Our primary purpose is to bring together western science and traditional ways of knowing, and to try to bring more participant involvement of Native peoples in terms of how science is conducted. We've got two websites: www.nativeknowledge.org and www.nativescience.org. And we have a database on there that points out all the Native resources we have through the state. We are a statewide organization.

I've got six points. One, I'm not sure about the

rationale or implications for conducting a full EIS rather than an EA and combining fur seals with sea lions. I understand that there are a lot of commonalities research-wise between sea lions and fur seals but I think that we need to examine what happens when these two are combined and we're doing a full EIS. By going this route, it seems to me that it may take an inordinate amount of time, in my opinion, to conduct an assessment on both species before a final report is out. And I maintain that this is time we do not have. I was, by the way, the first one that flagged that we were going to have a third decline of the fur seals and predicted that very accurately based on information given to me by our people, that we are going to encounter a third decline. This third decline has now begun and it's going to be far more precipitous than anything that's seen before, at least since the 1950's. So that given this, if combining the two species in an EIS will delay recommendations at research efforts, then in my opinion, this is a bad idea. Likewise, when it comes to eventual hearings on the draft EIS, combining these two species in this draft report will make the hearings cumbersome, if not just for the sheer number of people and organizations that will no doubt testify on one or the other species or both, and further delaying final action. We may be looking out to three years before a final action report is -- a final EIS actually developed, or maybe five years, and

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that's time that we absolutely do not have.
Number two, unless the agency is contemplating taking research action that requires an EIS because of potential significant impacts we are not told about, or is being contemplated that has not been discussed, an EA should be adequate for both species. It seems odd to me that it was considered adequate to do an EA for fishery management actions in the Bering Sea while an EIS would be required just for research. So it would be good to address that in some way.
Number three, Alaska Natives must be involved in designing research questions as they are not like any other stakeholder. First, Alaska Natives are the only consumer of the fur seals and sea lions for subsistence. Secondly, they are the only stakeholders that have major cultural and nutritional stake in the well being of the two species. As such, they are the only stakeholders that have more than economic consequences and public interest. Given this, if the plight of sea lions and fur seals worsen, which it is likely to do particularly for fur seals, it's the Alaska Native who will not only suffer the most in the current generation, but for many generations to come.
Number four, Alaska Natives must be partners in research efforts where Alaska Natives are given the financial wherewithal to deal with the collection and interpretation of traditional knowledge and wisdom about fur seals and sea

Page 7

lions. This has been totally and completely and sadly inadequate from what has been done particularly with sea lions, although there is now efforts to try to develop co-management measures working with the Sea Lion Commission and that's good. And we need more and more support. Let's see, now, Alaska Natives, in terms of traditional knowledge and wisdom, are unique in this regard in that they're the only stakeholders who have an intergenerational knowledge and understanding of these two species. To ignore this fact is to ignore a potentially significant source of information and understanding. And we can document where scientists have missed things that were absolutely critical to understanding what was going on. Although we cannot scientifically document it, we can anecdotally document it. And it can be corroborated by many Native peoples.
Number five, research funds for fur seals and sea lions must be kept separate and distinct, with requirements for coordination, cooperation and sharing of information and data between fur seal and sea lion scientists, utilizing ecosystem approaches unless there is a strong rationale as to why the science is going to be any better when you put them together. We're concerned about the implication of bringing these two together where they're going to end up with one species getting more effort and research and the other not. And we feel that both of them are absolutely critical.

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Number six and final point, research questions must address the western Bering Sea ecosystem and human activities on the Russian side of the Bering Sea. Neither of these species can be managed as if they live in only one half of the ecosystem; it's absolutely insane. We are discounting an entire half of their habitat. It's a significant flaw in all prior research in my opinion. And efforts must be made immediately to accelerate research cooperation and coordination with the Russians.
Thank you. I'll be glad to answer any questions.
MR. ISAACS: Thank you, Larry. At this point in time, no one else has signed up on the list. Are there other folks in the audience who would like to testify tonight? Again, it's a good opportunity but you also have the opportunity to submit written comments. Anyone else at this time? Okay, seeing none, what we're going to do is we're going to close the public hearing portion of it, but we're going to certainly be here through eight o'clock. If you change your mind and you want to put something on the record, I will open up the public comment period again and we'll go ahead and take the notes.
STATEMENT BY LARRY MERCULIEFF (cont.)
So I guess one comment, only because I'm trying to decide, you know, whether or not we should push for trying to separate the two had have them different between seals and sea

Page 9

lions. But, you know, in terms of the comment about the permits showing that the research is starting to parallel each other, I think that's more a reflection of either the lack of imagination, creativity or critical thinking on the part of the scientists. Because from the Native viewpoint, there are vast differences between seals and sea lions. And you know, my people on St. Paul Island are called (Aleut word), people of the sea lion. We eat more sea lion per capita than any other Native group. I myself have been a sea lion hunter for about 40 years. And we also live on an Island where the fur seals are, the majority of the fur seals. Between St. Paul and St. George, St. Paul's got the most. And we know there are major differences between the two. So that's for the record.

* * * END OF FORMAL TESTIMONY * * *

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CERTIFICATE

UNITED STATES OF AMERICA)
) s.
STATE OF ALASKA)

I, Jerri Young, Notary Public in and for the State of Alaska and Reporter with Metro Court Reporting, do hereby certify:

THAT the foregoing pages numbered 01 through 09 contain a full, true and correct transcript of the Environmental Impact Statement on Steller Sea Lion and Northern Fur Seal Research Public Scoping Meeting Formal Testimony before NOAA, was taken and transcribed by Kelley Hartlieb of this office.

THAT the Transcript has been prepared at the request of National Marine Fisheries Service, Office of Protected Resources, 1315 East-West Highway, Room 3525, Silver Spring, Maryland.

DATED at Anchorage, Alaska this 27th day of January, 2006.

SIGNED AND CERTIFIED BY:

_____
Jerri Young
Notary Public in and for Alaska
My Commission Expires: 11-03-07

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APPENDIX F
Agency Scoping Meeting, Issues Raised, and Agency Scoping Comments

Minutes

Meeting Type:	Agency Scoping Meeting SSL/NFS Research EIS
Date:	February 7, 2006
Time:	9:00am
Location:	Conference Call
Attendees:	Sharon Melin NMML; Tom Gellatt, NMML; Brian Fadely, NMML; Beth Stewart AEB-Juneau; Mike LeTurno, EPA Region 10; Mike Seigler, NMML; Rich Kleinleder, URS; Mike Williams, NOAA Fisheries-AK; David Cottingham, MMC; Mike Gosliner, MMC; Jeannie Drevenak, MMC; Steve Davis; Steve Leathery, NOAA Fisheries; Tammy Adams, NOAA Fisheries; Andrew Wright, NOAA Fisheries; Anne Lee, URS; Jon Isaacs, URS

On February 7, 2006, representatives of National Marine Fisheries Service (NOAA Fisheries) and their contractor, URS, conducted an Agency Scoping Meeting via teleconference to provide a briefing on the Steller Sea Lion (SSL) and Northern Fur Seal (NFS) Research Environmental Impact Statement (EIS), and to identify issues that should be addressed in the planning and permitting process.

- **Steve Leathery (National Marine Fisheries Service) – *Opens***

The purpose of the call is to continue the scoping process and specifically reach out to agencies that may wish to comment or ask questions regarding the EIS. The Powerpoint presentation that I am going to review here over the phone will be posted on the project website shortly after this teleconference. NEPA requires that the EIS consider the environmental impacts of research as well as the cumulative effects. NOAA Fisheries is responsible for the management of SSLs and NFSs. The action requiring NEPA compliance is the issuance of federal grants and permits. There is no implication or judgment by NOAA Fisheries that there are adverse impacts, but NOAA Fisheries is required to address these issues.

(Review of Powerpoint presentation – See attached copy of presentation).

- **Brian Fadely (National Marine Mammal Laboratory)**

What is the role of the National Marine Mammal Laboratory (NMML) – are they considered the public or an agency? How should NMML be involved in this project?

Answer (Steve Leathery): AFSC and NMML should have another conference call to flush out their roles.

- **David Cottingham (Marine Mammal Commission)**

How much is dealing with grants and permits already issued? Are there grants and permits that are affected by this EIS?

Answer (Steve Davis) – The EIS does not have an affect on grants that are already issued. Right now, NEPA compliance is needed for all grants. This is a new requirement by NOAA Grants Management Council. NAO-216-6 states that any decision that affects ESA/MMPA species cannot be categorically excluded, so either full NEPA compliance is conducted on ALL grants or we do what is trying to be done now. In the past, the Grants Office relied on the Permit Division for NEPA compliance, but now given the Humane Society (HSUS) lawsuit, this is problematic.

Is this a retrospective EIS for grants?

Answer (Steve Leathery): It is both, in that in the EIS we must analyze historical grants as well as existing and potential future grants for both species.

- **Beth Stewart (Aleutians East Borough-Juneau)**

What is going on with the litigation?

Answer (Steve Leathery):Why don't we talk offline sometime soon and I will fill you in on the HSUS lawsuit.

- **Brian Fadely (National Marine Mammal Laboratory)**

What is going on with pending permits or modifications for SSLs?

Answer (Steve Leathery): No decision has been made yet. The Permit Division recently approved 5-year permits, and 8 applicants were given 2-year lead-time. We are also waiting to see what happens in front of the judge for the HSUS lawsuit in March. That ruling may influence whether we will be able to process permits.

- **Tom Gellatt (National Marine Mammal Laboratory)**

What is the status of northern fur seal permits?

Answer (Steve Leathery?): The decision at hand for NMFS now is whether to prepare an interim EA, wait for the EIS to be complete, or wait to hear what the judge in the HSUS lawsuit tells us we have to do. We are working to try to move forward on northern fur seal permits before the EIS is complete. Until litigation is determined, we are waiting to decide on whether to process Steller sea lion permit modifications.

- **Beth Stewart (Aleutians East Borough-Juneau)**

How big of an amendment to a permit is okay and could be processed?

Answer (Steve Leathery): Minor amendments are considered okay.

- **Beth Stewart (Aleutians East Borough-Juneau)**

Is the information you are reviewing during this call on the website?

Answer (Steve Leathery?): Yes, this Powerpoint presentation will be posted soon after this teleconference is finished.

Also, have you already met with Kate Wynn of the Sea Grant Office?

Answer (Steve Leathery?): No, but she was at the public meeting held in Anchorage on January 23, 2006 and she made comments at the meeting.

Peggy Osterback of Dutch Harbor should also be contacted.

- **Tom Gellatt (National Marine Mammal Laboratory)**

Who has been contacted regarding this project? What is the schedule for scoping?

Answer (Steve Leathery):Our project mailing list is very broad with over 300 people, including all permit holders. Three scoping meetings were held in Silver Spring, MD, Seattle, WA, and Anchorage, AK, on January 18, 20 and 23, 2006. The public scoping comment deadline is February 25, 2006. There may be a workshop in March or July this year to help inform the alternative development process. There will also be a comment period after the release of the draft EIS.

- **Sharon Melin (National Marine Mammal Laboratory)**

Is the workshop more for comments on the process?

Answer (Steve Leathery): The workshop is to bring parties together to help develop a reasonable range of alternatives. It is an attempt to be more inclusive by inviting people to participate in addition to the researchers such as conservation biologists and members of HSUS and other NGOs. This is not an exercise to reach consensus.

(Jon Isaacs): If this EIS is to be more programmatic, then we also need help from the workshop about information regarding reasonably foreseeable future actions as far as potential new research methods, techniques and programs.

- **Tom Gellatt (National Marine Mammal Laboratory)**

It will be important to involve NOAA GC in this project, especially for review of project alternatives. Is there a conflict of interest because NMML would help with this process but are also researchers seeking permits?

Answer (David Cottingham): This is an agency document.

Answer (Tammy Adams): In order to properly characterize past, current and future research, NMML must be involved.

Answer (Steve Leathery): The agency is conducting research, funding research, and permitting research. Therefore, there is an inherent conflict, which is why it is so important to do an EIS and involve the public.

Spring would be a better time to have the workshop – March or April – because of the field season.

- **Steve Davis**

Is the intent to develop strawman alternatives for the workshop to help focus the group?

Answer (Steve Leathery): Yes.

There is a challenge in predicting the future, so we need to base it on the present. Presume in the near term that research is continued, so future range should be discussed during.

- **David Cottingham (Marine Mammal Commission)**

The SSL Recovery Plan Team meeting is scheduled for March 15-17. This would be valuable information to have for the workshop.

- **Tom Gellatt (National Marine Mammal Laboratory)**

The SSL Recovery Plan is supposed to be externally reviewed before team meeting, then after March 17 the SSL Plan should be final and published.

- **David Cottingham (Marine Mammal Commission)**

The MMC does not plan to draft separate comments for this comment period. Please consider our comments submitted on the Permits EA and other recent comments regarding this topic our formal submittal for the pubic scoping period of this EIS.

APPENDIX G
Native Scoping Meeting, Issues Raised and Native Scoping Comments

Minutes

Meeting Type:	Government-to-Government Scoping Meeting SSL/NFS Research EIS
Date:	February 7, 2006
Time:	2:00 pm
Location:	Teleconference
Attendees:	Mike Miller, Sitka Tribe of Alaska; Nikolski-Agrafina-Per, Tribal Secretary; Woody Widmark, Sitka Tribe of Alaska; Peggy Osterback, Executive Director of Aleut MMC; Akutan-Jacob Admin; Steve Leathery, NOAA Fisheries; Tammy Adams, NOAA Fisheries; Andrew Wright, NOAA Fisherise; Anne Lee, URS; Jon Issacs, URS

On February 7, 2006, representatives of National Marine Fisheries Service (NOAA Fisheries) and their contractor, URS, conducted an Agency Scoping Meeting via teleconference to provide a briefing on the Steller Sea Lion (SSL) and Northern Fur Seal (NFS) Research Environmental Impact Statement (EIS), and to identify issues that should be addressed in the EIS process. No formal comments were made during the teleconference. However, comments and questions were raised during the informal comment period, which included subsistence, research permits, status of stocks and species biology and NFS surveys. These informal comments will be considered by NMFS during development of the EIS.

S:\Projects\Federal\26219742 - Steller and Fur Seal EIS\Public Involvement\Scoping Report\Native Scoping Mtg Notes 2006.doc

APPENDIX H
Comment Report By Issue Code

SUBMISSION INDEX REPORT
SSL and NFS Research EIS Scoping Report
March 2006

Date	*Number*	*Name*	*Format:*	*Organization:*
2/7/2006		, Agrafina	Public Hearing	Native Village of Nikolski
1/20/2006		Bain, David	Public Hearing	Citizen
1/18/2006		Bennett, Jennifer	Public Hearing	Humane Society of the United States
2/7/2006		Cottingham, David	Public Hearing	Marine Mammal Commission
5/3/2005		Curland, Jim	Fax	Defenders of Wildlife
2/7/2006		Davis, Steve	Public Hearing	National Marine Fisheries Service-Alaska Region
7/26/2002		De Fontaubert, Charoltte	Fax	Greenpeace
2/16/2006		Engebretson, Monica	Fax	Animal Protection Institute
2/7/2006		Fadely, Brian	Public Hearing	National Marine Mammal Laboratory
2/7/2006		Gellatt, Tom	Public Hearing	National Marine Mammal Laboratory
2/23/2006		Green, Marsha L.	Fax	Ocean Mammal Institute
1/18/2006		Harrington, John	Comment Form	U.S. Environmental Protection Agency
2/21/2006		Liss, Cathy	Fax	Animal Welfare Institute
8/12/2002		Mattlin, Robert H.	Letter	Marine Mammal Commission
2/7/2006		Melin, Sharon	Public Hearing	National Marine Mammal Laboratory
2/15/2006		Sachau, B.	Email	Citizen
3/8/2006		Snyder, Gary	Email	Citizen
2/7/2006		Stepetin, Jacob	Public Hearing	Native Village of Akutan
2/7/2006		Stewart, Beth	Public Hearing	Aleutians East Borough-Juneau
2/25/2006		Williams, Margaret	Email	World Wildlife Fund
7/29/2002		Young, Sharon B.	Fax	Humane Society of the United States
5/4/2005		Young, Sharon B.	Fax	Humane Society of the United States
5/4/2005		Young, Sharon B.	Fax	Humane Society of the United States
2/24/2006		Young, Sharon B.	Fax	Humane Society of the United States

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Alaska Native Issues

Submission No.	CommentNumber	2	Database Reference ID	380	ISSUES
Does anyone know what's going on with the Bogoslof northern fur seal population?					AKN
Submission No.	CommentNumber	1	Database Reference ID	379	ISSUES
Where does the survey information gathered from these communities go?					AKN
Submission No.	CommentNumber	1	Database Reference ID	378	ISSUES
Does the MMC do any formal outreach to the Native MMCs?					AKN
Submission No.	CommentNumber	13	Database Reference ID	192	ISSUES
The EIS should contain an EJ analysis assessing the potential to disproportionately affect EJ communities.					AKN NEP
Submission No.	CommentNumber	12	Database Reference ID	191	ISSUES
Please describe how NMFS involved potentially affected Environmental Justice communities into the decision making process. How were EJ communities identified and how did the agency ensure non English speaking communities were involved in the NEPA process?					AKN
Submission No.	CommentNumber	11	Database Reference ID	190	ISSUES
...what role, if any, tribal governments that may be impacted would play in the development of this EIS.					AKN
Submission No.	CommentNumber	10	Database Reference ID	189	ISSUES
As the proposed action potentially affects subsistence users/Tribal governments/Tribal uses, will NOAA/NMFS have potentially affected Tribal Governments as Cooperating Agencies on the EIS?					AKN

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Alternatives

Submission No.	CommentNumber	30	Database Reference ID	341	ISSUES
Alternative 2.3.2 in the EA is the only prudent alternative until such time as the agency completes a more thorough evaluation of the level and nature of research necessary to provide answer the important conservation questions, without unnecessarily subjecting thousands of animals to capture and "intrusive" procedures.					ALT
Submission No.	CommentNumber	29	Database Reference ID	340	ISSUES
It is simply not sufficient for the agency charged with protecting this endangered species to simply adopt the assertion of the researcher applicants that they must risk the lives and health of animals and add to the already unsuitable cumulative impacts on the stock, without consideration of other alternatives.					ALT CUM
Submission No.	CommentNumber	28	Database Reference ID	339	ISSUES
The EA also fails to consider all reasonable alternatives. The EA proposes only two alternatives: the no action alternative and granting all of the requested permits. This is not acceptable.					ALT
Submission No.	CommentNumber	25	Database Reference ID	264	ISSUES
Of these three alternatives, we favor Alternative 3.					ALT
Submission No.	CommentNumber	2	Database Reference ID	241	ISSUES
While we do not feel that all options for issuing permits were not adequately considered, we support Alternative 3 which would limit the invasive research.					ALT
Submission No.	CommentNumber	46	Database Reference ID	238	ISSUES
Without some assurance that there can be adequate post-handling monitoring of effects, the most viable alternative is to suspend intrusive research for both Steller sea lions and fur seals until such a plan is in place.					ALT
Submission No.	CommentNumber	38	Database Reference ID	230	ISSUES
The NMFS should also consider refining the wording of its proposed alternative such that it will not merely result in a continuation of the already unfettered approach to research that necessitated this review in the first place.					ALT

Alternatives

Submission No.	CommentNumber	33	Database Reference ID	225	ISSUES
Given its a priori proposal to eliminate most of the alternatives from consideration, and the impracticality or illegality of allowing virtually unlimited intrusive research on declining stocks, the NMFS has conveniently left itself with no viable alternative other than its proposed action. This defeats the purpose of the EIS.					ALT NEP

Submission No.	CommentNumber	32	Database Reference ID	224	ISSUES
The HSUS believes that this alternative (suspension of intrusive research) should receive detailed study because, at least in the case of Steller sea lions, thousands of animals have already been branded and sampled. Analysis of this alternative helps assure that whatever research goes forward will do so only after considering what has already gone before.					ALT

Submission No.	CommentNumber	31	Database Reference ID	223	ISSUES
We question whether it is NMFS itself that believes that this research is necessary or whether the serious consideration suspension of intrusive activities as an alternative may be eliminated simply based on the self-interested assertion of researchers themselves.					ALT

Submission No.	CommentNumber	3	Database Reference ID	182	ISSUES
The EIS should describe an appropriate No Action Alternative as defined in CEQ guidance					ALT NEP

Submission No.	CommentNumber	65	Database Reference ID	85	ISSUES
One alternative empirical approach that should be reflected in the Service's NEPA analysis would be to prohibit fishing in areas large enough to ensure that fishing has no effect on prey availability and then observe sea lion population trends to determine whether they do, in fact, respond. The advantage of this more direct approach would be that it could address the hypothesis more directly, and perhaps more quickly, and pose less risk to sea lions and their recovery.					ALT

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Take (incidental; direct)

Submission No.	CommentNumber	13	Database Reference ID	324	ISSUES
Rather than seeking to reduce the incidental mortalities, the researchers are now seeking permission to increase potential lethal takes to 85 animals, with approximately 36 in the western stock (p. 103). This number is over 50% higher than the negligible level for the western stock, and higher the fisheries-related incidental mortality.					TAK
Submission No.	CommentNumber	59	Database Reference ID	79	ISSUES
...known human-related take would be about twice the potential biological removal level. It is not clear how such a level can be considered insignificant.					PBR TAK
Submission No.	CommentNumber	35	Database Reference ID	55	ISSUES
(page 41). Task 2. The application does not include branding in the list of requested take activities, and it is not clear if these animals would be branded					BRD PER TAK

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Sample Sizes; Techniques; Locations

Submission No.	CommentNumber	28	Database Reference ID	171	ISSUES
..."should have included more than one site in declining and stable areas to avoid the confounding effects of site variability and ensure that observed differences were really a product of the 'experimental' variable."					SAM
Submission No.	CommentNumber	40	Database Reference ID	60	ISSUES
...it is essential that the samples collected during the course of research should be representative of the sea lion populations from which they were taken and should be pertinent to identification of the causes of the decline or steps that can be taken to facilitate the species' recovery.					INA MET SAM
Submission No.	CommentNumber	42	Database Reference ID	62	ISSUES
Nevertheless, several proposals either fail to describe where the studies would occur or provide incomplete information.					INA SAM
Submission No.	CommentNumber	43	Database Reference ID	63	ISSUES
It is not clear that these studies will be adequately dispersed to assess potentially important spatial variation in the factors being assessed.					INA SAM
Submission No.	CommentNumber	44	Database Reference ID	64	ISSUES
The lack of information on the area and time during which research activities would occur also makes it impossible to determine if the research is being suitably coordinated to provide the best scientific information with the least practicable adverse effects on the animals resulting from handling and disturbance.					COR SAM
Submission No.	CommentNumber	45	Database Reference ID	65	ISSUES
Some previous studies of Steller sea lions have been limited to very small sample sizes of animals selected on the basis of criteria that may have reduced the difficulty of the study or avoided related risks (i.e., animals at the edge of the rookery, animals appearing to be in excellent or good condition, or animals of sufficient age or size), but selection by such criteria may introduce bias that raises questions as to whether those animals are truly representative of all the animals at a particular site or all the animals in the population.					INA SAM

Sample Sizes; Techniques; Locations

Submission No.	CommentNumber	46	Database Reference ID	66	ISSUES
...the applications do not describe how the animals would be selected and it is therefore not possible to determine if the sampling scheme is adequate to allow reliable interpretation of results.					PER SAM

Submission No.	CommentNumber	22	Database Reference ID	165	ISSUES
...the rationale for mass flipper-tagging of young animals as a standard practice is not at all clear in this EA.					CON SAM

Submission No.	CommentNumber	32	Database Reference ID	52	ISSUES
(page 31) Task 5. Permission is requested to capture more animals than will be sampled. It is not clear why some animals that are captured would not be sampled.					INA SAM

Submission No.	CommentNumber	27	Database Reference ID	170	ISSUES
..."Logistical constraints resulted in sample sizes that were so small in most physiological studies that few conclusions can be drawn."					SAM

Submission No.	CommentNumber	42	Database Reference ID	353	ISSUES
Telemetry is an important tool, yet is not clear if it is necessary for four different permittees to use this tool or whether there is any coordination among researchers to assure that the animals being sampled are representative for obtaining the information that is necessary.					COR SAM

Submission No.	CommentNumber	29	Database Reference ID	172	ISSUES
Test subjects were selected non-randomly among healthy survivors on the rookeries, and did not include weaned juveniles or adult females without pups that may not have been on the rookeries.					SAM

Submission No.	CommentNumber	30	Database Reference ID	173	ISSUES
There is a need for more focus on non-summer and year-round observation and sampling.					SAM

Submission No.	CommentNumber	15	Database Reference ID	207	ISSUES
The level of research must be evaluated in a manner that illuminates stratification of sampling. That is, in what demographic classes, areas or times is sampling most appropriate for the investigation of various hypotheses?					NEP SAM

Submission No.	CommentNumber	16	Database Reference ID	208	ISSUES
The EIS should evaluate how sample sizes should be determined and then it, or the NMFS permits office, must limit the number of individuals subjected to the stress of research rather than simply allowing unfettered sampling.					SAM

Sample Sizes; Techniques; Locations

Submission No.	CommentNumber	22	Database Reference ID	288	ISSUES
We are concerned that the large numbers that will be sampled range wide risk duplication of effort. The applicant (and any others proposing similar sampling) should provide specificity in where they will sample and the geographic and demographic parameters that will be examined.					INA SAM

Submission No.	CommentNumber	25	Database Reference ID	291	ISSUES
This permit alone proposes to collect, sample and potentially brand 1,100 pups (50 per rookery) aged 5 days to 2 months; up to 120 juveniles aged 2 months through 3 years; and 60 juveniles and adults over aged 3. Considering the power analysis that was done by Dr. Horning, the number being sampled seems excessive.					SAM

Submission No.	CommentNumber	5	Database Reference ID	316	ISSUES
The various applicants propose to brand more than 800 animals – they propose over 3,000. This seems excessive for the degree of precision needed based on Horning's analysis.					BRD SAM

Submission No.	CommentNumber	6	Database Reference ID	317	ISSUES
The NMFS should prepare an EIS with a power analysis to determine sample sizes, and consider a range-wide research design that would assure that an excessive number of animals is not branded, and that re-sighting effort is uniform to assure precision in estimates.					NEP SAM

Submission No.	CommentNumber	26	Database Reference ID	169	ISSUES
...a lack of integrated research, poor coordination of existing research projects, as well as serious limitations in experimental protocols, sample sizes, and statistical power to detect effects.					COR SAM

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Reporting requirements

Submission No.	CommentNumber 15	Database Reference ID 326	ISSUES
According to the EA, less than 10 mortalities were reported each year (p. 40). Despite this, researchers are seeking an increase in the number of incidental mortalities. Either they do not need this permission, or they were not reporting mortalities that occurred under their currently permitted activities and are in violation of the ESA and their permit conditions.			ESA REP

Submission No.	CommentNumber 27	Database Reference ID 293	ISSUES
...there are apparent discrepancies in the mortalities that this applicant reports. Discrepancies of this sort call into question the accuracy of the reportand and thus the impacts on these ESA listed stocks.			EDI REP

Submission No.	CommentNumber 28	Database Reference ID 220	ISSUES
The EIS can also examine permittees who have a history of frequent amendments and assess whether, or how, data gathered before or after the amendments were used or accounted for in published reports.			NEP REP

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Permits

Submission No.	CommentNumber	38	Database Reference ID	58	ISSUES
The list of sampling activities does not include branding. It would be useful if the applicant would clarify whether these animals would be branded prior to release.					PER
Submission No.	CommentNumber	13	Database Reference ID	140	ISSUES
No permit should be modified until and unless the permittee demonstrates that the modification will not invalidate results from previous or ongoing studies.					PER
Submission No.	CommentNumber	9	Database Reference ID	136	ISSUES
...permits should not be issued for Alaska-wide research until and unless there is a written plan indicating how multiple permittees will coordinate their studies and ensure that that research will cover appropriate times, area, and demographic classes, and is not duplicative.					COR DUP PER
Submission No.	CommentNumber	5	Database Reference ID	132	ISSUES
Applicants should have to specify how their research will address the critical need and why their chosen methodology is more appropriate if there are other less intrusive approaches to addressing the question.					PER
Submission No.	CommentNumber	2	Database Reference ID	129	ISSUES
The proposed action would grant permits to conduct research determined to be critical to the conservation of Steller Sea Lions and Fur Seals, and permit lower priority only if there is no adverse impact.					PER
Submission No.	CommentNumber	3	Database Reference ID	127	ISSUES
right now the same items are being researched over and over and over and permits are granted for them each time.					PER
Submission No.	CommentNumber	6	Database Reference ID	124	ISSUES
It is important that NMFS consider the interests of co-management organizations and the likelihood that they will require research permits to carry out mandated research programs under their respective co-management agreements.					PER

Permits

Submission No.	CommentNumber	80	Database Reference ID	100	ISSUES
It is not clear that all of the planned research is essential, and that the potential merits outweigh the cumulative or combined risks.					MET PER
Submission No.	CommentNumber	77	Database Reference ID	97	ISSUES
· as appropriate, the applicants obtain the necessary permits under the Convention of International Trade in Endangered Species of Wild Fauna and Flora prior to importing or exporting tissue samples into or from the United States.					PER
Submission No.	CommentNumber	76	Database Reference ID	96	ISSUES
· the Service ensure that activities to be conducted under these permits and those of other permit holders who might be carrying out research on the same species in the same areas are coordinated and, as possible, data are shared to avoid unnecessary duplication of research and disturbance of animals; and					COR PER
Submission No.	CommentNumber	75	Database Reference ID	95	ISSUES
· the proposed studies have been reviewed by the permittee's Institutional Animal Care and Use Committees in accordance with § 2.31 of the Animal and Plant Health Inspection Service's regulations governing the humane handling, care, treatment, and transportation of marine mammals;					PER
Submission No.	CommentNumber	57	Database Reference ID	77	ISSUES
...the number of accidental mortalities requested in the permit applications does not appear to be consistent with the finding of no significant adverse impact.					MOR PER
Submission No.	CommentNumber	46	Database Reference ID	66	ISSUES
...the applications do not describe how the animals would be selected and it is therefore not possible to determine if the sampling scheme is adequate to allow reliable interpretation of results.					PER SAM
Submission No.	CommentNumber	11	Database Reference ID	31	ISSUES
It is unclear whether the research activities and associated taking proposed in the applicant's Alaska SeaLife Center's 2001 Steller Sea Lion Research Plan have been included in the take table on page 4 of the application.					INA PER

Permits

Submission No.	CommentNumber 39	Database Reference ID 59	ISSUES
· what is the minimum age at which pups may be captured? · what are the weights of the transmitter devices that will be implanted in juvenile animals and the animals themselves? how does one determine the maximum size (dimensions, size) of instruments that can be implanted safely into the animals? · what precisely will be done in terms of "re-evaluating the process" (as noted on page 44 of the application) if more than three captive animals are deemed to be non-releasable within the period of one year? and · under what circumstances would animals deemed non-releasable be euthanized?			MET PER

Submission No.	CommentNumber 8	Database Reference ID 151	ISSUES
There are specific research proposals (such as the capture and long-term retention of wild animals as proposed by ASLC for surgical implantation of devices) that should not be permitted as described.			PER

Submission No.	CommentNumber 37	Database Reference ID 57	ISSUES
This section again refers to injections of adrenocorticotropic hormone to "challenge" juveniles. The purpose and utility of such tests are not clear, and the applicant should provide a rationale and research protocol for them; and			INA MET PER

Submission No.	CommentNumber 36	Database Reference ID 56	ISSUES
If information exists that demonstrates that tooth size and wear patterns can be used to determine if an animal is weaned, the applicant should be asked to provide or reference such information. If such information is not available, then the applicant should recognize this and be prepared to handle some animals that may not yet be weaned			MET PER

Submission No.	CommentNumber 35	Database Reference ID 55	ISSUES
(page 41). Task 2. The application does not include branding in the list of requested take activities, and it is not clear if these animals would be branded			BRD PER TAK

Submission No.	CommentNumber 34	Database Reference ID 54	ISSUES
(page 36) End of first paragraph. The application states that "An emergency kit… should be readily available." (Emphasis added). An emergency kit should be required if this activity is permitted.			PER

Submission No.	CommentNumber 33	Database Reference ID 53	ISSUES
(page 33) Task 3.3. Table 1 includes an entry pertaining to adrenocorticotropic hormone challenge. This activity is not further explained and no rationale for such a study is provided. Thus, it is not clear why it is included here, how it might contribute to recovery efforts for Steller sea lions, or why permission for this activity is being requested. Such information should be provided before authorization of this activity is considered			CON PER

Permits

Submission No.	CommentNumber	31	Database Reference ID	51	ISSUES
...it is not clear how the applicant determined that the total number of disturbed animals would be only 2,100, unless they are assuming that multiple captures would result in the incidental disturbance of the same animals at the same time.					INA PER

Submission No.	CommentNumber	29	Database Reference ID	49	ISSUES
It is not clear if the applicants are providing these as examples of activities that could conceivably be attempted using a blind or whether they are requesting permission to conduct these activities.					INA PER

Submission No.	CommentNumber	27	Database Reference ID	47	ISSUES
...the applicant does not, but should, provide an estimate of the length of time that animals may be anesthetized. The applicant should also be asked to describe any potential consequences of repeatedly anesthetizing animals (i.e., on a weekly basis).					INA PER

Submission No.	CommentNumber	22	Database Reference ID	42	ISSUES
Clarification should be requested as to the minimum age and size of pups that will be hot-branded.					BRD INA PER

Submission No.	CommentNumber	17	Database Reference ID	37	ISSUES
...attempts to take biopsies by shooting darts at these targets pose an unacceptable risk of striking an animal in the head and causing serious injury.					EFF PER

Submission No.	CommentNumber	14	Database Reference ID	34	ISSUES
However, it is not clear that the research design is sufficient to test this hypothesis and to characterize any differences in the use of forage fish by sea lions in the two populations.					INA MIT PER

Submission No.	CommentNumber	12	Database Reference ID	32	ISSUES
Further, the table makes no reference to the use of location-only satellite-linked transmitters as is indicated in the text of the application. Clarification of these points should be provided by the applicant.					INA PER

Submission No.	CommentNumber	41	Database Reference ID	61	ISSUES
The permit applications under review often do not provide sufficient information on their research sampling design and thus it is not always possible to determine if they will meet their stated objectives.					PER

Submission No.	CommentNumber	4	Database Reference ID	270	ISSUES
The applicant proposes that up to one Steller sea lion out of 12 may die as a result of the procedures. This is a fatality rate well in excess of most other researchers and should be, but is not, explained.					MOR PER

Permits

Submission No.	CommentNumber	2	Database Reference ID	371	ISSUES
How big of an amendment to a permit is okay and could be processed?					PER
Submission No.	CommentNumber	1	Database Reference ID	368	ISSUES
How much is dealing with grants and permits already issued? Are there grants and permits that are affected by this EIS?					PER
Submission No.	CommentNumber	2	Database Reference ID	367	ISSUES
What is going on with pending permits or modifications for SSLs?					PER
Submission No.	CommentNumber	35	Database Reference ID	301	ISSUES
Approval for invasive studies by this applicant should be suspended until NMFS can conduct a more comprehensive evaluation of range-wide research, its contribution to specific recovery plan needs and compliance with requirements of NEPA, the ESA, MMPA and Animal Welfare Act.					ESA MMP NEP PER WEL
Submission No.	CommentNumber	30	Database Reference ID	296	ISSUES
...the applicant proposes on page 3 of the December 7, 2003 amendment request to extract teeth from 80 adult females to allow age determination, although stating in the same paragraph that "prominent agencies such as ADFG and NMML" recognized "that these methods are inaccurate for older animals." If this is the case, then why is the applicant requesting permission for this invasive activity and why would NMFS grant it?					MET PER
Submission No.	CommentNumber	19	Database Reference ID	285	ISSUES
...Page 11 of this proposal that "although not a necessary part of our research, we will hot brand our animals at the request of the permit office." This indicates that researchers do not necessarily desire to hot brand animals, but are being required to do so by the permit office. Can NMFS explain this?					BRD PER
Submission No.	CommentNumber	18	Database Reference ID	284	ISSUES
Dr. Davis states that animals may need to be re-captured up to three times to attach and remove instrumentation to replace batteries and video tape. There is no provision a risk-benefit analysis such that the increased risk of repeated capture and anesthesia in a space of a few weeks is balanced against the value of data obtained by the video camera.					MET PER
Submission No.	CommentNumber	11	Database Reference ID	277	ISSUES
Hot branding has been conducted for three decades, with varying levels of success and mortality... Thus it would appear that this sort of study is unnecessary.					BRD PER

Permits

Submission No.	CommentNumber	10	Database Reference ID	276	ISSUES
The HSUS questions the conservation benefit of this proposal to the conservation needs of threatened eastern stock Steller sea lions. ...given the ESA and MMPA prohibition against stressful and invasive research that is not intended to address conservation and recovery goals. Thus, this permit should be denied.					CON PER

Submission No.	CommentNumber	9	Database Reference ID	275	ISSUES
Though the applicant requests permission to capture and sample and/or brand 12 Steller sea lions, they have no basis other than wild guessing as to the reason for this number. When asked by NMFS (3/12/05 cover) to justify this number, Harriet Huber of NMML stated that it was determined "arbitrarily—in 2003 we had funding to instrument up to six SSL." When questioned about the need to remotely tag 3 Steller sea lions and not more or less, she responded "[it] was arbitrarily chosen." This is inappropriate.					MET PER

Submission No.	CommentNumber	8	Database Reference ID	274	ISSUES
The applicant proposes to clip vibrissae instead; some thing that other research discount as reliable. While clipping is less invasive, if it cannot reliably answer the question being posed, then it should not be done. The NMFS should determine whether the desired information can be collected in a manner other than that proposed by the applicant.					MET PER

Submission No.	CommentNumber	7	Database Reference ID	273	ISSUES
The applicant also states that although it will only take 20 minutes to "sample" each sea lion, they will be held for up to 3 hours "while other animals are being processed." This level of stress seems excessive and unnecessary.					MET PER

Submission No.	CommentNumber	14	Database Reference ID	141	ISSUES
NMFS should neither issue nor modify permits that other agencies, such as APHIS, the Animal Plant Health Inspection Service, has recommended for denial.					PER

Submission No.	CommentNumber	5	Database Reference ID	271	ISSUES
The applicant proposes that no anesthesia will be used and that "squeeze cages" will suffice to restrain animals sufficiently to achieve a readable brand. This appears to disregard humane considerations.					MET PER

Submission No.	CommentNumber	15	Database Reference ID	142	ISSUES
Permittees who do not comply with permit conditions, such as timely submission of reports, should have permits suspended.					PER

Submission No.	CommentNumber	26	Database Reference ID	265	ISSUES
...it is imperative that the NMFS give serious consideration to denying all or part of the two permits which appear to impose unacceptable levels of inhumane treatment or/and mortality risk.					PER

Permits

Submission No.	CommentNumber 24	Database Reference ID 263	ISSUES
The HSUS notes that the applicant requests 8 mortalities per year (p. 33), whereas the chart on p. 69 states that they are only requesting 5 accidental mortalities. It is not clear that these mortalities are warranted, particularly the 3 that are reserved for animals captured and held at the ASLC. This represents a 3-month death rate of 18%, which is unacceptably high for animals in a captive facility. This level is far from humane and far from negligible for the number in captivity. This portion of the permit should be denied.			EDI MOR PER

Submission No.	CommentNumber 19	Database Reference ID 258	ISSUES
It is not entirely clear why Dr. Davis, who is receiving funding from two other permit applicants (NMFS and ASLC) cannot conduct his activities under the auspices of their permits rather than seeking separate take authorizations. Effort should be made to avoid duplicative sampling or harassment wherever possible.			DUP PER

Submission No.	CommentNumber 14	Database Reference ID 253	ISSUES
Clearly this level of harassment and mortality does not meet the conditions specified for issuance of permits under the MMPA to assure that impacts will not have a significant impact. On that basis, all of the permits cannot be granted.			MMP PER

Submission No.	CommentNumber 12	Database Reference ID 251	ISSUES
...discrepancies between numbers in the various permit applications and numbers in summary charts, complicates understanding the true impact of these applications.			PER

Submission No.	CommentNumber 37	Database Reference ID 229	ISSUES
...we believe that NMFS should give serious consideration to the suspension of intrusive research until there is clearly adequate study of already marked animals and a thorough analysis of existing samples. Only after it is clear that there are deficiencies in the available data would the agency permit additional intrusive studies.			PER

Submission No.	CommentNumber 36	Database Reference ID 228	ISSUES
If they propose to do invasive sampling or marking, they should justify why their chosen methodologies are more appropriate than other less intrusive measures or approaches to addressing the question. This specifically will also aid the NMFS in its efforts to coordinate research and assure minimal effect.			COR PER

Submission No.	CommentNumber 35	Database Reference ID 227	ISSUES
Applicants should have to justify quite specifically how their research will address the critical need.			PER

Submission No.	CommentNumber 30	Database Reference ID 222	ISSUES
The EIS should also examine the number of instances in which permits were granted or amended without the permittee having fulfilled requirements of previous permits for timely submission of annual and final reports and/or reports of mortalities.			NEP PER

Permits

Submission No.	CommentNumber	29	Database Reference ID	221	ISSUES
The EIS should examine how NMFS should reconcile situations in which granting a permit or amendment would be counter to recommendations from other management agencies.					NEP PER
Submission No.	CommentNumber	27	Database Reference ID	219	ISSUES
No permit should be modified until and unless the permittee can clearly demonstrate in writing why the modification will not bring into question the validity of results from previous on-going studies.					PER
Submission No.	CommentNumber	2	Database Reference ID	194	ISSUES
NMFS has granted the multiple proposals without any apparent regard to how they fit together to illuminate key questions. Previous permit applications show little evidence of a coordinated approach to sampling. Permits have been issued for "Alaska wide" activities to multiple permittees with no plan for coordination. This sort of approach can lead to some areas being over sampled and some areas receiving no sampling, with no justification provided for the geographic structure of sampling.					COR PER
Submission No.	CommentNumber	1	Database Reference ID	372	ISSUES
What is the status of northern fur seal permits?					PER
Submission No.	CommentNumber	6	Database Reference ID	272	ISSUES
There is no apparent justification for subjecting animals to the pain stress of hot branding, tissue sampling and application of invasive instrumentation with no anesthesia.					INA PER

DRAFT COMMENT ISSUE REPORT
SSL and NFS Research EIS
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Potential Biological Removal

Submission No.	CommentNumber	27	Database Reference ID	338	ISSUES
...the combined incidental lethal take that is requested by the applicants, when added to the native harvest and fisheries-related mortality is in excess of the PBR for the western Steller sea lions. This squarely refutes the earlier NMFS finding of no significant impact and, further, shows that the additive effort of this research on the stock could contribute to its decline. In this situation, an EIS is warranted and anything less in unlawful.					NEP PBR

Submission No.	CommentNumber	14	Database Reference ID	325	ISSUES
The cumulative research-related incidental mortality could exceed the PBR for the stock when added to other anthropogenic mortality and is clearly a significant impact. This endangered stock is already subjected to cumulative mortality that is arguably unsustainable, given its on-going decline. The request for research-related incidental mortality is well above a level that the ESA would consider "negligible."					CUM PBR

Submission No.	CommentNumber	13	Database Reference ID	252	ISSUES
If scientific permit-related mortalities in the Western stock reach 10 (the number that merely triggers consultation), then the entire PBR will have been exceeded by all sources. This is unacceptable.					PBR

Submission No.	CommentNumber	5	Database Reference ID	244	ISSUES
If more than 10 animals from the western stock were killed, then NMFS would require researches to consult on how to reduce mortality so that it does not exceed 20 animals, which is 10% of the PBR of 208. It is not clear from the EA whether such an assessment will be time-sensitive or whether consultation can take place before the number is exceeded when it appears that a monitoring plan is not currently in place.					INA PBR

Submission No.	CommentNumber	59	Database Reference ID	79	ISSUES
...known human-related take would be about twice the potential biological removal level. It is not clear how such a level can be considered insignificant.					PBR TAK

Submission No.	CommentNumber	58	Database Reference ID	78	ISSUES
...the environmental assessment determined that this minimum number would not constitute a significant adverse impact, it did so partly on the basis of comparisons with the species' potential biological removal level, which is one standard used to characterize a species' or stock's tolerance for human-related mortality.					NEP PBR

DRAFT COMMENT ISSUE REPORT
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National Marine Mammal Laboratory

Submission No.	CommentNumber 1	Database Reference ID 366	ISSUES
What is the role of the National Marine Mammal Laboratory (NMML) – are they considered the public or an agency? How should NMML be involved in this project?			NMM

DRAFT COMMENT ISSUE REPORT
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National Environmental Policy Act

Submission No.	CommentNumber	1	Database Reference ID	180	ISSUES
Please describe whether other agencies in tribal govts were sought out to be cooperating agencies.					NEP
Submission No.	CommentNumber	2	Database Reference ID	2	ISSUES
· The EIS be completed before any further research permits are issued.					NEP
Submission No.	CommentNumber	3	Database Reference ID	146	ISSUES
Other proposed projects entail the use of techniques or experimental procedures whose efficacy is not demonstrated in this EA.					NEP
Submission No.	CommentNumber	12	Database Reference ID	155	ISSUES
...EA analysis is not adequate to distinguish between projects that merit permitting and those that are unnecessary, duplicative, inhumane or in violation of other established permitting criteria.					NEP
Submission No.	CommentNumber	13	Database Reference ID	156	ISSUES
...analysis of the various research activities is being piecemealed, rather than considered in a single NEPA document.					COR NEP
Submission No.	CommentNumber	14	Database Reference ID	157	ISSUES
The direct, indirect and cumulative effects of all research activities should be analyzed in a single NEPA document.					CUM NEP
Submission No.	CommentNumber	17	Database Reference ID	160	ISSUES
...we have specific concerns about the proposed research program that have not been adequately address in this EA.					NEP
Submission No.	CommentNumber	19	Database Reference ID	162	ISSUES
...the proposed action does not appear to provide NMFS the flexibility to deny permits for individual projects or procedures of this type, or to suspend a permit if further review shows that action results in unnecessary or unacceptable impacts.					NEP

National Environmental Policy Act

Submission No.	CommentNumber	21	Database Reference ID	164	ISSUES
...the cursory EA discussion of the effects of flipper tagging (pp. 51, 53-54) barely acknowledges that physical wounds and infections may result, much less that there is a risk of increased predation on test subjects.					NEP
Submission No.	CommentNumber	31	Database Reference ID	174	ISSUES
The EA should have addressed these concerns and evaluated the degree to which proposed action will or will not remedy the limitations and shortcomings identified by peer reviewers of the existing research program.					NEP
Submission No.	CommentNumber	32	Database Reference ID	175	ISSUES
As a matter of NEPA process, we are quite concerned that NMFS issued the Final EA and signed the FONSI on this project without any involvement by the public.					NEP
Submission No.	CommentNumber	11	Database Reference ID	138	ISSUES
Research and methodology should be evaluated as to how effective they are in providing key information with minimal adverse effects, and how they can be used in combination with each other.					MET NEP
Submission No.	CommentNumber	36	Database Reference ID	179	ISSUES
The EA fails to demonstrate that all the projects and procedures in the proposed action are essential and will accomplish the stated research objectives, as currently designed.					NEP
Submission No.	CommentNumber	10	Database Reference ID	137	ISSUES
The EIS should evaluate all of the most common methods of providing insight into important food habits.					MET NEP
Submission No.	CommentNumber	2	Database Reference ID	181	ISSUES
The EIS should describe the potential impacts to recovery of the species from the proposed actions					EFF NEP
Submission No.	CommentNumber	3	Database Reference ID	182	ISSUES
The EIS should describe an appropriate No Action Alternative as defined in CEQ guidance					ALT NEP
Submission No.	CommentNumber	4	Database Reference ID	183	ISSUES
The EIS should describe whether modifications to permits/grants will be subject to NEPA compliance. What level of NEPA compliance will be done for permit/grant modifications?					NEP

National Environmental Policy Act

Submission No.	CommentNumber	5	Database Reference ID	184	ISSUES
Chapter 1 should discuss how the EIS will be used to fulfill NEPA compliance responsibilities for not only the grant and permit program, but also the individual permit and grant actions under the program.					NEP
Submission No.	CommentNumber	6	Database Reference ID	185	ISSUES
Why was this document not called a Programmatic EIS if in fact it is analyzing the grant and permit programs as a whole and deciding upon appropriate program direction?					NEP
Submission No.	CommentNumber	7	Database Reference ID	186	ISSUES
The EIS should assess the potential impacts to the predator & prey species potentially affected by the proposed actions for research permit & grant actions.					NEP
Submission No.	CommentNumber	8	Database Reference ID	187	ISSUES
The EIS should describe the potential mitigation measures, if any, that should be implemented as part of the proposed actions. If mitigation measures are feasible, then the EIS should stipulate whether a portion of grant funds will be used to pay for that mitigation.					MIT NEP
Submission No.	CommentNumber	9	Database Reference ID	188	ISSUES
...the EIS should discuss how information from the permit applicant or grantee will be used for further NEPA documentation. Will NMFS require permit/grant applicants to submit environmental information or prepare Environmental Assessments?					NEP
Submission No.	CommentNumber	13	Database Reference ID	192	ISSUES
The EIS should contain an EJ analysis assessing the potential to disproportionately affect EJ communities.					AKN NEP
Submission No.	CommentNumber	1	Database Reference ID	193	ISSUES
While The HSUS commends the National Marine Fisheries Service (NMFS) for undertaking the analysis necessary to prepare an Environmental Impact Statement (EIS), we must point out that this process should be undertaken prior to issuance of permits rather than after the fact, as is the case for Steller sea lion research.					NEP
Submission No.	CommentNumber	33	Database Reference ID	176	ISSUES
Accordingly, we urge NMFS to withdraw the FONSI and to issue a revised EA or EIS that takes into account the comments received on this document.					NEP

National Environmental Policy Act

Submission No.	CommentNumber	66	Database Reference ID	86	ISSUES
...Service reconsider the finding of no significant impact set forth in the environmental assessment and either (1) do a better job of explaining its rationale for such a finding, (2) scale back those research projects that have the highest potential to result in sea lion mortalities and other adverse impacts such that a finding of no significant impact is more defensible, or (3) prepare an environmental impact statement on the proposed action.					NEP

Submission No.	CommentNumber	3	Database Reference ID	3	ISSUES
· The EIS include an evaluation of what demographic classes and in what geographic areas research is most needed and most likely to provide meaningful information that will aid in the recovery of the species.					NEP

Submission No.	CommentNumber	5	Database Reference ID	5	ISSUES
· The EIS evaluate the special vulnerability of pups to capture and sampling techniques.					NEP

Submission No.	CommentNumber	6	Database Reference ID	6	ISSUES
· The EIS evaluate the short, intermediate, and long-term impacts of capture and sampling techniques on the welfare and survival of individual animals.					NEP

Submission No.	CommentNumber	7	Database Reference ID	7	ISSUES
· Finally, that the humaneness of the techniques used are critically evaluated. Hot iron branding, for example, should be prohibited. Limited time, money, energy, and motivation are not excuses for using painful and harmful techniques on animals when alternatives are available or can be developed.					BRD MET NEP

Submission No.	CommentNumber	2	Database Reference ID	9	ISSUES
Firstly, we question why the National Environmental Policy Act was not followed prior to the issuance of the eight permits. Secondly, there should be an immediate cessation of all research subject to the permits and the EIS should be completed prior to allowing further invasive studies.					NEP

Submission No.	CommentNumber	3	Database Reference ID	10	ISSUES
The EIS should include a thorough evaluation of the purpose and need for the research. This evaluation should include an analysis of previous research studies on Steller sea lions and a comparison with the planned research.					NEP

Submission No.	CommentNumber	5	Database Reference ID	12	ISSUES
The EIS should review the feasibility of employing alternative research techniques that will produce comparable results to those presented and subject to the EIS. These alternative techniques should include those that are not invasive, painful or life-threatening. Such techniques may include scat analysis, hair sampling, body condition evaluation and non-invasive scanning imaging.					MET NEP

National Environmental Policy Act

Submission No.	CommentNumber	6	Database Reference ID	20	ISSUES
There appears to be a lower standard for permitting research on Steller sea lions than on other endangered species. We urge NMFS to not allow this research to move forward until a thorough EIS is complete that addresses the above questions.					NEP

Submission No.	CommentNumber	2	Database Reference ID	16	ISSUES
The EIS must address the costs and benefits of this research to the population.					NEP

Submission No.	CommentNumber	1	Database Reference ID	15	ISSUES
First, permits for invasive research should not be issued before an EIS is prepared. Doing so violates the purpose of an EIS. The proposed research should certainly not go forward until an appropriate EIS outlining the need for this research and the possible consequences have been completed.					NEP

Submission No.	CommentNumber	16	Database Reference ID	143	ISSUES
...the EIS should discuss the need for appropriate ecosystem research that may not depend on synoptic and intrusive research directed at a single species or two species.					NEP

Submission No.	CommentNumber	62	Database Reference ID	82	ISSUES
Therefore, the cumulative effects analysis is incomplete and, in the absence of such an analysis, the conclusion of no significant adverse impact seems unfounded.					CUM NEP

Submission No.	CommentNumber	7	Database Reference ID	199	ISSUES
...the EIS should pay special attention to the particular vulnerability of pups and young animals to the impacts of intrusive procedures and branding.					BRD NEP

Submission No.	CommentNumber	5	Database Reference ID	107	ISSUES
Defenders agrees with comments submitted by the Humane Society of the United States (HSUS) that "before any further permits, extensions or amendments are granted, that NMFS should prepare an in-depth Environmental Impact Statement (EIS) similar to that being proposed for research on North Atlantic right whales (Eubalaena glacialis) in the Northeast.					NEP

Submission No.	CommentNumber	6	Database Reference ID	108	ISSUES
Defenders urges that the NMFS defer final action on the permits, permit extensions or permit modifications until such time as you have completed an EIS that fully evaluates the individual and cumulative impacts of the proposed research and weighs its contribution to cumulative effects on the stocks from multiple factors discussed previously. Only that research which is clearly non-duplicative and addresses compelling conservation needs should be permitted. This degree of analysis is required under both the ESA and the MMPA and is lacking at this time.					CUM ESA MMP NEP

National Environmental Policy Act

Submission No.	CommentNumber	3	Database Reference ID	121	ISSUES
WWF strongly urges the NMFS to carefully consider the need for dedicated support of long-term research in the EIS process. In particular, the balance between the ability of agency and university research programs to maintain consistent research protocols and field efforts should be carefully analyzed.					MET NEP
Submission No.	CommentNumber	4	Database Reference ID	122	ISSUES
WWF also recommends that the socio-economic analysis associated with this EIS process consider the conditions set forth in the 2005 Marine Stewardship Council certification of the Bering Sea and Aleutian Islands Pollock fishery.					NEP
Submission No.	CommentNumber	5	Database Reference ID	123	ISSUES
Finally, WWF also strongly urges NMFS to consider the implications of the EIS review of the permitting and grant process on the development of long-term research programs by the Pribilof Island communities.					NEP
Submission No.	CommentNumber	1	Database Reference ID	128	ISSUES
...the agency believes that this process should have been undertaken prior to issuing permits to conduct intrusive research on Steller Sea Lions.					NEP
Submission No.	CommentNumber	3	Database Reference ID	130	ISSUES
...the EIS should address how NMFS will identify which questions are, indeed, the most critical.					NEP
Submission No.	CommentNumber	4	Database Reference ID	131	ISSUES
NMFS should identify and prioritize the most critical needs prior to granting the permits.					NEP
Submission No.	CommentNumber	6	Database Reference ID	133	ISSUES
...the EIS should identify the level of research that is appropriate and the appropriate demographic classes and temporal and spatial bounds for research to address those questions.					MET NEP
Submission No.	CommentNumber	7	Database Reference ID	134	ISSUES
A power analysis for particular research questions and/or methodologies should be done before granting permits for invasive research and sampling.					MET NEP

National Environmental Policy Act

Submission No.	CommentNumber	58	Database Reference ID	78	ISSUES
...the environmental assessment determined that this minimum number would not constitute a significant adverse impact, it did so partly on the basis of comparisons with the species' potential biological removal level, which is one standard used to characterize a species' or stock's tolerance for human-related mortality.					NEP PBR

Submission No.	CommentNumber	32	Database Reference ID	343	ISSUES
Clearly permitting these activities was a significant increase over the status quo and should have triggered construction of an EIS and consultation under the Endangered Species Act. Instead, NMFS ignored this obligation and now seeks to allow an even greater impact on the stocks.					ESA NEP

Submission No.	CommentNumber	2	Database Reference ID	268	ISSUES
...we believe that this and all other permit applications seeking takes for invasive/intrusive activities should be held in abeyance pending a thorough EIS, a consultation under Section 7 and an analysis of the scope and demographic and geographic parameters that need to be studied, the best techniques for answering key questions and a power analysis of the numbers of animals minimally necessary for invasive/intrusive studies.					ESA MET NEP

Submission No.	CommentNumber	26	Database Reference ID	292	ISSUES
As we have previously stated, we believe that this and all other permit applications seeking takes for invasive/intrusive activities should be held in abeyance pending a through EIS, a consultation under Section 7 and an analysis of the scope and demographic and geographic parameters that need to be studied, the best techniques for answering key questions and a power analysis of the numbers of animals minimally necessary for invasive/intrusive studies.					ESA MET NEP

Submission No.	CommentNumber	35	Database Reference ID	301	ISSUES
Approval for invasive studies by this applicant should be suspended until NMFS can conduct a more comprehensive evaluation of range-wide research, its contribution to specific recovery plan needs and compliance with requirements of NEPA, the ESA, MMPA and Animal Welfare Act.					ESA MMP NEP PER WEL

Submission No.	CommentNumber	36	Database Reference ID	302	ISSUES
The information and analysis provided by NMFS so far entirely fails to demonstrate that these permits can be issued without violating NEPA, the ESA and the MMPA.					ESA MMP NEP

Submission No.	CommentNumber	38	Database Reference ID	304	ISSUES
Accordingly, the HSUS must insist that the NMFS not issue any permits, permit extensions or permit modifications involving invasive research until such time as you have completed an Environmental Impact Statement that fully evaluates the individual and cumulative impacts of the proposed research and weighs its contribution to cumulative effects on the stocks from combined mortality and serious injury resulting from fisheries-related mortality and native harvest. The quality of analysis required by NEPA and by both the ESA and the MMPA is simply lacking at this time. Furthermore, we believe that NMFS has an obligation to consult under Section 7 of the ESA on the impacts that this activity will have on the western stock of Steller sea lions, particularly with regard to the additive effects of these permits along with those of native harvest mortality and incidental fisheries-related mortality.					CUM ESA MMP NEP

National Environmental Policy Act

Submission No.	CommentNumber	40	Database Reference ID	306	ISSUES
The HSUS cannot countenance the conduct of research that will not clearly contribute to the conservation of the species or is inhumane to the individual animals that are affected. Accordingly, should NMFS issue the proposed permits, The HSUS will have no choice but to consider all methods, including legal action, to ensure that NMFS adheres to the requirements of federal laws and regulations before authorizing scientific research on endangered and threatened species of marine mammals.					CON NEP

Submission No.	CommentNumber	1	Database Reference ID	312	ISSUES
The HSUS strongly opposes issuance of these permits at this time. We find that the National Marine Fisheries Service (NMFS) has not satisfied the requirements of the National Environmental Policy Act, nor has it met its obligations under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). Because the western stock of Steller sea lions is endangered and declining in numbers, NMFS must demonstrate that the permits are non-duplicative, unlikely to adversely affect the stock, and in service of a significant gain in conservation of the species.					ESA MMP NEP

Submission No.	CommentNumber	2	Database Reference ID	313	ISSUES
Many of the research projects involve the use of invasive studies and physical handling of animals that subjects them to risk of severe injury and death and appear likely to disadvantage the western stock of Steller sea lions. ...the HSUS believes that the NMFS cannot issue the requested permits without violating the requirements of NEPA, the MMPA and the ESA.					EFF ESA MMP NEP

Submission No.	CommentNumber	6	Database Reference ID	317	ISSUES
The NMFS should prepare an EIS with a power analysis to determine sample sizes, and consider a range-wide research design that would assure that an excessive number of animals is not branded, and that re-sighting effort is uniform to assure precision in estimates.					NEP SAM

Submission No.	CommentNumber	8	Database Reference ID	319	ISSUES
...the EA states (p. 39) that "[t]here have been no recent studies dedicated to documenting and assessing the effects of research on Steller sea lions or other marine mammals at a population level, nor on the synergistic or cumulative effects of various research activities and other human-related impacts on individual marine mammals or populations." Yet NMFS asserts that the proposed research will not likely have adverse effects. This contention appears unsupported.					CUM NEP

Submission No.	CommentNumber	5	Database Reference ID	197	ISSUES
...NMFS, either in collaborations between the protected resources division and the endangered species division or, under the auspices of this EIS, should identify the priorities for research for these species.					NEP

Submission No.	CommentNumber	31	Database Reference ID	342	ISSUES
No permits for invasive studies should be issued or renewed until such time as the NMFS has completed an adequate environmental review and can meet the legal requirement that they serve conservation goals for the species without an adverse impact on the stock. To that end, before any further permits, extensions, or amendments are granted, the NMFS should prepare an in-depth Environmental Impact Statement (ESI) similar to that being proposed for research on North Atlantic right whales (Eubalaena glacialis) in the Northeast.					NEP

National Environmental Policy Act

Submission No.	CommentNumber	41	Database Reference ID	233	ISSUES
We note that and environmental impact statement conducted pursuant to authorizing native subsistence hunting of fur seals found that there are "conditionally significant adverse cumulative effect[s]" from commercial fisheries and native subsistence hatvest. (NMFS 2005) Because of this, it is important that the EIS weigh potential impacts of capture and intrusive research quite carefully.					CUM NEP

Submission No.	CommentNumber	38	Database Reference ID	349	ISSUES
If NMFS has information on the number of animals from each stock that may have died as a result of proposed activities, or even similar information on mortality and morbidity from other species of sea lions that could elucidate mortality levels, it should be provided to reviewers in summary fashion so that a more thorough evaluation of potential impacts from various procedures and among the various applicants can be made.					MOR NEP

Submission No.	CommentNumber	43	Database Reference ID	354	ISSUES
Instead of providing assurance that the intrusive procedures that are proposed are necessary and proportional to the questions that need to be addressed, the NMFS has simply passed along each proposal ad hoc, with no attempt in the EA to address the necessity or scope of the research proposals or to assess cumulative effects on mortality and morbidity of individuals and any consequent range-wide or localized population level effects.					CUM MET NEP

Submission No.	CommentNumber	45	Database Reference ID	356	ISSUES
The MMPA stipulates that research cannot result in the lethal take of a depleted stock unless the research fulfills a critically important research need. [12 U.S.C. 1374 (c)(3)(B)] As we have discussed above, the NMFS has never undertaken a review of the most efficacious means of answering the critical questions nor the number of animals minimally necessary to do so. Without such a review it cannot assure that all of the incidental lethal takes that will be authorized are in service of important conservation needs.					MMP NEP

Submission No.	CommentNumber	46	Database Reference ID	357	ISSUES
The MMPA also requires NMFS to consult with the Marine Mammal Commission. Because its previous consultations with the Commission yielded critical comments (see Appendix A of EA), that questioned the need for some of the research permits and the scope of the activities, we believe that NMFS has erred in its assertion that the research is justified.					MMP NEP

Submission No.	CommentNumber	52	Database Reference ID	363	ISSUES
These sorts of experiments on lactating females and newly born pups seem risky, and both legally and ethically questionable.					MET NEP

Submission No.	CommentNumber	2	Database Reference ID	369	ISSUES
The SSL Recovery Plan Team meeting is scheduled for March 15-17. This would be valuable information to have for the workshop.					NEP

National Environmental Policy Act

Submission No.	CommentNumber	2	Database Reference ID	373	ISSUES
Who has been contacted regarding this project? What is the schedule for scoping?					NEP
Submission No.	CommentNumber	3	Database Reference ID	374	ISSUES
It will be important to involve NOAA GC in this project, especially for review of project alternatives. Is there a conflict of interest because NMML would help with this process but are also researchers seeking permits?					NEP
Submission No.	CommentNumber	3	Database Reference ID	375	ISSUES
The MMC does not plan to draft separate comments for this comment period. Please consider our comments submitted on the Permits EA and other recent comments regarding this topic our formal submittal for the pubic scoping period of this EIS.					NEP
Submission No.	CommentNumber	1	Database Reference ID	376	ISSUES
Is the workshop more for comments on the process?					NEP
Submission No.	CommentNumber	27	Database Reference ID	338	ISSUES
...the combined incidental lethal take that is requested by the applicants, when added to the native harvest and fisheries-related mortality is in excess of the PBR for the western Steller sea lions. This squarely refutes the earlier NMFS finding of no significant impact and, further, shows that the additive effort of this research on the stock could contribute to its decline. In this situation, an EIS is warranted and anything less in unlawful.					NEP PBR
Submission No.	CommentNumber	22	Database Reference ID	214	ISSUES
...NMFS has stated that little is known about the effect of many procedures. These are vulnerable species, with two stocks in decline. If this more thorough evaluation finds little information on which to evaluate effects of various procedures, the EIS should state this clearly and recommend a means of remedying the situation before allowing procedures with unknown effects to proceed.					INA NEP
Submission No.	CommentNumber	1	Database Reference ID	377	ISSUES
Is the intent to develop strawman alternatives for the workshop to help focus the group?					NEP
Submission No.	CommentNumber	8	Database Reference ID	200	ISSUES
The EIS should also examine various methods of capturing animals for study and evaluate them with regard to how humane, risk averse or effective each may be.					MET NEP

National Environmental Policy Act

Submission No.	CommentNumber	9	Database Reference ID	201	ISSUES
The EIS should evaluate the various methods of marking, including their utility and impact on animals, and discuss which monitoring methodologies are likely to be most effective.					MET NEP
Submission No.	CommentNumber	10	Database Reference ID	202	ISSUES
The EIS should discuss each the wide variety of research methods and protocols and rank them according to their utility, invasiveness or need for specialized training in their use.					MET NEP
Submission No.	CommentNumber	11	Database Reference ID	203	ISSUES
The EIS should evaluate where, when, how or whether each of these can be used individually or in which effective combinations to illuminate the various aspects of the role in the decline played by resource limitation or nutritional stress.					MET NEP
Submission No.	CommentNumber	12	Database Reference ID	204	ISSUES
Within the EIS, there should be discussion the synergistic effects of using a variety of sampling procedures on individuals.					CUM NEP
Submission No.	CommentNumber	14	Database Reference ID	206	ISSUES
...the EIS should evaluate the types and amounts of procedures to which individuals of various demographic classes should be subjected without elevating the risk of serious injury or death.					MET NEP
Submission No.	CommentNumber	15	Database Reference ID	207	ISSUES
The level of research must be evaluated in a manner that illuminates stratification of sampling. That is, in what demographic classes, areas or times is sampling most appropriate for the investigation of various hypotheses?					NEP SAM
Submission No.	CommentNumber	17	Database Reference ID	209	ISSUES
The EIS should evaluate level of research in a manner that results in identifying, where possible, indicator sites that can be sampled in lieu of permitting projects throughout the entire range of the stock.					MET NEP
Submission No.	CommentNumber	18	Database Reference ID	210	ISSUES
The EIS should also examine what research has been done to date and how that research can inform the need for additional research using certain techniques.					MET NEP
Submission No.	CommentNumber	47	Database Reference ID	239	ISSUES
We believe that the EIS should discuss the need for appropriate ecosystem research that may not depend on synoptic and intrusive research directed at a single species or two species.					NEP

National Environmental Policy Act

Submission No.	CommentNumber	21	Database Reference ID	213	ISSUES
...the EIS should examine research conducted elsewhere on various pinniped species to ascertain effects. It is also important that the EIS evaluate the appropriateness of using less vulnerable surrogate species to test hypotheses regarding the short and long-term effects of a multiplicity of procedures used on Steller sea lions and used or proposed for use on fur seals.					CUM MET NEP
Submission No.	CommentNumber	42	Database Reference ID	234	ISSUES
NMFS should evaluate the degree to which data from fur seals killed by natives can provide information, without the need of additional invasive sampling.					NEP
Submission No.	CommentNumber	23	Database Reference ID	215	ISSUES
It is also critical that the EIS evaluate methodologies for post-handling monitoring of effects.					MON NEP
Submission No.	CommentNumber	24	Database Reference ID	216	ISSUES
The EIS should assess the need for the capture and temporary holding and testing of animals, and evaluate whether studies on already captive Steller sea lions or surrogate species might be substituted.					MET NEP
Submission No.	CommentNumber	25	Database Reference ID	217	ISSUES
The degree of supervision is not specified and the degree to which they will be performing intrusive, potentially injurious procedures is not clear, simply that their "qualifications and experience must be commensurate with his/her assigned responsibilities"... It would be helpful for the EIS to evaluate standards used in other species as well as for pinniped research in other species and/or areas.					CRE NEP
Submission No.	CommentNumber	28	Database Reference ID	220	ISSUES
The EIS can also examine permittees who have a history of frequent amendments and assess whether, or how, data gathered before or after the amendments were used or accounted for in published reports.					NEP REP
Submission No.	CommentNumber	29	Database Reference ID	221	ISSUES
The EIS should examine how NMFS should reconcile situations in which granting a permit or amendment would be counter to recommendations from other management agencies.					NEP PER
Submission No.	CommentNumber	30	Database Reference ID	222	ISSUES
The EIS should also examine the number of instances in which permits were granted or amended without the permittee having fulfilled requirements of previous permits for timely submission of annual and final reports and/or reports of mortalities.					NEP PER

National Environmental Policy Act

Submission No.	CommentNumber	33	Database Reference ID	225	ISSUES
Given its a priori proposal to eliminate most of the alternatives from consideration, and the impracticality or illegality of allowing virtually unlimited intrusive research on declining stocks, the NMFS has conveniently left itself with no viable alternative other than its proposed action. This defeats the purpose of the EIS.					ALT NEP
Submission No.	CommentNumber	34	Database Reference ID	226	ISSUES
...we believe the EIS should address how the NMFS will identify for each species which questions are indeed the most critical.					NEP
Submission No.	CommentNumber	39	Database Reference ID	231	ISSUES
If NMFS goes forward with analyzing its proposed action as it is currently written, we are concerned that we will see no improvement in the understanding of why there are declines, because it provides no assurance that there will be an analysis of research priorities and methodologies that is not self-interested.					NEP
Submission No.	CommentNumber	40	Database Reference ID	232	ISSUES
It is critical that this EIS re-examine the bases for the conclusions of these peer review panels and assess not only how individual procedures or research protocol can affect individuals and stocks, but also examine how basic flaws in research design such as those identified by the peer review panels of 1997-1999 may themselves impede understanding of research needs and impacts of research.					MET NEP
Submission No.	CommentNumber	6	Database Reference ID	198	ISSUES
Critiques and recommendation for the Steller sea lion research program were made by expert panels (NMFS 1997, NMFS 1999) that should be taken into consideration in the EIS process and allowed to inform the process of designing appropriate research programs.					NEP
Submission No.	CommentNumber	19	Database Reference ID	211	ISSUES
The EIS should consider the appropriateness of granting permits for smaller geographic areas or coordinating research of a particular type through a single permit as a means of assisting in coordination.					CRE NEP

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Mortality

Submission No.	CommentNumber	35	Database Reference ID	178	ISSUES
...some of this research will simply cause unnecessary disturbance and increase mortality on the endangered stock without contributing significantly to the conservation of Steller sea lions – a key consideration when determining whether or not to permit the proposed research activities:					EFF MOR

Submission No.	CommentNumber	13	Database Reference ID	33	ISSUES
This would be a mortality rate of almost 30 percent of the animals handled, which, if it actually occurred, would be unacceptably high.					MOR

Submission No.	CommentNumber	26	Database Reference ID	46	ISSUES
Finally, the applicant has not, but should, explain why such a high number of research-related mortalities (10) are needed on an annual basis.					MOR

Submission No.	CommentNumber	53	Database Reference ID	73	ISSUES
The lack of information on incidental mortality also could confound research results and, if not accounted for, could undermine the ability of the projects to produce information that can be expected to contribute to the recovery and conservation of the Steller sea lion.					INA MOR

Submission No.	CommentNumber	57	Database Reference ID	77	ISSUES
...the number of accidental mortalities requested in the permit applications does not appear to be consistent with the finding of no significant adverse impact.					MOR PER

Submission No.	CommentNumber	72	Database Reference ID	92	ISSUES
· surgical implantation of instruments be immediately suspended, until reauthorized by the Service, in the event that two animals die or are injured during or following the surgery and the mortality or injury can reasonably be attributed to that activity;					MOR

Mortality

Submission No.	CommentNumber	73	Database Reference ID	93	ISSUES
· the Service, in consultation with the applicants, review the basis for the numbers of accidental mortalities requested and provide reasonable justification for the number that can occur annually before research activities must be suspended. It may be useful, as part of such review, to examine the data concerning the number of accidental mortalities authorized and the number of animals actually killed during permitted Steller sea lion research over the past five years. On a related matter, in the event that a lactating female is killed or seriously injured as a result of the activities, the female's orphaned pup should be humanely provided for (i.e., salvaged and cared for, or if salvage is not possible, euthanized);					MET MOR

Submission No.	CommentNumber	2	Database Reference ID	104	ISSUES
Based on our review of the permits and previous comments submitted by the Marine Mammal Commission, we find that the National Marine Fisheries Service (NMFS) cannot meet its burden under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) to show that this research will clearly benefit the conservation of this species, that there is good coordination between the different research projects, that the effects of the research can be adequately monitored by NMFS, and that the level of incidental mortality (as a result of the research) is below an acceptable level.					CON COR ESA MMP MOR

Submission No.	CommentNumber	4	Database Reference ID	106	ISSUES
The need to limit accidental mortality as a result of this research is critical to showing that the proposed studies will clearly have a benefit to the species. It is unclear to us from the permit descriptions if the number of deaths related to incidental mortality from research is greater in these revised permits. If it is equal to or greater than this previous number calculated by the Commission, this is still a number that seems to be at an unacceptable level, especially for the "endangered" western population.					INA MOR

Submission No.	CommentNumber	8	Database Reference ID	28	ISSUES
Darting adult female sea lions with Telazol, as proposed, involves a high risk of mortality, either from their reaction to the drug or from drowning if they enter the water before the drug takes full effect.					EFF MOR

Submission No.	CommentNumber	20	Database Reference ID	163	ISSUES
Even commonly practiced techniques such as tooth extraction and the attachment of flipper tags may result directly or indirectly in increased mortality due to infection, illness, reduced foraging success or increased predation.					MOR

Submission No.	CommentNumber	51	Database Reference ID	362	ISSUES
Researchers from Texas A&M are proposing surgical implantation of tracking devices. ...that means that 70 percent of the animals are expected to die well before their life expectancy. ...this causes us some concern, particularly since the applicant projects that as many as 15 lethal takes may need to be authorized for their activities that will be implanting 80 tags in the 120 animals captured.					INA MOR

Mortality

Submission No.	CommentNumber	11	Database Reference ID	250	ISSUES
If we look at the total number of animals to be captured... This totals 2,185 Steller sea lions who will be subjected to "one of the most stressful incidents in life"! Of those animals who will be captured, applicants seek permission to have over 50 of them die as a result of their activities. This appears to be an unacceptably high level of stress and mortality for a stock that is already declining in many parts of its range.					EFF MOR

Submission No.	CommentNumber	20	Database Reference ID	259	ISSUES
This is a mortality rate of approximately 20%. Particularly in light of these extremely high mortality rates, we don not see that the justification for this permit outweighs the potential risk to animals, as would be required by the MMPA and ESA. This permit should be denied.					INA MOR

Submission No.	CommentNumber	24	Database Reference ID	263	ISSUES
The HSUS notes that the applicant requests 8 mortalities per year (p. 33), whereas the chart on p. 69 states that they are only requesting 5 accidental mortalities. It is not clear that these mortalities are warranted, particularly the 3 that are reserved for animals captured and held at the ASLC. This represents a 3-month death rate of 18%, which is unacceptably high for animals in a captive facility. This level is far from humane and far from negligible for the number in captivity. This portion of the permit should be denied.					EDI MOR PER

Submission No.	CommentNumber	1	Database Reference ID	267	ISSUES
If the applicants themselves worry that 6 mortalities in a year is too many, then clearly NMFS would be justified in suspending all research, including this applicant's, if more than this number occur.					MOR

Submission No.	CommentNumber	4	Database Reference ID	270	ISSUES
The applicant proposes that up to one Steller sea lion out of 12 may die as a result of the procedures. This is a fatality rate well in excess of most other researchers and should be, but is not, explained.					MOR PER

Submission No.	CommentNumber	14	Database Reference ID	280	ISSUES
All in all, this proposal is requesting a mortality rate as high as 29% of the sampled animals, many of which may be female, a segment of the population that is critical to recovery of the stock. This level of mortality is shocking. It is not clear why any animal care committee would approve this or how the ESA would permit it. If this applicant has experienced mortality in his already permitted research, we see no mention made of it in the EA. If he has not experienced mortalities, it is not clear why such a high percentage of the study population is being sought.					ESA INA MOR

Submission No.	CommentNumber	17	Database Reference ID	283	ISSUES
The application discusses the possible death of up to 65 animals "during research activities" in a five year period. It is not clear whether or how this will be determined and documented by researchers but these deaths should be counted against this permit and against a total of 10 mortalities across the western stock.					INA MOR

Mortality

Submission No.	CommentNumber 38	Database Reference ID 349	ISSUES
If NMFS has information on the number of animals from each stock that may have died as a result of proposed activities, or even similar information on mortality and morbidity from other species of sea lions that could elucidate mortality levels, it should be provided to reviewers in summary fashion so that a more thorough evaluation of potential impacts from various procedures and among the various applicants can be made.			MOR NEP

Submission No.	CommentNumber 4	Database Reference ID 147	ISSUES
...direct and indirect mortalities attributable to research are poorly assessed or difficult to quantify.			MOR

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Monitoring

Submission No.	CommentNumber	23	Database Reference ID	215	ISSUES
It is also critical that the EIS evaluate methodologies for post-handling monitoring of effects.					MON NEP
Submission No.	CommentNumber	3	Database Reference ID	23	ISSUES
...whether, and to what extent, attempts will be made to monitor the short- and long-term adverse effects of the research efforts;					EFF MON
Submission No.	CommentNumber	52	Database Reference ID	72	ISSUES
...the lack of a monitoring plan will preclude an analysis of the effects of the proposed research, both while it is in progress and after it has been completed.					INA MON
Submission No.	CommentNumber	56	Database Reference ID	76	ISSUES
The second factor, the development of a monitoring plan will not contribute to the reduction of significant effects that may result from the proposed research until a plan is completed and implemented. Although such a plan is needed, it is not expected to be in place for some time, and therefore will be of no use in describing incidental effects during the first years of this research.					MON
Submission No.	CommentNumber	63	Database Reference ID	83	ISSUES
In light of the considerable increase in research activities (including a number that would employ invasive techniques that pose risks to the sea lions involved), the potential for disturbance of animals at rookeries and haulouts, the lack of a monitoring plan to assess incidental impacts, the lack of an adequate cumulative effects analysis, and the ongoing decline of the western population of Steller sea lions, significant adverse effects resulting from the proposed and ongoing research activities cannot be ruled out.					CUM EFF MON
Submission No.	CommentNumber	67	Database Reference ID	87	ISSUES
· the researchers take steps to minimize disturbance of the subject animals by exercising caution when approaching animals, particularly mother-pup pairs, and halt an approach if there is evidence that the activity may be interfering with pair bonding, nursing, reproduction, feeding, or other vital functions;					MET MON
Submission No.	CommentNumber	68	Database Reference ID	88	ISSUES
· all branding activities be accompanied by effective programs to monitor their short- and long-term effects;					BRD MON

Monitoring

Submission No.	CommentNumber	81	Database Reference ID	101	ISSUES
To ensure that such adverse effects do not occur and become a significant factor in the decline, the Service should develop a monitoring program to assess the effects of research that may affect individuals or populations.					MON

Submission No.	CommentNumber	10	Database Reference ID	153	ISSUES
...absolute need for an accompanying monitoring program to assess the effects of research on the threatened and endangered populations.					MON

Submission No.	CommentNumber	7	Database Reference ID	14	ISSUES
Animals should also be should be monitored after the research projects for long term impacts.					MON

Submission No.	CommentNumber	24	Database Reference ID	167	ISSUES
...potential for harm from such techniques may be outweighed by the benefits to be gained from the ability to identify animals across multiple years, but only if there is a long-term commitment to monitor the status of branded animals.					BRD EFF MON

Submission No.	CommentNumber	33	Database Reference ID	344	ISSUES
The FONSI also stated that there would be long-term monitoring of branded animals, yet neither the researchers themselves nor NMFS' EA discuss the extent to which this was done.					MON

Submission No.	CommentNumber	6	Database Reference ID	245	ISSUES
It is not clear whether or how a 5-year permit will be halted to allow evaluation of longer-term effects. More alarming, it is clear that such a plan to monitor lethal and sub-lethal effects in not in place at this time.					INA MON

Submission No.	CommentNumber	7	Database Reference ID	246	ISSUES
The HSUS believes that the time for developing a plan to monitor potential effects is before the research is undertaken, rather than after permits are granted and research is underway.					MON

Submission No.	CommentNumber	8	Database Reference ID	247	ISSUES
The limited discussion of the need for a monitoring plan only addresses concerns regarding synergistic effects of invasive procedures. It is not apparent that such a plan would consider the stress of the cumulative effects of being captured multiple times, and of being harassed during survey activities and scat collection in the rookeries.					CUM MON

Monitoring

Submission No.	CommentNumber	15	Database Reference ID	254	ISSUES
The HSUS suggests that the ADFG may wish to spend more effort trying to re-sight animals and analyze the information from re-sighting, rather than continuing to brand additional animals. If continued or additional branding is authorized, the applicant must be required to monitor post-branding effects and provide evidence of little or no effect of their various activities on rookeries.					BRD MON
Submission No.	CommentNumber	16	Database Reference ID	255	ISSUES
Additionally, we feel that insufficient attention was given to consideration of post-capture myopathy. We note that although NMFS states in the EA on p. 69 that ADFG proposes 10 accidental mortalities per year, the chart on p. 9 of the applications stipulates 5 per year.					EDI MON
Submission No.	CommentNumber	17	Database Reference ID	256	ISSUES
We reiterate our concern expressed above that the applicant should institute a post-capture monitoring program and assessment of condition.					MON
Submission No.	CommentNumber	22	Database Reference ID	261	ISSUES
The HSUS believes that the NMFS should request post-capture monitoring of survival and re-sighting to fill apparent gaps in understanding this sort of information.					MON
Submission No.	CommentNumber	24	Database Reference ID	290	ISSUES
There should be additional information provided in the application to assure adequate monitoring of animal fates.					MON
Submission No.	CommentNumber	11	Database Reference ID	154	ISSUES
An adequate monitoring program should enable NMFS to suspend permits if subsequent information indicates that the research impacts are unacceptable or are exceeding the number of mortalities and injuries authorized under the permit.					MON

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Marine Mammal Protection Act

Submission No.	CommentNumber	46	Database Reference ID	357	ISSUES
The MMPA also requires NMFS to consult with the Marine Mammal Commission. Because its previous consultations with the Commission yielded critical comments (see Appendix A of EA), that questioned the need for some of the research permits and the scope of the activities, we believe that NMFS has erred in its assertion that the research is justified.					MMP NEP

Submission No.	CommentNumber	45	Database Reference ID	356	ISSUES
The MMPA stipulates that research cannot result in the lethal take of a depleted stock unless the research fulfills a critically important research need. [12 U.S.C. 1374 (c)(3)(B)] As we have discussed above, the NMFS has never undertaken a review of the most efficacious means of answering the critical questions nor the number of animals minimally necessary to do so. Without such a review it cannot assure that all of the incidental lethal takes that will be authorized are in service of important conservation needs.					MMP NEP

Submission No.	CommentNumber	2	Database Reference ID	313	ISSUES
Many of the research projects involve the use of invasive studies and physical handling of animals that subjects them to risk of severe injury and death and appear likely to disadvantage the western stock of Steller sea lions. ...the HSUS believes that the NMFS cannot issue the requested permits without violating the requirements of NEPA, the MMPA and the ESA.					EFF ESA MMP NEP

Submission No.	CommentNumber	1	Database Reference ID	312	ISSUES
The HSUS strongly opposes issuance of these permits at this time. We find that the National Marine Fisheries Service (NMFS) has not satisfied the requirements of the National Environmental Policy Act, nor has it met its obligations under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). Because the western stock of Steller sea lions is endangered and declining in numbers, NMFS must demonstrate that the permits are non-duplicative, unlikely to adversely affect the stock, and in service of a significant gain in conservation of the species.					ESA MMP NEP

Submission No.	CommentNumber	38	Database Reference ID	304	ISSUES
Accordingly, the HSUS must insist that the NMFS not issue any permits, permit extensions or permit modifications involving invasive research until such time as you have completed an Environmental Impact Statement that fully evaluates the individual and cumulative impacts of the proposed research and weighs its contribution to cumulative effects on the stocks from combined mortality and serious injury resulting from fisheries-related mortality and native harvest. The quality of analysis required by NEPA and by both the ESA and the MMPA is simply lacking at this time. Furthermore, we believe that NMFS has an obligation to consult under Section 7 of the ESA on the impacts that this activity will have on the western stock of Steller sea lions, particularly with regard to the additive effects of these permits along with those of native harvest mortality and incidental fisheries-related mortality.					CUM ESA MMP NEP

Marine Mammal Protection Act

Submission No.	CommentNumber	36	Database Reference ID	302	ISSUES
The information and analysis provided by NMFS so far entirely fails to demonstrate that these permits can be issued without violating NEPA, the ESA and the MMPA.					ESA MMP NEP
Submission No.	CommentNumber	35	Database Reference ID	301	ISSUES
Approval for invasive studies by this applicant should be suspended until NMFS can conduct a more comprehensive evaluation of range-wide research, its contribution to specific recovery plan needs and compliance with requirements of NEPA, the ESA, MMPA and Animal Welfare Act.					ESA MMP NEP PER WEL
Submission No.	CommentNumber	14	Database Reference ID	253	ISSUES
Clearly this level of harassment and mortality does not meet the conditions specified for issuance of permits under the MMPA to assure that impacts will not have a significant impact. On that basis, all of the permits cannot be granted.					MMP PER
Submission No.	CommentNumber	4	Database Reference ID	243	ISSUES
While individual permit applications may comply with some or all of these requirements, it is not clear that these proposals in sum can comply with all of them.					MMP
Submission No.	CommentNumber	3	Database Reference ID	242	ISSUES
The MMPA requires that a number of criteria be met prior to the issuance of research permits (50 CFR 216.34). (1) The proposed activity is humane and does not present any unnecessary risks to the health and welfare of marine mammals; and (2) The proposed activity, if it involves endangered or threatened marine mammals, will be conducted consistent with the purposes and policies set forth in section 2 of the Endangered Species Act (ESA); and (3) The proposed activity, by itself or in combination with other activities, will not likely have a significant adverse impact on the species or stock.					MMP
Submission No.	CommentNumber	1	Database Reference ID	240	ISSUES
However, it is not clear that adequate coordination of these various research proposals has taken place and it is not clear that the proposals meet all of the conditions stipulated in the Marine Mammal Protection Act (MMPA or Act).					COR MMP
Submission No.	CommentNumber	6	Database Reference ID	108	ISSUES
Defenders urges that the NMFS defer final action on the permits, permit extensions or permit modifications until such time as you have completed an EIS that fully evaluates the individual and cumulative impacts of the proposed research and weighs its contribution to cumulative effects on the stocks from multiple factors discussed previously. Only that research which is clearly non-duplicative and addresses compelling conservation needs should be permitted. This degree of analysis is required under both the ESA and the MMPA and is lacking at this time.					CUM ESA MMP NEP

Marine Mammal Protection Act

Submission No.	CommentNumber 2	Database Reference ID 104	ISSUES
Based on our review of the permits and previous comments submitted by the Marine Mammal Commission, we find that the National Marine Fisheries Service (NMFS) cannot meet its burden under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) to show that this research will clearly benefit the conservation of this species, that there is good coordination between the different research projects, that the effects of the research can be adequately monitored by NMFS, and that the level of incidental mortality (as a result of the research) is below an acceptable level.			CON COR ESA MMP MOR

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Mitigation

Submission No.	CommentNumber	39	Database Reference ID	350	ISSUES
Further he cites that the Recovery Plan encourages the use of mitigation measures to minimize impacts and the recommendation of alternative, less intrusive techniques. While we would generally agree with this premise, the HSUS does not believe that this standard has been satisfied.					MIT
Submission No.	CommentNumber	23	Database Reference ID	289	ISSUES
Mitigation measures were suggested in the primary research (Lewis 1987) including conducting counts at times and tidal cycles when non-pup presence is lowest, not conducting counts when rookery is small to prevent pups from drowning in pools. These are not discussed in this application's mitigation measures.					MIT
Submission No.	CommentNumber	8	Database Reference ID	187	ISSUES
The EIS should describe the potential mitigation measures, if any, that should be implemented as part of the proposed actions. If mitigation measures are feasible, then the EIS should stipulate whether a portion of grant funds will be used to pay for that mitigation.					MIT NEP
Submission No.	CommentNumber	14	Database Reference ID	34	ISSUES
However, it is not clear that the research design is sufficient to test this hypothesis and to characterize any differences in the use of forage fish by sea lions in the two populations.					INA MIT PER

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Methodology

Submission No.	CommentNumber	1	Database Reference ID	125	ISSUES
it is clear we need a definite limit on the impact of alleged "research" on sea lions and seals since their population numbers are so limited and they are under such assault.					MET

Submission No.	CommentNumber	7	Database Reference ID	7	ISSUES
· Finally, that the humaneness of the techniques used are critically evaluated. Hot iron branding, for example, should be prohibited. Limited time, money, energy, and motivation are not excuses for using painful and harmful techniques on animals when alternatives are available or can be developed.					BRD MET NEP

Submission No.	CommentNumber	3	Database Reference ID	111	ISSUES
In summary, when evaluating the impacts of any research technique it is important to recognize the stochastic nature of any disturbances caused. I think any technique might sometimes be done with very little disturbance, but the same methods may increase mortality considerably under different conditions.					MET

Submission No.	CommentNumber	4	Database Reference ID	112	ISSUES
Drive counts of pups should be avoided. In general ground counts are disruptive to the social order of sea lions, pups often end up in the water, and these counts interrupt nursing by separating pups and their mothers.					MET

Submission No.	CommentNumber	5	Database Reference ID	113	ISSUES
Collecting data on an active rookery should be minimized and never repeated in the same place regularly.					MET

Submission No.	CommentNumber	6	Database Reference ID	114	ISSUES
It might be beneficial to sea lions to have one section of the Forrester Island complex off limits to ground based research.					MET

Submission No.	CommentNumber	7	Database Reference ID	115	ISSUES
Additionally personnel who are working on a rookery should be briefed by an experienced biologist on how to minimize the spooking of sea lions (such as staying low and moving slow, minimizing time on a rookery).					CRE MET

Methodology

Submission No.	CommentNumber	8	Database Reference ID	116	ISSUES
Researchers camping near rookeries can be an asset in protecting rookeries from fishing and tourism disturbance.					MET

Submission No.	CommentNumber	73	Database Reference ID	93	ISSUES
· the Service, in consultation with the applicants, review the basis for the numbers of accidental mortalities requested and provide reasonable justification for the number that can occur annually before research activities must be suspended. It may be useful, as part of such review, to examine the data concerning the number of accidental mortalities authorized and the number of animals actually killed during permitted Steller sea lion research over the past five years. On a related matter, in the event that a lactating female is killed or seriously injured as a result of the activities, the female's orphaned pup should be humanely provided for (i.e., salvaged and cared for, or if salvage is not possible, euthanized);					MET MOR

Submission No.	CommentNumber	3	Database Reference ID	121	ISSUES
WWF strongly urges the NMFS to carefully consider the need for dedicated support of long-term research in the EIS process. In particular, the balance between the ability of agency and university research programs to maintain consistent research protocols and field efforts should be carefully analyzed.					MET NEP

Submission No.	CommentNumber	70	Database Reference ID	90	ISSUES
· surgical implants of instruments be performed by experienced marine mammal veterinarians, and the animals be fully recovered from anesthesia and exhibiting no ill effects of the surgery prior to release;					CRE MET

Submission No.	CommentNumber	6	Database Reference ID	133	ISSUES
...the EIS should identify the level of research that is appropriate and the appropriate demographic classes and temporal and spatial bounds for research to address those questions.					MET NEP

Submission No.	CommentNumber	7	Database Reference ID	134	ISSUES
A power analysis for particular research questions and/or methodologies should be done before granting permits for invasive research and sampling.					MET NEP

Submission No.	CommentNumber	8	Database Reference ID	135	ISSUES
We support convening a research panel with outside experts who can assist in clarifying the most appropriate research design and ensure it is not marred by self interest.					MET

Submission No.	CommentNumber	10	Database Reference ID	137	ISSUES
The EIS should evaluate all of the most common methods of providing insight into important food habits.					MET NEP

Methodology

Submission No.	CommentNumber	11	Database Reference ID	138	ISSUES
Research and methodology should be evaluated as to how effective they are in providing key information with minimal adverse effects, and how they can be used in combination with each other.					MET NEP
Submission No.	CommentNumber	12	Database Reference ID	139	ISSUES
We believe that only veterinarians should administer anesthesia.					MET
Submission No.	CommentNumber	23	Database Reference ID	166	ISSUES
...the preferred technique of hot-branding large numbers of pups and young juveniles may lead to substantial mortalities (EA, p. 53), raising questions about the degree to which vital rates information gleaned from branded animals may be biased by the experiment itself.					BRD MET
Submission No.	CommentNumber	10	Database Reference ID	118	ISSUES
If the aircraft is piloted well, such that there are no major changes in the engine sound, aerial photography can be done with little disturbance.					MET
Submission No.	CommentNumber	36	Database Reference ID	56	ISSUES
If information exists that demonstrates that tooth size and wear patterns can be used to determine if an animal is weaned, the applicant should be asked to provide or reference such information. If such information is not available, then the applicant should recognize this and be prepared to handle some animals that may not yet be weaned					MET PER
Submission No.	CommentNumber	5	Database Reference ID	12	ISSUES
The EIS should review the feasibility of employing alternative research techniques that will produce comparable results to those presented and subject to the EIS. These alternative techniques should include those that are not invasive, painful or life-threatening. Such techniques may include scat analysis, hair sampling, body condition evaluation and non-invasive scanning imaging.					MET NEP
Submission No.	CommentNumber	6	Database Reference ID	13	ISSUES
If the true intent of the research is to prevent a further decline in numbers of animals, then studies should include zero mortalities and no procedure that could result in any condition that might affect the future success of the species, including stress.					MET
Submission No.	CommentNumber	4	Database Reference ID	18	ISSUES
Are the invasive methodologies absolutely necessary? Starving 16 juvenile sea lions hardly seems necessary or ethical.					EFF MET

Methodology

Submission No.	CommentNumber	3	Database Reference ID	17	ISSUES
Many of the methods are invasive and could have potential fitness costs, especially to the pups. Pups being subjected to as many as 15 different intrusive procedures each season seems excessive in and endangered/threatened population.					EFF MET
Submission No.	CommentNumber	15	Database Reference ID	35	ISSUES
However, it seems questionable that samples taken from the sea lions at two sites per population will be representative of the larger populations for several reasons:					MET
Submission No.	CommentNumber	16	Database Reference ID	36	ISSUES
Thus, the nature of the data collected will be unavoidably influenced by the selection of sample sites. The simple recognition that forage fish availability varies by site suggests that a more complicated sampling regime will likely be necessary to compare in a meaningful way the foraging patterns and the significance of forage fish to the two populations of sea lions.					MET
Submission No.	CommentNumber	19	Database Reference ID	39	ISSUES
...not clear that the design described will be sufficient to accomplish its purpose. The design appears to involve only a single flight during each spring period when spawning may occur.					INA MET
Submission No.	CommentNumber	80	Database Reference ID	100	ISSUES
It is not clear that all of the planned research is essential, and that the potential merits outweigh the cumulative or combined risks.					MET PER
Submission No.	CommentNumber	30	Database Reference ID	50	ISSUES
...it would be useful to compare the criteria developed by the Alaska SeaLife Center with similar criteria being developed by the Service for releasing captive marine mammals to the wild to ensure that the Center's list of criteria is comprehensive.					COR MET
Submission No.	CommentNumber	9	Database Reference ID	201	ISSUES
The EIS should evaluate the various methods of marking, including their utility and impact on animals, and discuss which monitoring methodologies are likely to be most effective.					MET NEP
Submission No.	CommentNumber	37	Database Reference ID	57	ISSUES
This section again refers to injections of adrenocorticotropic hormone to "challenge" juveniles. The purpose and utility of such tests are not clear, and the applicant should provide a rationale and research protocol for them; and					INA MET PER

Methodology

Submission No.	CommentNumber	39	Database Reference ID	59	ISSUES
· what is the minimum age at which pups may be captured? · what are the weights of the transmitter devices that will be implanted in juvenile animals and the animals themselves? how does one determine the maximum size (dimensions, size) of instruments that can be implanted safely into the animals? · what precisely will be done in terms of "re-evaluating the process" (as noted on page 44 of the application) if more than three captive animals are deemed to be non-releasable within the period of one year? and · under what circumstances would animals deemed non-releasable be euthanized?					MET PER

Submission No.	CommentNumber	40	Database Reference ID	60	ISSUES
...it is essential that the samples collected during the course of research should be representative of the sea lion populations from which they were taken and should be pertinent to identification of the causes of the decline or steps that can be taken to facilitate the species' recovery.					INA MET SAM

Submission No.	CommentNumber	54	Database Reference ID	74	ISSUES
Also, if animals are branded for the purpose of assessing survival, and some of the animals die from branding or its complications, then the resulting estimates of survival will be biased unless the effect of branding is somehow quantified and accounted for in the final analysis of survival.					MET

Submission No.	CommentNumber	64	Database Reference ID	84	ISSUES
The large increase in funding for this research reflects a concern about the effects of fisheries on Steller sea lions, and such effects may be difficult to describe if the research conducted lacks the investigative power to describe the mechanisms of interaction in detail.					MET

Submission No.	CommentNumber	67	Database Reference ID	87	ISSUES
· the researchers take steps to minimize disturbance of the subject animals by exercising caution when approaching animals, particularly mother-pup pairs, and halt an approach if there is evidence that the activity may be interfering with pair bonding, nursing, reproduction, feeding, or other vital functions;					MET MON

Submission No.	CommentNumber	69	Database Reference ID	89	ISSUES
· whenever possible, new invasive research procedures be tested on non-listed otariid species and on captive Steller sea lions before they are used on sea lions in the wild to ensure that the proposed techniques can be employed safely;					MET

Submission No.	CommentNumber	20	Database Reference ID	40	ISSUES
It is also not clear why this study is not being coordinated with other aerial surveys proposed for southeastern Alaska.					COR MET

Methodology

Submission No.	CommentNumber	12	Database Reference ID	323	ISSUES
There should be some agreement on the goats of studies and the best methodology for answering common questions while assuring minimal impact on animals.					MET
Submission No.	CommentNumber	26	Database Reference ID	292	ISSUES
As we have previously stated, we believe that this and all other permit applications seeking takes for invasive/intrusive activities should be held in abeyance pending a through EIS, a consultation under Section 7 and an analysis of the scope and demographic and geographic parameters that need to be studied, the best techniques for answering key questions and a power analysis of the numbers of animals minimally necessary for invasive/intrusive studies.					ESA MET NEP
Submission No.	CommentNumber	28	Database Reference ID	294	ISSUES
...ASLC has requested six separate permit modifications just in the past 18 months. This it is almost impossible for reviewers to ascertain whether these modifications (many of which request additional sampling procedures) will affect the reliability of the information that is being gathered and/or whether synergistic effects of multiple sampling of both free ranging and captive animals and changes in sampling protocols for the same animals or comparable cohorts compromises the reliability or validity of the data being collected.					CRE CUM MET
Submission No.	CommentNumber	30	Database Reference ID	296	ISSUES
...the applicant proposes on page 3 of the December 7, 2003 amendment request to extract teeth from 80 adult females to allow age determination, although stating in the same paragraph that "prominent agencies such as ADFG and NMML" recognized "that these methods are inaccurate for older animals." If this is the case, then why is the applicant requesting permission for this invasive activity and why would NMFS grant it?					MET PER
Submission No.	CommentNumber	37	Database Reference ID	303	ISSUES
Some of this research appears to be unnecessarily invasive and lacking reasonable precaution to assure that animals are handled in a manner that is humane and minimizes suffering and harm.					MET
Submission No.	CommentNumber	39	Database Reference ID	305	ISSUES
The HSUS also suggests that NMFS sponsor a workshop to delineate the specific questions that need to be answered, the best means of addressing those questions and the minimum number of animals necessary for valid research results.					MET
Submission No.	CommentNumber	3	Database Reference ID	309	ISSUES
When we're weighing the costs of a research project, we need to consider what the costs are...					MET
Submission No.	CommentNumber	4	Database Reference ID	310	ISSUES
...we need to consider the relationship between the type of research and its effect on the survival and reproduction of the species.					MET

Methodology

Submission No.	CommentNumber	4	Database Reference ID	196	ISSUES
When species are declining, they can ill afford this sort of ad hoc approach to investigating the causes of their decline. They need well designed, minimally intrusive, research that can point to possible future management measures to remedy their dire straits.					MET

Submission No.	CommentNumber	4	Database Reference ID	315	ISSUES
The EA stipulates that, since 1975 over 15,000 Steller sea lions have been hot branded (p. 127), with an additional 3,000 more proposed for branding by the current applicants. This is a procedure with significant risks, and it should only be done if there is no other less invasive alternative, and only if it is necessary to continue to brand animals beyond those already branded.					BRD MET

Submission No.	CommentNumber	9	Database Reference ID	275	ISSUES
Though the applicant requests permission to capture and sample and/or brand 12 Steller sea lions, they have no basis other than wild guessing as to the reason for this number. When asked by NMFS (3/12/05 cover) to justify this number, Harriet Huber of NMML stated that it was determined "arbitrarily—in 2003 we had funding to instrument up to six SSL." When questioned about the need to remotely tag 3 Steller sea lions and not more or less, she responded "[it] was arbitrarily chosen." This is inappropriate.					MET PER

Submission No.	CommentNumber	18	Database Reference ID	329	ISSUES
NMFS has not discussed whether the varying methodologies are addressing different questions or the same question. If they are addressing the same question, then less invasive procedures should be used to answer questions raised by the conservation goal. When there are conflicting methodologies offered (e.g., tagging vs. branding or scat collection vs. biopsy and removal or vibrissae) NMFS should clarify whether or how each is necessary to address conservation goals and how each fits into a larger matrix of information that will assist recovery efforts. But it has not done so.					INA MET

Submission No.	CommentNumber	24	Database Reference ID	335	ISSUES
Rather than continuing to fund stressful, invasive and potentially duplicative research on an ESA listed stock that is declining in many portions of its range, the NMFS and/or Marine Mammal Commission should fund a workshop that would bring together the past, current and potential future permittees along with outside scientists familiar with research methodology and with endangered species conservation biology to determine the nature of the research most likely to result in positive conservation gains for the species, with minimal adverse risk. A workshop could assess the number of animals that should be sampled using various methods to obtain the most critical information to assist in understanding the reasons for the decline and the potential management and mitigation measures that can be pursued.					MET

Submission No.	CommentNumber	25	Database Reference ID	336	ISSUES
Before invasive research is conducted on an endangered and declining stock, and in order to assure minimal adverse impacts on individuals or populations, the NMFS must clearly know: what information is necessary to answer the critical questions; how it is best obtained; how many animals are necessary for a reliable sample size; where, when and how the research should be conducted; and who is best qualified and equipped to conduct the research. This type of systematic look has never been undertaken.					MET

Methodology

Submission No.	CommentNumber	40	Database Reference ID	351	ISSUES
There are a number of techniques for assessing body fat and general condition; not all of them are invasive (e.g., portable untrasonography and photogrammetry). It is clear that the least invasive should be used when at all possible, yet most applicants choose the most invasive (e.g., biopsy sampling).					MET

Submission No.	CommentNumber	43	Database Reference ID	354	ISSUES
Instead of providing assurance that the intrusive procedures that are proposed are necessary and proportional to the questions that need to be addressed, the NMFS has simply passed along each proposal ad hoc, with no attempt in the EA to address the necessity or scope of the research proposals or to assess cumulative effects on mortality and morbidity of individuals and any consequent range-wide or localized population level effects.					CUM MET NEP

Submission No.	CommentNumber	47	Database Reference ID	358	ISSUES
...the proposed research, in this case, is likely to significantly and adversely affect endangered species and that the permit applications do not comply with requirements of the ESA (conditions (3) and (4) above). The HSUS also believes that the research does not meet standards of humane treatment.					ESA MET

Submission No.	CommentNumber	49	Database Reference ID	360	ISSUES
If sampling protocol is adequately designed for the stock, only a limited number of animals need to be anesthetized and thus mortality risk can be limited as well. Current proposals would cause needless suffering.					EFF MET

Submission No.	CommentNumber	5	Database Reference ID	311	ISSUES
...we need to consider the reproductive value of the individuals influenced.					MET

Submission No.	CommentNumber	40	Database Reference ID	232	ISSUES
It is critical that this EIS re-examine the bases for the conclusions of these peer review panels and assess not only how individual procedures or research protocol can affect individuals and stocks, but also examine how basic flaws in research design such as those identified by the peer review panels of 1997-1999 may themselves impede understanding of research needs and impacts of research.					MET NEP

Submission No.	CommentNumber	52	Database Reference ID	363	ISSUES
These sorts of experiments on lactating females and newly born pups seem risky, and both legally and ethically questionable.					MET NEP

Submission No.	CommentNumber	10	Database Reference ID	202	ISSUES
The EIS should discuss each the wide variety of research methods and protocols and rank them according to their utility, invasiveness or need for specialized training in their use.					MET NEP

Methodology

Submission No.	CommentNumber	11	Database Reference ID	203	ISSUES
The EIS should evaluate where, when, how or whether each of these can be used individually or in which effective combinations to illuminate the various aspects of the role in the decline played by resource limitation or nutritional stress.					MET NEP
Submission No.	CommentNumber	14	Database Reference ID	206	ISSUES
...the EIS should evaluate the types and amounts of procedures to which individuals of various demographic classes should be subjected without elevating the risk of serious injury or death.					MET NEP
Submission No.	CommentNumber	17	Database Reference ID	209	ISSUES
The EIS should evaluate level of research in a manner that results in identifying, where possible, indicator sites that can be sampled in lieu of permitting projects throughout the entire range of the stock.					MET NEP
Submission No.	CommentNumber	18	Database Reference ID	210	ISSUES
The EIS should also examine what research has been done to date and how that research can inform the need for additional research using certain techniques.					MET NEP
Submission No.	CommentNumber	21	Database Reference ID	213	ISSUES
...the EIS should examine research conducted elsewhere on various pinniped species to ascertain effects. It is also important that the EIS evaluate the appropriateness of using less vulnerable surrogate species to test hypotheses regarding the short and long-term effects of a multiplicity of procedures used on Steller sea lions and used or proposed for use on fur seals.					CUM MET NEP
Submission No.	CommentNumber	18	Database Reference ID	284	ISSUES
Dr. Davis states that animals may need to be re-captured up to three times to attach and remove instrumentation to replace batteries and video tape. There is no provision a risk-benefit analysis such that the increased risk of repeated capture and anesthesia in a space of a few weeks is balanced against the value of data obtained by the video camera.					MET PER
Submission No.	CommentNumber	26	Database Reference ID	218	ISSUES
We believe that only veterinarians should administer anesthesia.					MET
Submission No.	CommentNumber	13	Database Reference ID	279	ISSUES
Methodology used by this researcher has some commonalities with others (e.g., scat collection, aerial surveys) but appears to have significant differences that are not likely to be replicated elsewhere that may make inter-stock comparisons difficult or impossible.					MET

Methodology

Submission No.	CommentNumber	43	Database Reference ID	235	ISSUES
The NMFS must assure that appropriate high-priority hypotheses are being tested and assure that priorities are not being set by each individual researcher.					MET
Submission No.	CommentNumber	45	Database Reference ID	237	ISSUES
Sampling designs need to be reviewed to assure that research is not duplicative; that the focus of research is appropriately framed demographically, geographically and temporally; and that only the most risk averse procedures are being used.					MET
Submission No.	CommentNumber	23	Database Reference ID	262	ISSUES
We question the value of some of the information gained from live captured animals that are caged in either 12' or 20' diameter pens and subjected to constant testing with regard to making reasonable conclusions about wild animals.					MET
Submission No.	CommentNumber	2	Database Reference ID	268	ISSUES
...we believe that this and all other permit applications seeking takes for invasive/intrusive activities should be held in abeyance pending a thorough EIS, a consultation under Section 7 and an analysis of the scope and demographic and geographic parameters that need to be studied, the best techniques for answering key questions and a power analysis of the numbers of animals minimally necessary for invasive/intrusive studies.					ESA MET NEP
Submission No.	CommentNumber	5	Database Reference ID	271	ISSUES
The applicant proposes that no anesthesia will be used and that "squeeze cages" will suffice to restrain animals sufficiently to achieve a readable brand. This appears to disregard humane considerations.					MET PER
Submission No.	CommentNumber	7	Database Reference ID	273	ISSUES
The applicant also states that although it will only take 20 minutes to "sample" each sea lion, they will be held for up to 3 hours "while other animals are being processed." This level of stress seems excessive and unnecessary.					MET PER
Submission No.	CommentNumber	8	Database Reference ID	274	ISSUES
The applicant proposes to clip vibrissae instead; some thing that other research discount as reliable. While clipping is less invasive, if it cannot reliably answer the question being posed, then it should not be done. The NMFS should determine whether the desired information can be collected in a manner other than that proposed by the applicant.					MET PER
Submission No.	CommentNumber	8	Database Reference ID	200	ISSUES
The EIS should also examine various methods of capturing animals for study and evaluate them with regard to how humane, risk averse or effective each may be.					MET NEP

Methodology

Submission No.	CommentNumber 24	Database Reference ID 216	ISSUES
The EIS should assess the need for the capture and temporary holding and testing of animals, and evaluate whether studies on already captive Steller sea lions or surrogate species might be substituted.			MET NEP

DRAFT COMMENT ISSUE REPORT
SSL and NFS Research EIS
MARCH 2006

Litigation; Lawsuit

Submission No.	CommentNumber	1	Database Reference ID	370	ISSUES
What is going on with the litigation?					LIT

DRAFT COMMENT ISSUE REPORT
SSL and NFS Research EIS
MARCH 2006

Inadequate Information to Assess Effects/ Unclear Inf

Submission No.	CommentNumber	29	Database Reference ID	49	ISSUES
It is not clear if the applicants are providing these as examples of activities that could conceivably be attempted using a blind or whether they are requesting permission to conduct these activities.					INA PER

Submission No.	CommentNumber	2	Database Reference ID	22	ISSUES
Based on the information provided in the applications and in the environmental assessment, the Commission is unable to adequately determine if this will be the case, and additional steps may be necessary to ensure that there will not be a significant impact.					INA

Submission No.	CommentNumber	60	Database Reference ID	80	ISSUES
It is not possible to determine from the permit applications how such coordination will be accomplished. In particular, we are concerned that the lack of information on the spatial and temporal distribution of the different research efforts precludes and analysis of overlap of research by different agencies and organizations, which would seem to be essential for adequate coordination.					COR INA

Submission No.	CommentNumber	53	Database Reference ID	73	ISSUES
The lack of information on incidental mortality also could confound research results and, if not accounted for, could undermine the ability of the projects to produce information that can be expected to contribute to the recovery and conservation of the Steller sea lion.					INA MOR

Submission No.	CommentNumber	52	Database Reference ID	72	ISSUES
...the lack of a monitoring plan will preclude an analysis of the effects of the proposed research, both while it is in progress and after it has been completed.					INA MON

Submission No.	CommentNumber	51	Database Reference ID	71	ISSUES
...the lack of information on the location and time of research activities precludes an evaluation of how proposed activities and their incidental effects may overlap or be concentrated.					DUP INA

Inadequate Information to Assess Effects/ Unclear Inf

Submission No.	CommentNumber	45	Database Reference ID	65	ISSUES
Some previous studies of Steller sea lions have been limited to very small sample sizes of animals selected on the basis of criteria that may have reduced the difficulty of the study or avoided related risks (i.e., animals at the edge of the rookery, animals appearing to be in excellent or good condition, or animals of sufficient age or size), but selection by such criteria may introduce bias that raises questions as to whether those animals are truly representative of all the animals at a particular site or all the animals in the population.					INA SAM

Submission No.	CommentNumber	43	Database Reference ID	63	ISSUES
It is not clear that these studies will be adequately dispersed to assess potentially important spatial variation in the factors being assessed.					INA SAM

Submission No.	CommentNumber	42	Database Reference ID	62	ISSUES
Nevertheless, several proposals either fail to describe where the studies would occur or provide incomplete information.					INA SAM

Submission No.	CommentNumber	40	Database Reference ID	60	ISSUES
...it is essential that the samples collected during the course of research should be representative of the sea lion populations from which they were taken and should be pertinent to identification of the causes of the decline or steps that can be taken to facilitate the species' recovery.					INA MET SAM

Submission No.	CommentNumber	37	Database Reference ID	57	ISSUES
This section again refers to injections of adrenocorticotropic hormone to "challenge" juveniles. The purpose and utility of such tests are not clear, and the applicant should provide a rationale and research protocol for them; and					INA MET PER

Submission No.	CommentNumber	4	Database Reference ID	106	ISSUES
The need to limit accidental mortality as a result of this research is critical to showing that the proposed studies will clearly have a benefit to the species. It is unclear to us from the permit descriptions if the number of deaths related to incidental mortality from research is greater in these revised permits. If it is equal to or greater than this previous number calculated by the Commission, this is still a number that seems to be at an unacceptable level, especially for the "endangered" western population.					INA MOR

Submission No.	CommentNumber	31	Database Reference ID	51	ISSUES
...it is not clear how the applicant determined that the total number of disturbed animals would be only 2,100, unless they are assuming that multiple captures would result in the incidental disturbance of the same animals at the same time.					INA PER

Inadequate Information to Assess Effects/ Unclear Inf

Submission No.	CommentNumber	3	Database Reference ID	195	ISSUES
There has been no explanation or rationale provided for any permittee's sampling design, let alone for coordinating the research of multiple permittees.					INA
Submission No.	CommentNumber	27	Database Reference ID	47	ISSUES
...the applicant does not, but should, provide an estimate of the length of time that animals may be anesthetized. The applicant should also be asked to describe any potential consequences of repeatedly anesthetizing animals (i.e., on a weekly basis).					INA PER
Submission No.	CommentNumber	25	Database Reference ID	45	ISSUES
...the applicant has not, but should, describe the sizes and weights of the instrument packages that will be placed on the animals.					INA
Submission No.	CommentNumber	23	Database Reference ID	43	ISSUES
The applicant also requests authority for the "optional" use of gas anesthesia to reduce stress on pups during branding, but does not explain the basis upon which decisions to use anesthesia will be made or why anesthesia will not be used in all cases.					INA
Submission No.	CommentNumber	22	Database Reference ID	42	ISSUES
Clarification should be requested as to the minimum age and size of pups that will be hot-branded.					BRD INA PER
Submission No.	CommentNumber	21	Database Reference ID	41	ISSUES
Without additional information on these studies, it does not seem possible to confirm that they will achieve the stated research objectives or will contribute to the conservation and recovery effort for Steller sea lions.					CON INA
Submission No.	CommentNumber	19	Database Reference ID	39	ISSUES
...not clear that the design described will be sufficient to accomplish its purpose. The design appears to involve only a single flight during each spring period when spawning may occur.					INA MET
Submission No.	CommentNumber	14	Database Reference ID	34	ISSUES
However, it is not clear that the research design is sufficient to test this hypothesis and to characterize any differences in the use of forage fish by sea lions in the two populations.					INA MIT PER
Submission No.	CommentNumber	12	Database Reference ID	32	ISSUES
Further, the table makes no reference to the use of location-only satellite-linked transmitters as is indicated in the text of the application. Clarification of these points should be provided by the applicant.					INA PER

Inadequate Information to Assess Effects/ Unclear Inf

Submission No.	CommentNumber	11	Database Reference ID	31	ISSUES
It is unclear whether the research activities and associated taking proposed in the applicant's Alaska SeaLife Center's 2001 Steller Sea Lion Research Plan have been included in the take table on page 4 of the application.					INA PER
Submission No.	CommentNumber	10	Database Reference ID	30	ISSUES
The investigators describe the attachment of a number of instruments to animals, but do not provide complete information on the size and weight of the instruments. Although large animals may be unaffected by such instruments, this is not necessarily the case for smaller animals, and information on dimensions and weight should be provided as well as an assessment of possible effects.					EFF INA
Submission No.	CommentNumber	32	Database Reference ID	52	ISSUES
(page 31) Task 5. Permission is requested to capture more animals than will be sampled. It is not clear why some animals that are captured would not be sampled.					INA SAM
Submission No.	CommentNumber	20	Database Reference ID	286	ISSUES
There are, however, some discrepancies in information provided and the overarching goals that are attempted seem to ignore power analyses conducted by other researchers.					INA
Submission No.	CommentNumber	41	Database Reference ID	352	ISSUES
Hot branding can be an important tool in satisfying the need to monitor survival across the range and in various cohorts, yet the remarkably large amount of branding that is proposed has not been justified in the EA.					BRD INA
Submission No.	CommentNumber	37	Database Reference ID	348	ISSUES
Although NMFS states in the EA that mortalities occurred for at least one applicant, specific information to address this legal requirement is not evident in the EA.					INA
Submission No.	CommentNumber	34	Database Reference ID	345	ISSUES
NMFS provides no assurance that all researchers reported mortalities nor does it explain why researchers would request an increase in the number of incidental mortalities if their research has had no lethal consequence.					INA
Submission No.	CommentNumber	20	Database Reference ID	331	ISSUES
Although there are seven proposals to brand animals, there is little discussion in these proposals as to who will be monitoring the movements or survival of these marked animals, or how the information will be synthesized and reported such that the public and managers have the information necessary to make important decisions on management.					INA

Inadequate Information to Assess Effects/ Unclear Inf

Submission No.	CommentNumber	18	Database Reference ID	329	ISSUES
NMFS has not discussed whether the varying methodologies are addressing different questions or the same question. If they are addressing the same question, then less invasive procedures should be used to answer questions raised by the conservation goal. When there are conflicting methodologies offered (e.g., tagging vs. branding or scat collection vs. biopsy and removal or vibrissae) NMFS should clarify whether or how each is necessary to address conservation goals and how each fits into a larger matrix of information that will assist recovery efforts. But it has not done so.					INA MET

Submission No.	CommentNumber	11	Database Reference ID	322	ISSUES
It is not clear from the EA whether or how NMFS proposes to synthesize the information gained by the use of various data collection measures such that it can be useful to managers. This is particularly important when conflicting methodologies that are invasive to greater or lesser degrees are presented with no discussion as to whether some or all may be justified to fill data gaps.					INA

Submission No.	CommentNumber	34	Database Reference ID	300	ISSUES
There is no accompanying chart to allow reviewers to view the morphing of the various "tasks" that are requested for modification, nor is there any discussion of why any particular modification is important or whether it has been tried elsewhere or is novel and how it may or may not compromise comparison and analysis of data obtained from animals not subjected to the protocols. Nor is there discussion of the synergistic or cumulative effect of the various sampling and tracking and device attachment.					CUM INA

Submission No.	CommentNumber	33	Database Reference ID	299	ISSUES
The applicant has not provided any justification for increases that are requested in the number of animals that they wish to sample and or brand or the increase in the duration or frequency of captive research. We question whether these continual amendments that are requested with little or no supporting information or justification would meet the tests of the Animal Welfare Act or would pass the careful scrutiny of an independent animal welfare/care committee.					INA WEL

Submission No.	CommentNumber	31	Database Reference ID	297	ISSUES
There is no discussion of the effects of the drugs on pups who are dependent on milk from a mother who has been sedated multiple times (e.g., whether drugs may be transmitted to the pup and affect its viability) or how invasive sampling may impair survival.					INA

Submission No.	CommentNumber	29	Database Reference ID	295	ISSUES
That research has been done on one species does not necessarily mean that it needs to be replicated on others, but there is no means of judging this from the information provided in the permit application(s) or the EA.					INA

Submission No.	CommentNumber	1	Database Reference ID	103	ISSUES
...we have concerns that the research is duplicative, likely to adversely affect the stocks, and it is not clear from these permits that significant gains in conservation will clearly outweigh the negative impacts to the Steller sea lion populations.					DUP INA

Inadequate Information to Assess Effects/ Unclear Inf

Submission No.	CommentNumber	21	Database Reference ID	287	ISSUES
The use of another anesthesia should be justified.					INA

Submission No.	CommentNumber	51	Database Reference ID	362	ISSUES
Researchers from Texas A&M are proposing surgical implantation of tracking devices. ...that means that 70 percent of the animals are expected to die well before their life expectancy. ...this causes us some concern, particularly since the applicant projects that as many as 15 lethal takes may need to be authorized for their activities that will be implanting 80 tags in the 120 animals captured.					INA MOR

Submission No.	CommentNumber	17	Database Reference ID	283	ISSUES
The application discusses the possible death of up to 65 animals "during research activities" in a five year period. It is not clear whether or how this will be determined and documented by researchers but these deaths should be counted against this permit and against a total of 10 mortalities across the western stock.					INA MOR

Submission No.	CommentNumber	16	Database Reference ID	282	ISSUES
There is also no discussion of how or whether pups orphaned by the death of one of the females will be identified and either euthanized or removed for rehabilitation.					INA

Submission No.	CommentNumber	14	Database Reference ID	280	ISSUES
All in all, this proposal is requesting a mortality rate as high as 29% of the sampled animals, many of which may be female, a segment of the population that is critical to recovery of the stock. This level of mortality is shocking. It is not clear why any animal care committee would approve this or how the ESA would permit it. If this applicant has experienced mortality in his already permitted research, we see no mention made of it in the EA. If he has not experienced mortalities, it is not clear why such a high percentage of the study population is being sought.					ESA INA MOR

Submission No.	CommentNumber	6	Database Reference ID	272	ISSUES
There is no apparent justification for subjecting animals to the pain stress of hot branding, tissue sampling and application of invasive instrumentation with no anesthesia.					INA PER

Submission No.	CommentNumber	3	Database Reference ID	269	ISSUES
...this permit provides minimal information and justification and, indeed the applicant has refused to answer key questions of the NMFS permit office. Thus we cannot support this permit application, which appears incomplete at best.					INA

Submission No.	CommentNumber	27	Database Reference ID	266	ISSUES
...there is apparent duplication of sampling area; that some of the projects do not appear humane; and that the finding of negligible impacts, particularly for the Western stock, are not well founded.					DUP EFF INA

Inadequate Information to Assess Effects/ Unclear Inf

Submission No.	CommentNumber	20	Database Reference ID	259	ISSUES
This is a mortality rate of approximately 20%. Particularly in light of these extremely high mortality rates, we don not see that the justification for this permit outweighs the potential risk to animals, as would be required by the MMPA and ESA. This permit should be denied.					INA MOR

Submission No.	CommentNumber	6	Database Reference ID	245	ISSUES
It is not clear whether or how a 5-year permit will be halted to allow evaluation of longer-term effects. More alarming, it is clear that such a plan to monitor lethal and sub-lethal effects in not in place at this time.					INA MON

Submission No.	CommentNumber	5	Database Reference ID	244	ISSUES
If more than 10 animals from the western stock were killed, then NMFS would require researches to consult on how to reduce mortality so that it does not exceed 20 animals, which is 10% of the PBR of 208. It is not clear from the EA whether such an assessment will be time-sensitive or whether consultation can take place before the number is exceeded when it appears that a monitoring plan is not currently in place.					INA PBR

Submission No.	CommentNumber	22	Database Reference ID	214	ISSUES
...NMFS has stated that little is known about the effect of many procedures. These are vulnerable species, with two stocks in decline. If this more thorough evaluation finds little information on which to evaluate effects of various procedures, the EIS should state this clearly and recommend a means of remedying the situation before allowing procedures with unknown effects to proceed.					INA NEP

Submission No.	CommentNumber	22	Database Reference ID	288	ISSUES
We are concerned that the large numbers that will be sampled range wide risk duplication of effort. The applicant (and any others proposing similar sampling) should provide specificity in where they will sample and the geographic and demographic parameters that will be examined.					INA SAM

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Endangered Species Act

Submission No.	CommentNumber	47	Database Reference ID	358	ISSUES
...the proposed research, in this case, is likely to significantly and adversely affect endangered species and that the permit applications do not comply with requirements of the ESA (conditions (3) and (4) above). The HSUS also believes that the research does not meet standards of humane treatment.					ESA MET
Submission No.	CommentNumber	44	Database Reference ID	355	ISSUES
As we have discussed above, it is clear that the cumulative impact of granting these permits is likely to have an adverse impact on the western stock of Steller sea lions and requires consultation under the ESA.					CUM ESA
Submission No.	CommentNumber	36	Database Reference ID	347	ISSUES
...if these permits are all granted, researchers will be permitted to engage in activities that may result in the deaths of eight times as many animals as might have been killed in the status quo during 2002; and will be capturing and hot branding almost twice as many. Not only is this level of impact not insignificant; it requires consultation under section 7 of the Endangered Species Act.					ESA
Submission No.	CommentNumber	32	Database Reference ID	343	ISSUES
Clearly permitting these activities was a significant increase over the status quo and should have triggered construction of an EIS and consultation under the Endangered Species Act. Instead, NMFS ignored this obligation and now seeks to allow an even greater impact on the stocks.					ESA NEP
Submission No.	CommentNumber	15	Database Reference ID	326	ISSUES
According to the EA, less than 10 mortalities were reported each year (p. 40). Despite this, researchers are seeking an increase in the number of incidental mortalities. Either they do not need this permission, or they were not reporting mortalities that occurred under their currently permitted activities and are in violation of the ESA and their permit conditions.					ESA REP
Submission No.	CommentNumber	2	Database Reference ID	313	ISSUES
Many of the research projects involve the use of invasive studies and physical handling of animals that subjects them to risk of severe injury and death and appear likely to disadvantage the western stock of Steller sea lions. ...the HSUS believes that the NMFS cannot issue the requested permits without violating the requirements of NEPA, the MMPA and the ESA.					EFF ESA MMP NEP

Endangered Species Act

Submission No.	CommentNumber	1	Database Reference ID	312	ISSUES
The HSUS strongly opposes issuance of these permits at this time. We find that the National Marine Fisheries Service (NMFS) has not satisfied the requirements of the National Environmental Policy Act, nor has it met its obligations under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). Because the western stock of Steller sea lions is endangered and declining in numbers, NMFS must demonstrate that the permits are non-duplicative, unlikely to adversely affect the stock, and in service of a significant gain in conservation of the species.					ESA MMP NEP

Submission No.	CommentNumber	38	Database Reference ID	304	ISSUES
Accordingly, the HSUS must insist that the NMFS not issue any permits, permit extensions or permit modifications involving invasive research until such time as you have completed an Environmental Impact Statement that fully evaluates the individual and cumulative impacts of the proposed research and weighs its contribution to cumulative effects on the stocks from combined mortality and serious injury resulting from fisheries-related mortality and native harvest. The quality of analysis required by NEPA and by both the ESA and the MMPA is simply lacking at this time. Furthermore, we believe that NMFS has an obligation to consult under Section 7 of the ESA on the impacts that this activity will have on the western stock of Steller sea lions, particularly with regard to the additive effects of these permits along with those of native harvest mortality and incidental fisheries-related mortality.					CUM ESA MMP NEP

Submission No.	CommentNumber	36	Database Reference ID	302	ISSUES
The information and analysis provided by NMFS so far entirely fails to demonstrate that these permits can be issued without violating NEPA, the ESA and the MMPA.					ESA MMP NEP

Submission No.	CommentNumber	35	Database Reference ID	301	ISSUES
Approval for invasive studies by this applicant should be suspended until NMFS can conduct a more comprehensive evaluation of range-wide research, its contribution to specific recovery plan needs and compliance with requirements of NEPA, the ESA, MMPA and Animal Welfare Act.					ESA MMP NEP PER WEL

Submission No.	CommentNumber	26	Database Reference ID	292	ISSUES
As we have previously stated, we believe that this and all other permit applications seeking takes for invasive/intrusive activities should be held in abeyance pending a through EIS, a consultation under Section 7 and an analysis of the scope and demographic and geographic parameters that need to be studied, the best techniques for answering key questions and a power analysis of the numbers of animals minimally necessary for invasive/intrusive studies.					ESA MET NEP

Submission No.	CommentNumber	14	Database Reference ID	280	ISSUES
All in all, this proposal is requesting a mortality rate as high as 29% of the sampled animals, many of which may be female, a segment of the population that is critical to recovery of the stock. This level of mortality is shocking. It is not clear why any animal care committee would approve this or how the ESA would permit it. If this applicant has experienced mortality in his already permitted research, we see no mention made of it in the EA. If he has not experienced mortalities, it is not clear why such a high percentage of the study population is being sought.					ESA INA MOR

Endangered Species Act

Submission No.	CommentNumber	2	Database Reference ID	268	ISSUES
...we believe that this and all other permit applications seeking takes for invasive/intrusive activities should be held in abeyance pending a thorough EIS, a consultation under Section 7 and an analysis of the scope and demographic and geographic parameters that need to be studied, the best techniques for answering key questions and a power analysis of the numbers of animals minimally necessary for invasive/intrusive studies.					ESA MET NEP

Submission No.	CommentNumber	6	Database Reference ID	108	ISSUES
Defenders urges that the NMFS defer final action on the permits, permit extensions or permit modifications until such time as you have completed an EIS that fully evaluates the individual and cumulative impacts of the proposed research and weighs its contribution to cumulative effects on the stocks from multiple factors discussed previously. Only that research which is clearly non-duplicative and addresses compelling conservation needs should be permitted. This degree of analysis is required under both the ESA and the MMPA and is lacking at this time.					CUM ESA MMP NEP

Submission No.	CommentNumber	2	Database Reference ID	104	ISSUES
Based on our review of the permits and previous comments submitted by the Marine Mammal Commission, we find that the National Marine Fisheries Service (NMFS) cannot meet its burden under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) to show that this research will clearly benefit the conservation of this species, that there is good coordination between the different research projects, that the effects of the research can be adequately monitored by NMFS, and that the level of incidental mortality (as a result of the research) is below an acceptable level.					CON COR ESA MMP MOR

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Effects of Research

Submission No.	CommentNumber	17	Database Reference ID	37	ISSUES
...attempts to take biopsies by shooting darts at these targets pose an unacceptable risk of striking an animal in the head and causing serious injury.					EFF PER
Submission No.	CommentNumber	1	Database Reference ID	8	ISSUES
The level of cruelty of this research is disturbing, and we query the rationale to justify such studies. Extensive research on these populations has already been performed.					EFF
Submission No.	CommentNumber	1	Database Reference ID	109	ISSUES
Any given research method can have a wide range of disturbance effects depending on other variables.					EFF
Submission No.	CommentNumber	78	Database Reference ID	98	ISSUES
...the proposed multi-year activities could have adverse effects on both individual Steller seal lions and sea lion populations.					EFF
Submission No.	CommentNumber	63	Database Reference ID	83	ISSUES
In light of the considerable increase in research activities (including a number that would employ invasive techniques that pose risks to the sea lions involved), the potential for disturbance of animals at rookeries and haulouts, the lack of a monitoring plan to assess incidental impacts, the lack of an adequate cumulative effects analysis, and the ongoing decline of the western population of Steller sea lions, significant adverse effects resulting from the proposed and ongoing research activities cannot be ruled out.					CUM EFF MON
Submission No.	CommentNumber	55	Database Reference ID	75	ISSUES
...it is important to evaluate the research activities thoroughly to ensure that they do not, either by themselves or in combination with other activities, have significant adverse impacts on the subject populations or their recovery.					EFF
Submission No.	CommentNumber	1	Database Reference ID	144	ISSUES
...it is essential that all direct, indirect and cumulative impacts of the research program are carefully evaluated and all projects are shown to be essential for the conservation of the species.					CON EFF

Effects of Research

Submission No.	CommentNumber	47	Database Reference ID	67	ISSUES
Branding poses risks associated with capture, handling, and infliction of burn wounds that may become infected, and the disruption to rookeries. The permit applications (and the environmental assessment) do not discuss these concerns in sufficient detail and have not provided the requisite level of assurance that resighting efforts will be adequate to yield meaningful results.					BRD EFF
Submission No.	CommentNumber	2	Database Reference ID	145	ISSUES
Some of the proposed research entails extensive disturbance affecting thousands of animals at multiple times of the year as well as highly intrusive procedures directly affecting thousands of animals at multiple times of the year as well as highly intrusive procedures directly affecting hundreds of individual animals every year, particularly those young animals whose survival is thought to be most at risk.					EFF
Submission No.	CommentNumber	10	Database Reference ID	30	ISSUES
The investigators describe the attachment of a number of instruments to animals, but do not provide complete information on the size and weight of the instruments. Although large animals may be unaffected by such instruments, this is not necessarily the case for smaller animals, and information on dimensions and weight should be provided as well as an assessment of possible effects.					EFF INA
Submission No.	CommentNumber	8	Database Reference ID	28	ISSUES
Darting adult female sea lions with Telazol, as proposed, involves a high risk of mortality, either from their reaction to the drug or from drowning if they enter the water before the drug takes full effect.					EFF MOR
Submission No.	CommentNumber	6	Database Reference ID	26	ISSUES
...the Marine Mammal Commission recommends that clarification of the basis for the three-hour time frame be provided by the applicant, including the length of time that animals will be held after concluding the research procedures to ensure that they have recovered sufficiently from the effects of the anesthesia.					EFF
Submission No.	CommentNumber	3	Database Reference ID	23	ISSUES
...whether, and to what extent, attempts will be made to monitor the short- and long-term adverse effects of the research efforts;					EFF MON
Submission No.	CommentNumber	3	Database Reference ID	17	ISSUES
Many of the methods are invasive and could have potential fitness costs, especially to the pups. Pups being subjected to as many as 15 different intrusive procedures each season seems excessive in and endangered/threatened population.					EFF MET
Submission No.	CommentNumber	4	Database Reference ID	18	ISSUES
Are the invasive methodologies absolutely necessary? Starving 16 juvenile sea lions hardly seems necessary or ethical.					EFF MET

Effects of Research

Submission No.	CommentNumber	49	Database Reference ID	69	ISSUES
Research activities may pose significant risks to a study population if they cause reductions in survival or reproduction. Such effects can result directly (e.g., animals that die in the course of sampling or experimentation) or indirectly (e.g., animals that are disturbed by research activities and abandon important habitat or dependent pups).					EFF

Submission No.	CommentNumber	10	Database Reference ID	249	ISSUES
The total number of animals that would potentially be harassed/disturbed/sampled is approximately 40,400! Harassing this large a number of an endangered or threatened species should not be taken lightly and disturbance may be considerable in certain areas.					CUM EFF

Submission No.	CommentNumber	54	Database Reference ID	365	ISSUES
HSUS simply cannot countenance research of this magnitude with the potential for duplicative sampling, inhumane treatment and unproven conservation benefit.					CON DUP EFF

Submission No.	CommentNumber	49	Database Reference ID	360	ISSUES
If sampling protocol is adequately designed for the stock, only a limited number of animals need to be anesthetized and thus mortality risk can be limited as well. Current proposals would cause needless suffering.					EFF MET

Submission No.	CommentNumber	26	Database Reference ID	337	ISSUES
While the HSUS questions the appropriateness and humaneness of some of the research that is proposed, our greatest concern is that the combined effect of this research is NOT negligible.					EFF

Submission No.	CommentNumber	2	Database Reference ID	313	ISSUES
Many of the research projects involve the use of invasive studies and physical handling of animals that subjects them to risk of severe injury and death and appear likely to disadvantage the western stock of Steller sea lions. ...the HSUS believes that the NMFS cannot issue the requested permits without violating the requirements of NEPA, the MMPA and the ESA.					EFF ESA MMP NEP

Submission No.	CommentNumber	12	Database Reference ID	278	ISSUES
...NMFS needs to examine the area wide consequences of displacement of animals during close vessel approaches and while researchers enter a colony to collect scat. It would be helpful to provide reviewers with a report of at least the previous year's studies to allow a better understanding of the adverse consequences of sampling.					EFF

Submission No.	CommentNumber	2	Database Reference ID	110	ISSUES
...the weather following a minor research disturbance can amplify disturbance effects.					EFF

Effects of Research

Submission No.	CommentNumber	11	Database Reference ID	250	ISSUES
If we look at the total number of animals to be captured... This totals 2,185 Steller sea lions who will be subjected to "one of the most stressful incidents in life"! Of those animals who will be captured, applicants seek permission to have over 50 of them die as a result of their activities. This appears to be an unacceptably high level of stress and mortality for a stock that is already declining in many parts of its range.					EFF MOR
Submission No.	CommentNumber	48	Database Reference ID	359	ISSUES
...the HSUS is not convinced that all of the research meets the mandates for humane treatment of research subjects.					EFF
Submission No.	CommentNumber	2	Database Reference ID	181	ISSUES
The EIS should describe the potential impacts to recovery of the species from the proposed actions					EFF NEP
Submission No.	CommentNumber	35	Database Reference ID	178	ISSUES
...some of this research will simply cause unnecessary disturbance and increase mortality on the endangered stock without contributing significantly to the conservation of Steller sea lions – a key consideration when determining whether or not to permit the proposed research activities:					EFF MOR
Submission No.	CommentNumber	25	Database Reference ID	168	ISSUES
NMFS should more carefully evaluate the extent to which research procedures may increase the incidence of infection, disease and/or predation on test animals that are subjected to repeated stress and disturbance, immobilizing drugs, anesthesia, tooth extractions, biopsies, branding, attachment of instruments, or even long-term (up to 3 months) captivity and surgical implantation of experimental monitoring devices.					EFF
Submission No.	CommentNumber	24	Database Reference ID	167	ISSUES
...potential for harm from such techniques may be outweighed by the benefits to be gained from the ability to identify animals across multiple years, but only if there is a long-term commitment to monitor the status of branded animals.					BRD EFF MON
Submission No.	CommentNumber	18	Database Reference ID	161	ISSUES
Using captive animals from the endangered population as guinea pigs to test the viability of the surgical implantation technique is not an appropriate form of research, and we agree with the decision of NMFS that this portion of the ASLC project should not be considered or permitted at this time.					CON EFF
Submission No.	CommentNumber	6	Database Reference ID	149	ISSUES
NMFS has not demonstrated that the impacts of the proposed action will be insignificant or satisfy all permitting criteria. In fact, we are concerned that substantial direct, indirect, and cumulative effects of the proposed action in Alternative 2 may result in further jeopardy to the species.					CUM EFF

Effects of Research

Submission No.	CommentNumber 27	Database Reference ID 266	ISSUES
...there is apparent duplication of sampling area; that some of the projects do not appear humane; and that the finding of negligible impacts, particularly for the Western stock, are not well founded.			DUP EFF INA

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Editorial

Submission No.	CommentNumber	27	Database Reference ID	293	ISSUES
...there are apparent discrepancies in the mortalities that this applicant reports. Discrepancies of this sort call into question the accuracy of the reportand and thus the impacts on these ESA listed stocks.					EDI REP

Submission No.	CommentNumber	24	Database Reference ID	263	ISSUES
The HSUS notes that the applicant requests 8 mortalities per year (p. 33), whereas the chart on p. 69 states that they are only requesting 5 accidental mortalities. It is not clear that these mortalities are warranted, particularly the 3 that are reserved for animals captured and held at the ASLC. This represents a 3-month death rate of 18%, which is unacceptably high for animals in a captive facility. This level is far from humane and far from negligible for the number in captivity. This portion of the permit should be denied.					EDI MOR PER

Submission No.	CommentNumber	16	Database Reference ID	255	ISSUES
Additionally, we feel that insufficient attention was given to consideration of post-capture myopathy. We note that although NMFS states in the EA on p. 69 that ADFG proposes 10 accidental mortalities per year, the chart on p. 9 of the applications stipulates 5 per year.					EDI MON

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Duplication of Research Effort or Goals

Submission No.	CommentNumber	54	Database Reference ID	365	ISSUES
HSUS simply cannot countenance research of this magnitude with the potential for duplicative sampling, inhumane treatment and unproven conservation benefit.					CON DUP EFF
Submission No.	CommentNumber	35	Database Reference ID	346	ISSUES
NMFS cannot continue to assert that the research has no adverse consequence nor that NMFS can properly control the levels of mortalities or assure that research is coordinated, and non-duplicative and likely to yield results that will significantly aid conservation and management.					COR DUP
Submission No.	CommentNumber	3	Database Reference ID	314	ISSUES
The NMFS is proposing to issue nine permits. Many of them propose to conduct identical activities. For example, seven of the applicants seek to capture animals for sampling of tissues, hot branding and other invasive procedures, four of them indicate that their activities would be "state wide," and one additional permit would overlap in the Gulf of Alaska and Aleutians.					COR DUP
Submission No.	CommentNumber	27	Database Reference ID	266	ISSUES
...there is apparent duplication of sampling area; that some of the projects do not appear humane; and that the finding of negligible impacts, particularly for the Western stock, are not well founded.					DUP EFF INA
Submission No.	CommentNumber	19	Database Reference ID	258	ISSUES
It is not entirely clear why Dr. Davis, who is receiving funding from two other permit applicants (NMFS and ASLC) cannot conduct his activities under the auspices of their permits rather than seeking separate take authorizations. Effort should be made to avoid duplicative sampling or harassment wherever possible.					DUP PER
Submission No.	CommentNumber	18	Database Reference ID	257	ISSUES
This proposal would utilize a crossbow to collect biopsy samples... It states that "whenever possible" this will be done in conjunction with NMFS and ADFG. This should be made mandatory to avoid duplicative sampling of animals.					DUP
Submission No.	CommentNumber	9	Database Reference ID	136	ISSUES
...permits should not be issued for Alaska-wide research until and unless there is a written plan indicating how multiple permittees will coordinate their studies and ensure that that research will cover appropriate times, area, and demographic classes, and is not duplicative.					COR DUP PER

Duplication of Research Effort or Goals

Submission No.	CommentNumber	1	Database Reference ID	103	ISSUES
...we have concerns that the research is duplicative, likely to adversely affect the stocks, and it is not clear from these permits that significant gains in conservation will clearly outweigh the negative impacts to the Steller sea lion populations.					DUP INA
Submission No.	CommentNumber	51	Database Reference ID	71	ISSUES
...the lack of information on the location and time of research activities precludes an evaluation of how proposed activities and their incidental effects may overlap or be concentrated.					DUP INA
Submission No.	CommentNumber	4	Database Reference ID	11	ISSUES
Any intended research project that duplicates previous efforts should be dismissed.					DUP
Submission No.	CommentNumber	4	Database Reference ID	4	ISSUES
· Issued research permits are limited to specific geographic areas to reduce duplication and encourage coordination.					CRE DUP

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Cumulative Effects

Submission No.	CommentNumber	6	Database Reference ID	108	ISSUES
Defenders urges that the NMFS defer final action on the permits, permit extensions or permit modifications until such time as you have completed an EIS that fully evaluates the individual and cumulative impacts of the proposed research and weighs its contribution to cumulative effects on the stocks from multiple factors discussed previously. Only that research which is clearly non-duplicative and addresses compelling conservation needs should be permitted. This degree of analysis is required under both the ESA and the MMPA and is lacking at this time.					CUM ESA MMP NEP

Submission No.	CommentNumber	1	Database Reference ID	1	ISSUES
API asks that NMFS consider the impacts to the population as well as the welfare of individual animals when reviewing research proposals.					CUM WEL

Submission No.	CommentNumber	12	Database Reference ID	204	ISSUES
Within the EIS, there should be discussion the synergistic effects of using a variety of sampling procedures on individuals.					CUM NEP

Submission No.	CommentNumber	16	Database Reference ID	159	ISSUES
The cumulative effects analysis needs to consider the effects of research stress being added to nutritional stress.					CUM

Submission No.	CommentNumber	15	Database Reference ID	158	ISSUES
...the cumulative effects analysis the EA does contain is internally confused and appears to be inadequate.					CUM

Submission No.	CommentNumber	14	Database Reference ID	157	ISSUES
The direct, indirect and cumulative effects of all research activities should be analyzed in a single NEPA document.					CUM NEP

Submission No.	CommentNumber	6	Database Reference ID	149	ISSUES
NMFS has not demonstrated that the impacts of the proposed action will be insignificant or satisfy all permitting criteria. In fact, we are concerned that substantial direct, indirect, and cumulative effects of the proposed action in Alternative 2 may result in further jeopardy to the species.					CUM EFF

Cumulative Effects

Submission No.	CommentNumber	41	Database Reference ID	233	ISSUES
We note that and environmental impact statement conducted pursuant to authorizing native subsistence hunting of fur seals found that there are "conditionally significant adverse cumulative effect[s]" from commercial fisheries and native subsistence hatvest. (NMFS 2005) Because of this, it is important that the EIS weigh potential impacts of capture and intrusive research quite carefully.					CUM NEP

Submission No.	CommentNumber	3	Database Reference ID	105	ISSUES
Cumulative effects of the proposed research, in combination with other factors (fisheries interactions through incidental take in gear and depletion of preferred sea lion prey, regime shifts causing changes in prey abundance, native subsistence hunting, deliberate shooting of sea lions viewed as "competitors", disease and other possible impacts) that are affecting Steller sea lion populations, especially the "endangered" western stock, could have significant adverse impacts on the population. Understanding better how these cumulative effects might affect Steller sea lion populations is particularly important for assessing the effects and benefits to a species listed under the Endangered Species Act.					CUM

Submission No.	CommentNumber	44	Database Reference ID	236	ISSUES
Sampling techniques should be evaluated for their individual and cumulative or synergistic effect on individual animals and/or populations.					CUM

Submission No.	CommentNumber	79	Database Reference ID	99	ISSUES
It is conceivable that the extensive research described in the existing permits, together with the additional research requested in the proposed amendments, and other research, may become a significant factor affecting the status of the species.					CUM

Submission No.	CommentNumber	63	Database Reference ID	83	ISSUES
In light of the considerable increase in research activities (including a number that would employ invasive techniques that pose risks to the sea lions involved), the potential for disturbance of animals at rookeries and haulouts, the lack of a monitoring plan to assess incidental impacts, the lack of an adequate cumulative effects analysis, and the ongoing decline of the western population of Steller sea lions, significant adverse effects resulting from the proposed and ongoing research activities cannot be ruled out.					CUM EFF MON

Submission No.	CommentNumber	62	Database Reference ID	82	ISSUES
Therefore, the cumulative effects analysis is incomplete and, in the absence of such an analysis, the conclusion of no significant adverse impact seems unfounded.					CUM NEP

Submission No.	CommentNumber	61	Database Reference ID	81	ISSUES
...the environmental assessment includes a cumulative effects analysis that fails to consider the effects of the proposed research together with the effects of all of the other factors that are, or may be, affecting sea lions.					CUM

Cumulative Effects

Submission No.	CommentNumber	50	Database Reference ID	70	ISSUES
Although such effects are not intentional, they may be of sufficient magnitude that, either by themselves or in combination with other human-related effects, they result in significant adverse effects on the study population.					CUM

Submission No.	CommentNumber	1	Database Reference ID	21	ISSUES
However, we are concerned that, given the number of projects authorized and proposed, many of which are invasive in nature, they may cumulatively operate to the disadvantage of the western Steller sea lion population.					CUM

Submission No.	CommentNumber	2	Database Reference ID	126	ISSUES
the commercial fishermen are taking all their food and shooting them to death the researchers hassle them to death the ships kill them the polluters like exxon cause their death the govt agencies (air force) etc kill them the developers kill them with their building explosions sonar kills them (us navy)					CUM

Submission No.	CommentNumber	1	Database Reference ID	307	ISSUES
...PBR was originally developed to deal with fishery situations when the removals were from immediate injuries or death, however, I think we should expand that concept to include cumulative effects.					CUM

Submission No.	CommentNumber	43	Database Reference ID	354	ISSUES
Instead of providing assurance that the intrusive procedures that are proposed are necessary and proportional to the questions that need to be addressed, the NMFS has simply passed along each proposal ad hoc, with no attempt in the EA to address the necessity or scope of the research proposals or to assess cumulative effects on mortality and morbidity of individuals and any consequent range-wide or localized population level effects.					CUM MET NEP

Submission No.	CommentNumber	29	Database Reference ID	340	ISSUES
It is simply not sufficient for the agency charged with protecting this endangered species to simply adopt the assertion of the researcher applicants that they must risk the lives and health of animals and add to the already unsuitable cumulative impacts on the stock, without consideration of other alternatives.					ALT CUM

Submission No.	CommentNumber	16	Database Reference ID	327	ISSUES
The EA also fails to adequately address the cumulative impacts of the proposed permits, as required by NEPA.					CUM

Cumulative Effects

Submission No.	CommentNumber	14	Database Reference ID	325	ISSUES
The cumulative research-related incidental mortality could exceed the PBR for the stock when added to other anthropogenic mortality and is clearly a significant impact. This endangered stock is already subjected to cumulative mortality that is arguably unsustainable, given its on-going decline. The request for research-related incidental mortality is well above a level that the ESA would consider "negligible."					CUM PBR

Submission No.	CommentNumber	10	Database Reference ID	321	ISSUES
The current EA proposes research on an even greater scale, speculates that even more research will be proposed in the future; and yet it provides no further analysis of possible adverse effects from past research or cumulative effects from this research.					CUM

Submission No.	CommentNumber	9	Database Reference ID	320	ISSUES
Researchers note (see below) that dependent pups may be separated from their mothers and that rookeries may suffer significant and repeated short-term disruption. The EA does little to attempt to assess cumulative impacts from either of these incidental effects, nor did the previous EA from 2002.					CUM

Submission No.	CommentNumber	21	Database Reference ID	213	ISSUES
...the EIS should examine research conducted elsewhere on various pinniped species to ascertain effects. It is also important that the EIS evaluate the appropriateness of using less vulnerable surrogate species to test hypotheses regarding the short and long-term effects of a multiplicity of procedures used on Steller sea lions and used or proposed for use on fur seals.					CUM MET NEP

Submission No.	CommentNumber	2	Database Reference ID	308	ISSUES
...how well researchers coordinate their efforts and avoid duplication of effort will impact the cumulative effect.					CUM

Submission No.	CommentNumber	44	Database Reference ID	355	ISSUES
As we have discussed above, it is clear that the cumulative impact of granting these permits is likely to have an adverse impact on the western stock of Steller sea lions and requires consultation under the ESA.					CUM ESA

Submission No.	CommentNumber	38	Database Reference ID	304	ISSUES
Accordingly, the HSUS must insist that the NMFS not issue any permits, permit extensions or permit modifications involving invasive research until such time as you have completed an Environmental Impact Statement that fully evaluates the individual and cumulative impacts of the proposed research and weighs its contribution to cumulative effects on the stocks from combined mortality and serious injury resulting from fisheries-related mortality and native harvest. The quality of analysis required by NEPA and by both the ESA and the MMPA is simply lacking at this time. Furthermore, we believe that NMFS has an obligation to consult under Section 7 of the ESA on the impacts that this activity will have on the western stock of Steller sea lions, particularly with regard to the additive effects of these permits along with those of native harvest mortality and incidental fisheries-related mortality.					CUM ESA MMP NEP

Cumulative Effects

Submission No.	CommentNumber	34	Database Reference ID	300	ISSUES
There is no accompanying chart to allow reviewers to view the morphing of the various "tasks" that are requested for modification, nor is there any discussion of why any particular modification is important or whether it has been tried elsewhere or is novel and how it may or may not compromise comparison and analysis of data obtained from animals not subjected to the protocols. Nor is there discussion of the synergistic or cumulative effect of the various sampling and tracking and device attachment.					CUM INA
Submission No.	CommentNumber	28	Database Reference ID	294	ISSUES
...ASLC has requested six separate permit modifications just in the past 18 months. This it is almost impossible for reviewers to ascertain whether these modifications (many of which request additional sampling procedures) will affect the reliability of the information that is being gathered and/or whether synergistic effects of multiple sampling of both free ranging and captive animals and changes in sampling protocols for the same animals or comparable cohorts compromises the reliability or validity of the data being collected.					CRE CUM MET
Submission No.	CommentNumber	10	Database Reference ID	249	ISSUES
The total number of animals that would potentially be harassed/disturbed/sampled is approximately 40,400! Harassing this large a number of an endangered or threatened species should not be taken lightly and disturbance may be considerable in certain areas.					CUM EFF
Submission No.	CommentNumber	9	Database Reference ID	248	ISSUES
Cumulative impacts are not addressed.					CUM
Submission No.	CommentNumber	8	Database Reference ID	247	ISSUES
The limited discussion of the need for a monitoring plan only addresses concerns regarding synergistic effects of invasive procedures. It is not apparent that such a plan would consider the stress of the cumulative effects of being captured multiple times, and of being harassed during survey activities and scat collection in the rookeries.					CUM MON
Submission No.	CommentNumber	8	Database Reference ID	319	ISSUES
...the EA states (p. 39) that "[t]here have been no recent studies dedicated to documenting and assessing the effects of research on Steller sea lions or other marine mammals at a population level, nor on the synergistic or cumulative effects of various research activities and other human-related impacts on individual marine mammals or populations." Yet NMFS asserts that the proposed research will not likely have adverse effects. This contention appears unsupported.					CUM NEP

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Credentials of Researchers Are Questioned

Submission No.	CommentNumber	28	Database Reference ID	294	ISSUES
...ASLC has requested six separate permit modifications just in the past 18 months. This it is almost impossible for reviewers to ascertain whether these modifications (many of which request additional sampling procedures) will affect the reliability of the information that is being gathered and/or whether synergistic effects of multiple sampling of both free ranging and captive animals and changes in sampling protocols for the same animals or comparable cohorts compromises the reliability or validity of the data being collected.					CRE CUM MET
Submission No.	CommentNumber	25	Database Reference ID	217	ISSUES
The degree of supervision is not specified and the degree to which they will be performing intrusive, potentially injurious procedures is not clear, simply that their "qualifications and experience must be commensurate with his/her assigned responsibilities"... It would be helpful for the EIS to evaluate standards used in other species as well as for pinniped research in other species and/or areas.					CRE NEP
Submission No.	CommentNumber	20	Database Reference ID	212	ISSUES
In any case, we believe that there should be no research conducted until and unless the NMFS has a written coordination plan indicating when, where and who specific permittees will be sampling to assure that there is no duplication of effort and that sampling is being conducted in all appropriate areas and times.					CRE
Submission No.	CommentNumber	19	Database Reference ID	211	ISSUES
The EIS should consider the appropriateness of granting permits for smaller geographic areas or coordinating research of a particular type through a single permit as a means of assisting in coordination.					CRE NEP
Submission No.	CommentNumber	7	Database Reference ID	115	ISSUES
Additionally personnel who are working on a rookery should be briefed by an experienced biologist on how to minimize the spooking of sea lions (such as staying low and moving slow, minimizing time on a rookery).					CRE MET
Submission No.	CommentNumber	74	Database Reference ID	94	ISSUES
· inasmuch as the use of a crossbow for biopsy sampling has not been previously used on Steller sea lions, the Service be satisfied that the individual(s) carrying out the biopsy sampling are sufficiently experienced and the technique and equipment have been adequately tested prior to authorizing the activity on animals in the field;					CRE

Credentials of Researchers Are Questioned

Submission No.	CommentNumber 70	Database Reference ID 90	ISSUES
· surgical implants of instruments be performed by experienced marine mammal veterinarians, and the animals be fully recovered from anesthesia and exhibiting no ill effects of the surgery prior to release;			CRE MET
Submission No.	CommentNumber 71	Database Reference ID 91	ISSUES
· an experienced marine mammal veterinarian be present in the field to carry out or to provide direct on-site supervision of all activities involving anesthesia of animals;			CRE
Submission No.	CommentNumber 28	Database Reference ID 48	ISSUES
Although the application implies that a veterinarian will be present to monitor anesthetized animals and to supervise personnel directly, it is not clear that this will be the case.			CRE
Submission No.	CommentNumber 24	Database Reference ID 44	ISSUES
Further, a curriculum vitae for the veterinarian(s) who would be involved in the research has not been, but should be, provided.			CRE
Submission No.	CommentNumber 18	Database Reference ID 38	ISSUES
In addition, the individual(s) who will be darting the animals should be thoroughly trained and experienced in using the technique prior to employing this method in the field, and animals in the water should not be darted.			CRE
Submission No.	CommentNumber 9	Database Reference ID 29	ISSUES
...only veterinarians and biologists with significant experience in darting marine mammals be authorized to conduct the activity.			CRE
Submission No.	CommentNumber 7	Database Reference ID 27	ISSUES
We also note that, although the application states that a veterinarian will be present to monitor anesthetized animals, a curriculum vitae for the veterinarian(s) who would be involved has not been, but should be, provided.			CRE
Submission No.	CommentNumber 5	Database Reference ID 25	ISSUES
...the Commission remains concerned that the cumulative effects of the proposed research, in combination with other factors that are affecting the western population of Steller sea lions, could have significant adverse impacts on the population.			CRE

Credentials of Researchers Are Questioned

Submission No.	CommentNumber 4	Database Reference ID 4	ISSUES
· Issued research permits are limited to specific geographic areas to reduce duplication and encourage coordination.			CRE DUP

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Coordination

Submission No.	CommentNumber	9	Database Reference ID	152	ISSUES
...we have major concerns about the efficacy of the experimental protocols, sampling regimes, and statistical power to detect effects, as well as the ability of NMFS to coordinate and synthesize the data generated by such a large research program involving many different agencies and institutions as well as hundreds of scientists.					COR

Submission No.	CommentNumber	20	Database Reference ID	40	ISSUES
It is also not clear why this study is not being coordinated with other aerial surveys proposed for southeastern Alaska.					COR MET

Submission No.	CommentNumber	30	Database Reference ID	50	ISSUES
...it would be useful to compare the criteria developed by the Alaska SeaLife Center with similar criteria being developed by the Service for releasing captive marine mammals to the wild to ensure that the Center's list of criteria is comprehensive.					COR MET

Submission No.	CommentNumber	44	Database Reference ID	64	ISSUES
The lack of information on the area and time during which research activities would occur also makes it impossible to determine if the research is being suitably coordinated to provide the best scientific information with the least practicable adverse effects on the animals resulting from handling and disturbance.					COR SAM

Submission No.	CommentNumber	60	Database Reference ID	80	ISSUES
It is not possible to determine from the permit applications how such coordination will be accomplished. In particular, we are concerned that the lack of information on the spatial and temporal distribution of the different research efforts precludes and analysis of overlap of research by different agencies and organizations, which would seem to be essential for adequate coordination.					COR INA

Submission No.	CommentNumber	76	Database Reference ID	96	ISSUES
· the Service ensure that activities to be conducted under these permits and those of other permit holders who might be carrying out research on the same species in the same areas are coordinated and, as possible, data are shared to avoid unnecessary duplication of research and disturbance of animals; and					COR PER

Coordination

Submission No.	CommentNumber	82	Database Reference ID	102	ISSUES
...the recovery plan should be updated and the recovery team should be more effectively incorporated into research planning.					CON COR
Submission No.	CommentNumber	2	Database Reference ID	104	ISSUES
Based on our review of the permits and previous comments submitted by the Marine Mammal Commission, we find that the National Marine Fisheries Service (NMFS) cannot meet its burden under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) to show that this research will clearly benefit the conservation of this species, that there is good coordination between the different research projects, that the effects of the research can be adequately monitored by NMFS, and that the level of incidental mortality (as a result of the research) is below an acceptable level.					CON COR ESA MMP MOR
Submission No.	CommentNumber	2	Database Reference ID	120	ISSUES
As NMFS develops and considers the alternatives to be presented in the Draft EIS, it is important that attention is given to the ways in which the permit process and the associated NOAA grant programs can ensure committed long-term funding and coordination of research programs designed to collect critical life-history data for these long-lived species.					COR
Submission No.	CommentNumber	4	Database Reference ID	24	ISSUES
...the extent to which the various research activities will be coordinated.					COR
Submission No.	CommentNumber	9	Database Reference ID	136	ISSUES
...permits should not be issued for Alaska-wide research until and unless there is a written plan indicating how multiple permittees will coordinate their studies and ensure that that research will cover appropriate times, area, and demographic classes, and is not duplicative.					COR DUP PER
Submission No.	CommentNumber	42	Database Reference ID	353	ISSUES
Telemetry is an important tool, yet is not clear if it is necessary for four different permittees to use this tool or whether there is any coordination among researchers to assure that the animals being sampled are representative for obtaining the information that is necessary.					COR SAM
Submission No.	CommentNumber	13	Database Reference ID	156	ISSUES
...analysis of the various research activities is being piecemealed, rather than considered in a single NEPA document.					COR NEP
Submission No.	CommentNumber	26	Database Reference ID	169	ISSUES
...a lack of integrated research, poor coordination of existing research projects, as well as serious limitations in experimental protocols, sample sizes, and statistical power to detect effects.					COR SAM

Coordination

Submission No.	CommentNumber	2	Database Reference ID	194	ISSUES
NMFS has granted the multiple proposals without any apparent regard to how they fit together to illuminate key questions. Previous permit applications show little evidence of a coordinated approach to sampling. Permits have been issued for "Alaska wide" activities to multiple permittees with no plan for coordination. This sort of approach can lead to some areas being over sampled and some areas receiving no sampling, with no justification provided for the geographic structure of sampling.					COR PER
Submission No.	CommentNumber	36	Database Reference ID	228	ISSUES
If they propose to do invasive sampling or marking, they should justify why their chosen methodologies are more appropriate than other less intrusive measures or approaches to addressing the question. This specifically will also aid the NMFS in its efforts to coordinate research and assure minimal effect.					COR PER
Submission No.	CommentNumber	1	Database Reference ID	240	ISSUES
However, it is not clear that adequate coordination of these various research proposals has taken place and it is not clear that the proposals meet all of the conditions stipulated in the Marine Mammal Protection Act (MMPA or Act).					COR MMP
Submission No.	CommentNumber	3	Database Reference ID	314	ISSUES
The NMFS is proposing to issue nine permits. Many of them propose to conduct identical activities. For example, seven of the applicants seek to capture animals for sampling of tissues, hot branding and other invasive procedures, four of them indicate that their activities would be "state wide," and one additional permit would overlap in the Gulf of Alaska and Aleutians.					COR DUP
Submission No.	CommentNumber	7	Database Reference ID	318	ISSUES
Without coordination, there is no way to assure that there will not be an overlap of effort and an unnecessarily adverse impact on the stock.					COR
Submission No.	CommentNumber	35	Database Reference ID	346	ISSUES
NMFS cannot continue to assert that the research has no adverse consequence nor that NMFS can properly control the levels of mortalities or assure that research is coordinated, and non-duplicative and likely to yield results that will significantly aid conservation and management.					COR DUP
Submission No.	CommentNumber	1	Database Reference ID	119	ISSUES
A central component of [Pribilof Islands Collaborative] PIC statement, as well as the conservation and recovery plans for these species is the need for focused long-term studies that are carefully coordinated among research organizations.					COR

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Conservation (of the species; conservation goals)

Submission No.	CommentNumber	18	Database Reference ID	161	ISSUES
Using captive animals from the endangered population as guinea pigs to test the viability of the surgical implantation technique is not an appropriate form of research, and we agree with the decision of NMFS that this portion of the ASLC project should not be considered or permitted at this time.					CON EFF

Submission No.	CommentNumber	21	Database Reference ID	41	ISSUES
Without additional information on these studies, it does not seem possible to confirm that they will achieve the stated research objectives or will contribute to the conservation and recovery effort for Steller sea lions.					CON INA

Submission No.	CommentNumber	33	Database Reference ID	53	ISSUES
(page 33) Task 3.3. Table 1 includes an entry pertaining to adrenocorticotropic hormone challenge. This activity is not further explained and no rationale for such a study is provided. Thus, it is not clear why it is included here, how it might contribute to recovery efforts for Steller sea lions, or why permission for this activity is being requested. Such information should be provided before authorization of this activity is considered					CON PER

Submission No.	CommentNumber	48	Database Reference ID	68	ISSUES
If such efforts are not adequate, then the studies proposed will not achieve their stated objectives, the animals involved will be exposed to unnecessary risks, and the research will not contribute to the recovery and conservation of the Steller sea lion.					CON

Submission No.	CommentNumber	82	Database Reference ID	102	ISSUES
...the recovery plan should be updated and the recovery team should be more effectively incorporated into research planning.					CON COR

Submission No.	CommentNumber	2	Database Reference ID	104	ISSUES
Based on our review of the permits and previous comments submitted by the Marine Mammal Commission, we find that the National Marine Fisheries Service (NMFS) cannot meet its burden under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) to show that this research will clearly benefit the conservation of this species, that there is good coordination between the different research projects, that the effects of the research can be adequately monitored by NMFS, and that the level of incidental mortality (as a result of the research) is below an acceptable level.					CON COR ESA MMP MOR

Conservation (of the species; conservation goals)

Submission No.	CommentNumber	1	Database Reference ID	144	ISSUES
...it is essential that all direct, indirect and cumulative impacts of the research program are carefully evaluated and all projects are shown to be essential for the conservation of the species.					CON EFF
Submission No.	CommentNumber	5	Database Reference ID	19	ISSUES
To what extent does this research benefit the animals? Only research that ultimately benefits the population should be allowed. Research should be directed towards the recovery of the population and should be evaluated on that basis.					CON
Submission No.	CommentNumber	7	Database Reference ID	150	ISSUES
We do not think NMFS has shown that all projects and procedures in the proposed action are necessary and essential to the conservation of Steller sea lions...					CON
Submission No.	CommentNumber	54	Database Reference ID	365	ISSUES
HSUS simply cannot countenance research of this magnitude with the potential for duplicative sampling, inhumane treatment and unproven conservation benefit.					CON DUP EFF
Submission No.	CommentNumber	22	Database Reference ID	165	ISSUES
...the rationale for mass flipper-tagging of young animals as a standard practice is not at all clear in this EA.					CON SAM
Submission No.	CommentNumber	34	Database Reference ID	177	ISSUES
...we express our support for legitimate, coordinated research that is focused on gathering information that will contribute to our understanding of the causes of decline of Steller sea lions.					CON
Submission No.	CommentNumber	21	Database Reference ID	260	ISSUES
While underwater videotaping may be interesting, we do not believe it is critical to understanding the foraging issues facing Steller sea lions.					CON
Submission No.	CommentNumber	10	Database Reference ID	276	ISSUES
The HSUS questions the conservation benefit of this proposal to the conservation needs of threatened eastern stock Steller sea lions. ...given the ESA and MMPA prohibition against stressful and invasive research that is not intended to address conservation and recovery goals. Thus, this permit should be denied.					CON PER

Conservation (of the species; conservation goals)

Submission No.	CommentNumber	40	Database Reference ID	306	ISSUES
The HSUS cannot countenance the conduct of research that will not clearly contribute to the conservation of the species or is inhumane to the individual animals that are affected. Accordingly, should NMFS issue the proposed permits, The HSUS will have no choice but to consider all methods, including legal action, to ensure that NMFS adheres to the requirements of federal laws and regulations before authorizing scientific research on endangered and threatened species of marine mammals.					CON NEP

Submission No.	CommentNumber	17	Database Reference ID	328	ISSUES
The EA outlines the various priorities of Congress and the recovery plan with regard to gathering information to elucidate the causes and extent of the decline in western Steller sea lions. Yet, without some guidance by the NMFS or an outside group, it is not clear that the activities proposed in these permits meet these goals individually or in total.					CON

Submission No.	CommentNumber	19	Database Reference ID	330	ISSUES
...we are also concerned that the proposed research does not appear to have been constructed in such a way as to assure that the goals of conservation are served.					CON

Submission No.	CommentNumber	5	Database Reference ID	148	ISSUES
...permitted research projects must be shown to contribute significantly to fulfillment of objectives for understanding the management actions needed to recover Steller sea lions, using techniques without significant adverse impacts to the species (EA, p. 11).					CON

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Hot Branding

Submission No.	CommentNumber	11	Database Reference ID	277	ISSUES
Hot branding has been conducted for three decades, with varying levels of success and mortality... Thus it would appear that this sort of study is unnecessary.					BRD PER
Submission No.	CommentNumber	22	Database Reference ID	42	ISSUES
Clarification should be requested as to the minimum age and size of pups that will be hot-branded.					BRD INA PER
Submission No.	CommentNumber	35	Database Reference ID	55	ISSUES
(page 41). Task 2. The application does not include branding in the list of requested take activities, and it is not clear if these animals would be branded					BRD PER TAK
Submission No.	CommentNumber	47	Database Reference ID	67	ISSUES
Branding poses risks associated with capture, handling, and infliction of burn wounds that may become infected, and the disruption to rookeries. The permit applications (and the environmental assessment) do not discuss these concerns in sufficient detail and have not provided the requisite level of assurance that resighting efforts will be adequate to yield meaningful results.					BRD EFF
Submission No.	CommentNumber	68	Database Reference ID	88	ISSUES
· all branding activities be accompanied by effective programs to monitor their short- and long-term effects;					BRD MON
Submission No.	CommentNumber	9	Database Reference ID	117	ISSUES
Branding is a valuable tool for Steller sea lion researchers, however it can be a large disturbance also. The time spent on a rookery branding, which separates parents and pups, might lead to higher pup mortality, depending on conditions.					BRD
Submission No.	CommentNumber	23	Database Reference ID	166	ISSUES
...the preferred technique of hot-branding large numbers of pups and young juveniles may lead to substantial mortalities (EA, p. 53), raising questions about the degree to which vital rates information gleaned from branded animals may be biased by the experiment itself.					BRD MET

Hot Branding

Submission No.	CommentNumber	24	Database Reference ID	167	ISSUES
...potential for harm from such techniques may be outweighed by the benefits to be gained from the ability to identify animals across multiple years, but only if there is a long-term commitment to monitor the status of branded animals.					BRD EFF MON
Submission No.	CommentNumber	7	Database Reference ID	7	ISSUES
· Finally, that the humaneness of the techniques used are critically evaluated. Hot iron branding, for example, should be prohibited. Limited time, money, energy, and motivation are not excuses for using painful and harmful techniques on animals when alternatives are available or can be developed.					BRD MET NEP
Submission No.	CommentNumber	15	Database Reference ID	254	ISSUES
The HSUS suggests that the ADFG may wish to spend more effort trying to re-sight animals and analyze the information from re-sighting, rather than continuing to brand additional animals. If continued or additional branding is authorized, the applicant must be required to monitor post-branding effects and provide evidence of little or no effect of their various activities on rookeries.					BRD MON
Submission No.	CommentNumber	50	Database Reference ID	361	ISSUES
If indeed little is known about the post-branding effects, this research proposal should go forward and all other permits involving branding should be halted until infection rates and morbidity and mortality can be better understood.					BRD
Submission No.	CommentNumber	19	Database Reference ID	285	ISSUES
...Page 11 of this proposal that "although not a necessary part of our research, we will hot brand our animals at the request of the permit office." This indicates that researchers do not necessarily desire to hot brand animals, but are being required to do so by the permit office. Can NMFS explain this?					BRD PER
Submission No.	CommentNumber	4	Database Reference ID	315	ISSUES
The EA stipulates that, since 1975 over 15,000 Steller sea lions have been hot branded (p. 127), with an additional 3,000 more proposed for branding by the current applicants. This is a procedure with significant risks, and it should only be done if there is no other less invasive alternative, and only if it is necessary to continue to brand animals beyond those already branded.					BRD MET
Submission No.	CommentNumber	5	Database Reference ID	316	ISSUES
The various applicants propose to brand more than 800 animals – they propose over 3,000. This seems excessive for the degree of precision needed based on Horning's analysis.					BRD SAM
Submission No.	CommentNumber	21	Database Reference ID	332	ISSUES
Additionally, neither the permittees nor the EA present results of information gained from past branding efforts to offer evidence that this practice is useful or to suggest that additional branding is necessary.					BRD

Hot Branding

Submission No.	CommentNumber	22	Database Reference ID	333	ISSUES
No additional branding should be authorized until the NMFS has assured that this procedure is still necessary and that the conservation goals addressed by hot branding cannot be served simply by permitting field studies utilizing animals already branded.					BRD

Submission No.	CommentNumber	23	Database Reference ID	334	ISSUES
Considering that the NMFS has been permitting hot branding of this species for several decades, this research would seem unnecessary. If it is necessary, then NMFS should halt all other branding studies until it is completed.					BRD

Submission No.	CommentNumber	41	Database Reference ID	352	ISSUES
Hot branding can be an important tool in satisfying the need to monitor survival across the range and in various cohorts, yet the remarkably large amount of branding that is proposed has not been justified in the EA.					BRD INA

Submission No.	CommentNumber	7	Database Reference ID	199	ISSUES
...the EIS should pay special attention to the particular vulnerability of pups and young animals to the impacts of intrusive procedures and branding.					BRD NEP

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Welfare

Submission No.	CommentNumber	53	Database Reference ID	364	ISSUES
...the Alaska Sea Life Center (ASLC) has requested continual modifications of its permit to conduct experiments on captive animals, many of them adult females. It is not clear that either the procedures or the research design have been approved by any institutional animal welfare/care committee.					WEL

Submission No.	CommentNumber	35	Database Reference ID	301	ISSUES
Approval for invasive studies by this applicant should be suspended until NMFS can conduct a more comprehensive evaluation of range-wide research, its contribution to specific recovery plan needs and compliance with requirements of NEPA, the ESA, MMPA and Animal Welfare Act.					ESA MMP NEP PER WEL

Submission No.	CommentNumber	33	Database Reference ID	299	ISSUES
The applicant has not provided any justification for increases that are requested in the number of animals that they wish to sample and or brand or the increase in the duration or frequency of captive research. We question whether these continual amendments that are requested with little or no supporting information or justification would meet the tests of the Animal Welfare Act or would pass the careful scrutiny of an independent animal welfare/care committee.					INA WEL

Submission No.	CommentNumber	1	Database Reference ID	1	ISSUES
API asks that NMFS consider the impacts to the population as well as the welfare of individual animals when reviewing research proposals.					CUM WEL

Comments Received on 2005 Environmental Assessment of the Effects of Permit Issuance for Research and Recovery Activities on Steller Sea Lions

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A Quick Message From: Jim Curland
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[redacted]

Pages (Including Cover): **5**

Tuesday, May 3, 2005

Please deliver ASAP to: Chief, Permits
National Marine Fisheries Service
(301) 427-2521

Regarding: Comments on ANRA for Steller sea lion research permit file nos: 434-1669, 1010-1641, 800-1664, 881-1668, 782-1768, 358-1769, 715-1784, and 1034-1773

Please find attached our comments. These have been emailed and will also be sent by first class mail. Thank you for the opportunity to comment.

Sincerely,

Jim Curland

May 3, 2005

VIA EMAIL AND FIRST CLASS MAIL

Chief, Permits
Conservation and Education Division, F/PR1
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13705
Silver Spring, MD 20910

Re: Advance Notice on Steller Sea Lion Research Permit Application Nos. 434-1669 (Oregon Department of Fish and Wildlife), 1010-1641 (Aleutians East Borough), 800-1664 (Dr. Randall Davis, Texas A&M University), 881-1668 (Alaska SeaLife Center), 782-1768 (National Marine Mammal Laboratory), 358-1769 (Alaska Department of Fish and Game), 715-1784 (North Pacific Universities Marine Mammal Research Consortium), and 1034-1773 (Dr. Markus Horning, Texas A&M)

Dear Chief, Permits,

On behalf of nearly one half million members and supporters, including nearly 35,000 throughout the Pacific Northwest and southern British Columbia, over 100,000 in California, 2,000 in Alaska and an additional 200,000 activists on marine issues, Defenders of Wildlife ("Defenders") appreciates the opportunity to comment on the National Marine Fisheries Service's ("NMFS") Advance Notice of Receipt of Applications ("ANRA") for the following permits: Nos. 434-1669 (Oregon Department of Fish and Wildlife), 1010-1641 (Aleutians East Borough), 800-1664 (Dr. Randall Davis, Texas A&M University), 881-1668 (Alaska SeaLife Center), 782-1768 (National Marine Mammal Laboratory), 358-1769 (Alaska Department of Fish and Game), 715-1784 (North Pacific Universities Marine Mammal Research Consortium), and 1034-1773 (Dr. Markus Horning, Texas A&M). Defenders is submitting the following comments on the eight permits seeking to conduct research with Steller Sea Lions (*Eumetopias jubatus*) in Alaska, Washington, California and Oregon. 70 Fed. Reg. 17072 (April 4, 2005). Defenders of Wildlife hereby incorporates by reference the comments of the Marine Mammal Commission ("Commission") (letters of August 2, 2002 and March 7, 2003) submitted on four of these same eight permits and two similar permits the Commission commented on in a July 27, 2001 letter.

Defenders, established in 1947, is a national non-profit organization dedicated to the protection of all native wild animals and plants in their natural communities. Defenders focuses its programs on what scientists consider two of the most serious environmental threats to our planet: the accelerating rate of

National Headquarters
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species extinction and associated loss of biological diversity, and habitat alteration and destruction. Long known for its leadership role on endangered species issues, Defenders also advocates new approaches to wildlife conservation that will help prevent species from becoming endangered. Our programs encourage protection of entire ecosystems and interconnected habitats while protecting predators that serve as indicator species for ecosystem health.

Defenders understands the importance and necessity of the suite of research projects reflected in these permit requests to better understand the declines in the "endangered" western stock (Prince William Sound, Alaska and westward) and the status of the "threatened" eastern stock (California through southeastern Alaska). Defenders interest and support of the nature of this research is both for the benefit of assisting in the recovery of this species, but to also understand how Steller sea lion declines are contributing to the collapse of the food chain in Alaska and the Bering Sea ecosystem, which some surmise is contributing to serious declines in sea otters in the Aleutian Islands. However, we have concerns that the research is duplicative, likely to adversely affect the stocks, and it is not clear from these permits that significant gains in conservation will clearly outweigh the negative impacts to the Steller sea lion populations.

Based on our review of the permits and previous comments submitted by the Marine Mammal Commission, we find that the National Marine Fisheries Service (NMFS) cannot meet its burden under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) to show that this research will clearly benefit the conservation of this species, that there is good coordination between the different research projects, that the effects of the research can be adequately monitored by NMFS, and that the level of incidental mortality (as a result of the research) is below an acceptable level.

In commenting on the research power and sampling design in the Commission's letter dated, August 2, 2002, they indicated that:

The utility of the proposed research depends largely on the power of the projects to describe important factors and processes (e.g., weaning of sea lion pups) and detect significant effects (e.g., competition with fisheries) if they occur. The power of the research depends on, among other things, the sampling protocol used, which should ensure that important effects are detected if they occur and faulty conclusions of no-effect are avoided. This being the case, it is essential that the samples collected during the course of research should be representative of the sea lion populations from which they were taken and should be pertinent to identification of the causes of the decline or steps that can be taken to facilitate the species' recovery. The permit applications under review often do not provide sufficient information on their research sampling design and thus it is not always possible to determine if they will meet their stated objectives.

Cumulative effects of the proposed research, in combination with other factors (fisheries interactions through incidental take in gear and depletion of preferred sea lion prey, regime shifts causing changes in prey abundance, native subsistence hunting, deliberate shooting of sea lions viewed as "competitors", disease and other possible impacts) that are affecting Steller sea lion populations, especially the "endangered" western stock, could have significant adverse impacts on the population. Understanding better how these cumulative effects might affect Steller sea

lion populations is particularly important for assessing the effects and benefits to a species listed under the Endangered Species Act.

The need to limit accidental mortality as a result of this research is critical to showing that the proposed studies will clearly have a benefit to the species. When the Commission commented on many of these same permits in their August 2, 2002 letter, they determined that a total incidental mortality would equal 51 sea lions (41 of them from the western stock) per year and that, "in the absence of effective monitoring, it is possible, if not likely, that the number of observed deaths will constitute only a minimum estimate of the actual number of animals that die as a result of the research effort." It is unclear to us from the permit descriptions if the number of deaths related to incidental mortality from research is greater in these revised permits. If it is equal to or greater than this previous number calculated by the Commission, this is still a number that seems to be at an unacceptable level, especially for the "endangered" western population.

Defenders agrees with comments submitted by the Humane Society of the United States (HSUS) that "before any further permits, extensions or amendments are granted, that NMFS should prepare an in-depth Environmental Impacts Statement (EIS) similar to that being proposed for research on North Atlantic right whales (*Eubalaena glacialis*) in the Northeast. Like, western Steller sea lions, right whales are an endangered and declining stock with multiple researchers wishing to study the status of the stock and the reason for its decline. Unlike Steller sea lions, no captures of right whales are proposed, the research is generally non-invasive, and no lethal takes are sought or expected."

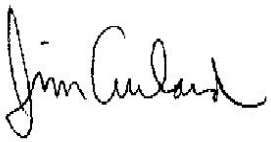
In one of the conclusions from the Commission's August 2, 2002 letter, they state:

In light of the considerable increase in research activities (including a number that would employ invasive techniques that pose risks to the sea lions involved), the potential for disturbance of animals at rookeries and haulouts, the lack of a monitoring plan to assess incidental impacts, the lack of an adequate cumulative effects analysis, and the ongoing decline of the western population of Steller sea lions, significant adverse effects resulting from the proposed and ongoing research activities cannot be ruled out.

Defenders urges that the NMFS defer final action on the permits, permit extensions or permit modifications until such time as you have completed an EIS that fully evaluates the individual and cumulative impacts of the proposed research and weighs its contribution to cumulative effects on the stocks from multiple factors discussed previously. Only that research which is clearly non-duplicative and addresses compelling conservation needs should be permitted. This degree of analysis is required under both the ESA and the MMPA and is lacking at this time.

Defenders supports the need to conduct research to better understand the cause and extent of the decline of the western stock and status of the eastern stock, as well as understand the biological and ecological factors that contribute to it. However, we strongly believe this must be carried out in a responsible and effective manner. Please feel free to contact us should you wish to discuss any of our comments.

Sincerely,



Jim Curland, Marine Program Associate

Cc: David Cottingham, Tim Ragen, **Marine Mammal Commission**
Sharon Young, **The Humane Society of the United States**

HUMANE SOCIETY OF THE UNITED STATES

Fax

To: Steve Lewellen From: Shiron Young

Fax: 301-427-2521 Pages: 25 plus cover

Phone: 508-883-0181 Date: 5/4/2005

Re: Steller SA's Permits CC:

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• Comments:

Original follows in mail. Thanks.

Sh

05/04/2005 05:05PM

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Mr. Steven Leathery, Chief
Permits, Conservation and Education Division
National Marine Fisheries Service
Room 13705
1315 East West Highway
Silver Spring, Md. 21401

Re: Comments and Notice of Potential Violations of The ESA, MMPA, and NEPA Concerning Stellar Sea Lion Research Permits.

4 May 2005

Dear Mr. Leathery,

On behalf of the nearly nine million members and constituents of The Humane Society of the United States (The HSUS), we are submitting the following comments on the Draft Environmental Assessment and the nine permits seeking to conduct research with Steller Sea Lions (*Eumetopias jubatus*) in Alaska [70 FR 17072]. The HSUS strongly opposes issuance of these permits at this time. We find that the National Marine Fisheries Service (NMFS) has not satisfied the requirements of the National Environmental Policy Act, nor has it met its obligations under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) Because the western stock of Steller sea lions is endangered and declining in numbers, NMFS must demonstrate that the permits are non-duplicative, unlikely to adversely affect the stock, and in service of a significant gain in conservation of the species. This would not seem to be the case with many of these permits. Many of the research projects involve the use of invasive studies and physical handling of animals that subjects them to risk of severe injury and death and appear likely to disadvantage the western stock of Steller sea lions. As a consequence, the HSUS believes that the NMFS cannot issue the requested permits without violating the requirements of NEPA, the MMPA and the ESA. We offer more specific comments below.

The Research is Duplicative, Invasive, and Likely to Adversely Affect an Endangered Stock

Duplicative Research

The NMFS is proposing to issue nine permits. Many of them propose to conduct identical activities. For example, seven of the applicants seek to capture animals for sampling of tissues, hot branding and other invasive procedures; four of them

indicate that their activities would be "state wide," and one additional permit would overlap in the Gulf of Alaska and Aleutians. Because no specific sampling areas are delineated by most researchers, there is clear opportunity for researchers to be separately branding animals from the same accessible rookeries thus sampling the same population for the same purpose, rather than assuring that sampling is distributed across key and representative sites. We have similar concerns with potentially duplicative sampling of animals to determine body condition and with the tissue collection that will accompany all captures.

The EA stipulates that, since 1975 over 15,000 Steller sea lions have been hot branded (p. 127), with an additional 3,000 more proposed for branding by the current applicants. This is a procedure with significant risks, and it should only be done if there is no other less invasive alternative, and only if it is necessary to continue to brand animals beyond those already branded.

One of the applicants (Horning) provides a summary chart showing that almost 2000 western Steller sea lions have been hot branded just in the past 15 years. The Horning proposal provides an estimate of the number of animals that need to be branded to obtain a precision in estimates of survival (which still does not answer the question of *why* animals may or may not survive). He states that "the goal of the present Steller sea lion program is to brand 200 pups per year at up to four rookeries (800 per year total)," and states that this number, in combination with previous branding efforts, can yield estimates of survival with acceptable precision. The various applicants propose to brand more than 800 animals--they propose over 3,000. This seems excessive for the degree of precision needed based on Horning's analysis. Horning goes on to say that "if branding continues as planned through at least 2006, it is estimated that CVs of pooled rookery age-specific survival rate estimates will be reduced to approximately 4%." Horning also states that animals in some areas had lower resighting probabilities (e.g., Ugamak) largely because there was less re-sight effort in these areas.

The NMFS should prepare an EIS with a power analysis to determine sample sizes, and consider a range-wide research design that would assure that an excessive number of animals is not branded, and that re-sighting effort is uniform to assure precision in estimates. What is truly unacceptable is that each permitee apparently determines in isolation what he or she considers the necessary number of takes and they are often unaware of the effort proposed by other researchers. This ad hoc approach can result in excessive sampling in some areas, years, or demographic categories, while leaving others inappropriately studied (see Horning, ADFG and Gelatt in which sampling areas are not specified but stated to be state wide).

The NMFS states that, as a condition of permits, researchers will be required to coordinate their activities. Yet, several applicants acknowledge that they are not aware of other permit holder activities even though they and other applicants may have held permits at least since 2002 and this was a condition of permits at that time as well. For

...ve to greater or lesser degrees are presented with no discussion as to whether some or all may be justified to fill data gaps. For example, some researchers assert that they need to both brand and tag animals (e.g. Huber/NMML) and others state that tagging may not be necessary if an animal is branded (e.g., Horning). Some researchers (e.g.,

example permit application 800-1664 (Davis) states that "we are unaware of the full scope of other research projects on SSL currently being conducted or under consideration." (p. 19) While this degree of honesty is refreshing, it questions the NMFS commitment to assuring coordination among researchers as a means of avoiding duplication of effort and unnecessarily adverse impacts. Without coordination, there is no way to assure that there will not be an overlap of effort and an unnecessarily adverse impact on the stock.

Adverse Impacts on the Stock

In 2002, The HSUS submitted comments to NMFS on seven permit applications, which are incorporated into the record here by reference. NMFS now proposes to authorize nine permittees and dramatically increase the number of animals that will be "taken." The EA acknowledges that "the number of permits, and associated takes by harassment alone, indicate a high level of research effort relative to the population." (p. 53) Further, the EA states (p. 39) that "[t]here have been no studies dedicated to documenting and assessing the effects of research on Steller sea lions or other marine mammals at a population level, nor on the synergistic or cumulative effects of various research activities and other human-related impacts on individual marine mammals or populations." Yet NMFS asserts that the proposed research will not likely have adverse effects. This contention appears unsupported.

Even though there is a great deal of non-invasive work being done (e.g., scat collection in rookeries, vessel based surveys) these activities also can have effects on populations. Population level effects can occur if individual animals are killed (incidental mortalities are sought by applicants) or indirectly if animals are repeatedly disturbed in a manner that compromises feeding, nursing or resting behavior. Researchers note (see below) that dependent pups may be separated from their mothers and that rookeries may suffer significant and repeated short-term disruption. The EA does little to attempt to assess cumulative impacts from either of these incidental effects, nor did the previous EA from 2002. At that time the EA stated that the effort that was proposed represented the largest scale ever for research attempting to identify factors causing the decline of a marine mammal. The current EA proposes research on an even greater scale, speculates that even more research will be proposed in the near future; and yet it provides no further analysis of possible adverse effects from past research or cumulative effects from this research.

It is not clear from the EA whether or how NMFS proposes to synthesize the information gained by the use of various data collection measures such that it can be useful to managers. This is particularly important when conflicting methodologies that are invasive to greater or lesser degrees are presented with no discussion as to whether some or all may be justified to fill data gaps. For example, some researchers assert that they need to both brand and tag animals (e.g. Huber/NMML) and others state that tagging may not be necessary if an animal is branded (e.g., Horning). Some researchers (e.g., Huber/NMML) assert that animals must be recaptured to retrieve tag data, while others

utilize remote sensing (e.g. Davis) that does not appear to require re-capture, and Trites discusses the need to "recover an automatically released instrument package" that is deployed by ADFG. There should be some agreement on the goals of studies and the best methodology for answering common questions while assuring minimal impact on animals.

In our previous comments, The HSUS pointed out that the proposed level of incidental mortality for researchers would need to be added to the mortality that the endangered western stock is sustaining as a result of native harvest and fisheries-related mortality. As of the 2002 stock assessment, these estimate are a downwardly biased estimate of 171 from native harvest and 29.5 annual average mortality from fisheries. The resulting mortality to the stock from these two sources alone would be 197; only 11 animals less than the Potential Biological Removal (PBR) level of 208 for the stock. According to the 2002 stock assessment (the most recent available) the level of mortality that is considered insignificant (or negligible) is 20.8 animals. Currently, under the status quo option, NMFS provided researchers with permits for up to 49 incidental mortalities (p. 79) many of which were for takes in the western stock. We raised concerns in 2002 that this number was not negligible. NMFS chose to ignore our concerns and those of the Marine Mammal Commission. Rather than seeking to reduce the incidental mortalities, researchers are now seeking permission to *increase* potential lethal takes to 85 animals, with approximately 36 in the western stock (p. 103). This number is *over 50% higher* than the negligible level for the western stock, and higher the fisheries-related incidental mortality. To say the least, it seems odd that researchers would be permitted to incidentally kill more marine mammals than commercial fisheries. The cumulative research-related incidental mortality could exceed the PBR for the stock when added to other anthropogenic mortality and is clearly a significant impact. This endangered stock is already subjected to cumulative mortality that is arguably unsustainable, given its on-going decline. The request for research-related incidental mortality is well above a level that the ESA would consider "negligible."

The HSUS is concerned, not only with the high level of mortality, but with the fact that NMFS stated in the previous EA that mortalities in excess of 10 animals in a year would result in a halt to activities likely to result in mortality until a more thorough analysis of factors contributing to mortality could be undertaken (FONSI, page 118). According to the EA, less than10 mortalities were reported each year (p.40). Despite this, researchers are seeking an increase in the number of incidental mortalities. Either they do not need this permission, or they were not reporting mortalities that occurred under their currently permitted activities and are in violation of the ESA and their permit conditions.

The EA also fails to adequately address the cumulative impacts of the proposed permits, as required by NEPA. On page 56, in the section on cumulative impacts, the EA states that "it is reasonable to presume" that permit holders will continue to request additional procedures, protocols and takes of animals. In particular the EA points out that the Alaska Sea Life Center (ASLC) has requested six separate permit modifications just in the past

18 months that have resulted in additional takes of animals and use of additional invasive procedures on the same individuals or populations and concludes "impacts are likely to be incremental." This is simply unacceptable, especially given the large number of animals that the various permit holders propose to capture and "sample."

Research Should Serve Conservation Goals

The EA outlines the various priorities of Congress and the recovery plan with regard to gathering information to elucidate the causes and extent of the decline in western Steller sea lions. Yet, without some guidance by the NMFS or an outside group, it is not clear that the activities proposed in these permits meet these goals individually or in total.

Reviewing conflicting methodology and justification by researchers raises as many questions as it answers. For example, while a number of researchers propose to collect information on diets by collecting scat (e.g. Aleutians East, Hegwer, Trites); others (e.g., HUBER/NMML) question its value and assert that only invasive sampling with biopsy darts can provide appropriate information. Understanding of diets is a key element of understanding impacts on survival but NMFS has not discussed whether the varying methodologies are addressing different questions or the same question. If they are addressing the same question, then less invasive procedures should be used to answer questions raised by the conservation goal. When there are conflicting methodologies offered (e.g., tagging vs. branding or scat collection vs. biopsy and removal of vibrissae) NMFS should clarify whether or how each is necessary to address conservation goals and how each fits into a larger matrix of information that will assist recovery efforts. But it has not done so.

While it is clear that there are important questions that need to be answered to help conserve this species, it is critical that the research that is undertaken to answer them be done in a manner that is likely to assure that animals will not be adversely affected. Some of this is discussed in our comments above. However, we are also concerned that the proposed research does not appear to have been constructed in such a way as to assure that the goals of conservation are served. For example, some applicants have done a power analysis of the minimum sample size that is necessary to ascertain the desired information (e.g., Horning) yet other proponents simply state that the number of animals proposed for capture was determined because it "seemed a reasonable number, not too big, not too small…"(Huber/NMML). Although there are seven proposals to brand animals, there is little discussion in these proposals as to who will be monitoring the movements or survival of these marked animals, or how the information will be synthesized and reported such that the public and managers have the information necessary to make important decisions on management.

Additionally, neither the permittees nor the EA present results of information gained from past branding efforts to offer evidence that this practice is useful or to suggest that additional branding is necessary. At least one applicant (Horning) provides evidence that, with regard to hot branding, a number significantly less than the proposed 3,000

animals is sufficient to address questions of survivorship. No additional branding should be authorized until the NMFS has assured that this procedure is still necessary and that the conservation goals addressed by hot branding cannot be served simply by permitting field studies utilizing animals already branded.

Furthermore, some of the research is of questionable conservation value. For example the Oregon Division of Fish and Wildlife is proposing to brand animals for the purpose of determining whether branding is an effective tool for long term identification with minimal adverse consequence. Considering that the NMFS has been permitting hot branding of this species for several decades, this research would seem unnecessary. If it is necessary, then NMFS should halt all other branding studies until it is completed. Likewise, The National Marine Mammal Lab (permit 782-1702) proposes to tag three animals from the eastern stock of Steller sea lions to identify "nuisance animals." Yet, when questioned by NMFS (cover memorandum of 3/12/2005) they state that this number was "arbitrarily chosen. It could have been 2 or 4." They also state that they refuse to answer NMFS' question as to the ultimate species recovery goal served by identifying "nuisance" animals because "we don't understand why it is being asked." Clearly this permit activity should be denied. The applicant appears arbitrary in her choice of subjects and unclear as to what goal is served by capturing animals from this threatened stock. These are but two of the many examples of research that may not be necessary to serve the goals of the recovery plan (additional detail is contained in our comments on specific permits).

Rather than continuing to fund stressful, invasive and potentially duplicative research on an ESA listed stock that is declining in many portions of its range, the NMFS and/or Marine Mammal Commission should fund a workshop that would bring together the past, current and potential future permittees along with outside scientists familiar with research methodology and with endangered species conservation biology to determine the nature of the research most likely to result in positive conservation gains for the species, with minimal adverse risk. A workshop could assess the number of animals that should be sampled using various methods to obtain the most critical information to assist in understanding the reasons for the decline and the potential management and mitigation measures that can be pursued.

Before invasive research is conducted on an endangered and declining stock, and in order to assure minimal adverse impacts on individuals or populations, the NMFS must clearly know: what information is necessary to answer the critical questions; how it is best obtained; how many animals are necessary for a reliable sample size; where, when and how the research should be conducted; and who is best qualified and equipped to conduct the research. This type of systematic look has never been undertaken.

Issuance of the Permits Would Violate NEPA, The ESA, and the MMPA

The EA Violates NEPA

As a threshold matter, we agree with NMFS that the research that is proposed should not be categorically excluded from review as described in NAO 216-6. It is clear that these permits meet the criteria for cumulatively significant impacts and potential adverse effects on endangered or threatened species. Furthermore, as the EA acknowledges, there is significant "controversy over the adequacy of the NMFS finding of no significant impact in issuance of the previous Steller sea lion permits" (p. 16).

Despite this controversy, the NMFS has chosen to issue another abbreviated EA, with a mere 30-day comment period rather than complete an Environmental Impact Statement (EIS). However, the controversy is not simply over whether commenters disapprove the action, but rather it is a substantive disagreement over the environmental effects of the action that warrants a more complete impact analysis. While the HSUS questions the appropriateness and humaneness of some of the research that is proposed, our greatest concern is that the combined effect of this research is *NOT* negligible. Moreover, the combined incidental lethal take that is requested by the applicants, when added to the native harvest and fisheries-related mortality is in excess of the PBR for western Steller sea lions. This squarely refutes the earlier NMFS finding of no significant impact and, further, shows that the additive effect of this research on the stock could contribute to its decline. In this situation, an EIS is warranted and anything less is unlawful.

The EA also fails to consider all reasonable alternatives. The EA proposes only two alternatives: the no action alternative and granting all of the requested permits. This is not acceptable. The NMFS is aware of an alternative that would permit only non-invasive research for the western stock of Steller sea lions, with possible exception for a limited number of invasive takes where no other option was available and the need to gather information was well justified. Yet this alternative was not examined in the current EA. Instead, NMFS merely states that it was dismissed because "permit holders and applicants have indicated it is important for them to conduct the intrusive studies..."(p. 30)

The EA provides no justification or substantiation for this unsupported assertion by permit applicants. It is simply not sufficient for the agency charged with protecting this endangered species to simply adopt the assertion of the researcher applicants that they *must* risk the lives and health of animals and add to the already unsustainable cumulative impacts on the stock, without consideration of other alternatives. Alternative 2.3.2 in the EA is the only prudent alternative until such time as the agency completes a more thorough evaluation of the level and nature of research necessary to provide answer the important conservation questions, without unnecessarily subjecting thousands of animals to capture and "intrusive" procedures.

No permits for invasive studies should be issued or renewed until such time as the NMFS has completed an adequate environmental review and can meet the legal requirement that they serve conservation goals for the species without an adverse impact on the stock. To that end, before any further permits, extensions or amendments are granted, the NMFS should prepare an in-depth Environmental Impact Statement (EIS) similar to that being proposed for research on North Atlantic right whales (*Eubalaena glacialis*) in the Northeast. Like, western Steller sea lions, right whales are an endangered and declining stock with multiple researchers wishing to study the status of the stock and the reason for its decline. Unlike Steller sea lions, no captures of right whales are proposed, the research is generally non-invasive, and no lethal takes are sought or expected. We believe that the multiplicity of invasive, and potentially lethal, Steller sea lion research permits should be subjected to at least the same level of scrutiny as NMFS proposes for non-invasive North Atlantic right whale research.

NMFS's Previous FONSI Violated NEPA

In 2002, the NMFS made a FONSI determination, stating that the issuance of additional permits would not appreciably contribute to adverse impacts on the western stock of Steller sea lions. This was based, in part, on the assertion that previous permits held by the National Marine Mammal Lab (NMML) and Alaska Division of Fish and Game (ADFG) had been granted a previous categorical exclusion from NEPA, though NMFS noted that these permits would expire in December 2004 and June 2005 respectively. NMFS asserted that it had determined that granting the additional permits in 2002 would have no significant additive impact.

This was an erroneous determination. Among other permitted activities, these two original permit holders were provided up 10 ten incidental mortalities as well as permits to apply 1,700 hot brands. When NMFS granted the additional permits, it added a variety of new studies, including takes for, among other things, muscle biopsy, stomach intubation, electrical impedance testing which involves the insertion of electrodes in the skull and capture and temporary captivity for the purpose of invasive studies and nutritional deprivation. NMFS also increased the number of captures allowed to sample and hot brand animals to 2,020; an almost 20% increase in takes for a highly stressful procedure that has resulted in mortality of pups and females.

Furthermore, permissible incidental mortalities were increased from 10 to 51 (p. 69 of FONSI), *a five fold increase* in mortality. Despite this, in 2002 NMFS found that "the activities conducted under this Proposed Alternative neither result in a significant increase over the status quo, such that an EIS is required, nor does the proposed action increase the level of takes such that the categorical exclusion made in previous determinations under NEPA should be altered." Clearly permitting these activities was a significant increase over the status quo and should have triggered construction of an EIS and consultation under the Endangered Species Act. Instead, NMFS ignored this obligation and now seeks to allow an even greater impact on the stocks.

The FONSI determination stipulated that permits would be limited in duration to the term of existing permits that are being modified, yet many have been modified since then with no additional analysis or public comment. The FONSI also stated that there would be long-term monitoring of branded animals, yet neither the researchers themselves nor NMFS' EA discuss the extent to which this was done.

In appendix F of the EA, where effects on animals is discussed, the only mention of effects from hot branding, for example, states that at least seven pups died in one research project. Alaska Division of Fish and Wildlife states that as many as 15 died during a three year period, though the numbers in each year were not specified and the number may be higher based on reports by other researchers.

A third stipulation in the FONSI for permittees was that researchers should consult with one another if more than 10 mortalities occurred and NMFS stated in the 2002 EA, and this one as well, that research would be suspended if there were more than 10 mortalities to animals. Despite this assurance, NMFS merely states that there were "less than 10 mortalities" in any year but acknowledges that this may be an under-estimate and did not require any consultation among researchers. NMFS provides no assurance that all researchers reported mortalities nor does it explain why researchers would request an increase in the number of incidental mortalities if their research has had no lethal consequence. Given that there is a disincentive for reporting (i.e., research will be terminated) and that effects from capture myopathy are often not noted for more than a week (see Davis application), it is difficult for NMFS to assert that this condition was met.

The last condition in the FONSI was that researchers should coordinate their activities. As discussed above, this condition too was clearly not met. NMFS cannot continue to assert that the research has no adverse consequence nor that NMFS can properly control the levels of mortalities or assure that research is coordinated, and non-duplicative and likely to yield results that will significantly aid conservation and management.

In the current EA, NMFS proposes to add additional invasive activities including extracting milk from lactating mothers, surgically implanting tracking devices in free-ranging animals from shipboard, and injecting tetracycline to "mark" whiskers of animals. NMFS also proposes increase the number of incidental lethal takes to 85, an increase of 66% over the present level and eight times the 2002 status quo. NMFS also proposes to increase the number of captures to conduct sampling and hot branding to 3,065, a further increase of more than 50% from the previous level of captures. This means that, if these permits are all granted, researchers will be permitted to engage in activities that may result in the deaths of eight times as many animals as might have been killed in the status quo during 2002; and will be capturing and hot branding almost twice as many. Not only is this level of impact *not* insignificant; it requires consultation under section 7 of the Endangered Species Act.

NMFS Has Not Satisfied The Requirements of the ESA

The ESA provides that a permit applicant seeking to conduct research on endangered species must provide a report of all mortalities of animals under their control or utilized by applicant for preceding 5 years for animals that are endangered or taxonomically related within the Order to the species which is the subject of the application. They must also report the causes, numbers of deaths and steps taken to decrease mortality. 50CFR 222.308(b)(11) Although NMFS states in the EA that mortalities occurred for at least one applicant, specific information to address this legal requirement is not evident in the EA.

Moreover, the information that is provided on mortalities conflicts between and within applicants. We note that one applicant (Horning) included a chart (p. 18) that indicates that another applicant (ADFG) had at least 14 pup mortalities between the years of 2001-2003. That applicant (ADFG) states variously that 14 pups died and that a total of 17 animals died. These numbers are not reconciled and call into question the accuracy of the information reported and the actual impact on the stock(s). If NMFS has information on the number of animals from each stock that may have died as a result of proposed activities, or even similar information on mortality and morbidity from other species of sea lions that could elucidate mortality levels, it should be provided to reviewers in summary fashion so that a more thorough evaluation of potential impacts from various procedures and among the various applicants can be made.

One of the applicants (Gelatt) cites information in the recovery plan that acknowledges that certain types of research activities, including capturing animals and sampling them or attaching telemetry devices are intrusive and may cause disturbance but still recommends "including such studies in conjunction with other activities, evaluating the potential benefits" using the best available information at the time of the application. Further he cites that the Recovery Plan encourages the use of mitigation measures to minimize impacts and the recommendation of alternative, less intrusive techniques. While we would generally agree with this premise, the HSUS does not believe that this standard has been satisfied.

There are a number of techniques for assessing body fat and general condition; not all of them are invasive (e.g., portable ultrasonography and photogrammetry). It is clear that the least invasive should be used when at all possible, yet most applicants choose the most invasive (e.g., biopsy sampling). Hot branding can be an important tool in satisfying the need to monitor survival across the range and in various cohorts, yet the remarkably large amount of branding that is proposed has not been justified in the EA. Telemetry is an important tool, yet it is not clear if it is necessary for four different permittees to use this tool or whether there is any coordination among researchers to assure that the animals being sampled are representative for obtaining the information that is necessary.

It is also not entirely clear why surgically implanted life history transmitters used by Alaska Sea Life Center and Dr. Horning are the best, least intrusive, or only means of collecting the information that is desired. Instead of providing assurance that the intrusive procedures that are proposed are necessary and proportional to the questions that need to be addressed, the NMFS has simply passed along each proposal ad hoc, with no attempt in the EA to address the necessity or scope of the research proposals or to assess cumulative effects on mortality and morbidity of individuals and any consequent range-wide or localized population level effects.

The ESA clearly requires that federal agencies consult under Section 7 when their actions may affect a listed species. As we have discussed above, it is clear that the cumulative impact of granting these permits is likely to have an adverse impact on the western stock of Steller sea lions and requires consultation under the ESA.

The Proposed Permits Violate the MMPA's Restrictions on Lethal Taking

The MMPA stipulates that research cannot result in the lethal take of a depleted stock unless the research fulfills a critically important research need. [12 U.S. C. 1374 (c)(3)(B)] As we have discussed above, the NMFS has never undertaken a review of the most efficacious means of answering the critical questions nor the number of animals minimally necessary to do so. Without such a review it cannot assure that all of the incidental lethal takes that will be authorized are in service of important conservation needs.

The MMPA also requires NMFS to consult with the Marine Mammal Commission. Because its previous consultations with the Commission yielded critical comments (see Appendix A of EA), that questioned the need for some of the research permits and the scope of the activities, we believe that NMFS has erred in its assertion that the research is justified.

The Proposed Permits Violate the MMPA's Requirement that Research be Humane

Research permits under the MMPA can be issued provided they meet all seven specified criteria (50 CFR 216.34). Among them are:

(1) The proposed activity is humane and does not present any unnecessary risks to the health and welfare of marine mammals; and

(3) The proposed activity, if it involves endangered or threatened marine mammals, will be conducted consistent with the purposes and policies set forth in section 2 of the ESA.

(4) The proposed activity by itself or in combination with other activities will not likely have a significant adverse impact on the species or stock.

As demonstrated above, the proposed research, in this case, is likely to significantly and adversely affect endangered species and that the permit applications do not comply with

requirements of the ESA (conditions (3) and (4) above). The HSUS also believes that the research does not meet standards of humane treatment. As discussed below, researchers are proposing to use painful procedures and intrusive medical tests without anesthesia. Some are proposing activities that may detrimentally affect the health of nursing mothers and their pups.

Although a number of researchers (the proposals from Texas A&M most notably among them) have stated that they provided copies of their permit request to their institution's animal welfare/care committees for approval, the HSUS is not convinced that all of the research meets the mandates for humane treatment of research subjects. For example, while most researchers will use gas anesthesia to conduct branding, stating that it is necessary to properly immobilize the animal, assure that brands will be legible and assure that animals do not suffer unnecessarily; one of the proposals (Huber/NMML) will not use anesthesia and will instead rely entirely on the use of a "squeeze cage" for animals including juveniles and lactating females. Two others (ADFG and Gelatt/NMML) may opt to use squeeze cages instead of anesthesia. While it is true that greater mortality may be related to anesthesia, it appears inhumane to hot brand and invasively sample animals without the use of anesthesia. If sampling protocol is adequately designed for the stock, only a limited number of animals need to be anesthetized and thus mortality risk can be limited as well. Current proposals would cause needless suffering.

Furthermore, while some researchers have stipulated that they will not use certain drugs because of higher rates of mortality and morbidity, particularly among pregnant and lactating females, others have stated that they may be using these drugs. In the mitigation measures (p. 47), NMFS recommends use of isoflurane gas during branding, yet Huber/NMML proposes to use no anesthesia and others suggest the use of telezol darts and other sedative methods. Although literature indicates that capture-related myopathy (and mortality) often does not occur for seven to 14 days after capture (see Davis application p. 6), there is no protocol for monitoring animals to determine mortality or to monitor healing. This should be required, particularly in light of a statement made by Dr. Davis (p. 11) that "[t]here is no quantitative information on the rate of infection cause by hot branding SSL." We note, and the EA acknowledges, that research in New Zealand found large numbers of elephant seals with poorly healed brands and required researchers to halt use of this technique. The ODFW proposes to monitor longer term effects of branding. If indeed little is known about the post-branding effects, this research proposal should go forward and all other permits involving branding should be halted until infection rates and morbidity and mortality can be better understood.

Researchers from Texas A&M are proposing surgical implantation of tracking devices. These devices log data on the animal's survival and can be used to compare dive behavior of survivors and non-survivors. The surgically implanted devices are "extruded" when the animal dies, after noting information on the time of death relaying the information to a satellite. It is only with the death of the animal that the device can be retrieved. The application states that they are proposing to implant devices in 80 juvenile

Steller sea lions between the ages of 9 months and 4 years of age. They further state that the battery life is approximately 8 years, by which time they expect that they will have a 60-70 percent return of the data from these devices. This means that they expect that up to 70% of the juveniles will have died within 8 years. Life expectancy for Steller sea lions is approximately 18 years for males and up to 30 for females, who may not even give birth until age 9 (North Pacific University, 2005). Even if all devices were implanted in 4 year olds (the oldest age cohort involved), which is highly unlikely, that means that 70 percent of the animals are expected to die well before their life expectancy. The applicants do not explain why this might be; but this causes us some concern, particularly since the applicant projects that as many as 15 lethal takes may need to be authorized for their activities that will be implanting 80 tags in the 120 animals captured.

Of additional concern is the fact that very young animals will be captured and held for varying amounts of time. For example, permit applicants Gelatt, AKDFG, and Alaska Sea Life Center propose to capture and sample, tag and/or brand pups as young as 5 days old. Anesthesia will be used and animals held for a period of hours. There is no discussion as to how pups will be reunited with their mothers. The Alaska Sea Life Center will capture dependent, nursing pups and their mothers. Mothers will be darted with telazol (which has a 10% mortality rate according to Dr. Horning's application) and then mothers will be further sedated, sampled, branded and given oxytocin to sample their milk. Dependent pups may also have stomach lavage and enemas administered. There is an admission by Alaska Sea Life Center that telazol and other compounds cross the placental barrier and are contraindicated for a number of species but with unknown effects in sea lions. Furthermore, they acknowledge that a number of drugs can be excreted into the mother's milk though they "have never heard of any reports" of this type of anesthetic complications for sea lion pups. Mothers may be additionally fitted with devices to increase or decrease buoyancy and drag to simulate varying amounts of body fat and then re-sampled a month later along with their pup. This can potentially compromise their foraging success at a time when they are already sustaining a maximum energetic drain (lactation) and there is no justification provided for the need of this sort of procedure. These sorts of experiments on lactating females and newly born pups seem risky, and both legally and ethically questionable.

Additionally, the Alaska Sea Life Center (ASLC) has requested continual modifications of its permit to conduct experiments on captive animals, many of them adult females. It is not clear that either the procedures or the research design have been approved by any institutional animal welfare/care committee.

For all of these reasons, HSUS simply cannot countenance research of this magnitude with the potential for duplicative sampling, inhumane treatment and unproven conservation benefit.

Comments on Specific Permit Applications

In addition to these overarching concerns with the EA, the HSUS has a number of specific comments on each permit application, which we discuss in greater depth below.

Permit Application 103-1733 (Dr. Marcus Horning, Texas A&M)

This permit application is the most complete of all that we reviewed. It is clear that the applicant wished to provide reviewers with a fairly accurate description of the procedure and its risks. For that, he should be commended. Our concerns with this application are not so much with the qualifications of the investigators, or questioning the accuracy of information provided, but rather with the very fact that this is an extremely intrusive procedure with significant risk to animals and thus should be reviewed as part of a more thorough plan for research on Steller sea lions to assure that it is indeed the best (or only) way to gather the information. This application seeks to surgically implant data loggers as well as attaching satellite transmitters and collecting a variety of biological samples and hot branding the captured animals. They seek to capture up to 120 juvenile western stock Steller sea lions and implant up to 80 life history tags in juvenile animals aged 9 months to 4 years.

Unlike many of the applicants, this applicant conducted a power analysis to determine the minimum sample size necessary to accurately assess the information. We note that, although the applicant requests permission to surgically implant devices in 80 juveniles, they state on page 13 that "a minimum sample size of 72 dual LHX tag implanted juvenile[s] is required [to meet the objectives]" and on page 4 that "the desired minimum sample size for this study is 60 LHX tag implanted animals." While they explain the need to surgically implant more animals than necessary for statistical power in order to assure at least 2 weeks of monitoring by externally fixed satellite transmitters, there is no discussion of the discrepancy between 72 and 60 as a minimum sample size. There is no also discussion as to how they will view the fate of animals who have been surgically implanted but lose external transmitters prior to two weeks post-surgery. For example, are they considered dead? Is data from the implanted transmitter considered unusable or will the data still be available and usable at some future point when the animal dies and the LHX transmitter is "extruded?" Answers to these questions affect understanding both the level of mortality that is expected and whether or not more animals actually need to be implanted with tags than the minimum sample size of 60.

This application requests a maximum of seven incidental mortalities a year or a total of 15 mortalities over the life of the permit. The applicant requests that if NMFS decides that research projects have resulted in the deaths of 10 or more western stock Steller sea lions (as it proposed to do in the 2002 EA), then he wishes to be exempted from this moratorium in order that the sample size not be jeopardized. This seems unjustifiable given the applicant's own assurance that if *two* unintentional mortalities occur in this project, the procedures will be "revisited," and if more than 6 occur, then procedures will

be suspended. If the applicants themselves worry that 6 mortalilties in a year is too many, then clearly NMFS would be justified in suspending all research, including this applicant's, if more than this number occur.

While the applicant assures that the surgical procedure is not likely to appreciably affect survival of animals, as we point out above, they assert that up to 70% of the animals will likely be dead before the expiration of the battery pack at 7-8 years. Given a life expectancy of 18 years for males and up to 30 years for females, this would seem to be expecting a high level of premature deaths that have not been explained. If it is due to an expected higher rate of natural juvenile mortality, then this needs to be discussed in a clear manner such that the high mortality rate appears reasonable and not a consequence of stress or compromise of the animal as a result of the various procedures to which it is subjected. The applicant states that this surgical procedure has been tested with great success and no mortality in California sea lions, a sympatric species, and it will be further assessed on captive animals prior to its use on free ranging animals. However, Appendix 3, which describes the results of these important studies, has been withheld from reviewers as "confidential." This seems inappropriate.

In its answers to the questions required under NEPA (p. 27) the applicant asserts that their permit will not have significant cumulative effect because they assure reviewers that all animals will be returned to the population. This seems to beg the question of reduced survivorship or reproductive capacity resulting from procedures; and it omits consideration of the applicant's high level of request for incidental mortality in the larger context of the high of mortality to which the population is already subject.

While we applaud the qualifications of the researchers working on this project and the generally thorough approach taken by this applicant, we believe that this and all other permit applications seeking takes for invasive/intrusive activities should be held in abeyance pending a through EIS, a consultation under Section 7 and an analysis of the scope and demographic and geographic parameters that need to be studied, the best techniques for answering key questions and a power analysis of the numbers of animals minimally necessary for invasive/intrusive studies.

Permit Application 782-1702 (Sue Moore, National Marine Mammal Lab/NMML)

In contrast to the previous permit, this permit provides minimal information and justification and, indeed the applicant has refused to answer key questions of the NMFS permit office. Thus we cannot support this permit application, which appears incomplete at best.

The permitee seeks to study animals of several species in Washington and Oregon and, as such, effects of the activities would be on the threatened eastern stock of Steller sea lions. The applicant seeks to capture up to 12 Steller sea lions of all ages and both sexes to "document movements and predation on endangered salmonids." This is not a

recovery plan goal. These animals would be both tagged and branded to help identify individuals to determine predation rates on endangered salmonids. They would be sampled for genetic analysis, disease screening and instrumentation with either VHF, TDR or satellite tags to document movements. The applicant also seeks to "harass" up to 6,000 Steller sea lions during aerial, boat and ground surveys up to 30 times annually during capture and scat collection. Additionally they seek to "mark" 3 Steller sea lions with dye, bleach or a color coded dart tag fired from a CO_2 rifle, such that they may be later captured and permanently marked or instrumented. They may be re-captured up to with up to 3 takes/sea lion to remove instrumentation. The applicant also seeks to inject animals with tetracycline, to prevent infection from wounds made during sampling. They request one incidental mortality per year.

The HSUS is concerned about a great deal of what is proposed. The applicant proposes that up to one Steller sea lion out of 12 may die as a result of the procedures. This is a fatality rate well in excess of most other researchers and should be, but is not, explained. In previous work, 50% of the applicant's mortalities occurred in restrained animals but was not related to anesthesia. The applicant proposes that no anesthesia will be used and that "squeeze cages" will suffice to restrain animals sufficiently to achieve a readable brand. This appears to disregard humane considerations. We note that other researchers will be using anesthesia during branding, as is common practice world-wide. There is no apparent justification for subjecting animals to the pain stress of hot branding, tissue sampling and application of invasive instrumentation with no anesthesia. The applicant proposes to both flipper tag and brand animals. We note that the Horning application says that it is preferable to do one or the other and that both are not necessary. We also contrast the Horning application's discussion of placement and mitigation for tagging with the complete lack of discussion in this application. The applicant also states that although it will only take 20 minutes to "sample" each sea lion, they will be held for up to 3 hours "while other animals are being processed." This level of stress seems excessive and unnecessary. This applicant also disagrees with other applicants (see, for example Trites and Hegwer) as to the value of scat collection, insisting that invasive procedures are required even though other qualified researchers have determined that scat collection can answer basic questions and the Davis application states that pulling a vibrissa can provide information for stable isotope analysis to give insight into general trophic level over long periods. This applicant proposes to clip vibrissae instead; some thing that other researchers discount as reliable. While clipping is less invasive, if it cannot reliably answer the question being posed, then it should not be done. The NMFS should determine whether the desired information can be collected in a manner other than that proposed by the applicant.

We also question the need to recapture animals for tag removal given the state of technology that can allow remote retrieval of data and battery life of up to eight years. The applicant should either use this sort of technology or explain why it is not appropriate.

Though the applicant requests permission to capture and sample and/or brand 12 Steller sea lions, they have no basis other than wild guessing as to the reason for this number. When asked by NMFS (3/12/05 cover) to justify this number, Harriet Huber of NMML stated that it was determined "arbitrarily—in 2003 we had funding to instrument up to six SSL." When questioned about the need to remotely tag 3 Steller sea lions and not more or less, she responded "[it] was arbitrarily chosen." This is inappropriate. If indeed the applicant wishes to address significant conservation needs of Steller sea lions, then they should sample all and only the number of animals necessary to answer the question, and that should be determined by a power analysis not chosen "arbitrarily."

The HSUS questions the conservation benefit of this proposal to the conservation needs of threatened eastern stock Steller sea lions. It seems dubious at best. The applicant states that to monitor the health of Puget sound, harbor seals are the species of choice to monitor, not Steller sea lions. No specific questions are raised with regard to Oregon. Studying Steller sea lions to determine their rates of predation on salmonids of various species is not for the benefit of sea lions but rather, the applicant states, to identify "nuisance" animals. The applicant is not clear as to why this in necessary. In fact, when the NMFS asked "what is the ultimate species recovery goal of identifying "nuisance" animals," Ms. Huber replied that the question would be intentionally unanswered because "we don't understand the question or why it is being asked." This is a shocking refusal, given the ESA and MMPA prohibition against stressful and invasive research that is not intended to address conservation and recovery goals.

Thus, this permit should be denied.

Permit 434-1669 (Robin Brown, Oregon Division of Fish and Wildlife--ODFW)

Like the Horning proposal, ODFW has conducted a power analysis to determine the appropriate sample size for the research being proposed. This is the sort of analysis one should expect of researchers studying ESA listed species. We note, however that the NMFS permit office asked questions in a 3/30/2004 query (cover memo) regarding the already permitted ODFW research. Many of these important questions appear unanswered, at least in the material that accompanied the draft EA. For example, the permit office asked for an explanation of assertions that pups responded to and recovered from anesthesia with "no unexpected responses," and specific information on how long pups were monitored and what the "expected response" had been. We can find no answer to these questions in the material provided. The permits office also requested information on whether pups were reunited with mothers—a key factor in their survival—yet this appears unanswered. These questions should be answered prior to approval of additional work since they address issues of research-related mortality and morbidity to an ESA listed species.

The purpose of this permit modification is "to examine the effects of branding during the first few weeks and months post-handling including the documentation of any sustained injury, unusual mortality or immediate movements in response to marking." While this

would seem a laudable goal, we question its timing. Hot branding has been conducted for three decades, with varying levels of success and mortality (the Horning application has a summary). Thus it would appear that this sort of study is unnecessary. If it is indeed necessary, then all other research involving hot branding should be suspended until results can be evaluated and disseminated.

Permit 1010-1641 (Cathy Hegwer—Aleutians East Borough).

This permit extension seeks approval for takes resulting from vessel and aerial surveys and scat collection in the Shumagin Islands. While we have fewer concerns with this non-injurious protocol, we reiterate our belief that NMFS needs to examine the area wide consequences of displacement of animals during close vessel approaches and while researchers enter a colony to collect scat. For example, has the applicant noted pup abandonment or other effects associated with disturbances at the rookery? It would be helpful to provide reviewers with a report of at least the previous year's studies to allow a better understanding of the adverse consequences of sampling.

Permit 715-1784 (Andrew Trites—University of British Columbia)

This application requests a five-year extension of activities. The permit requested behavioral observation from blinds, scat collection and bi-monthly aerial surveys in southeast Alaska and British Columbia. It requests recovery of automatically released instrumentation. The intent is to study animals from the eastern stock of Steller sea lions to compare critical intra-annual habitat use, prey and diet, energetics and stress hormone levels. It would be useful for NMFS (or for this or other researchers) to describe comparable research that is being conducted on the Western stock to assure that appropriate comparisons can be made. Methodology used by this researcher has some commonalities with others (e.g. scat collection, aerial surveys) but appears to have significant differences that are not likely to be replicated elsewhere that may make inter-stock comparisons difficult or impossible. For example, can his observation from blinds be compared to other researchers who will use remote video cameras? Are the behaviors being observed and the methods of sampling similar and comparable? These questions should be addressed.

Permit 800-1664 (Davis—Texas A&M)

Dr. Davis, like his colleague Dr. Horning of A&M, provides a great deal of information on his permit request. He proposes to use so-called "critter cams" to visualize underwater behavior over a period of weeks and satellite transmitters for monitoring of longer term movements. This is largely a continuation of currently permitted work. He takes care to reference the portions of the recovery plan to which his objectives relate.

The proposal would involve the capture of 45 individuals per year, and requests an incidental mortality of up to 13 individuals (30% of which may be female). All in all, this

proposal is requesting a mortality rate as high as 29% of the sampled animals, many of which may be female, a segment of the population that is critical to recovery of the stock. This level of mortality is shocking. It is not clear why any animal care committee would approve this or how the ESA would permit it. If this applicant has experienced mortality in his already permitted research, we see no mention made of it in the EA. If he has *not* experienced mortalities, it is not clear why such a high percentage of the study population is being sought.

All of the captured adults (15) would be female, some of whom maybe pregnant or lactating and have pups that are dependent or near weaning. Capture of females with dependent pups is inappropriate, since these animals will be anesthetized, instrumented, subjected to branding and tissue sampling and electrical impedance (which involves the implantation of electrodes) and kept for up to 3 hours, and it is not clear whether or how reunion with the pup will be possible. If pups are separated from their mothers they may die or be killed. There is also no discussion of how or whether pups orphaned by the death of one of the females will be identified and either euthanized or removed for rehabilitation.

The application discusses the possible death of up to 65 animals "during research activities" in a five year period. They go on to speculate that they will not study pups but "accidental death could result from disturbance of the rookeries." It is not clear whether or how this will be determined and documented by researchers but these deaths should be counted against this permit and against a total of 10 mortalities across the western stock. While his colleague, Dr. Horning projects that it is not necessary to both brand and flipper tag animals that he will instrument, Dr. Davis proposes to do both. The difference is not justified. We also note that Dr. Davis proposes to insert electrodes behind the skull and two near the tail to do electrical impedance work to assess body composition. His colleague Dr. Horning simply says that electrodes are placed "around the body." The methodology should be reconciled and the methodology examined to determine whether photogrammetry or use of portable ultrasonic imaging (as is used with endangered right whales which need not be captured) may be sufficient to answer questions relating to body mass and general nutritional status without having to subject animals to this sort of procedure.

Dr. Davis states that animals may need to be re-captured up to three times to attach and remove instrumentation to replace batteries and video tape. Each time an animal is captures there is a risk of capture-related myopathy. The applicant does not explain why batteries with longer life cannot be used or why videotaping is necessary in these numbers each year. There is no provision a risk-benefit analysis such that the increased risk of repeated capture and anesthesia in a space of a few weeks is balanced against the value of data obtained by the video camera.

We are also curious about a statement made on Page 11 of this proposal that "although not a necessary part of our research, we will not brand our animals at the request of the permit office." This indicates that researchers do not necessarily desire to not brand

animals, but are being required to do so by the permit office. Can NMFS explain this? Has NMFS done an analysis of the areas or numbers of animals that should be branded such that these 45 animals are necessary? Is this required so that if animals die subsequent to instrumentation they can be readily identified in a manner that no other tagging or marking will allow? These questions should be addressed. We reiterate our concerns which we raised regarding his 2002 application.

The applicant states that 10 pages are attached to the application with a justification for the age classes to be studied, but there was no such attachment to the copy that we received. The application appears incomplete.

We reiterate our comments of 2002, that this project seems questionable in terms of its cost-benefit ratio and its justification.

Permit 782-1768 (Tom Gelatt/John Bengston – NMML)

We wish to note that this permit application relies on ~~an~~ substantially identical material to that used by Dr. Horning. Some of the similarities might suggest a degree of cooperation in approach that has been lacking from other proposals or it may simply indicate a lack of rigor in examining the unique aspects and impacts of this proposal. There are, however some discrepancies in information provided and the overarching goals that are attempted seem to ignore power analyses conducted by other researchers.

Among its differences, this proposal would anesthetize animals with telazol. As noted above and in other permit applications, this has a higher rate of complications in females who are pregnant and lactating, and NMFS has specified isoflurane as preferable. The use of another anesthesia should be justified.

The most notable aspect of this permit is that it proposes to sample large numbers of animals range wide. While it is possible that the sampling design will be done in conjunction with Alaska Department of Fish and Game (ADFG) although this has not been stipulated nor have any specific sampling areas been delineated. We are concerned that the large numbers that will be sampled range wide risk duplication of effort. The applicant (and any others proposing similar sampling) should provide specificity in where they will sample and the geographic and demographic parameters that will be examined.

Some of the activities may be harmful and the impacts underestimated. For example this proposal seeks to do pup counts each year that involve driving adults from the rookeries. This activity has been associated with increased pup loss and abandonment. Pup counts also caused an increase in the frequency of stampedes from rookeries in response to natural events for several days (see discussion in Dr. Horning's application – Appendix 8) that is unacknowledged in this application. Mitigation measures were suggested in the primary research (Lewis 1987) including conducting counts at times and tidal cycles when non-pup presence is lowest, not conducting counts when rookery is small to prevent pups from drowning in pools. These are not discussed in this application's mitigation

measures. Furthermore, we note that juveniles and adults may or may not receive anesthesia but instead be restrained simply by use of a "squeeze cage." Withholding anesthesia has not been justified by the applicant. We note that there is no assurance by this applicant that veterinarians will be on hand to assure the proper use of medical procedures and anesthesia; the applicant simply states that "anesthesia will be administered and monitored only by personnel thoroughly trained *in its application.*" The applicant is also vague as to the period of time during which post-procedure monitoring will occur. For example they state "pups are observed during the recovery and then released." There should be additional information provided in the application to assure adequate monitoring of animal fates.

The applicant states that "the range wide survey in 2006 will include *all rookeries in Alaska.*" If this is true, and if the applicant's sampling design is science-based, then there seems to be no need of any other hot branding being conducted since all rookeries will (or can) be sampled. This permit alone proposes to collect, sample and potentially brand 1,100 pups (50 per rookery) aged 5 days to 2 months; up to 120 juveniles aged 2 months through 3 years; and 60 juveniles and adults over aged 3. Considering the power analysis that was done by Dr. Horning, the number being sampled seems excessive.

It is not clear to us that this proposal has been considered in light of similar proposals by AKDFG and Dr. Horning to assure that it is not duplicative and that its methodologies are warranted. As we have previously stated, we believe that this and all other permit applications seeking takes for invasive/intrusive activities should be held in abeyance pending a through EIS, a consultation under Section 7 and an analysis of the scope and demographic and geographic parameters that need to be studied, the best techniques for answering key questions and a power analysis of the numbers of animals minimally necessary for invasive/intrusive studies.

Permit 358-1769 (Robus/Rea, Alaska Department of Fish and Game)

This permit application is virtually identical to that of 782-1768 (Gelatt), including identical verbiage in substantial sections. While this would seem to argue that the investigators are cooperating, it is not clear that the efforts, methodologies and impacts have been given adequate consideration by either applicant.

For example, we note that there are apparent discrepancies in the mortalities that this applicant reports. On page 7 the applicant states that "in the past 3 years except for one mortality of a juvenile female that died under anesthesia, all mortalities have been pups <2 months of age and occurred during moving of pups for branding." Yet on page 23, they state that "[d]uring four years of similar research under permit No. 358-1564, ADFG had 2 juvenile mortalities occur during a capture trip in 2004 (Table 6) and 15 pups died during branding operations." They then reference table 6 again. In fact table 6 does not exist in this application, but it does exist in the Gelatt/NMML application. In *this* application same the table is numbered 2b, and it covers ADFG's activities only in the years from 2001-2003, not 2004. Table 2b reports that ADFG had 14 mortalities in the

eastern stock of Steller sea lions, though its activities were "Alaska wide." The reported mortality differs between pages 7 and 23 and the chart numbered 2b. Discrepancies of this sort call into question the accuracy of the reporting and thus the impacts on these ESA listed stocks.

This applicant seeks to capture, sample and potentially hot brand up to 700 pups aged 5 days to 2 months; as well as 300 sea lions aged 2 months to 3 years; and 30 Steller sea lions over 3 years of age. They propose similar sampling to the Gelatt application and our comments and concerns are thus identical.

We reiterate that we believe that this and all other permit applications seeking takes for invasive/intrusive activities should be held in abeyance pending a through EIS, a consultation under Section 7 and an analysis of the scope and demographic and geographic parameters that need to be studied, the best techniques for answering key questions and a power analysis of the numbers of animals minimally necessary for invasive/intrusive studies.

Permit 881-1668 (Calkins—Alaska Sea Life Center/ASLC)

This proposal is very troubling for a number of reasons. First of all, ASLC has requested six separate permit modifications just in the past 18 months. Thus it is almost impossible for reviewers to ascertain whether these modifications (many of which request additional sampling procedures) will affect the reliability of the information that is being gathered and/or whether synergistic effects of multiple sampling of both free ranging and captive animals and changes in sampling protocols for the same animals or comparable cohorts compromises the reliability or validity of data being collected.

Furthermore, many of these studies involve lactating females and their dependent pups. At this most energetically challenging time in a female's life she will be subjected to multiple captures and sampling in the span of a few months, the attachment of telemetry devices and devices designed to challenge her buoyancy and maneuverability in order to simulate nutritional stress/challenges. It is hard to justify this, since it can endanger the health of both the mother and her dependent pup. Effects of procedures and anesthesia on her and her pup are not discussed. In response to questions raised by NMFS regarding the effects of buoyancy/drag devices and their possible effect on pup health, predator avoidance, provisioning and other parameters, the applicant cites a study done on foraging Antarctic fur seals that found little adverse effect on pups. The material provided for review does not discuss the results of the study in fur seals (i.e, did it indicate that chances in drag and buoyancy that may be related to body condition affect survivorship or reproductive capability) such that it can be determined whether this research is necessary for Steller sea lions whether fur seals may serve as a surrogate; or whether the applicant wishes to conduct this research simply because it is possible to do. That research has been done on one species does not necessarily mean that it needs to be replicated on others, but there is no means of judging this from the information provided in the permit application(s) or the EA.

Other procedures are similarly not justified by the material provided. We note, for example that on 12/3/03, the applicant requested a modification to "Task 3a" such that external data loggers would be made larger to allow for "temporary simulation of reduced prey availability." It is not clear whether or how this may relate to the study seeking to attach drag/buoyance devices and whether or to what extent they may be duplicative.

Similarly, the applicant proposes on page 3 of the December 7, 2003 amendment request to extract teeth from 80 adult females to allow age determination, although stating in the same paragraph that "prominent agencies such as ADFG and NMML" recognized "that these methods are inaccurate for older animals." If this is the case, then why is the applicant requesting permission for this invasive activity and why would NMFS grant it?

Though they (and Dr. Horning in his application) acknowledge that telozol has a higher rate of mortality and morbidity in lactating and pregnant females, they propose to use this chemical restraint with lactating females. They further state that they will use "squeeze cages" rather than gas anesthesia in some instances but not others, without explanation as to why this difference would occur or how the lack of anesthetic can be considered humane for animals undergoing significantly intrusive procedures and tag attachment (5/11/04 modification request). The applicant also makes no assurance that veterinarians will be used to perform anesthesia and invasive procedures, and simply assert that they "will only be performed by/under the direct supervision of *qualified and experienced* personnel." (emphasis added)

The ASLC proposes capture dependent, nursing pups (as young as a few days old) and their mothers. Mothers will be darted with telazol (which has a 10% mortality rate according to Dr. Horning's application) and then mothers will be further sedated, sampled, branded and given oxytocin to sample milk. Dependent pups may also have stomach lavage and enemas administered. There is no discussion of the effects of the drugs on pups who are dependent on milk from a mother who has been sedated multiple times (e.g., whether drugs may be transmitted to the pup and affect its viability) or how invasive sampling may impair survial. Mothers may be additionally fitted with devices to increase or decrease buoyancy and drag to simulate varying amounts of body fat and then re-sampled a month later along with their pup. This can potentially compromise their foraging success at a time (lactation) when they are already sustaining a maximum energetic drain.

These sorts of experiments that involve potential nutritional and physical affecting very young seem risky and both legally and ethically questionable. As noted above, we are concerned that drugs are being used with pregnant and lactating females that are known to pass the placental barrier and get excreted in the mother's milk. Though the applicant "has never heard of any reports" of complications, this does not provide sufficient assurance to risk the health of a nursing female and her developing or dependent pup. We are concerned that drug-related effects on fetuses and pups may be underestimated in light of information that drugs being used pass the placental barrier and can be excreted in the mother's mild. Though the applicant claims that they have "never heard of any

reports" of complications, this does not provide sufficient assurance that the health and safety of mothers and pups is adequately safeguarded.

The NMFS raised questions (January 2005) questioning the need for both gastric lavage and enemas for young pups. The applicant's blithe answer was simply that it *was* necessary, though they provided no literature or information to bolster this assertion. The applicant then went on to say that they now realized that they had inadvertently omitted requesting this dual procedure for adult females as well so were now requesting it. Thus they had either been illegally conducting this research without authorization or had decided after the fact that they should have requested it and were now doing so without explaining the need or the benefit of adding this procedure to the long list of intrusive studies being performed.

The applicant has not provided any justification for increases that are requested in the number of animals that they wish to sample and or brand or the increase in the duration or frequency of captive research. We question whether these continual amendments that are requested with little or no supporting information or justification would meet the tests of the Animal Welfare Act or would pass the careful scrutiny of an independent animal welfare/care committee.

There is no accompanying chart to allow reviewers to view the morphing of the various "tasks" that are requested for modification, nor is there any discussion of why any particular modification is important or whether it has been tried elsewhere or is novel and how it may or may not compromise comparison and analysis of data obtained from animals not subjected to the protocols. Nor is there discussion of the synergistic or cumulative effect of the various sampling and tracking and device attachment. We are offended by the cavalier attitude taken by this applicant in continually amending the permit without significant justification and/or opportunity for public scrutiny.

Approval for invasive studies by this applicant should be suspended until NMFS can conduct a more comprehensive evaluation of range-wide research, its contribution to specific recovery plan needs and compliance with requirements of NEPA, the ESA, MMPA and Animal Welfare Act.

Summary

The information and analysis provided by NMFS so far entirely fails to demonstrate that these permits can be issued without violating NEPA, the ESA, and the MMPA. While we are concerned with impacts of harassment resulting from aerial and vessel-based surveys, carcass retrieval and scat collection; we are more concerned with impacts to the stock that result from capture and physical handling to obtain biological samples, and with invasive procedures and devices that may result in injury and death and unnecessarily disadvantage a declining endangered stock of animals. Some of this research appears to be unnecessarily invasive and lacking reasonable precaution to assure that animals are handled in a manner that is humane and minimizes suffering and harm.

Accordingly, the HSUS must insist that the NMFS not issue any permits, permit extensions or permit modifications involving invasive research until such time as you have completed an Environmental Impact Statement that fully evaluates the individual and cumulative impacts of the proposed research and weighs its contribution to cumulative effects on the stocks from combined mortality and serious injury resulting from fisheries-related mortality and native harvest. The quality of analysis required by NEPA and by both the ESA and the MMPA is simply lacking at this time. Furthermore, we believe that NMFS has an obligation to consult under Section 7 of the ESA on the impacts that this activity will have on the western stock of Steller sea lions, particularly with regard to the additive effects of these permits along with those of native harvest mortality and incidental fisheries-related mortality.

The HSUS also suggests that NMFS sponsor a workshop to delineate the specific questions that need to be answered, the best means of addressing those questions and the minimum number of animals necessary for valid research results. While this should have preceded the dramatic increase in permit issuance, it is not too late to assure that this and future research will appropriately address the pressing conservation needs of the species without disadvantaging the stocks.

Although we support the need to conduct research to better understand the cause and extent of the decline and understand the biological and ecological factors that contribute to it, The HSUS cannot countenance the conduct of research that will not clearly contribute to the conservation of the species or is inhumane to the individual animals that are affected. Accordingly, should NMFS issue the proposed permits, The HSUS will have no choice but to consider all methods, including legal action, to ensure that NMFS adheres to the requirements of federal laws and regulations before authorizing scientific research on endangered and threatened species of marine mammals.

Sincerely,

Sharon B. Young
Marine Issues Field Director

Jonathan R. Lovvorn, Esq.
Vice President, Animal Protection Litigation,

Literature Cited:

Lewis, J. 1987. An evaluation of a census-related disturbance of Steller sea lions. M.S. Thesis, University of Alaska, Fairbanks. Cited in Permit Application 1034-1773.

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Oregon State University

Fishing Industry Representative
One member to be announced

November 4, 2005

William Hogarth, Ph.D.
Assistant Administrator for Fisheries
NOAA Fisheries
1315 East West Highway
Silver Spring, Maryland 20910

Dear Bill:

We want to bring to your attention an extremely critical issue concerning our collective ability to conduct viable marine mammal research programs off Alaska: the difficulty of your Office of Protected Resources to timely process and approve permits required for new research.

As you are well aware, NOAA Fisheries is instrumental in resolving marine mammal-fisheries problems. The agency is uniquely responsible, on the one hand, for developing biological opinions and reasonable and prudent alternatives under the ESA, and on the other, for promulgating restrictive fisheries regulations under the MSFCMA. Decisions under both acts must be balanced and informed by current, scientific information on the status, migration, behavior, and feeding patterns of marine mammals, particularly as they may be impacted by fisheries. Examples of current, simmering marine mammal issues off Alaska include designation of critical habitat for Northern right whales, recovery of Steller sea lions, and potential fisheries impacts on northern fur seals.

The lack of information on those and other species of marine mammals likely may lead to excessively precautionary management and the attendant burden of overly restrictive regulations on the fisheries. It doesn't have to be that way. Let's not be forced down the same painful path that we all traveled to protect Steller sea lions when every scrap of information was challenged. We need robust marine mammal research and scientific information in advance, not at the time of crisis.

Our Alaska fisheries have been lauded by the U.S. Commission on Ocean Policy as well managed and sustainable. To continue these practices, especially as we move toward fishery ecosystems plans, more and better scientific information will be required. We must maintain the flow of such information if we are to be successful. We must be able to field large research programs now to provide information 3-5 years hence that will underpin resource management off Alaska.

We believe that a major impediment to achieving that understanding is developing in the Office of Protected Resources. We have always found the OPR staff to be highly professional and dedicated. However, despite their dedication, hard work

and good intentions, we believe the office is woefully understaffed to timely process permits and unnecessarily conservative regarding the implementation of NEPA and ESA requirements. For example, we now are being informed that new permits for marine mammal research for several ESA listed species may be held in abeyance for two years or longer while a comprehensive EIS is being developed. This one-two punch has the potential to bring field research up here to a screeching halt.

This situation already is directly impeding marine mammal research supported by the North Pacific Research Board. Several projects cannot get started for lack of permits, or worse yet, may be delayed indefinitely while NEPA analyses are completed. Our legislative mandate requires us to provide information to address pressing fishery management issues or marine ecosystem information needs. And yet we are being placed in the awkward position of not being able to do the research needed to address either priority. This lack of permits also is impacting the ability of federal and state agencies, universities, and other research centers to do their research.

We urge you to take the actions necessary to (1) alleviate the situation within OPR that is delaying marine mammal research permits and (2) provide for ongoing and new field research programs while environmental analyses are being prepared under NEPA, if indeed you conclude that such analyses are necessary. We simply cannot hold critical marine mammal research in abeyance. Environmental analyses, biological opinions, and fisheries regulations all must be informed by the best available information on marine mammals and their interactions with fisheries. Management decisions under the ESA must be appropriately precautionary. Therefore, reducing uncertainty through research is a very important element in balancing the management of living marine resources in Alaska with the needs of coastal communities dependent on these resources. Resolving this issue is critical to the fishing industry, other marine industries, subsistence users, and everyone who is trying to manage for sustainable and healthy ecosystems off Alaska.

We request to meet with you at your earliest convenience to discuss the concerns raised above.

Sincerely,

Clarence Pautzke
Executive Director, North Pacific Research Board, and the Executive Committee of the North Pacific Research Board:

Tylan Schrock
Alaska SeaLife Center

Stephanie Madsen
North Pacific Fishery Management Council

Douglas DeMaster
Alaska Fisheries Science Center

Earl Krygier
Alaska Department of Fish and Game

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Comments Received on 2002 Environmental Assessment on the Effects of NMFS Permitted Scientific Research Activities on Threatened and Endangered Steller Sea Lions

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OF THE UNITED STATES

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JUL 31 2002

Chief
Permits, Conservation and Education Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13705
Silver Spring, Md. 20910

29 July 2002

Dear Chief:

On behalf of the more than 7 million members and constituents of The Humane Society of the United States (HSUS), I wish to submit the following comments on the proposed issuance of permits for the study of Steller sea lions (*Eumetopias jubatus*) as announced in *67 FR 43283*.

The HSUS agrees that it is critical to develop a better understanding of the causative factors in the declines that have been noted in Alaska in order to determine what, if any, mitigation measures can be proposed. However, it is not clear that adequate coordination of these various research proposals has taken place and it is not clear that the proposals meet all of the conditions stipulated in the Marine Mammal Protection Act (MMPA or the Act). We offer the following general and specific comments on the proposals. While we do not feel that all options for issuing permits were not adequately considered, we support Alternative 3 which would limit the invasive research.

General Comments

The MMPA requires that a number of criteria be met prior to the issuance of research permits (50 CFR 216.34). Among them:
(1) The proposed activity is humane and does not present any unnecessary risks to the health and welfare of marine mammals; and
(2) The proposed activity, if it involves endangered or threatened marine mammals, will be conducted consistent with the purposes and policies set forth in section 2 of the Endangered Species Act (ESA); and

Promoting the protection of all animals
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(3) The proposed activity, by itself or in combination with other activities, will not likely have a significant adverse impact on the species or stock.

The Act further requires that research be bona fide, cannot be accomplished with stocks that are not listed under the ESA or MMPA, and are non-duplicative.

While individual permit applications may comply with some or all of these requirements, it is not clear that these proposals in sum can comply with all of them.

The National Marine Fisheries Service (NMFS) proposes that the appointment of a full-time coordinator will assure compliance; however it is not clear how this can be true when NMFS also states that it will only develop a monitoring plan after the permits have been issued and research is underway.

For example, NMFS acknowledges that some animals are likely to die as a result of the issuance of these permits. The Environmental Assessment (EA p.112) states that the status quo would be 10 accidental mortalities and that issuance of these permits would result in the NMFS raising this number to 51. Later in these comments we will question this number; however, even if we take this number at face value, NMFS further states that if all of this mortality were concentrated in the western stock, the impact would not be negligible. If more than 10 animals from the western stock were killed, then NMFS would require researchers to consult on how to reduce mortality so that it does not exceed 20 animals, which is10% of the PBR of 208. It is not clear from the EA whether such an assessment will be time-sensitive or whether consultation can take place before the number is exceeded when it appears that a monitoring plan is not currently in place.

The EA for these proposals states that permitees currently conduct 11 different invasive procedures on 2,400 sea lions range-wide and that the impact of this has been found to be insignificant on the populations. The proposed action of granting new permits would increase that number to 15 different procedures performed on 3,100 animals annually, with the assumption that this too will be insignificant (p. 112). However, the NMFS also states that it has insufficient information for a reliable evaluation of the synergistic effects of these repeated procedures on individual sea lions. Although virtually all of the permit applicants seek a 5-year permit, NMFS states that to mitigate possible synergistic effects it will restrict duration of any permits that allow handling animals to June 2005, during which time it will "work with to address [sic] concerns raised during review of the permit applications including development of a monitoring plan that can produce information to assess the impact of the research program more reliably over the long-term" (p.112). It is not clear whether or how a 5-year permit will be halted to allow evaluation of longer-term effects. More alarming, it is clear that such a plan to monitor lethal and sub-lethal effects is not in place at this time.

The HSUS believes that the time for developing a plan to monitor potential effects is *before* the research is undertaken, rather than after permits are granted and research is underway.

The limited discussion of the need for a monitoring plan only addresses concerns regarding synergistic effects of invasive procedures. It is not apparent that such a plan would consider the stress of the cumulative effects of being captured multiple times, and of being harassed during survey activities and scat collection in the rookeries. In the case of the Alaska Sea Life Center (ASLC) proposal, approximately 2,100 animals per year will be "disturbed" and 60 pups will be captured and "sampled" while under anesthesia in one of its "tasks." For another "task," 3,750 Steller sea lions will be "disturbed" and 150 juveniles "sampled" under anesthesia, with 60 of these animals fitted with surgically implanted transmitters and an additional 16 of them transported to a captive facility for up to 3 months, where they will be subjected to a variety of regular testing and tag implantation. Cumulative impacts are not addressed.

In fact, the number of animals that will be harassed/disturbed by the various projects is enormous. According to charts and data in the various applications, the proposal by the National Marine Mammal Lab projects 4,000 takes range-wide as a result of its activities; the Aleutians East Borough proposes to disturb 400 through scat collection and 400 through boat surveys (and an additional 7,000 animals via aerial survey); Texas A&M would harass 2,000 sea lions during its activities; the University of Washington proposes to sample up to 50 animals; the ASLC proposes 2,100 for one project and 3,750 for another; and Alaska Fish and Game proposes inadvertent harassment of 5,000 animals in aerial surveys, plus 15,000 during pup counts and 700 captures. Thus, the total number of animals that would potentially be harassed/disturbed/ sampled is approximately 40,400! If we assume that animals are only harassed once, this is approximately 62% of the combined population of Eastern and Western Stocks of Steller sea lions (NMFS 2001 Stock Assessment). It is, however, likely that some animals will be harassed/sampled multiple times in geographically overlapping research areas, such that some individuals will be stressed more than others. Harassing this large a number of an endangered or threatened species should not be taken lightly and disturbance may be considerable in certain areas.

In the section on effects of capture and restraint in his permit application, Dr. Randy Davis states that they "constitute one of the most stressful incidents in the life of an animal and intense or prolonged stimulation can induce detrimental responses" (p.3). If we look at the total number of animals to be captured, we see that Alaska Fish and Game proposes to capture at least 700 pups for sampling, plus 300 juveniles and 10 of any age (and 5 mortalities requested); the National Marine Mammal Lab proposes to capture at least 120 pups and juveniles (10 mortalities requested); University of Washington proposes to biopsy 40-50 animals; Texas A&M proposes capturing 225 animals (13 mortalities requested); Oregon Department of Fish and Game proposes to capture 200 pups and 30 older animals (10 mortalities requested); and ASLC proposes capturing 150 juveniles for sampling and 400 animals in trapping experiments (mortalities of 5 in the field and 3 in-house). This totals 2,185 Steller sea lions who will be subjected to "one of the most stressful incidents in life"! Of those animals who will be captured, applicants seek permission to have over 50 of them die as a result of their activities. This appears to be an

unacceptably high level of stress and mortality for a stock that is already declining in many parts of its range. Please note that the chart on p. 69 of the EA listing accidental mortalities does not appear to agree with numbers provided in the various applications. This and other discrepancies between numbers in the various permit applications and numbers in summary charts, complicates understanding the true impact of these applications.

The NMFS has argued that forcing consultation among researchers will assure that no more than 20 animals are incidentally killed, and that this number is less than 10% of the PBR of 208 and is therefore negligible. The HSUS wishes to point out that while the mortality of 20 animals from the western stock may be considered the maximum that is negligible, these permit applicants would not be the only source of lethal takes in the stock. In fact, more than a negligible number is already being killed by the multiple sources that are interacting with the stock, and the deaths of 20 more animals is therefore *not* negligible. Mean native harvest mortality is 353 animals, with 171 killed in 1998 - the year with the most recent harvest data. Fisheries related mortality is estimated at $\geq$ 28 animals per year. The most conservative estimate yields an estimated mortality of at least 199 per year from this stock, a number that is only 9 less than the entire PBR. If scientific permit-related mortalities in the Western stock reach 10 (the number that merely triggers consultation), then the entire PBR will have been exceeded by all sources. This is unacceptable. The MMPA did not intend for each user to have access to the entire PBR (nor one assumes the entire number defining the uppermost bound of negligible impact) such that the cumulative impact is well over the PBR. In fact, PBR is stated to be the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population." [16 U.S.C. 1362. Sec. 3 (20)] Clearly this level of harassment and mortality does *not* meet the conditions specified for issuance of permits under the MMPA to assure that impacts will not have a significant impact. On that basis, all of the permits cannot be granted.

The MMPA also requires that permits must ensure that the proposed activity is humane and does not present any unnecessary risks to the health and welfare of marine mammals. In our comments on individual proposals, we question whether this assurance can be given for all of the proposals.

Specific Comments

Alaska Department of Fish and Game (ADFG) permit #358-1564-01

This represents a continuation of an existing permit, with all activities having undergone previous public comment. Its activities are Alaska-wide and likely, therefore, to overlap with other proposed permitees, permitting multiple sampling of animals unless there is strict coordination. Up to 600 pups will be captured and hot branded. In addition, three hundred older animals will be captured, anesthetized with gas and subjected to having teeth pulled, swabs taken,

and being intubated with a stomach tube. It is proposed that up to 5 may be incidentally killed. On page 52 and 53 of the EA, there is a summary of the pros and cons of freeze branding versus hot branding. It states that "...there has been insufficient re-sight effort of the more than 15,000 sea lions branded by ADF&G and NMML since 1975 to validate the merits of hot-branding versus the potential for adverse impacts to individual sea lions. The applicants state that there is no evidence suggesting increased mortality of pups after branding. The absence of such evidence cannot be interpreted as evidence of no effect because there has not been sufficient post-activity monitoring to determine whether hot branding or other research activities in rookeries has contributed to increased mortality of pups." The HSUS suggests that the ADFG may wish to spend more effort trying to re-sight animals and analyze the information from re-sighting, rather than continuing to brand additional animals. If continued or additional branding is authorized, the applicant must be required to monitor post-branding effects and provide evidence of little or no effect of their various activities on rookeries. Additionally, we feel that insufficient attention was given to consideration of post-capture myopathy. We note that although NMFS states in the EA on p. 69 that ADFG proposes 10 accidental mortalities per year, the chart on p. 9 of the applications stipulates 5 per year.

National Marine Mammal Lab (NMML) Permit #782-1532-00

We wish to reiterate our concern, expressed above, about the effects of hot branding, specifically on pups. Additionally, we wish to point to the EA discussion on pp. 47-49 of the effects of chemical immobilization. The EA points to dangers of telazol darting and also states that with the use of gas anesthesia, captive animals appeared to recover fully within 8 hours, a period of time that is longer than animals will be observed under this permit. Without post-release monitoring, their fate, if released prior to 8 hours will apparently not be known. We reiterate our concern, expressed above that the applicant should institute a post-capture monitoring program and assessment of condition.

Aleutians East Borough - File #1010-1641

We have no specific concerns with this permit application at this time.

University of Washington - File #1016-1651

This proposal would utilize a crossbow to collect biopsy samples to obtain fatty acid signatures of potential prey consumed by Steller sea lions. It states that "whenever possible" this will be done in conjunction with NMFS or ADFG. This should be made mandatory to avoid duplicative sampling of animals.

Texas A&M - Randall Davis-File # 800-1664

It is not entirely clear why Dr. Davis, who is receiving funding from two other permit applicants (NMFS and ASLC) cannot conduct his activities under the auspices of their permits rather than seeking separate take authorizations. Effort should be made to avoid duplicative sampling or harassment wherever possible. Having said that, we have grave concerns with this proposal. The EA states on p. 69 that Dr. Davis proposes 13 accidental mortalities annually (more than any other applicant), including 3 pup mortalities as a consequence of harassment in the rookeries. According to the chart on p. 4 of his application, Dr. Davis proposes to capture each animal he tags with video systems or other transmitters up to three times. Of the 15 adult animals he proposes to capture in each of the 5 years of his permit, up to 3 may die. This is a mortality rate of approximately 20%. This seems unacceptably high. He projects that 5 of the 30 juveniles he captures may die. This translates to approximately 17% mortality. Although he provides no explanation for this different survival rate for juveniles, this is also an extremely high level of mortality. While underwater videotaping may be interesting, we do not believe it is critical to understanding the foraging issues facing Steller sea lions. There may be some justification for some of the ancillary tagging, though the explanation of why this is not duplicative of information already in hand is not clear. Particularly in light of these extremely high mortality rates, we do not see that the justification for this permit outweighs the potential risk to animals, as would be required by the MMPA and ESA.

This permit should be denied.

Oregon Division of Fish and Game (ODFG) - file #434-1669

This is a request to renew a permit but to change the lead agency. While it is not clear why this is necessary, we do not oppose this change. The agency has demonstrated that they are the sole research group studying this population. In light of discussion in the EA, The HSUS believes that the NMFS should request post-capture monitoring of survival and re-sighting to fill apparent gaps in understanding this sort of information.

Alaska Sea Life Center (ASLC) - file #881-1668

The HSUS has some grave concerns regarding this proposal. We support the portion of this proposal that seeks to demonstrate efficacy of a trap that could be used as an alternative to chemical immobilization. We also support the remote videotaping. We do not support the portion that relates to capturing and holding animals for testing.

According to the charts on pp. 32 and 33 of its application, the ASLC proposes to capture 60 pups each year for sampling under anesthesia. We reiterate our concerns, expressed above, with the use of anesthesia. An additional 150 juveniles will be "sampled" each year under anesthesia, with 60 of these 150 animals fitted with surgically implanted transmitters. These transmitters will

store and transmit data for up to 8 years. The proponents speculate that they will get up to a 70% return of data. They discuss survival impacts of wearing subcutaneous tags versus external tags, but do not speculate about capture myopathy or death associated with anesthesia.

In addition to these 60 animals of the 150 juveniles captured, 16 of them will be transported to a captive facility for up to 3 months, where they will be subjected to a variety of regular (at least weekly) testing that includes, for some animals, a 2-week fast to measure stress and other bodily effects of fasting. Four animals will also be subjected to adrenocorticotropic hormone "challenges," which require blood sampling every fifteen minutes for 2 hours. We question the value of some of the information gained from live captured animals that are caged in either 12' or 20' diameter pens and subjected to constant testing with regard to making reasonable conclusions about wild animals. We note that the applicant proposes for the first 2 years to hold all 16 animals in either a 12' or 20' diameter pen, but plans to construct four additional 12' diameter pens to house animals during the last 3 years. Given the different conditions under which they will be kept in the various years of the five-year permit (e.g., space constraints and number of conspecifics in the cage), are we to assume that their stress responses will be the same and that data collection will not be compromised? We also believe that it is disingenuous to claim that "all efforts will be taken to minimize exposure to humans," when animals are being subjected to continual sampling and at least 8 of the animals will be subjected to highly stressful fasting or hormone "challenges."

The HSUS notes that the applicant requests 8 mortalities per year (p. 33), whereas the chart on p. 69 states that they are only requesting 5 accidental mortalities. It is not clear that these mortalities are warranted, particularly the 3 that are reserved for animals captured and held at the ASLC. This represents a 3-month death rate of 18%, which is unacceptably high for animals in a captive facility. This level is far from humane and far from negligible for the number in captivity. This portion of the permit should be denied.

Summary

Only three alternatives are provided: (1) status quo (2 permit recipients), (2) granting all of these permits, and (3) reallocating intrusive research so that only the Eastern portion of the stock would be affected unless a project was directly related to conservation or management needs of the Western stock. Of these three alternatives, we favor Alternative 3.

We must state, however that it is imperative that the NMFS give serious consideration to denying all or part of two permits which appear to impose unacceptable levels of inhumane treatment or/and mortality risk. In our review of the various proposals and the summary of possible adverse impacts that is provided in the EA, we find that there is apparent duplication of sampling area; that some of the projects do not appear humane; and that the finding of negligible impacts, particularly for the Western stock, are not well founded.

Thank you for the opportunity to comment on these proposals.

Sincerely,

Sharon B. Young
Marine Issues Field Director
Wildlife and Habitat Protection

Cc: Robert H. Mattlin, Ph.D., Executive Director, Marine Mammal Commission

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FACSIMILE COVER SHEET

Number of Pages Sent (including cover page): 8

TO: Chief, Permits, Conservation & Education Div. Fax: (301 713-0376
Attn: Tammy Adams

FROM: Jack K. Sterne, on behalf of Greenpeace, et al.

DATE: July 29, 2002

RE: Comments on NMFS Environmental Assessment for Steller Sea Lion Research Initiative Permit Applications, 67 FR 433283 (June 27, 2002)

Message: Please call Joanna Parker at ext. 102 if you do not receive all the pages to this fax.

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29 July 2002

To: Chief, Permits, Conservation and Education Division
Office of Protected Resources
NOAA Fisheries (F/PR1)
1315 East-West Highway
Silver Spring, MD 20910-3226

CC: William T. Hogarth
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910

RE: NMFS Environmental Assessment for Steller Sea Lion Research Initiative Permit Applications, 67 FR 433283 (June 27, 2002)

To the Chief of Permits:

An unprecedented $80 million Congressional appropriation has been made available under the Steller Sea Lion Research Initiative (SSLRI) to collect information on the biology and ecology of threatened and endangered Steller sea lions, as well as other features of their marine environment. We wish to state at the outset that we support legitimate research into the causes of the decline of endangered Steller sea lions. In order to insure the survival and recovery of this species, it is vital that we act in a precautionary manner while gathering data that will contribute to our understanding of its life history and the role that various factors have played, or are playing, in the decline. At the same time, because of the scope of this research initiative and the anticipated impacts on great numbers of animals in threatened and endangered populations, it is essential that all direct, indirect and cumulative impacts of the research program are carefully evaluated and all projects are shown to be essential for the conservation of the species.

General Concerns Regarding The Analysis In The EA

The Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA) prohibit takes of threatened and endangered species of marine mammals, with limited exceptions for subsistence harvests, incidental mortality in fishing operations, and research. On June 27, 2002, National Marine Fisheries Service (NMFS) published a Federal Register notice announcing the receipt of permit applications and availability of an Environmental Assessment (EA) for five major projects within the SSLRI, acknowledging that the magnitude of proposed research effects are sufficient to merit an analysis under the National Environmental Policy Act (NEPA). The proposed action would authorize substantially increased disturbance and takes of threatened and endangered Steller sea lions for activities

associated with the research, and four of the five projects would receive the special exception to the prohibition on takes for the maximum period allowed (five years).

Previously there has been no assessment of the direct, indirect, or cumulative effects of Steller sea lion research. Some of the proposed research entails extensive disturbance affecting thousands of animals at multiple times of the year as well as highly intrusive procedures directly affecting hundreds of individual animals every year, particularly those young animals whose survival is thought to be most at risk. Other proposed projects entail the use of techniques or experimental procedures whose efficacy is not demonstrated in this EA. The level of disturbance at particular rookeries and haulouts will increase substantially, as will the number of animals affected by research and number of mortalities on the endangered stock, although direct and indirect mortalities attributable to research are poorly assessed or difficult to quantify.

While our organizations continue to acknowledge the need for appropriate research and better information, permitted research projects must be shown to contribute significantly to fulfillment of objectives for understanding the management actions needed to recover Steller sea lions, using techniques without significant adverse impacts to the species (EA, p. 11). The permitting criteria require that applicants for research must demonstrate compliance with all other relevant regulatory criteria as well (EA, pp. 16-17). NMFS has not demonstrated that the impacts of the proposed action will be insignificant or satisfy all permitting criteria. In fact, we are concerned that substantial direct, indirect, and cumulative effects of the proposed action in Alternative 2 may result in further jeopardy to the species.

We do not think NMFS has shown that all projects and procedures in the proposed action are necessary and essential to the conservation of Steller sea lions – a concern also voiced by the Marine Mammal Commission (MMC) in comments on proposed requests for amendments to NMML and ADF&G permits (EA, Appendix A). There are specific research proposals (such as the capture and long-term retention of wild animals as proposed by ASLC for surgical implantation of devices) that should not be permitted as described. While NMFS is not proposing to authorize the implant of tags and temporary captivity at this time, we emphasize that experimental and unvalidated research techniques of this type are inappropriate for threatened and endangered species as described. In addition, we have major concerns about the efficacy of the experimental protocols, sampling regimes, and statistical power to detect effects, as well as the ability of NMFS to coordinate and synthesize the data generated by such a large research program involving many different agencies and institutions as well as hundreds of scientists.

Another feature of the research program not addressed by this EA is the absolute need for an accompanying monitoring program to assess the effects of research on the threatened and endangered populations, as recommended by the Marine Mammal Commission in a letter dated 27 July 2001 addressing the proposed amendments to the NMML and ADF&G permits (EA, Appendix A). The projects in the proposed action (Alternative 2) entail extensive harassment and disturbance affecting virtually the entire endangered population of Steller sea lions at some time of the year, utilizing a wide array of intrusive techniques and procedures. An adequate monitoring program should enable NMFS to suspend permits if subsequent information indicates that the research impacts are unacceptable or are exceeding the number of mortalities and injuries authorized under the permit.

As noted by NMFS at EA, p. 11, the Marine Mammal Commission has previously expressed concerns that (1) not all the planned research may be essential, and (2) the combined and cumulative effects on the threatened and endangered populations may outweigh the benefits of the information to be gained from the proposed research, particularly where depleted rookery and haulout populations are already vulnerable to stress and disturbance. We concur with this broad assessment of the projects and we conclude that the EA analysis is not adequate to distinguish between projects that merit permitting and those that are unnecessary, duplicative, inhumane or in violation of other established permitting criteria.

Furthermore, it appears that analysis of the various research activities is being piecemealed, rather than considered in a single NEPA document. We therefore have concerns about the scope of the analysis in the EA. The direct, indirect and cumulative effects of all research activities should be analyzed in a single NEPA document.

In addition, the cumulative effects analysis the EA does contain is internally confused and appears to be inadequate. For instance, at pp.106-108, NMFS says it considered both human controlled events (fisheries, shooting & subsistence harvest, and other anthropogenic effects, e.g., pollution) and natural events (climate effects and trophic interactions, e.g., predation, competition, and changes in community structure). At p.108, however, NMFS said it only evaluated two sources of direct effects (accidental mortality during research and incidental mortality in fisheries) and three sources of indirect effects (synergistic effects of intrusive research and disturbance). The cumulative effects analysis needs to consider the effects of research stress being added to nutritional stress.

Specific Concerns About Research Procedures, Experimental Protocols, Sample Sizes, Etc.

In addition to general comments on the permitting process and the insufficiency of the FONSI for this proposed action, we have specific concerns about the proposed research program that have not been adequately addressed in this EA.

Extensive and highly intrusive on-site research will entail capture, restraint, immobilization with drugs, administering of anesthesia, blood collection, tooth extraction, skin, blubber and muscle biopsies, enemas, attachment of flipper tags or telemetry tracking instruments, and hot-branding of great numbers of young animals, among other things. One project entails the capture and retention of wild juvenile sea lions for up to 3 months, during which time "life-history transmitters" would be surgically implanted in the animals – a highly experimental and unvalidated technique. Using captive animals from the endangered population as guinea pigs to test the viability of the surgical implantation technique is not an appropriate form of research, and we agree with the decision of NMFS that this portion of the ASLC project should not be considered or permitted at this time. Generally speaking, however, the proposed action does not appear to provide NMFS the flexibility to deny permits for individual projects or procedures of this type, or to suspend a permit if further review shows that action results in unnecessary or unacceptable impacts.

Even commonly practiced techniques such as tooth extraction and the attachment of flipper tags may result directly or indirectly in increased mortality due to infection, illness, reduced foraging success or increased predation, yet the rationale and need for either procedure is not evaluated in detail. For instance, Gentry (1970) noted that cattle ear tags attached to the flippers of Steller sea lion pups caused

large wounds that had not healed 1-2 years after tagging. Gentry further speculated that tagging may increase natural predation (e.g., by sharks) on these animals. Yet the cursory EA discussion of the effects of flipper tagging (pp. 51, 53-54) barely acknowledges that physical wounds and infections may result, much less that there is a risk of increased predation on test subjects. Since these flipper tags commonly fall out or become too faded to be useful as identifying markers in subsequent observations, the rationale for mass flipper-tagging of young animals as a standard practice is not at all clear in this EA. Similarly, the effect of extracting a tooth sample with pliers from captured animals is summarily dismissed in one sentence: "The procedure may result in more than temporary pain, which could interfere with foraging, at least temporarily" (EA, p. 50). No studies have been conducted that would allow the agency to conclude that the effects of these practices are insignificant or benign. NMFS is frequently arguing from the absence of evidence of harm (due to an inability to measure it or a failure to try) to an assumption of no harmful effects.

Similarly, the preferred technique of hot-branding large numbers of pups and young juveniles may lead to substantial mortalities (EA, p. 53), raising questions about the degree to which vital rates information gleaned from branded animals may be biased by the experiment itself. Conceivably the potential for harm from such techniques may be outweighed by the benefits to be gained from the ability to identify animals across multiple years, but only if there is a long-term commitment to monitor the status of branded animals. For instance, branding may provide vital information on survival and pregnancy rates within the endangered and threatened stocks if accompanied by long-term observation and resighting of branded animals. Yet the EA indicates that such commitment has not been forthcoming for the 15,000+ animals already branded in past research, raising serious doubts about the usefulness of additional branding in the absence of a long-term monitoring/resighting component to the proposed branding projects:

> "*The practicality of hot-branding as a means of permanently marking pinnipeds in the wild has been demonstrated in several studies. However, there has been insufficient resight effort of the more than 15,000 sea lions branded by ADF&G and NMML since 1975 to validate the merits of hot-branding versus the potential for adverse impacts to individual animals*" (EA, pp. 52-53).

Given the endangered and declining status of the western stock of Steller sea lions and concerns about the potential for increased killer whale predation on sea lions in Alaska, NMFS should more carefully evaluate the extent to which research procedures may increase the incidence of infection, disease and/or predation on test animals that are subjected to repeated stress and disturbance, immobilizing drugs, anesthesia, tooth extractions, biopsies, branding, attachment of instruments, or even long-term (up to 3 months) captivity and surgical implantation of experimental monitoring devices. That analysis and consideration is largely absent from the EA and adverse effects are largely dismissed based on a lack of evidence or lack of study.

We also underscore the concerns expressed previously by the Steller Sea Lion Recovery Team's (SSLRT) peer-review workshops on behavior, telemetry, physiology and foraging ecology, which noted a lack of integrated research, poor coordination of existing research projects, as well as serious limitations in experimental protocols, sample sizes, and statistical power to detect effects. For instance, the Recovery Team's Physiology Workshop review (1999) identified serious limitations to comparisons between Southeast Alaska and western Alaska animals, based on the existing rookery research protocols:

- The SSLRT Physiology Workshop Peer Review (1999) concluded that, "*Logistical constraints resulted in sample sizes that were so small in most physiological studies that few conclusions can be drawn.*"

- Differences in the bathymetry and width of continental shelf area around western and eastern rookery sites in the comparison studies may have accounted for differences in average foraging trip distance and time at sea. The SSLRT Physiology Workshop Peer Review (1999) concluded that comparisons between rookeries in the western and eastern stocks "*should have included more than one site in declining and stable areas to avoid the confounding effects of site variability and ensure that observed differences were really a product of the 'experimental' variable.*"

- Test subjects were selected non-randomly among healthy survivors on the rookeries, and did not include weaned juveniles or adult females without pups that may not have been on the rookeries. Lack of prior information on test animals made it impossible to know if lactating test subjects were representative of their area and small sample sizes allowed few conclusions to be drawn.

- Research programs are not likely to find differences using measurements of successful survivors and their young on rookeries during the earliest period of lactation. The SSLRT Physiology Workshop (1999) recommended that future research should focus on times and places that may be important *later* in the nursing period, as pups move beyond the buffering influence of their mothers. There is a need for more focus on non-summer and year-round observation and sampling.

The EA should have addressed these concerns and evaluated the degree to which proposed action will or will not remedy the limitations and shortcomings identified by peer reviewers of the existing research program.

NMFS Should Have Issued The EA For Public Comment Before Signing A FONSI

As a matter of NEPA process, we are quite concerned that NMFS issued the Final EA and signed the FONSI on this project without any involvement by the public. It is well settled that "[c]itizen participation is a vital ingredient in the success of NEPA" and that the "opportunity for local citizens or other interested parties to participate in the preparation of the environmental analysis is mandatory under NEPA." Colony Federal Savings & Loan Ass'n v. Harris, 482 F. Supp. 296, 304 (W.D. Pa. 1980) (emphasis in original). Indeed, even before the CEQ regulations were promulgated, courts made clear that federal agencies could not exclude from their decisionmaking process those persons who would be most likely to object on environmental grounds. The seminal case for this proposition is Hanley v. Kleindienst, 471 F.2d 823, 836 (2nd Cir. 1972), which held that before a preliminary or threshold determination of significance is made the responsible agency must give notice to the public of the proposed major federal action and an opportunity to submit relevant facts which might bear upon the agency's threshold decision. Id. (emphasis added); Cross-Sound Ferry Serv. v. United States, 573 F.2d 725, 731 (2nd Cir. 1978).

The CEQ regulations also highlight the vital importance of public involvement in the NEPA process. Thus, the very first section of the regulations provides that "NEPA procedures must ensure that environmental information is available to the public officials and citizens before decisions are made and before actions are taken," and, furthermore, that "public scrutiny [is] essential to implementing NEPA." 40 C.F.R. § 1500.1(b) (emphasis added). The CEQ regulations further state that "Federal agencies shall to the fullest extent possible . . . encourage and facilitate public involvement in decisions which affect the quality of the human environment." Id. at § 1500.2(c) (emphasis added).

Similarly, the CEQ regulations specifically mandate that agencies preparing NEPA documents "shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing assessments . . . ." Id. at § 1501.4(b)(emphasis added). CEQ has further explained this requirement, and how it intersects with other CEQ requirements, as follows:

> Section 1506.6 requires agencies to involve the public in implementing their NEPA procedures, and this includes public involvement in the preparation of EAs and FONSIs. These are public "environmental documents" under section 1506.6(b), and, therefore, agencies must give public notice of their availability. . . . The objective, however, is to notify all interested or affected parties.

CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 46 Fed. Reg. 18026 (1981). Indeed, several courts have found violations of NEPA where a federal agency has failed to adhere to the public participation requirements set forth in the CEQ regulations. See, e.g., Save Our Ecosystems v. Clark, 747 F.2d 1240, 1247 (9th Cir. 1984) (five-day public comment period on an Environmental Assessment was inadequate); Friends of Walker Creek Wetlands v. BLM, 19 ELR 20852, 20854 (D.Or. 1988) (agency "did not adequately provide for public participation to the extent practicable" and ordering 45-day public comment period on an EA). Accordingly, we urge NMFS to withdraw the FONSI and to issue a revised EA or EIS that takes into account the comments received on this document.

Conclusion: Withhold New Or Amended Permits Pending Further Evaluation Of The Research Program In A Substantially Expanded EA Or An Environmental Impact Statement And Consultation With The Steller Sea Lion Recovery Team

Again, we express our support for legitimate, coordinated research that is focused on gathering information that will contribute to our understanding of the causes of decline of Steller sea lions. However, based on our analysis of the proposed action, we are concerned that there is real risk that some of this research will simply cause unnecessary disturbance and increase mortality on the endangered stock without contributing significantly to the conservation of Steller sea lions – a key consideration when determining whether or not to permit the proposed research activities:

> *"An important consideration in determining whether to authorize these proposed research activities by permit, is whether the information expected to be gained will contribute to fulfilling a research need or objective identified in the Final Recovery Plan for Steller sea lions or will contribute significantly to identifying, evaluating, or resolving conservation problems for Steller sea lions"* (EA, p.19).

The EA fails to demonstrate that all the projects and procedures in the proposed action are essential and will accomplish the stated research objectives, as currently designed. Nor has NMFS demonstrated that the entire package of research projects in the proposed action will comply with all the criteria for acceptable research, including the requirement to avoid significant adverse impacts that further threaten or jeopardize the species.

A more prudent course of action for the immediate future would be to continue the long-term population monitoring and other previously permitted projects, so as not to disrupt ongoing research unduly, while withholding approval of new permits or amendments to the existing permits until such time as NMFS has (1) fully evaluated the impacts of existing and proposed research in a substantially expanded EA or in an Environmental Impact Statement that involves the public and considers their comments, (2) consulted with the newly-appointed Recovery Team to address the shortcomings of field research that were identified in previous Recovery Team workshops, and (3) prioritized new research needs.

Sincerely,

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2 August 2002

Mr. Eugene T. Nitta
Acting Chief, Permits Division
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National Marine Fisheries Service, NOAA
1315 East-West Highway
Silver Spring, MD 20910

Re: Review of Permit Application Nos. 800-1664 (Randall W. Davis, Ph.D.), 1016-1641 (Glenn R. VanBlaricom, Ph.D.), 434-1669 (Oregon Department of Fish and Wildlife), and 881-1668 (Alaska SeaLife Center), and the Environmental Assessment on the Effects of National Marine Fisheries Service Permitted Scientific Research Activities on Threatened and Endangered Steller Sea Lions

Dear Mr. Nitta:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit applications with regard to the goals, policies, and requirements of the Marine Mammal Protection Act. The Commission also has reviewed the environmental assessment prepared by the Service, which evaluates the impacts of the issuance of these and other requested permits and authorizations on the human environment, i.e., permit application no. 1010-1641 (Aleutians East Borough) and requests for amendments to permit nos. 358-1564-00 (Alaska Department of Fish and Game) and 782-1532 (National Marine Mammal Laboratory, NMFS). The Commission has previously commented on those requests (see letters of 5 September 2001 and 27 July 2001, enclosed).

The applicants are seeking authorization to conduct research for the purpose of obtaining information on the ecology and biology of threatened and endangered Steller sea lions to better understand the cause(s) of the decline of those populations. Such information is needed to enable the Service to develop effective management strategies to promote the species' recovery and to make informed decisions related to fishery management and other human activities within the species' range. The Commission notes that recent increases in funding available for research related to Steller sea lions provide an important opportunity to investigate the species' decline and the factors that may be contributing to the decline. However, we are concerned that, given the number of projects authorized and proposed, many of which are invasive in nature, they may cumulatively operate to the disadvantage of the western Steller sea lion population. Based on the information provided in the applications and in the environmental assessment, the Commission is unable to adequately determine if this will be the case, and additional steps may be necessary to ensure that there will not be a significant impact. Among other things, the Commission is unable to determine (1) the likelihood that the objectives of some of the proposed research projects will

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be achieved; (2) whether, and to what extent, attempts will be made to monitor the short- and long-term adverse effects of the research efforts; and (3) the extent to which the various research activities will be coordinated. In addition, as noted in our comments later in this letter on the Service's environmental assessment, the Commission remains concerned that the cumulative effects of the proposed research, in combination with other factors that are affecting the western population of Steller sea lions, could have significant adverse impacts on the population. We note that such information is particularly important for assessing the effects on and benefits to a species listed as endangered under the Endangered Species Act.

We first provide specific comments on each of the subject permit applications and then offer general comments pertaining to the applications and the associated environmental assessment.

Permit Application No. 800-1664 (Randall W. Davis, Ph.D.)

The applicant is requesting authorization over a five-year period to capture, anesthetize, measure, weigh, blood and tissue sample, tag, hot brand, and release up to 45 Steller sea lions (15 adult females and 30 juveniles of either sex) annually and to harass incidental to the capture and tagging activities up to 2,000 Steller sea lions (1,000 adults of either sex and 1,000 juveniles and pups of either sex). Individual animals could be captured up to three times over the five-year research period. Each year, up to 13 animals could be accidentally killed during the research activities. Research would be conducted in the Gulf of Alaska and the Aleutian Islands.

In reviewing the application, the Commission notes that animals may be anesthetized for up to three hours for tagging, branding, and sampling. Although the time estimated appears to be longer than necessary to carry out these procedures, it is perhaps based on a need for flexibility in the event that anesthetized animals have adverse reaction(s) to the anesthesia or associated tagging, branding, and sampling activities, or that it incorporates holding time for recovery from the anesthesia. Nonetheless, the Marine Mammal Commission recommends that clarification of the basis for the three-hour time frame be provided by the applicant, including the length of time that animals will be held after concluding the research procedures to ensure that they have recovered sufficiently from the effects of the anesthesia. We also note that, although the application states that a veterinarian will be present to monitor anesthetized animals, a curriculum vitae for the veterinarian(s) who would be involved has not been, but should be, provided.

Darting adult female sea lions with Telazol, as proposed, involves a high risk of mortality, either from their reaction to the drug or from drowning if they enter the water before the drug takes full effect. Although darting with Telazol apparently is the only method currently available for capturing adult female Steller sea lions, the Marine Mammal Commission recommends that every precaution be taken to avoid sea lion mortality and that only veterinarians and biologists with significant experience in darting marine mammals be authorized to conduct the activity.

The investigators describe the attachment of a number of instruments to animals, but do not provide complete information on the size and weight of the instruments. Although large animals may be unaffected by such instruments, this is not necessarily the case for smaller animals, and information on dimensions and weight should be provided as well as an assessment of possible effects.

It is unclear whether the research activities and associated taking proposed in the applicant's Alaska SeaLife Center's 2001 Steller Sea Lion Research Plan have been included in the take table on page 4 of the application. For example, although the table states that 75 adult females (15 annually) and 150 juveniles (30 annually) will be captured and tagged over the five-year period, page 2 of the Alaska SeaLife Center 2001 Research Plan states that up to 20 Steller sea lions of both sexes and all age classes older than pups would be tagged with location-only satellite-linked transmitters in the first year of the study. Further, the table makes no reference to the use of location-only satellite-linked transmitters as is indicated in the text of the application. Clarification of these points should be provided by the applicant.

Justification should also be provided for the requested authorization of up to 13 mortalities per year out of 45 animals to be captured. This would be a mortality rate of almost 30 percent of animals handled, which, if it actually occurred, would be unacceptably high.

Permit Application No. 1016-1651 (Glenn R. VanBlaricom, Ph.D.)

The applicant is requesting authorization to take biopsy samples from up to 200 adult and juvenile Steller sea lions annually (100 each from both the western and eastern populations) at no fewer than two sites for each population over a three-year period, and to harass incidental to biopsy sampling up to 1,000 Steller sea lions (500 from the western stock and 500 from the eastern stock), up to 1,000 northern fur seals, and up to 1,000 harbor seals over the duration of the research. Biopsy samples would be exported to Canada for analysis.

The investigators state that "the primary objective of [their] work is to obtain an assessment of the presence of fatty acid signatures from ephemeral, high-quality prey in free-ranging Steller sea lion blubber for both the western and eastern populations, and evaluate the relative contribution of such prey to blubber stores and diet." They expect to test the null hypothesis that "there is no difference in the use of ephemeral high-quality prey between the western and eastern populations of Steller sea lions by measuring the quantitative contribution of fatty acid signatures from prey species in sea lion blubber stores." However, it is not clear that the research design is sufficient to test this hypothesis and to characterize any differences in the use of forage fish by sea lions in the two populations. The approach appears to rest on the assumption that the samples taken from two (or possibly more but as yet undetermined) locations west of Cape Suckling will be representative of the western population and those taken from two or more other (also undetermined) locations east of Cape Suckling will be representative of the eastern population. However, it seems questionable that samples taken from sea lions at two sites per population will be representative of the larger populations for several reasons: these

populations span huge regions; forage fish and other prey are not evenly distributed throughout these regions; and foraging patterns of sea lions may vary considerably by season, available prey species, and region. Importantly, the assumption that the samples are representative also is questionable because the sites where the samples are to be taken will be determined based on the availability of spawning forage fish. Thus, the nature of the data collected will be unavoidably influenced by the selection of sample sites. The simple recognition that forage fish availability varies by site suggests that a more complicated sampling regime will likely be necessary to compare in a meaningful way the foraging patterns and the significance of forage fish to the two populations of sea lions.

The description of the methods for this study indicates that animals may be taken by biopsy-darting when they are in the water. For the most part, only the head and necks of immersed sea lions are visible at the surface, and attempts to take biopsies by shooting darts at these targets pose an unacceptable risk of striking an animal in the head and causing serious injury. In addition, we note that biopsy darting would be conducted using a crossbow. Crossbows have been used with apparent success and safety to biopsy-sample certain otariid species, and we understand that there apparently have been no problems with controlling the depth of the dart penetration using this system. However, inasmuch as this technique has not been used previously to collect biopsy samples from Steller sea lions, the technique and equipment should first be tested on carcasses. In addition, the individual(s) who will be darting the animals should be thoroughly trained and experienced in using the technique prior to employing this method in the field, and animals in the water should not be darted.

A second study described in this application involves aerial surveys to test for correlations between the use of haul-out sites by sea lions and the occurrence of spawning aggregations of forage fish. Again, it is not clear that the design described will be sufficient to accomplish its purpose. The design appears to involve only a single flight during each spring period when spawning may occur. A single flight seems a questionable basis for characterizing the potentially complex spatial and temporal variation of spawning events of forage fish in the region to be surveyed and for correlating the distribution of those events to the distribution of sea lion haulouts, which also may be shifting in response to prey availability or other seasonal events such as the onset of the reproductive period. It is also not clear why this study is not being coordinated with other aerial surveys proposed for southeastern Alaska.

In light of the above questions and concerns, the potential utility of these studies is not clear and seems, at best, questionable. Without additional information on these studies, it does not seem possible to confirm that they will achieve the stated research objectives or will contribute to the conservation and recovery effort for Steller sea lions.

Permit Application No. 434-1669 (Oregon Department of Fish and Wildlife)

The applicant is requesting authority to harass annually up to 3,800 Steller sea lions during pup counts on selected rookeries in Oregon and northern California during June and July and, of these 3,800 animals, to capture, anesthetize, weigh, measure, sample (blood, tissue, swabs), and hot-brand up to 200 pups of both sexes under 1½ months of age. Authorization is also requested to capture on or adjacent to rookeries and haulouts during all months of the year and to anesthetize, weigh, measure, sample (blood, tissue, swabs, enemas), flipper-tag, radio/satellite-tag (10 animals only), and hot-brand up to 30 juvenile sea lions (including pups of the year greater than 4 months of age). Up to 10,000 Steller sea lions would be incidentally harassed each year during the proposed research activities. The applicant also is requesting authorization for the accidental death of up to 10 animals annually or a total of 30 animals over the five-year research period. Authorization is also requested to harass up to 1,000 northern fur seals and up to 1,000 harbor seals incidental to the proposed research activities on Steller sea lions.

The Commission notes that the applicant requests authorization to capture and brand pups under 1½ months of age, noting, on page 10 of the application, that "[p]ups that are very young or in poor physical condition will not be branded." Clarification should be requested as to the minimum age and size of pups that will be hot-branded. The applicant also requests authority for the "optional" use of gas anesthesia to reduce stress on pups during branding, but does not explain the basis upon which decisions to use anesthesia will be made or why anesthesia will not be used all cases.

The application implies that a veterinarian will be present to monitor anesthetized animals and to supervise other research personnel directly, but it is not clear that this will be the case. The Commission requests clarification of this point. Further, a curriculum vitae for the veterinarian(s) who would be involved in the research has not been, but should be, provided. Also, the applicant has not, but should, describe the sizes and weights of the instrument packages that will be placed on the animals. Finally, the applicant has not, but should, explain why such a high number of research-related mortalities (10) are needed on an annual basis.

Permit Application No. 881-1668 (Alaska SeaLife Center)

The applicant is requesting authority to capture up to 610 Steller sea lions annually for various research procedures, of which up to 16 juveniles would be maintained in captivity at the applicant's facility for up to three months. Authorization is also requested to take by harassment up to 5,850 Steller sea lions incidental to the proposed research activities. Research would be conducted throughout the Alaska range of the Steller sea lion and at the applicant's facility. The applicant is requesting authorization for the accidental death of up to five sea lions annually in the field and up to three mortalities annually for animals maintained in captivity at the Alaska SeaLife Center. The proposed research consists of five projects, the objectives of which are to

obtain data on juvenile survival, population dynamics, immunology, epidemiology, endocrinology, viral serology, physiology, ontogenetic and annual body condition cycles, foraging behavior, and habitat use.

The Commission notes that the applicant does not, but should, provide an estimate of the length of time that animals may be anesthetized. The applicant should also be asked to describe any potential consequences of repeatedly anesthetizing animals (i.e., on a weekly basis). Although the application implies that a veterinarian will be present to monitor anesthetized animals and to supervise personnel directly, it is not clear that this will be the case. The Marine Mammal Commission recommends that clarification of this point be provided.

In addition, the Commission notes the following:

- At the bottom of page 12 of the application, six activities are listed that would be facilitated by the use of a blind/platform. It is not clear if the applicants are providing these as examples of activities that could conceivably be attempted using a blind or whether they are requesting permission to conduct these activities

- (page 12) Task 3. Although the anticipated period of captivity is described as being "short-term," it is nevertheless accompanied by some level of risk to the animals brought into captivity and to the wild population when those animals are released. The permit application indicates that rigorous criteria have been developed to screen animals to be released. As a precaution, it would be useful to compare the criteria developed by the Alaska SeaLife Center with similar criteria being developed by the Service for releasing captive marine mammals to the wild to ensure that the Center's list of criteria is comprehensive

- (page 30) Task 1. The application states that 60 pups will be captured and sampled with an associated disturbance of 150 animals per capture for a total of 2,100 animals disturbed. As the disturbance of 150 new animals for each of 60 captures would result in a total disturbance of 9,000 animals, it is not clear how the applicant determined that the total number of disturbed animals would be only 2,100, unless they are assuming that multiple captures would result in the incidental disturbance of the same animals at the same time. Clarification of this statement would be useful

- (page 31) Task 5. Permission is requested to capture more animals than will be sampled. It is not clear why some animals that are captured would not be sampled

- (page 33) Task 3.3. Table 1 includes an entry pertaining to adrenocorticotropic hormone challenge. This activity is not further explained and no rationale for such a study is provided. Thus, it is not clear why it is included here, how it might contribute to recovery efforts for Steller sea lions, or why permission for this activity is being requested. Such information should be provided before authorization of this activity is considered

- (page 36) End of first paragraph. The application states that "An emergency kit... *should* be readily available." (Emphasis added). An emergency kit should be *required* if this activity is permitted

- (page 41). Task 2. The application does not include branding in the list of requested take activities, and it is not clear if these animals would be branded

- (page 42). Task 3.a. The application states that it is possible to determine if an animal is weaned by looking at the size, eruption, and wear patterns of the teeth. This information implies an understanding of weaning patterns that seems inconsistent with the uncertainty about Steller sea lions and their life history patterns. If information exists that demonstrates that tooth size and wear patterns can be used to determine if an animal is weaned, the applicant should be asked to provide or reference such information. If such information is not available, then the applicant should recognize this and be prepared to handle some animals that may not yet be weaned

- (page 45). Task 3.3.a. This section again refers to injections of adrenocorticotropic hormone to "challenge" juveniles. The purpose and utility of such tests are not clear, and the applicant should provide a rationale and research protocol for them; and

- (page 48). Task 5.b. The list of sampling activities does not include branding. It would be useful if the applicant would clarify whether these animals would be branded prior to release.

Other questions identified by the Commission include:

- what is the minimum age at which pups may be captured?
- what are the weights of the transmitter devices that will be implanted in juvenile animals and the animals themselves? how does one determine the maximum size (dimensions, size) of instruments than can be implanted safely into the animals?
- what precisely will be done in terms of "re-evaluating the process" (as noted on page 44 of the application) if more than three captive animals are deemed to be non-releasable within the period of one year? and
- under what circumstances would animals deemed non-releasable be euthanized?

General Comments on the Permit Applications

Research power and sampling designs

The utility of the proposed research depends largely on the power of the projects to describe important factors and processes (e.g., weaning of sea lion pups) and detect significant effects (e.g., competition with fisheries) if they occur. The power of the research depends on,

among other things, the sampling protocol used, which should ensure that important effects are detected if they occur and faulty conclusions of no-effect are avoided. This being the case, it is essential that the samples collected during the course of research should be representative of the sea lion populations from which they were taken and should be pertinent to identification of the causes of the decline or steps that can be taken to facilitate the species' recovery. The permit applications under review often do not provide sufficient information on their research sampling design and thus it is not always possible to determine if they will meet their stated objectives. In the following paragraphs, we provide some examples of how the lack of information confounds the evaluation of the merit of the proposed studies.

The locations where and times when studies would be conducted often have a significant bearing on the potential utility and merit of the proposed studies. Nevertheless, several proposals either fail to describe where the studies would occur or provide incomplete information. As a result, it is not clear that these studies will be adequately dispersed to assess potentially important spatial variation in the factors being assessed. For example, if studies are concentrated in the Gulf of Alaska or along the Alaskan Peninsula, it is not clear that their results will be pertinent to or representative of sea lions in the western Aleutian Islands. Similarly, the temporal distribution of sampling is also important, and this generally was not described in sufficient detail for the reader to determine if the research results would reliably answer the research question. If, for example, changes in juvenile growth, condition, and survival are most likely to occur during winter months (as has long been suspected) and research sampling occurs primarily in the summer months, then the research design may not be adequate for detecting important potential effects. The lack of information on the area and time during which research activities would occur also makes it impossible to determine if the research is being suitably coordinated to provide the best scientific information with the least practicable adverse effects on the animals resulting from handling and disturbance.

Another important element of sampling is selection of the animals to be included in the research. Some previous studies of Steller sea lions have been limited to very small sample sizes of animals selected on the basis of criteria that may have reduced the difficulty of the study or avoided related risks (i.e., animals at the edge of the rookery, animals appearing to be in excellent or good condition, or animals of sufficient age or size), but selection by such criteria may introduce bias that raises questions as to whether those animals are truly representative of all the animals at a particular site or all the animals in the population. For example, comparison of the condition of animals at different sites may not be meaningful if animals are chosen for sampling on the basis of their apparent good health. Because the reliability and utility of the results often depend on the assumption that the animals sampled are representative of the larger population of concern, the issue of sample selection is important to research success. In some cases, the applications do not describe how the animals would be selected and it is therefore not possible to determine if the sampling scheme is adequate to allow reliable interpretation of results.

Further, the value of studies to investigate survival and reproductive rates using marked animals depends largely on the nature and extent of resighting efforts. More than 15,000 sea

lions have been branded since 1975 (p. 53 of the environmental assessment), but few estimates of survival or reproduction have been forthcoming from these animals due to limited resighting effort, and those estimates that have been produced are of limited use. Branding poses risks associated with capture, handling, the infliction of burn wounds that may become infected, and the disruption to rookeries. The permit applications (and the environmental assessment) do not discuss these concerns in sufficient detail and have not provided the requisite level of assurance that resighting efforts will be adequate to yield meaningful results. If such efforts are not adequate, then the studies proposed will not achieve their stated objectives, the animals involved will be exposed to unnecessary risks, and the research will not contribute to the recovery and conservation of the Steller sea lion.

Incidental effects of research

Research activities may pose significant risks to a study population if they cause reductions in survival or reproduction. Such effects can result directly (e.g., animals that die in the course of sampling or experimentation) or indirectly (e.g., animals that are disturbed by research activities and abandon important habitat or dependent pups). Although such effects are not intentional, they may be of sufficient magnitude that, either by themselves or in combination with other human-related effects, they result in significant adverse effects on the study population. The costs and benefits of such research can only be weighed if such effects are adequately identified, monitored, and assessed.

As noted above, the lack of information on the location and time of research activities precludes an evaluation of how proposed activities and their incidental effects may overlap or be concentrated. As noted below, the lack of a monitoring plan will preclude an analysis of the effects of the proposed research, both while it is in progress and after it has been completed.

The lack of information on incidental mortality also could confound research results and, if not accounted for, could undermine the ability of the projects to produce information that can be expected to contribute to the recovery and conservation of the Steller sea lion. Also, if animals are branded for the purpose of assessing survival, and some of the animals die from branding or its complications, then the resulting estimates of survival will be biased unless the effect of branding is somehow quantified and accounted for in the final analysis of survival.

General Comments on the Environmental Assessment

The studies proposed in the permit applications are part of the largest research effort ever undertaken to investigate the factors contributing to the decline of a single marine mammal population. In 2002 funding for research related to Steller sea lions exceeded $40 million, an amount roughly equivalent to research funding for all other marine mammal species in waters under U.S. jurisdiction. Because of the considerable increase in funding for Steller sea lion research and the limited time for developing effective research programs, and because even the most well-intentioned research may have undesirable effects, it is important to evaluate the

research activities thoroughly to ensure that they do not, either by themselves or in combination with other activities, have significant adverse impacts on the subject populations or their recovery.

The environmental assessment for the subject permit applications and other ongoing and proposed research activities determined that they would have no significant adverse impact on the Steller sea lion. The environmental assessment based that conclusion on the presumed beneficial effects of proposed mitigation measures, the development of a monitoring plan, efforts to limit accidental mortality, and research coordination. The first of these factors, proposed mitigation measures, is based largely on "best practices" that should help prevent the potentially detrimental effects of the research from occurring.

The second factor, the development of a monitoring plan will not contribute to the reduction of significant effects that may result from the proposed research until a plan is completed and implemented. Although such a plan is needed, it is not expected to be in place for some time, and therefore will be of no use in describing incidental effects during the first years of this research. This apparent oversight is particularly significant because large numbers of animals will be captured or otherwise subjected to research activities that may have significant effects.

The third factor, efforts to limit accidental mortality by using the best practices approach, should help to reduce the potential for adverse effects. However, the number of accidental mortalities requested in the permit applications does not appear to be consistent with the finding of no significant adverse impact. Combined, the permit applications request permission for a total accidental mortality of 51 sea lions per year, at least 41 of which may be from the western population. This number is considerably larger than allowed in past years (10). In the absence of effective monitoring, it is possible, if not likely, that the number of observed deaths will constitute only a minimum estimate of the actual number of animals that die as a result of the research effort. Although the environmental assessment determined that this minimum number would not constitute a significant adverse impact, it did so partly on the basis of comparisons with the species' potential biological removal level, which is one standard used to characterize a species' or stock's tolerance for human-related mortality. A stock's potential biological removal level is defined in section 2 of the Marine Mammal Protection Act as "the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population." In the 2001 stock assessment report for the western population of Steller sea lions, its potential biological removal level is calculated to be 208 animals, the direct take in fisheries is estimated at about 28 animals, and mortality from subsistence taking is estimated at 353 animals. If an additional 41 animals from the western population are taken during the course of research, then known human-related take would be about twice the potential biological removal level. It is not clear how such a level can be considered insignificant.

The fourth factor is research coordination. It is not possible to determine from the permit applications how such coordination will be accomplished. In particular, we are concerned that the lack of information on the spatial and temporal distribution of the different research efforts precludes an analysis of overlap of research by different agencies and organizations, which would seem to be essential for adequate coordination.

In addition, the environmental assessment includes a cumulative effects analysis that fails to consider the effects of the proposed research together with the effects of all of the other factors that are, or may be, affecting sea lions. For example, the indirect effects of fisheries were not considered in the analysis in a meaningful way, despite the fact that indirect fisheries effects have been at the center of a significant controversy involving the Alaska groundfish fisheries and have formed the basis of several section 7 jeopardy findings under the Endangered Species Act. Therefore, the cumulative effects analysis is incomplete and, in the absence of such an analysis, the conclusion of no significant adverse impact seems unfounded.

In light of the considerable increase in research activities (including a number that would employ invasive techniques that pose risks to the sea lions involved), the potential for disturbance of animals at rookeries and haulouts, the lack of a monitoring plan to assess incidental impacts, the lack of an adequate cumulative effects analysis, and the ongoing decline of the western population of Steller sea lions, significant adverse effects resulting from the proposed and ongoing research activities cannot be ruled out. In such cases, the National Environmental Policy Act directs federal agencies to prepare an environmental impact statement that considers alternatives to the proposed actions that would achieve the stated goals in a way that has fewer adverse environmental impacts. The overall research approach being taken for investigation of the decline of Steller sea lions is largely a reductionist approach that requires identification and description of the mechanisms linking potential causes to the sea lion decline. The large increase in funding for this research reflects a concern about the effects of fisheries on Steller sea lions, and such effects may be difficult to describe if the research conducted lacks the investigative power to describe the mechanisms of interaction in detail. For that reason, alternative research approaches should be considered. One alternative empirical approach that should be reflected in the Service's NEPA analysis would be to prohibit fishing in areas large enough to ensure that fishing has no effect on prey availability and then observe sea lion population trends to determine whether they do, in fact, respond. The advantage of this more direct approach would be that it could address the hypothesis more directly, and perhaps more quickly, and pose less risk to sea lions and their recovery. Because of the problems identified above, the Marine Mammal Commission recommends that the Service reconsider the finding of no significant impact set forth in the environmental assessment and either (1) do a better job of explaining its rationale for such a finding, (2) scale back those research projects that have the highest potential to result in sea lion mortalities and other adverse impacts such that a finding of no significant impact is more defensible, or (3) prepare an environmental impact statement on the proposed action.

Conditions

In view of the above comments, the Marine Mammal Commission recommends that the Service defer final action on the permit applications pending (1) receipt and review, in consultation with the Commission, of supplemental information that addresses the issues discussed above; and (2) clarification, in response to the Commission's comments, of the basis for the Service's finding that the proposed activities, if authorized, would not result in a significant impact to Steller sea lions. Upon resolution of these questions and concerns, the Marine Mammal Commission recommends that the Service grant approval of the requested activities, subject to the following conditions:

-- the researchers take steps to minimize disturbance of the subject animals by exercising caution when approaching animals, particularly mother-pup pairs, and halt an approach if there is evidence that the activity may be interfering with pair bonding, nursing, reproduction, feeding, or other vital functions;

-- all branding activities be accompanied by effective programs to monitor their short- and long-term effects;

-- whenever possible, new invasive research procedures be tested on non-listed otariid species and on captive Steller sea lions before they are used on sea lions in the wild to ensure that the proposed techniques can be employed safely;

-- surgical implants of instruments be performed by experienced marine mammal veterinarians, and the animals be fully recovered from the anesthesia and exhibiting no ill effects of the surgery prior to release;

-- an experienced marine mammal veterinarian be present in the field to carry out or to provide direct on-site supervision of all activities involving anesthesia of animals;

-- surgical implantation of instruments be immediately suspended, until reauthorized by the Service, in the event that two animals die or are injured during or following the surgery and the mortality or injury can reasonably be attributed to that activity;

-- the Service, in consultation with the applicants, review the basis for the numbers of accidental mortalities requested and provide reasonable justification for the number that can occur annually before research activities must be suspended. It may be useful, as part of such review, to examine the data concerning the number of accidental mortalities authorized and the number of animals actually killed during permitted Steller sea lion research over the past five years. On a related matter, in the event that a lactating female is killed or seriously injured as a result

of the activities, the female's orphaned pup should be humanely provided for (i.e., salvaged and cared for, or if salvage is not possible, euthanized);

-- inasmuch as the use of a crossbow for biopsy sampling has not been previously used on Steller sea lions, the Service be satisfied that the individual(s) carrying out the biopsy sampling are sufficiently experienced and the technique and equipment have been adequately tested prior to authorizing the activity on animals in the field;

-- the proposed studies have been reviewed by the permittee's Institutional Animal Care and Use Committees in accordance with § 2.31 of the Animal and Plant Health Inspection Service's regulations governing the humane handling, care, treatment, and transportation of marine mammals;

-- the Service ensure that activities to be conducted under these permits and those of other permit holders who might be carrying out research on the same species in the same areas are coordinated and, as possible, data are shared to avoid unnecessary duplication of research and disturbance of animals; and

-- as appropriate, the applicants obtain the necessary permits under the Convention on International Trade in Endangered Species of Wild Fauna and Flora prior to importing or exporting tissue samples into or from the United States.

Please contact me if you have any questions concerning these recommendations and comments.

Sincerely,

Robert H. Mattlin
Executive Director

Enclosures

MARINE MAMMAL COMMISSION
4340 EAST-WEST HIGHWAY, ROOM 905
BETHESDA, MD 20814

27 July 2001

Ms. Ann D. Terbush
Chief, Permits Division
Office of Protected Resources
National Marine Fisheries Service, NOAA
1315 East-West Highway
Silver Spring, MD 20910

Re: Requests for Amendment of Permit Nos. 782-1532 (National Marine Mammal Laboratory, National Marine Fisheries Service) and 358-1564 (Alaska Department of Fish and Game)

Dear Ms. Terbush:

The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced requests for permit amendments with regard to the goals, policies, and requirements of the Marine Mammal Protection Act.

Permit No. 782-1532 authorizes the permittee to (1) capture, anesthesize, sample, tag, brand, release, and conduct aerial and vessel surveys of Steller sea lions of both sexes and all ages over a five-year period (through 31 December 2004) in Alaska waters; and (2) harass northern fur seals and harbor seals incidental to research on Steller sea lions. Importation of blood and tissue samples collected from Steller sea lions outside United States territorial waters is also authorized.

The permittee is requesting that Permit No. 782-1532 be amended to authorize the harassment of additional numbers of Steller sea lions during scat collection; and conduct of additional procedures (*i.e.*, gas anesthesia, branding, administration of Evans blue dye and deuterated water, muscle biopsies, noninvasive bioelectric impedance analysis, increasing blood sample volume, tooth extractions, vibrissae sampling, and instrumentation with newly available Underwater Timed Picture Recorders) on animals currently authorized to be taken under the permit.

Permit No. 358-1564 authorizes the permittee to capture, anesthesize, sample, tag, brand, release, and conduct aerial and land-based surveys of Steller sea lions of both sexes and all ages over a five-year period (through 30 June 2005) in Alaska waters. Importation of blood and tissue samples collected from Steller sea lions outside United States territorial waters is also authorized.

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The permittee is requesting that Permit No. 35801564 be amended to authorize the administration of Evans blue dye to, the collection of additional blood and tissue samples from, the attachment of instruments to, and the conduct of additional recaptures of Steller sea lions already authorized to be captured and handled, and the conduct of additional aerial surveys of the population.

The Commission has no objection to the permittee's research authorized under the subject permits, nor the Service amending the permits to provide for the conduct of new or additional activities of a benign nature involving minimal risk of cumulative impacts on individual animals or populations. The Commission realizes an essential need for research on the Steller sea lion to determine the nature of its ongoing decline.

However, as discussed below, we are concerned that the proposed multi-year activities could have adverse effects on both individual Steller seal lions and sea lion populations. Due to increased funding, many projects are being planned and a number of those require invasive procedures on animals as well as associated disturbance of rookeries. The potential adverse effects of research on Steller sea lions have long been a matter of concern, as discussed in the recovery plan for this species. It is conceivable that the extensive research described in the existing permits, together with the additional research requested in the proposed amendments, and other research, may become a significant factor affecting the status of the species.

It is not clear that all of the planned research is essential, and that the potential merits outweigh the cumulative or combined risks. Some of the activities described have the potential to adversely affect individual animals, and all of the activities combined may also have the potential to affect populations of animals. Rookery and haulout populations are low and may be particularly vulnerable to disturbance. To ensure that such adverse effects do not occur and become a significant factor in the decline, the Service should develop a monitoring program to assess the effects of research that may affect individuals or populations.

In addition, research should be carried out under the guidance provided by the recovery plan and the recovery team. The plan is currently outdated and, to our knowledge, the recovery team has not been helping to coordinate the overall research effort. The Commission believes that the recovery plan should be updated and the recovery team should be more effectively incorporated into research planning. Among other things, the updated plan should describe for all participating management and research agencies and the public (1) the overall research direction, (2) the parties responsible for coordinating and conducting the resulting research, (3) the mechanisms for monitoring the adverse effects of such research, (4) a realistic research budget and schedule, and (5) an analysis of the benefits and risks associated with each major research activity. An updated Recovery Plan is necessary to ensure that the research effort

underway is carried out effectively without adding unnecessary adverse effects to what is already a very difficult and complex problem.

Please contact me if you have any questions concerning this recommendation.

Sincerely,

Rob Mattlin

Robert H. Mattlin, Ph.D.
Executive Director