



April 26, 2017

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Ave, NW
Washington, DC 20230

RE: Request for a Regulatory Review of the Department of Commerce/NOAA Regulations Regarding the Western Population of Steller Sea Lions in the North Pacific Region (79 FR 70285, 11/25/14; 68 FR 204, 1/2/03)

Dear Secretary Ross:

I am writing to request, per the requirements of Executive Orders – “Enforcing the Regulatory Reform Agenda” and “Reducing Regulation and Controlling Regulatory Costs,” that your Department undertake a full review of regulations administered by the National Marine Fisheries Service (NMFS) to recover the Western population of endangered Steller Sea Lions in the North Pacific.

Such a review I believe is warranted in order to reduce the negative impact Steller sea lion recovery regulations have had over 20 years on the fishing communities in the Aleutians East Borough that I represent. My constituents are largely native Aleuts whose ancestry in the region goes back thousands of years. We are dependent on groundfish, salmon, crab and other area fisheries as the backbone for our jobs and small businesses, funding for local government services via a tax on seafood landed and processed in the Borough, as well as for subsistence protein to feed our families. These regulations have mandated large area closures to trawl fishing for groundfish species throughout the Aleutian Islands which have resulted in negative socioeconomic impacts while arguably providing little benefit to the sea lion populations. The particular elements of the regulations that have been most harmful to the small boat fleet in the Aleutians concern the large 20 nautical mile fishing closures that circle sea lion rookeries and haul-outs. These closed areas have also been a safety concern for my fishing constituents as they push vessels farther from shore than they would otherwise go to fish.

While the Aleutian Islands may be remote geographically and small by population standards, the economic value of our fisheries from a local, state, regional and national impact is large. In 2015 according to NOAA statistics, 467 million pounds of seafood was landed in the Aleutian Islands, with an ex-vessel value of \$111 million (this value does not include revenues generated by fish processors and multiplier effects derived from marine services, harbor fees, vessel repair, fishing gear and equipment purchases, etc). NMFS in its economic analyses accompanying its sea lion regulations has never thoroughly or properly determined a specific estimate of their impact on Eastern Aleutian fishing communities, although it acknowledges area closures can have a greater impact on small boat fleets, which are limited in fishing range and distance.

NMFS first listed Steller sea lions as threatened under the Endangered Species Act (ESA) in 1990 and implemented its first recovery plan in 1992 along with a small number of area closures to fishing for certain groundfish species. In 1997, NMFS determined that there was a genetic distinction between the Western Steller sea lion population (this includes the sea lions that reside in the Aleutian Islands and covers the area from the Eastern Gulf of Alaska all the way to Russia) and the Eastern Steller sea lion population (animals from Southeast Alaska down through Canada all the way to central California).

NMFS listed the Western population as endangered and the Eastern population as threatened. The latter was removed as a listed species in 2013 after significant population growth.

In implementing protection measures for the Western stock, NMFS expanded, both in size and number, the number of closed areas to groundfishing in the Aleutian Islands around rookeries and haul-outs. The rationale for the closures was based on the still-unproven hypothesis that fishing was causing localized depletion of forage species. NMFS argued that localized depletion resulted in higher than average mortality for sea lion pups and young adults which because of their immaturity were unable to range far from rookery and haul areas. This claim flew in the face of NMFS' own fisheries science that showed that the fish species needed by the animals were being harvested at sustainable levels and not overfished in either Bering Sea or Gulf of Alaska. Nonetheless, and even with other information indicating that Western sea lion populations might be negatively affected by killer whale predation, migration, climactic causes, exposure to persistent organic pollutants or other causes, NMFS under the ESA's "precautionary principle" decided to move forward with the expanded area closures that have had such a harmful effect on our fishing fleet.

Since that decision, well over \$100 million in Federal funding has been spent on Steller sea lion research to further ascertain the causes of the decline of the Western stock. These funds have gone to researchers and other experts from Federal and State agencies, academia, and non-profit institutions, yet even with all that expertise, time and money, NMFS seems to be no closer to determining the primary reason for sea lion decline than it was 20 years ago, and yet the fishing area closures remain. The agency continues to cling to its theory of fishing for forage species as a significant cause, although it now concurs that killer whale predation and environmental variability are significant factors as well.

In hopefully assigning your Regulatory Reform Officer (RRO) to examine this issue, I would like to add some additional information regarding the Eastern and no-longer threatened stock of Steller sea lions and how that might be relevant in our case. In its decision to delist the Eastern stock, NMFS noted that its population had been growing steadily at an average rate over 3 percent annually, with populations more than doubling since in the 1970s in Southeast Alaska, Canada, and Oregon. This growth has occurred despite the absence of area fisheries closures around known rookeries and haul outs. These coastal areas are fished for species such as salmon, rockfish, whiting, herring, pollock, Pacific cod and squid – all species that also happen to be primary food sources for sea lions. In its analysis of fishing impacts on the prey species of Eastern Steller sea lions, NMFS has concluded that it is not a detrimental factor even though these are active fisheries with significant fishing pressure and, as emphasized above, no closures to fishing around rookeries and haul-outs.

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NMFS's recent stock assessments of the Western stock show that sea lion populations are increasing in parts of its range but have declined in the western Aleutians and not increased in the central Aleutians. This finding has occurred despite the fact that there are significant areas in size and number in both regions that are closed to groundfish harvests. Why does NMFS continue to hold to the view that fishing is causing localized depletion of prey species, and thus continued with closed areas in the Aleutians, but sea lion populations have not recovered? And yet conclude it is not an issue for the Eastern stock which is growing in number even with no area closures around rookeries and haul-outs? It is worth noting that the sea lion web site for NMFS's Alaska region also cites eliminating possible human disturbance of rookery and haul out areas as an additional justification for the closed areas. This reason was not put forward as the original justification for those closures at the time, not does it seem to be an issue for the Eastern stock in the more human and vessel populated States of Washington, Oregon and California.

For these reasons, the fishing communities of the eastern Aleutians strongly feel that the Western Steller sea lion rules should be modified to eliminate or reduce the fishing area closures in our region. We stand ready to work with the Department's Regulatory Reform Officer, its Regulatory Reform Task Force, and the National Marine Fisheries Service as part of this process.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Stanley Mack". The signature is written in a cursive, flowing style.

Stanley Mack, Mayor
Aleutians East Borough