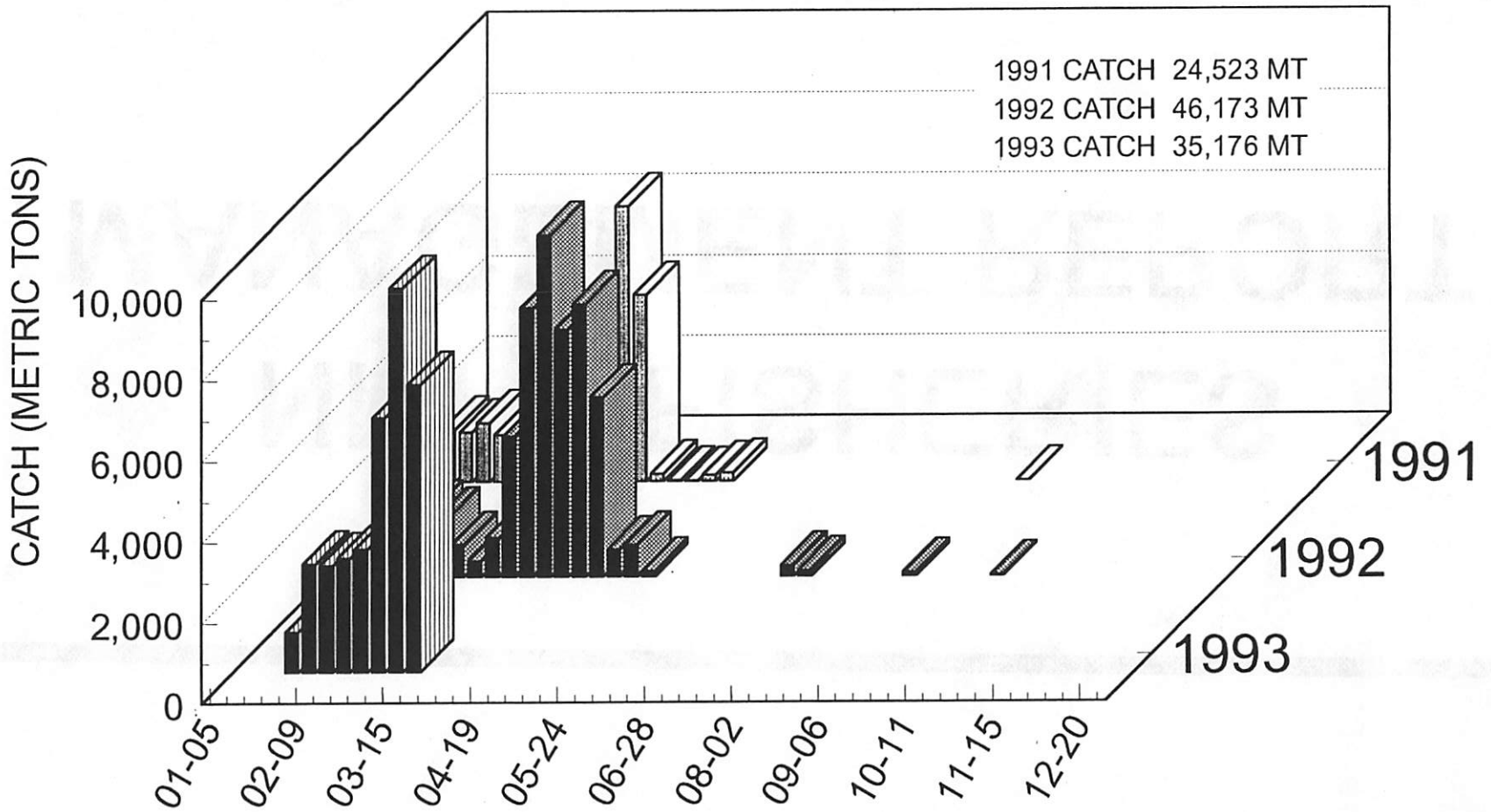
April 1993

NMFS FISHERIES MANAGEMENT REPORT

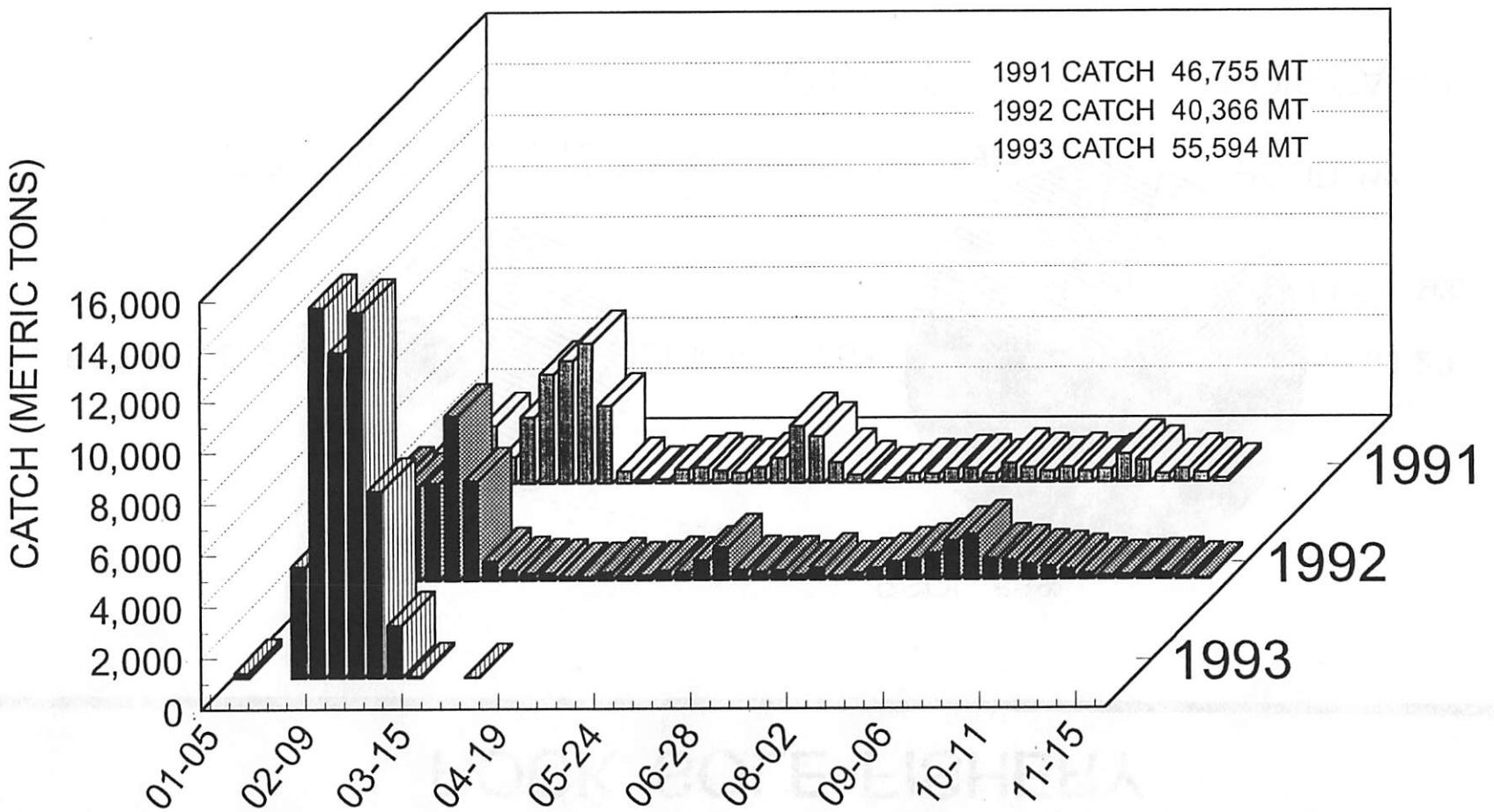
AGENDA B-3
APRIL 1993

1991, 1992 & 1993 BSAI ATKA MACKEREL CATCH, TRAWL



(through 4/3/93)

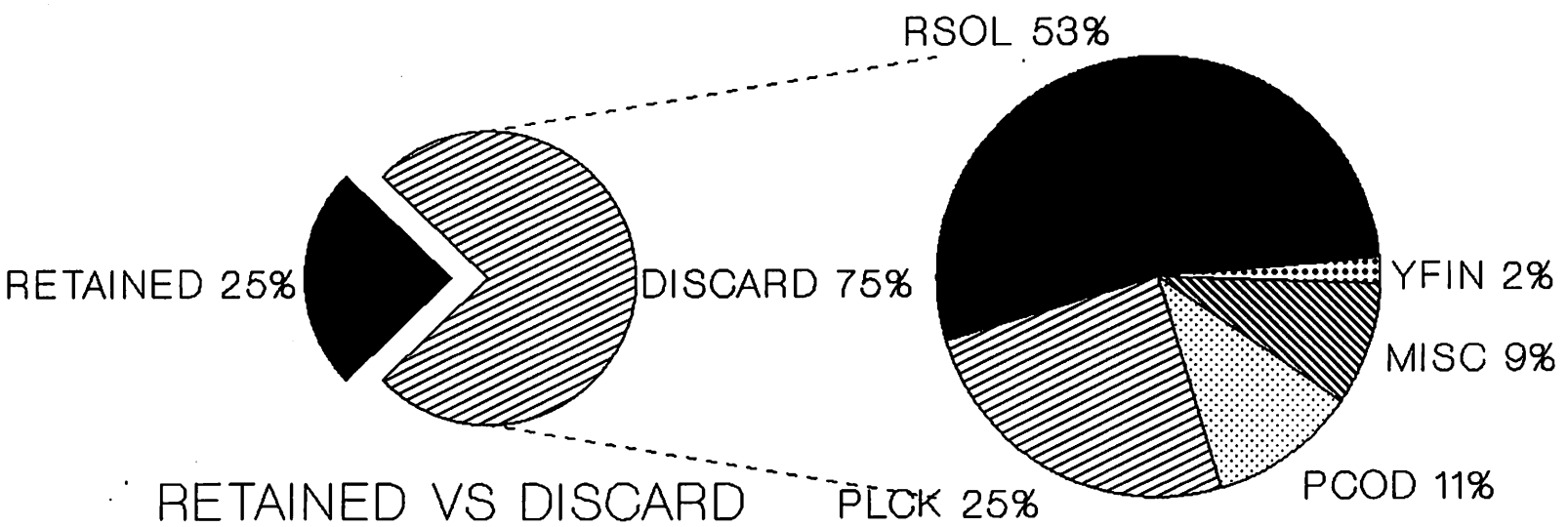
1991, 1992 & 1993 BSAI ROCK SOLE CATCH, TRAWL GEAR



(through 4/3/93)

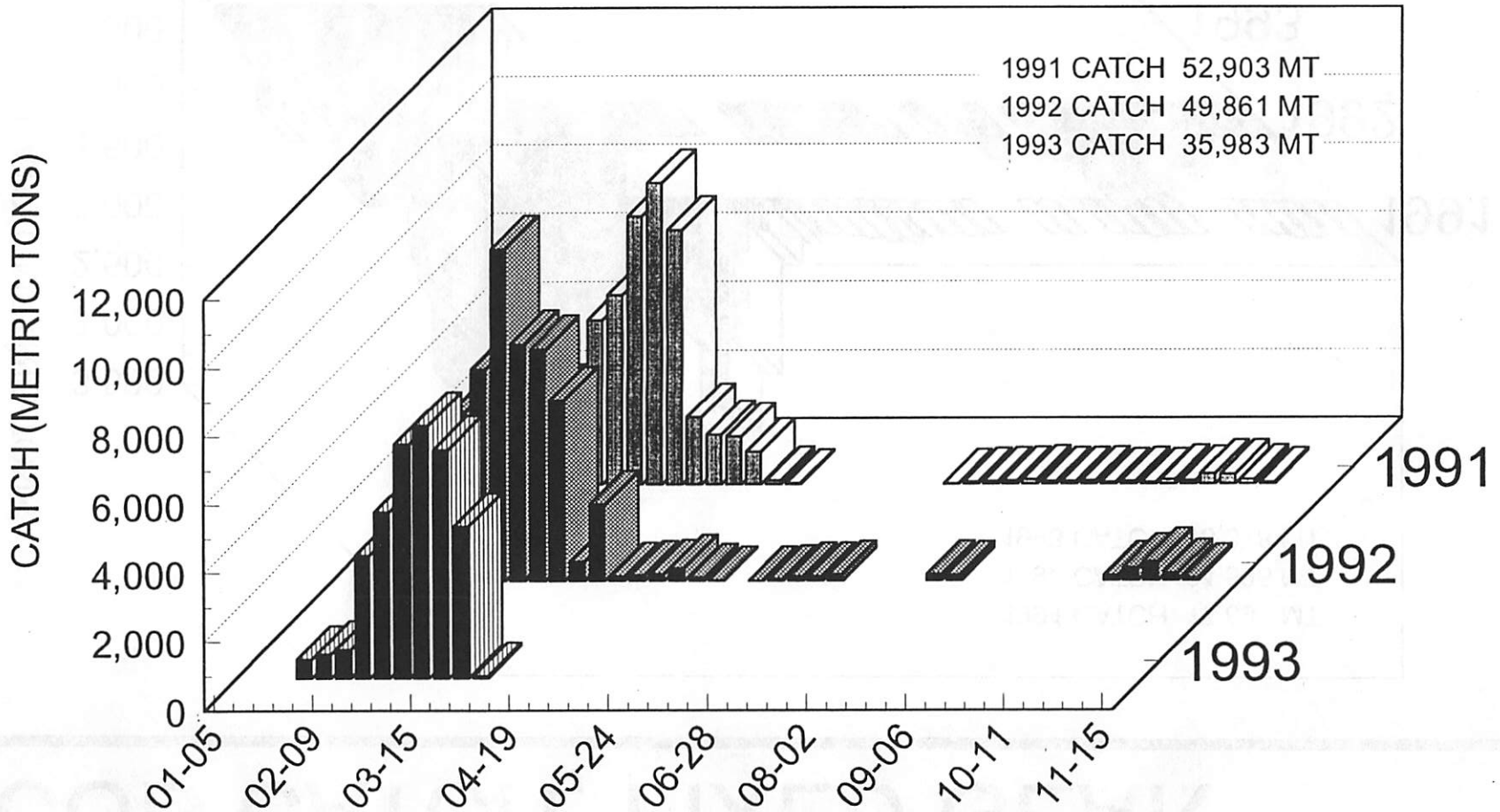
Note: 1992 and 1993 rock sole target numbers include 'other flatfish'

1993 BSAI GROUNDFISH DISCARD, ROCK SOLE FISHERY



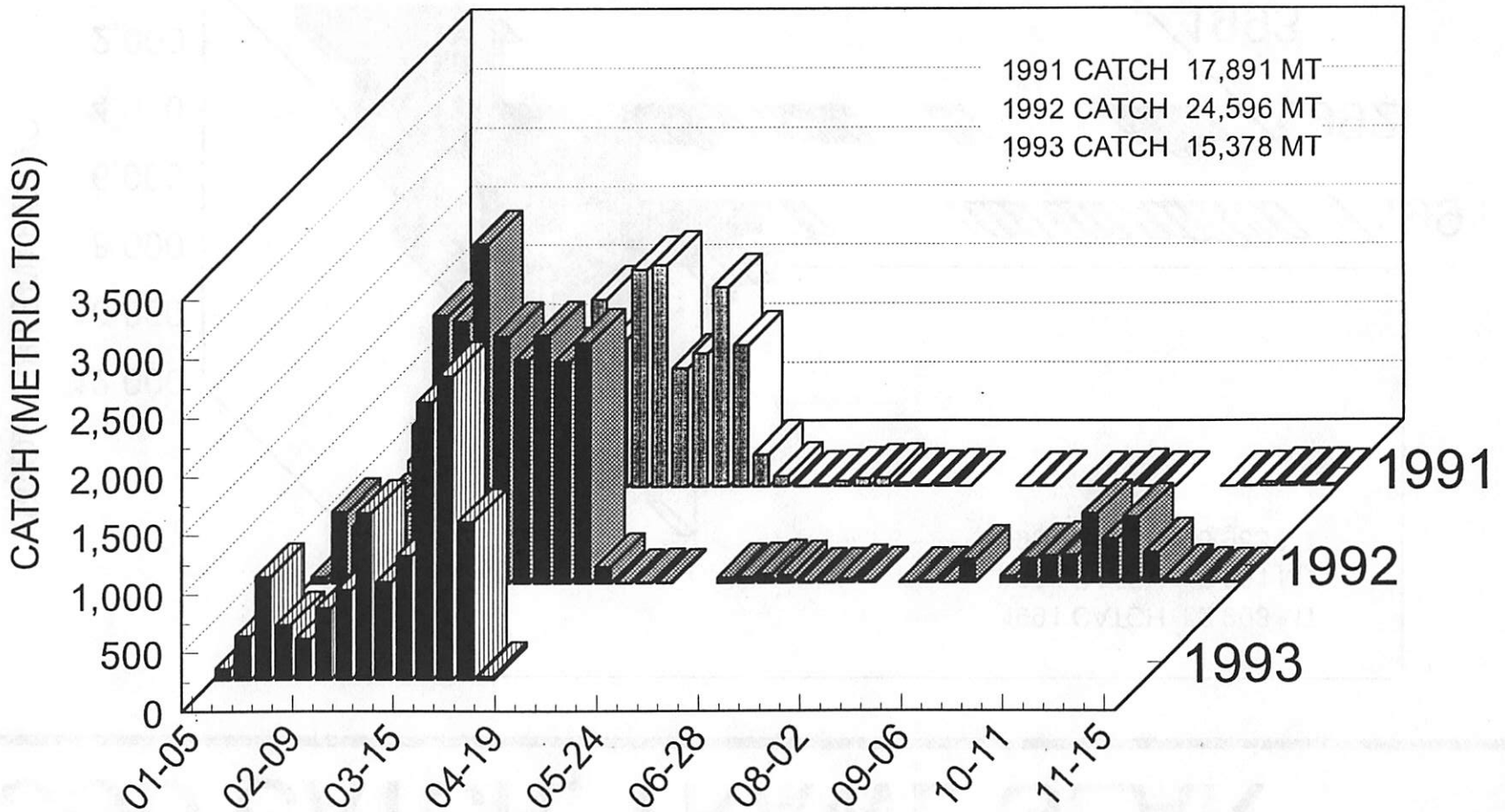
(through 4/3/93)

1991, 1992 & 1993 GOA PACIFIC COD CATCH, TRAWL GEAR



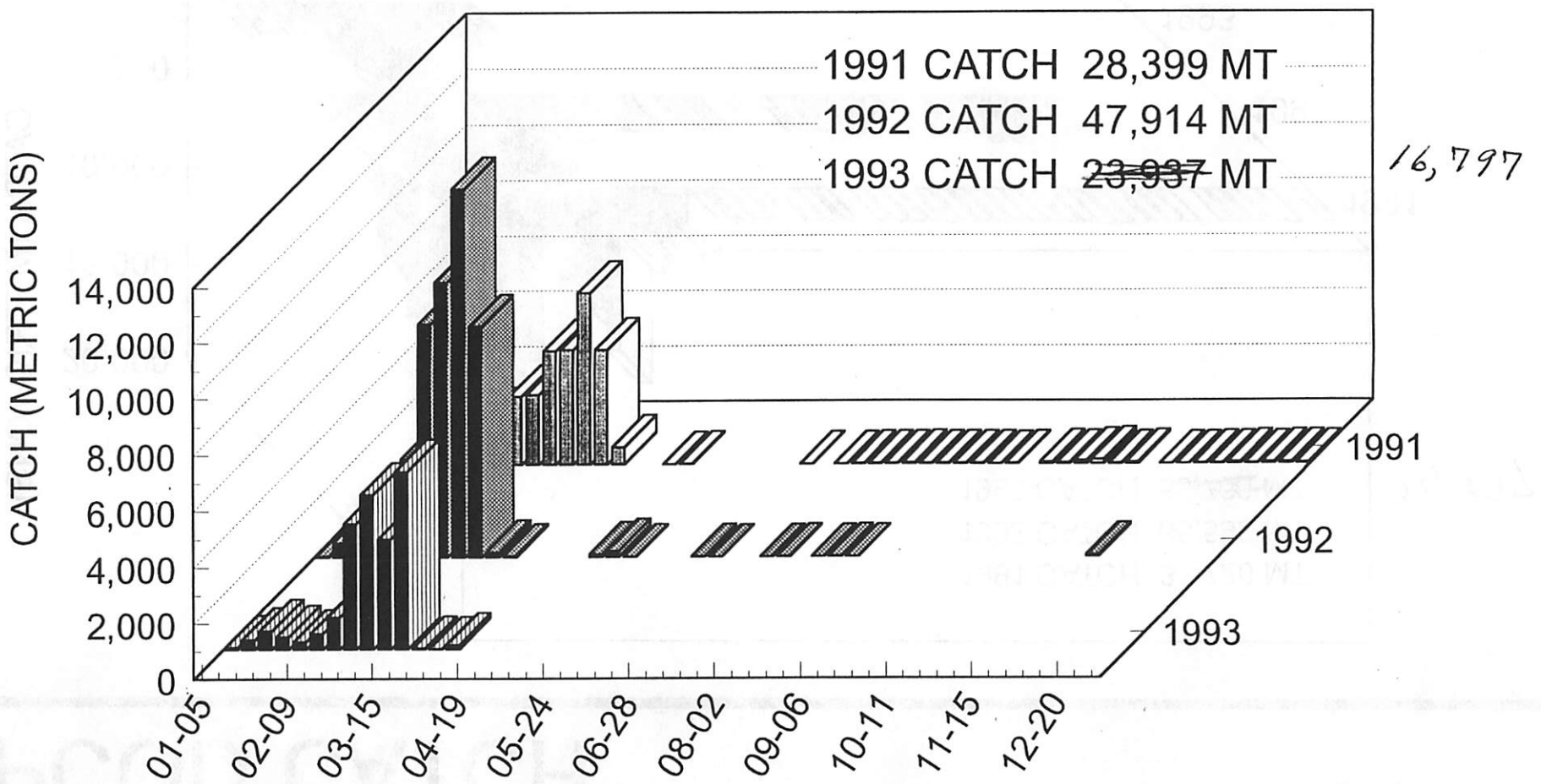
(through 4/3/93)

1991, 1992 & 1993 GOA PACIFIC COD CATCH, FIXED GEAR



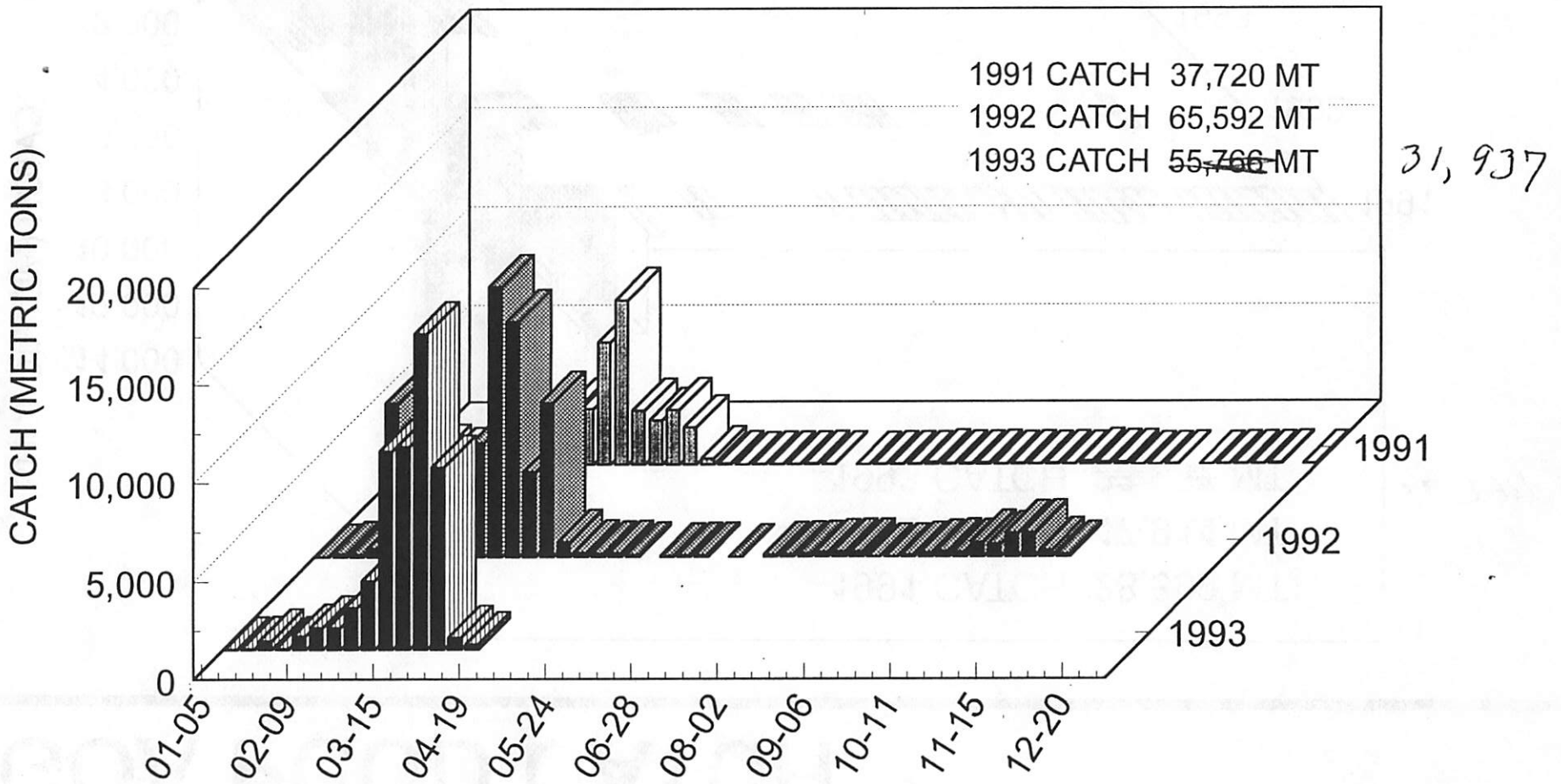
(through 4/3/93)

1991, 1992 & 1993 WESTERN GOA PCOD CATCH



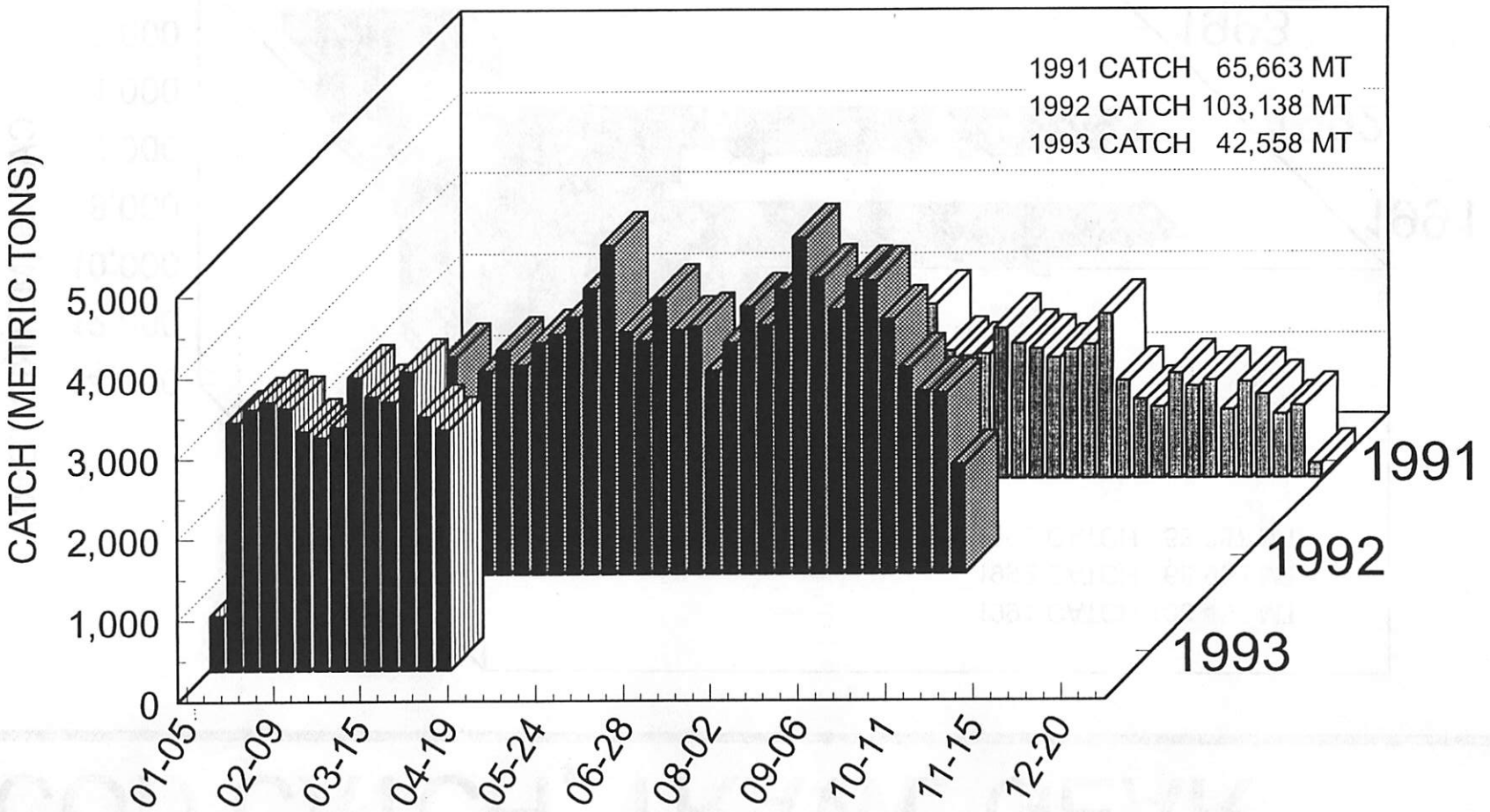
(through 4/3/93)

1991, 1992 & 1993 CENTRAL GOA PCOD CATCH



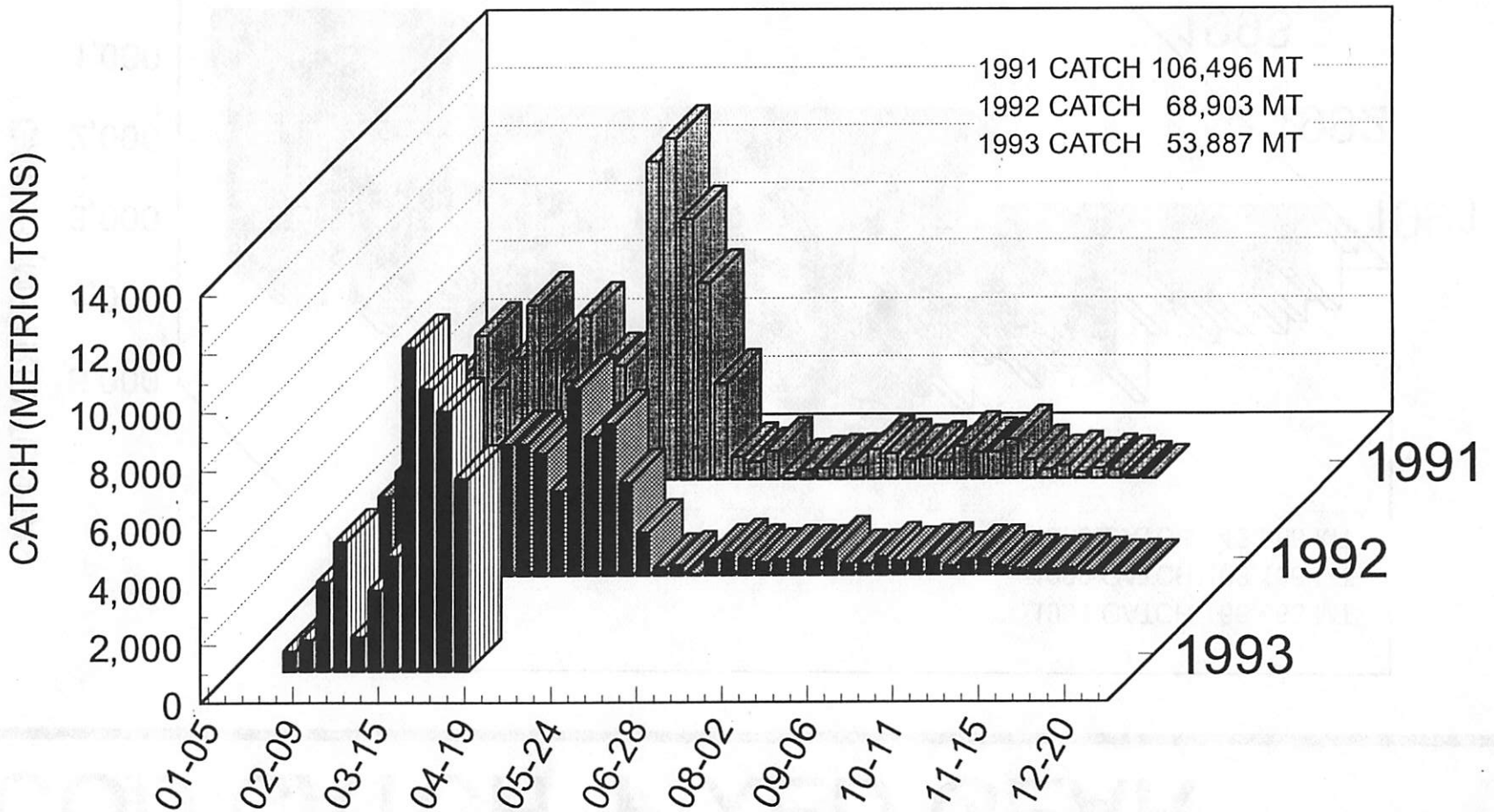
(through 4/3/93)

1991, 1992 & 1993 BSAI PACIFIC COD CATCH, FIXED GEAR



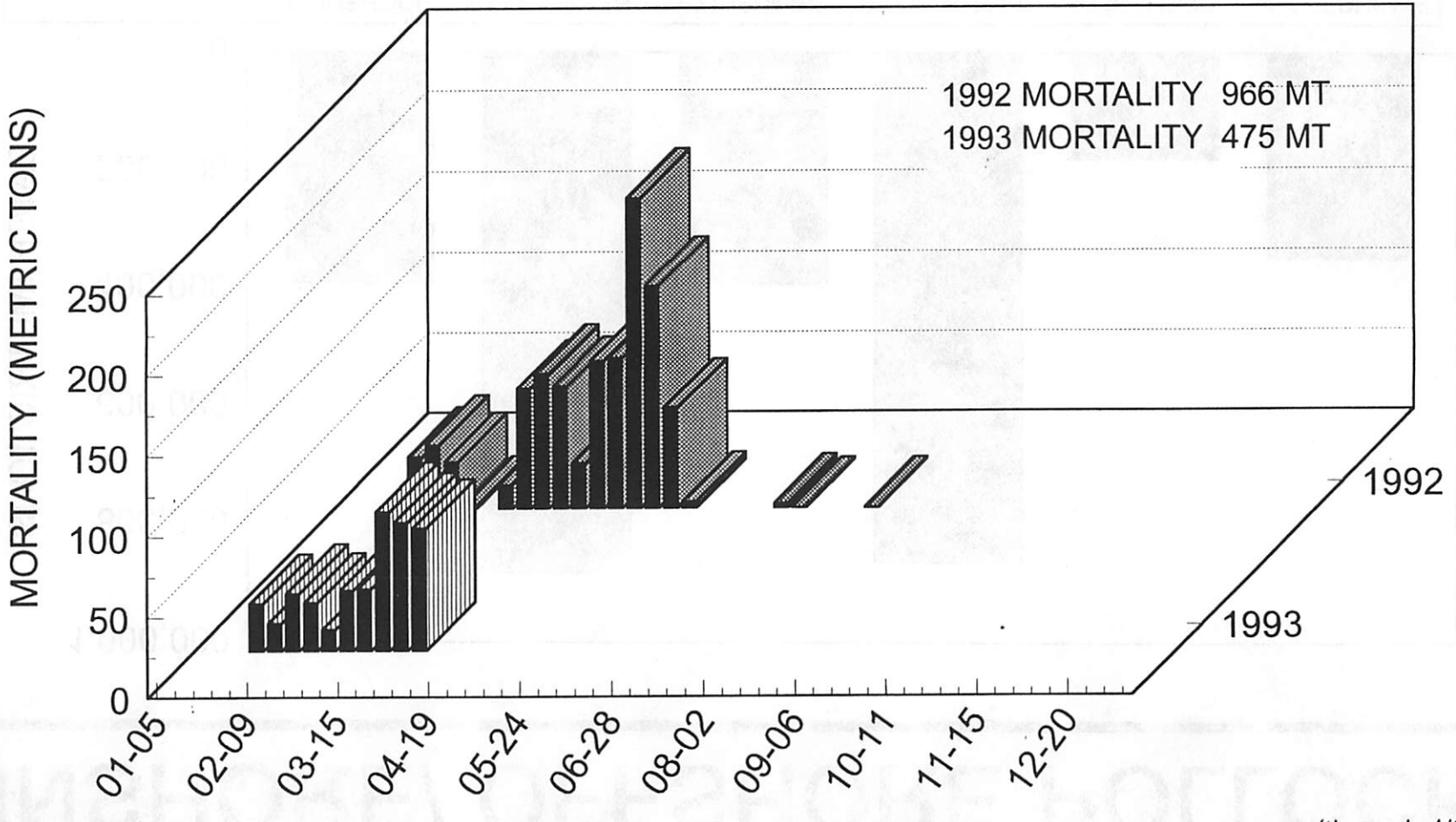
(through 4/3/93)

1991,1992 & 1993 BSAI PACIFIC COD CATCH, TRAWL GEAR



(through 4/3/93)

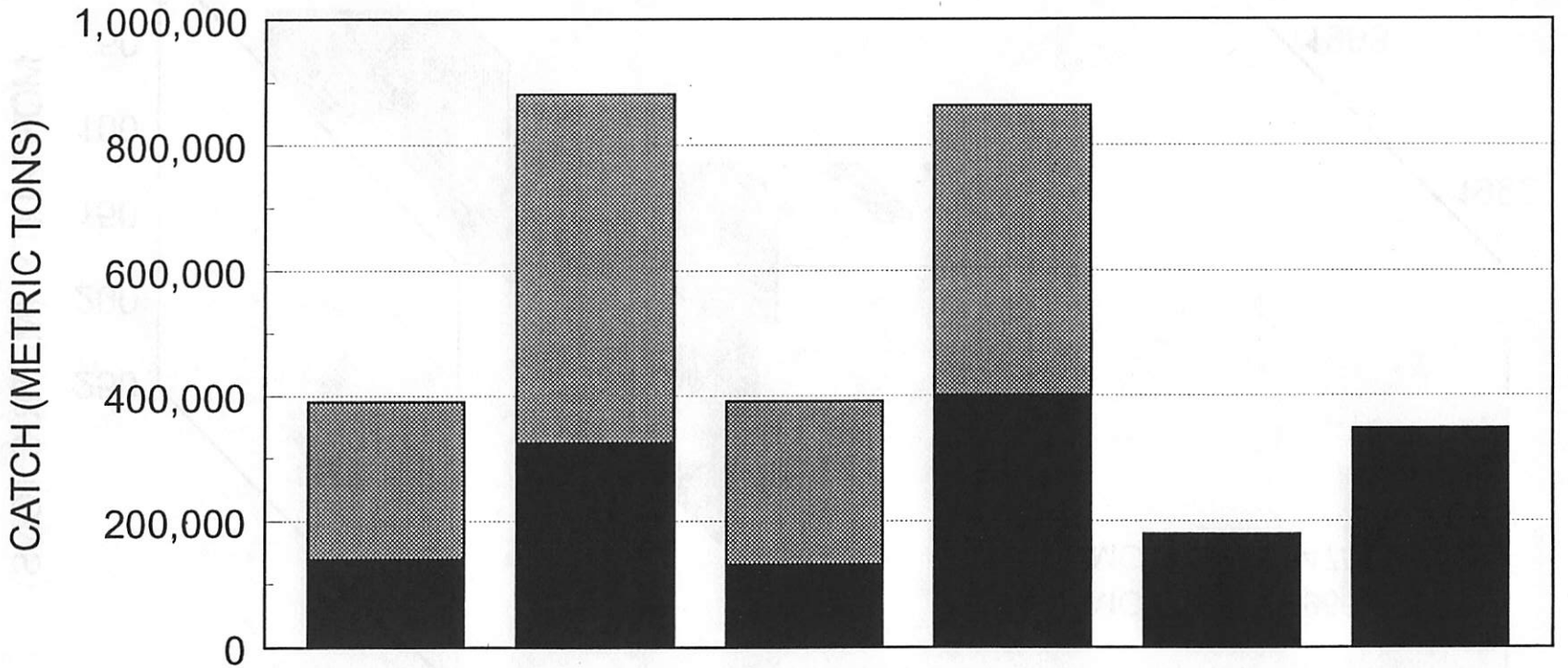
1992 & 1993 TRAWL HALIBUT MORTALITY, BSAI PCOD FISHERY



(through 4/3/93)

Note: Trawl halibut mortality in PCOD fishery assumed to be 60% in both years.

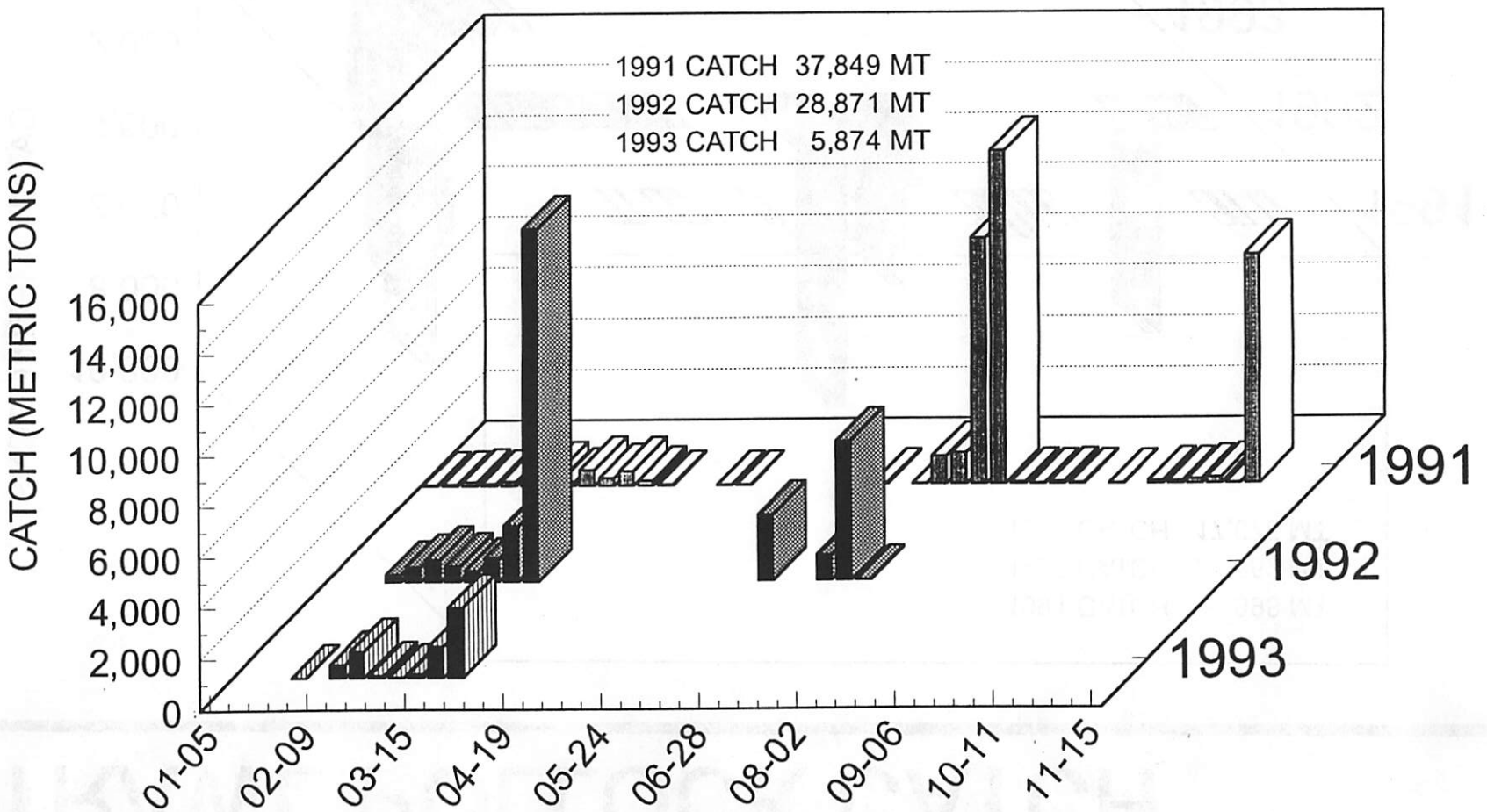
1991, 1992 & 1993 BERING SEA INSHORE/ OFFSHORE POLLOCK



	91 INSHORE	91 OFFSHORE	92 INSHORE	92 OFFSHORE	93 INSHORE	93 OFFSHORE
A SEASON ■	138,616	322,901	129,302	400,689	178,423	347,037
B SEASON ▒	250,600	557,597	261,183	462,292		

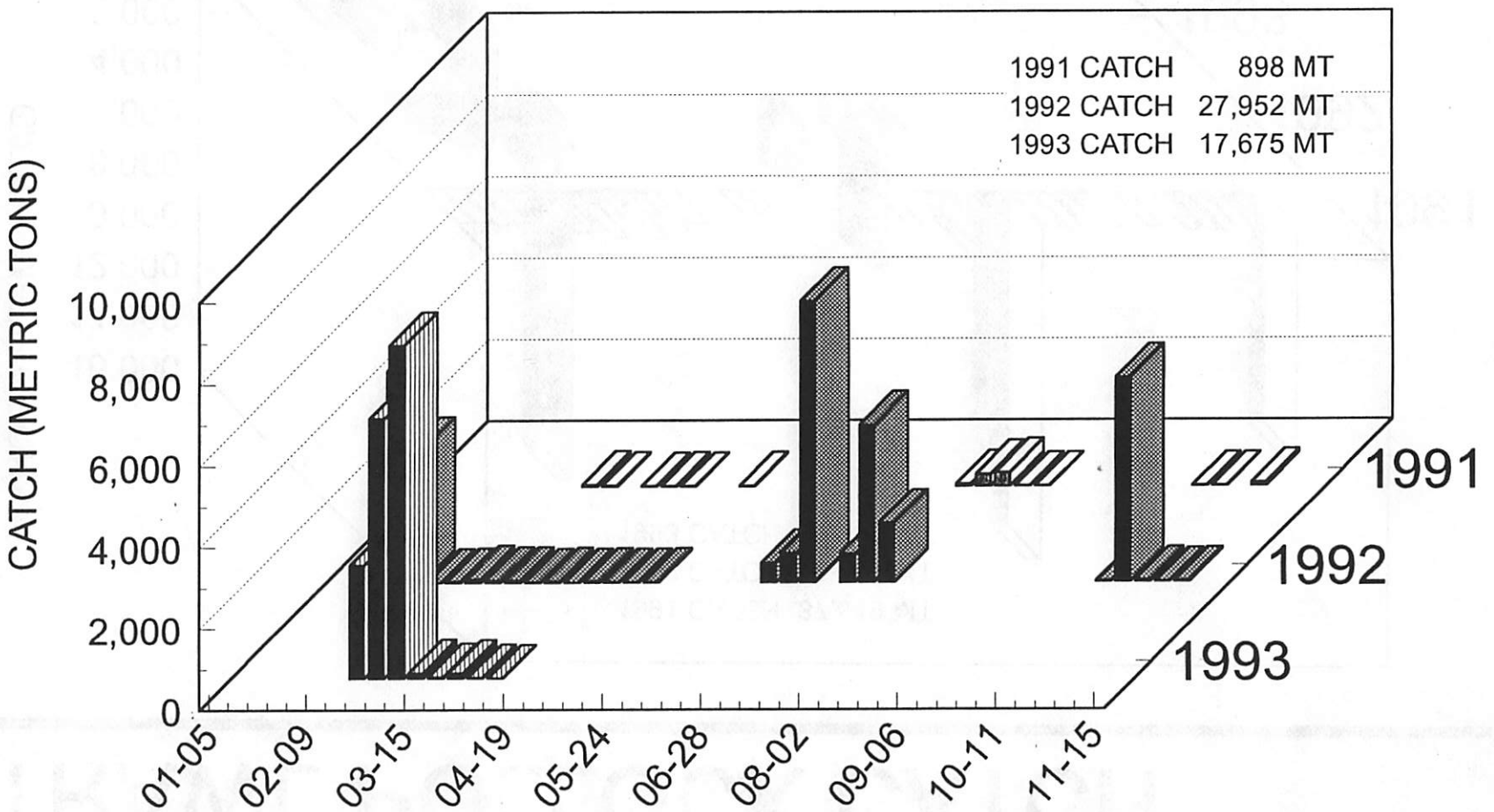
(through 4/3/93)

1991, 1992 & 1993 GOA 610 TRAWL POLLOCK CATCH



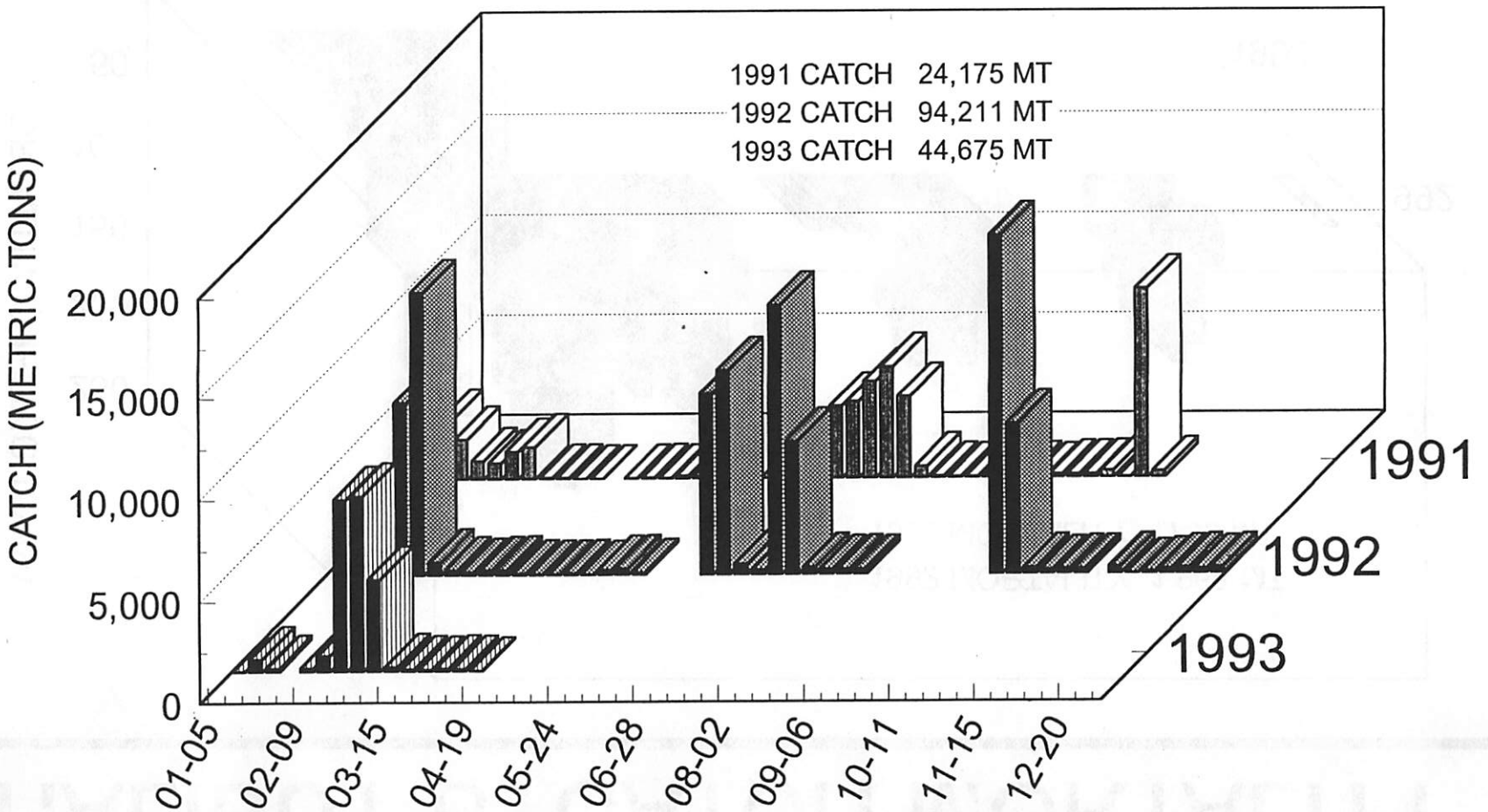
(through 4/3/93)

1991, 1992 & 1993 GOA 620 TRAWL POLLOCK CATCH



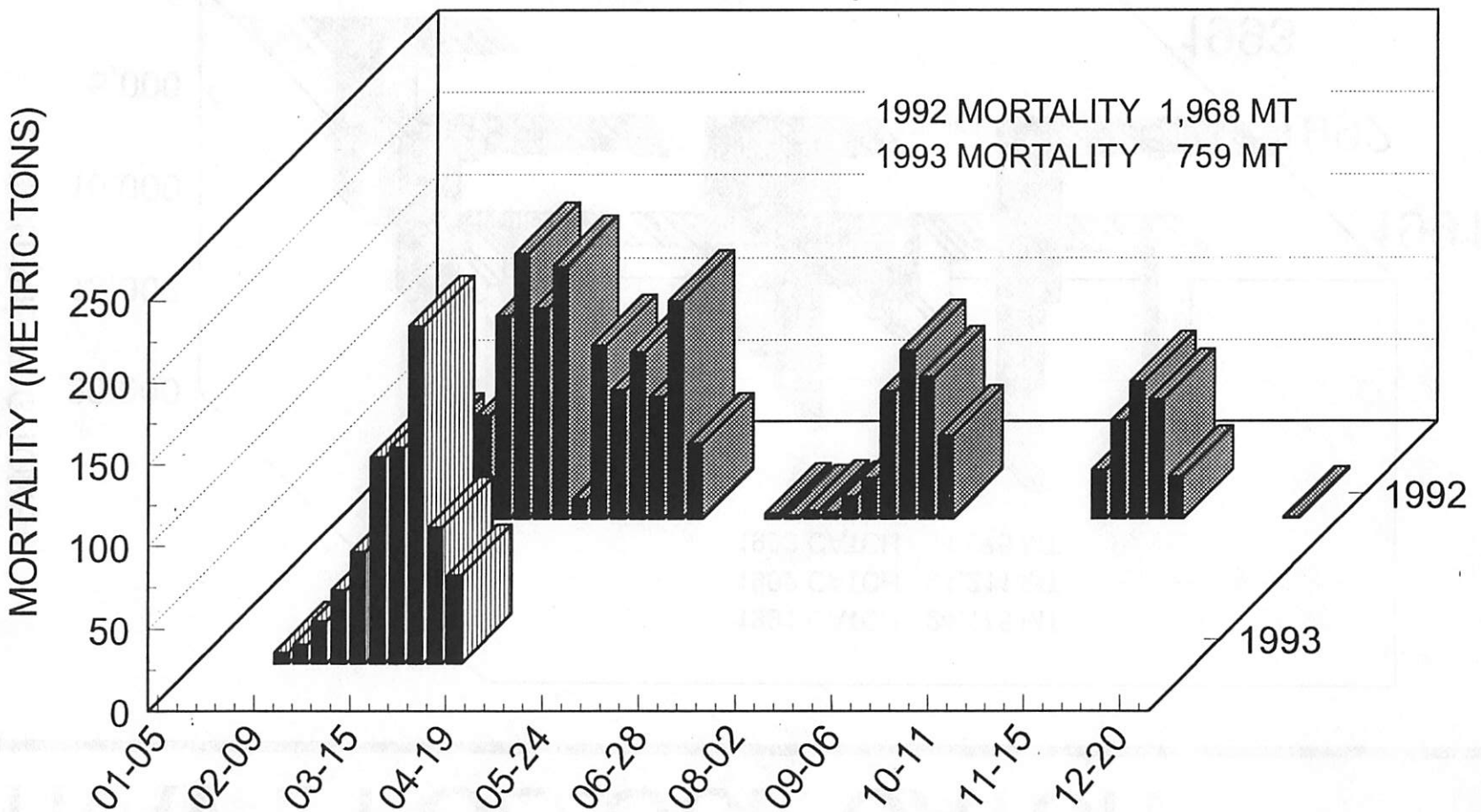
(through 4/3/93)

1991, 1992 & 1993 GOA 630 TRAWL POLLOCK CATCH



(through 4/3/93)

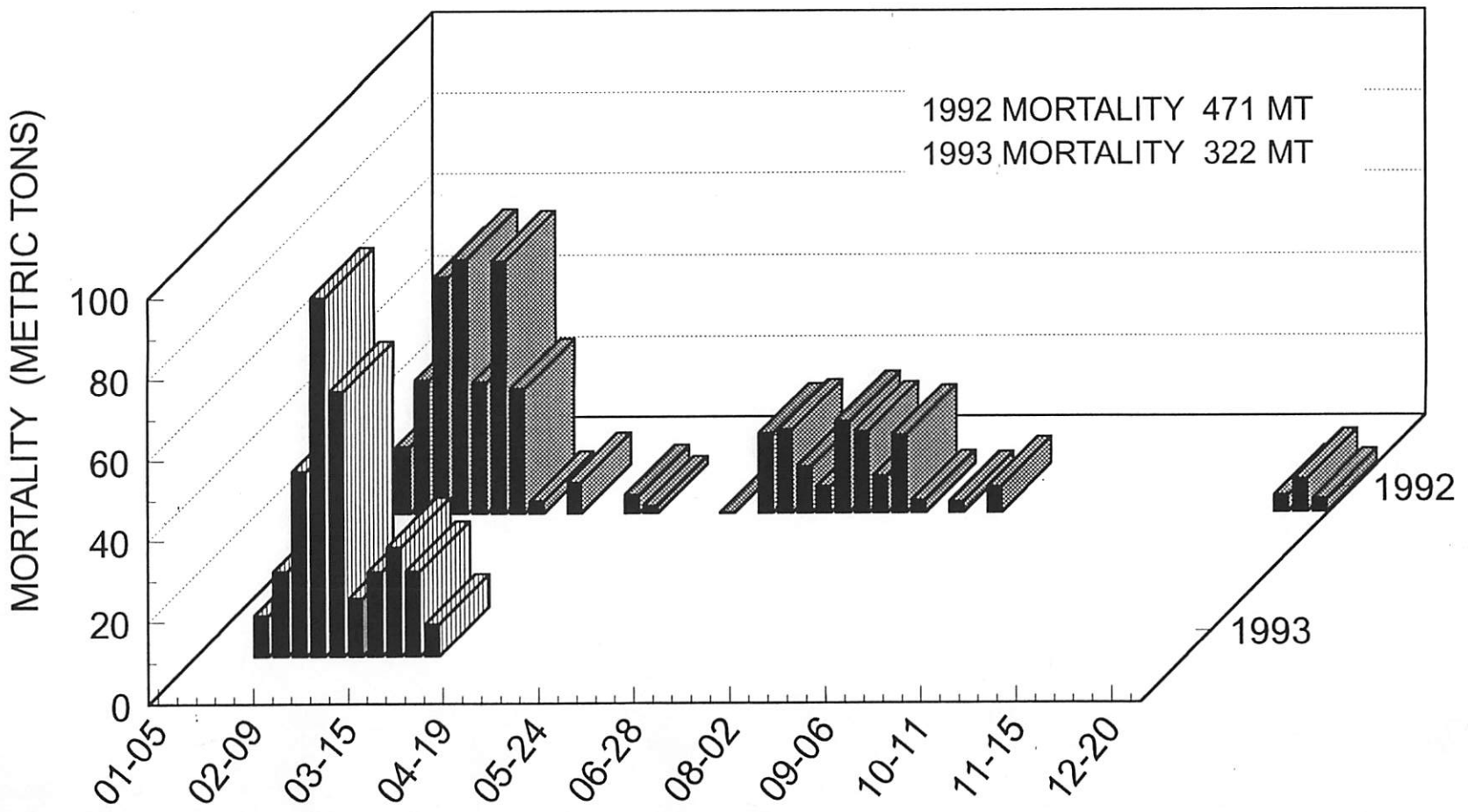
1992 & 1993 GOA TRAWL GEAR HALIBUT BYCATCH MORTALITY



(through 4/3/93)

Note: Trawl mortality assumptions in 1993 and 1992 were different. In 1993, Midwater pollock = 75%; Rockfish/swflat/other = 60%; Pcod/btm plck/dwflt = 55%. In 1992, all trawl fisheries were 65%

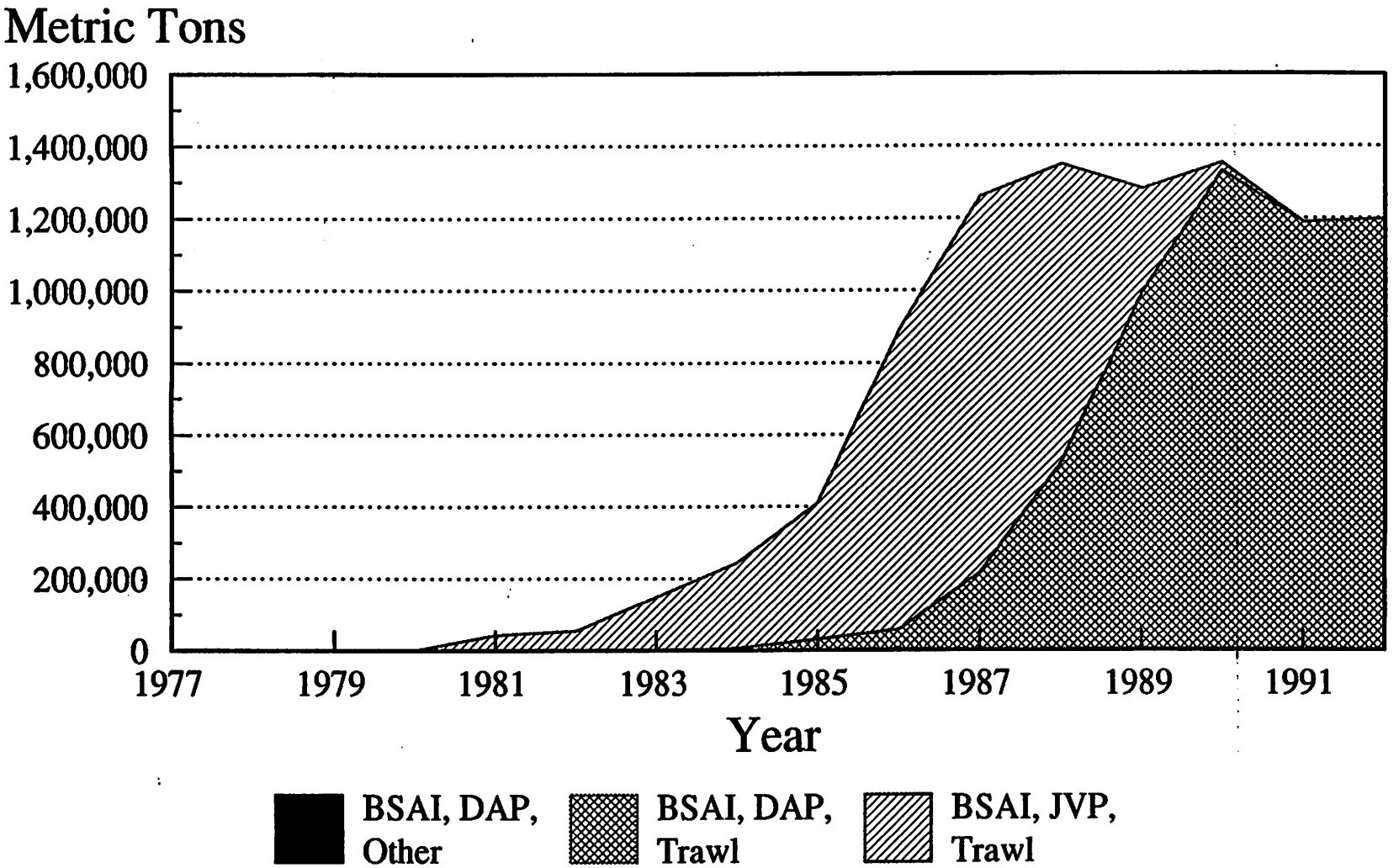
1992 & 1993 BSAI TRW HALIBUT MORTALITY, BTM PLCK FISHERY



(through 4/3/93)

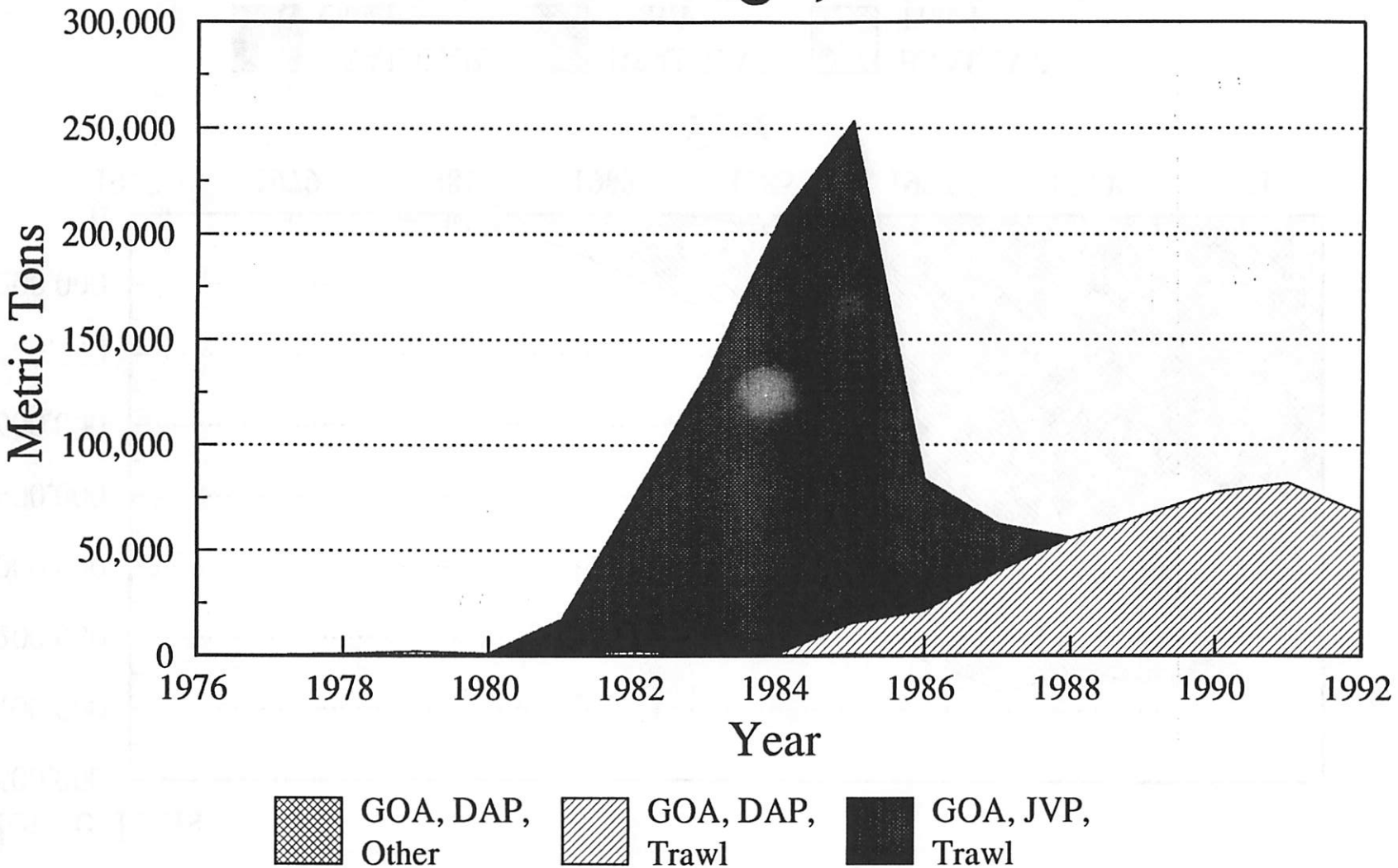
Note: Trawl halibut mortality in PLCK fishery assumed to be 60% in both years.

Pollock Landings, 1976-92



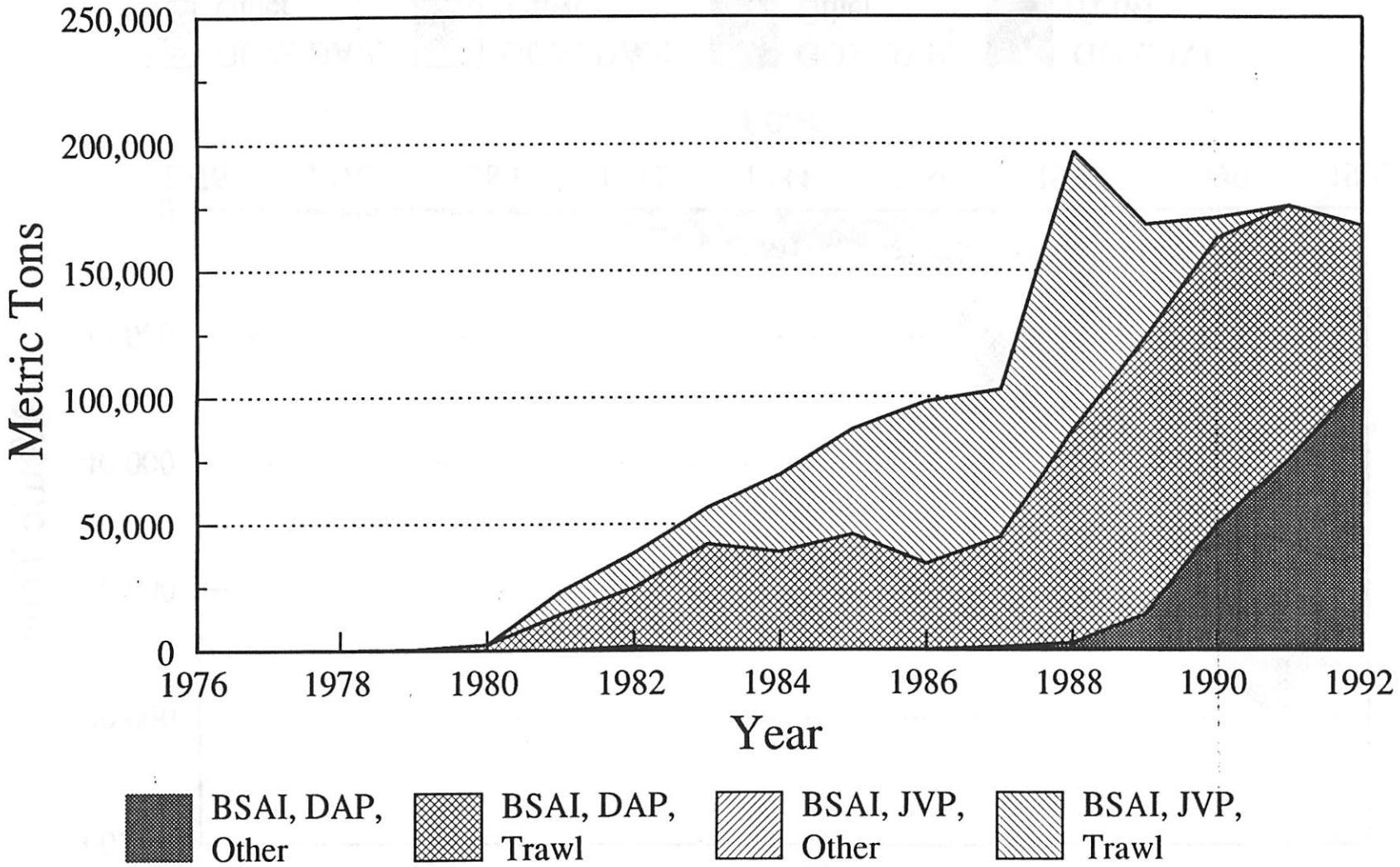
Source: Aggregated data set released to the public.

Pollock Landings, 1976-92



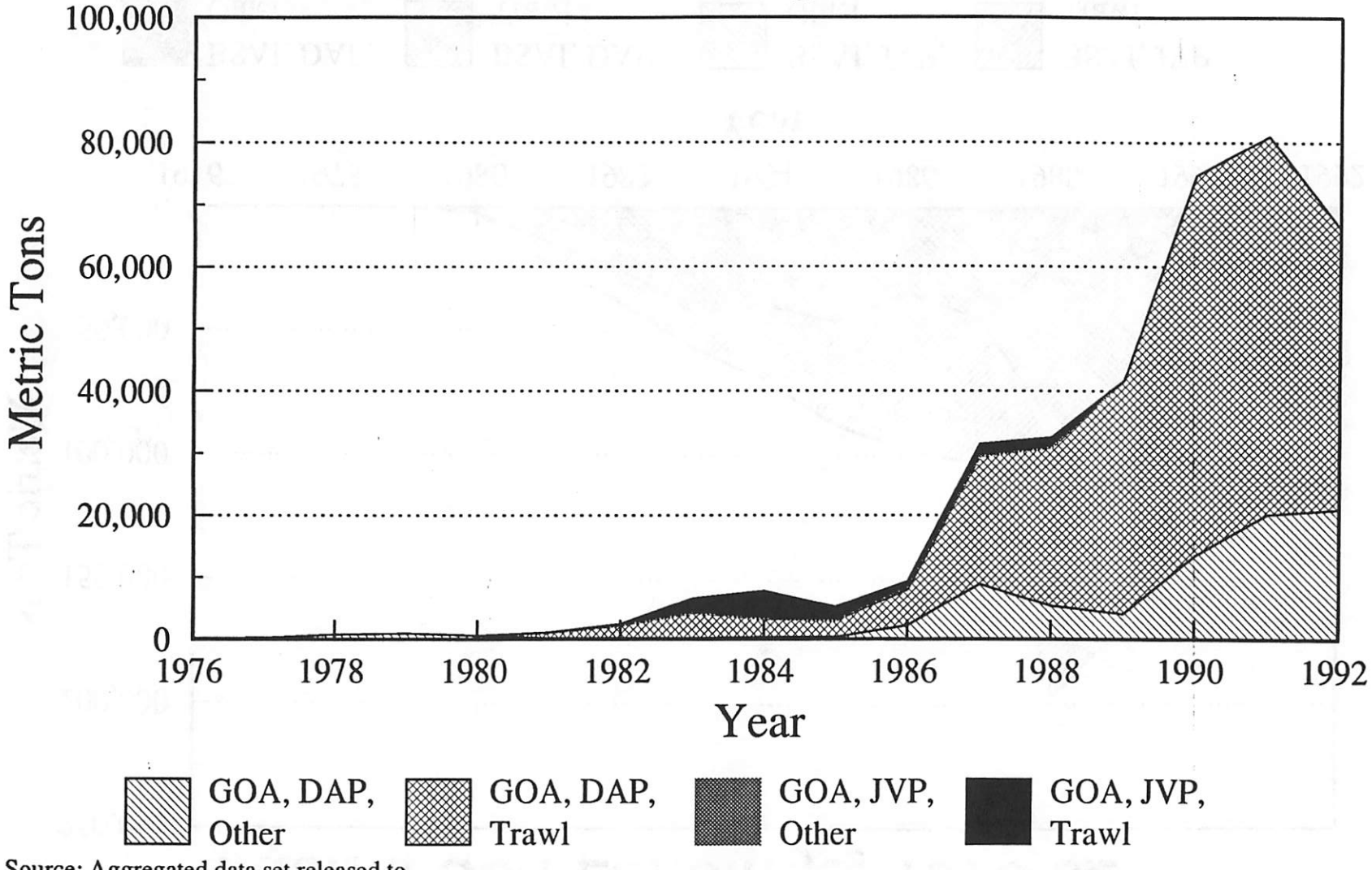
Source: Aggregated data set released to the public.

Pacific Cod Landings, 1976-92



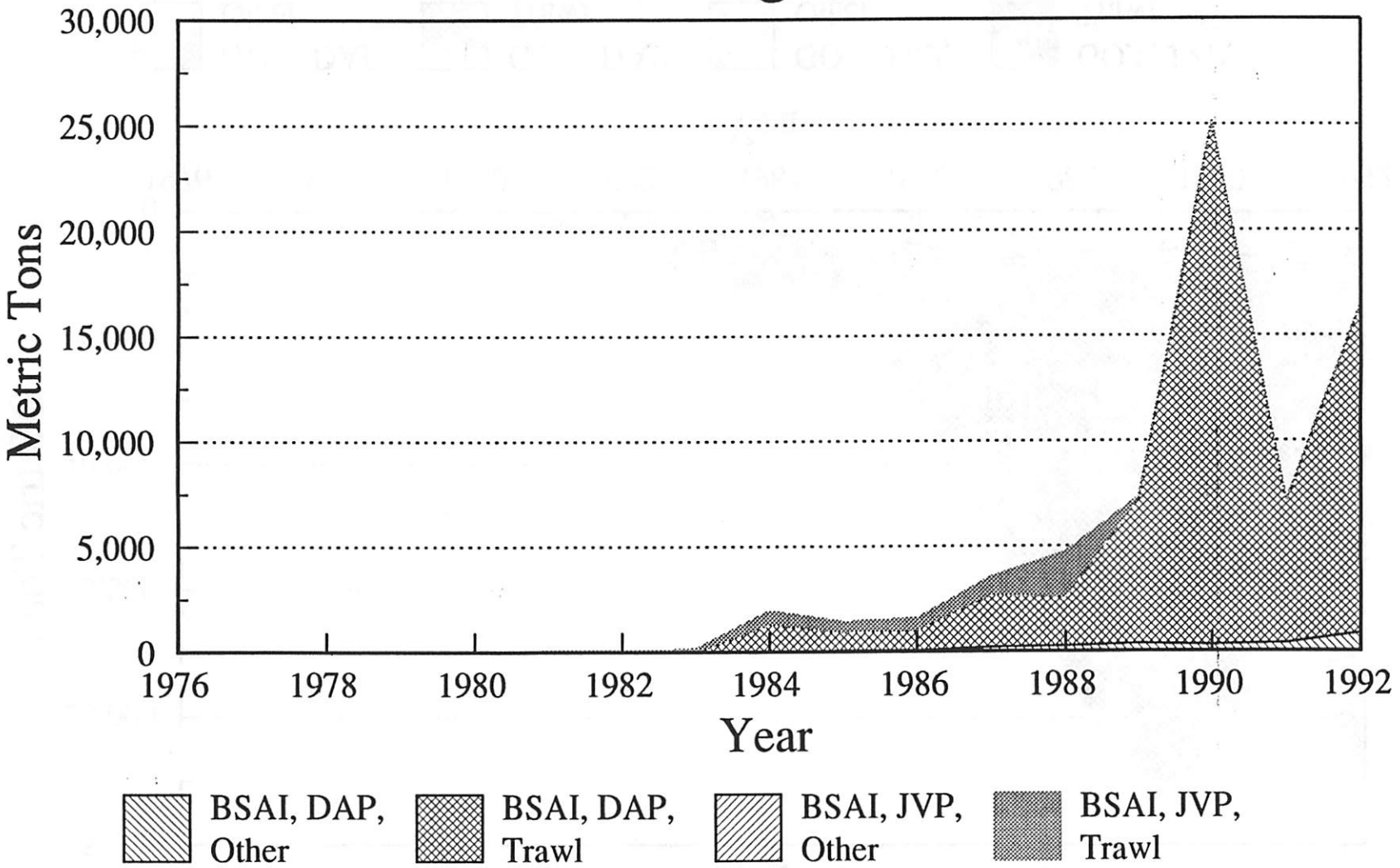
Source: Aggregated data set released to the public

Pacific Cod Landings, 1976-92



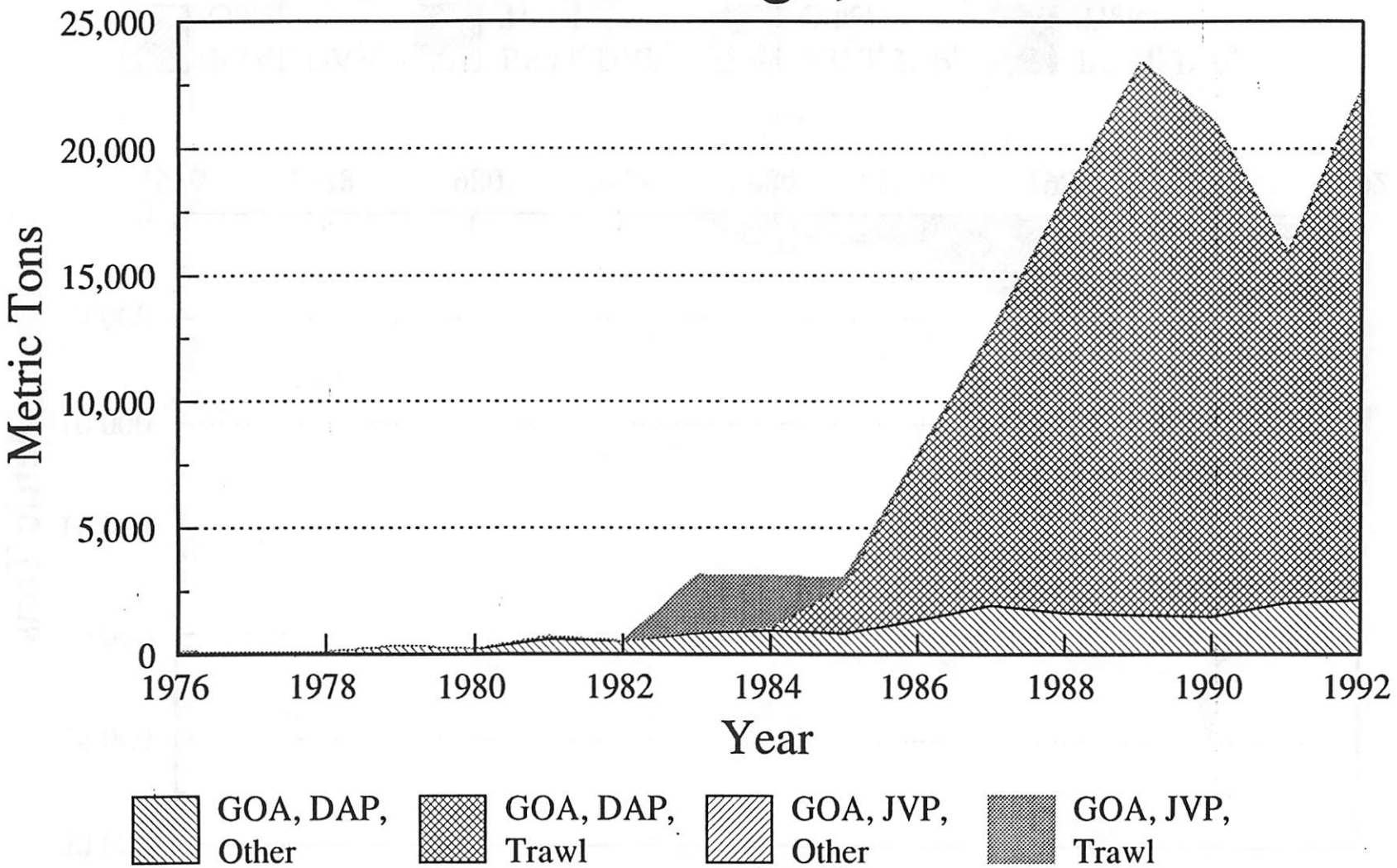
Source: Aggregated data set released to the public

Rockfish Landings, 1976-92



Source: Aggregated data set released to the public

Rockfish Landings, 1976-92



Source: Aggregated data set released to the public.

STATUS OF COUNCIL TASKING

April 11, 1993

	ACTION	STATUS	TASKING
REPORTS:			
1	Scallop Management	Report in Apr	ADFG/Council
2	Crab Management	Report in Apr	Region/ADFG/Council
REGULATORY AMENDMENTS:			
1	Trawl Mesh Regulations	Initial review in Apr	Council/Region
2	Insh/Offsh/CDQ Bycatch	Passed by Council Review in Apr	Council/Region
3	Performance Pelagic Trawls	PR published Apr 1 Comments until Apr 30	Region
4	1993 Rept/Record Requirements	Being developed by NMFS	Region
5	Observer Requirements 1993	PR in Preparation	Region/Council
6	Require Offloading of PSC Species Caught Beyond EEZ	PR in WDC	Region/Center
7	Standard PRRs	PR in WDC	Region
8	Pollock Roe-Stripping PRR	PR inWDC	Region
9	Gangion-Cutting/Careful Release	PR published in FR Comments until Apr 20	Region
10	Hook & Line Fair Start	PR published Apr 1 Comments until Apr 28	Region
11	Define Legal Gear Types	Final action in Apr	Region
12	Rockfish Directed Fishing Standards	Report in Apr	Region/Council
13	Prohibit Landing of Undersized Halibut from beyond EEZ	Dropped for legal reasons	

	ACTION	STATUS	TASKING
REGULATORY AMENDMENTS: (continued)			
14	Delay 2nd Quarter GOA Pollock Season (Reg. Amdt.)	Final Rule on Mar 31	Region
15	'A' Season Framework	Report in Apr	Council
PLAN AMENDMENTS:			
1	Moratorium	Submit to SOC Review in Apr	Council/Region
2	Exclusive Registration	Passed by Council Review in Apr	Council/Region
3	Sablefish/Halibut IFQs	Final Rule pending	Council/Region
4	NPFR Plan	Submit to SOC Review in April	Council/Region/Center
5	GOA - 26 King Crab Closures	Final rule effective Dec 17	Council/Region/Center
	GOA - 26(a) King Crab Closures Extended to Pelagic Gear	Initial review in Apr	Council
6	Trawl Test Zones A 22/27	Final rule in effect	Region
7	Pref Seasonal Allocations of Cod	Initial review in Apr	Center
8	Pribilof Closures	Report in Apr	ADFG
9	Salmon Bycatch	Final decision in Apr	ADFG
10	Salmon VIP	Initial review in Apr	Region
11	'B' Season Delay	PR on Apr 1 Comments by Apr 16	Council/Region
12	Sitka Block/Hegge Block 1000 Pd Floor	Initial Review in Jun	State/Council
13	Comprehensive Rational Plan	Report in Apr	Council

	ACTION	STATUS	TASKING
PLAN AMENDMENTS: (cont'd)			
14	Subdivide Aleutians Mgmt Area	Under SOC review Day 95 is Jul 6	Center/Council
15	Establish Atka Mackerel as Separate Species in GOA	Initial review in Apr	Center/Region/Council
16	Total Weight Measurement	Initial review in Apr	Region
17	Ban Night Trawling	Report in Apr	Council
18	Rockfish Rebuilding Amendment	Initial review in Apr	Center/Region/Council
OTHER ACTIONS:			
1	June 24, 1992 Control Date	FR Notice in WDC	Region
2	Final Groundfish Specs for 1993 (including EA)	File in March	Region
3	Review GOA Pacific Ocean Perch Specs	Apr	Region

Opening and Closing Dates for Various BSAI & GOA Groundfish Fisheries for 1991, 1992 & 1993 to date.

Species	Year	Gear Type	Area	Open date	Close date	Reason for Closure
Pollock	1991	Trawl	Bering Sea	1-Jan	22-Feb	"A" Season TAC taken
				1-Jun	4-Sep	"B" Season TAC taken
			Aleutian Islands	1-Jun	23-Mar	TAC taken
	1991	Trawl	Gulf of Alaska	1-Jan	15-Feb	Interim TAC taken
				13-Jun	24-Jul	3rd quarter TAC taken
				21-Oct	25-Oct	4th quarter TAC taken
	1992	Trawl	Bering Sea	20-Jan	6-Mar	"A" Season TAC taken
				1-Jun	22-Sep	"B" Season TAC taken
			Aleutian Islands	20-Jan	15-Apr	TAC taken
				1-Jun	8-Jul	TAC taken
	1992	Trawl	Gulf of Alaska	20-Jan	7-Feb	1st quarter TAC taken
				1-Jun	17-Jun	2nd quarter TAC taken
				1-Jul	12-Jul	3rd quarter TAC taken
				1-Oct	8-Oct	4th quarter TAC taken
	1993	Trawl, Inshore	Bering Sea	20-Jan	24-Mar	"A" Season TAC taken
		Offshore	Bering Sea	20-Jan	22-Feb	"A" Season TAC taken
		Inshore	Aleutian Islands	20-Jan	9-Apr	TAC taken
		Offshore	Aleutian Islands	20-Jan	31-Mar	TAC taken
	1992	Trawl, Inshore	GOA, Area 61	1-Jan	24-Mar	1st quarter TAC taken
		Inshore	GOA, Area 62	1-Jan	25-Feb	1st quarter TAC taken
		Inshore	GOA, Area 63	1-Jan	25-Feb	1st quarter TAC taken
Pacific cod	1991	Trawl	Bering Sea/Aleutian Is.	1-Jan	8-Mar	Halibut PSC, quarterly
		Trawl	Bering Sea/Aleutian Is.	1-Apr	8-May	Halibut PSC, quarterly
		Trawl	Bering Sea/Aleutian Is.	1-Jul	8-Jul	Halibut PSC, quarterly
		Hook & Line	Bering Sea/Aleutian Is.	1-Jan	31-Dec	no closure for 1991
		All	Western Gulf	1-Jan	23-Mar	TAC taken
		All	Central Gulf	1-Jan	29-Apr	TAC taken
	1992	Trawl	Bering Sea/Aleutian Is.	20-Jan	16-Feb	Halibut PSC, quarterly
		Trawl	Bering Sea/Aleutian Is.	7-Mar	6-May	Halibut PSC, quarterly
		Hook & Line	Bering Sea/Aleutian Is.	1-Jan	5-Oct	Halibut PSC, Hook&Line
		Pot	Bering Sea/Aleutian Is.	1-Jan	30-Nov	TAC taken
		Trawl	Western Gulf	20-Jan	5-Mar	
		Hook & Line	Western Gulf	1-Jan	5-Mar	
		Trawl	Central & Eastern Gulf	20-Jan	4-Apr	TAC taken
		Hook & Line	Central & Eastern Gulf	1-Jan	4-Apr	TAC taken
		Trawl, Inshore	Central Gulf	1-Oct	16-Oct	TAC taken

Openings & Closures Countinued.

Species	Year	Gear Type	Area	Open date	Close date	Reason for Closure
P. Cod, Cont.	1993	Trawl	Bering Sea/Aleutian Is.	20-Jan	Mid May?	TAC taken
		Hook & Line	Bering Sea/Aleutian Is.	1-Jan	Mid May?	TAC taken
		All	Western GOA Inshore	1-Jan	9-Mar	TAC taken
		All	Central Gulf Inshore	1-Jan	24-Mar	TAC taken
Sablefish	1991	Hook & Line	Gulf of Alaska	15-May	17-Jun	TAC taken
			Bering Sea/Aleutian Is.	1-Jan	31-Dec	
	1992	Hook & Line	Gulf of Alaska	15-May	3-Jun	TAC taken
			Bering Sea/Aleutian Is.	1-Jan	5-Oct	Halibut PSC
	1993	Hook & Line	Gulf of Alaska	15-May	?	
			Bering Sea/Aleutian Is.	1-Jan	?	
Yellowfin Sole	1991	Trawl	Bering Sea/Aleutian Is.	1-May	15-Oct	
GL Turbot	1992	Trawl	Bering Sea/Aleutian Is.	1-May	31-Dec	
AT Flounder	1993	Trawl	Bering Sea/Aleutian Is.	1-May	?	
Other Flatfish						
Rocksole	1991	Trawl	Bering Sea/Aleutian Is.	1-Jan	6-Jun	Halibut PSC
	1992	Trawl	Bering Sea/Aleutian Is.	20-Jan	4-Apr	Halibut PSC
	1993	Trawl	Bering Sea/Aleutian Is.	20-Jan	26-Feb	1st Halibut PSC
	1993	Trawl	Bering Sea/Aleutian Is.	5-Apr		
Atka Mackerel	1991	Trawl	Bering Sea/Aleutian Is.	1-Jan	29-Mar	TAC taken
	1992	Trawl	Bering Sea/Aleutian Is.	20-Jan	16-Apr	TAC taken
	1993	Trawl	Bering Sea/Aleutian Is.	20-Jan	11-Mar	TAC taken
Rockfish (various species)		All Gears	Both Gulf and BSAI	Various openings and closures throughout the year		
Other Species	1993	all	Western GOA	1/1/93	4/2/93	TAC taken

Notes:
Closures are generally due to attainment of the TAC or attainment of a Prohibited Species Catch (PSC).
PSCs can be apportioned quarterly, seasonally, or by trimester, depending on the fishery and the management area.
TACs in the Gulf of Ak. are spacially apportioned into Eastern, Central and Western Gulf areas.
Closures listed are general, and aggregate some fisheries closures to the last day opened.
For 1993, the BSAI Pollock 'B' Season will start August 15.
This list is not inclusive of all species of fish managed by the NMFS.

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

Prepared: 04/08/93 at 10:33 PM
NMFS/AKR Fish Management
(907) 586-7229

1993 BERING SEA & ALEUTIANS APPORTIONMENTS TO DOMESTIC
ANNUAL PROCESSING (DAP) AND PRELIMINARY CATCH IN ROUND METRIC TONS
Data are from Weekly Production and Observer Reports through 04/03/93
DAP Apportionments are initial TACs based on Final Specifications

	TOTAL CATCH	DAP APPORT.	REMAINING FOR DAP	% TAKEN	LAST WK CATCH
BERING SEA					
Other Rockfish	29	306	277	9	1
Pacific Ocean Perch	473	2831	2358	17	0
Other Red Rockfish	51	1020	969	5	1
Sablefish (Fixed Gear)	48	638	590	8	0
Sablefish (Trawl)	1	637	636	0	0
Pollock - Inshore	178423	174038	-4386	103	265
Pollock - Offshore	347037	323213	-23825	107	1730
ALEUTIAN ISLANDS					
Other Rockfish	125	706	581	18	11
Pacific Ocean Perch	429	11815	11386	4	42
Sharpchin/Northern	545	4335	3790	13	59
Shortraker/Rougheye	753	935	182	81	8
Sablefish (Fixed Gear)	465	1657	1192	28	57
Sablefish (Trawl)	3	553	550	1	0
Pollock - Inshore	9071	16706	7635	54	9071
Pollock - Offshore	34107	31024	-3083	110	3844
BERING SEA & ALEUTIANS					
Arrowtooth Flounder	3483	8500	5017	41	160
Atka Mackerel	33378	32000	-1378	104	87
Greenland Turbot	290	5950	5660	5	23
Other Flatfish	8070	67150	59080	12	233
Other Species	10291	22610	12319	46	568
Pacific Cod	102091	164500	62409	62	7619
Rock Sole	43646	63750	20104	68	368
Squid	327	1700	1373	19	3
Yellowfin Sole	867	187000	186133	0	1
BOGOSLOF					
Pollock - Inshore	41	298	257	14	0
Pollock - Offshore	592	552	-40	107	0
TOTALS:	774636	1124423	349787	69	24150

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

Prepared: 04/08/93 at 10:37 PM
NMFS/AKR Fish Management
(907) 586-7229

1993 BERING SEA & ALEUTIANS REPORT ON DAP HARVEST BY GEAR TYPE

includes weekly production and observer reports through 04/03/93

	TRAWL	H&L	POT	OTH	TOTAL
BERING SEA					
Other Rockfish	19	11	0	0	30
Pacific Ocean Perch	468	5	0	0	473
Other Red Rockfish	43	8	0	0	51
Sablefish (Fixed Gear)	0	49	0	0	49
Sablefish (Trawl)	1	0	0	0	1
Pollock - Inshore	178205	218	0	0	178423
Pollock - Offshore	345604	1433	0	0	347037
ALEUTIAN ISLANDS					
Other Rockfish	33	91	0	0	124
Pacific Ocean Perch	427	2	0	0	429
Sharpchin/Northern	513	32	0	0	545
Shortraker/Rougheye	679	74	0	0	753
Sablefish (Fixed Gear)	0	465	0	0	465
Sablefish (Trawl)	3	0	0	0	3
Pollock - Inshore	9072	0	0	0	9072
Pollock - Offshore	34084	23	0	0	34107
BERING SEA & ALEUTIANS					
Arrowtooth Flounder	3034	449	0	0	3483
Atka Mackerel	33375	3	0	0	33378
Greenland Turbot	76	214	0	0	290
Other Flatfish	7902	168	1	0	8071
Other Species	5598	4694	0	0	10292
Pacific Cod	60829	41206	56	0	102091
Rock Sole	43639	8	0	0	43647
Squid	327	0	0	0	327
Yellowfin Sole	867	1	0	0	868
BOGOSLOF					
Pollock - Inshore	41	0	0	0	41
Pollock - Offshore	583	8	0	0	591
TOTALS:	725422	49162	57	0	774641

1993 GULF OF ALASKA APPORTIONMENTS TO DOMESTIC
ANNUAL PROCESSING (DAP) AND PRELIMINARY CATCH IN ROUND METRIC TONS
Data are from Weekly Production and Observer Reports through 04/03/93
DAP Apportionments are initial TACs based on Final Specifications

	TOTAL CATCH	DAP APPORT.	REMAINING FOR DAP	% TAKEN	LAST WK CATCH
WEST,CENT PLCK					
Pollock 610	5491	6022	531	91	4
Pollock 620	8380	6494	-1886	129	2
Pollock 630	15457	15235	-222	101	65
WESTERN GULF					
Arrowtooth Flounder	2236	5000	2764	45	85
Deep Water Flatfish	365	1740	1375	21	99
Shallow Water Flatfish	383	4500	4117	9	38
Flathead Sole	659	2000	1341	33	2
Pacific Ocean Perch	228	180	-48	127	188
Shortraker/Rougheye	10	90	80	11	3
Other Rockfish	70	214	144	33	0
Pacific Cod - Inshore	16477	16830	353	98	9
Pacific Cod - Offshore	453	1870	1417	24	150
Pelagic Shelf Rockfish	44	1010	966	4	33
Sablefish (Hook & Line)	1	1624	1623	0	0
Sablefish (Trawl)	21	406	385	5	7
Northern rockfish	0	1000	1000	0	0
Other Species	4602	3040	-1562	151	4395
CENTRAL GULF					
Arrowtooth Flounder	6530	10000	3470	65	738
Deep Water Flatfish	2520	15000	12480	17	661
Shallow Water Flatfish	1081	10000	8919	11	87
Flathead Sole	731	5000	4269	15	88
Pacific Ocean Perch	111	277	166	40	12
Shortraker/Rougheye	229	1161	932	20	47
Other Rockfish	261	1064	803	25	5
Pacific Cod - Inshore	31377	31680	303	99	50
Pacific Cod - Offshore	380	3520	3140	11	79
Pelagic Shelf Rockfish	68	4450	4382	2	7
Sablefish (Hook & Line)	6	7688	7682	0	0
Sablefish (Trawl)	279	1922	1643	15	111
Northern rockfish	0	4720	4720	0	0
Other species	962	9752	8790	10	69
EASTERN GULF					
Arrowtooth Flounder	4	5000	4996	0	0
Deep Water Flatfish	0	3000	3000	0	0
Shallow Water Flatfish	5	1740	1735	0	0
Flathead Sole	1	3000	2999	0	0
Pacific Ocean Perch	0	605	605	0	0
Shortraker/Rougheye	2	513	511	0	1
Other Rockfish	1	4105	4104	0	0
Pelagic Shelf Rockfish	35	1280	1245	3	0
Pacific Cod - Inshore	598	2520	1922	24	35
Pacific Cod - Offshore	0	280	280	0	0
Pollock	9	3400	3391	0	0
Northern rockfish	0	40	40	0	0
Other species	7	1810	1803	0	0
WEST YAKUTAT					
Sablefish (Hook & Line)	5	3638	3633	0	0
Sablefish (Trawl)	0	192	192	0	0
SOUTHEAST					
Demersal Shelf Rockfish	210	800	590	26	0
Sablefish (Hook & Line)	1	5158	5157	0	0
Sablefish (Trawl)	0	272	272	0	0
ENTIRE GULF OF ALASKA					
Thornyhead	160	1062	902	15	32
TOTALS:	100450	211904	111454	47	7102

1993 GULF OF ALASKA REPORT ON DAP HARVEST BY GEAR TYPE
includes weekly production and observer reports through 04/03/93

	TRAWL	H&L	POT	OTH	TOTAL
WEST,CENT PLCK					
Pollock 610	5480	8	3	0	5491
Pollock 620	8374	0	6	0	8380
Pollock 630	15441	2	15	0	15458
WESTERN GULF					
Arrowtooth Flounder	2228	8	0	0	2236
Deep Water Flatfish	366	0	0	0	366
Shallow Water Flatfish	380	1	2	0	383
Flathead Sole	658	0	0	0	658
Pacific Ocean Perch	228	0	0	0	228
Shortraker/Rougheye	10	0	0	0	10
Other Rockfish	70	0	0	0	70
Pacific Cod - Inshore	12192	3657	627	0	16476
Pacific Cod - Offshore	337	116	0	0	453
Pelagic Shelf Rockfish	44	0	0	0	44
Sablefish (Hook & Line)	0	1	0	0	1
Sablefish (Trawl)	21	0	0	0	21
Northern rockfish	0	0	0	0	0
Other Species	4531	64	8	0	4603
CENTRAL GULF					
Arrowtooth Flounder	6527	1	2	0	6530
Deep Water Flatfish	2520	0	0	0	2520
Shallow Water Flatfish	1070	0	11	0	1081
Flathead Sole	731	0	0	0	731
Pacific Ocean Perch	111	0	0	0	111
Shortraker/Rougheye	228	1	0	0	229
Other Rockfish	244	16	0	0	260
Pacific Cod - Inshore	20657	2281	8440	0	31378
Pacific Cod - Offshore	371	9	0	0	380
Pelagic Shelf Rockfish	60	8	0	0	68
Sablefish (Hook & Line)	0	6	0	0	6
Sablefish (Trawl)	279	0	0	0	279
Northern rockfish	0	0	0	0	0
Other species	859	3	100	0	962
EASTERN GULF					
Arrowtooth Flounder	4	0	0	0	4
Deep Water Flatfish	0	0	0	0	0
Shallow Water Flatfish	5	0	0	0	5
Flathead Sole	1	0	0	0	1
Pacific Ocean Perch	0	0	0	0	0
Shortraker/Rougheye	0	2	0	0	2
Other Rockfish	0	1	0	0	1
Pelagic Shelf Rockfish	1	34	0	0	35
Pacific Cod - Inshore	12	363	223	0	598
Pacific Cod - Offshore	0	0	0	0	0
Pollock	6	2	1	0	9
Northern rockfish	0	0	0	0	0
Other species	2	2	3	0	7
WEST YAKUTAT					
Sablefish (Hook & Line)	0	5	0	0	5
Sablefish (Trawl)	0	0	0	0	0
SOUTHEAST					
Demersal Shelf Rockfish	0	210	0	0	210
Sablefish (Hook & Line)	0	1	0	0	1
Sablefish (Trawl)	0	0	0	0	0
ENTIRE GULF OF ALASKA					
Thornyhead	159	0	0	0	159
TOTALS:	84207	6802	9441	0	100450

NMFS/AKR
04/09/93

1993 BERING SEA/ALEUTIAN ISLANDS FISHERIES
PROHIBITED SPECIES BYCATCH MORTALITY
based on amendment 21 specifications
Week Ending: 04/03/93

TRAWL HALIBUT, BSAI

Fishery group	Halibut (mt)	current seasonal cap	% taken	Annual Primary cap	Annual Secondary cap
Pacific cod	608	1000	60.8%	825	1000
Rock sole/Other flatfish	402	428	93.8%	485	588
PLCK/AMCK/OTHER	922	314	293.5%	1037	1257
Rockfish	2	0	0.0%	166	201

TRAWL HERRING, BSAI

Fishery group	Herring (mt)	Cap (mt)	% taken
Pacific cod	14	27	53.2%
Midwater pollock	0	1534	0.0%
Other	0	193	0.1%
Rockfish	0	9	0.0%

TRAWL SALMON, BSAI

Fishery group	Chinook (#'s)	Other (#'s)
Midwater pollock	12521	183
Pacific cod	4005	0
Rock sole/Other flatfish	23	0
Other	0	0
Rockfish	0	0

TRAWL BAIRDI TANNER CRAB

	ZONE 1			ZONE 2		
Fishery group	Crabs (#'s)	Cap (#'s)	%	Crabs (#'s)	Cap (#'s)	%
Pacific cod	23129	175000	13.2%	59266	398667	14.9%
Rock sole/Other flatfish	328387	475000	69.1%	33102	199333	16.6%
PLCK/AMCK/OTHER	512990	175000	293.1%	1122916	1146167	98.0%
Rockfish	0	0	0.0%	0	24917	0.0%
GTRB/ARTH/SABL	0	0	0.0%	0	10000	0.0%

TRAWL RED KING CRAB

	ZONE 1		
Fishery group	Crabs (#'s)	Cap (#'s)	%
Pacific cod	11	40000	0.0%
Rock sole/Other flatfish	130983	80000	163.7%
PLCK/AMCK/OTHER	44458	40000	111.1%

FIXED GEAR HALIBUT MORTALITY, BSAI

Fishery group	HALIBUT (mt)	Cap (mt)	% taken
Hook&Line Cod target	181.90	825	22.05%
Other fixed gear	14.79	75	19.73%

NMFS/AKR
04/08/93
5:08 PM

1993 GULF OF ALASKA FISHERIES
HALIBUT BYCATCH MORTALITY

	HOOK & LINE ALLOWANCE 1st Trimester 200 MT MORTALITY				TRAWL ALLOWANCE 1st Quarter 600 MT MORTALITY			
WED	WK HAL MORT MT	WK %	CUM HAL MORT MT	CUM %	WK HAL MORT MT	WK %	CUM HAL MORT MT	CUM %
01/02/93	1	0.7%	1	0.7%	0	0.0%	0	0.0%
01/09/93	3	1.3%	4	2.0%	0	0.0%	0	0.0%
01/16/93	4	1.9%	8	4.0%	0	0.0%	0	0.0%
01/23/93	4	1.9%	12	5.9%	0	0.0%	0	0.0%
01/30/93	3	1.3%	14	7.2%	7	1.1%	7	1.1%
02/06/93	7	3.3%	21	10.5%	12	2.0%	19	3.1%
02/13/93	6	3.0%	27	13.5%	26	4.3%	45	7.4%
02/20/93	5	2.5%	32	16.0%	45	7.5%	89	14.9%
02/27/93	5	2.5%	37	18.5%	68	11.3%	158	26.3%
03/06/93	8	3.9%	45	22.4%	126	21.0%	284	47.3%
03/13/93	5	2.5%	50	24.9%	132	22.0%	416	69.3%
03/20/93	6	3.2%	56	28.1%	206	34.4%	622	103.7%
03/27/93	3	1.6%	59	29.7%	83	13.8%	705	117.5%
04/03/93	0	0.1%	59	29.7%	54	9.0%	759	126.5%

Data based on observer reports, extrapolated to total groundfish harvest. Estimates for all weeks may change due to incorporation of late or corrected data.

NMFS/AKR
04/08/93

1993 GULF OF ALASKA FISHERIES
CHINOOK & OTHER SALMON BYCATCH

TRAWL GEAR

	CHINOOK SALMON		'OTHER' SALMON	
WEEK	WEEKLY NUMBER	CUMULATIVE NUMBER	WEEKLY NUMBER	CUMULATIVE NUMBER
01/09	94	94	6	6
01/16	26	120	2	8
01/23	0	120	0	8
01/30	21	141	5	14
02/06	52	193	7	21
02/13	1759	1952	254	275
02/20	2338	4290	308	583
02/27	2311	6602	225	808
03/06	385	6987	45	853
03/13	734	7721	104	958
03/20	676	8397	0	958
03/27	242	8639	0	958
04/03	250	8888	0	958

NOTE: No PSC Limits apply to salmon.

Data based on observer reports, extrapolated to total groundfish harvest. Estimates for all weeks may change due to incorporation of late or corrected data.

* * * * *

International Footnotes

599A The use of the band 137–138 MHz by the mobile-satellite service is subject to the application of the coordination and notification procedures set forth in RES46 (WARC–92). However, coordination of a space station of the mobile-satellite service with respect to terrestrial services is required only if the power flux-density produced by the station exceeds −125 dB(W/m²/4 kHz) at the Earth's surface. The above power flux-density limit shall apply until such time as a competent world administrative radio conference revises it. In making assignments to the space stations in the mobile-satellite service in the above band, administrations shall take all practicable steps to protect the radio astronomy service in the 150.05–153 MHz band from harmful interference from unwanted emissions.

599B The use of the bands 137–138 MHz, 148–149.9 MHz and 400.15–401 MHz by the mobile-satellite service and the band 149.9–150.05 MHz by the land mobile-satellite service is limited to non-geostationary-satellite systems.

* * * * *

608A The use of the band 148–149.9 MHz by the mobile-satellite service is subject to the application of the coordination and notification procedures set forth in RES46 (WARC–92). The mobile-satellite service shall not constrain the development and use of fixed, mobile and space operation services in the band 148–149.9 MHz. Mobile earth stations in the mobile-satellite service shall not produce a power flux-density in excess of −150 dB(W/m²/4 kHz) outside national boundaries.

608B The use of the band 149.9–150.05 MHz by the land mobile-satellite service is subject to the application of the coordination and notification procedures set forth in RES46 (WARC–92). The land mobile-satellite service shall not constrain the development and use of the radionavigation-satellite service in the band 149.9–150.05 MHz. Mobile earth stations of the mobile-satellite service shall not produce a power flux-density in excess of −150 dB(W/m²/4 kHz) outside a national boundaries.

608C Stations of the mobile-satellite service in the band 148–149.9 MHz shall not cause harmful interference to, or claim protection from stations of the fixed or mobile services in the following countries: Algeria, the Federal Republic of Germany, Saudi Arabia, Australia, Austria, Bangladesh, Belarus, Belgium, Brunei Darussalam, Bulgaria, Cameroon, Canada, Cyprus, Colombia, Congo, Cuba, Denmark, Egypt, the United Arab Emirates, Ecuador, Spain, Ethiopia, the Russian Federation, Finland, France, Ghana, Greece, Honduras, Hungary, Iran, Ireland, Iceland, Israel, Italy, Japan, Jordan, Kenya, Libya, Liechtenstein, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mozambique, Namibia, New Zealand, Norway, Oman, Pakistan, Panama, Papua New Guinea, the Netherlands, Philippines, Poland, Portugal, Qatar, Syria, Romania, the United Kingdom, Singapore, Sri Lanka, Sweden, Switzerland, Suriname, Swaziland, Tanzania, Chad, the Czech and Slovak Federal Republic, Thailand, Tunisia, Turkey, Ukraine, Yemen and Yugoslavia that operate in accordance with the Table of Frequency Allocations.

* * * * *

609B In the band 149.9–150.05 MHz, the allocation to the land mobile-satellite service shall be on a secondary basis until 1 January 1997.

* * * * *

647A The band 400.15–401 MHz is also allocated to the space research service in the space-to-space direction for communications with manned space vehicles. In this application, the space research service will not be regarded as a safety service.

647B The use of the band 400.15–401 MHz by the mobile-satellite service is subject to the application of the coordination and notification procedures set forth in Resolution 46 (WARC–92). However, coordination of a space station of the mobile-satellite service with respect to terrestrial services is required only if the power flux-density produced by the station exceeds −125 dB(W/m²/4kHz) at the Earth's surface. The above power flux-density limit shall apply until such time as a competent world administrative radio conference revises it. In making assignments to the space stations in the mobile-satellite service in the above band, administrations shall take all practicable steps to protect the radio astronomy service in the band 406.1–410 MHz from harmful interference from unwanted emissions.

* * * * *

United States (US) Footnotes

US318 Until January 1, 2000, the use of the 137–138 MHz band by the mobile-satellite service will be secondary to Government satellite operations in the subbands: 137.333–137.367, 137.485–137.515, 137.605–137.635 and 137.753–137.787 MHz.

US319 In the 137–138, 148–149.9, 149.9–150.05, 399.9–400.05, and 400.15–401 MHz bands, Government stations in the mobile-satellite service shall be limited to earth stations operating with non-Government satellites.

US320 Use of the 137–138, 148–149.9, and 400.15–401 MHz bands by the mobile-satellite service is limited to non-voice, non-geostationary satellite systems and may include satellite links between land earth stations at fixed locations.

US322 The 149.9–150.05 MHz band is allocated to the mobile-satellite service (Earth-to-space) on a primary basis after 1 January 1997 and shall be limited to non-voice, non-geostationary satellite systems, including satellite links between land earth stations. Before 1 January 1997 use of this band on a secondary basis for the mobile satellite service is allowed for land earth stations at fixed locations.

US323 In the 148–149.9 MHz band, no individual mobile earth station shall transmit, on the same frequency being actively used by fixed and mobile stations and shall transmit no more than 1% of the time during any 15 minute period; except, individual mobile earth stations in this band that do not avoid frequencies actively being used by the fixed and mobile services shall not exceed a power density of −16 dBW/4kHz and shall transmit no more than 0.25% of the time during any 15 minute period. Any single transmission from any individual mobile earth station operating in this band shall not exceed 450 ms in duration and consecutive transmissions from a single mobile earth station on the same frequency shall be separated by at least 15 seconds. Land earth stations in this band shall be subject to electromagnetic compatibility analysis and coordination with terrestrial fixed and mobile stations.

US324 Government and non-Government satellite systems in the 400.15–401 MHz band shall be subject to electromagnetic compatibility analysis and coordination.

US325 In the band 148–149.9 MHz fixed and mobile stations shall not claim protection from land earth stations in the mobile-satellite service that have been previously coordinated; Government fixed and mobile stations exceeding 27 dBW EIRP, or an emission bandwidth greater than 38 kHz, will be coordinated with existing mobile-satellite service space stations.

US326 The 399.9–400.05 MHz band is allocated to the mobile-satellite service (Earth-to-space) on a primary basis after January 1, 1997 and shall be limited to non-voice, non-geostationary satellite systems, including satellite links between land earth stations.

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[FR Doc. 93–6765 Filed 3–25–93; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[Docket No. 920937–3028]

Threatened Fish and Wildlife; Steller Sea Lions

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: With few exceptions, vessel entry within 3 nautical mile (nm) of listed Steller sea lion rookery sites in the Bering Sea, Aleutian islands, and Gulf of Alaska is currently prohibited. This prohibition was established concurrent with the listing of the Steller sea lion (*Eumetopias jubatus*) as a threatened species under the Endangered Species Act to aid the species' recovery. NMFS is amending existing regulations to authorize vessel transit through the Steller sea lion rookery buffer zones at Cape Morgan, Akutan Island, Clubbing Rocks, and Outer Island. NMFS has determined that: (1) these navigational routes have

been used traditionally by vessels; (2) vessels transiting these routes that maintain a minimum distance of 1 nm from sea lion rockery boundaries and remain in continuous transit, are not likely to have a significant adverse affect on Steller sea lions; and (3) there are no reasonable and acceptable alternatives for navigation in the vicinity of these locations.

EFFECTIVE DATE: This rule is effective on April 3, 1993.

ADDRESSES: A copy of the Environmental Assessment is available from Protected Resources Management Division, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Colleen Coogan, NMFS Alaska Region, Protected Resources management Division, (907) 586–7235.

SUPPLEMENTARY INFORMATION:

Background

By emergency interim rule (55 FR 12645, April 5, 1990), NMFS listed the Steller (northern) sea lion as a threatened species under the Endangered Species Act (ESA) (16 U.S.C. 1531–1543). Coincident with the listing, NMFS, to aid the species' recovery, established the following protective regulations:

(1) Prohibited, with limited exceptions, vessel entry within 3 nm of listed Steller sea lion rookeries;

(2) prohibited shooting at or near Steller sea lions; and

(3) reduced the allowable level of take incidental to commercial fisheries in Alaskan waters (50 CFR 227.12).

The emergency rule included an exception for transit through rookery buffer zones at 12 listed straits, passes, and narrows. During the comment period on the interim rule, one commenter objected to this navigational transit exception and recommended that advanced approval and a showing of necessity should be required. NMFS responded to the comment in the proposed rule (55 FR 29792, July 20, 1990), and proposed to exclude the navigational transit exception from the final rule. This decision was based on the presumed availability of alternative routes and the buffer zone exception for emergency situations. No comments were received on this portion of the proposed rule, and the final rule did not include an exception for navigational routes (55 FR 49204, November 26, 1990).

Subsequent to these actions, NMFS promulgated additional protection measures for Steller sea lions. Under the Magnuson Fishery Conservation and Management Act, NMFS has prohibited groundfish trawling within 10 nm of listed Steller sea lion rookeries during the Bering Sea and Aleutian Islands winter pollock roe fishery (57 FR 2683, January 23, 1992).

During the North Pacific Fishery Management Council's January 1992 meeting, a representative of the fishing industry testified that the 3-nm no-entry zone around the Akutan/Cape Morgan sea lion rookery created a significant safety hazard to fishing vessels. In a subsequent letter to the Alaska Regional Director, the same representative requested that NMFS reevaluate the specific navigational routes contained in the emergency interim rule.

In response to this request, NMFS evaluated the need for, and the likely effects of, reestablishing navigational routes. Based on a review of the available information, NMFS preliminarily determined that exceptions for the purposes of navigational transit were warranted at Akutan Pass and in the vicinity of Clubbing Rocks. For this reason, as authorized under 50 CFR 227.12(b)(5), the Director, Alaska Region, NMFS, granted an immediate temporary exemption for navigational transit at these two locations on October 15, 1992 (57 FR 47276). In addition, NMFS proposed to permanently amend existing regulations to reflect this exception to the buffer zones (57 FR 53312, November 9, 1992). To provide adequate protection to Steller sea lions, under the temporary exemption, transitting vessels are required to maintain a minimum of 1 nm from the rookery boundaries and are prohibited from all other non-passage activities within the buffer zones, e.g., fishing or anchorage.

Comments on the Proposed Rule

NMFS received four comments in response to the November 9, 1992, notice of proposed rulemaking. Two comments were from private individuals and two comments were from fishing industry representatives. Two commenters expressed support for the proposed transit zones at Akutan Pass and Clubbing Rocks. Three commenters requested additional transit zones; one of these requests was for transit through a buffer zone not created under the ESA for Steller sea lions. These comments are discussed below:

One of the commenters requested permission to operate a vessel within the Sugarloaf Island buffer zone to conduct birding tours and supply a research camp at East Amatuli Island. NMFS' purpose in amending the existing regulations is to allow for safe passage through buffer zones where other routes are not available or are more hazardous. Under the proposed exception, vessels are allowed to transit continuously through the buffer zone, but all other activities, such as anchorage and fishing, are prohibited. The commenter's request is not for transit through a buffer zone for navigational purposes, but to pursue tour activities within a buffer zone. NMFS has previously denied this request (57 FR 26649, June 15, 1992), and maintains that seabird viewing can be accomplished at other locations outside of the sea lion protection areas. Since NMFS has granted an individual exemption for the seabird research being conducted at East Amatuli Island (58 FR 4156, January 13, 1993), an additional exception for this activity is not necessary. Therefore, NMFS has determined that creation of a transit zone within the Sugarloaf Island buffer zone is not warranted.

Another commenter requested a transit zone be established through Wildcat Pass, which runs between Rabbit Island and Ragged Island about 1.5 statute miles north of the Outer Island Steller sea lion rookery. This proposed route would provide a shorter and more protected passage for vessels travelling to and from Seward and points west during severe weather conditions. Since there is an island between Outer Island and this proposed passageway and the route is greater than 1 nm from the rookery, it is unlikely that Steller sea lions would be adversely affected by allowing vessels to transit through this pass. A transit zone through Wildcat Pass is therefore included in this final rule.

Two other commenters both wrote in support of a permanent exception for navigational transit through Akutan Pass and in the vicinity of Clubbing Rocks as proposed in the November 9, 1992, notice of proposed rulemaking. One of these commenters requested that a transit zone be established through the 12-nm buffer zone around the Round Island walrus haulout. This protection area was established under the Magnuson Fishery Conservation and Management Act for walruses, and therefore, is beyond the scope of the action being considered under this rulemaking.

Determination

NMFS has determined that allowing navigational transit through buffer zones around the Cape Morgan-Akutan Island, Clubbing Rocks, and Outer Island Steller sea lion rookeries is warranted, and that existing regulations at 50 CFR 227.12 should be amended to reflect this

exception to the buffer zone restrictions. Vessel traffic has occurred traditionally through waters encompassed by these three buffer zones, particularly by vessels operating out of Dutch Harbor, Sand Point, King Cove, and Seward. Vessels will be required to maintain a minimum distance of 1 nm from the rookery boundaries, and may only engage in continuous navigational transit through the buffer zones. A limited exception to allow transit through these three areas under these conditions is not anticipated to cause significant disruption to sea lion behavior. Alternative routes entail significantly increased safety hazards for vessel operators and crew, and are viewed by NMFS as not being acceptable alternatives. Therefore, NMFS amends the existing regulations at 50 CFR 227.12(b) to provide navigational transit routes through the buffer zones at Cape Morgan-Akutan Island, Clubbing Rocks, and Outer Island.

Classification

Based on an environmental assessment (EA) prepared by NMFS, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) has determined that implementation of this final rule will not have a significant impact on the environment. As a result of this determination, an environmental impact statement was not prepared. A copy of the EA is available (see ADDRESSES).

NMFS has determined that the final rule is likely to cause only minimal disruption in normal sea lion behavior and is not likely to imperil the survival or impede the recovery of Steller sea lions. NMFS has conducted a consultation under section 7 of the ESA that concluded that implementation of this exemption for navigation through the buffer zones in these locations is not likely to jeopardize the continued existence of Steller sea lions. The maintenance of a 1-nm minimum approach within the navigational routes, in conjunction with other existing regulations, is expected to provide adequate protection for Steller sea lions.

The Assistant Administrator has determined that this final rule is not a "major rule" that requires a regulatory impact analysis under E.O. 12291. The final rule is expected to reduce economic costs to a sector of the public.

The General Counsel for the Department of Commerce certified to the Small Business Administration that this final rule will not have a significant impact on a substantial number of small entities since the rule will result in reduced economic costs for vessel operators. As a result, a regulatory flexibility analysis was not prepared.

This final rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: March 22, 1993.

Nancy Foster,

Acting Assistant Administrator for Fisheries.

For the reasons set out in the preamble, 50 CFR part 227 is amended as follows:

PART 227—THREATENED FISH AND WILDLIFE

1. The authority citation for part 227 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

2. In § 227.12, a new paragraph (b)(6) is added to read as follows:

§ 227.12 Steller sea lion.

* * * * *

(b) * * *

(6) *Navigational transit.* Paragraph (a)(2) of this section does not prohibit a vessel in transit from passing through a strait, narrows, or passageway listed in this paragraph if the vessel proceeds in continuous transit and maintains a minimum of 1 nautical mile from the rookery site. The listing of a strait, narrows, or passageway does not indicate that the area is safe for navigation. The listed straits, narrows, or passageways include the following:

Rookery	Straits, narrows, or pass
Akutan Island.	Akutan Pass between Cape Morgan and Unaiga Island.
Clubbing Rocks.	Between Clubbing Rocks and Chemi Island.
Outer Island	Wildcat Pass between Rabbit and Ragged Islands.

* * * * *

[FR Doc. 93-6959 Filed 3-25-93; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 641

[Docket No. 921192-2352]

RIN 0648-AE91

Reef Fish Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS increases the annual commercial quota for red snapper in the Gulf of Mexico reef fish fishery from 2.04 to 3.06 million pounds (0.93 to 1.39 million kg) in accordance with the framework procedure of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The intended effect is to protect the red snapper resource from overfishing and continue the stock rebuilding program while still allowing catches in the commercial and recreational fisheries for red snapper.

EFFECTIVE DATE: March 23, 1993.

FOR FURTHER INFORMATION CONTACT: Robert A. Sadler, 813-893-3161.

SUPPLEMENTARY INFORMATION: The background and rationale for the changes were contained in the proposed rule (57 FR 57129, December 3, 1992) and are not repeated here. The reef fish fishery of the Gulf of Mexico is managed under the FMP, which is prepared and amended by the Gulf of Mexico Fishery Management Council (Council). The FMP is under authority of the Magnuson Fishery Conservation and Management Act; its implementing regulations are at 50 CFR part 641.

In accordance with the FMP's framework procedure for adjustment of management measures, the Council proposed for red snapper an increase in the total allowable catch (TAC) from 4.0 to 6.0 million pounds (1.8 to 2.7 million kg) and a change in the target date for achieving a 20 percent spawning potential ratio from January 1, 2007, to January 1, 2009. Under the established commercial/recreational allocation ratio of 51/49, a TAC of 6.0 million pounds (2.7 million kg) would provide a commercial quota of 3.06 million pounds (1.39 milion kg), upon attainment of which the commercial fishery would be closed. A recreational allocation of 2.94 million pounds (1.33 million kg) is proposed, which would equate to a daily recreational bag limit of 7 fish, the current bag limit.

Comments and Responses

One individual provided remarks on various topics, including the 1993 TAC proposed by the Council. A marine conservation organization objected to

C. Legal Basis

The proposed action is authorized by sections 4(i), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 303(c), 303(f), 303(g), and 303(r). These provisions authorize the Commission to make such rules and regulations as may be necessary to encourage more effective use of radio as is in the public interest.

D. Description, Potential Impact, and Number of Small Entities Affected

This proposal may provide new marketing opportunities for amateur radio equipment manufacturers, some of which may be small businesses. The Commission invites specific comments on this matter by interested parties.

E. Reporting, Record Keeping and Other Compliance Requirements

None.

F. Federal Rules Which Overlap, Duplicate or Conflict With This Rule

None.

G. Significant Alternatives

None.

Procedural Information

4. This action is taken pursuant to sections 4(i), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(c), 303(f), 303(g), and 303(r).

5. The rule making proposals in this NPRM constitute a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, provided they are disclosed as provided in Commission rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).303(r).

6. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before June 15, 1993, and reply comments on or before July 15, 1993. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments must be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

List of Subjects

47 CFR Part 2

Frequency allocations and radio treaty matters; general rules and regulations, Radio.

47 CFR Part 80

Radio Stations in the Maritime Services.

47 CFR Part 97

Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93-7466 Filed 3-31-93; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 930236-3036]

Designated Critical Habitat; Steller Sea Lion

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule and request for comments.

SUMMARY: NMFS proposes to designate critical habitat for the Steller (northern) sea lion (*Eumetopias jubatus*) pursuant to the Endangered Species Act (ESA). The proposed critical habitat for designation includes (1) all Steller sea lion rookeries and major haulouts (i.e. >200 Steller sea lions) located within state and Federally managed waters off Alaska, including a zone that extends 3,000 feet (0.9 km) landward and vertical of each rookery and major haulout boundary, and that extends either 3,000 feet (0.9 km) seaward from rookeries and major haulouts in Alaska located east of 144° W. longitude, or 20-nm seaward from rookeries and major haulout sites west of 144° W. longitude; (2) all Steller sea lion rookeries in state and Federally managed waters off Washington, Oregon and California, including the zone that extends 3,000 feet (0.9 km) vertical and seaward from each rookery; and (3) three aquatic foraging habitats within the core of the Steller sea lion's geographic range, one aquatic zone located exclusively in the Gulf of Alaska (GOA), and two aquatic zones in the Bering Sea/Aleutian Islands area (BSAI). The physical and biological features of the habitat that are essential to the conservation of the species and that may require special management consideration or protection are discussed in the preamble to this proposed rule. The primary benefit of the designation of critical habitat is that it provides notification to Federal agencies that a listed species is dependent on these areas for its continued existence and that any Federal action that may affect these areas is subject to the consultation requirements of section 7 of the ESA. The direct economic and other impacts resulting from this proposed critical habitat designation are expected to be minimal.

DATES: Comments on the proposed rule must be received on or before June 1, 1993. Requests for a public hearing must be received on or before May 17, 1993.

ADDRESSES: Comments and requests for a public hearing should be addressed to the Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Steven Zimmerman, National Marine Fisheries Service, Alaska Region, P.O. Box 21668, Juneau, AK 99802, (907) 586-7235, or Mr. Michael Payne, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910, (301) 713-2322.

SUPPLEMENTARY INFORMATION:

Background

Ecological Consideration

Steller sea lions are the largest member of the otariid pinniped family, and rely upon both terrestrial and marine habitats for successful completion of their life cycle. Steller sea lions are polygynous and gregarious; they use traditional terrestrial sites for breeding, pupping, and resting. Females reach sexual maturity between 3 and 6 years of age and may produce young into their early twenties (Calkins and Pitcher 1982). Adult females are monestrous, and most breed annually. Males reach sexual maturity between 3 and 7 years of age; however, Thorsteinson and Lensink (1962) found that 90 percent of males holding territories on rookeries in the western GOA were between 9 and 13 years of age.

Steller sea lions range around the North Pacific Ocean rim from the Kuril Islands and Okhotsk Sea, through the Aleutian Islands and Bering Sea, and south along the North American coast to

California (Loughlin, Rugh and Fiscus 1984). Their centers of abundance and distribution are the GOA and Aleutian Islands (Kenyon and Rice 1961, Calkins and Pitcher 1982). A 1989 range-wide survey indicates that during the summer about 70 percent of the Steller sea lion population resides in Alaska, 15 percent in the Russian Federation (formerly the Soviet Union), 9 percent in British Columbia, 3 percent in Oregon, and 3 percent in California (Loughlin, Perlov and Vladimirov 1992). Although sea lions exhibit fidelity to breeding location, there is insufficient evidence to identify any discrete population subunits within the geographic range.

Counts of Steller sea lions on rookeries and major haulouts during the breeding season indicate that extensive declines have occurred within the Alaskan and the Russian Federation portions of their range over the last 30 years. A series of counts in the GOA and BSAI between the mid-1970s and 1991 indicate a 70-percent decline in the Alaskan portion of the population over this time period (Merrick, Calkins and McAllister 1992). Counts in Southeast Alaska, British Columbia, and Oregon have remained stable over the same period; Steller sea lion numbers in California have declined. Loughlin, Perlov and Vladimirov (1992) estimated the 1989 Steller sea lion world population to be about 116,000 animals, approximately 39–48 percent of the 240,000–300,000 animals estimated 30 years ago by Kenyon and Rice (1961).

The causes of the Steller sea lion population decline are unknown. Potential causative factors include disease, incidental takes in fishing gear, direct mortality (shooting), and natural or human induced (through fishing) changes in the abundance and species composition of the sea lion prey (Merrick, Loughlin and Calkins 1987, Loughlin and Merrick 1989).

Previous Federal Actions

Because of the drastic population decline, NMFS issued an emergency interim rule on April 5, 1990, that listed the Steller sea lion as a threatened species throughout its range, established protective regulations, and requested comments (55 FR 12645). Since the emergency interim rule was only effective for 240 days, an expeditious permanent rulemaking process was undertaken to avoid any lapse in ESA status. Thus, NMFS decided to postpone critical habitat designation and consideration of additional conservation measures, and issued proposed and final rules to list permanently the species that were essentially identical to the emergency rule (55 FR 29793, July 20, 1990 and 55 FR 49204, Nov. 26, 1990).

The final rule listing the Steller sea lion as threatened became effective on December 4, 1990, and incorporated the protective regulations established in the emergency interim rule. Specifically, coincident with the listing, NMFS: (1) Prohibited shooting at or near Steller sea lions; (2) prohibited, with limited exceptions, vessels from entering within 3 nautical miles (nm) (5.5 km) of selected Steller sea lion rookeries and individuals on land from approaching within one-half mile (0.8 km) or within sight of listed Steller sea lion rookeries in the GOA and BSAI; and (3) limited the allowable annual take of Steller sea lions incidental to commercial fisheries to 675 animals in Alaskan waters and adjacent areas of the U.S. Exclusive Economic Zone west of 141° W. longitude (50 CFR 227.12). These protective regulations were intended to reduce sea lion mortality, restrict opportunities for unintentional and intentional harassment of sea lions, and minimize disturbance and interference with sea lion behavior, especially at pupping and breeding sites.

Since listing, NMFS has implemented additional regulations under the Magnuson Fishery Conservation and Management Act (Magnuson Act) to reduce the possible adverse effects of the GOA and BSAI Federally managed groundfish fisheries on Steller sea lions, their habitat and food resources. Effective January 20, 1992, NMFS: (1) Prohibited trawling year-round within 10 nm of listed GOA and BSAI Steller sea lion rookeries; (2) prohibited trawling within 20 nm of the Akun, Akutan, Sea Lion Rock, Agligadak, and Seguam rookeries during the BSAI winter pollock roe fishery; and (3) placed spatial and temporal restrictions on the GOA pollock harvest to divert some fishing effort away from sea lion foraging areas and to spread effort over the calendar year. Protective regulations have focused on the geographic area where the sea lion population has experienced the greatest decline.

Recovery Plan

The ESA requires that NMFS develop and implement recovery plans for the conservation and survival of threatened and endangered species. Accordingly, NMFS appointed a Steller Sea Lion Recovery Team (hereafter referred to as the Recovery Team) during April 1990. The Recovery Team submitted a draft Recovery Plan to NMFS on February 15, 1991, which NMFS released for public review and comment (56 FR 11204, March 15, 1991). Following review and comment, a final draft of the Steller Sea Lion Recovery Plan was submitted by the Recovery Team to NMFS on October 3, 1991, for NMFS review and approval. The final draft Recovery Plan incorporated, to the maximum extent possible, the comments that were submitted to NMFS during the technical review process. The Plan discusses the natural history and current status of the species, as well as the known and potential human impacts on the species, and recommends management and research actions to aid the species' recovery. The final Recovery Plan was approved by NMFS on December 30, 1992.

In a separate letter to NMFS dated April 11, 1991, the Recovery Team recommended terrestrial and aquatic areas that should be considered as critical habitat for the Steller sea lion. Those recommendations have been included in this proposal.

Definition of Critical Habitat

Critical habitat is defined in section 3(5)(A) of the ESA as "(i) the specific areas within the geographical area occupied by the species * * *, 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 * * * upon a determination by the Secretary that such areas are essential for the conservation of the species."

Areas outside the current range of a species can only be designated if a designation limited to the species' present distribution would be inadequate to ensure the conservation of the species. The term "conservation," as defined in section 3(3) of the ESA means "* * * 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."

The criteria to be considered in critical habitat designation are specified under 50 CFR 424.12. NMFS is required to consider those physiological, behavioral, ecological, and evolutionary requirements that are essential to the conservation of the species and that may require special management considerations or protection. Such requirements 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; (4) sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; and (5) habitats that are, generally, protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

In addition, when considering the designation of critical habitat, NMFS is required to focus on and list the biological or physical features (primary constituent elements) within the designated areas that are essential to the conservation of the species and that may require special management considerations or protection.

Consideration of Economic, Environmental and Other Factors

The economic, environmental, and other impacts of a critical habitat designation were considered and evaluated. NMFS identified present and anticipated activities that may adversely modify the areas being considered for critical habitat, or be affected by a designation. An area may be excluded from a critical habitat designation if NMFS determines that the overall benefits of exclusion outweigh the benefits of designation, unless the exclusion will result in the extinction of the species.

The impacts considered in this analysis are only those incremental impacts specifically resulting from a critical habitat designation, above the economic and other impacts attributable to listing the species or resulting from other authorities. Since listing a species under the ESA provides significant protection to the species' habitat, in many cases the direct economic and other impacts resulting from the critical habitat designation, over and above the impacts of the listing itself, are minimal (see Significance of Designating Critical Habitat section of this preamble). In general, the designation of critical habitat only duplicates and reinforces the substantive protection resulting from the listing itself.

Impacts attributable to listing include those resulting from the taking prohibitions under section 9 of the ESA and associated regulations. "Taking" as defined in the ESA means to harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm to a listed species can occur through destruction or modification of habitat (whether or not designated as critical) that significantly impairs essential behaviors, including breeding, feeding, migrating, or sheltering.

Impacts attributable to listing also include those resulting from the duty of Federal agencies under section 7 to ensure that their actions are not likely to jeopardize endangered or threatened species. An action could be likely to jeopardize the continued existence of a listed species through the destruction or modification of its habitat, regardless of whether that habitat has been designated as critical.

Significance of Designating Critical Habitat

The designation of critical habitat does not, in itself, restrict human activities within the area or mandate any specific management or recovery action. A critical habitat designation contributes to species conservation primarily by identifying critically important areas and by describing the features within the areas that are essential to the species, thus alerting public and private entities to the importance of the area. Under the ESA, the only direct impact of a critical habitat designation is under the provisions of section 7. Section 7 applies only to actions with Federal involvement (e.g., authorized, funded, conducted), and does not affect exclusively state or private activities.

Under the section 7 provisions, a designation of critical habitat would require Federal agencies to ensure that any action they authorize, fund, or carry out is not likely to destroy or adversely modify the designated critical habitat. Activities that adversely modify critical habitat are defined as those actions that "appreciably diminish the value of critical habitat for both the survival and recovery" of the species (50 CFR 402.02). Regardless of a critical habitat designation, Federal agencies must ensure that their actions are not likely to jeopardize the continued existence of the listed species. Activities that jeopardize a species are defined as those actions that "reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery" of the species (50 CFR 402.02). Using these definitions, activities that destroy or adversely modify critical habitat also are likely to jeopardize the species. Therefore, the protection provided by a critical habitat designation usually only duplicates the protection provided under the section 7 jeopardy provision. Designation of critical habitat may provide additional benefits to a species in cases where areas outside of the species' current range have been designated. In these cases, it is expected that Federal agencies would consult on additional actions occurring in these areas.

A designation of critical habitat provides a clearer indication to Federal agencies as to when consultation under section 7 is required, particularly in cases where the action would not result in direct mortality or injury to individuals of a listed species (e.g., an action occurring within the critical area when a migratory species is not present). The critical habitat designation, describing the essential features of the habitat, also assists in determining which activities conducted outside the designated area are subject to section 7 (i.e., activities that may affect essential features of the designated area). For example, disposal of waste material in waters adjacent to a critical habitat area may affect an essential feature of the designated habitat (water quality) and would be subject to the provisions of section 7 of the ESA.

A critical habitat designation would also assist Federal agencies in planning future actions, since the designation establishes, in advance, those habitats that will be given special consideration in section 7 consultations. This is particularly true in cases where there are alternative areas that would provide for the conservation of the species. With a designation of critical habitat, potential conflicts between projects and endangered or threatened species can be identified and possibly avoided early in the agency's planning process.

Another indirect benefit of designating critical habitat is that it helps focus Federal, state, and private conservation and management efforts in those areas. Recovery efforts may address special considerations needed in critical habitat areas, including conservation regulations to restrict private as well as Federal activities. The economic and other impacts of these actions would be considered at the time of proposal and, therefore, are not considered in the critical habitat designation process. Other Federal, state, and local laws or regulations, such as zoning or wetlands protection, may also provide special protection for critical habitat areas.

Process for Designating Critical Habitat

In summary, developing a proposed critical habitat designation involves three main considerations. First, the biological needs of the species are evaluated and essential habitat areas and features identified. If there are alternative areas that would provide for the conservation of the species, these alternative areas are also identified. Second, the need for special management considerations or protection of the areas or features is evaluated. Finally, the probable economic and other impacts of

designating these essential areas as "critical habitat" are evaluated. After considering the requirements of the species, the need for special management, and the impacts of designation, the proposed critical habitat is published in the Federal Register for comment. The final critical habitat designation, considering comments on the proposal and impacts assessment, is published within 1 year of the proposal. Final critical habitat designations may be revised, using the same process, as new data become available.

A description of the essential habitat, need for special management, impacts of designating as critical habitat, and the proposed action are described in the following sections for the Steller sea lion.

Essential Habitat of the Steller Sea Lion

Available biological information for the listed Steller sea lion can be found in the final Recovery Plan (NMFS 1992). The physical and biological habitat features that support reproduction, foraging, rest, and refuge are essential to the conservation of the Steller sea lion. For the Steller sea lion, essential habitat includes both terrestrial and aquatic areas.

Terrestrial Habitat

Because of their traditional use and the relative ease of observation, terrestrial habitats are better known than aquatic habitats. Steller sea lion rookeries and haulouts are widespread throughout their geographic range, and the locations used change little from year to year. Factors that influence the suitability of a particular area include substrate, exposure to wind and waves, the extent and type of human activities and disturbance in the region, and proximity to prey resources (Mate 1973).

The best known Steller sea lion habitats are the rookeries, where adult animals congregate during the reproductive season for breeding and pupping. Rookeries are defined as those sites where males defend a territory and where pupping and mating occurs. Rookeries typically occur on relatively remote islands, rocks, reefs, and beaches, where access by terrestrial predators is limited. A rookery may extend across low-lying reefs and islands, or may be restricted to a relatively narrow strip of beach by steep cliffs. Rookeries are occupied by breeding animals and some subadults throughout the breeding season, which extends from late May to early July throughout the range. Female sea lions frequently return to pup and breed at the same rookery in successive years (Gentry 1970), and this site may be the same rookery, or approximate rookery (same island) as the female's natal site (Calkins and Pitcher 1982).

Steller sea lion rookeries are found from the central Kuril Islands around the Pacific Rim of the Aleutian Islands to Prince William Sound (Seal Rocks, at the entrance to Prince William Sound, Alaska, is the northernmost rookery) and south along the coast of North America to Ano Nuevo Island, California, the southernmost rookery. Loughlin, Rugh and Fiscus (1984) identified 51 Steller sea lion rookeries; since that time two additional rookeries have been identified in southeastern Alaska (Hazy Islands and White Sisters), bringing the total to 53 (43 of which are within U.S. borders). Historically, the largest rookeries occurred in the central and eastern Aleutian Islands, and the western and central GOA (Kenyon and Rice 1961; Loughlin, Rugh and Fiscus 1984; Loughlin, Perez and Merrick 1987). Because of drastic declines in pup production at the GOA and Aleutian Islands rookeries, the Forrester Island rookery in southeastern Alaska has been the largest annual producer of pups in recent years.

Haulouts are areas used for rest and refuge by all ages and both sexes of sea lions during the non-breeding season and by non-breeding adults and subadults during the breeding season. Sites used as rookeries in the breeding season may also be used as haulouts during other times of the year. Many rocks, reefs, and beaches are used as haulout sites; Steller sea lions are also occasionally observed hauled out on sea ice and manmade structures, such as breakwaters, navigational aids, and floating docks.

The Recovery Team identified 121 major haulout sites. Major haulouts were defined by the Recovery Team as sites where more than 200 animals have been counted. There are many more haulout sites throughout the range that are used by fewer animals or may be used irregularly.

Aquatic Habitat

Although they are most commonly seen and studied while on land, Steller sea lions spend most of their time at sea. The principal, essential at-sea activity presumably is feeding.

Nearshore waters around rookeries and haulouts: For regulatory purposes, the waterward boundary of rookeries and haulouts has been defined as the mean low-water mark. However, biologically, the boundaries are not that simply delineated. Nearshore waters surrounding rookeries and haulouts are an integral component of these habitats. Animals must regularly transit this region as they go to, and return from, feeding trips. As pups mature, they spend an increasing amount of time in waters adjacent to rookeries, where they develop their swimming ability and other aquatic behaviors. Waters surrounding rookeries and haulouts also provide a refuge to which animals may retreat when they are displaced from land by disturbance.

Rafting sites: In addition to rookeries and haulouts, sea lions also use traditional rafting sites. These are locations where the animals rest on the ocean surface in a tightly-packed group (Bigg 1985). Although the reasons for rafting are not fully understood, the widespread use and traditional nature of these sites indicate that they are an essential part of Steller sea lion habitat.

Food resources: Adequate food resources are an essential component of the Steller sea lion's aquatic habitat. Steller sea lions are opportunistic carnivores that prey predominantly upon demersal and off-bottom schooling fishes; invertebrates, e.g., squid and octopus, also appear to be regular component of their diet (Pitcher 1981). Prey consumption is expected to vary geographically, seasonally, and over years in response to fluctuations in prey abundance and availability (Pitcher 1981, Hoover 1988).

Data on Steller sea lion prey consumption are fairly limited. Results of limited diet studies conducted in Alaska since 1975 indicate that walleye pollock (*Theragra chalcogramma*) has been the principal prey in all areas over this time period, with Pacific cod (*Gadus macrocephalus*), octopus (*Octopus* sp.), squid (Gonatidae), Pacific herring (*Clupea harengus*), Pacific salmon (*Onchorhynchus* spp.), capelin (*Mallotus villosus*), and flatfishes (Pleuronectidae) also consumed (Pitcher 1981, Calkins and Pitcher 1982, Calkins and Goodwin 1988, Lowry et al. 1989). Few data are available on Steller sea lion prey preferences in Alaska prior to 1975; however, those data available indicate that pollock may have been a less important component of the diet in previous years (Fiscus and Baines 1966, Pitcher 1981). Limited food habit data from California and Oregon show a predominance of rockfish (Scorpaenidae) and hake (*Merluccius productus*) in the diet, with flatfish, squid, octopus, and lamprey (*Lampetra tridentatus*) also eaten.

Foraging habitats: Specific foraging sites, and their constancy over time, have not been well defined. NMFS' ongoing studies in the central GOA and Aleutian Islands using satellite telemetry are providing more detailed

information on feeding areas and diving patterns in Alaskan waters. Findings to date are summarized below: NMFS has deployed 52 satellite-linked time depth recorders on Steller sea lions since 1989. The results of this tagging indicate that waters in the vicinity of rookeries and haulouts are important foraging habitats, particularly for post-parturient females and young animals. These investigations strongly suggest that sea lion foraging strategies and ranges change seasonally, and according to the age and reproductive status of the animal.

Summertime foraging by postpartum females, whose foraging range is probably restricted by the need to return to the rookery to nurse pups, appears to occur mainly in relatively shallow waters within 20 nm of the rookeries. Data from tagged animals without pups and females with pups during the winter indicate that adult sea lions have the ability to forage at locations far removed from their rookeries and haul-out sites, and at great depths. Sea lion pups by their sixth month are also capable of traveling extended distances from land. However, dive depth appears to be more limited, and may restrict foraging success. Few observed dives by juvenile sea lions (younger than 11 months) have exceeded 20 m, whereas adult animal have been observed diving to depths greater than 250 m.

Need for Special Management Considerations or Protection

The following discussion outlines specific essential habitats that may require special management considerations or protection. Under separate rulemakings, NMFS has already determined that certain Steller sea lion habitats require special management considerations or protection, and has limited human activities in these areas. These management actions and the essential habitats they protect are also described below.

Terrestrial Habitats

The Steller sea lion's use of traditional sites, and the link of territorial males, postpartum females, and pups to rookery sites during the breeding season make them particularly vulnerable to intentional harassment. Observed responses to human disturbance vary from no reaction at all to mass stampedes into the water. In some cases, haulout sites have been completely abandoned after repeated disturbances, whereas in other cases sea lions have continued to use sites even after extreme harassment (Hoover 1988). The remote locations of most rookeries and haulouts help to reduce the frequency of harassment, but disturbance of sea lions by air and water craft continues to occur. Steller sea lions are vulnerable to harassment and disruption of essential life functions (e.g., breeding, pup care, and rest) at rookeries and haulouts throughout their range.

Aquatic Habitats

Nearshore waters around rookeries and haulouts: Nearshore waters associated with terrestrial habitats are subject to the same types of disturbance as rookeries and haulouts. NMFS has prohibited vessel entry within 3 nm of all Steller sea lion rookeries west of 150° W. longitude, the area where the greatest population decline has occurred, primarily to protect sea lions using these habitats from intentional and unintentional harassment. The Recovery Team recommended that waters extending 3,000 feet (0.9 km) from rookeries and major haulouts throughout the range of Steller sea lions be considered essential habitat that merits special management consideration.

Rafting sites: Available information is not sufficient to identify any specific rafting sites that are in need of special management consideration. Therefore, rafting sites are not included in this critical habitat designation.

Prey resources and foraging habitats: Reduction in food availability, quantity, and/or quality is considered to be a possible factor in the Steller sea lion population decline (Calkins and Goodwin 1988; Merrick, Loughlin and Calkins 1987; Loughlin and Merrick 1989; Lowry, Frost and Loughlin 1989). Most of the data on proximate causes of the Alaska sea lion decline point to reduced juvenile survival as a significant causative agent. There are also indications that decreased juvenile survival is due to a lack of food post-weaning and during the winter/spring of the first year. Calkins and Goodwin (1988) found that Steller sea lions collected in the GOA in 1985–1986 were significantly smaller (girth, weight, and standard length) than same-aged animals collected in the GOA in the 1970s. Reduced body size at age was interpreted as an indicator of nutritional stress.

Conservation and management of prey resources and foraging areas appears essential to the recovery of the Steller sea lion population. The quality and quantity of these resources may be degraded by human activities, e.g., pollutant discharges, habitat losses associated with human development, and commercial fisheries. Available data indicate that contamination of sea lion food resources by anthropogenic pollutants has not been a significant factor in the Steller sea lion decline. Changes in prey base due to physical habitat alteration also appear insignificant. Local degradation of sea lion food resources may occur near human population centers, along shipping lanes, and near drill sites. Presently, there is insufficient information to identify any specific geographic areas where additional management measures to protect sea lion food resources from contaminant inputs and habitat loss, beyond the existing state and Federal regulations, are necessary.

The relationship between commercial fisheries and the Steller sea lion's ability to obtain adequate food is unclear. The BSAI/GOA geographic region where Steller sea lions have experienced the greatest population decline is also an area where large commercial fisheries have developed. Many of the Steller sea lion's preferred prey species are harvested by commercial fisheries in this region, and food availability to Steller sea lions may be affected by fishing. At present, NMFS believes that the exploitation rates in Federally managed fisheries are unlikely to diminish the overall abundance of fish stocks important to Steller sea lions. However, spatial and temporal regulation of fishery removals in some areas has been determined to be necessary to ensure that local depletion of prey stocks does not occur.

No definitive description of Steller sea lion foraging habitat is possible. However, available data from satellite telemetry studies indicate that nearshore waters proximal to rookeries and haulouts are important foraging zones for females with pups during the breeding season and yearlings in the non-breeding season. Because of concerns that commercial fisheries in these essential sea lion habitats could deplete prey abundance, NMFS amended the BSAI and GOA groundfish Fishery Management Plans. Under the Magnuson Act, NMFS: (1) Prohibited trawling year-round within 10 nm of listed GOA and BSAI Steller sea lion rookeries; (2) prohibited trawling within 20 nm of the Akun, Akutan, Sea Lion Rock, Agligadak, and Seguam rookeries during the BSAI winter pollock roe fishery to mitigate concentrated fishing effort on the southeastern Bering Sea shelf and in Seguam Pass; and (3) placed spatial and temporal restrictions on the GOA pollock harvest to divert some fishing effort way from sea lion foraging areas and to spread effort over the calendar year. NMFS is also

proposing to expand seasonally the 10 nm no-trawl zone around Ugamak Island in the eastern Aleutians to 20 nm (57 FR 57726; Dec. 7, 1992). The expanded seasonal buffer at Ugamak Island is intended to better encompass Steller sea lion winter habitats and juvenile foraging areas in the eastern Aleutian Islands region during the BSAI winter pollock fishery.

In taking these regulatory actions, NMFS determined that aquatic habitats and prey resources in the vicinity of GOA and BSAI sea lion rookeries, in Seguam Pass, and on the southeastern Bering Sea shelf are essential to Steller sea lions, and are in need of special management considerations and/or protection. These aquatic habitats are proposed for critical habitat designation.

NMFS is also proposing to designate other foraging habitats, e.g., within 20 nm of major haulouts and Shelikof Strait, where additional management restrictions on human activities do not appear to be warranted at this time. Monitoring of fishery harvests and Steller sea lion research in these habitats will continue.

Essential Steller sea lion prey resources and foraging habitats also occur outside of the GOA and BSAI. However, we do not have sufficient information to identify any specific foraging areas to the east of 144° W. longitude that require special management consideration.

Activities That May Affect Essential Habitat

A wide range of activities by several private, state, and Federal activities and agencies may affect the essential habitats of Steller sea lions. Specific human activities that occur within or in the vicinity of the essential sea lion habitat defined above, and that may disrupt the essential life functions that occur there, include, but are not limited to (1) wildlife viewing (primarily south-central and southeastern Alaska, Oregon, and California); (2) boat and airplane traffic (throughout the range of the Steller sea lion); (3) research activities (on permitted sites and during specified times throughout the year); (4) commercial, recreational, and subsistence fisheries for groundfish, herring, salmon, and invertebrates, e.g., crab, shrimp, sea urchins/cucumbers (throughout the range of the Steller sea lion); (5) timber harvest (primarily southeastern and south-central Alaska); (6) hard mineral extraction (primarily southeastern Alaska); (7) oil and gas exploration (primarily Bering Sea and GOA); (8) coastal development, including pollutant discharges (specific sites throughout range); and (9) subsistence harvest (Alaska).

Federal agencies whose actions may affect essential sea lion habitats and will most likely be affected by this critical habitat designation include, but are not necessarily limited to (1) the U.S. Department of the Interior, Bureau of Land Management, Minerals Management Service (MMS), the National Park Service, and the U.S. Fish and Wildlife Service, (2) the U.S. Department of Agriculture, the Forest Service; (3) the U.S. Environmental Protection Agency; (4) the U.S. Coast Guard; (5) the U.S. military, including the Navy and Air Force; (6) and primarily, the U.S. Department of Commerce, NMFS.

Expected Impacts of Designating Critical Habitat

There are no inherent restrictions on human activities in an area designated as critical habitat. A critical habitat designation affects only those actions authorized, funded, or carried out by Federal agencies. Under section 7 of the ESA, Federal agencies are required to ensure that their actions are not likely to jeopardize the continued existence of listed species or to result in the destruction or adverse modification of critical habitat.

In many cases, the primary benefit of the designation of critical habitat is that it provides notification to Federal agencies that a listed species is dependent on a particular area for its continued existence and that any Federal action that may affect that area is subject to the consultation requirements of section 7 of the ESA. Therefore, this designation would require Federal agencies to evaluate their activities with respect to Steller sea lion critical habitat and to consult with NMFS prior to engaging in any action that may affect the critical habitat.

This designation will assist Federal agencies in evaluating the potential environmental impacts of their activities on Steller sea lions or their critical habitat, and in determining when consultation with NMFS would be appropriate. Currently (prior to the proposed critical habitat designation), Federal agencies active within the range of the Steller sea lion are required to consult with NMFS regarding projects and activities they permit, fund, or otherwise carry out that may affect the species pursuant to section 7 of the ESA. A Federally regulated activity may be conducted in an area designated as critical habitat if the authorizing Federal agency determines through the ESA section 7 consultation process that the activity is not likely to jeopardize the continued existence of the species or result in the destruction or adverse modification of its critical habitat. It is difficult to separate these two concepts. Activities that result in the destruction or adverse modification of critical habitat are also very likely to jeopardize the continued existence of the species, given the definitions specified in 50 CFR 402.02, regardless of any official critical habitat designation or the absence of such a designation. Therefore, in most situations, if not all, such consultations would be required even without this critical habitat designation because an action that is likely to affect the critical habitat would also be expected to affect the species. Additional consultations as a result of this designation are unlikely to be necessary.

NMFS has already reinitiated section 7 consultation on Federal actions that occur within the range of the Steller sea lion, including those that occur within these proposed critical habitat areas. Federal activities for which section 7 consultations have been reinitiated/conducted include: (1) Federally managed fisheries; (2) MMS Outer Continental Shelf lease sales (areas being considered by MMS for oil and gas lease sales during the 1992–1997 period include portions of proposed critical habitat in Shelikof Strait and the Bogoslof Island area); (3) U.S. Forest Service timber harvest and mineral extraction proposals; (4) EPA waste discharge permits; (5) U.S. Army Corps of Engineers section 10/404 permits; and (6) U.S. military activities.

Section 7 consultations on the Federally managed groundfish fisheries of the BSAI and GOA management areas have resulted in changes in the manner in which these fisheries are prosecuted, specifically to protect Steller sea lions and their essential habitats. Economic effects attributable to these regulations were analyzed in the environmental assessments and other regulatory documents produced in support of those decisions.

The designation of the proposed critical habitat will not affect state and local government activity, or private actions that are not dependent on, or limited by, Federal authority, permits, or funds. The designation will help to inform private and state agencies of the importance of these habitat areas to Steller sea lions. Other provisions of the ESA, such as the prohibition on takings, are applicable to state agencies and private parties.

It should be noted that the taking prohibition has been interpreted broadly, and that the destruction of

habitat may be considered a taking, regardless of any official critical habitat designation or the absence of such a designation and regardless of Federal involvement or the lack of such involvement.

It should also be noted that activities conducted outside of designated critical habitat areas may adversely modify or destroy critical habitat or may jeopardize the continued existence of the listed species. Such a result should be anticipated if the activity has a significant impact on an essential feature identified in the critical habitat designation.

Developed areas, such as roads, are not proposed for designation as critical habitat even if physically situated within the boundaries of the proposed critical habitat units, nor are man-made structures (i.e. jetties or piers) although Steller sea lions may use these structures for haulout sites. In cases where the proposed critical habitat boundaries unavoidably contain man-made structures, these areas will be unaffected by critical habitat designation.

NMFS prepared an Environmental Assessment (EA), based on the best available information, that describes the environmental and economic impacts of alternative critical habitat designations. The proposed action identifies and delineates critical habitat for the Steller sea lion.

This action is intended to maintain and/or enhance, rather than to use, a resource. No adverse environmental impacts from the designation of critical habitat are expected. Rather, this action may enhance the long-term productivity of these areas by ensuring that a Federal agency's actions will not result in the adverse modification or destruction of critical habitat for the Steller sea lion.

Proposed Critical Habitat: Essential Features

NMFS proposes to designate the following areas as critical habitat for the Steller sea lion. These areas are considered essential for the health, continued survival, and recovery of the Steller sea lion population, and may require special management consideration and protection.

(1) NMFS proposes to designate all Steller sea lion rookeries and major haulouts within state and Federally managed waters off Alaska as critical habitat for the species (tables 1 and 2 to proposed 50 CFR 226.12). This designation includes a zone that extends 3,000 feet (0.9 km) of 144° W. longitude, or 20 nm seaward from BSAI and GOA Steller sea lion rookeries and major haulouts west seaward from rookeries and major haulouts located in Alaska east landward and vertical of each rookery and major haulout boundary, and a zone that extends either 3,000 feet (0.9 km) of 144° W. longitude.

This geographic region has historically been the center of Steller seal lion abundance, and has experienced the greatest decline. Aquatic areas surrounding major rookeries and haulout sites provide foraging habitats, prey resources, and refuge considered essential to the conservation of Steller sea lions. The proposed critical habitat surrounding each BSAI and GOA rookery and major haulout site includes not only the aquatic areas adjacent to rookeries that are essential to lactating females and juveniles, but also encompasses aquatic zones around major haulouts, which provide foraging and refuge habitat for non-breeding animals year-round and for reproductively active animals during the non-breeding season. These areas are considered critical to the continued existence of the species throughout their range since they are essential for reproduction, rest, and refuge from predators and human-related disturbance.

(2) NMFS proposes to designate all Steller sea lion rookeries within state and Federally managed waters off Washington, Oregon and California, including the zone that extends 3,000 feet (0.9 km) vertical and seaward from each rookery. A 3,000 foot "buffer zone" landward of rookeries in Washington, Oregon and California would not be appropriate, generally, for these sites. These rookeries are, for the most part, small offshore rocks and outcroppings where upland boundaries are not applicable due to the small size of the site. Haulout sites in Washington, Oregon and California have not been proposed as Steller sea lion critical habitat.

Proposed critical habitat designations (1) and (2) are consistent with recommendations of the Recovery Team, except that rookeries and haulouts outside of U.S. waters have not been included (50 CFR 424.12(h)). They are also consistent with the intent of protective measures developed by NMFS at the time the species was listed as threatened (55 FR 49204, Nov. 26, 1990).

(3) NMFS proposes to follow the recommendations of the Recovery Team and designate critical aquatic foraging habitat within the core of the Steller sea lion's geographic range, where the greatest population decline has been observed. The Recovery Team recommended one aquatic zone for critical habitat designation that is located exclusively in the GOA (Shelikof Strait) (figure 1 of proposed 50 CFR 226.12), and two aquatic zones in the BSAI area (Bogoslof Island area and Seguam Pass) (figures 2 and 3 of proposed 50 CFR 226.12). These sites were selected because of their geographic location relative to Stellar sea lion abundance centers, their importance as Steller sea lion foraging areas, their present or historical importance as habitat for large concentrations of Steller sea lion prey items that are essential to the species' survival, and because of the need for special consideration of Steller sea lion prey and foraging requirements in the management of the large commercial fisheries that occur in these areas.

The aquatic foraging sites in the BSAI (Seguam and Bogoslof Island area) that were recommended by the Recovery Team for critical habitat designation are included in this proposal with one modification. NMFS is proposing to designate an area on the southeastern Bering Sea shelf that includes Bogoslof Island, but is larger than that recommended by the Recovery Team. This enlarged area better encompasses a diverse oceanographic region with high concentrations of important sea lion food resources, e.g., walleye pollock, eulachon, capelin, and migrating herring, as well as intense commercial fisheries for these prey resources.

Essential Steller sea lion prey resources and foraging habitats occur outside of the GOA and BSAI. However, NMFS does not have sufficient information to identify specific foraging areas to the east of 144° W. longitude that require special management considerations. Therefore, NMFS is not proposing to designate any critical foraging habitats in these areas. Modifications to this critical habitat designation may be necessary in the future as additional information becomes available.

Public Comments Solicited

NMFS is soliciting information, comments, or recommendations on any aspect of this proposed rule from the public, concerned government agencies, the scientific community, industry, private interests, or any other interested party. NMFS will consider all comments received by the date specified (see DATES) in reaching a final decision.

References

A list of references is included in the Environmental Assessment (EA) and available upon request (see ADDRESSES).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The regulations are not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The economic impacts specifically resulting from the designation of critical habitat, above the impacts attributable to listing the species or from other authorities, are expected to be minimal. The General Counsel of the Department of Commerce has certified that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as described in the Regulatory Flexibility Act; therefore, a regulatory flexibility analysis is not required.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act of 1980. NOAA Administrative Order 216–6 states that critical habitat designations under the ESA, generally are categorically excluded from the requirements to prepare an EA or Environmental Impact Statement. However, in order more clearly to evaluate the minimal environmental and economic impacts of the proposed critical habitat designation versus the alternative of a no-critical habitat designation, NMFS has prepared an EA. Copies of the EA are available on request (see **ADDRESSES**).

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

The Assistant Administrator has determined that the proposed designation of critical habitat for Steller sea lions is consistent to the maximum extent practicable with the approved Coastal Zone Management Programs of the states of Alaska, Washington, Oregon, and California. This determination has been submitted for review by the responsible state agencies under section 7 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 226

Endangered and threatened wildlife.

Dated: March 25, 1993.

Nancy Foster,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

For the reasons set forth in the preamble, 50 CFR part 226 is proposed to be amended as follows:

PART 226—DESIGNATED CRITICAL HABITAT

1. The authority citation for part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

2. New § 226.12 is added to subpart B to read as follows:

§ 226.12 North Pacific Ocean

Steller Sea Lion *(Eumetopias jubatus)*

All rookeries and major haulouts within the state and Federally managed waters off Alaska, including a zone that extends 3,000 feet (0.9 km) landward and vertical of each rookery and major haulout boundary, where possible, and a zone that extends either 3,000 feet (0.9 km) seaward from the site boundary for rookeries and major haulouts located in state and Federally managed waters of Alaska east of 144° W. longitude, or 20-nm seaward from the site boundary for sites west of 144° W. longitude; all rookeries within the state and Federally managed waters off Washington, Oregon and California, including the zone that extends 3,000 feet (0.9 km) vertical and seaward from each rookery (tables 1 and 2 to part 226).

U.S. waters and food resources in Shelikof Strait, Gulf of Alaska; in the southeastern Bering Sea shelf, and in Seguam Pass, Aleutian Islands (figures 1 through 3 to part 226).

3. Tables 1 and 2 and figures 1 through 3 are added to the part to read as follows:

Major Steller sea lion rookery sites are identified in the following table. Each baseline extends in a clockwise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates; or, if only one set of coordinates is listed, the site extends around the entire shoreline of the island at mean lower-low water. Proposed critical habitat includes the area 3,000 feet (915 meters) landward (Alaska sites only) and seaward from the site baseline, and a vertical extension above the land area measured from sea level. For sites identified with an asterisk, the proposed critical habitat includes the area 20 nautical miles (32 kilometers) seaward from the site baseline.

TABLE 1 TO PART 226

State/region/site	Latitude	Longitude	To	
			Latitude	Longitude
Alaska:				
Western Aleutians:				
Agattu I./Cape Sabak*	52°23.5 N	173°43.5 E	52°22.0 N	173°41.0 E
/Gillon Point*	52°24.0 N	173°21.5 E		
Attu I.*	52°57.5 N	172°31.5 E	52°54.5 N	172°28.5 E
Buldir I.*	52°20.5 N	175°57.0 E	52°23.5 N	175°51.0 E
Central Aleutians:				
Adak I.*	51°36.5 N	176°58.5 W	51°38.0 N	176°59.5 W
Agligadak I.*	52°6.25 N	172°54.0 W		
Amchitka I./Column Rock*	51°32.5 N	178°50.0 E		
/East Cape*	51°23.5 N	179°26.0 E	51°22.0 N	179°23.0 E
Ayugadak I.*	51°45.5 N	178°24.5 E		
Gramp Rock*	51°29.0 N	178°20.5 W		
Kasatochi I.*	52°10.5 N	175°29.0 W	52°10.0 N	176°31.5 W
Kiska I./Lief Cove*	51°57.5 N	177°21.0 E	51°56.5 N	177°20.0 E
/Cape St. Stephen*	51°52.5 N	177°13.0 E	51°53.5 N	177°12.0 E

TABLE 1 TO PART 226—Continued

State/region/site	Latitude	Longitude	To	
			Latitude	Longitude
Seguam I./Saddleridge*	52°21.5 N	172°33.5 W	52°21.5 N	172°35.0 W
Semisopochnoi I.*	51°58.5 N	179°45.5 E	51°57.0 N	179°46.0 E
Tag I.*	51°33.5 N	178°34.5 W		
Ulak I.*	51°20.0 N	178°57.0 W	51°18.5 N	178°59.5 W
Yunaska I.*	52°41.0 N	170°34.5 W	52°42.0 N	170°38.5 W
Eastern Aleutians:				
Adugak I.*	52°55.0 N	169°10.5 W		
Akun I./Billings Head*	54°18.0 N	165°31.5 W	54°18.0 N	165°34.0 W
Akutan I./Cape Morgan*	54°03.5 N	166°00.0 W	54°05.5 N	166°05.0 W
Bogoslof I.*	53°56.0 N	168°02.0 W		
Ogchul I.*	53°00.0 N	168°24.0 W		
Sea Lion Rock*	55°28.0 N	163°12.5 W		
Ugamak I.*	54°14.0 N	164°48.0 W	54°13.0 N	164°48.0 W
Bering Sea:				
Walrus I.*	57°11.0 N	169°56.0 W		
Western Gulf of Alaska:				
Atkins I.*	55°03.5 N	159°18.5 W		
Chernabura I.*	54°47.5 N	159°31.0 W	54°45.5 N	159°33.5 W
Clubbing Rocks*	54°42.0 N	162°27.5 W	54°43.0 N	162°27.5 W
Pinnacle Rock*	54°46.0 N	161°46.0 W		
Central Gulf of Alaska:				
Chirikof I.*	55°46.5 N	155°39.5 W	55°46.5 N	155°43.0 W
Chowiet I.*	56°00.5 N	156°41.5 W	56°00.5 N	156°42.0 W
Marmot I.*	58°14.0 N	151°47.5 W	58°10.0 N	151°51.0 W
Outer I.*	59°20.5 N	150°23.0 W	59°21.0 N	150°24.5 W
Sugarloaf I.*	58°53.0 N	152°02.0 W		
Eastern Gulf of Alaska:				
Seal Rocks*	60°10.0 N	146°50.0 W		
Southeast Alaska:				
Forrester I	54°51.0 N	133°32.0 W	54°52.5 N	133°35.5 W
Hazy I	55°52.0 N	134°34.0 W	55°51.5 N	134°35.0 W
White Sisters	57°38.0 N	136°15.5 W		
Oregon:				
Rogue Reef/Pyramid Rock	42°26.7 N	124°28.2 W		
Orford Reef:				
Long Brown Rock	42°47.5 N	124°36.3 W		
Seal Rock	42°47.2 N	124°35.6 W		
California:				
Ano Nuevo I	37°06.5 N	122°20.5 W		
Cape Mendocino	40°26.0 N	124°24.0 W		
Farallon Islands:				
Southeast	37°41.5 N	123°00.1 W		
Middle	37°43.7 N	123°02.8 W		
North	37°46.3 N	123°06.4 W		
Sugarloaf I	39°44.5 N	123°50.3 W		

Major Steller sea lion haulout sites are identified in the following table. Each baseline extends in a clockwise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates; or, if only one set of coordinates is listed, the site extends around the entire shoreline of the island at mean lower-low water. Proposed critical habitat includes the area 3,000 feet (915 meters) landward and seaward from the site baseline, and a vertical extension above the land area measured from sea level. For sites identified with an asterisk, the proposed critical habitat includes the area 20 nautical miles (32 kilometers) seaward from the site baseline.

TABLE 2 TO PART 226

State/region/site	Latitude	Longitude	To	
			Latitude	Longitude
Alaska:				
Western Aleutians:				
Alaid I.*	52°45.0 N	173°56.5 E	52°46.5 N	173°51.5 E
Shemya I.*	52°44.0 N	174°09.0 E		
Central Aleutians:				
Amlia I./East*	52°05.0 N	172°58.5 W	52°06.0 N	172°57.0 W
/Sviech. Harbor*	52°02.0 N	173°23.0 W		

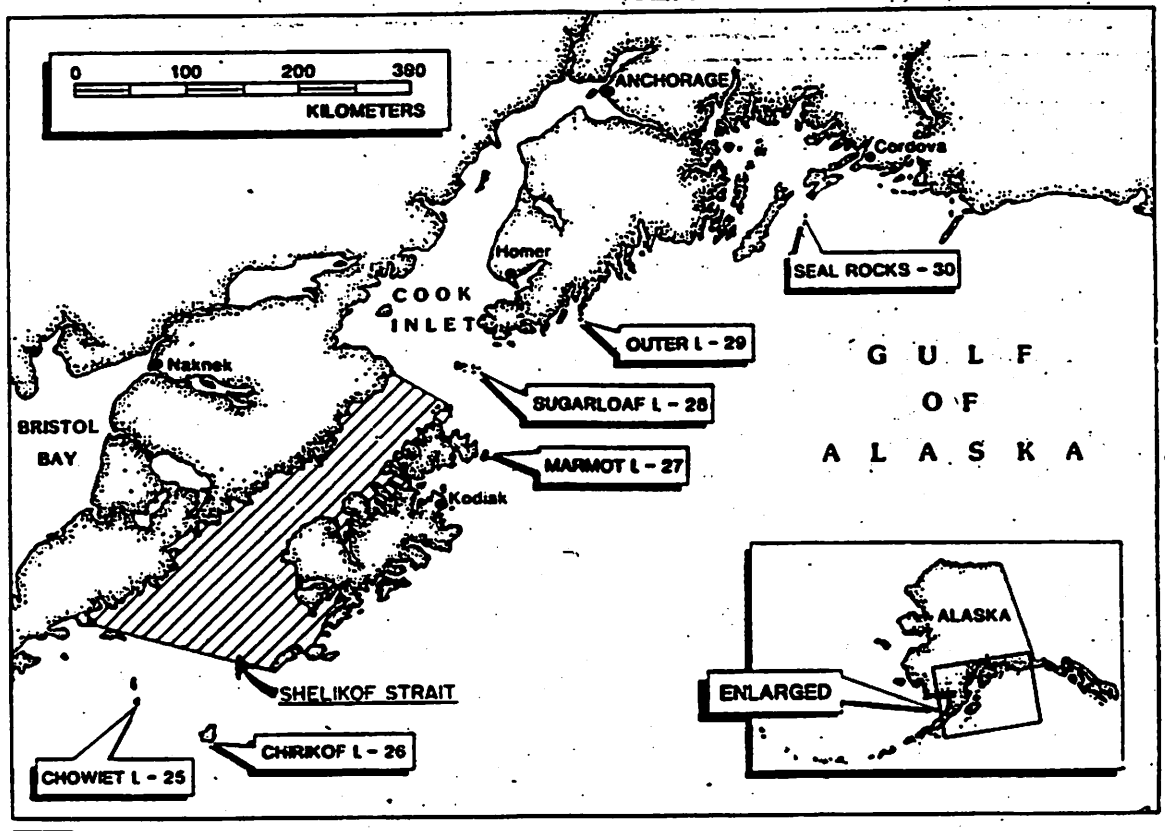
TABLE 2 TO PART 226—Continued

State/region/site	Latitude	Longitude	To	
			Latitude	Longitude
Amukta I. & Rocks*	52°31.5 N	171°16.5 W	52°26.5 N	171°16.5 W
Anagaksik I.*	51°51.0 N	175°53.5 W		
Atka I.*	52°23.5 N	174°17.0 W	52°24.5 N	174°07.5 W
Chaguiak I.*	52°34.0 N	171°10.5 W		
Chuginadak I.*	52°46.5 N	169°44.5 W	52°46.5 N	169°42.0 W
Great Sitkin I.*	52°06.0 N	176°10.5 W	52°07.0 N	176°08.5 W
Kagamil I.*	53°02.5 N	169°41.0 W		
Kanaga I./North Cape*	51°56.5 N	177°09.0 W		
/Ship Rock*	51°47.0 N	177°22.5 W		
Kavalga I.*	51°34.5 N	178°51.5 W	51°34.5 N	178°49.5 W
Kiska I./Sobaka & Vega*	51°50.0 N	177°20.0 E	51°48.5 N	177°20.5 E
Little Sitkin I.*	51°59.5 N	178°30.0 E		
Little Tanaga I.*	51°50.5 N	176°13.0 W	51°49.0 N	176°13.0 W
Sagigik I.*	52°00.5 N	173°08.0 W		
Seguam I./South*	52°10.0 N	172°37.0 W	52°19.5 N	172°18.0 W
/Finch Pt.*	52°23.5 N	172°25.5 W	52°23.5 N	172°24.0 W
Segula I.*	52°00.0 N	178°06.5 E		
Tanadak I./East*	51°57.0 N	177°47.0 E		
/West*	52°04.5 N	172°57.0 W		
Tanaga I.*	51°55.0 N	177°58.5 W	51°55.0 N	177°57.0 W
Ugidak I.*	51°35.0 N	178°30.5 W		
Uliaga I.*	53°04.0 N	169°47.0 W	53°05.0 N	169°46.0 W
Unalga & Dinkum Rocks*	51°34.0 N	179°04.0 W	51°34.5 N	179°03.0 W
Eastern Aleutians:				
Akutan I./Reef-Lava*	54°10.5 N	166°04.5 W	54°07.5 N	166°06.5 W
Amak I.*	55°24.0 N	163°07.0 W	55°26.0 N	163°10.0 W
Cape Sedanka & Island*	51°50.0 N	169°04.0 W		
Emerald I.*	53°17.5 N	167°51.5 W		
Old Man Rocks*	53°52.0 N	166°05.0 W		
Polivnoi Rock*	53°16.0 N	167°58.0 W		
Tanginak I.*	54°12.0 N	164°19.0 W		
Tigalda I.*	54°08.5 N	164°58.5 W		
Umnak I.*	53°15.0 N	168°20.0 W		
Bering Sea:				
Cape Newenham*	58°39.0 N	162°10.5 N		
Round I.*	58°36.0 N	159°58.0 W		
Western Gulf of Alaska				
Bird I.*	54°49.0 N	159°46.0 W		
Castle Rock*	55°17.0 N	159°30.0 W		
Caton I.*	54°23.5 N	162°25.5 W		
Jude I.*	55°16.0 N	161°06.0 W		
Lighthouse Rocks*	55°47.5 N	157°23.0 W		
Nagai I.*	54°52.5 N	160°14.0 W	54°56.0 N	160°15.0 W
Nagai Rocks*	55°50.0 N	155°46.0 W		
Sea Lion Rocks*	55°04.5 N	160°31.0 W		
South Rock*	54°18.0 N	162°43.5 W		
Spitz I.*	55°47.0 N	158°53.0 W		
The Whaleback*	55°16.5 N	160°06.0 W		
Central Gulf of Alaska:				
Cape Barnabas*	57°10.0 N	152°55.0 W	57°07.5 N	152°55.0 W
Cape Chiniak*	57°35.0 N	152°09.0 W	57°37.5 N	152°09.0 W
Cape Gull*	58°13.5 N	154°09.5 W	58°12.5 N	154°10.5 W
Cape Ikolik*	57°17.0 N	154°47.5 W		
Cape Kuliak*	57°48.2 N	153°55.0 W		
Cape Sitkinak*	56°32.0 N	153°52.0 W		
Cape Ugat*	57°57.0 N	153°51.0 W		
Gore Point*	59°12.0 N	150°58.0 W		
Gull Point*	57°21.5 N	152°36.5 W	57°24.5 N	152°39.0 W
Latax Rocks*	58°42.0 N	152°28.5 W	58°40.5 N	152°30.0 W
Nagahut Rocks*	59°06.0 N	151°46.0 W		
Puale Bay*	57°41.0 N	155°23.0 W		
Sea Lion Rocks*	58°21.0 N	151°48.5 W		
Sea Otter I.*	58°31.5 N	152°13.0 W		
Shakun Rock*	58°33.0 N	153°41.5 W		
Sud I.*	58°54.0 N	152°12.5 W		
Sutwik I.*	56°32.0 N	157°14.0 W	56°32.0 N	157°20.0 W
Takli I.*	58°03.0 N	154°27.5 W	58°03.0 N	154°30.0 W
Two-headed I.*	56°54.5 N	153°33.0 W	56°53.5 N	153°35.5 W
Ugak I.*	57°23.0 N	152°15.5 W	57°22.0 N	152°19.0 W
Ushagat I.*	58°53.5 N	152°18.5 W		

TABLE 2 TO PART 226—Continued

State/region/site	Latitude	Longitude	To	
			Latitude	Longitude
Eastern Gulf of Alaska:				
Cape Fairweather	58°47.5 N	137°54.0 W		
Cape St. Elias*	59°48.0 N	144°36.0 W		
Chiswell I.*	59°38.0 N	149°34.0 W		
Graves Rock	57°14.5 N	136°45.5 W		
Hook Point*	60°20.0 N	146°15.5 W		
Middleton I.*	59°26.5 N	146°20.0 W		
Perry I.*	60°39.5 N	147°56.0 W		
Point Eleanor*	60°35.0 N	147°34.0 W		
Point Elrington*	59°56.0 N	148°13.5 W		
Seal Rocks*	60°10.0 N	146°50.0 W		
The Needle*	60°07.0 N	147°37.0 W		
Wooded I.*	59°52.0 N	147°22.0 W		
Southeast Alaska:				
Benjamin I.	58°33.5 N	134°54.5 W		
Biali Rock	56°43.0 N	135°20.5 W		
Biorka I.	56°51.0 N	135°32.0 W		
Cape Addington	55°26.5 N	133°48.5 W		
Cape Cross	57°55.5 N	136°33.0 W		
Cape Ommaney	56°09.5 N	134°39.5 W		
Coronation I.	55°49.5 N	134°16.5 W		
Gran Point	59°08.2 N	135°14.6 W		
Ledge Point	58°48.5 N	130°45.5 W		
Lull Point	57°18.0 N	134°48.5 W		
Sunset I.	57°30.5 N	133°35.0 W		
Timbered I.	55°42.0 N	133°48.0 W		

Figure 1 to Part 226: Proposed Steller sea lion critical habitat in Shelikof Strait. Locations indicated are major Steller sea lion rookeries.



: roposed sea lion critical water habitat

Figure 2 to Part 226: Proposed Steller sea lion critical habitat in the vicinity of Bogoslof Island. Locations indicated are major Steller sea lion rookeries.

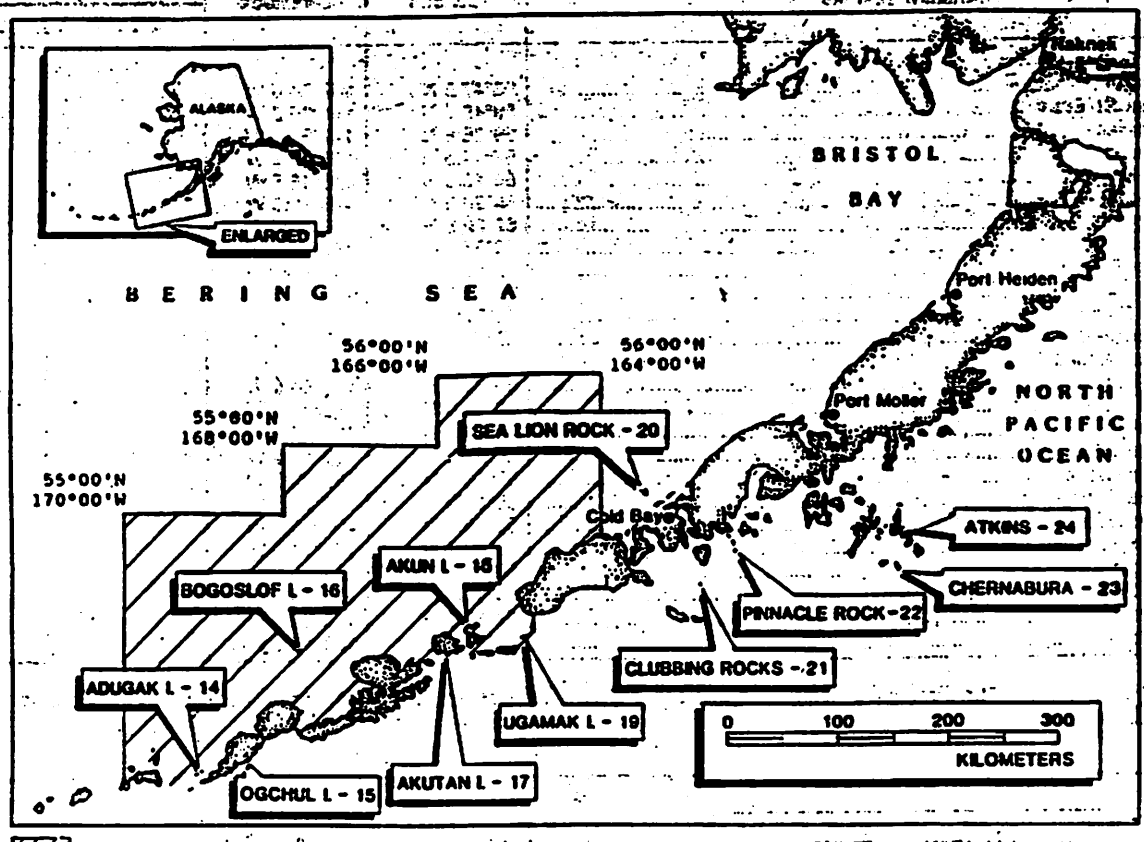
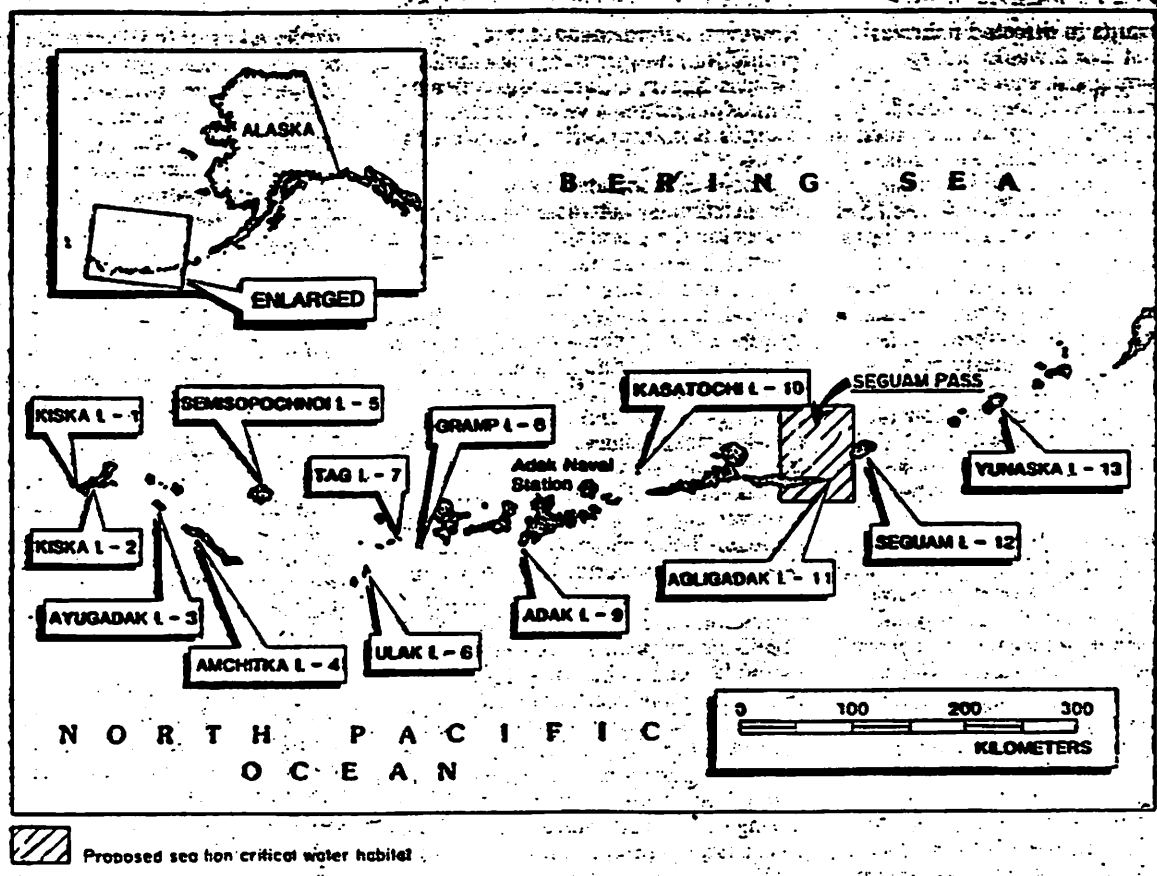


Figure 3 to Part 226. Proposed Steller sea lion critical habitat in vicinity of Seguam Pass. Locations indicated are major Steller sea lion rookeries.



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BILLING CODE 3510-22-M

50 CFR Part 672

[Docket No. 921185-3022]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes two changes to the regulations governing the opening of the sablefish hook-and-line gear fishery in the Gulf of Alaska (GOA). The first would redefine the start of the GOA sablefish hook-and-line gear fishery to prohibit operators of vessels that deploy hook-and-line gear within 72 hours of the opening from participating in the directed sablefish fishery. This action is necessary to clarify NMFS' intent with respect to the opening of directed fishing for sablefish with hook-and-line gear, and reduce both gear conflicts and preemptions of the fishing grounds. The second proposed action would set the annual mid-May opening date as the mid-May date upon which the tide with the smallest tidal range occurs—the least damaging tidal range for hook-and-line gear. This action is necessary to provide safer fishing conditions and reduce economic costs resulting from gear loss. The intent of these actions is to promote the goals and objectives of the North Pacific Fishery Management Council (Council) with respect to groundfish management off Alaska.

DATES: Comments must be received at the following address no later than 4:30 p.m., Alaska local time, April 28, 1993.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel). Copies of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) prepared for the proposed action may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Ellen R. Varosi, Fisheries Management Division, (907) 586-7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the GOA are managed by the Secretary of Commerce (Secretary) in accordance with the Fishery Management Plan for Groundfish of the GOA (FMP). The FMP was prepared by the Council under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations codified at 50 CFR 611.92 for the foreign fishery and at 50 CFR part 672 for the U.S. fishery. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620.

In the GOA, separate total allowable catch (TAC) amounts of sablefish are specified for four different regulatory areas and districts. These TAC amounts are further allocated between hook-and-

line and trawl gear. During 1992, 985 vessels participated in the GOA sablefish hook-and-line gear fishery. This large number of fishing vessels competing for relatively small TAC amounts results in directed fisheries that only last 1 or 2 weeks before directed fishing allowances are harvested and the fishery is closed. Intense competition among fishermen to harvest available TAC amounts has created safety, equity, and resource management concerns. The Council has taken long-term action to address these concerns by adopting for Secretarial review an FMP amendment that would authorize an individual fishing quota (IFQ) program for the hook-and-line sablefish fishery. A proposed rule to implement the IFQ program was published in the Federal Register on December 3, 1992, (57 FR 57130). The IFQ program has been approved by the Secretary. Implementation is expected in 1994.

During its September 22–27, 1992, meeting, the Council recommended that a regulatory amendment be prepared that would provide immediate relief from some of the management concerns that exist for the GOA sablefish hook-and-line gear fishery. The regulatory amendment proposed by the Council would prohibit participation in the directed sablefish fishery by vessels from which hook-and-line gear is deployed within 72 hours prior to the opening of that directed fishery. NMFS also proposes a regulatory amendment that would set the annual date for the mid-May season opening of the GOA sablefish hook-and-line gear fishery as the date upon which the tide with the smallest tidal range occurs.

Reasons for, and a description of each of the proposed measures follow:

Redefine the Opening of the Gulf of Alaska Sablefish Hook-and-Line Gear Fishery

Under this proposed regulatory measure, no vessel from which hook-and-line gear was used to fish for any species of fish in the GOA during the 72-hour period immediately before an opening to directed fishing for sablefish with hook-and-line gear may be used to participate in that opening of the sablefish fishery. This measure is proposed because existing regulations do not prohibit the deployment of hook-and-line gear prior to an opening for directed fishing for sablefish with this gear type. Some fishermen take advantage of this opportunity by deploying hook-and-line gear prior to the start of the sablefish fishery with the intent to fish for sablefish. These fishermen then retrieve the resulting directed sablefish catch after the directed fishery has opened. Gear deployment before the opening, under these circumstances, constitutes unlawful directed fishing for sablefish. However, enforcement of this prohibition has proved problematic because fishery enforcement officers cannot determine a vessel's catch composition from aerial observations alone.

Problems associated with inconsistencies between regulations governing the opening of the Pacific halibut and the sablefish fisheries were highlighted during 1992 when NMFS opened the sablefish directed hook-and-line gear fishery concurrently with the International Pacific Halibut Commission's (IPHC's) summer openings of the Pacific halibut hook-and-line gear fishery. The intent of the concurrent openings was to avoid wasteful discard of the sablefish resource and fully harvest the specified sablefish TACs by providing vessel operators the opportunity to retain any amount of sablefish that were taken incidental to the Pacific halibut fishery. NMFS also expected that some vessels would be used to fish only for sablefish during the concurrent openings.

Regulations that govern the Pacific halibut fishery (50 CFR part 301) clearly prohibit a person on board a vessel from which hook-and-line gear was deployed during the 72-hour period immediately before the opening of a halibut fishing period from catching or possessing halibut during that halibut fishing period. The Pacific halibut fishery regulations also provide that no vessel from which hook-and-line gear was deployed during the 72-hour period immediately preceding an opening of a halibut fishing period may be used to catch or possess halibut during that halibut fishing period (50 CFR 301.16 (g) and (h)). However, regulations governing the hook-and-line sablefish fishery do not similarly prohibit deployment of hook-and-line fishing gear prior to the opening of the sablefish fishery. As a result, concurrent openings of the Pacific halibut and sablefish fisheries during 1992 created additional confusion in the interpretation of current regulations and resulted, in some instances, in the deployment of hook-and-line gear in advance of the opening of these directed fisheries.

Reports of vessels deploying gear in advance of an opening of the directed sablefish hook-and-line gear fishery were brought to the Council's attention. A clarification of existing regulations was requested at the June 23–28, 1992, Council meeting. NMFS issued a news release on June 26, 1992, stating that hook-and-line gear used in the directed fishery for GOA sablefish may not be deployed until 12 noon of the opening date of that fishery. Under existing regulations, hook-and-line gear that is deployed prior to the opening may not be used to retain any sablefish in excess of the 4 percent bycatch limitation specified under directed fishing standards at § 672.20(g)(4).

During its September meeting, the Council was petitioned by industry representatives to adopt a regulatory amendment that would redefine the opening of the GOA sablefish hook-and-line gear fishery to address the problems described above. The Council recommended that a regulatory amendment be prepared that would prohibit participation in the directed sablefish fishery by vessels that deploy hook-and-line gear within 72 hours prior to the opening of the sablefish hook-and-line directed fishery. No vessel that deploys hook-and-line gear to fish for any species in the GOA during this 72-hour period could be used to participate in the directed fishery for sablefish during that opening.

Vessels that could be impacted under this proposed regulation are those fishing with hook-and-line gear for other species during the 72-hour prohibition period. In 1992, 31 vessels fished for other species of groundfish prior to the opening of directed fishing for GOA sablefish with hook-and-line gear. NMFS specifically requests comments on the potential impact of the proposed action on vessels fishing for other species during the 72-hour period prior to an opening for directed fishing for sablefish with hook-and-line gear. If approved by the Secretary, this regulatory amendment could be effective by May 15, 1993, the current opening date of the GOA sablefish hook-and-line gear fishery.

This action will reduce gear conflicts and the preemption of fishing grounds while providing safer fishing conditions. Without a regulation prohibiting the deployment of gear in advance of the sablefish hook-and-line fishery, vessels could deploy gear prior to the opening. This could cause ground preemptions and gear conflicts because hook-and-line gear can span several miles and gear set in advance of the opening would not be readily visible. Safety is compromised when gear becomes tangled due to tides or the union of two sets of gear. When gear is tangled, tension and torque can cause the line to part which compromises the safety of the fishermen on board while causing economic losses.

AGENDA B-3
APRIL 1993
Supplemental

UNITED STATES DEPARTMENT OF
COMMERCE
NEWS
WASHINGTON, D.C. 20230

NATIONAL
OCEANIC AND
ATMOSPHERIC
ADMINISTRATION

NOAA 93-R115

Contact: Scott Smullen
(301) 713-2370

FOR IMMEDIATE RELEASE
4/15/93

NOAA APPROVES PACIFIC WHITING ALLOCATION

The National Oceanic and Atmospheric Administration today announced final regulations allowing all fishing vessels, regardless of where they deliver their catch, to share the first 112,000 metric tons of the Pacific whiting quota for the 1993 season, but reserving the final 30,000 metric tons of this quota for vessels delivering Pacific whiting to on-shore processing plants.

"The Pacific whiting resource is experiencing a natural downturn in abundance. Under these circumstances, this one-season rule is an equitable solution that allocates to on-shore and off-shore processors roughly the same percentage share of this year's decreased harvest guideline as they harvested last year," said Diana H. Josephson, acting NOAA administrator.

This action represents a partial disapproval of a Pacific Fishery Management Council recommendation that, in addition to the reserve, had included an allocation for use by the shoreside processing sector and a sliding scale for allocating any harvestable whiting over 110,000 metric tons between shoreside and at-sea processing sectors. NOAA considered several other allocation options.

The reserve of 30,000 metric tons will help protect the economic interests of on-shore processing plants, their support fishing vessels and the communities.

Requests for copies of the final rule should be addressed to Rolland A. Schmitten, Northwest Regional Director, National Marine Fisheries Service, 7600 Sand Point Way, N.E., BIN C15700, Seattle, WA, 98115-0070; or Gary Matlock, Acting Southwest Regional Director, National Marine Fisheries Service, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

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