# RECORD OF DECISION

# MANAGEMENT OF THE SUBSISTENCE HARVEST OF NORTHERN FUR SEALS ON ST. GEORGE ISLAND, ALASKA FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

| | |
|---|---|
| **Date:** | September 23, 2014 |
| **Lead Agency:** | National Oceanic and Atmospheric Administration (NOAA)<br>National Marine Fisheries Service (NMFS) |
| **Responsible Official:** | James W. Balsiger, Ph.D.<br>Administrator, Alaska Region |
| **Information contact:** | Michael Williams<br>National Marine Fisheries Service<br>222 W. 7th Ave.<br>Anchorage, Alaska 99513<br>(907) 271-5117 |

(blank page)

# RECORD OF DECISION

This Record of Decision documents the decision by the National Marine Fisheries Service (NMFS) to select Alternative 2, the Preferred Alternative in the Final Supplemental Environmental Impact Statement (SEIS)[1] for Management of the Subsistence Harvest of Northern Fur Seals on St. George Island, Alaska. Alternative 2 modifies the subsistence harvest regulations for the Eastern Pacific stock of northern fur seals based on a petition from the Pribilof Island Aleut Community of St. George Island, Traditional Council (Council). NMFS worked with the Council to authorize Pribilovians of St. George Island to harvest up to 150 male young of the year fur seals per year during a new autumn harvest season from all breeding and hauling grounds, consistent with traditional practices, to meet the community's nutritional and cultural needs. Harvests of sub-adult male fur seals would continue during the summer season, as allowed under existing regulations. The total number of fur seals harvested annually would remain within the range of 300-500. Harvests would be coordinated between NMFS and the Council under an existing co-management agreement.

On April 23, 2010, NMFS published a notice of receipt of a petition (the tribal resolution) from the Council to revise the subsistence regulations for St. George Island to allow taking male northern fur seal young of the year during an autumn season (75 FR 21233). NMFS received no comments on the notice. NMFS held scoping meetings on St. George Island and in Anchorage, Alaska, and provided a 60-day public comment period to consider possible alternatives. NMFS received scoping input during the St. George meeting and only two letters during the comment period. NMFS evaluated four alternatives in the draft SEIS to balance the opportunity for St. George residents to meet their subsistence need with effects on the fur seal population. NMFS published a proposed rule establishing a new harvest management regime on St. George Island on July 24, 2014 (79 FR 43007). The regulatory measures implement new conservation controls on the St. George subsistence harvest which do not exist in the current regulations. These include: (1) suspension of the harvest if two female fur seals are killed, triggering a review of harvest practices by NMFS before the harvest can resume; (2) termination of the harvest for the season if three female fur seals are killed; (3) prohibition of take at any breeding areas when the most recent pup production estimate has fallen below levels capable of sustaining a harvest; and (4) equal geographic distribution of the harvest based on the most recent estimate of pups born at the various breeding areas. NMFS intends to publish the final rule in October 2014. The SEIS provides decision-makers and the public with an evaluation of the environmental, social, and economic effects of the current northern fur seal subsistence management measures and alternative ways to authorize the Pribilovians on St. George Island to meet their subsistence needs.

NMFS manages the northern fur seal population as two stocks in the United States: the Eastern Pacific and the San Miguel stocks. The Eastern Pacific stock includes northern fur seals breeding on Sea Lion Rock and St. Paul, St. George, and Bogoslof islands. NMFS designated the Pribilof Islands northern fur seal population as depleted under the Marine Mammal Protection Act (MMPA) on May 18, 1988 (53 FR 17888) after it had declined to less than 50 percent of levels observed in the late 1950s (about 2.1 million fur seals). Northern fur seals seasonally occupy specific breeding and non-breeding sites on St. George. The age and breeding status is the main determinant of where male fur seals are found during the breeding and non-breeding season. During the breeding season sub-adult males are excluded from the breeding sites (i.e., rookeries) by adult males and occupy resting sites known as hauling grounds. During the non-

[1] This SEIS is available on the NMFS Alaska Region web page at: http://alaskafisheries.noaa.gov/protectedresources/seals/fur.htm

breeding season beginning about September 1, sub-adult males can be found on both rookeries and hauling grounds.

St. George Island is a remote island located in the Bering Sea whose residents rely upon marine mammals as a major food source and cornerstone of their culture, and the harvest of sub-adult male northern fur seals has occurred for well over two hundred years. The residents of St. George conduct an annual controlled subsistence harvest from the Northern fur seal stock on the Pribilof Island of St. George under the authority of the Fur Seal Act (FSA) and the MMPA. Pursuant to Section 119 of the MMPA, NMFS entered into a co-management agreement with the Pribilof Islands Aleut Communities of St. George Island in 2001. NMFS is guided by this co-management agreement as it works with St. George to cooperatively implement the subsistence harvest activities and monitoring programs. Regulations governing subsistence harvest of fur seals appear at 50 C.F.R. 216, Subparts F and G.

## ALTERNATIVES CONSIDERED

The alternatives considered include the following:

Alternative 1 (No Action) maintains the existing management of the northern fur seal harvest on St. George Island (seasonal, age, sex, and location restrictions in 50 CFR 216.72). NMFS restricts the current subsistence harvest to sub-adult male fur seals 124.5 cm or less in length, and prohibits any taking of adult fur seals or pups. The regulations also prohibit the intentional (but not accidental) taking of sub-adult female fur seals. Federal regulations at 50 CFR 216.72 require NMFS to publish estimated harvest ranges for meeting the subsistence needs of each island every three years, and establish the period between June 23 and August 8 of each year, during which fur seals may be taken for subsistence purposes. For St. George, the current harvest range is 300-500 seals and the harvest can only occur two times per week at Northeast and Zapadni hauling grounds.

Alternative 2 (preferred) would modify the current harvest management regime to: 1) create a second harvest season in the autumn for taking up to 150 young of the year male northern fur seals, such that the total allowable harvest range of 300-500 fur seals does not increase; 2) add a new conservation control to prevent more than three females from being killed during the harvest; 3) add a new conservation control to allow harvests only at those breeding areas capable of sustaining a harvest; and 4) encourage the development of best harvest practices within the co-management structure to minimize sub-lethal effects to seals not harvested.

Alternative 3 would modify the northern fur seal subsistence harvest to: 1) create a harvest season in the autumn for taking of up to 500 young of the year male northern fur seals; 2) reduce the subsistence harvest of sub-adult male northern fur seals to zero; 3) add a new conservation control to prevent more than 10 females from being killed during harvest; 4) add a new conservation control to allow harvests only at those breeding areas capable of sustaining a harvest; and 5) encourage the development of best harvest practices within the co-management structure to minimize sub-lethal effects to seals not harvested.

Alternative 4 would modify the northern fur seal subsistence harvest to: 1) create a second harvest season in the autumn for taking of up to 50 young of the year male northern fur seals, such that the total allowable harvest range of 300-500 fur seals does not increase; 2) add a new conservation control to prevent more than 20 females from being killed during harvest; 3) add a new conservation control to allow harvests only

at those breeding areas capable of sustaining a harvest; and 4) encourage the development of best harvest practices within the co-management structure to minimize sub-lethal effects to seals not harvested.

## ALTERNATIVES CONSIDERED AND ELIMINATED FROM DETAILED STUDY

NMFS considered two additional alternatives and eliminated then from detailed study because they do not meet the purpose and need for the proposed action.

NMFS considered an alternative to eliminate all harvest regulations governing subsistence harvest of northern fur seals. Under this alternative NMFS would remove all regulation of the subsistence harvest of northern fur seals on the Pribilof Islands. This would result in a significant change in the protections afforded northern fur seals using the Pribilof Islands for breeding, rearing young, molting, and resting. This alternative is legally possible, as the FSA and MMPA provide an exemption on taking to Alaska Natives who reside on the coast of the North Pacific Ocean or the Arctic Ocean, who may take any marine mammal under the authority of 50 CFR 216.23(a). If a marine mammal stock has been listed as depleted under the MMPA, the Secretary of Commerce may prescribe regulations pursuant to section 103. NMFS determined the eastern Pacific stock of northern fur seals was depleted on May 18, 1988 (53 FR 17888). NMFS promulgated the final subsistence harvest regulations on May 15, 1986 (51 FR 24840).

Pribilovians are in a unique position among Alaska Natives as they live within walking distance to the majority of the U.S. breeding population of a species they harvest for subsistence purposes. The ease of public access, site fidelity, and predictability of fur seal presence seasonally on the Pribilof Islands has resulted in the development of important conservation and protection measures over the past 100 years. These measures have included harvest and access restrictions intended to protect fur seals from the effects of human presence and harvest in the areas they use during the breeding and non-breeding season. The Council does not have the infrastructure or capacity to monitor and enforce any provisions that would be developed independent of NMFS and outside of the MMPA or FSA. It would be impractical to monitor or enforce informal restrictions in lieu of regulations. Given the depleted status of northern fur seals, NMFS cannot justify removing the regulatory restrictions to monitor and manage the subsistence harvest on St. George Island.

NMFS also considered an alternative that would modify the current regulations to allow for a regulated harvest of both male and female northern fur seals to meet the subsistence needs of the community of St. George Island. This alternative would include all of the changes to the harvest regulations requested by the Council, but allow harvests of female young of the year fur seals. The Council is not interested in this alternative as it includes the intentional taking of females or methods which increase the likelihood of taking females which is not consistent with the Council's request or their traditional ethic. Comments received from St. George residents during scoping further reinforced the Council's position that intentional taking of females or employing a harvest method which increased the likelihood of taking females was not part of their request. This alternative is not being considered further because the intentional taking of females or employing a harvest method which increases the likelihood of taking females is inconsistent with both the petition from the St. George Council and the need for sustainable management of the subsistence harvest consistent with the MMPA.

## THE ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The Council on Environmental Quality regulations require that the Record of Decision specify the alternative or alternatives which were considered to be environmentally preferable (40 CFR 1505.2(b)). This alternative has been interpreted to be the alternative that will promote the national environmental policy as expressed in section 101 of the National Environmental Policy Act (NEPA). Ordinarily, this means the alternative that causes the least damage to the physical and biological environment, and that best protects, preserves, and enhances historic, cultural, and natural resources.

The Final SEIS analysis demonstrates that Alternative 3, with a harvest of up to 500 male young of the year is the environmentally preferable alternative. The environmental benefits of this alternative would occur by limiting the direct effects of the harvest on the age class of seals with the lowest natural survival, limiting the number of female fur seals accidentally killed to ten, equally distributing the harvest geographically across breeding areas based on the most recent estimate of pups born, and prohibiting take at any breeding area when the most recent pup production estimate has fallen below levels capable of sustaining a harvest.

Alternative 3 does not balance the subsistence need for collection of fresh fur seal meat during the summer as well as the autumn. Alternative 3 was neither proposed nor supported by the Council as it limits the harvest only to a single season in the autumn rather than during two seasons and does not support the historic subsistence harvests and cultural needs of the Pribilovians on St. George Island.

## NMFS DECISION AND FACTORS CONSIDERED IN THE DECISION

### *The Decision*

NMFS selects Alternative 2 as its choice for management of the northern fur seal subsistence harvest on St. George Island. Alternative 2 best balances the opportunity for the Pribilovians of St. George Island to meet their subsistence need while fur seals are available on land for harvest and the conservation of the population by implementing new conservation controls. The rationale for this decision is discussed below and is fully supported by the analysis documented in the SEIS.

### *Rationale for the Decision*

The principal objective of northern fur seal harvest management is to provide for subsistence needs of Pribilovians while conserving the northern fur seal population. Both the MMPA and FSA provide for the subsistence taking of fur seals by Alaska Natives. In September 2006, the Council petitioned NMFS to revise the northern fur seal harvest regulations to allow St. George residents the opportunity to harvest 150 male fur seal young of the year. The Council indicated that it co-manages the subsistence harvest of sub-adult male northern fur seals with NMFS and that the current harvest regulations prohibit St. George residents from harvesting pups as they had been allowed to do in the past.

NMFS determined that Alternative 2 best meets the purpose and need for action identified in the SEIS – conserving northern fur seals and managing the subsistence harvest of fur seals on St. George Island for their long-term sustainable use for purposes of cultural continuity, food, clothing, arts, and crafts. Unlike the other alternatives, Alternative 2 is fully responsive to the Council's petition. It creates a new fall harvest season for young of the year, expands subsistence harvest opportunities temporally and spatially, shifts some of the harvest to a younger life stage of fur seals that has higher natural mortality, and

implements new harvest controls that will improve the sustainable management of subsistence harvest practices while keeping the total number of fur seals to be harvested within the same range of 300-500 animals that has been allowed since 1997.

Alternative 1 would not be responsive to the petition from the Council and historical evidence substantiating the subsistence use of northern fur seal young of the year. It would maintain the existing management structure with only a single six-week harvest season for sub-adult male fur seals and would include no new harvest controls. Alternative 3 would not be responsive to the Council's petition because it would shift the entire harvest from a single summer season for sub-adults to a single autumn season for young of the year, and would not support the historic subsistence harvests and cultural needs of the Pribilovians on St. George Island. Alternative 4 would be only partially responsive to the Council's petition, creating a much more limited autumn young of the year harvest and allowing many more females to be harvested, reducing sustainability and increasing the risk of population-level consequences for northern fur seals.

## MITIGATION MEASURES AND MONITORING

Alternative 2 includes several key elements that contribute positively to conservation objectives including: 1) limiting accidental harvest of female seals to two before suspending the harvest and three before stopping the harvest; 2) not concentrating the harvest regionally and protecting small breeding areas; 3) evaluation of harvest locations, handling criteria for determining sex, and other methods and practices to reduce potential sub-lethal effects; and 4) research on the fur seal population by collecting data from the harvest and harvest activities.

### *Monitoring and Data Collection*

NMFS conservation objectives for northern fur seals include monitoring and managing the subsistence harvest on the Pribilof Islands. The Island Sentinel of the St. George Traditional Council Kayumixtax Eco-Office monitors the subsistence fur seal harvest for the Aleut Community of St. George Island and in accordance with the Co-management Agreement between NMFS and the Aleut Community of St. George. During the subsistence fur seal harvest information is collected on:

- number of sub-adult male fur seals harvested;
- incidence of by-products and waste during the harvest process;
- occurrence of older male seals judged to be 124.5 cm or more in length;
- female seals killed or injured during the harvest operation;
- number of seal deaths due to overheating;
- number of seals entangled in marine debris and the number of seals disentangled;
- evidence of oil contaminated seal pelts;
- other types of fur seal mortality;
- weather conditions at the time of the harvest;
- any other unusual conditions related to the harvest; and
- research conducted during the harvest, and visitors requesting to view or film the harvest.

Under Alternative 2 this would be expanded to include sampling and measuring of harvested male young of the year. The Council has agreed to collect canine teeth from 100 percent of the harvested seals for aging by NMFS. Meeting the conservation objectives under Alternative 2 would provide research directly

related to the local and sub-regional management and annual and long-term information needs for the northern fur seal population and harvest on St. George. It is likely that a few additional conservation objectives may be accomplished under Alternative 2 as the monitoring, management, and sampling of the subsistence harvest would provide indices of population health that are unavailable through non-lethal research methods.

### *Reports*

NMFS meets with the tribal government twice annually to co-manage the subsistence harvest of marine mammals, and share the latest research results and local observations. NMFS annually counts, reports, and publishes the number of adult male fur seals in the population and the subsistence harvest statistics. Every two years, NMFS estimates the number of pups born (i.e., pup production) at all breeding areas on the Pribilof Islands. Every three years NMFS publishes the actual harvest numbers and the subsistence needs of the Pribilovians under the 50 CFR 216.72(b), and reconsiders any substantial new information.

## PUBLIC COMMENTS

NMFS summarized and responded to the public comments received on the Draft SEIS in Section 10 of the Final SEIS. NMFS also considered comments received on the Final SEIS and on the proposed rule to implement Alternative 2 (79 FR 43007; July 24, 2014). Where appropriate, NMFS made changes to the SEIS in response to public comments. NMFS decided to select Alternative 2 after careful consideration of all public comments received.

## CONCLUSIONS

Through the SEIS and as documented in this Record of Decision, NMFS has considered the objectives of the proposed action and has analyzed a reasonable range of alternatives that adequately addresses the objectives of the proposed action. Furthermore, NMFS has analyzed the associated environmental consequences and impacts of the alternatives and identified mitigation measures to address, to the extent practicable, those consequences and impacts. NMFS also has considered public and agency comments received during the SEIS review periods. Consequently, NMFS concludes that Alternative 2 provides reasonable and practical means to avoid, minimize, or compensate for environmental harm from the action.

Signed: _____ Date: 10/30/14

Eileen Sobeck
Assistant Administrator for Fisheries, NOAA