Steller Sea Lion Critical Habitat Review: Background and Process

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Objectives of this Talk:

- Purpose of the Meeting
- Presentation Structure
- Relevant Background
- Critical Habitat Under the ESA: Definitions, Basis, and Process
Purpose of Meeting:

• To elicit scientific information related to the designation of Steller sea lion (SSL) critical habitat (CH) under the Endangered Species Act (ESA).

• Provide an opportunity for NMFS to receive presentations from the public concerning new scientific information relevant to SSL CH.
Presentations

- Presentations are being made by persons who submitted statements of interest and/or abstracts indicating they had relevant information.
- All persons requesting to make a presentation were invited.
- Length of presentations varies based on input from presenters and whether the presenter also made a presentation at the Sept. 22nd meeting.
- We will have 10 minutes for questions after each talk.
- NMFS is also accepting relevant written information through the end of the day (Oct. 8, 2014).
BACKGROUND
Relevant Steller Sea Lion (SSL) Regulatory History

- 1990: Final rule to list the Steller sea lion as a threatened species under the ESA (55 FR 49204).

- 1993: Final rule to designate SSL critical habitat (CH) (58 FR 45269)

- SSL CH is described in federal regulation at: 50 CFR 226.202
SSL CH Designation in 1993

“…physical and biological habitat features that support reproduction, foraging, rest, and refuge are essential to the conservation of the Steller sea lion…”

“…essential habitat includes terrestrial, air and aquatic areas.”
Locations of Designated SSL CH West of 144° W. Longitude
Locations of Designated SSL CH in Southeast Alaska

Critical Habitat Sites
50 CFR 226.202
- Major Haulout
- Major Rookery

Critical habitat includes a terrestrial zone, an aquatic zone, and an air zone that extend 3,000 feet (914 m) landward, seaward, and above, respectively, each major rookery and major haulout in Southeast Alaska.
Locations of Designated SSL CH in Oregon and California

Critical Habitat for Oregon and California

226.202 Critical habitat for Steller sea lions

Critical habitat includes an aquatic zone that extends 3,000 feet (914 km) seaward in State and Federally managed waters from the baseline or basepoint of each major rookery in California and Oregon. Source: 226.202

3000 meters buffers are slightly exaggerated on map due to thinness of lines around the sites.
• 1997: Based on demographic and genetic dissimilarities, NMFS identified two distinct population segments (DPS) of SSLs: a western DPS and an eastern DPS (62 FR 24345).

• Nov. 4, 2013: Final rule to delist the eastern DPS (78 FR 66140).
In final rule to delist the EDPS, NMFS stated we will:

“undertake a rulemaking to consider amendment to the existing SSL critical habitat designation that takes into account any new and pertinent sources of information since SSL CH was designated in 1993, including amending the critical habitat designation as appropriate to reflect the delisting”
Why Are We Holding This Meeting At This time?

• NMFS has begun its review to determine if amendment of the existing SSL CH is appropriate.

• Given the delisting of the EDPS, any revisions to current SSL critical habitat should be based upon the physical or biological features essential to the conservation of the endangered western DPS.
CRITICAL HABITAT UNDER THE ENDANGERED SPECIES ACT (ESA)
(i) the specific areas within the geographical area occupied by the species, at the time it is listed…on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and

(ii) specific areas outside the geographical area occupied by the species at the time it is listed…, upon a determination by the Secretary that such areas are essential for the conservation of the species.
ESA Meaning of “Conservation”Includes:

“….to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary….“
Consideration of Amendment of SSL Critical Habitat

• Designations and revisions of critical habitat must:
  • be based on the best scientific data available
  • take into consideration the economic impact, the impact on national security, and any other relevant impact, of specifying any particular area as critical habitat.
• Procedures described in 50 CFR 424.12

• Existing critical habitat may be revised according to the same procedures described in regulation for the designation of new critical habitat as new data become available to the Secretary
In determining what areas are critical habitat, we shall:

“…consider those physical and biological features that are essential to the conservation of a given species and that may require special management considerations or protection. Such requirements may include, but are not limited to:

(1) Space for individual and population growth, and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

And
(4) Sites for breeding, reproduction, rearing of offspring…; and generally;

(5) Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.
Steps in WDPS SSL CH Review - 1

• Determine geographical area occupied by the western DPS of Steller sea lion at the time of listing;
• Identify the physical or biological (P&B) features essential to the conservation of the WDPS;
• Determine whether any of these P&B features essential to the western DPS’s conservation may require special management considerations or protections;
Steps in WDPS SSL CH Review - 2

- Delineate areas within the geographical area occupied by the species at the time of listing that contain one or more physical and biological essential features that may require special management considerations or protections;
- Identify and delineate any areas outside of the geographical area occupied by the species that are essential for the conservation of the species;
- Conduct economic, national security, and other analyses;
Steps in WDPS SSL CH Review - 3

• If any areas that contain physical or biol. features essential to the conservation of the western DPS that may require special management or protection are proposed for exclusion: Evaluate the effect of such exclusion(s) on the extinction risk of the species; and

• Based on the aforementioned, make decisions about whether replacement of the current designation is appropriate and if so, propose replacement of existing CH in a proposed rule.
Information Sources for NMFS’s SSL CH Review

• We are information gathering at this point.

• We are going to use all appropriate data and information in our review.
Major Work Products to be Produced as Part of this CH Review

• Biological Report written by NMFS Critical Habitat Review Team (CHRT);
• Economics Report by Economics Contractor overseen by NMFS AKR
• ESA 4(b)(2) Report: by NMFS AKR after consideration of findings in Biological Report & Economics Report
• Proposed Rule
• All documents projected to be released in late fall/early winter 2015
THANKS FOR YOUR INTEREST & INFORMATION! QUESTIONS?

Photo from L. Fritz, NMML.