

Testimony of Doug Vincent-Lang, Alaska Department of Fish and Game  
Steller Sea Lion CIE Review  
Seattle August 1, 2012

Good afternoon. Thank you for the opportunity to speak with you today. My name is Doug Vincent-Lang. I am the Acting Director of the Division of Wildlife Conservation for the Alaska Department of Fish and Game (ADF&G).

Today I am here to speak with you regarding concerns the State of Alaska has with the National Marine Fishery Service's Biological Opinion for the western stock of Steller sea lions. In this Biological Opinion, the National Marine Fisheries Service (Service) concluded that fishing in some areas of the Aleutian Islands jeopardizes the Steller sea lion stock and adversely modifies its habitat. Based on this finding, the Service adopted expansive new fishery area closures and restrictions to fishing of a magnitude that cripples the fishing-based economy of the western Aleutians and raises environmental justice questions. By its own figures, the NMFS has determined that as many as 900 people are employed by fisheries fleets and processors in the areas facing restrictions. The Service acknowledges that implementation of its decision would cost fishery losses of up to \$66 million annually.

Alaska questions whether these restrictions are justified in light of evidence that the stock now numbers over 73,000 animals, that it is growing overall across its range, and that there is a lack of credible data and supporting analysis showing that fishing is in fact jeopardizing Steller sea lions or adversely modifying their habitat.

The conclusion that fishing is in fact affecting the western stock of Steller sea lions was based on speculation, not hard facts. Let's look at the scientific data upon which the National Marine Fisheries Service based their jeopardy and adverse modification:

1. The western stock of Steller sea lions as a whole is recovering and is not in jeopardy at this time. This stock is growing at a rate of 1.4% per year and numbers over 73,000 animals. This is far from a species facing a real threat of extinction in the foreseeable future.
2. Recovery objectives established by the 2008 Steller Sea Lion Recovery Plan were not being violated; rather the status of the stock at the time of the decision achieves the criteria established by the Recovery Plan.

3. The primary rationale for the positive jeopardy and adverse modification finding is that the Atka mackerel and Pacific cod fisheries are causing “nutritional stress” to Steller sea lions. There is little sound evidence, however, that nutritional stress is causing the slower-than-desired rate of recovery in the western Aleutians, and the scant available evidence is extremely weak. For example, of the 17 possible life history indicators identified to assess nutritional stress for which the Service has data to evaluate, only 1 indicator showed a positive relationship: reduced birth rate. The remaining 16 biological indicators showed a negative relationship. And the one indicator that showed a positive relationship used modeled extrapolated data.
4. The case for restrictions for Pacific cod as an important prey species for Steller sea lions in the western Aleutians is tenuous at best and the basis for its inclusion in the Reasonable and Prudent Alternatives and interim final rule is unjustified.
5. While it may be theoretically possible for commercial fisheries to adversely impact the prey field of Steller sea lions, the data are very inconclusive. Studies funded by the Service, but largely ignored in the Biological Opinion, reveal that correlations between Steller sea lion population growth and fishing intensity over time and space indicate no significant relationship, much less a negative relationship.
6. The biomass of both Pacific cod and Atka mackerel were increasing under the prior management regime, thus negating the need for the drastic changes implemented by the Service. Recent biomass surveys for these two species show increasing biomass in the western Aleutians, even to levels sought as targets in the Reasonable and Prudent Alternative.
7. The Commodore Island Steller sea lion population, another SSL group within the wDPS, is displaying similar signs of delayed recovery as the western Aleutians despite the fact that fishing has been closed around these islands for many years. This collateral suggests that something other than fishing induced nutritional stress is affecting natality and recovery rate in these areas.
8. Finally, even accepting as true the false conclusion that fishing is negatively affecting Steller sea lions in the western Aleutians, the Biological Opinion presented no information demonstrating that this effect is actually adversely modifying critical habitat as a whole for the western stock, as required under the Endangered Species Act.

In summary, there is simply insufficient scientific evidence to conclude that fishing is causing any nutritional stress and thus jeopardy to western Steller sea lions and adverse modification of their critical habitat, much less any level of effect that would require immediate implementation of corrective actions at this time.

Alaska submitted extensive comments identifying these foundational science issues, as well as regarding issues with the process used by the National Marine Fisheries Service to reach their decision. We do not believe that the Service adequately considered the State's concerns as required under the ESA. While they are not required reading, we urge you to closely examine these comments. The State shares trustee responsibilities for these animals and have a multi-million program in place on marine mammals. We have expertise that deserves full consideration.

We applaud the Service's decision to conduct this CIE review of their work. We hope that you will take a close look at the foundational science questions the state and others have raised in our various comment letters. We also hope that you will closely examine the speculated theorem of nutritional stress and how this theorem could be scientifically verified.

This concludes my remarks. I now turn the mic over to my colleague from Washington, Bill Tweit.

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Regardless of our position on this BiOp, the State of Alaska is conducting research to better understand the factors affecting Steller sea lions, particularly those in the Aleutians.

Towards this end we have committed staff from our marine mammal program and new state funds to address several key research needs.

Let me explain 4 areas of research we are involved in. Some of this happens in close coordination with the NMFS.

First, we are analyzing inter and intra DPS movement and dispersal to better understand stock structure. We are doing this through analysis of branding and genetic information. Specifically:

- We are in the process of publishing analyses of inter-stock movement and dispersal data.
- We are modeling regional movements
- We are conducting genetic analyses to assess inter and intra DPS structure
- We are continuing our branding efforts

A second area of research involves investigations of feeding habits using stable isotope signatures. Specifically:

- We have shown regional and seasonal differences in carbon and nitrogen ratios that suggest regional and seasonal differences in diet.
- We are now working to use these isotope ratios to identify specific prey species adult females are consuming in different regions and seasons, including the Aleutians.

A third area of research involves investigations of mercury contaminant loads in Steller sea lions. Specifically:

- We have looked at mercury contaminant levels in the Central Gulf, Eastern Gulf, and Southeast Alaska.
- We are now looking at the Western, Central, and Eastern Aleutians.

Finally, we are assisting the NMFS in the tagging of SSL in the Aleutians. This work is badly needed to validate untested assumptions made by the NMFS in the BiOp.

To summarize, the Alaska Department of Fish and Game is expanding its research on Steller sea lions, with a focus on the wDPS, to better understand the factors affecting this stock.

Thank you for your time.

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One extra point made in concluding statements.

As you assess this BiOp and information, we ask that you spend some time to develop a verifiable analysis to definitely assess whether any future recovery of wDPS SSL can be directly attributed to reduced fishing.